

# AGENDA

## Development Control Committee

Friday, 25 February 2022 AT 10:00

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

### **APOLOGIES FOR ABSENCE**

To receive apologies for absence and notification of substitutions

### **DECLARATIONS OF INTEREST**

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

### **PUBLIC AND PRESS**

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

### **MINUTES OF PREVIOUS MEETINGS**

**5 - 14**

To approve the minutes of the meetings held on 14 January and 23 February 2022 (site visits).

## PART A

To be considered when the Public and Press are present

### A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

(a) planning permission for proposed developments

(b) approval of detailed plans

(c) consents for display of advertisements.

	<u>Explanatory Notes</u>	15 - 20
1.	<u>Application 21/0655 - Land to the West of Steeles Bank, Wetheral, Carlisle</u>	21 - 52
2.	<u>Application - 21/0677 - Units 10 and 10b, Townfoot Industrial Estate, Brampton, CA8 1SW</u>	53 - 68
3.	<u>Application 21/1154 - Former KSS Factory Site, Constable Street, Carlisle, CA2 6AQ</u>	69 - 94
4.	<u>Application 21/0847 - Land adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle CA3 0JT,</u>	95 - 114
5.	<u>Application 20/0015 - Land off St Ninians Road and Cammock Crescent, Carlisle</u>	115 - 150
6.	<u>Application 21/1170 - Land to the rear of Little Drawdykes, 4 Whiteclosegate, Carlisle, CA3 0JD</u>	151 - 166

7.	<u>Application 21/1021 - Linden Mear (L/A Ashmere), Talkin, Brampton CA8 1LE</u>	167 - 180
8.	<u>Application 21/0762 - The Park, Rickerby, Carlisle, CA3 9AA</u>	181 - 246
9.	<u>Application 20/0575 - 214 Newtown Road, Carlisle, CA2 7NJ</u>	247 - 266
10.	<u>Application 21/1083 - Noble Garth, Hayton, Brampton, CA8 9HR</u>	267 - 278
11.	<u>Application 21/0480 - Camelot Caravan Park, Longtown, Carlisle, CA6 5SZ</u>	279 - 290
	<u>Schedule B - Decisions Taken By Other Authorities</u>	291 - 318

## PART B

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

### **B.1 PLANNING ENFORCEMENT UPDATE**

*\*\*\* This report is not for publication by virtue of Paragraph 1 of Schedule 12A to the Local Government Act 1972 as it contains information relating to any individual. \*\*\**

The Corporate Director of Economic Development to submit a report updating members of the Committee on the scope of activities undertaken by the Council's Planning / Landscapes Compliance and Enforcement Officer.  
(Copy report ED.03/22 herewith).

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

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

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

**Independent** - Tinnion

Enquiries, requests for reports, background papers etc to:  
[committeeservices@carlisle.gov.uk](mailto:committeeservices@carlisle.gov.uk)

To register a Right to Speak at the Committee contact:  
[DCRTS@carlisle.gov.uk](mailto:DCRTS@carlisle.gov.uk)



**Development Control Committee**

**Date:** Friday, 14 January 2022

**Time:** 10:05

**Venue:** Cathedral Room

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

**Officers:** Corporate Director of Governance and Regulatory Services  
Corporate Director of Economic Development  
Head of Development Management  
Principal Planning Officer  
Planning Officer (x 2)  
Assistant Planning Officer  
Mr Allan, Cumbria County Council

**DC.004/22 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Brown and Nedved.

**DC.005/22 DECLARATIONS OF INTEREST**

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

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

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

Councillor Mrs Birks declared an interest in respect of application 21/1051 – 3 Etterby Scaur, Carlisle, CA3 9NX. The interest related to the applicant being known to her.

Councillors Mrs Birks, Mrs Bowman and Mrs Mitchell having not been present at the meeting of the Committee on 3 December 2021, when applications 21/0449 – Land at Stonehouse Farm, Hayton, Brampton, CA8 9JE and, 21/0641 – Yew House, Sikeside, Kirklington, Carlisle, CA4 6DR were considered, indicated that they would not take part in the discussion nor determination of the applications.

## **DC.006/22 PUBLIC AND PRESS**

RESOLVED - That the Agenda be agreed as circulated.

## **DC.007/22 MINUTES OF PREVIOUS MEETINGS**

RESOLVED - 1) That the Chair sign the minutes of the meetings held on 20 October (site visits) and 22 October 2021.

2) That the minutes of the meetings held on 3 December 2021 and 12 January 2022 (site visits) be approved.

## **DC.008/22 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Corporate Director of Governance and Regulatory Services set out the process for those members of the public who had registered a Right to Speak at the Committee.

## **DC.009/22 CONTROL OF DEVELOPMENT AND ADVERTISING**

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

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

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

*Councillors Mrs Birks, Mrs Bowman and Mrs Mitchell took no part in the discussion nor determination of the item of business.*

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

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 12 January 2022. The Committee considered the application at its meeting of 3 December 2021 and deferred determination in order for a site visit to be undertaken.

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

The Principal Planning Officer recommended:

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

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

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

The Committee then gave consideration to the application.

A number of Members, whilst supporting the overall development were of the view that shared surface access to the site would be improved, in terms of pedestrian safety, by the addition of: a pedestrian footway / traffic calming measures / inclusion of signage.

In response Officers noted that: the shared surface as constructed was able to serve up to 25 dwellings; the shared surface already contained a number of 'build outs' which acted as traffic calming mechanisms; the shared surface was privately owned; the scale of the proposed development did not justify the inclusion of signage; it was likely that the land any signage would be displayed on was in private ownership. As such the imposition of a condition requiring any of the methods proposed by the Members was not reasonable nor enforceable.

Members remained of the view that further measures were needed to highlight to drivers that access to the development was via a shared surface used by pedestrians and considered the installation of signage at the entrance to the development, advising drivers of the presence of pedestrians would be useful.

The Corporate Director of Governance and Regulatory Services commented that Members concerns in respect of pedestrian safety were reasonable. Whilst the imposition of a condition was unlikely to meet the tests for a valid condition, Members may wish to consider issuing an Advisory Note with the permission requesting that the applicant consider the installation of signage

A Member moved the Officer's recommendation, and the issuing of an Advisory Note requesting that the applicant consider the installation of signage at the entrance to the development advising drivers that access was via a shared surface. The proposal was seconded and, following voting it was:

**RESOLVED:**

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

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

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

3) That an Advisory Note be issued with the permission requesting that the applicant consider the installation of signage at the entrance to the development advising drivers that access was via a shared surface.

*Councillor Tinnion resumed his seat.*

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

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

*Councillors Mrs Birks, Mrs Bowman and Mrs Mitchell took no part in the discussion nor determination of the item of business.*

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 12 January 2022. The Committee considered the application at its meeting of 3 December 2021 and deferred determination in order for a site visit to be undertaken.

Slides were displayed on screen showing: Location Plan and Block Plan; Floor Plans; Elevation Plans; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report, along with the imposition of a further condition preventing the separation of the unit from Yew House.

The Committee then gave consideration to the application.

In response to Members questions, Officers confirmed:

- Fear of crime was addressed in planning through the imposition of necessary measures. The Planning Officer had liaised with Cumbria Constabulary on the application which had confirmed its view that the proposed development was not likely to promote criminal activity. It had proposed that Condition 5 be expanded to make reference to crime prevention and deterrent measures. Officers understood that the applicant would provide the additional details in the Management Plan for the development;
- Currently the hot tub discharged into a gravel soakaway, the applicant was considering enlarging the soak away to increase its capacity. As the discharge was not into a watercourse a permit from the Environment Agency was not needed. Further detail on the hot tub waste water management proposal would be submitted with the Management Plan for the development.

A Member moved the Officers recommendation which was seconded and following voting it was:

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

## **3. Application 19/0244 - Land at field 3486, Monkhill Road, Moorhouse, Carlisle**

The Chair advised that the application had been withdrawn from discussion.

RESOLVED - That the application be withdrawn from discussion.

## **4. Application 21/0768 - 24 Hendersons Croft, Crosby on Eden, Carlisle, CA6 4QU**

The Chair advised that the application had been withdrawn from discussion.

RESOLVED - That the application be withdrawn from discussion.

## **5. Application 21/0867 - Stoneleath, Burgh by Sands, Carlisle, CA5 6AX**

### **Proposal: Erection of single story side extension to provide a 1no. ensuite bedroom and widening of existing vehicular access**

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 12 January 2022. Slides were displayed on screen showing: Location Plan; Proposed Site Block Plan; Proposed Floor and Elevations Plans; and photographs of the site, an explanation of which was provided for the benefit of Members.

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

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The proposal had been submitted as a result of a particular need from the existing residents at the property. However, the applicant had stated that they did not wish to make that need a specific requirement of the proposal, therefore Local Plan policy H0 10 – Housing To Meet Specific Needs was not applicable to the proposal;
- There were a number of dwellings within the village that had wood cladding on external walls, the proposed black on timber would have a recessive appearance and would offer a complimentary or contrasting view to the existing structures at the site. A Planning Inspectorate Appeal at a site at Long Burgh had been sympathetic to the use of wood cladding;
- The Council's Heritage Officer had been consulted on the proposal and was of the view that the proposed materials were permissible;
- The existing dwelling had sufficient visual character to be able to absorb the proposed palette of materials, and so to its design and position would not harm the Burgh by Sands Conservation Area.

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

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

## **6. Application 21/0847 - Land adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT**

### **Proposal: Erection of 2.no dwellings (Reserved Matters Application pursuant to Outline Approval 18/0796).**

The Head of Development Management submitted the report on the application. Slides were displayed on screen showing: Location Plan; Block Plan As Existing; Site Plan As Proposed; Floor Plans and Elevations As Proposed; Street Elevations As Proposed; and, photographs of the site, an explanation of which was provided for the benefit of Members.

Following the publication of the report Stanwix Rural Parish Council had submitted a further letter of objection to the application relating to concerns in respect of the scale of the proposed dwellings and their proposed heights. The Head of Development Management summarised the points of the objection and responded to the issues raised therein. He advised that, were Members minded to approve the application, it would be appropriate to amend Condition 2 to remove the submitted Street Elevations Plan from the list of Approved Drawings

The Head of Development Management recommended that the application be approved subject to the conditions detailed in the report along with the removal of the Street Elevations Plan from Condition 2 – Approved Drawings.

Mr Nicholson (Stanwix Rural Parish Council) objected to the application in the following terms: the scale and massing of the proposed development were too large and amounted to over dominance, the proposal should be refused on that basis; the proposed ridge heights of the dwellings were very high; the design was more in keeping with the nearby Persimmon development rather than vernacular of the application site's location.

Mr Nicholson suggested that the proposal be re-designed to reduce the ridge height by the use of dormer bungalows, such a format would graduate the site, reduce the massing and provide a transitional view from the existing settlement to the Persimmon development.

Mr Greig (Agent) responded in the following terms: a detailed response had been submitted in relation to the Parish Council's written objection, and the Officer had addressed the points in his presentation of the report; Conditions imposed on the Outline Permission may not been considered at the Reserved Matters application stage; the proposed dwellings exceeded the minimum separation distance required to both the Persimmon development and Shortdale Cottage and Shortdale Farm; the size of the eaves of the proposed dwellings was 5.2m that was comparable to the Persimmon development which had eave height of 5.1m; the ridge height of the proposed dwellings was 9.2m compared to 9.5m at the Persimmon development; the steep roof pitch was a traditional design which sought to emulate those of Shortdale Cottage and Farm properties; the visual transition from old houses to the urban design was a matter for the Persimmon development application, the current proposal would not have an adverse impact; the scale, appearance and context of the application were acceptable as such there was no policy justification to deviate from the Officer's recommendation.

The Committee then gave consideration to the application.

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

A Member asked what impact the removal of the Street Elevations plan from the approved documents would have on any permission given?

The Head of Development Management explained that the removal of the plans meant that information on set levels would not be provided. The ground level across the site varied, but the design of the dwellings remained as proposed, the floor levels at the site were to be addressed by a condition in the permission.

The Member responded that she agreed with the concerns set out by the Parish Council and felt that the visual impact of the proposed development could be softened.

The Head of Development Management set out the matters of the development that were subject of the current application (Access, Appearance, Scale, Layout and Landscaping), he noted the Parish Council had objected on the grounds of scale. Members would need to set out any specific changes they felt were required to make the proposed development acceptable, for example ridge height. It was a matter for the Committee to determine whether it then wished for the application to be deferred to enable Officers to discuss any changes with the applicant; or, whether to refuse the permission on the basis that the scale was unacceptable.

The Member sought clarification that the ridge height of the proposed dwellings would remain at 9.2m, but that the floor levels may increase.

The Head of Development Management confirmed that the ridge height was fixed as per the Approved Drawings but that floor levels may change, however, a floor height higher than those at the Persimmon development would not be considered acceptable.

The Member noted that such a position did not address the Parish Council's concerns.

The Head of Development Management acknowledged that was the case, he reiterated the options open to Members in respect of deferral or refusing the application.

The Member moved that determination of the application be deferred in order for Officers to discuss with the applicant the possibility of reducing the scale and massing of the proposed development.

Another Member requested that, were deferral to be agreed, the Committee undertake a site visit.

A Member proposed that determination of the application be deferred in order for Officers to discuss with the applicant the possibility of reducing the scale and massing of the proposed development, and that a site visit be undertaken. The proposal was seconded, and following voting it was:

RESOLVED: That determination of the application be deferred in order for Officers to discuss with the applicant the possibility of reducing the scale and massing of the proposed development, and that a site visit be undertaken.

## **7. Application 21/1012 - Rowanlea, 2 Hadrians Crescent, Gilsland, Brampton, CA8 7BP**

**Proposal: Raising of eastern property wall by 2.8m to match existing first floor extension; erection of new gable roof, first floor bedroom and bathroom.**

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

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

The Committee then gave consideration to the application.

In response to concerns raised by a Member regarding the loss of bungalow accommodation, the Committee discussed the matter and recent changes to relevant national planning policy.

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

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

*The Committee adjourned at 12:00pm and reconvened at 12:10pm.*

## **8. Application 21/0111 - Eden Golf Club, Crosby on Eden, Carlisle, CA6 4RA**

### **Proposal: Change Of Use of part of golf course to allow for stationing of up to 100 caravans.**

The Head of Development Management submitted the report on the application which had been subject of a site visit by the Committee on 12 January 2022. Slides were displayed on screen showing: Site Location Plan; Block Plan; Elevations Plans; Outline Drainage Strategy Plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

Following the publication of the report Stanwix Rural Parish Council had submitted a further letter of objection to the application relating to concerns in respect of: whether the proposed units met the definition of a caravan as set out in the Caravan Sites and Control of Development Act 1960; and, the response to the application from Natural England requiring further information in relation to the potential for Great Crested Newts at the site prior to the issuing of any Planning Consent. The Head of Development Management summarised the points of the objection and responded to the issues raised therein.

The Head of Development Management recommended that the application be approved subject to the conditions detailed in the report.

Mr Nicholson (Stanwix Rural Parish Council) objected to the application in the following terms: the site visit had demonstrated to the Committee the elevated position of the application site; the proposed screening planting would take years to grow and the development would be visible in the meantime; reiterated the points of objection in respect of the impact on the River Eden and tributaries set out on page 226 of the Main Schedule; the proposed units did not meet the definition of a caravan as per the 1960 Act, particularly Section 13 and subsequent refinements from Case Law; were Members to be in any doubt that the proposed units were caravans, they should refuse the application; the scale of the proposal was akin to the creation of another village, which was not provided for in the Council's Local Plan; drainage details had not been provided.

Mr Nicholson suggested that the Committee consider the following options: reducing the scale of the development by limiting the scale to 25 units all of the same type or, approve the proposed 100 units, but request that the application be readvertised as 25 caravans or 75 lodges so that it may be addressed under different legislation.

Ms Lightfoot (Agent) responded in the following terms: the application sought permission for the Change Of Use of land from agricultural / golf course to permit the stationing of caravans; all details submitted in relation to the caravans were indicative only which was permissible in planning policy as it was the use of land that was to be determined not the specific model of caravan; the units used in the development would comply with the definition of a caravan as per the 1960 Act; the proposed units would be clad in timber; details in relation to foul drainage were provided in June 2021 and consulted on with the relevant Statutory Consultees, and confirmed discharge would be into the existing sewer network, the design of the system was being developed in conjunction with United Utilities; surface water drainage was to be addressed by means of a SUDS and the system would comply with the requirements of the Lead Local Flood Authority; access to the site would be via the existing golf course and the required visibility splays were achievable; traffic and cycle surveys had been undertaken which indicated that the proposal would not have an impact on highway safety; a Landscape and Visual Impact Assessment had been submitted which had informed the landscaping plans; the National Planning Policy Framework and the Local Plan were supportive of rural land based businesses.



The Chair invited the Officer to respond to the points made in verbal representations to the Committee.

The Head of Development Management reminded the Committee that planning permission was not able to duplicate other legislation. Were the application to be approved, an Advisory Note would be issued with the permission stipulating the need for the units to comply with the definition of a caravan as per the 1960 Act.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Percolation tests carried out at the site demonstrated that infiltration was not a feasible mechanism for surface water drainage therefore, based on the hierarchy of options, storage on site would be used, in line with the Lead Local Flood Authority's stipulations, including run-off at greenfield rate;
- The details of the foul water drainage system would be subject to a Discharge of Conditions application;
- The site was not allocated in the Local Plan, however, the units were for holiday rather than residential use and it was unlikely that 100% occupancy would be achieved;
- The proposal was a diversification on an existing leisure use;
- The highway surveys had been carried at times when restrictions relating to the Covid 19 pandemic were not in operation;
- The Highway Authority was satisfied with the proposed scheme;
- A development of 25 units would not be viable;
- Condition 3 restricted the use of the units to holiday use with a maximum stay of 28 days.

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

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

## **DC.010/22    STANDING ORDERS**

RESOLVED - That Council Procedural Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the 3 hour time limit.

### **9. Application 21/0762 - The Park, Rickerby, Carlisle, CA3 9AA**

**Proposal: Change Of Use of barns from residential use in association with The Park to provide 2no. dwellings**

The Planning Officer submitted the report on the application.

A Member proposed that determination of the application be deferred in order for the Committee to undertake a site visit so that Members were able to understand the position in relation to Heritage Asset designation.

The Planning Officer responded that the matter had been covered in-depth in the report and summarised the main points therein.

The Member was of the view that seeing the site in situ would be beneficial for Members' understanding. The proposal to defer determination of the site visit to undertake a site visit was seconded, and following voting it was:

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

#### **10. Application 21/1051 - 3 Etterby Scaur, Carlisle, CA3 9NX**

##### **Proposal: Installation of wall mounted untethered electric vehicle charging point to front elevation (LBC)**

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

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

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

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

The Meeting ended at: 13:17

# Development Control Committee Main Schedule

## Schedule of Applications for Planning Permission

25<sup>th</sup> February 2022

## The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 10/02/2022 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 25/02/2022.

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

## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	21/0655 A	Land to the West of Steeles Bank, Wetheral, Carlisle	SO
02.	21/0677 A	Units 10 and 10b, Townfoot Industrial Estate, Brampton, CA8 1SW	SD
03.	21/1154 A	Former KSS Factory Site, Constable Street, Carlisle, CA2 6AQ	RJM
04.	21/0847 A	Land adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT	CH
05.	20/0015 A	Land off St Ninians Road and Cammock Crescent, Carlisle	RJM
06.	21/1170 A	Land to the rear of Little Drawdykes, 4 Whiteclosegate, Carlisle, CA3 0JD	BP
07.	21/1021 A	Linden Mear (L/A Ashmere), Talkin, Brampton CA8 1LE	SD
08.	21/0762 A	The Park, Rickerby, Carlisle, CA3 9AA	RJM
09.	20/0575 A	214 Newtown Road, Carlisle, CA2 7NJ	BP
10.	21/1083 A	Noble Garth, Hayton, Brampton, CA8 9HR	RJM
11.	21/0480 A	Camelot Caravan Park, Longtown, Carlisle, CA6 5SZ	SD
12.	20/9005 B	Kirkhouse Quarry, Kirkhouse, Brampton, CA8 1JS	RJM
13.	20/9006 B	Kirkhouse Quarry, Hallbankgate, Brampton, Cumbria, CA8 1JS	RJM
14.	21/0002 B	Land to the front Of Sainsburys, Church Street, Carlisle, CA2 5TF	SO

## SCHEDULE A

Applications to be  
determined by the  
City Council.

## SCHEDULE A



## 21/0655

25.02.2022

**Ward:**  
Wetheral & Corby

## Proposal: Residential Development (Outline)

## 26 Week Determination

**Case Officer:** Suzanne Osborne

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

## **2. Main Issues**

- 2.1 The principle of development;
- 2.2 Whether the scale and design would be acceptable;
- 2.3 Impact of the proposal on the living conditions of the occupiers of any neighbouring properties;
- 2.4 Highway matters;
- 2.5 Affordable housing;
- 2.6 Education;
- 2.7 Open space provision;
- 2.8 Foul and surface water drainage;
- 2.9 Flooding;
- 2.10 Biodiversity;
- 2.11 Impact Upon Wetheral Conservation Area;
- 2.12 Impact Upon Heritage Assets;
- 2.13 Other Matters

## **3. Application Details**

### **The Site**

- 3.1 The application site, which covers 2.80 hectares, is a greenfield site located on the southern edge of Wetheral village on land which lies to the east of the B6263, Wetheral Community Centre and west of 'The Glebe'. The parcel of land is currently used for grazing and is surrounded by built development to the north, east and west. The buildings to the east, with the exception of Wetheral Community Centre, comprise two storey dwellings known as Wheatsheaf Gardens and Prior's Garth (which is currently under construction). To the north there are three bungalows as well as a number of two storey dwellings (including Green farm which is Grade II listed) which are set further towards the village with gardens that back onto the site. To the east there are single storey dormer bungalows at The Glebe.
- 3.2 The application site is currently accessed by two field gates one situated on the eastern side of the B6263 (the road which leads into Wetheral village from the direction of Cumwhinton) and one from The Glebe at the top of the turning head. There is also an existing access from the B6263 which serves Wetheral Community Centre and the temporary car park behind. The site boundaries consist of a mixture of hedgerows and trees with the exception of the northern boundary which also consists of a mixture of garden fencing.
- 3.3 The majority of the application site is allocated for housing in the proposal maps which accompany the Carlisle District Local Plan 2015-2030 with the exception of a strip of land measuring approximately 0.38 hectares to the south of the allocation immediately behind Wetheral Community Centre. The site has no specific constraints however Wetheral Conservation Area abuts

the site to the north.

- 3.4 The red line boundary of the application site also includes a strip of land (approximately 364 square metres in area) along the bank of the River Eden approximately 313 metres north-east of the application site. This parcel of land is located within flood risk zone 3 and Wetheral Conservation Area. The land also adjoins the River Eden and Tributaries SSSI/SAC and is neighboured by a two storey dwelling 'Meridale' to the south. On the opposite side of the road there is a two storey dwelling 'Edenside House' which is orientated east-west. There are also a pair of semi-detached Grade II Listed properties 'Edenside' and 'Edenside Cottage' and a two storey detached Grade II Listed Building 'River House' located beyond Edenside House overlooking the River Eden.

## **The Proposal**

- 3.5 The proposal seeks Outline Planning Permission with all matters reserved for residential development on the site.
- 3.6 Although the application seeks Outline Planning Permission with all matters reserved an indicative plan has been submitted illustrating one way in which the development could come forwards. The indicative plan shows 70 dwellings on site - comprising 7 different house types (mixture of 2-4 bedroom properties consisting of dormer bungalows as well as detached, semi-detached and terraced houses and flats) positioned off a central spine road, which equates to 25 dwellings per hectare. The Design and Access Statement accompanying the application confirms that the dwellings are likely to range from 1, 1/2 and 2 storey.
- 3.7 The indicative plan shows the main access to the site via the existing access leading from the B6263 which serves Wetheral Community Centre. A footpath and emergency vehicle access via The Glebe is also illustrated with an area of open space provided within the middle of the site and the retention of a landscape tree belt to the south and hedgerows. The plans show that the temporary car park serving the village hall is to be removed with the formal car park retained.
- 3.8 The application is accompanied by a range of supporting documents including a Design and Access Statement, Heritage Statement, Transport Statement, Tree Report, Flood Risk Assessment, Ecological Appraisal, UU Pre-Development letter, Archaeological Desk-Based Assessment and Geophysical Survey, Ground Investigation Interpretive Report, Accident Data, Shadow Habitats Regulations Assessment, Surface Water Data sheet, and, Outline Landscape and Visual Impact Appraisal.
- 3.9 The indicative drainage plans submitted with the application illustrate the provision of a new underground surface water drainage system leading from the site towards the River Eden with the outfall on the strip of land adjacent to the bank of the River Eden approximately 313 metres north east of the application site.

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

- 4.1 This application has been advertised by the display of site notices, press notices and by means of notification letters sent to 73 neighbouring properties/interested parties. In response to the consultation undertaken 41 objections, 2 supports and 2 comments have been received.
- 4.2 The objections cover a number of matters which are summarised as follows:

##### **General Issues**

1. queries regarding how the application has been advertised;
2. scale of development in relation to the village;
3. village does not have amenities to accommodate the development;
4. no local school to accommodate additional children;
5. no provision for a children's playground;
6. surrounding primary schools are over subscribed;
7. development focus should be for sheltered or residential accommodation for the older generation who wish to remain in the village and access/parks for the younger people;
8. accuracy of plans - plot 30 is a 3 bed house not a bungalow behind existing bungalows as stated;
9. impact upon existing bungalows surrounding the site from proposed garages against the northern boundary;
10. query why Wetheral is being developed when St Cuthbert's is currently dormant;
11. density of development;
12. impact of the development on the garden village;
13. buses stop at 6pm and late night trains can be cancelled;
14. number of housing developments in the village are impacting upon stretched services;
15. visual impact of two modern housing developments directly across from each other at the southern end of the village;
16. development is contrary to policies HO1 and SP7 of the local plan;
17. loss of light and privacy to surrounding neighbouring properties;
18. impact upon the amenity of residents living on The Glebe from additional movements through The Glebe;
19. a third of the proposed plot is in a "Landscape of County Importance" - query how this can then be transformed into part of a deliverable site;
20. impact of the development on listed buildings such as the Grade 1 listed Wetheral Priory and Gatehouse;
21. field should be reserved for community needs;
22. a significant tree on the site was cut down over a year ago;
23. if development comes forward it should be built to the Code for Sustainable Homes standard.
24. existing residents already struggle to get a doctors appointment;
25. impact upon existing residents views of the River Eden from the drainage proposals;
26. site plan is inaccurate as it shows footpath all the way round the turning

- circle at the top of The Glebe;
- 27. site plan for adjacent properties is incorrect;
- 28. Inspectors decision on the Gladman's appeal for Scotby also applies to Wetheral site;
- 29. impact upon character/appearance of the village;
- 30. development on the site should be less dense and more fitting for the village;

### **Highway Issues**

- 31. highway safety from proposed shared access to the Community Hall;
- 32. highway safety from overflow car parking area for Community Hall being taken back by the developer;
- 33. highway safety from additional vehicles on the road as a result of the development;
- 34. there should be traffic lights to ensure safe crossing to the village hall, playing fields and pre-school as well as appropriate footpaths and a speed camera;
- 35. pollution and congestion from additional vehicles;
- 36. little room in cul-de-sacs for vehicle manoeuvrability;
- 37. highway safety impacts upon The Glebe and the junction of The Glebe;
- 38. proposal to convert the whole of the lane past Wetheral Priory Gatehouse to Steele's Bank to a 20mph zone should be considered;
- 39. proposal will create congestion and parking issues on The Glebe;
- 40. should be a physical barrier to prevent general access onto The Glebe;
- 41. concern that The Glebe will be used as a rat run by cyclists and youths;

### **Drainage And Biodiversity**

- 42. works to facilitate the proposed drainage outflow pipe will cause significant disruption along its lengthy route;
- 43. impact of proposed drainage arrangements on the river bank;
- 44. object to surface water from the development flowing into the River Eden;
- 45. impact upon River Eden SSSI/SAC by potential pollution;
- 46. design of drainage system will destroy surrounding environment;
- 47. visual impact of drainage system and impact upon conservation area;
- 48. grey water drainage outlet should be re sited to a different section of river;
- 49. impact of proposed drainage arrangements on river flow;
- 50. drainage arrangements would set a dangerous precedent;
- 51. capacity of existing drainage system is inadequate and needs to be upgraded;
- 52. proposal would exacerbate ponding that occurs at the junction of the B6263 and Ferry Hill Road from the combined system during heavy and prolonged rain fall;
- 53. Habitat Risk Assessment should be undertaken for impact upon the River Eden; and
- 54. drainage is 1/4 of a mile from the building site.

#### **4.3 The letters of support are summarised as follows:**

1. Wetheral is a nice place to live and has a lot of amenities;
2. facilities and organisations thrive because of people who live in the village;
3. villages and communities cannot stand still they need to develop and adapt;
4. important to realise that all houses in Wetheral were "new" once;
5. development is on land zoned in local plan; and
6. development includes a good proportion of affordable houses.

4.4 The comments received are summarised as follows:

1. query address of application site;
2. query regarding location of site notices; and
3. plan used is not showing correct site plan for 21/0234.

4.5 Councillor Stephen Higgs has also objected to the development on the following grounds:

1. object to the drainage proposals on the bank of the River Eden which is effectively a small industrial compound; and
2. members should undertake a site visit where drainage proposals are to take place.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objection subject to the funding of a gateway feature to the cost of £5,500 and the imposition of 8 planning conditions regarding 1) full specification of the construction of carriageways, footways etc; 2) details of measures to prevent surface water drainage discharging onto or off the highway; 3) provision of foot ways to link continuously and conveniently to the nearest existing foot way; 4) details of parking provision within the site; 5) construction parking details; 6) construction traffic management plan; 7) surface water drainage details; and 8) construction surface water management plan.

**Wetheral Parish Council, Wetheral Community Centre:** - address noted as Wetheral South in the CDLP 2015-2030, not west of Steele's Bank.

Allocated housing total states in the CDLP is 60 dwellings. This application is 15% over, at 70 dwellings. This is over development of the site.

Members support the diverse mix of housing and hope that this will be retained for the development.

Suggest that electric charging points are installed, and PV cells or other green energy be used. Traffic calming measures should be installed between the village boundary and the top of Primrose Hill, to help curb the effects of

additional traffic and speeding vehicles.

The committee has seen nothing in the application that ensures that the River Eden, a SSSI, remains undamaged by drainage and other arrangements connected with the site. This should be clarified in the planning documents.

In response to further consultation the Parish restated its previous objection to the drainage plans, particularly the drainage outfall onto the banks of the River Eden. The proposed fencing and concrete are not in keeping with the location, which is an SAC.

**Cumbria County Council (Education Department):** - estimated that the development would yield 24 children based on a population led model consisting of 14 primary and 10 secondary age pupils. the catchment schools for this development are Scotby CE School (2.5 miles) and Central Academy School (4.5 miles). The only other primary nearer to the development is Cumwhinton School (1.5 mile). The next nearest secondary schools are Trinity School (4.8 miles) and St John Henry Newman Catholic School (4.8 miles). RC schools are faith schools and have no specific catchment area, as they take children from a larger undefined area.

The catchment primary school is oversubscribed and cannot take the 14 pupils yielded from the development therefore an education contribution of £233,660 (14X £16,690) is required so that capacity can be provided to mitigate the impact of the proposed development. Feasibility work undertaken at Scotby School has established that it would not be feasible to expand the school. The conclusion is that the best solution to provide capacity in the east of Carlisle is to expand Cumwhinton because that is where the impact will be from developments in Cumwhinton, Scotby and Wetheral. In this instance it is important to note that Cumwhinton is the closest primary school.

A primary school transport contribution of £142,500 is also required as although Cumwhinton school is within walking distance the route is not safe.

There will be only 4 places available of the required 10 to accommodate the secondary pupil yield from this development. Therefore a secondary education contribution of £151,134 (6x £25,189) is required to help provide additional secondary school capacity.

A secondary school transport contribution of £10,020 is also required as the catchment school Richard Rose Central Academy is over the 3 mile walking limit from the development.

**Local Environment - Environmental Protection (former Comm Env Services- Env Quality):** - no objection subject to two conditions regarding 1) unsuspected contamination and 2) electric car charging points.

Standing advice regarding noise, vibration and dust.

**(Former Green Spaces) - Health & Wellbeing:** - insufficient detail in the Design and Access Statement on the provision of, or access to, open space

to meet the recreational needs of residents living in the new development.

Based on estimated occupancy of 180 persons there is a deficit of 0.46ha of open space therefore require an off-site contribution of circa £26,000 to upgrade and maintain open space which is accessible from the development. There are sufficient play facilities and sports pitches nearby however an off-site contribution of circa £20,000 is required towards the maintenance of existing play provision and circa £6,500 towards the maintenance of off-site sports provision.

Advice has also been received confirming that the developer will need to manage any open space provided through the development and open space should have direct overlooking.

**Cumbria Fire & Rescue Service:** - no response received;

**Local Environment, Waste Services:** - no objection, advice received regarding waste collection for indicative plot numbers 12-16. 23-25 and 56-59.

**Natural England - relating to protected species, biodiversity & landscape:** - no objection subject to a condition ensuring a Construction Environmental Management Plan including an Invasives Species Management Plan for the control of Himalayan Balsam.

Advise that the Authority may also wish to secure an updated Ecology Report if outline approval is granted as the submitted Ecological Appraisal was undertaken in the winter. Based on the result ideally the Authority should then seek a 10% net gain in habitat provision as result of the proposal. Note that 2 mature trees are to be removed which have high bat roosts potential. A bat inspection survey will therefore be required prior to any works to these trees.

**Planning - Access Officer:** - no comments;

**Environment Agency (N Area (+ Waste Disp & Planning Liaison Team):** - surface outfall to the River Eden Special Area of Conservation will require a flood risk activity permit (FRAP). Advice received regarding Flood Risk Activity Permit and associated Habitats Regulations Assessment.

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** -no objection subject to the imposition of two conditions ensuring 1) full details of a surface water drainage scheme, and, 2) foul and surface water drained on separate systems. Also suggest a condition regarding a management and maintenance regime for any sustainable drainage system.

Advice received regarding water supply; and, United Utilities' property, assets and infrastructure.

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



## Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that 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) together with Policies SP1, SP2, SP6, SP8, HO1, HO2, HO4, IP1, IP2, IP3, IP4, IP5, IP6, IP8, CC4, CC5, CM2, CM5, HE2, HE3, HE7, GI1 and GI3 of the Carlisle District Local Plan 2015-2030. The Cumbria Landscape Character Guidance and Toolkit (CLCGT), Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBA) and the Council's Supplementary Planning Documents (SPD) 'Achieving Well Designed Housing', 'Affordable and Specialist Housing', 'Trees and Development' and 'Designing Out Crime' are also material planning considerations.
- 6.3 The proposal raises the following planning issues:

### **1. The principle of development**

- 6.4 The majority of the application site, with the exception of a strip of land approximately 0.38 ha in area to the south behind Wetheral Community Centre is allocated for housing (R19-Wetheral South) in the adopted Carlisle District Local Plan 2015-2030. An indicative yield of 60 dwellings has been identified for the allocated site which measures 2.2ha in area and also encompasses land immediately to the south of Wheatsheaf Gardens.
- 6.5 It is evident that part of the allocated site, not subject of this application, has come forward earlier than expected with approximately 0.64ha in area (the land immediately to the south of Wheatsheaf Gardens now known as 1-9 Prior's Garth) granted permission for 9 dwellings with a new access taken from the B6263. At the time of the officer site visit for the current application the 9 dwellings were under construction.
- 6.6 The principle of the allocated site for housing has already been assessed and established as acceptable under the local plan allocation and adoption process. The additional strip of land included in this application which falls outside of the allocation would have to be considered as windfall development and would need to be assessed against Policies HO1 (Housing Strategy and Delivery), HO2 (Windfall Housing Development) and SP2 (Strategic Growth and Distribution) of the Carlisle District Local Plan 2015-2030.
- 6.7 Policy HO1 states that any unallocated sites which come forward for development and would prejudice the delivery of the housing strategy will be resisted. Policy HO2 of the Carlisle District Local Plan 2015-2030 (CDLP)

allows for windfall housing development other than those allocated within or on the edge of Carlisle, Brampton, Longtown, and villages within the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and subject to satisfying five criteria namely that 1) the scale and design of the proposed development is appropriate to the scale form, function and character of the existing settlement; 2) the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed; 3) on the edge of settlements the site is well contained within existing landscape features, is physically connected; and integrates with the settlement, and does not lead to an unacceptable intrusion into open countryside; 4) in the rural area there are either services in the villages where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and 5) the proposal is compatible with adjacent land users.

- 6.8 The parcel of land subject of this application which is unallocated is located to the immediate south of housing allocation R19 to the east of Wetheral Community Centre. A buffer of trees surrounds the south and eastern boundaries of the land which provides a natural containment. It is therefore considered that the additional parcel of land proposed for housing is physically connected to the village and housing allocation R19. Consequently the proposal would not lead to an unacceptable intrusion into the open countryside. As the additional land is considered to be well integrated with the existing village (which contains a range of services) the development site is considered to be within a sustainable location which will help to maintain the vitality of the rural community within the settlement where the housing is proposed. The additional land will not prejudice the delivery of the spatial strategy of the local plan and the principle of housing on this additional land is therefore considered policy compliant.

## **2. Whether The Scale And Design Would Be Acceptable**

- 6.9 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 70 dwellings which is an appropriate density for the site in the context of the surrounding area.

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

- 6.10 There are a number of existing dwellings which 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.
- 6.11 Notwithstanding the above it is clear that dwellings could be accommodated on the 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. Highway Matters**

- 6.12 As the application seeks outline planning permission for all matters reserved, access is a matter for consideration at the reserved matters planning application stage.
- 6.13 Notwithstanding the above the indicative plans demonstrate that the existing access from the B6263 when serves the village hall and was designed to accommodate the allocated residential development can be utilised as the main access with pedestrian and emergency vehicle access through The Glebe. The submitted plans illustrate visibility splays of 2.4x60 metres for the primary access onto the B6263 and existing visibility splays of 2.4x46 metres in a north direction and 2.4x100 metres in a south direction from The Glebe which the emergency vehicle access links onto.
- 6.14 The Highway Authority has raised no objection to the development subject the imposition of 8 planning conditions regarding 1) full specification of the construction of carriageways, footways etc; 2) details of measures to prevent surface water drainage discharging onto or off the highway; 3) provision of foot ways to link continuously and conveniently to the nearest existing foot way; 4) details of parking provision within the site; 5) construction parking details; 6) construction traffic management plan; 7) surface water drainage details; and 8) construction surface water management plan.
- 6.15 The Highway Authority has also noted that a speed survey undertaken as part of the application indicated 85th percentile speeds of 32mph for northbound vehicles and 36mph for southbound vehicles. As the development will increase the number of vehicles using the B6263 Highways have also requested a financial contribution of £5,500 from the applicant towards a gateway feature at the 30mph zone entrance into Wetheral to reduce vehicular speeds with the feature secured by a S278 agreement with the Highways Authority. The applicant has agreed to enter into a S106 to provide the funding for the required traffic calming measure.

#### **5. Affordable Housing**

- 6.16 Local Plan Policy HO4 requires 30% affordable housing on sites in Affordable Housing Zone A which encompasses Wetheral, 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).
- 6.17 In accordance with Policy HO4, based on a 70 unit scheme, the requirement would therefore be 30% affordable housing (50% for affordable/ social rent & 50% intermediate housing) which would equate to 21 affordable dwellings provided on a 50/50 basis.
- 6.18 The Council's Affordable and Specialist Housing Supplementary Planning

Document recommends that on sites between 50-99 units 5% of the dwellings provided are bungalows or other accommodation for older persons which applies to both the open market and affordable sectors. Based on the indicative plans this would equate to 3-4 bungalows or other adaptable unit types suitable for older persons.

- 6.19 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.

## **6. Education**

- 6.20 Using a population-led model, as no dwelling mix has been provided at this stage, a development of 70 dwellings is estimated to yield 24 children: 14 primary and 10 secondary.
- 6.21 The catchment schools for this development are Scotby (2.5 miles) and Central Academy (4.5 miles). The next nearest schools are Cumwhinton (1.5 miles) for primary and St John Henry Newman Catholic School for secondary (4.8 miles).
- 6.22 The catchment primary school of Scotby is over subscribed and cannot take the 14 pupils yielded from the development, therefore an education contribution of £233,660 is required so that capacity can be provided to mitigate the impact of the proposed development. The County Council, as the relevant Education Authority, has confirmed that there has been some feasibility work undertaken at Scotby Cof E Primary School which established that it would not be feasible to expand the school. The conclusion was that the best solution to provide capacity in the east of Carlisle is to expand Cumwhinton because that is where the impact will be from developments in Cumwhinton, Scotby and Wetheral. In this instance it is important to note that Cumwhinton School is the closest primary school, situated 1.5 miles from the development.
- 6.23 The Education Authority has also confirmed that Cumwhinton School is within statutory walking distance however the route is not safe therefore a primary transport contribution of £142,500 is also required.
- 6.24 In terms of secondary schools the County has confirmed that when considering the effect on pupil numbers from known levels of housing development across Carlisle, it is considered that there will be only 4 places available of the required 10 to accommodate the secondary pupil yield from the development. An education contribution of £151,134 is therefore required.
- 6.25 The County has also confirmed that Richard Rose which could accommodate 6 of the secondary aged children from the development is over the 3 mile walking limit therefore a transport contribution towards rail passes of £10,020 is required.
- 6.26 The applicant's agent has agreed to pay the relevant contribution therefore

there is no policy conflict.

## **7. Open Space Provision**

- 6.27 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. Furthermore Policy GI4 of the CDLP states that new developments of more than 20 dwellings will be required to include informal space for play and general recreational or amenity use on site according to the size of the proposal. The developer will be required to ensure that appropriate measures are put in place for the future management and maintenance of such spaces. On smaller housing sites, where on site provision is not appropriate the developer may be required to make commuted payments towards the upgrading of open space provision in the locality, especially if a deficit has been identified.
- 6.28 Policy GI4 goes onto confirm that all new dwellings should have safe and convenient access to high quality open space, capable of meeting a range of recreational needs. Where deficits are identified, new development will be expected to contribute towards the upgrading of an existing open space to improve its accessibility or the creation of a new one within the immediate locality.
- 6.29 The indicative plan that accompanies the application shows areas of informal open space in the middle of the site and at the eastern end of the site, adjacent to The Glebe. The Council's Green Spaces team has been consulted on the proposal and has confirmed that a development of this size needs to provide onsite and/or access to high quality green space to meet a range of recreational needs. There is insufficient detail in the Design and Access Statement on the provision of or access to open space to meet the recreational needs of residents living in the new development. The indicative landscaping plan shows 0.19ha of open space. The target is 3.6Ha/1,000 population which equates to 0.65ha based on the estimated occupancy of 180. There is therefore a deficit of 0.46 Ha and an off-site contribution of circa £26,000 would be required to upgrade and maintain open space accessible from the development. There is no play provision on site but there are facilities nearby which are in reasonable order therefore no contribution would be required for additional facilities however a contribution of circa £20,000 (depending on number and size of the units) would be required for the maintenance of existing facilities which would be accessible by the development. As there are existing sport pitches also accessible by the development a contribution of circa £6,500 would be required. Green spaces has also confirmed that the developer will be required to ensure appropriate measures are put in place for the management of any open space provided through the development and it would be more preferable if the open space that provides access into The Glebe has direct overlooking.
- 6.30 As this application seeks outline planning permission with all matters

reserved the exact levels of contribution required cannot be calculated without further information and the level of on-site open space, together with its positioning, 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.

## **8. Foul and Surface Water Drainage**

- 6.31 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development.
- 6.32 The application seeks only to establish the principle of development however drainage details/information has been submitted with the application demonstrating one way that drainage for the housing development could be achieved. The accompanying information for the application demonstrates that direct infiltration for surface water is not possible on site following ground investigations. The applicant has submitted indicative drainage plans illustrating that surface water drainage from the site could discharge to the River Eden via a new United Utility surface water drain and on site attenuation to accommodate 1 in 100 year flooding plus 40% to account for climate change. The indicative drainage details illustrate an underground system located along the public roads leading from the site towards a section of land along the bank of the River Eden (as discussed in paragraph 3.9 of this report) with an outfall to the River Eden. The indicative plans show that the outfall will be underground for the first 6.9 metres of the river bank leading from the road followed by a 2.2 metre long ( 0.6-1.4 of a metre in width) concrete discharge area then a 10.3 metre long (0.6m wide) open discharge channel leading into the River Eden which follows the profile of the ground. The indicative plans also illustrate enabling works consisting of 1 metre high post and wire fencing surrounding the first 6 metres of the site (which is currently in situ and does not require planning permission) as well as a handrail and steps following the profile of the land. The agent has confirmed that the handrail is likely to be 1.1 metre in height.
- 6.33 The relevant Lead Local Flood Authority (LLFA) has been consulted on the development and has noted that the applicant has gone through the hierarchy of surface water drainage options outlined in the NPPF and the Cumbria Development Design Guide. The LLFA accepts that sufficient evidence has been provided to demonstrate that direct infiltration on site is not viable and therefore accepts the next option of discharging surface water to a water course by a new surface water culvert. The LLFA have stated that a suitable legal agreement will be required for the construction of the new surface water culvert beneath the adopted highway network. The LLFA have noted that the indicative drainage plans illustrate that surface water can be attenuated from the site in line with green field run off rates which is acceptable in principle however no detailed calculations have been submitted to demonstrate that the level of attenuation proposed can be accommodated without increasing flood risk on site or downstream. The LLFA has confirmed that this

information can be provided at a later stage of the planning process and can be secured by through the use of appropriate planning conditions.

- 6.34 The LLFA has also confirmed that a plan should also be submitted regarding exceedance routes for the development site in the event of a failure of the drainage network and impermeable surfacing within the development site is to be added to the drainage design. They have also noted that flooding occurs to the north of the development site due to overland flow as such the applicant will need to consider these flows during the design of the drainage network for the development and mitigate against any potential impacts. Again the LLFA has states that this information can be provided at a later stage of the planning process and can be secured by the use of relevant planning conditions. The LLFA has therefore raised no objection to the principle of the development subject to relevant conditions ensuring 1) details of measures to prevent surface water drainage discharging onto or off the highway; 2) surface water drainage details; and 3) construction surface water management plan.
- 6.35 The drainage information submitted also confirms that foul drainage from the site can connect to the existing United Utilities (UU) network. The principle of a foul water connection to the existing UU network is acceptable to United Utilities.
- 6.36 As stated within this report the application is seeking outline planning permission with all matters reserved. In relation to the above it has been demonstrated through the indicative plans and submitted drainage information that the site can be drained in accordance with the hierarchy of drainage options outlined in the NPPF subject to pre-commencement conditions which would ensure the submission of further details in respect of foul and surface water drainage.

## **9. Flooding**

- 6.37 The application site where the housing is to be located is not situated within a flood zone however the parcel of land adjacent to the River Eden is located within flood zone 3. The Environment Agency has been consulted on the development and has raised no objection. The Environment Agency has however confirmed that the construction of an surface water outfall in the river bank together with any temporary/enabling works will require a bespoke flood risk activity permit from the Environment Agency as well as an associated Habitats Regulations Assessment with a full method statement for construction of the outfall in the River Eden SAC, and, a localised survey with confirmation of the presence or absence of an otter holt in the direct vicinity of the proposed outfall.
- 6.38 The Flood Risk Activity Permit is a separate regulatory process which the applicant will need to adhere to if they proceed with the indicative surface water drainage option of discharge of surface water drainage into the River Bank. Relevant pre-commencement planning conditions can be imposed within any decision notice requesting full construction details of any surface water outfall into the River Eden as well as further survey work regarding the

presence or absence of otter holt's.

- 6.39 The issue of any localised surface water flooding on the land subject of this development has been addressed in sections 6.31-6.36 of this report.

## **10. Biodiversity**

- 6.40 An ecological appraisal has been undertaken on the site which concludes that the application site where the housing is to be located comprises of poor semi-improved grassland, with low species diversity and low ecological value. There is no conclusive evidence of any protected species regularly occurring on the site which would be negatively affected by site development following mitigation proposed. The appraisal states that mature/veteran trees to the periphery of the site should be retained and the protection of trees, hedgerows and woodland on the site boundary and additional landscaping will promote structural diversity in both the canopy and at ground level and could encourage a wider variety of wildlife to use the site than already occurs.
- 6.41 The submitted indicative landscape scheme illustrates that appropriate mitigation can be incorporated into the final design to minimise the impacts of the development including the retention and protection of mature broad leaf trees; retention and enhancement of the majority of the hedgerows; additional trees, shrub and bulb planting; use of a flowering lawn mixture in gardens. Such mitigation measures can be secured by condition would ensure that the proposal does not have an adverse impact on biodiversity.
- 6.42 Natural England has been consulted on the application and requested in their first consultation response that a Habitats Regulations Assessment should be undertaken to assess the potential impacts of the proposed surface water outfall to the River Eden SSSI and SAC. They also stated that if outline planning permission is granted a further updated ecological survey will be required as the submitted Ecological Appraisal accompanying the application was undertaken in the winter.
- 6.43 A Shadow Habitats Regulations Assessment has subsequently been undertaken for the proposed residential development and installation of surface water outflow which concludes that the development will not have a significant impact on the special interests of the European protected site subject to a extensive number of mitigation measures as outlined in the Assessment, including a Construction Environmental Management Plan for construction activity along with fencing of the ditch and sensitive lighting, a Land users Pack given out to all owners/tenants if approved giving details of sensitivity of River Eden.
- 6.44 Natural England (NE) has been consulted on the Shadow Habitats Regulations Assessment and has raised no objections to subject to the following measures to protect the River Eden & Tributaries SSSI and River Eden SAC - namely a Construction Environmental Management Plan to include mitigation measures that will be put in place during the construction of the surface water outfall, and, an Invasive's Species Management Plan for the control of Himalayan Balsam. Natural England have also reiterated their



comments regarding an updated ecology report with a 10% net gain for biodiversity based on the proposal results. They have also confirmed that the two trees to be removed have a high bat roost potential therefore a bat inspection survey will be required prior to any works to the trees. In terms of the trees to be removed Members should be aware that the indicative landscape plan only shows one tree to be removed (a category U tree positioned within the landscape belt to the south of the site) however the acceptability of this removal will be dealt with at the reserved matters stage as landscaping is a reserved matter. The other tree, a lime tree, referenced by NE was removed from the site prior to the application being submitted.

- 6.45 The City Council has a duty to have regard to conserving biodiversity as part of the decision making process. The relevant statutory consultees have raised no objection to the principle of development subject to the use of appropriate mitigation measures which can be achieved by pre-commencement conditions which should ensure that there is no impact on turbidity, siltation or toxicity/ pollution on the River Eden & Tributaries SSSI. In such circumstances 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.

## **11. Impact Upon Wetheral Conservation Area**

- 6.46 As previously stated within this report Wetheral Conservation Area boundary lies adjacent to part of the northern boundary of the site where the proposed residential development is to be located. The impact on the setting of Wetheral Conservation Area has already been assessed under the local plans procedure when the site was allocated for housing development where it was stated that the conservation area at this point has a range of designs and sizes of two storey properties, finished in stone, render and brick in a compact layout. New development will be expected to harmonise with the local context both within and adjacent to the CA.
- 6.47 The layout and design of the dwellings are reserved for subsequent approval and do not form part of this application. The impact upon the setting of Wetheral Conservation Area from the housing development will therefore be assessed under a relevant Reserved Matters application.
- 6.48 The parcel of land adjacent to the River Eden which also forms part of the application site is wholly situated within Wetheral Conservation Area. As also previously discussed within this report the indicative plans illustrate that a surface drainage outfall, and relevant enabling works to facilitate this, could be located within this area to deal with surface water discharge from this site. As confirmed the drainage proposals submitted are not the finalised drainage designs for the site. The finalised drainage details can be dealt with via relevant pre-commencement planning conditions. Any enabling works to facilitate the drainage scheme in this location does have the potential to impact upon the setting of Wetheral Conservation Area therefore it is suggested that Members include a relevant condition within the decision notice, should they grant planning approval, requesting full details of any enabling works to facilitate any drainage proposals prior to the

commencement of any development in order to enable a full assessment of these works on the setting of Wetheral Conservation Area.

## **12. Impact Upon Heritage Assets**

- 6.49 The Grade I listed Wetheral Priory and Gatehouse lies 250 metres to the east of the site. There also two scheduled ancient monuments within the Wetheral Abbey Farm cluster. To the north of the site there are two Grade II Listed Buildings 'Green Farm' and 'Greystones' which are located 66 metres and 80 metres respectively from the site. It is noted that there are intervening dwellings between the application site and 'Greystones'. There are also listed buildings further along the road of the strip of land also included within the red line boundary adjacent to the River Bank as described in paragraph 3.4 of this report.
- 6.50 The impact on the setting of Listed Buildings has already been assessed under the local plans procedure when the site was allocated for housing development where it was stated, in respect of the Grade I listed Priory and Gatehouse and ancient monuments at Wetheral Abbey Farm, that the land rises steeply to the west of the listed building blocking views of the heritage asset from the wider landscape. The roofs of the westernmost houses on The Glebe are only just visible. It is unlikely that development of the proposed site would adversely impact the character and setting of the listed building.
- 6.51 The layout and design of the dwellings are reserved for subsequent approval and do not form part of this application. The drainage plans are also just indicative showing one way the site could be developed The impact upon the setting of nearby listed buildings from the development will therefore be assessed in further detail under a relevant Reserved Matters application.

## **13. Other Matters**

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

## **Conclusion**

- 6.54 The principle of the allocated site for housing has already been assessed and established as acceptable under the local plan allocation and adoption process. The parcel of land subject of this application which is unallocated is located to the immediate south of housing allocation R19 to the east of Wetheral Community Centre. A buffer of trees surrounds the south and eastern boundaries of the land which provides a natural containment. It is

therefore considered that the additional parcel of land proposed for housing is physically connected to the village and housing allocation R19. Consequently the proposal would not lead to an unacceptable intrusion into the open countryside. As the additional land is considered to be well integrated with the existing village (which contains a range of services) the development site is considered to be within a sustainable location which will help to maintain the vitality of the rural community within the settlement where the housing is proposed. The additional land will not prejudice the delivery of the spatial strategy of the local plan and the principle of housing on this additional land is therefore considered policy compliant.

- 6.55 Access, landscaping together with scale, layout and design of the development and the subsequent impact of the proposal on the living conditions of the occupiers of neighbouring properties, Listed Buildings, and, the setting of Wetheral Conservation Area 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, affordable housing or open space. 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 £5,500 towards traffic calming measures;
  - c) a financial contribution of £233,660 to be paid to Cumbria County Council towards the provision of primary school places;
  - d) a financial contribution of £142,500 to be paid to Cumbria County Council towards primary school transport;
  - e) a financial contribution of £151,134 to be paid to Cumbria County Council towards the provision of secondary school places;
  - f) a financial contribution of £10,020 to be paid to Cumbria County Council towards secondary school transport;
  - g) the maintenance of the open space within the site by the developer;
  - h) financial contributions of £26,000 towards the upgrading and maintenance of off-site open space, £20,000 towards the maintenance of off-site play facilities, and £6,500 towards the maintenance of off-site sports pitches.
- 6.57 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 2016 Full Planning Permission was granted for construction of temporary car park in field adjoining community hall (reference 16/0255).

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

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

**Reason:** In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended by The Planning and Compulsory Purchase Act 2004).
2. Before any works are commenced, details of the layout, scale, appearance, access, and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority. The development shall be undertaken in strict accordance with the details approved in response to this condition.

**Reason:** To accord with the provisions of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, because this is outline permission only and these matters have been reserved for the subsequent approval of the local planning authority.
3. The development shall be undertaken in strict accordance with the approved documents for this Outline Permission which comprise:
  1. the submitted Planning Application Form received 29th June 2021;
  2. the Site Location Plan received 29th June 2021 (Drawing No.19046-01B);
  3. the Planning Statement received 29th June 2021;
  4. the Heritage Statement received 29th June 2021;
  5. the Transport Statement Version 1 received 29th June 2021 (Reference MHC/1960/TS);
  6. the Tree Survey Report received 29th June 2021 (Dated December 2019 Rev A 020120);
  7. the Outline Landscape and Visual Impact Appraisal received 29th June 2021 (Dated December 2019);
  8. the Flood Risk Assessment & Drainage Strategy received 29th June

2021 (Issue 2 - 03 September 2020);

9. the Design and Access Statement received 29th June 2021;
10. the Ecological Consultants received 29th June 2021;
11. the Archaeological Desk-Based Assessment and Geophysical Survey received 29th June 2021;
12. the Ground Investigation Interpretive Report received 29th June 2021 (Drawing No.2720);
13. the Shadow Habitat Regulations Assessment received 8th October 2021;
14. the Surface Water Data Sheet received 8th October 2021;
15. the Notice of Decision; and
16. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

4. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the local planning authority before development commences. The development shall be undertaken in strict accordance with the details approved in response to this condition.

**Reason:** In order that the approved development responds to planning issues associated with the topography of the area, preserves amenity and reduces flood risk, in accordance with Policies SP6 and CC4 of the Carlisle District Local Plan 2015-2030.

5. Prior to their use as part of the development hereby approved, full details of all materials to be used on the exterior of the buildings, including roofs, walls, cladding, doors, windows, external frames and rainwater goods shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in strict accordance with the approved details.

**Reason:** To ensure the development is acceptable visually and harmonises with existing development, in accordance with Policies SP6, HO1 and HO2 of the Carlisle District Local Plan 2015-2030.

6. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed application site (including phasing/delivery) and approved in writing by the local planning authority before their use as part of the development hereby approved. The approved

development shall be carried out in strict accordance with the details approved in response to this condition.

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

7. Notwithstanding any details shown on the approved drawings, 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:

- precise details of the item(s) including materials, location and height
- timescale for implementation
- 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.

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

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

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI 6 of the Carlisle District Local Plan 2015-2030.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within a timeframe that has first been submitted to and approved in writing by the local planning authority and maintained thereafter in accordance with maintenance measures identified in the approved landscaping scheme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

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

10. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around any retained trees and hedgerows in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

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

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

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

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

**Reason:** To establish an acceptable level of access to connectivity

resources, in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

13. 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.

14. 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.

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

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

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

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

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



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

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

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

The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated September 2020 proposing surface water discharging into the River Eden.

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.

19. 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. To support Local Transport Plan Policy LD8.

20. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- pre-construction road condition 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); and
- surface water management details during the construction phase.

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

21. 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 facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

**Reason:** To ensure that all vehicles can be properly and safely accommodated clear of the highway. To support Local Transport Plan Policies LD7 and LD8.

22. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to the development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

23. Footways shall be provided that link continuously and conveniently to the nearest existing footway. Pedestrian links within and to and from the site shall be provided that is convenient to use.

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

24. 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.

25. Any reserved matters/full planning application for the site shall be accompanied by a further updated ecology report undertaken by an appropriately qualified person within the appropriate season.

**Reason:** In order to ensure no adverse impact on European and nationally protected species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

26. 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.

27. 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.

28. Prior to the commencement of development, the applicant shall submit a Construction Environmental Management Plan (CEMP) which shall also include any mitigation measures that will be put in place during the construction of any surface water outfalls, and, an Invasives Species Management Plan for the control of Himalayan Balsam 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.

29. Prior to any removal of trees as part of any approved landscaping scheme a bat presence/ absence survey shall be undertaken and submitted to and

approved in writing by the Local Planning Authority. The survey shall provide information on the presence or likely absence of bats, a final assessment on bat status as well as any appropriate methodology/ mitigation measures (if required) to avoid any risk of harm/ significant disturbance together with the timing of such works.

The development shall then be undertaken in accordance with the approved details.

**Reason:** In order to ensure no adverse impact on a European Protected Species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

30. No development shall commence (including any works on the parcel of land adjacent to the River Eden outlined in red on Drawing No. 19046-01B) until a localised otter survey has been undertaken and submitted to and approved in writing by the Local Planning Authority. The survey shall provide information on the presence or likely absence of otters, a final assessment on otter status as well as any appropriate methodology/ mitigation measures (if required) to avoid any risk of harm/ significant disturbance together with the timing of such works.

The development shall then be undertaken in accordance with the approved details.

**Reason:** In order to ensure no adverse impact on a European Protected Species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

31. The development permitted by this planning permission shall be carried out in accordance with the mitigation measures outlined in section 7 of the Ecological Appraisal undertaken by Envirotech received 29th June 2021 and the mitigation measures outlined in section 6 the Shadow Habitats Regulations Assessment undertaken by Envirotech received 8th October 2021.

**Reason:** To protect the biodiversity and water quality of the River Eden SAC/SSSI and in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

---



PLANNING

**ARCHITECTS**  
PLUS

Project  
**PROPOSED RESIDENTIAL DEVELOPMENT  
ABBEYFIELDS, WETHERAL**

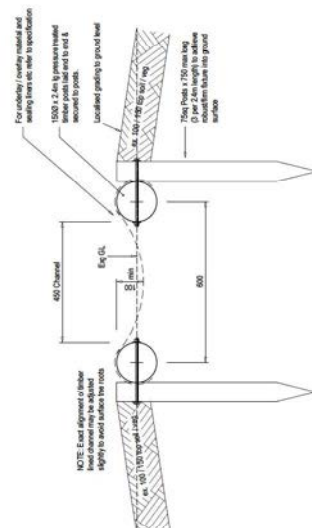
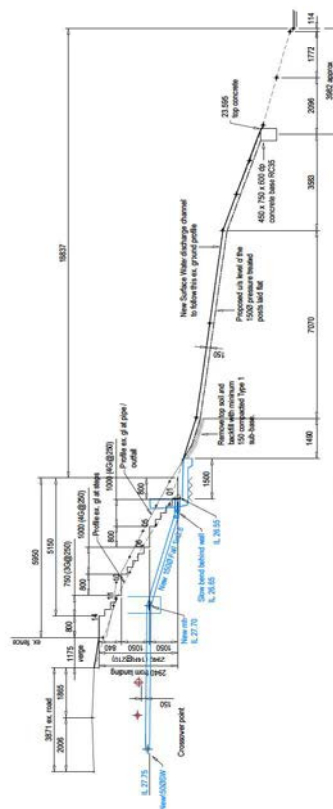
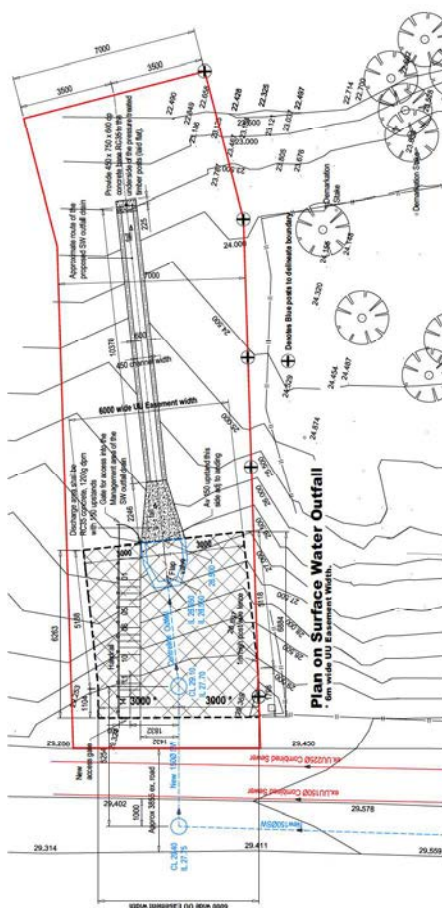
Client  
**SIMTOR LIMITED**

Drawing  
**SITE LOCATION PLAN**

Scale Date Drawn Comp.No. Number  
1:2500 02/20 BG P02 19046-01B



TYPE	DESCRIPTION	NO.
1	100m <sup>2</sup> 4 BED HOUSE WITH GARAGE	2
2	100m <sup>2</sup> 4 BED HOUSE WITH GARAGE	23
3	100m <sup>2</sup> 4 BED HOUSE WITH GARAGE	11
4	90m <sup>2</sup> 3 BED HOUSE	15
5	75m <sup>2</sup> 3 BED AFFORDABLE HOUSE	6
6	60m <sup>2</sup> 2 BED AFFORDABLE HOUSE	8
7	72m <sup>2</sup> 2 BED FLAT	5
8	150m <sup>2</sup> 2 BED DOMESTIC BUNGALOW	95



### Surface Water Discharge channel

(refer to specification for lining the channel )

### Specification for Discharge Channel Lining.

- Specification for Discharge Channel Linings:**
1. Strip surfaces of vegetation and soil to 100-150 degree - stone for re-vegetation.
  2. Lay 1500 x 2.4m long pressure treated timber posts laid end to end on surface at 1000mm centres.
  3. Saw cut 1500 x 2.4m C&P treated timber posts to 2.4m long (each side).
  4. Soak timber with 75:25 copper: zinc solution.
  5. Lay 1500 x 2.4m C&P treated timber posts to 2.4m long (each side).
  6. Underlay material is 4000N (1000kg/m<sup>2</sup>) wet weight (C&P Puncture Resistance).
  7. Sowing line is 0.25mm extruded line a gravel product with a 3 year deterioration warranty.
  8. Overlay material 600mm (650kg/m<sup>2</sup>) geotextile (C&P Puncture Resistance).
  9. Overlay geotextile - black to finish as the puncture resistance must be white and will stand out.
  10. Replace excavated topsoil to outer edge of timber edges and turf / seed to restore area and leave only a 50mm channel.

05/12/21	C	Finance and Gate around U3 area provided.	RM
18/12/21	B	Annotation for flat paths in boundary added	S8
22/01/22	A	Day presented hearing documents with Consent	S8
	Revision	Date	Mark 2/3

<p><b>Bingham Yates Limited</b>  <b>Consulting Engineers</b>          38 Victoria Place, Carlisle, CA1 1EX          Tel: 01246 251436 Fax: 01246 251579          email: info@binghamyates.co.uk</p>	
Project	Abbeyfields, Wetheral, Cumbria.
Drawing Title	Typical Outfall to River
Client	Similor Ltd
Scale	Checked
1:100, 1/50	16/02/21
Drawing No	Engineer
D1347 / 03	CAN
Revision	
A	B
C	







## SCHEDULE A: Applications with Recommendation

21/0677

Item No: 02

Date of Committee: 25/02/2022

**Appn Ref No:**  
21/0677

**Applicant:**  
Fred Proudfoot Ltd

**Parish:**  
Brampton

**Agent:**  
Unwin Jones Partnership

**Ward:**  
Brampton & Fellside

**Location:** Units 10 and 10b, Townfoot Industrial Estate, Brampton, CA8 1SW

**Proposal:** Creation Of Vehicular Access To Unit 10 To Provide Separate Accesses And Parking Areas To Both Units With The Erection Of A 1.2M High Fence Between; Change Of Use Of Grassed Area To Eastern Part Of Site To Form Storage Compound With Installation Of 1no. 5M High Flood Lighting Column & 4no. 3M High Flood Lighting Columns And 2M High Fencing Surrounding; Implementation Of Tree Planting On Ground/Bank Between Site And Townfoot Park.

**Date of Receipt:**  
12/08/2021

**Statutory Expiry Date**  
07/10/2021

**26 Week Determination**

---

### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Proposal Would Be Acceptable In Principle
- 2.2 Scale And Design
- 2.3 Impact On Residential Amenity
- 2.4 Impact On Biodiversity
- 2.5 Highway Matters
- 2.6 Drainage Matters

#### 3. Application Details

**The Site**

- 3.1 The application site is located at the southern end of Townfoot Industrial Estate and lies immediately to the north of Carlisle Road. The site currently contains: unit 10 which is occupied by a church; unit 10b which is occupied by a vehicle repair garage; some associated parking areas that lie to the north of the units 10 and 10b and to the west of unit 10; and an undeveloped grass area that lies to the east of unit 10b and which contains a grass embankment at its eastern side. There is a direct access into the site from the main access road into the industrial estate, which lies to the west and this serves both of the existing units.
- 3.2 Residential properties on Townfoot Park lie to the east of the application site and these sit at a higher level than the site. Employment units adjoin the site to the north. The main access road into the industrial estate lies to the west of the site beyond which lies further employment land. A landscaped area, which contains a belt of trees, lies to the south of the site beyond which lies Carlisle Road.

### **The Proposal**

- 3.3 The proposal is seeking to change part of the grass area that lies at the eastern end of the site into a storage area. The storage area would measure 16m in width by 28m in length and would be finished stone. Seventeen storage containers would be located on the site. Eight of these would be located on the western side with nine being located on the eastern side and these would be separated by a 3m wide road which would have a turning area at its southern end.
- 3.4 A new access road would be created along the northern side of the site to serve the storage area. This would also provide a new access to unit 10b, with unit 10 continuing to use the existing access. The plans show a 1.2m timber post and rail fence being erected on the boundary between units 10 and 10b.
- 3.5 The metal storage containers would measure 6.5m in length by 3m in width and would be 2.6m high. The site would be enclosed by a 2m high paladin fence. Four 3m high lighting columns would be located within the site, with one 5m high lighting column being provided along the new access, to the north of unit 10b.
- 3.6 A grass strip, which would be between 13m and 14m wide, would be retained to the east of the storage area to provide a buffer between the site and the residential properties at Townfoot Park, which sit at a higher level than the application site. The submitted plans show seven new fruit trees being planted in the retained grass area.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and notification letters sent to 6 neighbouring properties. In response, 11 letters of objection (from 9 households) have been received which make the

following points:

#### Proposed Use

- the proposed development is very close to residential properties in Townfoot Park;
- the scale of the proposals will cause much anxiety for the mainly elderly residents of those properties;
- this development is inappropriate in that location and more suited to other parts of the estate;

#### Lighting/ Fencing

- the fencing and high lighting columns are of an oppressive nature and are a visual intrusion for those properties in Townfoot Park;
- concerned that the proposed lighting will directly affect the neighbouring residential properties - the main bedroom, living area and kitchen are all at the back of the property, and with the proposed lights positioned on 5m and 4m high poles, it is believed that they will shine directly into the property causing disruption to daily life;
- there is no information provided as to operation times of the lights or whether they would be on a motion sensor system (which could lead to distracting switching, especially at night and during the winter months) or on permanently;
- how near to the mature hedge and trees on the boundary with the neighbouring properties will the fence and security lights be? - believe that there is currently a 50m strip - how much will this be reduced?;
- what are the times of operation of the lights?;
- increased traffic movement and use of floodlighting during unsocial hours will cause severe disturbance to the adjoining residential properties;
- the proposed fence at 2.4 metres would possibly be an eyesore to the resident of the houses bordering the development, as the height is greater than the existing hedging;
- the replacement of the grass buffer strip with excessively high and unnecessary security fencing and lighting will create significant levels of anxiety and stress for these occupants;

#### Noise & Disturbance

- unit 10b already causes disturbance by operating during unsocial hours and this will make the intrusion so much worse;
- air pollution and noise from extra movement of vehicles and extra exhaust fumes;
- as the activity of Unit 10b will be brought closer to the Townfoot Park properties there is a concern that the noise levels would be increased;
- there is no information provided as to proposed operation times or what activities might be undertaken in the compound area (mechanical cutting, welding, or incineration for example);
- noise and air pollution from construction site;
- suggest, given the elderly residents of the Townfoot Park properties affected, that a noise curfew of 10pm to 8am weekdays and all-day Sunday would be appropriate;
- in the past, there have been instances where unknown materials have been burnt at this site, leading to noxious smoke being released including

the smell of burning plastic - such activity should be banned at this site;

- proposal will lead to increased levels of noise, dust and airborne pollution to the neighbouring properties;
- it appears that complaints regarding light pollution are already expected - the approach appears to be that of "allow the disturbance and then deal with the complaints later;
- concerns are about what could be stored there ie: flammable liquids, welding bottles, tyres and batteries. Such materials would be a fire risk and would threaten the nearby occupants and their properties;

#### Biodiversity

- impact on existing wildlife - families of hedgehogs and other animals and bats that regularly use this area
- the grassed area also acts as a wildlife corridor to the beck and the fields beyond (used by a thriving population of hedgehogs).
- the area surrounding the proposed development has many trees and bushes which are a haven for birdlife. The light pollution from these proposals will disturb nesting birds and cause this wildlife to be lost;
- the proposals will disturb other wildlife such as bats, and a bat survey should be undertaken;
- lights if on continually could have an adverse effect on the nocturnal wildlife which visits the area;
- no impact assessment has been carried out for this proposal for its effect on local wildlife. A full wildlife impact assessment by independent consultants should be a requirement for this proposal, with all recommendations to be acted upon;

#### Other Matters

- will access be allowed for maintenance of these trees and hedges?;
- what is the proposal for stabilising the remaining grassed bank (retaining wall)?;
- reducing the grass area too much could lead to the destabilisation of the local hedges and affect the mature trees already in place (not shown on plan);
- there are alternative nearby units on the industrial estate currently available to let - these already have hardstanding available and renting these should be the preferential option to further development;
- why is there a need to make new access when there is already perfect acceptable access and parking to these properties already, without bring noise and disruption to the residents of Townfoot Park.

4.2 Following the receipt of amended plans, 7 further letters of objections have been received, which make the following points:

- the amended proposal is an improvement on the original application, but is still unacceptable adjacent to residential properties;
- the high lighting columns, particularly that which is 5m high, are still of an oppressive nature and are a visual intrusion for those properties in Townfoot Park - they will be a serious threat to the privacy of residents;
- 1 x 5m and 4 x 3m floodlighting columns would be likely to cause extensive light pollution spread over a wide area, including the nearby residential

properties;

- there will be considerable light intrusion and thus invasion of my privacy - the 3m lights, although lower, will still be a serious intrusion at night, being so close to properties;
- it is questionable what reduction of the halo effect will be gained from the 1 metre reduction in height, and using trees would require tall specimens which would shut out light to the adjoining bungalows, and would also propagate any fire;
- consideration should be given to replacing floodlights with spot lights;
- the two lighting units nearest the residential area should be removed, and introducing cameras would give contact to the police and fire brigade if needed;
- request therefore that the proposed application is rejected on the grounds of unacceptable levels of light pollution;
- as I understand that Unit 10b is in operation all night currently, with considerable disturbance to residents, I can only assume the new proposals will intensify this;
- request a curfew on the use of lighting and movement of vehicles to an acceptable time such as not between 10pm and 7am;
- while the addition of some small trees in the proposal is welcome from a visual basis, this will do little to stop the light intrusion especially while they are small and when they are not in foliage, which is presumably when the lighting will be most used;
- the trees will do nothing to stop noise intrusion.
- should permission be granted should any digging of the ground to the rear of properties cause movement of the earth in that area, thereby causing looseness to the roots of my trees, shrubs and hedges, and should any such trees, shrubs and hedges fall onto the land of the occupier of unit 10b any damage caused to any building or property belonging to the occupier of unit 10b, including removal of any such trees, shrubs and hedges, including debris, the cost of this must be borne by the occupier of unit 10b;
- there is no information as to the size of the trees or what happens in winter when they have lost their leaves - ultimately they are no barrier to the potential nuisance from the lights;
- there is still no information on the hours the lights would operate and if a motion sensor system will be used.

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

**Brampton Parish Council:** - concerned about the impact of the proposed lighting on neighbouring properties - need to ensure that the lighting is compatible with the locality in terms of (a) its overall appearance and potential visual impacts (b) its relationship with existing properties nearby and (c) its relationship with biodiversity and habitat adjacent to the site and that it is in accord with the objectives of Policies GI3, SP6, EC11 and CM5 of the Carlisle District Local Plan 2015-2030.

**Local Environment - Environmental Protection:** - no objections subject to conditions (lighting).

## **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, EC2, IP2, IP3, CM4, CM5, CC5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposal raises the following planning issues.
1. Whether The Proposal Would Be Acceptable In Principle
- 6.4 The site lies within Townfoot Industrial Estate and is identified as a Primary Employment Area in the adopted Local Plan. The principle of developing the site for storage would, therefore, be acceptable in principle.
2. Scale And Design
- 6.5 The proposed storage area would measure 16m in width by 28m in length and would be finished stone. Seventeen storage containers would be located on the site. Eight of these would be located on the western side with nine being located on the eastern side and these would be separated by a 3m wide road which would have a turning area at its southern end. The storage containers would measure 6.5m in length by 3m in width and would be 2.6m high. The proposed scale of the development is considered to be acceptable.
- 6.6 A new access road would be created along the northern side of the site to serve the storage area. This would also provide a new access to unit 10b, with unit 10 continuing to use the existing access. The plans show a 1.2m timber post and rail fence being erected on the boundary between units 10 and 10b.
- 6.7 The site would be enclosed by a 2m high paladin fence. Four 3m high lighting columns would be located within the site, with one 5m high lighting column being provided along the new access, to the north of unit 10b.
- 6.8 A grass strip, which would be between 13m and 14m wide, would be retained to the east of the storage area to provide a buffer between the site and the residential properties at Townfoot Park, which sit at a higher level than the application site. The submitted plans show seven new fruit trees being planted in the retained grass area.
- 6.9 In light of the above, the proposed scale and design of the development is considered to be acceptable.
3. Impact On Residential Amenity

- 6.10 Bungalows adjoin the site directly to the east and a number of letters of objection have been received which raise concerns about the impact of the proposed development on the occupiers of these dwellings. The main concerns relate to the impact of the lighting and noise and disturbance from the proposed use.
- 6.11 The lightning columns within the site have been reduced from 5m to 3m. Given the change in levels between the site and the neighbouring properties and the presence of boundary treatment to the rear of these properties, 3m lightning columns would not have an adverse impact on the occupiers of these dwellings. The lights can be designed to ensure that light is contained within the site and the hours that the lights are operational can be controlled by timers. A condition has been added to the permission which requires the applicant to submit details of the proposed lightning for approval by the local planning authority prior to its installation. Whilst one 5m lightning column is proposed this would be sited over 50m from the nearest residential property. The details of the this light and its hours of operation would also need to be agreed with the local planning authority.
- 6.12 A condition has also been added at the request of Environmental Health, which requires the operator of the site to investigate any complaints relating to light overspill from the proposed lighting columns and to remedy this issue to the satisfaction of the local planning authority.
- 6.13 Concerns have also been raised about potential noise and disturbance from the proposed development. A number of the objections make reference to the existing vehicle repair business and the noise issues that this causes. The proposal is seeking to use the site for storage and the containers might help to reduce noise from the existing vehicle repair business by acting as a buffer between that business and the dwellings on Townfoot Park. In order to ensure that the storage business does not cause noise issues a condition has been added to the permission to restrict the hours of use of the site from 7.30am to 8pm from Monday to Friday and from 9am to 6pm on Saturdays and Sundays.
- 6.14 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties.

#### 4. Impact On Biodiversity

- 6.15 A number of objectors have raised concerns about the loss of the grass strip and the impact that this could have on local wildlife. A 13m to 14m grass strip would be retained and the proposed plans show some new fruit trees being planted in this area and this would have a positive impact on biodiversity. A landscaping condition has been added to the permission which requires the applicant to submit details of the proposed trees to be planted for approval by the local planning authority.

#### 5. Highway Matters

6.16 The proposal is seeking to create a new access from the main road into the industrial estate, which lies directly to the west of the application site. Visibility splays of 43m are achievable in both directions from the proposed access. The first 10m of the new access would be tarmac and an ACO drain would be installed at the western end of the access road to prevent surface water discharging onto the highway.

6.17 The proposal would not, therefore, have an adverse impact on highway safety.

## 6. Drainage Matters

6.18 The majority of the access road and storage area would be finished in stone and would therefore be permeable. The first 10m would be tarmac and an ACO drain would be installed within this area and this would take surface water to a soakaway. The surface water from the roofs of the containers would infiltrate into the stone area or the adjacent grass area.

6.19 In light of the above, the proposed surface water drainage would be acceptable.

## Conclusion

6.20 The proposal would be acceptable in principle. The scale and design of the proposal would be acceptable and it would not have an unacceptable impact on the living conditions of the occupiers of any neighbouring properties, on biodiversity or on highway safety. In all aspects, the proposal is considered to be compliant with the relevant policies in the adopted Local Plan.

## 7. Planning History

7.1 In 2019, full planning permission was granted for the change of use from B1/B8 (Business/Storage/Distribution) to D1 (Place Of Worship) (application reference 18/0969) at Unit 10.

## 8. Recommendation: Grant Permission

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

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

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

1. the submitted planning application form, received 10th February 2022;



2. Site Location Plan (Dwg 001), received 11th August 2021;
3. Proposed Site Plan (Dwg 003b), received 24th December 2021;
4. Proposed Site Plan (Dwg 004), received 11th August 2021;
5. Site Sections/ Elevations (Dwg 008), received 9th February 2022;
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 their installation on site, details of the proposed lighting, including hours of operation, shall be submitted for approval in writing by the local planning authority. The lighting shall then be installed in strict accordance with these details.

**Reason:** To ensure that the proposed lightning does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. The approved storage containers shall only be in use between 07:30 hours and 20:00 hours on Mondays-Fridays and between 09:00 hours and 18:00 hours on Saturdays and Sundays.

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

5. No development shall take place until full details of the proposed landscape works, including a phased programme of works, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the development being brought into use. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

6. No part of the site shall be used for any form of open storage.

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

7. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and

Saturdays nor after 18:00 hours on weekdays and 13:00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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

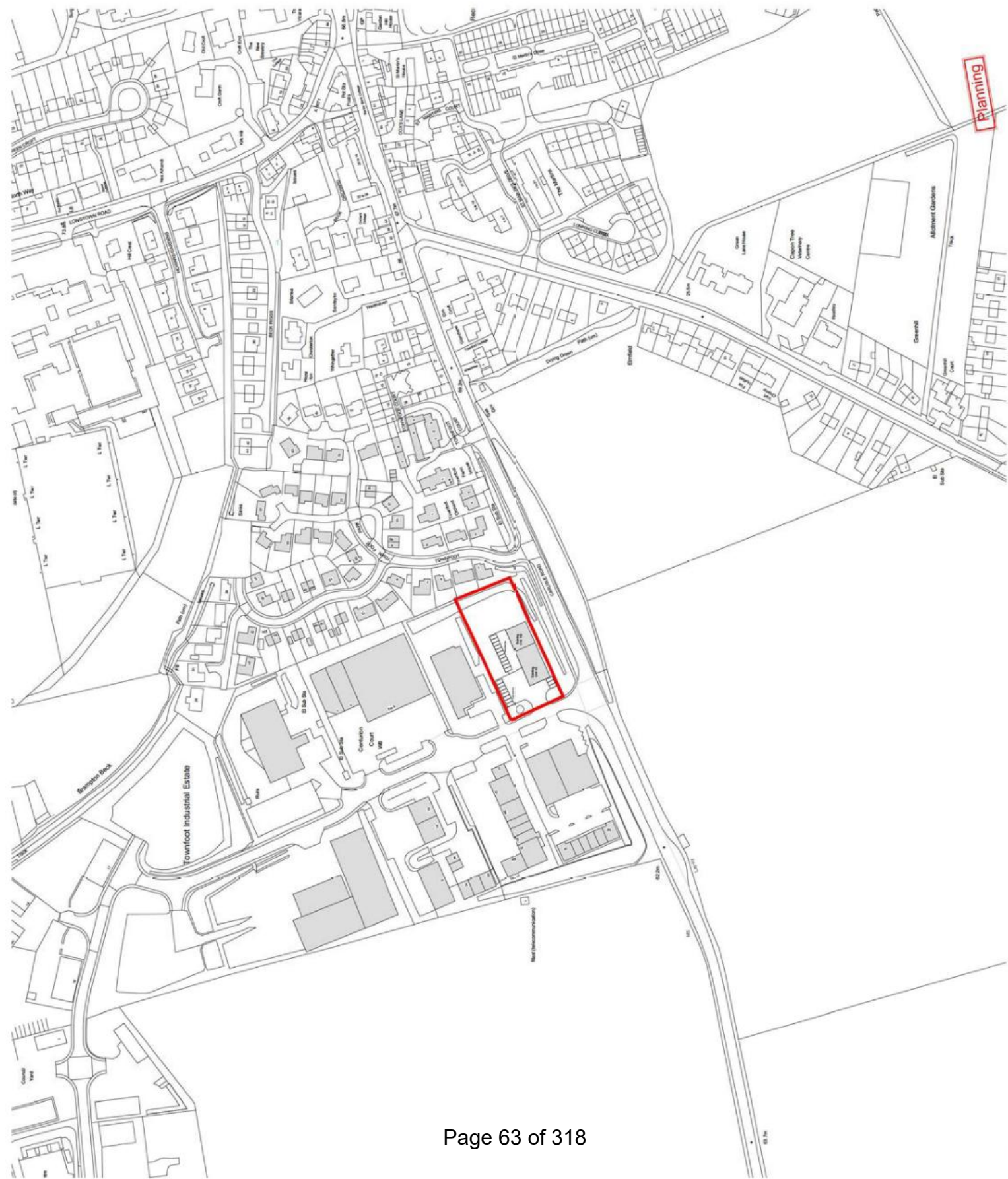
8. In the event that a complaint is received, relating to light overspill from the proposed lighting columns: Within 28 days from the receipt of a written request from the local planning authority, the operator of the facility shall, at the operators expense, employ an independent consultant approved by the local planning authority, to assess the level of light overspill from the facility, at the complainant's property. This should be carried out in accordance with the most appropriate current standard and a suitable report prepared. The report should demonstrate compliance with the appropriate standard. If necessary, the applicant shall, within 28 days, propose a scheme of mitigation to the local planning authority, to utilise any appropriate on-site measures as is necessary, to ensure that any light overspill from the site is reduced to an acceptable level. This scheme shall specify the timescales for implementation.

**Reason:** To ensure that the proposed lightning does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

---

GENERAL NOTES

© This drawing remains the copyright of Unwin Jones Partnership.  
DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing  
electronically, please print it out and use it for the project. It is not to be  
used for any other purpose without the written consent of the copyright owner.  
This plan is based upon the Ordnance Survey map with the sanction of the controller of the  
H.M. Stationery Office. Crown Copyright reserved. License No. 100008310 18 June 2020  
10 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160m  
Scale 1:1250



Drawing requires Topography and levels check.

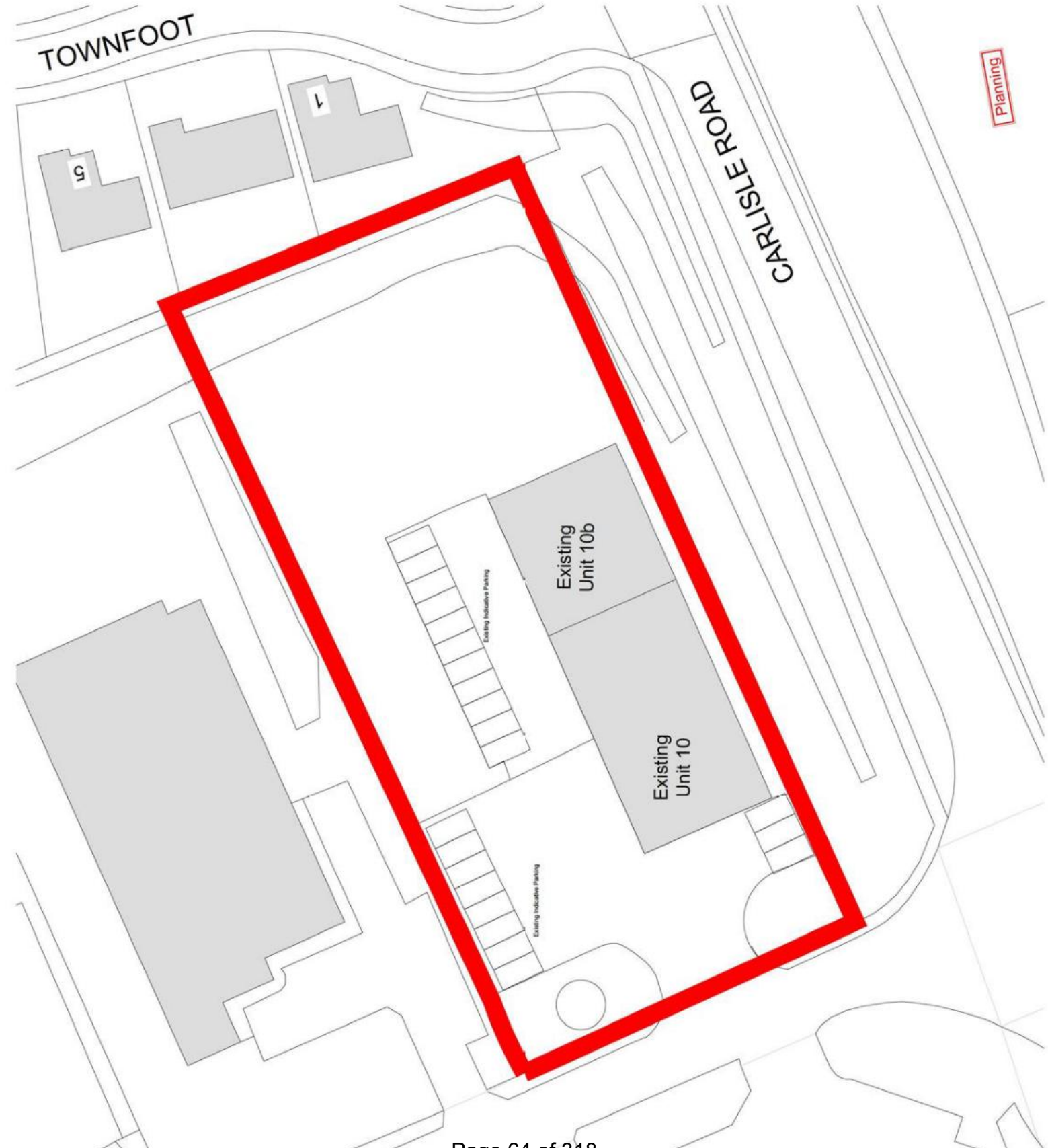
Building sizes taken from Google satellite images.

REVISIONS  
A. Sizes of individual units has been corrected.  
Proposed entrance has therefore been revised.  
Name: EC  
Date: 20/07/21

**Fred Proudfoot Ltd.**  
Unit 10 and 10b Townfoot Industrial Estate  
Brampton  
Additional Parking and Access  
Site Location Plan

Drawn: JGJ 1:1250  
Date: June 21  
Checked: JGJ  
Approved: JGJ  
UNWIN JONES  
PARTNERSHIP  
Bridges Lane, South, Colchester, Essex, CO1 1JL  
0206 333333 • info@unwinjones.co.uk • www.unwinjones.co.uk

**GENERAL NOTES**  
© This drawing remains the copyright of Unwin Jones Partnership.  
DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing  
electronically in pdf format, please do not print it out. It may not be to the correct scale when printed, and it is not to be  
used for any other purpose without the prior written consent of Unwin Jones Partnership.  
This plan is based upon the Ordnance Survey map with the sanction of the controller of the  
H.M. Stationery Office. Crown Copyright reserved. Licence No. 100003110 18 June 2020  
1 0 5 10 15 20 25m  
Scale 1:200



Drawing requires Topography and levels check.  
Building sizes taken from Google satellite images.

REVISIONS  
A. Sizes of individual units has been corrected.  
Proposed entrance from TOWNFOOT has been moved.  
Name: EC  
Date: 20/07/20

**Fred Proudfoot Ltd.**  
Unit 10 and 10b Townfoot Industrial Estate  
Brampton  
**Additional Parking and Access**  
Existing Site Plan

Drawn: JGJ 1:200  
Date: June 21  
Rev: 002  
UNWIN JONES  
PARTNERSHIP  
Bridges Lane Studio, Colchester, Essex, CO1 1SS • 01206 533334 • [enquiries@unwinjones.co.uk](mailto:enquiries@unwinjones.co.uk) • [www.unwinjones.co.uk](http://www.unwinjones.co.uk)

Planning



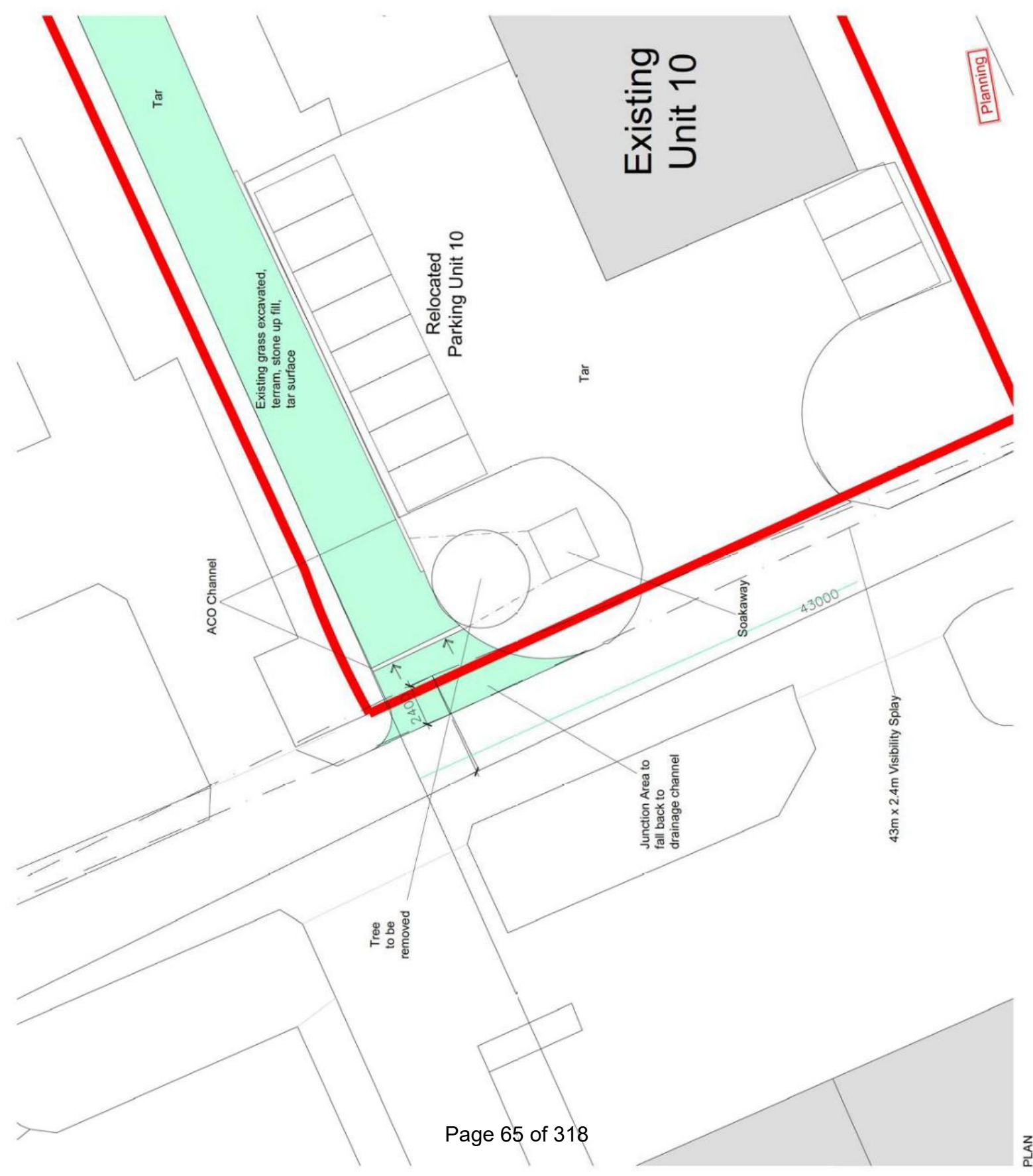
GENERAL NOTES

© This drawing remains the copyright of Unwin Jones Partnership.  
DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing  
electronically in pdf format, it may not be the correct scale when printed, and it is not to be  
used for any other purpose without the written consent of the author.

This plan is based upon the Ordnance Survey map with the sanction of the controller of the  
H.M. Stationary Office. Crown Copyright reserved. License No. 100003110 18 June 2020

Scale 1:100

1 2 3 4 5 6 7 8 9 10 11 12m



Planning

Drawing requires Topography and levels check.

Building sizes taken from Google satellite images.

REVISIONS

A. Sizes of Individual Units have been corrected.

Proposed entrance from Shopping Area revised.

Name: EC

Date: 20/07/21

**Fred Proudfoot Ltd.**  
Unit 10 and 10b Townfoot Industrial Estate  
Brampton

**Additional Parking and Access**  
Proposed Site Plan

Drawn: JGJ 1:100

Date: June 21

Drawn: JGJ 004

UNWIN JONES PARTNERSHIP

Bridge Lane Studio, Colchester, Suffolk, CO1 1JL • 01206 833334 • [enquiries@unwinjones.co.uk](mailto:enquiries@unwinjones.co.uk) • [www.unwinjones.co.uk](http://www.unwinjones.co.uk)

© This drawing remains the copyright of Urmah Jones Partnership.  
DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing electronically in PDF format it may not be to the correct scale when printed, and is not to be used for measurement purposes.

This plan is based upon the Ordnance Survey map with the section of the controller of the M. Stationery Office. Crown Copyright reserved.  
License No: 1000001010 18 June 2020



Drawing requires Topography and levels check.

NAME	DATE
EC	20/07/21
FA	15/07/21
FA	22/11/21

**Fred Proudfoot Ltd.**  
Unit 10 and 10b Townfoot Industrial Estate  
Brampton  
**Additional Parking and Access**  
Proposed Site Plan

DATE: June 21	SCALE: 1/200	UNWIN JONES PARTNERSHIP
PROJECT No.	0615	
DESIGNED by		

Bridge Lane Studio, Colindale, Crowthorne, Bucks. HP8 5JY • 01238 328266 • architect@up.co.uk • www.up.co.uk



GENERAL NOTES

\* This drawing remains the copyright of Unwin Jones Partnership. DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing electronically in pdf format, please do not print it out. It may not be to the correct scale when printed, and it is not to be used for any other purpose without the written consent of Unwin Jones Partnership.

This plan is based upon the Ordnance Survey map with the sanction of the controller of the H.M. Stationery Office. Crown Copyright reserved. License No. 100003110 18 June 2020

1 0 1 2 3 4 5 6 7 8 9 10 11 12m

Scale 1:100

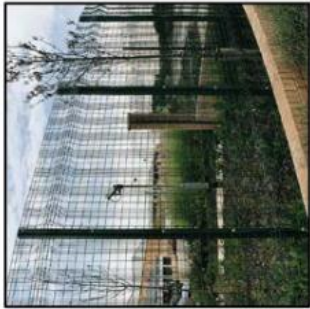


IMAGE OF PALADIN FENCE



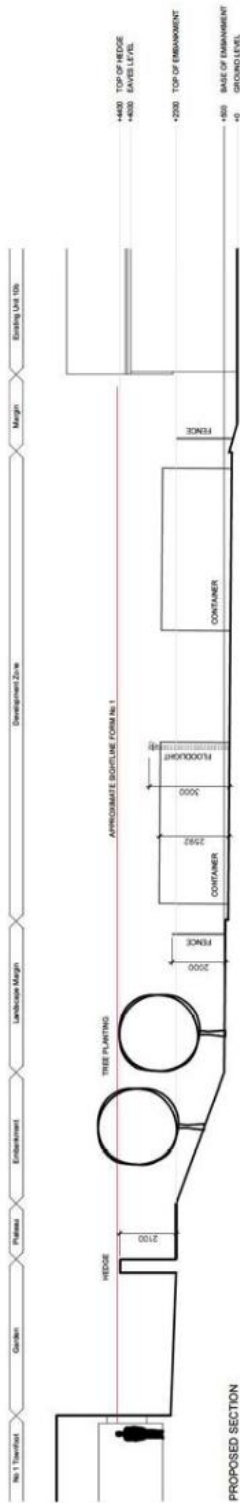
Image to No2 (RHS) and No 1 (LHS) Townfoot



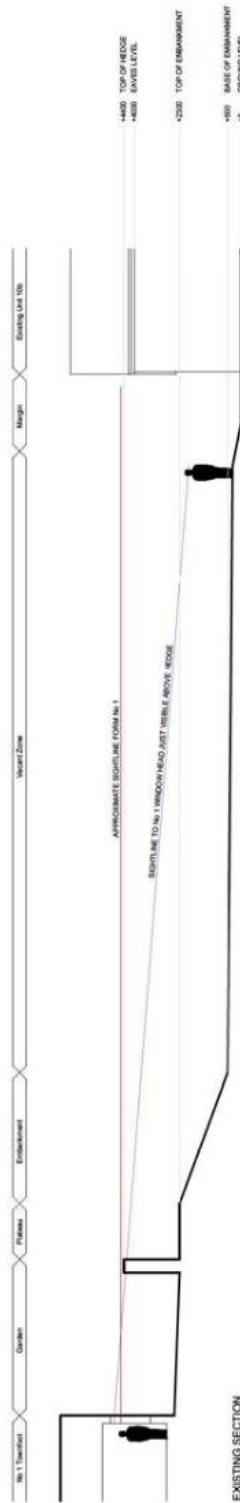
Gate to No 1 Townfoot with higher hedge/line to No 2



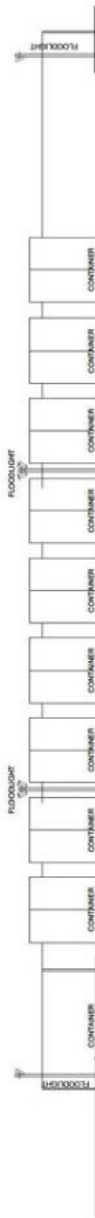
2100 hedge line to No 1



PROPOSED SECTION



EXISTING SECTION



ELEVATION TO CONTAINERS





## SCHEDULE A: Applications with Recommendation

21/1154

**Item No:** 03

**Date of Committee:** 25.02.2022

**Appn Ref No:**  
21/1154

**Applicant:**  
Citadel Estates

**Parish:**  
Carlisle

**Agent:**  
Sam Greig Planning Ltd

**Ward:**  
Denton Holme & Morton  
South

**Location:** Former KSS Factory Site, Constable Street, Carlisle, CA2 6AQ

**Proposal:** Variation Of Condition 2 (Approved Documents) And Removal Of Condition 13 (Emergency Vehicle Access) Of Previously Approved Application 18/0125 (Erection Of 43no. Dwellings) To Amend The Site Layout To Allow Units 12-31 (Inclusive) To Use The Adopted Highway East Of The Site (Retrospective Application)

**Date of Receipt:**  
17/12/2021

**Statutory Expiry Date**  
17/02/2022

**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 Highway Issues
- 2.3 Crime Prevention, Safety And The Fear Of Crime And Anti-Social Behaviour
- 2.4 Impact On The Amenity Of neighbouring Residents
- 2.5 Other Matters

#### 3. Application Details

##### The Site

3.1 This application relates to the former Key Safety Systems (car accessories) factory located at the eastern end of Constable Street within Denton Holme,

Carlisle. The site measures approximately 0.59 hectares and is generally flat varying in level between 17.45 and 17.60m AOD. Vehicular access is from Constable Street with a crossing over the Little Caldew mill race. The western boundary of the application site follows the Little Caldew/ mill race (which flows south to north) with the River Caldew approximately 250m to the south and east. To the immediate south and east there is a playground and residential development in the form of Ashman Close, Shankly Road, and Blunt Street. To the immediate north there is Freer Court. The former Kangol Factory site, partly developed as student accommodation, lies to the north-west.

- 3.2 The majority of the site was previously occupied by a metal clad building with a circular tank on the western boundary. The remainder of the site was largely tarmac or gravel surfaced hardstanding. Information previously submitted states that the factory closed in September 2014 and the building has been demolished since the submission of the previous planning applications.
- 3.3 The site falls within Flood Zone 2 i.e. a medium probability of flooding. The River Caldew is part of the River Eden and Tributaries SSSI and SAC.

## Background

- 3.4 Members will note the varied planning history relating to the site. Planning permission has previously been granted with a central access road through the site with the access taken from Constable Street. A second access was permitted onto Leicester Street, albeit for use by cyclists, pedestrians and in the event of an emergency only.

- 3.5 Additionally, a condition was imposed on the planning permissions which reads:

*“Prior to first occupation of any dwelling a suitable emergency access on to Leicester Street shall be designed and constructed to a suitable standard and in this respect further details shall be submitted to the local planning authority for written approval before work commences. No work shall be commenced until a full specification has been approved and the development shall be undertaken in accordance with the approved details. The approved works shall be complete prior to the occupation of the last dwelling.”*

- 3.6 In 2019 an application was submitted to vary the planning conditions to permit the retention of the bollards within the site, thus allowing half of the traffic from the development to exit onto Constable Street and the remainder to exit via Blunt Street. Following discussions and negotiations between Cumbria County Council as the Local Highways Authority and the applicant's highway consultant, a report was presented to the Development Control Committee with a recommendation for approval; however, following a debate by Members, the application was refused for the following reasons:

*“Planning decisions should ensure that developments will function well and*

*add to the overall quality of the area. The retention of the vehicular access onto Leicester Street results in increased vehicle movements from the development through the local highway network. The locality is characterised by terraced properties with narrow roads and on-street parking. The resulting increase in traffic has an adverse effect on the residential amenity of the existing areas. The proposal is therefore contrary to Paragraph 127 a) of the National Planning Policy Framework; and criterion 7 of Policy SP6 (Securing Good Design) of the Carlisle District Local Plan 2015-2030.*

*The proposal impacts on the wider local road network by increasing potential conflicts in relation to pupils attending Robert Ferguson Primary School and along Denton Street and given the narrow nature of local roads and junctions cause potential conflicts with larger vehicles e.g. delivery vehicles, conflicting with Policy IP2 (Transport and Development) of the Carlisle District Local Plan 2015-2030.”*

## **The Proposal**

- 3.7 The current application is seeking permission to vary condition 2 of the planning permission (i.e. the approved documents) to allow the retention of the access unencumbered access onto Leicester Street which, if successful, would also necessitate the removal of condition 13. In addition, the proposal seeks permission for the retention of bollards that have been installed on the access road through the site. The proposal is therefore unaltered from that which was previously determined.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of two site notices and direct notification to the occupiers of 57 of the neighbouring properties. In response, 16 representations have been received objecting to the application. The representations have been reproduced in full separately for Members, however, the main issues raised are summarised as follows:
1. Blunt Street is a quiet street and the additional traffic is causing damage to residents' cars;
  2. the street is narrow with zoned parking on both sides;
  3. the volume of traffic has increased as has the speed of vehicles;
  4. residents from the development park at the bottom of Blunt Street causing an obstruction;
  5. the access poses a danger to children playing in the street and a danger to pupils at Robert Ferguson school through increased traffic;
  6. to change the condition limiting the access to being temporary only is very misleading;
  7. the turning area at the end of Blunt Street is already difficult large vehicles struggle or cannot use the area;
  8. the residents weren't consulted in respect of the new access which was supposed to be a wall;
  9. the previous occupiers of the site could not get an entrance to the factory here because of the school crossing;

10. the entrance onto Blunt Street is unnecessary and unacceptable and plans have shown the entrance onto Constable Street where there's an existing and suitable access point;
11. there are no give way or traffic calming measures;
12. vehicles don't slow down or stop when entering/ leaving Carrick Square;
13. the traffic survey was taken at a quiet time;
14. the visibility splays on the access point of Carrick Square are 2.4m in both directions along Leicester Street but should be 60 metres in both directions on a 30mph Road, so this is clearly inadequate;
15. the description on the application form is misleading as it doesn't state what the application is for;
16. the local ward councillor told residents the developer had been instructed to install the bollards at the end of Blunt Street. The retrospective application shouldn't be allowed and enforcement action should be taken;
17. the agent's assertions are wrong and it is disingenuous to suggest the traffic into and out of the development is going to spread out using neighbouring streets;
18. opening the road up would result in a 'rat run' and contribute to crime and anti social behaviour;
19. issues about poor drainage have been reported to the county council which has got worse since the development.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - the comments made to the previous application 19/0935 should still apply to this application.

For reference, these read:

### "Local Highways Authority

*Following on from the previous Highways Authority response to this application dated 8 September 2020, a Stage 3 Road Safety Audit has been undertaken for the access onto Blunt Street and Leicester Street from the development site. As stated previously the Highways Authority had no objections with regards to the temporary access approved as part of the application 18/0125 becoming permanent.*

*The Highways Authority have reviewed the Stage 3 Road Safety Audit and agree with its findings. It is noted that the report does identify two minor safety issues which are stated below:*

- 1. The absence of appropriate traffic signs and road markings for the speed hump at the entrance to Carrick Square.*
- 2. The condition of the road surface on Leicester Street between Blunt Street and Carrick Square.*

*The applicant has stated that they are willing to provide the Road Hump warning sign and sharks tooth road marking at the speed hump, and to undertake the patching works on Leicester Street at the Carrick Square / Blunt Street junction. In light of this the Highways Authority have no*

*objections with regards to the proposals along with the granting of planning permission.*

**Lead Local Flood Authority (LLFA)**

*The LLFA has no objection to the proposed variation of condition 2 and removal of condition 13 as it is considered that the proposal does not increase the flood risk on the site or elsewhere.*

**Conclusion**

*The Highways Authority and LLFA have no objections with regards to the approval of planning permission subject to the resurfacing works on Leicester Street and Carrick Square/ Blunt Street Junction along with the road markings required as part of the Road Safety Audit being undertaken by the applicant”;*

**Cumbria Constabulary - Community Safety Unit Liaison:** - no comment.

**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 relevant planning policies against which the application is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies SP6, IP2, IP3, CM4 of The Carlisle District Local Plan 2015-2030 are relevant. The proposal raises the following planning issues.

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

- 6.3 The principle of development has been established through the planning permission that has been granted for the development. The properties have been completed and have been occupied for several years.
- 6.4 The issues of the impact on development within the flood zone; scale, layout and design; and accessibility are unaffected by this application. The remaining issues are discussed in the following paragraphs.

**2. Highway Issues**

- 6.5 The restrictive use of the access onto Leicester Street was at the request of Cumbria County Council as the Local Highway Authority (LHA). Following the submission of the previous application, the LHA initially raised objections to the proposal with the following consultation response:

*“The application under consideration is to allow plots 12-31 to be accessed*

*permanently via Leicester Street rather than Constable Street as was agreed within the planning approval 18/0125. Please find attached the adoption records for this area. You will note that red lines annotate un-adopted / private roads*

*As part of the conditions associated with the planning approval 18/0125, conditions 12 and 13 state that there shall be no vehicular access to, or egress from the site, other than via the approved access onto Constable Street and an emergency access onto Leicester Street. This was agreed to avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.*

*The Highways Authority have reservations regarding permanently increasing usage of the network to the east of this site onto Leicester Street. The reasons for this are:*

- 1. Only Blunt Street (to the east) is an adopted highway. We would therefore not encourage usage of these private roads. The Private Street works authority's view on the increased usage of these roads should be sought.*
- 2. The network to the east (Blunt Street) is constrained by parked cars.*

*In light of the above the Highways Authority recommend that the proposed change of conditions are refused. Not only will the proposed changes increase the risk of highway safety issues to the east of the site, but it would also decrease the current users (to the east of the site) amenity."*

- 6.6 Officers employed an independent highway consultant to advise on the highway issues raised by this application. The report concluded that:

*"16.1 It has been satisfactorily demonstrated that the proposed vehicular access to the site from Leicester Street will result in increased traffic using an inappropriate route that in turn will result in an unacceptable increase in accident risks for all road users including vehicles, cyclists and pedestrians.*

*16.2 This view has been supported by the Local Highway Authority that has stated in their responses to 3 previous planning applications that vehicular access from Leicester Street should not be permitted for the following reason:*

*To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.*

*16.3 It is evident that the safe, suitable existing access to the site from Constable Street is available and satisfactorily served the previous commercial use on the site. This existing access arrangement to the site has been approved by the Local Highway Authority for the previous planning applications.*

*16.4 To summarise, the previously approved access arrangement to the*

*site has satisfactorily served the site with no access to Leicester Street provided or required. The proposal to provide a vehicular access to Leicester Street would result in increased safety issues for all road users and has previously, and still is, opposed by the Local Highway Authority and local residents.*

*16.5 It is concluded therefore that the application should be refused in the interests of highway and pedestrian safety as recommended by the Local Highway Authority.”*

6.7 Since that time, the applicant engaged a highway consultant who, following meetings with the LHA, submitted a report to them which raised the following points in relation to highway safety:

- the temporary access has been in use for nearly two years and the effects on road safety can be established from the accident records. The temporary access to Blunt Street came into use in 2018, and there have been no personal injury accidents from the opening of the access until 30 April 2020 which is the date of the most recent accident data available;
- the accident record shows that the temporary access has not resulted in an increase in accidents on Blunt Street during its period of operation;
- further evidence as to the effect of a 20-home development being accessed from the end of a terraced street can be gained from Freer Court. This development the same size of the application site, 20 homes, located at the end of Freer Street which is identical to Blunt Street in width, length and on-street parking arrangements.
- Crashmap has been interrogated for accidents over the last 20 years and shows, below, that between 2000 and the 31 December 2019 there have been no accidents in Freer Street. This clearly shows that Freer Court has had no adverse impact on road safety on Freer Street and given the similarities between the two sites, a similar outcome would reasonably be expected at Blunt Street if the present access, limited to 20 homes, was to be made permanent;
- taking both the road safety record of Blunt Street during the period of operation of the temporary access (0 accidents in 2 years) and the road safety record of Freer Street (0 accidents in 20 years) there is no reasonable expectation that there would be an unacceptable impact on road safety if the application was to be approved;
- the consultation responses report a damage only accident involving damage to a car's wing mirror, but there is no indication that this damage was caused by residents at the development site and could have equally been caused by a resident of Blunt Street, and if so would have occurred whether or not the access to the site was open. The use of damage only accident in road safety assessments is not recommended because there is no statutory duty to report them;
- the temporary access serves 29 homes, and if the application is approved the number of homes will be reduced by 30% to 20 homes which will reduce the number of vehicle movements between the site and Blunt Street reducing accident risk compared to the present situation.

6.8 Responding to this information, the LHA confirmed that “...the Highways

*Authority agree with the conclusion that the proposed access if made permanent would not create an unacceptable impact on road safety” and no objection is raised to vary conditions 2 and 13 of the planning approval.*

- 6.9 In response to both these responses, the council's highway consultant queried whether the highway authority would be content that bollards would be adequate to prevent tampering, removal and creation of a 'rat-run'. He also recommended that a Stage 1 Road Safety Audit be provided followed by Sages 2 and 3 as the design and construction progresses.
- 6.10 The LHA agreed with the recommendation for the Road Safety Audit and also requested a swept path analysis. They also clarified that there are no objections to the use of bollards which have worked in other locations throughout the county.
- 6.11 A Stage 3 Road Safety Audit was submitted and the LHA advised that subject to the undertaking of the works recommended in the report, no objection was raised. Therefore, subject to the imposition of a condition requiring these works to be completed, it was considered that the proposal didn't raise any highway issues.
- 6.12 As outlined earlier in this report, the previous application was refused by the Development Control Committee in 2021 for the reasons outlined in paragraph 3.6 of this report. The agent has submitted additional and supporting information in response which is summarised as follows:

Reason 1 \_

- the reason for refusal refers to the residential amenity of the 'existing areas' and it is unclear whether this is referring to the residents' enjoyment of the surrounding streets or more specifically the amenity of the individual dwellings. In that regard the reason for refusal is vague;
- in relation to the perceived impact on the residential amenity of the 'existing areas', any vehicles exiting the site via the proposed Carrick Square/Leicester Street access could access via other streets thereby diluting the perceived impact of traffic movements associated with 20 dwellings over three streets. Vehicle movements will be slow and relatively infrequent so there will no discernible increase in noise levels over and above that which exists at present;
- the council has previously concluded that the traffic associated with 43 dwellings will have no adverse impact upon the occupants of Constable Street or the wider area;
- it is irrational to suggest that the effect of all vehicular movements associated with 43 dwellings upon the residents of Constable Street is acceptable but that the impact of 20 dwellings via the Carrick Square/Leicester Street access is unacceptable;
- the dwellings on Constable Street are also positioned closer to the road than the properties on Blunt Street, Dale Street or Freer Street, where the streets have a wider pavements (circa 2.5 metres wide) and the properties are set back behind small front garden areas. This is not the case on Constable Street where the dwellings are situated on the directly



to the rear of pavement, which is narrower than the aforementioned streets (circa 1.5 metres wide);

- in the delegated report for the temporary access, the only issue highlighted related to the potential use as a “rat-run”;
- in respect of the refused application that potential issue had been addressed through the provision of bollards that separate the eastern side of the site from the western side. In respect of the Council's previous assessment that the use of the temporary access would not “*result in any demonstrable harm to the living conditions of any neighbouring dwellings*” it must also be acknowledged that there has been no material change in circumstance since the Council reached that assessment;
- in the context of the refusal, the council in reaching a different conclusion is “*not determining similar cases in a consistent manner*”. The fact that anyone exiting or accessing the site via Leicester Street would have three potential routes to and from the site (via Dale Street, Freer Street or Blunt Street) and the fact that the dwellings are set back from the road are material considerations to be weighed in the balance;
- the intensity of vehicle movement is not such that there would be an overriding adverse impact. The refusal is based on a perception that the retention of the temporary access will result in an increase in vehicle movements, which will be unacceptable in terms of residential amenity. In reality, however, this is an unsubstantiated claim with no evidential basis;

## Reason 2 \_

- the application was supported by the Local Highways Authority, the council's independent highway consultant and the applicant's Transport Consultant in addition to a Stage 3 Road Audit, the recommendations of which would have been secured by means of a planning condition.
- the reason for refusal is not based on an adverse impact on highway safety per se, but on specific impacts;
- the increase in vehicle movements from the 20 dwellings using the eastern access, thereby passing Robert Ferguson School, will be imperceptible when compared with the vehicles movements generated by the existing dwellings located to the south of Robert Ferguson School;
- the perceived impact assumes that the additional increase in vehicle movements will occur at the point that children are going to or from school, in reality that will not be the case;
- the existing dwellings are served by large vehicles, such as refuse wagons. The additional larger vehicle movements using these streets that would generated by the additional twenty dwellings would be negligible;
- the use of the Leicester Street/Carrick Square access has taken place for over 3 years and none of the perceived impacts highlighted in the second reason for refusal have occurred;
- the council has already assessed the highway implications of the use of the access on a temporary basis via Application 18/0480 and concluded that “*it is not considered that the proposal raises any highway safety issues*”. The consideration of the highway issues are applicable whether the use is on a temporary or permanent basis and to reach a different conclusion where there has been no material change is inconsistent;
- on the basis of the above and the actual use of the surrounding streets,

the use of the access has not generated the perceived conflicts that are alleged would occur and the perceived impact in the reasons for refusal has been unreasonably overstated.

- 6.13 The points raised in the agent's submission provide further assessment in respect of the issues appertaining to the application. In providing a response to the council's reasons for the previous refusal of permission on this site, they provide grounds for Members to further consider the proposal and the associated planning issues, including the potential impact on the occupiers of neighbouring properties and users of the highway network. On the basis of this information, together with the highway consultants' advice in respect of the earlier application and Cumbria County Council's consultation response to this and the previous application raising no objection, it isn't considered that the proposal raises any issues in terms of highway safety.

### **3. Crime Prevention, Safety And The Fear Of Crime And Anti-Social Behaviour**

- 6.14 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments *"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."*
- 6.15 In order to comply with Policy CM4 of the local plan, all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime. The policy proceeds to list a range of criteria that should be applied to all development proposals.
- 6.16 It would be a concern if there were to be unrestricted access directly through from Constable Street to Leicester Street and visa versa which would lead to a 'rat-run' being created through the development; however, the proposal includes the installation of bollards within the site. Thereby, half the residents would access the site from Constable Street with the remaining residents accessing the site from Leicester Street. The LHA has confirmed that the use of bollards is an appropriate solution and Cumbria Constabulary has raised no objection. As such, it is not considered that the proposal would result in the potential for an increase in crime and disorder and is therefore compliant with planning policies.

### **4. Impact On The Amenity Of Neighbouring Residents**

- 6.17 There are properties adjacent to the applicant site and importantly, adjacent to both Constable Street and Blunt Street that would form the vehicular access into the site. Criterion 7 of Policy SP6 requires that development proposals should:

*"ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable conditions for future*

*users and occupiers of the development;”*

- 6.18 The proposal would lead to an increase number of vehicles using the access from 20 of the properties within the development. The remaining 23 properties would use Constable Street as their means of access. The highway issues raised are discussed in the preceding paragraphs of this report. In terms of amenity, Blunt Street would continue to operate as a highway albeit with the additional vehicles from the development; however, the level of use is considered acceptable and the proposal would not be detrimental to the living conditions of the occupiers of these properties.

## **5. Other Matters**

- 6.19 This application has been submitted under section 73A of the Town and Country Planning Act 1990 to vary a condition associated with a planning permission.
- 6.20 Paragraph: 015 Reference ID: 17a-015-20140306 Revision date: 06 03 2014 of the Planning Policy Guidance states:

*“Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.*

*A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the guidance for use of planning conditions.*

*As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.”*

- 6.21 The development has been completed with the properties occupied since August/ September 2020 and there is therefore no requirement to impose a condition requiring the commencement of development. Similarly, the majority of the conditions attached to the previous permission which would ordinarily be imposed as part of the revised scheme, have fallen away. Therefore, it is only necessary to attach the conditions outlined in this report.

## **Conclusion**

- 6.22 In overall terms the development of the site has previously been accepted and the development is established. The principle of the formation and use of a permanent access onto Leicester Street has been supported by the applicant's highway consultant which in turn has assessed by the LHA and the council's independent highway consultant. Following the receipt of additional information and a Stage 3 Road Safety Report, the LHA raises no

objection. The works outlined in the Road Safety Audit are the subject of a condition requiring them to be undertaken together with a condition requiring the retention of the bollards.

- 6.23 The use of the access onto Leicester Street would not adversely affect the amenity of the occupiers of neighbouring properties or result in an increase in crime and disorder in the locality due to the restriction of cars to travel through the site from one side to another. 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**

- 7.1 In 1973, under application numbers TP 2584 and TP 2711, planning permission was refused for residential development.
- 7.2 Planning permission was granted in 1978, application 78/0136, for the erection of buildings for general industrial purposes.
- 7.3 In 1979, application 79/0728, permission was given to convert wasteland to a car park.
- 7.4 Planning permission was granted in 1980, application 80/0312, permission was given for the provision of a water tank and pump house for fire protection.
- 7.5 In 2016, planning permission was refused for the erection of 50no. houses and a subsequent appeal to the Planning Inspectorate was dismissed.
- 7.6 With regard to neighbouring land to the site:
- in 1999, under application 99/0120, planning permission was given for the erection of 28 dwellings to form Freer Court;
  - in 2010, under application 10/0415, full permission was given for the erection of 19 dwellings on the south side of Constable Street; and
  - in 2012, application 11/0863, permission was given for student accommodation on land at Norfolk Street.
- 7.7 In 2017, a revised application for planning permission was granted for the erection of 44 dwellings, including formation of riverside path, landscaping and sustainable urban drainage systems.
- 7.8 Planning permission was granted in 2018 for the erection of 44no. dwellings, including formation of riverside path, landscaping and sustainable urban drainage systems (revised application) without compliance of condition 2 imposed by planning permission 17/0232 to reduce the number of units from 44 to 43 and revise the layout including alterations to elevations.
- 7.9 Later in 2018, planning permission as granted for erection of 43no. dwellings, including formation of riverside path, landscaping and sustainable urban

drainage systems (revised application) without compliance with condition 2 imposed by planning permission 18/0125 to provide temporary vehicular access onto Leicester Street.

- 7.10 An retrospective application was refused in 2020 for the variation of condition 2 (approved documents) and removal of condition 13 (emergency vehicle access) of the previously approved application 18/0125 (erection of 43no. dwellings) to amend the site layout to allow units 12-31 (inclusive) to use the adopted highway east of the site.

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

1. The approved documents for this Planning Permission comprise:
  1. the Planning Application Form received 17th December 2021;
  2. the Planning Application Form received 15th February 2018 approved as part of application 18/0125;
  3. the Site Location Plan received 7th February 2018 (Drawing no. 01/2014/00A Rev A) approved as part of application 18/0125;
  4. the Site Plan received 17th December 2021 (Drawing no. 01/2017/05G rev G)
  5. the Typical Ground Floor Plan received 23rd February 2018 (Drawing no. 01/2017/05F Rev F) approved as part of application 18/0125;
  6. the Proposed Front Street Elevation received 23rd February 2018 (Drawing no. 09/2017/10B Rev B) approved as part of application 18/0125;
  7. the Proposed Rear (Garden) Elevation received 7th February 2018 (Drawing no. 09/2017/06C Rev C) approved as part of application 18/0125;
  8. the Gable Elevations received 7th February 2018 (Drawing no. 01/2017/07B Rev B) approved as part of application 18/0125;
  9. the Flood Risk Assessment received 7th March 2018 approved as part of application 18/0125;
  10. the Flood Risk Assessment Addendum received 8th March 2018 approved as part of application 18/0125;
  11. the Stage 3 Road Safety Audit received 17th December 2021;
  12. the Notice of Decision;
  13. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

2. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
  1. *Finished floor levels are set no lower than 18.15m above Ordnance Datum (AOD).*

The mitigation measures shall be fully implemented prior to occupation and

subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** In order to provide resilience in case flooding did occur in accordance with Policy CC4 of the Carlisle District Local Plan 2015-2030.

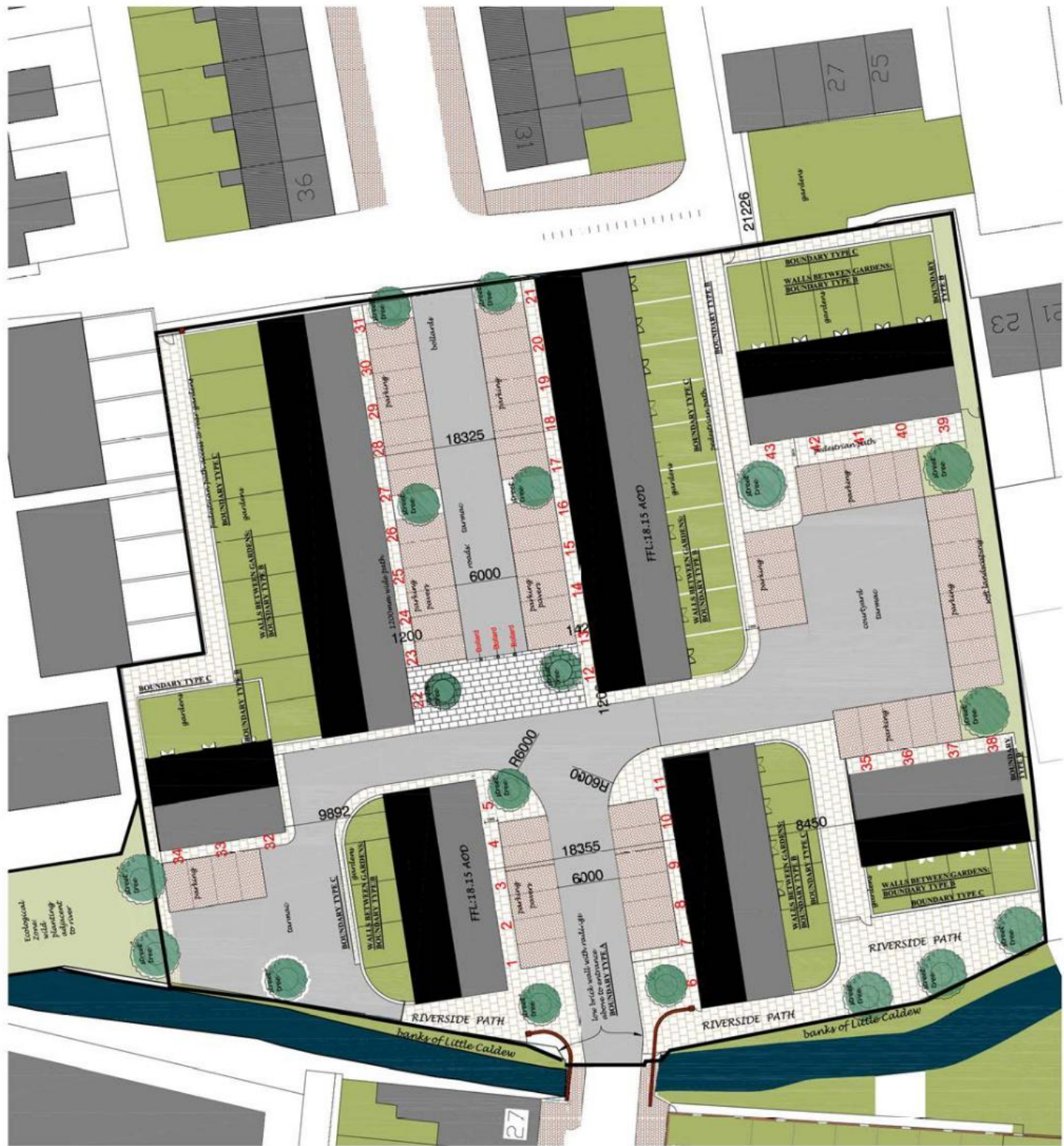
3. The bollards shown on the Proposed Site Access And Visibility Splays (Drawing no. SK004 forming part of the Road Safety Audit) shall be retained and shall not be removed or altered unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure prevent access through the development to ensure an adequate means of access and to prevent potential crime and anti-social issues in accordance with Policies SP6, HO2 and CM4 of the Carlisle District Local Plan 2015-2030.

4. The works required by the Stage 3 Road Safety Audit comprising the resurfacing works on Leicester Street and Carrick Square/ Blunt Street Junction along with the road markings shall be undertaken and completed within 3 months from the date of this permission.

**Reason:** To ensure adequate means of access and highway infrastructure in accordance with Policies SP2 and HO2 of the Carlisle District Local Plan 2015-2030.

---



SITE LAYOUT PLAN 1:200

SITE PLAN

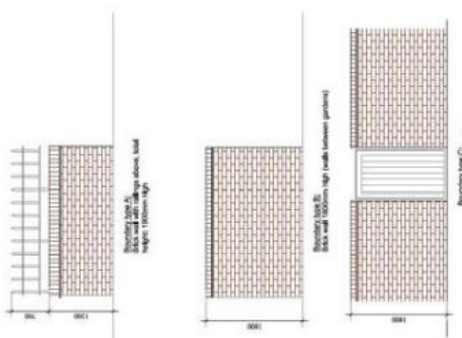
43 NEW TERRACED HOUSES, FORMER K&S FACTORY  
SITE, DENTON HOLME BY CITADEL ESTATES LTD  
22-02-18 DWG: 01/2017/05G 1:200  
PAPER: A1 REV:G amended layout

EXTERNAL HARD LANDSCAPING

Paths to front of houses: black pebbles, 'shredded' colour: brick  
Paths to rear of houses: black pebbles, 'shredded' colour: brick  
Paths and parking areas at the rear of houses (where bull colour is shown):  
Paths & paths: Marmale 600, 600 bull concrete parking slabs  
with charcoal chip/jug borders.  
Near gardens: gravel

MATERIALS

Roads: Concrete road base, black tarmac  
Traditional facing bricks: spec. Herringbone  
Herringbone facing bricks & natural bull sandstone  
Herringbone facing bricks & natural bull sandstone  
Surreyware blue cap bricks  
Walls: concrete, composite spec. door (colour: dark grey)  
black upvc, upper profile  
Gutters:



BOUNDARY TREATMENTS

GATES TO REAR  
PEDESTRIAN AREAS:  
Boundary treatment  
C above.

ACCESS & FACILITIES  
FOR THE FIRE SERVICE

Maximum distances to all new properties within the site meet current regulations:  
1. Maximum length access roads within the site are 20m.  
2. Minimum width of roads between kerbs is 3.70m.  
3. All new properties are within a 45m radius from access roads within the site.



Tetra Tech

Residential Development, Former KSS Factory, Carlisle  
Junction of Blunt Street, Leicester Street and Carrick Square  
Completed Highway Works

Stage 3 Road Safety Audit







REPORT CONTROL			
Document	Stage 3 Road Safety Audit		
Project	Residential Development, Former KSS Factory, Carlisle Junction of Blunt Street, Leicester Street and Carrick Square Completed Highway Works		
Client	Tetra Tech		
Report Number	NS21/623/RSA3		
Primary Author	Kevin Nicholson		
Reviewer	Nancy Sloan		
Revision History			
Issue	Date	Status	Checked for Issue
1	13/04/21	Issued to Client	



## Contents

1. INTRODUCTION .....	1
2. ITEMS RAISED BY PREVIOUS ROAD SAFETY AUDITS.....	3
3. ITEMS RAISED BY THIS STAGE 3 ROAD SAFETY AUDIT.....	4
4. AUDIT TEAM STATEMENT .....	6
5. DRAWINGS AND DOCUMENTS PROVIDED.....	7
6. LOCATION PLAN OF ITEMS RAISED BY THIS AUDIT .....	8



## 1. INTRODUCTION

- 1.1. This report results from a Stage 3 Road Safety Audit carried out on the completed highway works along the eastern boundary of the redevelopment of the former KSS Factory in Carlisle. The works subject to audit comprise the vehicular and pedestrian access into Carrick Square at the junction of Blunt Street with Leicester Street. Both entry and exit for vehicles from this section of Carrick Square are via this access, the Square being closed to vehicular traffic at its western end by a series of bollards.
- 1.2. Originally, the access was to be used for construction purposes only and was to be closed to vehicular traffic following completion of the building and highway works. Access would then have been from the western end only (via Constable Street and Richardson Street). However, the eastern access has been retained, and the purpose of this audit is to assess its previous and ongoing operation in road safety terms.
- 1.3. The streets in the area are subject to a speed limit of 30 mph and are lit, with a disc zone in operation (with resident's permit exemption). There are footways on both sides of Blunt Street and on the western side of Leicester Street. Carrick Square has a shared space central carriageway with parking bays adjacent to the properties on both sides. Although the access for Carrick Square is bounded by high walls, visibility for motorists on exit is adequate due to the presence of build-outs on both sides on Leicester Street, which also form the ends of informal parking bays. As with many other junctions in the area, there are no marked priorities for road users at the junction of Blunt Street, Leicester Street and Carrick Square.
- 1.4. An investigation of the Crashmap Database shows that there have been no recorded collisions in the vicinity of the works in the 5 years to March 2020.
- 1.5. The Road Safety Audit was requested by Eleanor Bunn of Tetra Tech and was carried out during March and April 2021. The Audit Team visited the site together (in compliance with current Covid-19 guidelines) during the hours of both daylight and darkness on Thursday 25 March, during which the weather was overcast and cold, and the road surfaces were dry. There was some vehicular activity, and a number of pedestrians and cyclists were observed. Also in attendance at the daytime site visit were Sarah Steel, representing Cumbria County Council (the Overseeing Organisation) and Norman Black, representing Cumbria Police.
- 1.6. The Audit Team membership was as follows: -
- |                 |  |
|-----------------|--|
| Kevin Nicholson | Nicholson Sloan Consultancy Limited (Audit Team Leader); |
| Nancy Sloan     | Nicholson Sloan Consultancy Limited (Audit Team Member). |



- 
- 1.7. The terms of reference for this audit are as described in GG 119 in the Design Manual for Roads and Bridges. The Team has reported only on the road safety implications of the proposals and has not examined or verified the compliance of the design to any other criteria. However, and without being prescriptive, the Audit Team might refer to a design standard or technical guidance where this would help to clarify a safety problem or recommendation. In addition, there may be alternative methods of addressing a problem that would be equally acceptable in achieving the elimination or mitigation of a problem, and these should be considered in the light of the recommendations in this report.
- 1.8. The detail provided for the audit is shown in Section 5. All comments and recommendations are referenced to the design drawings and related documents and the locations of the items raised by the audit are shown on the plan in Section 6.
- 1.9. Where relevant within this report traffic signs will be described either by their reference numbers on the drawings or by their diagram number within the Traffic Signs Regulations and General Directions 2016 (TSRGD).
- 1.10. Within this report the generic term **"pedestrians"** can include walking pedestrians, wheelchair users, mobility scooter users, dismounted cyclists, the blind, partially sighted and mobility impaired. Reference may be made to specific groups where appropriate.



---

## 2. ITEMS RAISED BY PREVIOUS ROAD SAFETY AUDITS

- 2.1 The Audit Team are unaware of any previous Road Safety Audits carried out on the works.

## 3. ITEMS RAISED BY THIS STAGE 3 ROAD SAFETY AUDIT

### 3.1. PROBLEM

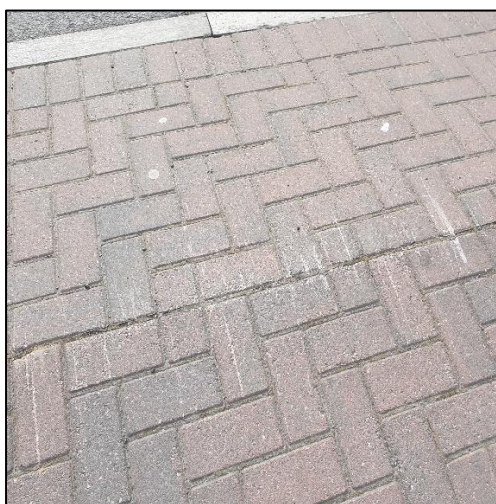
Location: The speed hump at the entrance to Carrick Square.

Summary: The absence of road markings could increase the risk of loss of control collisions.

There is evidence of vehicles grounding on the speed hump, but there are no shark's tooth markings on the ramps or warning signs present. In their absence, drivers and riders could fail to identify the hump, strike it at speed or brake suddenly and lose control.

#### RECOMMENDATION

It is recommended that road markings to Diagram 1062 are installed on the speed hump, and a sign to Diagram 557.1 provided, together with an appropriate supplementary plate.



*Scratch marks on the speed hump*

### 3.2. PROBLEM

Location: The junction of Blunt Street with Leicester Street.

Summary: The condition of the carriageway could increase the risk of collisions.

While perhaps a routine maintenance issue, the carriageway is patchy, broken out and worn in places. Motorists and two-wheelers could strike the damaged areas, with the risk of loss of control and of collisions. There is one area that has been plucked out that could further deteriorate, retain water and freeze, with the attendant risk of skidding collisions.

#### RECOMMENDATION

It is recommended that the damaged areas are repaired.



*Broken out carriageway*



## 4. AUDIT TEAM STATEMENT

We certify that this Road Safety Audit has been carried out in accordance with GG 119.

### ROAD SAFETY AUDIT TEAM LEADER

Kevin Nicholson BSc, CMaths, MCIHT, FSoRSA,

HE Certificate of Competency

Signed:

Director, Nicholson Sloan Consultancy Limited

Cherry Tree Cottage

Date:

13/04/21

Hayton, Brampton, Cumbria, CA8 9HT

### ROAD SAFETY AUDIT TEAM MEMBER

Nancy Sloan MCIHT, MSoRSA

Signed:

Nicholson Sloan Consultancy Limited

Cherry Tree Cottage

Date:

13/04/21

Hayton, Brampton, Cumbria, CA8 9HT





## 5. DRAWINGS AND DOCUMENTS PROVIDED

As this is a Stage 3 Road Safety Audit, no drawings or documents required assessment. However, the drawing below was used for information and for the Location Plan in Section 6.

DRAWING OR DOCUMENT NUMBER	PROJECT AND TITLE	DATE
A054387-SK004 REVISION -	FORMER KSS SITE, CARLISLE PROPOSED BOLLARDS AND EXISTING VISIBILITY SPLAYS	13.07.20

DO NOT SCALE. DIMENSIONS TO CHECK ALL DIMENSIONS AND REPORT ANY DISCREPANCIES OR ERRORS

Key

- Existing Kerbline
- MIS Visibility Splay
- Available Visibility Splay

3.1

3.2

2.4m x 3.0m VISIBILITY SPLAY

2.4m x 3.0m VISIBILITY SPLAY

2.4m x 3.0m VISIBILITY SPLAY

El Sub Sta

FORMER KSC SITE, CALVILLE

Drawing Title: PROPOSED BOLLARDS AND EXISTING VISIBILITY SPLAYS

Drawn By	Checked By	Drawn Date	Checked Date	Drawn Scale	Checked Scale
40543037	91	15	5/03/04	1:500	1:500

© MTS Limited

## SCHEDULE A: Applications with Recommendation

21/0847

Item No: 04

Date of Committee: 25/02/2022

**Appn Ref No:**  
21/0847

**Applicant:**  
Mr & Mrs Ormiston

**Parish:**  
Stanwix Rural

**Agent:**  
Sam Greig Planning

**Ward:**  
Stanwix & Houghton

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

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

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

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

**26 Week Determination**

---

### REPORT

**Case Officer:** Christopher Hardman

### ADDENDUM

Members of the Development Control Committee deferred consideration of this application at the meeting of the 14th January 2022 for a site visit and further discussions with the agent/application to discuss the scale of the proposal.

Since the meeting revised drawings have been submitted which alter the roofline of the two proposed dwellings. The ridge line has been reduced by 800mm and the windows of the second storey of the property now sit across eaves level introducing a dormer effect on the front and rear elevations. Consideration was given to altering the pitch of the roof however, reducing the overall height of the property and inserting dormers provided a more balanced approach in relation to other property roof profiles in the local area.

At the time of preparing the report, there has been one further objection which raises points made by objectors to the initial proposal (*having moved into a property this is the first they've heard of planning the field directly behind, privacy will be lost due to the dwellings being built. There will also be a visual amenity. There will be loss of light and also massive overshadowing*) and has raised nothing new in terms of the amended elevations which reduce the impact from the original proposal. As the matters raised in the objection have been covered in the report there is nothing further to add. Subject to inclusion of the revised drawings being listed within condition 2, the application is recommended for approval.

## **ORIGINAL REPORT FROM 14 JANUARY 2022 FOLLOWS:**

### **1. Recommendation**

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

### **2. Main Issues**

- 2.1 Whether the Principle of Development is Acceptable
- 2.2 The Principle of this Reserved Matters Application
- 2.3 Highways and Access
- 2.4 Impact on Neighbouring Properties
- 2.5 Landscaping
- 2.6 Appearance

### **3. Application Details**

#### **The Site**

- 3.1 This site is 0.2ha of former paddock/agricultural land at the end of Tarraby Lane and accessed through Tarraby village. The site is level with a roadside hedge frontage and hedge to the southern boundary. To the west is the current development of Tarraby View being built by Persimmon which is accessed from Windsor Way. Dwellings on the Tarraby View development adjacent to this site have recently been constructed. To the north lies Shortdale Cottage and on the opposite side of the lane is Shortdale Farm.

#### **Background**

- 3.2 The site was granted outline planning permission for residential development in October 2019 under application 18/0796. When considering that application, it was clear that the Carlisle District Local Plan 2015-2030 includes this site as part of the overall allocated housing site U10 although at the time of the Persimmon applications it was not forthcoming as part of their site. When developing larger sites, it may not always be possible to develop them comprehensively and separate applications may seek development in different stages. This application must therefore be considered in the context of an allocated housing site and an extant outline planning permission for residential development.

#### **The Proposal**

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

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

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

4.1 Consultation on this application has been undertaken by the posting of a site notice, additional notices in the vicinity of Tarraby and direct notification to 43 properties including those neighbouring the site and within the village of Tarraby. In response 7 objections and 1 of comment have been received.

4.2 The objections raise the following issues:

Tarraby Lane cannot cope with additional traffic.

The driveway on each of the plans should be larger area so that there is adequate space for turning and coming out in forward gear to ensure road safety. When driveway is full or have visitors where will they turn or park? What are the arrangements for manoeuvring and parking of site traffic associated with the development to ensure clear of the road surface and road safety?

Any extra large and small vehicles where will they park?

The lane is single track and a designated footpath.

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

Two extra households at the bottom of Tarraby Lane would make the worst road in the Carlisle area even more dangerous.

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

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

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

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

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

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

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

I write on behalf of several local residents to raise objections regarding the

above applications. Any assessment of both applications having to be made in the context of the outline permissions granted under 18/0796 and 20/0692.

#### Background Information

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

*“Before any work is commenced, details of the access, appearance, landscaping, layout and scale of the site (hereinafter called “reserved matters”) shall be submitted to and approved by the local planning authority.”*

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

#### Application No. 19/0973

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

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

It is noteworthy that because of the lack of relevant details, the County Council finds itself in the position of asking that the previous conditions imposed under 18/0796 are reimposed as opposed to being able to discharge any approval.

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

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

#### Application No. 21/0847

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

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

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

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

location and size of the plots.

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

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

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

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

#### 4.3 The representation of comment raises the following issues:

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

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

### 5. Summary of Consultation Responses

#### **Stanwix Rural Parish Council: -**

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

On 5 June 2020, on the advice of the Development Manager, the Development Control Committee resolved that application 19/0973 be

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

- 23 Aug 2021 - Drawing - Amended 02 proposed Site Layout as Proposed May 21 and which shows 2 plots rather than 4, a material amendment of the proposed density of the development upon which the Parish Council was not consulted.

- 15 Sep 2021 - Consultee Comment 0001 HICC 15092021, which requires the conditioning previously recommended in respect of Appn Ref 18/0796 and refers to a consultation dated 23 August 2021 of which the Parish Council has no record.

- 23 Sep 2021 - Public Comment 0031 ca1 2ss 21092021, a letter of objection from Harraby Green Associates.

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

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

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

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

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

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

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

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

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

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

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



## **Design, Scale And Massing**

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

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

*"Notwithstanding the foregoing, conditions are recommended requiring the submission of existing and proposed ground levels and the height of the proposed finished floor levels and ridge height of the proposed dwellings....Accordingly, the proposed conditions would ensure that the proposed dwellings would be of an appropriate scale and design."*

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

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

Particular importance is placed upon details of finished floor and ridge heights, *"In order that the approved development overcomes any problems associated with the topography of the area and the relationship of the proposed dwelling with existing dwellings in accordance Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030."*

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

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

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

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

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

the site, its topography and the existing buildings

**Cumbria County Council: -**

***Local Highway Authority response:***

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

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

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

This is a minor development which is below the Lead Local Flood Authority (LLFA) threshold for comment. As such the drainage arrangements for this development are to be scrutinised by Building Control. It should be noted that the surface water discharge rate should not be greater than the existing, and If installing a soakaway we would advise it is not positioned within 5m highway or property.

***Conclusion:***

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

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, HO1, IP2, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Document (SPD) "Achieving Well Design Housing" is also a material planning consideration. The proposal raises the following planning issues.

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

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

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

- 6.6 This application seeks permission for the reserved matters of detail relating to all the reserved matters which includes access, appearance, landscaping, layout and scale. The drawings indicate that the site would be divided into two plots with each having an individual access onto Tarraby Lane. The landscaping would consist of hedging surrounding the plots with retention of the hedgerow along the lane other than where access points and visibility is required. The elevations indicate two detached two-storey dwellings with separate detached garages.
- 6.7 A number of objectors have raised concerns that not all the details form part of this application and a number of issues from the Outline application have not been addressed. Objectors then go on to refer to a number of planning conditions which need to be discharged. This application seeks only to discharge the requirements under Condition 2 and not seek to discharge other planning conditions which will remain in force. Therefore the Outline and Reserved Matters applications combine similar to a full application whereby the planning authority would still seek a number of planning conditions to make the development acceptable. The conditions on the Outline application remain in force and will still be required to be discharged. Should the Reserved Matters application be approved it establishes the timescale for submission of the additional information and to make a lawful start on the development.
- 6.8 Whether the detail of each of these matters is acceptable is discussed in the following sections of this report however the proposals are in principle appropriate to the associated Outline application 19/0793.

## **3. Highways and Access**

- 6.9 The proposal in this Reserved Matters application is to take individual access points for each of the dwellings and confirms through details that this would be for two plots.

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

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

- 6.14 In determining the layout and scale of the development, the Council's SPD Achieving Well Designed Housing sets out indicative parameters for residential development to ensure that any impact on neighbouring residential properties is reduced. This is particularly relevant with regards to distances between primary facing windows and boundary treatments. It is noted that the Persimmon development has now been constructed and the position of primary facing rear windows is now known. The development of this site needs to ensure that there is 21m between any primary windows. The site plan submitted with the application confirms that the minimum distances have been exceeded being 24 and 25 metres respectively. It is noted that the upper floors of the adjacent Persimmon development overlook the site but this is normal for development of allocated housing sites for some rear gardens to be adjacent and separated by 1.8m close boarded fencing.
- 6.15 The proposed dwellings are two-storey detached houses. Whilst these are of a larger scale than Shortdale Cottage, and are more akin to the new Persimmon Housing. In assessing whether these should be two-storey, the potential for bungalows would utilise more of the plot area either taking primary windows closer to the properties behind or impacting on the hardstanding area at the front of the site and vehicle parking space. It is therefore considered that two-storey housing is appropriate. The proposed dwellings would be 9.2 metres to the ridge and 5.3 to the eaves. They have a steep sloping roof which is similar to the Persimmon development. It has also

been raised that the layout is a precursor to infilling with additional plots however we are only able to consider the application before us and not the possible future intentions of the owner.

## **5. Landscaping**

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

## **6. Appearance**

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

## **Conclusion**

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

## **7. Planning History**

- 7.1 Planning application 18/0796 for Residential Development (Outline) was granted permission on 18th October 2019.
- 7.2 Planning application 19/0973 for the proposed landscaping of plot boundaries and access arrangements for each plot (Reserved Matters Application Pursuant To Outline Consent 18/0796) was withdrawn from discussion at Development Control Committee and remains currently undetermined.
- 7.3 Planning application 20/0692 for Residential Development (Outline) (Revised Application) was granted permission by Development Control Committee on the 23rd February 2021. An appeal has been lodged relating to conditions 4 (restricting the dwelling numbers to 2 dwellings) and 12 (Construction Phase Management Plan) and is currently with the Planning Inspectorate pending determination.

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

- 1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by condition 2 attached to the outline planning consent to develop the site.
- 2. The development shall be undertaken in strict accordance with the approved documents for this Reserved Matters Consent which comprise:
  - 1. the submitted planning application form;
  - 2. the Site Plan As Proposed (Dwg 2946\_RM\_02) received 26 Aug 2021;
  - 3. the Floor Plans and Elevations Plot 1 As Proposed (Dwg 2946\_RM\_03) received 26 Aug 2021;
  - 4. the Floor Plans and Elevations Plot 2 As Proposed (Dwg 2946\_RM\_04) received 26 Aug 2021;
  - 5. the Garage Plans and Elevations As Proposed (Dwg 2946\_RM\_05) received 26 Aug 2021;
  - 6. the Street Elevations (AA and BB) As Proposed (Dwg 2946\_RM\_06) received 26 Aug 2021;
  - 7. the Notice of Decision;
  - 8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

---



GENERAL NOTES

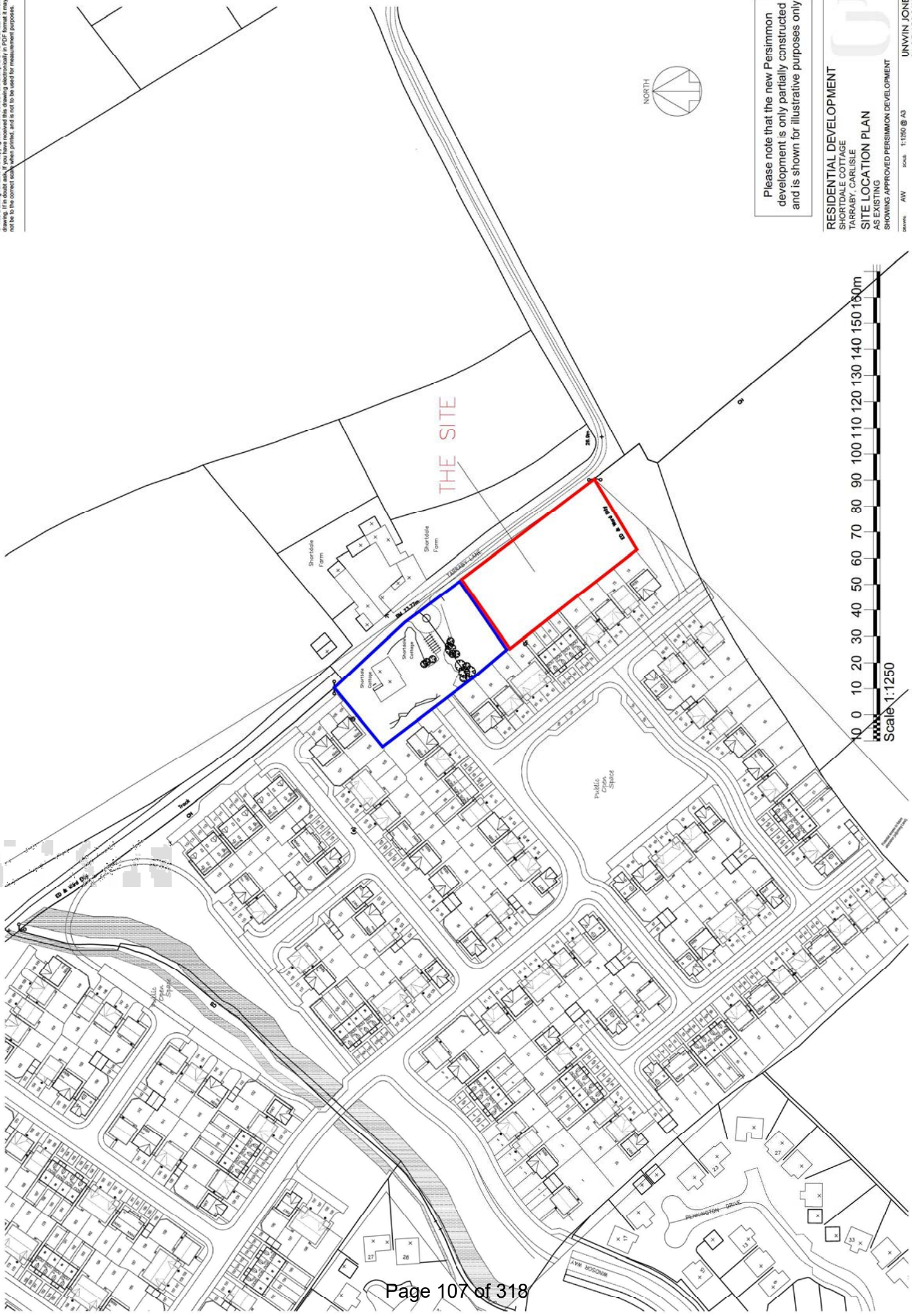
© The drawing remains the copyright of Unwin Jones Partnership. DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing electronically in PDF format it may not be to the correct scale when printed, and is not to be used for measurement purposes.



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

RESIDENTIAL DEVELOPMENT  
SHORTDALE COTTAGE  
TARRABY CARLISLE  
SITE LOCATION PLAN  
AS EXISTING  
SHOWING APPROVED PERSIMMON DEVELOPMENT

UNWIN JONES  
PARTNERSHIP  
DRAWING No. 2396-01  
SCALE 1:1250 @ A3  
DATE AUG 18





**GENERAL NOTES**  
© This drawing remains the copyright of Unwin Jones Partnership. DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing electronically in PDF format it may not be to the correct scale when printed, and is not to be used for measurement purposes.

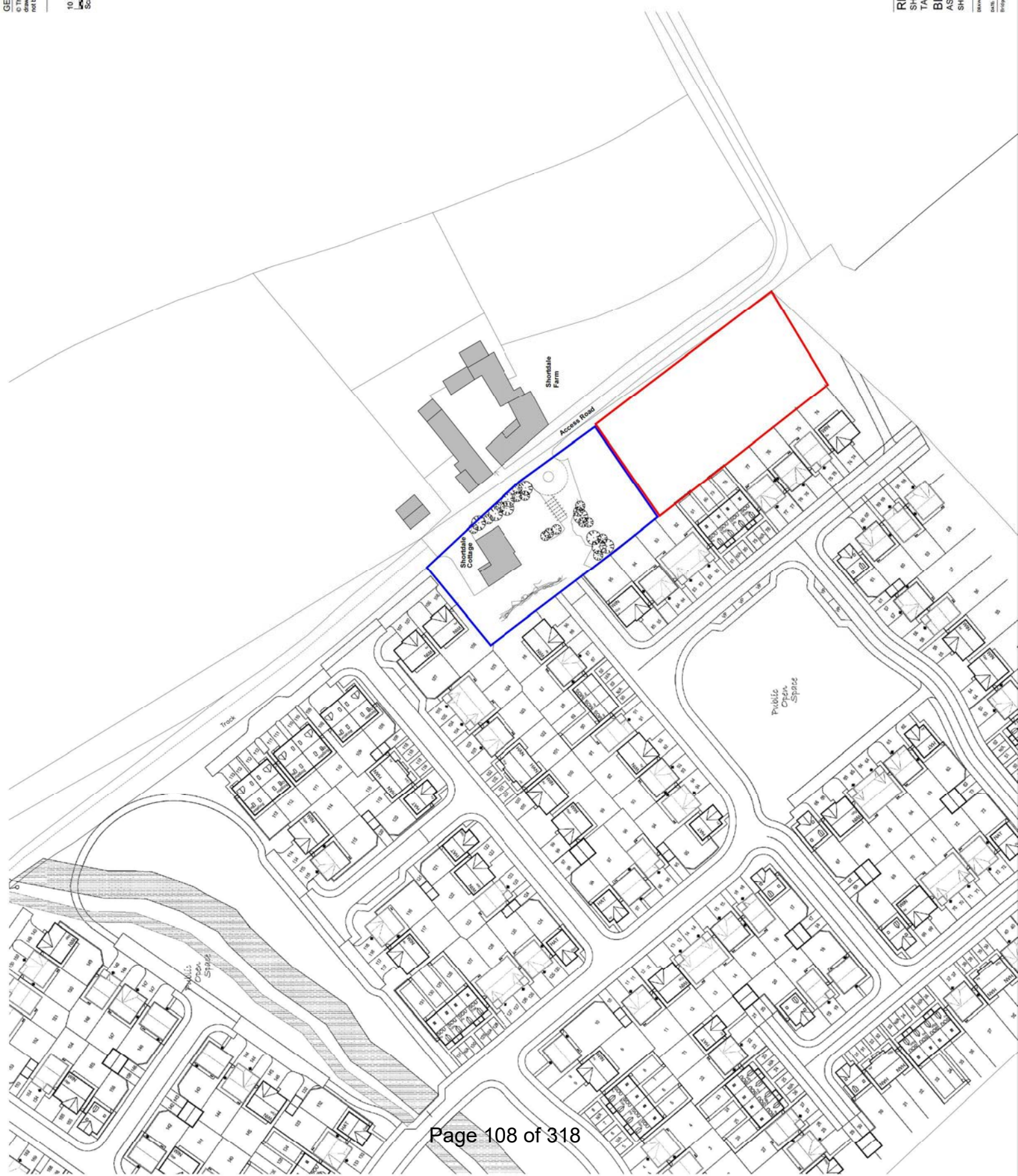
10 0 10 20 30 40 50 60m  
Scale 1:500



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

**RESIDENTIAL DEVELOPMENT**  
SHORTDALE COTTAGE  
TARRABY CARLSLE  
**BLOCK PLAN**  
AS EXISTING  
SHOWING APPROVED PEISIMMON DEVELOPMENT

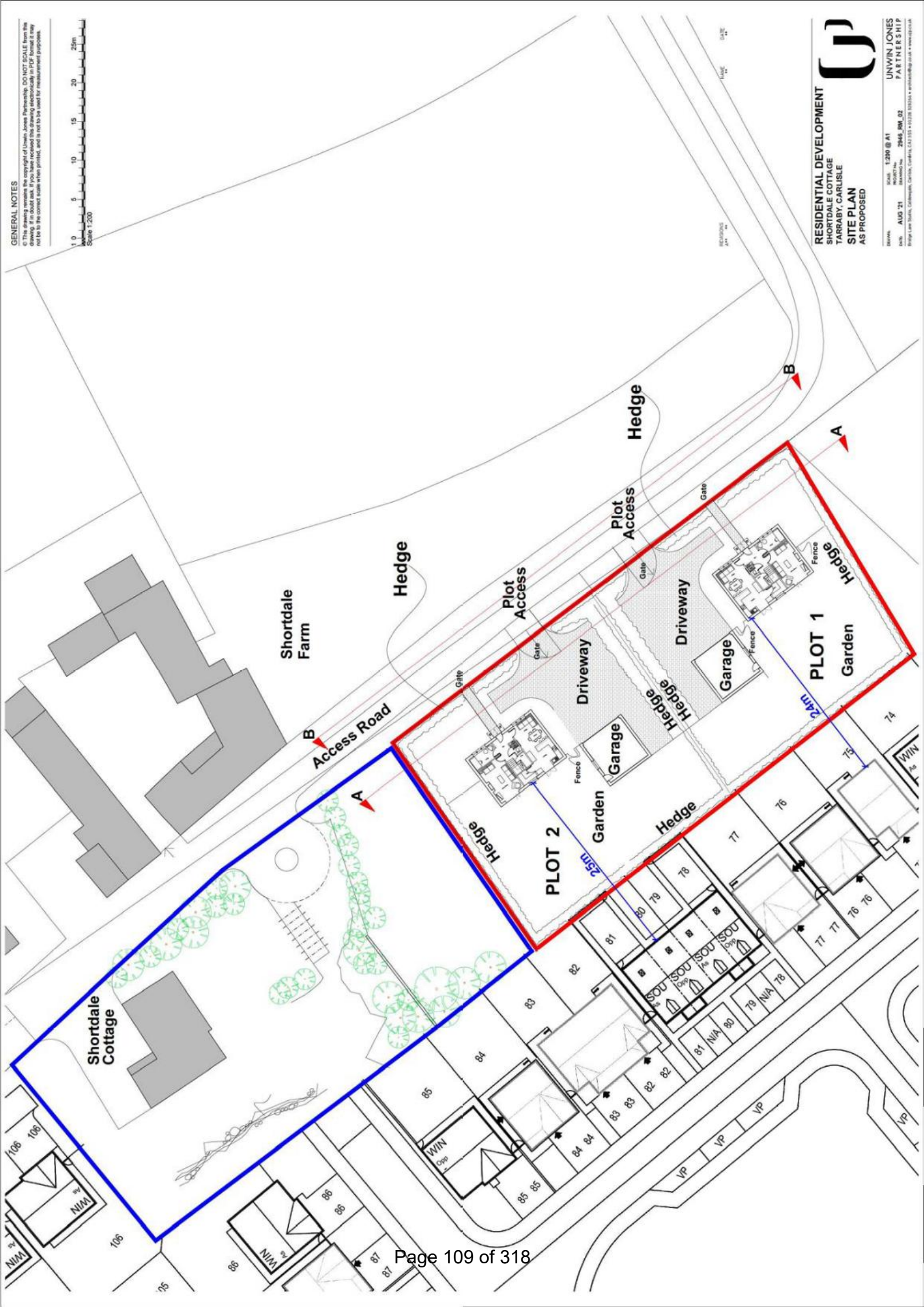
DRAWN: AW SCALE: 1:500 @ A1  
DATE: AUG 18 DRAWING NO: 2946-02  
UNWIN JONES PARTNERSHIP  
Bridges Lane Studio, Colwyn Bay, Llandudno, CA20 5ST • 01228 532354 • [unwin@unwin.co.uk](mailto:unwin@unwin.co.uk) • [www.unwin.co.uk](http://www.unwin.co.uk)





GENERAL NOTES

© This drawing remains the copyright of Unwin Jones Partnership. DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing electronically in PDF format it may not be to the correct scale when printed, and is not to be used for measurement purposes.

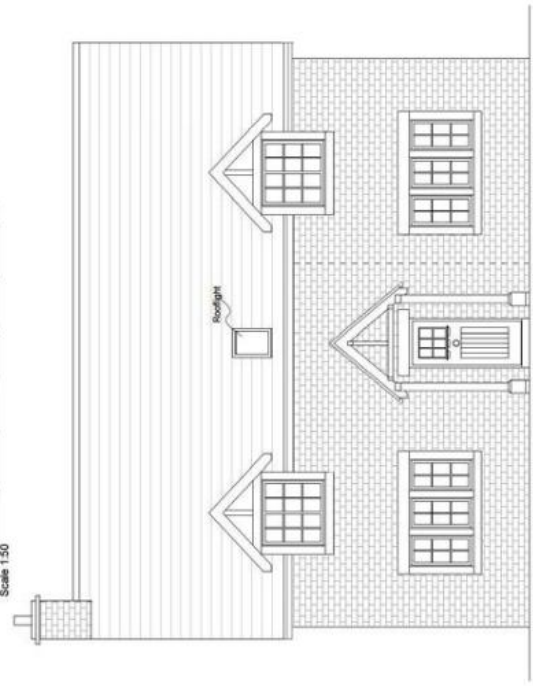


**UNWIN JONES PARTNERSHIP**  
RESIDENTIAL DEVELOPMENT  
SHORTDALE COTTAGE  
TARRABY, CARLISLE  
SITE PLAN  
AS PROPOSED

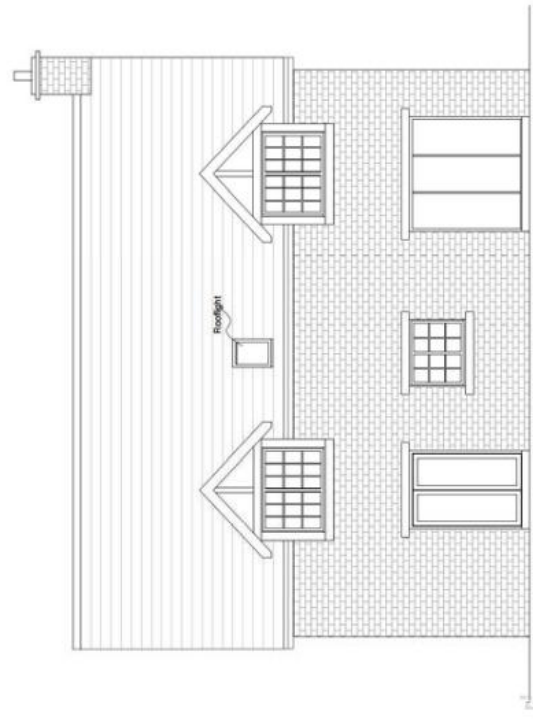
DATE: 13/06/21  
DRAWN BY: JH  
CHECKED BY: JH  
AUG 21  
PROJECT No: 2546\_P01\_02  
UNWIN JONES PARTNERSHIP  
Bridge Lane Studio, Carlisle, Cumbria, CA2 1ST • 01206 383334 • [enquiries@unwinjones.co.uk](mailto:enquiries@unwinjones.co.uk) • [www.unwinjones.co.uk](http://www.unwinjones.co.uk)

GENERAL NOTES

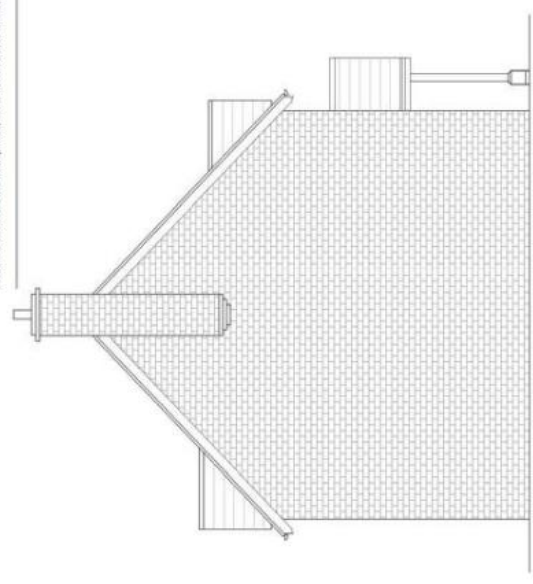
© This drawing remains the copyright of Unwin Jones Partnership. DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing electronically in PDF format it may not be to the correct scale when printed, and is not to be used for measurement purposes.



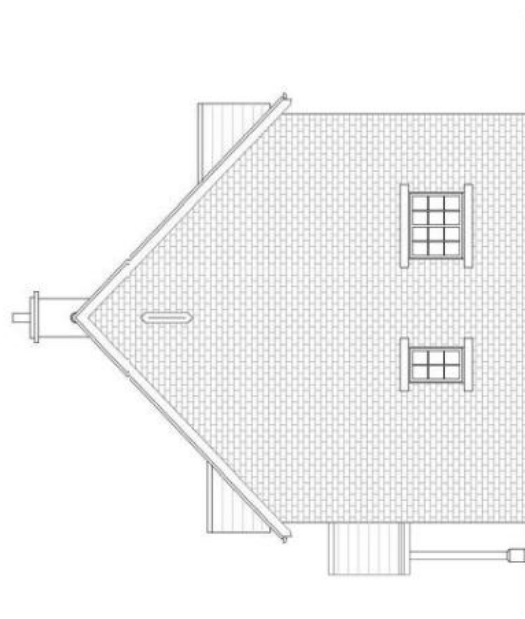
NORTH EAST ELEVATION



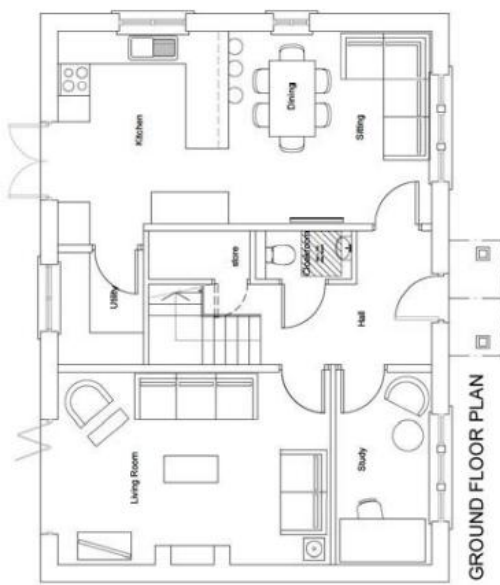
SOUTH WEST ELEVATION



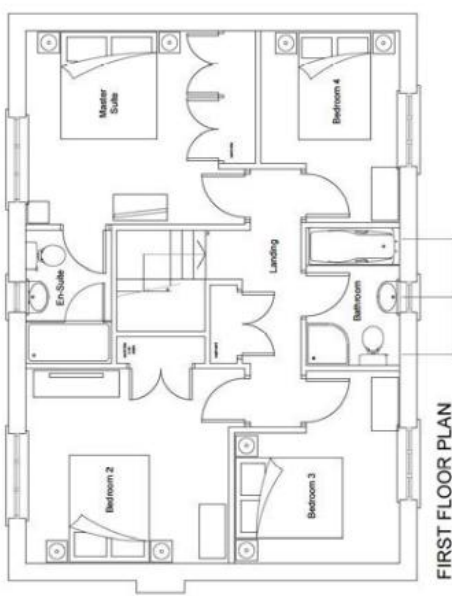
SOUTH EAST ELEVATION



NORTH WEST ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

MATERIALS

- Walls
- Roofs
- Windows
- Rainwater goods

PLOT 1  
4 bed detached 1500 sq ft.

Area:  
1504 sq ft  
139.7 m sq

- Facing Brickwork
- Slate effect tile with dormers (43 degree pitch)
- UPVC - white
- Black UPVC

REVISIONS  
A: Original design and details

DATE  
26.07.2022

NAME  
M

RESIDENTIAL DEVELOPMENT  
SHORTDALE COTTAGE  
TARRABY, CARLISLE  
FLOOR PLANS & ELEVATIONS  
PLOT 1 - 43 degree pitch with dormers  
AS PROPOSED

UNWIN JONES  
PARTNERSHIP

DATE  
AUG '21

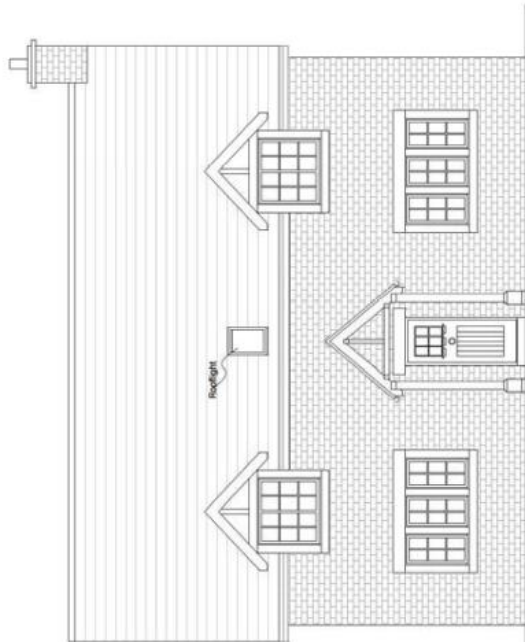
PROJECT No.  
2546\_PML\_17

REVISIONS  
A: Original design and details

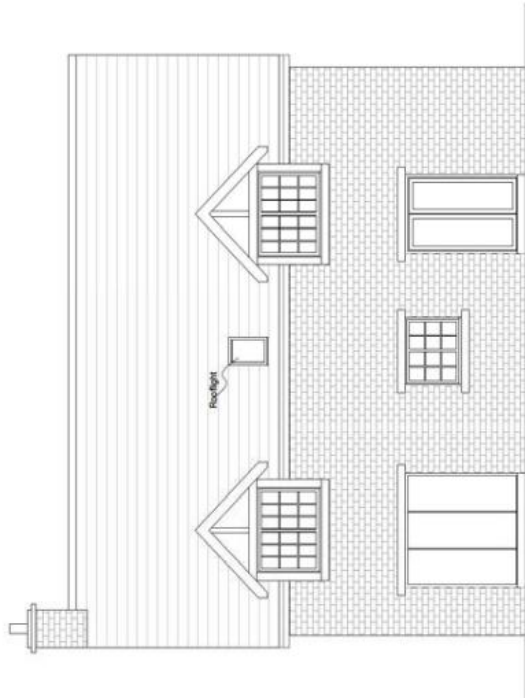


GENERAL NOTES

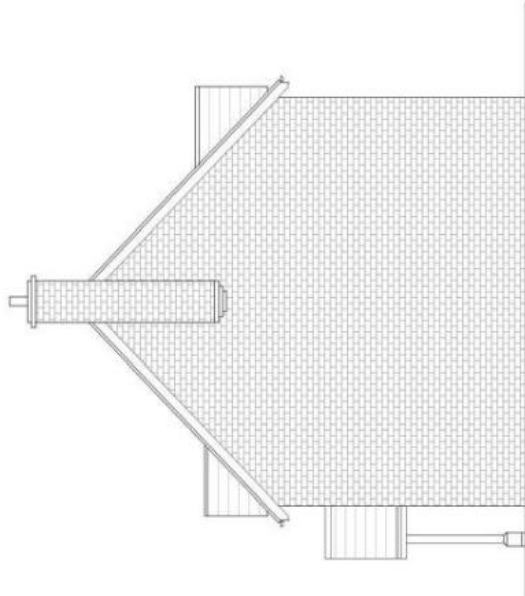
© This drawing remains the copyright of Unwin Jones Partnership. DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing electronically in PDF format it may not be to the correct scale when printed, and is not to be used for measurement purposes.



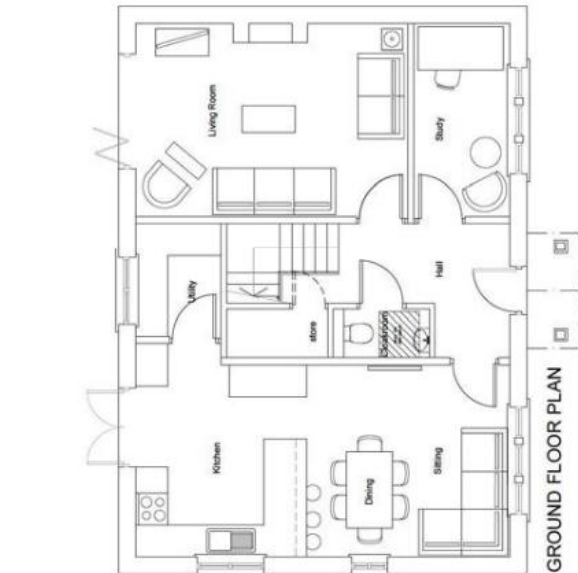
NORTH EAST ELEVATION



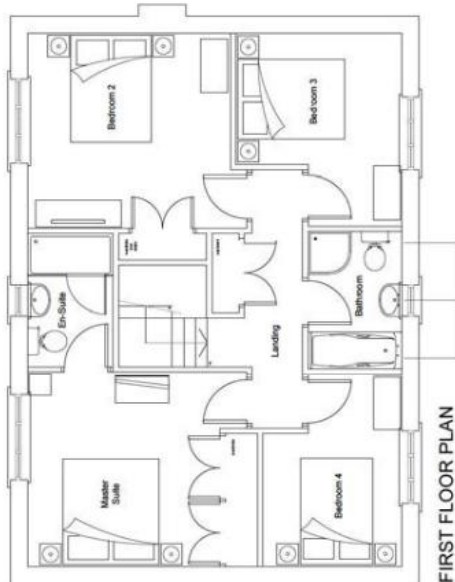
SOUTH WEST ELEVATION



NORTH WEST ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

PLOT 2

4 bed detached 1500 sq ft.

Area:

1504 sq ft

139.7 m sq

MATERIALS

- Walls
  - Roofs
  - Windows
  - Rainwater goods
- Facing Brickwork  
-Slate effect tile with dormers (43 degree pitch)  
-UPVC - white  
-Black UPVC

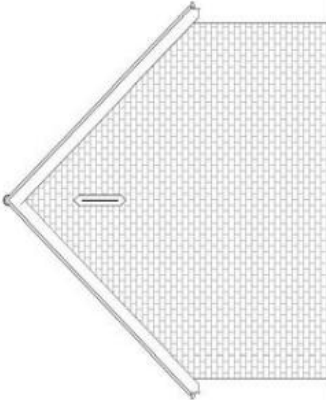
REVISIONS

DATE

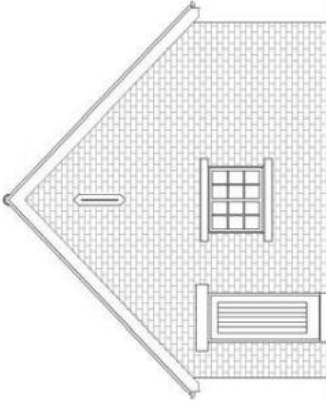
DATE

**UNWIN JONES PARTNERSHIP**  
**RESIDENTIAL DEVELOPMENT**  
**SHORTDALE COTTAGE**  
**TARRABY, CARLISLE**  
**FLOOR PLANS & ELEVATIONS**  
**PLOT 2 - 43 degree pitch with dormers**  
**AS PROPOSED**

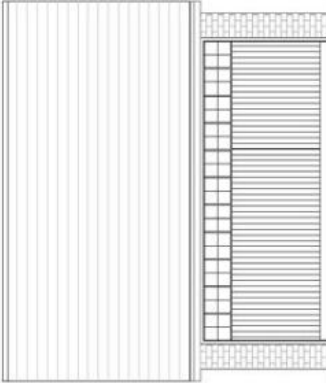
Drawn: **AUG '21**  
Checked: **2546\_JRM\_18**  
Project No: **2546\_JRM\_18**  
Unwin Jones Partnership  
Bridge Lane Studio, Colingdale, Carlisle, Cumbria, LA2 9JY • 01208 583304 • [enquiries@unwinjones.co.uk](mailto:enquiries@unwinjones.co.uk) • [www.unwinjones.co.uk](http://www.unwinjones.co.uk)



NORTH WEST ELEVATION  
PLOT 1 GARAGE



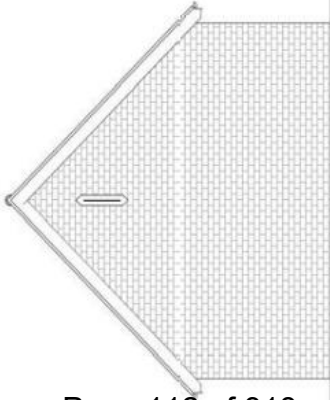
SOUTH EAST ELEVATION  
PLOT 1 GARAGE



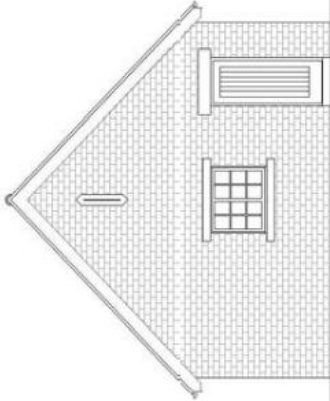
NORTH EAST ELEVATION  
PLOT 1 GARAGE



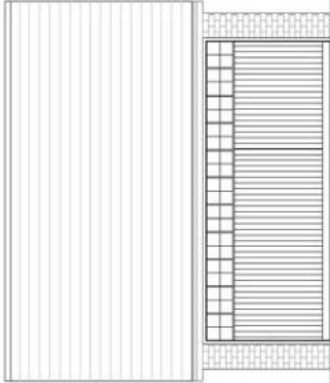
SOUTH WEST ELEVATION  
PLOT 1 GARAGE



SOUTH EAST ELEVATION  
PLOT 2 GARAGE



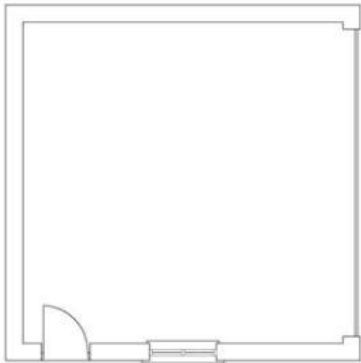
NORTH WEST ELEVATION  
PLOT 2 GARAGE



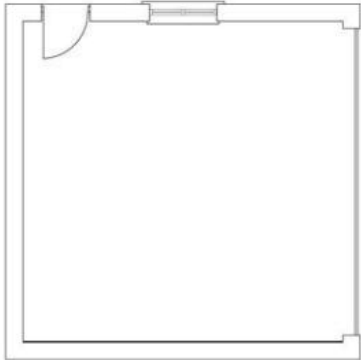
NORTH EAST ELEVATION  
PLOT 2 GARAGE



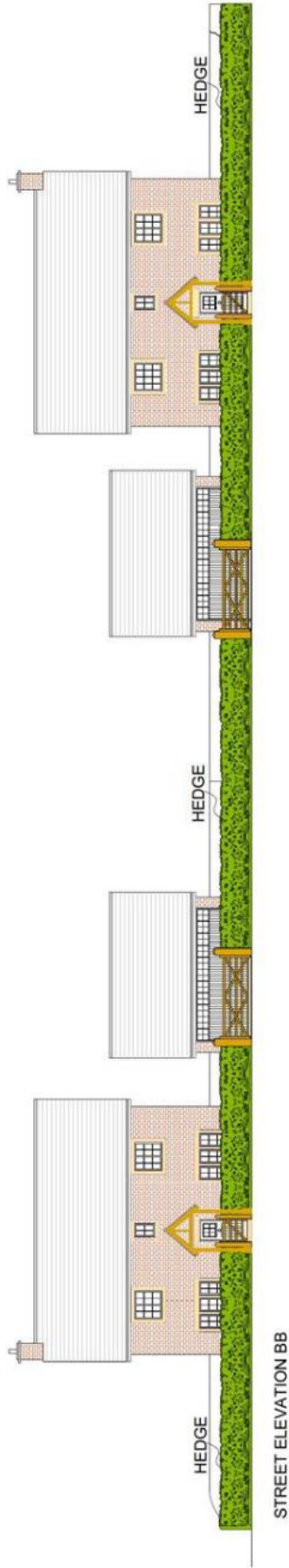
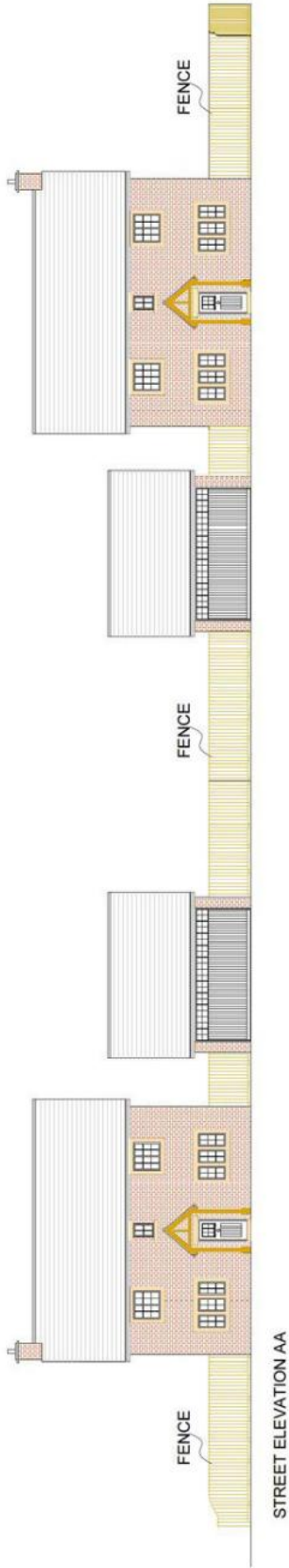
SOUTH WEST ELEVATION  
PLOT 2 GARAGE



PLAN OF PLOT 1 GARAGE



PLAN OF PLOT 2 GARAGE





## SCHEDULE A: Applications with Recommendation

20/0015

Item No: 05

Date of Committee: 25/02/2022

**Appn Ref No:**  
20/0015

**Applicant:**  
Loving Land Limited

**Parish:**  
St Cuthbert Without

**Agent:**  
Telford Planning  
Associates

**Ward:**  
Currock & Upperby

**Location:** Land off St Ninians Road and Cammock Crescent, Carlisle

**Proposal:** Residential Development (Outline)

**Date of Receipt:**  
21/05/2021

**Statutory Expiry Date**  
23/08/2021

**26 Week Determination**

---

### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

- 1.1 It is recommended that this application is approved with planning conditions and subject to a legal agreement requiring an education contribution of £428,213 for secondary schools; a highway contribution of £5,500 to investigate an potentially install an amendment for the speed limit on St. Ninians Road; a financial contribution of £290,145 towards open space provision; provision of on-site affordable housing.

If the S106 legal agreement is not signed, authority be given to the Corporate Director of Economic Development to issue refusal.

#### 2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Scale, Design, Layout And Impact On The Character Of The Area
- 2.3 Whether The Proposal Would Adversely Affect The Amenity Of The Occupiers Of Neighbouring Properties
- 2.4 Highway And Parking Issues
- 2.5 Ground Contamination
- 2.6 Affordable Housing Provision
- 2.7 Ecological Impacts
- 2.8 Trees and Hedgerows

- 2.9 Noise Assessment
- 2.10 Open Space Provision
- 2.11 Education Contribution
- 2.12 Foul and Surface Water Drainage
- 2.13 Crime
- 2.14 Waste/ Recycling

### **3. Application Details**

#### **The Site**

- 3.1 This application seeks Outline Planning Permission for the development of a 3.04 hectares site located within Upperby Ward. The land is unused and unkempt and is bounded by St Ninians Road to the north-west, industrial land occupied by Michael Thompson and Biffa to the north-east, former tipped land to the south-east and housing development at Brisco Meadows and Cammock Crescent to the south-west. Part of the site (approximately 30%) has been subject to previous tipping activity although not to the same degree as the adjoining land to the south-east.

#### **Background**

- 3.2 The proposed site relates to almost all of the land (3.30 hectares) originally allocated for housing development in the former Urban Area Local Plan, that allocation being retained within the current adopted Carlisle District Local Plan, and which (by virtue of the fact it possessed planning permission) is regarded as a “committed” housing site within the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.
- 3.3 The site was subject to a previous planning application for the development of 132 houses. The application was granted authority to issue approval by Members of the development Control Committee subject to the completion of a S106 agreement. Before the agreement could be completed however, the applicant ceased trading and as such, the application was never formally determined.
- 3.4 The St Ninians site was allocated for housing in the Carlisle District Local Plan 2001–2016 and was also allocated in the previous local plan. Despite a number of planning applications for housing being pursued on this site, these have never been concluded and development has never commenced.
- 3.5 When the Carlisle District Local Plan 2015–2030 was evolving, it was important that the city council had sufficient evidence to show that any housing allocations made within the plan were deliverable within the plan period. Therefore, when reviewing whether to carry forward the few remaining allocations from the previous plan, it was considered that this site was unlikely to be delivered, bearing in mind the lack of action on the site in the past two plan periods. Therefore it was not allocated for housing development. However, it has always been recognised that should circumstances change, and the site be promoted for development, that it



could be considered under Policy HO2 of the adopted local plan, which makes provision for windfall housing development.

- 3.6 Members will note from the planning history that outline planning permission was granted in 2017 to develop the site for housing.

## **The Proposal**

- 3.7 This application is seeking outline permission for residential development with all other matters being reserved for subsequent approval. The indicative block plan shows the provision of 132 dwellings with the access into the site from St. Ninians Road serving a number of cul-de-sacs with the development comprising of apartments, detached and semi-detached/ mews houses. An area of open space would be created to the south-east boundary adjacent to the existing area of public open space. Egress from the site would be to Brisco Meadows and Cammock Crescent.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of three site notices, a press notice and direct notification to the occupiers of 47 properties. In response, 25 representations and one objection have been received. The representations have been reproduced in full separately for Members, however, the main issues raised are summarised as follows:
1. this site was a former landfill area and must still contain potentially dangerous gasses if disturbed;
  2. the council must provide a guarantee that they accept all liability for any related consequences as a result of the current and proposed works to clear the land;
  3. wildlife is being affected following the removal of trees and habitat from the site;
  4. the loss of wildlife is contrary to the council's green infrastructure objectives;
  5. the proposed development is also going to lead to an increase in traffic volumes on roads/ infrastructure that is only just fit for purpose;
  6. Brisco Meadows is a quiet residential area, off street parking is difficult and the increase in traffic will make this worse, if people decide to park there;
  7. the additional traffic generated as a result of Newman School along with traffic lights that can result in queues sometimes from the railway bridge to Upperby road will make access to and from all areas extremely difficult;
  8. the bridge is prone to flooding underneath which will affect accessibility to the site;
  9. the additional pollution generated by the increase of potentially 2-300 vehicles must also be taken into account, how does this fit in with the council's environmental policies "Human activity is damaging the environment in which we live" "Council can influence, arrangements with partners, are in line with eliminating pollution" "Objective 3: Reducing emissions from transport by promoting sustainable transport, reducing car

- travel and traffic congestion and encouraging behaviour change";
10. the location/ route is not suitable for public transport to be an option;
  11. a copy of a Health Impact Assessment should be submitted;
  12. the Habitat Survey has missed the wildlife point raised by objectors and should be revisited to ensure all aspects and potential impacts have been fully investigated and addressed;
  13. the new houses shouldn't be too near existing houses and shouldn't be too tall with windows overlooking directly into existing homes;
  14. the previous development included a commitment ensuring the boundary to existing houses would be protected by quality fencing which should still be the case;
  15. based on the road layout, people will cut through from St Ninians and into Brisco Meadows to access the school to avoid the traffic lights thereby creating a rat run. This is unacceptable as the road is too narrow, it is used for parking and children feel free to play here. It is not suitable for extra traffic;
  16. there would be no objection of a route through the estate for cyclists and walkers;
  17. a different entrance to the site should be considered from the top of the new estate cutting out Brisco Meadows and Cammock Crescent all together? This would give an opportunity to make sure residents are safe and easier access for all trade vehicles and buses this was done on the new Ridings Estate not so long ago and works really well;
  18. traffic generation from St. Cuthbert's Garden Village and the road system in the area around the crossroads will face gridlock and significant traffic signals violation;
  19. there would also be issues over security of our properties and the unsocial behaviour from the increased population in the area;
  20. residents' garden fences adjacent to the park already offer little protection. It is felt that the developer and/or council should install additional railings along the perimeter of the park where it adjoins gardens, to stop the risk of fences being climbed over;
  21. there should be adequate lighting installed along the footpaths that lead to the park. Residents walking their dogs use these paths and it is not safe;
  22. as a community, it is accepted that there is a need for affordable housing. However, we feel that the number of properties indicated on the plans is excessive, given the amount of traffic it will create;
  23. based on the amended travel plan allowing pedestrian, cycle and emergency vehicle an explanation should be provide as to how this will be controlled, how will vehicles be prevented from using this "restricted" access on a daily basis;
  24. why is a second access point required for emergency vehicles? this doesn't exist for Brisco Meadows now, or Cammock Crescent, or many other areas in the city, is the real reason due to the fact that a single entry point from St Ninians Road has already been decided as both unsuitable and more importantly unsafe due to its location;
  25. the comments from the consultants employed to create the amended travel plan mention various ideas to reduce the volumes of traffic, including car sharing and a car club, the council must realise that whilst they are both reasonably acceptable in theory and in larger cities, neither

- will ever work, unless you plan to implement a city wide system where car journeys with a single occupant are restricted, unfortunately the roads in and around the city are unsuitable for this anyway;
26. appreciation should be given to the Japanese Knotweed which has been identified on the site;
  27. the development could be transformed in to a place for wildlife to flourish and for people to walk. It would be a great area to have a footpath leading down to the river instead of another "cram in as many houses as we can" development;
  28. where are these people going to park? How is the traffic going to be managed on what is already a choke point at the best of times. A needless project considering 10,000 homes are being planned just down the road;
  29. the St Ninians entrance to the new estate would be next to the entrance to the industrial buildings and any vehicles coming out of these two junctions will have to deal with the traffic coming under the bridge at high speed;
  30. in previous applications for this development there was a requirement for the traffic lights at St Ninians/ Lamb St/ Brisco/ Upperby Roads. This was put in place as part of the Newman School development, but there are still issues here, mainly parked cars along St Ninians Road way too close to the crossings and often larger vehicles struggle to get through. The cars parked here do park on the pavement partially to ease this, but in turn this causes pavement access issues, more so with an increase in people from this new estate;
  31. the re-issue of this application contradicts the same developers application 21/0088 for 5 dwelling off St Ninians and the comments made publicly by the developer saying it would not be one way through to Cammock or Brisco Meadows. Can the developer update the plans to clarify the layout and traffic flow?

4.2 A representation has also been received from the County Councillor for this ward and the issues raised are summarised as follows:

1. six years after the previous application, which lapsed in 2020, there have of course been many changes, the most significant of which is the emergence of the St Cuthbert's Garden Village proposals which will see 10,000 new homes being built in the vicinity of the St Ninian's Road site, as well as the Carlisle Southern Link Road which will be routed to the south of the site;
2. it's totally inappropriate to potentially allow 132 new homes as a windfall development when there is to be such significant development over the next few years so close to this site;
3. the building of the replacement for Newman Secondary School on a site close by has now been completed. One of the section 106 requirements placed on the Diocese was to fund four sets of traffic lights and crossings at the staggered junction where St Ninian's Road and Lamb Street meet Upperby Road and Brisco Road. The traffic assessment leading to the recommendation for controls at the junction took no account of additional traffic which would be generated by 132 new dwellings. It is contended that development on this scale will generate unacceptable traffic

- increases in this residential area;
4. the site has historically been used as a landfill site where mixed waste was tipped from the 1960's onwards and more recently, on a separate part of the site, inert waste in the 1990's. Given the scale of new housing which will be developed on the St Cuthbert's Garden Village site, it isn't considered necessary to allow this number of houses to be built on a former landfill site. If permission was to be given it should be on the basis that the proposed development is a means by which the full site can be remediated but this doesn't appear to be the intention with this application. The key is that a suitable and sufficient site investigation is carried out with appropriate remediation plans to be implemented which protect the existing and new properties and the environment from issues such as contaminants in the soil, landfill gas and leachate. It's questioned whether this is the case given that the last assessment was carried out six years ago, and much of the investigations were carried out over 16 years ago;
  5. if the development goes ahead, it is agreed with the Highways Authority that the only vehicular access onto the site should be via St Ninian's Road with an EVA (with locked bollards) on Cammock Crescent, and a pedestrian/ cycling link via Brisco Meadows. Such a link in fact already exists via the park on the estate and could potentially be utilised, although that would require further investigation.

4.3 In addition, one representation has been received which supports the application and raises the following issues:

1. people have to live somewhere and the 'not in my backyard' attitude of the objectors is not welcomed;
2. why should the ladder of homeownership be pulled up because other people are lucky enough to own their own home?

## 5. Summary of Consultation Responses

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

### Education Response

The Local Education Authority have no further comments subject to the 23 June 2021 response [for Members' benefit this reads as follows:

### Education Response

This is an outline application at Land off St Ninian's Road/Cammock Crescent [previous application 2015/1003]. The proposal is for 132 houses for which the dwelling mix is not known. Therefore, a population-led model has been applied as outlined in the County Council's Planning Obligation Policy (2013) and it is estimated that there will be a yield of 46 children: 27 primary and 19 secondary pupils for the schools. The catchment schools for this development is Upperby Primary (0.6 miles measured from the centre of the development site) and the Secondary catchment school is Central Academy (2.13 miles). The next nearest primary school is Petteril Bank (0.7 miles) and

for secondary St John Henry Newman Catholic (0.8 miles) which is nearer to the development but is a RC school which as a faith school has no specific catchment area, so they take children from a larger undefined area.

The methodology for calculating available spaces in schools first considers developments with planning approval, before assessing which schools the developments will impact and what spaces remain for the most recently proposed development. Currently there are six other permitted developments affecting the primary schools used for this assessment and twenty-six permitted developments for secondary schools.

#### *Primary*

There are sufficient places available in the catchment school of Upperby to accommodate the primary pupil yield from this development, there are also nine primary schools are within the threshold of 2 miles which also have available places. Therefore, a contribution is not be sought for primary education.

#### *Secondary*

When considering the effect on pupil numbers from known levels of housing development across Carlisle, it is considered that there will be only 2 places available of the required 19 to accommodate the secondary pupil yield from this development therefore an education contribution of £428,213 (17 x £25,189) or possible transport costs would be required. The £25,189 is the £18,188 multiplier set out in the County Council's Planning Obligation Policy (2013) index linked to present day costs.

#### *School Transport*

In relation to primary school transport no contribution for school transport will be sought as there are sufficient safe walking routes in the vicinity of the site. In relation to secondary school transport subject to the contribution outlined above no contribution for school transport will be sought as there are sufficient safe walking routes in the vicinity of the site.]

#### Highways Authority Response

The principal of development at this site and of an access onto St Ninians Road was agreed as part of the outline planning approval 15/1003 for 132 dwellings. It is noted that the outline planning approval 15/1003 lapsed in January 2020.

#### *Junction Capacity of St Ninians Road / Upperby Road / Lamb Street*

Within the previous response to this planning application it was requested that the applicant undertake an updated Transport Assessment (TA) to take into consideration the changes in the highways network since the planning approval 15/1003. Following on from these comments the applicant has submitted a revised TA for comment.

The TA has calculated that the weekday AM peak hour vehicle movements created as part of this development are 74, with the weekday PM peak hour at 82 vehicle movements. The TA has assessed the anticipated impacts on

the adopted highways network of the increase in vehicular movements post development identified above. The TA states that the development will have a minimal impact on the St Ninians Road / Upperby Road / Lamb Street signalised junction which will operate within capacity in 2030. It is noted within the TA that the queue length will increase at this junction post development; however the applicant determines that this impact is minimal and no mitigation measures are required. The Highways Authority have assessed the impacts of the development on the local highways network and conclude that the increase in vehicular traffic will not decrease highway safety in the vicinity of the development. As such no mitigation measures are required at the St Ninians Road / Upperby Road / Lamb Street signalised junction.

### Accessibility

The Transport Assessment (TA) submitted assesses the location of the proposed outline development in terms of accessibility by walking, cycling and public transport. The TA concludes that the site has a good level of accessibility by foot or bike to a local facilities and is a short walk to a regular bus service. The Highways Authority have assessed this conclusion and are satisfied that the site is accessible as the development site is located approximately 360m away on Brisco Road with regular services on the 67, 91A and 104 bus routes. Therefore the bus services are within walking distance of the site and promote the usage of public transport in the area. The site is also served well by footpath links to the north along St Ninians Road towards London Road and to the South towards Brisco Road.

### Highways Safety

The TA has identified that following an interrogation of Crashmap that 7 accidents have occurred within the vicinity of the development site for the 3 years prior to COVID-19 (to reflect true traffic conditions). The TA concludes that the accident record does not demonstrate any existing road safety issues on the surrounding network. The Highways Authority have assessed the accident history and agree with the conclusions of the report. It is also noted that four of the accidents were at the St Ninians Road / Upperby Road / Lamb Street junction prior to signalisation which will have resulted in a safety improvement and all of the accidents noted were minor.

### Access Points

As stated in the previous application, the Highways Authority recommend that the access onto St Ninians Road be the only vehicular access onto the site. The accesses as shown on the indicative plan should be an EVA onto Cammock Cressent and a pedestrian / cycling link onto Brisco Meadows. This should improve the existing pedestrian / cycling connectivity to local attractors and ensure the site is permeable to non-motorised users as well as ensuring an alternative access point for emergency vehicle in the event that the access off St Ninians Road is unavailable. The Highways Authority are minded to require that the applicant enter into a suitably worded legal agreement to enable the Local Highway Authority to consult on and potentially install a 20mph speed limit on St Ninians Road. The cost of this

would be in the region of £5,500. Therefore to conclude, the Highways Authority have no objections with regards to the approval of planning permission subject to conditions, stated when the LLFA concerns have been resolved, being applied to any consent granted.

#### Lead Local Flood Authority (LLFA) response

The applicant has submitted a revised Transport Assessment following on from the previous response to this application dated 23 July 2021. The Transport Assessment does not provide any further details regarding the drainage elements of the application requested by the LLFA. As such the LLFA have no further comments subject to the 23 July 2021 response.

#### Summary

In terms of Education this application will attract a requirement for an education contribution of £428,213. A further highways contribution of £5,500 is required for the speed limit amendment of St Ninians Road.

Although planning permission for the site has been granted previously, it is considered that there is a lack of information to fully assess the site in terms of the requirement of the Cumbria Development Design Guide for flood and drainage aspects. Therefore inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:

- Flood Risk Assessment including assessment of existing surface water flow routes
- Site investigation / percolation tests, assessment of the drainage hierarchy
- Greenfield runoff rate
- Outline drainage details
- Outline drainage calculations including details of climate change and urban creep allowances
- Outline surface water treatment details
- Details of who will maintain the drainage system
- Details of exceedance routes
- Proposed remediation measures surrounding the installation and operation of the drainage systems due to the contamination of the site;

**Local Environment - Environmental Protection:** - no response received; however, for Members' beenift, the response to the previous outline planning application reads as follows:

#### "Contamination

*A validation report must be submitted showing that all work has been done according to the remediation reports and the work undertaken verified.*

*A cut off trench/barrier is to be provided to separate the development site from the adjacent contaminated site. The design and specification of the trench / barrier must be submitted and agreed in writing by the Planning Authority before construction begins. Once the barrier has been constructed*

*a validation report must be submitted, verifying the work undertaken.*

*No pile foundations shall be used unless a foundation design for the properties has been submitted and agreed in writing by the Planning Authority. This is to ensure that no contamination is given a preferential pathway to the aquifer.*

*No properties on the development shall be occupied until the site validation report has been accepted and agreed in writing by the Planning Authority.*

*Gas monitoring in at least 2 locations shall be carried out at least once every 6 months for 10 years once the development has been completed. The monitoring locations, the frequency, the method of monitoring and the details of the company carrying out the monitoring shall be submitted and agreed in writing by the Planning Authority. The results from the monitoring shall be forwarded to the Planning Authority each year and should results indicate a gassing problem, the Planning Authority shall be notified immediately.*

*If contamination not previously identified is found during the development (i.e during construction works), no further development shall be carried out (unless otherwise agreed in writing by the Planning Authority) until the developer has submitted and obtained written approval from the Planning Authority. The Written application shall detail how this unsuspected contamination shall be dealt with (in complying with this condition, the words 'contamination not previously identified' shall mean, substances present in soil or groundwater).*

*Once remediation measures have been completed a validation report verifying the remediation shall be submitted to the Planning authority.*

#### Noise

*Where habitable rooms are oriented towards the dominant noise source, and monitoring/modelling indicates that WHO guidelines are likely to be exceeded, then details of glazing and or acoustic ventilation are required to demonstrate that guidelines will be met.*

*A condition should be placed to ensure that further noise monitoring and assessment takes place from within bedrooms, living rooms and gardens of the completed structures, prior to occupation, to verify the effectiveness of the noise mitigation measures. This information should be reported in writing to the Planning Authority;"*

**Northern Gas Networks:** - no objection, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, the promoter of these works should contact Northern Gas Networks to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

**Network Rail:** - no response received;

**Local Environment, Waste Services:** - a detailed road layout is awaited at Reserved Matters stage. The applicant is advised to ensure adequate space



for waste collection vehicles to turn; minimise reversing of these vehicles and provide bin collection points where the road is not made up to an adoptable standard;

**Cumbria Constabulary - North Area Community Safety Unit:** - the Design and Access Statement refers to an accompanying Planning Statement, but this does not appear to have been published. Accordingly, it is difficult to establish if the applicant makes any reference to crime prevention or provides further detail on any security measures that shall be incorporated into this development.

In the event of this application being successful and progressing to Reserved Matters, I seek information relating to the following matters, demonstrating compliance with Policy CM4 of the Local Plan and reflecting guidance published in the SPD's "Achieving Well Designed Housing" and "Designing out Crime":

- optimising surveillance opportunities across public realm and all access routes
- definition and obvious demarcation of public and semi-private spaces utilising physical treatments
- effective lighting schemes (street and dwelling exterior)
- landscaping scheme
- measures as outlined AWDH 4.33
- measures for physical security (doors and windows) - DOC 2.15 and 6.39
- car parking - DOC 6.14 (particularly relating to the parking courts of the apartment blocks);

**Cumbria County Council - (Archaeological Services):** - no objection;

**United Utilities:** - in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way and recommend the imposition of drainage conditions.

Two 450mm diameter public sewers cross this site and building over them may not be permitted. An access strip width of 7 metres, 3.5 metres will be required either side of the centre line of each sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement.

Several other public sewers and a rising main cross this site and building may not be permitted over them. United Utilities will require an access strip width of six metres, three metres either side of the centre line of each sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement.

A wastewater pumping station is located inside the site. United Utilities has a right to access the station on 24/7 basis for maintenance and replacement. In addition, the minimum distance between the pumping station and any habitable building should be at least 15 metres.

Therefore a modification of the site layout may be necessary;

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

**Cumbria Fire & Rescue Service:** - no response received;

**Environment Agency:** - no objection subject to the imposition of conditions in respect of contamination, remediation and protection of ground waters;

**Economic Development - Housing Development Officer:** - the following response has been received:

The application site falls within Affordable Housing Zone B, which requires a 20% onsite affordable housing contribution. Local Plan Policy HO 4: *Affordable Housing* 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 or shared ownership through a Housing Association).

The previous Outline application was for 132 units so assuming a site came forward for the same number of dwellings at Reserved Matters, this would equate to 26 affordable units (being 20% rounded down the nearest whole unit) – 13 no. (50%) for Social and Affordable Rent and 13 no. (50%) for intermediate housing. This is currently usually on a discounted sale basis at 70% of market value through the Council's low cost housing scheme; however, the Government's *First Homes* scheme is due to be introduced at the end of June 2021, which would require 25% of the affordable housing requirement (being half of the intermediate housing) to be provided as *First Homes*, so it is anticipated this would be a requirement by the time the Reserved Matters application is submitted. The unit types should reflect the requirement identified in the SHMA, outlined above, and include an element of bungalows, or other unit types suitable for older persons, as detailed in the following section.

#### Older Persons' Accommodation

The Council's *Affordable and Specialist Housing Supplementary Planning Document (SPD)* recommends that on sites of over 100 units 10% of the dwellings provided are bungalows or other accommodation suitable for older persons (section 11.2) which applies to both the open market and affordable sectors.

This reflects the housing need identified in the SHMA due to the ageing population, which is supported by Projecting Older People Population Information Systems (POPPI) data, which projects a 33.5% increase in the population aged 65 or over in Carlisle between 2020 and 2040 (including a 68.8% increase in people aged 85 and over).

#### Section 11.3 *Bungalows and Viability* of the Affordable and Specialist

Housing SPD sets out how this can be viably incorporated within a larger scheme based on increased sales revenue of approximately 25% per m2 on bungalows and smaller garden requirements. The applicant should also refer to Section 13 'Residential Design Standards for Older Persons and Specialist Accommodation' of the SPD.

As an example, based on the no. of units in the previous Outline application: 132 units x 10% would equate to 13 bungalows or other adaptable unit types suitable for older persons - if this was apportioned across the market and affordable sectors, this would equate to approximately 10 no. market and 3 no. affordable bungalows (or other adaptable unit types) although the exact mix can be agreed at Reserved Matters as there is always a high demand for Social Rented bungalows.

#### Location of the Affordable Units

Local Plan policy HO 4 (paragraph 5.30) stipulates that: "The siting of affordable housing within a development also needs careful thought to ensure that it is not concentrated within one are of the site but is integrated throughout the development. This approach will ensure greater opportunities for community cohesion." It is important that the Reserved Matters housing layout reflects these mixed sustainable communities principles, in respect of the location of the affordable homes within the wider development.

#### Affordable Housing Space Standards

The Council's expected space standards for affordable homes are set out in section 9.2 of the Affordable and Specialist Housing SPD. The affordable units should comply with these standards.

## **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 the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies SP1, SP2, SP3, SP6, SP8, SP9, HO1, HO2, HO4, IP2, IP3, IP4, IP5, IP6, IP8, CC5, CM2, CM4, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 and the Council's Supplementary Planning Documents (SPD) on "Achieving Well Design Housing", "Trees and Development" and "Designing Out Crime" are also material planning considerations. The proposal raises the following planning issues.

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

- 6.3 The NPPF seeks to promote sustainable development and in rural areas,

housing should be located where it will enhance or maintain the vitality of rural communities. 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 Although not continued as an allocation for housing development in the local plan, the NPPF allows the consideration of the principle of such sites. The application site is located in a sustainable location on the edge of Carlisle where there are a range of services and the proposal would create an opportunity to support these facilities. The site is well related and bounded by residential dwellings to the west.

- 6.6 Whilst land is allocated within local plan for housing and sites have been identified in the local plan as preferred options for residential development, this does not prejudice the consideration of applications for housing on windfall sites. As this site is no longer allocated, it is considered to be a windfall site.

- 6.7 Policy SP3 of the local plan specifically seeks to protect the allocation to the south of the city which is now known as St. Cuthbert's Garden Village (SCGV) and states:

*“The potential for the future development of a southern relief road linking Junction 42 of the M6 with the southern end of the A689 will be an integral part of the masterplan.*

*To enable a comprehensive and coordinated development approach, piecemeal or unplanned development proposals within the area which are likely to prejudice its delivery including the infrastructure required for the area will not be permitted.*

*To ensure that Carlisle South is deliverable when required, work on masterplanning the area will commence in the early years of the plan period.”*

- 6.8 The application site is approximately 2.4 kilometres (1.5 miles) north of SCGV and wouldn't prejudice any future delivery of this site. The development doesn't prejudice the overall plan strategy of the local plan and in such circumstances the principle of additional housing in this location is deemed acceptable.

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

- 6.9 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.”*

- 6.10 It is further appropriate to be mindful of the requirements in paragraph 134 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).”*

- 6.11 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.

- 6.12 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.

- 6.13 The application seeks consent for the principle of development only with the access, appearance, landscaping, layout and scale being reserved for subsequent approval. The proposed housing development of 132 units, at a density of approximately 44 dwellings per hectare, is provided in the form of predominantly two-storey development although also includes 33 apartments within 3 storey blocks. Although no detailed material specification has been submitted, but is to be left as a condition of planning approval should it be forthcoming, the detailed drawings indicate the development will be faced in brickwork with tiled pitched roofs.
- 6.14 The scheme layout provides the proposed accommodation in a combination of detached houses, pairs of semi-detached houses, terraces of semi's and/or mews houses and 4 three storey apartment blocks with courtyard parking (Blocks A, B, C and D on the layout plan). This overall mix of building forms, heights and design details will add visual interest as well as providing a socially well-distributed mix of accommodation.
- 6.15 The proposal could achieve adequate amenity space and off-street parking although this would be subject to subsequent approval. The character and appearance of the development would not be obtrusive within the street scene and there is no conflict with planning policies.

### **3. Whether The Proposal Would Adversely Affect The Amenity Of The Occupiers Of Neighbouring Properties**

- 6.16 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.
- 6.17 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)*

- 6.18 The layout and scale are matters reserved for subsequent approval and an assessment of the distances would be made at the time of the considerations such an application. On the basis of the current application, given the orientation of the application site with adjacent properties, it is not considered that the living conditions of the occupiers would suffer from loss of privacy or unacceptable levels of noise or disturbance. The development would not result in an overall loss of daylight or sunlight due to the distances involved between the application site and the residential properties.

#### **4. Highway And Parking Issues**

- 6.19 Planning policies require that development proposals are served by an appropriate access and provide adequate parking facilities. The land has 3 options in terms of access, these consisting of a short road frontage onto St Ninians Road and short sections of spur roads off the existing residential road system within the Brisco Meadows and Cammock Crescent housing estates. Following discussions with the Highway Authority, the previous planning application showed that all 3 were to be used such that St Ninians Road provides an “entry only” access, the spur on Cammock Crescent is to be an “exit only” with Brisco Meadows affording two-way vehicular movements. In respect of the current proposal, the Highway Authority has confirmed that the access to the site should be onto the classified road (St Ninian’s Road) therefore not accessing from either of the estate roads. The accesses onto the neighbouring estates should be in the form of an emergency and pedestrian/ cycling access but still be wide enough to accommodate potential future traffic calmed links.
- 6.20 Coupled with the nature of the road system, a one-way entry route from St Ninians Road with a road layout incorporating a geometric layout and use of traffic calming measures to minimise vehicle speeds through the estate and which is designed to dissipate traffic from the development through the two exit routes. The scheme also indicates an area for a bus stop to allow the development to be serviced by public transport.
- 6.21 An indicative Phasing Plan has been received which shows the development progressing across the site from west to east starting adjacent to St. Ninians Road towards Cammock Crescent. Although the current application has raised objections from residents of Brisco Meadows, who do not want the existing road system in that development used to provide access, the fact of the matter is that the road layout to Brisco Meadows was designed to afford future access to the application site.
- 6.22 Cumbria County Council as the Highway Authority has considered the application in light of the Interim Transport Assessment and the Addendum to the Transport Assessment and has raised no objection subject to the completion of a S106 agreement requiring the submission of a Travel Plan and the imposition of relevant planning conditions. On this basis, therefore, it is not considered that the proposal raises any highway safety issues.

#### **5. Ground Contamination**

- 6.23 The application is accompanied by a Ground Investigation and Contamination Report. The Non-Technical summary states:

*“The site and surrounding area have been occupied by a mill and later a laundry and dyeing works. More recently part of the site was used for the disposal of inert wastes from the construction and demolition industries under licence from the predecessors to the Environment Agency.*

*The land to the south was also a landfill but it was operated for commercial and industrial wastes. A perimeter barrier and vent trench were installed around three sides of the southern landfill site to minimise pollution of the groundwater and protect the nearby residential properties from hazardous gases.*

*The barrier was not constructed between the southern landfill and the proposed residential development site.*

*There is no development layout at present but it is anticipated that the development will comprise a combination of detached and semi detached properties and apartments with associated infrastructure, roads, services and a large area of recreational open space. The redevelopment of the site is subject to planning permission being granted by Carlisle City Council.*

*The site has previously had planning permission subject to a section 106 Agreement which was never ratified.*

*Numerous investigations have been carried out at the site. The investigations include excavation of trial holes and sinking boreholes through the made ground and waste deposits as well as into the natural strata beneath and around the site. The investigations include extensive laboratory testing and environmental monitoring.*

*Key technical staff from the City Council's Environmental Health Department and the Environment Agency have contributed to the method and scope of the works undertaken and approved an earlier version of the risk assessment report.*

*TACCL [The Arley Consulting Company Limited] has carried out detailed risk assessments in accordance with appropriate, Government backed, technical guidance, in support of the development proposals.*

*The assessments consider potential hazards associated with the site, particularly those related to historic waste disposal activities, and the risks to the proposed residential development as well as risks to the wider environment, including neighbouring land and property and controlled waters (groundwater and the River Petteril).*

*The assessments demonstrate that the made ground/waste material contains levels of contamination and hazardous gases which represent a potential risk to proposed residential development and the environment if left untreated.*



*However TACCL considers that the identified risks to the residential development can be addressed by straightforward remediation and mitigation measures.*

*There is a potential risk to the development from hazardous gases generated from the biodegradation of organic matter within the waste at the site and at the adjacent southern landfill. Gas concentrations and flow rates are generally low although there are localised areas where significant concentrations of methane have been identified. Gas risks can be addressed by installation of barriers and ventilation.*

*Contamination identified in the shallow soils and made ground at the site are generally insoluble although there is evidence of low levels of shallow groundwater contamination below the previously deposited wastes at the site.*

*If left undeveloped or unrestored there is a long term risk of groundwater and surface water pollution from the site. This risk can be significantly reduced by reducing rainwater infiltration. Higher levels of contamination in the southern landfill may also impact on groundwater quality at the development site and in the underlying aquifers. This risk can be reduced by providing additional lateral containment between the southern landfill and the proposed residential development site. Risks could be further reduced by reducing rainwater infiltration although this land is not owned or controlled by the developer.*

*A remediation strategy has been developed on the basis of the site investigation and risk assessments. This strategy addresses the risks to the development as well as those to the wider environment."*

- 6.24 The application details are unchanged from the previous outline application and the Officer's response for that application is reproduced Section 5 'Summary of Consultation Responses' of this report. The details of the application together with the assessment in the Ground Investigation and Contamination Report have previously been found to be acceptable by the Council's Environmental Health Officers subject to the imposition of relevant planning conditions. These include the submission of a validation report must be submitted showing that all work has been done according to the remediation reports and the work undertaken verified; details of the separation trench/ barrier to separate the development site from the adjacent contaminated site; no pile foundations shall be used unless a foundation design for the properties has been submitted and agreed in writing by the planning authority to ensure that no contamination is given a preferential pathway to the aquifer; no properties on the development shall be occupied until the site validation report has been accepted and agreed in writing by the planning authority and gas monitoring in at least 2 locations shall be carried out at least once every 6 months for 10 years once the development has been completed.
- 6.25 Based on the Ground Investigation and Contamination Report and the imposition of appropriate conditions historically suggested by the Environmental Health Officer and imposed on the previous planning permission, it is not considered that the development could be considered

contrary to planning policies and is therefore acceptable.

## **6. Affordable Housing Provision**

- 6.26 Policy HO4 of the local plan requires that on this site, 30% of the dwellings should be affordable. The council's Housing Development Officer has provided an assessment of the proposal commenting on issues of affordable housing need; planning policy/ affordable housing provision; older persons' accommodation; location of affordable housing units; and affordable housing space standards.
- 6.27 The detailed response provides guidance on all issues but as the application seeks outline planning permission only, these requirements will have to be incorporated within the S106 agreement to secure their provision. Subject to the completion of this agreement, the proposal doesn't raise any issues in respect of affordable housing which could adequately be provided on site in accordance with the policy requirements.

## **7. Ecological Impacts**

- 6.28 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities 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), and 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. In this case, the proposal relates to the development of residential dwellings on greenfield land. As such it is inevitable that there will be some impact upon local wildlife.

- 6.29 The application is accompanied by a Phase 1 Habitat Survey and a Preliminary Ecological Appraisal, the latter of which concludes that:

*“Twelve phase 1 habitat parcels were recorded within the survey area and the immediate surroundings. It is likely that all habitat on site will be removed to accommodate the proposed development. This habitat is of low conservation value and the loss of this habitat constitutes a low ecological impact.*

*Recommendations have been made for further surveys for bats and reptiles and for timings of works to mitigate impacts on breeding birds.*

*The further surveys and recommendations will help to ensure the development proceeds in a legal manner in relation to protected species.”*

- 6.30 Subject to the imposition of conditions, the development would not harm a protected species or their habitat; however, it would be appropriate to impose

a condition restricting works during the bird breeding season. In addition, an Informative should be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

## **8. Trees and Hedgerows**

- 6.31 There are number of trees and hedgerows within the site. As the application seeks outline planning permission only, the full extent of any proposed tree removal is not known.
- 6.32 The application is accompanied by a Tree and Hedge Survey Report which accepts that the proposed development may require the removal of a number of trees; however, it advises that where possible the development should retain existing trees. A series of measures are included including the requirement for the provision of root protection areas around trees that are to be retained together with the submission of a landscaping plan to compensate any loss and take advantage of the opportunity to enhance biodiversity by planting native trees and shrubs. Subject to the imposition of appropriate conditions, the proposal is acceptable in this respect.

## **9. Noise Assessment**

- 6.33 The site is closely related to St. Ninians Road, the railway line and industrial premises. The accompanying Noise Assessment provides an analysis of the following individual components.

### Suitability for Residential End Use

- 6.34 Analysis of the subjective field notes completed during the monitoring survey concluded that traffic movements on the surrounding road network, and train passes are the dominant noise sources of the area.

### External Living Spaces

- 6.35 Based on the measured noise level data, it is evident that the site would be amenable to the development of external living spaces. Any external living spaces backing directly on to the train line however may require further consideration, and would benefit from the consideration of perimeter fences/ walls or layout considerations. This element could be controlled through a suitably worded condition attached to the planning permission to be addressed during the detailed design process.

### Residential Noise Assessment – Internal Noise Climate

- 6.36 Any sound insulation proposed within the design of the dwellings should ensure that internal noise levels are brought down to meet these limits for both the daytime and overnight periods. In order to achieve the proposed BS 8233 design criteria during the daytime and overnight periods, glazing specifications would be required.

- 6.37 As a result of the level of attenuation necessary within the development there would be a requirement for some dwellings/façades to be provided with alternative forms of ventilation to prevent the need to open windows for this purpose, (which would significantly reduce the attenuation afforded by the façade). Opening windows would still be specified but the alternative ventilation provision would provide a choice for the occupiers.
- 6.38 As a result of the level of attenuation required to be achieved by certain façades around the periphery of the development, alternative means of ventilation may be required in order that the windows do not need to be opened for this purpose. This could be by means of one of localised acoustic trickle ventilation (type acoustic ventilator as specified in the Noise Insulation Regulations) or a whole building system via internal duct work venting onto a quieter façade/ the roof of the building.

### General Conclusions

- 6.39 It is specifically noted that whilst industrial uses are present on land to the east of the site, noise generated by these activities was in no way considered to be intrusive or dominant at the site and was masked to a degree by the prevailing noise climate.
- 6.40 Overall it is considered that there are no significant issues relating to noise impacts associated with the proposed residential development of the St Ninians Road site that would preclude the development from being granted planning permission on grounds of noise subject to the implementation of appropriate planning conditions to ensure noise is suitably considered at all stages of the development.

## **10. Open Space Provision**

- 6.41 Whilst Policy LC4 of the Local Plan encourages the provision of formal and informal areas of public open space within new family housing development of more than 40 units there are instances where the Council has agreed that it would be acceptable for developers to provide a financial contribution towards the provision/improvement of existing facilities off-site.
- 6.42 In respect of this proposal the indicative layout plan shows an area of open space would be incorporated adjacent to south-west boundary. The Council's Neighbourhoods and Green Spaces Manager has previously confirmed that a financial contribution of £290,145 would be required towards improving the existing space adjacent to the site and to make the new public open space useable

## **11. Education Contribution**

- 6.43 In respect of the capacity within local schools and whether an education contribution would be required as a result of this development, Cumbria County Council has advised that in respect of primary schools, based on projections and taking into consideration other developments, there will be sufficient spaces available for the 27 children from this development;

therefore no primary education contribution will be sought.

- 6.44 Taking into account the secondary school situation, the advice is that whilst it is considered the development of this site will further contribute to the pressure on secondary school places, further work will be undertaken to identify a strategic solution to the issue. Therefore at this stage, no contribution is being sought for secondary school places.

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

- 6.45 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.
- 6.46 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.
- 6.47 Cumbria County Council as the Lead Local Flood Authority raised no issues in respect of the surface water drainage responding to the previous application other than comments regarding the development within the Flood Zone. Members will note the detailed response submitted by Cumbria County Council as the Lead Local Flood Authority and the depth of additional information required which they state should be provide prior to determination to that a further assessment can be made.
- 6.48 Paragraph: 001 Reference ID: 21a-001-20140306 Revision date: 06 03 2014 of the NPPG states:

*“Why are conditions imposed on a planning permission?”*

*When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.”*

- 6.49 Therefore, a condition could be imposed requiring the submission of this further information as part of a drainage strategy that would still meet the relevant conditions required by all conditions as it is necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.
- 6.50 Therefore, provided that the condition is imposed and subsequently discharged through the submission of an appropriate scheme, which would be subject to consultation with the LLFA, the scheme would be acceptable in terms of the drainage issues.

### **13. Crime**

- 6.51 Section 17 of the Crime and Disorder Act together with Policy CM4 of the local plan requires that the design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime. At this stage, it is difficult to assess the proposal due to the lack of detail that would be provided as part of any subsequent application. Cumbria Constabulary has advised that the dwellings appear to be laid out to overlook each other, without compromising privacy.
- 6.52 Any subsequent application would have to take account of the natural surveillance of properties and the public open spaces and creating distinction between public and semi-public space is clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring. In this respect, there is no objection to the principle of development whilst noting these issues for consideration at a later stage.

### **14. Waste/ Recycling**

- 6.53 With regard to residential developments, Waste Services has previously advised that developers are expected to provide and where appropriate pay for waste containers. The applicant is aware of this requirement and the proposal doesn't raise any issues in this respect.

### **Conclusion**

- 6.54 The current application site can be viewed as being in a sustainable location, well related to existing residential areas of the city and a site which has previously been part of the council's housing allocation. A planning application has also been considered by the council and only to the fact that the S106 was not completed permission was not granted.
- 6.55 The concerns of residents relating to the highway issues are acknowledged; however, Cumbria County Council as the Highway Authority is satisfied from the information provided that there is nothing to sustain a refusal on highways/traffic grounds for this development. As a result, the Highway Authority has not raised any objections subject to the imposition of relevant conditions.

- 6.56 In the case of affordable housing, the applicant has agreed to provide on-site affordable provision, and utilise the formula adopted by the city council with regard establishing the relevant contribution. The applicant has also agreed to make a contribution of £290,145.79 towards both on-site and off-site public open space provision generated by the proposal.
- 6.57 In relation to the living conditions of the neighbouring residents any impacts are not considered in themselves sufficient to merit the refusal of permission. These matters can be addressed further at the Reserved Matters stage. Concerns relating to construction noise and the hours of construction can be addressed through the imposition of relevant conditions. Those matters relating to contamination and the potential concerns regarding surface water/foul drainage and ecology can also be addressed through the imposition of relevant conditions.
- 6.58 On balance, the recommendation is for authority to issue an approval subject to the completion of an appropriate Section 106 Agreement requiring an education contribution of £428,213 for secondary schools; a highway contribution of £5,500 to investigate an potentially install an amendment for the speed limit on St. Ninians Road; a financial contribution of £290,145 towards open space provision; provision of on-site affordable housing based on the council's formula. If the legal agreement is not signed, authority to issue refusal of the application should be given to the Corporate Director of Economic Development.

## **7. Planning History**

- 7.1 This site has extensive planning history;
- 7.2 In 1989, an application determined by Cumbria County Council resulted in the grant of planning permission for "excavation and tipping works, land to be restored for use in part for residential development and in part for agricultural purposes";
- 7.3 Outline planning permission for residential development was refused in 1990;
- 7.4 Later in 1990, outline planning permission was granted for residential development;
- 7.5 In 1990, an application was approved to vary a condition attached to the 1989 approval issued by Cumbria County Council;
- 7.6 In 1992 an approval was given by Cumbria County Council for the formation of a temporary access road from St Ninians Road;
- 7.7 An application, submitted in 1995, to erect 76 dwellings was withdrawn without determination in 1997. A revised application for outline permission for residential development was approved in 1999. An application for a related application described as "Excavation of old land contamination in waste area

1 and relocation to redundant waste tip area 2. Inert fill to waste area 1 in preparation for housing development and capping, venting and landscaping to waste area 2" was obtained in July 1997;

- 7.8 An application to renew the planning approval for the site reclamation/ remediation in advance of development for housing was refused by Cumbria County Council in 2002;
- 7.9 In 2002, outline planning permission for the residential development of the site i.e the March 1999 consent was renewed;
- 7.10 In 2007, an application was submitted for the erection Of 132 No Dwellings Consisting of 81 No 2 Storey Dwellings in Detached, Semi-Detached and Linked House Form, 51 No. 1 Bed and 2 Bed Apartments in 2/3 Storey Form Together With Associated Open Space and Provision of Vehicular Accesses From St Ninians Road, Brisco Meadows and Cammock Crescent". That application was withdrawn in May 2007 to enable the applicants to undertake further investigation in relation to the issue of potential contamination present on the site and their proposals to address that;
- 7.11 An application was submitted in 2007 for outline planning permission for the erection of 132 houses. Authority to Issue approval was granted subject to the completion of a legal agreement; however, the applicant was unable to complete the agreement and the permission was never therefore issued.
- 7.12 Outline planning permission was granted for residential development in 2017.

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

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

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

- 2. Before any works are commenced, details of the layout, scale, appearance, access, and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority. The development shall be undertaken in strict accordance with the details approved in response to this condition.

**Reason:** To accord with the provisions of Part 3 of the Town and



Country Planning (Development Management Procedure) (England) Order 2015, because this is outline permission only and these matters have been reserved for the subsequent approval of the local planning authority

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

1. the Planning Application Form received 14th January 2020;
2. the Location Plan received 14th January 2020;
3. the Planning Layout received 14th January 2020;
4. the Design and Access Statement received 14th January 2020;
5. the Ground Investigation Assessment received 14th January 2020;
6. the Noise Impact Assessment received 14th January 2020;
7. the Phase 1 Habitat Survey received 14th January 2020;
8. the Tree and Hedgerow Survey received 14th January 2020;
9. the Noise Report received 14th January 2020;
10. the Interim Travel Plan received 15th January 2021;
11. the Traffic Assessment received 15th January 2021;
12. the Tree and Hedgerow Report received 24th May 2021;
13. the Preliminary Ecological Assessment received 24th May 2021;
14. the Notice of Decision;
15. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

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

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

The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk and Foul Drainage Assessment produced by WYG dated November 2015 and the Drainage Method Statement produced by Elluc Projects Ltd proposing surface water discharging to River Petteril.

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 and in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

5. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the local planning authority before development commences. The development shall be undertaken in strict accordance with the details approved in response to this condition.

**Reason:** In order that the approved development responds to planning issues associated with the topography of the area and amenity of neighbouring residents in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

6. Prior to the commencement of the development hereby approved, a detailed Construction Environment Management Plan for the construction phase of the development and a Construction Code of Practice shall be submitted to and approved in writing by the local planning authority.

The Construction Environment Management Plan shall provide details of measures proposed for the storage of all plant, machinery and materials to be used in connection with the construction of the development and for controlling any escape of noise and/ or fumes during the works. The development shall be carried out in accordance with the Construction Environment Management Plan.

The scheme shall in particular include:-

- locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the development;
- details of all bunds, fences and other physical protective measures to be placed on the site in connection with such storage including the time periods for placing and retaining such bunds, fences and measures (as the case may be);
- provision for the on-going maintenance of any such bunds, fences and other measures;
- the control and removal of spoil and wastes;
- measures to prevent the pollution of surface and ground water arising from the storage of plant and materials.

The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving excavations, drilling, piling, and any concrete production;
- c. sound attenuation measures incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the

construction of the proposed development.

The development shall only be implemented in accordance with the Construction Environment Management Plan, provided that this may be amended in accordance with details expressly submitted to and approved in writing by the local planning authority for such purpose.

**Reason:** To ensure that the development does not adversely affect the environment or the living conditions of the occupiers of neighbouring properties in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

7. The development hereby permitted shall not commence until there have been submitted and approved in writing by the local planning authority a Construction Management Plan. The plan shall include details of construction vehicle movements, construction operation hours, construction vehicle access(es), wheel washing, and routes to and from the site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts and a travel plan for contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

**Reason:** To ensure that the development does not adversely affect the environment or the living conditions of the occupiers of neighbouring properties in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

8. No development shall commence until detailed drawings showing the development and means of access thereto have been submitted to and approved in writing by the local planning authority. Any such approved means of access shall be completed in accordance with the approved details before the development is occupied.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety in accordance with Policies SP6, HO2 and IP2 of the Carlisle District Local Plan 2015-2030.

9. 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 in accordance with Policies SP6, HO2 and IP2 of the Carlisle District Local Plan 2015-2030.

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

**Reason:** The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users in accordance with Policies SP6, HO2 and IP2 of the Carlisle District Local Plan 2015-2030.

11. All matters relating to contamination shall be remediated in accordance with the measures outlined in the "Ground Investigation and Contamination Assessment received 14th January 2020, the full details of which shall be submitted to and agreed, in writing, by the local planning authority prior to development commencing on site. The remediation works shall be carried out in strict accordance with the approved details. A validation report must be submitted showing that all the work has been completed according to these agreements, and the work undertaken verified. No properties on the development shall be occupied until the site validation report has been submitted to and agreed, in writing, by the local planning authority.

**Reason:** To protect the environment and prevent harm to human health in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

12. No development shall commence until details of the gas monitoring points have been submitted to and agreed, in writing, by the local planning authority.

**Reason:** To protect the environment and prevent harm to human health in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

13. Gas monitoring in the locations agreed by Condition 12 shall be carried out at least once every 6 months for 10 years once the development has been completed. The monitoring locations, the frequency, the method of monitoring and the details of the company carrying out the monitoring shall be submitted to and agreed, in writing, by the local planning authority prior to development commencing on site. The results from the monitoring shall be forwarded to the local planning authority, each year, for 10 years, and should results indicate a gassing problem, the local planning authority shall be notified immediately.

**Reason:** To protect the environment and prevent harm to human health in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

14. A cut off trench/ barrier shall be constructed to separate the development

site from the Romilly Waste Landfill site prior to the occupation of any dwelling hereby approved. The design and specification of the trench/ barrier must be submitted and agreed, in writing, by the local planning authority before construction begins. Once the barrier has been constructed and before any dwelling is occupied, a validation report verifying the work undertaken must be submitted to and approved, in writing, by the local planning authority.

**Reason:** To protect the environment and prevent harm to human health in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

15. Prior to their use as part of the development hereby approved, full details of all materials to be used on the exterior of the buildings, including roofs, walls, cladding, doors, windows, external frames and rainwater goods shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in strict accordance with the approved details.

**Reason:** To ensure the development is acceptable visually and harmonises with existing development, in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

16. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed application site (including phasing/ delivery) and approved in writing by the local planning authority before their use as part of the development hereby approved. The approved development shall be carried out in strict accordance with the details approved in response to this condition.

**Reason:** To ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

17. 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 accordance with the approved details.

**Reason:** To ensure the works are appropriate to the adjacent buildings and character and appearance of the area in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

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

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

19. No pile foundations shall be used unless a foundation design for the properties has been submitted and agreed, in writing, by the local planning authority.

**Reason:** To ensure that no contamination is given a preferential pathway to the aquifer and to protect the environment/ prevent harm to human health in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

20. Details of acoustic screen fencing and associated earth bunding along the north eastern boundary of the site shall be submitted to and agreed in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details and shall be completed prior to the occupation of any dwelling.

**Reason:** In order to ensure that the living condition of the occupiers of the proposed dwellings are safeguarded in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

21. The plans and particulars for any application for Reserved Matters approval shall include:
- (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree and hedge on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees and hedges are to be removed;
  - (b) and in relation to every tree and hedge identified a schedule listing:
    - i. any proposed pruning, felling or other work;
  - (c) and in relation to every existing tree and hedge identified to be retained on the plan referred to in (a) above, details of:
    - i. any potentially damaging activities proposed in the vicinity of the trees and hedges, such as, proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see paragraph 5.4.2 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations)

- ii. all appropriate tree and hedge protection measures required before and during the course of development (in accordance with in section 5.5 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations).

**Reason:** To ensure the retention of trees and hedges in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

22. Any subsequent application for Reserved Matters approval should be accompanied by the appropriate surveys and reports recommended in the Preliminary Ecological Appraisal received 24th May 2021.

**Reason:** In order to ensure adequate protection for ecological interests on the land in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order), no gates, fences, walls or other means of enclosure shall be erected or constructed in front of the forwardmost part of the front of the dwellings other than those expressly authorised by this permission, without the permission in writing of the local planning authority.

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

24. Foul and surface water shall be drained on separate systems. No dwelling shall be occupied until its foul drainage system is connected to a public sewer.

**Reason:** To ensure that adequate drainage facilities are available and to ensure compliance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

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

**Reason:** In the interests of highway safety in accordance with Policies SP6, HO2 and IP2 of the Carlisle District Local Plan 2015-2030.

26. No development shall commence until an appropriate Environment Permit has been grant for the proposed discharge to the River Petteril.

**Reason:** To protect and enhance the natural environment surrounding the watercourse in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

27. 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.

28. 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 occupied 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.

29. 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.

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

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

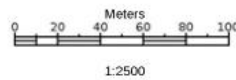
---





Produced 27 Oct 2015 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.



Land off St Ninians Rd, Carlisle

Supplied by: Stanfords 27 Oct 2015  
Licence: © Crown copyright and database rights 2015 OS 100035409  
Stanfords Order Reference: OI921973  
Centre coordinates: 341434 553418



## SCHEDULE A: Applications with Recommendation

21/1170

**Item No: 06**

Date of Committee: 25.02.2022

**Appn Ref No:**  
21/1170

**Applicant:**  
Red Rose (Cumbria)  
Limited

**Parish:**  
Stanwix Rural

**Agent:**  
Sam Greig Planning Ltd

**Ward:**  
Stanwix & Houghton

**Location:** Land to the rear of Little Drawdykes, 4 Whiteclosegate, Carlisle, CA3 0JD

**Proposal:** Erection Of 2no. Dwellings (Outline)

**Date of Receipt:**  
22/12/2021

**Statutory Expiry Date**  
16/02/2022

**26 Week Determination**

---

### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the character of the area
- 2.3 Impact of the proposal on the buffer zone of Hadrian's Wall World Heritage Site
- 2.4 Scale and design of the proposed dwellings
- 2.5 Impact of the proposal on the living conditions of neighbouring residents
- 2.6 Disposal of foul and surface water drainage
- 2.7 Impact of the proposal on highway safety
- 2.8 Impact of the proposal on existing trees and hedges
- 2.9 Impact of the proposal on biodiversity

#### 3. Application Details

**The Site**

- 3.1 The application seeks the development of part of the substantial rear domestic curtilage of Little Drawdykes, a large two storey detached dwelling located to the north west of the application site. Extending to approximately 0.25 hectares in area, the north eastern, south eastern and south western boundaries of the application site consists of a mature hedgerows with some trees. The north western boundary of the application site is devoid of any boundary treatments. The application site itself is mainly grass with some shrubs and trees.
- 3.2 Within the vicinity of the application site are a variety of properties of differing ages and styles the majority of which are located in elongated plots with relatively large rear gardens.

### **The Proposal**

- 3.4 This application seeks outline planning permission with all matters reserved for the erection of 2no. detached dwellings. This application, therefore, seeks to establish the principle of development only.
- 3.5 The submitted drawings, although indicative only, illustrate the subdivision of the application site into 2no. plots served by a shared vehicular access from Millcroft.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of eleven neighbouring properties and the posting of site notices. In response, six representations of objection have been received.
- 4.2 The representations have been reproduced in full for Members, however, in summary the issues raised are:
1. increase in vehicle movements from the site;
  2. access via a driveway on a corner which is currently difficult for cars travelling in opposite directions to pass safely;
  3. Millcroft is narrow and poorly lit which causes issues when entering / existing driveways made worse by parked cars restricting visibility further;
  4. traffic survey undertaken while people were restricting their usual activities;
  5. Access should be taken from Whiteclosegate;
  6. there is an existing child minder business close to the proposed access. The development will increase safety risks for parents when dropping off / collecting children;
  7. loss of pedestrian access;
  8. damage to roads and pavements during construction phase;
  9. disturbance to residents during construction works;
  10. destruction of wildlife habitat.

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

**Stanwix Rural Parish Council:** - in view of the character of the site, and its longevity as the largest landscaped garden in its locality, the Parish Council urges the following conditioning in order to adequately protect the living conditions of neighbouring dwellings and the environmental integrity of the locale. Provided these conditions are applied the Parish Council would recommend determination in accordance with local and national planning policy and guidance:

- A condition be applied to any consent, to require a wildlife survey – this with particular regard to bats - prior to the commencement of any works.
- A condition requiring the submission, prior to the commencement of any works, of a schedule of proposed tree works. This condition to require the maximum possible retention of trees, in order to protect the existing residential and environmental amenity of neighbouring dwellings, and the habitat of wildlife.
- No tree or hedge works etc to be undertaken during the nesting season.
- In the interests of highway safety access must be achieved, as proposed, via Millcroft;

**Northern Gas Networks:** - no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then it is required that the promoter of these works to contact Northern Gas Networks directly to discuss their requirements in detail;

**Historic England - North West Office:** - do not wish to offer any comments;

**United Utilities:** - no objections subject to the implementation of a surface water drainage scheme which is in accordance with the surface water drainage hierarchy as detailed in the PPG;

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to imposition of a condition which requires provision of clear visibility splays.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, HO2, HO3, IP2, IP3, IP4, IP6, CC3, CC5, CM4, CM5, HE1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. Other material considerations are Supplementary Planning Documents (SPD) adopted by the City Council, in particular 'Achieving Well Designed Housing' and 'Trees and Development'.

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

- 6.3 *"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development"*

(paragraph 10).

- 6.4 The aims of the NPPF is reiterated in Policy HO2 of the local plan which outlines that new housing development other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown and in the rural area provided that the development would not prejudice the delivery of the spatial strategy of the local plan and be focussed in sustainable locations subject to satisfying five criteria. A further policy consideration is Policy HO3 of the local plan which is specific to housing development within residential gardens.
- 6.5 The application site is located within Carlisle, therefore, the sustainability of the application site is not in question. Furthermore, the erection of two dwellings would not prejudice the delivery of the spatial strategy of the local plan. As such, the principle of residential development is acceptable. Whether the development of the application site complies with other relevant local plan policies will be discussed in detail in the relevant sections below.

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

- 6.6 Policy HO3 of the local plan acknowledges that gardens contribute significantly to the character and quality of housing areas within the City. Proposals for housing development in existing residential gardens will be permitted providing five criteria are met. The form and scale of any new development should respect the local character of the immediately surrounding area. In particular the scale, number of storeys and massing of new housing development should not exceed that of existing dwellings adjacent to the site.
- 6.7 The application seeks the development of part of the substantial rear domestic curtilage of Little Drawdykes, a large two storey detached dwelling located to the north west of the application site. Extending to approximately 0.25 hectares in area, the north eastern, south eastern and south western boundaries of the application site consists of a mature hedgerows with some trees. The north western boundary of the application site is devoid of any boundary treatments. The application site itself is mainly grass with some shrubs and trees.
- 6.8 It is inevitable that the erection of new dwellings on part of the domestic curtilage of Little Drawdykes would have some visual impact on the character of the area. The application seeks only to establish the principle of development, therefore, further details in respect of the layout, scale, appearance, access, and landscaping of the proposed dwellings would ensure that the development does not have a significant detrimental visual impact on the character of the area.

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

- 6.9 Policy HE1 local plan states that proposed development in the buffer zone of the Wall World Heritage Site should be assessed for its impact on the site's

Outstanding Universal Value and particularly on views into and out of it. In respect of scheduled monuments, Policy HE2 highlights that development will not be permitted where it would cause substantial harm to the significance of a scheduled monument, or other non-designed site or assets of archaeological interest, or their setting.

- 6.10 The application site is located within Carlisle surrounded by residential properties, therefore, any new dwellings would be viewed against the built form of the area. The imposition of conditions would also ensure that the scale and design of the proposal would not form a discordant feature within the character of the area. Furthermore, Historic England has been consulted and do not wish to offer any comments. Accordingly, the proposal is unlikely to have a detrimental impact on the buffer zone of the World Heritage Site.

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

- 6.11 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in both Policies HO3 and SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale, massing and established street patterns and by making use of appropriate materials and detailing.
- 6.12 As outlined earlier in the report, the application seeks outline planning permission with all matters reserved. Accordingly, the layout, scale, appearance, access, and landscaping are reserved for subsequent approval and do not form part of this application and would have to be considered by a subsequent application. The submitted indicative details; however, illustrate the sub-division of the application site into two plots served by a shared vehicular access from Millcroft.
- 6.13 The area is characterised by detached dwellings with relatively large rear domestic curtilages. As such, should Members approve the application, it is recommended that a condition be imposed restricting the number of dwellings to two. Due to the relationship of the application site with adjacent properties, a further condition is also recommended which would ensure the submission of existing and proposed ground levels together with the height of the proposed finished floor levels and ridge height of the proposed dwellings. Other conditions, amongst others, are also recommended which would require the submission of details in respect of materials and boundary treatments.
- 6.14 Should Members approve the application, the recommended conditions would ensure that the proposed dwellings would be of an appropriate scale and design. Any subsequent application would also have to demonstrate that the proposed dwellings would be served by adequate amenity space, access and in-curtilage parking to serve each of the dwellings.



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

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

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

- 6.17 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development. As highlighted earlier in the report, the application seeks outline planning permission with all matters reserved, therefore, at this stage there is no requirement to provide comprehensive details of the method for the disposal of either surface water or foul drainage provision. Nevertheless, the application form details that surface water would be disposed of via a soakaway or main drainage but no details provided as to the method for the disposal of foul drainage.
- 6.18 In overall terms, as the application seeks only to establish the principle of development on the site, pre-commencement conditions would ensure the submission of further details in respect of foul and surface water drainage. These details would then be assessed by the relevant statutory consultees. If such details prove to be unacceptable, it may be that the residential development would stall as a result.

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

- 6.19 The indicative drawings illustrate that the proposed dwellings would be served by a shared access from Millcroft. Objections have been received from the occupiers of neighbouring properties in respect of the potential impact on highway safety. The representations have been reproduced in full for



Members, however, in summary the issues raised are: increase in vehicle movements from the site; access via a driveway on a corner which is currently difficult for cars travelling in opposite directions to pass safely; Millcroft is narrow and poorly lit which causes issues when entering / existing driveways made worse by parked cars restricting visibility further; traffic survey undertaken while people were restricting their usual activities; Access should be taken from Whiteclosegate; there is an existing child minder business close to the proposed access. The development will increase safety risks for parents when dropping off / collecting children; loss of pedestrian access; damage to roads and pavements during construction phase; and, disturbance to residents during construction works.

- 6.20 Cumbria County Council, as Highway Authority, raise no objections to the proposal subject to the recommended imposition of a condition in respect of visibility splays to serve the proposed development. Further conditions are also recommended which would require details of: construction traffic parking and access construction details.
- 6.21 Third parties have also questioned the findings of the speed survey submitted in support of the application as they consider it would not represent true traffic movements due to the consequences of the pandemic. This issue has been raised with the Highway Authority who have confirmed that it is satisfied that the results recorded in September 2021 could be relied upon as restrictions had been eased. The views of the objectors are noted but given that the Highway Authority do not share these concerns then it would be difficult to substantiate a refusal on highway safety grounds.
- 6.22 In respect of potential damage to the surface of the highway from vehicles servicing the proposed development site then this issue would be out with the planning process. A further objection raised was the loss of a pedestrian access link which runs along the south eastern boundary of the site which links Millcroft to Longlands Road. The submitted drawings illustrate that this access link is out with the application site.

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

- 6.23 Policy GI6 of the local plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute positively to a locality, and/or are of specific natural or historic value. Furthermore, the City Council's SPD 'Trees and Development' outline that not only should the design of developments seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting. Accordingly, it is important that these issues are considered at the very start of the planning process.
- 6.24 The north eastern, south eastern and south western boundaries of the application site consists of a mature hedgerows with some trees. The north western boundary of the application site is devoid of any boundary treatments. The application site itself is mainly grass with some shrubs and trees. The application was also accompanied by a Tree Survey which

identified the trees within the application site together with their category. The submitted indicative drawings illustrating the retention of the majority of the existing boundary hedges and trees with the exception of the vehicular access.

- 6.25 The application seeks to establish the principle of development only with landscaping reserved for subsequent approval. Accordingly, conditions are recommended requiring the submission of a tree / hedge protection plan together with details of a landscaping scheme to serve the proposed development site, should Members approve this application.

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

- 6.26 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, informatives should be included within the decision notice drawing the applicants attention to their obligations under the Wildlife and Countryside Act etc.

## **Conclusion**

- 6.27 The application seeks only to establish the principle of housing development on the site which is acceptable under the provisions of the National Planning Policy Framework and the Carlisle District Local Plan 2015-2030. The layout, scale, appearance, access, and landscaping of the proposed dwellings are subject to appropriate planning conditions. Careful consideration at the time of any subsequent application would ensure that the dwellings would not form a discordant feature within the area and ensure that the proposal would not have a detrimental impact on the living conditions of the occupiers of neighbouring properties.
- 6.28 Cumbria County Council, as Highway Authority, subject to the imposition of a condition in respect of achieving clear visibility from the indicative access, raise no objections in respect of highway safety. The access arrangements to serve the proposed development, should Members approve the application, would also be subject of a further application as access is a reserved matter in respect of this outline application.
- 6.29 Further conditions are recommended which would ensure that the proposal would be served by adequate methods for the disposal of foul and surface water drainage.
- 6.30 In overall terms, the proposal site accords with the objectives of the National Planning Policy Framework, the Carlisle District Local Plan 2015-2030 and relevant SPDs. Accordingly, the application is recommended for approval.

## **7. Planning History**

7.1 There is no relevant planning history.

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

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

- i) the expiration of 3 years from the date of the grant of this permission, or
- ii) the expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

**Reason:** The application was submitted as an outline application in accordance with the provisions of Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

- 1. the submitted planning application form received 22nd December 2021;
- 2. the Phase 1: Desk Top Study Report received 22nd December 2021;
- 3. the Speed Statistics Northbound received 22nd December 2021;
- 4. the Speed Statistics Southbound received 22nd December 2021;
- 5. the Speed Survey received 22nd December 2021;
- 6. the Tree Survey received 22nd December 2021;
- 7. the location plan received 22nd December 2021 (Drawing No. 1834 01);
- 8. the Notice of Decision;
- 9. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

4. 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.

5. 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.

6. No site clearance, preparatory work or development shall take place until a scheme for the protection of retained trees and hedges (the Tree and Hedge Protection Plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with Clause 7 of British Standard BS5837 - Trees in relation to Construction - Recommendations has been submitted to and approved in writing by the local planning authority.

Within the fenced off area;

- no equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier;
- no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area;
- no alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning authority;
- no materials or vehicles shall be stored or parked within the fenced off area;
- no alterations to the natural/existing ground level shall occur;
- no excavations will be carried out within the fenced off area;

In the event of trenches or excavations exposing tree roots of 50mm/ 2 inches diameter or more, these should be carefully retained and protected by

suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/ 2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval in writing of the local planning authority and where such approval is given, the roots shall be cut back to a smooth surface.

The tree and hedge protection fencing must be carried out as described and approved and shall be maintained until the development is completed.

**Reason:** To ensure the retention of trees and hedges in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

7. No development shall take place until full details of soft landscape works, including the retention of the majority of the north eastern, south eastern and south western boundaries of the site, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved in the first planting season prior to the occupation of the dwellings or completion of the development whichever is the sooner. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

8. No development shall commence until visibility splays providing clear visibility of 17 metres to the north east and 17 metres to the south east measured back by 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

9. 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.

10. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the local highway authority in accordance with details submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall then be undertaken in accordance with the approved details.

**Reason:** In the interests of highway safety and to ensure a satisfactory form of development and to prevent an undue increase in surface water run-off 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 pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

11. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and any garages shall be submitted to and approved in writing by the local planning authority before any site works commence. The development shall then be undertaken in accordance with the approved details.

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

12. 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 SP6 and HO3 of the Carlisle District Local Plan 2015-2030.

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

**Reason:** In the interests of visual amenity in accordance with Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030.

14. 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 and HO3 of the Carlisle District Local Plan 2015-2030.

15. Not more than two dwellings shall be erected on the site pursuant to this permission.

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

16. As part of the development hereby approved, adequate underground ducts shall be installed in accordance with details approved in writing beforehand by the local planning authority to enable telephone services, electricity services and television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines. The development shall then be undertaken in accordance with the approved details.

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

17. 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.

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

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

19. 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.

---



**NOTE**

This drawing is copyright and not to be copied without the written permission of the author. It is the property of the author and all rights are reserved. It is not to be used for any other purpose without the written permission of the author.



1:1250 scale

Location Plan 1-1250



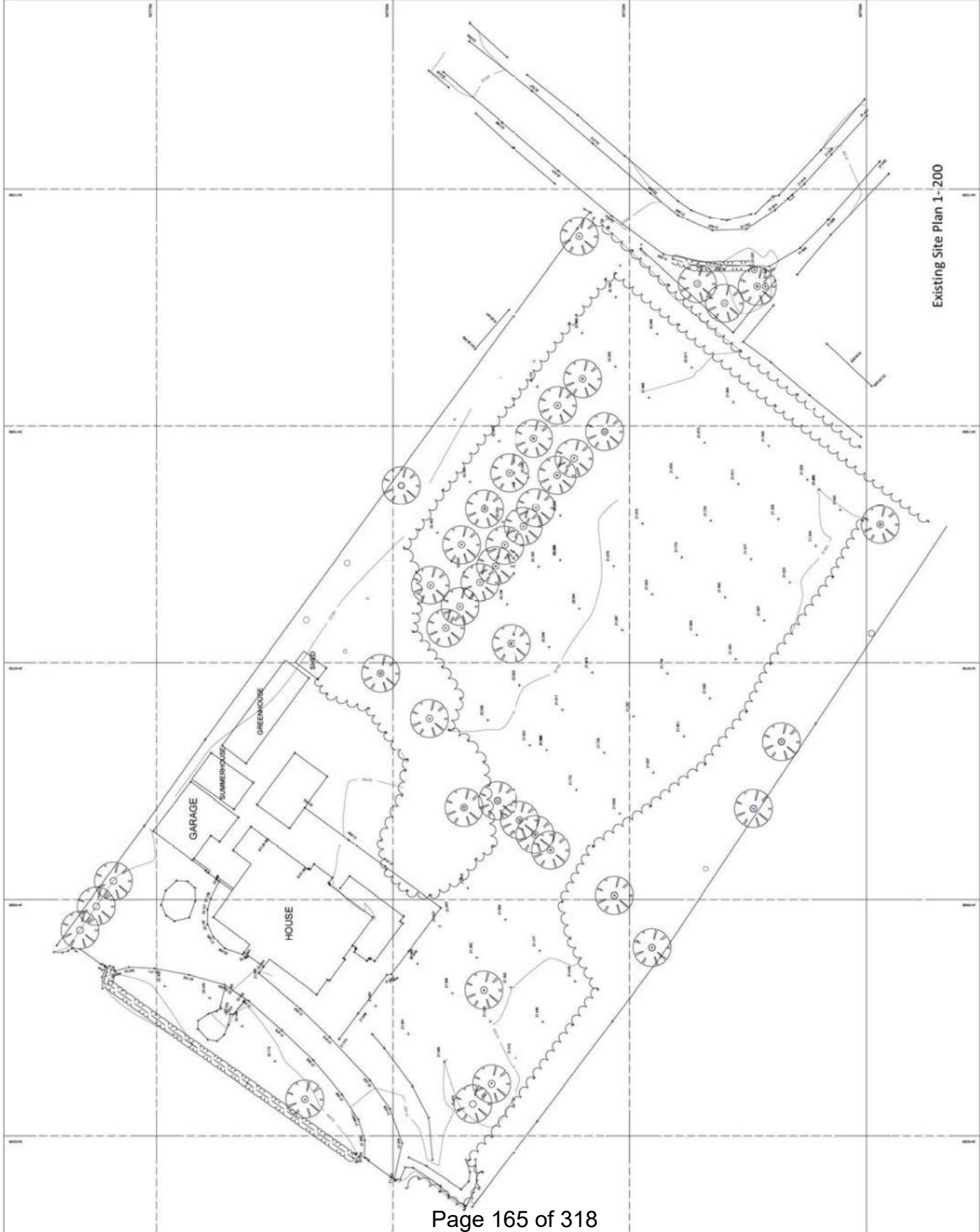
CHARTERED ARCHITECTS  
40 Agency Street, Gateshead, Co. Durham

Tel: 01209 560532 Fax: 01209 560504  
E-Mail: info@swarbrickassociates.co.uk  
Website: www.swarbrickassociates.co.uk

03/01/17  
Red River Curved Ltd

1834/01  
Proposed Residential Development  
Swarbrick Associates, 40 Agency Street, Gateshead, Co. Durham  
1834/01

Scale: 1:1250 (0000 ft) Date: 15/12/2017



1:200 scale



## SCHEDULE A: Applications with Recommendation

21/1021

Item No: 07

Date of Committee: 25.02.2022

**Appn Ref No:**  
21/1021

**Applicant:**  
Mr and Mrs Pattison

**Parish:**  
Hayton

**Agent:**  
Maris Properties Ltd

**Ward:**  
Brampton & Fellside

**Location:** Linden Mear (L/A Ashmere), Talkin, Brampton CA8 1LE

**Proposal:** Erection Of 1no. Two Storey Dwelling; Associated Access And Landscaping

**Date of Receipt:**  
28/10/2021 23:00:05

**Statutory Expiry Date**  
23/12/2021 23:00:05

**26 Week Determination**

---

### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Proposal Would Be Acceptable In Principle
- 2.2 Whether The Scale And Design Of The Dwellings Would Be Acceptable
- 2.3 Impact On North Pennines AONB
- 2.4 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.5 Highway Matters
- 2.6 Drainage Issues

#### 3. Application Details

##### The Site

- 3.1 The application site, which formerly contained a timber garage with a sheet metal roof, a greenhouse, a trailer and a number of trees and shrubs, has been cleared. A low stone wall formed the front site boundary and this has also been removed. A low timber fence lies on the rear boundary, with a

timber boarded fence being located the northern site boundary.

- 3.2 The garden of Rose Cottage and a garage with living accommodation above lie on the opposite side of the road to the site. A grass area lies to the south of the site and this provides access to a field gate. A watercourse adjoins the western site boundary, beyond which lie the residential properties of Ashmere and 3 Fell View. The access to these dwellings and Hawthorne Cottage adjoins the northern site boundary.

## **Background**

- 3.3 In October 2016, outline planning permission (with all matters reserved) was granted for the erection of two dwellings on the site. A subsequent Reserved Matters application for two two-storey dwellings was approved in August 2018. These dwellings had ridge heights of 7.6m and 6.9m.
- 3.4 In October 2020, planing permission was granted for the erection of one dwelling (20/0568). This was a dormer bungalow which had two pitched roof dormer windows in the front elevation.

## **The Proposal**

- 3.5 This proposal is seeking planning permission for the erection of one two-storey dwelling on the site, which would have an eaves height of 5.1m and a ridge height of 7.9m. The original plans showed a dwelling with a ridge height of 9.3m so the dwelling has been reduced in height by 1.4m.
- 3.6 The dwelling would have a two-storey projecting gable to the front which would be adjoined by a large glazed entrance, which would be two-storey in height. The rear elevations would contain two sets of patio doors and a number of windows at first floor level. The south elevation would also contain a set of patio doors and a number of windows.
- 3.7 The dwelling would be largely finished in render with a buff random sandstone plinth, with the area around the entrance porch on the front elevation also being buff random sandstone. Windows would be grey upvc and would have buff sandstone sills and heads. The roof would be constructed of natural green/ grey slate and would contain a buff sandstone chimney, with rainwater goods being grey upvc.
- 3.8 A 0.9m high reclaimed sandstone wall would be erected along the eastern (roadside) and southern site boundaries. A large parking area would be located to the north of the dwelling.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and notification letters sent to seven neighbouring properties. In response, one letter of objection has been received which raised the following concerns:

- the dry stone walls which form the boundary of all the nearby properties which are a generic feature of this AONB are to be replaced with wooden fencing. This is not in keeping with the vernacular and would detract from the historic quality of the landscape;
- the proposal is in essence for a 4 bedroom house as opposed to the dormer bungalow style for which planning permission has already been granted. The granted permission displayed 4 velux windows overlooking the property to the rear while the submitted plans have four first floor windows of a larger size;
- the proposed dwelling is also of greater stature reaching 9.3m at its highest point which will result in a greater dominance over the surrounding area;
- the ground floor western elevation also incorporates two sets of patio doors overlooking the property to the rear.

## 5. Summary of Consultation Responses

**Hayton Parish Council:** - objects to the application for the following reasons: height of the building compared to other buildings in the village; concern over parking and turning area; concerns over the removal of dry stone walling which is being replaced by a wooden fence which is not in keeping with the other properties locally. There is also a concern over the size of the construction compared to the size of the overall plot;

**North Pennines AONB Partnership:** - this area of the village sits apart and has its own character that should be considered. Whilst the principle of development of this land might be acceptable it will be necessary that the design of any structure is not over-bearing and therefore creates a discordant note of the type that will never likely be easily accommodated into the setting.

It would be sensible to refer to the vernacular properties nearby that contribute considerably to the character of the location, including those that run away from the road at Rose Cottage, the properties to the south east and older properties in the village centre, when considering an appropriate design for this building. As presented, the scale, shape and pattern of fenestration would benefit from review as it does not easily reflect local character. Additionally, a new native hedgerow behind the road adjacent wall would help by continuing an established local boundary pattern.

Suggested some design changes - triple windows with stone surrounds.

Following receipt of amended plans consider that the proposal is better than the previous proposal;

**United Utilities:** - no objections, subject to conditions.

## 6. Officer's Report

### Assessment

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

6.2 The relevant planning policies against which the application is required to be

assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP6, HO2, GI2, GI3, GI6, IP3, IP6 and CC5 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Document Achieving Well Designed Housing is also a material planning consideration.

6.3 The proposal raises the following planning issues:

1. Whether The Proposal Would Be Acceptable In Principle

6.4 In October 2016, outline planning permission was granted for residential development on this site, with a subsequent Reserved Matters application for two dwellings being approved in August 2018. In October 2020, planning permission was granted for the erection of one dwelling on this site. The principle of developing the site for housing has, therefore, been established by these previous consents.

2. Whether The Scale And Design Of The Dwellings Would Be Acceptable

6.5 Permission has previously been granted for the erection of two dwellings on this site. These dwellings were two-storey three-bedroom properties, which were linked via two single-storey garages. Subsequently, planning permission was granted for the erection of one dormer bungalow on the site.

6.6 This proposal is seeking planning permission for the erection of one two-storey dwelling on the site, which would have an eaves height of 5.1m and a ridge height of 7.9m. The originally submitted drawings showed a dwelling with a ridge height of 9.3m so the dwelling has been reduced in height by 1.4m.

6.7 The dwelling would have a two-storey projecting gable to the front which would be adjoined by a large glazed entrance, which would be two-storey in height. The rear elevations would contain two sets of patio doors and a number of windows at first floor level. The south elevation would also contain a set of patio doors and a number of windows.

6.8 The dwelling would be largely finished in render with a buff random sandstone plinth, with the area around the entrance porch on the front elevation also being buff random sandstone. Windows would be grey upvc and would have light buff sandstone sills and heads. The roof would be constructed of natural green/ grey slate and would contain buff sandstone chimney, with rainwater goods being grey upvc.

6.9 The originally submitted plans showed a fence being erected along the roadside. The plans have been amended to show a 0.9m high reclaimed sandstone wall being erected along the eastern (roadside) and southern site boundaries. A large gravel parking area would be located to the north of the dwelling.

6.10 The Parish Council has raised concerns about the height of the building compared to other buildings in the village; the parking and turning area; the

removal of dry stone walling which is being replaced by a wooden fence; and the size of the construction compared to the size of the overall plot.

6.11 The height of the building has been reduced by 1.4m to 7.9m which would be acceptable; there is a large parking area (5.5m by 11m) to the north of the dwelling which could accommodate four cars; the wooden fence has been replaced by a 0.9m high reclaimed sandstone that would be erected along the eastern and southern site boundary; the dwelling is considered to be of an acceptable size in relation to the plot and would occupy a smaller footprint than the two dwellings that were previously approved on this site.

6.12 In light of the above, the scale and design of the dwelling would be acceptable.

### 3. Impact On North Pennines AONB

6.13 Planning permission has previously been granted for the erection of two two-storey dwellings on this site and subsequently for the erection of one dormer bungalow on the site. The proposed dwelling would be well related to existing dwellings and would not intrude into the open countryside. The scale and design of the dwelling would be acceptable. A 0.9m high reclaimed sandstone wall would be provided along the front (east) and southern site boundaries which would be appropriate for the site. In light of the above, the proposal would not have an adverse impact on the AONB.

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

6.14 Ashmere and 3 Fell View adjoin the site to the rear. The dwelling would have a rear elevation 20.5m away from the side elevation of Ashmere and 22m from 3 Fell View. Rose Cottage lies across the road from the site although it does not directly face the proposed dwellings. This dwelling would have a front elevation 23m away from the front elevation of Rose Cottage. These separation distances would be acceptable and would comply with the guidance in the Council's Achieving Well Designed Housing SPD.

6.15 In light of the above, the proposals would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over dominance.

### 5. Highway Matters

6.16 The Local Highway Authority are no longer consulted on applications for single dwellings. The LHA did comment on the previous applications on this site and suggested a number of conditions which have been added to this permission.

### 6. Drainage Issues

6.17 The application forms state that foul drainage would discharge into the mains sewer in the road. Surface water is shown discharging into the beck that adjoins the site. United Utilities has no objections to the proposal subject to

the imposing of conditions, one of which requires further details of surface water disposal.

## **Conclusion**

- 6.18 In overall terms, the principle of the development is acceptable. The scale and design of the dwelling would be acceptable and the proposal would not have an adverse impact on the AONB or on the living conditions of the occupiers of neighbouring properties through loss of light, loss of privacy or over dominance. The proposed access and parking provision would be acceptable. Conditions have been added to deal with drainage matters. In all aspects, the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.

## **7. Planning History**

- 7.1 In October 2016, outline planning permission was granted for the erection of two dwellings (16/0759).
- 7.2 In August 2018 permission was granted for the erection of two dwellings (Reserved Matters pursuant to outline approval 16/0759) (18/0585).
- 7.3 In October 2020, planing permission was granted for the erection of one dwelling (20/0568).

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

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.  
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form, received 29th October 2021;
  2. Location Plan (Dwg JP/PLP Rev C), received 15th December 2021;
  3. Block Plan (Dwg JP/PBP Rev C), received 15th December 2021;
  4. Ground & First Floor Plans (Dwg JP/PP Rev C), received 4th February 2022;
  5. Elevations (Dwg JP/PP Rev D), received 4th February 2022;
  6. Design & Access Statement, received 29th October 2021;



7. Materials Schedule, received 29th October 2021;
8. the Notice of Decision;
9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Prior to their use as part of the development hereby approved, full details of all materials to be used on the exterior of the buildings shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in strict accordance with the approved details.

**Reason:** To ensure the development is acceptable visually and harmonises with existing development, in accordance with Policies GI2 and SP6 of the Carlisle District Local Plan 2015-2030.

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

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

5. Prior to the commencement of development, details of the proposed boundary treatment shall be submitted for approval in writing by the Local Planning Authority. The boundary treatment shall then be erected in strict accordance with these details and retained at all times thereafter.

**Reason:** To ensure satisfactory boundary treatment is erected in accordance with Policies GI2 and SP6 of the Carlisle District Local Plan 2015-2030.

6. The development shall not commence until visibility splays providing clear visibility of 43m in both directions set back 2.4m from the carriageway edge have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be formed before general development of the site commences so that construction traffic is safeguarded.

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

7. The first 5m of the access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied.

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

8. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

**Reason:** To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to support Local Transport Plan Policies LD7 & LD8.

9. Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

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

10. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

11. The dwelling shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and have been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 & LD8.

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

**Reason:** The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.

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

**Reason:** To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

14. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
  - (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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

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

---

# Notes:

1. THE COPYRIGHT OF THIS DRAWING IS VESTED IN MARIS HOMES AND IT MAY NOT BE REPRODUCED IN WHOLE OR PART OR USED FOR THE PURPOSES OF ANY OTHER PROJECT WITHOUT THE EXPRESS PERMISSION OF THE COPYRIGHT HOLDERS.
2. WORK TO FIGURED DIMENSIONS ONLY.
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTURAL SPECIFICATIONS, CONDITIONS OF SALE, AND SPECIFICATIONS.
4. ALL CONTRACTORS TO QUOTE WORKS ARE CARBID OUT IN A SAFE AND CLEAN ENVIRONMENT, WITHOUT ISSUES BEING BROUGHT TO THE SITE MANAGERS ATTENTION IMMEDIATELY.
5. ALL CONTRACTORS MUST BE COMPETENT FOR THE JOB IN HAND AND MUST HAVE READ AND UNDERSTOOD THE JOB SPECIFIC RISK ASSESSMENT, FAILURE TO DO SO WILL LEAD TO IMMEDIATE REMOVAL FROM SITE.

REV	DESCRIPTION	BY	DATE
C	Revised boundary treatments	SL	14/12/21
B			
A			
Complete			


**Maris Homes**  
 Hawksbank, The Gill  
 Tel: 07765 236810  
 Email: info@marishomes.co.uk  
 www.marishomes.co.uk

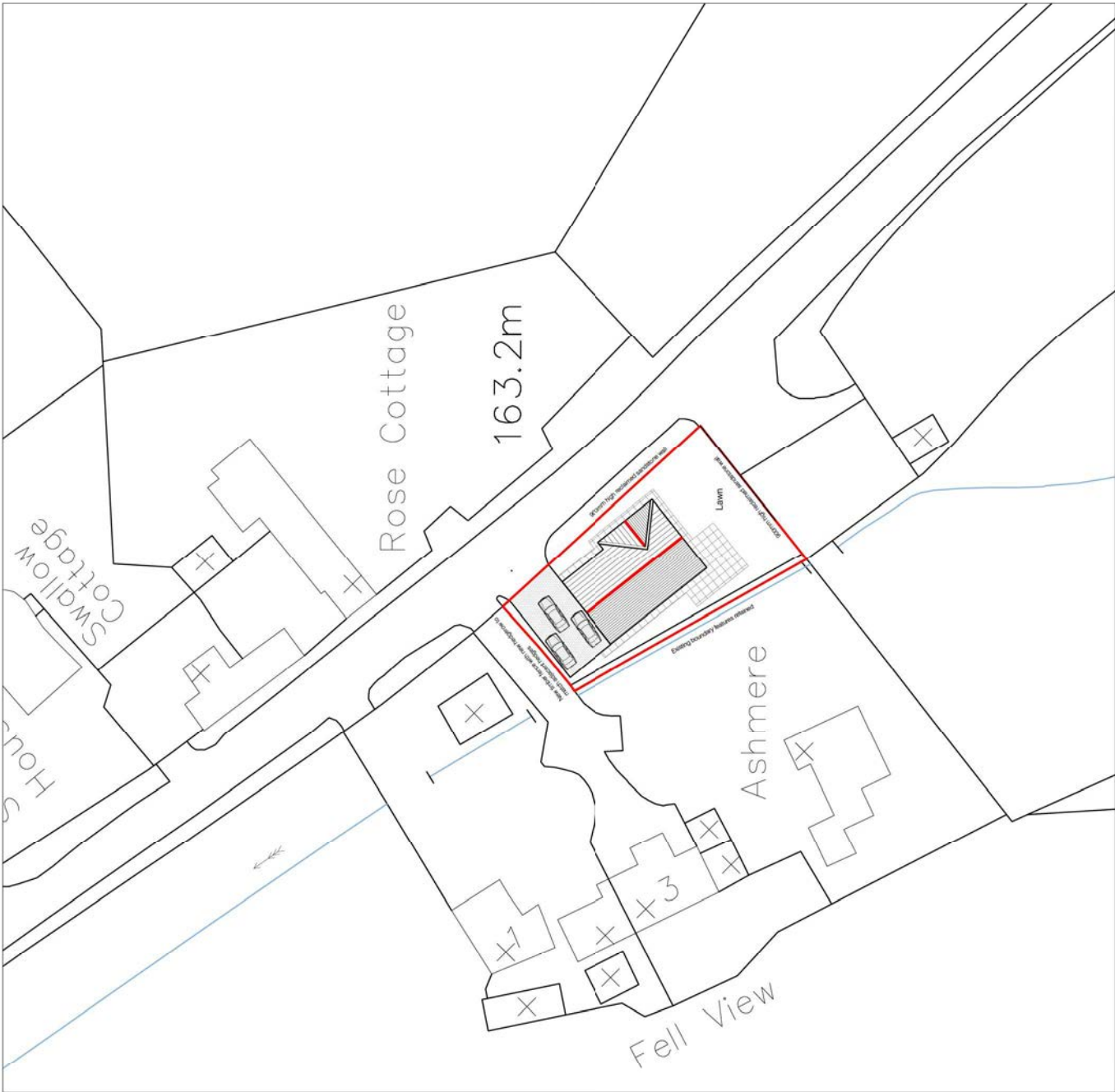
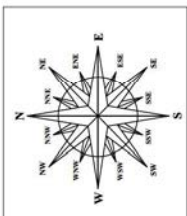
**Mr and Mrs Pattison**  
 Mickle Mear  
 Talkin, Carlisle  
 CA8 1LE

**Maris Designs Ltd**  
 Hawksbank, The Gill  
 Hawksbank, Carlisle  
 CA5 7JP

**Land adjacent Ashmere**  
 Talkin Village, Carlisle, CA8 1LE  
 Planning Location Plan

SCALE 1:1250	DATE 14/12/21	SL	SL
PROJECT NO	02/21	JP/PLP	C





#### Notes:

1. THE COPYRIGHT OF THIS DRAWING IS VESTED IN MARIS HOMES AND IT MAY NOT BE REPRODUCED IN WHOLE OR PART OR USED FOR THE PURPOSES OF ANY OTHER PROJECT WITHOUT THE EXPRESS PERMISSION OF THE COPYRIGHT HOLDERS.
2. WORK TO FIGURED DIMENSIONS ONLY.
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT AGREEMENTS, SPECIFICATIONS, CONDITIONS OF SALE, AND DRAWINGS AND SPECIFICATIONS.
4. ALL CONTRACTORS TO ENSURE WORKS ARE CARRIED OUT IN A SAFE AND CLEAN ENVIRONMENT, WITHOUT ISSUES BEING BROUGHT TO THE SITE MANAGERS ATTENTION IMMEDIATELY.
5. ALL CONTRACTORS MUST BE COMPETENT FOR THE JOB IN HAND AND MUST HAVE READ AND UNDERSTOOD THE JOB SPECIFIC RISK ASSESSMENT. FAILURE TO DO SO WILL LEAD TO IMMEDIATE REMOVAL FROM SITE.

Rev	Description	SL	14/1/2021
C	Revised boundary treatments	SL	
B			
A			
Rev	11/1/2021	11/1/2021	11/1/2021
Complete			

**Maris Homes**  
Hawksbank, The Gill  
Tel: 07765 236810  
Email: info@marishomes.co.uk  
www.marishomes.co.uk

**Mr and Mrs Pattison**  
Mickle Mead  
Talkin, Carlisle  
CA8 1LE

**Maris Designs Ltd**  
Hawksbank, The Gill  
Talkin, Carlisle  
CA8 1LE

**Land adjacent Ashmere**  
Talkin Village, Carlisle, CA8 1LE

**Planning Block Plan**

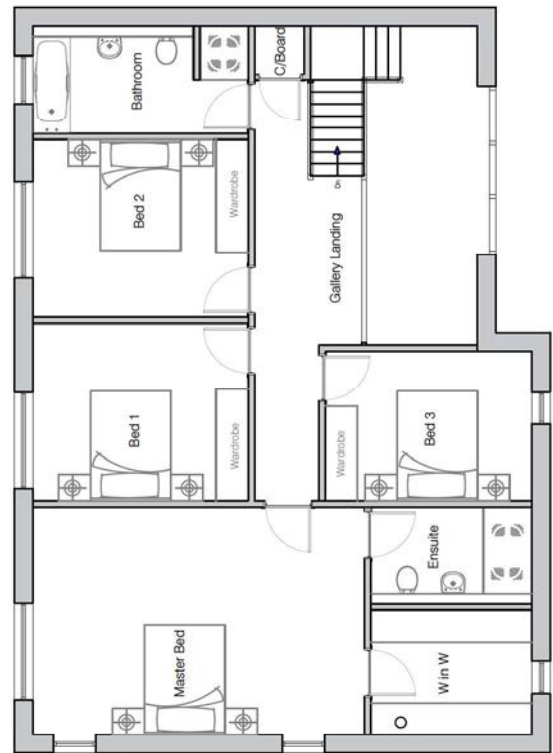
Scale of Plan	1:500	14/1/2021	SL	SL
Project No	02/21	JP/PBP	C	C

Notes:

1. THE COPYRIGHT OF THIS DRAWING IS VESTED IN MARIS HOMES AND IT MAY NOT BE REPRODUCED IN WHOLE OR PART OR USED FOR THE PURPOSES OF ANY OTHER PROJECT WITHOUT THE EXPRESS PERMISSION OF THE COPYRIGHT HOLDERS.
2. WORK TO FIGURED DIMENSIONS ONLY.
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT AGREEMENTS, SPECIFICATIONS, ENGINEER'S AND MARIS HOMES DRAWINGS AND SPECIFICATIONS.
4. ALL CONTRACTORS TO THESE WORKS ARE CAUTIONED TO IN A SAFE AND CLEAN ENVIRONMENT, WITH ANY ISSUES BEING BROUGHT TO THE SITE MANAGERS' ATTENTION IMMEDIATELY.
5. ALL CONTRACTORS MUST BE COMPETENT FOR THE JOB IN HAND AND MUST HAVE READ AND UNDERSTOOD THE JOB SPECIFIC RISK ASSESSMENT. FAILURE TO DO SO WILL LEAD TO IMMEDIATE REMOVAL FROM SITE.



Ground Floor



First Floor

REV	DESCRIPTION	BY	DATE
C	revised windows		
B			
A			
DRAFT			


**Maris Homes**  
 Hawksbank, The Gill  
 Tel: 07745 224810  
 Email: info@marishomes.co.uk  
 www.marishomes.co.uk

**Mr and Mrs Pattison**  
 Mickie Mear  
 Talain, Carlisle  
 CA8 1LE

**Maris Designs Ltd**  
 Hawksbank, The Gill  
 Dorton, Carlisle  
 CA8 2JP

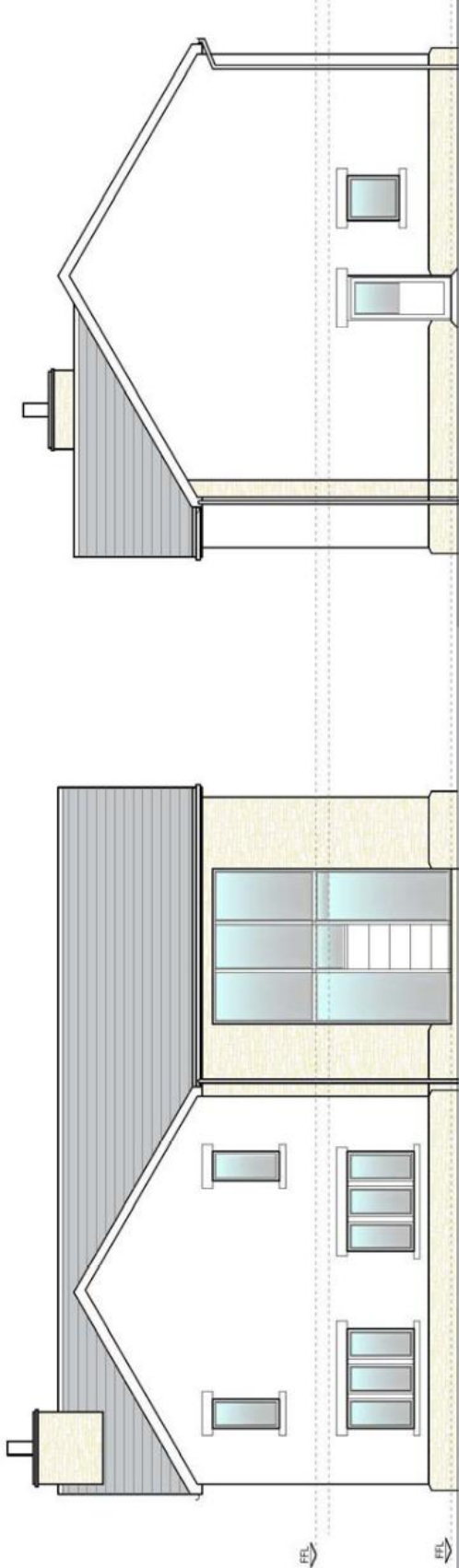
<b>Site</b> Land adjacent Ashmere Talain Village, Carlisle, CA8 1LE			
<b>Title</b> Planning Plans			
<b>Scale</b> 1:100	<b>Date</b> 20/01/22	<b>Drawn</b> SL	<b>Checkd</b> SL
<b>Project No</b> 02/21	<b>Drawn by</b> JP/PP	<b>Revision</b> C	



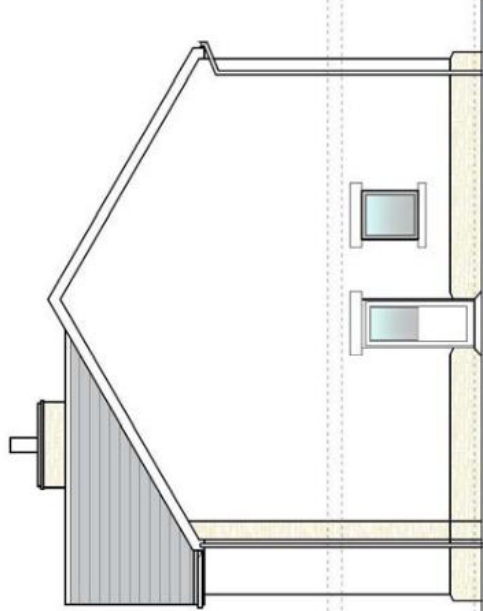
- Notes:**
1. THE COPYRIGHT OF THIS DRAWING IS VESTED IN MARIS HOMES AND IT MAY NOT BE REPRODUCED IN WHOLE OR PART OR USED FOR THE PURPOSES OF ANY OTHER PROJECT WITHOUT THE EXPRESS PERMISSION OF THE COPYRIGHT HOLDERS.
  2. WORK TO FIGURED DIMENSIONS ONLY.
  3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT SPECIFICATIONS, DRAWINGS, CONTRACT CONDITIONS, TERMS AND CONDITIONS AND SPECIFICATIONS.
  4. ALL CONTRACTORS TO THESE WORKS ARE CAUTIONED TO READ AND CLEAN ENVIRONMENT, WITH ANY ISSUES BEING BROUGHT TO THE SITE MANAGERS ATTENTION IMMEDIATELY.
  5. ALL CONTRACTORS MUST BE COMPETENT FOR THE JOB IN HAND AND MUST HAVE READ AND UNDERSTOOD THE JOB SPECIFIC RISK ASSESSMENT, FAILURE TO DO SO WILL LEAD TO IMMEDIATE REMOVAL FROM SITE.

**Materials**

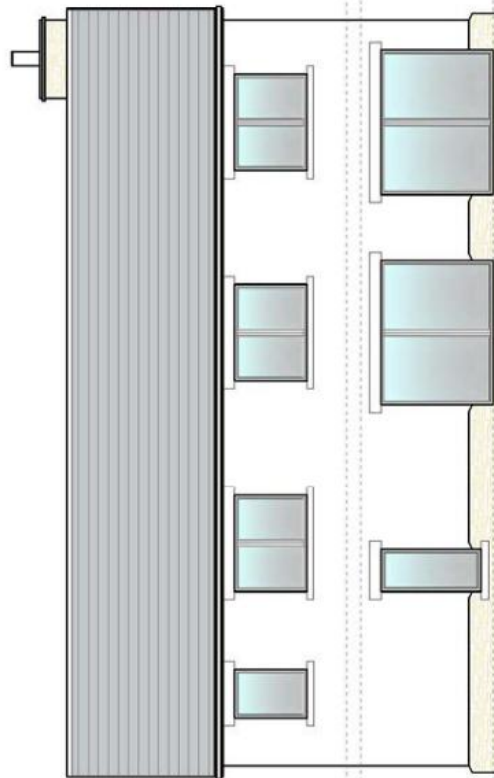
Roof: Natural Green/Gray Slate  
 Guttering and downpipes: Antirustic Grey UPVC  
 External walls: Light yellow buff bedded random sandstone  
 Paint: Light yellow buff bedded random sandstone  
 Chills and Mould: Light yellow buff bedded random sandstone  
 Windows: Grey RAL 7004 UPVC  
 Doors: Grey RAL 7004 Aluminium



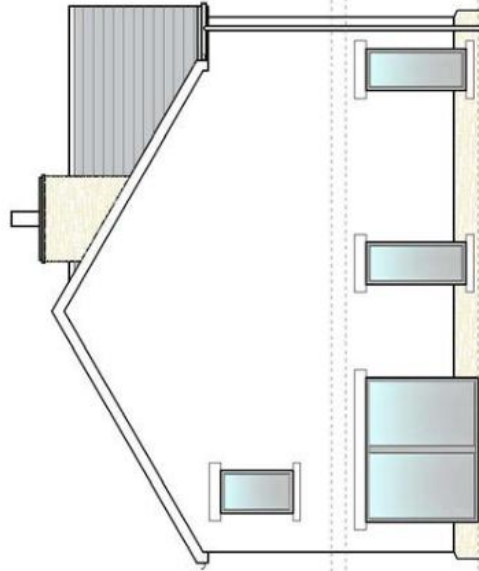
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

Rev	Description	By	Date
D	Revised windows	SL	20/01/22
C	lowered roof pitch to 30 degrees	SL	14/12/21
A			

Complete

**Maris Homes**  
 Hawksbank, The Gill  
 Tel: 07765 226810  
 Email: info@marishomes.co.uk  
 www.marishomes.co.uk

**Mr and Mrs Pattison**  
 Mickie Wear  
 Talkin, Carlisle  
 CA8 7LE

**Maris Designs Ltd**  
 Hawksbank, The Gill  
 Dalton, Carlisle  
 CA8 7JP

**Land adjacent Ashmere**  
 Talkin Village, Carlisle, CA8 1LE  
 Planning Elevations

Scale of Plan	1:100	Date	20/01/22	Drawn	SL	Check	SL
Project No	02/21	Client	JP/PP	Rev			D





## SCHEDULE A: Applications with Recommendation

21/0762

**Item No:** 08

**Date of Committee:** 25.02.2022

**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 This application was deferred at the previous meeting of this committee to allow Members to undertake a site visit.
- 3.2 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.
- 3.3 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**

- 3.4 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.
- 3.5 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.
- 3.6 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 There are various appeals decisions that have been issued by the Planning Inspectorate. The issue is addressed in appeal for the insertion of a window and door in a building in Worcester (appeal reference 3245468) where in paragraph 8 the Inspector states:

*“Paragraph 197 of the National Planning Policy Framework (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale and harm or loss and the significance of the heritage asset. I have been presented with no cogent evidence from the Council that the appeal site has been identified as a non-designated heritage asset. In any event, even if the site were considered a non-designated heritage asset, I have identified that the proposal does not harm the character and appearance of the dwelling, and as such does not conflict with the requirements of paragraph 197 of the Framework.”*

6.29 A further example is found in Haslemere (appeal reference 3247524 and others) with paragraphs 30 to 34 being of particular interest. Specifically, in paragraph 33 the Inspector comments:

*“An application was made to Historic England (HE) for listing of the building. HE formally responded on 9 June 2021, following closing of the Inquiry. I provided both parties with the opportunity to comment on the HE decision. HE finds that the house is of architectural merit and that the architect is a figure of local repute. However, HE has not concluded that the building or the architect are of such merit as to warrant either listing or to be put forward for a full assessment. There is nothing in the response from HE that leads me to believe that the building is of sufficient heritage value to as to be considered a non-designated heritage asset.”*

6.30 Copies of these appeal decisions are reproduced following this report. It's evident that in order for a building to be considered a non-designated heritage asset, it must be supported by evidence. 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 and there is no further evidence to consider it as a non-designated heritage asset.

6.31 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.

6.32 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.

6.33 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

6.34 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.

6.35 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".*

6.36 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.

6.37 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**

6.38 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.

6.39 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)*

6.40 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.

6.41 Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition could be imposed which would limit construction hours.

6.42 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**

6.43 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**

- 6.44 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.
- 6.45 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.
- 6.46 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**

- 6.47 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.
- 6.48 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.
- 6.49 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.

6.50 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.”*

6.51 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.”*

6.52 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.

6.53 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."*

- 6.54 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**

- 6.55 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.
- 6.56 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.
- 6.57 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**

- 6.58 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.

- 6.59 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 Licensed 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."*

- 6.60 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**

- 6.61 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.

- 6.62 To ensure that provision is made for the storage of waste, a condition is included requiring the supply of suitable waste receptacles.
- 6.63 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**

- 6.64 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 slate would be an improvement to the building and enhancement to the character of the locality.
- 6.65 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.
- 6.66 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.
- 6.67 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.
- 6.68 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 HO2 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 HO2 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.

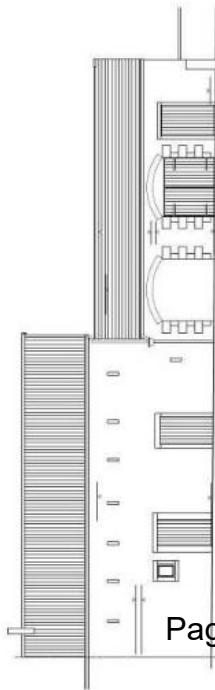
16. Any parking area subsequently approved shall be constructed in accordance with the approved plans before any dwelling is occupied. The parking area shall be retained unaltered unless otherwise agreed in writing by the local planning authority.

**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.

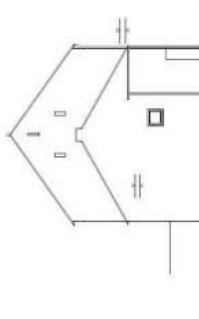
---

Page 204 of 318

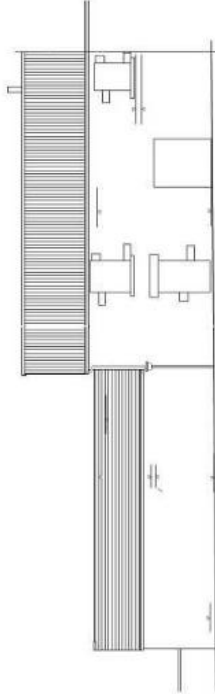




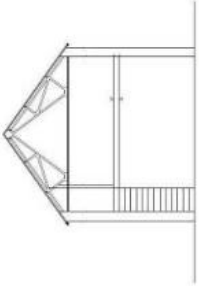
Rear Elevation 1:100



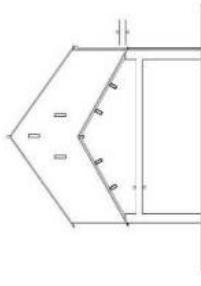
Side Elevation 1:100



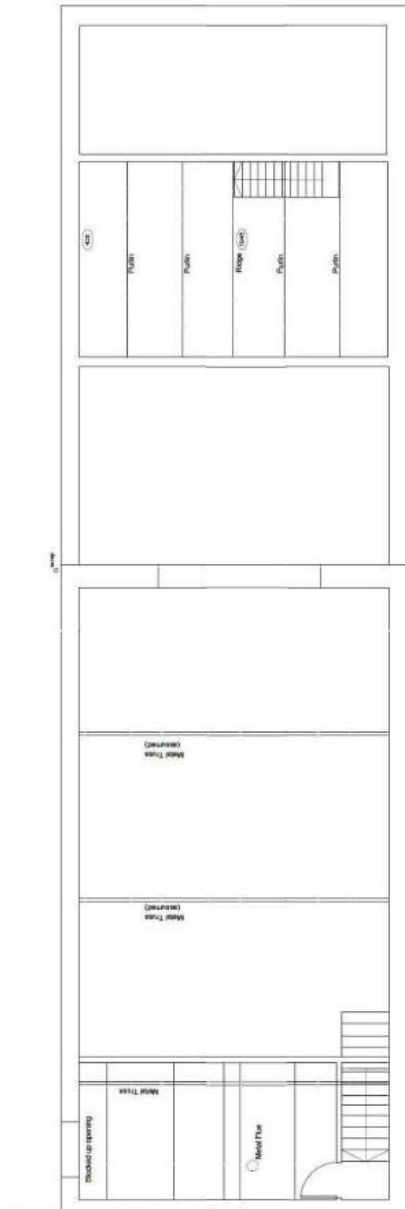
Front Elevation 1:100



Section A-A 1:100

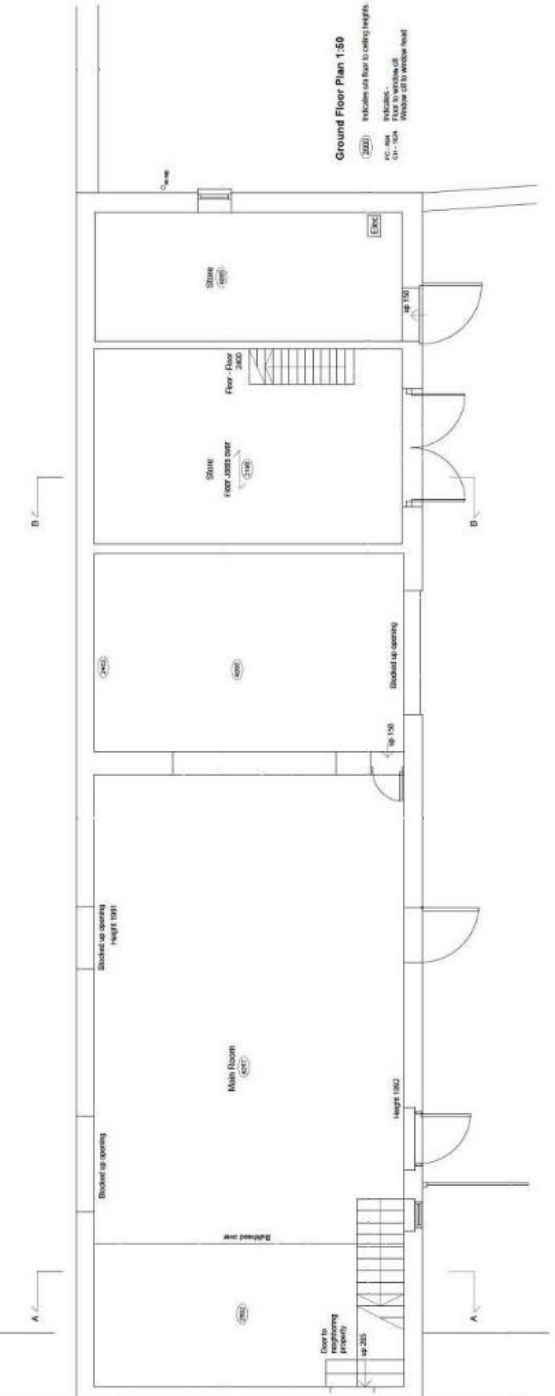


Section B-B 1:100



First Floor Plan 1:50

Indicates the floor to ceiling heights.  
Indicates the floor to window sill.  
Indicates the window sill to window head.



Ground Floor Plan 1:50

Indicates the floor to ceiling heights.  
Indicates the floor to window sill.  
Indicates the window sill to window head.

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

NAME	DATE	PLANNING
<div style="display: flex; align-items: center;"> <div style="flex: 1;"> <p>Barry Ben-Avraham Ltd            10000 Highway 7            Suite 100            Richmond Hill, Ontario            L4B 1N1            Canada            Tel: (905) 882-2008</p> </div> <div style="flex: 1; text-align: center;"> <p><b>BLACK BOX</b>  <b>OFFICE</b>  <b>DESIGNS</b></p> </div> <div style="flex: 1; text-align: right;"> <p>www.blackboxoffice.com</p> </div> </div>		
Project	The Park Burn, Rishkuty	
Drawing	Proposed Conversion	
Client	Plato and Elevators	
Scale	Sheet A1	
Date	Jan-21	
Job No.	20-150-04A <small>(Rev. 1)</small>	

---

## Appeal Decision

Site visit made on 7 July 2020

by S Shapland BSc (Hons) MSc CMILT MCiHT

an Inspector appointed by the Secretary of State

Decision date: 21 July 2020

---

Appeal Ref: APP/J1860/D/20/3245468

Granary House, Upton Road, Callow End, Worcester WR2 4TE

- 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 Bryan Ratcliff against the decision of Malvern Hills District Council.
  - The application Ref: 19/01414/HP, dated 15 September 2019, was refused by notice dated 26 November 2019.
  - The development proposed is additional door and window to rear elevation.
- 

### Decision

1. The appeal is allowed and planning permission is granted for additional door and window to rear elevation at Granary House, Upton Road, Callow End, Worcester WR2 4TE and the following plans: Drawing No. ARS002 Location Plan and Drawing No. RS001 Rear Elevation.

### Procedural Matter

2. I observed that the development described above has already been carried out, and the application is retrospective. I have dealt with the appeal on this basis.

### Main Issue

3. The main issues is the effect of the proposal on the character and appearance of the host dwelling.

### Reasons

4. The appeal site comprises a former agricultural barn which has been converted to residential use. The appeal relates to two new openings on the rear elevation, including a glazed door and a new window. The Council have confirmed that given the size and position of the proposed window they do not consider that this harms the character of the building. Based on my assessment and observations during the site visit I have no reason to disagree. Therefore, the remainder of the appeal decision will focus on the impact of the new door.
5. The appeal building is constructed of red brick with a plain clay tiled roof. Currently there are a number of fenestrations on the rear of the property, and it was apparent from my site visit that these form no uniform or regulated pattern. The Council have raised concerns that the proposed glazed door is out of keeping with the agricultural character of the building, by introducing an additional element of domesticity. Furthermore, its location adjacent to an

existing doorway makes the new door appear unnecessary and awkward in its positioning on the rear elevation.

6. I do not find this to be the case. The overall character of the building has retained its overall agrarian nature, although its conversion has clearly altered its character and appearance to one more akin to a residential dwelling. The new doorway has been finished in a timber frame which matches the other fenestrations on the rear of the building and as such I find that it integrates well on the rear elevation. Furthermore, given the irregularity of the fenestrations on the rear elevation, its location next to an existing doorway does not detract nor harm the character of the building. Accordingly, I find that the proposal does not harm the character and appearance of the dwelling.
7. I note that the Council considers that the appeal site merits consideration as a non-designated heritage asset. Paragraph 040<sup>1</sup> of the National Planning Policy Guidance (NPPG) states that local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications. It further states it is important that the decision to identify them as non-designated heritage assets are based on sound evidence. I note that **the Council's Conservation Officer was consulted as part of the application.**
8. Paragraph 197 of the National Planning Policy Framework (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale and harm or loss and the significance of the heritage asset. I have been presented with no cogent evidence from the Council that the appeal site has been identified as a non-designated heritage asset. In any event, even if the site were considered a non-designated heritage asset, I have identified that the proposal does not harm the character and appearance of the dwelling, and as such does not conflict with the requirements of paragraph 197 of the Framework.
9. The appeal site is located within the setting of the Listed Building known as 'No.9 Upton Road'. As such I have had regard to my statutory duties under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I find that the proposal is well screened from this listed building and there is limited visibility due to existing built development and therefore the proposal does not harm the setting of the listed building. Consequently, I find that it has a neutral effect on the significance of the designated heritage asset. I note that the Council raised no concerns in this regard.
10. Consequently, I find that the proposal does not harm the character and appearance of the host dwelling. I find no conflict with policies SWDP6 and SWDP24 of the South Worcestershire Development Plan 2016. Together these policies seek, amongst other things, that development conserves and enhances heritage assets. I also find no conflict with the South Worcestershire Design Guide Supplementary Planning Document: Overarching Design Principles, which seeks, amongst other things, that development is of a high standard of design. I find no conflict with paragraph 197 of the Framework, which seeks, amongst other things that development does not harm non-designated heritage assets.

---

<sup>1</sup> Reference ID 18a-040-20190723 Revision date 23 07 2019

## Conclusions

11. Having regard to all matters raised, it is concluded that the appeal should be allowed and planning permission granted.

*S Shapland*

INSPECTOR

---

## Appeal Decisions

Inquiry held on 27 to 30 April 2021

Site visit made on 30 April 2021

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

---

Appeal A: APP/R3650/W/21/3266933

The Heights, 5 Hill Road, Haslemere GU27 2JP

- 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 Twist Heights Ltd against the decision of Waverley Borough Council.
  - The application Ref WA/2020/0029, dated 29 November 2019, was refused by notice dated 27 August 2020.
  - The development proposed is the erection of 22 dwellings following demolition of former school buildings and dwelling, provision of new vehicular access and associated works.
- 

Appeal B: APP/R3650/W/19/3225899

The Heights, 5 Hill Road, Haslemere GU27 2JP

- 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 Twist Heights Ltd against the decision of Waverley Borough Council.
  - The application Ref WA/2018/1771, dated 31 August 2018, was refused by notice dated 4 February 2019.
  - The development proposed is the erection of 25 dwellings following demolition of former school buildings and dwelling, provision of new vehicular access and associated works.
- 

Appeal C: APP/R3650/W/19/3242532

The Heights, 5 Hill Road, Haslemere GU27 2JP

- 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 Twist Heights Ltd against the decision of Waverley Borough Council.
  - The application Ref WA/2019/1026, dated 22 May 2019, was refused by notice dated 17 October 2019.
  - The development proposed is the erection of 20 dwellings following demolition of former school buildings and dwelling, provision of new vehicular access and associated works.
- 

Appeal D: APP/R3650/W/19/3242615

Land forming the frontage of the Haslemere Preparatory School, Hill Road, Haslemere GU27 2JP

- 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 Twist Heights Ltd against the decision of Waverley Borough Council.
- The application Ref WA/2019/1135, dated 31 May 2019, was refused by notice dated

11 November 2019.

- The development proposed is the erection of 4 dwellings, provision of new vehicular access and associated works.
- 

#### Appeal E: APP/R3650/H/20/3247524

The Heights, 5 Hill Road, Haslemere GU27 2JP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant advertisement consent.
  - The appeal is made by Twist Heights Ltd against the decision of Waverley Borough Council.
  - The application Ref WA/2019/1837, dated 31 May 2019, was refused by notice dated 28 October 2019.
  - The advertisement proposed is the display of non-illuminated signs on hoardings and gates.
- 

#### Decisions

1. Appeal A is allowed and planning permission is granted for the erection of 22 dwellings following demolition of former school buildings and dwelling, provision of new vehicular access and associated works at The Heights, 5 Hill Road, Haslemere GU27 2JP, in accordance with the terms of the application Ref WA/2020/0029, dated 29 November 2019, subject to the conditions set out at Annex C(a).
2. Appeal B is allowed and planning permission is granted for the erection of 25 dwellings following demolition of former school buildings and dwelling, provision of new vehicular access and associated works at The Heights, 5 Hill Road, Haslemere GU27 2JP, in accordance with the terms of the application Ref WA/2018/1771, dated 31 August 2018, subject to the conditions set out at Annex C(b).
3. Appeal C is allowed and planning permission is granted for the erection of 20 dwellings following demolition of former school buildings and dwelling, provision of new vehicular access and associated works at The Heights, 5 Hill Road, Haslemere GU27 2JP, in accordance with the terms of the application Ref WA/2019/1026, dated 22 May 2019, subject to the conditions set out at Annex C(c).
4. Appeal D is allowed and planning permission is granted for the erection of 4 dwellings, provision of new vehicular access and associated works at Land forming the frontage of the Haslemere Preparatory School, Hill Road, Haslemere GU27 2JP, in accordance with the terms of the application Ref WA/2019/1135, dated 31 May 2019, subject to the conditions set out at Annex C(d).
5. Appeal E is allowed and advertisement consent is granted for the display of non-illuminated signs on hoardings and gates at The Heights, 5 Hill Road, Haslemere GU27 2JP, in accordance with the terms of the application Ref WA/2019/1837, dated 31 May 2019. The consent is subject to the five standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and also to the conditions set out at Annex C(e).



## Applications for Costs

6. At the Inquiry, applications for costs were made by Twist Heights Ltd against Waverley Borough Council in relation to Appeals C and D. Those applications are the subject of a separate Decision.

## Preliminary Matters

7. Ahead of the Inquiry, the Council agreed with the appellant that none of the four residential schemes could viably provide affordable housing or contributions towards local infrastructure. In light of that, the corresponding reasons for refusal in relation Appeals B and C were not pursued.
8. I have made minor changes to the descriptions of development in the headers and decisions above for clarity and consistency.
9. Appeal A is for a 22-dwelling scheme incorporating two rows of proposed dwellings on the main site, a semi-detached pair of dwellings to the Hill Road frontage and a block of four flats in the location of the existing former **headmaster's** house. Appeal B proposes the same layout on the main site and the block of flats but introduces two semi-detached pairs of dwellings and one detached dwelling to the Hill Road frontage. This would provide a total of 25 homes. Appeal C is for the same layout on the main site and the block of flats but with no dwellings proposed to the Hill Road frontage and with a different roof profile to the block of flats. This would provide a total of 20 homes. Appeal D is for two semi-detached pairs of dwellings on the Hill Road frontage only.
10. The development the subject of Appeal D could, in theory, be implemented alongside the Appeal C scheme, because the appeal sites do not overlap. Both schemes have been designed to allow for this and a Unilateral Undertaking binding both proposals together has been submitted to cover this eventuality. Equally, both schemes, and indeed any of the developments proposed, could alternatively be implemented on their own. I take account of this as appropriate throughout my decision letter.

## Main Issues

11. The main issues are:

- the effect of the proposed developments on the character and appearance of the area, with particular regard to layout, the streetscene of Hill Road, architectural design, quantum, and the wooded character of the site and Haslemere Hillsides (Appeals A to D);
- the heritage significance of the school buildings to be demolished and the weight to be applied (Appeals A to C); and,
- the effect of the proposed advertisements on public amenity (Appeal E).

## Reasons

*Character and appearance (Appeals A to D)*

Layout, the streetscene of Hill Road, architectural design, and quantum

12. The appeal site for Appeals A and B is a former school and its grounds. Appeals C and D have split out the site, with Appeal C covering the main part of the site



including all of the existing buildings and Appeal D the area of the grounds by Hill Road.

13. The main school building is a large, prominent building which has been extensively extended. There are also several outbuildings and the former **headmaster's house**. **Car parking**, access roads and hard standing former playgrounds make-up the majority of the landscaping. There are some low level and incidental trees and bushes throughout the site. A mature and tall hedgerow marks the boundary to the rear of the site, with a recreation ground behind. To the eastern boundary is a line of mature trees with a footpath behind and beyond that detached residential properties set in generous plots. To the western boundary are some further mature trees with houses beyond. The site rises steeply from Hill Road, with the existing buildings and playgrounds set on distinct terraces which run horizontally, east-west, across the site. The built form is all towards the middle and rear of the site, set away from Hill Road. There are two existing vehicular access points from Hill Road.
14. Apart from the appeal site, Hill Road is lined on both sides by detached houses. Those on the opposite side of Hill Road are set close to the road, and sit slightly below the road, due to the slope. The houses on the south side of Hill Road, the same side as the appeal site, are generally set back from the road, built higher up the slope. Having said this, within this general pattern, the set back and precise orientation of the existing properties is varied. There is also a notable exception to the general pattern with the property on the corner with Old Haslemere Road, which lies nearer to Hill Road. The predominant boundary treatments on both sides of the road are hedgerows, with particularly tall and imposing hedgerows along a fair proportion of Hill Road either side of the appeal site. On both sides of the road the hedgerows are punctuated by several access points for driveways and garages.
15. Each of the Appeals A to C schemes propose two rows of properties along the middle of the site and to the rear of the site. This approach is more regimented than the more informal layouts of the surrounding houses. However, both proposed rows would be in logical locations, related well to the topography of the site which has two distinct levels along both of the proposed rows, and reflecting the location of the existing school buildings which also sit on two parallel horizontal lines. In addition, the row along the middle of the site would be along a similar line to the existing properties to the east. The proposed layout would also create a cul-de-sac set behind Hill Road, a feature found in several locations in the surrounding area, including Hill Road itself. Therefore, the layout of this part of the appeal site would be in-keeping with the character and appearance of the area.
16. The schemes the subject of Appeals A to D each take a different approach to the frontage with Hill Road. The Appeal C scheme would have no properties along this part of the site and would instead retain the existing grass bank and hedgerow. The two existing vehicular access points would be retained albeit that the westerly entrance would be altered to run more directly up the hill away from Hill Road. The Appeal A scheme would introduce one pair of semi-detached dwellings to the road frontage and would extend the rear gardens to two other plots to the east of these. It would also introduce new hedgerows a driveway and pedestrian access. The Appeal B scheme would introduce a further three houses along this boundary, all of which would have driveway

access directly to Hill Road. The scheme the subject of Appeal D is only for two semi-detached pairs of properties along Hill Road, with new hedgerows, driveways and the same proposed alteration to the main access point to the west as with Appeals A to C.

17. Appeals A, B and D would all introduce dwellings closer to the boundary than is common along this part of Hill Road. However, they would be at a similar set back to the existing property on the corner of Old Haslemere Road to the west. I acknowledge that this is a property set on a corner plot, but it nevertheless contributes to the character of this part of Hill Road. Importantly, the key defining character of the south side of this part of Hill Road is the prominence of the hedgerows, which partially screen the properties behind, even allowing for the hill, albeit with several gaps for driveways and entrance paths. All three relevant appeals propose a similar appearance, with extensive hedgerows and planting to Hill Road punctuated with driveways and access points. The proposed housing behind would be closer to the road than the majority of the existing properties but the key characteristic of extensive hedgerow screening and glimpsed views of properties behind would be retained.
18. The large rear gardens to Plots 6 and 7 in the Appeal A scheme would result in rear gardens leading up to Hill Road, which would be an unconventional layout. However, the existing properties to the east also have extensive gardens to the road. That these are front, as opposed to rear, gardens does not present a fundamentally different character, given their size, and this element of the proposed layout is therefore successful. The visibility splays for the main entrance for Appeals A to C (which could be controlled by condition were the appeals to succeed), would not affect the proposed hedgerows, as demonstrated on the submitted drawings.
19. If the Appeal C scheme were built-out in isolation, then there would be no properties to the Hill Road frontage and the landscaping would remain largely as existing. I acknowledge that this would represent a departure from the existing linear pattern of development along the wider road, but it would reflect the existing situation on that part of the appeal site. I find no material harm in this regard.
20. In the schemes the subject of Appeals A to C, a block of flats is proposed in a similar location to the **existing headmaster's house**. It would be larger than the existing building, but not excessively so, and it would be set away from the existing neighbouring houses to either side, namely High Green and No 7 Hill Road. There is also extensive screening to the neighbouring houses through the existing trees and hedgerows to the boundaries. Due to being located higher than the proposed block of flats, it would be possible to see the building from part of the garden of High Green. However, even with the more prominent roof form for this block proposed in the Appeals A and B schemes, the proposed building would only be marginally more bulky than the existing house, and the distance and intervening boundary screening would mitigate the visual effect it would have on High Green.
21. I acknowledge that the screening from the intervening hedgerows and trees to both High Green and No 7 cannot be relied upon in perpetuity. However, given their maturity and the screening benefits they provide to the occupants of those two properties it is unlikely that there would be any significant actions by the occupants of High Green or No7 to reduce these boundary treatments on

- their own land. An element of screening is also proposed through hedgerow and tree planting within the appeal site, which could be controlled by condition if the appeals were to succeed.
22. Two different roof forms are proposed for this block of flats. A lower and more simply designed slate roof, or a clay-tiled roof with greater articulation and variety of hips and slopes. The clay-tiled approach is more consistent with the roof forms proposed for the other buildings on the site and the articulation of the roof form more in-keeping with the surrounding built-form. However, the slate roof would also be an acceptable approach, because the block of flats would be set away from the other buildings in a different character area of the site, and because its simple form and design would be unobtrusive and well-balanced. Either approach is of acceptable appearance and there would be no harm in this regard.
23. Crown pitched roofs are proposed to the rearmost row of properties for Appeals A to C. The roofscape in the area generally comprises fully pitched roofs. However, there are a variety of precise roof forms, pitch angles, and gable designs in the surrounding area, including some instances of small elements of flat roofs. In addition, the flat element of the crown pitched roofs would largely not be visible due to the design of the pitched elements of the roofs obscuring the crown behind, and because of the location at the highest point of the site. There would be some oblique views afforded, but the effect of this on the character of the buildings and the wider area would be limited. In this context, I consider that the proposed crown pitched roofs would not be seen as out of keeping with the established character and appearance of the area.
24. Whilst the proposed density of development would be greater than the prevailing character of the surrounding area, it would be acceptable in the context of the significant existing built form across the site. This also applies to the block of flats which would largely replace and only be slightly bulkier than **the existing headmaster's house**. In addition, as set out above, I have found that the proposed layout and the effect on the Hill Road streetscene, for Appeals A to D, would be acceptable and in-keeping with the character of the area. This applies equally if Appeals C and D were both constructed, because they have been designed specifically to allow for this and the overall density and effect on the streetscene would actually be less than for Appeal B on its own. In this context, the quantum of proposed development for Appeals A to D individually, or Appeals C and D combined, would be acceptable.
25. Consequently, the proposals for Appeals A to D individually, or C and D together, would preserve the character and appearance of the area. They therefore comply with the relevant parts of Policies D1 and D4 of the Waverley Borough Local Plan 2002 (the LP), Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (the Part 1 LP), and chapter 12 of the National Planning Policy Framework (the Framework), all of which require high quality design. They also comply with the Haslemere Design Statement which requires design to be sympathetic to local character.

#### The wooded character of the site and Haslemere Hillsides

26. The appeal site contains relatively limited planting and does not significantly contribute to the wooded character of Haslemere Hillsides. There are extensive hedgerows and some mature trees to the boundaries of the site but these are

- all to be retained. This is now common ground between the Council and the appellant. Appeals A to C all propose extensive new tree planting that would increase tree coverage and increase the wooded character of the site. This would both be as appreciated from within the site, or from nearby views, and also at distance, where the horizontal and vertical lines of proposed trees would extensively screen the proposed new houses.
27. The proposed species have been selected to minimise the likelihood of pressure from future occupiers to lop or fell the trees on their land, particularly with the use of Silver Birch which have a relatively light canopy. There might still be some pressure in the future for felling and lopping of some of the trees, particularly given the proximity of them to the proposed houses, but even if this were to occur there would still be fairly extensive planting from the communal trees, which would be of high amenity value in themselves and would be maintained through a management plan as secured by the relevant Unilateral Undertakings. This would compare favourably to the minimal existing planting on the site.
28. There was discussion at the Inquiry regarding whether the Council could impose Tree Preservation Order(s) on the proposed trees and the desirability of this measure. That would be a matter for the Council to consider outwith these appeals. However, as set out above, I do not believe that this is necessary to secure and maintain an improvement on the wooded character of the site, given the management plan secured through the Unilateral Undertakings and by condition.
29. Consequently, the schemes the subject of Appeals A to C would not diminish the wooded appearance of the hillside or result in a loss of tree cover, either now or in the future. They therefore comply with the relevant parts of Policy BE4 of the LP which, amongst other criteria, requires that development would not diminish the wooded appearance of the hillside. The proposals comply with Policy D4 of the LP which requires landscape design suitable to the site and with adequate safeguards for long-term management. They comply with Policy TD1 of the Part 1 LP which, amongst other criteria, requires high quality landscaping. They also comply with emerging Policy DS05 of the Local Plan Part 2: Site Allocations and Development Management Policies Pre-Submission Document, November 2020 which, amongst other criteria, requires the retention or provision of trees to maintain the wooded character of the Haslemere Hillsides.

#### *Heritage (Appeals A to C)*

30. Appeals A to C would involve the demolition of the existing school building. The building is in the Arts and Crafts style, designed by Herbert Hutchinson who was a local architect. The building itself is not of particularly high quality. It is relatively attractive and well-proportioned but is largely unremarkable. Extensions and alterations have also significantly undermined its original architectural integrity and setting, in particular the large extension to the east which has encroached onto the former garden area. The interior was extensively altered from its original state when the use changed from a house to a school and there has been subsequent partial dereliction since the school closed. My attention was drawn to internal features such as original fireplaces and the timber staircase but no evidence has been provided of any particularly noteworthy value to these elements. The building is a local landmark of sorts,

but that is primarily due to its size and prominence on the hillside rather than innate architectural quality.

31. Evidence has been provided that Mr Hutchinson was a relatively important local architect. However, no convincing evidence is before me to demonstrate that he was a particularly skilled architect or that the school building is a particularly fine example of his work.
32. Objectors have emphasised the quality of Mr **Hutchinson's drawings as being** outstanding, with a competence that would be hard to meet today. Whether or not this is the case, the proposals would only demolish the building, not the drawings, which would be retained. I have considered the request that a condition be imposed to require a further paper record be made of the building, for prosperity. However, this is not necessary because the building is not of sufficient heritage value to require such a record to be made.
33. An application was made to Historic England (HE) for listing of the building. HE formally responded on 9 June 2021, following closing of the Inquiry. I provided both parties with the opportunity to comment on the HE decision. HE finds that the house is of architectural merit and that the architect is a figure of local repute. However, HE has not concluded that the building or the architect are of such merit as to warrant either listing or to be put forward for a full assessment. There is nothing in the response from HE that leads me to believe that the building is of sufficient heritage value to as to be considered a non-designated heritage asset.
34. It is uncontested that, by demolishing the entire building, any effect on the building's heritage significance would be substantial, or total. However, for the reasons set out above, the building does not have anything other than limited heritage significance and I do not consider it to be a non-designated heritage asset. Moreover, although not necessarily determinative of such, there was no **indication that it features on the Council's Historic Environment Record**. Paragraphs 192 and 197 of the Framework, Policy H1 of the LP and Policy HA1 of the Part 1 LP are therefore not relevant to Appeals A to C in this regard.

#### *Advertisements and public amenity (Appeal E)*

35. It was common ground between the parties that the proposed advertisements would be acceptable in the event that Appeals A to D were to succeed, subject to a condition for a time limit of three years or occupation of the development, whichever comes sooner, before they be removed. This is because the effects of the proposed hoardings and advertisements on the visual amenity of the area would be lessened by the linking of the advertisement works to the construction works within the appeal site. I acknowledge that it is not possible to control the timing of construction and to formally link that to the erection of the advertisements but in reality the purpose of the advertisements is linked to construction so it is unlikely that they would be erected independently. In addition, the time limit of three years provides additional reassurance of the limited length of time the advertisements could be displayed for. A further condition is necessary to ensure the proposed advertisements would not be illuminated to minimise their visual effect on the character and appearance of the surrounding area.



36. Therefore, subject to control by the proposed conditions, the proposed advertisements would not have an unacceptable effect on public amenity and would comply with Policy D10 of the LP, which requires that advertisements be appropriate to their setting. There would be no conflict either with paragraph 132 of the Framework, which states the quality and character of places can suffer when advertisements are poorly sited and designed, which would not be the case for this appeal.

#### Other Matters

37. Several letters of objection have been provided, including from the **Haslemere Society, Haslemere Town Council, Save Britain's Heritage, the Victorian Society**, the Society for The Arts and Crafts Movement in Surrey, and a petition against the proposed Construction Environment Management Plan. Several local residents also spoke against the scheme at the Inquiry, including a representative of the Haslemere Society. The objections raised various concerns in addition to those addressed above. I have taken all of these factors into consideration as I set out below.
38. The distance and angle between the proposed dwellings and existing neighbouring properties, coupled with the significant screening from planting to the east and west boundaries, prevents any unacceptable overlooking or loss of light to neighbouring occupiers, or vice versa to future occupiers of the proposed homes. In addition, conditions could prevent additional windows from being installed in the future at first floor level or above on the elevations facing the nearest neighbouring houses, i.e. plots 6 and 11, and at roof level of any proposed property. Overlooking across Hill Road would be acceptable due to the distance, the intervening screening provided by the proposed and existing hedgerows, and noting that Hill Road itself is a public road. The more substantial roof form proposed to the block of flats in Appeals A and B would only be of marginally greater bulk than that proposed for Appeal C. In either form, the proposed building would not unduly harm the living conditions of neighbouring occupiers, due to the distance, angle, and intervening screening from the existing boundary planting.
39. The proposed gardens to the proposed block of flats would be adequately sized and are not contested by the Council. In addition, all of the appeals which propose the block of flats also include the creation of a new footpath link directly to the recreation ground and tennis courts behind the appeal site, so providing ease of access to extensive recreation and other sports facilities.
40. The proposals would reduce the amount of surface water flooding onto Hill Road compared with the existing situation, through the proposed surface water drainage measures. The Lead Local Flood Authority support the proposed surface water drainage solutions, subject to control of the detail of the measures by condition and planning obligations.
41. All of Appeals A to D provide sufficient car parking to meet planning policy standards and I have not been provided with any convincing evidence that they would lead to overspill parking on the surrounding roads.
42. For Appeals A to D, the first 23 metres of the proposed access road could be controlled by condition to be of a gradient no greater than 1:20 and also to use an anti-skid surface. The proposed access road would also not be entirely

perpendicular to Hill Road and incorporates bends, driveways and fairly substantial planting, all of which would naturally control the speed of traffic on the access road approaching the junction with Hill Road. I particularly note in this regard, that the Highways Authority has considered the proposals and is content with them in terms of highway safety. The conclusion is that there would be no unacceptable risk of loss of control or to highway safety as a result of the gradient, geometry or design of the road. This applies both to the operation of the proposed junction and also to the likelihood of vehicles crashing into the property on the opposite side of Hill Road. No convincing evidence has been submitted that would lead me to come to a different conclusion on these factors from that of the Highways Authority.

43. The proposed advertisements along Old Haslemere Road would not protrude any further into the road than existing hedgerows and verges to either side and would not unacceptably affect highway safety.
44. There would inevitably be some disruption during construction. However, no convincing evidence has been provided that the effects on parking for residents **or for facilities such as the Bowl's Club would be disrupted to such a degree as** to be unduly harmful to either the living conditions of neighbours or the operation of the club. Importantly, all of these effects could be minimised by a Construction Traffic Management Plan, which could be secured by condition. Subject to this, I am satisfied that any of the proposals could be constructed without causing unacceptable levels of harm.

#### Conditions

45. In addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty. An agreed condition list was submitted and discussed at the Inquiry. I have considered this and have amended some conditions, and amalgamated others, in the light of government guidance on the use of conditions in planning permissions.
46. The access road and Construction Traffic Management Plan (CTMP) conditions are necessary to ensure highway safety and to protect the living conditions of nearby occupiers. I have not included the vehicle routing and highways repairs elements of the suggested CTMP condition because these relate to land outside of the appellants control and are unreasonable. However, I have added additional wording to advise drivers of preferred routes through signage in mitigation.
47. The Tree Protection Plan condition is necessary to ensure that the proposals would protect existing trees to be retained, which are required to preserve the character and appearance of the area and the wooded appearance of Haslemere Hillsides.
48. The Construction Environment Management Plan condition is necessary to control and mitigate the effect of the proposals, and their construction, on ecology. This also captures the relevant elements of the proposed Landscape and Ecological Management Plan condition.
49. The drainage conditions, and the condition restricting permitted development rights to require porous materials, are necessary to ensure that surface water

- run-off is controlled and managed appropriately to minimise the risk of flooding.
50. The materials, landscaping, and making good of existing accesses conditions are necessary to preserve the character and appearance of the area and the wooded appearance of Haslemere Hillsides. The maintenance of the landscaping is necessary because it would ensure that suitable replacement planting is made and because it relates to the entire site. The Unilateral Undertakings have similar provisions but these only relate to the communal areas.
  51. The visibility splays, access road gradient and materials, and parking and turning areas conditions are necessary to ensure highway safety.
  52. The cycle parking, Sustainable Travel Information Pack, and electric vehicle charging point conditions are necessary to encourage modes of transport other than the private car, in accordance with the requirements of Policy ST1 of the LP.
  53. The water use condition is necessary to secure sustainable use of water and to mitigate the effect on water infrastructure in the area, in accordance with the requirements of Policy CC2 of the Part 1 LP.
  54. The broadband internet condition is necessary to ensure that suitable broadband is provided to each of the dwellings, in accordance with the requirements of Policy CC2 of the Part 1 LP.
  55. The conditions restricting permitted development rights are necessary to protect the privacy of neighbouring occupiers, and in the interest of visual amenity.
  56. The tree protection, drainage, ecology, and construction related conditions are necessarily worded as pre-commencement conditions, because a later trigger for their submission and/or implementation would not allow for the appropriate controls to be agreed prior to the relevant works being undertaken.

#### Planning Obligations

57. A total of four Unilateral Undertakings (UU) have been completed, dated 12 April 2021 for Appeal B by itself, one dated 12 April 2021 for Appeals C and D together, another dated 12 May 2021 for Appeal D alone, and one dated 12 May 2021 for Appeal C alone.
58. The Appeal B and C UUs secure a management plan with regard to communal landscaping, estate roads and footpaths. They also secure the ongoing management and maintenance of this land and landscaping, together with the provision and subsequent maintenance and repair of Sustainable Urban Drainage Systems. The Appeal D UU secures the same elements as they apply to that appeal site. The joint Appeal C and D UU secures the same matters as the individual UUs for each appeal but treats the two proposals as one development.
59. The obligations are necessary to ensure the long-term maintenance of the communal areas of the site, in the interests of the character and appearance of the area and the wooded character of the Haslemere Hillsides, and to maintain



a functional and appropriate sustainable drainage system. The joint UU legally binds the two relevant planning permissions to create one development, to ensure that the same controls are maintained in the event that Appeals C and D are pursued in tandem.

## Conclusion

60. For the reasons set out above, the proposals for Appeals A to D individually, or C and D together, would preserve the character and appearance of the area. The schemes the subject of Appeals A to C would not diminish the wooded appearance of the hillside nor would they result in a loss of tree cover, either now or in the future. The school building does not have anything other than limited heritage significance and I do not consider it to be a non-designated heritage asset. The proposed advertisements would not have an unacceptable effect on public amenity. The proposals therefore accord with the development plan, taken as a whole, and the Framework.
61. It was uncontested that the Council cannot demonstrate a 5-year housing land supply. However, in this instance I have found no conflict with the development plan as a whole, or with the Framework. There is therefore no need for me to come to a conclusion on the housing land supply position.
62. For the reasons above, I conclude that Appeal A be allowed.
63. For the reasons above, I conclude that Appeal B be allowed.
64. For the reasons above, I conclude that Appeal C be allowed.
65. For the reasons above, I conclude that Appeal D be allowed.
66. For the reasons above, I conclude that Appeal E be allowed.

*OS Woodward*

INSPECTOR

## ANNEX A: APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY

John Fitzsimons, of Counsel. He called:

Rachel Lawrence MRTPI	Principal Planning Officer, Waverley Borough Council
Chris Turner MRTPI	Principal Planning Officer, Waverley Borough Council
Russell Morris MRTPI MIHBC	Historic Buildings Officer, Waverley Borough Council
Stephen Tester	Arboricultural Consultant, Jeremy Benn Associates Limited
Barry Devlin	Solicitor, Waverley Borough Council

### FOR THE APPELLANT

Guy Williams of Counsel. He called:

Alistair Grant MRTPI	Grant Consultancy
Guy La Costa	Director, Twist Heights Ltd
Dr Jonathan Edis MCIfA MIHBC	Founding Director of Heritage Collective UK Limited
Stephen Wadsworth CMLI	Director and Principal of Briarwood Landscape

### INTERESTED PERSONS

Chris Harrison	Chairman, The Haslemere Society
Peter Hampson	Local resident
Louise Cronk	Local resident
Sarah Sullivan	Local resident
Marek Roguski	Former local resident

## ANNEX B: DOCUMENTS SUBMITTED DURING AND AFTER THE INQUIRY

DOC 1	<b>Officer's Report for Ref PA/2017/0719</b>
DOC 2	Email from Louise Cronk, dated 28 April 2021 at 20:23
DOC 3	Email from Louise Cronk, dated 28 April 2021 at 12:25
DOC 4	Road Safety Audit Report, dated September 2019
DOC 5	Photograph of Haslemere Hillsides
DOC 6	The Arts and Crafts Movement in Surrey extracts regarding Herbert Hutchinson
DOC 7	Cover letter for section drawing ref 25/SECT7a, dated 23 April 2021
DOC 8	Section through Plots 22-25 Ref 25/SECT7a
DOC 9	<b>Independent Examiner's Clarification Note regarding the Haslemere Neighbourhood Development Plan</b> , dated 21 April 2021
DOC 10	Unilateral Undertaking (Appeal D), dated 12 May 2021
DOC 11	Unilateral Undertaking (Appeal C), dated 12 May 2021
DOC 12	Speaking note by Peter Hampson
DOC 13	Site visit walkabout plan
DOC 14	Bat Surveys for Professional Ecologists Good Practice Guidelines 3 <sup>rd</sup> Edition, by the Bat Conservation Trust
DOC 15	Boundary Survey Report, by Sterling Surveys, and associated Title Plans
DOC 16	Historic England Letter and Initial Assessment Report, dated 9 June 2021
DOC 17	Waverley Borough Council Letter, dated 22 June 2021

ANNEX C(a): SCHEDULE OF PLANNING CONDITIONS  
APPEAL A - APP/R3650/W/21/3266933

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Drawings 220743 (x9), AEO1, 01K, 02G, 02H, 004D, 07C, 08D, 09D, 09D (Coloured), 09E, 03041A (Colour), 03041A, 03042B, 03043B, 03044B, 671A, 672B, 672C, 673B, 673D, 674C, 675C, 891A, 892B, 893B, 894B, 895B, 10111C, 10112A, 10112B, 10113C, 10114B, 10115B, 12151C, 12152B, 12153C, 12154B, 12155B, 12156B, 16171B, 16172C, 16173B, 16174C, 18211A, 18212A, 18213C, 18214B, 18215C, 18216C, 22251A, 22252A, 22253A, 22254, 22255A, GH03, SK501B, 5295/008, PP100B, 925-07-508, 9476-KC-XX-YTREE REV A, 925-07-508, 9476-KC-XX-YTREE REV 0, 25R01, 25R02, 25R03, 25R04, 25R05, 25R06.
3. No development shall commence, including demolition and/or groundworks, until a new access road has been constructed with a maximum gradient of 1:20 for the first 23m from Hill Road, to a standard suitable for construction vehicles, and with 2.4m x 20m visibility splays in accordance with Drawing Ref 5021/004 Rev C, and thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6m.
4. No development shall commence, including demolition and/or groundworks, until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Plan. The Plan is to include, but not be limited to, the following details:
  - (a) parking for vehicles of site personnel, operatives and visitors within the site;
  - (b) provision for loading and unloading of plant and materials within the site;
  - (c) storage of plant and materials within the site;
  - (d) programme of works (including measures for traffic management);
  - (e) provision of boundary hoarding behind any visibility splays;
  - (f) HGV deliveries and hours of operation;
  - (g) the erection and maintenance of signage at all vehicular exits from the construction site advising drivers of preferred approach and exit routes to the site;
  - (h) measures to prevent the deposit of materials on the highway;
  - (i) no HGV movements to or from the site shall take place between the hours of 8am and 9am or after 3pm; and
  - (j) on-site turning for construction vehicles.

5. No development shall commence, including demolition and/or groundworks, until Tree Protection Plans (TPPs) for all phases of development and the related Arboricultural Method Statement (AMS) are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved TPPs and AMS. The details to be submitted shall include, but not be limited to:
  - a) details of the specification, location and phasing of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas (RPAs) of trees shown to scale on the TPPs, including the installation of service routings;
  - b) an agreed scheme of supervision for the arboricultural protection measures; and
  - c) cross sections and details indicating the proposed finished ground levels, surface materials including sub-base, and depth of construction and method/materials used for edging, within the RPAs of retained trees.
6. No development shall commence, including demolition and/or groundworks, until a Construction Environment Management Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Plan. The Plan is to include, but not be limited to:
  - a) a plan for the avoidance of the killing or injuring of any individual reptiles that may be identified during development;
  - b) confirmation that, should any common reptiles be discovered during construction which are likely to be affected by the development, works will cease immediately, subject to agreement to proceed being obtained from a suitably qualified and experienced ecologist;
  - c) description and evaluation of landscape features to be managed and created, including measures to compensate for loss of proposed tree and hedge removal;
  - d) confirmation that any external lighting shall comply with the **recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series"**;
  - e) confirmation that works shall proceed in line with the precautionary approach set out within the Recommendations section (table 4.2) of **the submitted "Bat Mitigation Strategy" of the "Preliminary Ecological Appraisal (v.2)" report**;
  - f) **prior to any works affecting the former headmaster's house building, it** the continued absence of bats from this property shall be confirmed in writing by a suitably qualified ecologist;
  - g) confirmation that, should any bats be discovered during construction which are likely to be affected by the development, works will cease

immediately, subject to agreement to proceed being obtained from a suitably qualified and experienced ecologist;

- h) numbers and locations of bat and bird boxes, including provision integral to the design of the new buildings;
  - i) preparation of a work schedule for securing biodiversity enhancements in perpetuity;
  - j) details of the body or organisation responsible for implementation of the CEMP; and
  - k) ongoing monitoring and remedial measures.
7. No development shall commence, including demolition and/or groundworks, until details of the design of a surface water drainage scheme based on sustainable drainage principles, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The details to be submitted shall include, but are not to be limited to:
- a) ground investigations including confirmation of groundwater levels;
  - b) evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development (Pre, Post and During);
  - c) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk;
  - d) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational;
  - e) details of any services to be provided or repaired including drains and soakaways, on or to the site;
  - f) a fully labelled cross section drawing of the hard surfacing hereby approved and confirmation that the materials to be used in the construction of the hard surfacing shall be made of a porous/permeable material;
  - g) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected;
  - h) a timetable and construction method statement for its implementation (including phased implementation where applicable); and
  - i) a management and maintenance plan for the lifetime of the development, which shall include arrangements for adoption by any public body or statutory undertaker or management company and any

other arrangements to secure the operation of the scheme throughout its lifetime.

8. No above ground development shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved sample details.
9. No above ground development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include, but not be limited to:
  - a) a statement setting out the design objectives and how these will be delivered;
  - b) earthworks showing existing and proposed finished levels or contours;
  - c) means of enclosure and retaining structures;
  - d) boundary treatments;
  - e) planting plans, including trees;
  - f) hard surfacing materials;
  - g) an implementation programme, including phasing of work where relevant; and
  - h) a scheme of management and/or maintenance for a period of at least 10 years from the implementation of the approved scheme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

10. Prior to the first occupation of the development, the vehicular access to Hill Road shall have been constructed and provided with 2.4m x 20m visibility splays in accordance with Drawing Ref 5021/004 Rev C, and thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6m.
11. Prior to the first occupation of the development, the new access road shall have been constructed with a maximum gradient of 1:20 for the first 23m from Hill Road and provided with an anti-skid surface. The remaining length of new access road shall be constructed with a maximum gradient of 1:9.8, in accordance with Drawing Ref 5295/008.
12. Prior to the first occupation of the development, the existing accesses from the site to Hill Road made redundant as a result of the development shall have been permanently closed and any kerbs, verge, footway, fully reinstated.
13. No dwelling shall be occupied until space has been laid out within the site in accordance with Drawing Ref 1531 004D for the car parking associated with that dwelling, and/or, where internal garaging is shown on the approved plans (Plots 12 to 21), that has also been provided and made available for use. The spaces and garages shall thereafter be kept available at all times for the parking of vehicles. No dwelling shall be occupied until space has

been laid out in the site for vehicles to turn so that they may enter and leave the site in forward gear, with the exception of the driveway to Plot 3.

14. Prior to the first occupation of the development, facilities for the secure parking of bicycles within the development site shall have been provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The cycle parking spaces provided pursuant to this condition shall be retained thereafter for the intended purpose.
15. Prior to the first occupation of the development, a Sustainable Travel Information Pack shall be submitted for the written approval of the local planning authority. The approved Sustainable Travel Information Pack shall be issued to the first-time occupier of each dwelling, prior to first occupation. The pack shall include:
  - a) details of local public transport services and location of the rail station and local bus stops;
  - b) details of local lift sharing schemes; and
  - c) maps showing local walking and cycling routes and isochrone maps showing accessibility to public transport, schools and local community facilities information to promote the take-up of sustainable travel.
16. No dwelling shall be occupied unless and until an electric vehicle (EV) fast charge point for that dwelling has been installed and is operational in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. Once provided, the EV charging points shall be retained thereafter.
17. Prior to the first occupation of the development, a signed verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the local planning authority to confirm that the surface water drainage system has been constructed in accordance with the approved details. The report shall include details and locations of critical drainage infrastructure, including the national grid reference and an operation and maintenance manual for the unadopted parts of the scheme as constructed.
18. Prior to the first occupation of the development, details shall be submitted to and be approved in writing by the local planning authority to confirm that the dwellings have been completed to meet the requirement of 110 litres of water per person per day.
19. Prior to the first occupation of the development, the highest available speed broadband infrastructure shall be installed to each dwelling and made available for use.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or other openings other than those expressly authorised by this permission shall be constructed in the west elevation of Plot 11 or east elevation of Plot 6 at first floor level or above without the written permission of the local planning authority.



21. Notwithstanding the provisions of Class B of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additions to the roof or any other alterations to the roof of any of the residential accommodation hereby permitted shall be erected without the written permission of the local planning authority.
22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) any hard surface situated on land between a wall forming the principal elevation of the dwellinghouse and the internal access road or Hill Road, shall be made of porous materials.

=====End of Schedule=====

ANNEX C(b): SCHEDULE OF PLANNING CONDITIONS  
APPEAL B - APP/R3650/W/19/3225899

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Drawings 220743 (x9), AE01,02B, 04F, 05A, 06C, 07C, 08D, 09A, 121C, 122A, 123A, 214A, 125A, 341A, 342A, 343, 344A, 345, 51A, 052B, 053A, 054A, 671A, 672B, 673B, 674A, 675A, 891A, 892A, 893A, 894A, 895A, 10111A, 10112A, 10112B, 10114A, 10115A, 12151C, 12152B, 12153B, 12154A, 12155A, 12156A, 16171B, 16172B, 16173A, 16174A, 18211A, 18212A, 18213B, 18214B, 18215B, 18216B, 22251A, 22252B, 22253A, 22254, 22255A, 5295/008, PP100B, 925-07-01, 925-07-02, 9476-KC-XX-YTREE REV A, 925-07-508, 9476-KC-XX-YTREE REV O, 25R01, 25R02, 25R03, 25R04, 25R05, 25R06.
3. No development shall commence, including demolition and/or groundworks, until a new access road has been constructed with a maximum gradient of 1:20 for the first 23m from Hill Road, to a standard suitable for construction vehicles, and with 2.4m x 20m visibility splays in accordance with Drawing Ref 5021/004 Rev C, and thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6m.
4. No development shall commence, including demolition and/or groundworks, until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Plan. The Plan is to include, but not be limited to, the following details:
  - a) parking for vehicles of site personnel, operatives and visitors within the site;
  - b) provision for loading and unloading of plant and materials within the site;
  - c) storage of plant and materials within the site;
  - d) programme of works (including measures for traffic management);
  - e) provision of boundary hoarding behind any visibility splays;
  - f) HGV deliveries and hours of operation;
  - g) the erection and maintenance of signage at all vehicular exits from the construction site advising drivers of preferred approach and exit routes to the site;
  - h) measures to prevent the deposit of materials on the highway;
  - i) no HGV movements to or from the site shall take place between the hours of 8am and 9am or after 3pm; and
  - j) on-site turning for construction vehicles.
5. No development shall commence, including demolition and/or groundworks, until Tree Protection Plans (TPPs) for all phases of development and the

related Arboricultural Method Statement (AMS) are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved TPPs and AMS. The details to be submitted shall include, but not be limited to:

- a) details of the specification, location and phasing of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas (RPAs) of trees shown to scale on the TPPs, including the installation of service routings;
  - b) an agreed scheme of supervision for the arboricultural protection measures; and
  - c) cross sections and details indicating the proposed finished ground levels, surface materials including sub-base, and depth of construction and method/materials used for edging, within the RPAs of retained trees.
6. No development shall commence, including demolition and/or groundworks, until a Construction Environment Management Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Plan. The Plan is to include, but not be limited to:
- a) a plan for the avoidance of the killing or injuring of any individual reptiles that may be identified during development;
  - b) confirmation that, should any common reptiles be discovered during construction which are likely to be affected by the development, works will cease immediately, subject to agreement to proceed being obtained from a suitably qualified and experienced ecologist;
  - c) description and evaluation of landscape features to be managed and created, including measures to compensate for loss of proposed tree and hedge removal;
  - d) confirmation that any external lighting shall comply with the **recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series"**;
  - e) confirmation that works shall proceed in line with the precautionary approach set out within the Recommendations section (table 4.2) of **the submitted "Bat Mitigation Strategy" of the "Preliminary Ecological Appraisal (v.2)" report**;
  - f) **prior to any works affecting the former headmaster's house building**, the continued absence of bats from this property shall be confirmed in writing by a suitably qualified ecologist;
  - g) confirmation that, should any bats be discovered during construction which are likely to be affected by the development, works will cease immediately, subject to agreement to proceed being obtained from a suitably qualified and experienced ecologist;

- h) numbers and locations of bat and bird boxes, including provision integral to the design of the new buildings;
  - i) preparation of a work schedule for securing biodiversity enhancements in perpetuity;
  - j) details of the body or organisation responsible for implementation of the CEMP; and
  - k) ongoing monitoring and remedial measures.
- 7. No development shall commence, including demolition and/or groundworks, until details of the design of a surface water drainage scheme based on sustainable drainage principles, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The details to be submitted shall include, but are not to be limited to:
  - a) ground investigations including confirmation of groundwater levels;
  - b) evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development (Pre, Post and during);
  - c) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk;
  - d) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational;
  - e) details of any services to be provided or repaired including drains and soakaways, on or to the site;
  - f) a fully labelled cross section drawing of the hard surfacing hereby approved and confirmation that the materials to be used in the construction of the hard surfacing shall be made of a porous/permeable material;
  - g) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected;
  - h) a timetable and construction method statement for its implementation (including phased implementation where applicable); and
  - i) a management and maintenance plan for the lifetime of the development, which shall include arrangements for adoption by any public body or statutory undertaker or management company and any other arrangements to secure the operation of the scheme throughout its lifetime.

8. No above ground development shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved sample details.
9. No above ground development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include, but not be limited to:
  - a) a statement setting out the design objectives and how these will be delivered;
  - b) earthworks showing existing and proposed finished levels or contours;
  - c) means of enclosure and retaining structures;
  - d) boundary treatments;
  - e) planting plans, including trees;
  - f) hard surfacing materials;
  - g) an implementation programme, including phasing of work where relevant; and
  - h) a scheme of management and/or maintenance for a period of at least 10 years from the implementation of the approved scheme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

10. Prior to the first occupation of the development, the vehicular access to Hill Road shall have been constructed and provided with 2.4m x 20m visibility splays in accordance with Drawing Ref 5021/004 Rev C, and thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6m.
11. Prior to the first occupation of the development, the new access road shall have been constructed with a maximum gradient of 1:20 for the first 23m from Hill Road and provided with an anti-skid surface. The remaining length of new access road shall be constructed with a maximum gradient of 1:9.8, in accordance with Drawing Ref 5295/008.
12. Prior to the first occupation of the development, the existing accesses from the site to Hill Road made redundant as a result of the development shall have been permanently closed and any kerbs, verge, footway, fully reinstated.
13. No dwelling shall be occupied until space has been laid out within the site in accordance with Drawing Ref 1531 004D for the car parking associated with that dwelling, and/or, where internal garaging is shown on the approved plans (Plots 1 to 5 and 12 to 21), that has also been provided and made available for use. The spaces and garages shall thereafter be kept available at all times for the parking of vehicles. No dwelling shall be occupied until space has been laid out in the site for vehicles to turn so that they may enter and leave the site in forward gear, with the exception of the driveways to Plots 1 to 5.

14. Prior to the first occupation of the development, facilities for the secure parking of bicycles within the development site shall have been provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The cycle parking spaces provided pursuant to this condition shall be retained thereafter for the intended purpose.
15. Prior to the first occupation of the development, a Sustainable Travel Information Pack shall be submitted for the written approval of the local planning authority. The approved Sustainable Travel Information Pack shall be issued to the first-time occupier of each dwelling, prior to first occupation. The pack shall include:
  - a) details of local public transport services and location of the rail station and local bus stops;
  - b) details of local lift sharing schemes; and
  - c) maps showing local walking and cycling routes and isochrone maps showing accessibility to public transport, schools and local community facilities Information to promote the take-up of sustainable travel.
16. No dwelling shall be occupied unless and until an electric vehicle (EV) fast charge point for that dwelling has been installed and is operational in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. Once provided, the EV charging points shall be retained thereafter.
17. Prior to the first occupation of the development, a signed verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the local planning authority to confirm that the surface water drainage system has been constructed in accordance with the approved details. The report shall include details and locations of critical drainage infrastructure, including the national grid reference and an operation and maintenance manual for the unadopted parts of the scheme as constructed.
18. Prior to the first occupation of the development, details shall be submitted to and be approved in writing by the local planning authority to confirm that the dwellings have been completed to meet the requirement of 110 litres of water per person per day.
19. Prior to the first occupation of the development, the highest available speed broadband infrastructure shall be installed to each dwelling and made available for use.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or other openings other than those expressly authorised by this permission shall be constructed in the west elevation of Plot 11 or east elevation of Plot 6 at first floor level or above without the written permission of the local planning authority.
21. Notwithstanding the provisions of Class B of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any

order revoking and re-enacting that Order with or without modification), no additions to the roof or any other alterations to the roof of any of the residential accommodation hereby permitted shall be erected without the written permission of the local planning authority.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) any hard surface situated on land between a wall forming the principal elevation of the dwellinghouse and the internal access road or Hill Road, shall be made of porous materials.

=====End of Schedule=====

ANNEX C(c): SCHEDULE OF PLANNING CONDITIONS  
APPEAL C - APP/R3650/W/19/3242532

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Drawings 220743 (x9) 01D, 01H, 01J, 02F, 004A, 004B, 004D, 07D, 08D, 671A, 672C, 673B, 674B, 675B, 891A, 892B, 893B, 894B, 895B, 10111A, 10111C, 10112B, 10113C, 10114B, 10115B, 12151C, 12152B, 12153C, 12154B, 12155B, 12156B, 16171C, 16172C, 16173B, 16174C, 18211A, 18212A, 18213C, 18214B, 18215C, 18216C, 22251A, 22252A, 22253A, 22254B, 22255A, 5295/008, 925-07-20, 925-07-21.
3. No development shall commence, including demolition and/or groundworks, until a new access road has been constructed with a maximum gradient of 1:20 for the first 23m from Hill Road, to a standard suitable for construction vehicles, and with 2.4m x 20m visibility splays in accordance with Drawing Ref 5021/004 Rev C, and thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6m.
4. No development shall commence, including demolition and/or groundworks, until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Plan. The Plan is to include, but not be limited to, the following details:
  - a) parking for vehicles of site personnel, operatives and visitors within the site;
  - b) provision for loading and unloading of plant and materials within the site;
  - c) storage of plant and materials within the site;
  - d) programme of works (including measures for traffic management);
  - e) provision of boundary hoarding behind any visibility splays;
  - f) HGV deliveries and hours of operation;
  - g) the erection and maintenance of signage at all vehicular exits from the construction site advising drivers of preferred approach and exit routes to the site;
  - h) measures to prevent the deposit of materials on the highway;
  - i) no HGV movements to or from the site shall take place between the hours of 8am and 9am or after 3pm; and
  - j) on-site turning for construction vehicles.
5. No development shall commence, including demolition and/or groundworks, until Tree Protection Plans (TPPs) for all phases of development and the related Arboricultural Method Statement (AMS) are submitted to and approved in writing by the local planning authority. Development shall be



carried out in accordance with the approved TPPs and AMS. The details to be submitted shall include, but not be limited to:

- a) details of the specification, location and phasing of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas (RPAs) of trees shown to scale on the TPPs, including the installation of service routings;
  - b) an agreed scheme of supervision for the arboricultural protection measures; and
  - c) cross sections and details indicating the proposed finished ground levels, surface materials including sub-base, and depth of construction and method/materials used for edging, within the RPAs of retained trees.
6. No development shall commence, including demolition and/or groundworks, until a Construction Environment Management Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Plan. The Plan is to include, but not be limited to:
- a) a plan for the avoidance of the killing or injuring of any individual reptiles that may be identified during development;
  - b) confirmation that, should any common reptiles be discovered during construction which are likely to be affected by the development, works will cease immediately, subject to agreement to proceed being obtained from a suitably qualified and experienced ecologist;
  - c) description and evaluation of landscape features to be managed and created, including measures to compensate for loss of proposed tree and hedge removal;
  - d) confirmation that any external lighting shall comply with the **recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series"**;
  - e) confirmation that works shall proceed in line with the precautionary approach set out within the Recommendations section (table 4.2) of **the submitted "Bat Mitigation Strategy" of the "Preliminary Ecological Appraisal (v.2)" report**;
  - f) **prior to any works affecting the former headmaster's house building**, the continued absence of bats from this property shall be confirmed in writing by a suitably qualified ecologist;
  - g) confirmation that, should any bats be discovered during construction which are likely to be affected by the development, works will cease immediately, subject to agreement to proceed being obtained from a suitably qualified and experienced ecologist;
  - h) numbers and locations of bat and bird boxes, including provision integral to the design of the new buildings;

- i) preparation of a work schedule for securing biodiversity enhancements in perpetuity;
  - j) details of the body or organisation responsible for implementation of the CEMP; and
  - k) ongoing monitoring and remedial measures.
- 7. No development shall commence, including demolition and/or groundworks, until details of the design of a surface water drainage scheme based on sustainable drainage principles, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The details to be submitted shall include, but are not to be limited to:
  - a) ground investigations including confirmation of groundwater levels;
  - b) evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development (Pre, Post and during);
  - c) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk;
  - d) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational;
  - e) details of any services to be provided or repaired including drains and soakaways, on or to the site;
  - f) a fully labelled cross section drawing of the hard surfacing hereby approved and confirmation that the materials to be used in the construction of the hard surfacing shall be made of a porous/permeable material;
  - g) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected;
  - h) a timetable and construction method statement for its implementation (including phased implementation where applicable); and
  - i) a management and maintenance plan for the lifetime of the development, which shall include arrangements for adoption by any public body or statutory undertaker or management company and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 8. No above ground development shall take place until samples of all external facing materials have been submitted to and approved in writing by the local

planning authority. Development shall be carried out in accordance with the approved sample details.

9. No above ground development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include, but not be limited to:
  - a) a statement setting out the design objectives and how these will be delivered;
  - b) earthworks showing existing and proposed finished levels or contours;
  - c) means of enclosure and retaining structures;
  - d) boundary treatments;
  - e) planting plans, including trees;
  - f) hard surfacing materials;
  - g) an implementation programme, including phasing of work where relevant; and
  - h) a scheme of management and/or maintenance for a period of at least 10 years from the implementation of the approved scheme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

10. Prior to the first occupation of the development, the vehicular access to Hill Road shall have been constructed and provided with 2.4m x 20m visibility splays in accordance with Drawing Ref 5021/004 Rev C, and thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6m.
11. Prior to the first occupation of the development, the new access road shall have been constructed with a maximum gradient of 1:20 for the first 23m from Hill Road and provided with an anti-skid surface. The remaining length of new access road shall be constructed with a maximum gradient of 1:9.8, in accordance with Drawing Ref 5295/008.
12. Prior to the first occupation of the development, the existing accesses from the site to Hill Road made redundant as a result of the development shall have been permanently closed and any kerbs, verge, footway, fully reinstated.
13. No dwelling shall be occupied until space has been laid out within the site in accordance with Drawing Ref 1531 004D for the car parking associated with that dwelling, and/or, where internal garaging is shown on the approved plans (Plots 12 to 21), that has also been provided and made available for use. The spaces and garages shall thereafter be kept available at all times for the parking of vehicles. No dwelling shall be occupied until space has been laid out in the site for vehicles to turn so that they may enter and leave the site in forward gear.
14. Prior to the first occupation of the development, facilities for the secure parking of bicycles within the development site shall have been provided in accordance with a scheme to be submitted to and approved in writing by the

local planning authority. The cycle parking spaces provided pursuant to this condition shall be retained thereafter for the intended purpose.

15. Prior to the first occupation of the development, a Sustainable Travel Information Pack shall be submitted for the written approval of the local planning authority. The approved Sustainable Travel Information Pack shall be issued to the first-time occupier of each dwelling, prior to first occupation. The pack shall include:
  - a) details of local public transport services and location of the rail station and local bus stops;
  - b) details of local lift sharing schemes; and
  - c) maps showing local walking and cycling routes and isochrone maps showing accessibility to public transport, schools and local community facilities Information to promote the take-up of sustainable travel.
16. No dwelling shall be occupied unless and until an electric vehicle (EV) fast charge point for that dwelling has been installed and is operational in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. Once provided, the EV charging points shall be retained thereafter.
17. Prior to the first occupation of the development, a signed verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the local planning authority to confirm that the surface water drainage system has been constructed in accordance with the approved details. The report shall include details and locations of critical drainage infrastructure, including the national grid reference and an operation and maintenance manual for the unadopted parts of the scheme as constructed.
18. Prior to the first occupation of the development, details shall be submitted to and be approved in writing by the local planning authority to confirm that the dwellings have been completed to meet the requirement of 110 litres of water per person per day.
19. Prior to the first occupation of the development, the highest available speed broadband infrastructure shall be installed to each dwelling and made available for use.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or other openings other than those expressly authorised by this permission shall be constructed in the west elevation of Plot 11 or east elevation of Plot 6 at first floor level or above without the written permission of the local planning authority.
21. Notwithstanding the provisions of Class B of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additions to the roof or any other alterations to the roof of any of the

residential accommodation hereby permitted shall be erected without the written permission of the local planning authority.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) any hard surface situated on land between a wall forming the principal elevation of the dwellinghouse and the internal access road or Hill Road, shall be made of porous materials.

=====End of Schedule=====

ANNEX C(d): SCHEDULE OF PLANNING CONDITIONS  
APPEAL D - APP/R3650/W/19/3242615

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01G, 004A, 004A (Colour), 056, 010203041, 09D, 121E, 01021A, 01022A, 01023A, 01024, 03041A, 03042A, 03043A, 03044A, 341B, 5295/008, PP102, 925-07- 30, 925-07-31.
3. No development shall commence, including groundworks, until a new access road has been constructed with a maximum gradient of 1:20 for the first 23m from Hill Road, to a standard suitable for construction vehicles, and with 2.4m x 20m visibility splays in accordance with Drawing Ref 5021/004 Rev C, and thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6m.
4. No development shall commence, including demolition and/or groundworks, until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Plan. The Plan is to include, but not be limited to, the following details:
  - a) parking for vehicles of site personnel, operatives and visitors within the site;
  - b) provision for loading and unloading of plant and materials within the site;
  - c) storage of plant and materials within the site;
  - d) programme of works (including measures for traffic management);
  - e) provision of boundary hoarding behind any visibility splays;
  - f) HGV deliveries and hours of operation;
  - g) the erection and maintenance of signage at all vehicular exits from the construction site advising drivers of preferred approach and exit routes to the site;
  - h) measures to prevent the deposit of materials on the highway;
  - i) no HGV movements to or from the site shall take place between the hours of 8am and 9am or after 3pm; and
  - j) on-site turning for construction vehicles.

5. No development shall commence, including demolition and/or groundworks, until Tree Protection Plans (TPPs) for all phases of development and the related Arboricultural Method Statement (AMS) are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved TPPs and AMS. The details to be submitted shall include, but not be limited to:
  - a) details of the specification, location and phasing of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas (RPAs) of trees shown to scale on the TPPs, including the installation of service routings;
  - b) an agreed scheme of supervision for the arboricultural protection measures; and
  - c) cross sections and details indicating the proposed finished ground levels, surface materials including sub-base, and depth of construction and method/materials used for edging, within the RPAs of retained trees.
6. No development shall commence, including demolition and/or groundworks, until a Construction Environment Management Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Plan. The Plan is to include, but not be limited to:
  - a) a plan for the avoidance of the killing or injuring of any individual reptiles that may be identified during development;
  - b) confirmation that, should any common reptiles be discovered during construction which are likely to be affected by the development, works will cease immediately, subject to agreement to proceed being obtained from a suitably qualified and experienced ecologist;
  - c) description and evaluation of landscape features to be managed and created, including measures to compensate for loss of proposed tree and hedge removal;
  - d) confirmation that any external lighting shall comply with the **recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series"**;
  - e) confirmation that works shall proceed in line with the precautionary approach set out within the Recommendations section (table 4.2) of **the submitted "Bat Mitigation Strategy" of the "Preliminary Ecological Appraisal (v.2)" report**;
  - f) **prior to any works affecting the former headmaster's house building, it shall be confirmed in writing from a suitably qualified ecologist the continued absence of bats from this property;**
  - g) confirmation that, should any bats be discovered during construction which are likely to be affected by the development, works will cease

immediately, subject to agreement to proceed being obtained from a suitably qualified and experienced ecologist;

- h) numbers and locations of bat and bird boxes, including provision integral to the design of the new buildings;
  - i) preparation of a work schedule for securing biodiversity enhancements in perpetuity;
  - j) details of the body or organisation responsible for implementation of the CEMP; and
  - k) ongoing monitoring and remedial measures.
7. No above ground development shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved sample details.
8. No above ground development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include, but not be limited to:
- a) a statement setting out the design objectives and how these will be delivered;
  - b) earthworks showing existing and proposed finished levels or contours;
  - c) means of enclosure and retaining structures;
  - d) boundary treatments;
  - e) planting plans, including trees;
  - f) hard surfacing materials;
  - g) an implementation programme, including phasing of work where relevant; and
  - h) a scheme of management and/or maintenance for a period of at least 10 years from the implementation of the approved scheme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

9. Prior to the first occupation of the development, the vehicular access to Hill Road shall have been constructed and provided with 2.4m x 20m visibility splays in accordance with Drawing Ref 5021/004 Rev C, and thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6m.
10. Prior to the first occupation of the development, the new access road shall have been constructed with a maximum gradient of 1:20 for the first 23m from Hill Road and provided with an anti-skid surface. The remaining length of new access road shall be constructed with a maximum gradient of 1:9.8, in accordance with Drawing Ref 5295/008.
11. Prior to the first occupation of the development, the existing accesses from the site to Hill Road made redundant as a result of the development shall



have been permanently closed and any kerbs, verge, footway, fully reinstated.

12. Prior to the first occupation of the development, facilities for the secure parking of bicycles within the development site shall have been provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The cycle parking spaces provided pursuant to this condition shall be retained thereafter for the intended purpose.
13. Prior to the first occupation of the development, a Sustainable Travel Information Pack shall be submitted for the written approval of the local planning authority. The approved Sustainable Travel Information Pack shall be issued to the first-time occupier of each dwelling, prior to first occupation. The pack shall include:
  - a) details of local public transport services and location of the rail station and local bus stops;
  - b) details of local lift sharing schemes; and
  - c) maps showing local walking and cycling routes and isochrone maps showing accessibility to public transport, schools and local community facilities Information to promote the take-up of sustainable travel.
14. No dwelling shall be occupied unless and until an electric vehicle (EV) fast charge point for that dwelling has been installed and is operational in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. Once provided, the EV charging points shall be retained thereafter.
15. Prior to the first occupation of the development, details shall be submitted to and be approved in writing by the local planning authority to confirm that the dwellings have been completed to meet the requirement of 110 litres of water per person per day.
16. Prior to the first occupation of the development, the highest available speed broadband infrastructure shall be installed to each dwelling and made available for use.
17. Notwithstanding the provisions of Class B of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additions to the roof or any other alterations to the roof of any of the residential accommodation hereby permitted shall be erected without the written permission of the local planning authority.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) any hard surface situated on land between a wall forming the principal elevation of the dwellinghouse and the internal access road or Hill Road, shall be made of porous materials.

=====End of Schedule=====

ANNEX C(e): SCHEDULE OF PLANNING CONDITIONS  
APPEAL E REF APP/R3650/H/20/3247524

- 1) The advertisements permitted by this consent shall be removed from the site no later than three years from the date of this decision or by the time the first of any of planning permissions Refs WA/2018/1771, WA/2019/1026, WA/2019/1135 or WA/2020/0029 are occupied, whichever is the sooner.
- 2) The advertisements hereby permitted shall be carried out in accordance with the following approved plans: Gate 1 at Scale 1:20, Gate 2 at Scale 1:20, Gate 3 at Scale 1:20 Location Plan at Scale 1:1000.
- 3) Any advertisement displayed shall be non-illuminated.

=====End of Schedule=====

## SCHEDULE A: Applications with Recommendation

20/0575

Item No: 09

Date of Committee: 25/02/2022

**Appn Ref No:**  
20/0575

**Applicant:**  
Mr Oliver Lee

**Parish:**  
Carlisle

**Agent:**  
Mr George Stephen

**Ward:**  
Newtown & Morton North

**Location:** 214 Newtown Road, Carlisle, CA2 7NJ

**Proposal:** Change Of Use Of Land To Garden And Erection Of Detached Gym And Sauna Building

**Date of Receipt:**  
12/01/2021

**Statutory Expiry Date**  
09/03/2021

**26 Week Determination**  
29/10/2021

---

### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the visual character of the area
- 2.3 Whether the scale and design of the detached building is appropriate
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Highway and parking provision
- 2.6 Method for the disposal of surface water
- 2.7 Impact of the proposal on biodiversity
- 2.8 Other matters

#### 3. Application Details

##### The Site

- 3.1 Number 214 Newtown Road is a two storey semi-detached dwelling, set within a substantial domestic curtilage, located on the northern side of Newtown Road.

## **Background**

- 3.2 The original proposal sought permission for the erection of a detached caravan garage; however, the applicant has subsequently revised the scheme.

## **The Proposal**

- 3.3 The application before Members now seeks planning permission for the change of use of land to garden and the erection of detached gym and sauna building.
- 3.4 The submitted drawings illustrate that the building would be 15 metres long by 7 metres wide with a height of ridge height of 3.6 metres and an eaves height of 2.4 metres. The proposed building would be finished in brick and render with a grey concrete tiled roof.
- 3.5 The proposal also includes the change of land to the rear of the property into domestic curtilage which equates to approximately 52 square metres.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of five neighbouring properties. In response, five representations (including two from the same third party) of objection has been received to the original scheme for the change of use of land to garden and erection of detached garage.
- 4.2 The representations identify the following issues:
1. questions the requirement for such a large storage building;
  2. scale and height of proposed building is excessive for its proposed use;
  3. future other uses could lead to noise and disturbance if not properly controlled by conditions;
  4. potential loss of sun light;
  5. visual impact;
  6. land subject of covenant;
  7. loss of trees and hedges;
  8. potential impact on biodiversity;
  9. potential increase in traffic movements;
  10. no provision for surface water disposal.
- 4.3 Revised drawings were received which now seeks planning permission for the change of use of land to garden and erection of detached gym and sauna building. Third parties were re-consulted on the 15th July 2021 with three representations of objection received on the revised proposal.
- 4.4 The representations identify the following issues:

1. size of the development is excessive for its intended use at a domestic property in a residential area;
2. over shadowing and over dominance of neighbouring properties;
3. potential for noise and disturbance;
4. questions future potential use of the building;
5. tarmac and hardstanding within the rear former garden area with no provision for surface water drainage;
6. impact of biodiversity;
7. land subject of a covenant;
8. questions land ownership.

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

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

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

### **Assessment**

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

6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (PPG) and Policies SP6, HO8, CC5, CM5 and GI3 of the Carlisle District Local Plan 2015-2030 are also relevant. The Council's Supplementary Planning Document 'Achieving Well Designed Housing' is also material planning consideration.

6.3 The proposal raises the following planning issues:

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

6.4 The application seeks full planning permission for the change of use of use of land to garden and the erection of detached gym and sauna building at 214 Newtown Road, Carlisle. The property is a semi-detached property with a substantial rear domestic curtilage.

6.5 Policy HO8 allows the adaptation of dwellings to cater for changes in lifestyles with most extensions to the main dwelling being visually subservient. As such, the principle of additional ancillary residential accommodation is acceptable. Nevertheless, given the proposed detached outbuildings relationship with the main dwelling conditions are recommended which would ensure that the outbuilding is used as ancillary domestic accommodation for the occupiers of 214 Newtown Road.

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

- 6.6 As highlighted earlier in the report, the application seeks the change of use of land to garden and the erection of a detached gym and sauna building at 214 Newtown Road, Carlisle. The additional land to be incorporated into the existing domestic curtilage, equating to approximately 52 square metres, is a strip of undeveloped land which separates the rear curtilages of properties located on the northern side of Newtown Road with Burgh Road Industrial Estate. Given the relationship and scale of the extended domestic garden together with the proposed boundary treatment it would not result in a significant discordant feature to the detriment of the character or appearance of the area.
- 6.7 In respect of the proposed detached gym and sauna building, the building would be visible from neighbouring properties, however; it would mirror the scale of the adjacent detached annexe and be partially obscured from the majority of public viewpoints by the boundary fence. In such a context, the character and appearance of the area would not be adversely affected by the proposed detached building.

### **3. Whether The Scale And Design Of The Detached Building Is Appropriate**

- 6.8 Policies require that development is appropriate, in terms of quality, to that of the surrounding area. Proposals should, therefore, incorporate high standards of design including care in relation to siting, scale, use of materials and landscaping that respects and, where possible, enhances the distinctive character of townscape and landscape. This is reflected 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 making use of appropriate materials and detailing. In addition to the planning policies, the council's Supplementary Planning Document 'Achieving Well Designed Housing' advises that ordinarily extensions should not dominate the original dwelling.
- 6.9 The submitted drawings illustrate the erection of a detached single storey building to provide a gym and sauna. The proposed building would be located to the rear of the domestic curtilage of 214 Newtown Road and mirror the scale of the adjacent detached annexe. In such a context, the proposed detached building would not be obtrusive or detract from the character or appearance of the area and be commensurate with the size of the domestic curtilage. Furthermore, the accommodation within the building is appropriately subservient to the main property and due to its physical siting, shared amenity space and lack of separate access would limit its ability to be subdivided or used independently of the main dwelling. Third parties have raised concerns in respect of the potential future use of the building, however; as highlighted earlier, conditions are recommended preventing any future subdivision and that it is used for domestic purposes only. In light of the foregoing assessment, the proposal is considered to be acceptable and does not raise any planning issues.

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

- 6.10 Policies within the local plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. Criterion of Policy SP6 seeking to ensure that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's SPD 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should normally be achieved.
- 6.11 Given the orientation of the proposed detached building in relation to neighbouring residential properties together with the existing boundary treatment, the proposal would not have a detrimental impact on the living conditions of adjoining occupiers on the basis of loss of light, overlooking or over dominance. Furthermore, the imposition of the recommended conditions would restrict the use of the detached building as ancillary accommodation for the occupiers of 214 Newtown Road and prohibit its subdivision, thereby, ensuring that the proposal does not result in an unacceptable intensification of use. Third parties have also raised concerns in respect of potential noise issues emanating from the use of the building. The proposed building is for domestic use only, therefore, should a statutory noise nuisance arise in the future this would be subject of Environmental Health Legislation.

## **5. Highway And Parking Provision**

- 6.12 Planning policies seeks to ensure that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway and that adequate in-curtilage parking provision can be achieved. The erection of the detached building would not result in a significant increase in traffic with sufficient in-curtilage parking provision available within the domestic curtilage of the property.

## **6. Method For The Disposal Of Surface Water**

- 6.13 Third parties have raised concerns in respect of the potential for surface water flooding from the application site due to the extent of the hard surfacing of the rear domestic curtilage of the property. The concerns of third parties are respected, however; these works do not require planning permission. In respect of surface water arising from the proposed detached outbuilding, details have been received illustrating the formation of a soakaway. Cumbria County Council, as Lead Local Flood Authority, has been consulted and raise no objections. Furthermore, surface water from the proposed building would be subject to Building Control Legislation.

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

- 6.14 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their

habitat; however, an informative has been included within the decision notice that if a protected species is found all work must cease immediately and the local planning authority informed. .

## **8. Other Matters**

- 6.15 Third parties have questioned the land ownership of the proposed land to be incorporated into the domestic curtilage of 214 Newtown Road. Article 14 of the Town and Country Planning (Development Management Procedure)(England) Order 2015 requires an ownership certificate to be completed stating the current ownership of the land to which a planning application relates. In this instance, as the applicant did not know the owner of the land, therefore, Certificate D has been completed together with the necessary publicity undertaken for the proposed application in the local press.
- 6.16 A further issue raised was the potential covenant on the land to prevent building on the land. This is a civil matter and falls out with the planning system.

## **Conclusion**

- 6.17 In overall terms, the principle of the development is acceptable and a suitable condition can be imposed restricting the use of the detached building for domestic purposes only. The scale and design of the proposed building and additional land is acceptable and would not have an adverse impact upon the living conditions of the occupiers of neighbouring properties, highway safety or biodiversity.
- 6.18 In all aspects the proposal is considered to be compliant with the objectives of the National Planning Policy Framework, the Planning Practice Guidance and the relevant policies of the Carlisle District Local Plan 2015-2030 and supplementary planning document. Accordingly, the application is recommended for approval.

## **7. Planning History**

- 7.1 In 2020, an application for the erection of detached garage for storage of caravan/mobile home was withdrawn (application reference 19/0916).

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

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

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



2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the submitted planning application form received 11th October 2021;
  2. the view received 13th July 2021 (Drawing No. A000 B)
  3. the location plan received 13th July 2021 (Drawing No. A003 B);
  4. the ground floor plan received 13th July 2021 (Drawing No. A101 B);
  5. the roof plan the view received 13th July 2021 (Drawing No. A102 A);
  6. the elevations as proposed the view received 13th July 2021 (Drawing No. A103 A);
  7. the views received 13th July 2021 (Drawing No. A104 A);
  8. the ground floor details as proposed received 13th July 2021 (Drawing No. A105);
  9. the south section received 13th July 2021 (Drawing No. A106);
  10. the east detail the view received 13th July 2021 (Drawing No. A107);
  11. the north detail the view received 13th July 2021 (Drawing No. A108);
  12. the west detail the view received 13th July 2021 (Drawing No. A109);
  13. the surface water drainage received 9th August 2021 (Drawing No. A110);
  14. the external views the view received 13th July 2021 (Drawing No. A111 A);
  15. the Notice of Decision;
  16. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. The detached gym and sauna building hereby approved shall be used in conjunction with 214 Newtown Road Carlisle, and at no time shall any part be sub-divided and used independently of the remainder of the property.

**Reason:** The local planning authority are not prepared to permit the separation, sub-division or the formation of a separate unit of accommodation on this site in accordance with Policy HO8 of the Carlisle District Local Plan 2015-2030.

4. The proposed development shall be used solely for private, domestic purposes by the occupier and his immediate family whilst resident at the premises and no trade or business shall be carried out therein or therefrom.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with the objectives of Policy SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

---

© This is the copyright of G.R. Stephen  
2019. It is not to be reproduced, stored,  
transmitted, copied, or otherwise used  
without written permission. DO NOT SCALE  
from this drawing. It is to be used for reference  
purposes. THIS DRAWING IS ON A3 PAPER.

If you have received this drawing electronically it may not  
be the correct scale when printed.

G.R. Stephen's plans drawings are from  
the information given by us from a simple tape survey or  
from information provided to us by the client and will not be  
responsible for any errors or omissions in the information  
provided. In most cases, the plans will contain enough  
detail to be sufficient for planning application purposes only  
and should not be used as a basis for construction.

G.R. Stephen cannot accept any liability for any  
loss or damage arising from the use of the plans. The plans are  
used for anything other than planning purposes.

Notes

Revision	No.	Description	Date
A	1	Amended further to planning comments, site and main technical, and other details to match the information in the to match the information in the to match the information in the to match	03 Oct 2020
B	1	Amended further to planning comments, site and main technical, and other details to match the information in the to match the information in the to match	03 Oct 2020

Issue 03/06/2021 12:07:21

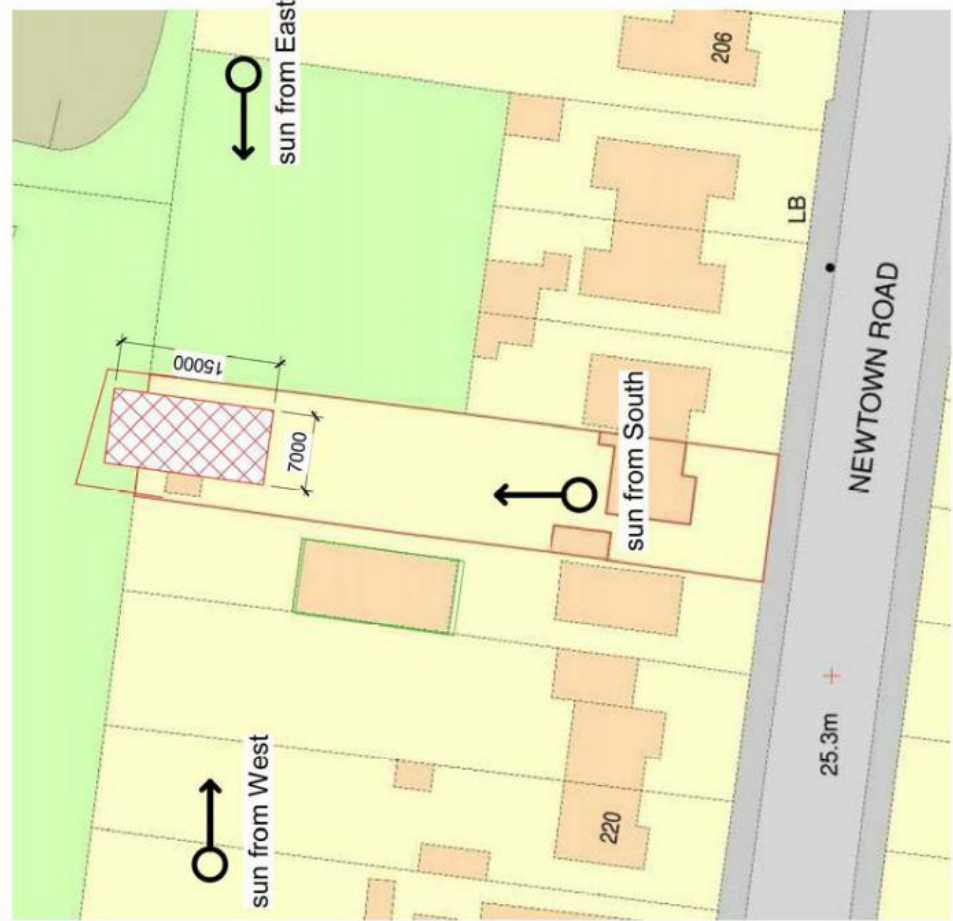
**G.R. Stephen**  
Architectural and Construction Services  
Crooked Holme Barn  
Brampton, Cumbria, CA82AT  
07799586327  
email: george@grstephen.co.uk  
George Stephen  
07799586327

Job 2018/32 Scale@ A3As indicated  
Date: 10 AUG 2018 Revision: B

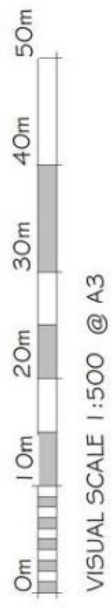
Drawing Title  
Location Plan

Client Mr Oliver Lee  
Project 214 Newtown Road,  
Carlisle,  
CA2 7NJ

Drawn By George  
Version sketch  
Drawing no: A003 B



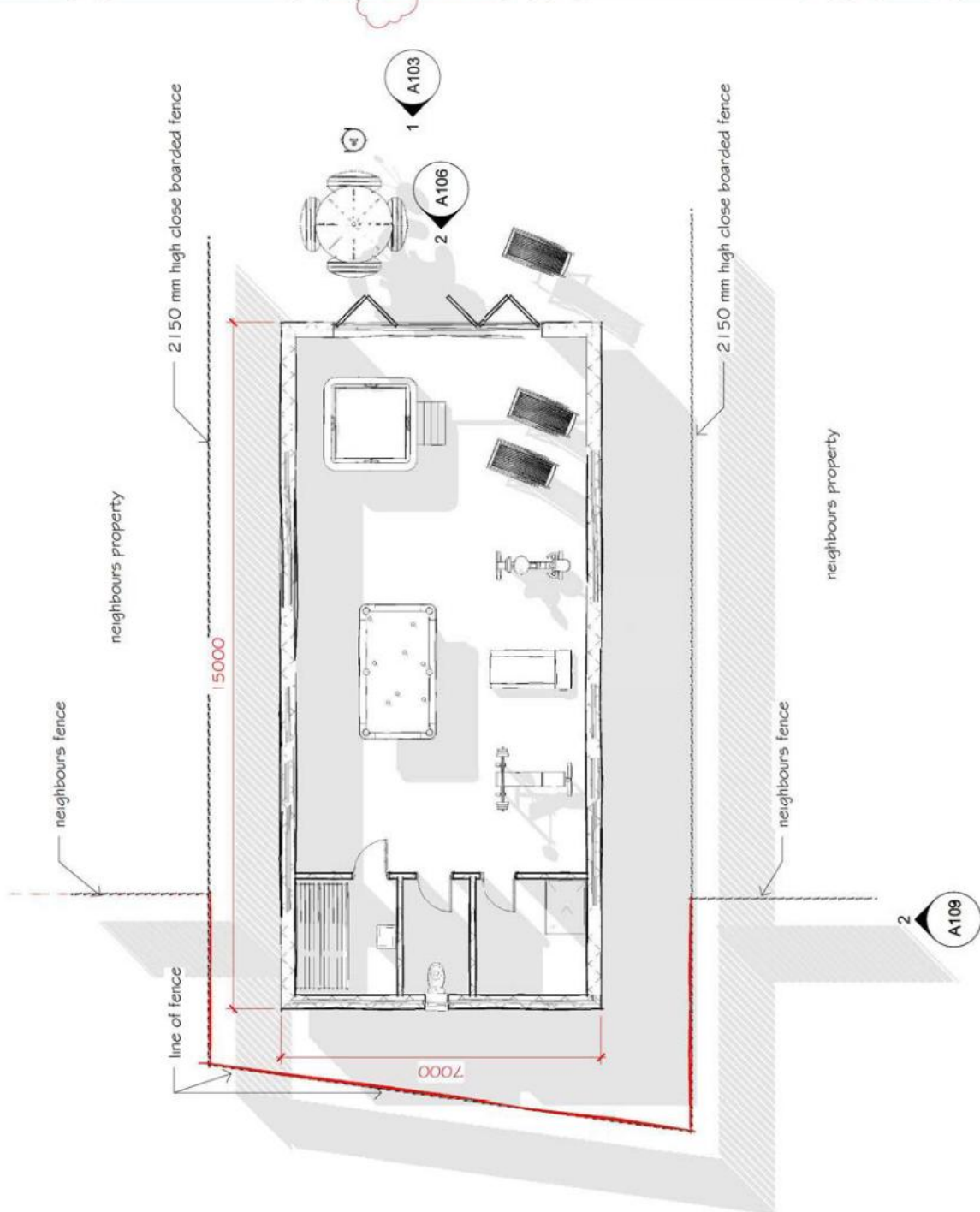
Site  
1 : 500



Location  
1 : 1250



Google plan not to scale



Notes

Revision	No.	Description	Date
1	1	Issued for planning	03 Oct 2020
2	2	Revised for planning	03 Oct 2020
3	3	Revised for planning	03 Oct 2020
4	4	Revised for planning	03 Oct 2020
5	5	Revised for planning	03 Oct 2020
6	6	Revised for planning	03 Oct 2020
7	7	Revised for planning	03 Oct 2020
8	8	Revised for planning	03 Oct 2020
9	9	Revised for planning	03 Oct 2020
10	10	Revised for planning	03 Oct 2020
11	11	Revised for planning	03 Oct 2020
12	12	Revised for planning	03 Oct 2020
13	13	Revised for planning	03 Oct 2020
14	14	Revised for planning	03 Oct 2020
15	15	Revised for planning	03 Oct 2020
16	16	Revised for planning	03 Oct 2020
17	17	Revised for planning	03 Oct 2020
18	18	Revised for planning	03 Oct 2020
19	19	Revised for planning	03 Oct 2020
20	20	Revised for planning	03 Oct 2020

Issue 03/06/2021 12:06:58

G.R.Stephen

Architectural and Construction Services  
Crooked Holme Barn  
Brampton, Cumbria, CA82AT  
07799586327  
email: george@grstephen.co.uk

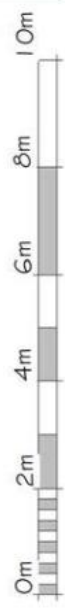
George Stephen  
07799586327

Job 2018/32 Scale@ A3 : 100  
Date : 10 AUG 2018 Revision : B

Drawing Title  
Ground Floor Plan

Client Mr Oliver Lee  
Project 214 Newtown Road,  
Carlisle,  
CA2 7NJ

VISUAL SCALE 1:100 @ A3



This is the copyright of G.R. Stephen  
2018. It is not to be reproduced, stored  
in a retrieval system, or transmitted, in any form or by any means,  
electronic, mechanical, photocopying, recording, or by any information  
storage and retrieval system, without permission in writing from the  
copyright owner. This drawing is for planning purposes only and should  
not be used for any other purpose. If you have received this drawing  
electronically it may not be the correct scale when printed.  
G.R. Stephen plans drawings either from  
the information provided by us from a simple tape survey or  
from information provided to us by the client and will not be  
responsible for any errors or omissions in the information provided.  
In most cases, the drawings will contain enough  
detail to be sufficient for planning application purposes only  
and should not be used as a basis for construction.  
G.R. Stephen cannot accept any liability for any  
loss or damage, including consequential loss, arising from the use  
of any drawings other than planning purposes.



This is the copyright of G. R. Stephen  
2019. It is not to be reproduced, stored,  
transmitted without written permission. DO NOT SCALE  
from this drawing. It is not to be used for measurement  
purposes. THIS DRAWING IS ON A3 PAPER.

If you have received this drawing electronically it may not  
be to the correct scale when printed.

G. R. Stephen prepare drawings either from  
the information given by us from a simple tape survey or  
from information provided to us by the client and will not be  
responsible for any errors or omissions in the information  
provided. In most cases, the drawings will contain enough  
detail to be sufficient for planning application purposes only  
and should not be used as a basis for construction.

G. R. Stephen cannot accept any liability for any  
loss or damage caused by the use of the drawings for  
any purpose other than planning purposes.

Notes

Revision	No.	Description	Date
A	1	Amendments in line to match positions and altered internal to room 10m	03 Oct 2021

Issue 03/06/2021 | 12:06:45

G.R.Stephen

Architectural and Construction Services  
Crooked Holme Barn  
Brampton, Cumbria, CA82AT  
07799586327  
email: george@grstephen.co.uk

George Stephen  
07799586327

Job 2018/132 Scale@ A3 | : 100  
Date : 10 AUG 2018 Revision : A

Drawing Title  
Roof Plan

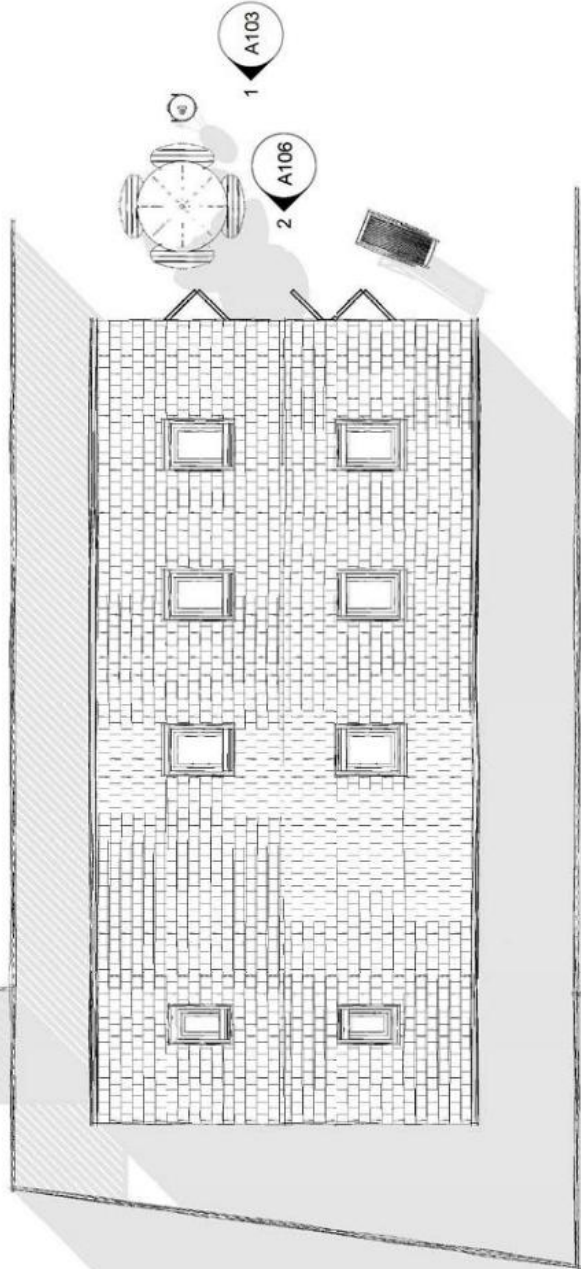
Client Mr Oliver Lee  
Project  
214 Newtown Road,  
Carlisle,  
CA2 7NJ

Drawn By George  
Version sketch  
Drawing no. A102 A



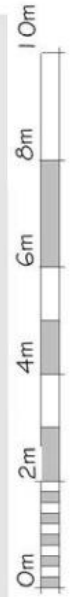
A102  
2

neighbours property

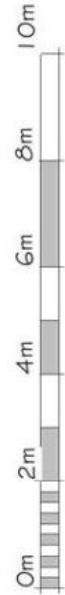


neighbours property

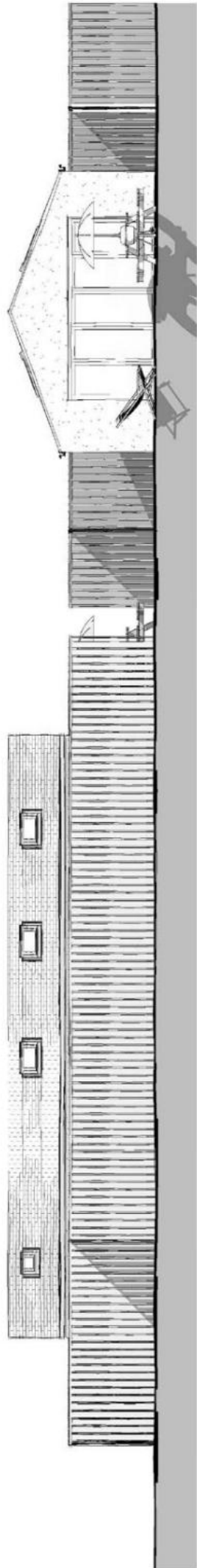
Roof Plan  
1 : 100



VISUAL SCALE 1 : 100 @ A3

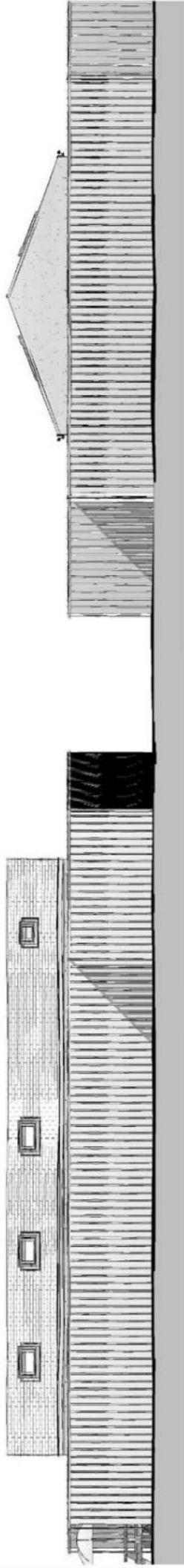


VISUAL SCALE 1:100 @ A3



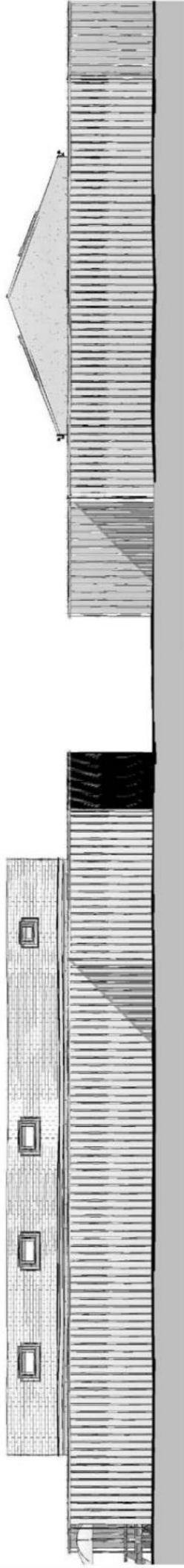
West  
1 : 100

Roof to be Marley modern roof tiles.  
Walls to be block and render,  
oor to be Gbi fold garden type graphite grey



East  
1 : 100

South  
1 : 100



North  
1 : 100

© This is the copyright of G.R. Stephen 2020. It is not to be used, copied in any way or transmitted without written confirmation. DO NOT SCALE from this drawing. It is to be used for measurement purposes. THE DRAWING IS ON A3 PAPER.

If you have received this drawing electronically it may not be to the correct scale when printed.

G.R. Stephen prepares drawings either from information provided to us by the client and will not be held responsible for the accuracy of the information provided. In most cases, the drawings will contain enough detail to be sufficient for planning application purposes only and should not be used as a basis for construction.

G.R. Stephen cannot accept any liability for any subsequent issues with the property if the drawings are used for anything other than planning purposes.

Notes

Revision	Description	Date
1	Agreement in text to match neighbours 06 Oct 2021	
A	See attached drawings to form type	

Drawing Title Elevations as proposed

Job 2018/32 Date 10 AUG 2018 Scale@ A1 : 100 Revision : A

Issue 03/06/2021 12:06:28

Client Mr Oliver Lee

Project 214 Newtown Road, Carlisle, CA2 7NJ

Drawn By George

Version sketch

Drawing no A103

G.R.Stephen

Architectural and Construction Services

Crooked Holme Barn

Brampton, Cumbria, CA82AT

07799566327

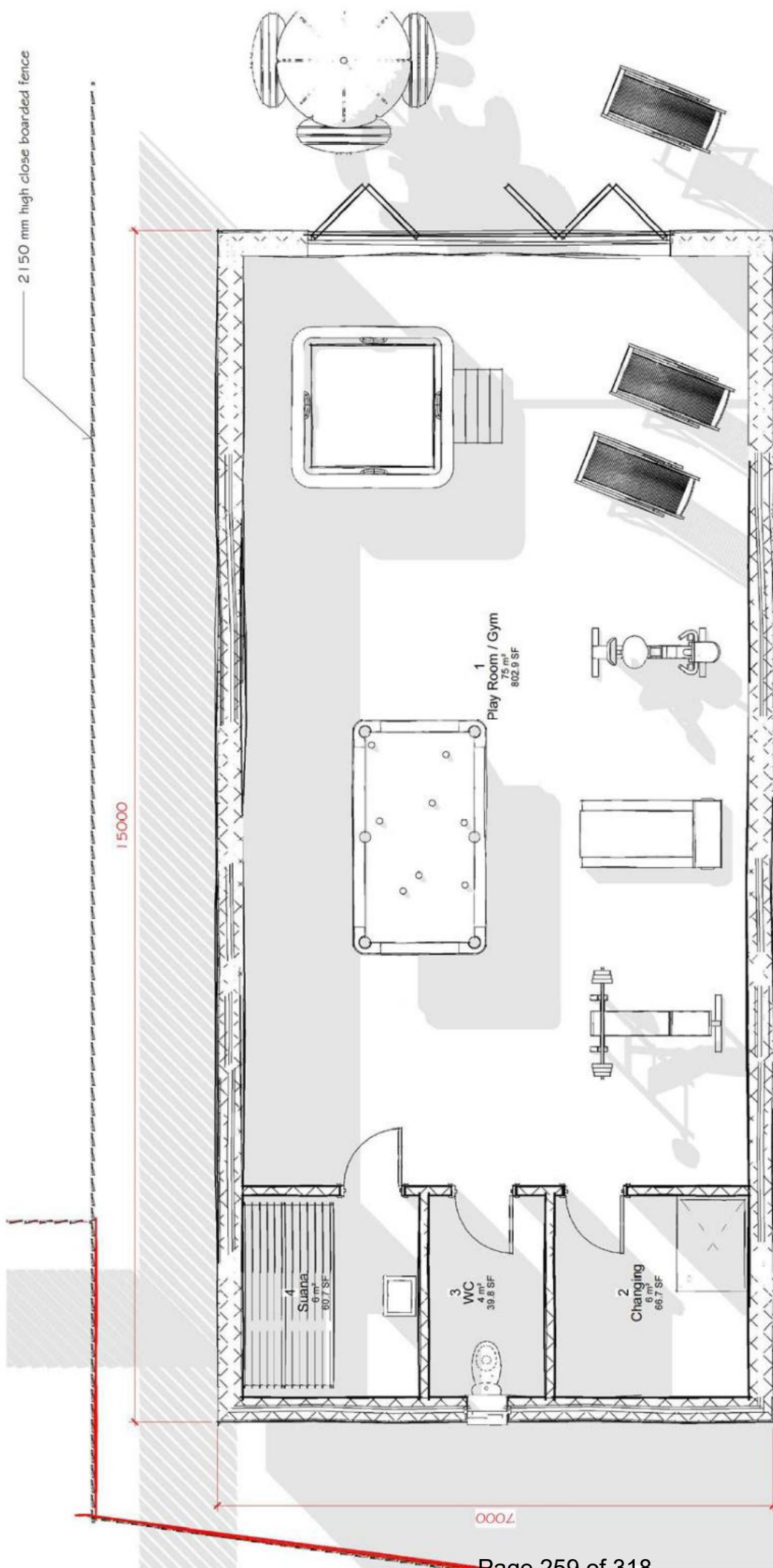
email george@grstephen.co.uk

George Stephen

07799566327







Ground Floor Detail  
1 : 50

© This is the copyright of G. S. Stephen and the drawings are the property of G. S. Stephen. No part may be reproduced without the written permission of G. S. Stephen. This drawing is for the use of the client only and is not to be used for any other purpose. It is not to be used for any other purpose. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THIS DRAWING IS ON A3 PAPER.

If you have received this drawing electronically it may not be the correct scale or format. Please contact G. S. Stephen if you are not sure.

G. S. Stephen, prepare drawings after the information provided by us from a simple job survey or from information provided to us by the client and will not be held responsible for the accuracy of the information provided. In most cases, the drawings will contain enough detail to be sufficient for planning applications purposes only and should not be used as a basis for construction.

G. S. Stephen cannot accept any liability for any subsequent issues with the property if the drawings are used for anything other than planning purposes.

[illegible]

Job 2018/32      Scale@ A1 : 50  
Date: 10 AUG 2018      Revision:

Issue 03/06/2021 12:05:48

Drawing no.  
A105

**G.R.Stephen**  
Architectural and Construction Services  
Crooked Holme Barn  
Brampton, Cumbria, CA82AT  
07799586327  
email george@grstephen.co.uk



















## SCHEDULE A: Applications with Recommendation

21/1083

Item No: 10

Date of Committee: 25/02/2022

**Appn Ref No:**  
21/1083

**Applicant:**  
Mr Holmes

**Parish:**  
Hayton

**Agent:**

**Ward:**  
Brampton & Fellside

**Location:** Noble Garth, Hayton, Brampton, CA8 9HR

**Proposal:** Removal Of Condition 7 (Residential/ Non Commercial Restriction) Of Previously Approved Permission 90/0011 (Conversion Of Redundant Barns To 2no. Dwellings) To Allow Short Term Letting For Noble Garth

**Date of Receipt:**  
23/11/2021

**Statutory Expiry Date**  
24/01/2022

**26 Week Determination**  
28/02/2022

---

### 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 Impact Of The Proposal On The Living Conditions Of Neighbouring Properties  
2.3 Impact Of The Proposal On Highway Safety

#### 3. Application Details

##### The Site

- 3.1 Noble Garth, Hayton is a detached property located within Hayton around a courtyard of properties. The dwelling comprises of both two and single storey elements that is predominately constructed from stone with an element of render, under a slate roof. There is a small outdoor area adjacent to the southern gable of the property which is accessed from a pair of double doors.

- 3.2 The property is accessed from the main road through Hayton via a single width access which leads past the adjacent property to the north, Chestnut Cottage. Noble Gath is located on the east side of the access and to the south and the head of the access is Blacksmiths Cottage. A building converted to three garages occupies a position in the south-west corner of the access, adjacent to which and to the west of the access is Friars Garth.

## **Background**

- 3.3 Planning permission was approved in 1990 of the conversion of redundant barns to 2no. dwellings. The permission was subject to eight planning conditions, of which condition number 7 reads:

*“The proposed development shall be used solely for private, domestic purposes by the occupants and no trade or business shall be carried out therein or therefrom.”*

## **The Proposal**

- 3.4 The proposal seeks permission to remove the condition to allow the property to be used for short-term occupancy lets.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of four properties. In response, six representations have been received objecting to the application. The representations have been reproduced in full separately for Members, however, the main issues raised are summarised as follows:
1. originally the property was a barn serving a working farm. Planning permission was granted with a condition to preclude the building used inappropriately and residents have bought properties on this basis;
  2. the property is one of three which is served by the driveway which, together with the courtyard are in separate ownership and restricted by conditions which have already been breached;
  3. the garage is not big enough to meet current standards or park a vehicle in and doesn't comply with any parking guidelines;
  3. exit from the drive is over a busy footpath and double yellow lines have been installed on the road surfaces at specific points;
  4. the parking restrictions brought about by the double yellow lines are ignored and represent a continuous daily illegal safety hazard around the entrance to the driveway;
  5. the entrance to the driveway does not include visibility;
  6. in order to safely exit the driveway, vehicles must cross over the footpath and into the middle of the public road before any clear view of oncoming vehicles, cyclists or pedestrians can be seen;
  7. any commercial use would significantly increase traffic movement to and from the site;
  8. the entrance to the driveway is unlit and there is no street lighting in the



- immediate vicinity which together with the height of the boundary walls poses a safety hazard;
9. a long-term tenant would be more appropriate and would have a better understanding of local highway issues;
  10. the applicant has stated that is the intention to install a “commercial sized” hot tub within the boundary of the very small yard. Any noise will be applied by the size of the yard and height of the boundary walls
  11. the yard is directly adjacent to neighbouring properties and associated window openings which would result in loss of amenity from unreasonable levels of noise and disturbance;
  12. the concerns about noise should be referred to the council's Environmental Health Officer for consideration of the proposal and an antisocial management plan;
  13. clarification should be provided as to how the proposed commercial sized hot tub will be screened;
  14. the original planning permission required that details of the height and materials of all screen walls and boundary fences to be submitted to and approved and therefore its assume that those currently in situ are conditionally approved. Screening in the area of the hot tub needs to be addressed;
  15. holiday properties need to be “site specific” and not at the expense of the local residents and their surrounding community who have chosen these areas to be their homes for the very reasons that this applicant seeks to erode;
  16. the Planning Officer/committee should visit the site in person prior to any planning decision being determined so that they too can see for themselves the unsuitability of a holiday let in this specific location based on the points raised in association with this objection;
  17. the proximity of the property to adjacent properties will result in a loss of privacy;
  18. there is the possibility of strangers knocking on the doors of neighbouring properties trying to find the holiday accommodation;
  19. there are concerns about unknown tenants occupying the property and safeguarding concerns for children in the village.
- 4.2 An additional representation has been received from a resident re-enforcing the originally submitted concerns and also highlight the fact that fence has been erected around the courtyard which will exacerbate and reverberate any noise emanating from the site.
- 4.3 In addition, one representation has been received raising comments in respect of the application and the main issues raised are summarised as follows:
1. although detached, the building is very close to neighbouring properties;
  2. the building has been empty for some time and its not whether it will be occupied but how;
  3. any noise levels from the property shouldn't exceed those which would be reasonable were the property in long-term occupation;
  4. any short-term letting should be well managed;
  5. occupation by single families would be acceptable but groups should be

- limited to three persons;
- 6. no more than two vehicles should be associated with the use;
- 7. house animals should be limited to one well-behaved dog;
- 8. nothing should be placed in the yard that would result in unacceptable levels of noise;
- 9. the condition should be varied to allow trade or business other than short-term letting.

## 5. Summary of Consultation Responses

**Hayton Parish Council:** - no response received;

**Local Environment - Environmental Protection:** - no response received.

## 6. Officer's Report

### Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies SP2, SP6, EC9, IP3 and CM5 of the Carlisle District Local Plan 2015-2030. The proposal raises the following planning issues.

### 1. Principle Of Development

- 6.3 Paragraph 7 of the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 8 and 9 explaining that achieving sustainable development means that the planning systems has three overarching objectives: economic, social and environmental. All of which are interdependent and need to be pursued in mutually supportive ways. Economic growth can secure higher social and environmental standards with planning decisions playing an active role in guiding development towards solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.4 Paragraph 10 of the NPPF states:  
  
*"So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11)."*
- 6.5 Paragraph 11 requires that for decision-taking this means:  
  
*"c) approving development proposals that accord with an up-to-date*

*development plan without delay”*

- 6.6 To support a prosperous rural economy, paragraph 84 outlines that planning policies and decisions should enable: *"a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship".*
- 6.7 Paragraph 85 recognises that: *"sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".*
- 6.8 Policy EC9 of the local plan highlights that the tourism sector is vitality important to Carlisle as generators of economic prosperity. Outlining that proposals will be supported where they contribute towards the development and/or protection of the arts, cultural, tourism and leisure offer of the District and support the economy of the area subject to satisfying three criteria. The NPPF and the local plan recognising that tourism development is a main town centre use and, as such, the Council will encourage this type of development within a recognised centre (i.e. the City Centre, District Centres or Local Centres).
- 6.9 The proposal seeks planning permission for the removal of a condition which prohibits any commercial activity taking place from the property resulting in an unfettered dwellinghouse.
- 6.10 The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes' which are detailed below. 'Change of use' can occur within the same use class or from one use class to another. Depending on the specifics of any proposed change of use, including any building work associated with the proposal, it may require an application for planning permission or prior approval.
- 6.11 In this instance, a dwellinghouse would fall within an unrestricted use class C3 (dwellinghouse). Over recent years and following the increased use of buildings for holiday accommodation, there have been numerous planning appeal decisions involving the issue of change of use from a dwelling house to a C1 use (hotels) which also covers hotels, boarding and guest houses

where no significant element of care is provided (excludes hostels). It's a matter of fact and degree as to whether a change of use occurs but in a recent appeal decision in Oxford, the Planning Inspector found that:

*"I have found that the transient pattern and occupancy of the short term let accommodation and its associated service provision all combine to increase general comings and goings to the property beyond what would normally be expected with a dwellinghouse use. "*

- 6.12 Properties in Greater London are subject to the Deregulation Act 2015 which allows you to use residential premises for temporary sleeping accommodation without being considered a "change of use" if you use the property as a short-term rental for 90 or fewer nights in a calendar year, which is known as the "90 night rule". Many authorities have adopted the approach to their planning advice.
- 6.13 In the absence of any restrictive condition, planning permission is not required to let a property used as a dwelling house as a short-term holiday let, subject to the issues outlined in the aforementioned paragraph. The applicant has confirmed in correspondence that the property would be used for holiday let and on the basis of the aforementioned considerations, it is Officers opinion that if the property is used in excess of 90 nights per calendar year, an application for a change of use would be required.
- 6.14 Hayton is close to Brampton and accessible by a range of transportation modes including National Cycle Network Route 72 'Hadrian's Cycleway' which passes through the village and in principle, holiday accommodation accords with the objectives of the NPPF and local plan.
- 6.15 It isn't considered necessary to impose further restrictions in respect of other commercial uses or trade which may take place from the property. An occupant of the property could legitimately use a room as an office for themselves as this would be considered ancillary to the primary use as a dwellinghouse. The only permitted change of use without the need for planning permission would be to a House of Multiple Occupation (HMO) which is a small house shared by six unrelated individuals. Given that this property only comprises two bedrooms, such a use is considered unlikely and therefore any further restrictive conditions are deemed unnecessary.

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

- 6.16 Policies within the local plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. Policies SP6 and CM5 seeking to ensure that the development proposals do not have an adverse impact on the living conditions of the occupiers of adjacent residential properties which cannot be satisfactorily mitigated within the development proposal or by means of compliance with planning conditions.
- 6.17 As outlined earlier in the report, the proposal seeks planning permission for

the removal of a condition with the ultimate use being as a short-term holiday let for part of the year. Members will note that for similar proposals, applications are often supported by a Management Plan which details measures to be undertaken to mitigate for any potential noise nuisance to neighbouring properties arising from the use of the property as a holiday let. In this instance, as planning permission isn't required for the short-term let, it isn't necessary to submit such a plan; however, in the event that the property is used more intensively and a change of use is required, then it would be appropriate to consider the submission of a plan.

- 6.18 The transient nature of people coming together for a short period of time are unlikely to live in the same way that a single household would with a normal daily or weekly routine. Groups staying at the property may lead to an increase in noise and disturbance during arrival and departure times and through the use of the external areas of the property including the use of the hot tub and external seating areas. The increase in noise and disturbance especially late at night or in the early hours of the morning are issues cited by third parties in their representations of objection. Again, planning permission isn't required for the use as a short-term holiday let but notwithstanding this, the views of the Environmental Health Section has been sought on this matter and has confirmed no objection is raised against the application.
- 6.19 The representations received make repeated reference to the siting of a hot tub within the yard and concerns about the resulting noise and disturbance. Whilst this may have originally been an intention, the applicant has subsequently confirmed that it is now not their intention to install a hot tub. In any event, the siting of a hot tub isn't considered to constitute development and therefore doesn't require planning permission
- 6.20 Accordingly, in line with objectives of Policies SP6 and CM5 Members have to make a judgement as to whether the unrestricted use of the dwelling results in a significant adverse impact on the living conditions of the occupiers of adjacent residential properties. Having outlined the operations and use which can take place without the need to obtain planning permission and these which require consent, it is considered that the unfettered use as a dwelling wouldn't adversely impact on the living conditions of neighbouring residents from unacceptable noise and disturbance. Should such a nuisance occur through the use as a short-term holiday let, which doesn't require planning permission, it is considered that this should be investigated and enforced through separate legislation.

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

- 6.21 Access to the property is via a single width narrow drive that is shared with the neighbouring property. The parking arrangements were agreed under the previous permission and remain unaltered. In the representations, there is significant concern expressed in relation to highway, parking and traffic safety issues.
- 6.22 At present, the property can legitimately be used as a dwelling with the associated vehicle movements which that may entail. Concern is expressed

that non-local residents wouldn't appreciate or take account of local circumstances such as children playing or the traffic and parking issues in the village, particularly in and around drop-off/ collection times for the school. The narrow width of the access and the stone walls either side when exiting the drive, naturally cause any driver to approach with caution at a slow speed.

- 6.23 Although Cumbria County Council, as Local Highways Authority, hasn't been formally consulted, Officers have discussed the proposal with them. In response, they advise that the use of a property as a holiday let generates half the number of vehicle movements as a dwellinghouse and that in this instance, they do not wish to be consulted or raise any concerns. The views of the objectors are respected, however; in light of the foregoing together with the views of the Highway Authority it would be difficult to substantiate a refusal on highway safety grounds.

#### **4. Other Matters**

- 6.24 This application has been submitted under section 73 of the Town and Country Planning Act 1990 to vary a condition associated with a planning permission. Paragraph: 015 Reference ID: 17a-015-20140306 Revision date: 06 03 2014 of the Planning Policy Guidance states:

*"Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.*

*A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the guidance for use of planning conditions.*

*As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation."*

- 6.25 Conditions 1, 2, 3, 4, 5, 6, 7 and 8 attached to planning permission granted consent in 1990 required the permission to be begun within 5 years; be in accordance with the approved details; the submission of material details; garaging and parking to be provided and retained; details of all screen walls; drainage connection to a mains sewer; no trade or business to be carried out; and removal of permitted development rights for alterations and extensions respectively. A note on the file from the Planning Enforcement Officer at that time confirms that the scheme complied with the approved plans. Some of the conditions have now fallen away due to the fact that permission was implemented, however, it is appropriate to impose conditions to deal with the timescale for implementation; approved documents; retention of parking in accordance with the approved scheme; and removal of permitted development rights as these conditions remain appropriate and are therefore

imposed as part of this approval.

- 6.26 In the representations, the question was asked whether the boundary structures are consent by the council as part of the planning permission for the conversion of the buildings. Given the passage of time, reliance has to be made on the File Note from the Planning Enforcement Officer who confirmed that the development had been undertaken in accordance with the approved details.
- 6.27 Since the submission of that objection, the applicant has clad the rendered wall to the rear of the yard in timber and erected a low timber fence above the stone wall on the boundary adjacent to the access. The condition removing permitted development rights only applies to alterations and extensions and didn't include the class which relates to fences and boundary structures. The structures that have been erected comply with the relevant permitted development criteria and therefore don't require planning permission.

## **Conclusion**

- 6.28 The proposal seeks permission for the removal of a planning condition attached to the property which prohibits the property being used for commercial purposes. It's the applicant's intention to use the property on a short-term basis for holiday let which in itself, doesn't require planning permission; however, were this to form part of the application, the property is located within Hayton and adjacent to the National Cycle Network Route 72 'Hadrian's Cycleway' and would therefore be acceptable.
- 6.29 Policies SP6 and CM5 seeks to ensure that development proposals do not have a significant adverse impact on the living conditions of the occupiers of adjacent residential properties which cannot be satisfactorily mitigated within the development proposal or by means of compliance with planning condition. The principle of an unfettered dwelling wouldn't adversely affect the living conditions of neighbouring residents from unacceptable levels of noise and disturbance. Such any such issues occur, this would be subject to investigation and possible enforcement action through separate legislation
- 6.30 In overall terms, the principle of development accords with the objectives of the NPPF and local plan policies. The proposal would not have a detrimental impact on highway safety and as such, the proposal is recommended for approval.

## **7. Planning History**

- 7.1 Planning permission was granted in 1989 for the conversion of redundant farm buildings to two dwellings.
- 7.2 In 1990, planning permission was granted for the conversion of redundant farm buildings to two dwellings.

## **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 22nd November 2021;
  2. the Site Location Plan received 23rd November 2021;
  3. the Notice of Decision;
  4. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. Garaging and car parking shall be provided and retained in accordance with the details approved as part of application 90/0011.

**Reason:** To ensure that adequate parking is retained for the property in accordance with Policy IP3 of the Carlisle District Local Plan 2015-2030.

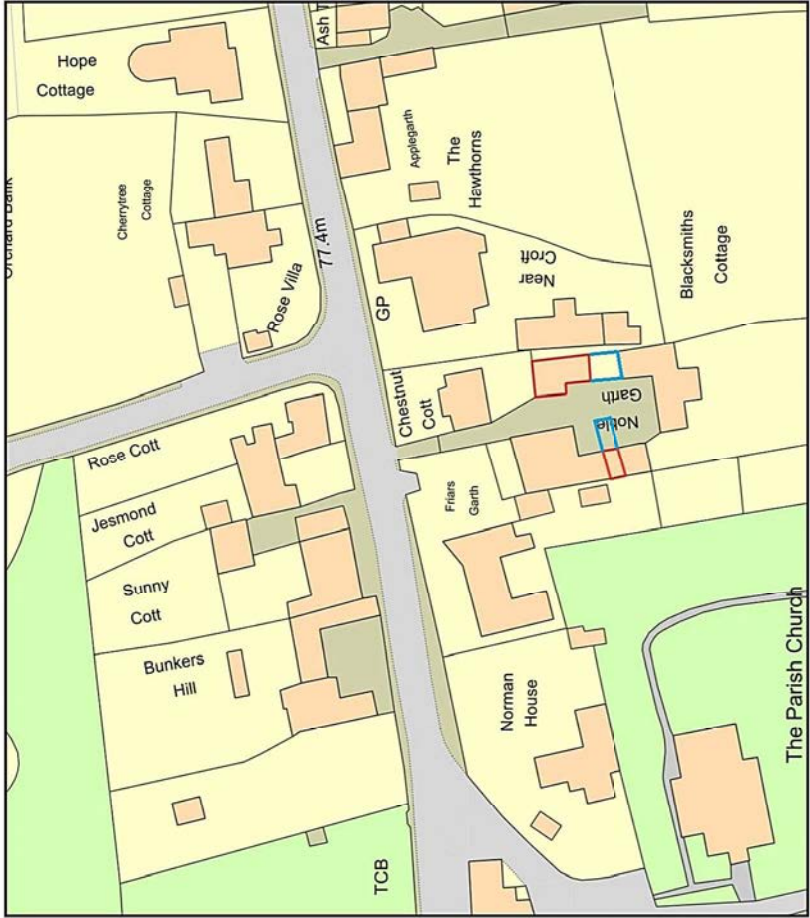
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) the following forms of development within the provisions of Schedule 2 Part 1 Classes A, B, C, D, E and G of the Order shall not be undertaken without the express permission in writing of the council:
  1. extension or enlargement; and
  2. additions to roofs; and
  3. alterations to roofs; and
  4. porches; and
  5. detached outbuildings; and
  6. chimneys and flues.

**Reason:** The further extension or alteration of this dwelling or erection of detached buildings requires detailed consideration to safeguard the amenities of the surrounding area, to accord with Policies SP6 and HO8 of the Carlisle District Local Plan 2015-2030.

---



# Noble Garth 2021



Plan Produced for: Carisle Council  
 Date Produced: 23 Nov 2021  
 Plan Reference Number: TQRQM21327105927946  
 Scale: 1:1250 @ A4  
 © Crown copyright and database rights 2021 OS 100042766



## SCHEDULE A: Applications with Recommendation

21/0480

Item No: 11

Date of Committee: 25/02/2022

**Appn Ref No:**  
21/0480

**Applicant:**  
Mr Stewart

**Parish:**  
Arthuret

**Agent:**  
SRE Associates

**Ward:**  
Longtown & the Border

**Location:** Camelot Caravan Park, Longtown, Carlisle, CA6 5SZ

**Proposal:** Change Of Use Of Land To Extend Existing Caravan Park To  
Accommodate 15no. Units

**Date of Receipt:**  
20/05/2021

**Statutory Expiry Date**  
15/07/2021

**26 Week Determination**

---

### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Proposal Would Be Acceptable In Principle
- 2.2 Whether The Siting, Scale And Design Would Be Acceptable
- 2.3 Impact Of The Proposal On The Ancient Woodland
- 2.4 Impact Of The Proposal On Existing Trees
- 2.5 Drainage Issues
- 2.6 Highway Matters

#### 3. Application Details

##### The Site

- 3.1 Camelot Caravan Park lies approximately 1.5 miles to the south of Longtown and is accessed from the A7, which runs along the western boundary of the site. The caravan site is bounded to the north and south by woodland, with the woodland being designated as Ancient Woodland. Agricultural land adjoins the caravan site to the east.

- 3.2 A bungalow (Rangoria) lies to the front of the caravan site and this is occupied by the site owner/ manager. A new access road, which links into the site access, has been constructed along the eastern side of the caravan site with eleven caravans lying to the east of this road. Two additional access roads link into the new access road and one of these serves 17 caravans with the other serving 11 caravans (including the two residential caravans). The caravans are spaced 6m apart and have car parking spaces adjacent.
- 3.3 The application site lies to the north of the existing caravan site. This land is currently predominantly undeveloped grass land although the southern section, which has been surfaced in hardcore, is used for storage. A number of trees are located along the eastern and western site boundaries. Ancient woodland lies to the north of the site, with agricultural land adjoining the application site to the east and west.

## **Background**

- 3.4 Application 15/0968, which was approved in March 2016, was for the change of use from touring park with caravan storage to site 24 holiday static caravans and two residential caravans. This application was varied in December 2019, under application 19/0726, to redevelop the site for 40 static caravans and 2 residential caravans.

## **The Proposal**

- 3.5 The proposal is seeking to add a further 15 caravans to land that lies to the north of the existing caravan site. The existing road that runs along the eastern side of the site would be continued north, with 7 caravans being located to the east of this road. Two additional access roads would link into this road, with three caravans adjoining each side of these spur roads. The caravans would be spaced 6m apart, with parking being provided adjacent to the caravans.
- 3.6 The applicant is intending to sell the caravans as holiday homes. The applicant wants the static caravans to operate with an 11 month holiday season with a one month closed period.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and a notification letter sent to two neighbouring properties. No verbal or written representations have been made during the consultation period.

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

**Arthuret Parish Council:** - no comments received;

**Woodland Trust:** - need 15m buffer from the adjacent ancient woodland Hopesike Woods;

**Local Environment, Waste Services:** - applicant would need to instruct a private waste contractor as this is classed as business waste;

**Local Environment - Environmental Protection:** - spacing of new pitches should be more than 6m between each pitch and 3m from any boundary;

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to conditions.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies EC10, GI1, GI3, GI6, SP6, CC5, IP3 and IP6 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposal raises the following planning issues:
1. Whether The Proposal Would Be Acceptable In Principle
- 6.4 The proposal is seeking to extend an existing caravan park (of 40 caravans) by adding 15 additional static caravans. The proposal, which is seeking to expand an existing rural business, would be acceptable in principle.
2. Whether The Siting, Scale And Design Would Be Acceptable
- 6.5 Planning permission has previously been granted for the siting of 40 static caravans on this site. This proposal is seeking to add a further 15 caravans to land that lies immediately to the north of the existing caravan site. The caravans would be spaced 6m apart as required by Environmental Health.
- 6.6 There are a number of trees along the western boundary of the application site (which could be supplemented by additional planting) and these, together with the hedge that lies adjacent to the A7 and the woodland that adjoins the site to the north, would help to screen the caravans in views from outside the site.
- 6.7 The external appearance of the caravans would be sympathetic to the surrounding landscape, with green or beige walls and dark green or grey roofs proposed.
- 6.8 In light of the above, the siting, scale and design of the proposals would be acceptable.
3. Impact Of The Proposal On The Ancient Woodland

- 6.9 Ancient Woodland adjoins the site to the north. The Woodland Trust has been consulted on the application and has stated that a 15m buffer should be provided from the adjacent Ancient Woodland. The submitted proposed site plans show a 15m buffer being provided between the caravans and the Ancient Woodland.
- 6.10 Given the proximity of caravans to the woodland it would be important to ensure that a boundary is created between the caravan park and the Ancient Woodland in order to prevent public access. A condition has been added to the permission which requires the applicant to submit details of boundary treatment to be installed along the northern site boundary. In light of the above, the proposal would not have an adverse impact on the Ancient Woodland.

#### 4. Impact Of The Proposal On Existing Trees

- 6.11 A number of trees lie around the periphery of the site. Conditions have been added to ensure the submission of a landscaping scheme and the protection of the existing trees and hedges during construction.

#### 5. Drainage Issues

- 6.12 The Lead Local Flood Authority (LLFA) has records of minor surface water flooding to the south east of the site which indicate a 0.1 percent (1 in 1000) chance of occurring each year and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk. As requested by the LLFA, a condition has been added to the permission which requires the applicant to submit full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) to the Local Planning Authority for approval.
- 6.13 Each caravan should be connected to a suitably designed and sized drainage system capable of handling the increased number of caravans on the site. A condition has been added to cover this issue.

#### 6. Highway Matters

- 6.14 There is an access from the A7 to the caravan site. Adequate parking is available within the site. The Local Highway Authority note that there is an existing footway south of the site and crossings for the public transport stop. It considers that the existing verge appears to be sufficient width for a footway to join the existing footway at the applicants own expense. Taking in to account the existing use, the Highway Authority has confirmed that it has no objections to the proposal subject to the imposition of a condition that would require the applicant to provide footways that link continuously and conveniently from the entrance to Camelot Caravan Park to the nearest existing public transport service at Sandysike. The footway is to be provided/completed prior to first occupation of the development.

- 6.15 The nearest bus stop at Sandysike is approximately 440m away from the caravan site. The costs of providing a 440m x 1.8m wide footway along this stretch to a Cumbria County Council standard (including road kerb and pin kerb to the rear finished in bound macadam surfacing and all traffic management required to complete the works) would cost in the region of £77,000.00 + V.A.T. The County Council considers that the cost could actually be significantly higher than this as drainage would also need to be installed.
- 6.16 Paragraph 56 of the National Planning Policy Framework makes it clear that planning conditions should be kept to a minimum and should only be imposed where they are:
1. necessary;
  2. relevant to planning;
  3. relevant to the development to be permitted;
  4. enforceable;
  5. precise; and
  6. reasonable in all other respects
- 6.17 Given that the proposal is only for 15 additional caravans it would not be reasonable to require the applicant to pay such a large sum of money. This issue has been discussed with the County Council and as a result it has investigated the possibility of providing a new bus stop near to the caravan site. The officers who visited the site consider that it would not be safe to provide a bus stop at the entrance to the site. The County Council has, therefore, retained their request for a footway to be provided to the nearest bus stop at Sandysike.
- 6.18 One of the reasons for this is because the County Council has received a request via a local councillor for a footway to be provided to the bus stop as some of the caravan owners use public transport to access the site. The County Council acknowledges that in hindsight, it probably would have been advisable to have requested the footway when the application for up to 40 units was made or when the original application was made. The County Council note that although this application is for 15 units, the total site is proposed to provide approximately 55 units without suitable access to public transport.
- 6.19 This application is only for 15 caravans and the County Council should have requested some financial contributions towards footway improvements when the original application for 24 caravans, and the subsequent application to increase the number of caravans on the site to 40, were made. It would not now be reasonable to require the applicant to pay £77,000.00 + V.A.T given the scale of the development currently proposed. A condition requiring the applicant to construct a footway 440m long would not meet the planning tests set out in Para 55 of the NPPF (given the cost) and this suggested condition has not, therefore, been included in the recommendation.

## **Conclusion**

- 6.20 In overall terms, the proposal would be acceptable in principle. The siting, scale and design of the caravans would be acceptable and they would not have an adverse impact on the Ancient Woodland or on existing trees. The proposed access and parking arrangements would be acceptable. Conditions have been added to deal with foul and surface water drainage. In all aspects, the proposals are compliant with the objectives of the relevant adopted Local Plan policies.

## **7. Planning History**

- 4.1 In November 1984, permission was granted for the provision of caravan site for 15 touring caravans, 2 residential caravans and an open storage area for 55 caravans and site for 5 tents (84/0772).
- 4.2 In April 1988, permission was granted for the erection of new toilet and shower block (88/0276).
- 4.3 In March 2016, permission was granted for change of use from touring park with caravan storage to site for 24no. holiday static caravans and two residential caravans (15/0968).
- 4.4 In July 2018, advertisement consent was granted for the continued display of freestanding sign (18/0374).
- 4.5 In December 2019, permission was granted for the variation of condition 2 (approved documents) of previously approved permission 15/0968 (change of use from touring park with caravan storage to site for 24no. holiday static caravans & 2no. residential caravans) to update layout plan to site 40no. holiday static caravans and 2no. residential caravans (19/0726).

## **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 approved documents for this Planning Permission comprise:
1. the submitted planning application form, received 20th May 2021;
  2. Site Location Plan, received 20th May 2021;
  3. Block Plan, received 20th May 2021;
  4. Site Layout as Proposed (Dwg 001 Rev C), received 14th July 2021;



5. Planning, Design & Access Statement, received 12th May 2021;
6. Drainage Strategy, received 12th May 2021;
7. the Notice of Decision; and
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The static caravans hereby approved shall be used solely for holiday use and shall not be occupied as sole, principal or permanent accommodation.

**Reason:** To ensure that the approved caravans are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

4. The site manager/owner shall keep a register to monitor the occupation of the static caravans hereby approved. Any such register shall be available for inspection by the Local Planning Authority at any time when so requested and shall contain details of those persons occupying the caravans, their name, normal permanent address and the period of occupation.

**Reason:** To ensure that the approved caravans are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

5. The static caravans hereby approved shall be finished in green or beige and remain so unless agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the landscape character of the area in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Prior to the commencement of development, a scheme for the provision of foul water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

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

7. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be

maintained thereafter in accordance with the schedule.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

8. Prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its agreed form prior to the end of the first planting season following substantial completion of each phase of the development to which it is associated. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

**Reason:** To ensure a satisfactory landscaping scheme is incorporated into the development and to ensure that the proposal does not have an adverse impact on Ancient Woodland, in accordance with Policies SP6, GI3 and GI6 of the Carlisle District Local Plan 2015-2030.

9. Prior to the commencement of development, a scheme of tree and hedge protection shall be submitted to, and agreed in writing, by the Local Planning Authority. The tree and hedge protection shall be implemented in accordance with the agreed scheme, prior to commencement of any works or development on site, and maintained to the satisfaction of the Local Planning Authority for the duration of the development.

Within the fenced off area;

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

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

10. Prior to installation, details of any proposed means of external lighting shall be submitted to and approved in writing beforehand by the Local Planning Authority.

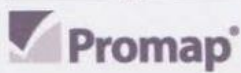
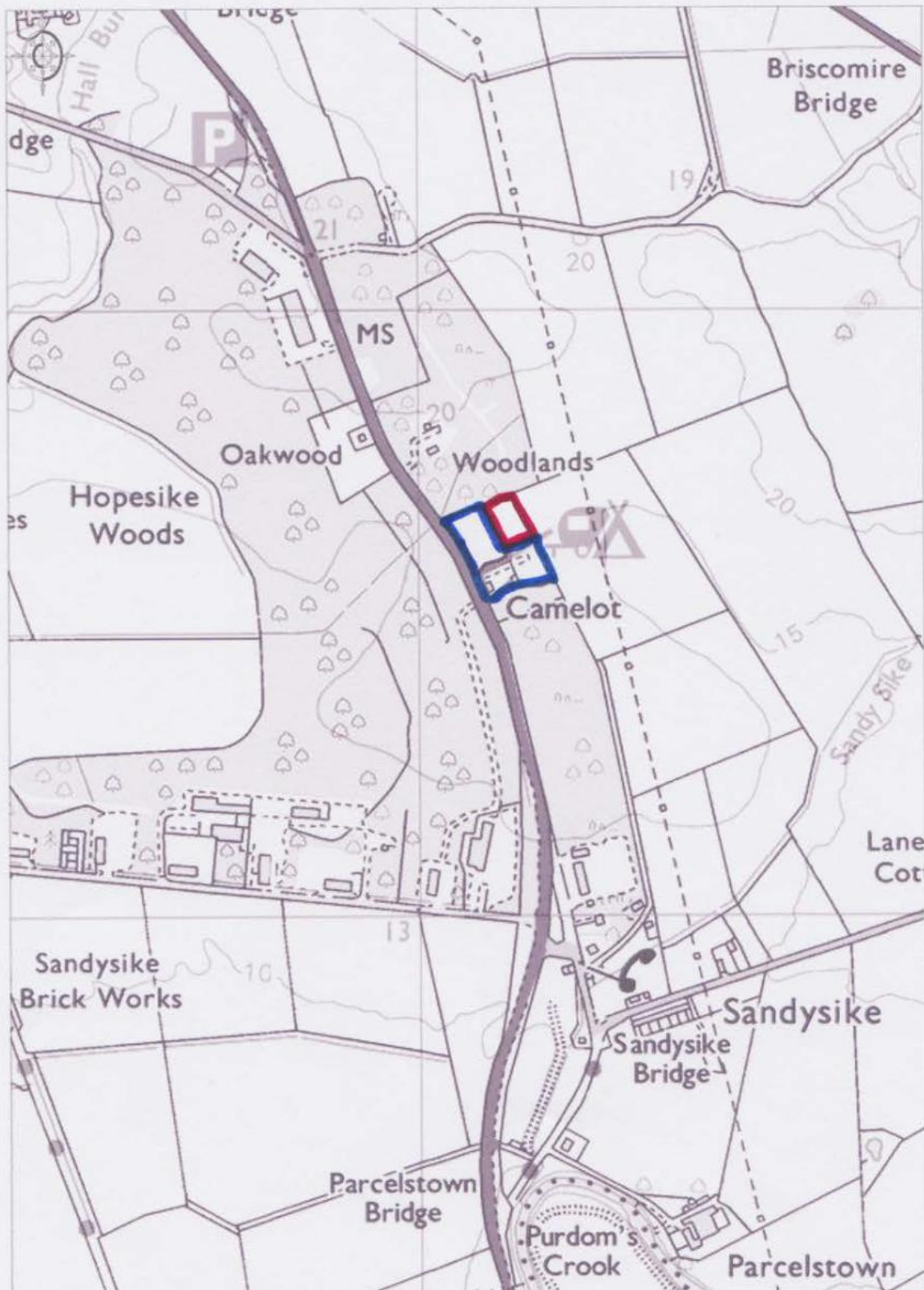
**Reason:** To safeguard the character of the area, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any other Order revoking and re-enacting that Order), no wall, fence or other means of enclosure shall be erected within any part of the site (other than those shown in any plans which form part of this application), without the approval of the Local Planning Authority.

**Reason:** To ensure that any form of enclosure is carried out in a co-ordinated manner in accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

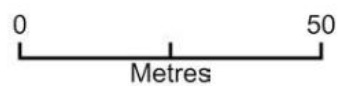
---

Camelot Caravan Park, Sandysike, CA6 5SZ  
Site Location Plan



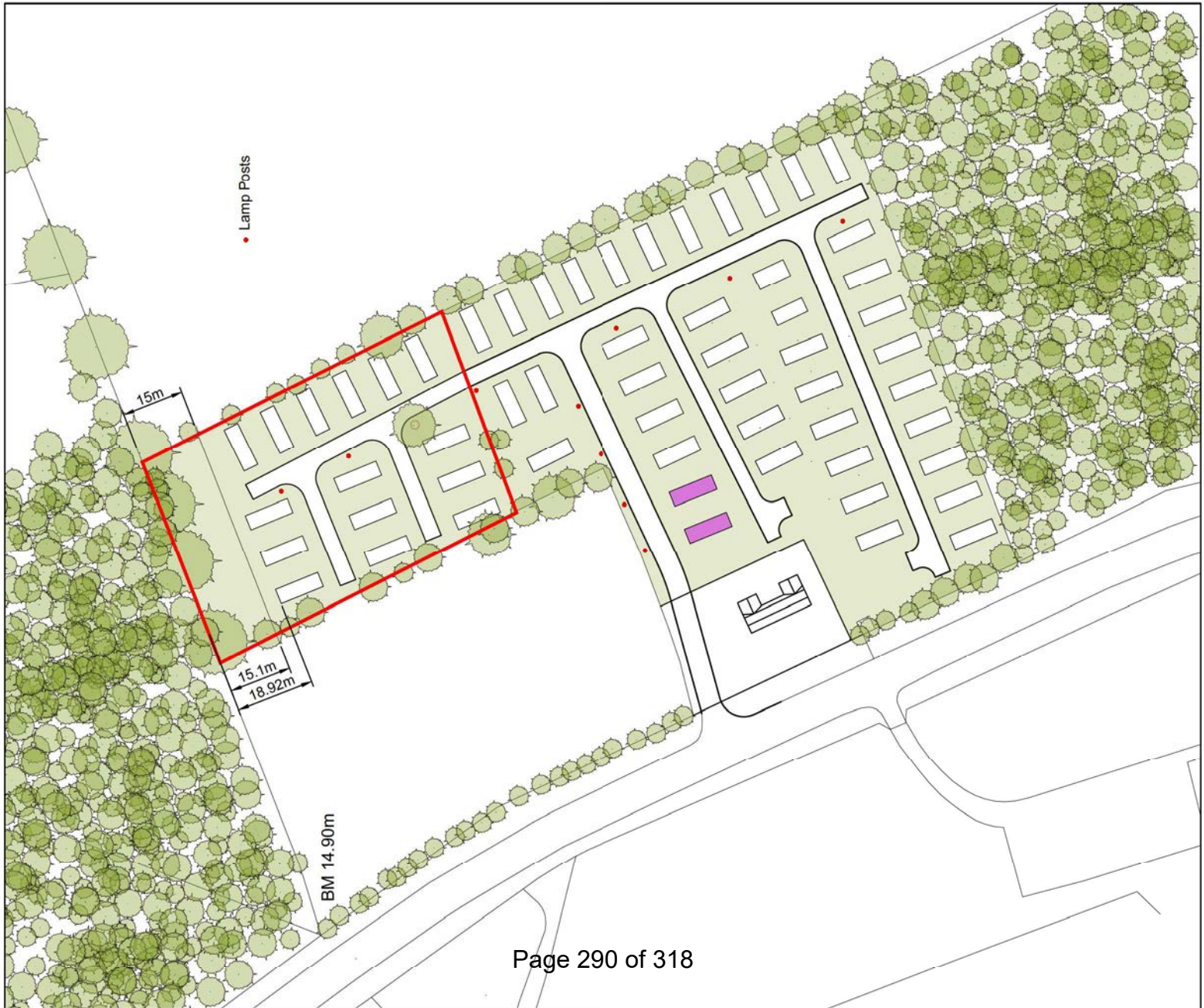
Ordnance Survey © Crown Copyright 2015. All rights reserved.  
Licence number 100022402. Printed Scale - 1:10000

## Block Plan Camelot

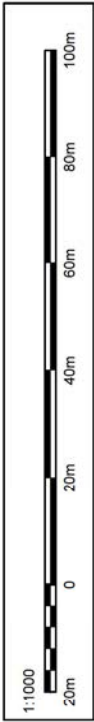


Plan Produced for: SRE Associates  
Date Produced: 19 Apr 2021  
Plan Reference Number: TQRQM21109143258359  
Scale: 1:1250 @ A4





NOTES AND AMENDMENTS			
This drawing is copyright ©. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.			
REVISIONS			
Rev	Description	Drawn	Date
C	Dimensions and Scalebar	PM	13.07.21





ASHWOOD

DESIGN ASSOCIATES LTD

01228 510616

Solway House Business Centre,

Parkhouse Road,

Carlisle

CA6 4BY

admin@ashwooddesign.co.uk

www.ashwooddesign.co.uk

Purpose	Planning
Client	Mr W Stewart
Project	Camelot Caravan Park, Longtown
Title	As Proposed
Scale	1/1000
Sheet Size	A3
Drawn	jc
Date	08/19
Project No	1855
Drawing No	001
Revision	c

## SCHEDULE B: Applications Determined by Other Authorities

---

**Item No: 12**

Between 21/12/2021 and 11/02/2022

**Appn Ref No:**  
20/9005

**Applicant:**  
Lakeland Minerals

**Parish:**  
Farlam

**Date of Receipt:**  
16/06/2020

**Agent:**  
Cumbria County Council -  
Economy & Planning

**Ward:**  
Brampton & Fellside

**Location:**  
Kirkhouse Quarry, Kirkhouse, Brampton, CA8 1JS

**Grid Reference:**  
356400 560100

**Proposal:** Variation Of Conditions 1 & 2 Of Planning Permission 09/9015/CTY To  
Extend The Expiry Date Of Operations To 30th November 2032 &  
Approved Documents & Variation Of Conditions 32 & 34 To Allow  
Revised Restoration Scheme To Be Completed By 30th November 2033

### REPORT

**Case Officer:** Richard Maunsell

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 30/06/2020

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 20/01/2022

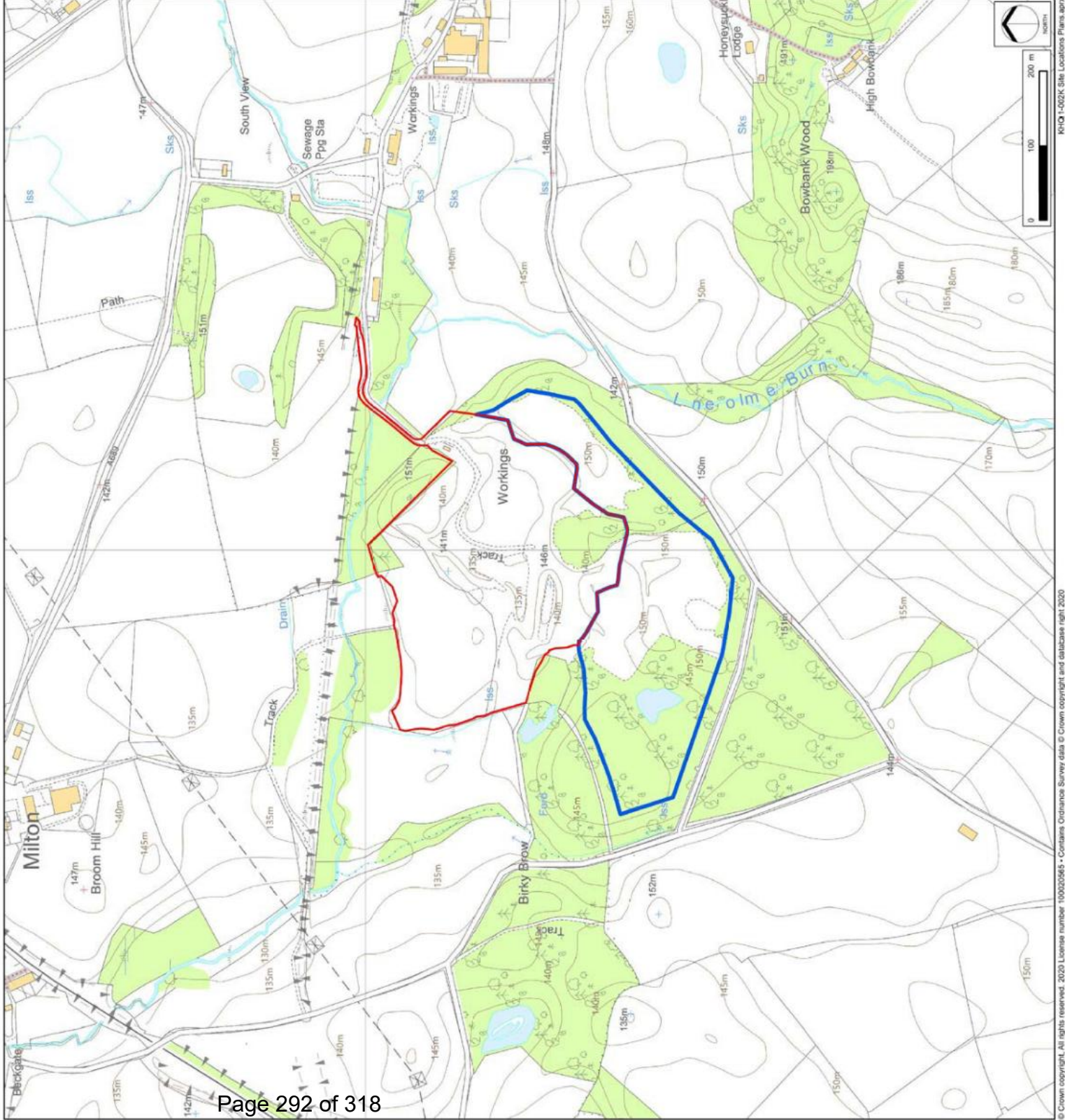
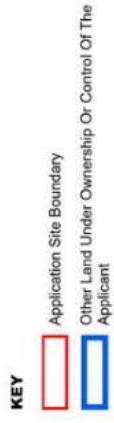
A copy of the Notice of the decision of the Determining Authority is printed following the report.

---



## KIRKHOUSE QUARRY

**FIGURE 1**  
**Site Location Plan**







**The Town and Country Planning Act 1990  
The Town and Country Planning (Development Management Procedure)  
(England) Order 2015**

**NOTICE OF PLANNING PERMISSION**

To: Lakeland Minerals Ltd  
Unit 5A  
Wavell Drive  
Carlisle  
Cumbria  
CA1 2ST

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 12 June 2020.

**viz: Section 73 variation of Conditions 1 and 2 of planning permission 1/09/9015 to extend the expiry date of operations to 30th November 2032 and approved documents and variation of conditions 28 and 30 to allow revised restoration scheme to be completed by 30 November 2033**

**Kirkhouse Quarry, Hallbankgate, Brampton, CA8 1JS.**

Subject to due compliance with the following conditions:

**Time Condition**

- 1 This permission shall be for a limited period only expiring on 30 November, 2032, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations and hardstandings shall have been removed from the site, and the site shall have been restored in accordance with the approved scheme by 30 November 2033.

*Reason: To secure the proper restoration of the site following the approved period for this temporary development, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.*

**APPROVED OPERATIONS PROGRAMME**

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
  - a. The submitted Application Form – dated 5 June 2020
  - b. Supporting Statement – 5 June 2020
  - c. Plans numbered and named:
    - i) Site Location Plan
    - ii) Drawing KHQ.4.04C
    - iii) Drawing KHQ.4.05C
    - iv) Drawing KHQ.4.06C – Phase 1
    - v) Drawing KHQ.4.07C – Phase 2

- vi) Drawing KHQ.4.08C – Phase 3
- vii) Drawing KHQ.4.09C – Phase 4
- viii) Drawing KHQ.4.10C – Restoration Scheme
- ix) Drawing KHQ.4.13C – Cross section
- x) Drawing KHQ.4.14 – Cross section

*Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme*

- 3 In the event that mineral working permanently ceases, a revised scheme to include details of the restoration and timescale for the completion of the restoration works, shall be submitted to the Mineral Planning Authority for approval in writing. Such a revised approved scheme shall be adhered to and the site restored within 12 months of approval in writing by the Mineral Planning Authority.

*Reason: To secure the proper restoration of the site following the approved period for this temporary development, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.*

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking and re-enacting that Order), planning permission shall be sought and obtained from the Local Planning Authority, before any buildings, structures, or erections, plant or machinery (other than those permitted by this permission) are erected on the site or on any ancillary mining land.

*Reason: To maintain control over additional built development upon the site in the interests of amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 5 The areas identified as areas to be temporarily reseeded to reduce visual impact as identified on drawing no. KHQ.4.05C shall be seeded and maintained until the area is stripped as part of the phase 4 development.

*Reason: To safeguard the amenity of nearby residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 6 The screening bund as shown on drawing no. KHQ.4.05C shall be maintained at the height shown on the approved plan until its removal in phase 4 of the development.

*Reason: To safeguard the amenity of nearby residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 7 Topsoil imported to the site for blending with sand to produce compost shall only be stored, mixed and screened within the working area of the quarry. No topsoil, subsoil or soil making material stripped from the site or already stored on site shall be used for this purpose.

*Reason: To ensure that all the available soils are kept for use in the restoration of the site, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.*

## HOURS OF WORKING

- 8 No operations, including the loading or transportation of minerals or operation of quarry plant, shall take place on site outside the hours:

07.00 to 18.00 hours Mondays to Fridays  
07.00 to 12.00 hours on Saturdays.

No operations of quarry plant or loading or transportation of minerals, shall take place on Sundays or on Bank or Public Holidays.

However this condition shall not operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

*Reason: To safeguard the amenity of nearby residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## ACCESS AND TRAFFIC

- 9 The access road from the site to the public highway shall, for the life of the operations hereby permitted, be maintained in a good standard of repair and kept clean. This shall remain as the sole access to and egress from the site.

*Reason: To ensure that no material from the access road is carried on to the public highway in the interests of highway safety in accordance with Policies DC 1 and 2 of the Cumbria Minerals and Waste Development Framework.*

- 10 No lorry leaving the site shall enter the public highway unless it is in a condition that will not cause sand, mud or other material to be deposited on the highway.

*Reason: To ensure that no material is deposited onto the public highway in the interests of highway safety and local amenity, in accordance with Policy DC1 of the Cumbria Minerals and Waste Development Framework.*

- 11 The total number of laden heavy goods vehicles leaving the site daily shall not exceed 30 on weekdays and 15 on Saturdays. A record of all laden heavy goods vehicles leaving the site each day shall be maintained by the operator and access to this record shall be provided to the Local Planning Authority within 14 days of request.

*Reason: To keep to acceptable levels the impact of lorry traffic on the amenity of local residents and other road users, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## CONTROL OF NOISE

- 12 All plant, machinery and vehicles used on site shall be effectively silenced at all times in accordance with the manufacturers recommendations.

*Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## CONTROL OF DUST

- 13 The operator shall maintain on site at all times a water bowser or other dust suppression system, together with an adequate supply of water and during periods of dry weather shall spray the access road, haul roads, working areas, plant area and stockpiling areas with water to satisfactorily suppress dust in order that it does not constitute a nuisance outside the site.

*Reason: To safeguard the amenity of local residents by ensuring that dust does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 14 All vehicles used to transport material from the site shall be sheeted before leaving the site so that no mineral shall be deposited onto the public highway.

*Reason: To ensure that mineral is not released into the air or deposited on to the public highway in the interests of highway safety and local amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## SAFEGUARDING OF WATERCOURSES AND DRAINAGE

- 15 Groundwater levels shall be recorded on a monthly basis and corresponding records maintained for the life of the operations. These records shall be provided to the Local Planning Authority within two weeks of a written request for them.

*Reason: To protect groundwater resources, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework.*

- 16 No working shall take place below 0.5m above the highest recorded natural ground water level recorded in relation to condition 15. In any case, no working shall take place below 135m AOD.

*Reason: To ensure that no working takes place below the water table and thus prevent the derogation of local groundwater resources and/or groundwater features, and to prevent the restored land becoming waterlogged or flooded in accordance with Policy DC 14 of the Cumbria Minerals and Waste Development Framework.*

- 17 Throughout the period of working, restoration and aftercare, the operator shall protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it and shall not impair the flow or render less effective drainage onto and from land adjoining.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework.*

- 18 Any chemical, oil or diesel storage tanks on the site shall be sited on impervious bases and surrounded by impervious bund walls; the bunded areas shall be capable of containing 110% of the largest tank's volume and should enclose all fill and drawpipes.

*Reason: To avoid the pollution of any watercourse or groundwater resource, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework.*

## **STRIPPING, STORAGE AND USE OF SOILS AND OVERBURDEN**

- 19 At least 48 hours prior notice shall be given to the Local Planning Authority of the commencement and estimated duration of each phase of the soil stripping operations. If the boundary of the area to be stripped is not marked by identifiable features it shall be clearly marked with suitable pegs.

*Reason: To allow the Local Planning Authority to monitor the soil handling operations.*

- 20 All available topsoil and subsoil shall be separately stripped from any part of the site before it is excavated or is traversed by heavy vehicles or machinery (except for the purposes of stripping that part).

*Reason: To ensure that all the topsoil and subsoil is separately removed from the site prior to the commencement of excavations and to prevent any avoidable damage to the structure of the soils.*

- 21 The stripping, movement and resspreading of soils shall be restricted to occasions when the soil is in a suitably dry and friable condition and the ground is sufficiently dry to allow passage of heavy vehicles and machinery over it without damage to the soils and the topsoil can be separated from the subsoil without difficulty.

*Reason: To prevent any avoidable damage to the structure of the soils.*

- 22 All available topsoil, subsoil and soil making material shall be stored separately and retained on the site, in accordance with the scheme submitted under Condition 20. No topsoil or subsoil shall be sold off or removed from the site.

*Reason: To ensure that all the available soils are kept for use in the restoration of the site, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.*

## **CONTROL OF WEEDS**

- 23 All non-cropped areas of the site and all topsoil, subsoil and overburden stacks shall be kept free from noxious agricultural weeds and all necessary steps shall be taken to destroy such weeds at early stages of growth to prevent seeding.

*Reason: To properly manage the site and to prevent the spread of weeds onto adjacent land.*

## **CARE OF BOUNDARIES, HEDGES AND WALLS**

- 24 The operator shall maintain and make stockproof until the restoration is completed all the existing hedges, fences and walls including gates around the perimeter of the workings, throughout the period of operations until the restoration and aftercare of the site has been completed. Where an operational boundary does not coincide with an existing stockproof hedge or fence the operator shall provide, prior to the commencement of working in that part of the site, stockproof fencing with gates or cattle grids at every opening and which shall thereafter be

maintained until that part of the site's full restoration and aftercare of the site has been completed.

*Reason: To secure the proper management of undisturbed enclosures on the site and to ensure that stock do not enter the working areas.*

## **REPLACEMENT OF HEDGES AND WALLS**

- 25 Hedges, walls, fences, gates and stiles if damaged or destroyed in the course of the approved operations shall be repaired or restored on their original lines or replaced on such lines as may be agreed by the Local Planning Authority.

*Reason: To secure the satisfactory reinstatement of field boundaries for the management of the land and in the interests of visual amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## **TREE AND SHRUB PLANTING**

- 26 All trees and plants planted in accordance with the requirements of this permission shall be protected, managed and maintained until the expiry of this permission. Any trees or plants which die or become seriously damaged or diseased within five years of planting shall be replaced with plants of the same species or such species as may otherwise be agreed with the Local Planning Authority.

*Reason: To secure the satisfactory establishment of the tree planting in the interests of amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## **RESTORATION AND AFTERCARE**

- 27 The site shall be restored to a mix of agricultural, forestry and nature conservation uses as shown on plan no. KHQ.4.10C (Jan 2009). Prior to the commencement of any works within phase 2 as shown on plan no. KHQ.4.06.C, the operator shall submit a detailed restoration and aftercare scheme for the approval of the Local Planning Authority. The scheme shall detail:- methods and timing of soil placement; the thickness of different soil layers (in light of volumes of material in storage); methods to minimise and alleviate compaction of the soil profile; a method for assessing whether or not additional drainage works will be necessary and methods for carrying out such works if required; timings of soil analysis to inform fertiliser & lime application rates; seed mixes and method of sowing; species mix and methods of planting; and how the wetland and nature conservation habitats will be created.

*Reason: To secure the proper restoration of the site to agricultural and nature conservation use and its subsequent aftercare, in accordance with Policy DC16 of Cumbria Minerals and Waste Development Framework.*

- 29 A copy of this permission including the approved documents and other documents subsequently approved in accordance with this permission, shall always be available on site.

*Reason: To ensure those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission.*

Dated 20 January 2022

Signed: Angela Jones  
Executive Director - Economy and Infrastructure  
on behalf of Cumbria County Council.

**NOTES**

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
  - The policies and reasons for the approval of this planning application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/1/20/9005>
  - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
  - Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.
-

## **APPENDIX TO NOTIFICATION OF PLANNING DECISION**

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27](#) of [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission may relate to more than one condition.
5. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").



## NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: [Planningportal.gov.uk/pcs](https://planningportal.gov.uk/pcs)
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

## Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

## SCHEDULE B: Applications Determined by Other Authorities

---

**Item No: 13**

Between 21/12/2021 and 11/02/2022

**Appn Ref No:**  
20/9006

**Applicant:**  
Lakeland Minerals

**Parish:**  
Farlam

**Date of Receipt:**  
16/06/2020

**Agent:**  
Cumbria County Council -  
Economy & Planning

**Ward:**  
Brampton & Fellside

**Location:**  
Kirkhouse Quarry, Hallbankgate, Brampton,  
Cumbria, CA8 1JS

**Grid Reference:**  
356400 560100

**Proposal:** Variation Of Condition 2 Of Planning Permission 09/9016/CTY To  
Extend The Expiry Date Of Operations To 30th November 2033

### REPORT

**Case Officer:** Richard Maunsell

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 30/06/2020

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

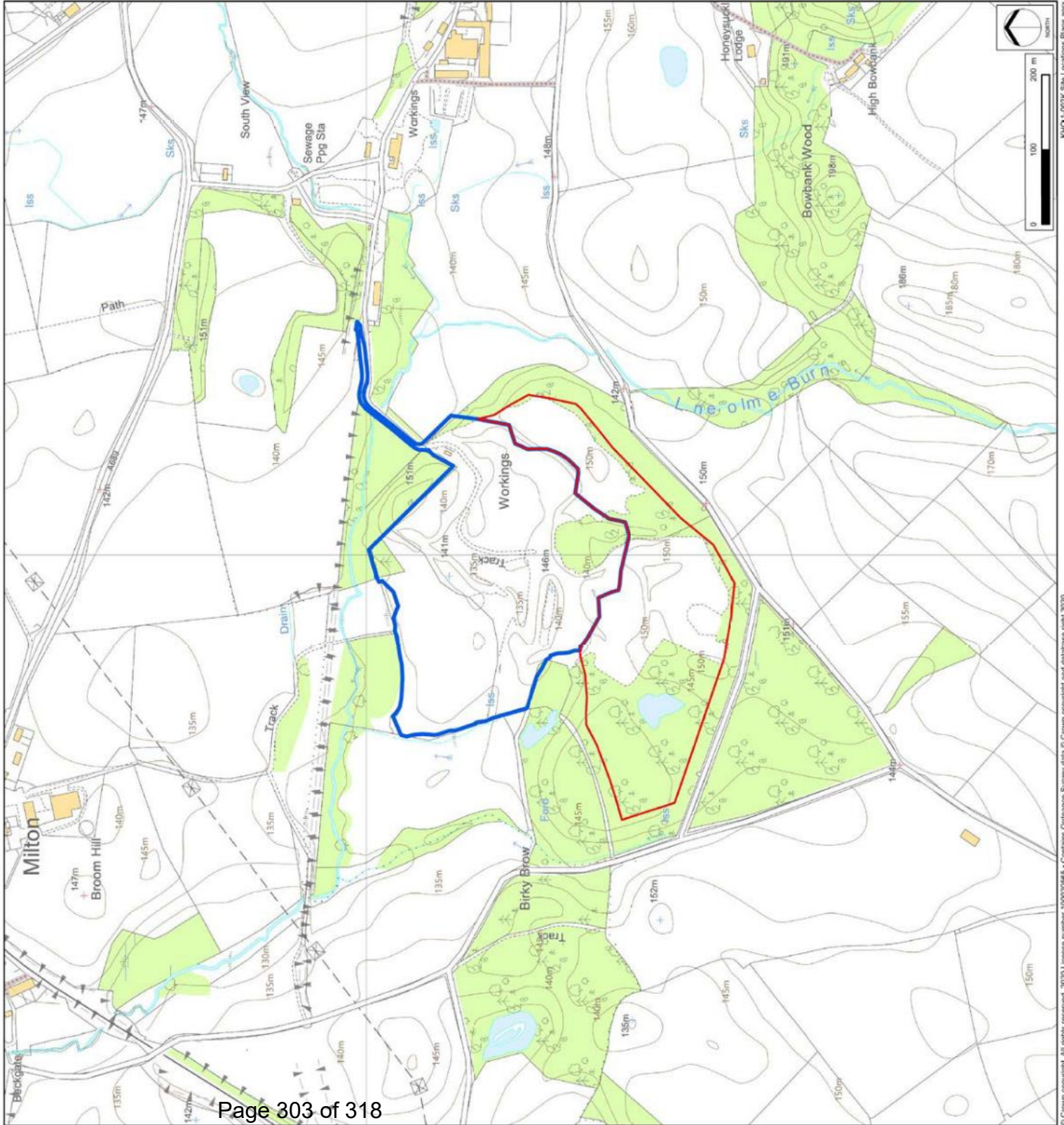
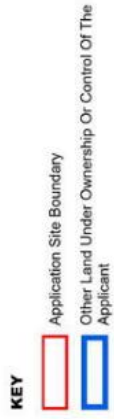
**Date:** 20/01/2022

A copy of the Notice of the decision of the Determining Authority is printed following the report.

---

# KIRKHOUSE QUARRY

FIGURE 1  
Site Location Plan





**The Town and Country Planning Act 1990  
The Town and Country Planning (Development Management Procedure)  
(England) Order 2015**

**NOTICE OF PLANNING PERMISSION**

To: Lakeland Minerals Ltd  
Unit 5A  
Wavell Drive  
Carlisle  
Cumbria  
CA1 2ST

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 12 June 2020.

**viz: Section 73 variation of Condition 2 of planning permission 1/09/9016 to extend the expiry date of operations to 30th November 2033.**

**Kirkhouse Quarry, Hallbankgate, Brampton, CA8 1JS.**

Subject to due compliance with the following conditions:

**Time Condition**

- 1 This permission shall be for a limited period only expiring on 30 November, 2033, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations and hardstandings shall have been removed from the site, and the site shall have been restored in accordance with the approved scheme by 30 November 2034.

*Reason: To secure the proper restoration of the site following the approved period for this temporary development, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.*

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
  - a. The submitted Application Form – dated 5 June 2020
  - b. Supporting Statement – 5 June 2020
  - c. Plans numbered and named:
    - i) Site Location Plan
    - ii) Drawing KHQ.4.04C
    - iii) Drawing KHQ.4.05C
    - iv) Drawing KHQ.4.06C – Phase 1
    - v) Drawing KHQ.4.07C – Phase 2
    - vi) Drawing KHQ.4.08C – Phase 3
    - vii) Drawing KHQ.4.09C – Phase 4
    - viii) Drawing KHQ.4.10C – Restoration Scheme
    - ix) Drawing KHQ.4.13C – Cross section

- x) Drawing KHQ.4.14 – Cross section
- d) The details or schemes approved in accordance with the conditions attached to this permission.

*Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.*

### **APPROVED OPERATIONS PROGRAMME**

- 3 In the event that mineral working permanently ceases a revised scheme to include details of the restoration and timescale for the completion of the restoration works, shall be submitted to the Mineral Planning Authority for approval in writing. Such a revised approved scheme shall be adhered to and the site restored within 12 months of approval in writing by the Mineral Planning Authority.

*Reason: To secure the proper restoration of the site following the approved period for this temporary development, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.*

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking and re-enacting that Order), planning permission shall be sought and obtained from the Local Planning Authority, before any buildings, structures, or erections, plant or machinery (other than those permitted by this permission) are erected on the site or on any ancillary mining land.

*Reason: To maintain control over additional built development upon the site in the interests of amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 5 The areas identified as areas to be temporarily reseeded to reduce visual impact as identified on drawing no. KHQ.4.05C shall be seeded and maintained until the area is stripped as part of the phase 4 development.

*Reason: To safeguard the amenity of nearby residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 6 The screening bund as shown on drawing no. KHQ.4.05C shall be maintained at the height shown on the approved plan until its removal in phase 4 of the development.

*Reason: To safeguard the amenity of nearby residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 7 Topsoil imported to the site for blending with sand to produce compost shall only be stored, mixed and screened within the working area of the quarry. No topsoil, subsoil or soil making material stripped from the site or already stored on site shall be used for this purpose.

*Reason: To ensure that all the available soils are kept for use in the restoration of the site, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.*

## HOURS OF WORKING

- 8 No operations, including the loading or transportation of minerals or operation of quarry plant, shall take place on site outside the hours:

07.00 to 18.00 hours Mondays to Fridays  
07.00 to 12.00 hours on Saturdays.

No operations of quarry plant or loading or transportation of minerals, shall take place on Sundays or on Bank or Public Holidays.

However this condition shall not operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

*Reason: To safeguard the amenity of nearby residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## ACCESS AND TRAFFIC

- 9 The access road from the site to the public highway shall, for the life of the operations hereby permitted, be maintained in a good standard of repair and kept clean. This shall remain as the sole access to and egress from the site.

*Reason: To ensure that no material from the access road is carried on to the public highway in the interests of highway safety in accordance with Policies DC 1 and 2 of the Cumbria Minerals and Waste Development Framework.*

- 10 No lorry leaving the site shall enter the public highway unless it is in a condition that will not cause sand, mud or other material to be deposited on the highway.

*Reason: To ensure that no material is deposited onto the public highway in the interests of highway safety and local amenity, in accordance with Policy DC1 of the Cumbria Minerals and Waste Development Framework.*

- 11 The total number of laden heavy goods vehicles leaving the site daily shall not exceed 30 on weekdays and 15 on Saturdays. A record of all laden heavy goods vehicles leaving the site each day shall be maintained by the operator and access to this record shall be provided to the Local Planning Authority within 14 days of request.

*Reason: To keep to acceptable levels the impact of lorry traffic on the amenity of local residents and other road users, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## CONTROL OF NOISE

- 12 All plant, machinery and vehicles used on site shall be effectively silenced at all times in accordance with the manufacturers recommendations.

*Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*



## CONTROL OF DUST

- 13 The operator shall maintain on site at all times a water bowser or other dust suppression system, together with an adequate supply of water and during periods of dry weather shall spray the access road, haul roads, working areas, plant area and stockpiling areas with water to satisfactorily suppress dust in order that it does not constitute a nuisance outside the site.

*Reason: To safeguard the amenity of local residents by ensuring that dust does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 14 All vehicles used to transport material from the site shall be sheeted before leaving the site so that no mineral shall be deposited onto the public highway.

*Reason: To ensure that mineral is not released into the air or deposited on to the public highway in the interests of highway safety and local amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## SAFEGUARDING OF WATERCOURSES AND DRAINAGE

- 15 Groundwater levels shall be recorded on a monthly basis and corresponding records maintained for the life of the operations. These records shall be provided to the Local Planning Authority within two weeks of a written request for them.

*Reason: To protect groundwater resources, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework.*

- 16 No working shall take place below 0.5m above the highest recorded natural ground water level recorded in relation to condition 15. In any case, no working shall take place below 135m AOD.

*Reason: To ensure that no working takes place below the water table and thus prevent the derogation of local groundwater resources and/or groundwater features, and to prevent the restored land becoming waterlogged or flooded in accordance with Policy DC 14 of the Cumbria Minerals and Waste Development Framework.*

- 17 Throughout the period of working, restoration and aftercare, the operator shall protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it and shall not impair the flow or render less effective drainage onto and from land adjoining.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework.*

- 18 Any chemical, oil or diesel storage tanks on the site shall be sited on impervious bases and surrounded by impervious bund walls; the bunded areas shall be capable of containing 110% of the largest tank's volume and should enclose all fill and drawpipes.

*Reason: To avoid the pollution of any watercourse or groundwater resource, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework.*

## **STRIPPING, STORAGE AND USE OF SOILS AND OVERBURDEN**

- 19 At least 48 hours prior notice shall be given to the Local Planning Authority of the commencement and estimated duration of each phase of the soil stripping operations. If the boundary of the area to be stripped is not marked by identifiable features it shall be clearly marked with suitable pegs.

*Reason: To allow the Local Planning Authority to monitor the soil handling operations.*

- 20 All available topsoil and subsoil shall be separately stripped from any part of the site before it is excavated or is traversed by heavy vehicles or machinery (except for the purposes of stripping that part).

*Reason: To ensure that all the topsoil and subsoil is separately removed from the site prior to the commencement of excavations and to prevent any avoidable damage to the structure of the soils.*

- 21 The stripping, movement and resspreading of soils shall be restricted to occasions when the soil is in a suitably dry and friable condition and the ground is sufficiently dry to allow passage of heavy vehicles and machinery over it without damage to the soils and the topsoil can be separated from the subsoil without difficulty.

*Reason: To prevent any avoidable damage to the structure of the soils.*

- 22 All available topsoil, subsoil and soil making material shall be stored separately and retained on the site, in accordance with the scheme submitted under Condition 20. No topsoil or subsoil shall be sold off or removed from the site.

*Reason: To ensure that all the available soils are kept for use in the restoration of the site, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.*

## **CONTROL OF WEEDS**

- 23 All non-cropped areas of the site and all topsoil, subsoil and overburden stacks shall be kept free from noxious agricultural weeds and all necessary steps shall be taken to destroy such weeds at early stages of growth to prevent seeding.

*Reason: To properly manage the site and to prevent the spread of weeds onto adjacent land.*

## **CARE OF BOUNDARIES, HEDGES AND WALLS**

- 24 The operator shall maintain and make stockproof until the restoration is completed all the existing hedges, fences and walls including gates around the perimeter of the workings, throughout the period of operations until the restoration and aftercare of the site has been completed. Where an operational boundary does not coincide with an existing stockproof hedge or fence the operator shall provide, prior to the commencement of working in that part of the site, stockproof fencing with gates or cattle grids at every opening and which shall thereafter be



maintained until that part of the site's full restoration and aftercare of the site has been completed.

*Reason: To secure the proper management of undisturbed enclosures on the site and to ensure that stock do not enter the working areas.*

## **REPLACEMENT OF HEDGES AND WALLS**

- 25 Hedges, walls, fences, gates and stiles if damaged or destroyed in the course of the approved operations shall be repaired or restored on their original lines or replaced on such lines as may be agreed by the Local Planning Authority.

*Reason: To secure the satisfactory reinstatement of field boundaries for the management of the land and in the interests of visual amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## **TREE AND SHRUB PLANTING**

- 26 All trees and plants planted in accordance with the requirements of this permission shall be protected, managed and maintained until the expiry of this permission. Any trees or plants which die or become seriously damaged or diseased within five years of planting shall be replaced with plants of the same species or such species as may otherwise be agreed with the Local Planning Authority.

*Reason: To secure the satisfactory establishment of the tree planting in the interests of amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## **RESTORATION AND AFTERCARE**

- 27 The site shall be restored to a mix of agricultural, forestry and nature conservation uses as shown on plan no. KHQ.4.10C (Jan 2009). Prior to the commencement of any works within phase 2 as shown on plan no. KHQ.4.06.C, the operator shall submit a detailed restoration and aftercare scheme for the approval of the Local Planning Authority. The scheme shall detail:- methods and timing of soil placement; the thickness of different soil layers (in light of volumes of material in storage); methods to minimise and alleviate compaction of the soil profile; a method for assessing whether or not additional drainage works will be necessary and methods for carrying out such works if required; timings of soil analysis to inform fertiliser & lime application rates; seed mixes and method of sowing; species mix and methods of planting; and how the wetland and nature conservation habitats will be created.

*Reason: To secure the proper restoration of the site to agricultural and nature conservation use and its subsequent aftercare, in accordance with Policy DC16 of Cumbria Minerals and Waste Development Framework.*

- 28 A copy of this permission including the approved documents and other documents subsequently approved in accordance with this permission, shall always be available on site.

*Reason: To ensure those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission.*

Dated 20 January 2022

Signed: Angela Jones  
Executive Director - Economy and Infrastructure  
on behalf of Cumbria County Council.

## NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
  - The policies and reasons for the approval of this planning application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/1/20/9006>
  - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
  - Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.
-

## **APPENDIX TO NOTIFICATION OF PLANNING DECISION**

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27](#) of [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission may relate to more than one condition.
5. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").

## NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: [Planningportal.gov.uk/pcs](https://planningportal.gov.uk/pcs)
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

## Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

---

**Item No: 14**

Between 21/12/2021 and 11/02/2022

**Appn Ref No:**

21/0002 TEL

**Applicant:**

Hutchison UK Ltd

**Parish:****Date of Receipt:**

29/04/2021 16:01:56

**Agent:**

WHP Telecoms Limited

**Ward:**

Cathedral &amp; Castle

**Location:**Land to the front Of Sainsburys, Church Street,  
Carlisle, CA2 5TF**Grid Reference:**

339406 555994

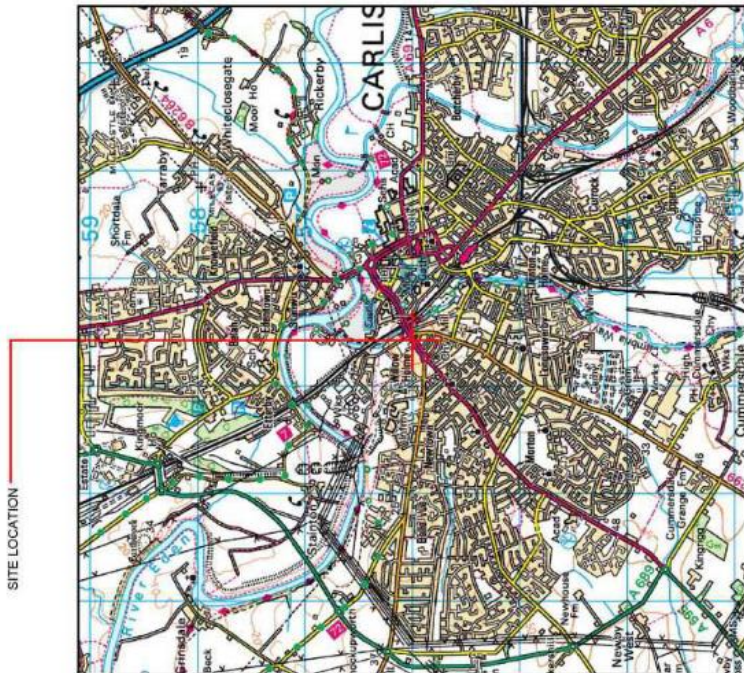
**Proposal:** Installation Of 15 Metre Phase 8 Monopole C/W Wrapround Cabinet At  
Base & Associated Ancillary Works

---

**REPORT****Case Officer:** Suzanne Osborne**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Appeal Decision:** Appeal Allowed with Conditions      **Date:** 22/12/2021A copy of the Notice of the decision of the Determining Authority is printed following  
the report.

---





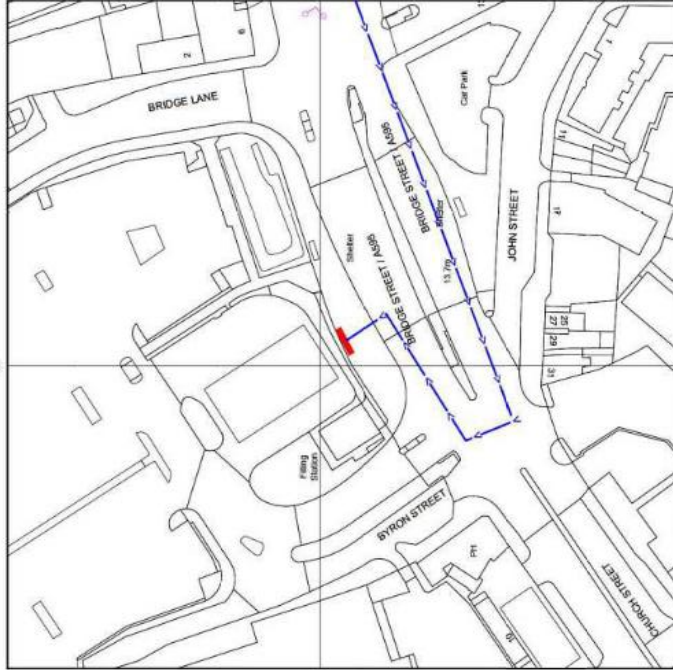
Reproduced by permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office  
All rights reserved. © Crown Copyright licence no. 10002432



SITE AREA PLAN



SITE PHOTOGRAPH



Reproduced by permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office  
All rights reserved. © Crown Copyright licence no. 100052043



SITE LOCATION PLAN



GOOGLE MAPS QR CODE

GOOGLE MAPS - <https://goo.gl/maps/FujY6Fvp18RHs5Kn7>

GOOGLE STREETVIEW - <https://goo.gl/maps/DRJ8JMzaPJFGxnXh8>

NOTES

1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED

**DIRECTIONS TO SITE**  
Take the A690 to the A69 in North Yorkshire. Take exit 53 from A1(M).  
Follow the A69 to the A690 in Carlisle. Take exit 43 from A69.  
Follow the A690 to the A69 in Carlisle. Take exit 43 from A69.  
At Rosehill Roundabout, take the 1st exit onto Rother Way/A69.  
Continue on Rother Way/A69 for 1.5km to the A690.  
Turn right onto Georgian Way/A7.  
At the roundabout, take the 1st exit onto Castle Way/A695.  
Continue to follow A695.  
At the roundabout, take the 4th exit onto Church Street/A695.  
Site location is on the left side.

Bridge Street/A695, Caldewgate, Carlisle, CA2 5TR.  
Site location is on the left side.



Module	MBNL / EET / H202	MBNL	H3G 5G UNILATERAL	Programme of use	Notes
M002	MBNL	2205/2021	2205/2021	Planning	B
M001	MBNL	1504/2021	1504/2021	Planning	A



Hutchison 3G UK Limited  
Star House, 20 Gendall Road  
Maddenhead, SL6 1EH  
Tel: 01628 762 000  
Fax: 01628 762 001  
H3G Base Station Information line:  
0845 0643000  
Available from 9am Monday to Friday

Design Consultant & Principal Contractor:

**WHP Telecoms**  
Unit 1 Maple Park,  
Low Fields Avenue, Leeds  
LS12 6HH  
Tel: 01133023550  
e-mail: info@whptelecoms.com

Site Name:	SW AT BRIDGE STREET
Site ID:	CAR17512
Address:	BRIDGE STREET, CALDEWEGATE, CARLISLE, CUMBRIA, NORTH WEST ENGLAND, ENGLAND, CA2 5TR
Title:	002 SITE LOCATION PLAN
Project:	H3G 5G UNILATERAL
Purpose of issue:	PLANNING
EET / EET ID:	N/A
MBNL / MBNL ID:	N/A
3G / 3G ID:	N/A
Master Drawing No:	CAR17512_M002
Issue:	B

---

# Appeal Decision

Site visit made on 30 November 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

---

Appeal Ref: APP/E0915/W/21/3279595

Bridge Street, Caldewgate, Carlisle CA2 5TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Hutchison UK Ltd against the decision of Carlisle City Council.
  - The application Ref 21/0002 TEL, dated 22 April 2021, was refused by notice dated 23 June 2021.
  - The development proposed is a 15m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works.
- 

## Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 15m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works at Bridge Street, Caldewgate, Carlisle CA2 5TR in accordance with the terms of the application Ref 21/0002 TEL dated 22 April 2021, and the plans submitted with it including plan numbers CAR17512\_M002 Issue B 002 Site Location Plan; CAR17512\_M002 Issue B 210 Proposed H3G Site Plan; CAR17512\_M002 Issue B 260 Proposed H3G Elevation; CAR17512\_M002 Issue B 303 Proposed H3G Antenna Schedule & Line Configuration; CAR17512\_M002 Issue B 305 Equipment Schedule & Support Structure Details.

## Preliminary Matters

2. The principle of development is established by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the proposed development solely based on its siting and appearance, taking account of any representations received. I have determined the appeal on the same basis.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

## Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

5. The National Planning Policy Framework 2021 (the Framework) recognises the importance of high quality and reliable communications infrastructure, such as 5G, as being essential to economic growth and social wellbeing. Where new equipment is needed, the Framework requires that it is sympathetically designed and camouflaged where appropriate. The appellant states that the proposed development is required to facilitate the roll out of the 5G network. I also note that alternative sites have been investigated by the appellant.
6. The appeal site is an area of pavement in front of a petrol filling station on the north side of Bridge Street, which is one of the main roads into the city centre. At this point, it is a dual carriageway with slip roads on both sides and traffic light controlled junctions to the east and west of the site. The pavement is wide in the vicinity of the site and to its rear is low level shrub planting with a number of trees behind of around 4m in height. The surrounding area is characterised mainly by commercial properties. These include the petrol filling station immediately to the north with a supermarket car park and store beyond. Uses to the west include a pub, car wash, a motor bike dealership and a number of large-scale buildings associated with a biscuit manufacturer. On the south side of Bridge Street there is a mix of residential and commercial properties. Buildings to the east include a number of blocks of flats of around three to four storeys in height and a number of retail units.
7. The area has street furniture commonly found in such urban locations including street lighting, street signs, an advertisement pole, bus stops and traffic lights. There are also two chimneys to the east and south. The pole would have a relatively simple design and the exposed equipment would not protrude significantly beyond the pole. It would be the minimum needed to provide the 5G technology to the area whilst satisfying the International Commission on Non-Ionizing Radiation Protection standard. However, the pole would be taller and thicker than the majority of other vertical structures in the area.
8. The pole would be seen against the skyline when viewed from many locations given its height. However, it would be viewed in association with other vertical structures in the area, including the two chimneys, and so would not be seen as an isolated vertical element. In many views from the east, the pole would be seen against the backdrop of the large buildings associated with the biscuit manufacturer which would help to reduce its effect.
9. Although there would be a height differential between the pole and many of the existing vertical structures in the area, it would not result in an unacceptably obtrusive or prominent addition within the street scene, given the context of these other vertical features and the backdrop of commercial buildings.
10. The appellant states that the associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval. They are shown on the plans and within the specification and would not be required if it were not for the proposed pole. The scale and design of the cabinets are relatively modest, and they would be seen against the backdrop of the wall and planting to the rear of the pavement.
11. As such, the proposed development would not appear incongruous with the established character and appearance of the area, nor would it harm the street scene or public realm. It would therefore accord with Policy SP6 of the Carlisle



District Local Plan 2015-2030 which sets out 12 principles for securing good design that proposals will be assessed against. These include responding to local context and the form of surrounding buildings, and respecting local character and distinctiveness. It would also accord with the design principles set out in paragraph 134 of the Framework.

#### Conditions

12. The permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2) of the GPDO, which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of five years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
13. The Council has suggested a time limit condition of three years. However, the standard conditions in the GPDO refer to a five year time limit condition. I am satisfied that this is reasonable and necessary.

#### Other Matters

14. I note the comments made by the parties about the pre application enquiry process. However, in determining this appeal, I am only able to have regard to the planning merits of the case.

#### Conclusion

15. For the above reasons, having had regard to all matters raised, I conclude that the appeal should be allowed, and prior approval should be granted.

*F Wilkinson*

