

SCHEDULE A: Applications with Recommendation

21/0762

Item No: 09 Date of Committee: 14/01/2022

Appn Ref No:
21/0762

Applicant:
Mr Walker

Parish:
Stanwix Rural

Agent:
Summit Town Planning

Ward:
Stanwix & Houghton

Location: The Park, Rickerby, Carlisle, CA3 9AA

Proposal: Change Of Use Of Barns From Residential Use In Association With The Park To Provide 2no. Dwellings

Date of Receipt:
29/07/2021 13:00:42

Statutory Expiry Date
23/09/2021 13:00:42

26 Week Determination
06/12/2021

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Principle Of Development
- 2.2 Whether The Scale, Design And Impact On The Character Of The Area Is Acceptable
- 2.3 The Impact Of The Development On Heritage Assets
- 2.4 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Impact On Highway Safety
- 2.6 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.7 Development Within The Flood Zone
- 2.8 The Impact Of The Development On Hadrian's Wall Buffer Zone
- 2.9 Impact Of The Proposal On Biodiversity
- 2.10 Other Matters

3. Application Details

The Site

- 3.1 The application site comprises of an attached two and single storey building located at the southern end of Rickerby. The site is accessed from the Carlisle to Linstock Road via a privately owned road which serves the village.
- 3.2 The building is constructed from facing brick under a corrugated sheeted roof. Attached to the building to the west, is a two storey stone building under a slate roof. The application site is within Rickerby Conservation Area, adjacent to several listed buildings and within Flood Zones 2 and 3.

The Proposal

- 3.3 Planning permission is sought for the conversion of the buildings to form two dwellings. The two storey building would be converted to provide a hallway, utility, W.C., kitchen, living and dining area on the ground floor with 2no. bedrooms, a bathroom, bedroom/ study and an ensuite bedroom above. The front elevation would comprise largely of window and door openings that would be reinstated together with the insertion of one window and three roof lights. There are currently two door openings and a window in the rear elevation on the ground floor with narrow ventilation slits above. The ground floor openings would be enlarged with full-size window openings above. A roof light would also be inserted and the roof would be recovered with natural slate.
- 3.4 The single storey building would be converted to provide an ensuite bedroom, living room/ dining area, utility and W.C. The existing openings in the rear elevation would be reused with minor alteration to a door opening which would be converted to a window. On the front elevation, a new door opening and two roof lights would be inserted with additional windows being formed in the gable.
- 3.5 Four car parking spaces would be provided to the east of the site in front of Oak House and Croft House.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of seven of the neighbouring properties. In response, six letters from the occupiers of five properties have been received and the main issues raised are summarised as follows:
1. the village is a conservation area and contains a number of listed buildings. The right side is surrounded on three sides by listed structures;
 2. the application site is situated on the southern edge of the village with access available over an unadopted private road is maintained by the residents;
 3. the barns are currently a positive feature of Rickerby Conservation Area. The proposed development would be over intensive for this site and

- would cause substantial harm to the character of the conservation area;
4. the barns appear to be structurally sound although no structural survey has been submitted with the application;
 5. the proposed design of the conversion is not considered to be appropriate for the conservation area. The north elevation of the single storey unit which faces the road appears to have a new opening created in order to provide a front door. The larger two storey section has a number of old openings that could be reopened. Instead, however, the design appears to create new openings in order to suit the internal layout, in a manner that is entirely at odds with the traditional character of the building;
 6. the design for the south elevation of the two storey structure is even more destructive in that it is proposed as a mainly glazed wall which takes no account of the building's original character. The south elevation of the single storey seems to pay attention to the old openings and may work, subject to detail;
 7. the Historic Impact Statement recognises that the barns have some historical visual interest for the conservation area but suggest that developing the site with inappropriate design would have a positive impact. The design isn't appropriate and will have a strong negative impact on the area;
 8. there are no plans demonstrating how the parking arrangements in front of Oak House and Croft House will work i.e. will they be allocated space, will there be a boundary, will there be a turning area? In the absence of this information, it is difficult to see how the land available can provide the required space;
 9. service vehicles already have problems getting around the village so any more cars would result in further problems;
 10. parking in the hamlet has always caused problems and there does not seem to be suitable plans for parking with two parking places opposite to the listed houses on the raised kerb being unworkable;
 11. although the Planning Statement suggests that the parking has been carefully considered in the layout, this isn't evident from the submitted documents;
 12. the Planning Statement also suggests that a further two parking spaces may be available on the paved area in front of the proposed units although that allocation is not shown on the submitted layout plan;
 13. the provision of parking on the paved area to the front of the proposed houses will be particularly intrusive visually and is not a safe option given that the front doors of the houses will open over this area. It isn't clear who owns or controls this land and therefore what is actually available to the applicant;
 14. there is already considerable parking congestion in this part of the village and the introduction of two new houses will exacerbate an existing problem and be detrimental to the character of the conservation area and the setting of the adjacent listed buildings;
 15. the flood risk assessment has not been prepared by an appropriately qualified engineer but suggests that a new flood defence will be constructed to the south of the barns which will resolve the potential issue of flooding from the nearby river;
 16. flooding has taken place in the past right up to the buildings and the wall referred to has not been constructed and is not in any current

construction programme. The general flood relief scheme provided by the Environment Agency was completed last year and this matter clearly needs to be clarified and a proper FRA produced before a decision can be taken;

17. a protected species survey was undertaken which does not raise any serious issues but suggest that any redevelopment scheme should include the provision of suitable bat habitats. As this could impact on the detailed design this should be incorporated into the current application'
18. services in the area need to be upgraded and plans for this need to be brought forward;
19. due to the layout of the development site it is almost certain that access to the properties opposite will be effected during development;
20. the extra traffic in the area will also create more maintenance problems for the few residents that maintain the private road;
21. the road is unadopted and the responsibility of all households in this small hamlet. The current owner of the barns in this proposal has not made any financial contribution to the maintenance of the road for the current properties he owns;
22. there is no capacity for any further cars or parking on this site. It's anticipated that this development will increase car usage by at least a further 6 cars. Repeatedly the wall to the front of our property has been knocked down with cars and vans.

4.2 Following the receipt of amended plans showing the provision of a roof light, a further two letters of objection have been received which raise the following issues:

1. it is disappointing that only a few minor amendments have been made;
2. the only difference appears to be the removal of one window in the rear elevation of the two storey house. No attempt has been made to address the objections or issues raised by the Conservation Officer.

5. Summary of Consultation Responses

Stanwix Rural Parish Council: - the Parish Council's original submitted response stated:

- *"The Parish Council recommends determination in accordance with local and national planning and conservation policy and guidance, provided that:*
- *Prior to determination, greater clarity is sought with regard to the disposal of foul sewage and surface water.*
- *If work has not commenced prior to mid-November a further Bat Survey be undertaken to determine the presence, or otherwise, of hibernating bats and that a condition be imposed to ensure that work is scheduled in accordance with the guidance provided in the Bat Survey – in particular its paragraph E 4.1.*
- *Clarity is sought regarding the composition of the existing corrugated roofing, which is to be replaced and may contain asbestos."*

However, local residents have since highlighted significant additional concerns in respect of the following:

1. issues relating to the increased number of vehicles and parking provision;
2. the effect of an increased number of vehicles and of construction traffic on the unadopted road;
3. foul sewage/surface water disposal is reliant on old systems ultimately discharging to the River Eden SSSI/SAC;
4. some property said not to have suffered from the effects of flooding has in fact been affected;
5. uncertainties relating to the final form and effect of the 'flood wall'.

As these issues relate to a lack of clarity in respect of important material planning considerations that may adversely impact neighbouring residents, the parish council is obliged to amend its earlier response and object to the proposal until such time as it is fully reassured in respect of the above matters.

Following the receipt of amended plans, the following response has been received:

The amendments appear to consist only of the replacement of a window with a roof light to the rear elevation, and the inclusion, on the Block Plan, of new unidentified circular feature to the north of Croft House.

The Parish Council reiterates its earlier comments and remains concerned regarding the lack of clarity in respect of the existing corrugated roof material, which may be asbestos;

Historic England - North West Office: - no comment;

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

Local Highways Authority

It is noted the access track up to the site is privately maintained. However it should be noted that concerns have been raised regarding the existing and increase of parking proposed in relation to the proposal.

As this proposal is for a change of use, the existing and required parking for the dwellings that are referred to is outside the red line boundary.

The slight increase in vehicular use of the existing access is unlikely to have a significant material affect on existing highway conditions and the Highways Authority has no objection to the proposal.

Lead Local Flood Authority (LLFA)

The LLFA Surface Water Map shows that the site is in Flood Zone 3, the applicant should consult with the Environment Agency with regards to carrying out a Flood Risk Assessment.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan for the purposes of the determination of this application is The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (NPPG) are also material planning considerations in the determination of this application and the Carlisle District Local Plan 2015-2030 from which Policies SP2, SP6, SP7, HO2, IP2, IP3, IP4, CC4, CC5, CM5, HE1, HE2, HE3, HE7, GI3 and GI6 are of particular relevance. The Carlisle City Council's Supplementary Planning Document 'Achieving Well Designed Housing' (SPD) is also a material planning consideration. The proposals raise the following planning issues.

1. Principle Of Development

- 6.3 The NPPF seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 11 of the NPPF continues to support sustainable development stating that:

“Plans and decisions should apply a presumption in favour of sustainable development.”

- 6.4 This is reinforced in paragraph 11(c) which states that:

“approving development proposals that accord with an up-to-date development plan without delay”

- 6.5 Policy HO2 is equally transparent in its guidance relating to housing development and supported new housing development within villages in the rural area provided that the development will not prejudice the delivery of the spatial strategy of the local plan and subject to consideration of 5 criteria. Criterion 4 specifically requires that in the rural area, villages should either have services where the housing development is being proposed, or that there is good access to one or more villages with services, or to the larger settlements.
- 6.6 The land is within Rickerby which itself is sufficiently well related to the urban area of Carlisle both geographically and in terms of the road network and can therefore be considered a sustainable location for development in terms of the policies in the NPPF. This is further evidenced that the land at Tower Farm elsewhere in the village that is allocated for housing development in the current local plan.
- 6.7 Given these material considerations and the fact that the site is well-related to the built form of the village, the principle of development is acceptable in

policy terms. The planning issues raised by the development are discussed in the following paragraphs.

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

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

“Planning policies and decisions should ensure that developments:

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

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

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

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

- 6.10 Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. Developments should therefore harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
- 6.11 This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing. Development of this site will have an impact on the character of the area.
- 6.12 It's proposed that the buildings would be converted with minimal alteration to the front elevations except to provide a reasonable means of access and window opening to make the use of the buildings viable. More extensive alterations are proposed to the rear elevations. The single storey building would largely retain and reuse the existing openings but would incorporate additional windows in the gable. The rear of the two storey building would involve greater alterations to the existing openings with the enlargement of the ground floor apertures and insertion of first floor windows in lieu of the existing ventilation slits. There is little in the way of architectural features in the rear elevation; however, any scheme for conversion must still be appropriate in terms of scale and design and impact on the character of the building. Notwithstanding the heritage issues associated with this site, the alterations are a modern addition but wouldn't adversely affect the character of the building to such a degree as to warrant refusal of the application on this basis. Additionally, there very limited public viewpoints of this elevation and the proposal wouldn't be detrimental to the character of the area.
- 6.13 The development would provide dedicated parking spaces and curtilage to the rear of the buildings which is adequate for the two dwellings of this scale. The converted building would therefore not form a discordant feature and is acceptable in this regard.

3. The Impact Of The Development On Heritage Assets

3a. Listed Buildings

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

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

- 6.15 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities (lpa) whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of

preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).

- 6.16 Paragraph 201 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.17 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.18 There are several listed buildings in and around this site. The nearest buildings are Oak House and Croft House to the east and Tower Villa, Eden View and Barn View which are directly opposite the site. Wayside and Old School Cottage are listed and to the north-east of the application site. All these properties are Grade II listed and both individually and collectively, contribute to the historic character and appearance of the village.
- ii) the effect of the proposed development on the settings of the Grade II listed buildings
- 6.19 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.20 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.21 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 194). However, in paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

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

6.23 The council's Conservation Officer has raised the following issues:

- the site is within the Rickerby Conservation Area, in close proximity to a number of listed buildings and is regarded as an undesignated heritage asset;
- the Heritage Statement it is not exhaustive and does not provide a great deal of contextual information;
- the Heritage Statement fails to establish context and neither the Heritage Statement, Design and Access Statement, or the submitted elevations set the barns in context with their attached neighbours, to which they have once been fully integrated;
- the exterior changes proposed are in clear contradiction of local plan Policy HO6. The character of the building is harmed across all visible elevations, with a layout which appears to be the driver for alterations to the external envelope, rather than the layout being informed by the constraints of the building, with alterations minimised;
- any works to fences or walls between the site and Holme Farm would be likely to require listed building consent and/or planning permission;
- the volume of accommodation desired is incompatible with the maintenance of the exterior envelope of the building. As such, it may be that a single dwelling would have a more acceptable impact. The necessity for windows should be reviewed, with inclusions such as a new large window to the north elevation, serving only a landing, as clearly being superfluous and capable of removal. While it may be acceptable for some additional openings to be created on the south facing elevation, these should be minimal and informed by the need to retain the character of the building. Existing ventilation slots could also be usefully glazed;
- in its present form the works are not compliant with the policy considerations and should be refused.

6.24 Historic England's document "Local Heritage Listing: Identifying and Conserving Local Heritage" states that:

"Non-designated heritage assets are locally-identified 'buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets' (PPG)."

6.25 It continues that:

"Non-designated heritage assets can be identified in a number of ways, including:

- *Local heritage lists*

- *Local and Neighbourhood Plans*
- *Conservation area appraisals and reviews*
- *Decision-making on planning applications”*

6.26 Development proposals affecting an identified non-designated heritage asset will be subject to the requirements of the National Planning Policy Framework at Section 16: Conserving and enhancing the historic environment.

6.27 To be considered a non-designated heritage asset, the asset in question should have some qualifying credentials and many local planning authorities have produced guidance in respect of this identifying criteria against which an asset should be assessed. It's commonly found that such criteria can include:

Archaeological interest

- **Cumbria Historic Environment Record** - an above ground archaeological site or historic building recorded in the Cumbria Historic Environment Record.

Architectural interest

- **Aesthetic value** - the building or structure, through its intrinsic design value derived from local styles, materials, workmanship or any other distinctive local characteristic, will exhibit a positive external appearance in the streetscene, village or townscape or landscape.
- **Known architect** - the building or structure will be the work of an architect of local, regional or national noteworthiness.
- **Integrity** - the building or structure will retain a degree of intactness and lack of harmful external alteration and, if part of a group, will make a contribution to the surviving completeness of that group.
- **Landmark status** - the building or structure by virtue of its design, age, innovation, construction, position, use or communal associations contributes as a landmark within the local scene.
- **Group value** - the buildings or structures will have a coherent design or historic functional relationship as a group.

Artistic interest

- **Aesthetic value** - the building or structure, through its intrinsic design value derived from local styles, materials, workmanship or any other distinctive local characteristic, will exhibit a positive external appearance in the streetscene, village or townscape or landscape.
- **Known designer** - the building or structure will be the work of a designer of local, regional or national noteworthiness.

Historic interest

- **Association** - the building or structure will enjoy a significant historical association of local or national noteworthiness including links to important local figures or events.
- **Rarity** - the building or structure must represent a design, use or other quality that was always uncommon or has now become uncommon or exceptional to the locality, district or wider region.
- **Representativeness** - the building or structure will survive as a good

quality representative of a particular historical or architectural trend or settlement pattern; or be part of the legacy of a particular individual, architect or designer, architectural or artistic movement, company or group in the past.

- **Social and communal value** - the building or structure will be perceived locally as a source of local identity (for example, commemorative or symbolic), distinctiveness, social interaction or contributing to the collective memory of a place.

- 6.28 Although the building is located in the conservation area adjacent to listed buildings and is a long-standing feature within the character of the locality, it doesn't accord with any of the aforementioned criteria. In this instance, the building isn't considered to be a non-designated heritage asset.
- 6.29 The proposal involves the conversion of existing buildings to form two dwellings. There are listed buildings directly opposite the site and also to the east, adjacent to the proposed car parking area. The converted buildings and the development as a whole would be viewed in the context of these listed buildings but mainly from the front elevation and the streetscene to which there would be some but limited alteration. These alterations are considered acceptable in this regard. Additionally, the removal of the corrugated sheeted roof and replacement with natural slates would be an enhancement to the building in this setting.
- 6.30 Its accepted that the alterations to the rear of the building are more significant but this doesn't necessarily equate to unacceptable alterations. Its already been established that the building isn't considered to be a non-designated heritage asset, although its an important building within the locality and within and adjacent to the designated heritage assets. The rear elevation doesn't command any views from public vantage points, instead facing the curtilage of the proposed dwellings with the River Eden beyond. In determining planning applications, a preference for a scheme may be voiced; however, the applicant is aware of the concerns that have been raised and is keen to pursue the scheme as currently submitted. A balanced judged therefore has to be made as to whether the scheme in its entirety is detrimental to the listed buildings.
- 6.31 Based on the foregoing, it is considered that the proposal (in terms of its location, scale, materials and overall design) wouldn't be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

3b. Impact Of The Proposal On The Rickerby Conservation Area

- 6.32 The application site is located within the Rickerby Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, NPPG, Policy HE7 of the local plan are relevant.
- 6.33 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:

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

- 6.34 The aim of the 1990 Act is reiterated in the NPPF, NPPG and policies within the local plan. Policies HE6 and HE7 of the local plan advise that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.35 Under the requirements of the NPPF, a *"balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."* Although some physical changes are proposed to the frontage of the building, the majority of the changes would occur to the rear elevation which isn't visible from outwith the site from public viewpoints. The replacement roof covering would be an enhancement to the conservation area. On this basis, the proposal would preserve the character and appearance of the Rickerby Conservation Area and wouldn't prejudice important views into or out of the conservation area. Accordingly, the proposal would not be contrary to planning policies.

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

- 6.36 Development should be appropriate in terms of quality to that of the surrounding area and should not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The SPD provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking. Any subsequent scheme would have to be mindful and have regard to the distances outlined in the SPD i. e. 12 metres between primary windows and blank gables and 21 metres between primary windows.
- 6.37 The City Council's Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:
- "Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. (para. 5. 44) While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances. "* (para. 5. 45)
- 6.38 Given the orientation of the proposed dwelling with neighbouring properties together with the separation distances and intervening boundary, it is not considered that there is any conflict with the council's requirements for minimum distances between windows and thus, would not result in an issue of overlooking or loss of privacy. It is inevitable that any development may lead to increased levels of traffic and noise; however, given that the size of

the site the level of usage would not warrant refusal of the application on this basis.

- 6.39 Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition could be imposed which would limit construction hours.
- 6.40 In overall terms, taking into consideration the scale and position of the proposed application site in relation to neighbouring properties, it is unlikely that the living conditions of the occupiers of the surrounding properties will be compromised through loss of light, loss of privacy or over dominance.

5. Impact On Highway Safety

- 6.41 Planning policies require that development proposals are served by an appropriate access and provide adequate parking facilities. The site is served by an existing vehicular access and the development would incorporate four car parking spaces. The fact that the properties would be accessed from a private road isn't a material planning consideration as the developer should ensure that the relevant rights of access and maintenance issues are in place and agreed with the relevant parties. Cumbria County Council, as the Highway Authority has raised no objection and the proposal does not raise any highway issues. It would be appropriate, however, to impose a condition on any consent requiring the retention of these parking spaces. A condition is imposed in relation to the submission of details for the parking of vehicles engaged with the construction process.

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

- 6.42 In accordance with the NPPF and the NPPG, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy which should be considered in the following order of priority:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
- 6.43 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application form states that the surface water would be disposed of to an existing watercourse whilst the means of foul drainage is unknown. In the absence of any further details, it would be appropriate to require the submission of further details should be secured by means of a planning condition.
- 6.44 Cumbria County Council as the Lead Local Flood Authority has raised no issues in respect of the surface water drainage other than comments

regarding the development within the Flood Zone.

7. Development Within The Flood Zone

- 6.45 This site lies within an area designated as Flood Zones 2 and 3 and as such there is potential for the site to flood and the proposed dwelling is referred to as a "more vulnerable" in flood risk terms.
- 6.46 Planning Practice Guidance states that *"The National Planning Policy Framework sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed"*. This is an important consideration in the determination of this application.
- 6.47 The buildings are located within Flood Zone 2 whilst the adjoining land which would be the curtilage of the properties is located within Flood Zone 3.
- 6.48 Paragraph 168 of the NPPF states:
- "Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55."*
- 6.49 Further guidance is found in the NPPG Paragraph: 048 Reference ID: 7-048-20140306 (Revision date: 06 03 2014) which states:
- "The flood risk issues raised by changes of use
What issues need to be considered and what does the applicant need to do?"***
- A change in use may involve an increase in flood risk if the vulnerability classification of the development is changed. In such cases, the applicant will need to show in their flood risk assessment that future users of the development will not be placed in danger from flood hazards throughout its lifetime. Depending on the risk, mitigation measures may be needed. It is for the applicant to show that the change of use meets the objectives of the Framework's policy on flood risk. For example, how the operation of any mitigation measures can be safeguarded and maintained effectively through the lifetime of the development.*
- The local planning authority may have a Local Plan policy on what changes of use will be acceptable in areas at risk of flooding."*
- 6.50 The gov.uk website requires that the Environment Agency is consulted for development proposals in Flood Zone 2 if the development (including change of use) is:
- within 20m of a main river on the Environment Agency flood map
 - if the development's flood risk vulnerability classification is:
 - 'essential infrastructure'

- 'highly vulnerable'
- 'more vulnerable' and it's a landfill, waste facility site, caravan or camping site
- 'less vulnerable' and it's a waste treatment site, mineral processing site, water treatment plant, or sewage treatment plant.

6.51 The application is accompanied by a Flood Risk Assessment which confirms that:

“3.1 The barns are already positively drained in relation to their surface water and it is therefore considered that there would be no further increase in surface water run off. Garden areas will remain as grass and any additional hard standing for car parking will be permeable.

3.2 As several properties are currently draining into the foul systems on land owned by the applicant and in need of upgrading, discussions are ongoing in this regard and it is anticipated that this will be covered by condition in order to allow for a holistic solution which will be of benefit to the River Eden.

3.3 The extension of The Park was subject to inundation, this lies approximately 0.5m lower than the FFL of the barn which are at a FFL of approx 17.00 AOD. A detailed topographical survey has been undertaken and accompanies the application. This ensures that the FFL is above the flood level of the most extreme event.

3.4 The floors are a solid construction and will remain so.

3.5 The walls are sandstone and will remain so.

3.6 External doors will be weather tight and flood gates can be attached if necessary, there are no air brick below flood levels.

3.7 Electrics will be fed from the top down with sockets 600mm above floor level.”

6.52 Planning permission was granted for flood defence works including the construction of a walled barrier. This was subsequently amended in 2019 and the approved drawings show a wall extending from the rear of The Park, adjacent to the site, whose alignment then is to the south before heading west to the rear of the application site and the adjacent properties, Oak House and Croft House. Notwithstanding this issue, it has been demonstrated in the preceding paragraphs that the proposal is compliant with the national planning policy requirements.

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

6.53 The site is located wholly within the Hadrian's Wall Buffer Zone where policies require that development will not be permitted where there is an unacceptable impact on the Hadrian's Wall Military Zone World Heritage Site.

- 6.54 Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of the local plan, providing that the proposal reflects the scale and character of the existing group of buildings and there is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.
- 6.55 The proposal involves the conversion of existing buildings to which Historic England has raised no objection. On this basis, the proposal doesn't raise any issues in respect of any impact on the character or appearance of the buffer zone.

9. Impact Of The Proposal On Biodiversity

- 6.56 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.57 The application is accompanied by a report assessing the potential presence and impact on bats, barn owls and breeding birds. The report concludes that:

“There were no signs of Barn Owls or bats in the building, starlings were nesting in the south eaves.

Brown Long Eared, Noctule, Myotis and Pipistrelle bat activity was observed along the road and around the buildings with the trees and buildings providing sheltered light sampling, feeding and commuting areas.

A single Pipistrelle was noted emerging from the eaves of a property to the north.

Extreme care must be taken when carrying out demolition of walls and opening up roof, crevices should be checked with a torch or endoscope, any bats found should be relocated by a Licenced Bat Worker and joints sleeved to allow egress but prevent re-access, or larger crevices provided with mortar tubes to allow bats to re-enter wall or roof cavities.

Bats to be encouraged on site by allowing them access to the buildings post-works and by providing bat boxes.

Provided works are carried out as recommended above, then it will not be necessary to apply for an EPS (European Protected Species) Licence for

bats.”

- 6.58 Subject to the inclusion of conditions requiring the development to be undertaken in accordance with the report together with the submission of further details which would address the issue of enable bats to access the building and the siting of bat boxes, the proposal doesn't raise any issues in terms of protected species. Additionally, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

10. Other Matters

- 6.59 Policy IP2 requires that developments are encouraged to include sustainable vehicle technology with developments, as such, it is appropriate to impose a condition require the provision of a suitable charging point for electric vehicles.
- 6.60 To ensure that provision is made for the storage of waste, a condition is included requiring the supply of suitable waste receptacles.
- 6.61 Reference is made in the representations that no structural survey has been submitted. This isn't a mandatory requirement. The building appears to be in good condition and suitable conversion, only if this were in doubt would such a survey be requested.

Conclusion

- 6.62 In overall terms, the principle of residential development in Rickerby is acceptable. The proposal would seek to reuse existing buildings with limited alteration to the front of the building. The replacement of the roof covering with stale would be an improvement to the building and enhancement to the character of the locality.
- 6.63 The design and fenestration of the building would result in less than substantial harm to the adjacent listed buildings. The development of these buildings would preserve the character and appearance of the Rickerby Conservation Area. The development wouldn't be detrimental to the character or appearance of the surrounding designated area or the Hadrian's Wall Buffer Zone.
- 6.64 The residential accommodation would be provided wholly within Flood Zone 2 where the accompanying Flood Risk Assessment proposes mitigation measures within the development that would address potential flooding issues.
- 6.65 In the context of the site, the amenity of the occupiers of the neighbouring property would not be adversely affected. Adequate provision could be made for foul and surface water drainage (through the imposition of planning conditions) together with the access and parking arrangements.
- 6.66 Nevertheless, in overall terms, the proposal is considered to be contrary to

the objectives of the relevant local plan policies and the NPPF.

7. Planning History

7.1 There is no planning history relating to this site.

8. Recommendation: Grant Permission

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

1. the Planning Application Form received 29th July 2021;
2. the Site Location Plan received 29th July 2021;
3. the Plans and Elevations received 11th October 2021 (Drawing no. 20-150-04A Rev A);
4. the Survey for Bats, Barn Owls & Breeding Birds received 2nd August 2021;
5. the Flood Risk Assessment received 29th July 2021;
6. the Notice of Decision;
7. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

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

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

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030 and to promote

sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

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

Reason: To prevent pollution of the water environment in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the first occupation of any dwelling hereby approved, detailed bat mitigation measures shall be submitted to an agreed in writing by the local planning authority. The development shall then be undertaken and completed in accordance with the approved details and retained thereafter.

Reason: To ensure the provision of adequate bat mitigation measures in accordance with Policy GI3 of the Carlisle District Local Plan 2015 - 2030.

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

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Policy SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

7. Prior to their use on site, samples or full details of all materials to be used on the exterior have been submitted to and approved in writing by the local planning authority. The hereby permitted development shall be carried out and completed in full accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies HO6 and CM5 of the Carlisle District Local Plan 2015-2030.

8. Prior to their use on site, full details of the proposed hard surface finishes to all external areas shall have been submitted to and approved in writing by the local planning authority. The hereby permitted development shall be carried out and completed in full accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies SP6 and HO6 of the Carlisle District Local Plan 2015-2030.

9. All boundary fences, walls, screens or other means of enclosure shall only be installed or erected in strict accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority, which shall include:
1. precise details of the item(s) including materials, location and height;
 2. timescale for implementation;
 3. any maintenance proposals identified as necessary within the first 5 years following provision.

Reason: To ensure that the appearance of the development will be in keeping with the locality and to protect visual amenity, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. All new windows and doors to be installed in the dwellings shall strictly accord with detailed drawings and specifications that shall first have been submitted to and approved in writing by the local planning authority. Such details shall include the frames, means of affixing to the wall, the size and opening arrangements of the window, the method of glazing, frames, cill and lintol arrangement.

Reason: To ensure that the works are appropriate to the building and the character of the Rickerby Conservation Area in accordance with Policies SP7 and HE7 of the Carlisle District Local Plan 2015-2030.

11. As part of the development hereby approved, adequate underground ducts shall be installed to enable telephone services, electricity services and television services to be connected to any premises within the application site.

Reason: To afford adequate service connection in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

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

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

13. No work associated with the construction of the residential units hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1600 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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

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

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

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

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

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

16. Any parking area subsequently approved shall be constructed in accordance with the approved plans before any dwelling is occupied. The parking area shall be retained unaltered unless otherwise agreed in writing by the local planning authority.

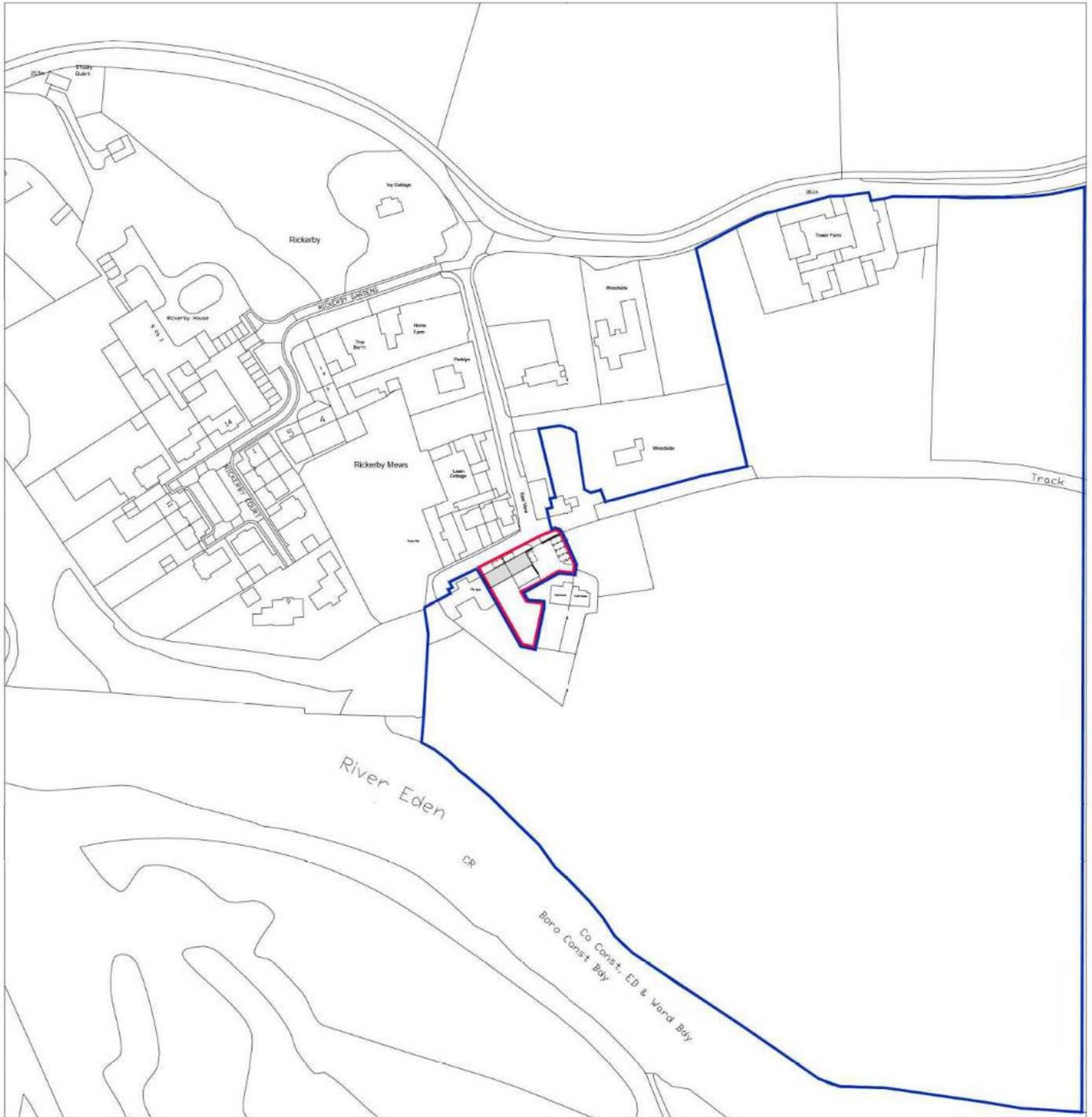
Reason: To ensure adequate access is available for each occupier in accordance with Policies SP6, HO2 and IP3 of the Carlisle District Local Plan 2015-2030.



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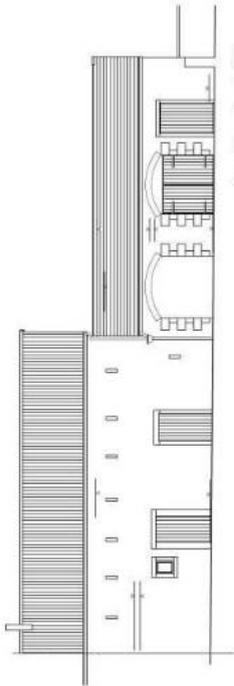
Location Plan 1:2500



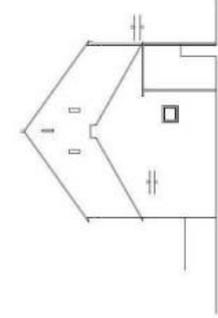
0 metres 100 metres

Project	The Park Barn, Rickerby			Black Box Architects Limited. 1 Devonshire Chambers 8 Devonshire Street Carlisle, Cumbria. CA3 8AD	
Drawing	Planning	Revision		Scale	1:2500
Detail	Location Plan	Job.no.	20-150-05	Date	Jul-21
				Tel:	01228 402 200

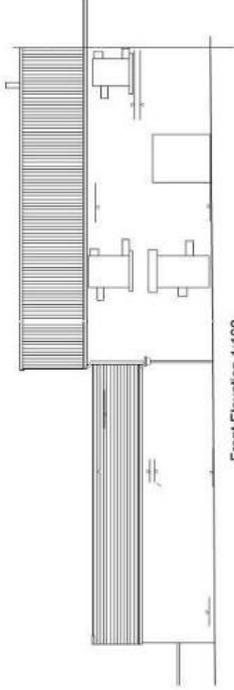




Rear Elevation 1:100



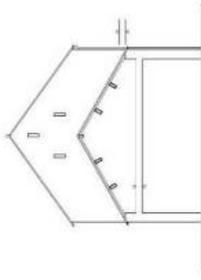
Side Elevation 1:100



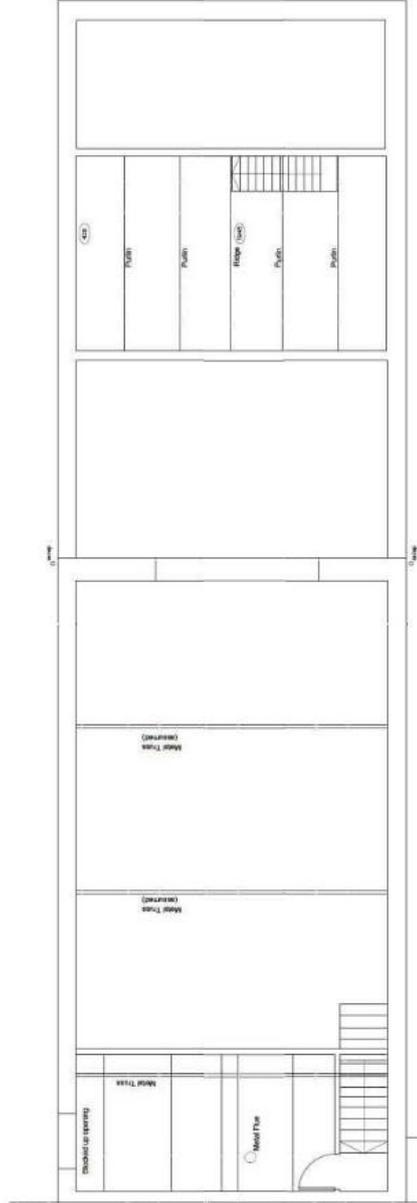
Front Elevation 1:100



Section A-A 1:100

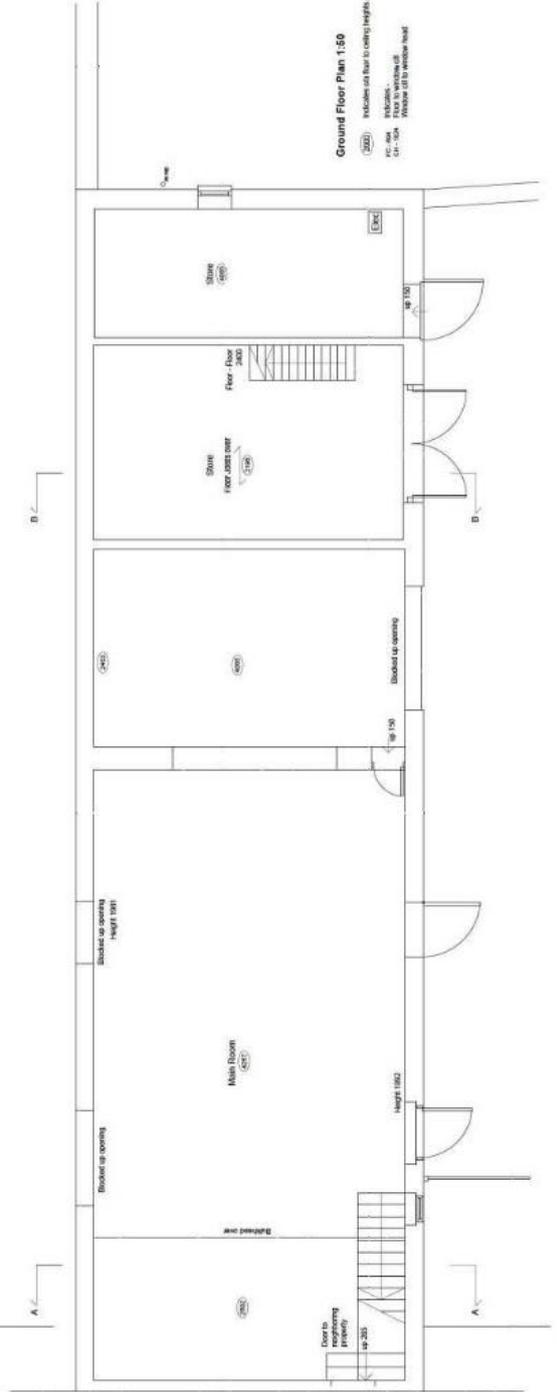


Section B-B 1:100



First Floor Plan 1:50

(300) indicates on floor ceiling heights.
 (400) indicates floor-to-ceiling height.
 (500) indicates floor-to-ceiling height.
 (600) indicates floor-to-ceiling height.



Ground Floor Plan 1:50

(300) indicates on floor ceiling heights.
 (400) indicates floor-to-ceiling height.
 (500) indicates floor-to-ceiling height.
 (600) indicates floor-to-ceiling height.

PLANNING	
Client	The Park Barn, Rickerby
Project	Measured Survey
Drawn	Plains and Elevations
Date	Sheet A1
Scale	A4-21
Job No.	20-150-03
Rev.	

