

AGENDA

Development Control Committee

Friday, 24 April 2020 AT 10:00

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

VIRTUAL MEETING - LINK TO VIEW

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

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

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 - 14

To note that Council, at its meeting of 3 March 2020, received and adopted the minutes of the Development Control Committee meetings held on 7 January (site visits) and 10 January 2020. The Chairman will sign the minutes at the first practicable opportunity.

[Copy minutes in Minute Book 46(5)].

To approve the minutes of the meeting held on 14 February 2020.
(Copy minutes herewith).

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

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

Explanatory Notes

**15 -
20**

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

**21 -
50**

Item 02 - 19/0909 - Orton Grange Park, Grange Park Road, Orton Grange

**51 -
68**

Item 03 - 20/0002 - Cumrenton Farm Ithington, Carlisle, CA6 4PG

**69 -
84**

Schedule B

**85 -
104**

PART B

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

-NIL-

Members of the Development Control Committee

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

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

Independent - Tinnion (Chair), Paton (sub)

Enquiries, requests for reports, background papers etc to:

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

To register a Right to Speak please contact - DCRTS@carlisle.gov.uk

DEVELOPMENT CONTROL COMMITTEE
FRIDAY 14 FEBRUARY 2020 AT 10.00 AM

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

OFFICERS: Corporate Director of Economic Development
Development Manager
Legal Services Manager
Mr Allan – Flood Development Management Officer – Cumbria County Council
Principal Planning Officer
Principal Health and Housing Officer
Environmental Health Officer
Planning Officer x 1
Planning/Landscapes Compliance and Enforcement Officer

DC.016/20 APOLOGIES FOR ABSENCE

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

DC.017/20 DECLARATIONS OF INTEREST

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

Councillor Patrick declared an interest in respect of application 19/0243 – Dalston Hall Hotel, Dalston, Carlisle, CA5 7JX. The interested related to a family member having booked the marquee for a future event.

Councillor Tinnion declared an interest in respect of application 19/0748 – Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle. The interest related to objectors being known to him as he was formerly Ward Member for the area.

DC.018/20 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.019/20 MINUTES OF PREVIOUS MEETINGS

RESOLVED 1) That the minutes of the meetings held on 10 January and 11 February 2020 (site visits) be approved.

DC.020/20 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Legal Services Manager outlined, for the benefit of those members of the public present at the meeting, the procedure to be followed in dealing with rights to speak.

DC.021/20 CONTROL OF DEVELOPMENT AND ADVERTISING

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

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

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 11 February 2020.

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

The Principal Planning Officer set out the planning history of the site covering: the process of it being allocated as a housing development site as part of the Carlisle District Local Plan 2015-2030 (Local Plan), and the Highway Authority's comments on the need for pedestrian linkages to the Hurley Road Estate being essential, along with improvements to Little Corby Road; the refusal of application 16/0318; the subsequent appeal to the Planning Inspectorate, and rationale for dismissal; and, the findings of an independently commissioned highway assessment carried out on behalf of the Council.

During the Committee's site visit, Members had raised concerns about the pedestrian links to the site. The Highway Authority had recommended that the applicant provide a footway along the frontage of the site down to the kissing gate, together with improved street lighting.

The Principal Planning Officer explained that he had subsequently undertaken discussions with the applicant and the Highway Authority regarding improvements to the pedestrian linkages to the site. It had been agreed a pedestrian link should be provided up to the site boundary adjacent to the pedestrian link from Little Corby Road to Hurley Road. Such an arrangement would avoid the steep muddy bank adjacent to Little Corby Road and would provide a more level access. The developer had confirmed that they would be prepared to pay £1,000 towards improving the pedestrian route across the grass area. However, it was noted that the ownership of that land was not known.

On that basis, the Principal Planning Officer suggested that the S106 is amended to read:

"a financial contribution of £6,500 to enable the 30mph speed limit to be extended and village gateway signage, road markings and improvements to footpath linkages to be introduced."

The proposed scheme's impact on the adjacent Listed Building was considered acceptable, matters of layout, design and scale would be considered as part of any future Reserved Matters application.

In conclusion, the Principal Planning Officer recommended:

- 1) That the application be approved, subject to the completion of a Section 106 Legal Agreement to secure:
 - a) the provision of 30% of the units as Affordable;
 - b) a financial contribution of £171,878 to be paid to Cumbria County Council towards the provision of secondary places;
 - c) a financial contribution of £38,000 to be paid to Cumbria County Council towards secondary school transport;
 - d) financial contribution to upgrade existing off-site sports pitches;
 - e) the maintenance of open space within the site by the developer;
 - f) a financial contribution of £6,500 to enable the 30mph speed limit to be extended and village gateway signage and road marking to be introduced.

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

The Committee then gave consideration to the application.

A Member expressed concern in relation to the availability of secondary school places at William Howard School for future occupiers of dwellings in the proposed scheme.

The Development Manager explained that as part of the allocation of sites for housing development in the Local Plan, Cumbria County Council, as the Local Education Authority was consulted on provision of school places. Pupils yields and capacity were taken into consideration when the indicative yield of site was assigned.

Mr Allan added that in addition to that process, the Local Education Authority also requested monies through planning obligations, as was the case with this scheme, to make provision for the increased number of pupils.

In response to concerns expressed by a number of Members regarding the pedestrian access to the site, the Principal Planning Officer advised that in addition to the access arrangements set out in the report, the applicant had agreed to provide an additional £1,000 via a Section 106 Agreement to provide a footpath link across the area of land adjacent to the south-west side of the site. He reiterated that the ownership of the strip of land was not known, therefore it was hoped that the link was able to be provided.

A Member commented that the uncertainty regarding the provision of a path over to the south-west of the site was not sufficient assurance. The Planning Inspector had stated that a pedestrian link was essential to the delivery of housing on the site, and without it, he did not feel able to support the application. He moved that determination of the application be deferred until such time as the details of the pedestrian linkages from the site were known. The proposal was seconded.

Members requested that the following matters also be indicated as reason for deferment, and that the Officer give consideration to them: the provision of street lighting along the footpath linkages; the introduction of speed humps or other speed reduction measures from the commencement of the extended 30mph zone on Little Corby Road, and; the crossing arrangements of the A69.

The Chairman asked the proposer and seconder of the motion to defer application whether they were happy to incorporate those matters. They indicated their assent, and it was:

RESOLVED: That determination of the application be deferred in order to allow further consideration to be given to: the provision of pedestrian linkages (including lighting) from the site to Hurley Road; the introduction of speed reduction measures; the crossing arrangements of the A69; and to await a further report on the application at a future meeting of the Committee.

2. Erection of a marquee without compliance with Condition 2 imposed by Planning Permission 14/0680 to grant permission for a further five years, Dalston Hall Hotel, Dalston, Carlisle, CA5 7JX (Application 19/0243).

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 11 February 2020.

Slides were displayed on screen showing: site plan; plan showing marquee in setting; elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer summarised the planning history of the site, including: the approval of application 14/0101; application 14/0680 which sought to regularise the marquee which had not been built in accordance with the original permission due to (the double door system being omitted, the marquee including additional glazing, an overhang to the roof with the western wall positioned off vertical, doors on the north and south elevations, inclusion of a toilet block and store to the rear, alterations to the paving and amendments to the banking/fencing to the rear); the conditions imposed on 14/0680 (a temporary 5 year planning consent, a sound monitor being located in the marquee which knocks off music when it gets to a certain level, noise monitoring taking place inside and outside the marquee), no external speakers attached to the marquee, marquee not being in use when a separate function in the hall takes place, maintenance schedule for the marquee and a parking plan.

Application 14/0680 had been implemented, with the exception of the toilets to the back. The current proposal was a variation of condition application which sought to vary condition 2 of planning approval 14/0680 to grant permission for the marquee for a further 5 years.

As detailed in the report, the principle matters for consideration in determining the application were the principle of development, whether the retention of the marquee would have an adverse impact on the setting of the Grade II* Listed Hall and the impact on the living conditions of neighbouring properties. It was the Planning Officer's view that the principle of a temporary marquee which helped support an existing rural business was acceptable.

In terms of impact on the living conditions of neighbouring residents, since the approval of 14/0680 there has been noise and disturbance issues caused to the adjacent property and business. The Planning Officer advised the Committee that it needed to distinguish what noise had been directly caused as a result of the marquee and what could be caused from existing operations at Dalston Hall Hotel itself which had been in existence as a food/drink establishment for a significant period of time.

A number of issues that had occurred (noise/disturbance from anti-social behaviour, fireworks, patrons entering/leaving the premises) could take place from the Hall itself if it operating to full capacity. Such issues were controlled by separate regulatory bodies.

In terms from noise disturbance from the marquee itself it has been established through a Noise Management Plan which was now tied to the premises license and had agreed noise levels based on an event taking place over a weekend without the toilets installed, that the marquee was able to operate within tolerable levels.

Were Members minded to approve the application, the Planning Officer suggested the following conditions be imposed to protect the living conditions of neighbouring residents:

- adherence to the sound levels specified in the Noise Management Plan;
- ensuring that the sound monitor in the marquee was in situ at all times in direct sight of the music source and not obstructed by any solid objects/curtains;
- sound monitoring should take place at regular intervals during any event where amplified music was played within the marquee and such details shall be made available by the applicant to any Officers of the City Council on request;
- no external speakers should be attached to the marquee at any time;
- ensuring that the marquee is not used when there is a separate unrelated function being held in Dalston Hall Hotel

- ensuring that the doors in the marquee remain self-closing except those for emergency access; and,
- ensuring that all events in the marquee finish at 1am with all live bands finishing at 11pm.

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

Mr Holder (Objector on behalf of Mr Hartely, Mr Mckenzie, Mr Bell and himself) read out letter on behalf of objectors covering the following points: noise and Anti-Social behaviour occurred as a result of the events at the marquee; patrons of the marquee did not observe the appropriate parking protocol at the site; the septic tank used at the site was not sufficient to cope with the level of use when an event took place; fireworks had been set off at the site after 11pm; renewing the permission for another 5 years would allow the applicant to apply for a Certificate Of Lawfulness so the structure would become permanent; the Noise Management Plan was not effective, and was monitored by the applicant; the Council's Environmental Health team objected to the application; noise exceedance at the site had been confirmed on occasion in 2018; 14 letters of objection and a 40 signature petition opposing the application had been submitted; national planning policy guidelines stated that a second temporary permission was only to be granted in cases where there was a clear rationale. Mr Holder displayed slides on screen showing: parking at the site when an event occurred and the discharge from the septic tank pipe.

Mr Greig (Agent) responded in the following terms: the fundamental issue was the lawful use of the site, be that the Hotel or the marquee as the impact identified by objectors could occur irrespective of whether the marquee was retained. The Officer's report was unbiased and summarised all the complaints in relation to the marquee from paragraph 5.2 onwards. Following unsubstantiated objection a Noise Abatement Notice had been served on the marquee, for an event that had not taken place at the site. Subsequently, the applicant voluntarily agreed to a Noise Management Plan which since formed part of the Premises Licence. All parties (applicant, Council, objector) agreed that the noise levels set out in the Plan would not adversely impact on the objector's property. At no time since the implementation of the Plan had the Council's Environmental Health team raised noise concerns with Dalston Hall.

Conditions contained in both the Planning Consent and the Premises Licence sought to manage any adverse impacts from the marquee and were enforceable, to date there was no evidence that either had been breached. The marquee was important in safeguarding the upkeep of Dalston Hall Hotel which was Grade II* Listed. Mr Grieg urged the Committee to support the Officer's recommendation.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed that:

- Access to Dalston Hall and the caravan park was via a private road;
- Environmental Health had received 47 complaints in relation to noise and anti-social behaviour since the installation of the marquee in 2014. Complaints tended to cluster around individual events e.g. one event may receive 2 or 3 complaints. No complaints were received in respect of noise prior to the installation of the marquee;
- The holiday park operated for 12 months of the year on a holiday let basis, residential use of the caravans was not permitted;
- The playing of music by live band was restricted to 11pm in the Noise Management Plan, events were required to cease by 1am.
- The toilets and double door system specified in the approved plans had not been installed;

The Committee discussed the laws around the use of fireworks; the time restrictions imposed on the playing music at the venue; the need for notifying the Council in advance of live music events; and, the closing time of the venue.

A Member proposed that Temporary Permission be granted for a 2 year period, the proposal was seconded.

A Member moved the Officer's recommendation with a variation to condition 11 of the Consent to stipulate live music was to cease by 11pm and amplified music by 12am. The proposal was seconded.

The Chairman put the two motions to the vote, and it was:

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

The Committee adjourned at 11:40am and reconvened at 11:55am.

3. Erection of up to 160no. dwellings with associated car parking, cycle parking, open space, landscaping and associated infrastructure; all matters are reserved except for access (Outline), Land At Carleton Clinic to the west of Cumwhinton Drive, Carlisle (Application 19/0459).

The Development Manager submitted the report on the application which had been subject of a site visit by the Committee on 11 February 2020.

Slides were displayed on screen showing: site location plan; developable area and access parameter plan; green infrastructure parameter plan; illustrative masterplan; section plan; building heights and minimum floor levels plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The current application site comprised an area allocated for housing in the 2001-16 Carlisle District Local Plan along with an additional field which extended the edge of Carlisle site into the St Cuthbert's Garden Village area. Taking that matter into account, the Development Manager advised that the fundamental issue of not prejudicing the masterplanning of St Cuthbert's Garden Village, as stipulated by the Local Plan, was a central consideration in the determination of the current application.

A Design Code for the site had been worked up as part of the proposed scheme, it set out the parameters for the site's development including examples of higher quality materials and build that would be included in any future Reserved Matters application for the site. Based on the Design Code an Indicative Masterplan had been submitted with the application, accordingly, the Development Manager was satisfied that the proposed scheme would not prejudice the masterplanning of the adjacent Garden Village.

As detailed in the report the recommended approval of the application was subject to a number of planning obligations. Following receipt of those requirements, the applicant had undertaken a viability assessment which initially identified a significant shortfall in available funds. The City Council had this independently assessed by a specialist who had worked on Carlisle housing sites for some time and had experience of the local markets. In the re-assessment it identified more scope within the viability however confirmed that it would not meet the whole financial ask.

Lengthy discussions and negotiations took place between the applicant and the Council, culminating in a position on the planning obligations which now provided a policy compliant affordable housing approach but with reductions on contributions towards highway infrastructure, education and off-site formal play.

The Development Manager noted that all developments within the Garden Village Area would be required to contribute to the Carlisle Southern Link Road, and such a requirement had been imposed on this scheme, even though there was significant funding towards the road already being provided by Homes England.

The Development Manager was aware that Members had been contacted directly by the local County Councillors who had requested improvements to the roundabout at Garlands Road/Cumwhinton Road. That matter had been considered as part of the planning process however given the viability of the scheme, other transport infrastructure had been prioritised and a total of £475,000 was already committed to bringing forwards essential highway infrastructure through planning obligations assigned to the scheme.

The Development Manager recommended that the application be approved with conditions subject to the completion of a Section 106 to secure:

- a) the provision of 20% of the units as affordable (in accordance with the National Planning Policy Framework and the Council's Supplementary Planning Document proportions);
- b) a financial contribution of £218, 400 to Cumbria County Council towards secondary school capacity;
- c) a financial contribution of £2,000 per dwelling (i.e. up to £320,000) towards the Carlisle Southern Link Road;
- d) a financial contribution of £155,000 towards the widening of Sewell's Lonning;
- e) a Travel Plan Monitoring Fee of £6,600;
- f) the provision of an on-site play area;
- g) the maintenance of the formal and informal open space within the site by the developer.

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

The Committee then gave consideration to the application.

Councillor Earl (Cumbria County Council) addressed the Committee and requested that determination of the application be deferred and a condition added requiring the improvement of the mini roundabout at the Garlands Road/Cumwhinton Road junction, paid for by the developer. Whilst acknowledging that the submitted accident survey had not highlighted any patterns at the roundabout it did not record the near misses and not recorded accidents which was a concern to a number of local residents. The additional homes provided for by the proposed scheme along with previously approved housing developments in the area would exacerbate the problem. New housing development required necessary infrastructure provision to support it.

Ms Holroyd and Mr Green (Applicant and Agent) responded that the submitted Transport Assessment indicated that the roundabout would operate within its capacity limit when the current baseline situation, consented developments and the proposed scheme were taken into account. Overall it judged that the development traffic would have a minimal cumulative effect on the surrounding highway network. An open, transparent, fair and flexible approach had been adopted by the applicant in respect of the Section 106 Agreement, which viability having been considered by an independent assessor. The contributions relating to highways had been defined by Carlisle City and Cumbria County Council who had identified priorities in light of their local knowledge.

The Committee then gave consideration to the application.

A number of Members appreciated the objectors' concerns with regards to the mini-roundabout and sought clarification as to why it had not been included in the proposed planning obligations.

Mr Allan noted that the matter was raised as part of the Transport Assessment but had not been identified as an area requiring work, as such there was no need to charge the developer with such an undertaking.

The Development Manager explained that the matter had been considered on numerous occasions in relation to other permitted development in the area, notably the Moorside Drive development but no Transport Assessment had concluded improvements were required. Furthermore, major improvement to the highway network in the vicinity of the site, particularly Sewell's Lonning were scheduled to take place. It was anticipated that those works would have a positive impact on the traffic at the mini roundabout.

Responding to Members' questions the Development Manager advised that:

- The proposed scheme would not prejudice the development of St Cuthbert's Garden Village;
- The details of the spread of Affordable dwellings in the development was a matter for any future Reserved Matters application;
- It was anticipated that the properties would enhance affordability by being cost efficient;
- The Council was working with the applicant on other schemes in the district which would offer 100% Affordables.

The Committee expressed support for application and praised the creation of a Design Code which would set a high quality standard for development across the site.

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

RESOLVED: That the application be approved with conditions subject to the completion of a Section 106 to secure:

- a) the provision of 20% of the units as affordable (in accordance National Planning Policy Framework and the Council's Supplementary Planning Document proportions);
- b) a financial contribution of £218, 400 to Cumbria County Council towards secondary school capacity;
- c) a financial contribution of £2,000 per dwelling (i.e. up to £320,000) towards the Carlisle Southern Link Road;
- d) a financial contribution of £155,000 towards the widening of Sewell's Lonning;
- e) a Travel Plan Monitoring Fee of £6,600;
- f) the provision of an on-site play area;
- g) the maintenance of the formal and informal open space within the site by the developer.

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

DC.022/20 QUARTERLY REPORT ON PLANNING ENFORCEMENT

The Planning/Landscapes Compliance and Enforcement Officer submitted report ED.10/20 – Quarterly Report on Planning Enforcement which set out details of a number of enforcement case being dealt with by the Council and analysis of quarterly and annual figures. She provided a verbal update on progress regarding several of the cases therein.

The Committee gave consideration to a number of enforcement cases set out in the report.

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

RESOLVED - That the content of the report be noted.

[The meeting closed at 12:58pm]

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

24th April 2020

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 08/04/2020 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 24/04/2020.

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

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	19/0748 A	Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle	SD
02.	19/0909 A	Orton Grange Park, Grange Park Road, Orton Grange	SO
03.	20/0002 A	Cumrenton Farm, Irthington, Carlisle, CA6 4PG	RJM
04.	19/0538 B	13 River Street, Carlisle, CA1 2AL	SO
05.	19/0684 B	Land adjacent to 33 Ghyll Road, Scotby, Carlisle	SD
06.	19/0518 B	Irthing Vale Caravan Park, Old Church Lane, Brampton, CA8 2AA	BP

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

19/0748

Item No: 01

Date of Committee: 24/04/2020

Appn Ref No:
19/0748

Applicant:
Womble Bond Dickinson

Parish:
Hayton

Agent:
WYG Engineering Limited

Ward:
Wetheral & Corby

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

Proposal: Erection Of 45no. Dwellings (Outline)

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

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

26 Week Determination
13/01/2020

REPORT

Case Officer: Stephen Daniel

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

Further discussions have taken place with the applicant about the provision of a footpath from the south-east corner of the site to Hurley Road (via the grass area that adjoins the sub-station that lies between 15 and 17 Hurley Road). Since the committee meeting land searches have confirmed that ENW only own the substation area and the remaining site, being unregistered, is likely to remain in the ownership of the original developer. Given that the grass area has been used as a Public Right of Way (PROW) for a number of years, the applicant has proposed that they apply to the Highway Authority (under Section 31 of the Highways Act) to get the route recognised as a PROW. Once this has happened, the Highway Authority could then use powers under Section 26 of the Highways Act to upgrade the surface of the footpath (which the applicant would pay for). However, this process is likely to take a number of years and it wouldn't be appropriate to await the outcome before granting planning permission. The applicant could also approach the landowner directly in order to speed up the process. A condition has been added to the permission to ensure that, prior to the commencement of development, a footpath is provided from the site to Hurley Road, the details of which would need to be agreed by the local planning authority.

In relation to speed reduction measures, the existing 30mph zone would be

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

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

1. Recommendation

1.1 It is recommended

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

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

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

2. Main Issues

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

3. Application Details

The Site

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

Background

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

The Proposal

- 3.4 The proposal is seeking outline planning permission for residential development with all matters, except access, reserved for subsequent approval.
- 3.5 The indicative layout plan that has been submitted with the application shows 45 dwellings - 23 detached units and 22 semi-detached units positioned off a central spine road, which equates to 28 dwellings per hectare.
- 3.6 The indicative plans shows an area of open space being created to the front of the site adjacent to Little Corby Road and this contains a Sustainable Drainage System, some landscaping and seating areas. Dwellings are shown fronting onto Little Corby Road. New tree planting is shown around the periphery of the site. Some hedgerows are shown within the site to create wildlife corridors.
- 3.7 The dwellings would be served via a new access from Little Corby Road. A new footpath would be created in the highway verge to connect the new access road to the kissing gate to the south of the site from where access can be gained to Hurley Road (via a grass bank).

4. Summary of Representations

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

4.2 The letters of objection raise the following issues:

Principle/ Need for the Development

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

Highway Issues

- any further development in the village would cause more traffic problems and possible accidents;
- development will cause unnecessary traffic generation;
- the road is increasingly used as an alternative route to Warwick Road which has constant road works;
- the roads are terrible and in desperate need of repair without adding more traffic;
- the road cannot take an entrance into the proposed site as the quality of the road is poor;
- there are bends and dips in the road in the vicinity of the site;
- the proposed site entrance is directly opposite the allotments and gardeners' cars are frequently on the roadside adding to the danger in this area;
- the quoted lines of sight from the access are actually insufficient for clear views especially on a narrow 60mph stretch of road;
- the road from the site towards Little Corby, a short distance from the proposed access, includes a dip with a virtual blind bend;
- there have been at-least 8 traffic accidents on the section of road from Little Corby Hall Farm to the road dip in the last 20 years;
- most drivers exceed the speed limit on the road passed the site;
- most dwellings have 2 cars, some will have 4 - then add visitors and delivery vehicles;
- concerned about extra traffic on Little Corby Road - there is no white line, no traffic calming measures and the corner passed the Otter pub is too narrow;
- the road from the Otter pub to the site is not wide enough and there is no footpath;
- by the Otter pub there is barely room for 2 cars to pass;
- the narrow road with no pavement won't be able to serve another 90 cars at busy commuting times when it is already busy;

- the road has a lot of agricultural vehicles and the width of tractor doesn't allow much room for a car to pass;
- the suggestion that the narrowness of the road would lead to traffic calming is nonsense;
- there is no mention in the transport study of the impact of cars turning off Little Corby Road up to the traffic lights in Corby Hill - this narrow road is already awkward to use due to the limited visibility of cars travelling down Little Corby Road;
- the minor road that runs up passed the Otter pub is a nightmare now - traffic turning left up the hill has to do so blind and if they meet oncoming traffic they then have to reverse back on to the road which is extremely dangerous;
- the road narrows by the Otter and there is no footpath;
- the right turn at the bottom of the hill by the Otter public house is already problematic when vehicles are approaching from Newby East;
- the road survey mentioned in the application seems to have been done in 2013 - this is not a reflection of the traffic that uses the road now;
- the extra vehicles from this development have been drastically under estimated in the traffic survey;
- anticipate that 45 dwellings would mean an estimated 90 to 135 vehicles (based on an approximate average number of vehicles per household) - this does not include visitors, deliveries or trades people;
- parking is already a problem for local services;
- in 2015 the water levels on the road from the site towards the Otter pub were between 0.5m and 0.6m in depth and a car that tried to get through had to be removed;
- when the road floods near the Otter it also floods at Newby East bridge which would make access to the site difficult if not impossible;
- the A69 leading through the village regularly floods next to Downagate - this is near the entrance into Little Corby Road which will be the main access to the site;
- the proposal will increase traffic at the busy junction of Little Corby Road and the A69 were the school crossing patrol stands and increase delays at this junction;
- on completion of the Warwick Mill development it is likely that parked cars will be left on both sides of the road by visitors;
- the road from Little Corby to Newby East has become a rat run;
- it is already difficult to safely exit the driveways of properties on Little Corby Road;
- there is a very narrow traffic lighted bridge towards Newby East which would have to accommodate the extra cars;
- the bridge over the River Irthing to Newby East is unsuitable for large vehicles;
- the road has a weight limit meaning all construction traffic would have to travel through the village on a narrow road;
- if the application is approved the developers must be required to put traffic calming measures in place;
- traffic calming, street lighting and an extension to the 30mph limit zone would surely all have to be implemented;
- there will not be a suitable and safe access to or from the site for pedestrians - the road is not wide enough to accommodate a safe footpath and there is no lighting;
- provision of a suitable footway would present engineering difficulties but would be essential;
- there is not footpath at present from the kissing gate to Hurley Road and if one was created this would not be used as people will take the shortest route which would be to walk along the road which has no footpath and poor visibility;
- walking on the road would be very dangerous for parents with prams and young

children;

- the existing pedestrian access is a steep grass bank which is mainly used by dog walkers and allotment holders;
- pedestrian access to Hurley Road is up a steep and muddy bank which is unlit and often slippery - it is unusable for 9 months of the year owing to deep mud on top of clay;
- even if the footpath from the kissing gate to Hurley Road was upgraded to tarmac it would be lethal in winter due to the gradient;
- a lot of cyclists use the route as it's on a national cycle route (Hadrian's Cycle Path);
- parking for most of existing facilities in the village is already very limited;
- construction traffic will cause damage to the roads and will increase congestion and highway safety issues;
- building on this land has been rejected several times - last year it was refused by the Secretary of State on the grounds of highway issues as no suitable access could be established onto the A69 or Little Corby Road;

Drainage/ Flood Risk

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

Residential Amenity

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

antisocial behaviour;

Biodiversity/ Greenfield Site

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

4.3 The letters of support make the following points:

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

5. Summary of Consultation Responses

Cumbria County Council - (Archaeological Services): - no objections, subject to conditions (programme of archaeological work);

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

Northern Gas Networks: - no objections;

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

objections, subject to conditions (highway construction details; details of vehicular and pedestrian access; details of parking and turning; Construction Phase Plan; Surface Water Drainage Scheme; Construction Surface Water Management Plan; condition and capacity survey of culverted watercourse downstream of the surface water discharge point);

Local Environment - Environmental Protection: - no comments received;

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

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

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

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

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

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

Hayton Parish Council: - object to the application for the following reasons: accessibility on foot - the developer proposes to construct a new footway along the public highway to link with the existing pedestrian route leading to Hurley Road. Hayton Parish Council do not believe this will be viable. The "existing pedestrian route" is not an official one. The County Council will not adopt a footpath unless the land on which it lies is able to be dedicated to it. A public right of way will need to be created and the developer is not aware of this. An unofficial path does not secure a long-term pedestrian route; any footpath constructed across the existing green space area will be steeper

than 12% which is the maximum acceptable gradient for wheelchair users. As such the footpath will be unsuitable for disabled persons and for mothers with prams/pushchairs. It will also be liable to be slippery in winter conditions; should the footpath be constructed and adopted it is unlikely to be used by mothers taking their children to Warwick Bridge School due to the steepness and the extra walking distance. They will be at great risk when walking along a section of road which is totally unsuitable; residents of the proposed development walking to and from the Otter Inn will not use the footpath. Consequently, they will be at great risk when walking along a section of road which is totally unsuitable - this is one of the rare locations where the Highways Authority has deemed it necessary to erect "Pedestrians In The Road" warning signs;

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

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

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

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

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

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

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

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP2, SP6, SP8, HO1, HE3, GI1, GI3, GI4, GI6, CM2, CM4, CC5, IP2, IP3, IP6 and IP8 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Documents Achieving Well Designed Housing and Trees and Development are also material planning considerations.
- 6.3 The proposal raises the following planning issues.
1. Whether The Proposal Is Consistent With The Development Plan
- 6.4 The application site (1.55ha) is allocated for housing (R17 - Warwick Bridge/ Little Corby North) in the adopted Carlisle District Local Plan 2015-2030. An indicative yield of 45 dwellings is identified for this site. The proposal to develop the site for residential development is, therefore, acceptable in principle.
- 6.5 The previously refused application covered an area of 5.62ha and extended significantly beyond allocated site R17. Whilst development of the allocated R17 site is acceptable in principle, the additional proposed development included in the previous application, which fell outside of the allocation, was not considered to be acceptable.
2. Whether The Scale And Design Would Be Acceptable
- 6.6 The layout and design of the dwellings are reserved for subsequent approval and do not form part of this application. The indicative plans that accompany the application show development of 45 dwellings which is consistent with the Local Plan allocation.
3. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

- 6.7 A number of existing dwellings on Hurley Road adjoin the site and the occupiers of a number of these properties have raised concerns about the impact of the proposed development on their residential amenity. These issues would be considered at the Reserved Matters stage, when the location, heights, orientation and the design of the dwellings would be determined.
- 6.8 It is, however, clear that dwellings could be accommodated on this site without having an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

4. Impact On The Adjacent Listed Building

- 6.9 Little Corby Hall, that lies to the north of the site, is an early 18th Century Grade II Listed Building. The building currently enjoys an open agricultural setting.
- 6.10 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising their powers in respect of listed buildings. The aforementioned section states that:

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

- 6.11 Paragraph 195 of the NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to (or total loss of significance of) a designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.12 Policy HE3 (Listed Buildings) of the adopted Local Plan states that listed buildings and their settings will be preserved and enhanced. Any new development within the setting of a listed building should preserve or enhance the building's character and its setting.
- 6.13 A field separates the application site from the Grade II Listed Little Corby Hall. The nearest dwelling on the indicative layout plan would be approximately 70m from Little Corby Hall. Additional trees could be planted on the northern site boundary to help to screen the development from Little Corby Hall. In light of the above, the proposal would not have an adverse setting of the listed Little Corby Hall.

5. Highway Matters

- 6.14 The Parish Council and a number of objectors have raised concerns about

the impact that the development of 45 dwellings on this site would have on the existing highway network in the vicinity of the site. They have also raised concerns about the proposed new vehicular access onto Little Corby Road and the proposed pedestrian access.

- 6.15 The site is allocated for housing (with an indicative yield of 45 dwellings) in the adopted Local Plan. The Highways Authority had an input into the housing allocations in the Local Plan and they were consulted on the sites prior to them being allocated. Any sites that were deemed to be unsuitable for residential development for highway reasons were not allocated as housing sites.
- 6.16 The City Council commissioned an independent highway assessment (by Modal Group Ltd) of the previous application on this and the adjoining site, which proposed access onto the A69. This assessment also considered whether the Local Plan Housing Allocation (R17) could be served by an access from Little Corby Road.
- 6.17 In relation to the Local Plan Housing Allocation R17 the Modal Report considered that:
- between a potential site access and the junction adjacent to the Otter Public House, Little Corby Road is sub-standard with no footways and reduced carriageway widths as well as poor forward visibility. In addition, the side road at the junction is also substandard at this point with restricted road widths and poor junction visibility;
 - any development onto Little Corby Road at this point should be restricted to the Local Plan recommendation of 45 dwellings. This is in the interest of highway safety, and in particular pedestrian safety;
 - it is feasible for up to 45 dwellings from the proposed development site to be served from an access onto Little Corby Road;
 - suggest that the developer should consider formalising the pedestrian route between Little Corby Road (near to the speed limit signage) and Hurley Road.
- 6.18 County Highways has been consulted on the application. It notes that the application is for 45 dwellings on an allocated site to the north of Little Corby which is to be accessed from Little Corby Road and is mindful of the lengthy history and the various transport studies conducted for this allocated site.
- 6.19 The access, as shown within the illustrative masterplan and revised submitted layouts, is proposed to be within a relocated 30mph zone which is to be extended to the north of the development site on Little Corby Road. This would also entail a gateway feature into Little Corby to restrict vehicle speeds as they enter into Little Corby as this is a known issue at this location. As the speed limit would change to 30mph the visibility splay requirements would change to 2.4m x 60m which would be achievable at this location as shown by the submitted visibility splays as part of the Transport Assessment.
- 6.20 The major issue with the current proposals are the pedestrian linkages into

Little Corby from the development site. The Highways Authority recommends that the applicant should provide a footway from the site access to a point past the current village signage posts. There should also be a link footway to the current kissing gate and improved street lighting. This element should be conditioned.

- 6.21 Therefore, to conclude the Highways Authority, considering the site history, the independent transport report, the recent appeal decision and the information provided by the applicant for this application, has no objections to the proposed development subject to conditions and a Section 106 agreement that funding of £5,500 would be put in place to enable the County Council to extend the 30mph speed limit and introduce village gateway signage and road markings (indicatively shown on drawing A112972-P001 Rev B).
- 6.22 Hayton Parish Council has raised a number of highway issues, which have been considered by the Highways Authority. In relation to accessibility on foot, the Inspector at the Local Plan Inquiry considered the site accessible and allowed it to be allocated in the local plan and the same applied to the inspector at the planning appeal for the larger site. Hayton Parish Council is correct, this permissive path has been in place for many years and maintained by Carlisle City Council. A route over this area is, therefore, available and usable. No path will be created over this piece of land, it will remain as is. The road network in Little Corby is not atypical of many villages in Cumbria which contain narrow roads without footpaths.
- 6.23 The Design Manual for Roads and Bridges is a design tool used to design new trunk roads. The Highways Authority is content that Manual for Street standards are used as the site will be subject to a 30mph. This will be true as long as the 85%ile speeds are below 37mph. The Transport Assessment satisfactorily considers the road widths in the vicinity of the site and traffic generation. TRICS is an industry tool and widely used. Sites are picked from this programme that are similar to the application site and this element was considered during the allocation of the site.

6. Biodiversity

- 6.24 An Ecological Impact Assessment has been submitted with the application. Habitats on site consist of mature trees and hedgerows around the boundary and improved grassland within the field. The habitats range from low to local ecological value. The site has the potential to support nesting birds, foraging or commuting badger, roosting, foraging or commuting bats, brown hare and hedgehog.
- 6.25 It is likely that habitats of low to local ecological value would be lost as a result of the development. Without mitigation, the development might lead to negative impacts upon roosting bats, nesting birds and foraging badger. The Ecological Impact Assessment suggests a number of mitigation measures which should be incorporated into the final design to minimise the impacts of the development. These include retention and protection of mature broadleaf trees; retention and enhancement of the majority of the hedgerows; additional

trees, shrub and bulb planting; use of a flowering lawn mixture in gardens; installation of ten double crevice bat boxes and creating roosting opportunities within buildings; and covering trenches and excavations overnight or providing a means of escape for wildlife.

- 6.26 The mitigation measures outlined above, which can be secured by condition, would ensure that the proposal does not have an adverse impact on biodiversity.
- 6.27 Natural England has been consulted on the application. It notes that the site is approximately 20m from the River Eden SAC/ SSSI and considers that without appropriate mitigation the application would have an adverse impact on the integrity of the SAC and damage or destroy the interest features for which the SSSI has been notified.
- 6.28 In order to mitigate these adverse effects and make development acceptable, conditions should be added to any consent to ensure that the applicants submit a Construction Environment Management Plan and a Surface Water Drainage Plan for approval in writing by the LPA. Natural England also notes that the Ecological Assessment concludes a negative impact upon local biodiversity and recommends mitigation measures to avoid and limit this impact. It notes that the City Council has a duty to have regard to conserving biodiversity as part of the decision making process.
- 6.29 Given the proximity of the site to the River Eden & Tributaries SSSI/ SAC, the City Council commissioned an Assessment of the Likely Significant Effect (ALSE) when the previous application was submitted. The proposed development would be confined to the land to the north of Hurley Road and would be approximately 17m to the east of the River Eden SSSI and approximately 40m to the south west of the River Irthing SSSI. Therefore, direct impacts on the River Eden & Tributaries SSSI are not anticipated. The production and implementation of an agreed Construction Environmental Management Plan (CEMP) and the use of appropriate mitigation measures should ensure that there is no impact on turbidity, siltation or toxicity/ pollution on the River Eden & Tributaries SSSI.
- 6.30 To further minimise any impacts upon breeding birds, any trees and scrub removal should be carried out between September and February to avoid the bird breeding season. If this is not possible, a check for birds nests by a suitably experienced ecologist should be carried out to ensure nesting birds are not present. A condition has been added to the permission to cover this issue.
- 6.31 In light of the above, it is not anticipated that the proposed development would have an adverse impact on biodiversity, including the interest features of the River Eden & Tributaries SSSI/ SAC.

7. Archaeology

- 6.32 An Archaeological Desk Based Assessment was submitted with the application and following a request from the County Archaeologist an

Archaeological Geophysical Survey of the site has been undertaken. This identifies a small number of features of potential archaeological interest surviving within the site. These are considered to be of local significance and they would be disturbed by the construction of the proposed development.

- 6.33 In light of the above, the County Archaeologist has recommended that an archaeological evaluation and where necessary a scheme of archaeological recording of the site should be undertaken in advance of development. This work could be secured through the inclusion of a condition.

8. Affordable Housing

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

9. Education

- 6.37 Using a population-led model, as no dwelling mix has been provided at this stage, a development of 45 dwellings is estimated to yield 16 children: 9 primary and 7 secondary.
- 6.38 The catchment schools for this development are Warwick Bridge (0.6 miles) and William Howard Secondary Academy (4.6 miles). The next nearest schools are Hayton Primary (2.2 miles) and Central Academy for secondary (4.7 miles), both of which are over the walking threshold.
- 6.39 There are sufficient places available in the catchment school of Warwick Bridge to accommodate the primary pupil yield from this development, therefore no primary education contribution is required.
- 6.40 When all housing developments are taken in to account none of the secondary schools in the Carlisle area, including the catchment school of William Howard can accommodate the additional children this proposed development will yield. Therefore an education contribution of £171,878 (7 x £24,554) is sought. The £24,554 figure is the £18,188 figure with indexation applied to bring the figure up to current prices. The contribution would be used to provide additional places at William Howard School.
- 6.41 It is anticipated that there will be sufficient spaces for the primary aged

children at the catchment school Warwick Bridge, which is within the statutory walking distance. Subject to the remedial footpath measures being secured as outlined in highways response it is considered that the route will be safe, therefore no contribution for primary school transport is sought.

- 6.42 The nearest secondary schools are all over the statutory walking distance of 3 miles, therefore a secondary school transport contribution is required. Based on a vehicle up to 8 seats at £40 per day which is the mid-point in the procurement category for 0-9 miles. For secondary school transport a 5 year contribution is required, therefore based on 190 day school year the calculation is £40 x 190 days x 5 years = £38,000

10. Open Space Provision

- 6.43 Policy SP8 of the adopted Local Plan states that conditions, legal agreements and developer contributions will be sought to secure new or enhanced green infrastructure provision on, or associated with, new development. Developers will be expected to provide some aspects of green infrastructure within developments, ensuring that, where possible, they integrate with wider green infrastructure networks. The exact design of the green infrastructure within the development would be determined at the Reserved Matters stage
- 6.44 Policy GI4 (Public Open Space) requires new housing developments of more than 20 dwellings to include informal space for play and general recreational or amenity use on site according to the size of the proposed development.
- 6.45 The indicative plan that accompanies the application shows an area of informal open space at the eastern end of the site, adjacent to Little Corby Road. The Health and Wellbeing Team has been consulted on the application and notes that there is a deficit of open space provision on this proposal. A figure for the amount of open space hasn't been provided and there appears to be limited open space on the development as the sustainable drainage (Swale) is described as open space but this cannot be counted as usable open space. The target is 3.6Ha/1,000 population and therefore the target open space for a development of this scale would be 0.49 Ha based on an occupancy of 135 people. Ideally more useable open space should be provided on site, however a contribution to the upgrade of open space could be provided in lieu of some of the on-site open space. The contribution required cannot be calculated without further information, but would be up to £8,437.50. The level of on-site open space will be considered during the Reserved Matters application. If a suitable amount of usable open space is not provided on the site the S106 will need to be varied to increase the financial contribution payable to the City Council. The developer would need to maintain this open space and this could be secured through a Section 106 Agreement.
- 6.46 The plans do not show an equipped play area on-site and there is no space for one to be provided in the current layout. The submitted layout is, however, indicative only and following discussions with the developer and the Health and Wellbeing Team it has been agreed that a condition should be added to the permission which requires the provision of an equipped play area on the site (the details of which would need to be agreed with the LPA). If any future

developer decides that they don't want to provide an equipped play area on the site, an alternative would be to provide a financial contribution to improve the existing play facilities at Downagate and this would need to be secured through a S106 Agreement.

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

11. Foul And Surface Water Drainage

- 6.48 A Flood Risk and Drainage Assessment has been submitted with the application. This confirms that the site is at low risk of flooding from rivers, surface water, sewers, overland flows, groundwater, and reservoir failure. There is a small area at risk of flooding from surface water in Little Corby Road to the south of the site but the expected depths of flooding would not prevent safe access or egress to or from the site.

- 6.49 It is proposed to either infiltrate surface water runoff into the underlying ground or alternatively the runoff will be discharged to the River Eden or the existing United Utilities surface water sewer at a rate of 3.5 l/s. It is proposed to provide a SuDS management train including permeable pavements and swale in order to make sure that no flooding takes place during any rainfall event up to and including the 1 in 100 year plus a 40% allowance for climate change. It is expected that foul flows will be discharged to the existing combined sewer that flows through the site.

- 6.50 The Flood Risk Assessment makes the following recommendations:

- subject to the completion of the site investigation and associated infiltration testing, a detailed drainage design based on the results of the infiltration testing should be provided and it is anticipated that this would be submitted as part of the discharge of the future planning condition.
- Finished Floor Levels of the new buildings should be set at 150mm above the adjacent ground level to ensure that in the event of exceedance events causing overland flows within the development, no flooding of the properties would occur.
- a ground investigation including site specific infiltration testing in accordance with BRE Digest 365 guidelines would be undertaken to confirm the viability of infiltration systems.
- the final site layout and refined drainage design should seek to maximise the use of SuDS techniques as outlined within this assessment and informed by the site-specific infiltration test results.
- a drainage survey would be undertaken to confirm the invert level of the existing combined sewer flowing through the site;
- on completion, a regular inspection & maintenance regime would be provided to the future owners and tenants based on the as-built information together with details of who would be responsible for the inspection and maintenance of the proposed SuDS and drainage components;
- where the final site layout conflicts with the existing UU foul sewer, then the sewer would require diversion under a Section 185 agreement and a 6m wide easement zone should be provided along the diverted sewer route.

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

Conclusion

- 6.55 The site is allocated for housing in the adopted Local Plan and the proposal is, therefore, acceptable in principle. The scale, layout and design of the development and the impact of the proposal on the living conditions of the occupiers of neighbouring properties and Listed Buildings would be determined at the Reserved Matters stage. Subject to the proposed conditions and a S106 agreement it is considered that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, biodiversity, existing trees, education, open space or archaeology. The proposal is, therefore, recommended for approval subject to the completion of a S106 Agreement.
- 6.56 If Members are minded to grant planning approval it is requested that “authority to issue” the approval is given subject to the completion of a S106 agreement to secure:
- a) the provision of 30% of the units as affordable;

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

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

7. Planning History

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

8. Recommendation: Grant Subject to S106 Agreement

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

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

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

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

- 3. The development shall be undertaken in strict accordance with the approved documents for this Outline Permission which comprise:
 - 1. the submitted planning application form received 24th September 2019;
 - 2. the Site Location Plan (drawing ref 02) received 24th September 2019;

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

Reason: To define the permission.

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

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

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

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

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

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

7. No development shall commence until full details of the wildlife

enhancement measures to be undertaken at the site (together with the timing of these works) have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

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

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

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

9. Adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwellings.

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

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

Site investigations should follow the guidance in BS10175.

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

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

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

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

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

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

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

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

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

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

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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

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

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

16. Prior to the commencement of any development, a condition and capacity

survey of the culverted watercourse (or piped drainage system) downstream of the surface water discharge point shall be provided to the Local Planning Authority. The information provided should also include mitigation measures where it is deemed the improvements are required.

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

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

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

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

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

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

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

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

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a

Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;

- Details of proposed crossings of the highway verge;
- Retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- Surface water management details during the construction phase

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

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

This written scheme will include the following components:

- i) An archaeological evaluation;
- i) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;
- i) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal.

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

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

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

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

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

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

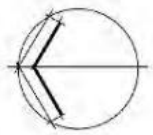
Reason: To ensure that pedestrian links are provided to the application site in the interests of highway safety.

Key



Site boundary

Plan based on mapping from Emapsite,
license no. 0100031673



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

drawing number 02

drawing name Site location plan

project

Housing at Hurley Road, Little Corby

client

Lucy Adamski and Rebecca Smithson

Eden Environment Ltd
www.edenenvironment.com



Key

- Existing buildings (no ridge lines shown)
- Existing vegetation
- Existing combined sewer with 3m easement each side
- Existing contours at 1m intervals



PROJECT	14.09.2010	14.09.2010	14.09.2010
REVISIONS	20.03.2010	01.04.2010	01.04.2010
DATE	14.09.2010	14.09.2010	14.09.2010
REVISIONS	20.03.2010	01.04.2010	01.04.2010
DATE	14.09.2010	14.09.2010	14.09.2010
drawing number	009		
drawing name	Existing site		
project	Housing at Hurley Road, Little Corby		
client	Lucy Adamski and Rebecca Synthson		

Eden Environment Ltd
www.edenenvironment.com

Little Corby Hall

Hurley Road

Lucy's Allotments

Key

- Existing buildings (no ridge lines shown)
- Proposed dwellings (ridge lines shown)
- Existing vegetation (olive green)
- Proposed planting (bright green)
- Existing and proposed trees and footpaths
- Proposed sustainable drainage features
- Proposed footpath links
- Existing combined sewer with 3m easement each side
- Proposed diversion of sewer (indicative route)

Note
The information shown on this plan is for illustrative purposes only and does not constitute a final landscape measure.

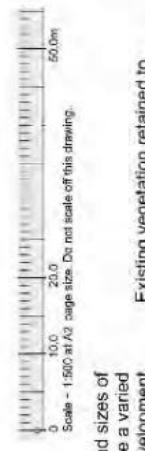
revision

1	14.08.2019	Initial design and site constraints
2	20.08.2019	Proposed scheme
3	26.08.2019	Technical drawings and cost estimate
4	24.09.2019	Final design and construction details
5	24.09.2019	Final design and construction details

drawing number 08
drawing name Illustrative layout

project Housing at Hurley Road, Little Corby
client Lucy Ashurst and Rebecca Synnott

Eden Environment Ltd
www.edenenvironment.com



SCHEDULE A: Applications with Recommendation

19/0909

Item No: 02

Date of Committee: 24/04/2020

Appn Ref No:
19/0909

Applicant:
Mr Welch

Parish:
Dalston

Agent:
Gray Associates Limited

Ward:
Dalston & Burgh

Location: Orton Grange Park, Grange Park Road, Orton Grange

Proposal: Variation Of Condition 1 (Approved Documents) Of Previously Approved Application 19/0863 (Demolition Of Caravan Site Shop, Change Of Use Of Land As Extension To Caravan Site For Siting Of 7No. 'Log Cabin' Style Static Caravans For Holiday Use) To Relocate And Change The Design Of Unit 1 (Retrospective)

Date of Receipt:
28/11/2019 17:00:43

Statutory Expiry Date
23/01/2020 17:00:43

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

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

2. Main Issues

- 2.1 The principle of development;
- 2.2 Whether the redesign and siting of unit 1 is acceptable;
- 2.3 Impacts of the re-siting and design of unit 1 on the living conditions of neighbouring properties;
- 2.4 Impact upon the highway;
- 2.5 Impact upon bio-diversity/trees; and
- 2.6 Other matters

3. Application Details

The Site

3.1 The application relates to Orton Grange Caravan Park, Orton Grange,

Carlisle. The caravan park is situated three miles to the southwest of Carlisle just off the A595 leading to Wigton. The existing site has access from a minor road (Grange Park Road) which is located from the highway which extends from the A595 towards the village of Dalston. The application site lies within the confines of the existing caravan park, which has been in operation since the 1960's.

- 3.2 The caravan park is enclosed by residential properties along its northern and southern boundaries including a small section of the eastern boundary. The park has a reasonable degree of screening, formed by hedges/fences along all of its boundaries with the exception of the western boundary which fronts the minor road. Either side of the site entrance are residential properties in the form of bungalows (known as 'Overdale' to the north and 'Hill View' to the south). There are also two storey dwellings opposite the site entrance which are under construction.

Background

- 3.3 As stated in paragraph 3.1 Orton Grange Caravan Park has been in operation since the 1960's with various planning applications submitted and approved since this time for extensions to the park (as described in section 7 of this report).
- 3.4 In 2009 full planning permission was granted, under application reference 09/0302, for demolition of the caravan site shop (which was located adjacent to the boundary with Hill View) and the change of use of land (previously comprising an area of informal open space, a swimming pool, a variety of play equipment and a plant room) as an extension to the caravan site for the siting of 7no. 'log cabin' style caravans for holiday use. The plans approved under application 09/0302 illustrated the siting of one of the log cabins, unit 1, on the southern side of the site entrance on part of the footprint of the former shop and cafe building. Unit 1 was to be set back into the site, positioned approximately 17.4 metres from the southern boundary with its west elevation sited back from the original rear elevation of 'Hill View'. The approved plans also showed the fencing between the application site and 'Hill View' raised to 2.2 metres along the length of unit 1 to mitigate any potential overlooking.
- 3.5 In 2015, under application reference 15/0333, a variation of condition application was submitted and granted for the variation of condition 4 of previously approved application 09/0302 to allow permanent residential occupation of the caravans. In 2019, under application reference 19/0863, a non-material amendment application was submitted and granted to add an additional condition to reference the approved documents submitted with application 09/0302. The original consent, 09/0302, to which all the applications are linked has been lawfully commenced by the demolition of the caravan site shop prior to the three year expiry date.
- 3.6 Details relating to drainage, landscaping, security barriers and fencing have also all been approved under discharge of condition application 10/0490.

The Proposal

- 3.7 The current application seeks to vary condition 1 (the approved documents) of application 19/0863 to relocate and change the design of unit 1. The submitted drawings illustrate that it is proposed to reposition unit 1 approximately 5.2 metres further towards the site entrance to the west. Although the caravan will still have the same footprint and scale as the units previously approved the design has been changed to composite wooden walls coloured light grey, white UPVC windows and doors under a steel tiled roof. The caravan will still sit on a plinth with its main entrance accessed from the north. Parking for the unit will be on a graveled area to the east with the area to the west retained as private amenity space. A new fence, 2.4 metres in height, is proposed along the boundary with Hill View.
- 3.8 At the time of the officer site visit all of the above works had been completed, therefore the application is seeking retrospective consent.

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 11 neighbouring properties/interested parties. In response to the consultation undertaken 7 letters of objection and 1 comment has been received.
- 4.2 The letters of objection cover a number of matters which are summarised as follows:
1. object to proposal for 7 log cabins;
 2. bought park home as were told park was for residents over 50 only;
 3. holiday lodges would invade privacy and way of life;
 4. object to log cabin type holiday lets;
 5. unfair for park homes to have letting homes as neighbour;
 6. impact upon re-sale value of property;
 7. increase in transport on the park from 7 new log cabins and associated health and safety problems;
 8. query regarding level of consultation;
 9. noise impacts from holiday makers and children running about;
 10. water supply and sewage concerns;
 11. electric supply on the park is not adequate;
 12. original plans were submitted in 2010 and work must start within 3 years;
 13. concerns that a TPO on the park will be removed;
 14. no one from planning comes onto the park to inspect work undertaken by owner;
 15. health and safety rules on the park are not adhered to;
 16. concern owner on the park does what he wants;
 17. rules for park homes are not adhered to;
 18. siting of unit 1 in final position is unacceptable;
 19. unit 1 is on higher ground and built on a plinth;
 20. overlooking of neighbouring property from windows on unit 1;

21. fire safety as unit 1 is sited too near adjacent fence, should be 3 metres;
22. unit is sited too near the road, should be 2 metres;
23. query where sewage is discharging to;
24. neighbouring property no longer overlooked by unit 1 due to erection of huge wooden fence; and
25. concern over size/scale of new fence in relation to neighbouring property including safety of new fence and aesthetics;

4.3 The comment received is summarised as follows:

1. extension to the park for holiday homes means an entirely different clientele;
2. restriction on age limit/children and required parking spaces for resident visitors will be lost;
3. electrical system for new development would be inadequate as all have been informed that it is at maximum handling capacity now;
4. happy for extension to park to be residential park homes as they are now; and
5. holiday static caravans would destroy the community life and what residents have bought into

4.4 One anonymous letter has also been received during the consultation period which is summarised as follows:

1. conditions 6 (landscaping) and 7 (timber fence) have been ignored;
2. expect planning officer to know siting distances for park homes;
3. unit 1 does not comply with 'Model Standards 2008 for Caravan Sites in England, Caravan Sites and Control of Development Act 1960- Section 5' as it will be less than 3 metres from the boundary of the application site and more than 30 metres from a fire point;
4. proposal does not mention positioning of fence in relation to Hill View;
5. query regarding discharge of foul drainage;
6. positioning of unit 1 in relation to site access;
7. should be 2 metres from caravan to site access and 11 metres from boundary to site road;
8. electric supply on the park is at its limit and needs to be upgraded; and
9. appears to be laxity in checking details conform to current standards and work carried out following permission granted.

5. Summary of Consultation Responses

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

Dalston Parish Council: - no observations.

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), Policies SP1, SP2, SP6, EC9, EC10, EC11, IP3, IP6, CC5, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 (CDLP), and, the Dalston Parish Neighbourhood Plan (DPNP) 2015-2030.
- 6.3 Other material considerations are the Council's Supplementary Planning Documents (SPD) adopted by the City Council 'Trees and Development' and 'Achieving Well Designed Housing'.
- 6.4 The proposal raises the following planning issues:

1. The Principle Of Development

- 6.5 The principle of siting 7 additional caravans on the site for permanent occupation has been previously assessed and established as acceptable under application references 09/0302 (the original application for the 7 additional units), 15/0333 (the variation of condition application which granted the variation of condition 4 of previously approved application 09/0302 to allow permanent residential occupation of the caravans) and 19/0863 (a non-material amendment application which was granted to add an additional condition to reference the approved documents submitted with application 09/0302). The original consent, 09/0302, to which all the applications are linked has been lawfully commenced by the demolition of the caravan site shop prior to the three year expiry date.
- 6.6 Details relating to drainage, landscaping, security barriers and fencing have also all been approved under discharge of condition application 10/0490. In such circumstances matters relating to the principle of the development, impact upon highway safety, drainage, trees etc have all been dealt with via the previous consents. The key issues therefore to consider under the current application are whether the redesign and siting of unit 1 is acceptable together with the impacts of the re-design and siting of unit 1 on the living conditions of neighbouring properties and highway safety.

2. Whether The Redesign And Siting Of Unit 1 Is Acceptable

- 6.7 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and, optimise the potential of the site to

accommodate and sustain the appropriate mix of development. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Paragraph 131 goes on to confirm that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 6.8 Policy DNP-JE1 of the DPNP (Employment Development) also supports proposals for the conversion of existing buildings or well designed new buildings for the sustainable growth and expansion of all types of business and enterprise where they are compatible with surrounding uses and where there are no significant adverse residential or visual amenity impacts.
- 6.9 Policy SP6 of the Carlisle District Local Plan 2015-2030 also seeks to secure good design and contains 12 design principles of how proposals should be assessed. Furthermore in terms of design Policy EC10 of the CDLP which specifically relates to caravan, camping and chalet sites states that such proposals will be supported where the siting, scale or appearance of the proposal does not have an unacceptable adverse effect on the character of the local landscape, or upon heritage assets or their settings.
- 6.10 The approved plans for the previous consents for the site illustrated that the 7 additional units would be 'log style' cabins located on plinths clad with wood. Unit 1 was to be located on the southern side of the site entrance, set back into the site with the main access from the north. The caravan was to be positioned so that its west elevation was set back from the original rear elevation of the neighbouring property 'Hill View' to the south.
- 6.11 The current application seeks to reposition unit 1 approximately 5.2 metres further towards the site entrance to the west. Although the caravan will still have the same footprint and scale as the units previously approved the design has been changed to composite wooden walls coloured light grey, white UPVC windows and doors under a steel tiled roof. The caravan will still sit on a plinth with its main entrance accessed from the north. Parking for the unit will be on a graveled area to the east with the area to the west retained as private amenity space.
- 6.12 It is appreciated that the entrance to Orton Grange Caravan Park is surrounded by residential properties of varying design and scales. Unit 1 although located further towards Grange Park Road will still be set back beyond the front elevation of the residential property to the south 'Hill View' and 12.4 metres from the western boundary of the site. The proposed changes to the siting and design of unit 1 would therefore not be unduly conspicuous within the existing street scene. Although the remaining units within the caravan park are set back significantly from the road and are not particularly visible it is noted that the redesign of unit 1 would also be complementary to the design of the other residential caravans. In such

circumstances the re-siting and design of unit 1 is acceptable.

3. Impacts Of The Re-Siting And Design Of Unit 1 On The Living Conditions Of Neighbouring Properties

- 6.13 Paragraph 127(f) of the NPPF highlights that developments and decisions should

"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."

- 6.14 The City Councils' 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)."

- 6.15 As stated in paragraph 3.2 there are residential properties located either side of the site entrance and opposite. Given the positioning of unit 1 in relation to the residential properties to the north and west it is not considered that the re-siting and design of unit 1 would have an adverse impact upon the living conditions of any occupiers of these properties in terms of overlooking, over dominance or loss of light to warrant refusal of permission on this basis.

- 6.16 In terms of the impact upon the living conditions of the occupiers of 'Hill View' it is appreciated from the officer site visit that Hill View is located at a lower level to Orton Grange Caravan Park with primary windows situated on the front and rear elevations. The property has a single storey porch extension to the rear as well as a conservatory attached to the northern gable. A kitchen window is also located on the north elevation of the property.

- 6.17 Members should be aware that the windows serving the porch to the rear of Hill View are not regarded as primary windows as a porch is not a habitable room. Furthermore the kitchen and conservatory windows on the northern gable are deemed to be secondary windows as the primary windows to these rooms are located on the front and rear elevations of the property.

- 6.18 The proposed fencing (which is 0.2 metres higher than the previously approved fencing) along the boundary of the Caravan Park and Hill View obscures all of the south elevation of unit 1 with only the roof visible which hips away from the southern boundary. In such circumstances there will be no adverse impacts upon the living conditions of the occupiers of Hill View in terms of overlooking.

- 6.19 With regard to impacts on the neighbouring property in terms of over dominance and loss of light it is appreciated that the fencing along the site boundary will be visible from Hill View however it is important for Members to distinguish what is visible opposed to what is prominent and oppressive. As the fence has been newly constructed it is more noticeable to the eye however over time the more noticeable appearance will fade as it weathers. Whilst the fencing is indeed visible it is not considered that it is oppressive enough to warrant refusal of permission given that it is only 0.2 of a metre higher than the fencing approved under previous applications and taking into account the scale of the caravan site shop/cafe which was formally located immediately adjacent to the boundary. Furthermore, given the location of the fence and unit 1 to the north the proposed development will not cause any issues with regard to loss of light.

4. Impact Upon The Highway

- 6.20 The previously approved permissions for the site illustrated the provision of one parking space immediately to the west of unit 1. A graveled parking area has now been located to the east of unit 1 with the area to the west retained as private amenity space.
- 6.21 The impacts of additional traffic movements to and from the site as a result of the additional 7 caravans, including unit 1, has been previously assessed and established as acceptable under application 09/0203. The Highway Authority has not raised any objections to the internal changes proposed within the site as a result of the current application therefore it is not considered that the current application would cause a detrimental impact upon highway safety.

5. Impact Upon Biodiversity/Trees

- 6.22 Given the scale and nature of the proposed changes it is not considered that the proposal will have an adverse impact upon any trees, protected species or their habitats.

6. Other Matters

- 6.23 A number of objectors have cited concerns that the 7 units will be for holiday homes and will subsequently impact upon privacy, highway safety, property values and way of life on the park. Whilst the original application for the 7 units (reference 09/0302) was for holiday homes a variation of condition application was granted in 2015 (reference 15/0333) to allow permanent residential occupation of the 7 units.
- 6.24 Objectors have also raised concerns that the siting of unit 1 will not comply with the 'Model Standards 2008 for Caravan Sites in England- Control of Development Act 1960 Section 5'. Objectors state that no caravan or combustible structures shall be positioned within 3 metres of the boundary of the site, no caravan or site building shall be more than 30 metres from a fire point, and, the distance from a caravan to a site road shall be at least 2 metres. Members should be aware that these issues will be dealt with under the relevant site licence which is a matter for Environmental Health.

- 6.25 Objectors have raised concerns that the electrical system on the park is inadequate as it is at maximum handling capacity. This is however not a planning matter.

Conclusion

- 6.26 To conclude the principle of siting 7 additional caravans on the site for permanent occupation has been previously assessed and established as acceptable under application references 09/0302, 15/0333 and 19/0863. Matters relating to the principle of the development, impact upon highway safety, drainage, trees etc have also all been dealt with via the previous consents.
- 6.27 The proposed changes to the design and positioning to unit 1 would not be unduly conspicuous within the existing street scene given that it will be sited beyond the front elevation of the neighbouring property 'Hill View' and over 12.4 metres from the western boundary. The redesign of unit 1 would also be complementary to the design of the other residential caravans within the park.
- 6.28 Given the location of the development in relation to the primary windows of neighbouring properties and taking into account what has been previously approved it is not considered that the changes to unit 1 would have a significant adverse impact upon the living conditions of any occupiers of neighbouring properties in terms of loss of light, overlooking or over dominance to warrant refusal of the application on this basis.
- 6.29 The Highway Authority has not raised any objections to the internal changes proposed within the site as a result of the current application therefore it is not considered that the current application would cause a detrimental impact upon highway safety. Furthermore given the scale and nature of the proposed changes it is not considered that the proposal will have an adverse impact upon any trees, protected species or their habitats.
- 6.30 In all aspects the development is considered to be compliant with the objectives of the relevant Development Plan Policies and approval is recommended.
- 6.31 The original planning permission continues to exist, therefore, to assist with clarity, those conditions that have not been either: discharged, part discharged; or are instructive it is recommended that these conditions be repeated within the conditions as part of this planning approval should Members approve the application.

7. Planning History

- 7.1 There are a number of planning applications relating to this site. The most recent and relevant are:
- 7.2 In 2019 a non material amendment was granted for non material amendment

of previously approved permission 09/0302 for the addition of a condition to reference the documents submitted with the application and to which the approval relates (reference 19/0863);

- 7.3 In 2015 planning permission was granted for the removal of conditions 2 and 3 and variation of condition 4 to allow permanent residential occupation of the caravans of previously approved application 09/0302 (reference 15/0333);
- 7.4 In 2011 a variation of condition application was granted for variation of condition 2 of planning consent 00/0945 to allow additional 10no.residential caravans and alterations to site layout (alteration to site layout previously approved under reference 02/1227 (reference 11/0147);
- 7.5 In 2010 full planning permission was granted for proposed store/workshop (reference 10/1036);
- 7.6 In 2010 a discharge of condition application was granted for the discharge of conditions 5 (surface water disposal); 6 (landscaping scheme), 7 (fence details) and 8 (security barriers) of previously approved application 09/0302 (reference 10/0490);
- 7.7 In 2009 full planning permission was granted for renewal of permission for temporary sales office (retrospective application, reference 09/0958);
- 7.8 In 2009 full planning permission was granted for demolition of caravan site shop, change of use of land as extension to caravan site for siting of 7no.'log cabin' style static caravans for holiday use (reference 09/0302);
- 7.9 In May 2009 planning permission was granted for the erection of a detached garage (Application 2009/0240);
- 7.10 In October 2008 planning permission was granted for the erection of a detached garage (Application 2008/0886);
- 7.11 In February 2008 planning permission was refused for the variation of Condition 2 of application 02/1227 to permit the siting of 54 permanent residential caravans (Application 2008/0139);
- 7.12 In December 2007 planning permission was granted, retrospectively, for the erection of two electricity substations (Application 2006/1414);
- 7.13 In September 2006 temporary planning permission was granted for the erection of a sales office (Application 2006/0857);
- 7.14 In May 2006 planning permission was granted for the erection of a detached garage (Application 2006/0371);
- 7.15 In January 2005 planning permission was granted for the demolition/removal of the bungalow, shop and swimming pool and the use of the site as an extension to the residential caravan park, together with the variation of Condition 2 of planning consent 00/0945 to allow an increase in the number

of residential caravans from 33 to 34 and 8 holiday caravans (Application 2004/1055). This permission has not been implemented.

- 7.16 In December 2003 planning permission was granted for the variation of condition 2 of planning consent 2000/0945 to allow an additional 10no. residential caravans and alterations to site layout. This approval has been implemented (Application 2002/1227);
- 7.17 In January 2001 permission was granted to increase the number of residential caravans on the site from twenty two to twenty three (Application 2000/0945); and
- 7.18 Planning permission was originally granted for the use of the land as a caravan site in 1961 (Application BA2669). A further extension to the caravan site was approved in 1976 (Application 76/0400).

8. Recommendation: Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this planning permission which comprise:
 1. the submitted planning application form received 28th November 2019;
 2. the application form received 15th April 2009 in respect of application 09/0302 as varied by the application form received 28th April 2015 in respect of application 15/0333;
 3. the site location plan received 28th November 2019 (Drawing No.D.01);
 4. the site layout and location plan received 10th June 2009 (Drawing No.OG.P.04A) in respect of application 09/0302 (except for unit 1 which has been varied under this permission);
 5. the proposed site plan showing the repositioning of unit 1 received 21st January 2020 (Drawing No.D.02)
 6. the proposed floor plans and elevations of unit 1 received 21st January 2020 (Drawing No.D.03b);
 7. the proposed floor plans and elevations of the 'log cabin' style caravans received 27th April 2009 (Drawing No.OG-P-SK-07) in respect of application 09/0302 (except for unit 1 which has been varied under this permission);
 8. the tree protection measures received 15th April 2009 (Drawing No. OG-T-06) in respect of application 09/0302;
 9. the supporting document received 21st January 2020;

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.

2. The residential caravans hereby approved shall not be occupied until they have been connected to the private treatment plant.

Reason: To ensure that foul sewage from the proposed development does not lead to the pollution of groundwater or surface waters in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

3. The development shall be implemented in accordance with the approved surface water disposal scheme discharged under application 10/0490 (Drawing No. OG.P.010 received 26th May 2010 and email from agent received 23rd June 2010).

Reason: To ensure that an acceptable scheme is implemented in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

4. The landscaping works, including tree protection measures, approved under discharge of condition application 10/0490 (Drawing No.1006.01A received 5th July 2020) shall be carried out as approved prior to the occupation of any part of the development or in accordance with a programme agreed by the Local Planning Authority. Any trees or other plants, which die or are removed within the first five years following the implementation of the landscaping scheme, shall be replaced during the next planting season.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015 -2030.

5. The 2.4 metre timber fence along the southern boundary of the site hereby approved shall be retained in perpetuity.

Reason: To protect the living conditions of the neighbouring property. In accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. The development shall be implemented in accordance with the scheme for security barriers approved under discharge of condition application 10/0490 (Drawing No. OG.P.04 A/b received 27th July 2010 and literature received 26th May 2010).

Reason: To minimise disturbance to the existing residents in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

Location Plan (1:1,250)



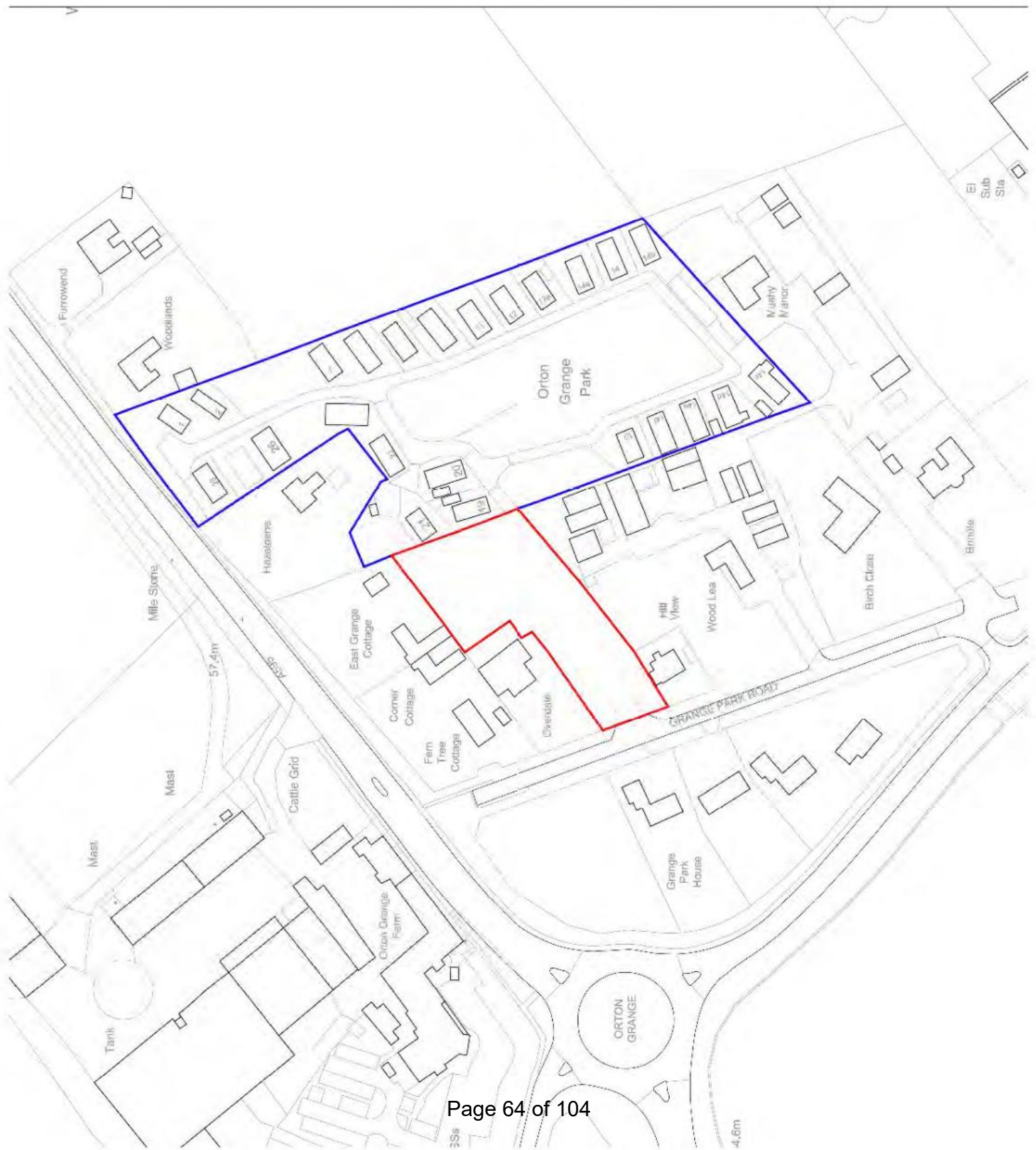
Revision Status	Initials
Rev Date Amendments	

Agent
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Client:
James Welch

Drawing
Title: Location Plan
Scheme: OG Caravan Park
Scale: 1:1,250
Date: Nov 2019
DWG No.: D-01
Drawn: D Gray

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Drawing to be placed in A3



Approved Floor Plans and Elevations for 09/0302

Eclipse



12.5M x 6.5M (15' x 20') - 2 Bedroom 2 Bathroom



HEAVENLY HOLIDAY CARAVANS



Dreamcatcher



9.8M x 6.1M (15' x 20') 3 Bedrooms - includes 8'9" balcony & outdoor



STYLISH HOLIDAY HOMES



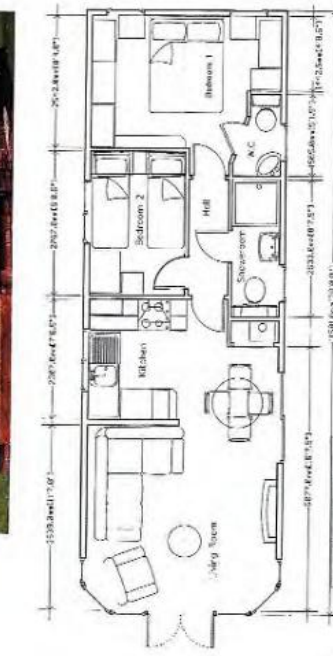
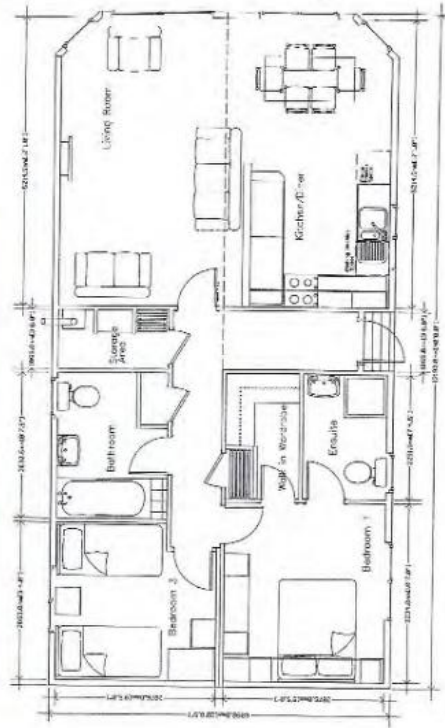
Azure



HEAVENLY HOLIDAY CARAVANS



STYLISH HOLIDAY HOMES



RECEIVED
27 APR 2009
09/0302

TYPICAL PLANS & ELEVATIONS
LOG CABIN STYLE CARAVANS

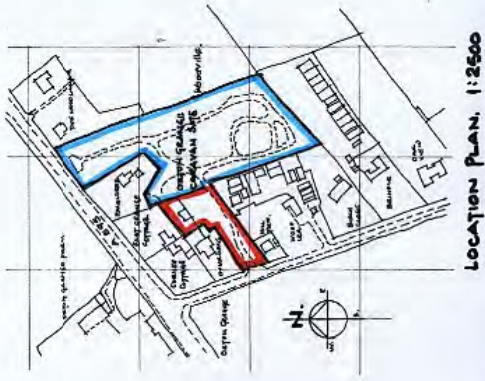
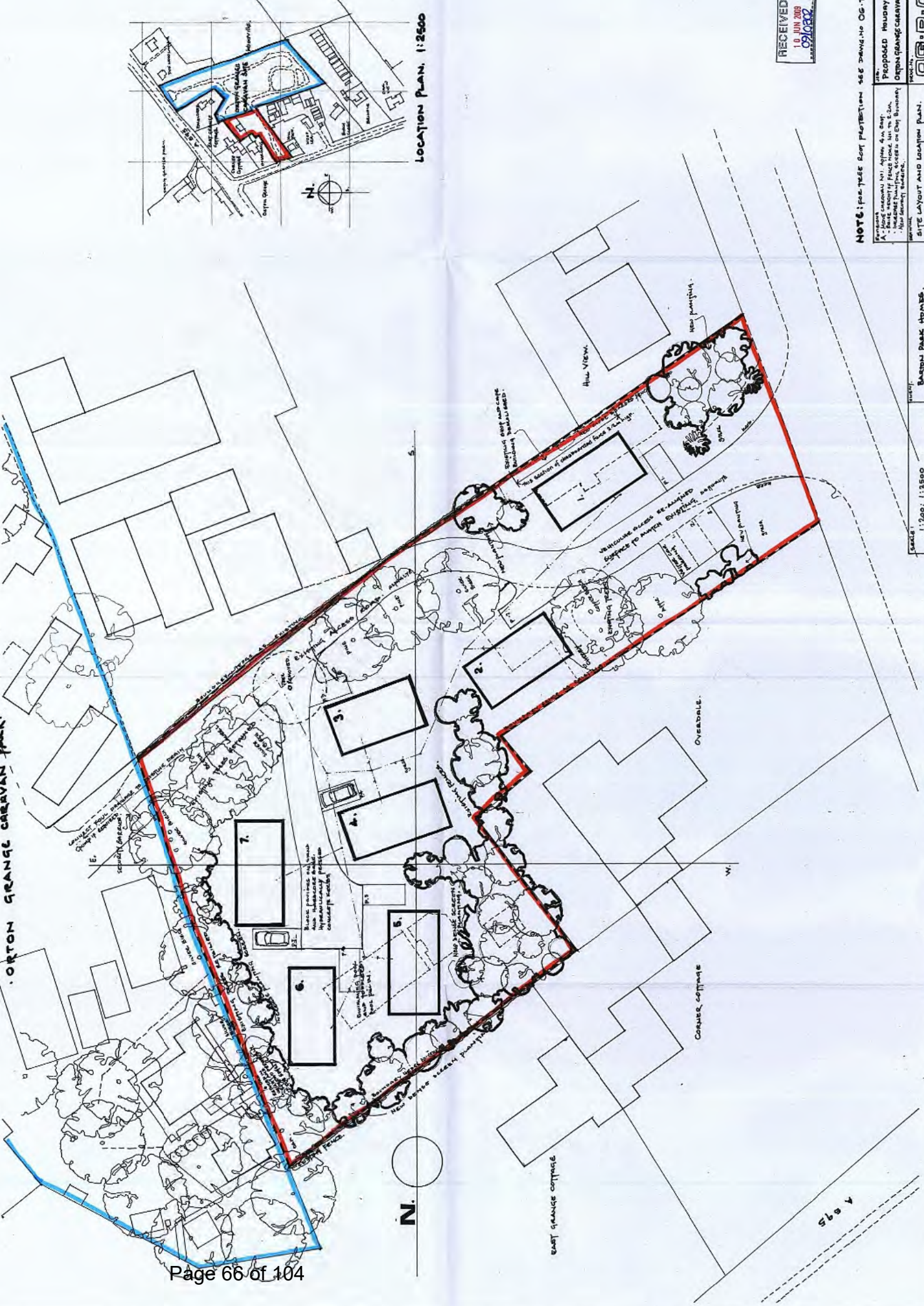
PROPOSED HOLIDAY CARAVANS
OCEAN GRANDE CARAVAN SITE 09/0302

CLIENT
BARKTON PARK HOMES

SCALE
NOT TO SCALE

PROJECT
06-P.S.K-07

Approved Site Plan for 09/0302 Showing Location of Unit 1



LOCATION PLAN 1:2500



NOTE: PLEASE REFER TO DRAWING SET DRAWING NO. 09-T-06

PROPOSED HUNTER CARRAVAN'S

ORION GRANGE CARRAVAN SPT. 09/0302

PROJECT: SITE LAYOUT AND LOCATION PLAN

SCALE: 1:200 / 1:2500

DATE: 09/04/09



Drawing Status:
Rev: 04/21/2020

1/1/2020

Agency:

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Client:

James Welch

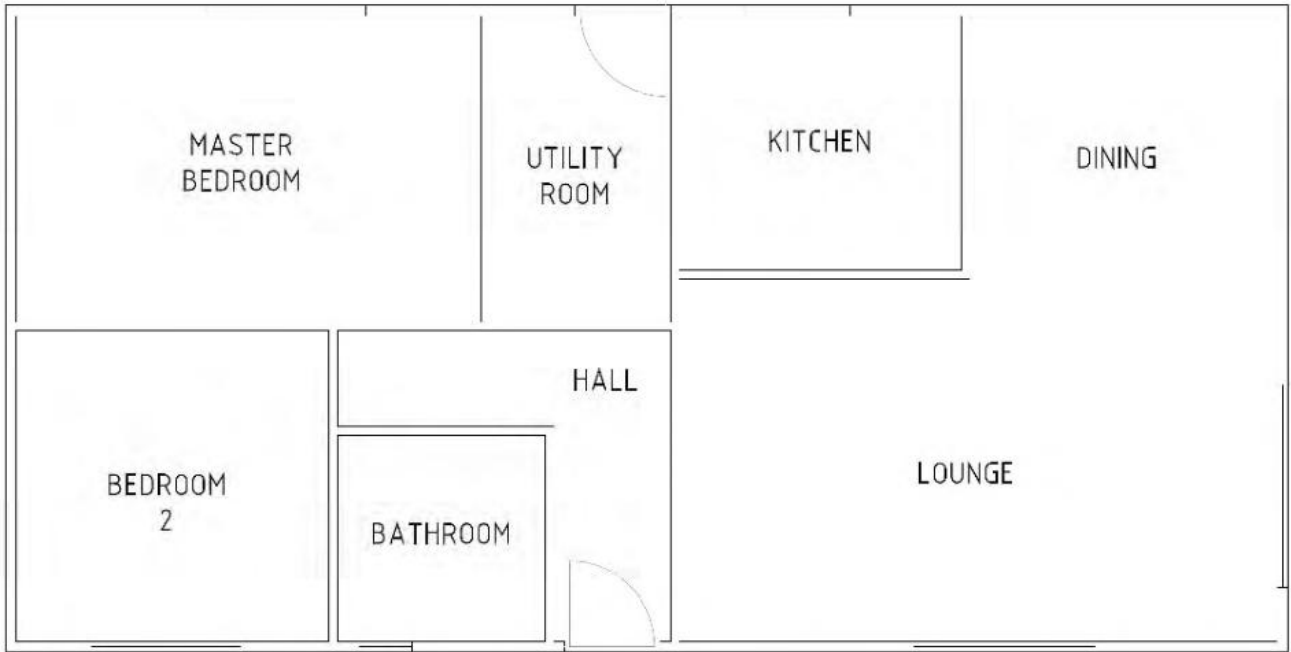
Drawing:

Title: Site Plan
Reference: D33 Cambridge Park
Scale: 1:200
Date: Jan 2020
Drawn by: JGW
Checked: JGW

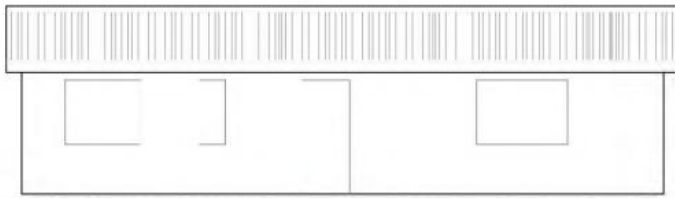
A2

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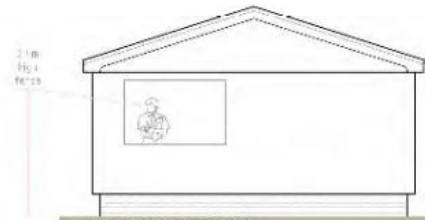




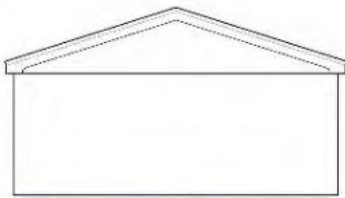
GROUND FLOOR PLAN



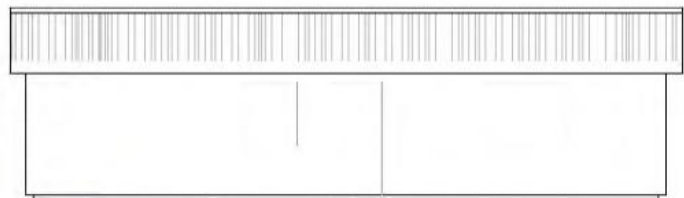
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION

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Client

James Welch

Drawing

Title: Unit 1 Floor Plans and Elevations
 Scheme: OG Caravan Park
 Scale: 1:50 & 1:100
 Date: Jan 2020
 Dwg No.: D.03b
 Drawn: D Gray

SCHEDULE A: Applications with Recommendation

20/0002

Item No: 03

Date of Committee: 24/04/2020

Appn Ref No:
20/0002

Applicant:
Ms Lucy Armstrong

Parish:
Irthington

Agent:
Sam Greig Planning

Ward:
Longtown & the Border

Location: Cumrenton Farm, Irthington, Carlisle, CA6 4PG

Proposal: Erection Of 1no. Dwelling

Date of Receipt:
03/01/2020

Statutory Expiry Date
28/02/2020

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Scale, Design And Impact On The Character Of The Area
- 2.3 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.4 Impact On Highway Safety
- 2.5 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.6 Impact Of The Proposal On Biodiversity
- 2.7 Landscaping
- 2.8 Other Matters

3. Application Details

The Site

3.1 The application site is located approximately 0.63 miles (1 kilometre) west of Newtown. From the county highway to the north, an access lane leads south between agricultural fields for a distance of approximately 420 metres before

reaching the application site.

- 3.2 The land is bounded to the east by a hedgerow with open countryside on the remaining sides. The land has previously been used as an informal stackyard and is relatively level in form and topography.
- 3.3 To the south of the application site is a portal frame agricultural building and beyond that, a replacement dwelling is currently under construction.

The Proposal

- 3.4 This application is for full planning permission for the erection of a detached two storey dwelling. The front elevation would be a striking façade with a projecting gable, detailed stonework, steeply sloping roofs and a dormer window. The fenestration to the remaining elevations would also contain equal variance with projecting gables, dormer windows and a prominent chimney. The window and door openings would be proportionate.
- 3.5 The materials would comprise of reclaimed Welsh slate, lead clad dormer windows, cast iron rainwater goods, Furness Buff Edwardian facing brick and Stanton Buff stone surrounds and features. Windows and doors are proposed to be painted timber coloured grey. The drive and parking areas would be tarmacadam.
- 3.6 To the north of the land for the proposed dwelling, a new road would be created from the access lane that curves around the north of the site, adjacent to the western boundary that would then serve the replacement dwelling to the south.

4. Summary of Representations

- 3.1 This application has been advertised by means of a site notice. In response, no representations have been received.

5. Summary of Consultation Responses

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

A PROW (public footpath/ bridleway/ byway) number 119003 lies adjacent to the site, the applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

The proposal for one additional dwelling on this site and using the existing access is unlikely to have a significant effect on the existing highway conditions. With it being located off a narrow access track, it is recommend that there are passing places built every 40 metres to allow for vehicles to pass and avoid vehicles waiting on the highway.

The plans do not show any surface water drainage measures for the dwelling

however it has been noted in the application form that there will be a soakaway. This should be situated at least 5 metres from the dwelling and the highway.

The Highway Authority and Lead Local Flood Authority have no objections to this proposal subject to the imposition of a drainage condition;

Irthington Parish Council: - although the new proposed building may cover a smaller footprint than the original barn it is outwith the footprint of the agricultural barns and is to be built on grazing land, which members felt is essentially a greenfield site and therefore contravenes Policy HO6.

If the Development Control Committee is mindful to approve the application, then the development should be restricted to one house;

Local Environment - Environmental Protection: - no objection raised but comments submitted in respect of noise and vibration, dust and contamination with mitigation measures and a condition suggested;

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

The Ramblers: - no response received;

Cumbria County Council - (Highway Authority - Footpaths): - Public Footpath 119003, follows an alignment through the southern area of the proposed development, the footpath must not be altered or obstructed before or after the development has been completed.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP2, SP6, HO2, HO6, IP2, IP3, IP4, IP6, CC5, HE6, GI1, GI3 and GI5 of the Carlisle District Local Plan (CDLP) 2015-2030. The Supplementary Planning Document 'Achieving Well Designed Housing' adopted by the City Council is also a material planning consideration. The proposals raise the following planning issues.

1. Whether The Principle Of Development Is Acceptable

- 6.3 In respect of dwellings outwith villages in the rural area Paragraph 79 of the NPPF outlines that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The NPPF identifies five special circumstances as: the essential need for a rural worker

to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the development would involve the subdivision of an existing residential dwelling; or the exceptional quality or innovative nature of the design of the dwelling.

- 6.4 Ordinarily, new residential development in this rural location would be unacceptable. From the planning history it is apparent that consent has been granted for the conversion of a nearby barn. The application is accompanied by an Explanatory Statement which highlights in depth the weight which should be attached to the 'fallback' position. It is stated in paragraph 3.2 that:

*"The most recent and current leading Judgment on the principle of the 'fallback position' is outlined in the Court of Appeal Judgement 'Mansell v Tonbridge and Malling BC [2016] EWHC 2832 (Admin)' (Case No. C1/2016/4488). Lord Justice Lindblom, the presiding Judge, provided an explanation of the 'fallback position'. In doing so, at Paragraph 27 (2) Lord Justice Lindblom quotes an earlier judgement by Lord Justice Sullivan stating that **"The basic principle is that "... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice".**"*

- 6.5 In paragraph 3.3 the assessment continues:

"The aforementioned Judgement is particularly relevant to the current application as it related to whether or not Tonbridge and Malling Borough Council were correct in granting consent for a new build development on the basis that the barns could potentially be converted under Class Q in Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development (England) Order 2015. Lord Justice Lindblom concluded that they were thereby establishing a legal precedent and hence the Judgement's direct relevance to this application."

- 6.6 Nationally there have been a few successful applications, whereby a basic barn is given prior approval for change of use to be converted, and then a second full planning application for a new dwelling(s) made, relying heavily on the 'fallback' argument. These have been allowed by both district council's and the Planning Inspectorate. This fallback argument makes the case for the new dwelling(s) by essentially showing the new purpose built dwelling will be better for the occupants, and more attractive than the conversion that would otherwise be shoehorned into the existing barn envelope. The argument aims to approve something altogether better in spite of being generally against local planning policy. It should be noted however, that the fallback position is not automatically a green light to allow a new build dwelling and it is for the determining authority to apportion the amount of weight that should be given to it.

- 6.7 In this instance, the existing building is a portal framed building of no architectural merit. It consists of concrete blocks, fibre cement sheeting and

steel gates. The main frame is steel with some timber supports in the roof structure. It is 23m x 10m in plan, although there is an overhang on the front (south) elevation making the overall depth around 11m. The conversion of the barn would result in a cramped form of development that would be ill-related to the replacement dwelling. On the contrary, the proposed dwelling would be appropriately sited as a 'lodge' to the main house, together with the proposed realignment of the access road. These factors, together with the architectural merit of the dwelling, should be afforded weight in the determination of this application.

- 6.8 The current application site is in open countryside and the provision of a second dwelling (over and above the replacement dwelling already granted planning permission) on the site in the absence of any justification would be contrary to both the NPPF and local plan policies.
- 6.9 Members will note that a second dwelling is the concern of the parish council. The issue of the fallback position is highlighted in the foregoing sections of this report. The conversion of the barn that was subject to an earlier application under the prior approval application route, remains extant. Therefore, to avoid the formation of two additional dwellings through both the conversion of the building and erection of a new building which would be contrary to planning policies, it is appropriate to include a planning condition requiring the demolition of the barn prior to the commencement of development.
- 6.10 It is important that should permission be granted, that this is not a precursor for the demolition of every barn and erection of a replacement dwelling. Each application must be considered on its merits and the appropriate weight given to the individual elements of the fallback position. Based on this assessment, the principle of development is acceptable.

2. Scale, Design And Impact On The Character Of The Area

- 6.11 The NPPF promotes the use of good design with paragraph 127 outlining 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.”*

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

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

- 6.13 Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.14 The building would be a two storey property. The front elevation would be a striking façade with a projecting gable, detailed stonework, steeply sloping roofs and a dormer window. The fenestration to the remaining elevations would also contain equal variance with projecting gables, dormer windows and a prominent chimney. The window and door openings would be proportionate.
- 6.15 The materials would comprise of reclaimed Welsh slate, lead clad dormer windows, cast iron rainwater goods, Furness Buff Edwardian facing brick and Stanton Buff stone surrounds and features. Windows and doors are proposed to be painted timber coloured grey. The drive and parking areas would be tarmacadam.
- 6.16 The proposed dwelling reflects the materials and architectural features that have been used on the site of a replacement dwelling granted under application 19/0041 to the south of the site. The building would be acceptable in the context of the its immediate surroundings by incorporating appropriate materials. The scale of the dwelling is considered to be appropriate to the size of the plot with sufficient amenity and parking spaces retained. The new dwelling would therefore not form a discordant feature and would have a positive contribution to the character and appearance of the surrounding area

and is therefore acceptable in this regard.

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

- 6.17 Policy CM5 of the local plan requires that development proposals do not adversely affect the amenity of residential areas by virtue of inappropriate development, scale or being visually intrusive.
- 6.18 Other than the replacement dwelling being built that is within the applicant's ownership, the nearest residential property is West Winds in Newtown that is approximately 400 metres to the east of the site. Given the location of the proposed development in relation to neighbouring properties it is not considered that the development would have a detrimental impact on the living conditions of the occupiers of any neighbouring properties through loss of light, over dominance or overlooking.

4. Impact On Highway Safety

- 6.19 The building would be approximately 420 metres south of the County highway that is accessed along a private lane. There is adequate parking provision within the site.
- 6.20 Cumbria County Council as the Highway Authority has raised no objection but advises that the applicant considers the formation of passing places given the length of the lane. The agent has advised that many sections of the track are wider than 4.1m which provides natural passing places along its length and that the existing track will be upgraded from its present state; the localised damage to which has been caused by construction traffic. Accordingly, it is not considered that this proposal raises any issues with regard to highway safety.
- 6.21 A public right of (public footpath number 119003) crosses the lane to the south of the proposed dwelling. The development would not affect the alignment of the public's right to access the footpath; however, it would be appropriate to include an informative within the decision notice advising that there should be no obstruction during or after the completion of the development.

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

- 6.22 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 submitted as part of the application outlines that foul sewage would be to a package treatment plant whilst surface water would be to a soakaway. Whilst these means of discharge are acceptable, no details have been submitted and it is therefore appropriate to impose planning conditions that require the submission and agreement of further details.

6. Impact Of The Proposal On Biodiversity

- 6.23 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.
- 6.24 The building was occupied as a dwelling that included accommodation in the roof space. The dwelling has been cleared internally and partially stripped out and as a result of this work, that was disruptive and invasive. The councils 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 proposal would involve development on agricultural land, the development would not harm a protected species or their habitat; however, it would be appropriate to include an informative within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

7. Landscaping

- 6.25 Policy SP6 of the local plan requires landscaping schemes (both hard and soft) to be submitted for new developments in order to ensure that new developments are fully integrated into its surroundings. The submitted plans indicate the retention of the existing hedgerow along the eastern boundary with the access and parking areas being surfaced with tarmac. These details are acceptable; however, given the location of the site, it is not considered necessary to impose a landscaping condition.
- 6.26 The drawings do not show any boundary treatment and the application forms show none are to be provided. A physically undefined curtilage is acceptable; however, given the location of the site adjacent to the footpath and the Hadrian's Wall Buffer Zone, should the applicant decide that a physical boundary is preferable, it would be appropriate to impose a condition requiring the submission and agreement of boundary details prior to their use on site. As such, a condition should be imposed removing permitted development for such works.

8. Other Matters

- 6.27 The site is within an area of archaeological sensitivity; however, Historic England has raised no objection.
- 6.28 Policy HE1 of the local plan seeks to control development within the Hadrian's Wall World Heritage Site 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 development result in a positive additional the character of the area and therefore would not adversely affect the character or appearance of the Buffer Zone.

- 6.29 The council's Environmental Health Officer has raised no objection but has highlighted three issues, namely noise and vibration, dust and contamination. In respect of the first two matters, it is stated that the site is located within a residential area and that consideration should be given to limiting construction hours, noise mitigation and well as appropriate measures to mitigate nuisance from dust from the site. There are no properties adjacent to the site, other than the applicant's replacement dwelling. No such conditions were placed on the planning permission for the replacement dwelling and as such, it would be unreasonable to impose such considerations under these circumstances.
- 6.30 In respect of contamination, the application is accompanied by a Statement on Land Contamination that it is the applicant's opinion, given the historical use of the land for agricultural and absence of any buildings on the land, that no contamination exists; however, it would be appropriate to impose a condition in the event that there is some previous unidentified contamination so that the land can be appropriately remediated.

Conclusion

- 6.31 In overall terms, the principle of the erection of a dwelling is acceptable. The scale and design would be appropriate to the site and would not result in an adverse impact on the character or appearance of the area.
- 6.32 The development does not raise any archaeological issues and would not be detrimental to the character or appearance of the surrounding area. Adequate provision would be made for foul and surface water drainage (through the imposition of planning conditions) together with the access and parking arrangements.
- 6.33 In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

7. Planning History

- 4.1 There is no direct planing history in relation to this parcel of land.
- 4.2 In 2018, planning permission was granted for the demolition of the adjacent farmhouse and erection of a replacement farmhouse including garage block and self contained annex.
- 4.3 An application for prior approval was granted in 2019 for the conversion of a barn to residential.

- 4.4 Also in 2019, applications were submitted and approved under the prior approval notification procedure separately for the erection of an agricultural building and also for the formation of access tracks.

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 3rd January 2020;
2. the Location Plan received 3rd January 2020);
3. the Proposed Site Plan received 3rd January 2020 (Drawing no. 19/01/942-42);
4. the Lodge House - Proposed Plans & Elevations received 3rd January 2020 (Drawing no. 19/01/942-01);
5. the Explanatory Statement received 3rd January 2020;
6. the Statement on Land Contamination received 3rd January 2020;
7. the Notice of Decision;
8. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. Prior to the commencement of any development, a surface water drainage scheme based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority.

The surface water system shall demonstrate 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 building in a 1 in 100 year event plus 40 % to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc). The scheme must also 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.

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 surface water public sewer, the pass forward flow rate to the surface water public sewer must be restricted to 5l/s

for any storm event.

Reason: To ensure a satisfactory form of development and to secure a proper drainage scheme in accordance with policies within the National Planning Policy Framework, the National Planning Practice Guidance and Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030.

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 commencement of development hereby approved, the agricultural building subject to planning application 19/0003/COU shall be demolished in its entirety.

Reason: To avoid the potential of multiple dwellings being created in this location in accordance with Policies HO2 and HO6 of the Carlisle District Local Plan 2015-2030.

6. 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.

7. 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.

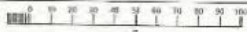
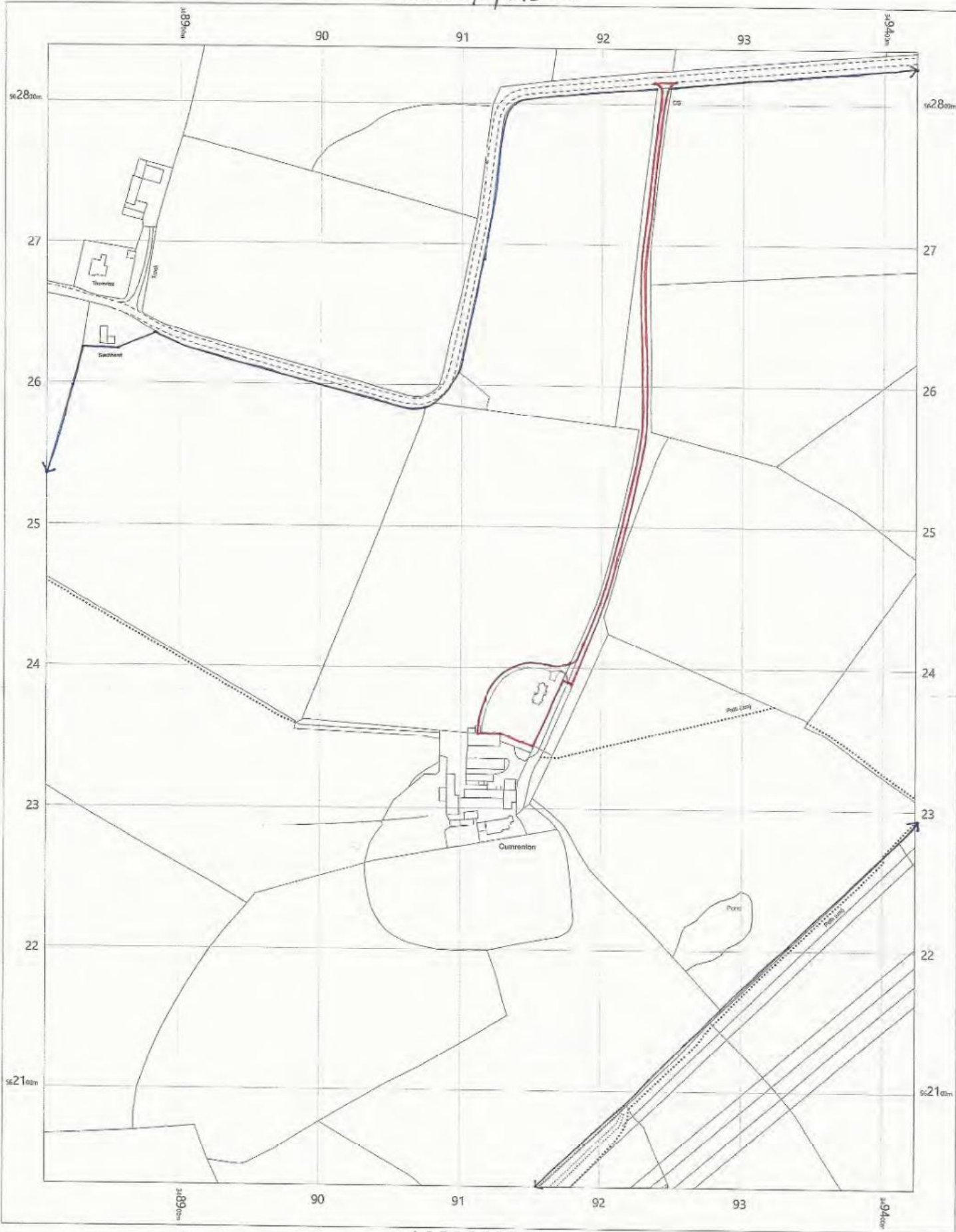
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

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.

8. 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 within the curtilage of the property without the prior written permission of the local planning authority.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

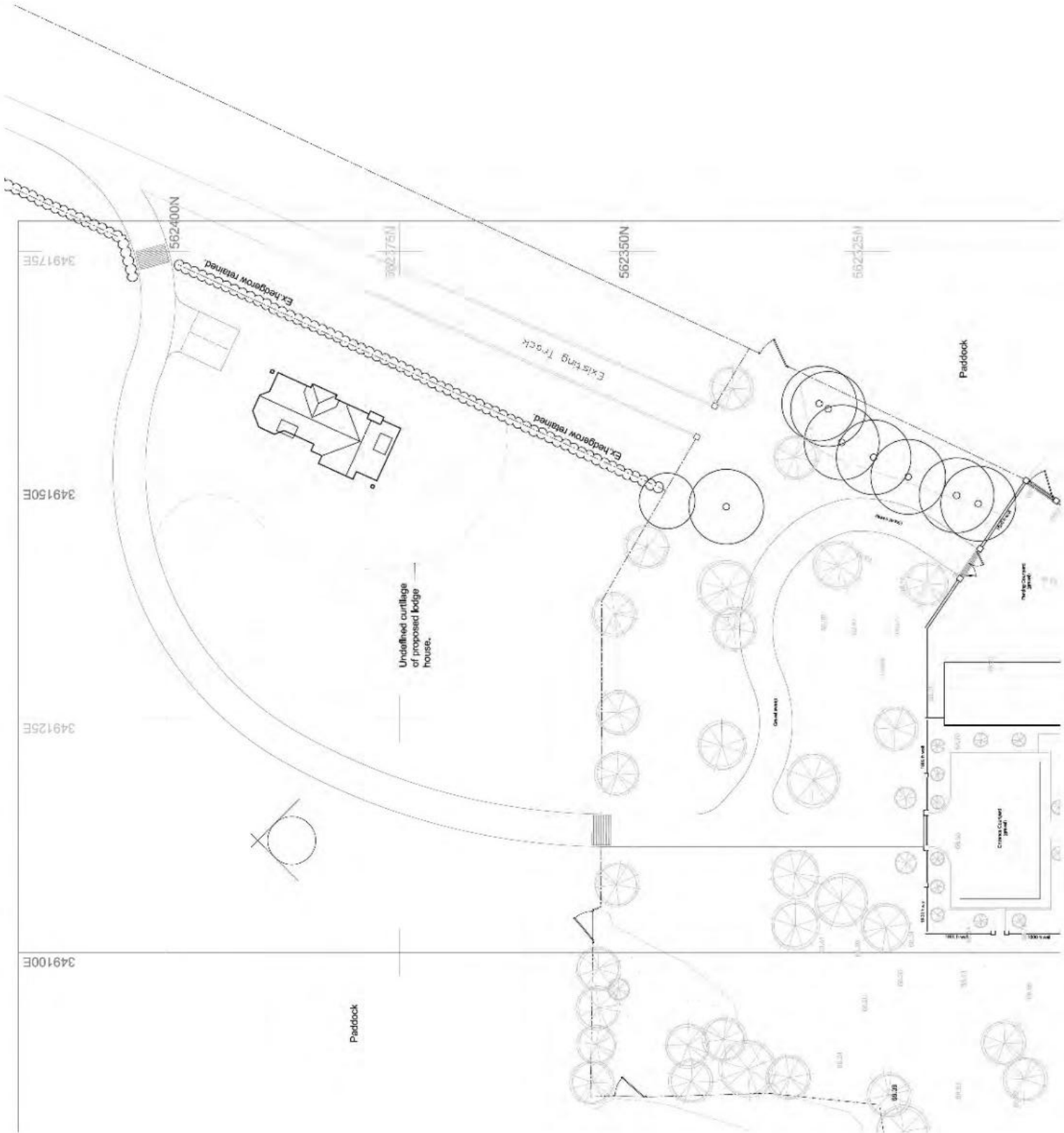


Cumrenton Farm
 Irthington
 Carlisle
 CA6 4PG

OS MasterMap 1250/2500/10000 scale
 Thursday, January 17, 2019, ID: MDP-00770971
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 1:2500 scale print at A3, Centre: 349114 E, 562435 N
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No. _____ Date _____ Revision _____ Initial _____

ALPHA DESIGN
 Architectural Services
 Member of the Chartered Institute of
 Architectural Technicians
 Tel: 01906 826199 email: alpha@alpha.co.uk

Project
**CUMRENTON FARM,
 IRTHINGTON,
 CARLISLE**

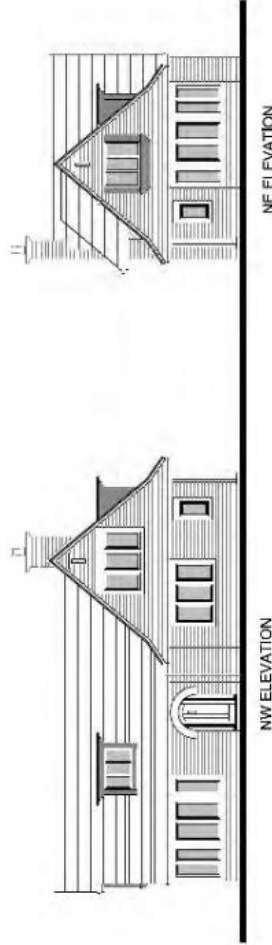
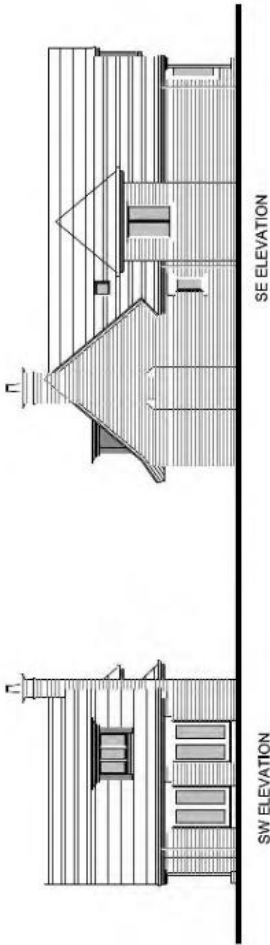
Client
Ms. L. ARMSTRONG

Drawing
**LODGE HOUSE - PROPOSED
 SITE PLAN**
 Scale 1:100 @ A1 Drawn GB
 Checked Date DEC. 2019

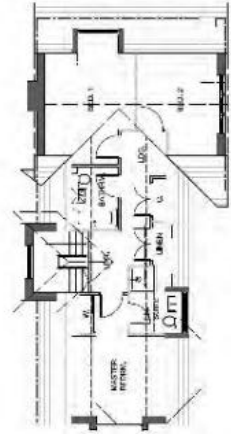
Drawing No.
19/01/0942 - 42

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EXTERNAL MATERIALS
 Reclaimed Welsh slate roof.
 Cast aluminium windows.
 Veneer paneling.
 Cast aluminium RW goods kh
 Grey, (RAL 7002)
 Furness Georgian Grey Buff (Mk
 4) in cultured mortar.
 Mastic and sandstone's beads.
 dills, m... etc.
 Timber windows & doors in Grey,
 (RAL 7002).



GROUND FLOOR PLAN
 TO THIS SET.



FIRST FLOOR PLAN
 TO THIS SET.

No.	Date	Revisions	Initial
ALPHA DESIGN Architectural Services Member of the Chartered Institute of Architectural Technologists Tel: 01906 826199 email: alpha@alpha.co.uk			
Project		CUMRENTON FARM, IRTINGTON, CARLISLE	
Client		Ms. L. ARMSTRONG	
Drawing		LODGE HOUSE - PROPOSED PLANS & ELEVATIONS	
Scale		1:100 @ A1 Drawn GB	
Checked		Date DEC. 2019	
Drawing No.		19/01/0942 - 41	
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SCHEDULE B

SCHEDULE B

Item No: 04

Between 01/01/2020 and 08/04/2020

Appn Ref No:

19/0538

Applicant:

Mr J Dickinson

Parish:

Carlisle

Date of Receipt:

10/07/2019

Agent:**Ward:**

Cathedral & Castle

Location:

13 River Street, Carlisle, CA1 2AL

Grid Reference:

341017 555800

Proposal: Erection Of Outbuilding To Rear Of Property With Roof Terrace Above
(Part Retrospective)**Amendment:**

REPORT**Case Officer:** Suzanne Osborne**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Part Allowed**Date:** 18/02/2020



Appeal Decision

Site visit made on 13 January 2020

by **J Hunter BA (Hons) Msc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th February 2020

Appeal Ref: APP/E0915/W/19/3239338 13, River Street, Carlisle, Cumbria CA1 2AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jeffrey Dickinson against the decision of Carlisle City Council.
 - The application Ref 19/0538, dated 7 May 2019, was refused by notice dated 11 October 2019.
 - The development proposed is described as erection of outbuilding to rear of property with roof terrace above.
-

Decision

1. The appeal is dismissed in so far as it relates to a roof terrace and spiral staircase. The appeal is allowed in so far as it relates to the erection of an outbuilding to the rear of 13, River Street, Carlisle, Cumbria CA1 2AL in accordance with the terms of the application Ref 19/0538, dated 7 May 2019, so far as relevant to that part of the development hereby permitted and drawing numbers JJD001-S1A, JJD001-S3A and JJD01-S4A, and JJD01-S5A so far as relevant to that part of the development hereby permitted.

Procedural Matter

2. In the interests of clarity I have removed reference to the development being "part retrospective" as it does not form part of the substantive description of development.
3. At the time of my site visit the development had already commenced and was substantially complete. I have therefore determined the appeal on that basis.
4. Notwithstanding the description of development on the application form and banner heading above the proposal also includes an external spiral staircase as shown on the accompanying plans ref: JJD001-S1A, JJD001-S3A and JJD01-S4A and I have determined the appeal on this basis.

Main Issues

5. The main issues in this appeal are i) the effect of the proposal on the character and appearance of the area and; ii) the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to privacy.

Reasons

Character and Appearance

6. The appeal property is a traditional two storey, mid-terraced property with a short front garden fronting a cobbled street and a rear yard opening onto a narrow alleyway. The rear yard is bounded by a solid brick wall of approximately 1.8 metres in height.
7. The outbuilding occupies a relatively large proportion of the rear yard, it is full width and extends from the rear boundary approximately 6.5 m towards the rear elevation of the house. It is finished in white render that matches the existing rear outrigger and its scale, bulk and appearance are in keeping with the the host property and the wider area. I note that the Council has raised no specific objections to the outbuilding, and I have no reason to disagree with this view. Consequently, with regards to the outbuilding, I find no conflict with the character and appearance aims of policies SP6 and H08 of the Carlisle District local Plan 2015-2030 (LP).
8. The flat roof of the outbuilding has been developed as a roof terrace. Accessed via an external spiral staircase it is finished in a contemporary style with glass balustrading and astro turf flooring. Due to the height, scale and materials the roof terrace is extremely conspicuous and appears as an alien feature in the otherwise very traditional street scape. Consequently, I consider it to be an addition that is harmful to the character and appearance of the area. Thus, failing to accord with LP policies SP6 and H08 which collectively seek to, amongst other things, promote good design that reinforces, responds to and maintains the established character of the area.

Living Conditions

9. The outbuilding is single storey in height and of solid construction with one door opening out onto the rear alley way and another opening into the retained area of the yard which separates the outbuilding from the host dwelling. In addition, there is a window facing towards the host property which affords the building with natural light and ventilation. The orientation of the building, the tall boundary walls and positioning of the openings mean that the building itself does not give rise to any privacy issues caused by overlooking. I am therefore content that the outbuilding element of the proposal does not conflict with the privacy aims of LP policies H08 and SP6. I also note that the Council has not raised an issue in this regard.
10. Notwithstanding the above, the position and height of the roof terrace affords its users with open and unrestricted views into the external amenity space of the adjoining neighbours on either side of the host property and to a lesser extent those further along the terrace of houses. Due to the height and proximity of the roof terrace to the rear elevation of the terrace there are also views into the rear windows of the closest houses. I therefore consider that the addition of the roof terrace gives rise to an unacceptable loss of privacy for the occupiers of the neighbouring properties.
11. I acknowledge the fact that the external areas of the host property and its neighbours are already overlooked to an extent by existing first floor windows of the neighbouring properties. Nonetheless, the proximity, height and openness of the roof terrace gives rise to an increased level of overlooking to such an extent that I consider that it causes material harm.
12. Accordingly, I find that the proposal has a significantly detrimental affect on the living conditions of the occupiers of the neighbouring properties and

thereby fails to accord with LP policies H08 and SP6 which seek to amongst other things, protect the residential amenity of surrounding properties and areas.

Other Matter

13. The appellant has brought to my attention the presence of a large dormer window at a property further along the street with particular reference to overlooking. This development is entirely different to that subject of this appeal and therefore not directly comparable. However, whilst I accept the window will provide views into the external outdoor amenity spaces of neighbouring properties, they would be at an oblique angle and a much further distance than those arising from the proposed roof terrace.
14. At the time of my site visit I was able to see one other roof terrace within relatively close proximity of the appeal site and I note the appellant's reference to this within the appeal documents. I do not have the precise details of this development or the others in the local area to which the appellant also refers and I understand from the Council's submissions that they may not have been granted planning permission. Nevertheless, I must determine this appeal on its own merits and the presence of other developments within the vicinity, whether comparable to the appeal proposal or not do not justify the harm that I have identified.

Conditions

15. As the outbuilding has already been built, there is no requirement to impose planning conditions.

Conclusion

16. The appeal proposal includes three distinct elements. The single storey outbuilding to the rear of the host property does not cause harm to the character and appearance of the area or the living conditions of the occupiers of neighbouring properties with particular regard to privacy. It is therefore acceptable. This development is clearly severable from the remainder of the scheme which includes the roof terrace and spiral staircase as it is physically and functionally independent. Therefore, I shall issue a split decision in this case, and allow the single storey outbuilding but dismiss the appeal insofar as it relates to the roof terrace and spiral staircase.

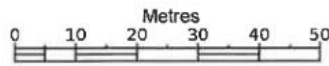
J Hunter

INSPECTOR



Produced 08 Jul 2019 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

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.



1:1250



13, River St, Carlisle
CA1 2AL

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Reference: OI1333514
Centre coordinates: 341016 555799



Item No: 05

Between 01/01/2020 and 08/04/2020

Appn Ref No:
19/0684**Applicant:**
Mr R C & Mrs S K Jackson**Parish:**
Wetheral**Date of Receipt:**
05/09/2019**Agent:**
WYG Group Ltd**Ward:**
Wetheral & Corby**Location:**
Land adjacent to 33 Ghyll Road, Scotby, Carlisle**Grid Reference:**
344457 554540**Proposal:** Erection Of 1no. Dwelling (Outline)**Amendment:**

REPORT**Case Officer:** Stephen Daniel**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Allowed with Conditions **Date:** 26/02/2020



Appeal Decision

Site visit made on 6 January 2020

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/E0915/W/19/3240918

Land at Ghyll Road, Scotby, Carlisle

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Jackson against the decision of Carlisle City Council.
 - The application Ref 19/0684, dated 13 August 2019, was refused by notice dated 28 October 2019.
 - The development proposed is for the erection of a single dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling at land at Ghyll Road, Scotby, Carlisle in accordance with the terms of the application, Ref 19/0684, dated 13 August 2019 subject to the conditions set out in the schedule at the end of this decision.

Procedural Matter

2. The application is submitted in outline with all matters reserved for later determination. I have dealt with the appeal on that basis and I have taken the illustrative plan that has been submitted into account, insofar as it is relevant to my consideration of the issue of the development on the appeal site.

Main Issues

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The appeal site is situated at the south eastern end of Ghyll Road, a cul-de-sac which is residential in character but situated on the edge of open farmland. The character of the surrounding farmland is one of open arable fields bordered with hedgerows.
5. The appeal site would be located adjacent to the Settle-Carlisle Conservation Area (CA). Given that layout, scale and appearance can be controlled on submission of a reserved matters application, the Council considered that the proposed development would have no detrimental impact on the CA. From my site visit and the evidence before me, I would agree with the Council's assessment, that a reserved matters application would ensure there would be no harm to the adjoining CA.
6. The proposed development site is within a narrow triangular shaped field which is well contained by existing landscape features. Mature dense hedgerows and

- trees line the adjacent bridleway and the railway which border the site on two sides. These landscape features sharply taper down and away from the development site to form a natural termination point to the field.
7. The character of this site is not typical of the surrounding farmland, which tends to be open and arable in nature. This is a small, self-contained piece of land which is separated from its agricultural location by the bridleway and railway line. Therefore, development on this area would not be an unacceptable intrusion into the open countryside.
 8. Additionally, there would be limited visibility into the site from the bridleway and surrounding farmland due to the dense and tall vegetation which surrounds the land. There are partial views into the site from Ghyll Road, which visibly connects and integrates this area with the village.
 9. While the proposed property would be situated at the edge of the settlement, it would physically adjoin the garden of Number (No) 33 and be situated opposite a new residential property on the other side of the bridleway. The existing field gate, which is adjacent to No 33 would provide access to Ghyll Road via the track/bridleway. It would effectively round-off development in this part of the village and relate well with the character of the village, while providing a natural end point to the urban development.
 10. The site is also large enough so that the proposed property could be set back from the bridleway, while remaining on the same building line and at a similar orientation to No 33. The site has an elevated position, with the land falling gently away from the railway line to the bridleway. The illustrative layout (drawing 03-Rev 03) and planning statement indicate that the property would be cut into the slope of the ground, so that it would be no higher than the existing neighbouring buildings. It would also be screened by existing and proposed new tree and hedge planting.
 11. My site visit confirmed this would be possible and would enable the proposed dwelling to sit low into the landscape and blend in with its setting. Thereby reducing any visual impacts to the character and appearance of the area and retain the rural form of the bridleway. There is no reason to suggest that an appropriate appearance and layout could not be secured at the reserved matters stage.
 12. The appeal site is situated within the north western part of the field. The entire field is shown within the plans as being within the ownership of the appellants. The appellants indicate a willingness to strengthen the southern boundary with tree planting to further contain and screen the site. This is outside the application site boundary and cannot be conditioned, therefore carries limited weight in this appeal case.
 13. My attention has been drawn to historical planning applications (88/0707 and 04/0585) and an appeal in 2005 relating to this proposal site. However, all decisions were made prior to the current Carlisle District Local Plan 2015-2030, adopted 2016 (Local Plan). The current Local Plan no longer includes a settlement boundary for Scotby. It accepts development on the edge of rural villages providing it adheres with Policy HO 2. In addition, the circumstances of the site and the surrounding area have changed, therefore I have to reach a decision on the basis of the current situation and the merits of the present proposal.

14. It is also apparent that since these historical applications and the appeal, that a dwelling has been approved and built at the end of Ghyll Road in close proximity to the appeal site. This has considerably changed the character of this end of Ghyll Road, into one of a more residential nature. This new property integrates and connects this appeal site with Ghyll Road and the rest of the village.
15. I conclude, that the proposal would not harm the character and appearance of the area and is in accordance with criteria 3 of Policy HO 2 of the Local Plan. This requires that development is contained within existing landscape features, is physically connected and integrated with the settlement and does not lead to unacceptable intrusion into the open countryside. It also complies with paragraph 11, presumption in favour of sustainable development, of the National Planning Policy Framework (the Framework).

Conditions

16. The Council have suggested a number of conditions which I have considered alongside the advice in the Framework and Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case; however, some have been edited for precision and clarity and to better reflect the relevant guidance.
17. As this is an outline planning permission, it is necessary to specify the reserved matters to be submitted for approval from the local planning authority, a timetable for their submission and to reference the location plan in the interest of certainty.
18. I have imposed a condition relating to boundary treatments, to ensure that the development protects the character and appearance of the surrounding area. In the interests of the living conditions of existing and future residents I have included a detailed surface water and foul drainage condition to promote sustainability and safeguard the site from flooding and pollution. In the interests of highway safety, a condition for adequate visibility splays at the proposed site access are necessary, while disturbance to nearby residents will be prevented by a condition to limit construction times.
19. I have amended the Council's condition relating to wildlife enhancement measures, as the biodiversity issues that were evident related to trees and hedgerows. Therefore, a tree protection plan including details of protective fencing is required, this condition will ensure that the trees and hedgerows on the site are safeguarded in the interest of character and appearance of the area and biodiversity.
20. Finally, I have included a condition to reduce risks from land contamination to protect future users of this site and the neighbouring land.

Conclusion

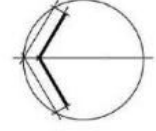
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

D Hilton-Brown

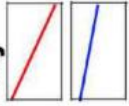
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan, Drawing No 05.
- 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be carried out in accordance with the approved details, completed before the building is first occupied, and thereafter retained.
- 6) No development shall take place until details of surface and foul water drainage for the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) Before the access is first brought into use, a 2.4m x 2.4m emerging visibility splay shall be provided. This vision splay shall thereafter be retained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.
- 8) Construction works shall take place only between 07:30 and 18:00 on Monday to Friday and 07:30 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 9) No site clearance, preparatory works or development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of tree and hedgerow protection measures. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 10) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.



Key

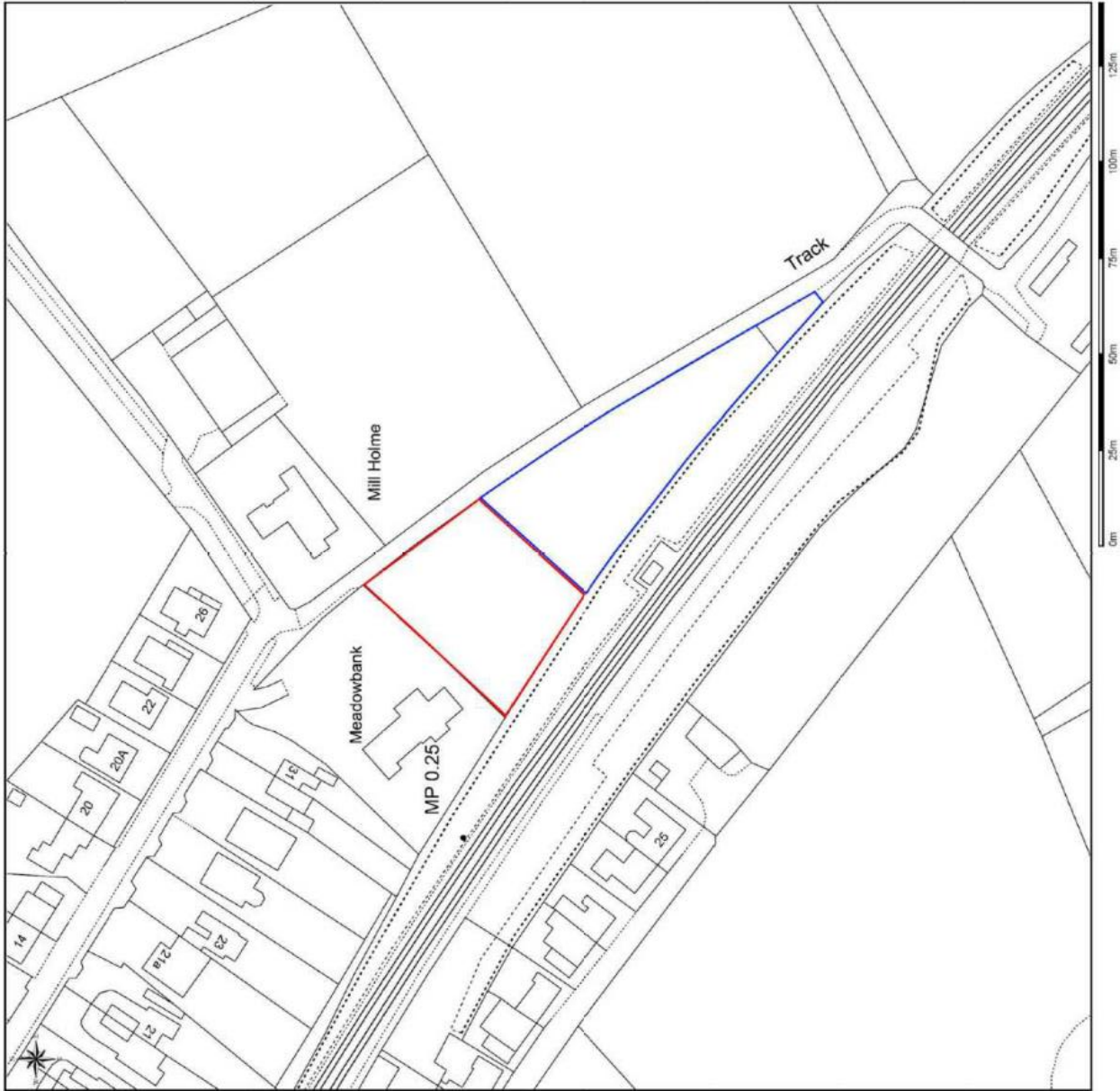


Application site boundary

Other land owned by the applicant



Scale ~ 1:1,250 at A3 page size. Do not scale off this drawing.



Scale: 1:1250, paper size: A3

This plan is based on licensed Ordnance Survey mapping purchased from Emapsite.

R.00	03.09.2019	original drawing	
revision date		notes	

drawing number 05

drawing name Site location plan

project

Single dwelling at Ghyll Road, Scotby

client

Mr R Jackson

Eden Environment Ltd
www.edenenvironment.com

Item No: 06

Between 01/01/2020 and 08/04/2020

Appn Ref No:
19/0518**Applicant:**
Mr Millard**Parish:**
Brampton**Date of Receipt:**
09/07/2019**Agent:**
Mr Mark Southerton**Ward:**
Brampton & Fellside**Location:**
Irthing Vale Caravan Park, Old Church Lane,
Brampton, CA8 2AA**Grid Reference:**
352140 561382**Proposal:** Certificate Of Proposed Lawful Development For Use Of Existing
Caravan Park Without Restriction On Length Of Stay Or Type Of
Occupation Of The Caravans To Include Permanent Residential Use**Amendment:**

REPORT**Case Officer:** Barbara Percival**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Allowed**Date:** 27/03/2020



Appeal Decision

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/E0915/X/19/3236970

Irthing Vale Caravan Park, Old Church Lane, Brampton, Cumbria CA8 2AA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Keith Millard against the decision of Carlisle City Council.
 - The application Ref BP/DC/19/0518, dated 27 June 2019, was refused by notice dated 22 August 2019.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is use of existing caravan park without restriction on length of stay or type of occupation of the caravans to include permanent residential use.
-

Decision

1. The appeal is allowed and attached to this decision is an LDC describing the proposed use which is found to be lawful.

Application for costs

2. An application for costs was made by Mr Keith Millard against the Carlisle City Council. This application is the subject of a separate Decision.

Procedural Matters

3. As the determination of this appeal turns on matters of law, it was not necessary for me to carry out a site inspection.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded.

Reasons

5. The appeal site is a caravan park located on the outskirts of the settlement of Brampton. The site comprises 25 static caravans and 15 touring caravan sites, and also a mobile home to be occupied by a warden. The matter in dispute is whether the extant planning permissions allow for the use of the caravan site by both touring caravans and static caravans without restriction on the length of stay or nature of the occupation of the caravans so as to allow for any type of occupancy for 11 months of the year, excluding February.

6. It is the Council's case, as set out in the reason for refusal, that the proposed use would amount to a material change of use of the land, and would require planning permission. The proposed use would also be in breach of existing conditions.
7. In 1980, planning permission (ref: 80/0463) was granted for the renewal of use of the land as a caravan park, subject to conditions. Of these, condition 2 stated that *'The site shall be used for the stationing of 40 caravans of which not more than 20 shall be on a seasonal basis, the remainder shall be touring caravans.'* The reason given was *'To safeguard the visual amenities of the area.'* Condition 3 stated that *'The occupation of any caravans on the site shall be limited to the period 1st March to 31st October inclusive each year.'* The reason given was *'To ensure the successful implementation of the landscaping scheme'*.
8. Planning permission was subsequently sought for a variation to permit the use of five touring pitches for static holiday pitches (ref: 90/0304). Condition 2 stated that *'The development hereby permitted shall be carried out strictly in accordance with the approved plan.'* The reason attached was: *'To ensure that the development accords with the scheme approved by the local planning authority'*. The Council state that the approved plans illustrated the location of five static caravans within a caravan site which has a restricted use for holiday accommodation only.
9. In 2007, planning permission (ref: 07/1020) was granted for the *'Variation of condition 3 attached to planning permission 80/0463 to allow the opening of caravan site between the months of March to January (inclusive).'* The attached condition 2 stated that *'The occupation of any caravans on the site shall be limited to the period 1st March and 31st January the following year.'* The reason given was *'The site is within an area, where to preserve the character of the countryside, and to comply with sustainable development objectives, it is the policy of the local planning authority not to permit permanent residential development'* in compliance with the cited development plan policies.
10. The Council argue that, because there is a closed season when the caravan site will not be occupied, this precludes permanent residential occupation of the caravans. However, from the evidence before me, there is no wording in the conditions to stop anybody from continuously occupying a static caravan for 11 months of the year, and vacating it for the remaining month. Similarly, a touring caravan could be parked on the site and occupied continuously for 11 months on the same basis.
11. This is notwithstanding the use of terms such as 'holiday' and 'seasonal' as these words do not in themselves pose definitive restrictions on occupation. Whilst it may well be inconvenient to be absent for a set month every year, this in itself would not preclude people using caravans on the site as their sole or main home, which would amount to permanent residency.
12. My attention has been drawn to the planning permissions relating to the siting of a caravan as a warden's accommodation. Two temporary permissions (refs: 80/0462 & 82/0895) were granted, followed by a permanent permission (ref: 87/0214). In each case, occupancy was restricted to the warden employed at the site, and their dependents. I accept that the Council's intentions were different in respect of the various permissions granted for the warden's caravan and the remaining static caravans and touring pitches. However, this intention

is not explicitly borne out in the wording of the relevant permissions, and the occupancy of the caravans for 11 months of the year would not breach the existing conditions. It thus follows that the use envisaged in this appeal would be lawful.

Conclusion

13. For the reasons given above, I conclude on the evidence available that the Council's refusal to grant an LDC in respect of the use of the existing caravan park without restriction on length of stay or type of occupation of the caravans to include permanent residential use was not well founded and that the appeal should succeed. I shall exercise the powers transferred to me under s195(2) of the Act.

Elaine Gray

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 27 June 2019 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

There were no limitations of the use of touring caravans or the static caravans in terms of type of residential occupancy and duration within the permitted 11 month period each year.

Signed

Elaine Gray

INSPECTOR

Date: 27 March 2020

Reference: APP/E0915/X/19/3236970

First Schedule

Use of existing caravan park without restriction on length of stay or type of occupation of the caravans to include permanent residential use.

Second Schedule

Land at Irthing Vale Caravan Park, Old Church Lane, Brampton, Cumbria CA8 2AA

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 27 March 2020

by **Elaine Gray MA(Hons) MSc IHBC**

**Land at: Irthing Vale Caravan Park, Old Church Lane, Brampton, Cumbria
CA8 2AA**

Reference: APP/E0915/X/19/3236970

Scale: Not to scale



Certificate of lawful use or development in respect of the proposed use of the existing caravan site without restriction on the length of stay or nature of the occupation of the caravans so as to allow for any type of occupancy (including both holiday and full residential use) throughout the year excepting February:

Irthing Vale Caravan Park, Old Church Lane, Brampton, Cumbria CA8 2AA

