

# AGENDA

## Development Control Committee

Friday, 14 January 2022 AT 10:00

In the Cathedral Room, Civic Centre, Carlisle, CA3 8QG

### **APOLOGIES FOR ABSENCE**

To receive apologies for absence and notification of substitutions

### **DECLARATIONS OF INTEREST**

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any items on the agenda at this stage.

### **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 - 20

To note that Council, at its meeting of 4 January 2022, received and adopted the minutes of the meetings held on 20 October (site visits) and 22 October 2021. The Chair will sign the minutes.

[Copy minutes in Minute Book 48(4)].

To approve the minutes of the meetings held on 3 December 2021 and 12 January (site visits) 2022.

## PART A

To be considered when the Public and Press are present

### A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

(a) planning permission for proposed developments

(b) approval of detailed plans

(c) consents for display of advertisements.

#### Explanatory Notes

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- |    |   |              |
|----|---|--------------|
| 1. | <u>Application 21/0449 - Land at Stonehouse Farm, Hayton, Brampton, CA8 9JE</u>                           | 27 -<br>64   |
| 2. | <u>Application 21/0641 - Yew House, Sikeside, Kirklington, Carlisle, CA6 6DR</u>                          | 65 -<br>84   |
| 3. | <u>Application 19/0244 - Land at field 3486, Monkhill Road, Moorhouse, Carlisle</u>                       | 85 -<br>140  |
| 4. | <u>Application 21/0768 - 24 Hendersons Croft, Crosby on Eden, Carlisle, CA6 4QU</u>                       | 141 -<br>158 |
| 5. | <u>Application 21/0867 - Stoneleath, Burgh by Sands, Carlisle, CA5 6AX</u>                                | 159 -<br>176 |
| 6. | <u>Application 21/0847 - Land adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT</u> | 177 -<br>196 |

7.	<u>Application 21/1012 - Rowanlea, 2 Hadrians Crescent, Gilsland, Brampton, CA8 7BP</u>	197 - 216
8.	<u>Application 21/0111 - Eden Golf Club, Crosby on Eden, Carlisle, CA6 4RA</u>	217 - 250
9.	<u>Application 21/0762 - The Park, Rickerby, Carlisle, CA3 9AA</u>	251 - 276
10.	<u>Application 21/1051 - 3 Etterby Scaur, Carlisle, CA3 9NX</u>	277 - 284

## **PART B**

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

-NIL-

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

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

**Labour** – Alcroft, Mrs Glendinning, Southward, Brown, Birks (sub), Patrick (sub), Dr Tickner (sub)

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

Enquiries, requests for reports, background papers etc to:  
committeeservices@carlisle.gov.uk

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





**Development Control Committee**

**Date:** Friday, 03 December 2021

**Time:** 10:00

**Venue:** Council Chamber

**Present:** Councillor Ruth Alcroft, Councillor Nigel Christian, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Keith Meller, Councillor David Morton, Councillor Paul Nedved, Councillor David Shepherd, Councillor Christopher Southward, Councillor Raymond Tinnion  
Councillor Pamela Birks (for Councillor Lisa Brown)

**Also Present:** Councillor J Mallinson (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 21/051 – Land to the rear of South View, The Green, Houghton, Carlisle, CA3 0LN.

**Officers:** Corporate Director of Economic Development  
Head of Development Management  
Head of Legal and Democratic Services  
Principal Planning Officer  
Planning Officer (x 4)

**DC.95/21 APOLOGIES FOR ABSENCE**

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

**DC.96/21 DECLARATIONS OF INTEREST**

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

Councillor Morton declared an interest in respect of application 21/0928 – Land South and West of Castle Grounds, Wetheral, Carlisle, CA4 8JQ. The interest related to objectors being known to him.

Councillor Tinnion declared an interest in respect of application 21/0449 – Land at Stonehouse Farm, Hayton, Brampton, CA8 9JE. The interest related to the landowner and objectors being known to him.

Councillor Mrs Birks declared an interest in respect of application 2/0951 - Land to the rear of South View, The Green, Houghton, Carlisle, CA3 0LN. The interest related to a relative living near the application site.

Councillor Meller declared an interest in respect of the following applications:

- 21/0498 – Land North East of Inglewood Meadows, Wetheral. The interest related to objectors being known to him.

- 21/0928 – Land South and West of Castle Grounds, Wetheral, Carlisle, CA4 8JQ. The interest related to objectors being known to him.

- 21/0641 – Yew House, Sikeside, Kirklington, Carlisle, CA6 6DR. The interest related to objectors being known to him.

## **DC.97/21 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

## **DC.98/21 MINUTES OF PREVIOUS MEETINGS**

RESOLVED – 1) The Chair signed the minutes of the meetings held on 8 September (site visits) and 10 September 2021.

2) That the minutes of the meetings held on 22 October and 1 December 2021 (site visits) be approved.

## **DC.99/21 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Head of Legal and Democratic Services set out the process for those members of the public who had registered a Right to Speak at the Committee.

## **DC.100/21 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. Application 20/0797 - Land to the North West of Stainton Gardens, Stainton Road, Etterby, Carlisle**

#### **Proposal: Erection of 33no. dwellings**

*Councillors Alcroft, Birks, Glendinning and Southward took no part in the discussion nor determination of the item of business.*

The Principal Planning Officer submitted the report on the application. The Committee considered the application at its meeting of 10 September 2021 and deferred determination in order to commission an independent Highway Assessment.

The Principal Planning Officer advised that the independent Highway Assessment, which was reproduced in full in the report confirmed that the residential impact of the development was not severe and that the application should not be refused on highways grounds. The Principal Planning Officer summarised the highways measures to be implemented as part of the development, and noted that the independent report had recommended the provision of a 1m paved strip to allow passengers to alight on to a paved surface. In the Officer's view such a provision was not necessary and would reduce the area of soft landscaping and open space, however, should Members wish it to be included it was able to be incorporated into the scheme.

The Principal Planning Officer proposed that condition 22 be amended in line with suggestions from Environmental Health as set out in the report.

Slides were displayed on screen showing: Location / Redline Boundary Plan; Proposed Boundary Treatment and Hard Landscaping Plans; Proposed Street Scenes Plan; Proposed Site Layout Plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended:

1) That Authority to Issue be granted to the Corporate Director of Economic Development, subject to the completion of a satisfactory Section 106 Agreement to secure:

a) the provision of the proposed level of affordable units (nine units at plots 19-21, 23-25 and 27-29 that would be made available at discounted sale, with the level of discount set at 30% below open market value);

b) a financial contribution of £5,500 towards speed limit changes and traffic calming measures;

c) a financial contribution of £122,770 to Cumbria County Council towards education provision (including 20mph zone should Members agree to it);

d) the maintenance of the informal open space, play provision and SUDs within the site by the developer;

e) financial contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading and maintenance of off-site open space.

2) That should the legal agreement not be completed within a reasonable time, authority be delegated to the Corporate Director of Economic Development to refuse the application.

3) That condition 22 be amended to incorporate the suggestions of Environmental Health.

The Committee then gave consideration to the application.

A Member commented that with the findings of the independent Highway Assessment, he felt able to support the Officer's recommendation; he further supported the imposition of a 20mph speed limit and the provision of signage informing cyclist and motorists of each others presence on the highway.

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

RESOLVED: 1) That Authority to Issue be granted to the Corporate Director of Economic Development, subject to the completion of a satisfactory Section 106 Agreement to secure:

a) the provision of the proposed level of affordable units (nine units at plots 19-21, 23-25 and 27-29 that would be made available at discounted sale, with the level of discount set at 30% below open market value);

b) a financial contribution of £5,500 towards speed limit changes and traffic calming measures;

c) a financial contribution of £122,770 to Cumbria County Council towards education provision (including 20mph zone should Members agree to it);

d) the maintenance of the informal open space, play provision and SUDs within the site by the developer;

e) financial contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading and maintenance of off-site open space;

2) That should the legal agreement not be completed within a reasonable time, authority be delegated to the Corporate Director of Economic Development to refuse the application.

3) That condition 22 be amended to incorporate the suggestions of Environmental Health.

## **2. Application 21/0498 - Land North East of Inglewood Meadows, Wetheral**

**Proposal: Change of Use of agricultural land for siting of 6no. pods; formation of parking area and footpaths; erection of service building and bin store.**

*Councillors Alcroft, Birks, Glendinning and Southward took no part in the discussion nor determination of the item of business.*

The Planning Officer submitted the report on the application which had been deferred by the Committee at its meeting of 22 October in order to allow Officers to negotiate the relocation of the parking provision at the site with the applicant.

During the Committee's earlier consideration of the application, there were a number of matters relating to policy compliance were identified by Members, the Agent's responses to those matters were set out in the report along with the process for dealing with the water from the hot tubs. With regards to the parking provision at the site, the scheme had been amended to relocate the parking facilities at a lower section of the site and including a turning circle. Amended plans had been submitted illustrating the new position, the applicant had confirmed that the car park would be surfaced in a permeable material which may be secured by the imposition of a further condition should Members require it.

Slides were displayed on screen showing: Location Plan; Site Plan and Pod Design – originally submitted amended; and, photographs of the site, an explanation of which was provided for the benefit of Members.

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

The Committee then gave consideration to the application.

A Member commented that he was satisfied with the relocated parking provision and the method of disposal of the waste water from the hot tubs, accordingly he moved the Officer's recommendation which was seconded.

Another Member also welcomed the work undertaken by the applicant to amended the scheme. However, he remained of the view that the car park would be visually intrusive and that the overall proposal was not inkeeping with the surrounding landscape. He moved that the application be refused on the grounds that it was not compliant with Local Plan policies: G 1 - Landscapes; EC 9 – Arts, Culture, Tourism and Leisure Development; EC 10 – Caravan, Camping Chalet Sites; SP 6 – Securing Good Design; and SP 8 – Green and Blue Infrastructure. The proposal was seconded.

The Chair noted that two proposals had been put forward, he put the matter to the vote and it was:

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

### **3. Application 21/0314 - Land off Orton Road, Carlisle**

#### **Proposal: Residential development and associated landscaping and infrastructure.**

*Councillors Alcroft, Birks, Glendinning and Southward took no part in the discussion nor determination of the item of business.*

The Principal Planning Officer submitted the report on the application which had been deferred by the Committee at its meeting of 22 October 2021 in order to allow discussions to take place with the applicant in relation to the replacing of two-storey dwellings at plots 7 to 9 with bungalows.

The Principal Planning Officer reported that following the deferral, the applicant had revised the layout in line with the Committee's request. There were a number of other changes to the layout of the scheme which the Principal Planning Officer outlined for Members.

Slides were displayed on screen showing: Location Plan; Proposed Site Layout; Proposed Site Sections; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended:

1) The application be approved with conditions, subject to the completion of a Section 106 agreement to secure:

- a) the provision of 30% of units as affordable;
- b) an off-site open space contribution of £31,038 for the upgrading of existing open space;
- c) a financial contribution of £45,000 to support the off-site improvement of existing play area provision;
- d) a financial contribution of £33,327 to support the off-site improvement of existing sports pitches;
- e) the maintenance of an informal open space within the site by the developer;
- f) a financial contribution of £554,158 to Cumbria County Council towards secondary education provision;
- g) a financial contribution of £6,600 to Cumbria County Council for Travel Plan monitoring;
- h) a financial contribution of £5,500 to Cumbria County Council for relocating the 30mph zone and a new gateway feature.

2) Should the legal agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

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

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

#### **4. Application 21/0951 - Land to the rear of South View, The Green, Houghton, Carlisle, CA3 0LN**

##### **Proposal: Erection of agricultural building (Revision to application 14/0678 Part Retrospective)**

*Councillor Mrs Birks 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: Site Location Plan; Proposed Site Block Plan; Proposed Elevation, Floor and Section Plans; and photographs of the site, an explanation of which was provided for the benefit of Members.

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

Mr Klein (Objector) spoke against the application in the following terms: a previous application at the site had been rejected due to the visual impact on the countryside of the stored vehicles; the manege had been relocated within the site; the proposed building was obscured by the number of parked vehicles at the site; there were inconsistencies relating to the floor space of the proposed building in the application documentation; the proposed screening would not be sufficient to prevent a negative visual impact of the building; the Officer's report was inconsistent and incorrectly asserted that the scale of the structure was reasonable; approving the application would create an adverse impact on the character and visual amenity of the location. Mr Klein displayed slides on screen showing: an article from the local press relating to the storage of vehicles at the application site; extracts from the planning application form; and, photographs of the site.

Councillor J Mallinson (Ward Member) addressed the Committee in the following terms: he acknowledged that the principle of development at the site had been agreed in 2014; the access road was in private ownership but a section of it ran through a residential area, the condition of the road was poor due to the impact of high levels of vehicular traffic use; the visual impact of the structure was significant, Members would benefit from a site visit to fully understand the impact; Councillor Mallinson questioned the applicant's need for an agricultural building.

Mr Greig (Agent) responded in the following terms: the principle of development at the site had already been approved via the consent of general agricultural shed at the site; the current application proposed a structure that was in a similar location to the approved shed with a 50cm increase in height which was not significant in planning terms; another agent had prepared the original application and it was not clear how the floor space of the buildings in some of the submitted documents varied, however, the Council was clear on the scale of the proposed dimensions were; the applicant had lodged an appeal with the Planning Inspectorate in relation to the refusal of permission for a Change of Use of the former manege to a vehicle storage area, objectors were able to make representations to the Inspectorate: the applicant had sufficient land holdings to justify the need for an agricultural building.

The Chair invited the Officer to respond issues raised in the verbal representations.

The Planning Officer reiterated that the principle of development at the site had been approved. The current application was a revised scheme, therefore the Committee need only consider the revisions compared to the previously consented shed. The proposed conditions detailed in the report covered matters such as: restricting the use of the shed to agricultural purposes; landscaping scheme; the submission of a surface water drainage scheme.

The Committee then gave consideration to the application.

In response to a question from a Member regarding the enforceability of the condition restricting shed to agricultural use, the Planning Officer advised that it was a standard condition and as such was enforceable.

A number of Members were of the view that the condition restricting the use of the shed to agricultural use required reinforcing to stipulate that only vehicles serving an agricultural purpose may be stored therein.

The Planning Officer responded to Members' questions on the future use of the shed, by advising that in determining the application the Committee was to consider the enlarged footprint of the shed not its use.

A Member proposed determination of the application be deferred in order for the Committee to undertake a site visit. The proposal was seconded.

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

The Chair noted that two proposals had been moved and seconded. The proposals were put to the vote and it was:

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

## **5. Application 20/0096 - Land at Richardson Street, Denton Home, Carlisle**

### **Erection of 39.no. dwellings**

The Head of Development Management submitted the report on the application which had been subject of a site visit by the Committee on 1 December 2021. Slides were displayed on screen showing: Location Plan; Previously Approved Site Layout Plan Application 11/0863; Floor and Elevation Plans; and photographs of the site, an explanation of which was provided for the benefit of Members.

Further to the publication of the report additional correspondence from an objector had been received which reiterated points set out in earlier submissions, the Head of Development Management read out the correspondence for the benefit of Members.

The Head of Development Management 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 density of dwellings within the scheme was greater than the existing adjacent terraced properties, and the individual properties were of a smaller scale, however, the proposed dwellings met current minimum building standards in terms of size and scale;
- During the redevelopment of the wider site work to remove contamination had taken place;
- In terms of green infrastructure, the Little Caldew provided an area for wildlife as well as functioning as a flood defence;
- The scheme was not subject to a contribution in respect of Green Spaces;
- The lane to the north of the site was adopted along its entire length.

During the Committee's site visit, a Member had asked whether the layout was able to be amended to stagger the entrance. The Head of Development Management had discussed the matter with the agent who had advised any such revision would necessitate the removal of plots from the scheme thereby reducing the viability of the proposal.

In response to a question from a Member regarding the significance of developer profit, the Head of Development Management set out the considerations relating to viability in the determination of planning applications.

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

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

*Councillor Birks left the meeting at 11:50am.*

*The Committee adjourned at 11:50am and reconvened at 12:00pm*

## **6. Application 21/0928 - Land South and West of Castle Grounds, Wetheral, Carlisle, CA4 8JQ**

### **Erection of 4.no bungalows and 3.no two storey dwellings.**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: Location Plan; Block Plan as proposed; Site Plan and Site Elevations; Plots 3 to 9 – Plans and Elevations as proposed; Site Section through plots 8 – 9 as proposed; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that:

1) the application be approved, subject to the completion of a Deed of Variation to the Section 106 Agreement to consist of the following obligations:

- i) a reference to application 21/0928;
- 2) Should the Deed of Variation not be completed in a reasonable time, delegated authority be granted to the Corporate Director of Economic Development to refuse the application.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The existing trees within the site were not the subject of a Tree Preservation Order nor in a Conservation Area;
- Conditions 6, 7 and 18 addressed landscaping and the protection of tree root areas;
- Under civil law it was permissible to lop branches from a tree if they overhung across the boundary of an adjacent property, in such circumstances the removed branches were to be returned to the tree owner;
- The layout of the site would prevent access from Ash Gate Lane, with access taken off the Wetheral to Scotby Road.

A Member sought clarification on the applicability of Biodiversity Net Gain in planning permissions, following the assent of the Environment Bill in parliament.



The Head of Development Management anticipated that regulations in respect of Biodiversity Net Gain would be forthcoming, but as yet an issue date was not known. The Council would start to incorporate reference to the matter on its application Validation Checklists.

In response to a request from a Member, the Planning Officer agreed the imposition of an additional condition requiring the use of swift bricks.

A Member moved the Officer's recommendation, along with the imposition of an additional condition requiring the use of swift bricks. The proposal was seconded and it was:

RESOLVED: 1) That the application be approved, subject to the completion of a Deed of Variation to the Section 106 Agreement to consist of the following obligations:

i) a reference to application 21/0928.

2) Should the Deed of Variation not be completed in a reasonable time, delegated authority be granted to the Corporate Director of Economic Development to refuse the application.

3) That an additional condition be imposed requiring the use of swift bricks within the development.

## **7. Application 21/0979 - Unit 1 Site 18, Willowholme Road, Willowholme Industrial Estate, Carlisle, CA2 5RT**

**Proposal: Variation of Condition 4 (Opening Hours) of previously approved permission 21/0198 (Change of Use from car showroom to gym) to amend opening hours to 24 hours per day.**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: Location Plan; Site Plan; Parking Site Plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

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

Mr Tweddle (Applicant) responded in the following terms: a number of other businesses in the vicinity of the gym operated on a 24 hour basis; other gyms in the city operated in closer proximity to residential properties; the noise impact of the proposal would be minimal; supporting the health and wellbeing of residents through exercise was important the extended opening hours would enable people to exercise at a time that was convenient to them.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The Showman's Guild site was permanently occupied;
- Concerns in relation to the noise impact related to customer activity on entering and leaving the site i.e. vehicular noises, conversation etc.

A number of Members expressed their support for the proposal and indicated their willingness to approve the application. A Member asked whether it was possible, in the event of the scheme being approved that noise abatement measures may be included in the permission, for example, no music after 10pm.

The Head of Development Management responded that the application was for a Variation of Condition to an existing permission which set out all conditions relating to the scheme, therefore Officers would liaise with the applicant in relation to noise management measures.

A Member moved that the application be approved subject to the imposition of relevant conditions determined by the Corporate Director of Economic Development. The proposal was seconded and following voting it was:

RESOLVED: That the application be approved subject to the imposition of relevant conditions determined by the Corporate Director of Economic Development, as indicated in the Schedule of Decisions attached to these minutes.

## **8. Application 21/0975 - Green Meadows Country Park, Blackford, Carlisle, CA6 4EA**

**Proposal: Variation of Conditions 2 (Approved Documents); 5 (Number of Units) & 6 (Holiday Occupancy) of previously approved application 20/0309 (Change of Use of land to provide extension to existing caravan park) to amend the layout & increase the number of static caravans from 25 to 65 in lieu of the 27 touring pitches and 20 tent pitches.**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: Site Location Plan; Previously Approved and Proposed Site 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.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The separation distance between the caravans would be 6m, that matter would be dealt with via the Council's Environmental Health services, which would consider a site licence for the scheme;
- The proposal was an expansion of a land based rural business;
- Details of the methods of drainage, both foul and surface water were required to be supplied by condition, the details of the processes would be considered by the Lead Local Flood Authority;
- In addition the Council's Building Control service would consider the means of foul drainage;
- The application had been submitted to enable the business to respond to changing market conditions following the Covid 19 pandemic.

The Planning Officer responded to a number of issues in relation to enforcement in respect of the already permitted development raised by a Member.

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

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

## 9. Application 21/0449 - Land at Stonehouse Farm, Hayton, Brampton, CA8 9JE

### **Proposal: Demolition of barns, erection of 9.no dwellings and associated infrastructure.**

*Councillor Tinnion, having declared an interest in the item of business vacated his seat and took no part in the discussion nor determination of the application.*

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: Site Location Plan; Proposed Site Plan; Elevation and Floor Plans; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that:

1) Authority to Issue be granted to the Corporate Director of Economic Development subject to the completion of a satisfactory Section 106 agreement to secure:

a) a financial contribution of £85,588 towards affordable housing.

2) That should the legal agreement not be completed within a reasonable time, delegated authority be granted to the Corporate Director of Economic Development to refuse the application.

Ms Mitchell (Objector) spoke against the application in the following terms: the proposed development backed directly on to her property which create a loss of privacy and negative impact on her living conditions; the application approved in 2017 was more respectful towards the privacy of her dwelling; in considering the impact of the proposal on her property the large glazed aspect of the property had not been a factor; a request had been made that the separation distances be carefully measured from both the extension wall and the orangery, but this had not been actioned; the proposed dwellings would have 5 windows overlooking the property at 3.5m distance; the proposal amounted to a 30% increase in the overall development; no site visit had been undertaken by the Officer to Ms Mitchell's property; the Highway Authority's response to the application had been based on a road layout from 1990 and so was not valid, the application would have a detrimental impact on road safety.

Ms Eiffel (Objector) spoke against the application in the following terms: access to the proposed development was via The Woodlands which was narrow and without a pavement; increased vehicular traffic was an existing concern, approving the scheme would exacerbate the issue; the entrance to the access road was site on a hill on a bend which made it difficult to safely negotiate; traffic levels in the village were already an issue with the school issuing guidance to parents on the matter; due to the narrow pavements in the village pedestrians often walked in the road; construction traffic accessing the site would be detrimental to highway safety; the Highway Authority needed to reevaluate its response to the application so that it was based on existing conditions; the idea that the granting of previous planning permissions at the site set a precedent for development was objectionable.

Mr Weir (Objector) spoke against the application in the following terms: the application approved in 2017 was more respectful towards the privacy of his dwelling, it would have created 7 windows overlooking his property, the current proposal would generate 14, the loss of privacy was a violation of the Human Rights Act; the 16,800 additional vehicular movements the proposal would create would have a significant impact on road safety; the Highway Authority's response, based as it was on outdated did not factor in increased levels of traffic, for example, from home deliveries; there were often vehicles parked at the entrance to the access road; approving the application would create a long term impact on pedestrian and traffic safety.

Ms Lightfoot (Agent) responded in the following terms: she set out the history of planning permissions at the site noting that access had always been provided for via The Woodlands; the current application increased the size of the overall development by two dwellings which was a reduction of four units granted under a previous permission; the principle of development at the site had been accepted with the granting of the earlier permissions; the Highway Authority had approved previously proposals for development which had been larger in scale; the separation distance between the existing and proposed dwellings were similar to approved under previous applications; the western boundary of the existing development contained smaller house types, the proposed dwellings would be sited at the eastern boundary; a condition of the permission was the submission of a Construction Management Plan, where the Highway Authority would be consulted on the routing of vehicles; the existing access had been designed for the purpose and there had been no material change in circumstances; the proposed scheme was an effective use of land.

The Chair invited the Principal Planning Officer to respond to issues raised in the submissions to the Committee.

The Principal Planning Officer responded on the following points:

- The matter of separation distances had been fully covered in the report (paragraph 6.21);
- The overlooking of existing dwellings was via bedroom windows and as such was considered acceptable.

The Chair stated that having heard the representations of objectors, there was a need for the Committee to undertake a site visit. He put the matter to the Committee which indicated its assent.

RESOLVED: That determination of the application be deferred in order for the Committee to undertake a site visit.

*Councillor Tinnion resumed his seat.*

*The Committee adjourned at 13:00 and reconvened at 13:50*

## **DC.101/21    STANDING ORDERS**

RESOLVED – That Council Procedure Rule 9, in relation to the duration of meetings be suspended in order the at the meeting could continue over the time limit of 3 hours.

### **10. Application 21/0513 - Buck Bottom Farm, Burgh by Sands, Carlisle, CA5 6AN**

**Proposal: Demolition of 2.no barns; conversion of 1.no barn to dwelling and erection of 3no dwellings;**

**&**

### **11. Application 21/0514 - Buck Bottom Farm, Burgh by Sands, Carlisle, CA5 6AN**

**Demolition of 2no barns; conversion of barn to dwelling and erection of 3no dwellings (LBC)**

The Planning Officer submitted the report on the applications. Slides were displayed on screen showing: Site Location Plan; Elevation and Floor Plans; Block Plan; House Type Plans; and, photographs of the site, an explanation of which was provided for the benefit of Members.

Further to the publication of the report additional correspondence from an objector had been received which reiterated points set out in earlier submissions, the Planning Officer read out the correspondence for the benefit of Members.

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

The Committee then gave consideration to the applications.

In response to questions from Members, Officers confirmed:

- The Heritage Officer was not entirely satisfied with the proposed scheme, his comments had been considered as part of the overall assessment of the application. The Heritage Officer had a number of outstanding concerns regarding the application, however, it was the Planning Officer's view that they were not sufficiently overriding as to justify refusal;
- When an application proposed the demolition of a Listed Building, rather than conversion, the Local Planning Authority required the submission of structural survey to confirm that the structure was not fit for conversion, such confirmation had been submitted in relation to the proposed scheme;
- Conditions had been included requiring the submission of details of the means of surface water and foul drainage, for approval by the Local Planning Authority;
- United Utilities had responded to the application confirming the development was able to be connected to the mains sewer. The response also advised that there was no extant drainage issues in the area.

A Member requested that consideration be given to the retention and reuse of timbers from the existing building in the new build properties in respect of application 21/0512. The Planning Officer undertook to amend condition 3 accordingly.

The Member further requested that the applicant be required to provide swift bricks and swallow cups in the new build properties in respect of application 21/0512. The Planning Officer undertook to impose appropriate additional conditions.

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

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

## **12. Application 21/0732 - Land adj. Hallmoor Court, (Plot 4), Wetheral, Carlisle, CA4 8JS**

### **Erection of 1no. dwelling**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: Location Plan; Block Plan; Proposed Site Plan; Floor Plans; Proposed Elevation Plans; and, photographs of the site, an explanation of which was provided for the benefit of Members.

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

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

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

### **13. Application 21/0641 - Yew House, Sikeside, Kirklington, Carlisle, CA6 6DR**

#### **Change of Use of garage and part first floor to form holiday let.**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: Location Plan; Block Plan; Floor, Elevations and Roof Plans, as existing; Floor, Elevations and Roof Plans, as proposed; 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.

Mr Forrester (Objector on his own behalf and behalf of Ms Francis-Green) spoke against the application in the following terms: approving the proposal would have an adverse impact on the character and tranquillity of the surrounding residential area and the Heritage Assets in the vicinity of the site; the proposed hot tub was situated very close to Mr Forrester's boundary wall and was likely to lead to a loss of privacy for him; there was no soak away at the site to deal with the discharge from the hot tub; as part of the scheme the applicant had erected, without planning permission a metal shed within the application site which was totally out of character with the surrounding area; the access road was in a poor condition, did not have a footpath nor signs warning motorists of pedestrian users and was not gritted in winter, permitting the scheme would exacerbate those issues and increase the likelihood of an accident occurring.

Mr Gash (Objector) spoke against the application in the following terms: the report and recommendations had not allayed concerns set out in previous objection submissions; approving the application would significantly alter the tranquil, rural nature of the area through noise intrusion and the unpredictable behaviour of users of the proposed facility; the proposed location of the holiday let was too close to existing residential property; the access to the site was communal and already breaking up under current domestic use, granting permission would exacerbate the issue; the septic tank that the proposed holiday let would use was shared with Mr Gash's property, the Officer's assertion that that "the level of usage would be unlikely to change" was not feasible given the additional discharge created by an increased number of users.

Mr Smith (Applicant) responded in the following terms: the scale of the development was small, and would only create a small additional traffic flow on the shared access; the discharge to the septic tank would remain at a residential level; the site was within the boundary of Mr Smith's domestic property allowing an oversight and management of visitor's conduct; the quiet nature of the location had been a factor in the decision to purchase the residential property, and Mr Smith intended to preserve that.

The Committee then gave consideration to the application.

In response to a question from a Member regarding the ownership of the shared septic tank, the Planning Officer advised that the applicant was one of the owners and therefore had legitimate access to it.

A Member sought clarification on the access arrangements to the proposed development.

The Planning Officer using slides displayed on screen of the site, described the proposal.

A number of Members felt that they did not have sufficient understanding of the site in order to properly determine the application. Accordingly, a Member proposed that determination of the application be deferred in order for the Committee to undertake a site visit. The proposal was seconded and following voting it was:

RESOLVED: That the determination of the application be deferred in order for the Committee to undertake a site visit.

#### **14. Application 21/0915 - Meadow View, Smithfield, Kirklington, Carlisle, CA6 6BP**

##### **Demolition of existing conservatory; erection of replacement sun room together with enlarged bedroom above and formation of balcony.**

The Principal Planning Officer submitted the report on the application which was presented to the Committee as the applicant was an employee of the Council. Slides were displayed on screen showing: Block Site Plan; Proposed Elevations and photographs of the site, an explanation of which was provided for the benefit of Members.

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

In response to a request from a Member, the Principal Planning Officer agreed the imposition of an additional condition requiring the use of swift bricks.

A Member moved the Officer's recommendation, along with the imposition of an additional condition requiring the use of swift bricks. The proposal was seconded and it was:

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

The Meeting ended at: 14:55





# **Development Control Committee Main Schedule**

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

**14<sup>th</sup> January 2022**

## 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; except the following where the associated documents are located at –

21/0768 - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 17/12/2021 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 14/01/2022.

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

## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	21/0449 A	Land at Stonehouse Farm, Hayton, Brampton, CA8 9JE	SD
02.	21/0641 A	Yew House, Sikeside, Kirkclinton, Carlisle, CA6 6DR	JHH
03.	19/0244 A	Land at field 3486, Monkhill Road, Moorhouse, Carlisle	BP
04.	21/0768 A	24 Hendersons Croft, Crosby on Eden, Carlisle, CA6 4QU	RJM
05.	21/0867 A	Stoneleath, Burgh by Sands, Carlisle, CA5 6AX	JHH
06.	21/0847 A	Land adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT	CH
07.	21/1012 A	Rowanlea, 2 Hadrians Crescent, Gilsland, Brampton, CA8 7BP	LB
08.	21/0111 A	Eden Golf Club, Crosby on Eden, Carlisle, CA6 4RA	CH
09.	21/0762 A	The Park, Rickerby, Carlisle, CA3 9AA	RJM
10.	21/1051 A	3 Etterby Scaur, Carlisle, CA3 9NX	JHH

## SCHEDULE A

Applications to be  
determined by the  
City Council.

## SCHEDULE A

## SCHEDULE A: Applications with Recommendation

21/0449

Item No: 01

Date of Committee: 14/01/2022

**Appn Ref No:**  
21/0449

**Applicant:**  
Anvil Homes

**Parish:**  
Hayton

**Agent:**  
Summit Town Planning

**Ward:**  
Brampton & Fellside

**Location:** Land at Stonehouse Farm, Hayton, Brampton, CA8 9JE

**Proposal:** Demolition of Barns, Erection of 9no Dwellings and Associated Infrastructure

**Date of Receipt:**  
13/05/2021

**Statutory Expiry Date**  
08/07/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

The application was deferred at the Development Control Committee meeting on the 3rd December 2021 in order to undertake a site visit.

#### 1. Recommendation

1.1 It is recommended that “authority to issue” approval be granted to the Corporate Director of Economic Development subject to the completion of a satisfactory S106 agreement to secure:

a) a financial contribution of £83,588 towards affordable housing

1.2 If the legal agreement is not completed within a reasonable time then it is recommended that Authority be given to the Corporate Director of Economic Development to refuse the application.

#### 2. Main Issues

2.1 Principle of development;

2.2 Whether the scale and design is acceptable and impact of the development on the character/appearance of the surrounding area including non designated heritage assets;

2.3 Impact upon the living conditions of the occupiers of neighbouring properties;

2.4 Impact upon highway safety;

2.5 Whether the method of disposal of foul and surface water are appropriate;

- 2.6 Affordable housing;
- 2.7 Biodiversity; and
- 2.8 Other matters.

### **3. Application Details**

#### **The Site**

- 3.1 The application site relates to a rectangular shaped area of land which equates to 0.59 hectares and forms part of the steading of Stone House Farm which is located on the eastern side of the village of Hayton. The steading at Stone House Farm was originally built as the "Home Farm" to the Hayton House Estate. Hayton House was demolished in the early 1950's leaving the farmhouse, farmstead, shooting lodge, stables and carriage houses serving the former parkland. The complex is mid to late nineteenth century and is predominantly built of red sandstone with slate roofs originally comprising a T-shaped range and an L-shaped range with a yard. The T-shaped range consisted of stables, tack rooms, carriage houses with a dove cote tower, a significant proportion of which has now been demolished through lawful planning consents. The late nineteenth century farmhouse has also been altered and extended.
- 3.2 To the immediate east of Stone House farmhouse there are a pair of semi-detached houses (No.s 1 and 2 Stone House Cottages) and countryside consisting of open fields or woods that provide the approach to the settlement of Townhead. To the south and west of Stone House Farm is a development known as The Woodlands which consists of two storey detached dwellings situated within reasonably sized plots. To the south-east of the site is a single storey dwelling known as 'The Lodge' which formally served the farm complex which has also been subject to extensions
- 3.3 Stone House Farm complex can be accessed via two roads, one which leads through the Woodlands housing development and the other which passes Stone House Cottages to the east and eventually connects with the road leading from Hayton to Townhead.

#### **Background**

- 3.4 The application site has a long planning history for the redevelopment of the site for residential purposes. Under application numbers 90/1246, 96/0031, 07/0088 and 11/0270 planning permission was granted for the conversion of the former farm buildings to dwellings. For example, in 1990 and 1996 permission was granted for conversion of the stone barns to form 13 residential units and in 2011 (application 11/0270) permission was granted for the conversion of the stone farm buildings to create 11 dwellings with 9 additional garages.
- 3.5 In 2014 Full Planning Permission was granted for part demolition of three of the barns and conversion of the remaining two barns to create 3no.dwellings and erection of 4no.dwellings with associated infrastructure (reference



14/0725). In 2017 (planning reference 17/0324) Full Planning Permission was granted for demolition of an "L Shaped" barn (which had a dove cote tower and formed part of the original group of "T" shaped buildings) to the front of the site and the erection of 2no.dwellings. In 2018 Full Planning Permission was granted (reference 18/0440) for the demolition of the remainder of the barn to the east of the complex and erection of 1no.dwelling.

- 3.6 The resulting scheme on site, following all of the previous planning approvals, was demolition of all of the barns and erection of 7 new dwellings picking up design elements of the buildings on site to be demolished. Relevant discharge of condition applications have been approved and a lawful start on site has been made.
- 3.7 At the time of the site visit for the current application the majority of the "L" shaped building towards the southern element of the site which comprised the dove cote tower had been demolished with the front of the site facing onto the Woodlands housing estate delineated by site compound fencing. The rest of the barns, granted consent for demolition under previous schemes, remain in situ and appeared to be disused.

### **The Proposal**

- 3.8 The application seeks Full Planning Permission for the demolition of barns, erection of 9no dwellings and associated infrastructure. The submitted plans illustrate that the vehicular entrance to the site will be from the south via a new access leading off the unclassified road which goes through the Woodland's housing estate. The proposed dwellings will be set out in a similar formation to the previously approved schemes for the site with two properties (plots 1 and 2) located at the southern portion of the site to the west of the new entrance. Plot 2 will be orientated north-south with architectural features (for example arched entrances and a dove cote tower) reflecting some of the design elements of the barn which was located to the front of the site. Plot 1 will sit perpendicular to plot 2 in the south-western corner of the site, orientated east-west with the main entrance on the southern gable as well as its own vehicular entrance taken from The Woodlands. As one travels further into the site three dwellings (plots 3, 4 and 5) will be positioned to the west of the site access and two (plots 8 and 9) to the east. The remaining two plots (6 and 7) will be located to the north of the site at the estate road hammer head.
- 3.9 The dwellings will consist of two storey detached properties constructed from reclaimed random rubble stone walls with reclaimed stone quoins, timber double glazed windows under a slate roof. Each property will have its own individual design (except plot 7 which is a handed version of plot 6) utilising a range of different features such as a dove cote tower and a roof form similar to a cat slide roof (to plot 2), central gable features, gable end chimneys, water tables, porches, art stone cills, lintels and surrounds, curved doors/entrances and mock style sash windows. Furthermore plot 1 will have a detached garage located in the south-western corner with all the remaining dwellings having attached single or double garages.

- 3.10 New 1.2 metre random rubble wet walling is to surround the southern boundary of the site. Internally boundary treatment will consist of a combination of stone walling, timber fencing and post and rail fencing.
- 3.11 The application is accompanied by a range of documents including Design and Access Statement, Flood Risk Assessment, Phase 1 Desk Top Study and Planning Statement.

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

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 18 neighbouring properties. In response to the consultation undertaken 7 representations of objection have been received from separate households as well as 2 representations of support and 2 comments.
- 4.2 The objections cover a number of matters and are summarised as follows:
1. highway safety from additional traffic from the development using the narrow road through the village;
  2. highway safety from construction traffic using the main road through the village or coming in to Hayton from Townhead;
  3. highway safety from additional traffic using the road through the Woodlands which is narrow, has no footpath and limited visibility onto the main road;
  4. access to the development should be via the access road to Stonehouse Farm or opening up an old road behind the farm that leads to the A69;
  5. houses do not appear to be in the affordable range thus supporting local schools etc;
  6. concern regarding capacity and ability of sewerage and surface water services for handling increased volume and the effect on properties down stream;
  7. roadside services and ditches would benefit from attention as well as highway surfacing;
  8. increase in properties should provide greater funding for the parish, public services and transport;
  9. did not object to previous schemes;
  10. impact upon privacy and amenity of neighbouring properties as development is closer and has more windows overlooking neighbouring dwellings;
  11. existence of a neighbouring properties orangery has not been taken into account as well as difference in site levels between existing and proposed dwellings;
  12. previous schemes had a higher design standard;
  13. scheme is identical to other developments by Anvil Homes and bares no resemblance to what was on site and its character/history;
  14. impact upon Human Rights of occupiers of neighbouring properties;
  15. accuracy of statements provided in supporting documents;
  16. density of development is not in keeping with surrounding area;

17. contrary to policies CM5, SP6, IP2, HO2, HO3, of the Carlisle District Local Plan 2015-2030;
18. lack of services in Hayton village; and
19. scale of development;

4.3 The representations of support are summarised as follows:

1. support the development but a designated route for construction traffic should be sought to avoid traffic through the village; and
2. development will bring the opportunity to local families who want to purchase their own home in a village where their children have been born, raised and attend the primary school.

4.4 The comments are summarised as follows:

1. highway safety from construction traffic going through the village as it is already congested and suggest that a designated route is used which avoids the main road through the village;
2. no plans for 'low cost housing' which would be of benefit to the village;
3. land is located in an area considered to be infill and would connect the two parts of the village;
4. aesthetically the development will add to the villages charm and will create a nice situation for family homes;
5. shame to see farm gone but they were built for an early time;
6. supporting local community should be encouraged;
7. general comments regarding who got covid assistance; the farming industry and the council encouraging workshops/business premises;
8. development should not impact upon properties/services in place and Council should future proof for upgrades; and
9. disagree in how consultation letters are worded and what are material planning considerations.

## 5. Summary of Consultation Responses

**Hayton Parish Council:** - observations relate to the vehicular access through the development. As this application will further increase the number of dwellings at the Woodlands the road in the housing development needs to be brought up to the standards for the overall permitted size of development. Those standards are identified in the County Council's Highway Design Guide which covers the need for appropriate colouring of road surfaces, 20mph speed limit, and other traffic calming measures.

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objection subject to the imposition of seven conditions regarding 1) details of design of carriageways, footways etc; 2) visibility splays to be provided at the junction of the access road with the county highway for plot 1; 3) no dwellings/buildings or structures to be commenced until the access roads are defined by kerbs and sub base construction; 4) no dwellings to be occupied until the estate road has been constructed to base course level; 5) no occupation of dwellings until associated off-street parking has been provided; 6) no commencement of development until a Construction Traffic

Management plan has been submitted and approved; and 7) full details of a surface water drainage scheme to be submitted prior to the commencement of any development.

**Environment Agency - Environmental Crime Team:** - no response received.

**Natural England - relating to protected species, biodiversity & landscape:** - no objection, based on plans submitted Natural England considers that the proposed development will not have a significant adverse impacts on statutorily protected nature conservation sites or landscapes. Standing advice received regarding protected species etc.

**Local Environment, Waste Services:** - no objection, turning heads provided and off an adopted road.

**United Utilities:-** no objection subject to the imposition of two conditions regarding full details of the surface water drainage scheme, and, ensuring that foul and surface water are drained on separate systems.

Standing advice also received regarding surface water management, water supply, United Utilities' property assets and infrastructure.

## **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 proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP1, SP2, SP6, HO2, HO4, IP1, IP2, IP3, IP4, IP5, IP6, IP8, CC5, CM4, CM5, HE6, GI1, GI3 and GI6 of The Carlisle District Local Plan 2015-2030. The Council's Supplementary Planning Documents (SPD) 'Achieving Well Designed Housing', 'Designing Out Crime', 'Affordable and Specialist Housing' and 'Trees and Development' are also material planning considerations.
- 6.3 The proposals raise the following planning issues:

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

- 6.4 When assessing whether the site is appropriate for residential development it is important to note that Paragraph 10 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development"*. In respect of rural housing paragraph 79 of the NPPF states that *"to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are*

*groups of smaller settlements, development in one village may support services in a village nearby."*

- 6.5 Policy HO2 of the CDLP reiterates the objectives of the NPPF allowing for windfall housing development other than those allocated 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 namely that 1) the scale and design of the proposed development is appropriate to the scale form, function and character of the existing settlement; 2) the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed; 3) on the edge of settlements the site is well contained within existing landscape features, is physically connected; and integrates with the settlement, and does not lead to an unacceptable intrusion into open countryside; 4) in the rural area there are either services in the villages where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and 5) the proposal is compatible with adjacent land users.
- 6.6 When assessing the application against the foregoing policies it is evident that the principle of housing development on the site has already been assessed and established as acceptable under previous permissions. The application site is still considered to be in a sustainable location as it is situated within Hayton village which has a range of services (school, church, public house, reading rooms etc). The principle of developing the site for housing, which has been established through previous planning permissions, is therefore still considered to be acceptable.

## **2. Whether The Scale And Design Is Acceptable And Impact Of The Development On The Character/Appearance Of The Surrounding Area Including Non Designated Heritage Assets**

- 6.7 As stated in paragraphs 3.8-3.10 of this report the application seeks Full Planning Permission for the demolition of the remaining barns on site and erection of 9no. detached dwellings and associated infrastructure. The submitted plans illustrate that the vehicular entrance to the site will be from the south via a new access leading off the unclassified road (U1473) which goes through The Woodlands housing estate. The proposed dwellings will be set out in a similar formation to the previously approved schemes for the site with two properties (plots 1 and 2) located at the southern portion of the site to the west of the new entrance. Plot 2 will be orientated north-south and contains architectural features (for example arched entrances and a dove cote tower) reflecting some of the design elements of the barn which was located to the front of the site. Plot 1 will sit perpendicular to plot 2 in the south-western corner of the site, orientated east-west with the main entrance on the southern gable as well as its own vehicular entrance taken from The Woodlands. As one travels further into the site three dwellings (plots 3, 4 and 5) will be positioned to the west of the site access and two (plots 8 and 9) to the east. The remaining two plots (6 and 7) will be located to the north of the site at the estate road hammer head.

- 6.8 The dwellings will consist of two storey detached properties constructed from reclaimed random rubble stone walls with reclaimed stone quoins, timber double glazed windows under a slate roof. Each property will have its own individual design (except plot 7 which is a handed version of plot 6) utilising a range of different features such as a dove cote tower and a roof form similar to a cat slide roof (to plot 2), central gable features, gable end chimneys, water tables, porches, art stone cills, lintels and surrounds, curved doors/entrances and mock style sash windows. Furthermore plot 1 will have a detached garage located in the south-western corner with all the remaining dwellings having attached single or double garages. New 1.2 metre random rubble wet walling is to surround the southern boundary of the site. Internally boundary treatment will consist of a combination of stone walling, timber fencing and post and rail fencing.
- 6.9 The barns to be demolished are not listed or located within a conservation area however the Council's Heritage Officer, under previous applications for the site, has considered the barns to the front of the site containing the dove cote tower (which has now been lawfully demolished under previous planning approvals) to be a non-designated heritage asset given their age and siting (i.e. the presence of the Stone House barn complex on early OS maps and the level of significance attributed to the barn in the design and access statements accompanying previous applications for the site). The Heritage Officer has always preferred to see a residential use based on conversion of the existing buildings however consent was granted to demolish the barns containing the dove cote tower based on their structural condition.
- 6.10 Paragraph 189 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 203 of the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 204 of the NPPF goes onto state that Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- 6.11 Policy HE6 of the CDLP makes reference to locally important heritage assets with particular regard to those contained within the "local list". Although the barns subject of this application are not listed as a local asset as the Council does not have a local list (other than properties previously considered as key townscape frontages) or a defined set of criteria for defining what is a local asset, policy HE6 contains the following 3 useful criteria when assessing the loss of a locally listed asset:
- an appropriate level of survey and recording which may also include archaeological excavation;
  - provision of replacement buildings of comparable quality and design; and
  - the salvage and reuse within the replacement development of special

features.

- 6.12 In relation to an assessment of the sites significance Heritage Statements accompanying previous applications confirm that Stone House is present on OS maps dating as far back as 1868 with 1952 mapping showing a significant number of buildings demolished prior to the demolition of the main house which illustrates that the environment in which the barns sit has significantly altered greatly reducing any historical significance. The barns are now contained in their entirety by modern residential development. Previous Heritage Statements have confirmed that the barns were originally outbuildings to the original stone house which was demolished in the 1950s, there are no remains of the house on site, the barns sit alone no longer in an agricultural setting, although the barns hold some historic value due to their age the house that they were previously associated with has been demolished and therefore they are not a range of wider buildings demonstrating the historic past of the village. 19th century barns are also not particularly rare within Carlisle or Cumbria.
- 6.13 The application site lies approximately 100m from the main road leading from Hayton to Townhead and can be viewed through the existing mature trees which delineate the roadside. The site is partially obscured by The Woodlands housing development which consist of large houses set in substantial plots. When assessing the application against the foregoing policies it is appreciated that the immediate setting of the barns to be demolished has been radically altered over the years resulting in the wider character and appearance of the area being completely different to when the barns were first built. The barns historical importance and integrity, as the use of an outbuilding associated with the main dwelling house, has been lost due to the demolition of the main dwelling house and many of the other outbuildings on the site. Its functionality as agricultural buildings serving the estate has also been lost due to the modern housing development that has been built and approved on the former parkland wrapping round the front, side and rear of the site. The barns all now appear as a standalone features unrelated to its modern housing development surroundings.
- 6.14 All of the barns subject of this application have been given permission for demolition under previously approved planning consents with appropriate new residential development put back in its place. A lawful start of previous approvals has been made on the site, and, the barn located to the front of the site facing onto The Woodlands housing development which had the most aesthetic appeal with its dove cote tower to warrant its retention has now been demolished as per planning approval 17/0324 due to its structural condition.
- 6.15 The demolition of the barns, granted under previous applications, have not been taken lightly and is a matter of judgement. The loss of the main dwelling house and the development of a modern housing estate within the barns original setting has reduced its historical significance. The proposed redevelopment scheme for the site is sympathetic to the scale, mass and appearance of the existing buildings whilst being notable as a new development in its own right. The development is well laid out and will

encourage and promote the creation of a neighbourhood. The properties overlook one another thereby creating a degree of natural surveillance and the distinction between public and semi-public space is clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring.

- 6.16 The development provides adequate amenity space and off street parking and is comparable in scale and height to the dwelling houses that surround the site. The dwellings incorporate reasonably sized garden areas that are comparable to the size of the units that they serve, thereby ensuring that the development does not appear cramped or overdeveloped. The size of the gardens and the way that the properties are laid out will help create a sense of space within the estate. The scale and design of the proposed dwellings relate well to the size and vernacular of surrounding residential properties whilst incorporating features which replicate some of the design elements of the demolished dove cote barn and historic character of other barns on the site - such as arched entrances, timber 'mock' sash windows, dove cote feature (plot 2), stone walling, slate roofs, stone window surrounds etc. The positioning of the plots also broadly reflect the layout of the previously approved schemes for the site and the formation of the previous built development of the barns. Plots 6 and 7 are essentially additions to the former approved schemes however it is not considered that the location of these two plots would not cause a significant intrusion into the open countryside as the additional two houses would be sited on a large expanse of compacted ground filled with top soil with limited public views. The limited landscape impact of the additional houses can be mitigated by a comprehensive landscaping scheme to the rear of the site which would help to soften the development and blend the dwellings into the landscape setting. The resulting redevelopment would therefore not appear incongruous within the existing street scene.
- 6.17 Given that the barns have already been granted for demolition through previous consents, the historic character of the barns have been significantly altered via changes to its setting, and, the replacement scheme is of a comparable quality and design which will complement the modern housing development which surrounds the site it is considered that the proposed development in this regard is acceptable.
- 6.18 Notwithstanding the above relevant conditions have been imposed within the decision notice requesting a sample of all materials to be used prior to their first use on site, the submission of a comprehensive landscaping scheme, a phasing programme to preclude demolition of the existing buildings and the presence of a vacant site, removal of permitted development rights for extensions to the dwellings and alterations to existing boundary treatments to the front of the dwellings and a building recording (level 2 survey as per the previous condition imposed on the 2017 consent).

### **3. Impact Upon The Living Conditions Of The Occupiers Of Neighbouring Properties**

- 6.19 Policy SP6 "Securing Good Design" of the CDLP seeks to ensure that



development proposals should have no adverse effect on the residential amenity of existing areas or adjacent land uses, or result in unacceptable conditions for future users and occupiers of the development. Policy HO2 "Windfall housing Developments" also confirms that proposals should be compatible with adjacent land users.

- 6.20 The City Council's Supplementary Planning Document on Achieving Well Designed Housing outlines in paragraph 5.40 that the respect for personal privacy is essential in determining the layout of new housing. Protection of privacy relates to views to and from the street, to outdoor space and views between rooms within separate dwellings. Consideration should be given to the relationship between existing neighbouring uses and any new development as well as within the development site. The topography of a site can play an important part of helping to avoid the perceived intrusion of private space. Whilst paragraph 5.44 highlights that in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window).
- 6.21 As previously stated within the report the Woodlands housing estate wraps round the south and western boundaries of the site with one property located opposite the site frontage Oak House and three properties which border the site to the west known as Orchard House, Honeysuckle House and Acre House. Plots 1 and 2 are in excess of 21 metres from the rear elevation of Oak House and is acceptable in this regard. Orchard House to the west of the site is located at a lower level to plot 1 and has a number of primary windows on the rear elevation as well as a orangery constructed in 2013 which is not illustrated on the submitted block plan. It was evident from the Officer site visit that the existing intervening boundary fencing which is located at a higher level than the ground floor level of Orchard House would substantially mitigate any overlooking from the proposed ground floor windows of plot 1. The first floor windows of plot 1 would be compliant with window to window separation distances and whilst there is a difference in levels between the two sites it is not considered this difference in ground levels would cause a significant deviation from the recommended distance of 21 metres. The impact upon the living conditions of the occupiers of Orchard House is therefore considered acceptable.
- 6.22 In terms of the impact upon Honeysuckle House it is appreciated that plot 3 will be sited in excess of 21 metres from the main two storey rear elevation of this property. Honeysuckle House has a rear projection with a roof that resembles a cat slide roof which is served by ground floor windows however the existing boundary fencing which is located at a higher level than the ground floor level of Honeysuckle House would substantially mitigate any overlooking from the proposed ground floor windows of plot 3. The impact of the development on Honeysuckle House is therefore acceptable. The remaining house to the west of the site (Acre House) is orientated north to south with no windows on gable. In such circumstances the development will be compliant with the separation distances. Whilst there will be first floor bedroom windows that will overlook the front and rear garden of Acre House it is not considered that this issue itself would warrant refusal of the application

give the size of the curtilage of Acre House and the location of the proposed dwellings in relation to the property.

- 6.23 The development will be compliant with the separation distances from the former shooting lodge (now known as The Lodge) to the east of the site entrance. Although one primary bedroom window of plot 9 will directly face the blank gable wall of Stone House Farm which will be two metres less than the required separation distances it is not considered that this issue itself would warrant refusal of planning permission as the only person impacted upon this reduced separation distance would be the future occupier of plot 9. Given that the aforementioned window serves a bedroom the impact upon the living conditions of the future occupiers of plot 9 is not considered to be significant.
- 6.24 In relation to the above, it is considered that the proposed scheme would not lead to problems associated with losses in privacy or over shadowing/losses in light sufficient to merit the refusal of permission. It is recognised that the proposal would lead to increases in noise and disturbance from the site being redeveloped to residential however, when viewed in the context of the existing neighbouring uses and the nature of the proposed development, this is not considered to be of a scale or form that merits the refusal of permission. In order to protect the living conditions of neighbouring properties during construction works a condition restricting construction hours has been imposed.

#### **4. Impact Upon Highway Safety**

- 6.25 As previously stated, the application proposes to utilise the existing unclassified road and access which serves 'The Woodlands'. A new access road will be provided within the site itself from the south to serve 8 of the dwellings as well as a private access to the south to serve plot 1. The proposal will provide a minimum of two curtilage parking spaces per unit as well as attached garages except unit 1 which will have a detached garage. 6 visitor car parking spaces are also proposed.
- 6.26 It is appreciated that concerns have been raised from third parties and the parish regarding the adequacy of the existing road and access serving The Woodlands as well as concerns in respect of additional traffic going through Hayton village and associated highway safety concerns.
- 6.27 In relation to the concerns raised it is apparent that the original planning permission granted to develop Stonehouse Farm for 13 dwellings was granted under application 90/1246 (renewed in 1996) with the development of The Woodlands subsequently approved under applications 01/0573, 02/1359 and 04/0639. In effect the decision to approve development at The Woodlands, and the design of the access and road, was taken in the context of permission having already been granted for the development of Stonehouse Farm. The permission granted for a total of 7 dwellings on the site is still extant. In comparison to the schemes approved under previous applications 90/1246 and 11/0270, the current proposal represents a notable reduction in the total number of dwellings.

- 6.28 The Highway Authority has been consulted on the proposal and has not raised any objections to the proposal subject to the imposition of seven conditions regarding 1) details of design of carriageways, footways etc; 2) visibility splays to be provided at the junction of the access road with the county highway for plot 1; 3) no dwellings/buildings or structures to be commenced until the access roads are defined by kerbs and sub base construction; 4) no dwellings to be occupied until the estate road has been constructed to base course level; 5) no occupation of dwellings until associated off-street parking has been provided; 6) no commencement of development until a Construction Traffic Management plan has been submitted and approved; and 7) full details of a surface water drainage scheme to be submitted prior to the commencement of any development. On this basis it is considered that there are not sustainable reasons to refuse permission on highway grounds.

## **5. Whether The Method of Disposal of Foul And Surface Water Are Appropriate**

- 6.29. Policies IP6 and CC5 of the CDLP seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. Foul and surface water sewage is to be disposed of via mains drainage and surface water to the existing surface water network via an attenuation pipe and hydrobrake as percolation tests have identified the site unsuitable for ground infiltration and there are no watercourses located in close proximity to the site. The submitted drainage information confirms that a discharge rate of 12 L/S into the surface water sewer was agreed with United Utilities in respect of the previous application and UU has still confirmed that a rate of 12 L/S is acceptable in respect of pre-development advice.
- 6.30 United Utilities has been consulted on the current application and has confirmed that the proposals are acceptable in principle however there is insufficient information on the detail of the drainage design therefore UU has requested the imposition of a condition requesting further details on surface water drainage as well as a condition ensuring that foul and surface water are drained on separate systems. The Lead Local Flood Authority has also confirmed no objection in principle to the drainage scheme but has requested further details on its design. Subject to relevant conditions being imposed within the decision notice to deal with these issues the proposed drainage methods are considered acceptable in principle.

## **6. Affordable Housing**

- 6.31 The site falls within affordable housing zone A as defined by Policy HO4 "Affordable Housing" of the CDLP 2015-2030. Within this zone, all sites of six units and over will be required to provide 30% of the units as affordable housing. For sites between 6-10 units an affordable housing contribution will be sought in the form of cash payments which will be commuted until after completion of units within the development.

- 6.32 The Council's Housing Officer has calculated the affordable housing contribution based on 9 units to be £83,588 which would be spent on providing affordable housing within the Carlisle Rural East housing market area where possible, unless the Council was unable to secure a suitable opportunity to utilise the funding within the market area, in which case it could be spent within Carlisle District. The Council would require 10 years to spend the funding from the receipt of the final tranche.
- 6.33 The applicant has agreed to enter into a S106 agreement to provide the aforementioned affordable housing contribution. Therefore, there is no policy conflict.

## **7. Biodiversity**

- 6.34 The application is accompanied by a Bat, Barn Owl and Nesting Bird Survey. The survey found no evidence of bats roosting with low potential for use of the walls and roof of the buildings by bats. Precautionary mitigation during demolition is however appropriate. There was also no evidence of past use of the buildings by barn owls for roosting or nesting. There were however numerous swallow nests found and the survey confirmed that work shall not commence or be undertaken in such a way that disturbs active nests and artificial swallow nests shall be erected on the new buildings in suitable locations. Subject to adherence to the mitigation measures proposed it is not considered that the development would harm a protected species or their habitat. Relevant planning conditions have been imposed accordingly.

## **8. Other Matters**

- 6.35 A condition has been added to the permission which requires each dwelling to be provided with a separate 32Amp single phase electrical supply. This would allow future occupiers to incorporate an individual electric car charging point for the property.
- 6.36 Article 8 and Article 1 Protocol 1 of the Human Rights Act are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

## **Conclusion**

- 6.37 The site is located in a sustainable location, well related to the built form of Hayton Village which has a range of services (school, church, public house, reading rooms etc). The principle of developing the site for housing, which has been established through previous planning permissions, is therefore still considered to be acceptable and consistent with the national requirements in the NPPF and the council's own windfall housing policy.
- 6.38 As discussed in paragraphs 6.7-6.18 of this report all of the barns have already been granted for demolition through previous consents and the historic character of the barns have been significantly altered via changes to

its setting. The replacement scheme is of a good quality and design which will complement the modern housing development which surrounds the site whilst being notable as a new development in its own right. The development provides adequate amenity space and off street parking and is comparable in scale and height to the dwelling houses that surround the site. The scale, layout and design of the development is therefore acceptable, and it is considered that the development would not have a significant impact upon the living conditions of existing and future occupiers or crime.

- 6.39 Subject to suitably worded planning conditions and a S106 it is considered that the character of the area can be safeguarded through an appropriate landscaping scheme and that the proposal would not raise any issues with regard to affordable housing, highway safety, foul and surface water drainage, biodiversity or contamination.
- 6.40 On balance, having regard to the Development Plan and all other material planning considerations, the proposal is considered acceptable.
- 6.41 If Members are minded to grant planning approval it is requested that “authority to issue” the approval is given subject to the completion of a S106 agreement to secure:
- a) a financial contribution of £83,588 towards affordable housing
- 6.42 If the legal agreement is not completed within a reasonable time then it is recommended that Authority be given to the Corporate Director of Economic Development to refuse the application.

## **7. Planning History**

- 7.1 The most recent and relevant planning history is as follows:
- 7.2 In 2018 Full Planning Permission was granted for demolition of barn and erection of 1no. dwelling (part retrospective, reference 18/0440);
- 7.3 In 2017 a discharge of conditions application was granted for discharge of conditions 5 (carriageways, footways and means of access); 7 (parking of construction vehicles) and 14 (foul and surface water drainage) of previously approved permission 14/0725 (reference 17/0557);
- 7.4 In 2014 Full Planning Permission was granted for part demolition of barns and conversion of 2no.barns to create 3no.dwellings and erection of 4no.dwellings with associated infrastructure (reference 14/0725);
- 7.5 In 2011 Full Planning Permission was granted for conversion of farm buildings to create 11 dwellings with 9 additional garages (reference 11/0270);
- 7.6 In 2007 Full Planning Permission was granted for revised proposal for the conversion of farm buildings to create 11 dwellings with 9 additional garages

(reference 07/0088);

- 7.7 In 2005 Full Planning Permission was granted for conversion of former hunting lodge to dwelling (reference 05/0835);
- 7.8 In 2004 Full Planning Permission was granted for design revisions to shooting lodge (unit 1) approved under planning approval 96/0031 (reference 04/1605);
- 7.9 In 1996 Full Planning Permission was granted for renewal of permission for conversion of barns to form 13 residential units (reference 96/0031); and
- 7.10 In 1990 Full Planning Permission was granted for conversion to 13no.residential units (reference 90/1246).

## **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 7th May 2021;
  - 2. the Site Location Plan, scale 1:1250, received 7th May 2021 (titled Hayton Village);
  - 3. the Proposed Block Plan received 13th September 2021 (titled Proposed Site Plan, Drawing No.HUB333.PS.03 Rev M);
  - 4. the Proposed Drainage Layout received 7th May 2021 titled Proposed Drainage Layout, Drawing No.100);
  - 5. the Proposed Site Levels received 7th May 2021 (Titled Proposed Site Levels, Drawing No.200);
  - 6. the Proposed Floor Plans and Elevations of Plot 1 received 5th October 2021 (Titled Plot 1 Dwelling, Drawing No.HUB333.PS.05 Rev B);
  - 7. the Proposed Floor Plans and Elevations of Plot 1 Garage received 7th May 2021 (Titled Plot 1 Garage, Drawing No.HUB333.PS.04 Rev A);
  - 8. the Proposed Floor Plans and Elevations of Plot 2 received 5th October 2021 (Titled Plot 2 Dwelling, Drawing No.HUB333.PS.06 Rev

E);

9. the Proposed Floor Plans and Elevations of Plot 3 received 5th October 2021 (Titled Plot 3 Dwelling, Drawing No.HUB333.PS.07 Rev C);
10. the Proposed Floor Plans and Elevations of Plot 4 received 5th October 2021 (Titled Plot 4 Dwelling, Drawing No.HUB333.PS.08 Rev B);
11. the Proposed Floor Plans and Elevations of Plot 5 received 5th October 2021 (Titled Plot 5, Drawing No.HUB333.PS.12 Rev B);
12. the Proposed Floor Plans and Elevations of Plot 6 received 5th October 2021 (Titled Plot 6, Drawing No. HUB333.PS.09 Rev D);
13. the Proposed Floor Plans and Elevations of Plot 7 received 5th October 2021 (Titled Plot 7, Drawing No. HUB333.PS.10 Rev B);
14. the Proposed Floor Plans and Elevations of Plot 8 received 5th October 2021 (Titled Plot 8, Drawing No.HUB333.PS.11 Rev C);
15. the Proposed Floor Plans and Elevations of Plot 9 received 5th October 2021 (Titled Plot 9, Drawing No.HUB333.PS.13 Rev B);
16. the Bat, Barn Owl and Nesting Bird Survey undertaken by Envirotech received 7th May 2021 (Ref 3771 Version 3);
17. the Flood Risk Assessment and Drainage Strategy undertaken by R G Parkins received 14th May 2021 (Ref: K38187.FRA/0001);
18. the Notice of Decision; and
19. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Notwithstanding any description of materials in the application, prior to their use as part of the development hereby approved, full details of all materials to be used externally on the buildings (including the stone walling boundary treatment) shall be submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in strict accordance with the approved details.

**Reason:** Satisfactory details of the external materials have not yet been provided, therefore further information is necessary to ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

4. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed application site (including phasing/delivery) and approved in writing by the local planning authority before their use as part of the 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 Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. No development shall be carried out on site until the following details have been submitted to and approved in writing by the local planning authority:
- a) the mix and type of mortar to be used on the external walls;
  - b) a sample panel showing details of the pattern of stone work and use of mortar.

The development shall not be carried out otherwise than in accordance with the approved details.

**Reason:** To safeguard the visual appearance of the area in accordance with Policies SP6 of the Carlisle District Local Plan 2015-2030.

6. A landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following where relevant (this list is not exhaustive):

- new areas of trees and shrubs to be planted including planting densities
- new groups and individual specimen trees and shrubs to be planted
- specification/age/heights of trees and shrubs to be planted
- existing trees and shrubs to be retained or removed
- any tree surgery/management works proposed in relation to retained trees and shrubs
- any remodelling of ground to facilitate the planting
- timing of the landscaping in terms of the phasing of the development
- protection, maintenance and aftercare measures

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.



7. Notwithstanding any boundary details shown on the approved drawings the side and rear boundaries to plots 6 and 7 shall be landscaped in strict accordance with a landscaping scheme that shall first have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that the appearance of the development will be in keeping with the locality and to protect landscape and visual amenity, in accordance with Policies GI1 and SP6 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 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 GI6 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 re-enacting that Order), no gates, fences, walls or other means of enclosure shall be erected or constructed in front of the forwardmost part of the front of the dwellings other than those expressly authorised by this permission, without the permission in writing of the local planning authority.

**Reason:** To protect visual and residential amenity by ensuring that any form of enclosure to the front gardens of the properties is carried out in a co-ordinated manner, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. 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 Policies SP6 and HO8 of the Carlisle District Local Plan 2015-2030.

11. Works for the demolition of the barns hereby permitted shall not be commenced before a valid contract or phasing programme for the carrying out and completion of works of redevelopment of the site for which planning permission has been granted has been entered into, and evidence of that contract or phasing programme has submitted to and approved in writing by the local planning authority.

**Reason:** To safeguard against premature demolition in accord with Policies HO2, HE6 and SP6 of the Carlisle District Local Plan 2015-2030.

12. Prior to any demolition work the existing building affected by the proposed development shall be recorded in accordance with a Level 2 survey as described in the English Heritage document "Understanding Historic Buildings: A Guide to Good Recording Practice, 2006" and moreover within 2 months of that recording work being done 3 copies of the resultant Level 2 Survey Report shall be submitted to the Local Planning Authority.

**Reason:** To ensure that a permanent record is made prior to the demolition of the non-designated heritage asset in accordance with Policy HE6 of the Carlisle District Local Plan 2015-2030.

13. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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

14. 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 establish an acceptable level of access to connectivity resources, in accord with Policy IP4 of the Carlisle District

## Local Plan 2015-2030.

15. Prior to the occupation of any 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 any dwelling shall be implemented on site before that unit is first brought into use and 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.

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

Site investigations should follow the guidance in BS10175.

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

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

17. Prior to the occupation of the first dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling for each residential unit in line with the schemes available in the Carlisle district.

**Reason:** In accordance with Policy IP5 of the Carlisle District Local Plan 2015-2030.

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

**Reason:** To ensure a minimum standard of construction in the interests of highway safety. To support Local Transport Plan Policies

LD5, LD7 and LD8.

19. Before any dwelling is occupied the associated off-street parking shall be provided together with vehicular access thereto and the associated turning area in accordance with the approved plans. The access, spaces for garage and parking, and turning area shall be used for no other purpose without the prior approval of the local planning authority.

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

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

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

21. 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.

In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public surface water sewer must be restricted to 12 l/s for any storm event.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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.

22. For the avoidance of doubt foul and surface water shall be drained on separate systems.

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

23. The development hereby permitted shall be implemented in full accordance with the recommendations and mitigation measures identified in the "Bat, Barn Owl And Nesting Bird Survey at Stonehouse Farm, Hayton, Brampton, Cumbria, CA89JE" prepared by Envirotech.

**Reason:** To mitigate the impact of the development upon bats and nesting birds in the vicinity and to ensure compliance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

24. No development shall commence until visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of the exit road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway for plot 1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicles 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 splay. 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. To support Local Transport Plan Policies LD7 and LD8.

25. 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 one at an early stage. To support Local Transport Plan Policies: LD5, LD7 and LD8.

26. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

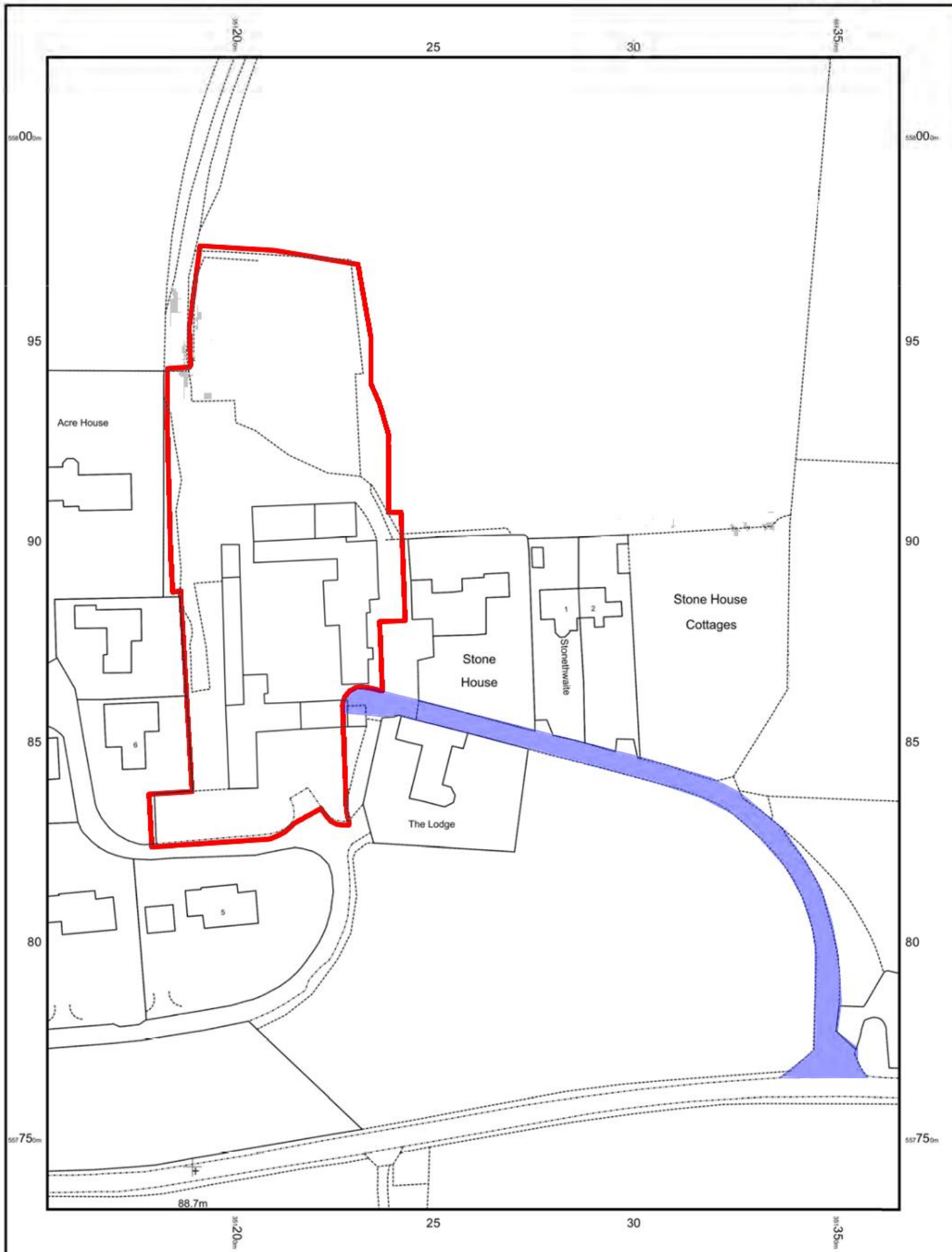
**Reason:** In the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7 and LD8.

27. Development shall not commence until a Construction 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 for the U1473 from the junction of U1199 established by a detailed survey for accommodation works within the highways boundary provide to the Local Planning Authority prior to commence on site; 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;
- Details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

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

---



NOTE:  
THE RED LINE LAND REGISTRY PLAN  
BOUNDARY LINE IS INDICATIVE ONLY  
ON THIS PLAN - REFER TO THE  
OFFICIAL LAND REGISTRY PLAN  
SUPPLIED BY THE CLIENT

Ecological Report "Bat, Barn Owl & Nesting Bird Survey" by Envirotech NWM Ltd, dated 9th March 2021  
is to be followed, understood and mitigation proposals adhered to at all times.

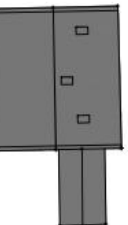
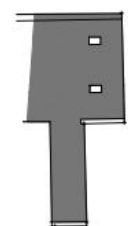
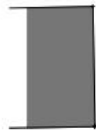
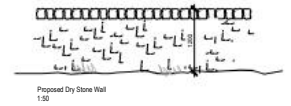
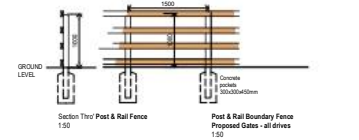
The site should be rechecked for nesting birds if work is to commence in the period March-September inclusive. It is likely birds will nest at the site at any time during the nesting season.

Additional surveys of this site for bats should be undertaken if works to not commence before March 2022.

#### MITIGATION SUMMARY

"The site survey found no evidence of bats roosting and it was considered there was a low potential for use of the walls and roof of the buildings by low numbers of bats. Precautionary mitigation during demolition is considered appropriate. There is no evidence of past use of the buildings by barn owls for roosting or nesting. There were numerous swallow nests at the site. Work will not be commenced or undertaken in such a way as active nest sites are disturbed. Artificial swallow nests should be erected on the new buildings in suitable locations. On the basis of survey information, specialist knowledge of bat species and the mitigation that has been proposed, it is considered that on balance the proposed activity is reasonably unlikely to result in an offence under regulation 39 of the Conservation (Natural Habitats, &c.) Regulations (2017) as amended. We do not consider there to be a need for a Natural England licence at this time."

0m 20m



MICHAEL HUSTON  
**HUB**  
ARCHITECTURE

#### Revisions:

- A - 1.0m drive extension, 1.0m drive extension, East boundary line 1.0m from Stone House Farm gate. Existing fence line and rail.
- B - 1.0m drive extension, 1.0m drive extension, East boundary line 1.0m from Stone House Farm gate. Existing fence line and rail.
- C - 1.0m drive extension, 1.0m drive extension, East boundary line 1.0m from Stone House Farm gate. Existing fence line and rail.
- D - 1.0m drive extension, 1.0m drive extension, East boundary line 1.0m from Stone House Farm gate. Existing fence line and rail.
- E - 1.0m drive extension, 1.0m drive extension, East boundary line 1.0m from Stone House Farm gate. Existing fence line and rail.
- F - 1.0m drive extension, 1.0m drive extension, East boundary line 1.0m from Stone House Farm gate. Existing fence line and rail.
- G - 1.0m drive extension, 1.0m drive extension, East boundary line 1.0m from Stone House Farm gate. Existing fence line and rail.
- H - 1.0m drive extension, 1.0m drive extension, East boundary line 1.0m from Stone House Farm gate. Existing fence line and rail.
- I - 1.0m drive extension, 1.0m drive extension, East boundary line 1.0m from Stone House Farm gate. Existing fence line and rail.
- J - 1.0m drive extension, 1.0m drive extension, East boundary line 1.0m from Stone House Farm gate. Existing fence line and rail.
- K - 1.0m drive extension, 1.0m drive extension, East boundary line 1.0m from Stone House Farm gate. Existing fence line and rail.
- L - 1.0m drive extension, 1.0m drive extension, East boundary line 1.0m from Stone House Farm gate. Existing fence line and rail.
- M - 1.0m drive extension, 1.0m drive extension, East boundary line 1.0m from Stone House Farm gate. Existing fence line and rail.

#### Client:

Anvil Homes Ltd

#### Project:

Stonehouse Farm  
Proposed Sno Dwellings

#### Dwg Title:

Proposed Site Plan

Drawn by: Michael Huston

Status - Planning - Not for Construction

Scale - 1:200 @ A1

Dwg No. - HUB333 PS.03

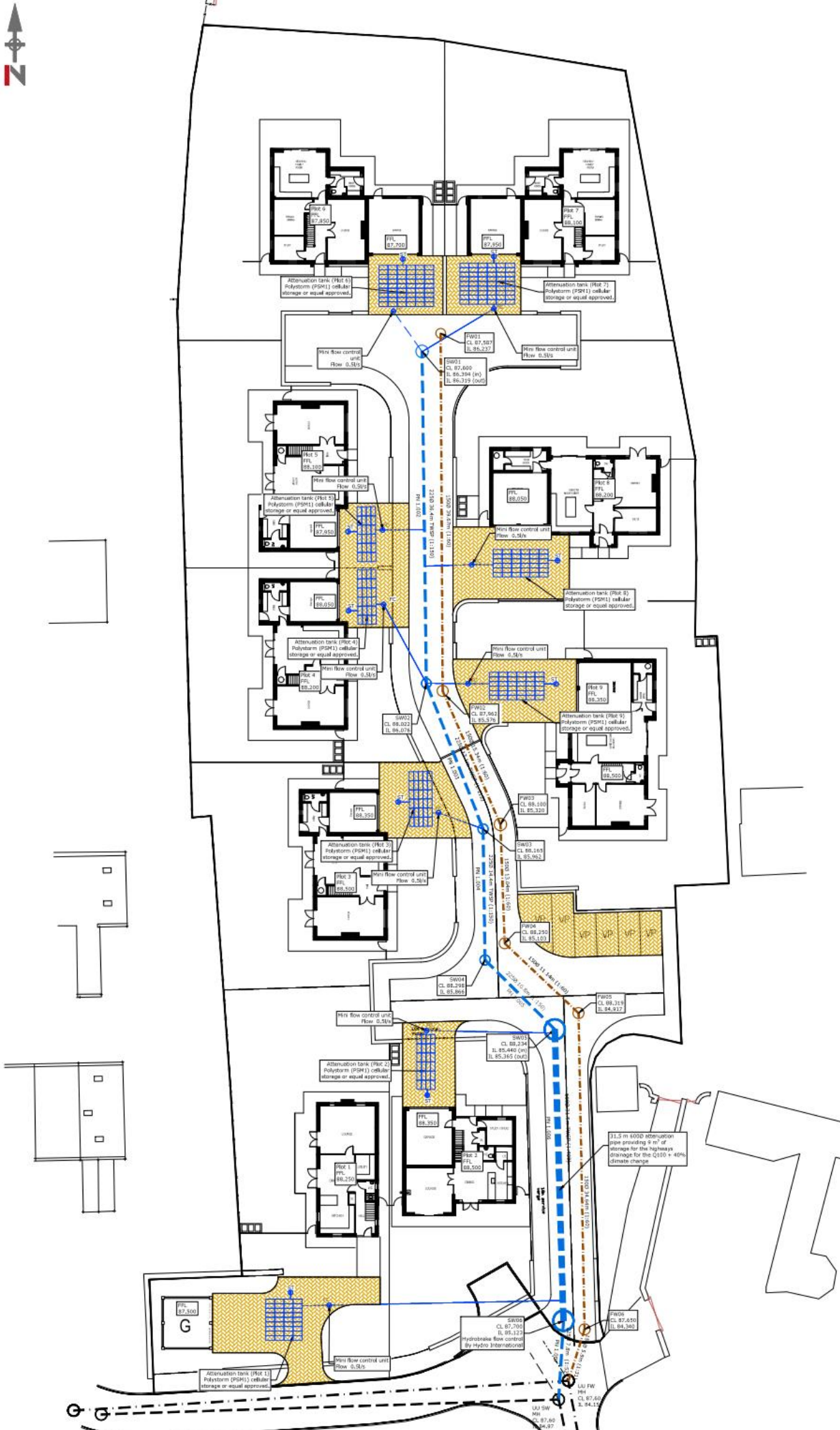
#### Date:

Rev: M

Michael Huston MSc  
Hub Architecture Ltd  
Registered Architect and Planner  
Company No. 1050000  
VAT No. 255 555 555  
www.hubarchitecture.co.uk







**RG PARKINS**

Scale: A1	First Issue: 14/04/23	Office of Origin: Special
Drawn by: RM	Checked by: RM	Approved: RM
Project No: K38187	Drawing No: 100	Rev: 1
Client: Anvil Homes Ltd	Project: Stonehouse Farm, Haydon	Proposed Drainage Layout
Drawn by: RM	Checked by: Approved	Design Title: Planning
Drawn by: RM	Checked by: Approved	Design Title: Planning

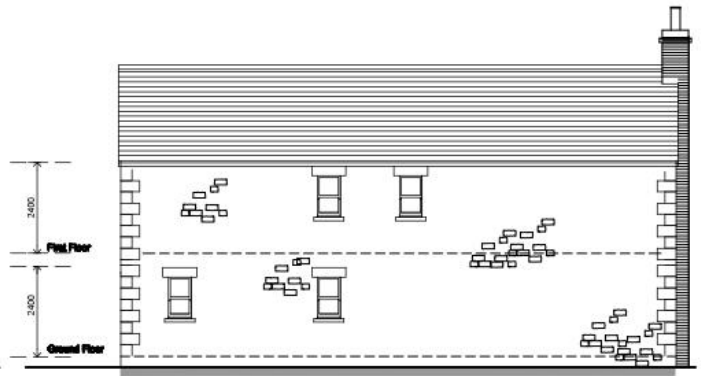
**KEY:**

- Proposed adopted surface water sewer
- Proposed adopted foul water sewer
- Existing Public Surface water sewer
- Existing Public Foul water sewer
- Geocellular attenuation tanks with unknown all time and downstream river flow control of retention
- Proposed Type B (treated effluent) retention tanks with all time and downstream river flow control of retention





WEST ELEVATION

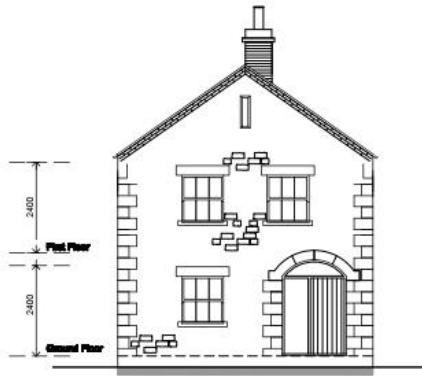


EAST ELEVATION

0m 10m



NORTH  
ELEVATION



SOUTH  
ELEVATION

**Schedule of Materials:**

Walls:  
Reclaimed stone quoins  
Reclaimed random rubble stone

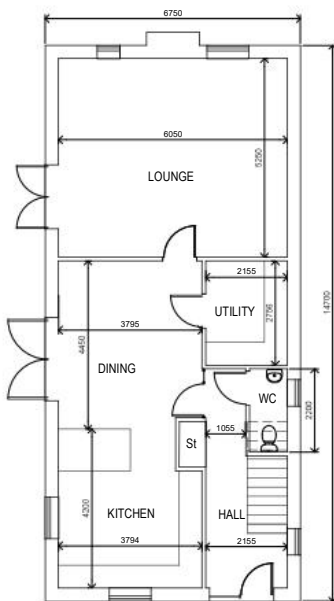
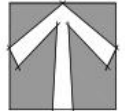
Chimneys:  
Reclaimed bricks

Rainwater Goods:  
Cast iron effect, colour black  
Brett Martin Cascade range

Roof Finish:  
Natural Grey Slate  
Clay angled ridge tiles  
Stone water tabling

Windows:  
Timber Double Glazed Mock  
Sliding Sash, art. stone heads and  
cills

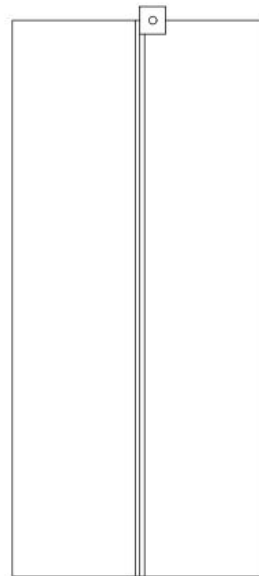
NORTH



PLOT 1 912 sqft GF  
Ground Floor 84.7 sqm GF



PLOT 1 912 sqft GF  
First Floor 84.7 sqm GF



PLOT 1  
Roof Plan



Revisions:  
A - type remodel as directed  
B - heads, cills, jambs description amended

Client:

Anvil Homes Ltd

Project:

Stonehouse Farm  
Proposed 9no Dwellings

Dwg Title:

Plot 1 Dwelling

Copyright Hub Architecture Ltd

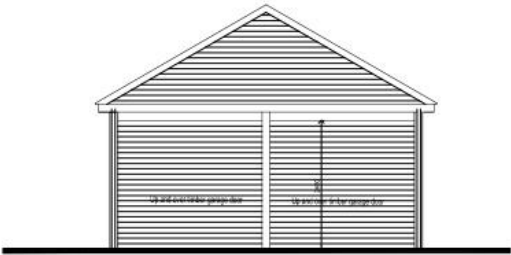
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Scale - 1:100 @ A2 Dwg No. - HUB333.PS.05

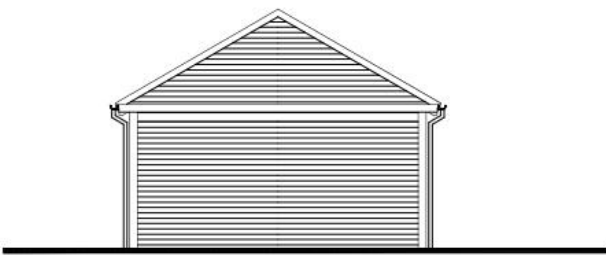
Date:

Rev: B

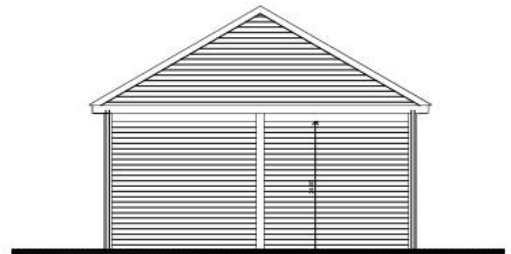




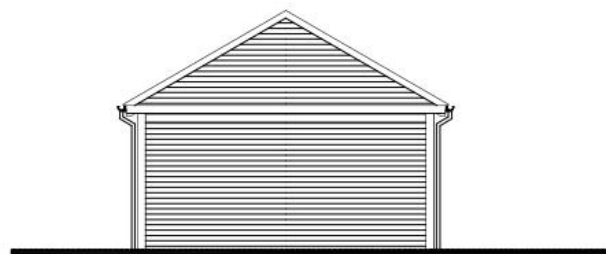
FRONT (EAST) ELEVATION



SIDE (SOUTH) ELEVATION



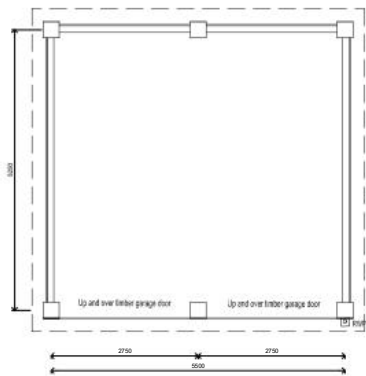
REAR (WEST) ELEVATION



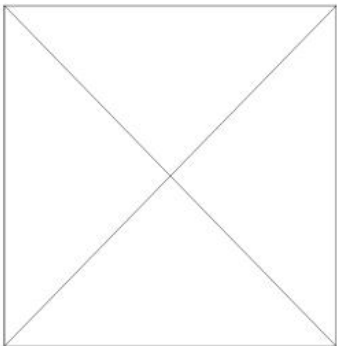
SIDE (NORTH) ELEVATION



WALLS - OAK CLAD  
ROOF - NATURAL SLATE  
RAINWATER GOODS - BRETT MARTIN MOCK IRON  
CAST IRON ROUND AND HALF ROUND



FLOOR PLAN



ROOF PLAN



Revisions:

A - garage size reduced

Client:

Anvil Homes Ltd

Project:  
Stonehouse Farm  
Proposed 5no Dwellings

Dwg Title:

Plot 1 Garage

Drawn by: Anvil Homes Ltd

Status - Planning - Not for Construction

Scale - 1:50 @ A1 Dwg No. - HUB333 PS.04

Date: Rev: A

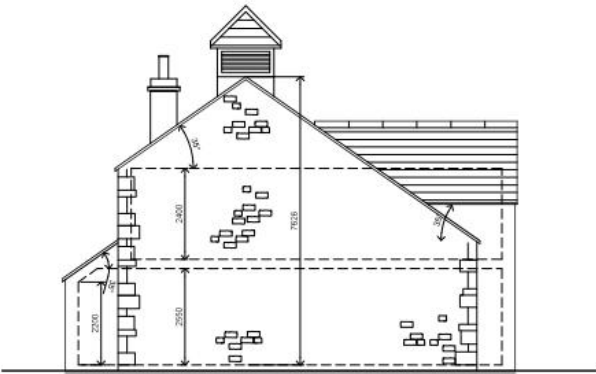
Michael R. Huston MCST  
Hub Architecture Ltd  
Registered in England and Wales  
Company No. 1062000  
VAT No. 255 554 554  
email: info@hubarchitecture.co.uk  
website: www.hubarchitecture.co.uk



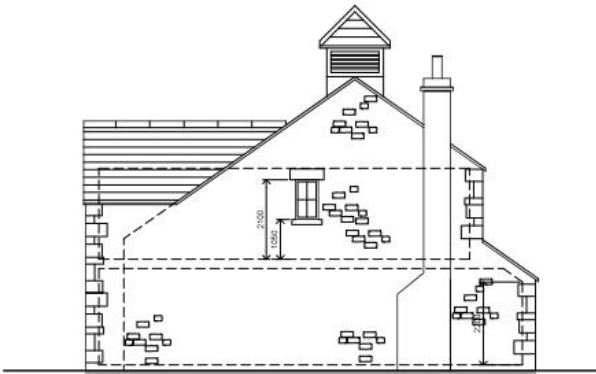




NORTH ELEVATION



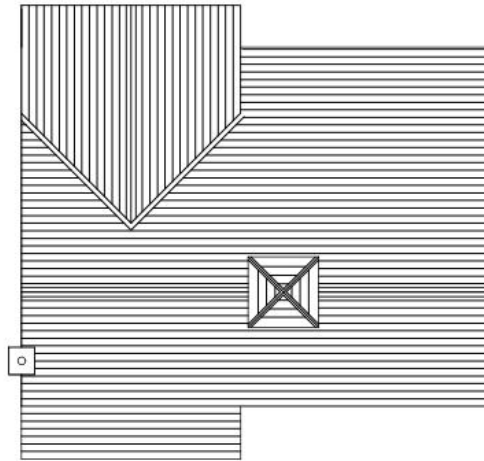
EAST ELEVATION



WEST ELEVATION

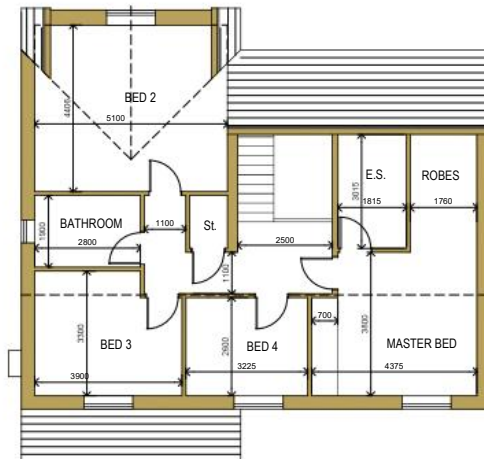


SOUTH ELEVATION



PLOT 2  
Roof Plan

0m 10m



PLOT 2 919 sqft GF  
First Floor 85.4 sqm GF ex stair void



PLOT 2 877 sqft GF  
Ground Floor 81.5 sqm GF ex garage

**Schedule of Materials:**

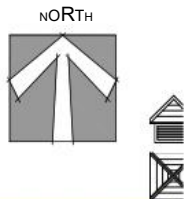
Walls:  
Reclaimed stone quoins  
Reclaimed random rubble stone

Chimneys:  
Reclaimed bricks

Rainwater Goods:  
Cast iron effect, colour black  
Brett Martin Cascade range

Roof Finish:  
Natural Grey Slate  
Clay angled ridge tiles  
Stone water tabling

Windows:  
Timber Double Glazed Mock  
Sliding Sash, art. stone heads and  
cills



Revisions:  
B - Client amends to roof & lounge  
C - heads, cills, jambs description amended  
D - dovetail added  
E - fenestration, dove cote amended, chimney added

Client:

Anvil Homes Ltd

Project:

Stonehouse Farm  
Proposed 9no Dwellings

Dwg Title:

Plot 2 Dwelling

Copyright Hub Architecture Ltd

Status - Planning - Not for Construction

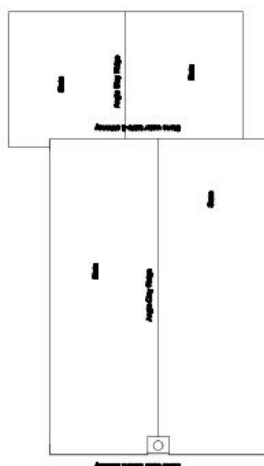
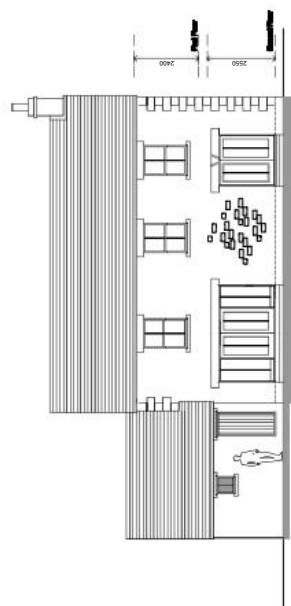
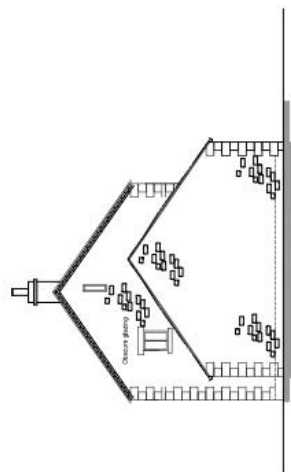
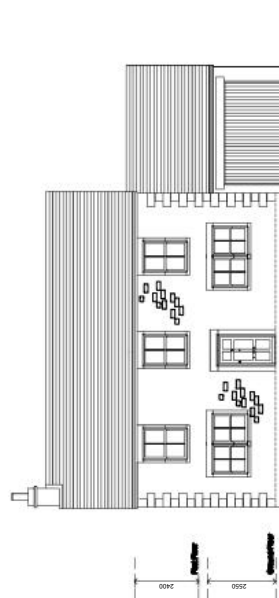
Scale - 1:100 @ A1

Dwg No. - HUB333.PS.06

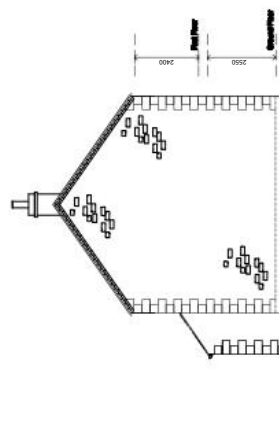
Date:

Rev: E

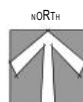


Type B1 Plot 3  
Roof Plan 1:100Type B1 Plot 3  
First FloorType B1 Plot 3  
Ground FloorRear Elevation  
Type 'B' Plot 3Cable Elevation  
Type 'B1' Plot 3

Front Elevation  
Type 'B1' Plot 3



**Gable Elevation  
Type 'B1' Plot 3**



Abstracts are available for the following topics:

**Architect**  
Ansell Horne Ltd  
**Project**  
Storehouse Farm  
**Proposed Two Dwellings**

Schools of the Middle West

**Yalls:**  
reclaimed stone quartz  
colorized random rubble stone

**Terrazzo:**  
reclaimed bricks

**Reinforced Concrete:**  
concrete  
and iron rebar; color black

**Roofing:**  
Forest Green Cascade range

**Wood Finish:**  
natural Grey, Slate  
gray applied ridge ribs  
to hide water leading

**Trimwork:**  
renew Double Glazed Wood  
sliding Sash art, stone heads and







**Schedule of Materials:**

**Walls:**  
Medallion stone quins  
Decorated random rubble stone

**Chimneys:**  
Medallion stone

**Bar-water Closets:**  
Black Cast iron effect, colour black

**Booth Marker:** Concrete rings

**Boat Porth:**  
49441 Grey 3410  
Day angled ridge tiles

**Windows:**  
Inlet Double Glazed Mock  
Decorated South, art stone heads and



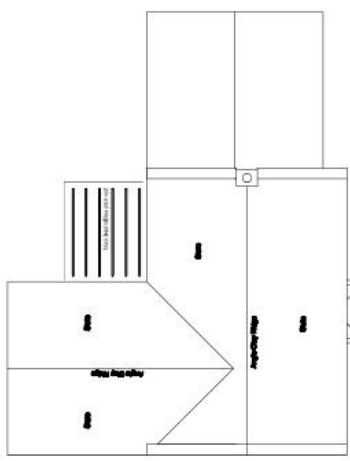
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Plot 5

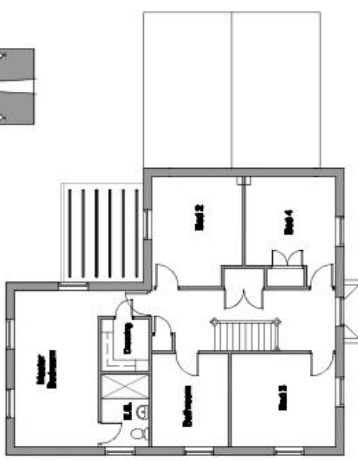


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Type A2 Plot 6



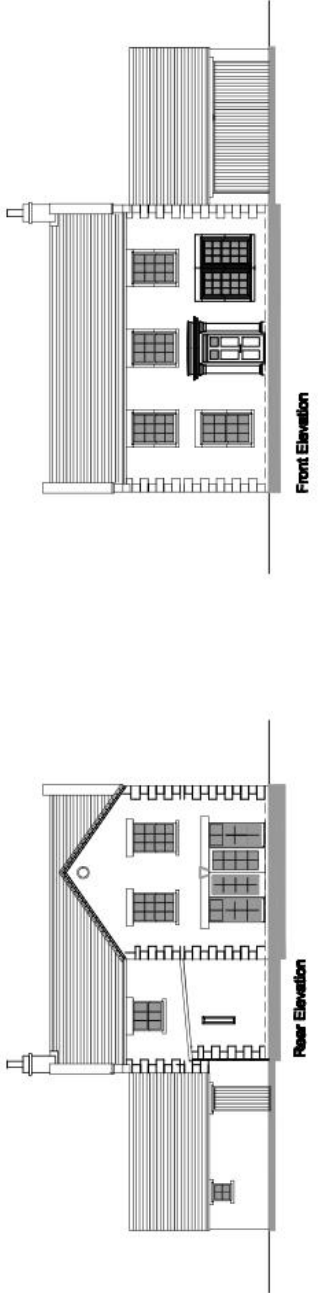
Type 'A2' Plot 6  
Roof Plan  
1:500



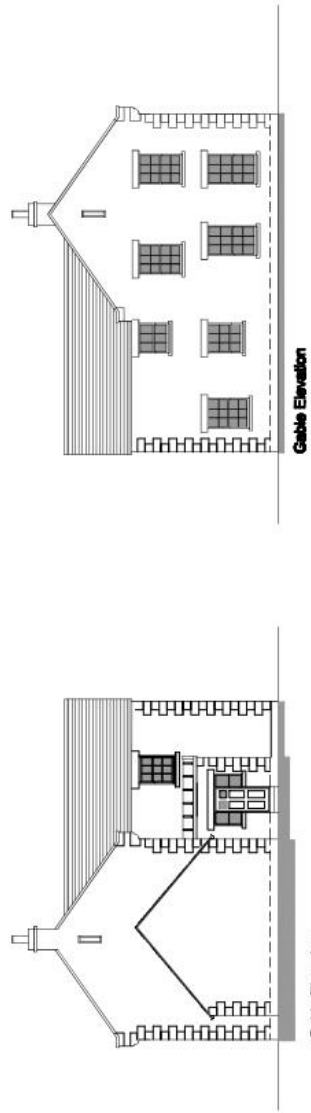
Type 'A2' Plot 6  
First Floor  
1:500



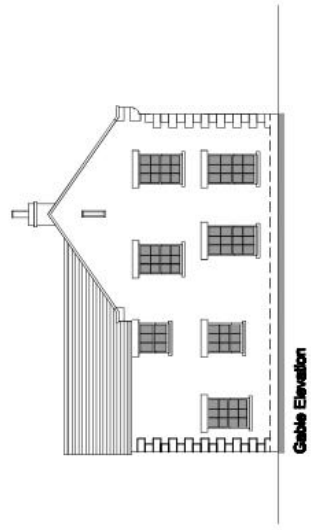
Type 'A2' Plot 6  
Ground Floor  
23rd 231 Sept 16 gsmg  
1:500



Front Elevation



Rear Elevation



Gable Elevation

- Schedule of Materials:
- Roofs: Asphalt / concrete, stone, slate
  - Roofing: Asphalt / concrete, stone, slate
  - Chimneys: Brick, stone, slate
  - Windows: UPVC, timber, aluminium
  - Doors: UPVC, timber, aluminium
  - External walls: Render, brick, stone, slate
  - Internal walls: Plaster, brick, stone, slate
  - Floors: Carpet, tile, wood, stone, slate
  - Roof: Asphalt / concrete, stone, slate
  - Chimneys: Brick, stone, slate
  - Windows: UPVC, timber, aluminium
  - Doors: UPVC, timber, aluminium
  - External walls: Render, brick, stone, slate
  - Internal walls: Plaster, brick, stone, slate
  - Floors: Carpet, tile, wood, stone, slate



Client: Anvil Homes Ltd  
Project: Stonehouse Farm  
Proposed No Dwellings  
Date: 10/01/16  
Drawn: 10/01/16  
Check: 10/01/16  
Scale: 1:500  
Sheet: 1 of 1  
Page: 61 of 284

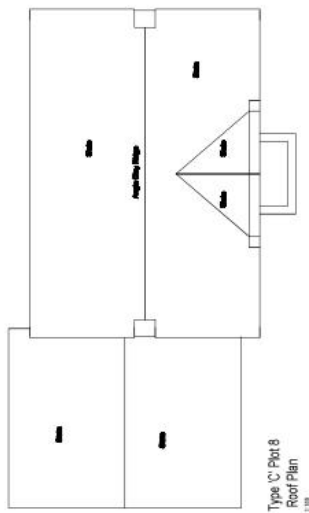




<b>Schedule of Materials:</b>	
<b>Unit:</b>	
Redwood stone veneer	
Redwood neocom rubble stone	
<b>Chimney:</b>	
Redwood bricks	
<b>Roaster/Grill:</b>	
Black cast iron effort, colour black	
Red Martin Cast-iron range	
<b>Bed Finish:</b>	
Colour of Grey slate	
Cherry maple ingrain pine	
White oak wall paneling	
Light grey most best wall not to lobby	
<b>Windows:</b>	
Timber Double Glazed maple sliding	
Timber wall, stone beams and tiles	



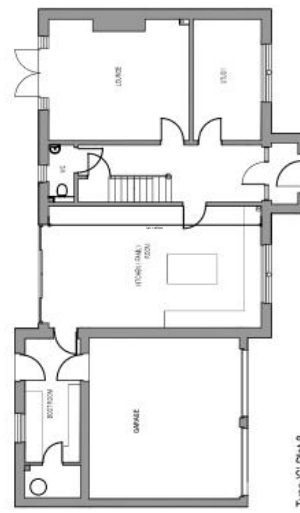
## Type A2 (handed) Plot 7



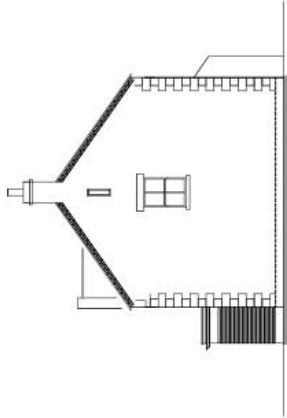
Type 'C' Plot 8  
Roof Plan  
1/16"



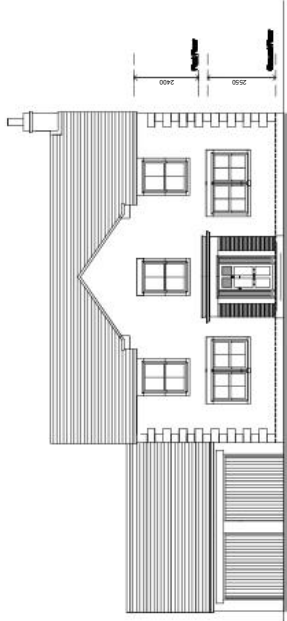
Type 'C' Plot 8  
First Floor  
1/16"



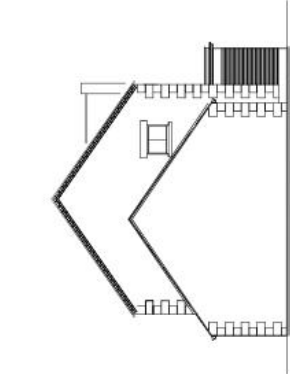
Type 'C' Plot 8  
Ground Floor  
1/16"



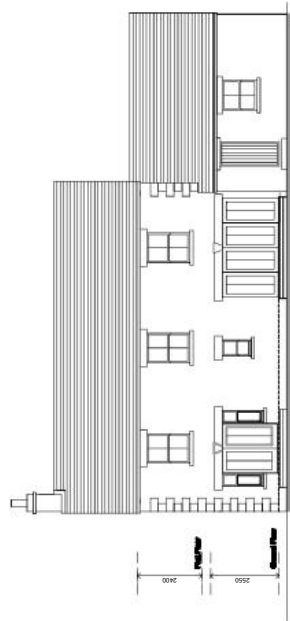
Gable Elevation  
Type 'C' Plot 8



Front Elevation  
Type 'C' Plot 8



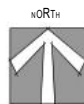
Gable Elevation  
Type 'C' Plot 8



Rear Elevation  
Type 'C' Plot 8

- Schedule of Materials:**
- Walls:
    - Insulated stone veneer
    - Insulated stone veneer
    - Insulated stone veneer
    - Insulated stone veneer
  - Chimneys:
    - Insulated stone veneer
    - Insulated stone veneer
    - Insulated stone veneer
    - Insulated stone veneer
  - Roof:
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles
  - Windows:
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles
  - Doors:
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles

## Type C - Plot 8



**Project:** Stonehouse Farm  
**Proposed New Outings**  
**Client:** Acorn Springs, Ltd.  
**Architect:** Michael Huston  
**Design:** 1/16" (6/11)  
**Date:** 1/16/11  
**Drawn by:** Michael Huston  
**Checked by:** Michael Huston  
**Scale:** 1/16" (6/11)  
**Sheet:** C-1  
**Drawn by:** Michael Huston  
**Checked by:** Michael Huston  
**Scale:** 1/16" (6/11)  
**Sheet:** C-1





Schedule of Materials	
Walls	
Redwood stone gables	
Redwood random rubble stone	
Redwood brick porch	
Chimney	
Redwood bricks	
Flammable Goods	
Black oil with no effluent, colorless black	
Black flamm. Canada range	
Roof Truss	
Redwood	
Shingles	
Gray asphalt ridge tiles	
Windows	
Double Glazed in oak	
Double Glazed in oak, steel heads and	



## Type C Special - Plot 9



**References**

Client:	Arnold Hill
Project:	Stonehenge
Proposed:	Proposed

Drug title:   
 Plot 9 C   
 Type C 9

Status - Planung - Not für Konstruktion Datum: 1.10.01 Rev: 1	Drawn by: Checked by: Eng. No.: Rev: 1
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Journal of Internal Medicine 255: 105–114



## SCHEDULE A: Applications with Recommendation

21/0641

Item No: 02

Date of Committee: 14/01/2022

**Appn Ref No:**  
21/0641

**Applicant:**  
Mr & Mrs Taylor-Smith

**Parish:**  
Hethersgill

**Agent:**  
Sam Fletcher Architect

**Ward:**  
Longtown & the Border

**Location:** Yew House, Sikeside, Kirklington, Carlisle, CA6 6DR

**Proposal:** Change Of Use Of Garage And Part First Floor To Form Holiday Let

**Date of Receipt:**  
30/06/2021

**Statutory Expiry Date**  
25/08/2021

**26 Week Determination**

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### REPORT

**Case Officer:** John Hiscox

The application was deferred at the Development Control Committee meeting on the 3rd December 2021 in order to undertake a site visit.

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether the development principle is acceptable
- 2.2 Design/visual/heritage impacts
- 2.3 Impacts on others' amenity
- 2.4 Road user safety

#### 3. Application Details

##### The Site

- 3.1 The application relates to Yew House, a semi-detached residence resulting from a barn conversion that took place approximately 30 years ago. The dwelling adjoins Alder House (resulting from the same overall conversion). This pair of dwellings was formed from former farm buildings serving what was Sikeside, but which is now called Copper Beeches. Copper Beeches is a Grade II listed building. Yew House is not listed by association with Copper Beeches.

- 3.2 Within the small cluster at Sikeside, which is an isolated former farmstead within the parish of Hethersgill, a further dwelling exists within the Grade II listed former Quaker meeting house, now known as Dun Quakin.
- 3.3 The 'hamlet' of Sikeside totals 4 dwellings, and although no agricultural operations persist within any buildings there, it is situated in a fully rural location surrounded by agricultural fields.
- 3.4 Yew House consists of a main section and a secondary section connected by a link (augmented further to planning permission in 1999 as listed in planning history). It is the secondary section, which is currently a garage with bedrooms over reached via an internal stair, that is the subject of this application.
- 3.5 It may be noted that Yew House has both a front and rear garden, and ample parking via a driveway for at least 3 private vehicles.

## **Background**

- 3.6 There is no background information to present at this point in the planning report.

## **The Proposal**

- 3.7 The aforementioned secondary linked section would be converted to a unit of holiday accommodation. This would involve mainly alterations to the ground floor section, adding an independent access door, a kitchen, sitting room, w/c and cloakroom. The upper floor would remain as it is now (essentially two bedrooms and a wetroom). Users of the unit would have access to a small amenity area to the rear which would also be home to a hot tub. Parking would be within the existing frontage curtilage.

## **4. Summary of Representations**

- 4.1 The application has been advertised by way of a site notice, a notice in the press and neighbour letters sent to 3 properties. In response, five letters of representation have been received in objection to the application, and one in comment.
- 4.2 A summary of the reasons stated in the letters of objection, which are relevant to the planning application, is as follows:
- (i) application does not accurately reflect the co-joined nature of Yew House with its immediate neighbour, Alder House
  - (ii) proposals would give rise to a self-contained unit of accommodation, effectively increasing the number of dwellings at the locus to 5 from 4
  - (iii) adding separate unit would add to burden of existing septic tank, which is shared by Yew House and Alder House
  - (iv) use and management of hot tub associated with unit could give rise to

- (v) adverse environmental impacts and/or impact on the current drainage system
- (vi) adverse impact on neighbouring residential amenity from noise arising from development/visitation by non-residents - location of hot tub close to property boundary is specifically mentioned
- (vii) potential development impacts on local natural environment
- (viii) likely significant increase in terms of vehicular traffic which, due to two-bedroomed nature, is unlikely to be mainly cyclists as indicated in the supporting information
- (ix) intention to use the volume within the existing dwelling as a holiday unit has caused the owners to erect a detached shed elsewhere for storage, which impacts on amenity and heritage setting at Sikeside
- (x) planning statement makes no reference to arrangements for disposal of waste generated by the business
- (xi) potential danger to dog walkers, cyclists and horse riders using the narrow lanes nearby due to additional visiting vehicles - previous rejection of application at Rigg Head cited
- (xii) introduction of a commercial element will have a degrading and detrimental effect on the historical setting of Sikeside, which includes 2 listed buildings, and disrupt its unique character
- (xiii) damage to jointly owned nearby property arising from manoeuvring of visitor vehicles
- (xiv) ample other tourism accommodation already exists in the wider area - need for the development questioned
- (xv) accommodation not within prime tourist area - not close to Hadrian's Wall, Lake District and other well known tourist attractions
- (xvi) development unlikely to give rise to significant support for local companies relying on tourism
- (xvii) development could set precedent for other similar developments in the locality

4.3 Although it is not strictly a matter for planning, the issue of a covenant that may affect the property/proposals has been drawn to the attention of officers. This advises in relation to matters of legal entitlement. Such matters do not directly align with planning process and should therefore not prevent a planning recommendation being made.

4.4 A summary of the matters raised in the letter of comment is as follows:

- (xvii) increase in traffic and noise on single track country roads with many blind bends and passing places
- (xviii) citing Cycle Route 10 as using this accommodation is questionable as they would be arriving on cycles with no facilities/shops within miles
- (xvix) oversupply of holiday lets being created in the rural area
- (xx) development could set precedent for other similar developments in the locality

## 5. Summary of Consultation Responses

**Hethersgill Parish Council:** - Has no objection to the specific details of the application, however, the trend for allowing permissions for holiday lets in rural areas, when low cost housing is sorely needed, is a cause for concern that

they would like noted.

**The Ramblers:** - No response.

**Cumbria County Council - (Highway Authority - Footpaths):** - Advises of presence of public rights of way nearby and the requirement not to obstruct them in relation to the development proposal.

**Historic England - North West Office:** - No comment.

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

6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.

6.2 The proposed development requires to be assessed against the National Planning Policy Framework (2019 - as amended in July 2021) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.4 below.

6.3 The main issues, as listed earlier in the report, are as follows:

- (i) Whether the development principle is acceptable
- (ii) Design/visual/heritage impacts
- (iii) Impacts on others' amenity
- (iv) Road user safety

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

Policy SP 1 - Sustainable Development  
Policy SP 2 - Strategic Growth and Distribution  
Policy SP 6 - Securing Good Design  
Policy GI 5 - Public Rights of Way  
Policy IP 2 - Transport and Development  
Policy IP 3 - Parking Provision  
Policy HE 3 - Listed Buildings  
Policy EC 11 - Rural Diversification

6.5 Furthermore, the most relevant paragraphs from the NPPF of specific relevance to this development would be as follows:

### **Paragraph 84**

6.6 Planning Policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural



- areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

### **Paragraph 195**

- 6.7 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.

### **Applicants' Supporting Information**

#### *Heritage and Planning Statement (Sam Fletcher Architect):*

- 6.8 A summary of the highlights of this supporting document is as follows:
- describes components/elements of Yew House (advises 5-bedroomed) as existing
  - confirms neighbouring property to be Grade II listed (states 'Sikeside', but this is known to be called 'Copper Beeches')
  - summarises significance of adjacent listed building
  - briefly describes proposed alterations and mentions proximity of national cycle route no. 10
  - summarises potential impacts on adjacent listed building
  - provides level of justification in the end summary
  - includes copy of Historic England list description for Copper Beeches (stated as Sikeside)

#### *Letter submitted by applicant (published on Carlisle City Council website on 20.9.21):*

- 6.9 The letter is intended to address matters raised in representations by third parties. A summary of the matters covered, which are relevant to planning, is as follows:
- (i) applicants' wish is that the private, safe, tranquil and secure setting remains that way even when clients are staying in the holiday let
  - (ii) applicants' intend to source appropriate materials to preserve character at Sikeside
  - (iii) willow fence to be erected to rear of unit to ensure privacy is maintained for all parties

- (iv) management of behaviour of clients, for example in relation to finishing outside activity (such as hot tub) likely/possible due to proximity of owners to unit
- (v) traffic generated would not exceed potential traffic generated by the 5-bedroomed dwelling
- (vi) acknowledges that users would probably arrive by car (even if intention is to use nearby cycle network)
- (vii) not much holiday accommodation in the local area
- (viii) Hadrian's Wall within cycling distance and lots of footpaths and cycle routes nearby
- (ix) addition of holiday unit would help support local businesses such as grocers' and hostelrys
- (x) development is reversible
- (xi) development would not significantly impact on usage of shared septic tank facility - similar level of use anticipated by comparison to existing dwelling
- (xii) hot tub already in existence and utilised by applicants
- (xiii) hot tub emptied to soakaway at bottom of garden (weekly at most)
- (xiv) no intention to harm biodiversity (intention to improve it over time)
- (xv) separate development of shed now subject of planning application and mitigation being undertaken
- (xvi) drivers using development likely to be more cautious around local road network than people who know the network
- (xvii) passing places exist locally even if they are only field entrances and enable applicants to pass with no problems
- (xviii) no impact on public footpaths crossing the property.

## Assessment

### Whether the development principle is acceptable:

6.10 The most pertinent policy of the Local Plan in this respect is EC 11, supported by SP 2. The Policies are the most pertinent because no policies within the Plan are specifically relevant to this type of development, in this scenario. Paragraph 84 of the NPPF as stated above is also relevant to the development principle.

6.11 **Policy EC 11** states:

*"Development proposals to diversify and expand upon the range of sustainable economic activities undertaken in rural areas will be supported and encouraged both through the conversion of existing buildings and well designed new buildings. Any new building must be well related to an existing group of buildings to minimise its impact and blend satisfactorily into the landscape through the use of suitable materials, design and siting.*

*Proposals must:*

1. *be compatible with their existing rural setting;*
2. *be in keeping, in terms of scale and character, with the surrounding landscape and buildings;*

3. *include adequate access and car parking arrangements; and*
4. *not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network."*

- 6.12 The relevant application of SP 2 relates to principle 8, which requires that within the open countryside, development will be assessed against the need to be in the location specified.
- 6.13 In considering the application in the context of these policies and in the light of Paragraph 84 of the NPPF, the proposals are deemed to be acceptable because:
- the proposal constitutes a degree of rural diversification
  - the nature and scale of the development proposed would be in-keeping with the rural setting, local landscape and existing buildings
  - adequate car parking arrangements are available
  - the development would not promote more traffic movement than if the overall dwelling were more fully occupied
  - any 'need' associated with the development may be superfluous because the building is where it is and conversion/change of use only would occur (no new-build)
- 6.14 Notably, the existing five-bedroomed dwelling could be occupied by a family (no limitation on number of persons living together as a bona fide family unit) or by 6 persons individually living together in the context of a House in Multiple Occupation, or up to 6 persons resident if the property would be operated as a Bed and Breakfast (including the permanent residents). The intended use as a residence with two of the bedrooms occupied by holidaymakers would not be likely to result in a significant deviation from that total.
- 6.15 There is no separate fundamental policy reason why small units providing holiday accommodation cannot be provided within rural locations such as Sikeside. The Covid-19 pandemic has changed patterns of holiday making for UK residents so that more opportunities to take breaks within the UK are desired and thereby required, and if proportionate and appropriate sites are available, support should be given in a rural diversification context, unless other factors relating to applications deem otherwise and are overriding.
- 6.16 Having regard to these matters there is no fundamental reason to oppose the development principle in terms of Policies EC 11, SP 2 and the NPPF.

*Design/visual/heritage impacts:*

- 6.17 Changes to the existing buildings would be negligible in terms of physical alterations. Replacing the existing garage door with a door and window would have no discernible effect on the building or its locus, including heritage settings. Changes to the rear would not be visible because they would be within an enclosed rear garden in a secluded location. The application would therefore accord with Policies SP 6 and HE 3. It would also accord with Paragraph 195 of the NPPF.

Impact on others' amenity:

- 6.18 Objectors have stated that the introduction of a holiday unit would be incompatible with the residential character of the locale at Sikeside. The existing scenario is purely residential with none of the four properties engaged in agriculture and seemingly no other business uses occurring.
- 6.19 The placement of a hot tub close to the boundary with Copper Beeches, and visible from Alder House, is a specific concern being raised.
- 6.20 These are valid concerns, but factors regarding the development relating to (i) its small scale; and (ii) its creation within existing volume of a large dwelling would be relevant here. It is highly unlikely that visitations to Sikeside by up to four persons staying within the proposed unit would have significant adverse impact on the private amenity of neighbours, especially as the operators are resident within Yew House, which is immediately adjacent. This would enable the unit to be managed, if necessary, from very close by to ensure it is occupied appropriately and users are not taking liberties by, for example, being noisy or carrying on disruptive activities beyond reasonable hours.
- 6.21 With regard to the hot tub, this is already in situ and is used by the current occupiers of Yew House. It is accepted that it is close to the boundary with Copper Beeches, but a substantial stone wall separates the properties, and the location is not so close to habitable accommodation that it would be an overriding concern.
- 6.22 However, it is recognised that there is tension locally regarding potential impacts on the residential setting, character and activity at Sikeside as a whole. For this reason, although it is accepted that the development could co-exist harmoniously with existing residences adjacent, a helpful addition could be a management plan, which could be required by condition if planning permission is granted, to ensure that operators and users of the development abide by a set of principles intended to minimise impacts on neighbours.
- 6.23 The inclusion of a condition of this nature would add certainty in relation to control of the development, via which it would be able to accord with Policies EC 11 and SP 6 of the Local Plan. It would also be transferable to future owners/operators.

Road user safety:

- 6.24 Sikeside is approached via a network of secondary and unclassified public roads, until it reaches the long, shared, private drive to the cluster of dwellings. It is therefore valid to question whether it has the capacity to accommodate traffic associated with the introduction of a holiday unit.
- 6.25 Reference is made earlier in this report to other potential ways in which Yew House could be occupied (B & B, HMO, extended family home). The proposed development does not propose to increase habitable volume, and

although it would generate visitor vehicles, the number of persons using the property would be unlikely to increase by comparison to those other uses, by the introduction of this use.

- 6.26 It is therefore concluded that there would be no discernible difference regarding usage of the local road network as a result of this development.
- 6.27 Yew House has ample parking availability within its frontage for at least 4 domestic vehicles and potential within its grounds to provide additional space if required. This could be done under permitted development allowances.
- 6.28 With regard to road safety and parking provision, the application is therefore considered to be in accord with Policies IP 2 and IP 3 of the Local Plan.

## **Conclusion**

- 6.29 The application would give rise to a small unit of holiday accommodation within the existing fabric of a five-bedroomed dwelling within a small rural cluster of residences where there are currently no business activities. It would be operated/overseen by the applicants who reside in the main house and can therefore manage activities of users to limit potential private amenity impacts. A management plan would go a long way to ensuring that management obligations would be transferable.
- 6.30 The proposals would not give rise to significant concerns relating to road safety due to the likely negligible increase on traffic movement in the locality, and would have no impact on the setting of nearby listed buildings because the only physical alterations relate to replacement of a garage door with a window and pedestrian door.
- 6.31 There is a need nationally for opportunities to provide appropriately located, designed and scaled tourism accommodation which has resulted from changes in holidaymaker movement/ambitions in response to the pandemic.
- 6.32 By virtue of its scale in relation to the existing dwelling, the fact that it re-uses existing residential volume as opposed to promoting additional volume, and the likelihood that it would not promote a discordant level of change to the residential nature of Sikeside as a whole, the use/principle is considered to be compatible and to accord with Policies EC 11 and SP 6.
- 6.33 It is therefore recommended that planning permission is granted for the development as proposed.

## **Note regarding drainage**

- 6.34 Concerns relating to the potential impact on an existing shared septic tank serving Yew House and Alder House have been discussed with the Building Control Service. It has been confirmed that the level of usage would be unlikely to change and that although Building Regulations approval is required for the alterations to the building, in Building Regulations terms it is not significant and would not be under scrutiny, as long as it is demonstrated

that foul drainage will be connected to an existing operational system.

- 6.35 The capacity of the joint septic tank is not a matter for planning in the context of this planning application, because no additional volume is proposed and it would require only for the unit to be plumbed into the existing system. The capacity and condition of the septic tank, in this context, is a matter that would have to be resolved between the co-owners (co-users). In any event, usage as a result of the development would be comparable with potential usage prior to the development, and is not a matter that should influence the planning position, in this specific scenario.

## **7. Planning History**

- 7.1 A current application ref. 21/0783, related to the property but within a nearby field/paddock, is currently under consideration. It relates to the erection of a storage shed, the application having been submitted in retrospect. At this time, although the application has not been amended, it is understood that the position of the shed may be changed.
- 7.2 In 1999, under ref. 99/0160, planning permission was granted for the extension of a hallway to be used as playroom.
- 7.3 In 1989, under ref. 89/0842, planning permission was granted for the conversion of an existing barn to a dwelling. This application superseded an earlier planning permission with the same description under ref. 89/0237.

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

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.  
  
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form;
  2. the Heritage and Planning Statement (Sam Fletcher Architect) received on 29 June 2021;
  3. drawing ref. 240-01 'Location and Block Plan', received on 24 June 2021;
  4. drawing ref. 240-02 'Ground Floor Plan as Existing', received on 24 June 2021;
  5. drawing ref. 240-03 'First Floor and Roof Plan as Existing', received

on 24 June 2021;

6. drawing ref. 240-04 'Elevations as Existing', received on 24 June 2021;
7. drawing ref. 240-05 'Ground Floor Plan as Proposed', received on 24 June 2021;
8. drawing ref. 240-06 'First Floor and Roof Plan as Proposed', received on 24 June 2021;
9. Drawing ref. 240-07 'Elevations as Proposed', received on 24 June 2021;
10. the Notice of Decision;
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The unit of tourism accommodation as described in the planning permission shall be occupied only by bona fide holidaymakers, shall not be occupied for more than 4 successive weeks by any individual or group, and any such individual or group shall not occupy the unit as otherwise specified for more than 13 weeks in any calendar year.

**Reason:** To ensure that the development accords with Policy EC 10 of the Carlisle District Local Plan 2015-2030, which only offers support for bona fide tourism developments and not for permanent residential accommodation.

4. The development/use hereby permitted shall be restricted to self-catering tourist accommodation only and shall not be occupied as permanent residential accommodation either independently or in association with the planning unit within which it is situated.

**Reason:** To ensure that the development accords with Policy EC 10 of the Carlisle District Local Plan 2015-2030, which only offers support for bona fide tourism developments and not for permanent residential accommodation.

5. Prior to the first occupation of the unit of holiday accommodation hereby approved, a management plan relating to the operation of the holiday unit, focussing on minimisation of disruption to private amenity of neighbouring residents, shall be submitted to, and approved in writing by the local planning authority. The development shall at all times thereafter be operated in strict accordance with the principles and specific actions agreed within the management plan.

**Reason:** To preserve the private amenity of adjacent occupiers, and to

accord with Policies SP 6 and EC 11 of the Carlisle District  
Local Plan 2015-2030.

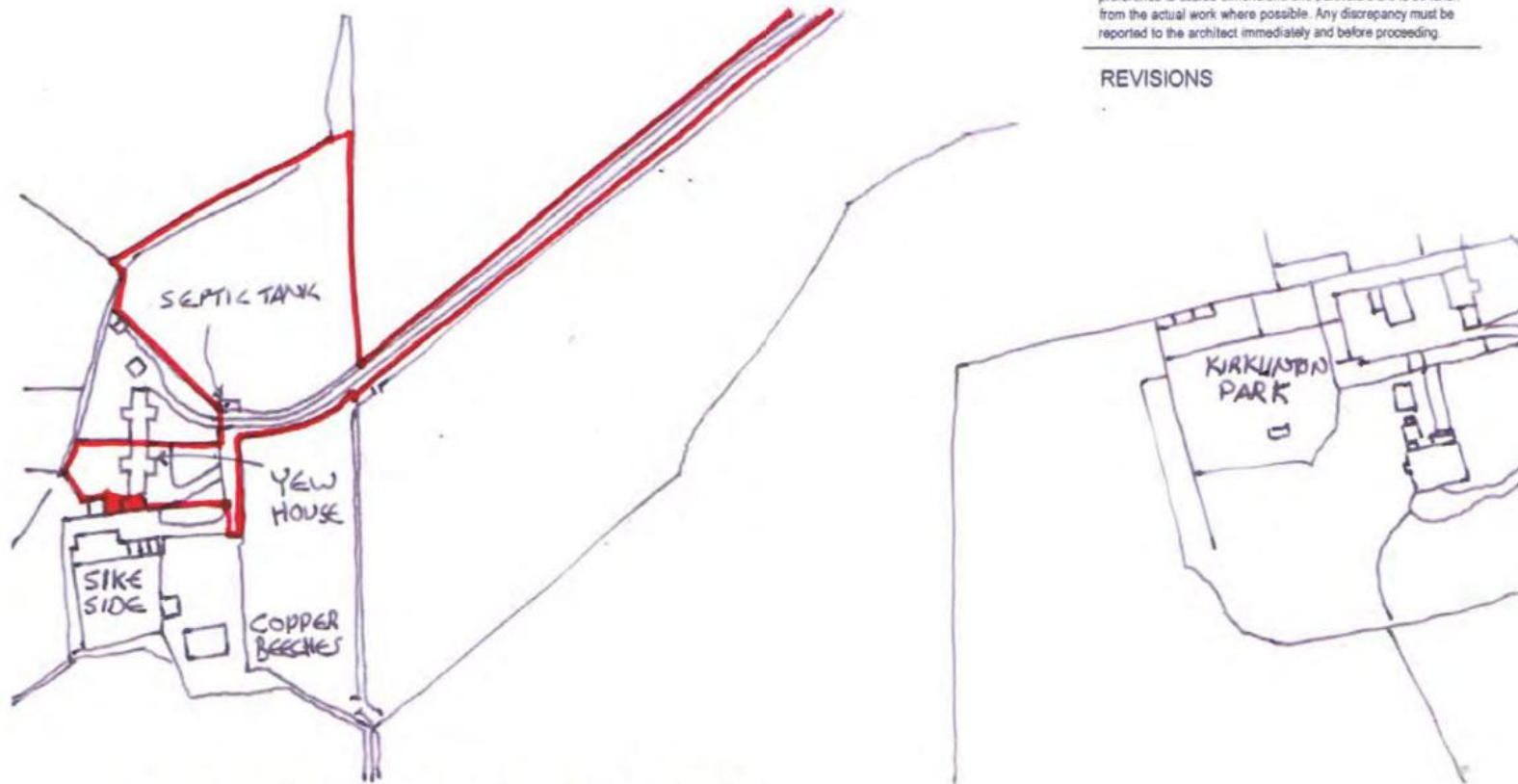
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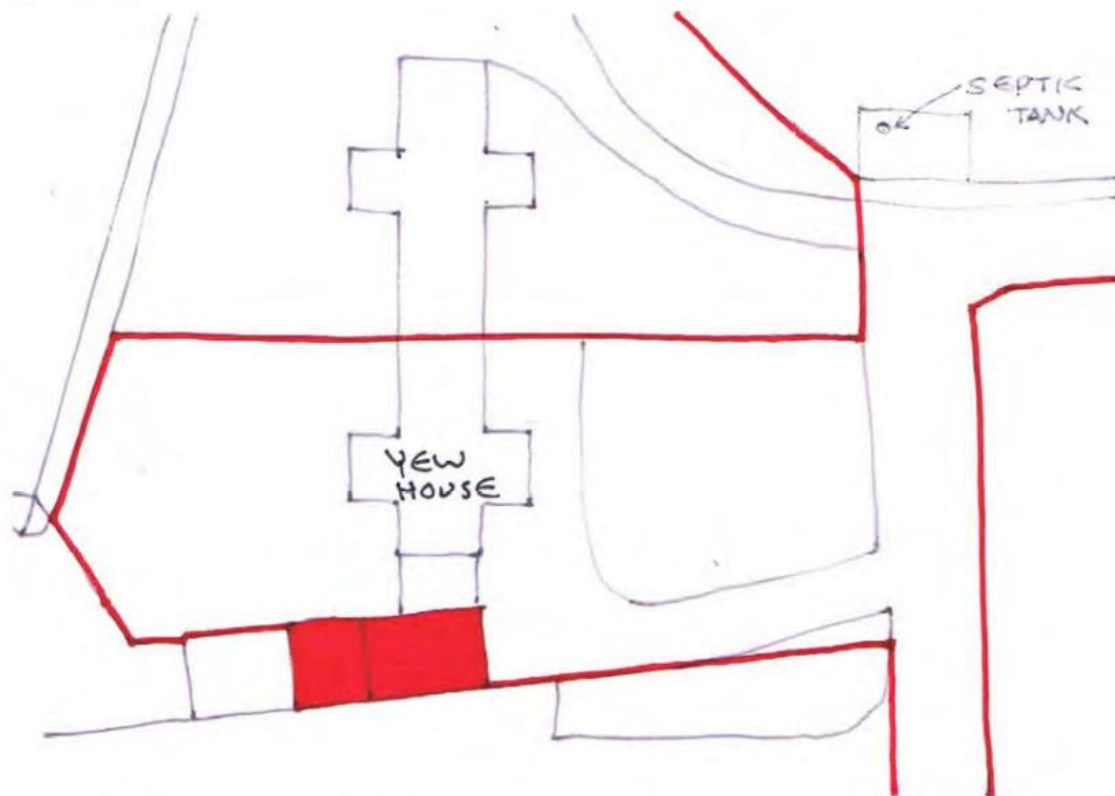
## REVISIONS



LOCATION PLAN. SCALE 1/2500

RED LINE: PROPOSED SITE

NORTH



BLOCK PLAN. SCALE 1/500

## SAM FLETCHER ARCHITECT

16 Beck Road, Carlisle CA2 7QL

01228 558950

samfletcherarchitect@gmail.com

www.samfletcherarchitect.co.uk

Project:

Proposed alterations to form Holiday Let at Yew House, Kirlinton for Mr and Mrs Taylor Smith.

Title:

Location and Block Plan

Scale:

1/2500 and 1/500

Paper size:

A4

Date:

06/2021

Project No:

240

Drawing No:

01

Revision:

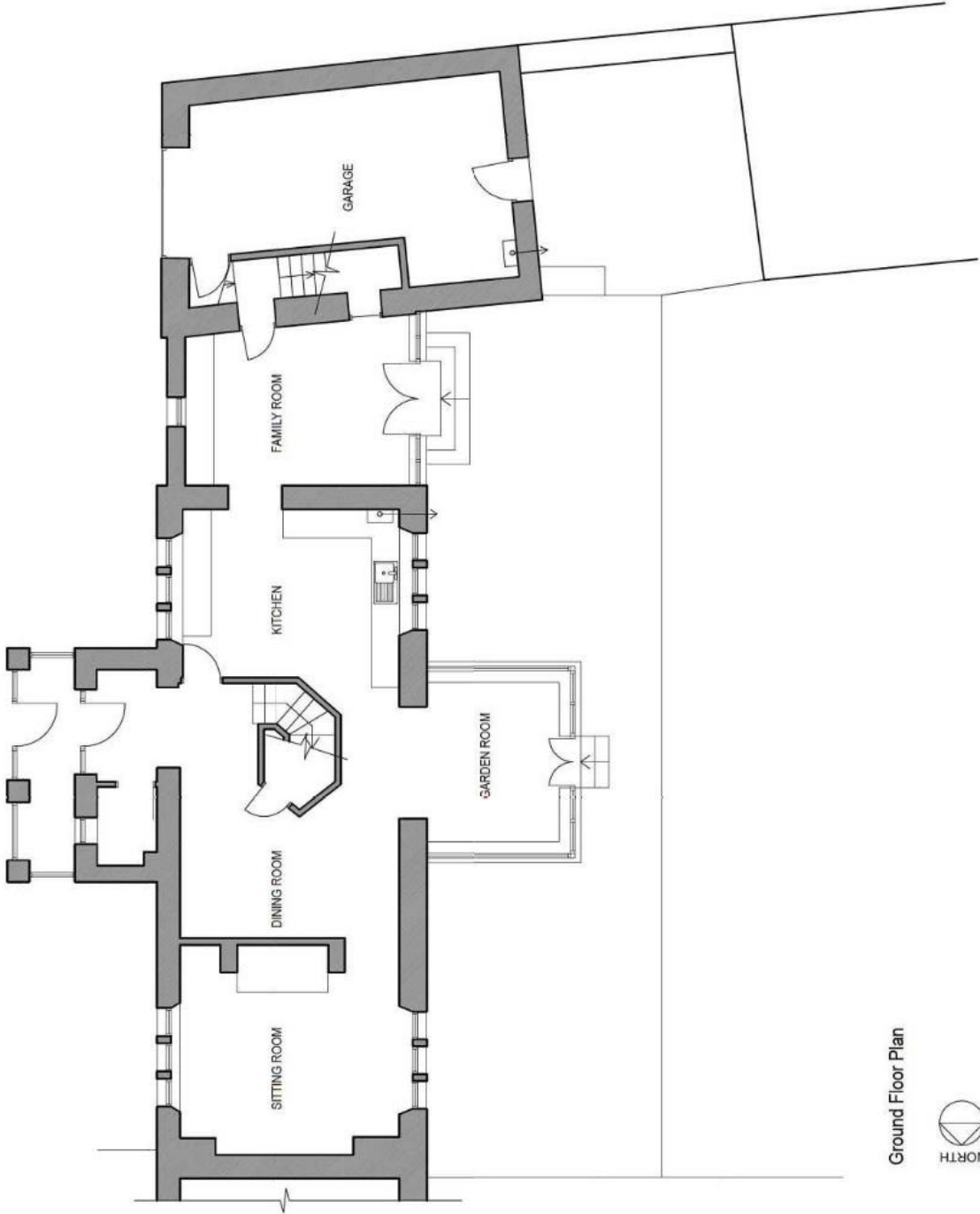
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REVISIONS

Planning Application, June 2021



Ground Floor Plan



SAM FLETCHER ARCHITECT

16 Beck Road, Carlisle CA2 7QL  
01228 558950  
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Project:  
Proposed alterations to form Holiday Let  
at Yew House, Kirlinton for Mr and Mrs  
Taylor Smith.

Title:  
Ground Floor Plan as Existing

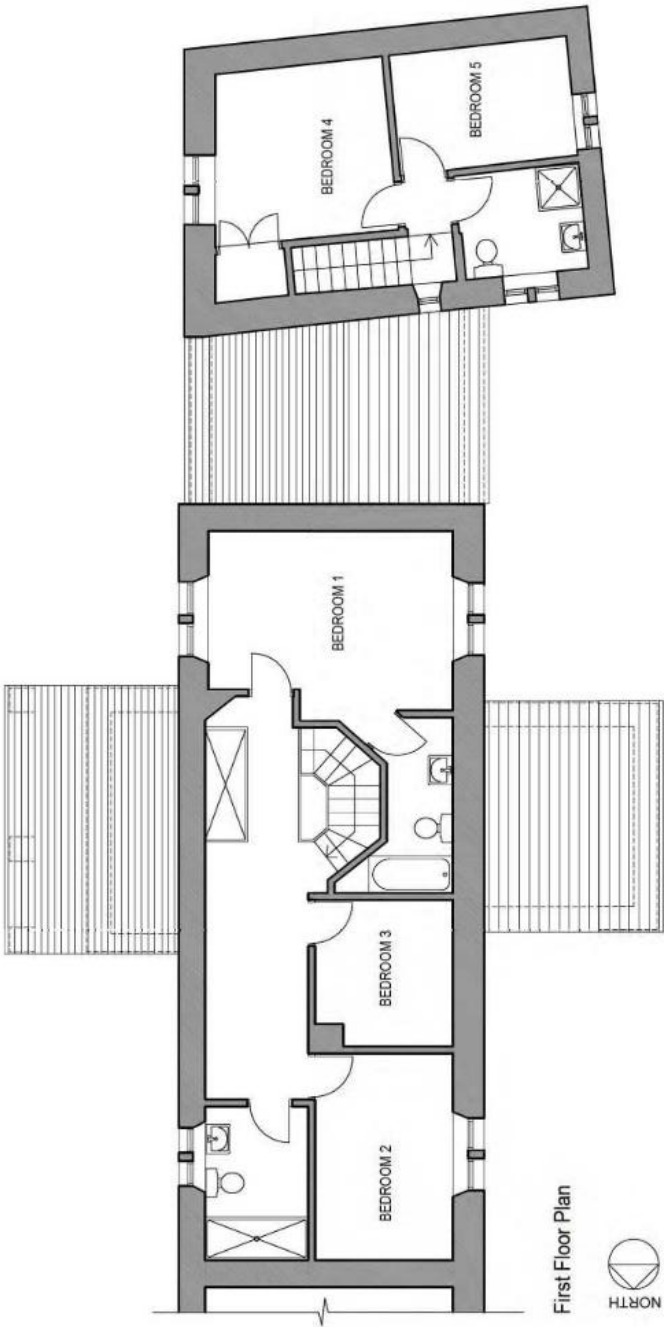
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1/100	A3	04/2021
Project No:	Drawing No:	Revision:
242	02	-

NOTES AND AMENDMENTS

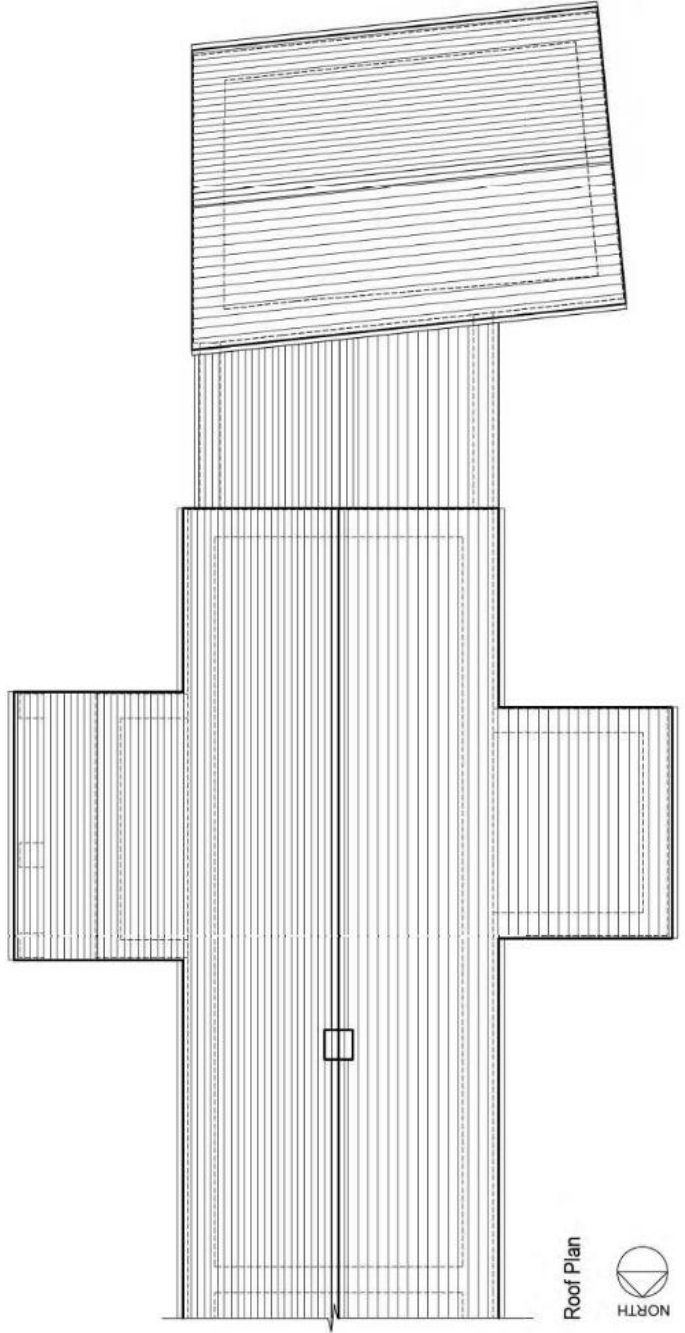
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REVISIONS

Planning Application, June 2021



First Floor Plan



Roof Plan



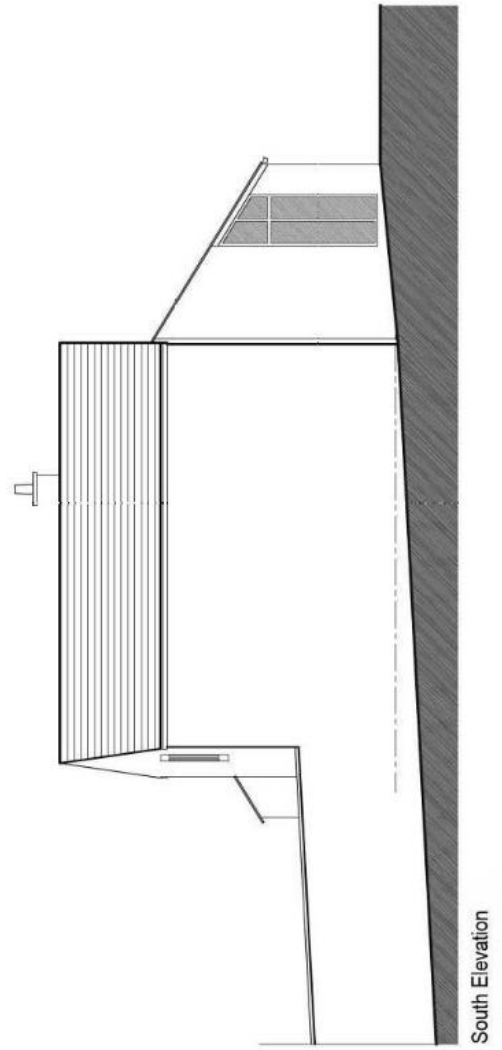
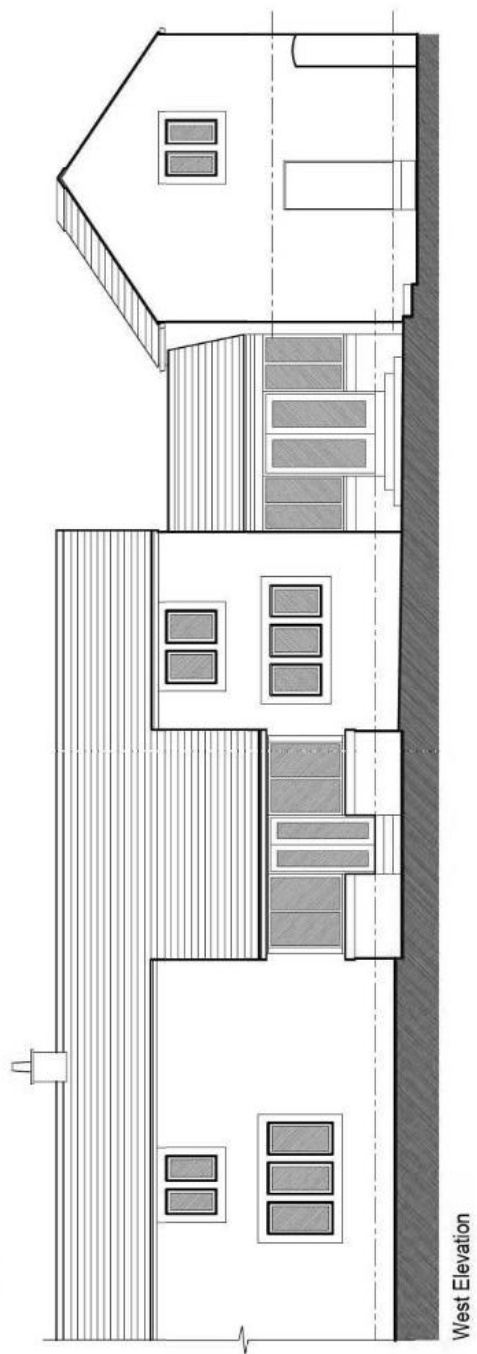
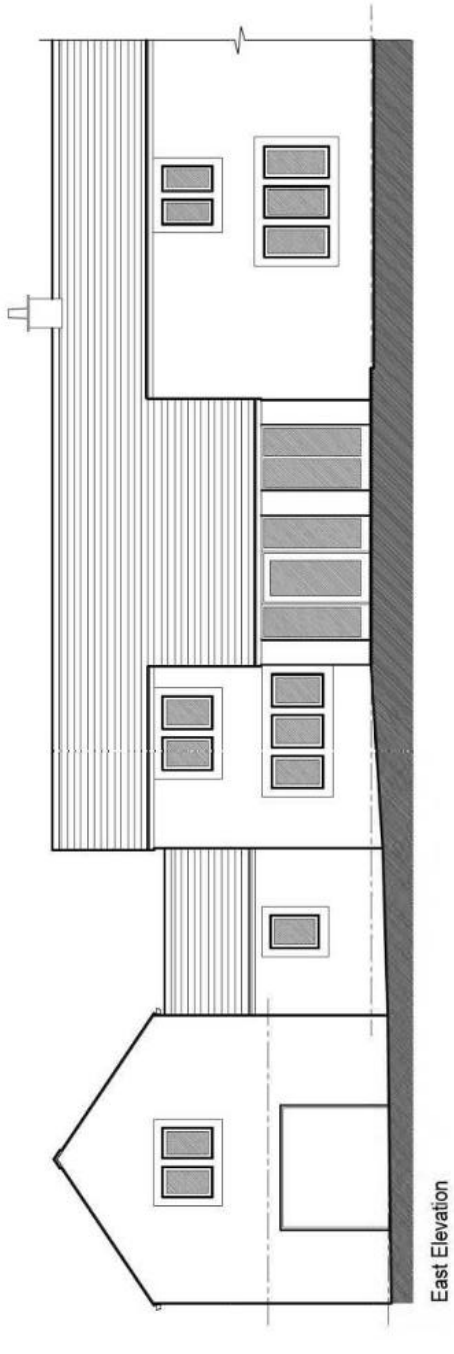
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Project  
Proposed alterations to form Holiday Let  
at Yew House, Kirlinton for Mr and Mrs  
Taylor Smith.

Title:  
First Floor and Roof Plan as Existing

Scale	1/100	Paper size	A3	Date	04/2021
Project No.	242	Drawing No.	03	Revised	-



## NOTES AND AMENDMENTS

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## REVISIONS

Planning Application, June 2021

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Project

Proposed alterations to form Holiday Let at Yew House, Kirlinton for Mr and Mrs Taylor Smith.

Title:

Elevations as Existing

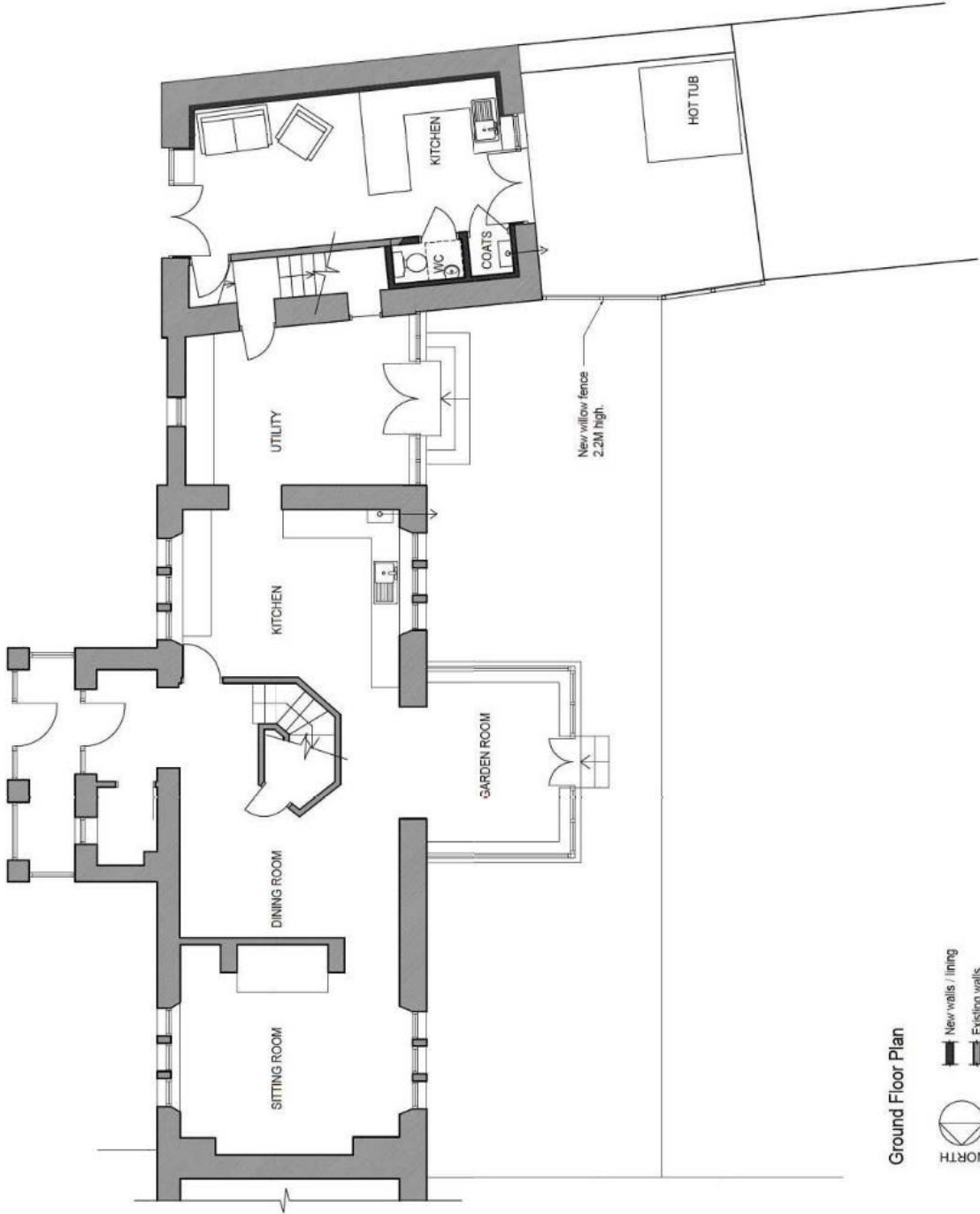
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Project No.	Drawing No.	Revision
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REVISIONS

Planning Application, June 2021



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Project:  
Proposed alterations to form Holiday Let  
at Yew House, Kilmington for Mr and Mrs  
Taylor Smith.

Title:  
Ground Floor Plan as Proposed

Scale:	Paper size:	Date:
1/100	A3	06/2021
Project No:	Drawing No:	Revision:
242	05	-

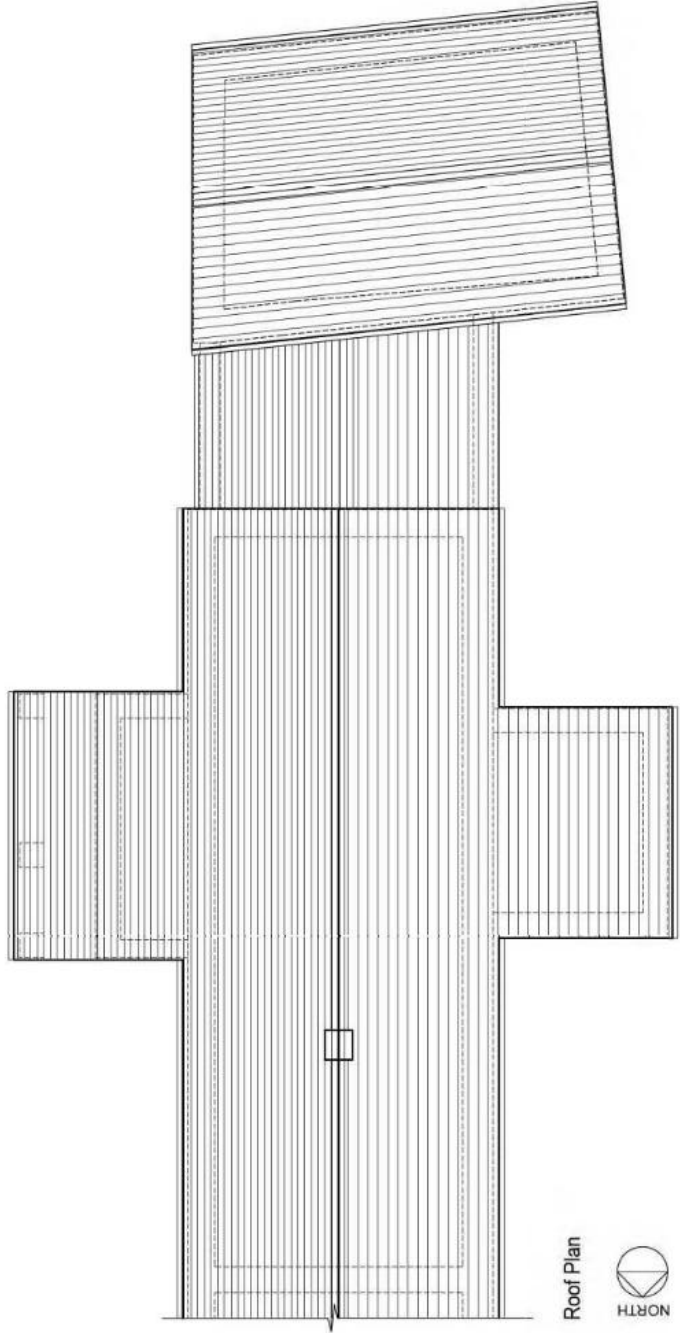
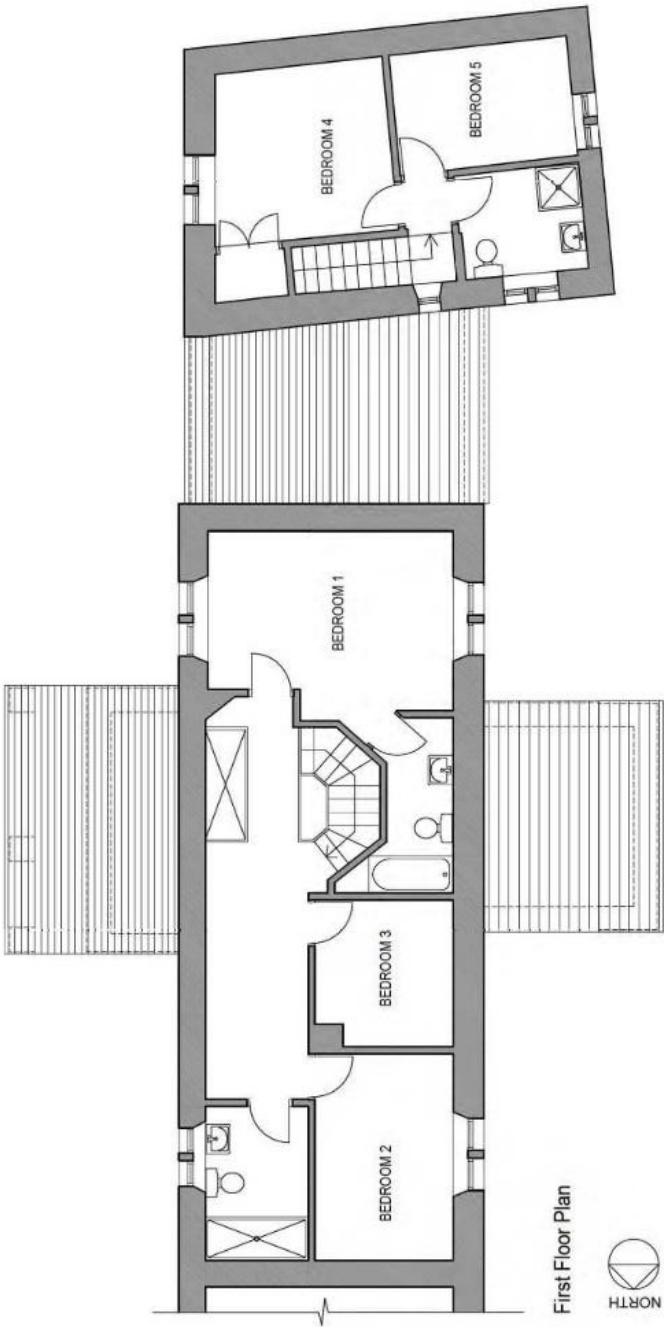


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REVISIONS

Planning Application, June 2021



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Project  
Proposed alterations to form Holiday Let  
at Yew House, Kirlinton for Mr and Mrs  
Taylor Smith.

Title:  
First Floor and Roof Plan as Proposed

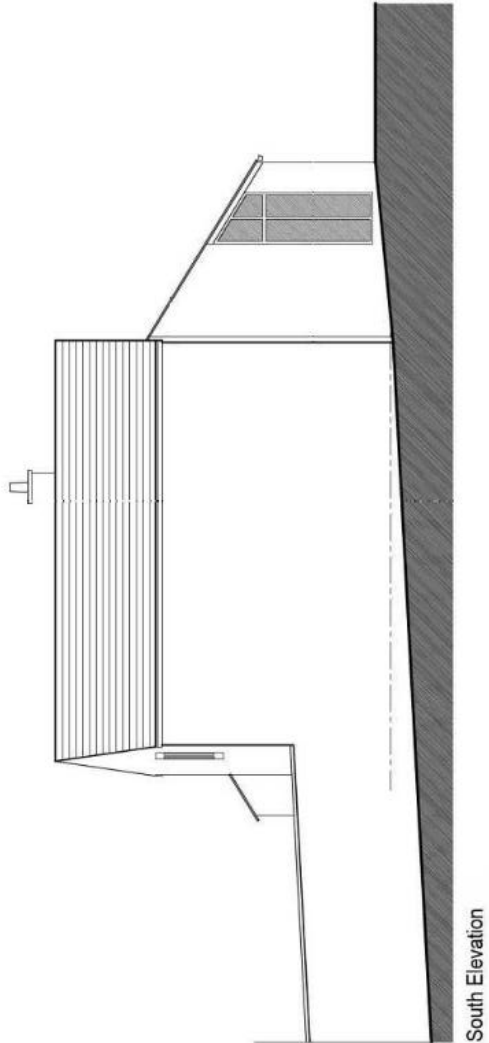
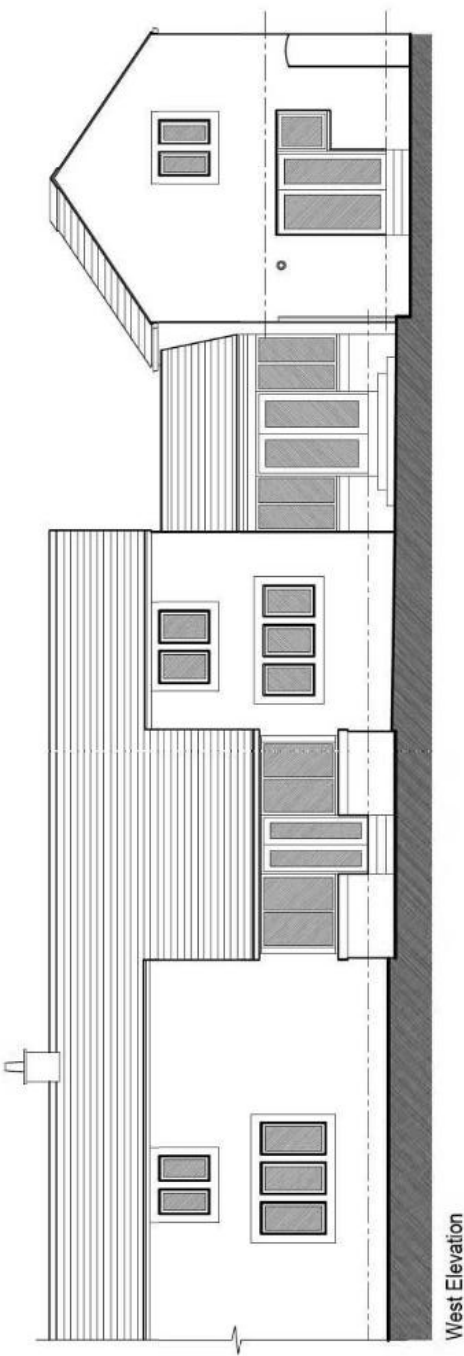
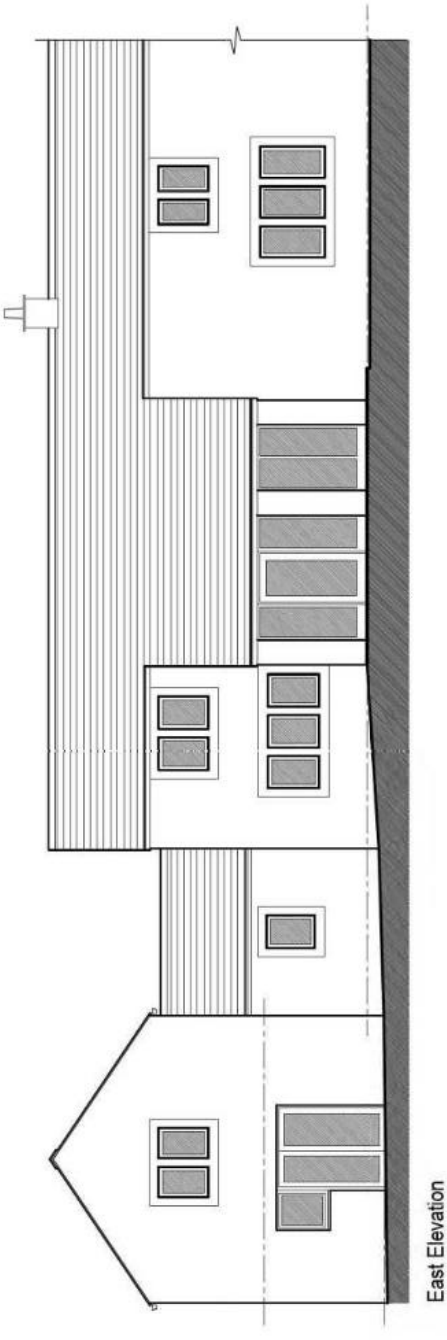
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Project No:	242	Drawing No:	06	Revision:	-

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REVISIONS

Planning Application, June 2021



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Project  
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at Yew House, Kirlinton for Mr and Mrs  
Taylor Smith.

Title:  
Elevations as Proposed

Scale:	Paper size:	Date:
1/100	A3	06/2021
Project No:	Drawing No:	Revision:
242	07	-





## SCHEDULE A: Applications with Recommendation

19/0244

Item No: 03

Date of Committee: 14/01/2022

**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**  
06/12/2021

### REPORT

**Case Officer:** Barbara Percival

#### 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 Principle of development
- 2.2 Impact of the proposal on the adjacent listed buildings and their settings
- 2.3 Scale and design of the dwellings
- 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 Proposed methods for foul and surface water drainage
- 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 The application site has a varied planning history as highlighted in section 7 of this report. The most relevant planning history determined against planning policies in the current local plan are summarised below.
- 3.3 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.
- 3.4 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).
- 3.5 In 2020, an application to discharge conditions 6 (foul & surface water); 7 (surface drainage scheme); 8 (surface water drainage system); 9 (surface water management plan); 10 (groundwater levels investigation report) and 11 (infiltration tests) of previously approved application 16/0387 was approved (application 20/0135).
- 3.6 In 2021, an application for the removal of hedgerows to facilitate the future development of the residential allocation was refused (application reference 21/0001/HDG).
- 3.7 Also in 2021, an application to discharge of conditions 5 (archaeological work); 13 (highway details); 14 (ramp details); 18 (access during construction); 20 (tree & hedgerow protection); 21 (method statement for root protection areas) & 27 (boundary treatments) of previously approved application 16/0387 was approved (application reference 21/0611).
- 3.8 The development for 9no. dwellings subject of outline and reserved matters applications (application references 16/0387 and 19/0535 respectively) were lawfully implemented on the 7th September 2021 by virtue of Section 56 (d) of the Town and Country Planning Act 1990 i.e. any operation in the course of laying out or constructing a road or part of a road.

## The Proposal

- 3.9 As some Members may recall, this application was first presented to Members at the Development Control Committee on the 19th July 2019. The proposal before Members sought full planning permission for 17no. dwellings which consisted of a mix of dwelling types, sizes and tenures. Vehicular access to the proposed development would have been taken from Monkhill Road with the proposed dwellings arranged around internal access roads. A feature stone wall was to be constructed to frame the entrance to the site with the existing hedgerows enclosing the application site retained except for the section required to widen the proposed vehicular access of the site.
- 3.10 Members at that time gave consideration of the proposal with the discussions primarily centring on: the recommended imposition of pre-commencement conditions in respect of surface water drainage; scale and design; impact on biodiversity; identification of any archaeological findings; and clarification on the listing details for nearby listed buildings. Members resolved that 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. Following the deferral of the application by Members in July 2019, the application remained current with no additional or revised details submitted.
- 3.11 In October 2020; however, the scheme was subsequently revised by the applicant. The revised scheme reduced the number of dwellings from 17no. to 14no. which again included a mix of dwelling types, sizes and tenures. The layout sought permission for a shared vehicular access to serve Plots 2, 4, 5, 6, 7, 8, 9 and 10 taken from Monkhill Road. Plots 1, 2, 13 and 14 were proposed to 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. The existing roadside hedges along the eastern and southern boundaries were to be removed and replaced with 1.2 metre high dry stone walls with another dry stone wall framing 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 were also proposed to be planted within the proposed development.
- 3.12 This application was due to be presented to Members of the Development Control Committee at its meeting in February 2021 but was withdrawn from discussion. The application report was withdrawn from discussion at the meeting to consider issues raised relating to various aspects of the reports content and be reported at a future meeting of the committee.
- 3.13 The scheme before Members is in respect of further revised details received in May and June 2021. The revised proposals still seek full planning permission for the erection fourteen dwellings consisting of a mix of dwelling types, sizes and tenures consisting of:

Plots 1, 2, 4, 5 and 10 - 'The Grasmoor (2)' detached bungalow with attached garage. The dimensions of the proposed dwelling would have a maximum length (including the attached garage) of 12.589 metres by a maximum width (including the sunroom) of 14.380 metres with a ridge height of 5.9 metres. The accommodation would comprise of a lounge, dining/kitchen, sunroom, hall, 1no. ensuite bedroom, 1no. bedroom and garage.

Plots 1 and 4 would be finished in a scraped texture render with Plots 2, 5 and 10 finished in facing brickwork with feature string course/zipper courses to corners and rear/gable window heads. The rendered properties would have red colour natural stone cills, heads and mullions as would the front windows of the brick finished properties. All plots would have timber/render detailing to the front gable elevations and have dark grey interlocking slate appearance roofs. Windows would be anthracite wood grain effect uPVC with leaded lights to upper window panels in the front elevation of the dwellings with a hardwood timber front door. The garage door would be a one piece up and over timber door.

Plots 3 and 13 - 'The Pillar (4)' detached bungalow with a detached single garage. The dimensions of the proposed dwelling would have a maximum length (including the sunroom) of 15.965 metres by a maximum width of 12.477 metres with a ridge height of 5.9 metres. The accommodation would comprise of a lounge, dining/kitchen, sunroom, bathroom, utility, hall, 1no. ensuite bedroom, 2no. bedrooms and garage.

The proposed dwellings would be finish in facing bricks with feature string course/zipper courses to corners and rear/gable window heads. The front windows would have red colour natural stone cills, heads and mullions. Both plots would have timber/render detailing to the front gable elevations and have dark grey interlocking slate appearance roofs. Windows would be anthracite wood grain effect uPVC with leaded lights to upper window panels in the front elevation of the dwellings 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 metres with a ridge height of 7.8 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.

Plots 8, 9, 11. 12 and 14 - 'The Pillar (2)' detached bungalow with attached garage. The dimensions of the proposed dwelling would have a maximum length of 12.590 metres by a maximum width (including the sunroom) of 15.852 metres with a ridge height of 5.9 metres. The accommodation would comprise of a lounge, dining/kitchen, sunroom, utility, bathroom, hall, 1no.

ensuite bedroom, 2no. bedrooms and garage.

Plots 8, 11 and 12 would be finished in a scraped texture render with Plots 9 and 14 finished in facing brickwork with feature string course/zipper courses to corners and rear/gable window heads. The rendered properties would have red colour natural stone cills, heads and mullions as would the front windows of the brick finished properties. All plots would have timber/render detailing to the front gable elevations and have dark grey interlocking slate appearance roofs. Windows would be anthracite wood grain effect uPVC with leaded lights to upper window panels in the front elevation of the dwellings with a hardwood timber front door. The garage door would be a one piece up and over timber door.

- 3.14 Vehicular access to the proposed development would be taken from Monkhill Road with the proposed dwellings arranged around internal access roads. All dwellings would be served by in-curtilage parking spaces and garages with the exception of Plots 6 and 7 which would have 2no. parking spaces adjacent to the dwellings.
- 3.15 A feature stone wall would be constructed to frame the entrance to the site with specimen trees (Cut leaf Common Alder) planted either side of the entrance. A further 14 trees of varying species and maturity would also be planted within the development site. The existing hedgerows enclosing the application site would be retained except for the proposed vehicular access/exit to the site. The submitted landscaping schedule also includes the planting of nature hedgerows to separate the proposed dwellings.

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

- 4.1 This application was initially advertised by the direct notification of sixteen neighbouring properties and the posting of site and press notices. In response to the originally submitted scheme and the subsequent revisions, the occupiers of 29 neighbouring properties have raised objections which have been reproduced in full for Members.
- 4.2 In summary, 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;
- 22. removal of hedges along Moorhouse Road and Monkhill Road would detrimentally changes the nature and character of the surrounding area;
- 23. removal of hedges would lead to loss of privacy for surrounding properties;
- 24. removal of hedgerow would have a detrimental impact on the setting of nearby heritage assets;
- 25. proposal contrary to Policy GI6 (Trees and Hedgerows) of the Carlisle District Local Plan 2015-2030;
- 26. questions if hedgerows are protected by the Hedgerow Regulations;
- 27. removal of hedgerow unnecessary to facilitate widening of footpath;
- 28. detrimental impact on biodiversity from loss of hedgerows;
- 29. contrary to previous approval which included conditions retaining hedgerows enclosing site;
- 30. no detailed surface water drainage details to serve the proposed development has been received;
- 31. increase in housing numbers contrary to previous approval;
- 32. detrimental impact on the living conditions of neighbouring residents;
- 33. question location of the affordable units;
- 34. questions adequacy of parking provision to serve the scheme;
- 35. electric vehicle charging points should be provided within the development;
- 36. succession of applications causing unnecessary stress to local residents;
- 37. disruption within village from building works.
- 38. question adequacy of existing watercourse to accommodate development;
- 39. question details of submitted drainage strategy.

4.3 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.

4.4 Representations from the Council for the Protection of Rural England (Friends of the Lake District) have also been received. The most recent has been reproduced below:

The CPRE Previously objected to 19/0244 and to 21/0001/HDG based on concerns relating to the removal of the hedgerows at this site. This included concerns about the impacts of this on landscape, biodiversity, and local character as well as the relationship between the proposed removal and the previously clear and long-standing position of the City Council of retaining these hedgerows.

As such, the CPRE very much welcome the fact that the hedgerows are now proposed to be retained and, if the application is approved, it is imperative that this is secured by condition.

Retaining the hedge, equates to an avoidance of harm/loss in relation to the hedge and so other measures will be needed across the site to ensure the development meets the requirement in the NPPF and the forthcoming Environment Bill for biodiversity net gain. These should also be conditioned in any approval.

It follows that a reduced number of houses, in line with the previous proposal may be necessary to enable appropriate net gain to be achieved as the building of the additional 5 houses is at the expense of space that was to be gardens and other green space. A reduced number would also better reflect what the local plan says about the site page 246 R 12:. a modest increase of 10 houses over the plan period is considered acceptable for the size and scale of the village and in turn, better respect village character.

The CPRE withdraw its objection on grounds relating to the loss of the hedgerow. However, remain aware of a number of outstanding issues of concern to the local community, sharing in particular those relating to biodiversity and the impact of this scale of development on the settlement character of Moorhouse.

## 5. Summary of Consultation Responses

As detailed in the report this application has been subject of several revisions and upon which the statutory consultees have responded accordingly. Members can view these consultations on the council's website; however, the most recent consultation responses to the current proposals from statutory consultees have been reproduced below:

**Cumbria County Council - (Highways & Lead Local Flood Authority): -**  
Highway Authority Response - within the previous Highways Authority response to this application dated 29 July 2021 several concerns were raised with regards to the layout of the proposed development and an apparent narrowing of the carriageway of Monkhill Road.

The applicant has confirmed that the current site plan proposed is drawing number 18/07/937 with the position and visibility splays unchanged from those which were approved as part of the reserved matters application 19/0535. The site plan illustrates a singular access point for the 14 dwellings onto Monkhill Road with the internal access carriageway to remain in private ownership and maintained by a management company. It is noted that the pre-commencement conditions associated with the reserved matters application have been discharged through the planning application 20/0135 and 21/0611. As the layout and access into the development site have been previously agreed the Highways Authority have no objections with regards to the layout proposed as part of the current application.

An issue also previously raised was with regards to the consideration for bin collection points for plots 3 to 7 and 11 to 14. The applicant has considered this point and confirmed that refuse vehicles can enter and leave the site in a forward gear. This enables the refuse vehicles to be within 15 metres of all the dwellings which is acceptable to the Highways Authority.

Considering the above, the Highways Authority have no objections with regards to the approval of planning permission subject to a series of conditions being applied to any approval.

Lead Local Flood Authority Response - the surface water discharge from the development of 14 dwellings at Monkhill Road, Moorhouse, Carlisle is proposed to discharge into the culverted ordinary watercourse which is located within Monkhill Road. It is noted that within the previous planning approval 20/0135 that the surface water drainage schematic associated with the development of 9 dwellings on the same site was agreed by the LLFA. The method and maximum discharge rate of the approval 20/0135 is unchanged from that which is proposed as part of the current application. However following on from these planning approvals, a number of flooding events have been noted downstream of the site in Moorhouse and the highway at the location of the new access; therefore the LLFA have reviewed the previously agreed design and assumptions.

Camera Survey - in the previous response to this application the LLFA requested that a camera survey was undertaken on site to determine the presence of a suspected culvert beneath the site and whether or not it connects into the existing culverted ordinary watercourse on Monkhill Road. Following on from this comment the applicant has undertaken a camera survey on site in September 2021. The camera survey was abandoned after 1.3m from MH01 due to a change in the diameter of the culvert and proceeded no further towards the development site. The camera survey report submitted and site investigations did not establish the presence of a culvert flowing through the development site. A series of trenches were also



created on site at the possible locations of the culvert within the site which determined that the site was virgin ground and that there is no culvert flowing through the site. The LLFA have reviewed this information and conclude that the camera survey did not extend into the development site, and as such it is not possible to determine whether or not the culverted watercourse enters the site or not. The current investigation casts doubt on whether the site drains to the culverted ordinary watercourse, as such the applicant is to undertake the survey again.

Surface water discharge method and attenuation - in accordance with the hierarchy of drainage options as stated within the Cumbria Development Design Guide the applicant undertook a series of infiltration tests on site in accordance with the BRE 365 method. The LLFA have reviewed the results of the infiltration testing and agree with the conclusions of the drainage strategy that soakaways are not a viable method of surface water disposal. This does not mean however that the applicant should not be utilising sustainable drainage techniques such as permeable paving for the road of which storage can be obtained. The applicant has calculated that the QBar greenfield runoff rate for the site is 2.1l/s and this is to be the discharge rate for the development site into the culverted ordinary watercourse. The applicant has submitted detailed Micro Drainage calculations in Appendix H of the Drainage Strategy to demonstrate that sufficient attenuation is provided on site to accommodate a 1 in 100 year plus 40% to account for climate change storm event. The LLFA have reviewed the calculations and the attenuation provided on site does provide sufficient attenuation for a 1 in 100 year plus 40% to account for climate change storm event; however it is noted that the maximum discharge rate for the site during this storm event is 2.3l/s.

The discharge rate of 2.3l/s is above the greenfield runoff rate for the development site of 2.1l/s detailed within the Drainage Strategy. Therefore, the attenuation provision on site is to be increased to take into consideration the lower discharge rate and revised plans / calculations submitted to the LLFA for comment prior to any approval.

Exceedance routes - following on from the previous response to this application the applicant has submitted details of the exceedance routes for the site in the event of a failure of the proposed drainage network. The LLFA have reviewed the exceedance route plan and note that at manhole S5 that surface water is directed towards plots 13 and 14. This is not acceptable as surface water exceedance is to be directed away from dwellings and into open space where it can be attenuated. It is also noted on the exceedance plan that the levels are pre-construction so therefore it is not possible to be able to verify the exceedance flow paths. As such revised exceedance route plans are required prior to any approval from the LLFA.

Contributing area plan - within the previous LLFA response to this planning application it was requested that a contributing areas plan was to be submitted to inform the drainage design. The applicant is to take into account that off site flows will continue to enter the development site post development and that any drainage schematic is to accommodate these flows to prevent flooding to the proposed dwellings. It is noted that no further

information has been submitted regarding a contributing areas plan and this is required prior to any approval from the LLFA.

Treatment of surface water - the applicant has stated that the runoff from the roofs and drives are to be treated via permeable paving and the road drainage is directed via gullies and into the attenuation tanks on site. In addition, further information is required for the construction of the permeable paving, due to the impermeable nature of the soils, and how surface water is to enter into the attenuation tanks from the permeable paving. The applicant should note that for a surface water discharge into an ordinary watercourse that two stages of treatment are required prior to discharge.

The LLFA determines that insufficient information has been submitted to the local planning authority to be able to recommend this application for approval.

Conclusion: - inadequate information has been submitted to satisfy the local planning authority that the proposal is acceptable in terms of:

- a. Camera Survey extending into the site
- b. Treatment of surface water for internal roads
- c. Contributing areas plan
- d. Maximum discharge rate into the culverted ordinary watercourse
- e. Update to drainage calculations
- f. Attenuation provided on site
- g. Details of exceedance routes with levels

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

The Parish Council recognise that although a Formal Drainage Plan has now been submitted to the Planning Authority there are still outstanding questions to be addressed prior to any building on this site. These need to be 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. In the newly presented Drainage Plan 3.2.3 states that there is scope to discharge water via the highway drain west of the site and ultimately drain to a watercourse, discharge to a combined sewer has not been considered further in this Drainage Strategy. The Plan at present will not mitigate the negative impact of a greater flood risk outside the development boundary as it will drain into Great Hill Beck. This at present regularly floods gardens and land to the north behind those properties adjacent to The Royal Oak Pub. This beck is not a viable watercourse and we suggest that United Utilities and Planning Officers meet for a site visit with the residents and owners of these properties to see if Great Hill Beck can be made into a viable and maintained watercourse if this drainage strategy is to be accepted. It is also noted that infiltration has not been viable for removing surface water (Appendix D) and that UU note that 'the highway drains are not owned by them. Prior to any discharge to this point the necessary third part agreements will need to be gained.

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 4 bedroom bungalows with some Affordable Housing these bungalows will appeal to a more mature buyer in a village with only two buses a day and 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 Monk hill Rd 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 pg 11

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.

Wall and Plot Boundaries pg 12

Existing hedgerows and trees should be incorporated within new developments wherever possible

New property boundaries in keeping with locally natural materials (indigenous hedging plants)

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 - Waste Services:** - no objections;

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

**Cumbria County Council - (Education):** - no change to previous response. This being 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.

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.

**United Utilities:** - In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the 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. No objections subject to the imposition of conditions which would require the submission of further details in respect of the proposed surface water drainage scheme and that foul and surface water are drained on separate systems.

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

## Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), 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. 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"*. In respect of the delivery of a sufficient supply of homes paragraph 60 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 69 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 ..."*. To maintain supply and delivery of new housing paragraph 74 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). As highlighted earlier in the report, these permissions were lawfully implemented on the 7th September 2021 by virtue of Section 56 (d) of the Town and Country Planning Act 1990 i.e. any operation in the course of laying out or constructing a road or part of a road.
- 6.8 The revised proposal before Members 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 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, children's play area 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 79 of the NPPF.
- 6.10 In light of the foregoing and given that the application site has an implemented 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 189 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 195 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 200 of the NPPF seeks to ensure 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 outweigh 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 When considering any Listed Buildings in the context of planning applications the local planning authority refer to the statutory list which is provided by Historic England and is maintained by them. Should there be any changes to the list entries in terms of revisions or removal/additions, then these are confirmed by Historic England. A large scale exercise was undertaken in the 1980s when a significant number of buildings were added to the list. Both of the listed buildings were listed by Historic England (formerly English Heritage) as Grade II Listed Buildings on 19th September 1984. The official listing details taken from Historic England's website for Fairfield and Hall Farm (List Entry Numbers 1040026 and 1087461 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 acknowledges that: *"with over 400,000 entries on the National Heritage List for England many of which are over 20 years old, we realise that there may be a number of minor errors ..."*. Historic England in respect of describing the limitations of the list entry and how much weight should be attached to actual list descriptions highlights that: *"the answer will depend on the description in question, but in general the entry should not be relied upon for a detailed assigning of special interest. The description may be a useful starting point for understanding the claims to special interest, but it will not be the last word. Originally, list entries were brief and intended to help with identification. In recent decades, particularly since the start of post-war listing, greater efforts have been made to explain the history of a*



*building and to outline its claims to special interest. Modern List entries (since around 2005) are thus fuller than earlier ones, and it is fair to say that the more recent the description, the more helpful it is likely to be".*

- 6.21 Due to the descriptive nature of the list, 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 however no revisions to the listing description have been provided by Historic England. For further details it would be the case that a statement of significance can be undertaken with Historic England to confirm the details and the historic relevance of different parts of the listed buildings.
- 6.22 In the case of Fairfield, 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. Clay Dabbin buildings are of a diminishing resource in the Solway Plain and Nina Jennings is notable in her work on identifying the remaining buildings in the area.
- 6.23 Without the endorsement of Historic England in terms of the description of the Listed Building it would be difficult to confirm the significance of the claims that the listed building description is incorrect. It should however be noted that the work of Nina Jennings is a material consideration and has been referenced by conservation experts in the area who deal with clay dabbin buildings. Nina Jennings publication is also referenced within the submitted Heritage Impact Assessment.
- 6.24 Therefore, for members consideration it would be advisable to take account of the clay dabbin references as well as the descriptive listing when considering the impact on Fairfield and its setting. 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.
- 6.25 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.
- 6.26 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. In such a context, neither Fairfield nor Hall Farm, rely on the aspect of space afforded by the application site. The settings of the listed buildings have also evolved over the years by the introduction of modern street furniture, pedestrian footways and relatively recent development within the immediate vicinity. As such, views of both listed buildings are localised and are 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

- 6.27 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 need 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).
- 6.28 As highlighted earlier in the report, 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 199 of NPPF). Paragraph 200 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 ..."*. Paragraph 202 expanding by stating that: *"where a proposed development would lead to 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"*.
- 6.29 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.
- 6.30 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"*.
- 6.31 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. 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".*

- 6.32 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".*
- 6.33 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.
- 6.34 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.
- 6.35 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".*
- 6.36 Historic England has been consulted on the revised proposals and advise

that it does not wish to offer any comments on the application. The council's Urban Design/Conservation Officer has not commented on the revised details before Members. Nevertheless, Members should be mindful that the application site is an allocated site within the local plan and that the dwellings subject of this current proposal reflects some of the designs of the 9no. dwellings approved by Members in October 2019 (application reference 19/0535).

- 6.37 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, and lack of details in respect of surface water drainage. 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 most recent representation of objection outlines that: *"the 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"*. Reference to the adjoining 'conservation area' 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.
- 6.38 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 must 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 When assessing the proposal, 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. Most of the dwellings would be of single

storey construction with the semi-detached two storey dwellings located adjacent to the northern eastern boundaries of the application site. The design and materials of the single storey properties reflecting those of the single storey dwellings of the implemented permission for 9no. dwellings (application reference 19/0535). Furthermore, the proposed development, although located on the northern side of the county highway, would also retain most of the existing hedgerows which surround the site except for the section to provide access for the proposed development. Should Members approve the application, a condition is recommended which would seek to retain the hedgerows at a height of 1.6 metres when measured from the existing ground level and that they be enriched through the planting of a double rows of native hedgerow plants in gaps exceeding 250mm.

- 6.40 In overall terms, the retention of the hedgerow and that the development would largely consist of bungalows would mitigate for any perceived potential impact on the adjacent listed buildings and their settings. Accordingly, 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. Scale And Design Of The Dwellings**

- 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. The parish council in its consultation response also references the SPD.

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 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; 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 implemented permission for the erection of 9no. dwellings, therefore, are material planning considerations in respect of this application. Nevertheless, the application must 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. Most of the dwellings would be of single storey construction with the exception of the semi-detached two storey dwellings located adjacent to the north eastern boundaries of the site. The design and materials of the single storey properties reflecting those of the approved single storey dwellings of the implemented permission. All of the proposed dwellings with the development site 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 throughout the development.

- 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 proposed scale, design, and palette of materials of the proposed dwellings would respect and reflect the existing properties within this part of Moorhouse. Furthermore, adequate external space and parking provision to serve each of the dwellings would be achieved. The Agent has advised that the proposed dwellings 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**

- 6.53 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).
- 6.54 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 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".

- 6.55 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, should Members approve the application, would be secured by a Section 106 Agreement.

## **5. Education Provision**

- 6.56 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.
- 6.57 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 most 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**

- 6.58 Cumbria County Council's Historic Environment Officer outlines that comments outlined in its previous responses are still appropriate. These being that its records indicate that the site lies in an area of some archaeological potential. The application site is located in the centre of Moorhouse which has medieval origins, with documentary records of it dating to the mid-15th century. Furthermore, several 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.
- 6.59 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.

- 6.60 It should be noted; however, that a Written Scheme for Investigation of an Archaeological Evaluation has been submitted and part discharged under application reference 21/0611 in respect of condition 5 attached to application reference 16/0387. It has been part discharged as points ii) and iii) requires the results of the evaluation to determine whether any further archaeological work would be required to record any archaeological assets disturbed by construction of the development approved under application reference 16/0387. Accordingly, it is recommended that the condition be reimposed in respect of this current application should Members approve the application.

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

- 6.61 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.
- 6.62 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.
- 6.63 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 streetlight on Monkhill Road, the proposal should not exacerbate the current situation to warrant a refusal of the application on this basis.
- 6.64 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 based on 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**

- 6.65 The application site would be served by a vehicular access taken from Monkhill Road. Cumbria County Council, as Highways Authority, has been consulted and raise no objections to the proposal as the layout and access into the development site has been previously agreed. Furthermore, refuse vehicles can enter and leave the site in a forward gear. This enables the refuse vehicles to be within 15 metres of all the dwellings which is acceptable to the Highways Authority. The Highway Authority recommends that the current application be 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. Third parties and the parish council have raised objections in respect of highway safety; 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. Proposed Methods For Foul And Surface Water Drainage**

- 6.66 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 attenuated prior to entering a watercourse.
- 6.67 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 as statutory consultee for foul drainage raise no objections to the proposed method for the disposal of foul drainage from the development site subject to the imposition of a condition ensuring that foul and surface water are drained on separate systems.
- 6.68 In respect of surface water drainage, both UU and the LLFA require the submission of further details in order to ascertain that the development could be adequately served by an appropriate surface water drainage scheme and that there would be no adverse impacts from the development out with the application site. It should also be noted that with regards to third party objections the need for a surface water drainage scheme is also necessary to avoid impacts on neighbouring properties.
- 6.69 Discussions are ongoing between the applicant and the LLFA, therefore, in line with the guidance contained with the Planning Practice Guidance it is recommended that a series of pre-commencement conditions be imposed which 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.

- 6.70 These details, as with any proposed development on a greenfield site, will ensure that the drainage on the site not only limits the discharge to the existing greenfield run-off rate but also takes into account potential climate change and caters for a 40% increase. Detailed investigations have been undertaken in relation to whether a culvert was contained within the site or outwith the development area which would then be outside the control of the applicant. It is intended to drain the site to the local highway drainage network however additional measures within the site to control the flow would be needed and those details would be subject of the proposed conditions.
- 6.71 The subsequent details required by those planning conditions 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.

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

- 6.72 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.
- 6.73 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.
- 6.74 The proposed site plan illustrates the retention of most of the existing hedgerows around the application site with the exception of the widened access/exist point. Further landscaping would also be undertaken within the development site. To protect existing hedgerows during construction works a condition is recommended which would ensure that tree and hedge protection barriers are erected prior to the commencement of any works and remain in situ during construction works. A further condition is also recommended which would require the existing hedgerow to be maintained at a height of no less than 1.6 metres when measured from the existing ground level and that any existing gaps within the hedgerow are reinforced by a double row of new native hedgerow plants. In overall terms, existing and proposed landscaping would help to soften and blend the development into the landscape.

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

- 6.75 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 a Hedgerow Ecological Assessment Report (HEA) undertaken in respect of a previous revision to the development. The HEA assessed the habitats in the locality and the presence of protected species/species of conservation note from within a 1 kilometre 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.
- 6.76 In respect of the application before Members, the proposed site plan illustrates the retention of most of the existing hedgerows around the application site with the exception of the widened access/exist point. Further landscaping would also be undertaken within the development site. To protect existing hedgerows during construction works a condition is recommended which would ensure that tree and hedge protection barriers are erected prior to the commencement of any works and remain in situ during construction works. A further condition is also recommended which would required the existing hedgerow to be maintained at a height of no less than 1.6 metres when measured from the existing ground level and that any existing gaps within the existing hedgerow are reinforced by double rows of native hedgerow plants. In overall terms, existing and proposed landscaping would help to soften and blend the development into the landscape. 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**

- 6.77 Reference has been made to 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 20 years ago.
- 6.78 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.
- 6.79 A further issue raised is the potential loss of view resulting from the development of the application site. As Members are aware, the loss of a view is not a material planning consideration.

- 6.80 Structural damage to existing properties from surface water run-off from the application site is another issue raised. Currently, surface water run-off from the site is unrestricted; however, should Members approve the application, pre-commencement conditions are recommended to ensure that surface water arising from the application site is managed and maintained. The details to satisfy the pre-commencement conditions would be subject to a further assessments by the LLFA and UU.
- 6.81 Third parties have also raised concerns about the number of revisions to the proposed scheme. The concerns of third parties are noted; however, each application must be determined on its own merits against the most recently submitted details.
- 6.82 The requirement to provide electric car charging points to the proposed dwellings, where possible, has been included by way of a condition.

## **Conclusion**

- 6.83 The application site is an allocated site identified under Policy HO1 of the local plan and has the benefit of an implemented 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 proposed development would provide 12no. bungalows together with 2no. two storey semi-detached dwellings which respond to the scale and form of existing properties within Moorhouse. 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. The proposed palette of materials would also respect and reflect those of the existing properties within Moorhouse together with those approved under the implemented application. The retention and reinforcement of most of the existing hedgerows surrounding the application site together with proposed hard and soft landscaping within the site would also help to soften and blend the proposed dwellings into the street scene. Furthermore, the proposed development would also achieve adequate external space and parking provision to serve each of the proposed dwellings. As such the proposal would respond to the local context and would not be disproportionate or obtrusive within the street scene.
- 6.84 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.

- 6.85 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.
- 6.86 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 existing foul and surface water drainage systems.
- 6.87 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.
- 6.88 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).

- 7.6 In 2020, an application to discharge conditions 6 (foul & surface water); 7 (surface drainage scheme); 8 (surface water drainage system); 9 (surface water management plan); 10 (groundwater levels investigation report) and 11 (infiltration tests) of previously approved application 16/0387 was approved (application 20/0135).
- 7.7 In 2021, an application for the removal of hedgerows to facilitate the future development of the residential allocation was refused (application reference 21/0001/HDG).
- 7.8 Also in 2021, an application to discharge of conditions 5 (archaeological work); 13 (highway details); 14 (ramp details); 18 (access during construction); 20 (tree & hedgerow protection); 21 (method statement for root protection areas) & 27 (boundary treatments) of previously approved application 16/0387 was approved (application reference 21/0611).

## **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 5th May 2021;
2. the Heritage Impact Assessment (Report 283 (Revised) Updated 4th May 2021) received 5th May 2021;
3. the Contaminated Land Statement received 21st March 2019;
4. the Affordable Housing Statement received 9th October 2021;
5. the External Materials Schedule received 5th May 2021 (Ref: 18/07/937 - EMS/3);
6. the Dwelling Type Schedule received 5th May 2021 (Ref: 18/07/937 - DS);
7. Landscaping Schedule received 5th May 2021;
8. the location plan received 21st March 2019 (Drawing No. 18/07/937 - 01);
9. the proposed site plan received 5th May 2021 (Drawing No. 18/07/937 - 08f);
10. the Grisdale Elevations (Brick) received 5th May 2021 (Drawing No. 18/06/931 - Grisdale);
12. the Grisdale Floor Plans received 5th May 2021 (Drawing No. 18/06/931 - Grisdale);
13. the Grasmoor (2) Elevations (Brick) (LH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Grasmoor (2) (LH Garage) Rev A);

14. the Grasmoor (2) Floor Plan (LH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Grasmoor (2) (LH Garage) Rev D);
15. the Grasmoor (2) Elevations (Brick) (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Grasmoor (2) (RH Garage));
16. the Grasmoor (2) Elevations (Render) (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Grasmoor (2) (RH Garage));
17. the Grasmoor (2) Floor Plan (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Grasmoor (2) (RH Garage));
18. the Pillar (2) Elevations (Brick) (LH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (2) (LH Garage) Rev A);
19. the Pillar (2) Floor Plan (LH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (2) Rev D);
20. the Pillar (2) Elevations (Brick) (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (2) (RH Garage));
21. the Pillar (2) Elevations (Render) (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (2) (RH Garage));
22. the Pillar (2) Floor Plan (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (2) (RH Garage));
23. the Pillar (4) Elevation (Brick) (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (4) (RH Garage));
24. the Pillar (4) Floor Plan (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (4) (RH Garage));
25. the Notice of Decision; and
26. 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 dependent 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 in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

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:
1. details of proposed crossings of the highway verge
  2. retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development
  3. retained areas for the storage of materials
  4. cleaning of site entrances and adjacent public highway
  5. details of proposed wheel washing facilities for vehicles leaving the site
  6. the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway
  7. construction vehicle routing
  8. construction hours
  9. 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
  10. provision and use of water suppression equipment
  11. 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 in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

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 2015-2030.

9. Prior to the commencement of any 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 any 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 any 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. 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.

14. 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 2015-2030.

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

1. No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
2. 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.
3. No alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning

authority.

4. No materials or vehicles shall be stored or parked within the fenced off area.
5. No alterations to the natural/existing ground level shall occur.
6. No excavations will be carried out within the fenced off area.
7. 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.

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. The existing hedgerows to be retained to the northern and eastern boundaries of the site as indicated on Drawing Number 18/07/937 - 08f) shall be retained at a height of not less than 1.6 metres as measured from the existing ground level. The existing hedgerows shall be enriched through the planting of a double row of staggered hawthorn plants in gaps exceeding 250mm. All planting shall be carried out in the first planting season following the occupation of the ninth dwelling and maintained thereafter to the satisfaction of the council. Any 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.

**Reason:** In the interests of privacy and amenity in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

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

19. Notwithstanding any description of the boiler details on the submitted drawings, 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.

20. 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.

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. Prior to the occupation of the 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 any dwelling shall be implemented on site before that unit is first brought into use and 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.

---

No.	Date	Revision	Initial

# ALPHA DESIGN

Architectural Services  
Member of the Chartered Institute of  
Architectural Technologists

Tel: 01900 829199 email: [info@alpha-design.co.uk](mailto:info@alpha-design.co.uk)

Project

**FIELD 3486,  
MONKHILL ROAD,  
MOORHOUSE,  
CARLISLE**

Client

**CITADEL HOMES (CUMBRIA) LTD.**

Drawing

**LOCATION PLAN**

Scale 1:2500 @ A3 Drawn GB

Checked Date DEC. 2018

Drawing No.

**18/07/937 - 01**

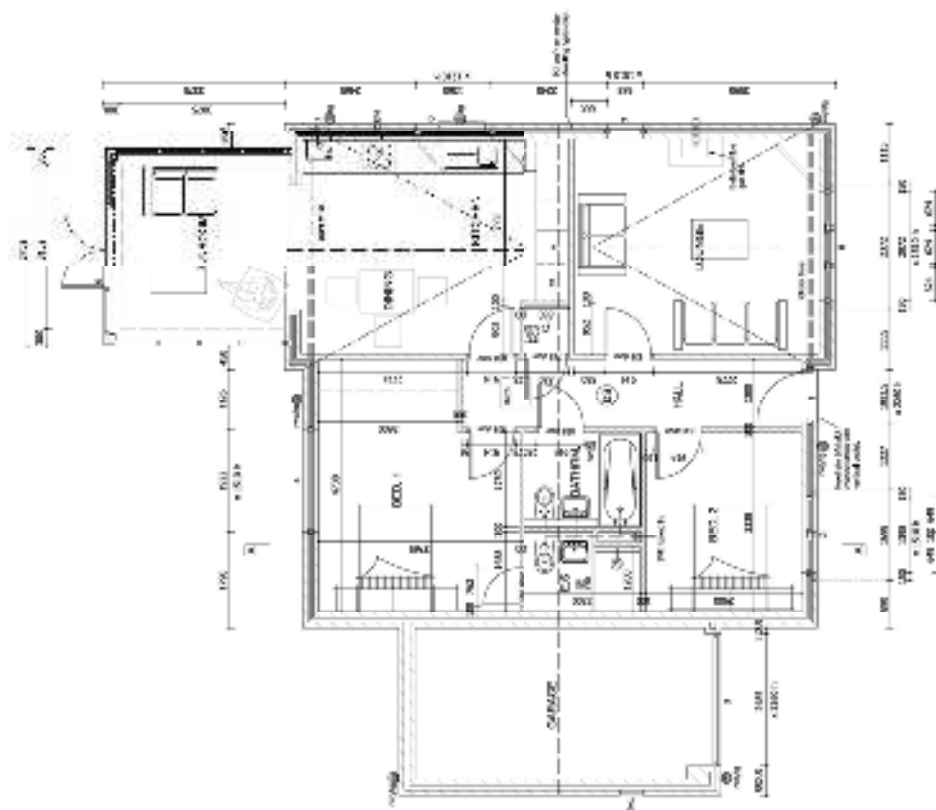
This drawing and design is copyright and must not be reproduced in part or in whole without prior written consent. Contractors must verify all dimensions on site before commencing work or preparing shop drawings.









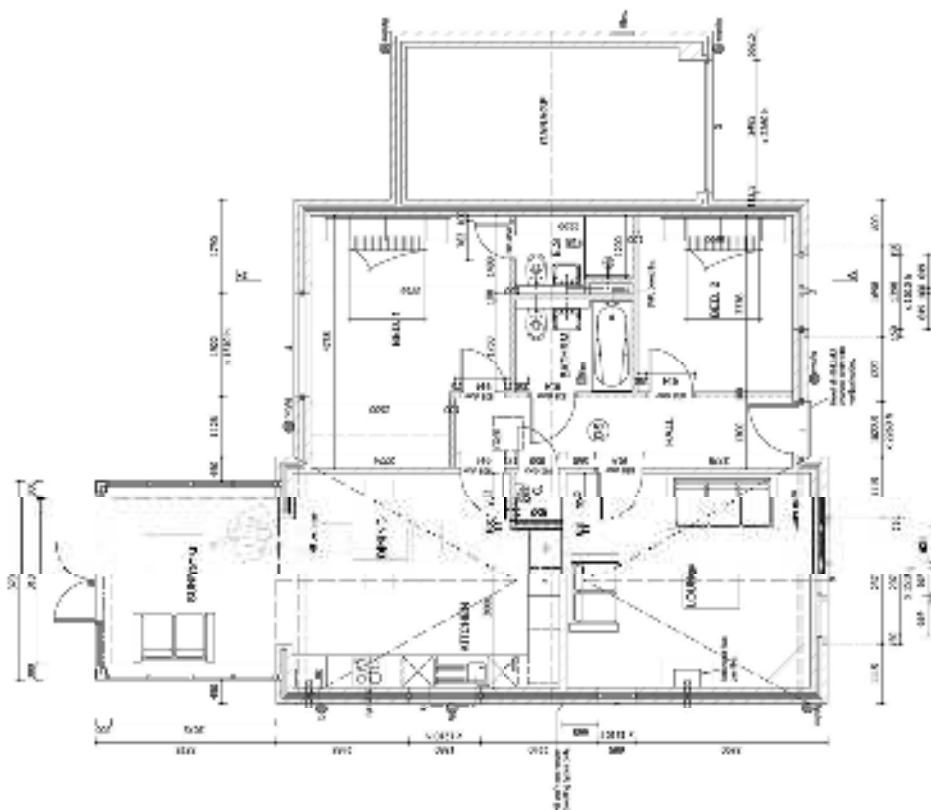


## GRASMOOR (2) 2-BED FLOOR PLAN (LH GARAGE)

TOTAL G.L.A. 94.98m<sup>2</sup>  
1022 sq.ft.  
plus garage of 15.25m<sup>2</sup>  
162 sq.ft.

1. ARCHITECT: Alpha Design Ltd	2. CLIENT: Citrus Homes (Cumbria) Ltd
3. PROJECT: 2-Bed Floor Plan (LH Garage)	4. DATE: 12/01/21
5. DRAWN: J. Smith	6. CHECKED: J. Smith
7. SCALE: 1:100	8. DATE: 12/01/21
9. PROJECT NO: 123456	10. DRAWING NO: 123456
11. PROJECT NAME: 2-Bed Floor Plan (LH Garage)	12. PROJECT ADDRESS: 123 Main St, London, UK
13. PROJECT CONTACT: 01234 567890	14. PROJECT EMAIL: info@alphadesign.co.uk
15. PROJECT PHONE: 01234 567890	16. PROJECT FAX: 01234 567890
17. PROJECT WEBSITE: www.alphadesign.co.uk	18. PROJECT SOCIAL MEDIA: @alphadesign
19. PROJECT BLOG: www.alphadesign.co.uk/blog	20. PROJECT NEWSLETTER: www.alphadesign.co.uk/newsletter
21. PROJECT PRESS: www.alphadesign.co.uk/press	22. PROJECT PARTNERS: www.alphadesign.co.uk/partners
23. PROJECT SUPPLIERS: www.alphadesign.co.uk/suppliers	24. PROJECT SUBCONTRACTORS: www.alphadesign.co.uk/subcontractors
25. PROJECT VENDORS: www.alphadesign.co.uk/vendors	26. PROJECT DISTRIBUTORS: www.alphadesign.co.uk/distributors
27. PROJECT RETAILERS: www.alphadesign.co.uk/retailers	28. PROJECT WHOLESALE: www.alphadesign.co.uk/wholesale
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39. PROJECT MAINTENANCE: www.alphadesign.co.uk/maintenance	40. PROJECT UPGRADES: www.alphadesign.co.uk/updates
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99. PROJECT BENEFITS: www.alphadesign.co.uk/benefits	100. PROJECT SHARE SCHEME: www.alphadesign.co.uk/share-scheme





## GRASMOOR (2) 2-BED FLOOR PLAN (RH GARAGE)

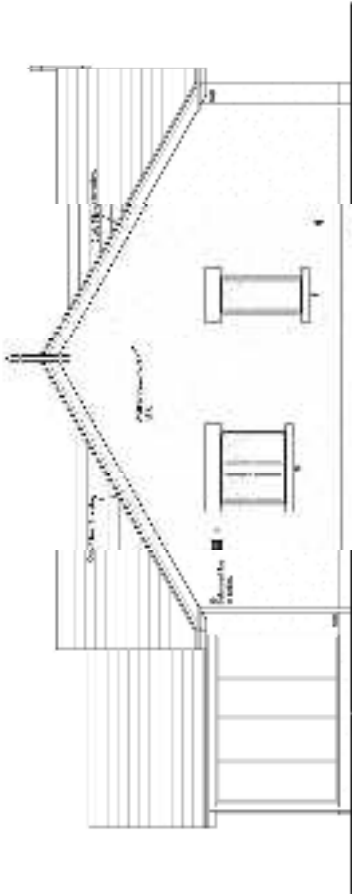
TOTAL G.L.A. - 91.5sqm  
1122 sq.ft.  
plus garage @ 15.0 sq.m  
127 sq.ft.

Architect	Alpha Design
Address	Alpha Design Ltd 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

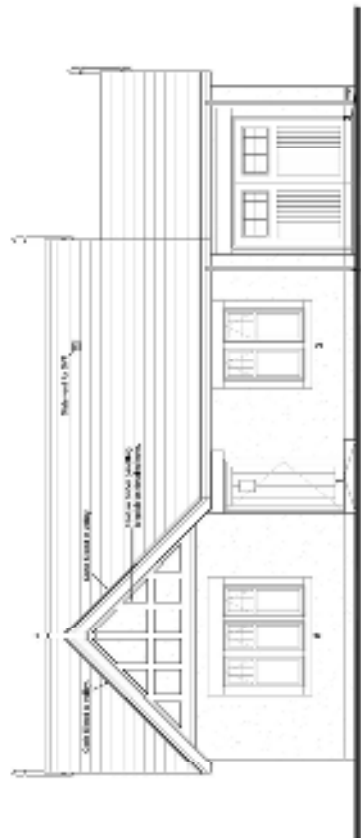




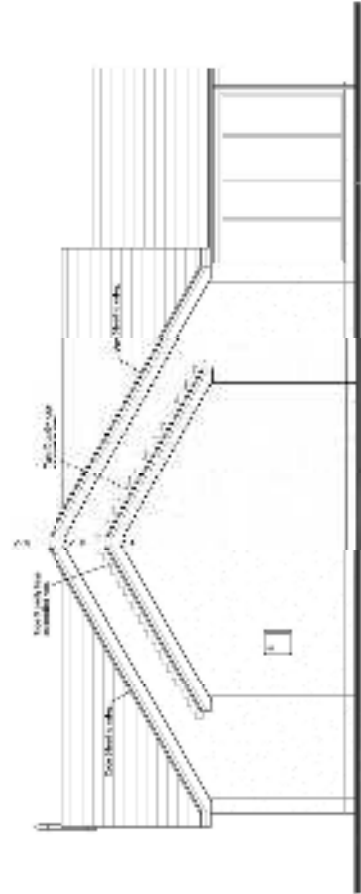
REAR ELEVATION



SIDE ELEVATION

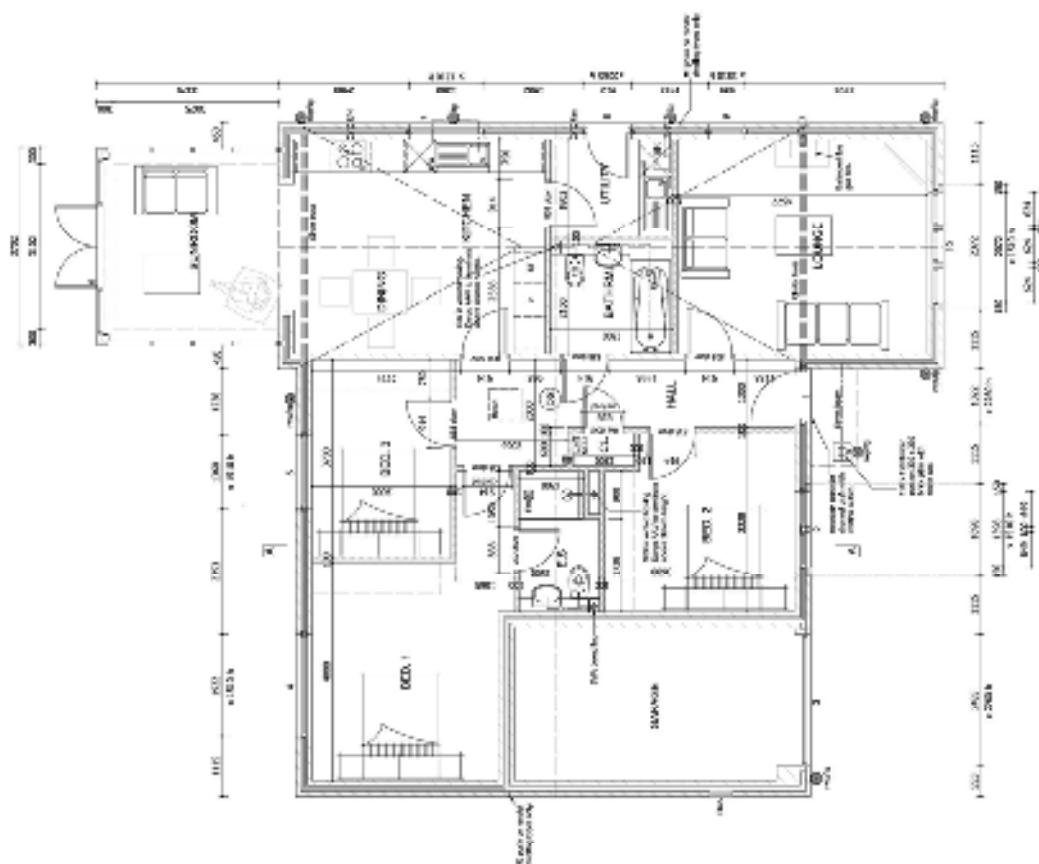


FRONT ELEVATION



SIDE ELEVATION

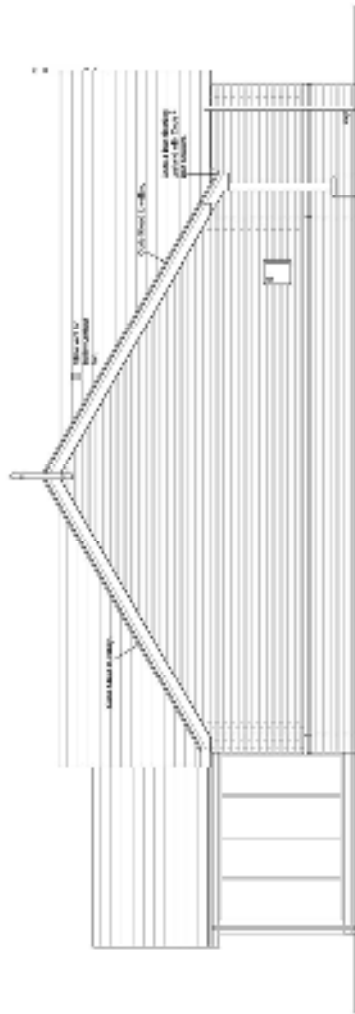
Project Information	
Project Name	THE GLASHOOS (2) - ELEVATIONS
Client	CITADEL HOMES (QUEBEC) LTD.
Architect	STANBROOK ENGINEERING INC.
Engineer	ALPHA DESIGN
Scale	1/8" = 1'-0"
Sheet No.	1
Sheet Title	THE GLASHOOS (2) - ELEVATIONS
Sheet Date	2023-01-10
Sheet Author	ALPHA DESIGN
Sheet Checker	ALPHA DESIGN
Sheet Approver	ALPHA DESIGN
Sheet Status	Final



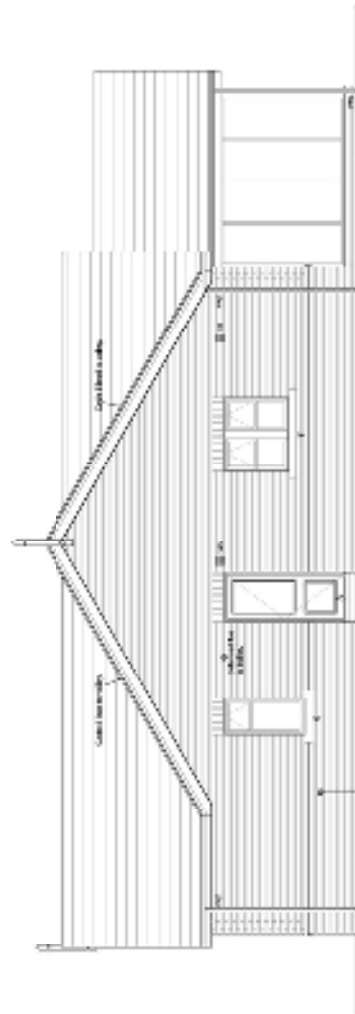
## PILLAR (2) 3-BED FLOOR PLAN (LH GARAGE)

TOTAL G.L.A. 114,48sqft  
1212 sq.ft.  
plus garage @ 15,18sqft  
167 sq.ft.

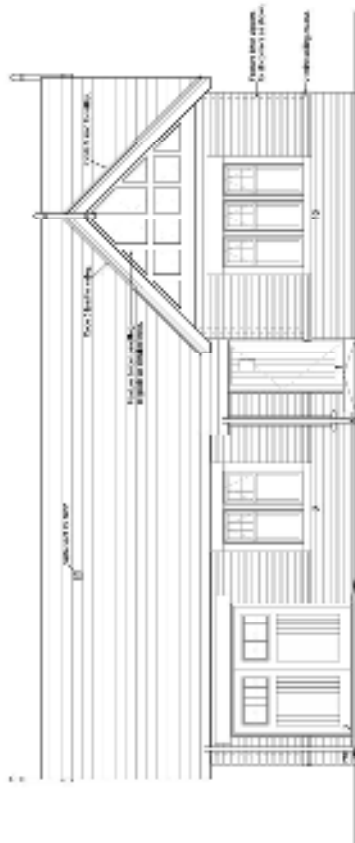
1. ARCHITECT: ALPHA DESIGN LTD.	2. CLIENT: CITADEL HOMES (CUMBRIA) LTD.
3. PROJECT: THE PILLAR (2) - FLOOR PLAN (LH GARAGE)	4. DATE: 15.11.2023
5. DRAWN BY: J. DAVIES	6. CHECKED BY: J. DAVIES
7. SCALE: 1:100	8. DATE: 15.11.2023
9. PROJECT NO: 2023/001	10. PROJECT NAME: THE PILLAR (2)
11. PROJECT ADDRESS: 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	12. PROJECT DESCRIPTION: 3-BED FLOOR PLAN (LH GARAGE)
13. PROJECT LOCATION: 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	14. PROJECT STATUS: 100% COMPLETE
15. PROJECT CONTACT: 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	16. PROJECT CONTACT: 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100



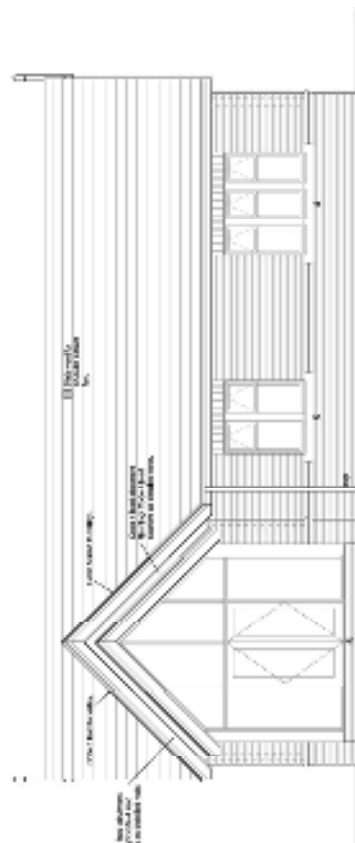
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SIDE ELEVATION



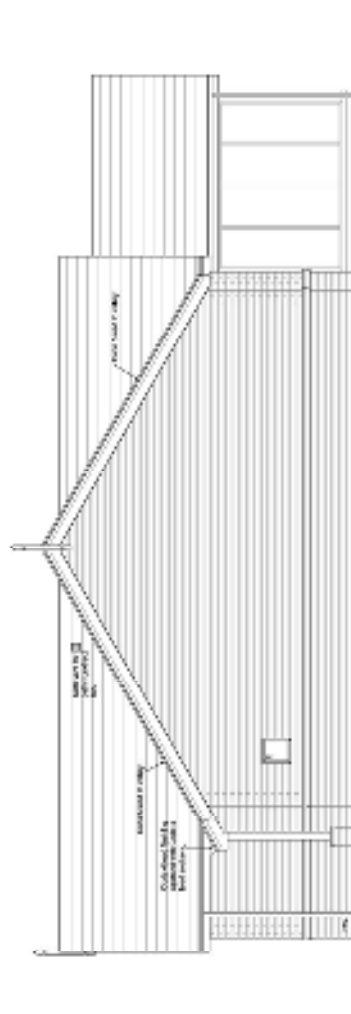
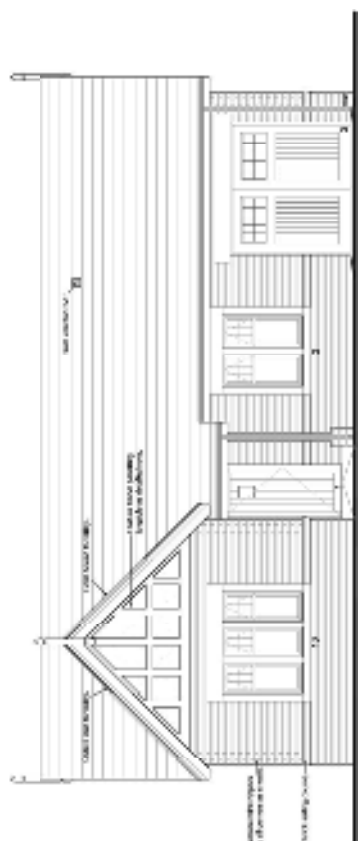
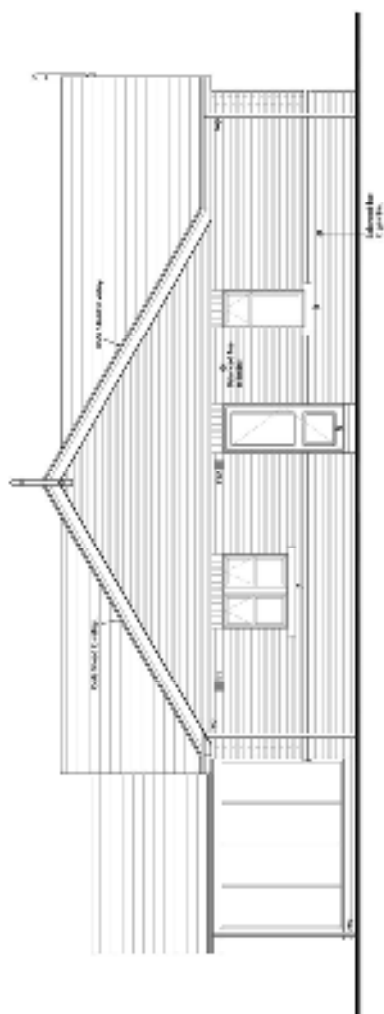
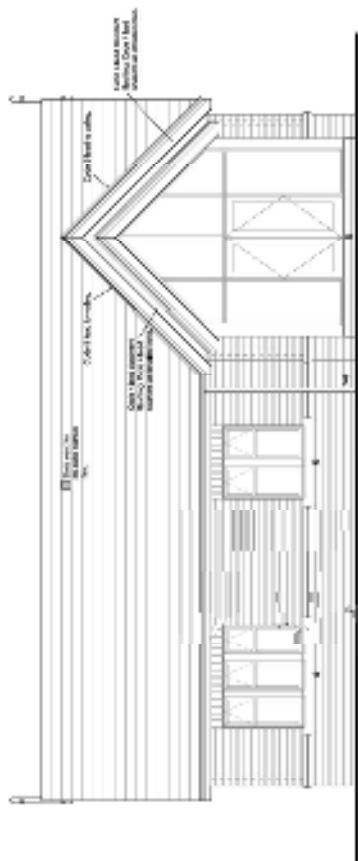
FRONT ELEVATION



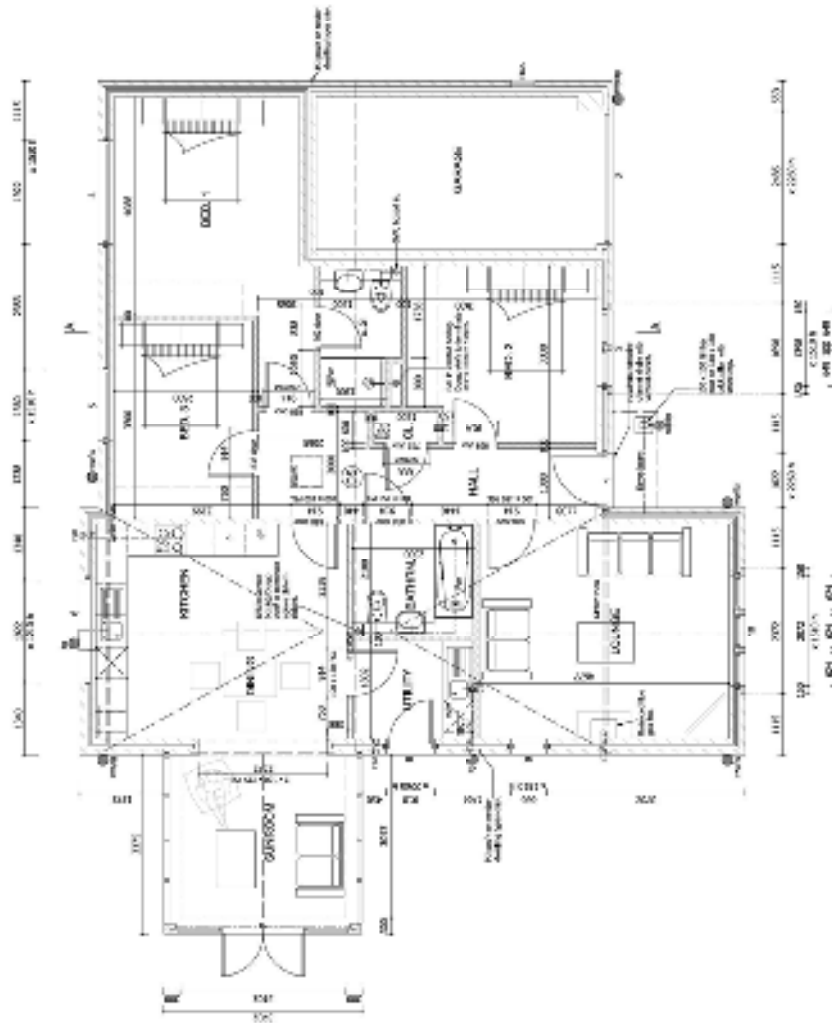
REAR ELEVATION





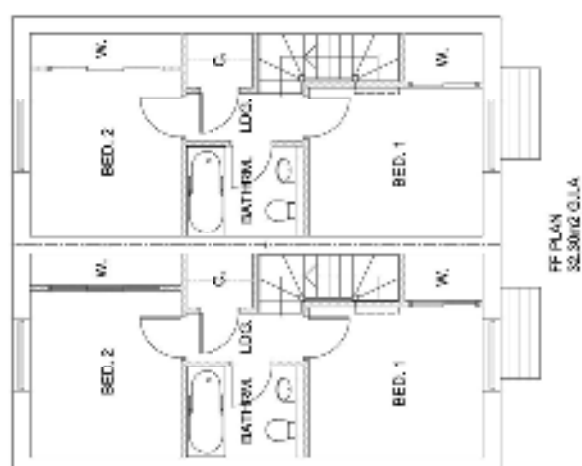






Architect	Alpha Design
Engineer	Alpha Design
Surveyor	Alpha Design
Structural Engineer	Alpha Design
MEP Engineer	Alpha Design
Interior Designer	Alpha Design
Project Manager	Alpha Design
Client	CITADEL HOMES (JORDAN) LTD.
Project Name	THE PILLAR (4) - FLOOR PLAN (PH GARAGE)
Location	UNITED ARAB EMIRATES
Drawn By	DATE: 08/01/2022
Checked By	DATE: 08/01/2022
Project No.	2020/001 - PILLAR (4) (PH GARAGE)
Revision	1/1





Job No.	Drawn	Revised	Scale
<h2>ALPHA DESIGN</h2> <p>Architectural Firm          10000 Main Street, Suite 100          Dallas, TX 75201          Tel: (214) 555-1234 Fax: (214) 555-5678</p>			
<h3>STANDARD DWELLING TYPES</h3>			
<p>Client: CITIZEN HOMES (DUBLIN) LTD.</p>			
<p>Drawing: THE GRISDALE - FLOOR PLANS</p>			
<p>Scale: 1/8" = 1'-0"</p>		<p>Units: US</p>	
<p>Standard</p>		<p>Date: 08/01/2000</p>	
<p>Drawing No.: 2000-001 - 001-001</p>			







## SCHEDULE A: Applications with Recommendation

21/0768

Item No: 04

Date of Committee: 14/01/2022

**Appn Ref No:**  
21/0768

**Applicant:**  
Mr Bobby Gibson

**Parish:**  
Stanwix Rural

**Agent:**

**Ward:**  
Stanwix & Houghton

**Location:** 24 Hendersons Croft, Crosby on Eden, Carlisle, CA6 4QU

**Proposal:** Erection Of First Floor Balcony To Rear Elevation (Retrospective)

**Date of Receipt:**  
04/08/2021

**Statutory Expiry Date**  
29/09/2021

**26 Week Determination**

---

### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

- 1.1 It is recommended that this application is refused.

#### 2. Main Issues

- 2.1 Whether The Scale And Design Is Appropriate To The Dwelling And The Character Of The Locality
- 2.2 Effect On The Living Condition Of The Occupiers Of The Nearby Properties
- 2.3 Highway Matters
- 2.4 The Impact On The Hadrian's Wall World Heritage Site Buffer Zone
- 2.5 Development Within The Flood Zone
- 2.6 Biodiversity

#### 3. Application Details

##### The Site

- 3.1 24 Hendersons Croft is a two storey detached dwelling located in Crosby-on-Eden. The property is constructed from facing brick under a tiled roof and forms part of a residential cul-de-sac to the west of the village.
- 3.2 The property is flanked by residential properties to the east, south and west

and to the north is the road leading from the village to the A689 beyond which is the village hall. The site is within Flood Zones 2 and 3.

## **The Proposal**

- 3.3 Retrospective planning permission is sought for the installation of a balcony on the west elevation of the property. The balcony has been constructed from two steel columns which support the balcony structure that is affixed to the wall. The balcony hasn't been completed and no floor or glazed screening have been installed.
- 3.4 The west elevation of the property is approximately 4.1 metres from the boundary with the neighbouring property, Burnside. The balcony projects 1.4 metres from the property and is 3.4 metres in width.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of direct notification to the occupiers of three of the neighbouring properties. In response, two representations have been received objecting to the application and the main issues raised are summarised as follows:

1. it was evident as the balcony as being constructed that it would have a negative effect on immediate neighbours' privacy;
2. the proposal would have a negative effect on the value of the two houses directly next to the balcony as well as the two property's being less attractive for prospective buyers;
3. although 120 households in Crosby have been asked to lend their support, the balcony is only relevant to and would have a negative effect on two properties;
4. if planning permission had been sought before the balcony was built, these issues would have come to light then and the balcony would not have gone ahead;
5. a letter has been issued to residents in the village which it is assumed is a deliberate attempt to canvass support far and wide as there are only two households that can actually see the balcony;
6. the applicant states in a letter that he canvassed all of his immediate neighbours and other visible house owners to gauge whether or not any of them would have any objection, of which there were none; This statement is untrue as other residents have also canvassed the same neighbours and nobody has been consulted about the proposal;
7. the first floor balcony that has already been constructed directly overlooks neighbouring rear gardens which removes all privacy from residents' enjoyment of these areas causing stress to these families.

- 4.2 In addition, three letters of support have been received which raise the following issues:

1. on learning that the proposal is declined on the basis that consenting to the proposal would be impacting on future neighbours amenity and

- enjoyment of their garden but with the opaque glazing, this wouldn't put potential occupiers off purchasing the property;
2. the structure is slim, discreet and well-designed and adds to the architectural environs in a positive manner;
  3. during these times of the pandemic, such a balcony would enable direct access to the outside and nature with all of the well-being and mental health benefits that this would bring;
  4. refusal of this proposal would be totally ridiculous;
  5. only planning related considerations should be taken into account and factors such as loss of value or loss of a view are not related planning considerations.
- 4.3 The applicant has submitted 40 identical letters signed by residents of the village drafted by himself setting out his statement of case in support of the proposal.

## 5. Summary of Consultation Responses

**Stanwix Rural Parish Council:** - the parish council is concerned regarding the potential for the proposed balcony to create issues of overlooking in respect of neighbouring dwellings, prejudicial to their residential amenity through loss of privacy.

In the absence of objections from neighbouring residents and provided any issues that arise can be satisfactorily overcome, the parish council recommends determination in accordance with local and national planning and conservation policy and guidance.

The original comments have been supplemented with the following response:

The parish council's response to the above application expressed concerns regarding the potential for the proposed balcony to create issues of overlooking and loss of privacy in respect of neighbouring dwellings. It also recommended, in the absence of objections from neighbouring residents, determination in accordance with local and national planning and conservation policy and guidance. This recommendation remains unchanged.

The parish council is alert to a neighbour objection voicing serious anxieties regarding the proposal. However, following the applicant's seeking the parish council's advice on this matter, it is also conscious of a significant number of expressions of support for the application from local residents.

The parish council also notes the opinion of officers with regard to the future residential amenity of neighbouring dwellings, the contrary opinion of the applicant's architect, and the practical impossibility of conditioning potential removal of the balcony at some future time.

In order to inform its own considerations, the parish council seeks clear guidance as to the criteria considered by Officers when balancing the level of protection required to ensure future residential amenity, with the ability of future potential occupiers to decide for themselves, prior to purchase or

renting, the extent to which their residential amenity may have been prejudiced by any neighbouring development;

**Historic England - North West Office:** - no comment.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP6, HO8, IP3, CC4, HE1 and GI3 of the Carlisle District Local Plan 2015-2030 are also relevant. Carlisle City Council's Supplementary Planning Document (SPD) on "Achieving Well Design Housing" is also a material planning consideration. The proposal raises the following planning issues.

#### **1. Whether The Scale And Design Is Appropriate To The Dwelling And The Character Of The Locality**

- 6.3 Paragraphs 126 to 136 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 130 outlines that:

*"Planning policies and decisions should ensure that developments:*

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

*undermine the quality of life or community cohesion and resilience.”*

- 6.3 It is further appropriate to be mindful of the requirements in paragraph 134 of the NPPF which states:

*“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/ or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

- 6.4 Policy SP6 of the local plan requires that development proposals demonstrate a good standard of sustainable design that responds to local context taking account of established street patterns, making use of appropriate materials and detailing, and reinforcing local architectural features to promote and respect local character and distinctiveness. Specific to householder proposals, Policy HO8 of the local plan requires that extensions and alterations be designed to relate to and complement the existing building in scale, design, form and materials which maintain the established character and pattern of the street scene resulting in a positive addition. In addition to the planning policies, the council's SPD "Achieving Well Designed Housing" advises that ordinarily extensions should not dominate the original dwelling.

- 6.5 The balcony is to the rear of the property with public views from the main road through the village to the north and its visible from neighbouring properties. In the context of the development, the scale, design and use of materials would be appropriate to the character and appearance of the property, would not appear obtrusive within the wider character of the area and the proposal is compliant with policies in this regard.

## **2. Effect On The Living Condition Of The Occupiers Of The Nearby Properties**

- 6.6 In addition to paragraph 130 of the NPPF, the city council's SPD "Achieving Well Designed Housing", on the matter of privacy, states that:

*"Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. (para. 5.44) While it is important to protect the privacy*

*of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances."* (para. 5.45)

- 6.7 Moreover, Policies SP6 and HO8 of the local plan requires that proposals ensure that there is no adverse effect on residential amenity or result in unacceptable conditions for future users and occupiers of the development and that development should not be inappropriate in scale or visually intrusive.
- 6.8 26 Hendersons Croft is located immediately adjacent to and to the south of the application site and is separated by a leylandii hedge. The property is orientated east/ west with garden area to the south and north. The southern element of the garden is grass with planted borders. The curtilage to the north, adjacent to the application site, is a patio area which is used as a seating area by the occupiers of the property.
- 6.9 Burnside is located adjacent to the application site to the west. This is a large detached single storey property with a detached garage that is set approximately 25 metres from the frontage with the highway. There is little in terms of curtilage to the rear with the vast majority being laid to lawn to the front of the property and which is immediately adjacent to the proposed balcony. The boundary comprises of a timber bow-top fence that is approximately 1.8 metres in height.
- 6.10 Given the scale, height and positioning of the proposed balcony, particularly in relation to the boundary between the two properties, it is considered that the use of the balcony would result in a significant loss of privacy and result in an unreasonable degree of actual and perceived overlooking to the curtilage of the adjacent property, Burnside, that would adversely affect the enjoyment of the garden areas that people could reasonably expect. Additionally, there would be an oblique view to the patio area of 26 Hendersons Croft to the south, although this is partially screening by an existing hedgerow.
- 6.11 In certain circumstances, it can be the case that any privacy impacts can be mitigated through the construction of screening along the sides of a balcony which could potential address any concerns in respect of the current and future occupiers of 26 Hendersons Croft. In this instance, however, it is not considered that such concerns can be overcome by screening to the front of the balcony to mitigate overlooking issues to Burnside as this would involve enclosing the main aspect which would be unreasonable. As such, the proposal fails to comply with the policy requirements.

### **3. Highway Matters**

- 6.12 Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway and provide adequate parking facilities.
- 6.13 The development would retain an area of incurtilage parking to the front of the property and the proposed extension would not result in any additional

demand for parking facilities. On this basis, it is not considered that the proposal raises any highway issues.

#### **4. The Impact On The Hadrian's Wall World Heritage Site Buffer Zone**

- 6.14 Policy HE1 of the local plan seeks to control development within the Hadrian's Wall World Heritage Site (WHS) and Buffer Zone to ensure that development which would have an unacceptable adverse impact on the character and/ or setting of the World Heritage Site will not be permitted. The NPPF also requires that an appropriate assessment harm and a balanced judgement is made in terms of the impact on the WHS and nearby scheduled monument that is Hadrian's Wall.
- 6.15 Historic England has submitted no comment in respect of this application. The development would from an extension to a property in a residential area surrounded by existing of dwellings. As such, this development is acceptable in the context of this site and adjacent buildings and would not result in harm to the setting of the scheduled monument or WHS and the development would be acceptable in this regard.

#### **5. Development Within The Flood Zone**

- 6.16 The property is within Flood Zones 2 and 3. Planning policies seeks to promote development in less vulnerable areas of flood risk and where submitted in areas at higher risk of flooding, proposals should be support by mitigation strategy and supporting documents. In this instance, the application seeks planning permission to construct a first floor balcony with no change to existing ground levels. Although two supporting columns have been installed, these together with the reminder of the proposal would not impact on the existing flood risk of the property and are not considered to exacerbate existing flooding conditions to warrant refusal of the application on this basis.

#### **6. Biodiversity**

- 6.17 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.18 The council's GIS layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the extension would be built within the curtilage of a domestic property on land previously developed, the building would not harm a protected species or their habitat; however, an Informative has been included within the decision

notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

## **Conclusion**

- 6.19 In overall terms the proposal is appropriate to the property in terms of scale and design and would not result in a discordant feature within the locality and would not be detrimental to the area or the WHS. No flooding or highway issues are raised by this proposal.
- 6.20 Given the scale, height and positioning of the proposed balcony it is considered that the use of the balcony would result in a significant loss of privacy and result in an unreasonable degree of actual and perceived overlooking to the curtilage of the adjacent properties that would adversely affect the enjoyment of the garden areas that current and future occupiers could reasonably expect.
- 6.21 In all aspects the proposal fails to comply with the objectives of the relevant planning policies and on this basis, planning permission should not be forthcoming.

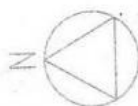
## **7. Planning History**

- 7.1 Planning permission was granted in 1999 for an extension to provide additional playroom, bedroom and study.
- 7.2 In 2002, planning permission was granted for a two storey extension to provide a playroom with bedrooms above.

## **8. Recommendation: Refuse Permission**

1. **Reason:** The dwelling is located close to the boundary with the neighbouring property, Burnside, to the west where the dominant proportion of its curtilage is to the rear of the property. In this instance, by virtue of the formation of the balcony, the development would result in actual and perceived overlooking and a significant loss of privacy to the current and future occupiers of the neighbouring properties and their associated gardens. The proposal is therefore contrary to criteria 7 of Policy SP6 (Securing Good Design) and criteria 3 of Policy HO8 (House Extensions) of the Carlisle District Local Plan 2015-2030 together with the objectives of Carlisle City Council's Supplementary Planning Document on "Achieving Well Designed Housing".
-





HENDERSONS COURT

Low Crosby

EDEN CROFT

site location

scale 1:1250 ( approximately

@ A4

24 HENDERSONS CROFT  
CROSBY ON EDEN  
CARLISLE  
CA6 4QU

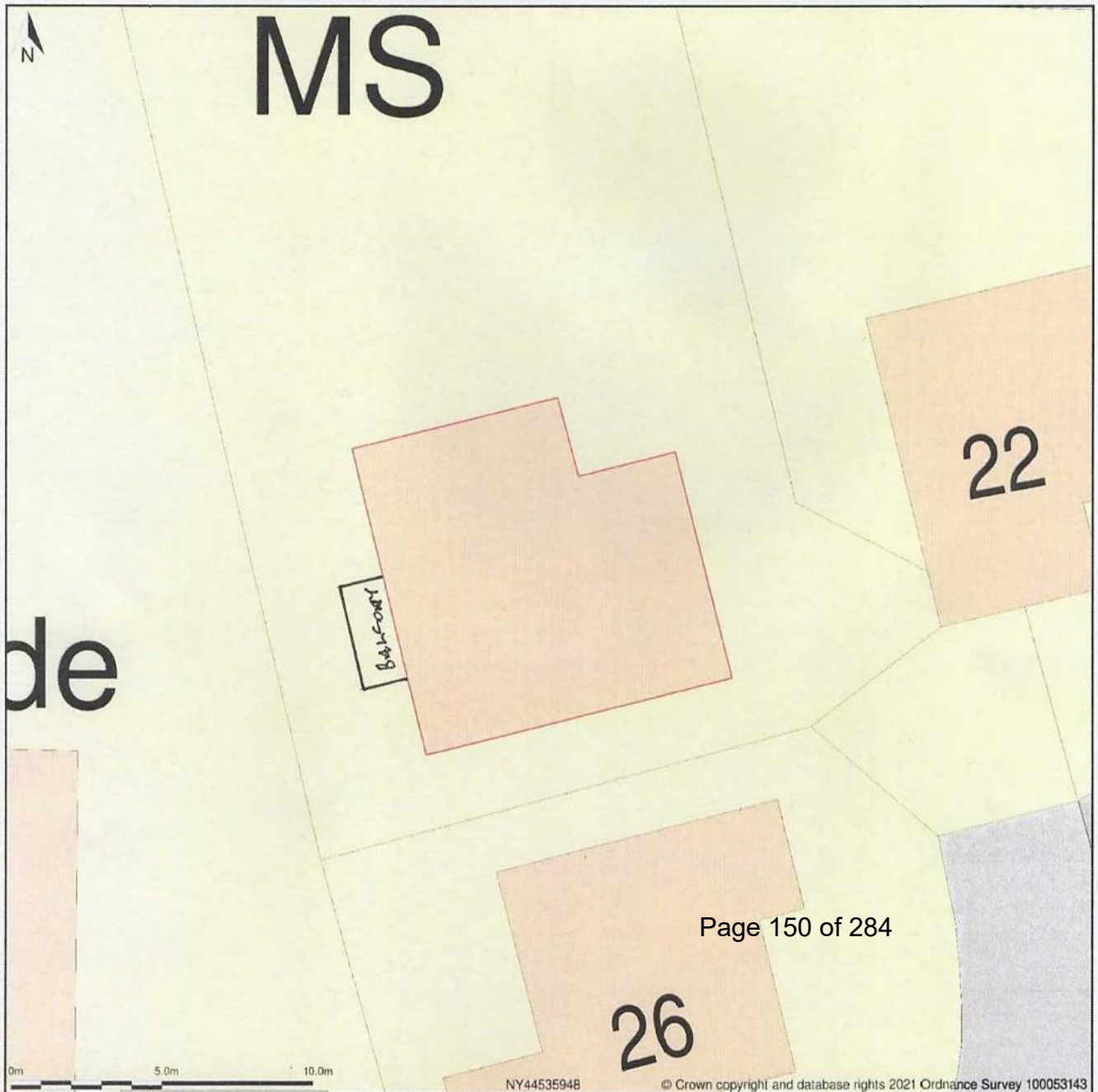
BG 5.

29 JULY 2021

PROPOSED BALCONY  
EXTENSION

MATERIALS  
ROOF : CONCRETE SLATES TO MATCH EXISTING  
WALLS: FACING BRICKWORK TO MATCH EXISTING  
WINDOWS : UPVC FRAMED DOUBLE GLAZED TO  
MATCH EXISTING  
RAINFALLER GOODS: BLACK UPVC TO MATCH  
EXISTING

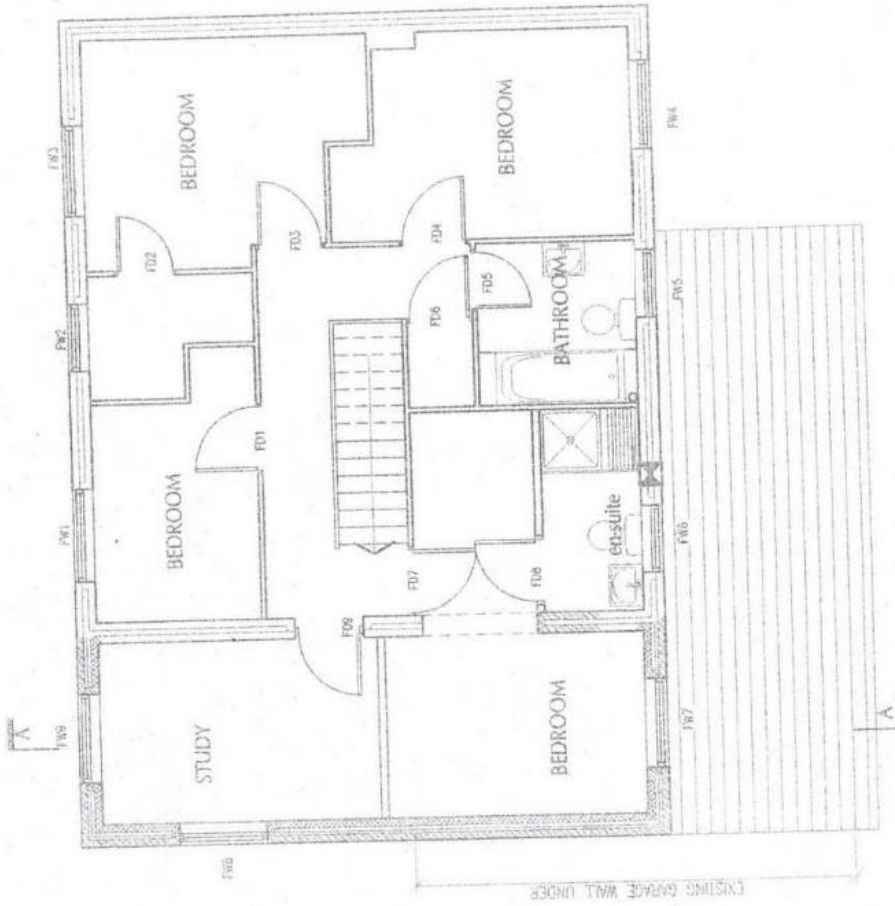
24, Hendersons Croft, Crosby On Eden, Cumbria, CA6 4QU



Block Plan shows area bounded by: 344512.9, 559463.7 344548.9, 559499.7 (at a scale of 1:200), OSGridRef: NY44535948. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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THIS SECTION OF CAVITY WALL TO BE  
CONSTRUCTED ON TOP OF EXISTING  
GARAGE WALL WIDTH TO SUITE BUT  
ALLOW FOR CAVITY INSULATION AS  
DESCRIBED. BRICKWORK TO MATCH  
EXISTING

## FIRST FLOOR EXISTING

24, Hendersons Court

Crossed-on-Gen

CALESSE

CA6 4QU

SCALE 1:100 eA4

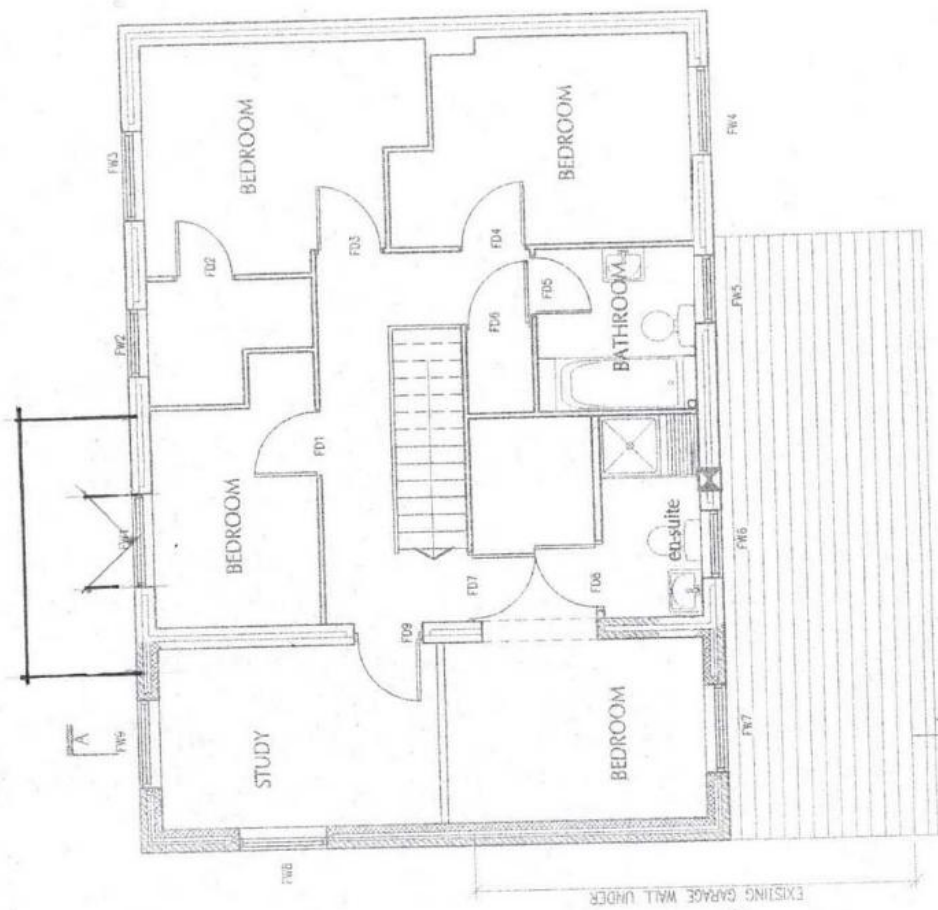
PROPOSED BALCONY EXTENSION

29 July 2021

BG 1a



Note that all boundaries are confirmed on site



THIS SECTION OF CAVITY WALL TO BE CONSTRUCTED ON TOP OF EXISTING GARAGE WALL WIDTH TO SUITE BUT ALLOW FOR CAVITY INSULATION AS DESCRIBED BRICKWORK TO MATCH EXISTING

FIRST FLOOR

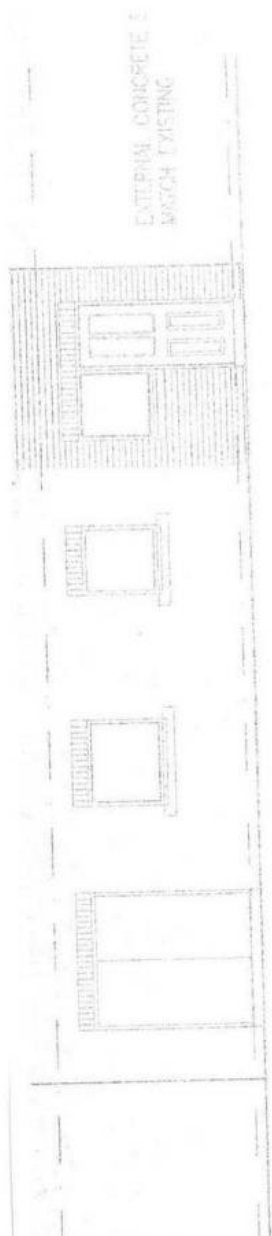
PROPOSED

SCALE 1:100 @ A4

PROPOSED BALCONY  
EXTENSION

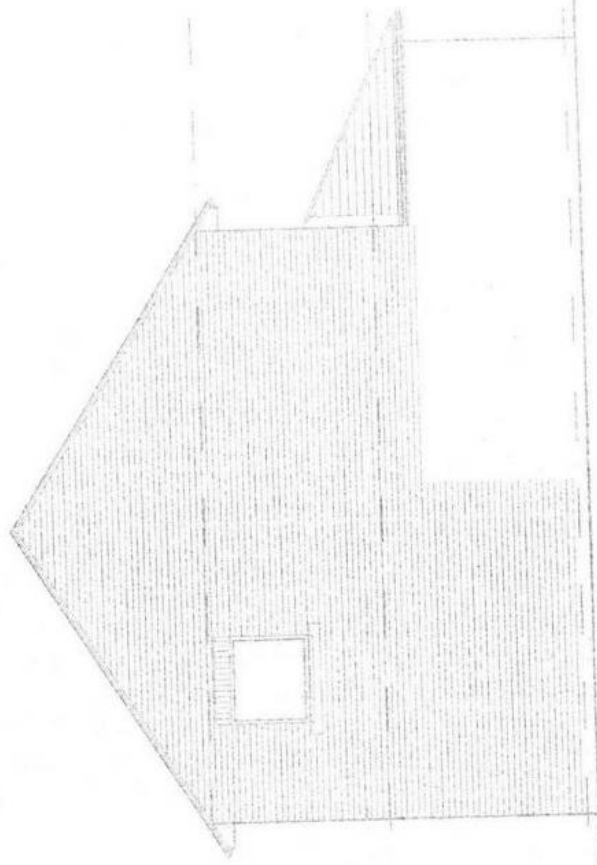
24 HENDERSONS CR  
CLOSED ON EDEAN  
CARLISLE  
CA64 9 10

BG 1  
29 JULY 2021



EXTERNAL CONCRETE &  
MATCH EXISTING

# REAR ELEVATION



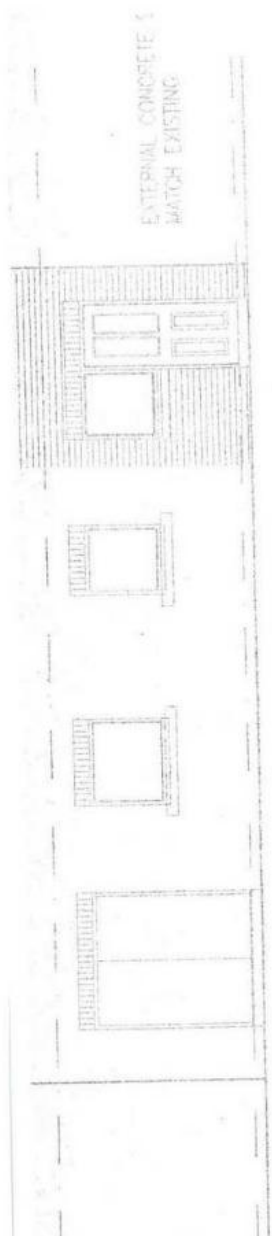
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 WALLS: FACING BRICKWORK TO MATCH EXISTING  
 WINDOWS : UPVC FRAMED DOUBLE GLAZED TO  
 MATCH EXISTING  
 RAINWATER GOODS: BLACK UPVC TO MATCH  
 EXISTING

# SIDE ELEVATION EXISTING

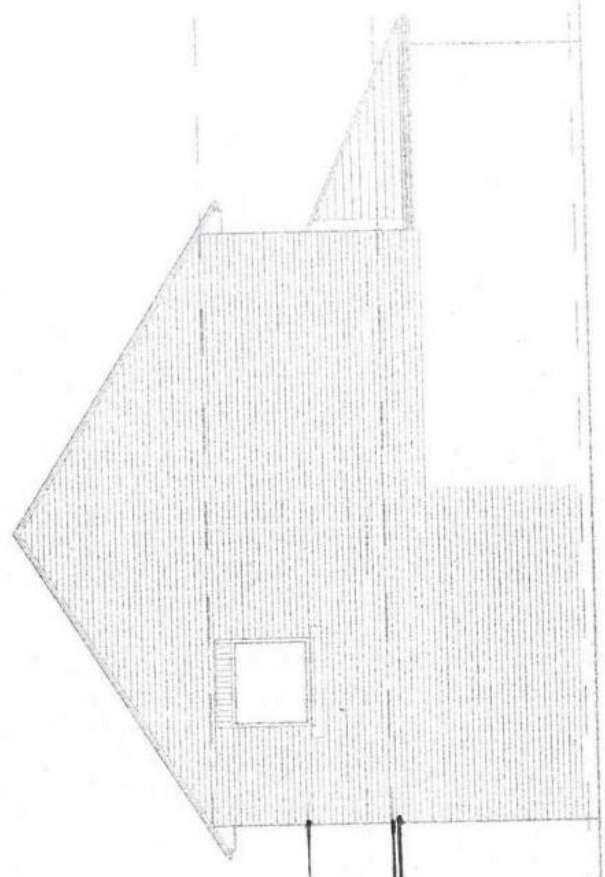
24, Howdens Croft  
 Crosby-on-Ever  
 Canuse  
 CA6 4QU

SCALE 1:100 A4  
 PROPOSED BALCONY  
 EXTENSION

29 July 2021  
 BG 2a



REAR ELEVATION



MATERIALS  
 ROOF : CONCRETE SLATES TO MATCH EXISTING  
 WALLS: FACING BRICKWORK TO MATCH EXISTING  
 WINDOWS : UPVC FRAMED DOUBLE GLAZED TO  
 MATCH EXISTING  
 RAINWATER GOODS: BLACK UPVC TO MATCH  
 EXISTING

SIDE ELEVATION PROPOSED

SCALE 1:100 @ A4

PROPOSED BALCONY  
 EXTENSION

24 HENDERSONS CDF  
 CROSBY ON EDEN  
 CARLISLE  
 CA6 4QU

29 JULY 2021  
 BG2



FROM

SECTION A-A

MATERIALS  
 ROOF : CONCRETE  
 WALLS : FACING BRU  
 WINDOWS : UPVC F  
 MATCH EXISTING  
 RAINWATER GOODS:  
 EXISTING

ALL NEW BRICKWORK TO BE  
 KEYED IN TO EXISTING

EXTERNAL CONCRETE SILLS TO  
 MATCH EXISTING

SH

REAR ELEVATION EXISTING

Scale 1:100 @ A4

PROPOSED BALCONY  
 EXTENSION

24, Hendersons Centre  
 Crosby - On - Edge

CAUSE

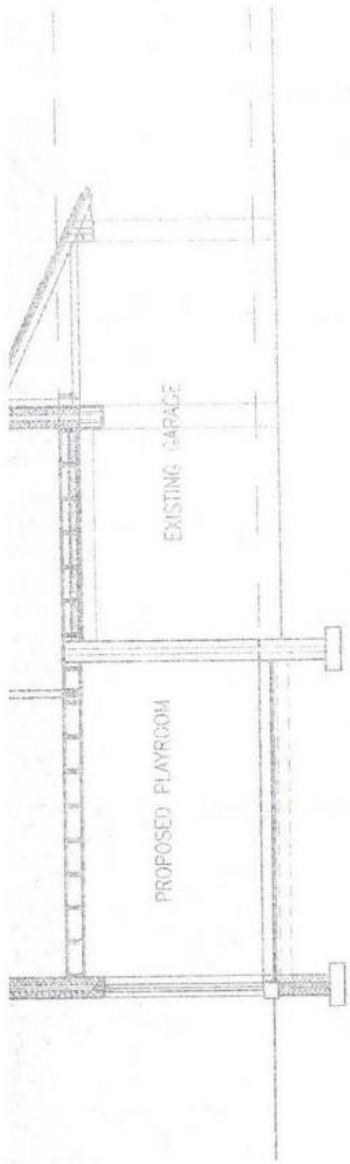
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29 JULY 202

BG 3a

MATERIALS  
 ROOF : CONCRETE SLATES TO MATCH EXISTING





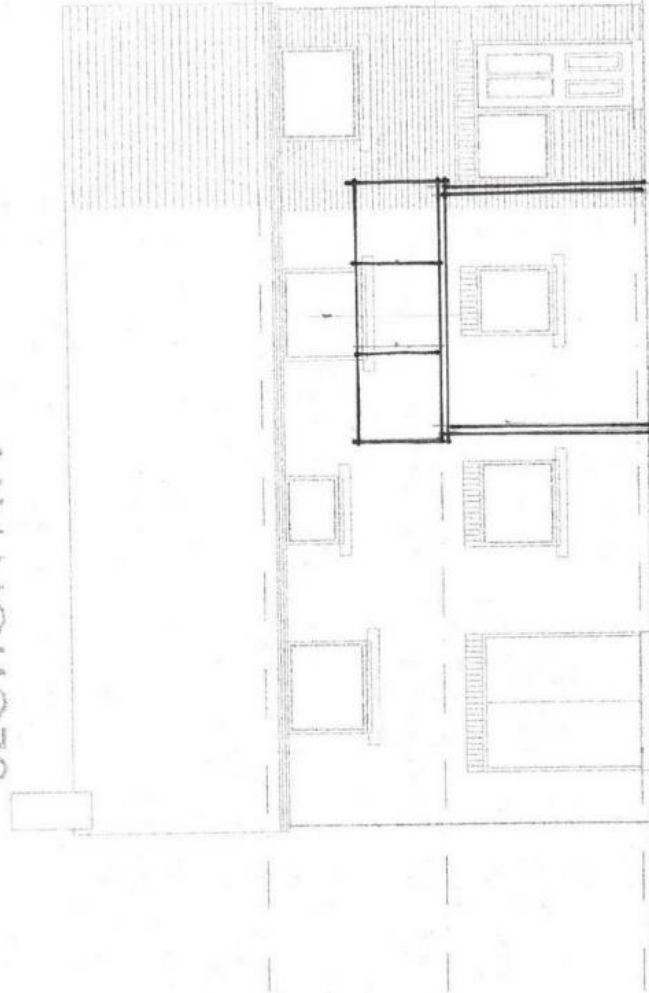
FRONT

SECTION A-A

MATERIALS  
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 WALLS : FACING BRICK  
 WINDOWS : UPVC F  
 MATCH EXISTING  
 RAINWATER GOODS :  
 EXISTING

ALL NEW BRICKWORK TO BE  
 KEYED IN TO EXISTING

EXTERNAL CONCRETE SILL TO  
 MATCH EXISTING



REAR ELEVATION PROPOSED  
 SCALE 1:100 @ A4

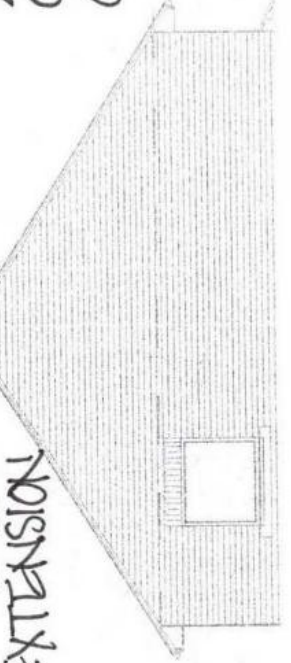
PROPOSED BALCONY  
 EXTENSION

24 HENDERSONS CROFT  
 CROSSBY ON EDEN  
 CAG 4 Q11

29 JULY 2021

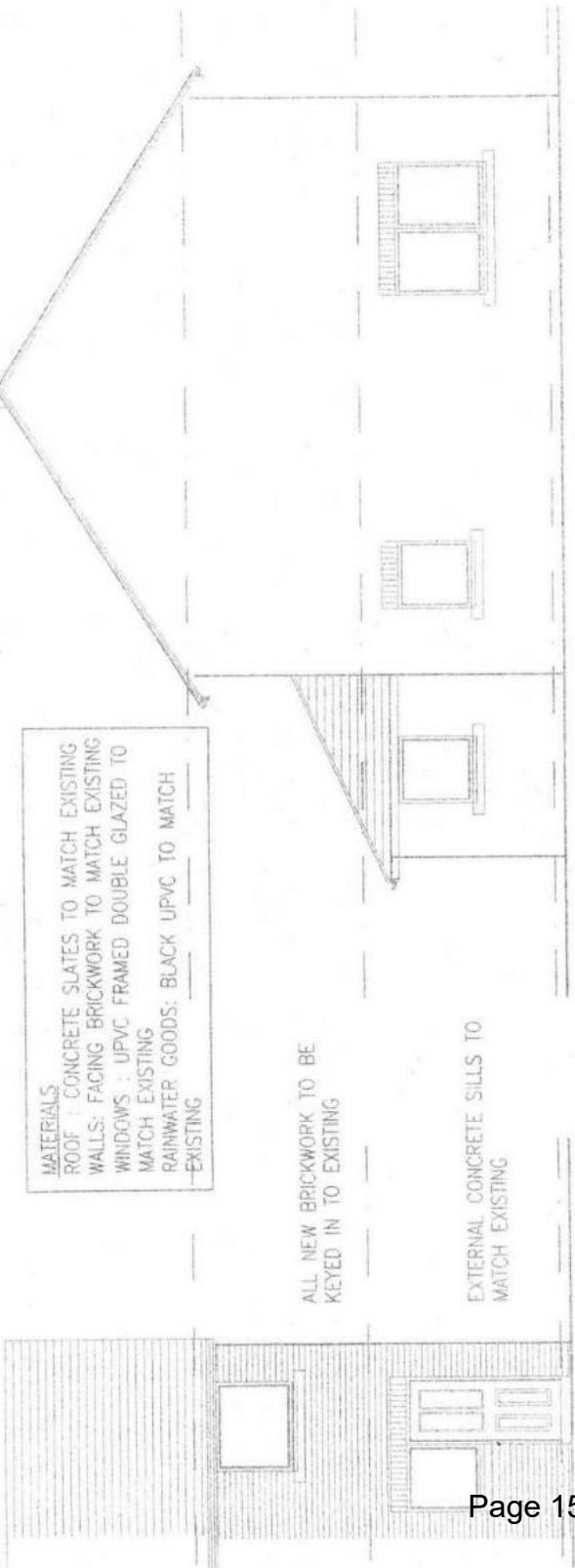
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MATERIALS  
 ROOF : CONCRETE SLATES TO MATCH EXISTING





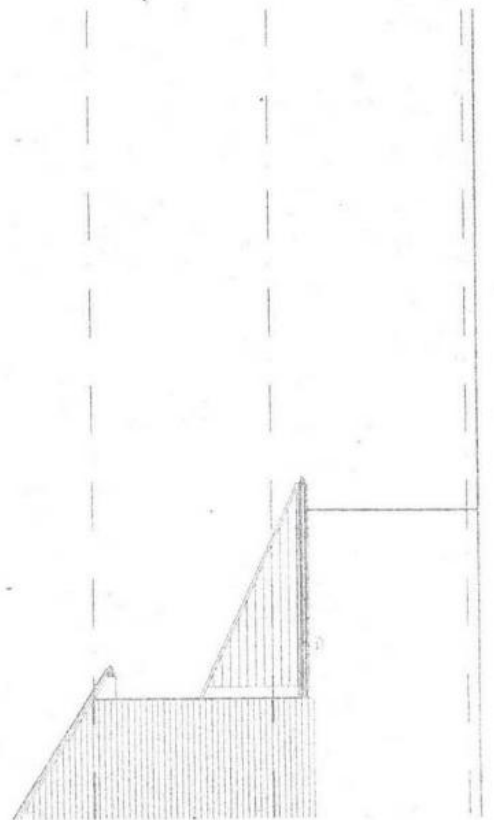
# FRONT ELEVATION



## SIDE ELEVATION EXISTING

Scale 1:100 @ A4

PROPOSED BALCONY  
EXTENSION



24, Hendersons Crag  
 CASBY - ON - EREN  
 CAUSE  
 CAB 4QU

29 July 2021

BG 42

PROPOSED EXTENSION

# FRONT ELEVATION



## SIDE ELEVATION PROPOSED

SCALE 1:100 @ A4

## PROPOSED BALCONY EXTENSION

24 HENDERSONS CROFT  
 CROSBY ON EDEN  
 CARLISLE  
 CA6 4QU

29 JULY 2021

BGF

PROPOSED EXTENSION

## SCHEDULE A: Applications with Recommendation

21/0867

Item No: 05

Date of Committee: 14/01/2022

**Appn Ref No:**  
21/0867

**Applicant:**  
Mr Arnot

**Parish:**  
Burgh-by-Sands

**Agent:**  
DB3 architecture

**Ward:**  
Dalston & Burgh

**Location:** Stoneleath, Burgh by Sands, Carlisle, CA5 6AX

**Proposal:** Erection Of Single Storey Side Extension To Provide 1no. En Suite Bedroom & Widening Of Existing Vehicular Access

**Date of Receipt:**  
03/09/2021 10:00:09

**Statutory Expiry Date**  
29/10/2021 10:00:09

**26 Week Determination**

---

### REPORT

**Case Officer:** John Hiscox

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Impact on private amenity
- 2.2 Impact on heritage settings
- 2.3 Impacts on public amenity
- 2.4 Highway safety impacts
- 2.5 Drainage matters

#### 3. Application Details

##### The Site

- 3.1 The subject dwelling is called Stoneleath. It is a two-floored converted stone barn orientated perpendicular to the main street in Burgh, with its combined pedestrian/vehicular access situated just west of the body of the dwelling. Towards the northern end of the driveway is a detached garage. The southern gable end wall abuts the public pavement.

- 3.2 The curtilage extends around the dwelling so that there is a gap between the external east wall and the nearest dwelling to the east known as Merscen. Hewit Cottage is situated immediately to the west. Both of these adjacent dwellings are set back from the road so that their front walls more or less align with the rear gable end wall to Stoneleath.
- 3.3 Stoneleath has further curtilage/garden behind/north of the detached garage. The overall plot is approximately 0.06 hectares in area. The area south of the garage and west of the main body of the dwelling is hardsurfaced and is only used for parking vehicles. The entire frontage is enclosed by a 1m high stone wall, although there are no gates in the front wall.
- 3.4 Although the frontage parking area is all open for parking, and turning/manoeuvring is feasible, this becomes limited when more than one vehicle is stationed within the frontage. It is understood that users may enter and leave the site in a reverse gear, on occasion.
- 3.5 Stoneleath's external stonework is coursed local rubble stone, with grey window frames throughout and a grey front door. Slit openings have been preserved at upper floor level, enabling a good deal of character of the former barn to be retained in terms of changes to the elevations. The roof is covered by interlocking tiles that have weathered to a grey over time. The east elevation includes a projection over which the main roof continues. This is partially clad with grey timber planks, and is visible on approach from the east (looking west).
- 3.6 Stoneleath is not a listed building. It is situated within the Burgh-by-Sands Conservation Area, is within the Solway Coast Area of Outstanding Natural Beauty (AONB) and within the buffer zone to the Hadrian's Wall World Heritage Site. There are no listed buildings adjacent.

## **Background**

- 3.7 The application represents an objective to enable flexible ground floor accommodation to be provided to meet the family's specific needs, in particular with regard to mobility of users. This is covered in more detail in the supporting Design and Access Statement, an updated version of which was received in November 2021.
- 3.8 The application was revised during the consideration period to take account of earlier responses to the application from the Parish Council and from the Carlisle City Council Conservation Officer (CCCCO). The main changes to the application were (i) a move away from fibre cement towards timber cladding for the extension walls, and (ii) a move to natural slate on the pitched roof, as opposed to tiles to match the existing roof proposed originally.

## **The Proposal**

- 3.9 A single storey side extension would be added to Stoneleath to provide a ground floor bedroom, bathroom and store. Its main section would have a

dual-pitched natural slate roof with its ridge running west-east and meeting the existing west wall of the house at its apex (just under the existing eaves). A secondary section in front of the main section would provide a connecting vestibule via the existing front doorway (to be internalised); this secondary section would have a flat roof (single-ply roofing membrane).

- 3.10 The south elevation would contain the new main pedestrian access door and a single window serving the bedroom; the west/side gable would contain a second window serving the bedroom; the north (rear) elevation would contain a single window serving the bathroom.
- 3.11 The roof edges facing west would be finished with grey uPVC fascias, to a closed eaves detail. An existing window in the side wall would be internalised, and one of the slits in the west elevation would be infilled because the roofplane would overlap it where it meets.
- 3.12 The existing entrance to the frontage would be increased in width by 0.9m, from 3.6m to 4.5m. The intention of this is to enable vehicles to manoeuvre and turn within the frontage to provide the opportunity for access and egress in a forward gear. This would entail demolishing a 0.9m section of the front stone boundary wall to the left (west) of the existing opening.

#### **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 three neighbouring properties. No verbal or written representations have been made during the consultation period.

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

**Solway Coast AONB Unit:** - No response.

**Burgh-by-Sands Parish Council:** - Objects to the proposals with regard to proposed materials, recommending that alternative 'traditional' exterior materials (stone or render as opposed to painted vertical timber planking) would be more suited to the heritage setting. Refers to specific policies from within the current Local Plan (HE 7, HO 8) and Burgh Design Statement (adopted Supplementary Planning Document). Makes observations regarding safety of access with cars entering and exiting frontage on challenging section of the main street.

**Northern Gas Networks:** - No objection; provides advice relating to the presence of gas infrastructure in the locality, and the need for the applicants to make contact with the gas network provider prior to undertaking development.

**Historic England - North West Office:** - Does not wish to offer any comments.

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

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

##### **Policy Framework:**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of

the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.

- 6.2 The proposed development requires to be assessed against the National Planning Policy Framework (NPPF - 2019 - as amended in July 2021) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.4 below.
- 6.3 The main issues, as listed earlier in the report, are as follows:
- (i) Impact on private amenity
  - (ii) Impact on heritage settings
  - (iii) Impacts on public amenity
  - (iv) Highway safety impacts
  - (v) Drainage matters
- 6.4 Taking into consideration the range and nature of matters for consideration in respect of this planning application, the following Policies of the aforementioned Local Plan are of relevance to this application:
- Policy SP 6 - Securing Good Design  
Policy IP 2 - Transport and Development  
Policy CC 5 - Surface Water Management and Sustainable Drainage  
Policy IP 6 - Foul Water Drainage on Development Sites  
Policy HE 1 - Hadrian's Wall World Heritage Site  
Policy HE 7 - Conservation Areas
- 6.5 There are two adopted Supplementary Planning Documents (SPD) of relevance to consideration of this application, which are:
- 1. Achieving Well-Designed Housing (2011)
  - 2. Burgh by Sands Parish Design Statement (2003)
- 6.6 The following paragraphs from within the NPPF are of significant relevance to this application:

**Paragraph 126:**

- 6.7 *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."*

**Paragraph 127:**

- 6.8 *"Plans should, at the most appropriate level, set out a clear design vision and*

*expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers."*

**Paragraph 130:**

6.9 *"Planning policies and decisions should ensure that developments:*

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

**Paragraph 132:**

6.10 *"Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot."*

**Paragraph 134:**

6.11 *"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

*a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*

*b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."*

**Paragraph 197:**

6.12 *"In determining applications, local planning authorities should take account of:*

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness."*

**Paragraph 199:**

6.13 *"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."*

6.14 The application should also be considered in the context of Paragraph 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, which states that *"with respect to any buildings or other land in a conservation area..... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.

**Applicants' Supporting Information:**

*Parking Statement (DB3 Architecture and Design):*

6.15 This document describes the background of the family, indicating that the property was purchased in the summer of 2020. It includes information relating to the specific needs of the family and the reasons for requiring additional accommodation at ground floor level.



6.16 It describes the current access/parking arrangements:

*"Current parking arrangements consist of adequate in-curtilage parking for both family vehicles; further space for visitor parking immediately in front of this for a further two vehicles; and space exists for a further vehicle to be parked in the garage. However this is all currently achieved by either reversing in off the highway to maintain exit in a forward gear, or alternatively reversing out onto the highway on exit."*

6.17 It confirms that similar arrangements exist for the neighbouring dwelling (Hewit Cottage).

6.18 A series of photographs showing the existing situation is included in the Statement. These are annotated to explain what the reader is seeing in the photos. A photograph of the section of wall to the west of the existing access is included (0.9m end section to be demolished). One photo indicates visibility available eastwards past the gable end of Stoneleath. Another shows visibility looking west. It should be noted that neither of these photos is taken from the driveway of Stoneleath - they are indicative rather than technical.

6.19 It goes on to explain the intended future arrangement:

*"The proposed extension will result in cars needing to park behind one another rather than side by side, hence improvements are proposed to widen the current vehicular access marginally in order to permit vehicles to enter the site in a forward gear, perform a reverse turn within the front part of the site, and then leave the site also in a forward gear - thus an improvement on the current arrangement from a safety point of view."*

6.20 It confirms that the garage space is to remain unchanged.

Supporting Letter (DB3 Architecture):

6.21 This document is intended to respond to matters raised in the consultation response of Burgh-by-Sands Parish Council. The principal matters raised relate to choice of materials; annotated photographic examples of other existing dwellings in the village of Burgh are provided within this document.

6.22 The document is intended to identify that other properties within Burgh village have external materials including timber cladding, render, stone and brick (and mixtures of these).

Design and Access Statement (DB3 Architecture and Design):

6.23 This document was updated to reflect changes to the scheme. Despite its description it includes a section relating to heritage. Highlights from this Statement are as follows:

- provides a site analysis and context, confirming that the site is well within the Burgh conservation area

- identifies that a footpath is present across the whole width of the site frontage
- states that the speed limit at this point is 30mph
- advises that the widening of the front wall opening is intended to permit vehicles to access the site and perform a reverse turn easier in front of the proposed side extension
- advises that the site is located within an area which is generally residential
- provides a detailed contextual analysis relating to local architecture and built environment character
- identifies that course of Hadrian's Wall 'runs right through the village'
- provides historic context to Burgh village more broadly
- describes Stoneleath in its specific context as a converted barn (and subsequent alterations including replacement uPVC windows)
- describes internal facilities intended to be created in relation to personal circumstances of applicants
- explains design approach including options to re-use traditional and/or salvaged materials and use of contemporary cladding
- states that there are no known records of archaeological interest with respect to the site
- describes in details the extent and nature of the proposed physical works to the building in its heritage context
- suggests that impacts on the heritage asset would be acceptable, having regard to proposed development and the principal reason for its provision
- provides annotated contextual photographs relating to proposed development in its heritage/public setting

### **Assessment:**

#### *Impact on private amenity:*

- 6.24 Distances from the extension to properties north and south of the site are sufficient so that window-to-window relationships are not in question. The only property with potential to be affected by any level of significance is Hewit Cottage, a detached dwelling on the plot immediately to the west of Stoneleath.
- 6.25 The nearest window-to-window relationship would be from the proposed side window in the new bedroom to windows in the front and side elevations of Hewit Cottage (all at ground floor level). The distance would be at least 9m, and the views would be adequately oblique from the new window (which is 0.6m in width) so as to render any potential effects as negligible, in particular taking into consideration that any user of Stoneleath could currently stand in the approximate location of the new window and look towards Hewit Cottage.
- 6.26 The new extension would not give rise to significant shadowing because it would be entirely lower than the eaves of the existing building, and with the sun's passage generally passing over Stoneleath before it arrives at Hewit Cottage, it is considered that there would be negligible, if any impacts.

- 6.27 In this regard, the application therefore accords with Policy SP 6 of the Local Plan. However, to ensure that the extension could not be changed in any way (for example, with additional openings in its west face) it would be relevant and appropriate, if planning permission is granted, to impose a condition specifically removing permitted development rights for that type of development.

*Impact on heritage settings:*

- 6.28 Although set back from the frontage and clearly subservient to the main dwelling, the extension would only be screened on approach from the east (by Stoneleath) and would easily be seen in the context of the 'street scene' of Burgh village on approach from the west or from close by, and with Stoneleath being at the core of the conservation area, it is very important that its introduction would not harm this heritage asset/setting, which is considered to be of excellent overall quality.
- 6.29 The potential effects of the extension would be very localised and would not relate to any listed buildings or the setting of Hadrian's Wall. The nearest buildings sharing the visual setting that would be affected are Hewit Cottage immediately to the west and 1 Ash Tree Square opposite. Neither of these dwellings is of specific conservation or heritage quality, but they are appropriately included in the conservation area and do not significantly detract from its overall quality.
- 6.30 The proposed extension could be described as contrasting or contemporary in nature compared to its immediate traditional settings. This approach can work well instead of a traditional or pastiche design approach so that old and new can easily be distinguished. It can add interest and variety to heritage contexts if it is done in a harmonious manner.
- 6.31 The approach adopted was discussed with the case officer and the Carlisle City Council Conservation Officer (CCCCO) at pre-application stage and was felt to be a good alternative to traditional or pastiche design for this particular project. The use of vertical boarding is considered to represent and/or pick up on agricultural materials utilised in claddings of barns and is visible elsewhere in the village (as evidenced by the applicants) as an appropriate complementary material.
- 6.32 The Parish Council is concerned that this approach is not in accord with relevant policies or with the SPD because traditional materials such as stone or render would be more in keeping with the heritage setting and prevalent within Burgh. The thrust of the SPD is clear in this regard, leaning very heavily towards preservation of existing character by only using traditional approaches.
- 6.33 When principal buildings are strong in character and additions are truly subservient, it is reasonable for them not always to 'match' existing materials because this can cause dilution of character and hierarchy; the use of complementary materials in the manner proposed would create a lighter feel to it and allow the presence of the main taller stone section to remain

dominant. Observers will be able to discern easily between old and new. This does not always work, but the specific proposed arrangement/relationship here will permit it to work because the marriage between the style of the conversion and the complementary nature of the extension (which intends mainly to be clad with natural slate and timber) would result in a harmonious development that does not look out of place in the setting.

- 6.34 The language used in the NPPF does not intend to limit development in heritage settings/contexts to traditional designs and materials, and with the application of good architecture and design new developments can harmonise with, and not harm such settings. This is a project where the design and architectural approach are well thought out and reflect an understanding of how contemporary, or complementary additions can add positively to said settings.
- 6.35 Removal of 0.9m of frontage stone wall could be seen as degradation of the quality (and quantity) of such items in the street scene, which without doubt contribute to the character of the conservation area. However, although significant, the level of demolition proposed is relatively small and is unlikely to be overtly harmful. This modification could be accepted as part of the overall development.
- 6.36 For these reasons, the application is considered to be in accord with Policies HE 7, HO 8 and SP 6 of the Local Plan.

Impact on public amenity:

- 6.37 Potential impacts on public amenity relate largely to similar issues raised under the previous heading: visual impacts in the local setting. The proposed extension and altered frontage wall would be easily viewed from the public realm and would interact visually with it.
- 6.38 The scale and subservience of the development proposed, the extension's location set back from the frontage and the relatively minor change to the frontage wall would be noteworthy but not harmful in terms of public amenity effects. The application does not represent development proposals that would have a significant impact on public amenity, and the application therefore also accords with Policies HO 8 and SP 6 in this regard.

Highway safety impacts:

- 6.39 The Parish Council has raised matters relating to impacts on highway safety, which is understandable because Burgh village is under increasing pressure due to the number of vehicles both passing through and being resident with the village, leading to tension for both pedestrians and drivers.
- 6.40 The proposed development would certainly change circumstances for users of Stoneleath because the extension would occupy part of the frontage curtilage currently used for parking. The existing garage would remain available for parking, but the depth of space available would reduce and force users to employ different access and egress tactics.

- 6.41 The potential useability of the revised frontage for turning and manoeuvring layout was tested during the case officer's site visit with a modest private car (length 4.5m approximately). The position of the extension was estimated via (i) a nose-in approach (site entered in forward gear), (ii) a reverse turn towards the house wall near its south-west corner and (iii) a subsequent exit via the front opening. The latter of these was attempted rather than achieved. The case officer noted that if the gap was slightly increased, this would have been possible, which suggests that it would be a necessary augmentation to make the proposed layout work. This 0.9m increase in the access width has been intentionally included in the proposed layout to resolve this potential issue, which was identified at pre-application stage as a matter for consideration.
- 6.42 It may be noted that Cumbria County Council, as highway safety specialist consultee, has indicated no objection to the application on highway safety grounds. Officers agree with this position and this would indicate, in the light of the above information, that the application is in accord with Policy IP 2 of the Local Plan.

*Drainage matters:*

- 6.43 The management of surface and foul water drainage is known to be an important matter within Burgh village, because although it is in Flood Zone 1 (the lowest level of risk) it is sensitive to inundation during heavy rainfall and the existing mains sewerage provisions are understood to be under pressure. The application drawing indicates that gutters and downpipes would be installed on the extension to supplement existing items, but it is not stated in any submitted documents how either foul or clean water would be dealt with.
- 6.44 Cumbria County Council, as Lead Local Flood Authority, has indicated that it is satisfied with the application in a drainage context. Officers agree with this position, but in the absence of any information describing how drainage would be achieved, it would be appropriate and necessary to impose a condition relating to drainage in the event of planning permission being granted. This would enable the application to accord with Policy CC 5 and Policy IP 6.

**Conclusion**

- 6.45 The application represents a mildly contemporary, or complementary approach to design rather than following traditional precedents as per the main thrust of the Burgh SPD. Materials, in particular, are an area of concern for the Parish Council because the strong preference would be for it to be externally clad with render or stone.
- 6.46 Changes to the access are also of interest to the Parish Council, especially because highway safety in Burgh is a significant ongoing concern.
- 6.47 The principle of development is not in question as far as the Parish Council is concerned, but it objects to the application as per current plans largely because of what it believes would be an inappropriate visual impact in the

local village/heritage setting. Concerns relating to highway safety are included in the consultation response.

- 6.48 Officers do not agree with the position of the Parish Council, because although Burgh is a village of high quality with regard to its character and heritage designations, the development has been designed to harmonise using complementary materials that pick up on those found in agricultural buildings throughout the district, rather than follow a pastiche by using stone or render. The approach adopted would allow old and new elements to be clearly distinct from one another, but also to relate well visually to one another. Stoneleath is substantial and robust enough in terms of its character to withstand the reasonable effects that would arise. The approach is endorsed by the CCCC and would result in an acceptable form of related development which does not detract from the character of either Stoneleath or the wider locale of the village and its conservation area.
- 6.49 The application was submitted further to non-prejudicial pre-application officer advice and accurately reflects not only dialogue at that time, but also recommendations during the current consideration period that materials be changed to fit better in the setting. Heavy clay tiles intended originally to match the main roof have been changed to natural slate; cement-based cladding has been replaced with timber. Earlier comments by the Parish Council were influential and helpful in this context.
- 6.50 The changed frontage access would enable the extension to be introduced and highway safety to be maintained, albeit with slight, but acceptable degradation to the conservation area at this point.
- 6.51 Other than the outstanding objection by the Parish Council, no other adverse representations have been received, either from other consultees or third parties. Conditions relating to materials, drainage and removal of permitted development rights for new openings have been proposed to ensure the application is acceptable in all respects, and accords not only with the Local Plan policies referenced above, but also the NPPF and the 1990 Act.
- 6.52 Notwithstanding the objection by the Parish Council, the application is therefore recommended for approval.

## **7. Planning History**

- 7.1 In 1998, under ref. 98/0635, planning permission was erected for the erection of a garage unit.
- 7.2 In 1996, under ref. 96/0194, planning permission was granted for the conversion of a barn to a dwelling.

## **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, other than where it refers to roof and external wall cladding materials;
  2. drawing ref. 14810 DB3 B01 00 DR A 90.001 'Site Location Plan', received on 3 September 2021;
  3. drawing ref. 14810 DB3 B01 00 DR A 90.002 'Existing Site Block Plan', received on 3 September 2021;
  4. drawing ref. 14810 DB3 B01 00 DR A 90.003 'Proposed Site Block Plan', received on 3 September 2021;
  5. drawing ref. 14810 DB3 XX GF DR A 20.002 (Revision F) 'Proposed Floor Plan and Elevations', received on 2 November 2021;
  6. Design and Access Statement (Revision 02 - DB3 Architecture), received on 2 November 2021;
  7. the Notice of Decision;
  8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. 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) no windows, other than those shown on the approved plans shall at any time be placed in the west elevation of the extension hereby permitted without the grant of a separate planning permission from the local planning authority.

**Reason:** To safeguard the amenities of the adjoining premises from overlooking and loss of privacy, to accord with Policies SP 6 and HO 8 of the Carlisle District Local Plan 2015-2030.

4. Notwithstanding any description of materials in the application, prior to their use as part of the development hereby approved, full details of materials to be used externally on the extension shall be submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be

undertaken in strict accordance with the approved details.

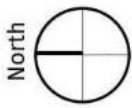
**Reason:** Satisfactory details of the external materials have not yet been provided, therefore further information is necessary to ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policies HE 7, SP 6 and HO 8 of the Carlisle District Local Plan 2015-2030.

5. Prior to commencement of the development hereby approved, details of all proposed foul and surface water drainage works shall be submitted to, and approved in writing by the local planning authority. The drainage works agreed in response to this condition shall be fully implemented and be operational prior to occupation of the extension.

**Reason:** In the absence of any clear information relating to drainage in connection to the application, and to ensure acceptable means of surface and foul water dispersal/disposal, to accord with Policies IP 6 and CC 5 of the Carlisle District Local Plan 2015-2030.

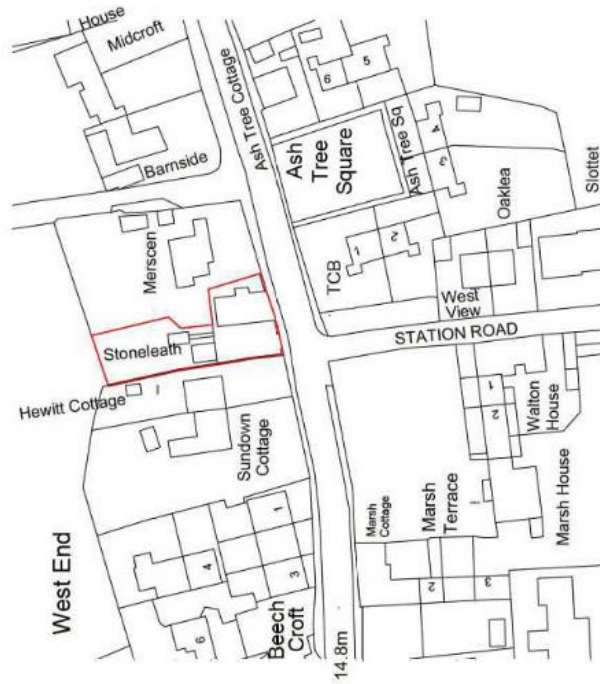
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Application site boundary

Adjoining land in ownership of applicant



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REV	DATE	DESCRIPTION	DR	CH
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PLANNING ISSUE

DB3

ABERYSTWYTH

30 HEATHY RD, ABERYSTWYTH, Ceredigion, SY23 2LN  
T: 01970 624 600 W: www.aberystwyth.gov.uk

CLIENT

Cardiff City Council

PROJECT

Proposed Adaptations to

Stoneleath, Burgh by Sands, Cardiff, CF5 6AX

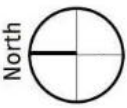
TITLE

SITE LOCATION PLAN

ORIGINATOR	DATE	SCALE @ A3	DRN	CHK	STATUS
25.08.21	1:1250	PD	BR		

SHEET NO.	REVISION
14610 - DB3 - 801 - 00 - DR - A - 90.001	

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- Application site boundary
- Adjoining land in ownership of applicant

Merscen

Stoneleath

Existing Dwelling

Black Paved Area

Highway

559050

Sundown  
Cottage

REV	DATE	DESCRIPTION	DR	CH
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PLANNING ISSUE

DB3

ABERYSTWYTH

30 HEATHY RD, ABERYSTWYTH, Ceredigion, SY23 2LN  
T: 01970 624 600 W: www.aberystwyth.gov.uk

CLIENT  
Ceredigion Council

PROJECT

Proposed Adaptations to  
Stoneleath, Burgh by Sands, Ceredigion, G5 6AX

TITLE

EXISTING SITE BLOCK PLAN

ORIGINATOR	SCALE	DATE	DATE	DATE	STATUS
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25.08.21	1:200	PD	BR		
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SHEET NO.	PROJECT NO.	ORIGINATOR	DATE	DATE	DATE
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14810 - DB3 - 801 - 00 - DR - A - 90.002	14810 - DB3 - 801 - 00 - DR - A - 90.002	14810 - DB3 - 801 - 00 - DR - A - 90.002	14810 - DB3 - 801 - 00 - DR - A - 90.002	14810 - DB3 - 801 - 00 - DR - A - 90.002	14810 - DB3 - 801 - 00 - DR - A - 90.002
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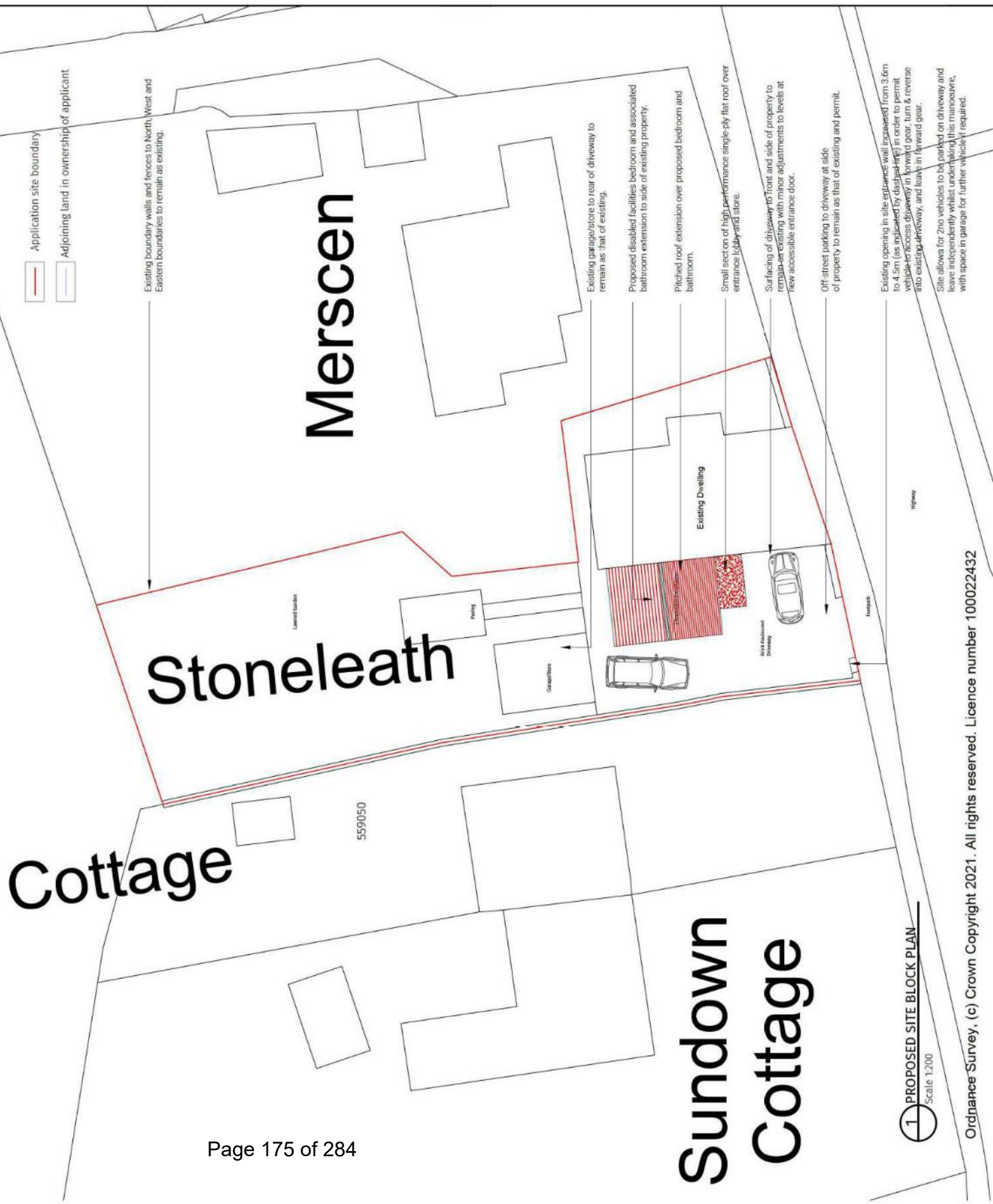
14810 - DB3 - 801 - 00 - DR - A - 90.002	14810 - DB3 - 801 - 00 - DR - A - 90.002	14810 - DB3 - 801 - 00 - DR - A - 90.002	14810 - DB3 - 801 - 00 - DR - A - 90.002	14810 - DB3 - 801 - 00 - DR - A - 90.002	14810 - DB3 - 801 - 00 - DR - A - 90.002
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1 EXISTING SITE BLOCK PLAN

Scale 1:200



Application site boundary

Adjoining land in ownership of applicant

Existing boundary walls and fences to North, West and Eastern boundaries to remain as existing.

Stoneleath

Merscen

Cottage

559050

Sundown  
Cottage

REV DATE DESCRIPTION DR CH

PLANNING ISSUE

DB3

ABERYSTWYTH

30 HEAVY RIDGE, ABERYSTWYTH, Ceredigion, SY23 2LN  
T: 01970 624 600 www.danfords.co.uk

CLIENT  
Cardiff City Council

PROJECT

Proposed Adaptations to  
Stoneleath, Bugh by Sands, Cardiflle, C15 6AX.

TITLE

PROPOSED SITE BLOCK PLAN

CREATION DATE 25.08.21 SCALE @ A3 1:200 DIN PD BR STATUS

SHEET NO. 14810 - DB3 - 801-00 - DR - A - 90.003 REGION

PROJECT NO. 14810 - DB3 - 801-00 - DR - A - 90.003

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1 PROPOSED SITE BLOCK PLAN  
Scale 1:200

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## 5.

Colony spacing in the entrance will increase from 100% of the distance between the entrance and the first brood cell to 100% of the distance between the entrance and the last brood cell.

BOOK

External study with dual in stored timber  
Hatching: presence of 100% with beards

using Advance Shop (see website & store selling those cars)

## 20

[illegible]

## PLANNING

DB3—7

**ABERYSTWYTH**  
10 Road V Wg, Aberystwyth, Ceredigion, SY23 3LB.

City Council

osed Adaptions to  
death Bange by Samia, COT 6A1

ALL DRAWINGS  
showed Floor Plan & Elevation

姓名	性别	年龄	职业
张明	男	35	教师
李华	女	28	医生
王强	男	42	工程师
赵红	女	31	护士
孙伟	男	25	学生
周丽	女	38	经理
吴刚	男	45	农民
郑娟	女	22	职员
陈涛	男	33	司机
冯雪	女	29	作家
黄磊	男	36	程序员
徐芳	女	27	歌手
马健	男	40	律师
宋静	女	32	画家
林峰	男	24	学生
周敏	女	37	教师
吴昊	男	41	医生
郑晓	女	26	护士
陈宇	男	34	工程师
冯娜	女	23	职员
黄伟	男	39	司机
徐丽	女	21	学生
马强	男	43	经理
宋芳	女	30	农民
林涛	男	28	程序员
周静	女	35	歌手
吴刚	男	44	律师
郑娟	女	25	画家
陈宇	男	32	教师
冯娜	女	20	学生
黄伟	男	46	医生
徐丽	女	29	护士
马强	男	37	工程师
宋芳	女	24	职员
林涛	男	41	司机
周静	女	33	作家
吴刚	男	27	程序员
郑娟	女	36	歌手
陈宇	男	42	律师
冯娜	女	22	画家
黄伟	男	31	教师
徐丽	女	26	学生
马强	男	47	医生
宋芳	女	30	护士
林涛	男	38	工程师
周静	女	25	职员
吴刚	男	43	司机
郑娟	女	34	作家
陈宇	男	29	教师
冯娜	女	21	学生
黄伟	男	48	医生
徐丽	女	31	护士
马强	男	40	工程师
宋芳	女	27	职员
林涛	男	44	司机
周静	女	35	作家
吴刚	男	28	程序员
郑娟	女	37	歌手
陈宇	男	45	律师
冯娜	女	23	画家
黄伟	男	32	教师
徐丽	女	28	学生
马强	男	49	医生
宋芳	女	32	护士
林涛	男	41	工程师
周静	女	26	职员
吴刚	男	46	司机
郑娟	女	36	作家
陈宇	男	30	教师
冯娜	女	22	学生
黄伟	男	50	医生
徐丽	女	33	护士
马强	男	43	工程师
宋芳	女	29	职员
林涛	男	47	司机
周静	女	38	作家
吴刚	男	31	程序员
郑娟	女	40	歌手
陈宇	男	48	律师
冯娜	女	24	画家
黄伟	男	33	教师
徐丽	女	30	学生
马强	男	51	医生
宋芳	女	34	护士
林涛	男	44	工程师
周静	女	27	职员
吴刚	男	49	司机
郑娟	女	39	作家
陈宇	男	31	教师
冯娜	女	23	学生
黄伟	男	52	医生
徐丽	女	35	护士
马强	男	45	工程师
宋芳	女	30	职员
林涛	男	50	司机
周静	女	39	作家
吴刚	男	32	程序员
郑娟	女	41	歌手
陈宇	男	49	律师
冯娜	女	25	画家
黄伟	男	34	教师
徐丽	女	31	学生
马强	男	53	医生
宋芳	女	36	护士
林涛	男	46	工程师
周静	女	28	职员
吴刚	男	50	司机
郑娟	女	40	作家
陈宇	男	32	教师
冯娜	女	24	

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## SCHEDULE A: Applications with Recommendation

21/0847

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Item No: 06 Date of Committee: 14/01/2022

**Appn Ref No:**  
21/0847

**Applicant:**  
Mr & Mrs Ormiston

**Parish:**  
Stanwix Rural

**Agent:**  
Sam Greig Planning

**Ward:**  
Stanwix & Houghton

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

**Proposal:** Erection Of 2no. Dwellings (Reserved Matters Application Pursuant To Outline Approval 18/0796)

**Date of Receipt:**  
26/08/2021

**Statutory Expiry Date**  
21/10/2021

**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 The Principle of this Reserved Matters Application
- 2.3 Highways and Access
- 2.4 Impact on Neighbouring Properties
- 2.5 Landscaping
- 2.6 Appearance

#### 3. Application Details

##### The Site

- 3.1 This site is 0.2ha of former paddock/agricultural land at the end of Tarraby Lane and 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. 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 be therefore be considered in the context of an allocated housing site and an extant outline planning permission for residential development.

## **The Proposal**

- 3.3 This application seeks permission for the reserved matters of detail relating to all the reserved matters of access, appearance, landscaping, layout and scale. The drawings indicate that the site would be divided into two plots with each having an individual access onto Tarraby Lane. The landscaping would consist of hedging surrounding the plots with retention of the hedgerow along the lane other than where access points and visibility is required. No internal landscaping within the garden areas is specified. The elevations indicate two detached two-storey dwellings with separate detached garages.

## **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 43 properties including those neighbouring the site and within the village of Tarraby. In response 7 objections and 1 of comment have been received.

- 4.2 The objections raise the following issues:

Tarraby Lane cannot cope with additional traffic.

The driveway on each of the plans should be larger area so that there is adequate space for turning and coming out in forward gear to ensure road safety. When driveway is full or have visitors where will they turn or park?

What are the arrangements for manoeuvring and parking of site traffic associated with the development to ensure clear of the road surface and road safety?

Any extra large and small vehicles where will they park?

The lane is single track and a designated footpath.

Ask what the weight limit is for fully loaded vehicles delivering materials to the development.

Two extra households at the bottom of Tarraby Lane would make the worst

road in the Carlisle area even more dangerous.

Had these houses been accessed via the Persimmon estate, there would be no problem. As it stands, if these houses are approved, the occupants would need to travel a mile down a dangerous, unlit, single track lane with three blind corners and no pavements. They would also live beside a dangerous blind corner with direct access to it.

Nobody with children would feel safe letting them play outside. It is a fatal accident waiting to happen.

All the extra traffic generated is also a danger to the existing residents of Tarraby and all other users of Tarraby Lane.

Traffic matters aside, why isn't there any detail regarding sewage or rainwater run off? Shouldn't we be told in case of a pollution concern?

The additional traffic that two dwellings will create during their building and occupation will be overwhelming for the access roads, this proposal should be refused.

I do not believe that many of the conditions attached to the granting of application 18/0796 ( conditions eg. 4,5,6,7,8,9 & 10 ) have been met and there is a distinct lack of information relating to said conditions e.g. passing places, access, boundaries, fencing and hedges , landscaping, access and parking of construction vehicles, drainage etc. etc. I believe that until this information is provided and properly considered any further consent should be withheld.

The information submitted does not cover all reserved matters specified in the earlier application and do not address all the Reserved Matters listed.

I write on behalf of several local residents to raise objections regarding the above applications. Any assessment of both applications having to be made in the context of the outline permissions granted under 18/0796 and 20/0692.

#### Background Information

You will be aware that under application 18/0796 outline planning permission was granted for the erection of two dwellings. Condition 2 imposed under 18/0796 stipulating that:

*"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."*

In relation to the details required concerning the means of access, conditions 4, 5, 6, 7, 8, 9, 10 and the details required concerning appearance and landscaping are subject to conditions 16, 17, 18 and 19 are relevant.

#### Application No. 19/0973

Application 19/0973 is seeking approval of the Reserved Matters with specific regard to the proposed landscaping of the boundaries and the access arrangements based on an amended proposed site layout plan received by the Council on the 23rd August.

In the context of conditions 4, 5, 6, 7, 8, 9, 10 imposed under 18/0796 the submitted layout plan does not include any information on the required passing places; the surfacing of the access drives; the measures to prevent the discharge of surface water onto the highway; the provision of any access gates; the boundary treatment; the development and means of access thereto; and the access/parking area for construction vehicles.

It is noteworthy that because of the lack of relevant details, the County Council finds itself in the position of asking that the previous conditions

imposed under 18/0796 are reimposed as opposed to being able to discharge any approval.

In the context of condition 19, the submitted layout plan merely states "hedge". There are no "full details" as required. In light of the size of the plots, and to safeguard the visual amenity of the area, it would have been anticipated that any structural planting should have gone beyond the mere planting of an unspecified hedge.

In effect, the Council is not in a position to discharge the requested Reserved Matters and what is shown would lead to an unsatisfactory form of development. As such, application 19/0973 should be refused.

#### Application No. 21/0847

Application 21/0847 is seeking approval of the Reserved Matters concerning the means of access, appearance, landscaping, layout, and scale. The application is accompanied by floor and elevation plans of the houses and a site plan as proposed.

Firstly, as per application 19/0973 there is a general paucity of information and what has been submitted does not specify which conditions are being discharged.

Secondly, in the context of conditions 4, 5, 6, 7, 8, 9, 10 imposed under 18/0796 the submitted layout plan does not include any information on the required passing places; the measures to prevent the discharge of surface water onto the highway; and the access/parking area for construction vehicles.

Thirdly, no full details of ground/floor levels, materials or landscaping are provided. What landscaping is shown again being limited to an unspecified hedge and does not include any tree planting/screening that reflects the location and size of the plots.

Fourthly, what is shown in terms of the uniform design of the proposed dwellings, and how abrupt they would appear along Tarraby Lane, would be detrimental to the character of the area. There needs to be a graduation of building heights when approaching the site from Tarraby with effective structural planting and the taller elements more central to the site as opposed to the single storey elements in the middle. The design and form of the dwellings generally need to be less generic, more sympathetic to their surroundings and reflect their location along a country lane.

Fifthly, an application seeking the approval of these Reserved Matters needs to be considered in the context of discharging the other conditions imposed under 18/0796 such as 11 and 12 (surface water drainage); and 15 (foul drainage). It is such details that also inform the acceptability or not of the layout, appearance, and scale.

Finally, and as with application 19/0973, the nature of the submission, paucity of information and the layout do not give the overall impression of a committed attempt to seek approval of the stated Reserved Matters. Instead, it comes across more as an attempt to get the Council to approve this proposal ultimately as a precursor to the submission of another application that will lead to further infill plots between the two units currently proposed. This would be at direct odds with how application 18/0796 was originally advanced and assessed; the underlying objectives of the conditions imposed under 18/0796; and more recently, contrary to the conditions imposed under 20/0692 such as number 4 that required no more than two dwellings to be erected on the site.



As it stands, it is respectfully requested that application 21/0847 should also be refused by the Council for the above reasons.

4.3 The representation of comment raises the following issues:

Whilst I don't agree or disagree with the plans, I wanted to enquire about the tree preservation order in place in the last plans. Currently on that site are a small number of established large trees/shrubs and hedges. It would be awful to see these chopped down so are there provisions in place to build around them and incorporate them into the build and site plan?

These trees and hedges also provide screening from the houses on the persimmon site side.

5. **Summary of Consultation Responses**

**Stanwix Rural Parish Council: -**

In the interests of highway safety, Condition 4 of the decision, imposed on the advice of the Highway Authority, requires two passing places to be installed prior to the occupation of the dwellings. Subsequently Reserved Matters application 19/0973 was submitted pursuant to 18/0796. However, this application included a proposal for 4 dwellings and was challenged by several local residents, chartered planners Hyde Harrington on behalf a resident, and the Parish Council.

On 5 June 2020, on the advice of the Development Manager, the Development Control Committee resolved that application 19/0973 be withdrawn from discussion “...in order to undertake further discussion with the applicant/agent on technical/legal matters. The application may, dependent upon the outcome of those actions, be the subject of an additional Report at a future meeting of the Committee.” Since this date 3 additional documents submitted in respect of 19/0973 have appeared on the LPA website. These are:

- 23 Aug 2021 - Drawing - Amended 02 proposed Site Layout as Proposed May 21 and which shows 2 plots rather than 4, a material amendment of the proposed density of the development upon which the Parish Council was not consulted.
- 15 Sep 2021 - Consultee Comment 0001 HICC 15092021, which requires the conditioning previously recommended in respect of Appn Ref 18/0796 and refers to a consultation dated 23 August 2021 of which the Parish Council has no record.
- 23 Sep 2021 - Public Comment 0031 ca1 2ss 21092021, a letter of objection from Harraby Green Associates.

3 additional objections from the public are also recorded as having been submitted on: Tue 21 Sep 2021; Sat 04 Sep 2021 and Thu 02 Sep 2021. No decision is yet recorded in respect of Appn Ref 19/0973.

Subsequent Appn Ref 20/0692, Residential Development (Outline) (Revised Application), validated Wed 14 Oct 2020, included an indicative site plan indicating four plots each having an individual access onto Tarraby Lane. However, the number of proposed units was not given in the Application Form.

At its meeting of 19 February 2021 The development Control Committee resolved that additional conditions be included in the consent for Appn Ref 20/0692:

- that the development be restricted to two dwellings;
- that condition 5 be re-worded to require the provision of the passing places be implemented prior to construction;
- that a turning space for vehicles be provided within the application site.

### **Current Appn Ref 21/0847**

This application is pursuant to application 18/0796 and “...seeks permission for all of the reserved matters, comprising the access, appearance, landscaping, layout and scale of the development.” [Q5 Application Form].

The submitted documents and drawings relate only to 2 dwellings on adjoining plots.

However, as preceding Appn Ref 20/0692 is a revision of a preceding appn, i.e. 18/0796 and/or Appn Ref 19/0973 which, though undetermined, was itself pursuant to 18/0796, conditions appertaining to Appn Ref 20/0692, must also apply to current Appn Ref 21/0847.

The decision in respect of Appn 20/0692 not only limited the number of permitted dwellings to 2 but also made abundantly clear the site-specific concerns of the DCC with regard to highway and pedestrian safety.

The decision placed strong emphasis on the importance of highway safety, a concern reflected in Conditions 5,10,11 and 26 of the consent:

**In the continuing interests of highway and pedestrian safety the above conditions must be fully included in any consent granted in respect of Appn Ref 21/0847.**

### **Design, Scale And Massing**

Turning to the design, scale and massing of the proposed dwellings. The significance of these considerations and their potential to exert a negative impact on the site’s “unique setting” are highlighted in officer reports to committee.

The Recommendation Delegated Report in respect of Appn Ref 18/0796 states: “*Development of this site has to consider a rural and urban juxtaposition and therefore the design will have to respect this unique setting.*” And:

*“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....Accordingly, the proposed conditions would ensure that the proposed dwellings would be of an appropriate scale and design.”*

Condition 16 of the Decision Notice, for 18/0796, Paragraph 6.10 of the report to Committee, of 19/02/2021, in respect of Appn Ref 20/0692 states:

*“Development of this site has to consider a rural and urban juxtaposition and therefore the design will have to respect this unique setting.” and Condition 18 of the Decision Notice, for 20/0692, It is clear from the above that the site is considered to occupy a “unique setting” that “...the design will have to respect”, in order to: “...ensure that the proposed dwellings would be of an appropriate scale and design.”*

Particular importance is placed upon details of finished floor and ridge heights, “*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 Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030.”*

In terms of design the elevations of the proposed dwellings illustrate a pair of large detached houses, of tired workaday anonymity lacking any aspiration to exploit the singular opportunity presented by the site's uniqueness or respect their relationship with the existing buildings.

This jarring relationship with the site and its environs is exacerbated by the scale and massing of the proposed buildings. The scale provided on the application drawings shows the proposed ridge heights of the 2 dwellings to be approximately 9.3m (30 feet), with a frontage of approximately 10.6m (35 feet); while the 2 proposed garages are to be approximately 6m (19 feet) in height with a frontage of approximately 6.6m (21.5 feet), the proposed development is thus of a scale and massing that would entirely and inappropriately over dominate its setting and the existing buildings.

Drawing 2946 RM 06, Street Elevations lacks context and ignores entirely the topography of the site [Figure 1, below], as highlighted above, the gradient of which falls 3.2m (10.5 feet) from south east to northwest, effectively delivering a commensurate increase in the proposed ridge heights above those of the existing buildings.

Therefore, in terms of design, scale and massing the proposed design fails meet the desired criteria outlined in the officer reports, and the conditioning, referred to above.

In consideration of the foregoing the Parish Council objects to the proposal and recommends refusal, and that an amended design be required to significantly reduce the ridge heights of both the dwellings and their associated garages and which fully endeavours to respect the uniqueness of the site, its topography and the existing buildings

**Cumbria County Council: -**

***Local Highway Authority response:***

The planning application under consideration is a reserved matters applicant pursuant to the outline approval 18/0796 for the erection of 2 dwellings opposite Shortdale Cottage, Tarraby. The applicant has submitted further details regarding the site plan of the proposed development and the locations of the two access points. As stated within the response to the planning application 18/0796, the access points proposed are beyond the extent of the adopted highway and therefore no objections are raised. However, due to concerns relating to the provision for cars to pass one another on Tarraby Lane, the applicant is to fund the construction of two new passing places on Tarraby Lane. The applicant is to work with the Highways Authority to determine the nature and location of the passing places and a section 278 agreement will be required to undertake the works.

Therefore to conclude, the Highways Authority have no objections with regards to the approval of planning permission subject to the conditions imposed on the planning approval 18/0796 being imposed on any consent granted and the creation of two passing places on Tarraby Lane.

***Lead Local Flood Authority response:***

This is a minor development which is below the Lead Local Flood Authority (LLFA) threshold for comment. As such the drainage arrangements for this

development are to be scrutinised by Building Control. It should be noted that the surface water discharge rate should not be greater than the existing, and If installing a soakaway we would advise it is not positioned within 5m highway or property.

**Conclusion:**

The Highways Authority and LLFA have no objections with regards to the approval of planning permission subject to the conditions imposed as part of the planning approval 18/0796 being applied to any consent you may wish to grant.

## **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, IP2, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Document (SPD) "Achieving Well Design Housing" is also a material planning consideration. The proposal raises the following planning issues.

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

- 6.3 The NPPF seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.4 Outline planning permission for residential development was granted in 2019. The site also falls within the allocated housing site U10 in the Carlisle District Local Plan 2015-2030. There has been no change in planning policy since the previous approval that would warrant refusal of the current application.
- 6.5 The site is well related to the neighbouring development. In light of the foregoing, the site for housing is consistent with the policies in the NPPF and the principle of development remains acceptable. The remaining issues raised by this application are discussed in the following paragraphs of this report.

#### **2. The Principle of this Reserved Matters Application**

- 6.6 This application seeks permission for the reserved matters of detail relating to all the reserved matters which includes access, appearance, landscaping, layout and scale. The drawings indicate that the site would be divided into two plots with each having an individual access onto Tarraby Lane. The landscaping would consist of hedging surrounding the plots with retention of the hedgerow along the lane other than where access points and visibility is

required. The elevations indicate two detached two-storey dwellings with separate detached garages.

- 6.7 A number of objectors have raised concerns that not all the details form part of this application and a number of issues from the Outline application have not been addressed. Objectors then go on to refer to a number of planning conditions which need to be discharged. This application seeks only to discharge the requirements under Condition 2 and not seek to discharge other planning conditions which will remain in force. Therefore the Outline and Reserved Matters applications combine similar to a full application whereby the planning authority would still seek a number of planning conditions to make the development acceptable. The conditions on the Outline application remain in force and will still be required to be discharged. Should the Reserved Matters application be approved it establishes the timescale for submission of the additional information and to make a lawful start on the development.
- 6.8 Whether the detail of each of these matters is acceptable is discussed in the following sections of this report however the proposals are in principle appropriate to the associated Outline application 19/0793.

### **3. Highways and Access**

- 6.9 The proposal in this Reserved Matters application is to take individual access points for each of the dwellings and confirms through details that this would be for two plots.
- 6.10 The only access elements which are part of this application is the establishment of the location of the individual plot accesses. Notwithstanding that further details will be required to satisfy the planning conditions the access to Plot 1 has been located as far as possible from the bend in the lane so that any potential conflict with pedestrians who may be using the link to the Tarraby View development is minimised and there is clear visibility along the lane.
- 6.11 Objectors have raised concerns about the volume of traffic which will be generate by two dwellings however the number of units has been established through the granting of the outline application and Members also added a condition to another application on this site to limit the number of dwellings to two. The associated volume of traffic for two dwellings was therefore considered at the Outline application stage.
- 6.12 One objector has raised concern about the ability to access and egress in a forward manner however the layout indicates that each dwelling would be provided with a turning head to be able to manoeuvre a vehicle within the site. There is however no limit on the number of vehicles at each of the dwellings and it would be unreasonable to add a further condition at this stage.
- 6.13 The Highway Authority has no objections to the proposals as long as the conditions on the Outline application are still applicable. By the nature of this application, the Outline permission continues and those conditions will have to

be the subject of Discharge of Conditions applications.

#### **4. Impact on Neighbouring Properties**

- 6.14 In determining the layout and scale of the development, the Council's SPD Achieving Well Designed Housing sets out indicative parameters for residential development to ensure that any impact on neighbouring residential properties is reduced. This is particularly relevant with regards to distances between primary facing windows and boundary treatments. It is noted that the Persimmon development has now been constructed and the position of primary facing rear windows is now known. The development of this site needs to ensure that there is 21m between any primary windows. The site plan submitted with the application confirms that the minimum distances have been exceeded being 24 and 25 metres respectively. It is noted that the upper floors of the adjacent Persimmon development overlook the site but this is normal for development of allocated housing sites for some rear gardens to be adjacent and separated by 1.8m close boarded fencing.
- 6.15 The proposed dwellings are two-storey detached houses. Whilst these are of a larger scale than Shortdale Cottage, and are more akin to the new Persimmon Housing. In assessing whether these should be two-storey, the potential for bungalows would utilise more of the plot area either taking primary windows closer to the properties behind or impacting on the hardstanding area at the front of the site and vehicle parking space. It is therefore considered that two-storey housing is appropriate. The proposed dwellings would be 9.2 metres to the ridge and 5.3 to the eaves. They have a steep sloping roof which is similar to the Persimmon development. It has also been raised that the layout is a precursor to infilling with additional plots however we are only able to consider the application before us and not the possible future intentions of the owner.

#### **5. Landscaping**

- 6.16 The landscaping proposed as part of this application seeks to define the plots for development. Due to the access arrangements it will be necessary to remove small sections of the road frontage hedgerow and driveways will extend across the highway verge. In order to compensate for the loss of that hedgerow it is intended to plant hedgerows between the plots. This means that the loss of hedgerow at the site frontage, will be compensated for by new hedgerow. Whilst the application relates to landscaping the details of the hedgerow planting have not been defined and would be subject to the original landscaping conditions whereby further details are still required to discharge the planning conditions. One objector has commented that there will be a loss of some trees within the site which help to break up the current plot however given the need for distances between primary windows and parking/turning areas it would not be possible to retain the trees as well. Native hedgerows will help to strengthen the biodiversity of the planting and there are garden areas where landscaping has not been specified which can also act to enhance ecological quality.

#### **6. Appearance**

- 6.17 The application also includes reserved matters details on appearance of the dwellings. The materials proposed are facing brick with slate effect tiles and these are similar to those used in the Persimmon development. The Parish Council consider the design to be somewhat anonymous anywhere type of housing however the context of this development has changed significantly since the main housing allocation has been built. The design context is now dominated by the Persimmon development and some consideration needs to be given to this context. The use of brick with detailing around the windows and slate effect tiles provide a local context to the appearance of the proposed houses.

## **Conclusion**

- 6.18 In conclusion, the principle of development of this site for housing has been established by the outline application 18/0796 and the scope of this reserved matters application is acceptable. In relation to access, appearance, landscaping, layout and scale the proposals are acceptable. As the conditions of the Outline permission still exist, further technical details are still required and will be subject of other applications.
- 6.19 On this basis, the application is recommended for approval subject to one condition clarifying that they have complied with Outline condition 2 of application 18/0796.

## **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) was withdrawn from discussion at Development Control Committee and remains currently undetermined.
- 7.3 Planning application 20/0692 for Residential Development (Outline) (Revised Application) was granted permission by Development Control Committee on the 23rd February 2021. An appeal has been lodged relating to conditions 4 (restricting the dwelling numbers to 2 dwellings) and 12 (Construction Phase Management Plan) and is currently with the Planning Inspectorate pending determination.

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

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by condition 2 attached to the outline planning consent to develop the site.
2. The development shall be undertaken in strict accordance with the approved

documents for this Reserved Matters Consent which comprise:

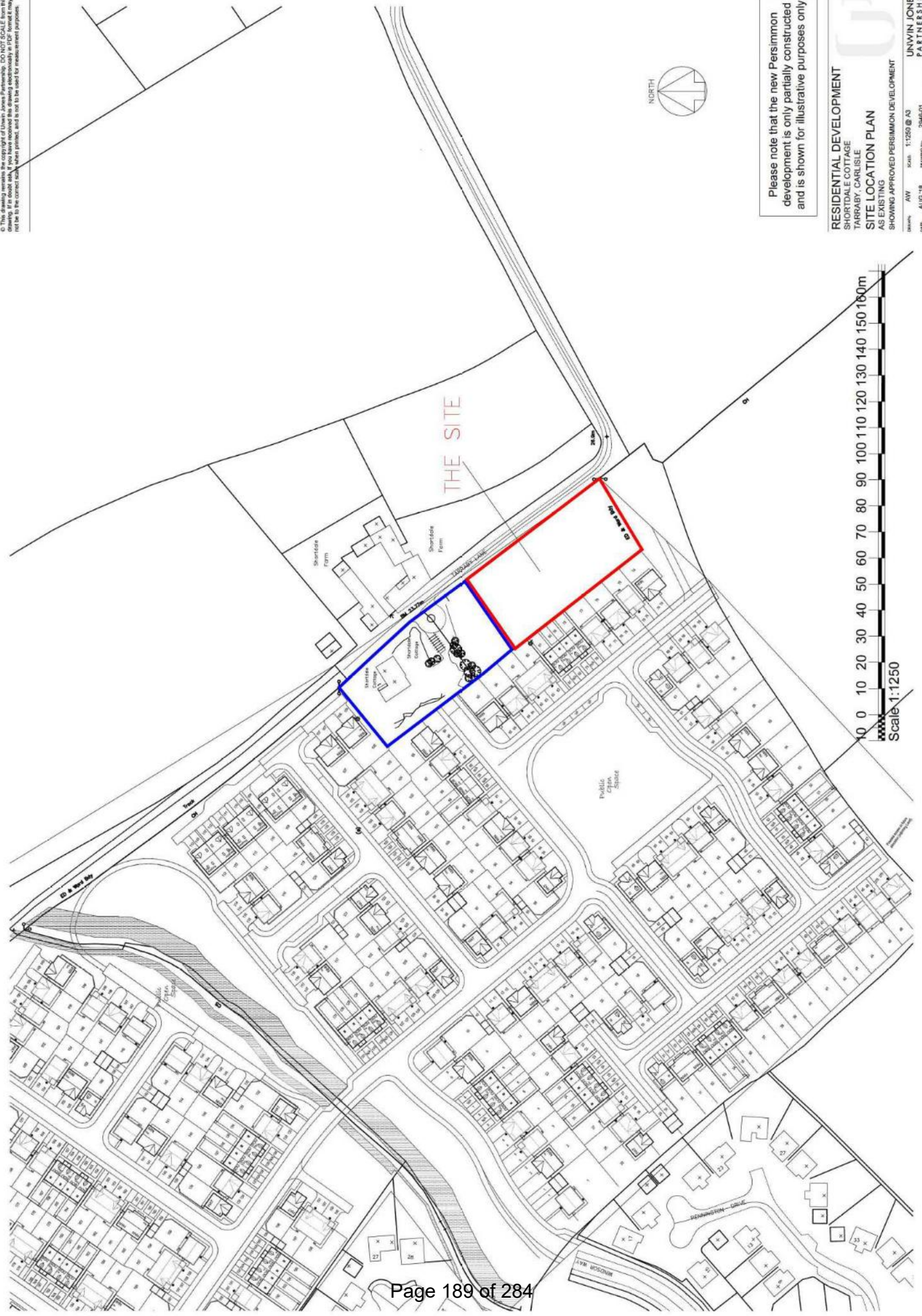
1. the submitted planning application form;
2. the Site Plan As Proposed (Dwg 2946\_RM\_02) received 26 Aug 2021;
3. the Floor Plans and Elevations Plot 1 As Proposed (Dwg 2946\_RM\_03) received 26 Aug 2021;
4. the Floor Plans and Elevations Plot 2 As Proposed (Dwg 2946\_RM\_04) received 26 Aug 2021;
5. the Garage Plans and Elevations As Proposed (Dwg 2946\_RM\_05) received 26 Aug 2021;
6. the Street Elevations (AA and BB) As Proposed (Dwg 2946\_RM\_06) received 26 Aug 2021;
7. the Notice of Decision;
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.



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  
TERRACE LANE  
SITE LOCATION PLAN  
AS EXISTING  
SHOWING APPROVED PERSIMMON DEVELOPMENT

UNWIN JONES PARTNERSHIP  
11250 @ A3  
2846-01  
UNWIN JONES PARTNERSHIP  
11250 @ A3  
2846-01  
UNWIN JONES PARTNERSHIP  
11250 @ A3  
2846-01



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10 0 10 20 30 40 50 60m

Scale 1:500



Please note that the new Persimmon development is only partially constructed and is shown for illustrative purposes only

**RESIDENTIAL DEVELOPMENT**  
SHORTDALE COTTAGE  
TARRYBY CARLSLE  
**BLOCK PLAN**  
AS EXISTING  
SHOWING APPROVED PERSIMMON DEVELOPMENT

UNWIN JONES PARTNERSHIP

DATE: AUG 18 SCALE: 1:500 @ A1 DRAWING No: 2946-02

Project: Lark Street, Carlisle, Cumbria, CA2 5SA • 01228 543004 • [enquiries@unwinjones.co.uk](mailto:enquiries@unwinjones.co.uk) • [www.unwinjones.co.uk](http://www.unwinjones.co.uk)





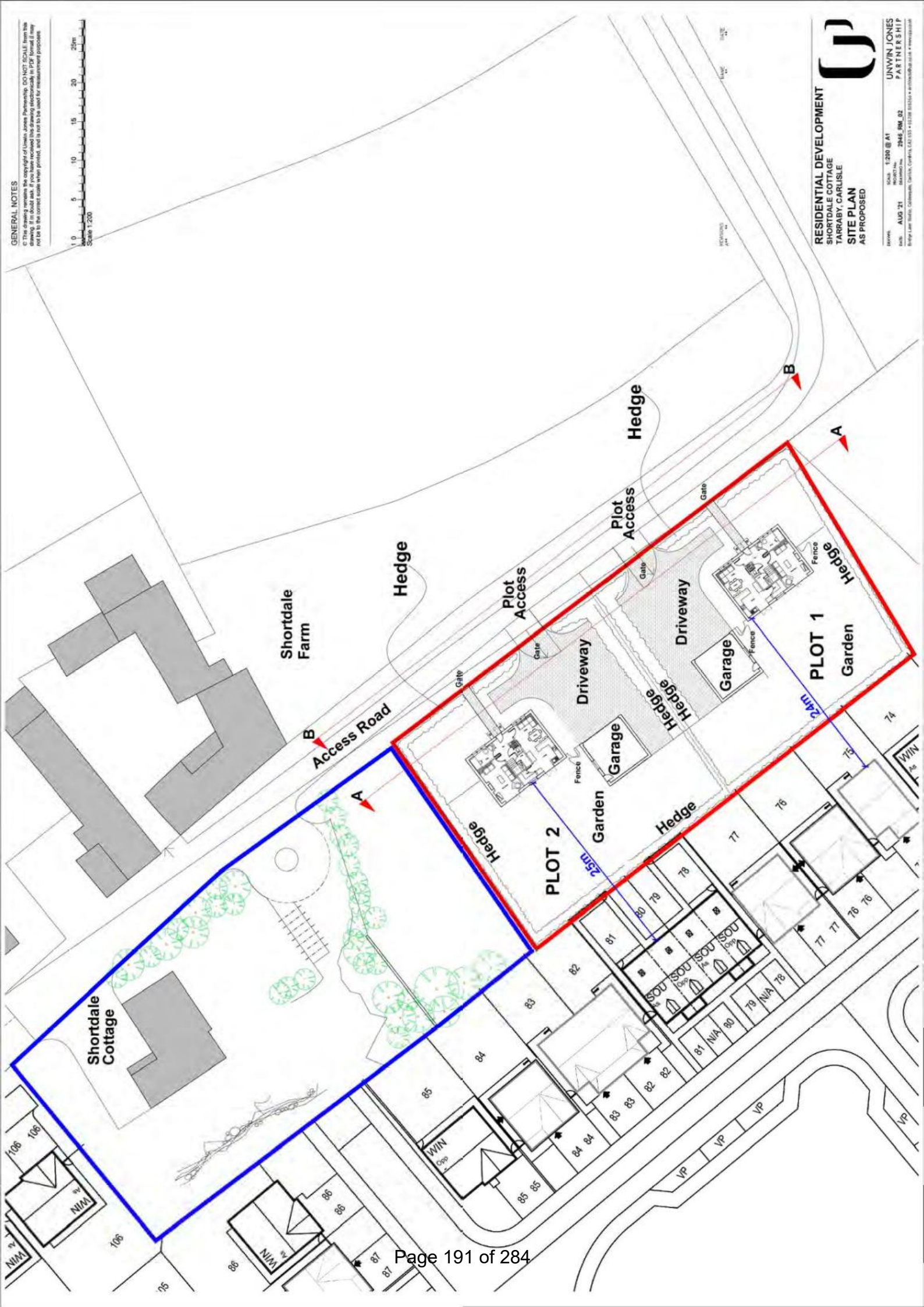
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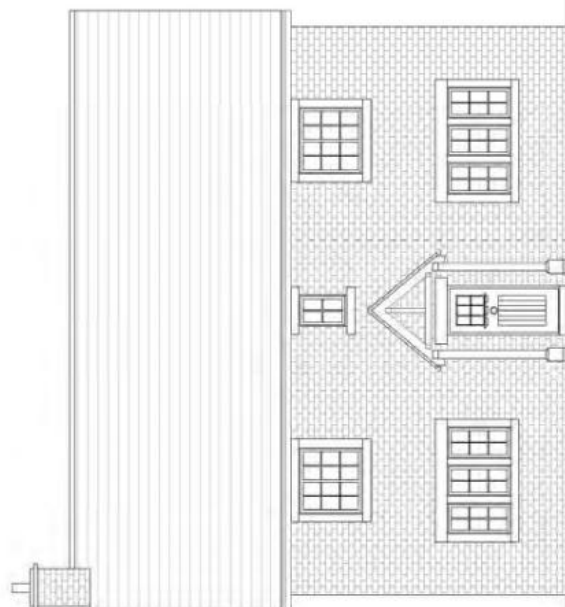
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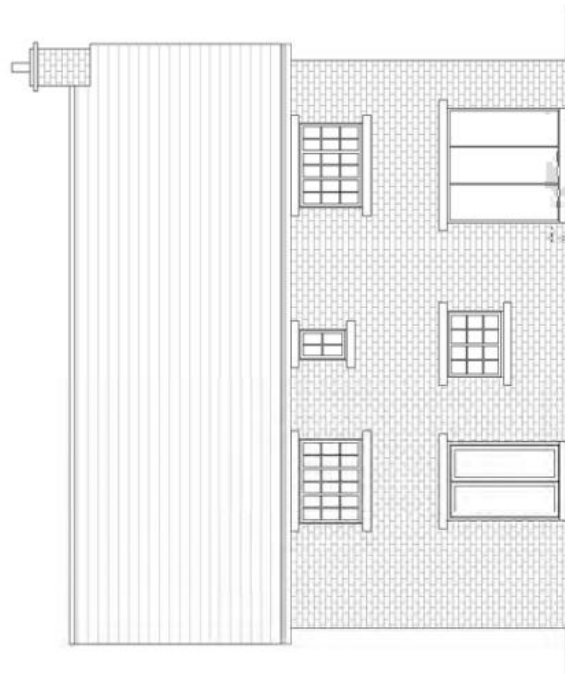
**UNWIN JONES PARTNERSHIP**  
RESIDENTIAL DEVELOPMENT  
SHORTDALE COTTAGE  
TARRABY, CARLISLE  
SITE PLAN  
AS PROPOSED

Drawn: 1300 @ A1  
Checked: AUG 21  
Date: 2046\_P01\_02  
Project: 2046\_P01\_02  
Unwin Jones Partnership  
Bridge Lane, Broomfield, Carlisle, Cumbria, LA5 1ST • 01206 883834 • [enquiries@unwinjones.co.uk](mailto:enquiries@unwinjones.co.uk) • [www.unwinjones.co.uk](http://www.unwinjones.co.uk)

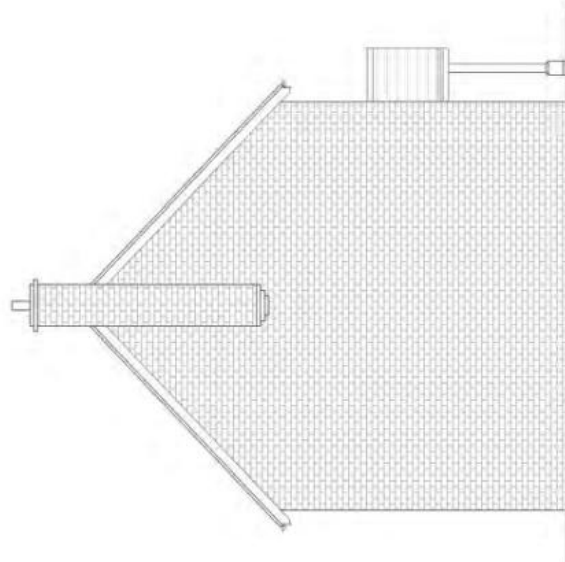




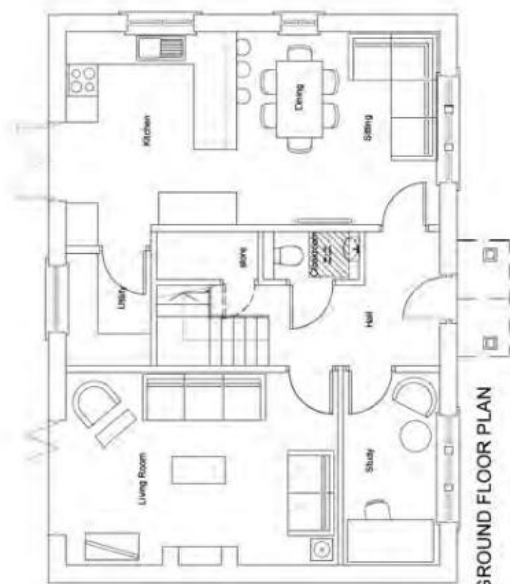
NORTH EAST ELEVATION



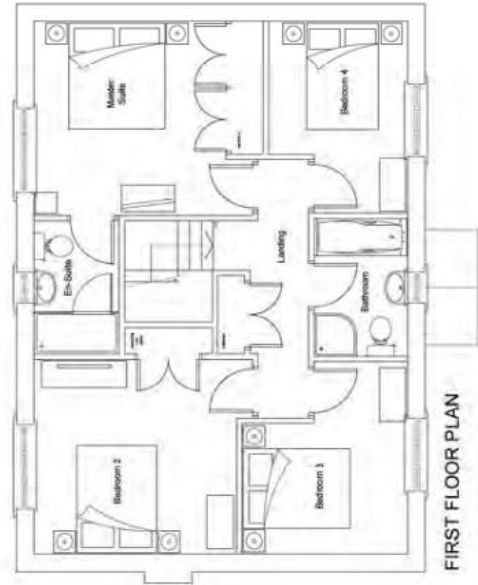
**SOUTH WEST ELEVATION**



SOUTH EAST ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

PLOT 1  
4 bed detached 1500 sq ft.

Area:  
1504 sq ft  
139.7 m sq

## MATERIALS

- Walls
- Roofs
- Windows
- Rainwater goods

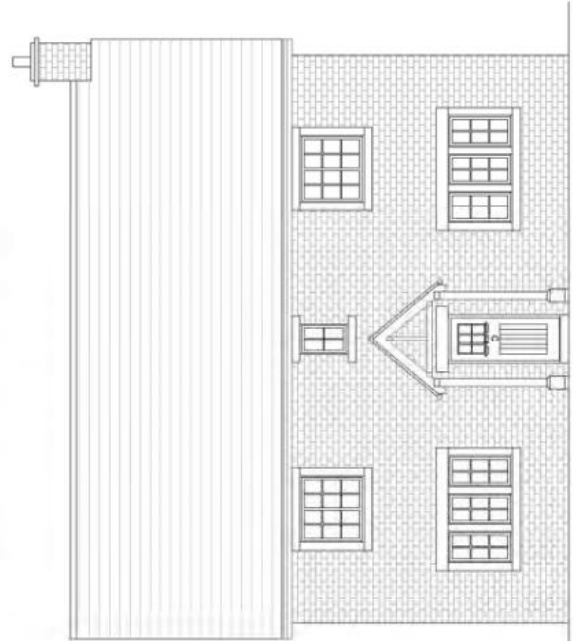
**RESIDENTIAL DEVELOPMENT**  
SHORTDALE COTTAGE  
TARRABY, CARLISLE  
**FLOOR PLANS & ELEVATIONS**  
PLOT 1  
AS PROPOSED

ISSUANCE	SCALE: 1:50 @ A1	UNWIN JONES PARTNERSHIP
DATE: AUG '21	PROJECT No: 2946_JRM_03	
	DRAWING No:	

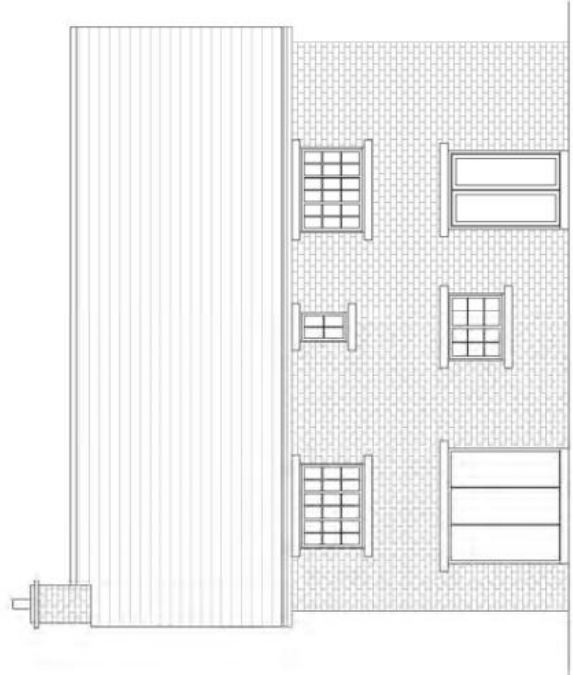
Bridge Lane Studio, Goldsengate, Cardiff, Cardiff, CA2 1SS • 01222 818346 • [studio@unwin-jones.co.uk](mailto:studio@unwin-jones.co.uk) • [www.unwin-jones.co.uk](http://www.unwin-jones.co.uk)



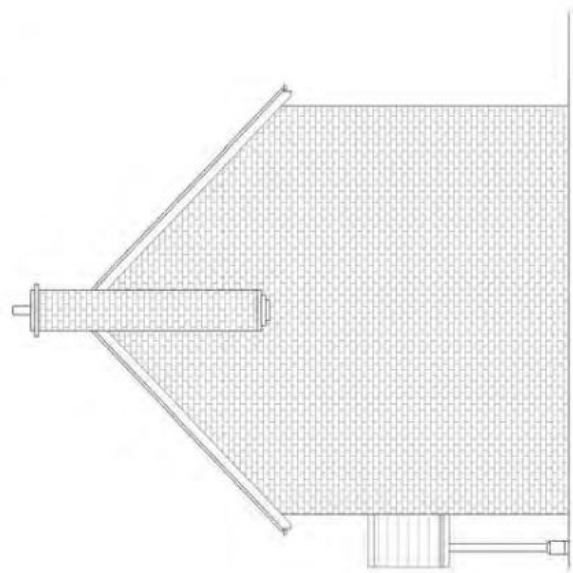
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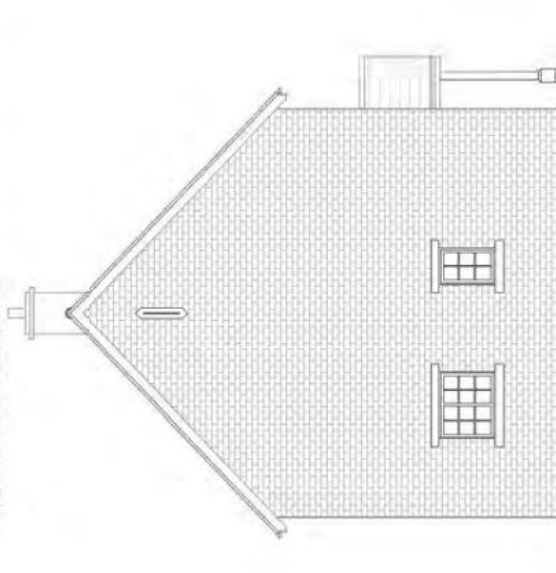
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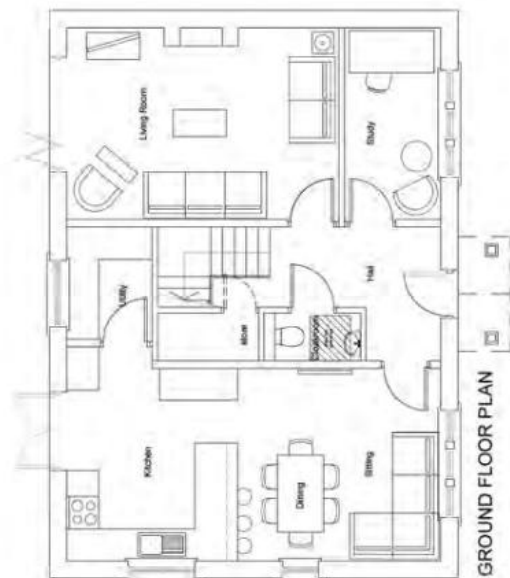
SOUTH WEST ELEVATION



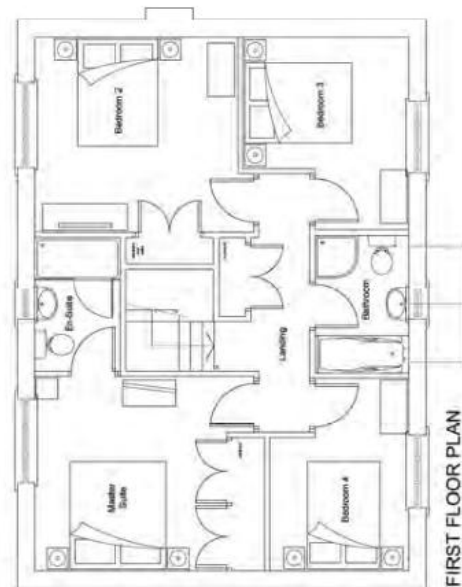
NORTH WEST ELEVATION



SOUTH EAST ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

PLOT 2

4 bed detached 1500 sq. ft.

Area:  
1504 sq ft  
139.7 m sq

MATERIALS

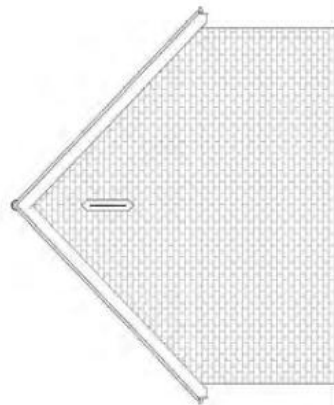
- Walls
- Roofs
- Windows
- Rainwater goods
- Facing Brickwork
- Slate effect tile
- UPVC - white
- Black UPVC

RESIDENTIAL DEVELOPMENT  
SHORTDALE COTTAGE  
TARRABY, CARLISLE  
FLOOR PLANS & ELEVATIONS  
PLOT 2  
AS PROPOSED

UNWIN JONES  
PARTNERSHIP  
2546 JRM\_04  
AUG 21  
DRAWN BY: 2546 JRM\_04  
CHECKED BY: 2546 JRM\_04  
DATE: 21/08/2021  
SCALE: 1:50 @ A1  
SERIAL: 150 @ A1

GENERAL NOTES

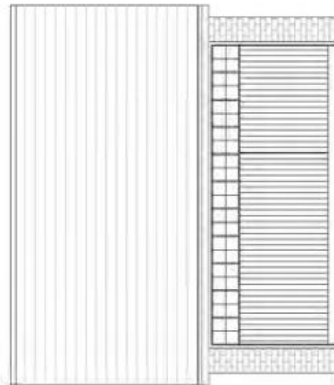
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NORTH WEST ELEVATION  
PLOT 1 GARAGE



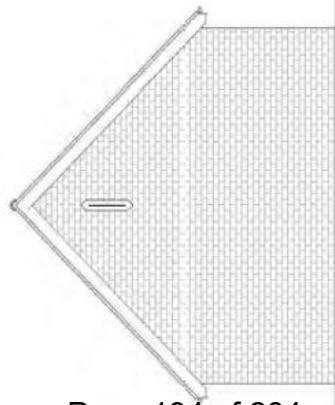
SOUTH EAST ELEVATION  
PLOT 1 GARAGE



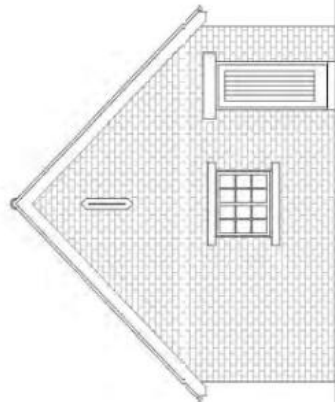
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PLOT 1 GARAGE



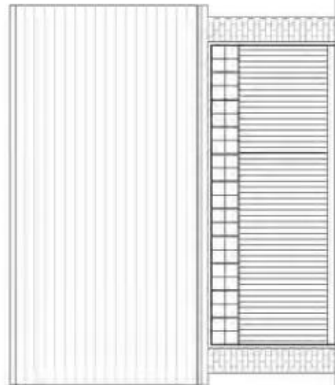
SOUTH WEST ELEVATION  
PLOT 1 GARAGE



SOUTH EAST ELEVATION  
PLOT 2 GARAGE



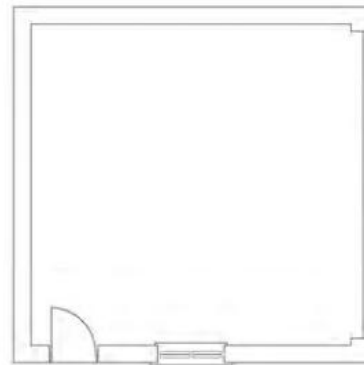
NORTH WEST ELEVATION  
PLOT 2 GARAGE



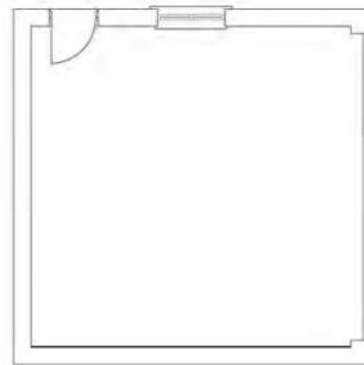
NORTH EAST ELEVATION  
PLOT 2 GARAGE



SOUTH WEST ELEVATION  
PLOT 2 GARAGE



PLAN OF PLOT 1 GARAGE



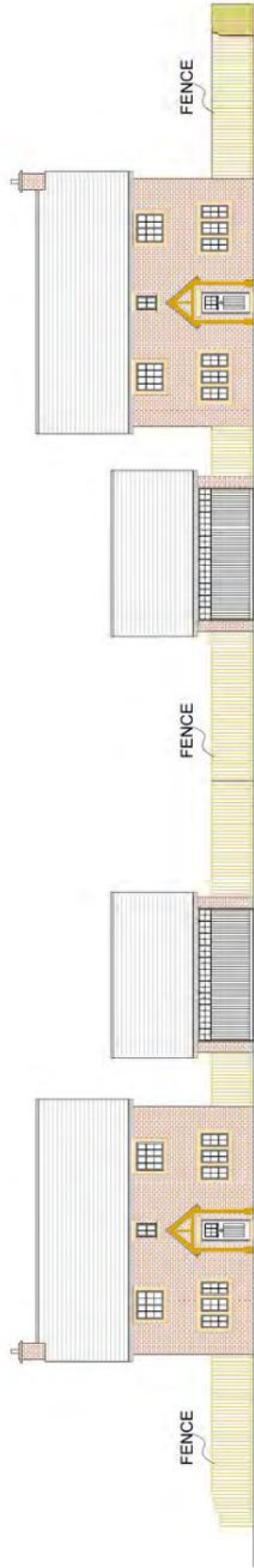
PLAN OF PLOT 2 GARAGE

REVISIONS

DATE

RESIDENTIAL DEVELOPMENT  
SHORTDALE COTTAGE  
TARRABY, CARLISLE  
GARAGE PLANS & ELEVATIONS  
GARAGES  
AS PROPOSED

UNWIN JONES  
PARTNERSHIP  
25448\_P01\_05  
AUG '21  
UNWIN JONES  
PARTNERSHIP  
25448\_P01\_05  
AUG '21



STREET ELEVATION AA



STREET ELEVATION BB





## SCHEDULE A: Applications with Recommendation

21/1012

**Item No: 07**

**Date of Committee:**

14/01/2022

**Appn Ref No:**  
21/1012

**Applicant:**  
Mr B Johnson

**Parish:**  
Upper Denton

**Agent:**

**Ward:**  
Brampton & Fellside

**Location:** Rowanlea, 2 Hadrians Crescent, Gilsland, Brampton, CA8 7BP

**Proposal:** Raising Of Eastern Property Walls By 2.8m To Match Existing First Floor Extension; Erection Of New Gable Roof, First Floor Bedroom & Bathroom

**Date of Receipt:**  
29/10/2021

**Statutory Expiry Date**  
24/12/2021

**26 Week Determination**

---

### REPORT

**Case Officer:** Laura Brice

#### 1. Recommendation

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

#### 2. Main Issues

2.1 Whether The Proposal Is Appropriate To The Dwelling

2.2 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

2.3 Impact Of The Proposal On Hadrians Wall Buffer Zone

2.4 Parking Provision

2.5 Impact Upon Biodiversity

2.6 Other Matters

#### 3. Application Details

**The Site**

- 3.1 The application relates to Rowanlea, 2 Hadrians Crescent, a two-storey detached property located within Gilsland, Brampton. The dwelling is constructed from coursed brickwork with pebbledash gables, grey concrete tiles to the pitched roof, white UPVC windows, and a brown UPVC door.

## **The Proposal**

- 3.2 The application seeks full planning permission for the Raising Of Eastern Property Walls By 2.8m To Match Existing First Floor Extension; Erection Of New Gable Roof, First Floor Bedroom & Bathroom. The submitted plans illustrate that the proposed extension will be constructed from materials to match the existing dwelling.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of notification letters sent to four neighbouring properties. During the consultation period six letters of objection have been received from five different properties.

The letters of objection cover a number of matters which are summarised as follows:

- overlooking
- loss of light
- concern over alleged use as a hostel and the proposal to increase capacity
- parking issues

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

**Historic England - North West Office:** - no comments

**Upper Denton Parish Council:** - no objections

**MOD Safeguarding - for all statutory application consultations:** - no response received

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

### **Assessment**

- 6.1 Section 70 (2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning

Practice Guidance (PPG) and Policies SP6, HO8, HE1 & GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. The 'Achieving Well Designed Housing' Supplementary Planning Document, adopted by the Council, is also a material planning consideration.

6.3 The proposal raises the following planning issues:

#### **1. Whether The Proposal Is Appropriate To The Dwelling**

- 6.4 In 1983 planning permission was granted for an extension to the original bungalow to provide a granny annex to the first floor (application reference 83/0247). This current application seeks permission to raise the roof height on the east elevation approximately 2.8 metres to match the existing height of the property on the western side as permitted in 1983. This would create an additional bedroom (no.4) and bathroom.
- 6.5 It is noted that the neighbouring property No.1 Hadrians Crescent was granted permission in 2019 to raise the roof height of their original bungalow to create a second storey (application reference 19/0080). At the time of the site visit for this 2021 application, construction was almost complete at No.1, bar the rendering.
- 6.6 The majority of neighbouring properties on Hadrians Crescent are bungalows. Due to the topography, the property is located on a slope, meaning that from the rear (north) elevation the property would appear slightly taller than it would from the front. However, since the property is already raised to its proposed height at one side, it is not considered that this proposal would over-dominate the bungalows to the rear. Alongside this, No.1 Hadrians Crescent now has a second storey after being determined as acceptable according to the same policies as this application is being assessed against. Furthermore, there are other neighbouring properties that are two-storey buildings, including 'Riverside' to the west which is on higher ground than the application site yet does not appear over-dominant to the properties below.
- 6.7 The application also proposes to replace the existing front door to the east elevation with a window and install a new front door into the front elevation to replace an existing window there. This is an appropriate alteration to the dwelling which would not require permission by itself.
- 6.8 The scale and height of the proposals are comparable to the existing property and the extension would create a balanced appearance alike to a traditional property. It would therefore be more visually appealing than the existing. The extensions would be constructed from materials which will match the existing dwelling and would employ similar detailing. Accordingly, the proposals would complement the existing dwelling in terms of design and materials to be used.
- 6.9 Overall, in the context of the original building and the 80s extension, the proposal would be proportionate in scale. In this respect, the extension would not be obtrusive or detract from the character or appearance of the street scene. Accordingly, the proposal is acceptable and does not raise any planning issues by means of appropriateness to the dwelling.

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

- 6.10 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. Policies SP6 'Securing Good Design' and HO8 'House Extensions' of the Local Plan together with the 'Achieving Well Designed Housing' SPD seek to ensure that householder development proposals do not result in loss of amenity to surrounding properties through unacceptable overlooking, loss of light, over-dominance or other unacceptable conditions for existing or future occupiers of properties.
- 6.11 Rowanlea (2 Hadrians Crescent) is located within the village of Gilsland and is visible from the roadside. Four other properties share a boundary with Rowanlea: bungalows to the rear and two-storey properties either side. The other properties to the rear on Hadrians Crescent are bungalows. To the front elevation there are no adjacent properties across the road so there is no chance of overlooking, loss of light or over-dominance.
- 6.12 It is not considered that the proposal would detrimentally affect the living conditions of any occupier(s) of 1 Hadrians Crescent to the east and Riverside to the west through loss of light, overlooking, or over-dominance due to the positioning of the properties. The proposed study and bathroom windows in the eastern elevation on the first floor would look towards No.1 which has skylights on its western elevation, no additional windows to the first floor, and obscure-glazed windows to the ground floor. Therefore, there would not be a detrimental impact on No.1 by way of overlooking.
- 6.13 To the rear the gardens of the neighbouring bungalows No.3 and No.4 Hadrians Crescent would receive a degree of overlooking from the extension but since there is already potential overlooking from the existing bedroom window on the first floor it is not considered there would be a huge change. The application proposes for three windows on the rear elevation to supply two bedrooms. These would align with the existing windows to the ground floor and would look north towards the neighbouring bungalows. Distance between the primary windows in Rowanlea and No.4 Hadrians Crescent exceeds the 21m guidance in the adopted 'Achieving Well Designed Housing' SPD, however, between Rowanlea and No.3 the distance is approximately 13m meaning the proposal would not adhere to this guidance. Whilst the boundary treatment of fencing and hedgerow helps prevent overlooking from the ground floor level of Rowanlea, the proposed first floor extension would result in some loss of privacy and potentially loss of light to No.3. That being said, due to the existing first floor extension it is not considered that the proposal would exacerbate these issues to an extent which is significant enough to warrant refusal of this application.

## **3. Impact Of The Proposal On Hadrian's Wall Buffer Zone**

- 6.14 Rowanlea is located within proximity to Hadrian's Wall World Heritage Site to the south and west. Policy HE1 'Hadrian's Wall World Heritage Site' of the

Local Plan highlights that *“proposed development outside the boundaries of the buffer zone will, where appropriate, be carefully assessed for its effect on the site’s Outstanding Universal Value, and any that would result in substantial harm will be refused”*, while development which results in less than substantial harm should be assessed against the public benefits of the proposal.

- 6.15 Given the nature and scale of the proposal, it is not felt that the proposal would have an adverse impact on any nationally important archaeological remains, the Hadrian’s Wall frontier, nor the setting of the Hadrian’s Wall World Heritage Site. Historic England were consulted, and they have no comments to the proposal.

#### **4. Parking Provision**

- 6.16 There were concerns from objectors regarding parking provision. Cumbria County Council’s ‘Development Design Guide Appendix A- Parking’ suggests that dwellings with four bedrooms should have parking provision for two vehicles, the same amount as for three bedrooms. Alongside the garage, there is space on the driveway to accommodate another car. Therefore, the proposal would be acceptable for parking provision.

#### **5. Impact Upon Biodiversity**

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

#### **6. Other Matters**

- 6.18 Several objectors to the proposal highlighted their concerns over the property allegedly being used as a hostel. In September 2021 the Council’s Enforcement Officer contacted the occupier(s) of 2 Hadrian’s Crescent to discuss the issue and advised them they would require an application for change of use (C3 to sui generis) if they wanted to propose use of the property as a hostel (reference EC/21/0062/EC). Having discussed this matter with the applicant, no further information has been provided on the use as a hostel and for the purposes of this application it is to be considered as a Class C3 residential property.

#### **Conclusion**

- 6.19 In overall terms, it is considered that the proposal would not detrimentally affect the living conditions of any occupiers of the neighbouring properties to an extent which is significant enough to warrant refusal of this application. The scale and design of the proposed extension is acceptable in relation to the dwelling. The proposal will not have a detrimental impact on the visual

amenity of the area or the setting of Hadrian's Wall World Heritage Site.

- 6.20 In all aspects the proposals are compliant with the objectives of the National Planning Policy Framework, Planning Policy Guidance and Local Plan policies. Accordingly, the application is recommended for approval.

## **7. Planning History**

- 7.1 In 1983 planning permission was granted for an extension to provide a granny annex (reference 83/0247).

## **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).

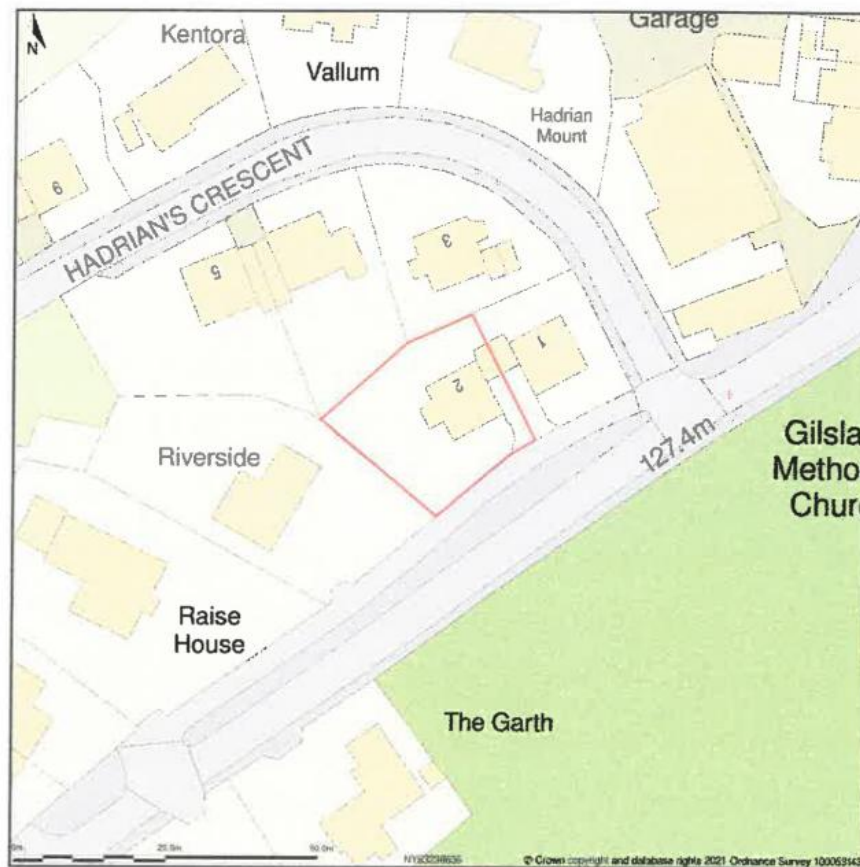
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 26th October 2021;
2. the site location plan received 26th October 2021;
3. the block plan received 28th October 2021;
4. the proposed ground floor plan received 26th October 2021;
5. the proposed first floor plan received 26th October 2021;
6. the proposed north elevation received 26th October 2021;
7. the proposed east elevation received 26th October 2021;
8. the proposed south elevation received 26th October 2021;
9. the proposed west elevation received 26th October 2021;
10. the Design Statement received 26th October 2021;
11. the Notice of Decision;
12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

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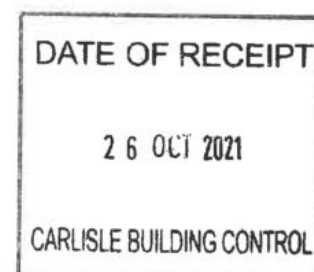
Rowanlea, 2, Hadrians Crescent, Gilsland, Cumbria, CA8 7BP



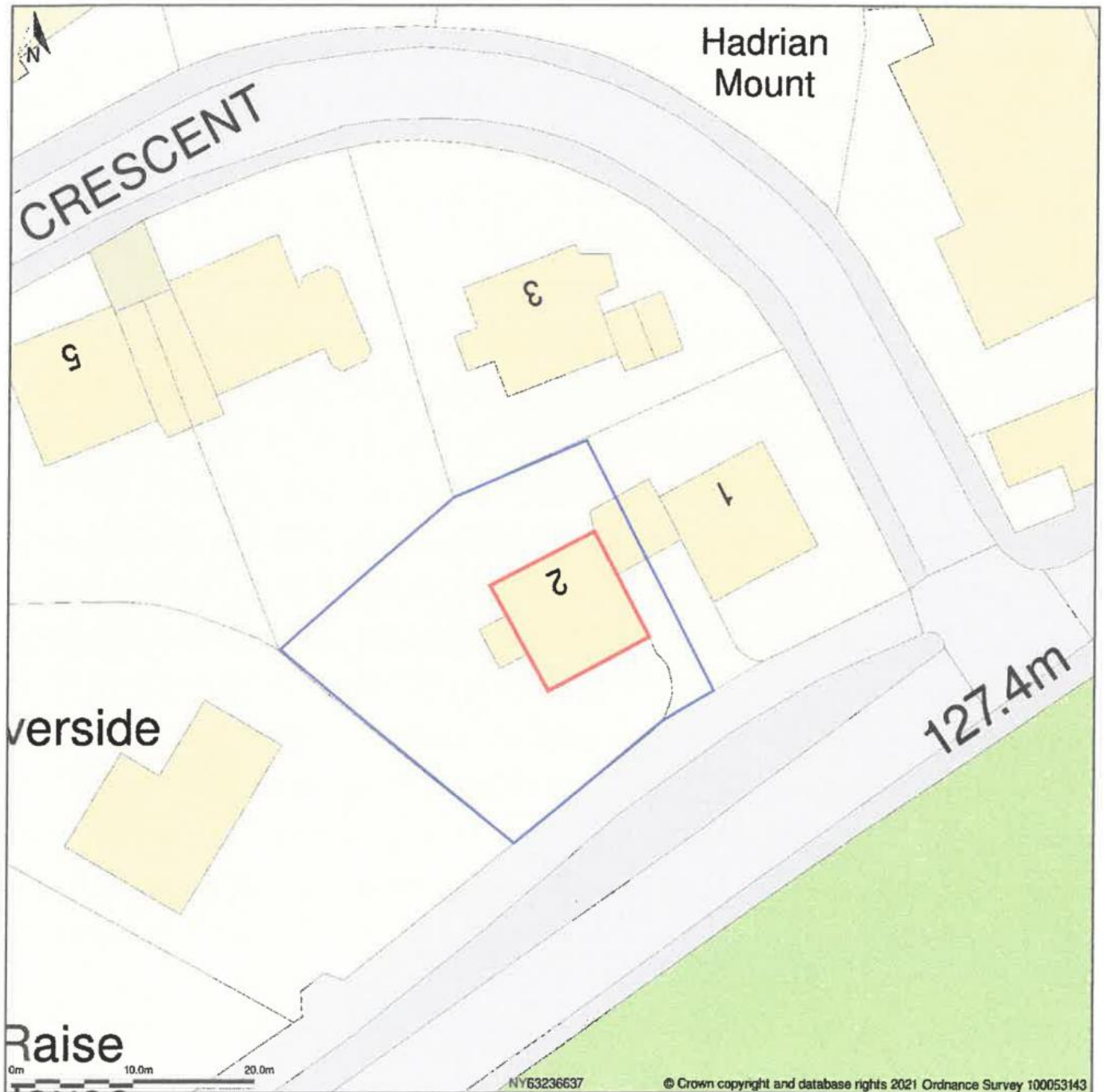
Site Plan shows area bounded by: 363165.19, 566294.84, 363306.61, 566436.26 (at a scale of 1:1250), OSGridRef: NY63236636. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Rowanlea, 2, Hadrians Crescent, Gilsland, Cumbria, CA8 7BP



Block Plan shows area bounded by: 363193.46, 566332.13 363283.46, 566422.13 (at a scale of 1:500), OSGridRef: NY63236637. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**Project**

Proposed Raising of East Wall  
to Create Additional Living Space

**Applicant**

Ben Johnson  
2 Hadrians Crescent, Gilsland,  
Brampton, CA8 7BP

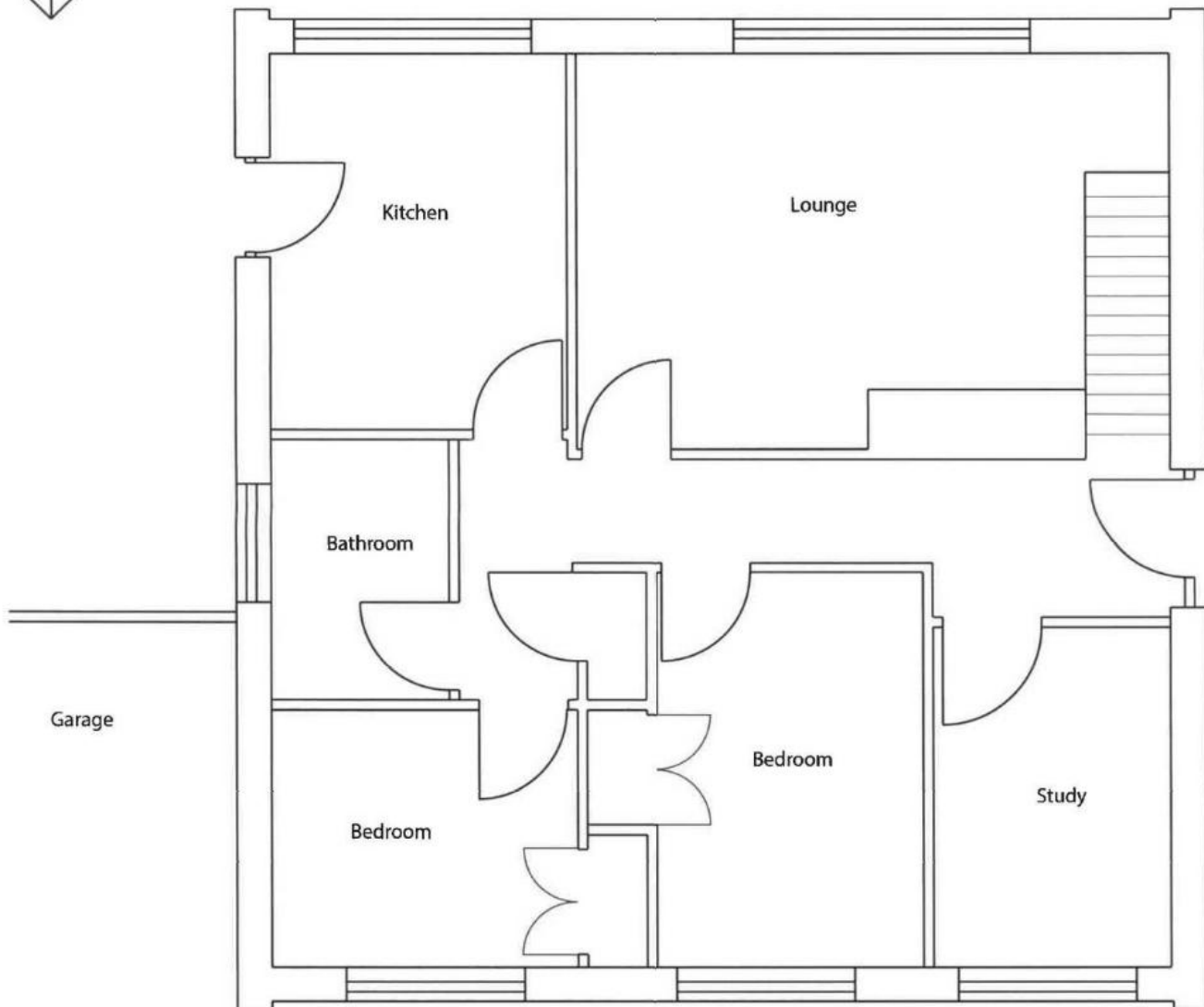
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Existing Ground Floor

**Scale**

1:50 @ A3

South



**Project**

Proposed Raising of East Wall  
to Create Additional Living Space

**Applicant**

Ben Johnson  
2 Hadrians Crescent, Gilsland,  
Brampton, CA8 7BP

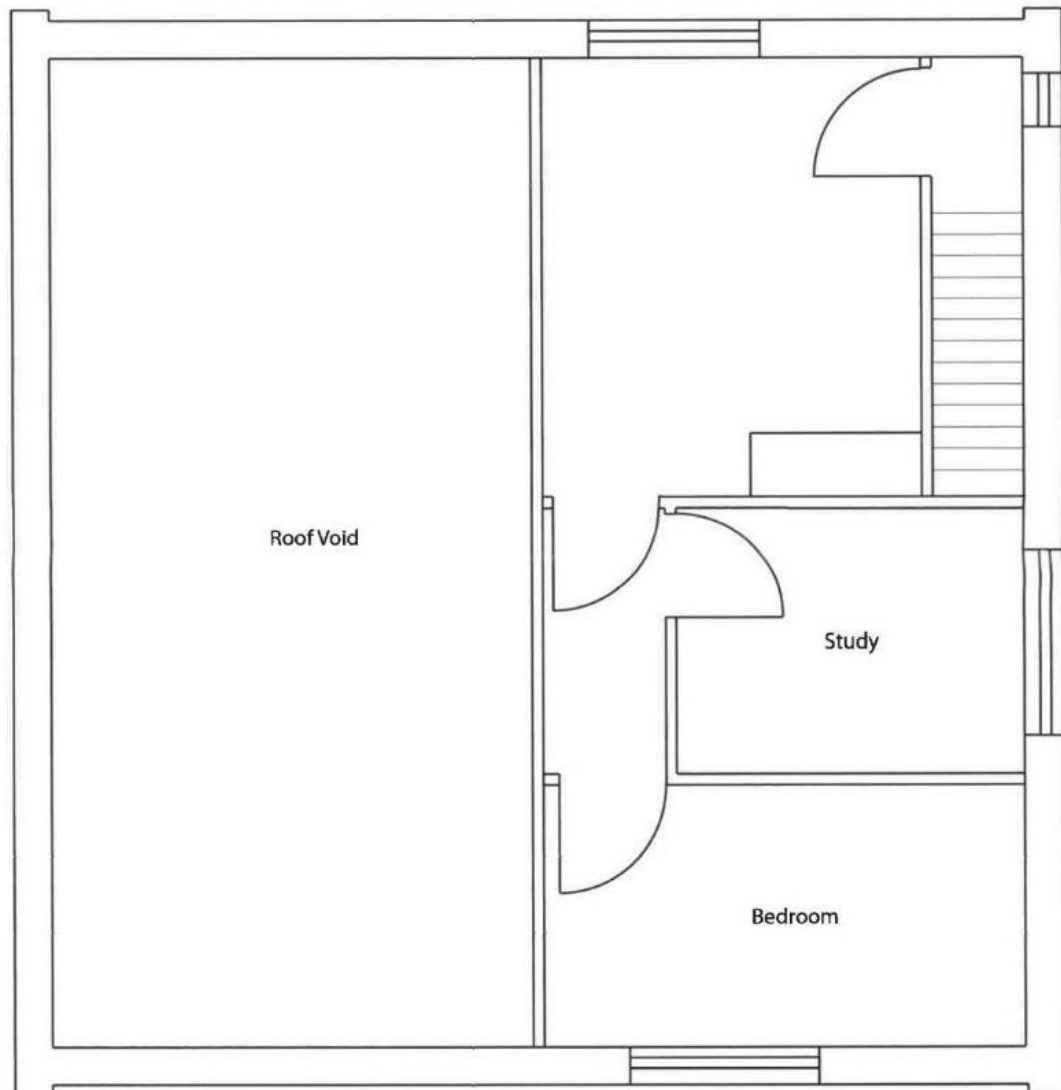
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**Scale**

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South



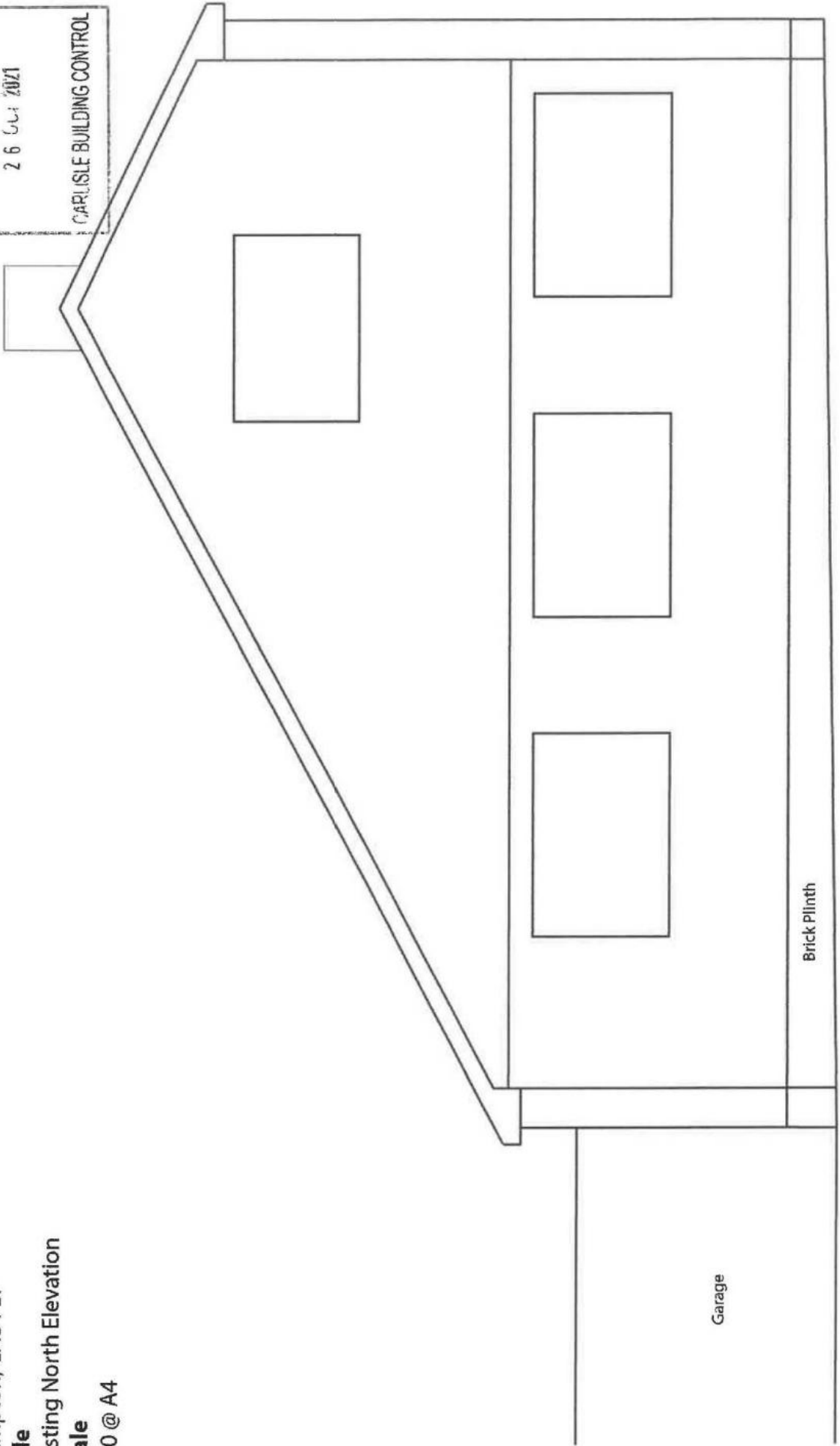
**Project**  
Proposed Raising of East Wall  
to Create Additional Living Space

**Applicant**  
Ben Johnson  
2 Hadrians Crescent, Gilsland,  
Brampton, CA8 7BP

**Title**  
Existing North Elevation

**Scale**  
1:50 @ A4

DATE OF RECEIPT  
26 Jun 2021  
CARLISLE BUILDING CONTROL



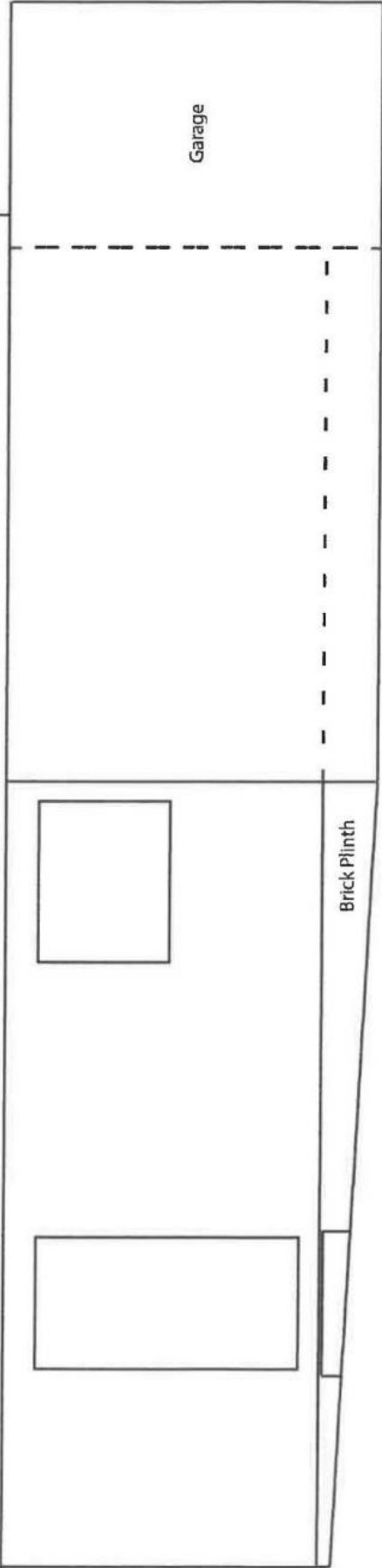
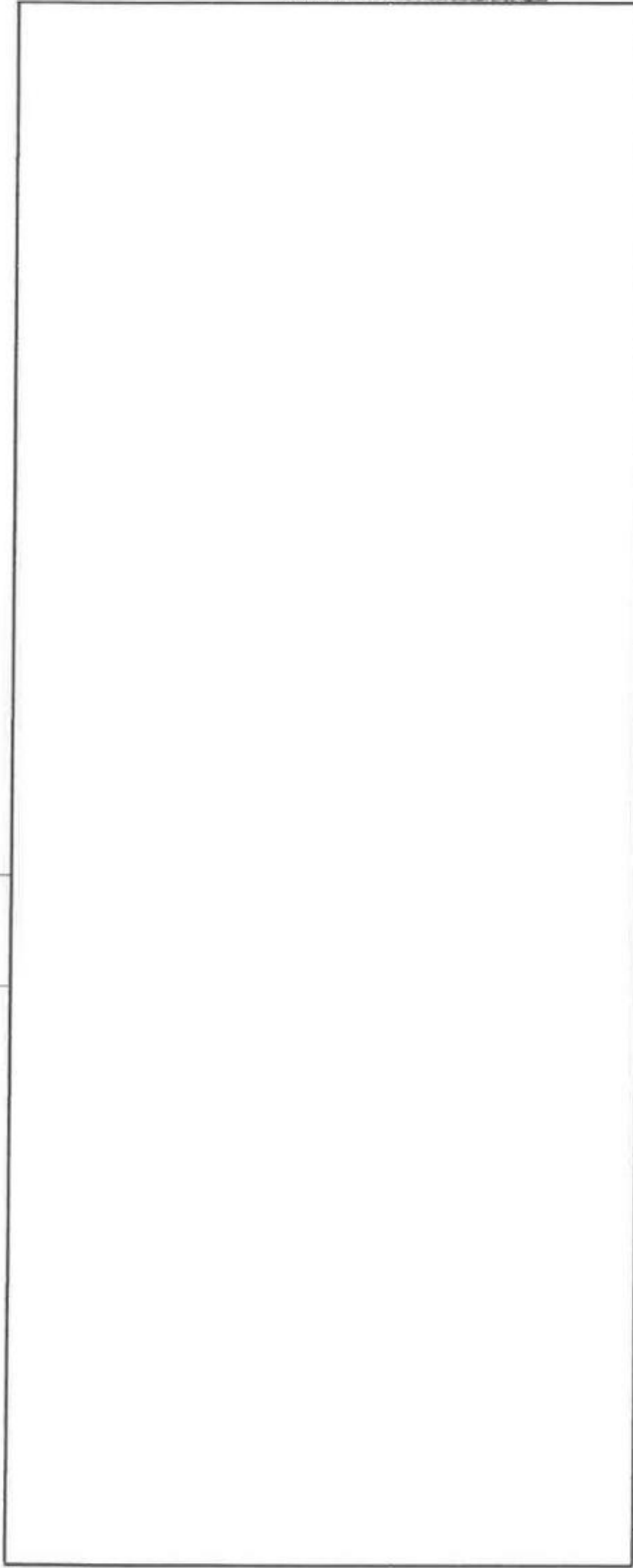
**Project**  
Proposed Raising of East Wall  
to Create Additional Living Space

**Applicant**  
Ben Johnson  
2 Hadrians Crescent, Gilsland,  
Brampton, CA8 7BP

**Title**  
Existing East Elevation

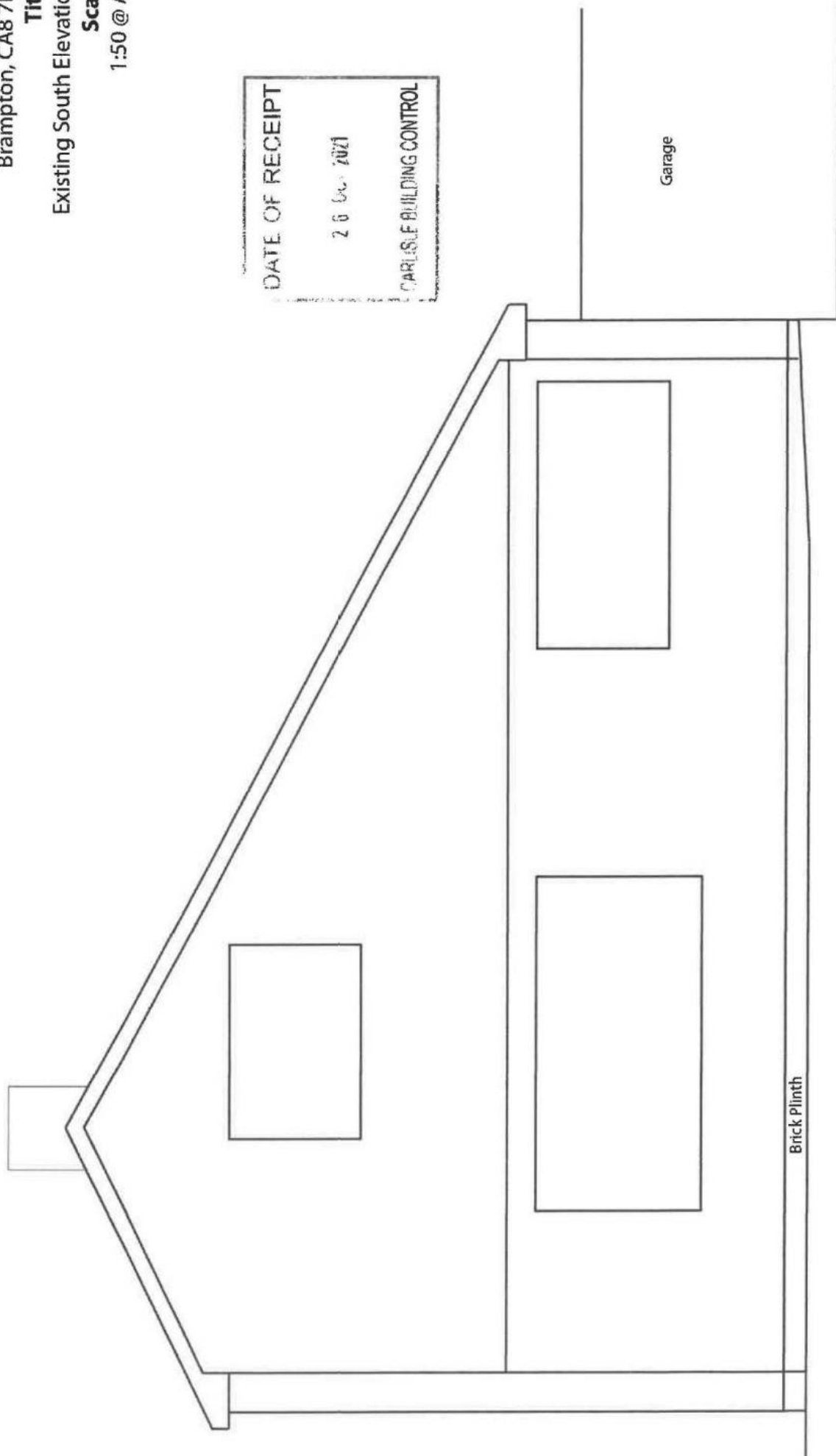
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DATE OF RECEIPT  
26 Oct 2021  
CARLISLE BUILDING CONTROL



**Project**  
Proposed Raising of East Wall  
to Create Additional Living Space  
**For**  
Ben Johnson  
2 Hadrians Crescent, Gilsland,  
Brampton, CA8 7BP  
**Title**  
Existing South Elevation  
**Scale**  
1:50 @ A4

DATE OF RECEIPT  
26 Oct 2021  
CARLSLE BUILDING CONTROL



**Project**

Proposed Raising of East Wall  
to Create Additional Living Space

**Applicant**

Ben Johnson  
2 Hadrians Crescent, Gillsland,  
Brampton, CA8 7BP

**Title**

Existing West Elevation

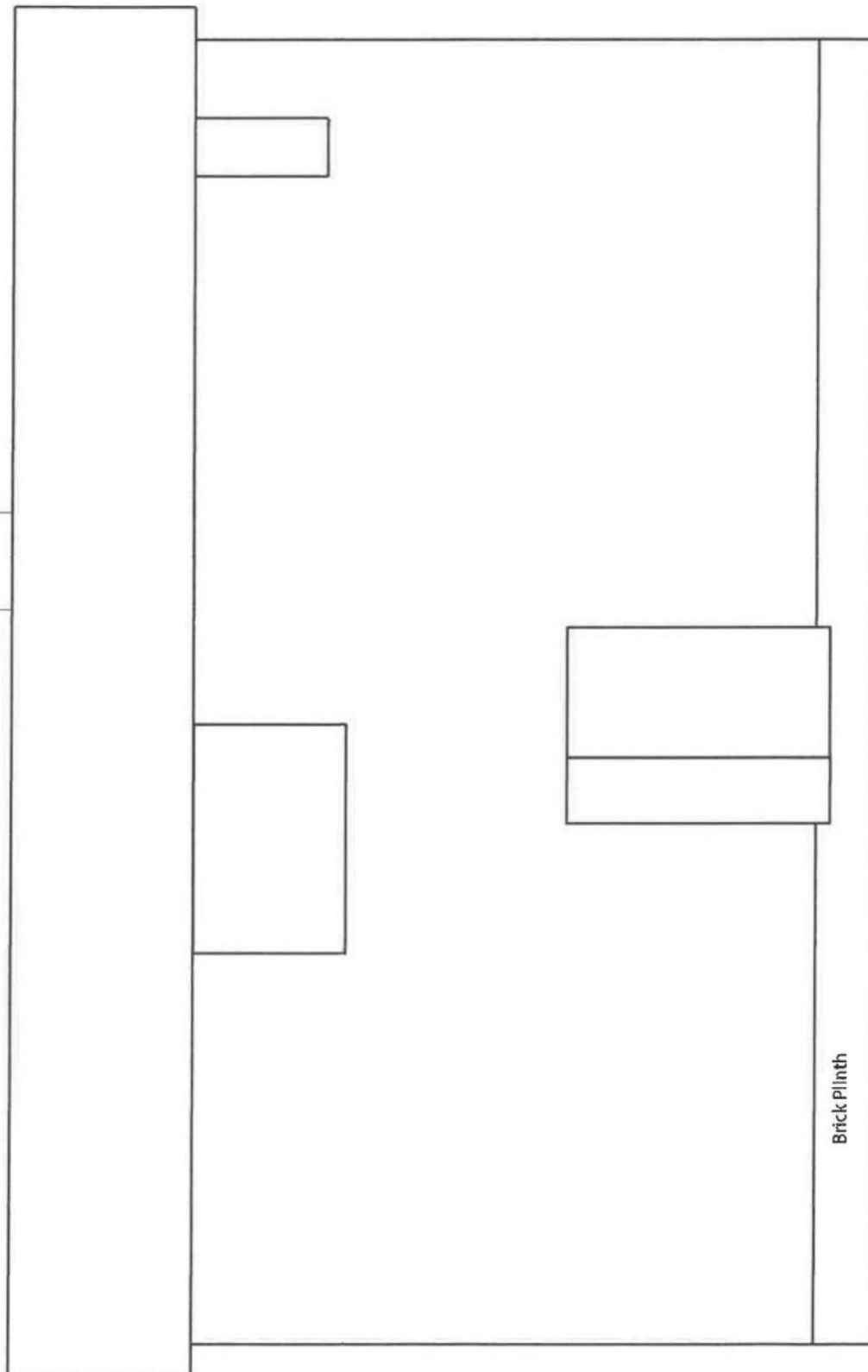
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DATE OF RECEIPT

26 OCT 2021

CARLISLE BUILDING CONTROL



**Project**

Proposed Raising of East Wall  
to Create Additional Living Space

**Applicant**

Ben Johnson  
2 Hadrians Crescent, Gilsland,  
Brampton, CA8 7BP

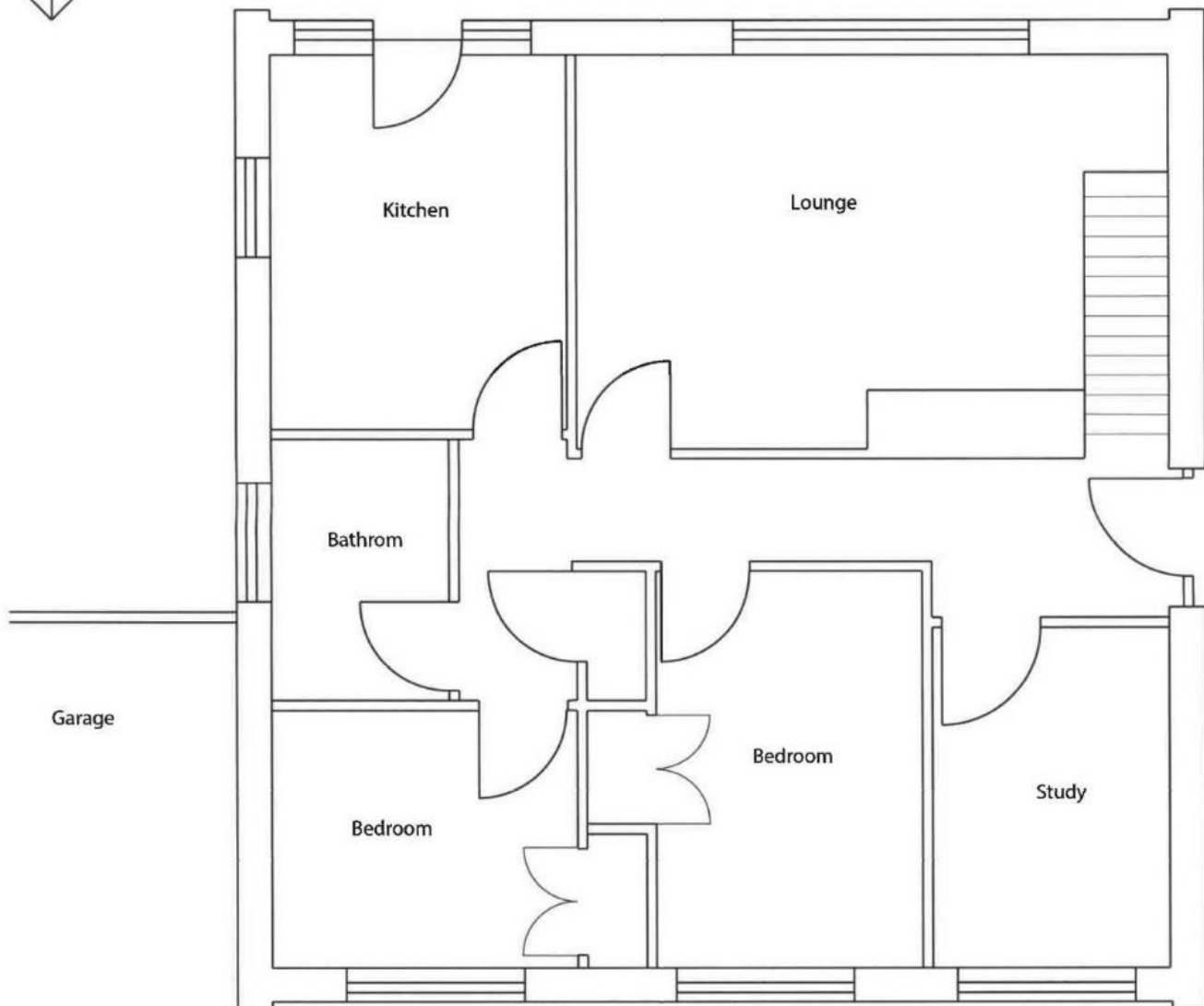
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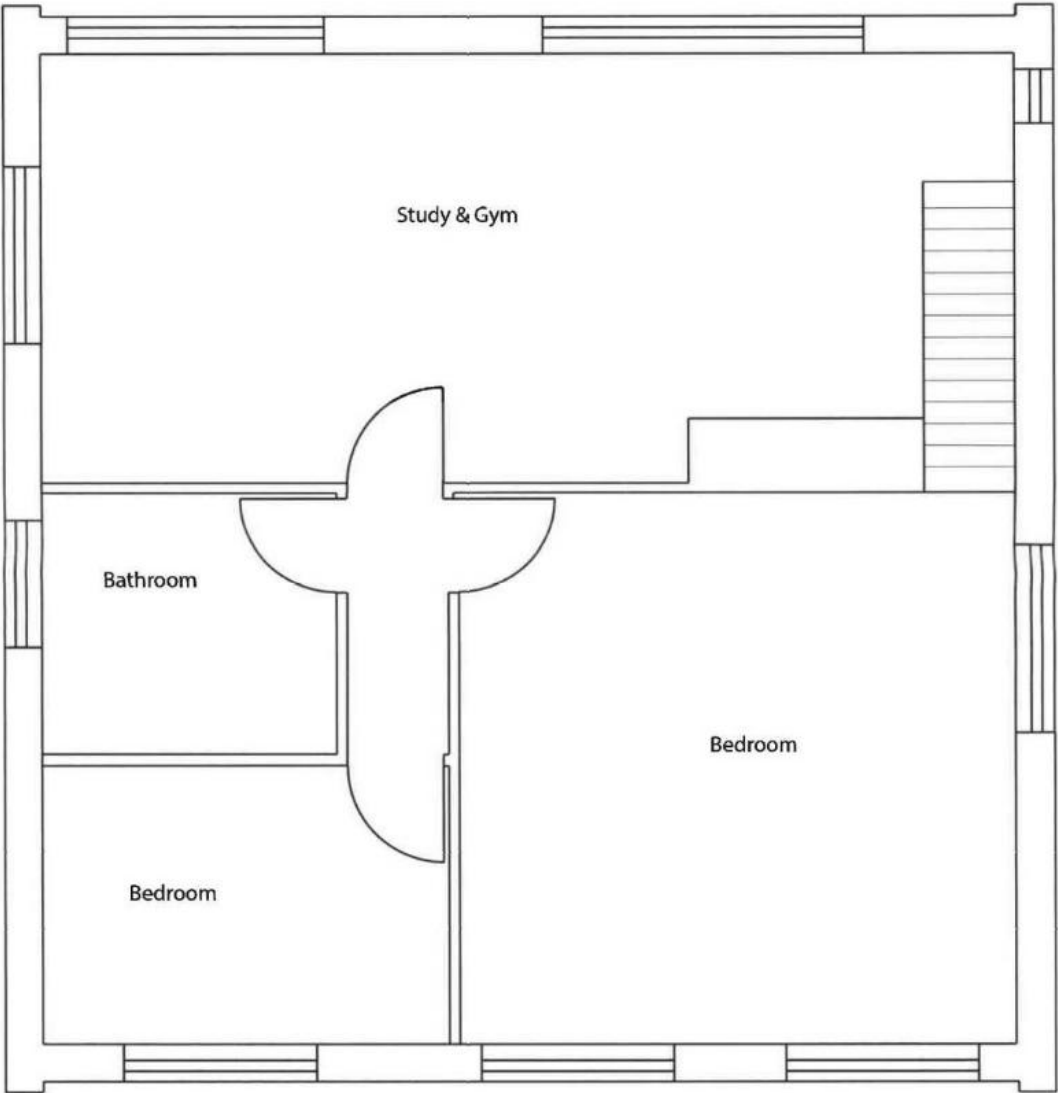
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1:50 @ A3

South



**Project**  
Proposed Raising of East Wall  
to Create Additional Living Space  
**Applicant**  
Ben Johnson  
2 Hadrians Crescent, Gilsland,  
Brampton, CA8 7BP  
**Title**  
Proposed First Floor  
**Scale**  
1:50 @ A3



DATE OF RECEIPT  
26 Oct 2021  
CARLISLE BUILDING CONTROL



**Project**

Proposed Raising of East Wall  
to Create Additional Living Space

**Applicant**

Ben Johnson  
2 Hadrians Crescent, Gilsland,  
Brampton, CA8 7BP

**Title**

Proposed North Elevation

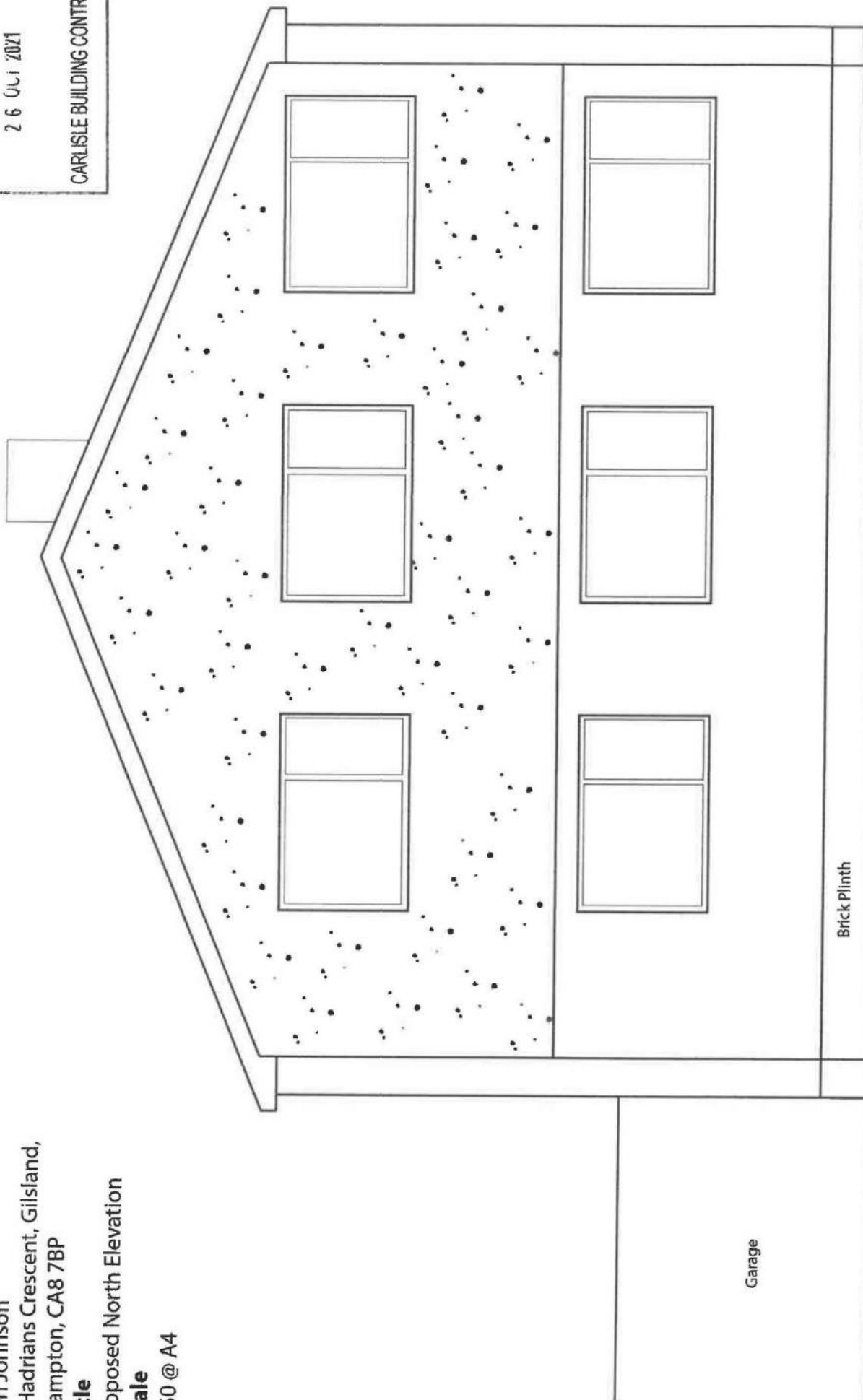
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DATE OF RECEIPT

26 JUL 2021

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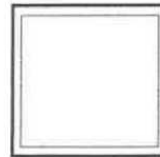
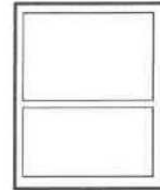
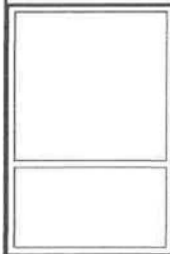
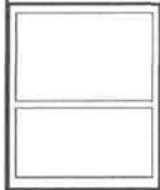
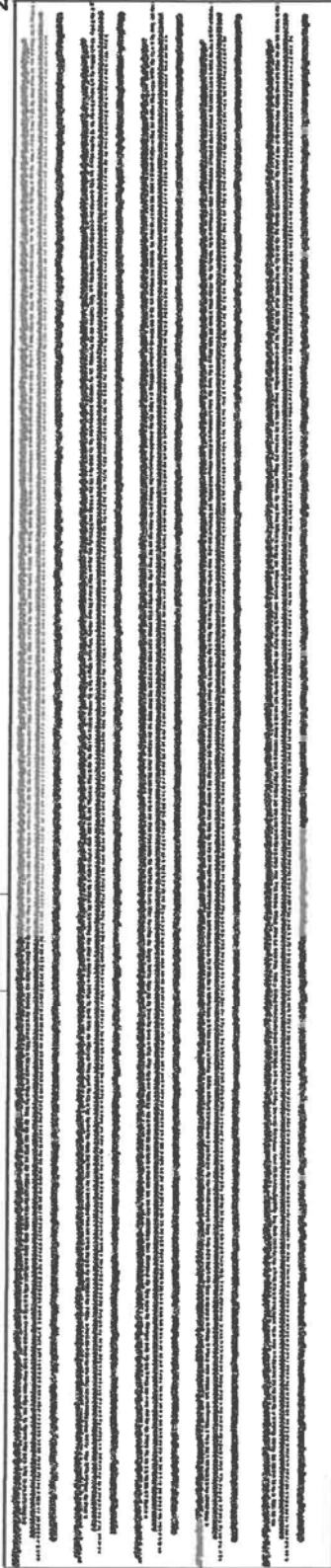


**Project**  
Proposed Raising of East Wall  
to Create Additional Living Space

**Applicant**  
Ben Johnson  
2 Hadrians Crescent, Gilsland,  
Brampton, CA8 7BP

**Title**  
Proposed East Elevation

**Scale**  
1:50 @ A4



Brick Plinth

DATE OF RECEIPT  
26 Oct 2021  
CARLISLE BUILDING CONTROL

Garage

**Project**

Proposed Raising of East Wall  
to Create Additional Living Space

**Applicant**

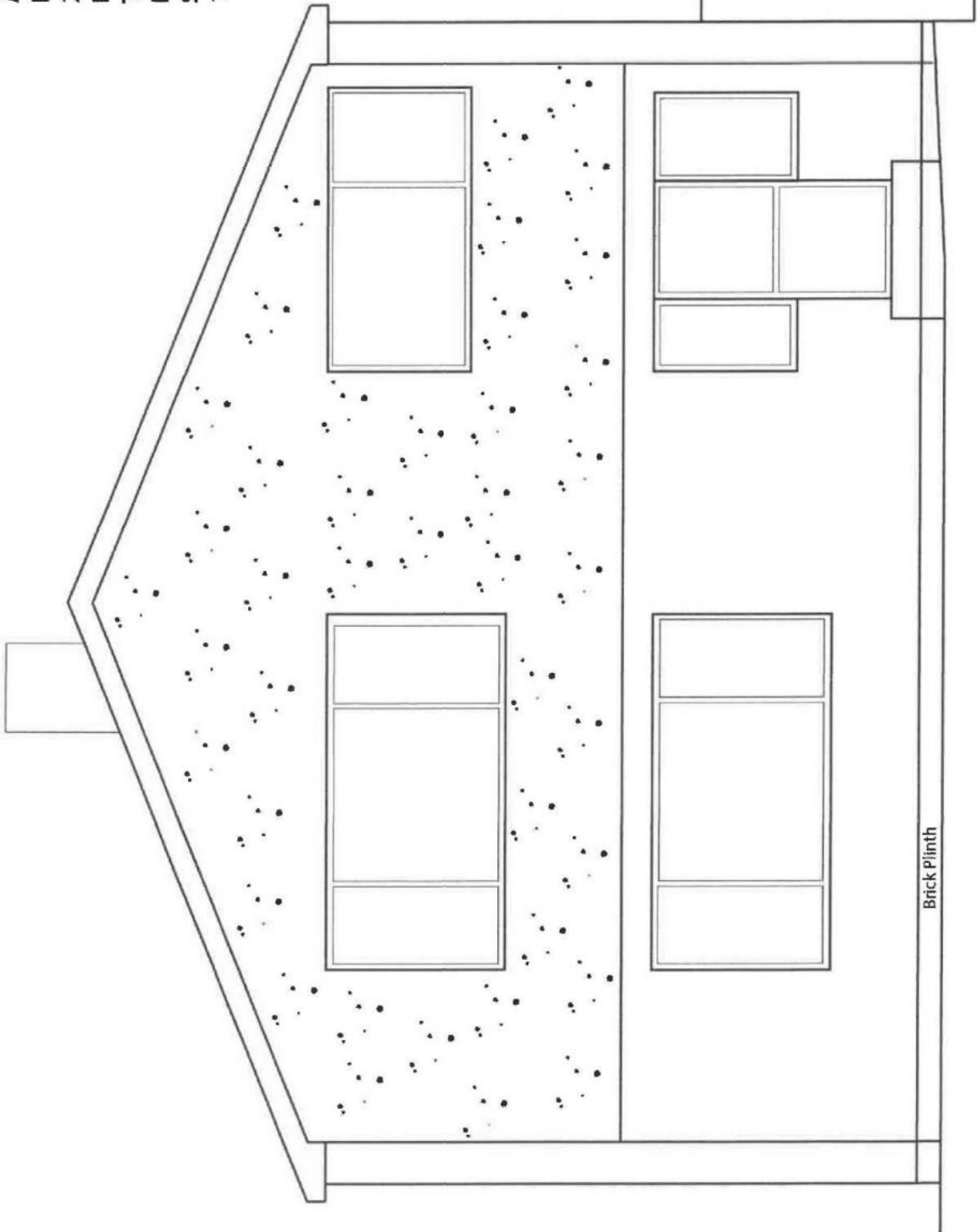
Ben Johnson  
2 Hadrians Crescent, Gilsland,  
Brampton, CA8 7BP

**Title**

Proposed South Elevation

**Scale**

1:50



DATE OF RECEIPT  
26 OCT 2021  
CARLISLE BUILDING CONTROL

Brick Plinth

**Project**  
Proposed Raising of East Wall  
to Create Additional Living Space

**Applicant**  
Ben Johnson

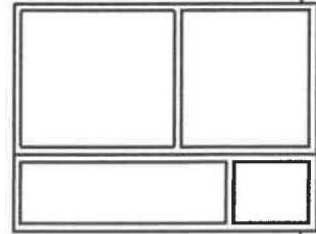
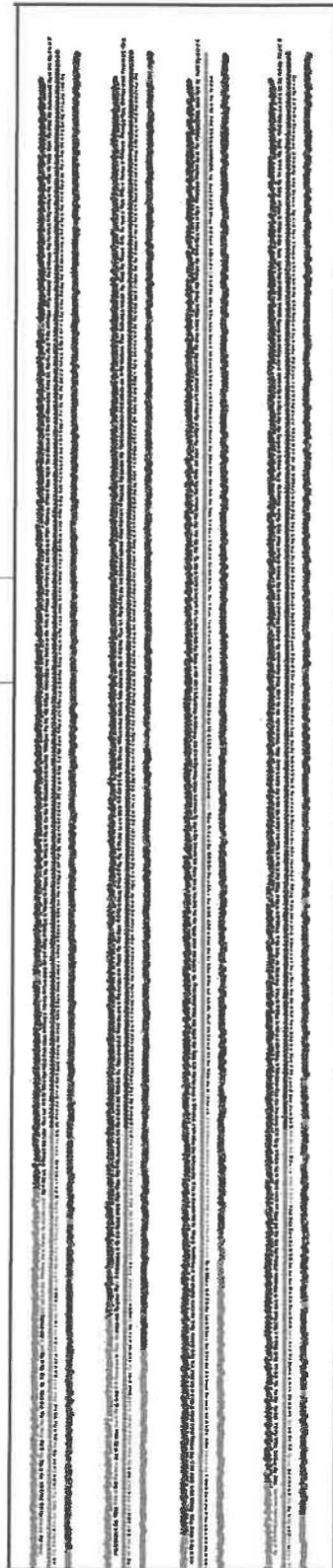
2 Hadrians Crescent, Gilsland,  
Brampton, CA8 7BP

**Title**

Proposed West Elevation

**Scale**

1:50 @ A4



Brick Plinth

## SCHEDULE A: Applications with Recommendation

21/0111

**Item No:** 08

**Date of Committee:**

14/01/2022

**Appn Ref No:**  
21/0111

**Applicant:**  
Eden Golf Course

**Parish:**  
Stanwix Rural

**Agent:**  
Summit Town Planning

**Ward:**  
Stanwix & Houghton

**Location:** Eden Golf Club, Crosby on Eden, Carlisle, CA6 4RA

**Proposal:** Change Of Use Of Part Of Golf Course To Allow For Stationing Of Up To 100 Caravans

**Date of Receipt:**  
24/02/2021

**Statutory Expiry Date**  
23/04/2021

**26 Week Determination**

---

### REPORT

**Case Officer:** Christopher Hardman

#### 1. Recommendation

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

#### 2. Main Issues

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

#### 3. Application Details

##### The Site

- 3.1 The site is located immediately adjacent to Eden Golf Course at the north

east corner of the site. Access is gained from the A689 and then via the U1811 which links to Newby East and back to the A689 or through Corby Hill to the A69.

## **Background**

- 3.2 The site has a planning history of a golf course along with its associated structures of the club house and greens keeping equipment/storage. In addition permission was granted for the Garden of Eden marquee which is north of the club house and south west of the proposed site.

## **The Proposal**

- 3.3 The application seeks full planning permission for the change of use of part of the golf course for the stationing of up to 100 caravans. The definition of a caravan is discussed later in this report. The application is accompanied by a location plan, a general arrangement plan of the layout, planning statement, design and access statement, landscape and visual impact assessment, landscaping scheme, preliminary environmental assessment, drainage strategy, flood risk assessment, transport statement, archaeological assessment and details of the proposed lodges.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of thirteen neighbouring properties and the posting of a site notice. In response, five representations of objection and two of comment have been received. The objections raise the following points:

The lane running down from High Crosby towards the golf course is a narrow lane (only 1 vehicle width for the most part) with a number of residential properties on it. The lane is already used as a rat run by people looking to access the golf club or go to Little Corby/Warwick Bridge. This frequently includes heavy goods traffic. Not only is passing not possible verges are regularly driven over. There is a sign in the grounds of the former Crosby Lodge Hotel directing traffic for the golf course along the lane rather than into the edge of the village and along the main road. If caravans are to use the lane to access and egress the site the issues with the lane will be exacerbated.

This application has a misleading title. The proposed 2 and 3 bedroom dwellings bear little resemblance to the common vision of a caravan. The planned 100 lodges are in fact fully equipped homes with water, electricity, central heating, kitchens, bathrooms and ensuite facilities. With up to 400 occupants over 12 months per year this will at least double the population of Crosby-on-Eden and therefore the consequential infrastructure required. I hope the providers of this infrastructure can assure us that this can be accommodated. In particular I have concerns over sewage, refuse collection, recycling, transport, water and electricity supplies.

I have concerns about the proposed use of the Gill Gutter for the surface and dirty water. I have fields lower down from the development and since the development of the airport there has been a significant increase in flow and flooding of my fields. So I really don't want any increase in flow from the development unless it is seriously controlled. I also think the traffic flow through the village of Newby East will increase significantly.

The current users of this golf club access it on a totally unsuitable road, via either a narrow bridge at Little Corby, through the hamlet of Newby East from the A69 or via the village of Crosby-On-Eden through a 20 mph zone. Cars frequently speed. These roads are used by locals, children, cyclists and horse riders. Visitors to Eden Golf Club, often take short cuts through the road past Crosby Grange, again, driving at excess speeds. The sewage disposal for the holiday homes can't safely be removed - it will need to be mains installed - the noise, mess would affect the local farmers, residents and wildlife. The current club house social events often run later than their permitted times and can be heard from the road into the village. The application is for nearly as many units as the entire village. Each unit would have multiple occupants and cars. The golf course is a wildlife haven but would be busy 24/7. There would be light and noise pollution. The site itself is not fenced adequately and has multiple ponds so the lodges would have to be secure from the course itself. There is also the question of noise and light pollution from the units. In addition to this, the fabric construction of the lodges and risk of fire from the units including bbq's. The golf course is a beautiful enhancement to the area and so, trees and bushes need to be protected. The access roads flood and the top of the course is very wet - all this would be put under more strain.

There are inconsistencies in the Planning Application/Supporting Documentation – particularly whether the application is for caravans, static caravans or lodges.

Excessive increase in traffic coming through Low Crosby (and Newby East) and the use of the U1181 as the main access route (where there is an alternative route available directly to the A689 which would avoid Low Crosby and Newby East).

“Access is gained from the A689 and then an unnamed road to Newby East.....” No mention is made, that all the traffic coming from the M6 direction, will have to come directly through the nearby village of Low Crosby, which was bypassed by a new section of the A689 in 1993 to reduce the traffic coming through it. The village has a pub, church, parish hall, primary school and a nursery and at various times the traffic can be very busy. No mention is made that the road through the village is part of the Hadrian's Wall Walk and the U1181 from the A689 junction, through the village and past the Golf Course entrance, is part of the National Cycle Route 72. The “unnamed road which links (*from the village*) to Newby East”, is in fact the U1181. This road is very twisty in parts and has no public footpath. People playing on the golf course have to cross over this road 4 times when playing the full 18 holes.

The road was badly flooded following Storm Desmond in December 2015 and was closed for approx. 4 weeks and successive Storms Ciara and Dennis

over 2 weekends in February 2020 caused flooding. On this occasion, the flood waters reached approx. 1.2m high on parts of this road.

No mention of the access to the site after the A689; i.e. it ignores that the route comes through the village of Low Crosby and continues along the U1181.

There are bus stops on the A689, but there is no bus service. Stating that this is “temporarily suspended” is very optimistic.

It does not mention that the pub at Warwick on Eden is on the other side of the River Eden (from the site) and is accessed via the U1181, then over a hump back bridge on the C1013 (Little Corby Road) with traffic lights and then through the village of Little Corby.

The U1181 is also temporary closed on an annual basis for the Carlisle Half Marathon.

Refers to a secondary direct access to the bus stop on the A689.

The rural bus service, together with the Hadrian’s Wall bus service, have both been unavailable for several years and this had nothing to do with the current Covid 19.

Also, there is no public footpath along the U1181 from the golf course to the village of Low Crosby.

This is a partly un-surfaced access in the most part and the bus service is no longer provided.

The additional traffic caused by 100 units, visitors and staff will significantly increase the use of the U1181, together with the golf club users, existing traffic, pedestrians and cyclists.

A more obvious access route would be via the northern (partly unmade) road/track from the proposed site with direct access to the A689 (at Crosby Moor) and the adjacent footpaths and bus stops on the A689.

This route shows up on Westwood Landscape’s Figure 2 (annotated with photo locations 21 and 22) and Figure 5. If upgraded, this alternative route would avoid traffic coming through Low Crosby (from the west) and Newby East (from the east).

The other supporting drawing (by Zebra Landscape Architects) entitled “Lodge Development”, does not show any road linking the proposed development site to the existing golf club access road. Neither does Figure 8 - in Westwood Landscape’s Outline Landscape and Visual Impact Appraisal document.

The village of Low Crosby does not have a shop and the nearest shop (to the west) is either in Houghton or Carlisle (for larger stores) or in Brampton (to the east) or Warwick Bridge (to the south) - all would involve car journeys.

The application states that “there are opportunities for public transport access from the adjacent village.....” This is just not true, there has never been any public transport from the village to the golf course. The village itself is not served by public transport to or from Carlisle or Brampton.

100 caravans = 100 car parking spaces – no mention of visitor provision.

Unsuitable foul water drainage proposals states the preferred Building Regulations and Environmental Agency options (both connecting into the existing sewer system).

However, the document does not clearly state if the intension is or is not to connect the foul drainage into the existing system, but Section 13 of the Planning Application has been completed as “mains sewer” and “connected



to the existing drainage system”.

This has not been picked up by United Utilities in their comments, which state “United Utilities have no wastewater assets in the area”.

We think this is in reference to the immediate area of the site – not in the village of Low Crosby.

The Environment Agency’s comment states that a decision on the disposal of foul sewerage has not yet been agreed or made (despite what has been completed in Section 13 of the Application Form).

They also suggest that the applicant should enter into discussions with them as soon as possible.

The document states that the nearest potential foul sewer connection is at Low Crosby School.

The village of Low Crosby and the surrounding areas have been badly affected by flooding in recent years (particularly Storm Desmond in Dec 2015 and Storms Ciara and Dennis in Feb 2020).

As well as the surface water problems caused by these storms, the village (which has an old combined drainage system) has in the past, had considerable problems caused by the combined drainage system.

To add the foul sewerage produced by a potential of 450 additional people to the village system (which will probably double the usage of the village’s existing drainage system) could be disastrous.

No arrangements made for the separate storage and collection of recyclable waste.

4.2 Following a further period of consultation the following objections were received from those who objected previously:

It is vital there is a public meeting about this before any decision is made.

It is of major concern that more residents haven’t made comments. This is probably due to many not being comfortable with on-line and not sure that they can easily access the planning office like before Covid.

The residents who raise the issue of the unadopted road is crucial. These 5 properties could be affected vastly by sewage, drainage and works plus extra traffic.

The golf club coffee sign at the top of the lane by High Crosby Farm. This, directs traffic down a totally unsafe road used by walkers (both local and Hadrian’s Wall) and horses, farm vehicles ...speeds are often excessive and some drivers are verbal in their view that residents shouldn’t be trying to maintain verges etc.

The other access roads are totally overused and golfers stroll straight out - at 4 points, without looking.

The question of sewage, drainage, light pollution, noise and fire risks remains.

Residents are already being warned off the land - will the public paths be altered, blocked or made impassable by building materials.?

The query raised of the actual building quality is very important. As stated, 100 lodges means at least 400 occupants - if used by Corporate groups.

100 also can mean multiple cars - they’re not going to bus them in.

The most crucial consideration is regarding foul drainage. The applicants solution is simply presented as "connect to mains sewer". I assume this connection will be at Low Crosby.

Before these plans can be approved there needs to be assurance from United Utilities that their system has the capacity to cope with the sewage from an additional 100 residential units (400-500 people), including at a time of flooding when the system appears to struggle with the existing load.

Average occupancy rates cannot be used for sewage calculations as the system must be able to cope under maximum loading.

The Caravan Act specifies maximum dimensions of a caravan. The maximum dimensions allowed under the act are:

Depth - External 6.8metres (22 feet 3 3/4 inches)

Length - External 20 metres (65 feet 7 1/2 inches)

Ceiling Height - Internal 3.05 metres (10 feet 0 inches)

The Act also specifies that the structure (caravan or mobile home) can be transported or removed from the site. This doesn't mean they must have wheels - the act specifies that transported just means that a structure is capable of being removed and transported by road.

Based upon the plans and illustrative photographs submitted in the application it appears that the proposed development will constitute "caravans" pushing the maximum size, only transportable on a very large lorry.

The proposed development constitutes what are widely known as lodges, but technically and legally can be termed caravans. Recent developments of these lodge/caravans usually include most of the features expected in a modern house, including fully fitted kitchens, central heating, ensuite bathrooms, electrical points and double glazing.

Technically this application may be considered a change of use but in practice it is equivalent to a development of an estate of 100 new houses.

Although there seems to be a lot of information/detail in the Additional Documentation, this doesn't answer any of the above points or the points raised by Stanwix Rural Parish Council, particularly concerning the size of the development (in relation to the size of Low Crosby), no public transport available and no public footpaths from Low Crosby to the golf club, additional traffic use through Low Crosby and on the U1181, the misleading comparison of the golf course site to the Butlins site in Bognor Regis (which is a totally different business model) and the disastrous effect the connection of the development's foul drainage would have on the already problematic combined drainage system in Low Crosby.

#### 4.3 The two comments raise the following points:

I would like to know about the unadopted road with no safe pathway where 5 houses are located 1/2 mile away off the A689 which haven't been marked in any of your documentation that they exist and I'm presuming that this won't be used as a secondary access road due to the close proximity to the homes.

As one of Eden Golf Courses neighbours and we have also suffered with storms Desmond, Ciara, and Dennis. In view of almost no concrete action by

the City Council, the county council, or the EA over the last six years we understand they need to develop and diversify their business to secure its survival. We have no objection in principle to this. However, there are several details in the proposal we feel are incomplete or unresolved and which need to be resolved before permission is granted.

The title of the application refers to "caravans", in supporting documents the units are referred to as lodges". Clarification and consistency are surely required.

Surface Water Drainage - the supporting documents state "There will be a significant increase in the total hard area of the site as a result of this proposal; that "flow generated offsite ...will be routed away from the site in a westerly direction"; that "the flow direction of overland flow in saturated conditions would run to the west due to the fall of the site" (i.e. not in to Gill Gutter to the south east ) ; and "all...trial holes did not have suitable percolation properties to allow for the infiltration of the site's surface water. This increased volume and/or flow will therefore drain through the ponds and ditches that run adjacent to our properties southern edge, and to the Eden via a gravity flap. When the Eden is high (with increasing frequency) we already see this flow gravity locked, the ditch fill and water encroach upon our land. It is imperative that this proposal includes sufficient increased temporary water storage between the site and the U1181 to ensure our property does not suffer increased, avoidable flooding.

Foul Water Drainage - the "application" states Foul will be disposed of via connection to the main sewer (at Low Crosby, across land mainly owned by the applicant). However Low Crosby has a combined system that is known to be near capacity, and this would have to be addressed. As with surface water Gill Gutter may be closer but is at the top of the site. Unless pumped, discharge to ground or watercourse would drain westerly. This is clearly unacceptable for planning due to the volume, EA Nitrate Vulnerable Zone, the habitat of protected species (Gt Crested Newt) in the ditches and ponds to the west. It is also unacceptable to us as it would add to the surface flow and contaminated water would encroach on our property at times when the outfall is gravity locked.

Road Traffic - In addition to extra foot and cycle traffic the proposal is stated to create an additional 250 traffic movements, daily, on the U1181 road.

Despite the lack of records accidents occur annually on this road with excessive speed in summer and poor road conditions in winter being known to all locals as the cause. Due to Google routing most of this will pass our property access. Our access is badly sighted for oncoming traffic in both directions, most of the other properties accessed from the U1181 have similarly part or fully concealed access with poor sight lines. Visitors have no indication of these exits; locals know these exits exist but still travel too fast. In addition to additional noise, gas, and particulate pollution the proposal will give current residents 250 more daily chances to be struck by oncoming traffic unless some mitigation is enacted. Suggest the following mitigation, 40mph restriction from Holme Ends to the junction to High Crosby, improved signage of concealed entrances, appropriately sited traffic mirrors for all affected properties.

Habitat / Environment - with Gt Crested Newt presence suspected, and Smooth and Palmate newts recorded in the surrounding area, providing the

foul water solution is addressed there is every possibility this development could prove to be an asset for local biodiversity and habitat connectivity. How chuffed would the visitors be to see a Kingfisher rather than an algae filled lifeless pond. Need to ensure the use of native species.

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

**Historic England - North West Office:** - Historic England has no objection to the application on heritage grounds providing that the issues and safeguards outlined in our advice are addressed in order for the application to meet the requirements of paragraph 189 of the NPPF. We would advise that if planning permission is granted an appropriate level of archaeological excavation and recording should be secured by an appropriate condition(s) as advised by the local authority archaeology and conservation service.

**Cumbria County Council: -**

**Highways response:**

The development under consideration seeks approval for the siting of up to 100 holiday static caravans on land adjacent to Eden Golf Course, Crosby-on-Eden. It is proposed that the development will be accessed from the existing internal access road and main site entrance off the U1181. Following on from the previous response to this application the applicant has submitted a revised Transport Statement which seeks to address the issues raised by the Highways Authority.

The applicant has confirmed that the proposed development is to have a single access point onto the U1181 and not a secondary access onto the A689. Further to this a speed survey was undertaken in May 2021 to determine vehicular speeds on the U1181 and to inform the visibility splays associated with the access. The results of the speed survey determine that the 85th percentile speeds are 45mph in both directions. Therefore the visibility splay requirements for the access junction onto the U1181 is 2.4m x 160m in both directions. It is noted within the revised Transport Statement that a visibility splay plan has been produced which illustrates that visibility splays of 2.4m x 160m are achievable; however the boundary hedges and fences under the ownership of the applicant and within the visibility splay are to be reduced to a height of 1.05m so as not to impede the splays.

The revised Transport Statement submitted included a traffic count for the current vehicular use for the golf course. The traffic count established that over a week that there are 177 vehicles movements in each direction over a 24 hour period. The applicant has then gone on to assess the cumulative impact of the proposed development with the existing use of the golf course. TRICS analysis has been used to calculate the trips associated with the proposed usage and this has demonstrated that during the AM peak there is to be 32 vehicular movements in and out and at the PM peak 38 movements. The daily total is 306 vehicles arriving and 296 departing, which is an increase of 129 arriving and 120 departing as a result of the holiday lodges. The applicant has considered that the increase in vehicular usage of the access is not going to have a material / severe impact on the local highway network or safety of the U1181. The Highways Authority have considered the results of the Transport Statement and have determined that the increase in use of the access onto the U1181 will have a negligible impact on the safety

of the U1181. The Transport Statement and Planning Statement put emphasis on the point that a national cycle route and PROW runs past / through the site. The Highways Authority noted within the previous response to this application that the additional traffic on the U1181 will affect the safe working of the Cycle Route. Within the revised Transport Statement submitted the applicant has assessed the affect of the site on the cycle route along the U1181. A cycle survey was undertaken in May 2021 for 1 week which determined that the average week day total over a 24 hour period was 22 cyclists 2 way movements. The Transport Statement concludes that the maximum number of cyclists passing the golf course access was 10 between 1pm and 2pm on a Saturday and therefore that the proposed additional usage would have a minimal impact on cyclists. The Highways Authority have considered this view and agree that the proposed holiday lodges will have a minimal impact on cyclists using the U1181. Therefore to conclude, the Highways Authority has no objections with regards to the approval of planning permission subject to the imposition of conditions.

**LLFA response:**

The applicant has detailed within the drainage strategy submitted as part of this application that the surface water drainage on site is to be discharged using SuDS methods where possible. Percolation testing was undertaken by the applicant in June 2021 through 4 trial holes on site which determined that the site is suitable for infiltration. In line with the hierarchy of drainage options, as stated within the Cumbria Development Design Guide, this is to be the preferred option for the discharge of surface water through suitably sized soakaways. It is the preferred option of the applicant that the surface water discharge from the lodges is to be to the ground via a soakaway strip with an overflow into a detention basin which flows into the ordinary watercourse at a restricted rate. The LLFA have no objections to this proposal with the discharge for the overall site being limited to the greenfield runoff rate (QBar) of 2.99l/s. It is noted within the detailed calculations submitted as part of this application that the maximum discharge from a 1 in 100 year plus 40% to account for climate change storm event is to be controlled via a hydro brake at 1.2l/s (which is below the greenfield runoff rate of 2.99l/s). Further to this the applicant has demonstrated that the detention basin and infiltration strips have sufficient storage to accommodate a 1 in 100 year plus 40% to account for climate change storm event. This is acceptable to the LLFA.

However, it is noted within the revised drainage strategy submitted that no information has been provided regarding the treatment of surface water prior to discharge. As such the applicant is also to demonstrate that the drainage proposals incorporate sufficient treatment of the surface water prior to discharge for a residential development in accordance with page 568 of the SuDS manual (table 26.2). The LLFA find it acceptable that the information regarding treatment of surface water can be provided at a later stage of the planning process and secured through the use of the planning conditions. Therefore to conclude the LLFA have no objections with regards to the approval of planning permission subject to the imposition of conditions.

**Natural England: -**

In order to ensure no impact on the site integrity of the River Eden SAC or impacts on the River Eden & Tributaries SSSI a finalised drainage report is

required due to the uncertainties of where surface water and foul water is to be disposed at the operational phase of the development. As advised by the Environment Agency further advice should be sought from them with regards to the foul water disposal from the site.

At the construction phase the mitigation measures detailed in section 7.1 of the Preliminary Ecological Appraisal (PEA) regarding pollution prevention and in 7.7 for biosecurity should be secured through planning condition through the provision of a CEMP. Further survey for bats and GCN is also required as advised within the PEA.

**Environment Agency: -**

According to the Drainage Strategy dated 18 January 2021 produced by Tweddell & Slater a decision on the disposal of foul sewerage has not yet been agreed or made.

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need a Permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

The granting of planning permission does not guarantee the granting of an Environmental Permit.

**Stanwix Rural Parish Council: -**

In summary the Parish Council holds the view that the proposed development is (full copy is contained for Members in the third party correspondence):

Significantly out of scale with its location;

Would have a marked adverse impact upon the environmental assets within which it would be situated;

Would have a marked adverse impact upon the River Eden and Tributaries SSSI/SAC;

Would have an adverse impact on the drainage capacity of Low Crosby if a mains sewer connection is made;

If such a connection is not made it would require the daily discharge to the SSSI/SAC of 75m<sup>3</sup> of treated waste;

It would be entirely dependent upon the private motor car;

There are no viable alternative modes of travel;

There is no safe and convenient pedestrian access to the site;

The access is susceptible to flooding and the alternative access/egress is unsuitable for emergency use;

The proposal is not compatible with the principles of sustainable

development;

The application documentation is lacking in detail;

In view of the above brief points and their preceding paragraphs the Parish Council considers that the proposal to be entirely contrary to local and national planning policy and that consent must therefore be refused.

**Cumbria County Council - (Archaeological Services): -**

Acting on pre-application advice, the applicant has helpfully commissioned an archaeological geophysical survey of the site, although I cannot find the survey report in the application documents. The results of the survey show anomalies indicative of a Romano-British enclosure surviving on the site. The enclosure may be a defended farmstead or may have protected livestock. Other anomalies of interest were also identified in the survey including a possible building of unknown origin and early field systems. It is therefore considered that the construction of the proposed development will disturb buried archaeological assets. Consequently, I recommend that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development and advise that this work should be commissioned and undertaken at the expense of the developer. I consider that this programme of work can be secured through the inclusion of two conditions in any planning consent that may be granted.

**United Utilities: -**

Drainage - United Utilities have no wastewater assets in the area.

Water supply - It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. We recommend the developer contacts United Utilities for advice on identifying the exact location of the water main.

Off-site main laying may be required and reinforcement required due to elevation.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning

Practice Guidance (PPG), and Policies SP2, SP6, EC9, EC10, EC11, HE1, IP2, IP6, CC5, CM5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The City Council's Supplementary Planning Document 'Trees and Development' is also material planning consideration. The Cumbria Landscape Character Guidance and Toolkit (March 2001) is a further material consideration.

6.3 The proposal raises the following planning issues:

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

- 6.4 Paragraph 7 of the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 8 and 9 explain that achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental. All of which are interdependent and need to be pursued in mutually supportive ways. Economic growth can secure higher social and environmental standards with planning decisions playing an active role in guiding development towards solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.5 To support a prosperous rural economy, paragraph 83 outlines that planning policies and decisions should enable: *"a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship"*.
- 6.6 Paragraph 84 recognises that: *"sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist"*.
- 6.7 The aforementioned paragraphs of the NPPF are reiterated in Policies EC9, EC10 and EC11 of the local plan all of which seek to support sustainable rural tourism and leisure developments where they respect the character of the countryside and where identified needs are not met by existing facilities in rural service centres. Specifically in relation to caravan, camping and chalet sites, Policy EC10 of the local plan highlights that proposals for the development of caravan sites will be supported subject to compliance with the



criteria identified within the policy.

- 6.8 The application seeks permission for the change of use of land to provide up to 100 static caravans at Eden Golf Course. The existing site currently has permission for a golf course and the siting of the Marquis (Garden of Eden) function suite and it is intended that the proposed caravans will offer complimentary accommodation to the golf complex. The part of the site subject of the application is not currently in use as part of the layout of golf greens on the site.
- 6.9 The proposal would be an expansion of an existing sustainable rural tourism business which is well established in the area and would ensure the continued viability of the enterprise by offering a wider range of facilities; the application site is well related to the existing golf course and existing woodland with additional landscaping proposed to minimise any potential visual impact; adequate access/parking provision can be achieved although this is discussed in later paragraphs; and the application site is not located within a flood risk area. Accordingly, the proposal accords with the objectives of the NPPF and relevant local plan policies.

## 2. Impact Of Proposal On Landscape Character

- 6.10 The Cumbria Landscape Character Guidance and Toolkit (March 2001) (CLCGT) describes the character of different landscape types across the county and provides guidance to help maintain their distinctiveness. The CLCGT identifies that the application site falls within the Cumbria Landscape Character Sub-Type 5b "Low Farmland". The toolkit advises that key characteristics of this landscape are: undulating and rolling topography; intensely farmed agricultural pasture; hedges, hedgerow trees; and fences bound fields and criss cross up and over the rolling landscape.
- 6.11 In recognising that the landscape is undulating and relies on hedgerows and trees the siting has been intentionally chosen to be set against the natural background of the woodland which rises away from the proposed caravans. It is also intended to supplement the existing landscaping with additional hedgerow and tree planting which would reflect the existing landscape character. This would be in the form of a tree belt around the site as well as a central open area with tree planting and a line of trees along a former hedgerow alignment. This would help to break up the scale of the development and the siting by the woodland would draw the viewers eye away from the caravans when viewed from the surrounding road network as the screening within the site matures. Whilst the scale of the proposal of up to 100 caravans is large the visual impact is reduced by careful siting within the golf course setting.
- 6.12 As part of the application a Landscape and Visual Impact Assessment (LVIA) was undertaken to assess the potential impacts on the landscape. It is acknowledged that there will be some change to the landscape as a result of the proposal however the LVIA notes that "the proposed development would comply with guidelines to maintain and enhance the landscape character of the Low Farmland sub -type. Native deciduous trees would be planted as

feature trees within existing hedgerows and a mix of native and ornamental varieties in tree groups throughout the proposed development to create a natural setting. New mixed native species hawthorn dominant hedges will enhance the low level screening to the north and east boundaries and existing hedges will be improved." These measures seek to enhance the landscape in accordance with the natural landscape character of the area. It will have some impact on landscape character as the development consists of man-made structures however the proposal seeks to minimise this where possible to reduce the impact on the character of the area by a large planting scheme to increase the woodland setting of the proposed development.

- 6.13 It would be appropriate to condition the landscaping proposals to ensure that this setting and enhancement of the landscape is carried out to its full effect.

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

- 6.14 Policies in the local plan and the NPPF support the expansion of a sustainable rural land based business and a golf course use is one which occupies a large area of rural land. On first acknowledging the description of the application the proposal for up to 100 caravans would appear a significant number of units where none currently exist. It is therefore important to consider the scale of the land based business and the extent of land which is seeking to change use to accommodate the caravans. The proposal seeks the ultimate number of units (up to 100) as the site is tested in the market as it develops and therefore the potential for 100 caravans needs to be considered as part of this application. Holidays associated with golf courses as people tour around the UK and abroad to experience a range of courses are known and there is a market for this type of facility however this is a niche market and the scale of this development would have to tap into other holiday provision hence the proposal seeks a medium to high-end caravan experience which is limited in this part of Cumbria. The proposed scale of development will therefore cater for the niche market as well as provide a more sustainable base for the existing facilities. The scale is therefore considered to be appropriate for this type of facility.
- 6.15 The proposed layout is around a central spine road to enable groupings of caravans which provide visual interest rather than uniformity. In order to ensure that the scale is not overwhelming or has a significant impact, enhancement of the natural landscape will help to visually break up the scale of the proposal and respect its natural setting.
- 6.16 It is also important to note that the proposal includes information relating to what would more commonly appear as holiday lodges however in planning terms these will effectively be caravans which conform to the Caravan Licensing regulations but will be wooden clad to give the appearance of a lodge. They remain mobile albeit on a permanent siting on the site to an approved layout. For planning purposes caravans are defined as "any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted," and therefore as long as the lodges can be transported they fall

within the definition of a caravan. Confusion can arise as lodges are commonly larger than static caravans however these will comply with the regulated sizes and separation distances under a Caravan Licence. The caravans are to be clad with wood which will soften their external appearance and they remain single storey at different levels throughout the site creating variety. Each unit would have parking adjacent so that there are no large areas of hard surfacing other than the access road which would utilise gravel to assist with drainage.

- 6.17 To ensure that these remain as holiday use it would be appropriate to add a planning condition to restrict permanent residential occupancy. It is however intended that they would be occupied throughout the year and caravan sites no longer have closed seasons. As this is a permanent siting their impact will be all year round.
- 6.18 The scale and design of the proposal is acceptable and in overall terms the proposal accords with the objectives of Policy EC10 of the local plan.

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

- 6.19 The nearest residential properties are those at Crosbymoore which are along the northern track which leads to the site. The main concern for these residents is particularly in relation to access as there is currently an access road to the A689 however it is not intended to use this as the main vehicular access which is via the golf course entrance. All holiday traffic will be directed to the golf club house entrance. It would also be appropriate to ensure that construction traffic and future deliveries are also directed to the club house access road and the owners would need to ensure that the use of sat nav does not direct people to take short cuts along the private access road. It is often the case with other venues that publicity material informs people of the correct directions and not to follow sat navigation instruments when getting close to the site to avoid unintentional disruption to local residents and that customers should follow directions to the golf club. Screening is also proposed along the northern boundary of the site to interrupt views of the caravans. It is intended that facilities at the club house and Garden of Eden suite are used for entertainment and although the level of use may increase the noise interruption from such facilities is some distance away from residents of Crosbymoore.
- 6.20 There are also residential properties close to the club house however there is already existing woodland to screen the proposed caravans from those residential properties. They will however notice the increased traffic towards the club house entrance.
- 6.21 Given the existing use of the site and the distance from the development, the proposal is unlikely to have a significant impact on the living conditions of occupiers of neighbouring properties through intensification of use or unacceptable noise and disturbance.

#### 5. Proposed Drainage Methods and Flood Risk

- 6.22 Given the scale of the application site there is a requirement to submit a Flood Risk Assessment with the application. It is known that the golf course has been the subject of flooding from recent events in the area and much of the golf course is situated in Flood Zones 2 and 3. The site for the caravan proposal is however within Flood Zone 1 being on higher land than the rest of the golf course and as such is at low risk of flooding. It should be noted however that as the development contains areas of hard standing for the units as well as roads and parking, there will be the potential to increase surface water run off which needs to be controlled as part of a drainage strategy for the site. In addition, as the golf club house and access road are prone to flooding it may result in exceptional circumstances that the caravan park is cut off from the surrounding road network. For those exceptional circumstances there would be a requirement to access the A689 via Crosbymoore although this would only occur whilst the nearby roads were in flood.
- 6.23 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development and that development proposals do not have an adverse impact on the environment.
- 6.24 A revised drainage strategy was prepared as the Lead Local Flood Authority (LLFA) required additional information to ensure that surface water drainage was no greater than that which would naturally occur prior to the development with additional capacity for climate change. Additional survey and percolation testing was carried out to consider the flow of water from the site and the submitted documents illustrate that surface water will be stored in detention basins and then disposed of via an existing watercourse. Swales and filter trenches will also be used to assist with drainage from the roads which will have permeable gravel surfaces. There are also ponds and unnamed water courses as part of the golf course development which can also be utilised.
- 6.25 The LLFA has considered the revised information and acknowledge that the applicant has demonstrated that the detention basin and infiltration strips have sufficient storage to accommodate a 1 in 100 year plus 40% to account for climate change storm event. This is acceptable to the LLFA and they therefore raise no objections subject to implementation of the drainage strategy.
- 6.26 With regards to foul drainage, the drainage strategy states that "sewer records show no available foul water sewer on site, with the nearest potential foul sewer connection located a significant distance from the site at Low Crosby School. This existing sewer is situated to the northwest of the site and beneath Crosby Road. The minimum distance from site to this discharge point is approximately 1.75km when taking a direct route. It is therefore proposed to connect into the existing foul sewer." United Utilities (UU) have responded that they have no direct assets at the site but have not objected to the potential connection off site which would be a matter of negotiation for the developer. Should it not prove acceptable to UU an alternative would have to be sought and would be subject of a further submission.

- 6.27 Subject to compliance with the recommended conditions in respect of foul and surface water drainage the proposal drainage methods are acceptable and accord with the objectives of the NPPF, PPG and relevant local plan policies.

## 6. Impact Of The Proposal On Highway Safety

- 6.28 Policies EC10 and EC11 of the local plan seek to ensure that development proposals should normally be accessible by public transport, walking and cycling. However; for some developments in the rural area this may not be possible. In these cases new development should be able to demonstrate that adequate access/parking is available and that proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.
- 6.29 The proposed development utilises an existing access which is considered to be appropriately designed to accommodate the proposed development. It is well related to an established cycle route (National Route 72) and there have previously been opportunities for public transport access from the adjacent village and the A689 (however at the time of the application these services were not provided). Concerns were raised with the initial transport statement which accompanied the application regarding the volume of traffic arising from the development and a lack of clarity over potential access to the A689 by vehicular traffic. The Parish Council raised a number of concerns about the potential traffic impact and these were brought to the attention of the Local Highway Authority in considering this application. Additional information was subsequently submitted by the applicant.
- 6.30 Cumbria County, as Highway Authority, have considered the revised information and note that:  
*The applicant has confirmed that the proposed development is to have a single access point onto the U1181 and not a secondary access onto the A689. Further to this a speed survey was undertaken in May 2021 to determine vehicular speeds on the U1181 and to inform the visibility splays associated with the access. The results of the speed survey determine that the 85th percentile speeds are 45mph in both directions. Therefore the visibility splay requirements for the access junction onto the U1181 are 2.4m x 160m in both directions. It is noted within the revised Transport Statement that a visibility splay plan has been produced which illustrates that visibility splays of 2.4m x 160m are achievable; however the boundary hedges and fences under the ownership of the applicant and within the visibility splay are to be reduced to a height of 1.05m so as not to impede the splays.*
- 6.31 Additional traffic counts were undertaken and the Highways Authority have considered the results of the Transport Statement and have determined that the increase in use of the access onto the U1181 will have a negligible impact on the safety of the U1181.
- 6.32 A cycle survey was also undertaken in May 2021 for 1 week which determined that the average week day total over a 24 hour period was 22

cyclists 2 way movements. The Transport Statement concludes that the maximum number of cyclists passing the golf course access was 10 between 1pm and 2pm on a Saturday and therefore that the proposed additional usage would have a minimal impact on cyclists. The Highways Authority have considered this view and agree that the proposed holiday accommodation will have a minimal impact on cyclists using the U1181.

- 6.33 Overall the Highway Authority raise no objections to the proposal subject to the imposition of conditions. The concerns of the parish council are respected, however; given the views of the Highway Authority it would be difficult to substantiate a refusal of the application on highway safety grounds in line with the NPPF.

## 7. Impact Of The Proposal On Biodiversity

- 6.34 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. A Preliminary Environmental Assessment was undertaken which considered a wide range of potential impacts which would result from work in the vicinity of the woodland, surrounding countryside and the potential for the site to drain into the River Eden. Natural England were consulted on the application and whilst acknowledging the mitigation which would be required would also require a Construction Environmental Management Plan to ensure adequate measures are taken to protect the natural environment and protect species from any harm. In particular ensuring that no run-off causes harm to the river environment. A revised drainage strategy has been produced which increases the retention of water on site and infiltration prior to discharge towards the watercourse. The existing ponds on the golf course are designed not only to assist with drainage but as features of the golf course and as such are regularly maintained and dredged thereby ensuring that they function for water run off and some storage but their environmental benefit is reduced due to maintenance interventions.
- 6.35 In order to ensure that there are environmental benefits, the proposal includes a landscaping scheme and there would be a net gain in tree planting through extensive planting of young trees across the site including around the site boundaries to tie in with existing hedges. The hedgerow reinforcement planting to the boundaries could be combined with native hedgerow trees and hedge margin seeding with wild flower grassland to enhance biodiversity and provide an improvement in habitat value. The open space associated with the pond presents opportunities to extend wet marshland and species rich wet meadows and a diverse range of native trees and shrubs to enhance the local biodiversity.

## 8. Archaeology

- 6.36 The site lies within the Frontiers of Hadrian's Wall area therefore an archaeological desk based survey and geophysical survey have been undertaken. The Historic Environment Officer at the County Council has been consulted and observed that the construction of the proposed development will disturb buried archaeological assets. As a consequence he recommends

that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development and advises that this work should be commissioned and undertaken at the expense of the developer. He considers however that this programme of work can be secured through the inclusion of two conditions

## 9. Other Matters

- 6.37 Two other matters have been raised including waste collection which will have to be organised by the site owner who already has collection arrangements for the golf course which may be extended or alternative measures brought in to deal with recycling and other waste materials. A further concern raised refers to light pollution as the roadways and paths will have to have some lighting however it would be appropriate to condition the style of lighting so that it is done in an environmentally sensitive manner with low level lighting to avoid light pollution as much as possible.
- 6.38 One resident requested a public meeting however no further requests for a meeting have been made and the application has been correctly advertised and notified in accordance with the Regulations.

## Conclusion

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

## 7. Planning History

- 7.1 The planning history associated with this site relates to the operation of the golf club (layout of course and clubhouse, etc ) and the erection of the Marquee for the Garden of Eden venue.

## **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 8 February 2021;
2. the Site Location Plan received 8 February 2021;
3. the Block Plan received 8 February 2021;
4. the Floor Plan for 2 Bed Unit received 24 February 2021;
5. the Elevation for 2 Bed Unit received 24 February 2021;
6. the Floor Plan for 3 Bed Unit received 24 February 2021;
7. the Elevation for 3 Bed Unit received 24 February 2021;
8. the Outline Drainage Strategy (Drawing No. 200) received 29 June 2021;
9. the Amended Drainage Strategy received 24 June 2021;
10. the Landscape Design Concept received 8 February 2021;
11. the Landscape Analysis received 8 February 2021;
12. the Design & Access Statement 8 February 2021;
13. the Flood Risk Assessment received 8 February 2021;
14. the Planning Statement received 8 February 2021;
15. the Transport Statement received 8 February 2021;
16. the Additional Transport Information Letter received 10 June 2021;
17. the Desk Based Assessment & Geophysical Survey received 9 March 2021;
18. the Preliminary Ecological Appraisal received 15 March 2021;
19. the LVIA Report received 8 February 2021;
20. the Notice of Decision;
21. any such variation as may subsequently be approved in writing by the Local Planning Authority.



**Reason:** To define the permission.

3. No chalet, caravan or other unit of tourism accommodation as described in the planning permission shall be occupied other than by bona fide holidaymakers, shall not be occupied for more than 28 successive days/weeks by any individual or group, and any such individual or group shall not occupy the chalet, caravan or unit as otherwise specified for more than 13 weeks in any calendar year.

**Reason:** To ensure that the development accords with Policy EC10 of the Carlisle District Local Plan 2015-2030, which only offers support for bona fide tourism developments and not for permanent residential accommodation.

4. The development/use hereby permitted shall be restricted to self-catering tourist accommodation only and shall not be occupied as permanent residential accommodation either independently or in association with the golf club within which it is situated.

**Reason:** To ensure that the development accords with Policy EC10 of the Carlisle District Local Plan 2015-2030, which only offers support for bona fide tourism developments and not for permanent residential accommodation.

5. 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 in writing by the Local Planning Authority. This written scheme of investigation 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.

**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 examination and recording of such remains

6. Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within two years of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.

**Reason:** To ensure that a permanent and publically-accessible record is made of the archaeological remains that have been disturbed by the development.

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

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

9. The development shall be carried out in accordance with the mitigation measures as set out in the Hesketh Ecology Preliminary Ecological Appraisal document reference STP20PEA025.001.

**Reason:** In the interests of ecological protection and safeguarding.

10. No caravan shall be occupied until its drainage system is connected to a public sewer.

**Reason:** To ensure that adequate drainage facilities are available.

11. 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 July 2021 proposing surface water discharging to soakaways. 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

12. The development shall not commence until visibility splays providing clear visibility of 160 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 grow 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, to support Local Transport Plan Policies: LD7 and LD8.

13. 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 and LD8

14. 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.

15. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays

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

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

16. Details of satisfactory facilities to be provided for the storage and removal of refuse from the site shall be submitted to and approved by or on behalf of the local planning authority before the units are occupied. The facilities approved in response to this condition shall be provided prior to the first occupation of any part of the development and shall thereafter be retained.

**Reason:** In order to safeguard the environmental amenities of the area, and to accord with Policy CM5 of the Carlisle District Local Plan 2015-2030.

17. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- Retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Surface water management details during the construction phase

**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.

18. Prior to the installation, details of any external lighting (including location, design and specification) to be used on site shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.

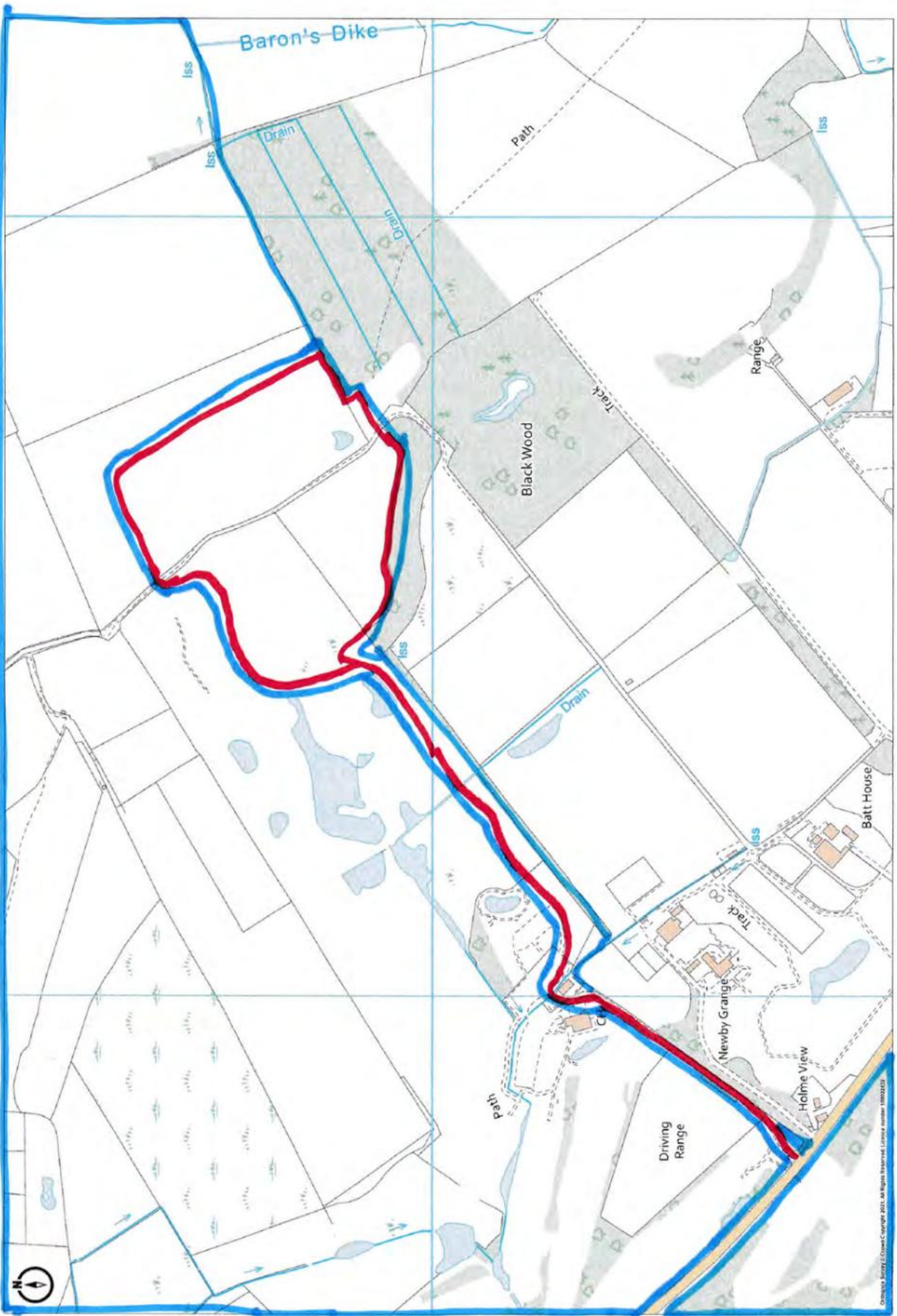
**Reason:** In order to ensure the development does not have an adverse impact on wildlife and minimises light pollution in accordance with Policy GI3 and CM5 of the Carlisle District Local Plan 2015-2030.

19. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the local planning authority. The CEMP shall ensure that all construction activities are well managed to avoid harm to the River Eden environment and shall include

measures to prevent pollution including materials and machinery storage, biosecurity and mitigation for the control and management of noise, fugitive dust, surface water run-off and waste.

**Reason:** In the interests of environmental protection in line with Policies CM5 and GI3 of the Carlisle District Local Plan 2015-2030.

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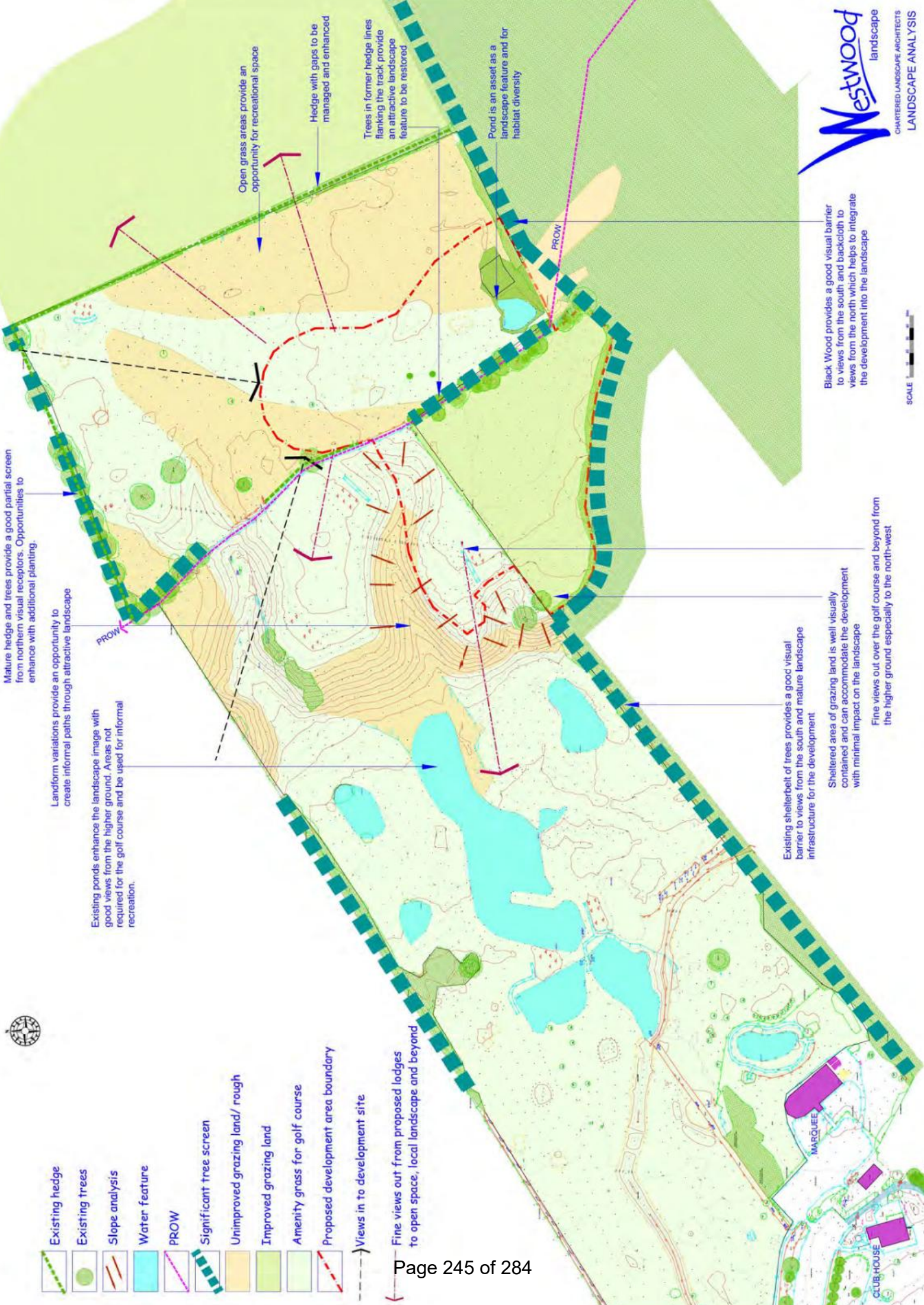












Mature hedge and trees provide a good partial screen from northern visual receptors. Opportunities to enhance with additional planting.

Landform variations provide an opportunity to create informal paths through attractive landscape

Existing ponds enhance the landscape image with good views from the higher ground. Areas not required for the golf course and be used for informal recreation.

Open grass areas provide an opportunity for recreational space

Hedge with gaps to be managed and enhanced

Trees in former hedge lines flanking the track provide an attractive landscape feature to be restored

Pond is an asset as a landscape feature and for habitat diversity

Black Wood provides a good visual barrier to views from the south and backcloth to views from the north which helps to integrate the development into the landscape

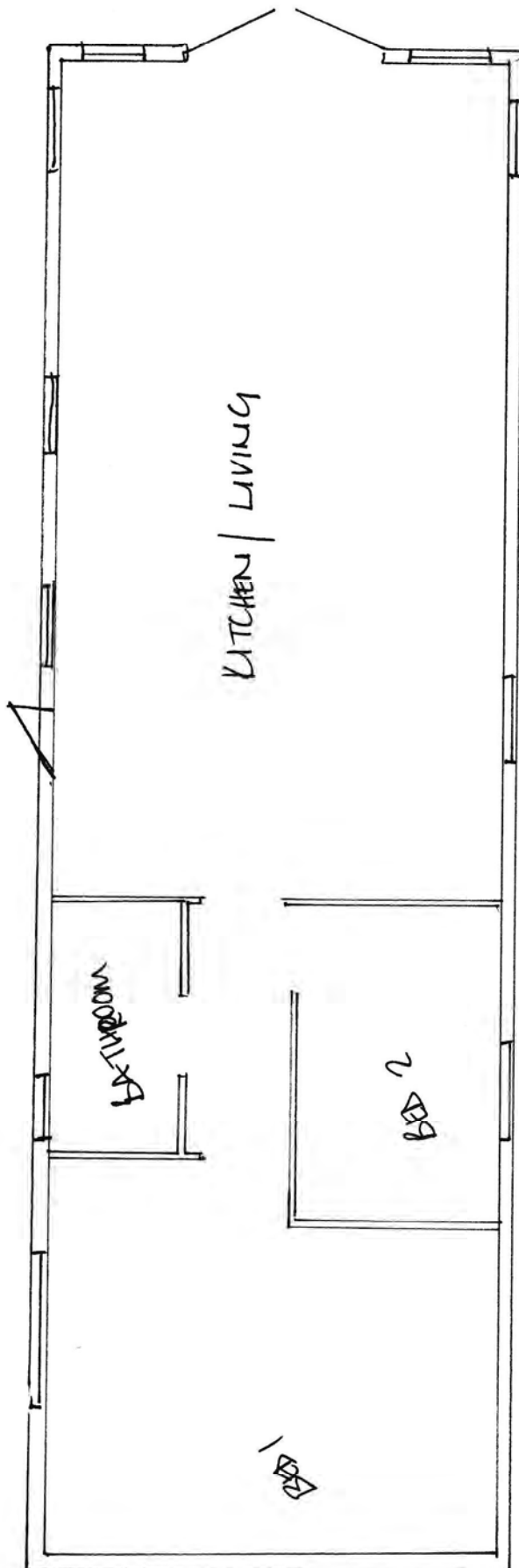
Existing shelterbelt of trees provides a good visual barrier to views from the south and mature landscape infrastructure for the development

Sheltered area of grazing land is well visually contained and can accommodate the development with minimal impact on the landscape

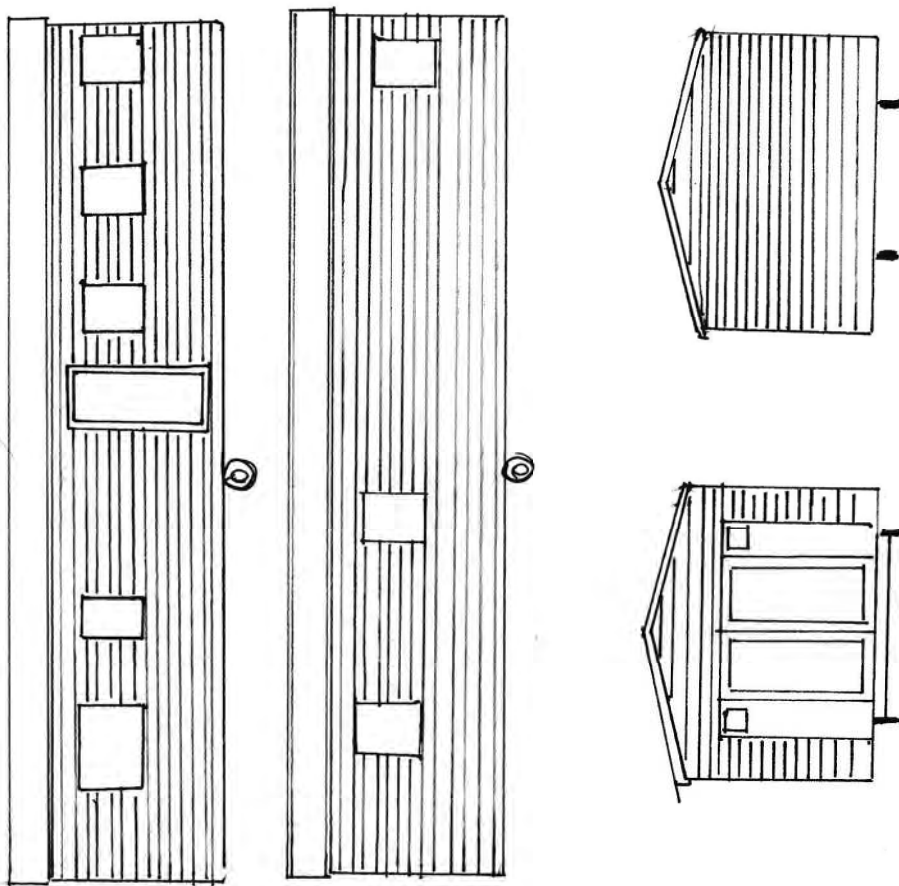
Fine views out over the golf course and beyond from the higher ground especially to the north-west

Fine views out from proposed lodges to open space, local landscape and beyond

- Existing hedge
- Existing trees
- Slope analysis
- Water feature
- PROW
- Significant tree screen
- Unimproved grazing land/ rough
- Improved grazing land
- Amenity grass for golf course
- Proposed development area boundary
- Views in to development site

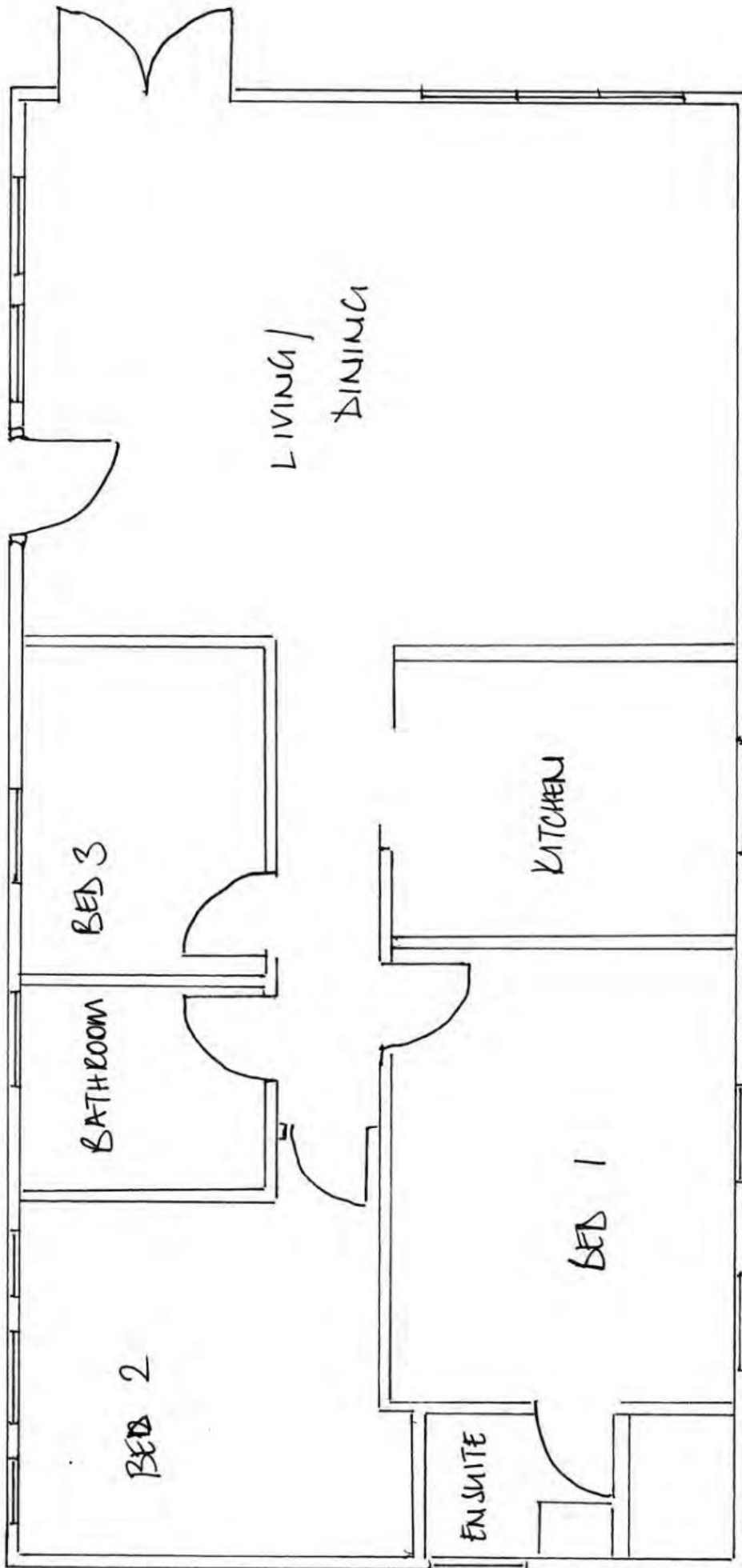


1:50  
FLOOR PLAN  
2 BED UNIT

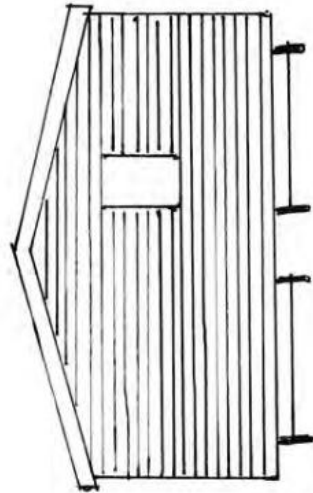
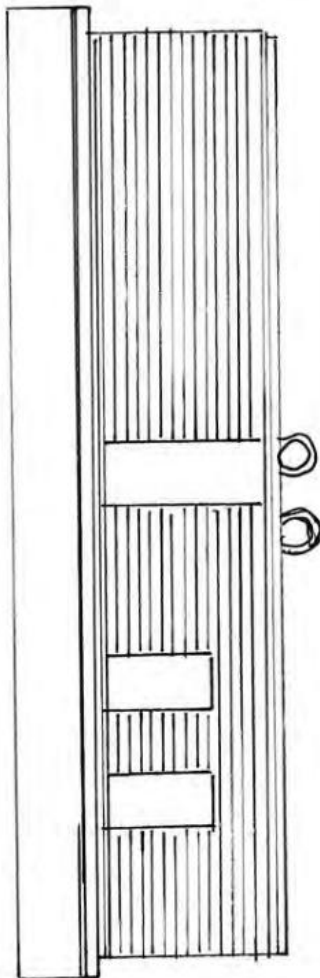
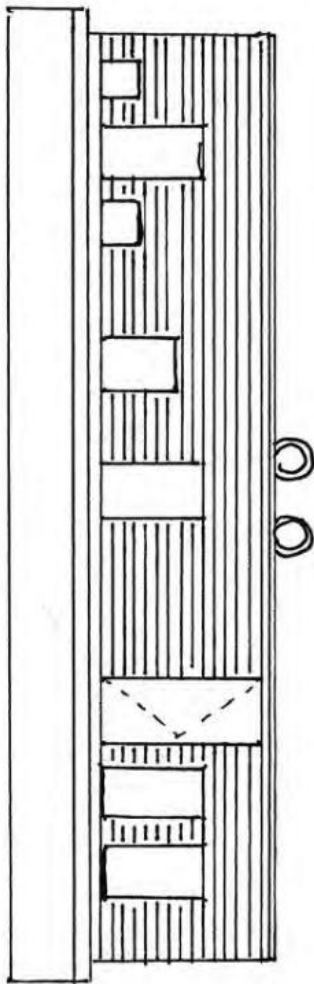


1:100  
ELEVATIONS  
2 BED UNIT





1:50  
FLOOR PLAN  
3 BED UNIT



1'100 ELEVATIONS  
3 BED UNIT



## SCHEDULE A: Applications with Recommendation

21/0762

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Item No: 09 Date of Committee: 14/01/2022

**Appn Ref No:**  
21/0762

**Applicant:**  
Mr Walker

**Parish:**  
Stanwix Rural

**Agent:**  
Summit Town Planning

**Ward:**  
Stanwix & Houghton

**Location:** The Park, Rickerby, Carlisle, CA3 9AA

**Proposal:** Change Of Use Of Barns From Residential Use In Association With The Park To Provide 2no. Dwellings

**Date of Receipt:**  
29/07/2021 13:00:42

**Statutory Expiry Date**  
23/09/2021 13:00:42

**26 Week Determination**  
06/12/2021

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle Of Development
- 2.2 Whether The Scale, Design And Impact On The Character Of The Area Is Acceptable
- 2.3 The Impact Of The Development On Heritage Assets
- 2.4 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Impact On Highway Safety
- 2.6 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.7 Development Within The Flood Zone
- 2.8 The Impact Of The Development On Hadrian's Wall Buffer Zone
- 2.9 Impact Of The Proposal On Biodiversity
- 2.10 Other Matters

#### 3. Application Details



## **The Site**

- 3.1 The application site comprises of an attached two and single storey building located at the southern end of Rickerby. The site is accessed from the Carlisle to Linstock Road via a privately owned road which serves the village.
- 3.2 The building is constructed from facing brick under a corrugated sheeted roof. Attached to the building to the west, is a two storey stone building under a slate roof. The application site is within Rickerby Conservation Area, adjacent to several listed buildings and within Flood Zones 2 and 3.

## **The Proposal**

- 3.3 Planning permission is sought for the conversion of the buildings to form two dwellings. The two storey building would be converted to provide a hallway, utility, W.C., kitchen, living and dining area on the ground floor with 2no. bedrooms, a bathroom, bedroom/ study and an ensuite bedroom above. The front elevation would comprise largely of window and door openings that would be reinstated together with the insertion of one window and three roof lights. There are currently two door openings and a window in the rear elevation on the ground floor with narrow ventilation slits above. The ground floor openings would be enlarged with full-size window openings above. A roof light would also be inserted and the roof would be recovered with natural slate.
- 3.4 The single storey building would be converted to provide an ensuite bedroom, living room/ dining area, utility and W.C. The existing openings in the rear elevation would be reused with minor alteration to a door opening which would be converted to a window. On the front elevation, a new door opening and two roof lights would be inserted with additional windows being formed in the gable.
- 3.5 Four car parking spaces would be provided to the east of the site in front of Oak House and Croft House.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of seven of the neighbouring properties. In response, six letters from the occupiers of five properties have been received and the main issues raised are summarised as follows:
  - 1. the village is a conservation area and contains a number of listed buildings. The right side is surrounded on three sides by listed structures;
  - 2. the application site is situated on the southern edge of the village with access available over an unadopted private road is maintained by the residents;
  - 3. the barns are currently a positive feature of Rickerby Conservation Area. The proposed development would be over intensive for this site and



- would cause substantial harm to the character of the conservation area;
4. the barns appear to be structurally sound although no structural survey has been submitted with the application;
  5. the proposed design of the conversion is not considered to be appropriate for the conservation area. The north elevation of the single storey unit which faces the road appears to have a new opening created in order to provide a front door. The larger two storey section has a number of old openings that could be reopened. Instead, however, the design appears to create new openings in order to suit the internal layout, in a manner that is entirely at odds with the traditional character of the building;
  6. the design for the south elevation of the two storey structure is even more destructive in that it is proposed as a mainly glazed wall which takes no account of the building's original character. The south elevation of the single storey seems to pay attention to the old openings and may work, subject to detail;
  7. the Historic Impact Statement recognises that the barns have some historical visual interest for the conservation area but suggest that developing the site with inappropriate design would have a positive impact. The design isn't appropriate and will have a strong negative impact on the area;
  8. there are no plans demonstrating how the parking arrangements in front of Oak House and Croft House will work i.e. will they be allocated space, will there be a boundary, will there be a turning area? In the absence of this information, it is difficult to see how the land available can provide the required space;
  9. service vehicles already have problems getting around the village so any more cars would result in further problems;
  10. parking in the hamlet has always caused problems and there does not seem to be suitable plans for parking with two parking places opposite to the listed houses on the raised kerb being unworkable;
  11. although the Planning Statement suggests that the parking has been carefully considered in the layout, this isn't evident from the submitted documents;
  12. the Planning Statement also suggests that a further two parking spaces may be available on the paved area in front of the proposed units although that allocation is not shown on the submitted layout plan;
  13. the provision of parking on the paved area to the front of the proposed houses will be particularly intrusive visually and is not a safe option given that the front doors of the houses will open over this area. It isn't clear who owns or controls this land and therefore what is actually available to the applicant;
  14. there is already considerable parking congestion in this part of the village and the introduction of two new houses will exacerbate an existing problem and be detrimental to the character of the conservation area and the setting of the adjacent listed buildings;
  15. the flood risk assessment has not been prepared by an appropriately qualified engineer but suggests that a new flood defence will be constructed to the south of the barns which will resolve the potential issue of flooding from the nearby river;
  16. flooding has taken place in the past right up to the buildings and the wall referred to has not been constructed and is not in any current

construction programme. The general flood relief scheme provided by the Environment Agency was completed last year and this matter clearly needs to be clarified and a proper FRA produced before a decision can be taken;

17. a protected species survey was undertaken which does not raise any serious issues but suggest that any redevelopment scheme should include the provision of suitable bat habitats. As this could impact on the detailed design this should be incorporated into the current application'
18. services in the area need to be upgraded and plans for this need to be brought forward;
19. due to the layout of the development site it is almost certain that access to the properties opposite will be effected during development;
20. the extra traffic in the area will also create more maintenance problems for the few residents that maintain the private road;
21. the road is unadopted and the responsibility of all households in this small hamlet. The current owner of the barns in this proposal has not made any financial contribution to the maintenance of the road for the current properties he owns;
22. there is no capacity for any further cars or parking on this site. It's anticipated that this development will increase car usage by at least a further 6 cars. Repeatedly the wall to the front of our property has been knocked down with cars and vans.

4.2 Following the receipt of amended plans showing the provision of a roof light, a further two letters of objection have been received which raise the following issues:

1. it is disappointing that only a few minor amendments have been made;
2. the only difference appears to be the removal of one window in the rear elevation of the two storey house. No attempt has been made to address the objections or issues raised by the Conservation Officer.

## 5. Summary of Consultation Responses

**Stanwix Rural Parish Council:** - the Parish Council's original submitted response stated:

- *"The Parish Council recommends determination in accordance with local and national planning and conservation policy and guidance, provided that:*
- *Prior to determination, greater clarity is sought with regard to the disposal of foul sewage and surface water.*
- *If work has not commenced prior to mid-November a further Bat Survey be undertaken to determine the presence, or otherwise, of hibernating bats and that a condition be imposed to ensure that work is scheduled in accordance with the guidance provided in the Bat Survey – in particular its paragraph E 4.1.*
- *Clarity is sought regarding the composition of the existing corrugated roofing, which is to be replaced and may contain asbestos."*

However, local residents have since highlighted significant additional concerns in respect of the following:

1. issues relating to the increased number of vehicles and parking provision;
2. the effect of an increased number of vehicles and of construction traffic on the unadopted road;
3. foul sewage/surface water disposal is reliant on old systems ultimately discharging to the River Eden SSSI/SAC;
4. some property said not to have suffered from the effects of flooding has in fact been affected;
5. uncertainties relating to the final form and effect of the 'flood wall'.

As these issues relate to a lack of clarity in respect of important material planning considerations that may adversely impact neighbouring residents, the parish council is obliged to amend its earlier response and object to the proposal until such time as it is fully reassured in respect of the above matters.

Following the receipt of amended plans, the following response has been received:

The amendments appear to consist only of the replacement of a window with a roof light to the rear elevation, and the inclusion, on the Block Plan, of new unidentified circular feature to the north of Croft House.

The Parish Council reiterates its earlier comments and remains concerned regarding the lack of clarity in respect of the existing corrugated roof material, which may be asbestos;

**Historic England - North West Office:** - no comment;

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

Local Highways Authority

It is noted the access track up to the site is privately maintained. However it should be noted that concerns have been raised regarding the existing and increase of parking proposed in relation to the proposal.

As this proposal is for a change of use, the existing and required parking for the dwellings that are referred to is outside the red line boundary.

The slight increase in vehicular use of the existing access is unlikely to have a significant material affect on existing highway conditions and the Highways Authority has no objection to the proposal.

Lead Local Flood Authority (LLFA)

The LLFA Surface Water Map shows that the site is in Flood Zone 3, the applicant should consult with the Environment Agency with regards to carrying out a Flood Risk Assessment.

**6. Officer's Report**

## Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan for the purposes of the determination of this application is The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (NPPG) are also material planning considerations in the determination of this application and the Carlisle District Local Plan 2015-2030 from which Policies SP2, SP6, SP7, HO2, IP2, IP3, IP4, CC4, CC5, CM5, HE1, HE2, HE3, HE7, GI3 and GI6 are of particular relevance. The Carlisle City Council's Supplementary Planning Document 'Achieving Well Designed Housing' (SPD) is also a material planning consideration. The proposals raise the following planning issues.

### 1. Principle Of Development

- 6.3 The NPPF seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 11 of the NPPF continues to support sustainable development stating that:

*“Plans and decisions should apply a presumption in favour of sustainable development.”*

- 6.4 This is reinforced in paragraph 11(c) which states that:

*“approving development proposals that accord with an up-to-date development plan without delay”*

- 6.5 Policy HO2 is equally transparent in its guidance relating to housing development and supported new housing development within villages in the rural area provided that the development will not prejudice the delivery of the spatial strategy of the local plan and subject to consideration of 5 criteria. Criterion 4 specifically requires that in the rural area, villages should either have services where the housing development is being proposed, or that there is good access to one or more villages with services, or to the larger settlements.
- 6.6 The land is within Rickerby which itself is sufficiently well related to the urban area of Carlisle both geographically and in terms of the road network and can therefore be considered a sustainable location for development in terms of the policies in the NPPF. This is further evidenced that the land at Tower Farm elsewhere in the village that is allocated for housing development in the current local plan.
- 6.7 Given these material considerations and the fact that the site is well-related to the built form of the village, the principle of development is acceptable in

policy terms. The planning issues raised by the development are discussed in the following paragraphs.

## **2. Whether The Scale, Design And Impact On The Character Of The Area Is Acceptable**

- 6.8 Paragraphs 126 to 136 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 130 outlines that:

*“Planning policies and decisions should ensure that developments:*

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

- 6.9 It is further appropriate to be mindful of the requirements in paragraph 134 of the NPPF which states:

*“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/ or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

- 6.10 Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. Developments should therefore harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
- 6.11 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. Development of this site will have an impact on the character of the area.
- 6.12 It's proposed that the buildings would be converted with minimal alteration to the front elevations except to provide a reasonable means of access and window opening to make the use of the buildings viable. More extensive alterations are proposed to the rear elevations. The single storey building would largely retain and reuse the existing openings but would incorporate additional windows in the gable. The rear of the two storey building would involve greater alterations to the existing openings with the enlargement of the ground floor apertures and insertion of first floor windows in lieu of the existing ventilation slits. There is little in the way of architectural features in the rear elevation; however, any scheme for conversion must still be appropriate in terms of scale and design and impact on the character of the building. Notwithstanding the heritage issues associated with this site, the alterations are a modern addition but wouldn't adversely affect the character of the building to such a degree as to warrant refusal of the application on this basis. Additionally, there very limited public viewpoints of this elevation and the proposal wouldn't be detrimental to the character of the area.
- 6.13 The development would provide dedicated parking spaces and curtilage to the rear of the buildings which is adequate for the two dwellings of this scale. The converted building would therefore not form a discordant feature and is acceptable in this regard.

### **3. The Impact Of The Development On Heritage Assets**

#### **3a. Listed Buildings**

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

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

- 6.15 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities (lpa) whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of

preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).

- 6.16 Paragraph 201 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.17 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.18 There are several listed buildings in and around this site. The nearest buildings are Oak House and Croft House to the east and Tower Villa, Eden View and Barn View which are directly opposite the site. Wayside and Old School Cottage are listed and to the north-east of the application site. All these properties are Grade II listed and both individually and collectively, contribute to the historic character and appearance of the village.
- ii) the effect of the proposed development on the settings of the Grade II listed buildings
- 6.19 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.20 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.21 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 194). However, in paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 6.22 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.23 The council's Conservation Officer has raised the following issues:
- the site is within the Rickerby Conservation Area, in close proximity to a number of listed buildings and is regarded as an undesignated heritage asset;
  - the Heritage Statement it is not exhaustive and does not provide a great deal of contextual information;
  - the Heritage Statement fails to establish context and neither the Heritage Statement, Design and Access Statement, or the submitted elevations set the barns in context with their attached neighbours, to which they have once been fully integrated;
  - the exterior changes proposed are in clear contradiction of local plan Policy HO6. The character of the building is harmed across all visible elevations, with a layout which appears to be the driver for alterations to the external envelope, rather than the layout being informed by the constraints of the building, with alterations minimised;
  - any works to fences or walls between the site and Holme Farm would be likely to require listed building consent and/or planning permission;
  - the volume of accommodation desired is incompatible with the maintenance of the exterior envelope of the building. As such, it may be that a single dwelling would have a more acceptable impact. The necessity for windows should be reviewed, with inclusions such as a new large window to the north elevation, serving only a landing, as clearly being superfluous and capable of removal. While it may be acceptable for some additional openings to be created on the south facing elevation, these should be minimal and informed by the need to retain the character of the building. Existing ventilation slots could also be usefully glazed;
  - in its present form the works are not compliant with the policy considerations and should be refused.

- 6.24 Historic England's document "Local Heritage Listing: Identifying and Conserving Local Heritage" states that:

*"Non-designated heritage assets are locally-identified 'buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets' (PPG)."*

- 6.25 It continues that:

*"Non-designated heritage assets can be identified in a number of ways, including:*

- *Local heritage lists*



- *Local and Neighbourhood Plans*
  - *Conservation area appraisals and reviews*
  - *Decision-making on planning applications”*
- 6.26 Development proposals affecting an identified non-designated heritage asset will be subject to the requirements of the National Planning Policy Framework at Section 16: Conserving and enhancing the historic environment.
- 6.27 To be considered a non-designated heritage asset, the asset in question should have some qualifying credentials and many local planning authorities have produced guidance in respect of this identifying criteria against which an asset should be assessed. It's commonly found that such criteria can include:

#### **Archaeological interest**

- **Cumbria Historic Environment Record** - an above ground archaeological site or historic building recorded in the Cumbria Historic Environment Record.

#### **Architectural interest**

- **Aesthetic value** - the building or structure, through its intrinsic design value derived from local styles, materials, workmanship or any other distinctive local characteristic, will exhibit a positive external appearance in the streetscene, village or townscape or landscape.
- **Known architect** - the building or structure will be the work of an architect of local, regional or national noteworthiness.
- **Integrity** - the building or structure will retain a degree of intactness and lack of harmful external alteration and, if part of a group, will make a contribution to the surviving completeness of that group.
- **Landmark status** - the building or structure by virtue of its design, age, innovation, construction, position, use or communal associations contributes as a landmark within the local scene.
- **Group value** - the buildings or structures will have a coherent design or historic functional relationship as a group.

#### **Artistic interest**

- **Aesthetic value** - the building or structure, through its intrinsic design value derived from local styles, materials, workmanship or any other distinctive local characteristic, will exhibit a positive external appearance in the streetscene, village or townscape or landscape.
- **Known designer** - the building or structure will be the work of a designer of local, regional or national noteworthiness.

#### **Historic interest**

- **Association** - the building or structure will enjoy a significant historical association of local or national noteworthiness including links to important local figures or events.
- **Rarity** - the building or structure must represent a design, use or other quality that was always uncommon or has now become uncommon or exceptional to the locality, district or wider region.
- **Representativeness** - the building or structure will survive as a good

quality representative of a particular historical or architectural trend or settlement pattern; or be part of the legacy of a particular individual, architect or designer, architectural or artistic movement, company or group in the past.

- **Social and communal value** - the building or structure will be perceived locally as a source of local identity (for example, commemorative or symbolic), distinctiveness, social interaction or contributing to the collective memory of a place.

- 6.28 Although the building is located in the conservation area adjacent to listed buildings and is a long-standing feature within the character of the locality, it doesn't accord with any of the aforementioned criteria. In this instance, the building isn't considered to be a non-designated heritage asset.
- 6.29 The proposal involves the conversion of existing buildings to form two dwellings. There are listed buildings directly opposite the site and also to the east, adjacent to the proposed car parking area. The converted buildings and the development as a whole would be viewed in the context of these listed buildings but mainly from the front elevation and the streetscene to which there would be some but limited alteration. These alterations are considered acceptable in this regard. Additionally, the removal of the corrugated sheeted roof and replacement with natural slates would be an enhancement to the building in this setting.
- 6.30 It's accepted that the alterations to the rear of the building are more significant but this doesn't necessarily equate to unacceptable alterations. It's already been established that the building isn't considered to be a non-designated heritage asset, although it's an important building within the locality and within and adjacent to the designated heritage assets. The rear elevation doesn't command any views from public vantage points, instead facing the curtilage of the proposed dwellings with the River Eden beyond. In determining planning applications, a preference for a scheme may be voiced; however, the applicant is aware of the concerns that have been raised and is keen to pursue the scheme as currently submitted. A balanced judgment therefore has to be made as to whether the scheme in its entirety is detrimental to the listed buildings.
- 6.31 Based on the foregoing, it is considered that the proposal (in terms of its location, scale, materials and overall design) wouldn't be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

### 3b. Impact Of The Proposal On The Rickerby Conservation Area

- 6.32 The application site is located within the Rickerby Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, NPPG, Policy HE7 of the local plan are relevant.
- 6.33 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".*

- 6.34 The aim of the 1990 Act is reiterated in the NPPF, NPPG and policies within the local plan. Policies HE6 and HE7 of the local plan advise that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.35 Under the requirements of the NPPF, a *"balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."* Although some physical changes are proposed to the frontage of the building, the majority of the changes would occur to the rear elevation which isn't visible from outwith the site from public viewpoints. The replacement roof covering would be an enhancement to the conservation area. On this basis, the proposal would preserve the character and appearance of the Rickerby Conservation Area and wouldn't prejudice important views into or out of the conservation area. Accordingly, the proposal would not be contrary to planning policies.

#### **4. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties**

- 6.36 Development should be appropriate in terms of quality to that of the surrounding area and should not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The SPD provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking. Any subsequent scheme would have to be mindful and have regard to the distances outlined in the SPD i. e. 12 metres between primary windows and blank gables and 21 metres between primary windows.
- 6.37 The City Council's Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:
- "Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. (para. 5. 44) While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances. " (para. 5. 45)*
- 6.38 Given the orientation of the proposed dwelling with neighbouring properties together with the separation distances and intervening boundary, it is not considered that there is any conflict with the council's requirements for minimum distances between windows and thus, would not result in an issue of overlooking or loss of privacy. It is inevitable that any development may lead to increased levels of traffic and noise; however, given that the size of

the site the level of usage would not warrant refusal of the application on this basis.

- 6.39 Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition could be imposed which would limit construction hours.
- 6.40 In overall terms, taking into consideration the scale and position of the proposed application site in relation to neighbouring properties, it is unlikely that the living conditions of the occupiers of the surrounding properties will be compromised through loss of light, loss of privacy or over dominance.

## **5. Impact On Highway Safety**

- 6.41 Planning policies require that development proposals are served by an appropriate access and provide adequate parking facilities. The site is served by an existing vehicular access and the development would incorporate four car parking spaces. The fact that the properties would be accessed from a private road isn't a material planning consideration as the developer should ensure that the relevant rights of access and maintenance issues are in place and agreed with the relevant parties. Cumbria County Council, as the Highway Authority has raised no objection and the proposal does not raise any highway issues. It would be appropriate, however, it impose a condition on any consent requiring the retention of these parking spaces. A condition is imposed in relation to the submission of details for the parking of vehicles engaged with the construction process.

## **6. Whether The Method of Disposal of Foul And Surface Water Are Appropriate**

- 6.42 In accordance with the NPPF and the NPPG, the 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. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy which should be considered in the following order of priority:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
- 6.43 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application form states that the surface water would be disposed of to an existing watercourse whilst the means of foul drainage is unknown. In the absence of any further details, it would be appropriate to require the submission of further details should be secured by means of a planning condition.
- 6.44 Cumbria County Council as the Lead Local Flood Authority has raised no issues in respect of the surface water drainage other than comments

regarding the development within the Flood Zone.

## **7. Development Within The Flood Zone**

- 6.45 This site lies within an area designated as Flood Zones 2 and 3 and as such there is potential for the site to flood and the proposed dwelling is referred to as a "more vulnerable" in flood risk terms.
- 6.46 Planning Practice Guidance states that *"The National Planning Policy Framework sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed"*. This is an important consideration in the determination of this application.
- 6.47 The buildings are located within Flood Zone 2 whilst the adjoining land which would be the curtilage of the properties is located within Flood Zone 3.
- 6.48 Paragraph 168 of the NPPF states:
- "Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55."*
- 6.49 Further guidance is found in the NPPG Paragraph: 048 Reference ID: 7-048-20140306 (Revision date: 06 03 2014) which states:
- "The flood risk issues raised by changes of use  
What issues need to be considered and what does the applicant need to do?"***
- A change in use may involve an increase in flood risk if the vulnerability classification of the development is changed. In such cases, the applicant will need to show in their flood risk assessment that future users of the development will not be placed in danger from flood hazards throughout its lifetime. Depending on the risk, mitigation measures may be needed. It is for the applicant to show that the change of use meets the objectives of the Framework's policy on flood risk. For example, how the operation of any mitigation measures can be safeguarded and maintained effectively through the lifetime of the development.*
- The local planning authority may have a Local Plan policy on what changes of use will be acceptable in areas at risk of flooding."*
- 6.50 The gov.uk website requires that the Environment Agency is consulted for development proposals in Flood Zone 2 if the development (including change of use) is:
- within 20m of a main river on the Environment Agency flood map
  - if the development's flood risk vulnerability classification is:
  - 'essential infrastructure'

- 'highly vulnerable'
- 'more vulnerable' and it's a landfill, waste facility site, caravan or camping site
- 'less vulnerable' and it's a waste treatment site, mineral processing site, water treatment plant, or sewage treatment plant.

6.51 The application is accompanied by a Flood Risk Assessment which confirms that:

*"3.1 The barns are already positively drained in relation to their surface water and it is therefore considered that there would be no further increase in surface water run off. Garden areas will remain as grass and any additional hard standing for car parking will be permeable.*

*3.2 As several properties are currently draining into the foul systems on land owned by the applicant and in need of upgrading, discussions are ongoing in this regard and it is anticipated that this will be covered by condition in order to allow for a holistic solution which will be of benefit to the River Eden.*

*3.3 The extension of The Park was subject to inundation, this lies approximately 0.5m lower than the FFL of the barn which are at a FFL of approx 17.00 AOD. A detailed topographical survey has been undertaken and accompanies the application. This ensures that the FFL is above the flood level of the most extreme event.*

*3.4 The floors are a solid construction and will remain so.*

*3.5 The walls are sandstone and will remain so.*

*3.6 External doors will be weather tight and flood gates can be attached if necessary, there are no air brick below flood levels.*

*3.7 Electrics will be fed from the top down with sockets 600mm above floor level."*

6.52 Planning permission was granted for flood defence works including the construction of a walled barrier. This was subsequently amended in 2019 and the approved drawings show a wall extending from the rear of The Park, adjacent to the site, whose alignment then is to the south before heading west to the rear of the application site and the adjacent properties, Oak House and Croft House. Notwithstanding this issue, it has been demonstrated in the preceding paragraphs that the proposal is compliant with the national planning policy requirements.

## **8. The Impact Of The Development On Hadrian's Wall Buffer Zone**

6.53 The site is located wholly within the Hadrian's Wall Buffer Zone where policies require that development will not be permitted where there is an unacceptable impact on the Hadrian's Wall Military Zone World Heritage Site.

- 6.54 Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of the local plan, providing that the proposal reflects the scale and character of the existing group of buildings and there is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.
- 6.55 The proposal involves the conversion of existing buildings to which Historic England has raised no objection. On this basis, the proposal doesn't raise any issues in respect of any impact on the character or appearance of the buffer zone.

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

- 6.56 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.57 The application is accompanied by a report assessing the potential presence and impact on bats, barn owls and breeding birds. The report concludes that:

*"There were no signs of Barn Owls or bats in the building, starlings were nesting in the south eaves.*

*Brown Long Eared, Noctule, Myotis and Pipistrelle bat activity was observed along the road and around the buildings with the trees and buildings providing sheltered light sampling, feeding and commuting areas.*

*A single Pipistrelle was noted emerging from the eaves of a property to the north.*

*Extreme care must be taken when carrying out demolition of walls and opening up roof, crevices should be checked with a torch or endoscope, any bats found should be relocated by a Licenced Bat Worker and joints sleeved to allow egress but prevent re-access, or larger crevices provided with mortar tubes to allow bats to re-enter wall or roof cavities.*

*Bats to be encouraged on site by allowing them access to the buildings post-works and by providing bat boxes.*

*Provided works are carried out as recommended above, then it will not be necessary to apply for an EPS (European Protected Species) Licence for*

*bats.”*

- 6.58 Subject to the inclusion of conditions requiring the development to be undertaken in accordance with the report together with the submission of further details which would address the issue of enable bats to access the building and the siting of bat boxes, the proposal doesn't raise any issues in terms of protected species. Additionally, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

## **10. Other Matters**

- 6.59 Policy IP2 requires that developments are encouraged to include sustainable vehicle technology with developments, as such, it is appropriate to impose a condition require the provision of a suitable charging point for electric vehicles.
- 6.60 To ensure that provision is made for the storage of waste, a condition is included requiring the supply of suitable waste receptacles.
- 6.61 Reference is made in the representations that no structural survey has been submitted. This isn't a mandatory requirement. The building appears to be in good condition and suitable conversion, only if this were in doubt would such a survey be requested.

## **Conclusion**

- 6.62 In overall terms, the principle of residential development in Rickerby is acceptable. The proposal would seek to reuse existing buildings with limited alteration to the front of the building. The replacement of the roof covering with stale would be an improvement to the building and enhancement to the character of the locality.
- 6.63 The design and fenestration of the building would result in less than substantial harm to the adjacent listed buildings. The development of these buildings would preserve the character and appearance of the Rickerby Conservation Area. The development wouldn't be detrimental to the character or appearance of the surrounding designated area or the Hadrian's Wall Buffer Zone.
- 6.64 The residential accommodation would be provided wholly within Flood Zone 2 where the accompanying Flood Risk Assessment proposes mitigation measures within the development that would address potential flooding issues.
- 6.65 In the context of the site, the amenity of the occupiers of the neighbouring property would not be adversely affected. Adequate provision could be made for foul and surface water drainage (through the imposition of planning conditions) together with the access and parking arrangements.
- 6.66 Nevertheless, in overall terms, the proposal is considered to be contrary to



the objectives of the relevant local plan policies and the NPPF.

## **7. Planning History**

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

## **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 Planning Application Form received 29th July 2021;
2. the Site Location Plan received 29th July 2021;
3. the Plans and Elevations received 11th October 2021 (Drawing no. 20-150-04A Rev A);
4. the Survey for Bats, Barn Owls & Breeding Birds received 2nd August 2021;
5. the Flood Risk Assessment received 29th July 2021;
6. the Notice of Decision;
7. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

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

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

**Reason:** To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030 and to promote

sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

4. 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 prevent pollution of the water environment in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the first occupation of any dwelling hereby approved, detailed bat mitigation measures shall be submitted to an agreed in writing by the local planning authority. The development shall then be undertaken and completed in accordance with the approved details and retained thereafter.

**Reason:** To ensure the provision of adequate bat mitigation measures in accordance with Policy GI3 of the Carlisle District Local Plan 2015 - 2030.

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

**Reason:** The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Policy SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

7. Prior to their use on site, 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 HO6 and CM5 of the Carlisle District Local Plan 2015-2030.

8. Prior to their use on site, full details of the proposed hard surface finishes to all external areas shall 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 SP6 and HO6 of the Carlisle District Local Plan 2015-2030.

9. All boundary fences, walls, screens or other means of enclosure shall only be installed or erected in strict accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority, which shall include:

1. precise details of the item(s) including materials, location and height;
2. timescale for implementation;
3. any maintenance proposals identified as necessary within the first 5 years following provision.

**Reason:** To ensure that the appearance of the development will be in keeping with the locality and to protect visual amenity, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. All new windows and doors to be installed in the dwellings shall strictly accord with detailed drawings and specifications that shall first have been submitted to and approved in writing by the local planning authority. Such details shall include the frames, means of affixing to the wall, the size and opening arrangements of the window, the method of glazing, frames, cill and lintol arrangement.

**Reason:** To ensure that the works are appropriate to the building and the character of the Rickerby Conservation Area in accordance with Policies SP7 and HE7 of the Carlisle District Local Plan 2015-2030.

11. As part of the development hereby approved, adequate underground ducts shall be installed to enable telephone services, electricity services and television services to be connected to any premises within the application site.

**Reason:** To afford adequate service connection in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

12. Prior to the occupation of any 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 any dwelling shall be implemented on site before that unit is first brought into use and 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.

13. 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 1600 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.

14. Prior to the occupation of any 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 IP5 of the Carlisle District Local Plan 2015-2030.

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

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

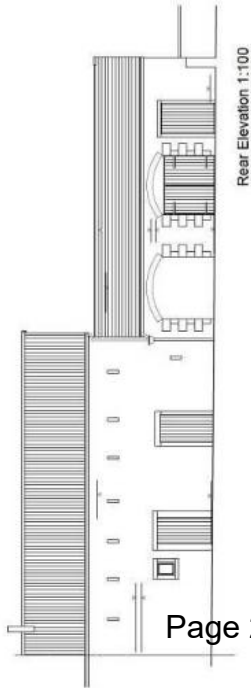
**Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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

16. Any parking area subsequently approved shall be constructed in accordance with the approved plans before any dwelling is occupied. The parking area shall be retained unaltered unless otherwise agreed in writing by the local planning authority.

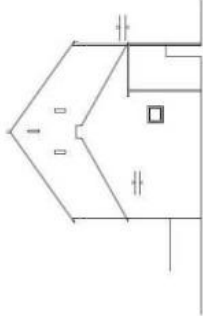
**Reason:** To ensure adequate access is available for each occupier in accordance with Policies SP6, HO2 and IP3 of the Carlisle District Local Plan 2015-2030.

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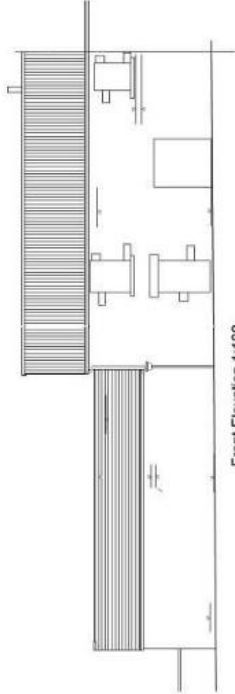
Page 273 of 284



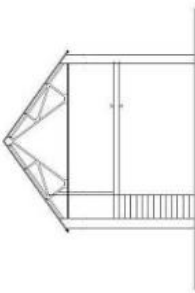
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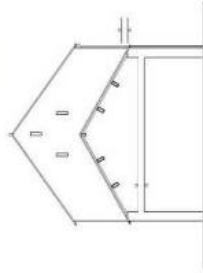
Side Elevation 1:100



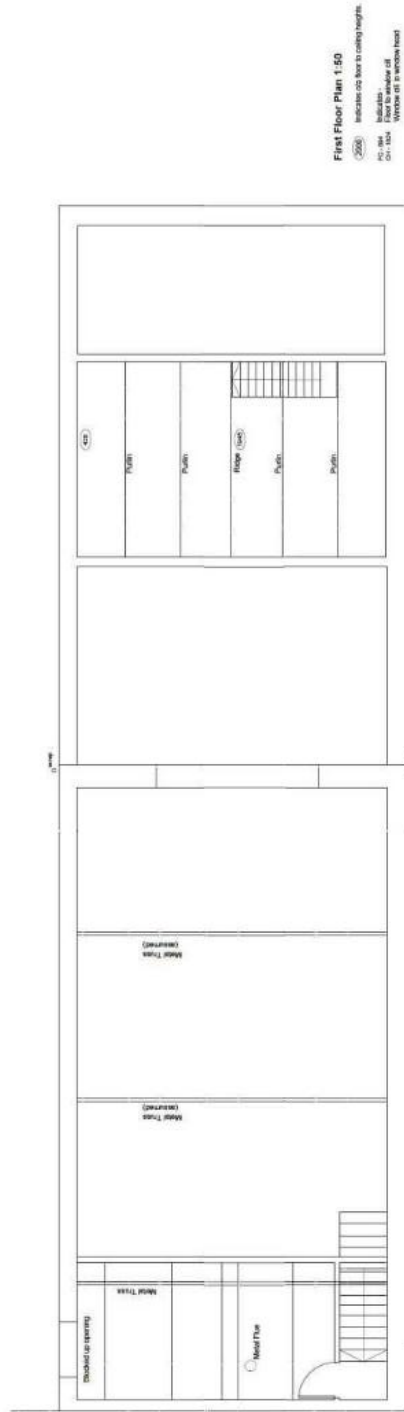
Front Elevation 1:100



Section A-A 1:100

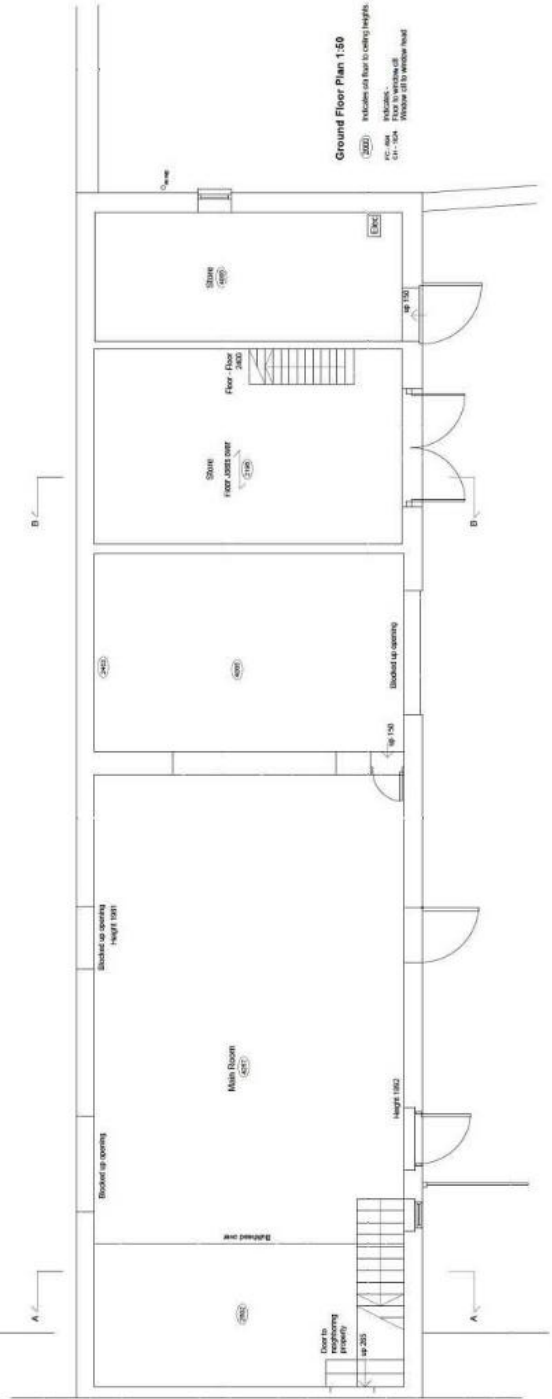


Section B-B 1:100



First Floor Plan 1:50

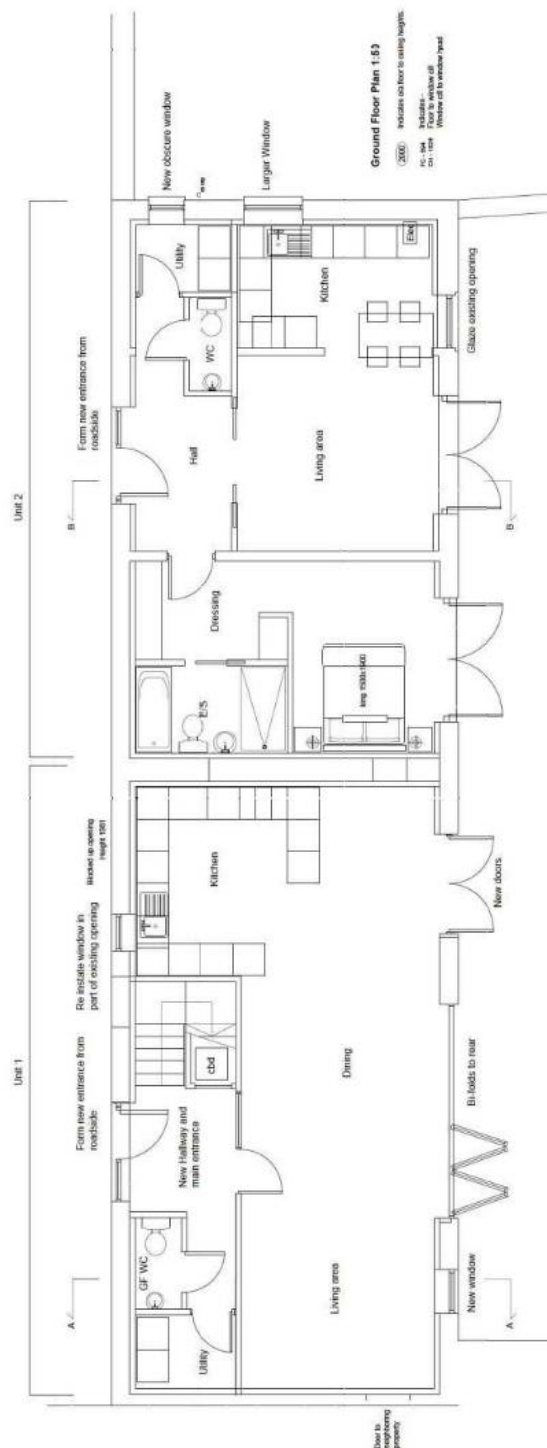
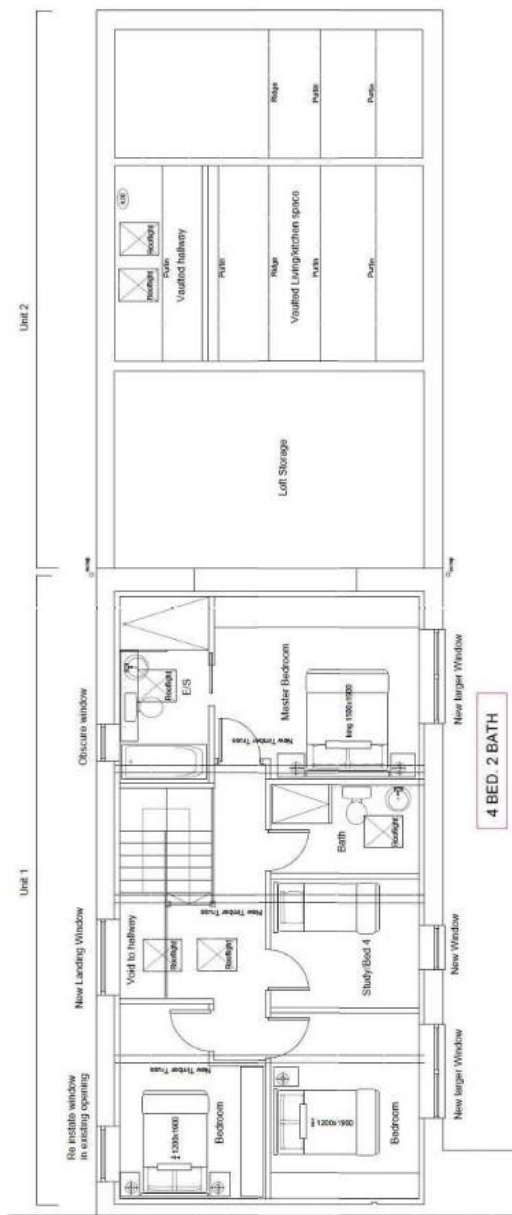
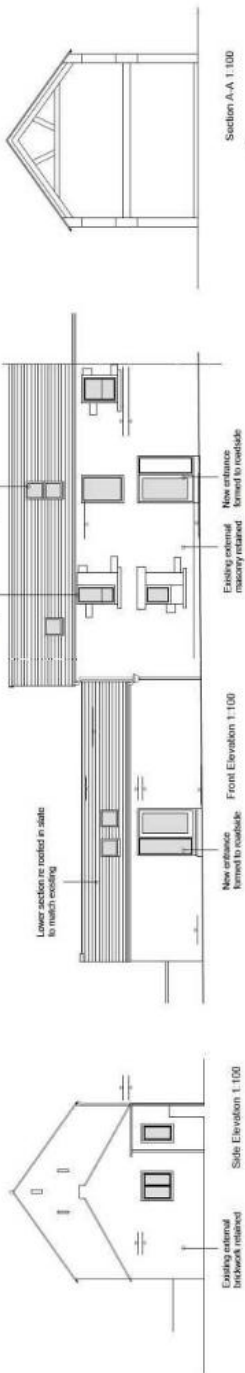
Indicates the floor to ceiling heights.  
Indicates the floor to window sill.  
Indicates the window sill to window head.



Ground Floor Plan 1:50

Indicates the floor to ceiling heights.  
Indicates the floor to window sill.  
Indicates the window sill to window head.

PLANNING	
Project	The Pink Barn, Rickerby
Client	Measured Survey
Drawn	Plans and Elevations
Date	Sheet A1
Job no.	20-150-03
Rev.	



<b>PLANNING</b>	 <p><b>BLACK BOX</b> architects</p> <p>Black Box Architects Ltd. 1750 University Ave. Toronto, Ontario M5S 1A5 Canada Tel: 416-593-8822 Fax: 416-593-8828 www.blackboxarchitects.com</p>	<p><b>The Peak Barn, Richelieu</b></p>	<p><b>Proposed Conversion</b></p>	<p><b>Plans and Elevations</b></p>
<p><b>Project</b></p>	<p><b>Architect</b></p>	<p><b>Client</b></p>	<p><b>Location</b></p>	<p><b>Sheet A1</b></p>
<p><b>Drawing</b></p>	<p><b>Scale</b></p>	<p><b>Date</b></p>	<p><b>20-150-04A</b></p>	<p><b>Rev</b></p>
<p><b>Job No.</b></p>	<p><b>20-150-04A</b></p>	<p><b>20-150-04A</b></p>	<p><b>20-150-04A</b></p>	<p><b>20-150-04A</b></p>





## SCHEDULE A: Applications with Recommendation

21/1051

Item No: 10

Date of Committee: 14/01/2022

**Appn Ref No:**  
21/1051

**Applicant:**  
Mr Gareth Ellis

**Parish:**  
Carlisle

**Agent:**

**Ward:**  
Stanwix & Houghton

**Location:** 3 Etterby Scaur, Carlisle, CA3 9NX

**Proposal:** Installation Of Wall Mounted, Untethered Electric Vehicle Charging Point To Front Elevation (LBC)

**Date of Receipt:**  
12/11/2021

**Statutory Expiry Date**  
07/01/2022

**26 Week Determination**

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### REPORT

**Case Officer:** John Hiscox

#### 1. Recommendation

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

#### 2. Main Issues

2.1 Impact of the proposals on the heritage resource.

#### 3. Application Details

##### The Site

3.1 The application relates to the addition of an item requiring Listed Building Consent to 3 Etterby Scaur, a mid-terrace, Grade II listed building within the Stanwix Conservation Area of Carlisle.

3.2 3 Etterby Scaur is a private dwellinghouse.

3.3 The application only relates to the front elevation of the property, which is visible within the local setting from the public domain.

3.4 The official Historic England listing description reads as follows:

"CARLISLE

NY35NE ETTERBY SCAUR, Etterby 671-1/1/137 (North side) 13/11/72  
Nos.1, 2 AND 3

//

*Terrace of 3 houses. 1850s. Flemish bond brickwork with light headers, on chamfered plinth (all dressings of calciferous sandstone), V-jointed quoins on right corner, sill bands (No.3 without sill band) and cornice. Graduated slate roof with coped right gable and skylights; end and ridge brick chimney stacks, one rebuilt. 2 storeys, 2 bays each; double-depth plan. Each house has either a left or right panelled door and overlight in Ionic doorcase. Sash windows, some with glazing bars, in stone architraves; No.1 has a canted bay window. Nos 2 and 3 have a further through-passage and overlight in stone surround. INTERIOR not inspected. The title deeds for No.3, dated 1851, are in Cumbria County Record Office, DX/1168/88."*

## **Background**

- 3.5 The application is referred to the Development Control Committee because the applicant is an Elected Member of Carlisle City Council.

## **The Proposal**

- 3.6 An electrical charge point for electric vehicles would be installed on the front elevation external wall, just to the right of the front door to the dwelling. It would be situated just to the right of the front corner column of the ornate portico that frames the front door.
- 3.7 The unit intended to be installed is an EO Mini Pro 2. Details of this unit are provided with the application. The dimensions are 175mm x 125mm x 175mm.
- 3.8 The unit would be untethered, which means that no external wires would be present when it is not in use (the connecting/charging lead is stored in the vehicle). A single drill hole would be made in the front wall, and within the building connecting wires cables would link into the existing electricity circuits.

## **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. No verbal or written representations have been made during the consultation period.

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

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

### **Policy Framework:**

- 6.1 Applications for Listed Building Consent require to be considered in relation to the Planning (Listed Buildings and Conservation Areas) Act 1990, and to be assessed against the National Planning Policy Framework (NPPF - 2019 - as amended in July 2021) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.3 below.
- 6.2 The main issue, as listed earlier in the report, is as follows:
- (i) Impacts of the proposals on the fabric and setting of the Grade II listed building.
- 6.3 Taking into consideration the range and nature of matters for consideration in respect of this application for Listed Building Consent (LBC), the following Policy of the aforementioned Local Plan is specifically of relevance to this application:
- Policy HE 3 - Listed Buildings
- 6.4 Policy HE 7 is also of relevance due to the position of 3 Etterby Scaur in the conservation area; however, matters of heritage setting will be appraised mainly in the light of Policy HE 3.
- 6.5 Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' is the main area of relevance within that national, overarching document.

### **Assessment:**

- 6.6 The proposed installation would be visible on the front wall and would require a drill hole to be made in the main front wall of the dwelling. The visual impacts would be perceivable but minimal, largely due to the very modest scale of the unit. They would not harm the appearance of the building or its related heritage settings, including the Stanwix Conservation Area. The intervention into the fabric of the building would also be minimal and would not give rise to a significant degree of harm.
- 6.6 The proposals accord with international ambitions for more energy users to increase their self-sufficiency in this context. The minimal impacts on the heritage resource can to some extent be balanced against those ambitions. However, in any event the proposals would be acceptable by virtue of their nature, design and placement.
- 6.7 It can be noted that the Carlisle City Council Conservation Officer is fully content with the proposals as submitted.

### **Conclusion**

- 6.8 The application is consistent with Policies HE 3 and HE 7 of the Local Plan

having regard to potential heritage impacts, meets with broader objectives of energy self-sufficiency, and is in accord with the NPPF in all regards. It is therefore recommended that Listed Building Consent is granted.

## **7. Planning History**

- 7.1 In 2021, under ref. 10/0757, Listed Building Consent was granted for reduction of chimney height.
- 7.2 In 2006, under ref. 06/0562, Listed Building Consent was granted for demolition of outside WC and formation of doorway in end wall of single storey rear offshoot.
- 7.3 In 2005, under ref. 05/0570, Listed Building Consent was granted for replacement of 2no. roof windows to rear roofslope and installation of 2no. roof windows to front roof slope.

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

- 1. The works identified within the approved application shall be commenced within 3 years of this consent.

**Reason:** In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2. The development shall be undertaken in strict accordance with the approved documents for this Listed Building Consent which comprise:
  - 1. the submitted Listed Building Consent application form;
  - 2. the Heritage Statement, received on 12 November 2021;
  - 3. the Design and Access Statement, received on 12 November 2021;
  - 4. the close-up photograph of the property frontage annotated with the words 'Location of EV Point' and the precise location of the Unit edged in red, received on 12 November 2021;
  - 5. the Location Plan at scale 1:1250, received on 12 November 2021;
  - 6. the Block Plan at scale 1:200, received on 12 November 2021;
  - 7. the Notice of Decision;
  - 8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

### 3, Etterby Scaur, Carlisle, Cumbria, CA3 9NX

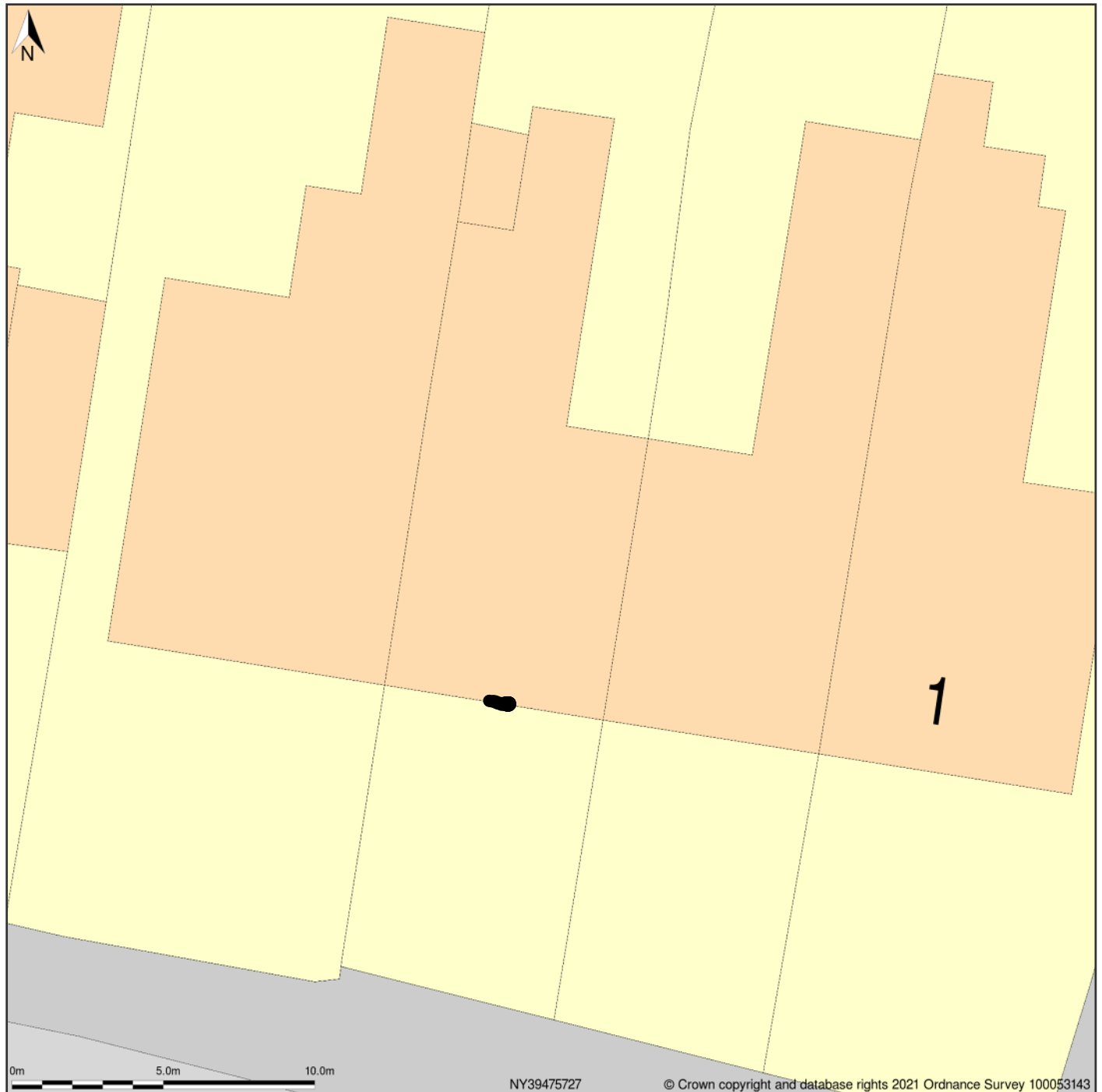


Site Plan shows area bounded by: 339408.11, 557213.45 339549.53, 557354.87 (at a scale of 1:1250), OSGridRef: NY39475728. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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3, Etterby Scaur, Carlisle, Cumbria, CA3 9NX



Block Plan shows area bounded by: 339459.7, 557254.83 339495.7, 557290.83 (at a scale of 1:200), OSGridRef: NY39475727. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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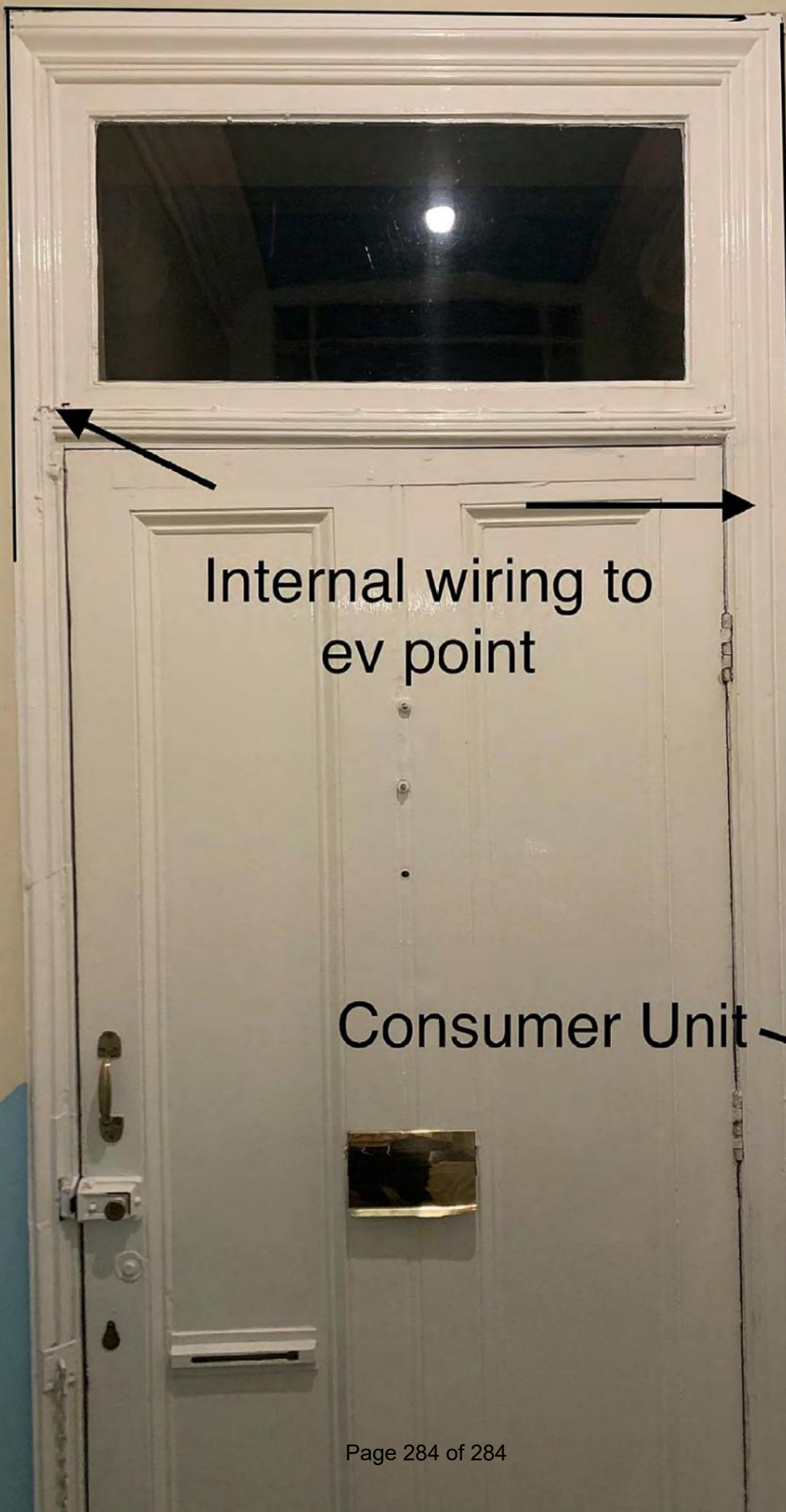
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Location of EV point





Internal wiring to  
ev point

Consumer Unit