

# AGENDA

## Development Control Committee

**Friday, 05 August 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 MEETING**

To note that Council, at its meeting of 19 July 2022, received and adopted the minutes of the meetings held on 6 April (site visits), 8 April, 11 May (site visits), 13 May and 22 June 2022.

To approve the minutes of the meetings held on 24 June and 3 August (site visits) 2022.

## **PART A**

**To be considered when the Public and Press are present**

### **A.1 CONTROL OF DEVELOPMENT AND ADVERTISING**

To consider applications for:

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

#### **Explanatory Notes**

**5 - 10**

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|----|---|----------------------|
| 1. | <b><u>Application - 22/0261 - Citadel Buildings, English Street, Carlisle</u></b>                                 | <b>11 -<br/>92</b>   |
| 2. | <b><u>Application - 22/0262 Citadel Buildings, English Street, Carlisle</u></b>                                   | <b>93 -<br/>128</b>  |
| 3. | <b><u>Application - 22/0219 - Land at Dukes Drive, Kingmoor Park North, Carlisle, CA6 4SD</u></b>                 | <b>129 -<br/>166</b> |
| 4. | <b><u>Application - 22/0214 - The Forge, Skellion Farm, How Mill, Brampton, CA8 9JL</u></b>                       | <b>167 -<br/>178</b> |
| 5. | <b><u>Application - 22/0364 - Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX</u></b>                       | <b>179 -<br/>202</b> |
| 6. | <b><u>Application - 22/0372 - Former Beaumont Waste Disposal Site, Land Adj Field 6065, Monkhill, CA5 6DH</u></b> | <b>203 -<br/>228</b> |

7.	<b><u>Application - 22/0489 - Sunnyside, Moorhouse Road, Moorhouse, Carlisle, CA5 6EJ</u></b>	229 - 236
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	<b><u>SCHEDULE B - DECISIONS TAKEN BY OTHER AUTHORITIES</u></b>	237 - 266
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A.2	<b><u>RIGHT TO SPEAK POLICY – CLARIFICATION UPDATE</u></b>	267 - 276
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The Corporate Director of Economic Development to submit an update on the Right to Speak Policy which is in operation for the Development Control Committee providing further clarification on timings.  
(Copy Report ED.20/22 herewith)

## **PART B**

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

B.1	<b><u>PLANNING ENFORCEMENT UPDATE</u></b>
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*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, and detailing quarterly figures.  
(Copy Report ED.19/22 herewith)

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

**Conservative** – Mrs Bowman, Christian, Collier, Mrs Finlayson, Meller, Morton, Ms Ellis-Williams (sub), McKerrell (sub), Mrs Mitchell (sub)

**Labour** – Alcroft, Mrs Glendinning, Southward, Wills, Birks (sub), Brown (sub), Whalen (sub)

**Independent** - Tinnion

**Independent and Liberal Democrat** - Bomford, Allison (sub)

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



# **Development Control Committee Main Schedule**

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

5<sup>th</sup> August 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-framework--2>,
- Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/> and other Statements of Ministerial Policy;
- Carlisle District Local Plan 2015-2030 <http://www.carlisle.gov.uk/planning-policy/Local-Plan/Carlisle-District-Local-Plan-2015-2030>
- Conservation Principles, Policies and Guidance - <https://historicengland.org.uk/advice/constructive-conservation/conservation-principles/>
- Enabling Development and the Conservation of Significant Places <https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/>
- Flood risk assessments: climate change allowances <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

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

Condition 2 of each application details the relevant application documents; except the following where the associated documents are located at –

22/0214 - [22/0214 | Variation Of Condition 15 & Removal Of Condition 16 Of Previously Approved Permission 14/0003 \(Erection Of 1 No. Holiday Letting Unit On Site Of Redundant Agricultural Building\) To Enable Mixed Residential And Holiday Let Use Of The Forge/Barn 'B' | The Forge, Skellion Farm, How Mill, Brampton, CA8 9JL \(carlisle.gov.uk\)](#)

**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 21/07/2022 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 05/08/2022.

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.	22/0261 A	Citadel Buildings, English Street, Carlisle	AC
02.	22/0262 A	Citadel Buildings, English Street, Carlisle	AC
03.	22/0219 A	Land at Dukes Drive, Kingmoor Park North, Carlisle, CA6 4SD	RJM
04.	22/0214 A	The Forge, Skellion Farm, How Mill, Brampton, CA8 9JL	SD
05.	22/0364 A	Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX	BP
06.	22/0372 A	Former Beaumont Waste Disposal Site, L/Adj. Field 6065, Monkhill, CA5 6DH	RJM
07.	22/0489 A	Sunnyside, Moorhouse Road, Moorhouse, Carlisle, CA5 6EJ	SD
08.	21/0812 B	Glen Croft, West Hall, Brampton, CA8 2BS	RJM
09.	21/1069 B	Castlegate House, Castle Carrock, Brampton, CA8 9LT	SD
10.	22/0052 B	333 Warwick Road, Carlisle, CA1 2BS	BP
11.	21/0617 B	Land adjacent Forest Gate, Blackbank, Longtown, CA6 5LQ	SD
12.	22/9003 B	James Rennie School, California Road, Carlisle, CA3 0BU	SD

## SCHEDULE A

Applications to be  
determined by the  
City Council.

## SCHEDULE A

## SCHEDULE A: Applications with Recommendation

22/0261

Item No: 01

Date of Committee: 05/08/2022

**Appn Ref No:**  
22/0261

**Applicant:**  
University of Cumbria

**Parish:**  
Carlisle

**Agent:**  
DPP

**Ward:**  
Cathedral & Castle

**Location:** Citadel Buildings, English Street, Carlisle

**Proposal:** Change Of Use Of The Existing Citadels Buildings (Which Comprise The Crown Court, Nisi Prius & Hospital Wing), 94-96 English Street (Known As Woolworth Buildings), 98-104 English Street & 185 Victoria Viaduct (Known As Burton's Building) To Higher Education Use [Class F1(a)] With Ancillary Café [Class E(b)] At The Ground Floor Of The Woolworth Buildings; Erection Of A Single Storey Roof Extension To The Woolworth Buildings; Demolition Of 106-114 English Street & The Kramer Building (Former CUCC Offices) & Construction Of A New University Entrance; Reconfiguration Of The Former Paton House (Now Demolished) Car Park & Construction Of A 4 Storeys Over Ground Floor Level (Maximum) Building With Associated Roof Terraces For Higher Education Use [Class F1(a)] At Bush Brow; With Associated Pedestrian Access Point Through The Former Gaol Wall, Landscaping Enhancements To The Citadels Gardens; Creation Of New Publicly Accessible Privately Owned (& Managed) Public Realm/Civic Space Within The Centre Of The Scheme & Associated Adjacent Highways Works

**Date of Receipt:**  
04/04/2022

**Statutory Expiry Date**  
11/07/2022

**26 Week Determination**  
10/08/2022

### REPORT

**Case Officer:** Alanzon Chan

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 The Principle Of The Development
- 2.2 Design And Layout Of The Proposal

- 2.3 Impact Of The Proposal Upon The Visual Amenity Of The Area
- 2.4 Impact Upon The Grade I and Grade II Listed Buildings, and Non-Designated Heritage Asset
- 2.5 Impact Upon The Character Of the Carlisle City Centre Conservation Area
- 2.6 Impact Of The Proposal On The Residential Amenity Of The Area
- 2.7 Sustainable Construction
- 2.8 Access, Parking, Sustainable Travel and Impact Upon Highways Safety
- 2.9 Flood Risk and Drainage
- 2.10 Security And Crime Prevention
- 2.11 Impact Of The Proposal On Biodiversity
- 2.12 Other Matters
- 2.13 Sustainable Development - Benefits Of The Proposed Development

### **3. Application Details**

#### **The Site**

- 3.1 Carlisle Citadels are located at the southern side of Carlisle City Centre, and approximately 30m to the northwest of Carlisle Railway Station. The site comprises a parcel of land encompassing The Crescent, English Street, Court Square Brow, Borough Street and Victoria Viaduct.
- 3.2 The eastern side of the site contains two Grade I listed Citadel buildings (Crown Court Citadel and Nisi Prius). To the east of Nisi Prius is the grade II listed Statue of the Earl of Lonsdale. The former Hospital Wing of the County Gaol is Grade II listed and this is directly connected to the Crown Court building and the Kraemer Building. A Grade II listed wall wraps around the southern boundary of the site. This is known as Gaol Wall and dates from the mid-1820s and stands at 10 meters from ground level at its highest point. The western and northern parts of the site are encompassed by Victoria Viaduct and English Street frontages respectively, which both comprise a range of retail premises. The site is also located to the southeast of the Scheduled Ancient Monuments of the Town Wall, Roman and Medieval Town Area which is bound by Heads Lane West Wall and Blackfriars Street, and Carlisle Cathedral Precinct.
- 3.3 The two bastions, known as The Citadels, were originally built in the 16th century, subsequently rebuilt in the 1800s. The Citadels were used to house the civil courts in the East Tower, and the criminal courts in the West Tower. The Citadels then became the local offices and meeting place for Cumbria County Council and ceased to function as a judicial facility in 1992, when the new Crown and County Courts Complex was built on Earl Street. In 2016, The Citadels ceased to function as a municipal facility when Cumbria County Council moved to a single building, Cumbria House, on Botchergate. Shortly after that, under County Council application 17/9007/CTY, both the Lower Gaol Yard and Lonsdale Building were considered to be in poor condition, and the Lonsdale Building was subsequently demolished. Permission was granted by the County Council (under application 18/9003/CTY) to use the area to the west of the Crown Court as a surface level car park until a new use for the site could be identified. Under application 20/0867, permission



was granted for the demolition of Paton House at 9 Victoria Viaduct.

- 3.4 The whole site, including the Citadels buildings, adjacent properties on English Street, and the land to the rear of the site, extends to approximately 1.65 hectares.

## The Proposal

- 3.5 This application seeks full planning permission for the change of use of the existing Citadels Buildings (which comprise the Crown Court, Nisi Prius and Hospital Wing), 94-96 English Street (known as Woolworths building), 98-104 English Street and 185 Victoria Viaduct (known as Burton's Building) to higher education use (Class F1(a)) with ancillary café (Class E(b)) at the ground floor of the Woolworths Building; erection of a single storey roof extension to the Woolworths Building; demolition of 106- 114 English Street and the Kramer Building (former CuCC offices) and construction of a new university entrance; reconfiguration of the former Paton House (now demolished) car park and construction of a 4 storeys over ground floor level (maximum) building with associated roof terraces for higher education use [Class F1(a)] at Bush Brow; with associated pedestrian access point through the former Gaol Wall, landscaping enhancements to the Citadels Gardens; the creation of a new publicly accessible privately owned (and managed) public realm/civic space within the centre of the scheme and associated adjacent highways works.
- 3.6 As an aside, an application for Listed Building Consent has also been submitted (under application 22/0262) for the alterations to the existing Citadels Buildings (which comprise the Crown Court, Nisi Prius and Hospital Wing); insertion of opening to the Gaol Wall; demolition of 106-114 English Street and the Kramer Building and the toilet block to the Crown Court; and reinstatement of railings to Citadel Gardens.

## Background

- 3.7 Following the submission of a Borderlands Inclusive Growth Deal proposal to the UK and Scottish Governments in 2018, The Borderlands Inclusive Growth Deal was signed in March 2021, which will bring up to £350million of investment into the Borderlands region, from the UK and Scottish Governments. The grant will be allocated to a range of projects across the region, these include:

**Carlisle Citadels** - transformation of the Grade I listed Citadels buildings into a new city centre campus for the University of Cumbria, expanding opportunities for local students and drawing in new students to the area.

**Carlisle Station Gateway** - developing Carlisle Station as the gateway to Carlisle and a key transport hub with connections across the Borderlands including preparations for the arrival of HS2 in the future.

**The Southern Gateway** - a transformative programme of public realm and access improvements which will bind these opportunities and deliver a

change in movement and sense of place at the heart of Carlisle.

There are other notable city centre projects to be delivered as part of the Towns Fund for England (Towns Fund) and Future High Streets Fund, which include the reimagination of Market Square; improvement works to Devonshire Street; and the regeneration of the Victoria Viaduct Central Plaza Hotel site.

- 3.8 The redevelopment of Carlisle Citadels buildings and adjacent land for a new University of Cumbria campus in the city centre will involve the university relocating from its two existing Carlisle campuses, Fusehill Street and Brampton Road, into one city centre location. The two existing campuses comprise a number of buildings which are largely underutilised. Many teaching rooms are either under or oversized. Institutes and facilities are separated across different sites and buildings, and many spaces are duplicated. A new city centre campus will provide an opportunity to reduce duplication of services, increase collaboration and interdisciplinary working through co-location and improve utilisation of spaces.
- 3.9 The proposed development will involve the part-demolition and part-retention of the existing buildings on the site. The proposed development will be carried out in two phases:

**Phase One** will involve the demolition of a few non-listed buildings, the refurbishment of the Citadels buildings along with new build provision. It will introduce a Gateway Building on English Street as the main entrance of the University campus, and a new Teaching Block. All ground floor spaces, including the Woolworths and Burton's Building will be re-purposed, and The Crown Court building, the Hospital Wing and Nisi Prius will be renovated. Phase One development will also include external works, car parking around the development and the introduction of an amphitheatrical courtyard area.

**Phase Two** will allow for future university expansion through the renovation of first and second floors of the Woolworths and Burton's Buildings; a rooftop extension above the Woolworths and Burton's Buildings; additional floor levels and planting to Teaching Block building and additional external rooftop space.

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

- 4.1 This application has been advertised by means of press notice, site notices and direct notification to the occupiers of 124 properties.
- 4.2 During the initial consultation, one letter of objection was received during the advertisement period, and the objection raised relates to some inconsistencies between 2 submitted documents by the applicant. Since the receipt of the application, the applicant has revised the drawings.
- 4.3 No verbal or written representations have been received during the re-consultation.

## 5. Summary of Consultation Responses

**Environment Agency - Environmental Crime Team:** No comments received

**Environment Agency (Planning Liaison Team):** No objection subject to the imposition of condition in relation to remediation strategy to deal with the risks associated with contamination of the site

**Cumbria County Council - (Highways & Lead Local Flood Authority):** no objection subject to conditions

**Cumbria Fire & Rescue Service:** no objections

**Planning - Access Officer:** no objections

**Northern Gas Networks:** no objections

**Cumbria County Council - (Archaeological Services):** no objection subject to the imposition of conditions

**Cumbria Constabulary:** no objection but suggested a series of crime prevention measures to be included within the strategies

**Natural England:** no objection

**Local Environment - Environmental Protection:**

Noise & vibration

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

Dust

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

Mobile Crusher

If a mobile crusher is to be used on site, Environmental Health would usually be informed of this in advance of operation. Crushers must be operated in line with the Environmental Permit and best practice, in order to limit noise, dust and vibration impacts.

Public Information

It would be advisable for the applicant to write to all residents and businesses within the vicinity of the site, which could be potentially adversely affected by the works. This could include detail of the planned hours of work and duration of the project, prior to commencement of works. The applicant should also distribute details of a suitable contact number which can be used in the event of issues/complaint.

**National Highways:** no objection

**Historic England:** supports the principle of the proposal and advises that

many aspects of the scheme are sensitive and well considered but they have made the following comments:

- highly supportive of the principle of accommodating the University campus use on the Citadel site
- Subject to the fixtures and fittings being retained within the Citadel, and Carlisle City Council securing this via condition, this approach to the incorporation of these important spaces within the scheme is considered a pragmatic one.
- the scale and massing of phase 1 would allow the Citadel to maintain this primacy but the massing of phase 2, as currently designed, would challenge the Citadel's primacy.
- consider that the proposed new opening within the Gaol Wall would harm the legibility of the Citadel gateway / English St as the primary entry point and route into the City from the south and its place within the street hierarchy, as well as the character of the conservation area, and thus their significance.
- The new opening within the Gaol wall would also harm the defensive character of the robust and impenetrable Gaol wall, the character of the wider Citadel group and the conservation area, and thus their significance.
- The opening to access and roof terrace at the Crown Court would weaken the defensive character of this bastion, harming its significance.
- recommend that the City Council seek to ensure that there is a synergy between public realm projects and that their impact on the significance of the Citadel buildings and their settings is duly considered in their design.
- welcome the retention and repurposing of the majority of the Woolworths buildings. The loss of building 1 of the 'Woolworths buildings' represents a low level of less than substantial harm to the wider conservation area
- The oriel window or 'pop out' above the new entrance would intrude in views and interrupt the smooth curvature of English Street, detracting from the visual harmony of this positive red sandstone set.

**Cumbria County Council - Development Management:** No comments received

**Network Rail - LNW (North):** no objection but advised the applicant that Network Rail Asset Protection involvement through a BAPA (basic asset protection agreement) will be required for all elements from Design through to Construction - and engagement is advised at the earliest opportunity.

**United Utilities:** no objection subject to condition

## **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, SP4, SP5, SP6, SP7, SP9, SP10, EC3, EC7, EC8, EC9, CM4, CM5, CC3, CC4, CC5, IP1, IP2, IP3, IP4, IP6, HE2, HE3, HE6, HE7, GI1, GI3, GI5 and GI6 of the

Carlisle District Local Plan (CDLP) 2015-2030. Sections 66 and 72 of the Planning (Listed Building) Act 1990 (LBA), National Design Guide, Urban Design Guide and Public Realm Framework SPD (2009), Carlisle City Council Development Framework (2015) (CCDF) and Cumbria Development Design Guide are also material planning considerations.

The proposal raises the following planning issues:

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

- 6.3 The overarching aim of the proposal is to create a new campus development for the University of Cumbria that will allow them to consolidate their operations into a visible, accessible and high-quality campus within the city centre of Carlisle. The new campus will replace the two existing poorly located and dated campuses at Fusehill Street and Brampton Road. The proposal also seeks to revitalise Carlisle and the City Centre by improving the access route to the City Centre and enhancing the environmental infrastructure on site, including energy conservation, green infrastructure and landscaping. The Proposal seeks to attract more people to study, work and live in Carlisle, and contribute to the improvement of productivity across Carlisle and the Borderlands region.
- 6.4 Section 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt, adding that 'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. Paragraph 80 of the NPPF states that the approach taken should encourage each area to build on its strengths, counter any weaknesses and address future challenges. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
- 6.5 Section 7 of the NPPF states that planning decisions should support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management and adaptation.
- 6.6 Meanwhile, planning decisions should also promote an effective use of land by giving substantial weight to the value of using suitable brownfield land to support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Planning decisions should aim to promote and support the development of under-utilised land and buildings, especially if this would allow available sites to be used more effectively (Paragraph 120 of the NPPF, 2021).
- 6.7 The application site is located adjacent to the Carlisle Railway Station which is a key gateway into the City, and therefore presents one of the most important regeneration opportunities in the Borderlands region. According to the CCDF (2015), the Citadels site is highlighted as an area with 'high potential for change/intervention'. The analysis highlights the importance of the Citadels as a gateway to the city from the station and outlines the

considerable potential for future mixed use redevelopment.

- 6.8 Since the Citadels have ceased to function as a municipal facility in 2016, the buildings and the adjoining land have mostly been left vacant. The principle of reusing the Citadels buildings and adjoining land to form a new campus for the University of Cumbria will bring vacant buildings and associated grounds back into use.
- 6.9 In terms of the principle for mixed-use development on the Citadels site, it is noted that CDLP Policy SP4 supports mixed-use proposals within the City Centre which respect the significance of the heritage assets and enhance the existing public realm. The proposal would facilitate the regeneration of the Citadels site by creating a University campus,. This will relocate students and staff who currently visit the two campus sites at Brampton Old Road and Fusehill Street and bypass the City Centre, bringing additional footfall to English Street and thereby to the wider City Centre. This will encourage the use of retail and other amenities within the Primary Shopping Area and thus increase the vitality and viability of the City Centre. In this regard, the proposal would meet the criteria set out within CDLP Policy SP4 , subject to detailed heritage considerations in Section 4.
- 6.10 It is recognised that the north-western part of the site (Woolworth Buildings; Burton's Building; and 106-114 English Street) is located within the Primary Shopping Area and is designated as Primary Shopping Frontage under CDLP Policy EC3. According to CDLP Policy EC3, the District's Primary Shopping Areas will be the focus for new retail development. That being said, the Policy also states that proposals for the change of use of ground floor shops to non-retail uses within Primary Shopping Areas will be supported providing the proposal:
- a) would not lead to an unacceptable concentration of such uses and/or undermine the vitality and viability of the area; and
  - b) includes provision for views into the building or for a window display in keeping with the character of the frontage, in order to retain active frontages.
- It is also noted that the impacts of proposals for non-retail uses within a designated frontage will be assessed in the context of the defined frontage as well as the wider area.
- 6.11 The proposal seeks to provide a University café and food hall at the ground floor of the Woolworth Buildings. Although it is acknowledged that the proposal will lead to a loss of ground floor retail units at this area, it is noted that when considering the vitality and viability of Carlisle City Centre, the City centre has experienced the same issues as many other centres in recent years. As a consequence, the recently published Town Investment Plan for Carlisle acknowledges that the impact of high street decline and the changing role of retail in town centres nationally means it needs to develop a new role, providing more opportunities for leisure and culture, study, business and jobs, and residential. Investing in new uses will transform the city centre into a vibrant and attractive destination for local people, families and visitors. Developing a new campus for the University of Cumbria, creating greater

vibrancy in the city centre, building higher-level skills, growing the workforce and supporting business productivity and growth is one of the intentional changes to increase the vibrancy and vitality. A recent health check recognised that some of the units at ground floor level are already vacant and others could easily relocate into other available units within the City Centre as the city centre reliance on its retail offer, makes it vulnerable to ongoing change in the sector. There is a need to diversify activities, including more leisure and culture uses. This is also recognised in the City Centre Economic Action Plan which aligns with local planning policies.

- 6.12 Furthermore, the proposed University café will maintain an active frontage by retaining the general façade of the Woolworth and Burton's Buildings which will allow direct views into the buildings. As such, it is considered that the proposal will meet the broad objectives of CDLP Policy EC3.
- 6.13 Part of the proposal seeks to demolish a small proportion of the existing buildings on site to form a new Gateway building (the main entrance for University of Cumbria). The buildings that are proposed to be demolished are the Kramer Building, the late 20th century roof built onto the Hospital Wing serving Kramer House and the building at 106-114 English Street. All these buildings are non-listed, and they have been demonstrated within the submitted Condition Report (Feb 2022) (Ref 003, prepared by Purcell UK) that they are not suitable for re-use. Given that the English Street façade forms a key feature of the townscape and key views to the entrance of the City, it is considered that the proposed demolition of these non-listed buildings which are dated and in poor condition could provide an opportunity for new development to revitalise the street scene and appearance of the area.
- 6.14 The new Gateway building (Main Entrance of University of Cumbria) will form a distinctive and iconic feature on the building which could in turn help to attract and optimise the footfall required to maintain an active frontage along this part of English Street. In addition, this will also help to enhance the sense of place and re-establish English Street as an important thoroughfare and public place within the City. In this regard, it is considered that the proposal will meet the objectives of CDLP Policy EC3.
- 6.15 Overall, the proposal will involve in the redevelopment of a brownfield site and will bring vacant buildings back into beneficial use. The proposed development has an important role in place making and will increase the permeability of the site which will enhance the vitality and viability of the wider Primary Shopping Centre in Carlisle City Centre and the wider areas. In light of this, it is considered that the principle of the development is acceptable.

## **2. Design And Layout Of The Proposal**

- 6.16 Prior to the submission of this application, there had been detailed and comprehensive pre-application discussions between the Applicants, Agents, Architects and Officers from Carlisle City Council (the Local Planning Authority), Cumbria County Council and Historic England. The design of the proposed development has been carefully considered an iterative design

process, and the submitted Design and Access statement has demonstrated in full that a detailed options appraisal was undertaken throughout the course of design development, which has resulted in the current proposed masterplan for the Citadels site.

- 6.17 Since there are a few significant listed building assets on site, the design of the proposal has taken on a zoned approach to the buildings on site. Each building zone is named and listed below:
- a) Nisi Prius Building
  - b) Crown Court Building and Hospital Wing
  - c) Gateway Building
  - d) Woolworth and Burton's Buildings
  - e) Teaching Block

#### Nisi Prius Building, Crown Court Building and Hospital Wing

- 6.18 Nisi Prius and Crown Court Buildings are the two bastions that form 'The Citadels' and these structures have historically characterised the streetscapes for hundreds of years. Viewing 'The Citadels' directly from the Botchergate approach, the most prominent elements from street level are the two cylindrical buildings which frame the oncoming street.
- 6.19 Given that both buildings are Grade I Listed buildings, minimal intervention is proposed to these buildings. The works proposed at these buildings mainly relate to access improvements and sanitary provisions only.
- 6.20 With regard to the existing courtroom spaces inside the Nisi Prius and Crown Court buildings, it has been proposed that these courtroom spaces will be mainly used for events that involve live streaming and presentations such as graduation and ceremonial events. According to the submitted details, these courtroom spaces would also be available for private function hire. In order to create more open space while keeping the inherent character of the room intact, the applicant proposes to carefully dismantle and relocate the central 'bar table' and a small number of seating of each Court room to a new location within the application site for reuse. The impact of the proposed removal of courtroom furniture will be assessed under Section 5 of this report.
- 6.21 Although there will be a new build located to the rear of the Hospital Wing, the Hospital Wing façade will be retained. Likewise, only minor access improvement will be made to the Hospital Wing to facilitate the day-to-day operation of the proposed campus.

#### Gateway Building

- 6.22 A concern was raised that the design of the new entrance building will intrude in views and interrupt the smooth curvature of English Street, detracting from the visual harmony of this positive red sandstone set.
- 6.23 The Gateway building will become the main entrance for the University. It will



be the central entrance point for students, staff, visitors and the public. Therefore, it is accepted that the entrance would need to be an articulated, active, vibrant hub of activity. According to the submitted details, there will be a large skylight, referencing the roof of the Citadels buildings, which would help to fill the entrance with light and to draw people and visitors in from English Street. In terms of design, the entrance of the proposed new gateway Building will have an angled glazed pop-out which protrudes into the public realm to increase prominence and to encourage the creation of an active frontage. The entrance will be recessed and the angle of the recessed entrance will mirror the angle of the hospital wall to add detail, which demonstrates a sensitivity to the context. To the side of the entrance will be aluminium cladding fins and sandstone columns, and the resulting design being visually similar to the outside of the portico structure of the British Museum, designed by Sir Robert Smirke, the architect of the Citadels. According to the applicant, the proposed external materials aspire to replicate some of the qualities of the existing façades with contemporary detailing as opposed to heavyweight building materials.

- 6.24 'Trefoil' is a Gothic architectural feature which presents itself as an ornamental foliation and takes the form of a three-lobed leaf. The 'Trefoil' feature can be seen above many of the windows across both the Crown Court and the Nisi Prius Buildings. To further compliment the historic vernacular, the applicant intends to have this motif fritted to both the entrance glazing and external cladding panels.
- 6.25 Overall, the design and layout of the proposed Gateway Building is acceptable. The design of the proposed Gateway Building has been accepted at the design workshop during the pre-application stage. It is not considered that the new entrance building will intrude in views or interrupt the smooth curvature of English Street. Conversely, it is considered that the recessed entrance will provide relief to the public realm in what will be an area with significant footfall. The Council's Urban Design/Conservation Officer has no objection to the design of the Gateway Building.

#### Woolworth and Burton's Buildings

- 6.26 The current proposal shows that the façade and structural elements of the existing Woolworth and Burton's Buildings will be retained. To improve the appearance of the façade of the building, it is proposed that the existing windows are to be replaced. It is noted that stage 2 of the proposal will involve renovation of first and second floors of the Woolworth and Burton's Buildings; a rooftop extension above the Woolworth and Burton's Buildings. The rooftop extension would be of a lightweight structure and will set back from the existing perimeter parapet to reduce its impact and visual appearance from the street.

#### Teaching Block

- 6.27 The scale and massing of the proposed Teaching Block building will be consistent with other buildings on site. The proposed Teaching Block will be joined to the Woolworth and Burton's Buildings through a covered connection

point in the form of a bridge which links the two masses together. Using the topography of the site, it is considered that elements such as the car parking will be beneficially concealed from the street scene.

- 6.28 In terms of materials of the proposed Teaching Block, the exterior of the building will comprise protruded glazing, mesh panelling and brick piers. The architecture within the teaching block will contrast with the rest of the site. The design of the Teaching Block will adopt contemporary façade treatments through a modern application of elevational grids. The building skin that wraps around the floor plates varies through the floor levels, with the top floor incorporating a recessed building crown which will be constructed during Stage 2 of the development. Despite the Teaching Block will be contemporary in design and appearance, it will relate well in design with the proposed Gateway Building.

#### Peristyle garden – The Forum

- 6.29 It can be seen that the layout of the proposed development also seeks to delivery publicly accessible amenity space by centrally locating an amphitheatrical courtyard area, known as ‘The Forum’. According to the submitted details, the arrangement and layout of this publicly accessible amenity space was adopted through the concept of a Roman peristyle garden. This architectural feature also plays a connection with the Roman history of Carlisle City.
- 6.30 The Forum would be paved with granite irregular pavers. In order to address the difference in ground floor levels between the buildings fronting English Street and the Teaching Block, The Forum will incorporate a 1:21 graded route and peristyle feature steps to provide DDA compliant routes for all users across the externals of the campus. The outer ring of The Forum would be paved in granite plank pavers.
- 6.31 Given that the site is positioned along the line of the historic city wall, it has been proposed that the line of the wall is to be reintroduced through an interpretative linear feature within the hardstanding. According to the submitted documents, the former City Wall interpretative feature will run through the proposed site and is proposed to be constructed with red sandstone feature setts. It is recommended that the details of the former City Wall interpretative feature is secured by way of a condition.
- 6.32 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and optimise the potential of the site to accommodate and sustain the appropriate mix of development.
- 6.33 Although some of the proposed elements are contemporary, it is evident that the design of the proposed development has taken into account the special

architectural and historic interests of the site. The proposed new build will increase the prominence of the proposed Campus, in particular, the Gateway Building, which will encourage the creation of an active frontage. Overall, it is considered that the design and layout of the proposed development is acceptable.

### **3. Impact Of The Proposal Upon The Visual Amenity Of The Area**

- 6.34 CDLP Policy SP6 seeks to ensure that proposals respond to the local context in terms of height, scale and massing and by using appropriate materials and detailing. Local landscape character should be respected and development should be fully integrated into its surroundings. Meanwhile, Policy GI1 of the CDLP also aims to protect landscapes from excessive, harmful and inappropriate development.
- 6.35 A Townscape Visual Impact Assessment (TVIA), prepared by Urban Green, has been submitted by the applicant in support of the planning application. The TVIA confirms that the proposed development will likely to give rise to some Minimal and Slight impacts in terms of the townscape and heritage character areas as identified within the Urban Design Guide and Public Realm Framework SPD (July 2009).
- 6.36 It is acknowledged that any external alterations will have some degree of impact upon the townscape and visual amenity of the area. The difference between adverse and beneficial impacts is accounted for primarily by whether the proposal will improve the visual amenity of the area.
- 6.37 Overall, it is considered that the proposal would represent an improvement to the townscape. This considers the poor quality of the existing buildings currently on site, and the rationalisation of the site through a considered development of high architectural quality which references the surrounding townscape and vernacular in its scale, massing and materiality.
- 6.38 It is noted that a series of public realm works are proposed, notably the re-erection of the lost perimeter railings to the Citadel Gardens, and the creation of steps to the southeast corner of the Citadels gardens which will integrate with the alignment of a crossing at Borough Street and a primary route from Citadel Station. These works are considered acceptable and will enhance the overall visual amenity of the area.
- 6.39 The applicant has also submitted a soft landscaping plan which shows that the Forum (peristyle garden), Bush Brow, Citadels gardens and the area in front of the Hospital Wing will be planted with a selection of plant species. In addition, two green living walls are proposed; one near Bush Brow and the other one near the opening on Gaol Wall. Overall, it is considered that the proposed soft landscaping plan is acceptable and the proposed soft landscaping will help to visually soften the landscape and enhance the environment. That being said, since no details regarding the composition of the green walls were provided, it is recommended that a condition is to be included to request for a detailed soft landscaping plan to be submitted.

- 6.40 In view of the above, although the proposed development would bring about some change to the appearance of this area, it is not considered that the proposal would give rise to any unacceptable or significant townscape or visual impacts.

#### **4. Impact Upon The Grade I and Grade II Listed Buildings, and Non-Designated Heritage Asset**

- 6.41 There are a series of important heritage assets. These are:

- f) The Crown Court
- a) Nisi Prius Court
- b) The Hospital Wing
- c) Statue of Earl of Lonsdale
- d) Goal Wall

The Citadels site is also in close proximity to a number of other designated heritage assets including the Grade II\* Citadel Station and buildings fronting Court Square. The portion of the site fronting English Street and Victoria Viaduct also contains the former Woolworth and Burton's Buildings which is considered to be a non-designated heritage asset and designated key townscape frontage in the Carlisle Local Plan.

- 6.42 Below are the list entries and description for each of the listed asset:

##### **a) The Crown Court**

Grade: I

Date first listed: 01 Jun 1949

Statutory Address: Crown Court, Adjoining Offices And Gate Arch, English Street

Description: *'Formerly known as: The Citadel. Crown Court and Court Offices on the site of the 1542 Citadel. 1810-17 (interior not completed until 1822) by Sir Robert Smirke. Red sandstone ashlar on chamfered plinth with string courses, machicolated cornice (in part) and battlemented parapets. Hipped lead roofs. Rounded tall tower is completely C19, on the site of the demolished western tower of the Citadel (of the same dimensions); clasping the NW side is a lower 2-storey office block of 6 bays, with mock gate projection into English Street; all in Gothic style and almost a mirror image of the Nisi Prius Court range opposite, with which it forms a pair. Tower has tall 2-light windows in rounded deeply-recessed chamfered arch, over small lancets. Office block has right double plank doors in pointed Gothic arch; similar off-centre doorway projects in a battlemented porch, now fitted with a casement window. Ground-floor stone mullioned windows in double chamfered surrounds. Larger 2-light Gothic windows above with central trefoil heads in pointed arches. Gate projection was formerly a passageway to the court; ends in 2 octagonal turrets flanking central arch under a cross vent; the side walls have been pierced by 2 pointed arches created in 1929 (formerly the pavement went around the turrets). INTERIOR of court retains its original galleried seating of panelled oak. The offices are internally divided on ground floor. Members' room has late C19 monogrammed carved oak fireplace with tiled and engraved slate fireback. Upper floor No.2 Courtroom has plain stone*

fireplace, pointed archways, dado panelling along one wall and rib-panelled plaster ceiling. In an outer corridor the removal of a false ceiling has revealed the earlier painting of the panelled ceiling. Marble statue of Major Aglionby by Musgrave Lewthwaite Watson, 1844, has been moved from the main entrance and temporarily boxed in to prevent damage during renovation work. Staircase has ribbed and traceried wooden ceiling with flat central skylight (void above). Grand Jury Room has dado oak panelling; pointed arches, one an alcove and rib-vaulted plaster ceiling. Some original panelled doors. For further details see J Hughes CWAAS, Trans.NS LXX, Perriam CWAAS, Trans.NS LXXVIII. (Cumb. & West. Antiquarian & Archaeological Soc., New Series: Hughes J: LXX: The building of the Courts, Carlisle 1807-22: 205-20; Cumb. & West. Antiquarian & Archaeological Soc., New Series: Perriam DR: LXXVIII: The dating of the County Goal: 129-140).'

#### **b) Nisi Prius Court**

Grade: I

Date first listed: 01 Jun 1949

Statutory Address: Nisi Prius Courthouse, Associated Offices And Gate Arch, English Street

Description: *'Formerly known as: The Citadel. Citadel, then Court House and Court Offices, now County Council Offices. 1542 by Stephen von Haschenperg with 1809-12 alterations and additions, by Thomas Telford and Sir Robert Smirke. Red sandstone ashlar on chamfered plinth with string courses, machicolated cornice (in part) and battlemented parapets. C20 greenslate roof on offices without chimneys and hipped lead roof on tower. Tower was formerly the Nisi Prius Court and is oval, the core being the former Citadel east tower, heightened and refaced in C19; clasping NW side is a 2-storey (internally 3 storeys) office block of 6 bays, with mock gate projection into English Street; all in Gothic style. The tower has tall 2-light windows in rounded deeply-recessed chamfered archs, over small lancets and 2-light openings. Office block has left double plank doors in pointed Gothic arch; similar off-centre doorway projects in a battlemented porch, now fitted with a casement window. Ground floor 2-, 3- and 4-light stone mullioned windows above with central trefoil heads in pointed arches. Gate projection is basically an elongated passageway to the court; ends in 2 octagonal turrets flanking central arch under a cross vent; the side walls have been pierced by 2 pointed arches created in 1929 (formerly the pavement went round the turrets). Left return has windows similar to the main facade (some are C20) and blind statue niches. Rear has some C20 windows inserted. INTERIOR of tower retains its galleried semicircular court seating and judges bench (ceased to be used 1971). Ceiling replica replaced in 1980s renovation; much external stonework was replaced in same restoration. Office block interior extensively altered.'*

#### **c) The Hospital Wing**

Grade: II

Date first listed: 11 Apr 1994

Statutory Address: Hospital Wing Of County Gaol And Gaol Wall, English Street

Description: *'Hospital wing of County Gaol, now offices, and gaol wall. 1824-7*

*by Christopher Hodgson. Red sandstone ashlar, extensively restored, with solid parapet, battlemented on the English Street facade. Flat lead roof. 2 storeys, numerous bays. Facing onto English Street is the gaol wall on chamfered plinth with regularly-placed blind lancets with single metal bar. On the top on the angle of the wall, public executions were performed and a cast plaque records the last one in 1862. The wall joins with the Crown Court offices and is an integral part of those offices. The rear of the wall has built against it the hospital wing. 2 off-centre former segmental-arched doorways are now infilled and fitted with casement windows in stone surrounds, some paired. INTERIOR alterations, but the solitary confinement cell is still complete with its iron door and peep hole, now used as a strong room. For further details see Perriam, CWAAS, Trans.NS LXXVII. (Cumb. & West. Antiquarian & Archaeological Soc., New Series: Perriam DR: LXXXVII: The dating of the County Gaol: P.129-140)'*

#### **d) Statue of Earl of Lonsdale**

Grade: II

Date first listed: 13 Nov 1972

Statutory Address: Statue Of Earl Of Lonsdale, The Crescent

Description: *'Statue. 1846 for the subscribers, signed M.L.WATSON, SCULPTOR. Calcareous sandstone base, plinth and shaft; white marble figure. Rusticated square base and plinth; shaft inscribed at front in six lines WILLIAM EARL OF LONSDALE, LORD LIEUTENANT OF CUMBERLAND AND WESTMORLAND FROM 1802 TO 1844. Larger-than-life figure dressed in robe and costume of the Order of the Garter. A competition for the statue was held in 1845. Its original location was in English Street between the Courthouses, where the foundation stone was laid in 1846, but because of a dispute it was not erected until a year later, (see Carlisle Journal 1845, 6 and 7). A photograph of the statue being moved on 25 July 1929 is in Cumberland News, 19 September 1986. It was placed in its present location in the Courthouse Gardens in 1930. For an illustration of the statue and details of the sculptor, see Marshall Hall (1979). (Carlisle Journal: 8 March 1845; Carlisle Journal: 24 October 1846; Carlisle Journal: 13 August 1847; Cumberland News: 19 September 1986; Marshall Hall: The Artists of Cumbria: 1979-: P.93)'*

#### **e) Gaol Wall**

Grade: II

Date first listed: 11 Apr 1994

Statutory Address: Gaol Wall, West Of Crown Court, Borough Street

Description: *'County Gaol wall. 1824-7 by Christopher Hodgson. High sneaked red sandstone wall without plinth, with rounded coping. Extends from the Crown Court down Court Square Brow, along Borough Street and up Bush Brow, enclosing the former gaol yard. Nearest the Crown Court the wall stands to its full original height of almost 10 metres, with the blocked archway into the former stone yard. Along Borough Street and Bush Brow its height has been reduced. The squared gate piers on Bush Brow are not 1820s but are included for group value. Christopher Hodgson's original drawings for the gaol and this wall, dated 1824, are in Carlisle Library. For a further section of*

*this wall, see Hospital Wing of County Gaol and Gaol Wall, English Street (qv)'*

- 6.43 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising their powers in respect of listed buildings. The aforementioned section states that:

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

- 6.44 Paragraph 201 of the NPPF states "where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- e) the nature of the heritage asset prevents all reasonable uses of the site; and
- a) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- b) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- c) the harm or loss is outweighed by the benefit of bringing the site back into use."

- 6.45 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.

- 6.46 Paragraph 203 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 of any harm or loss and the significance of the heritage asset.

- 6.47 Meanwhile, CDLP Policy HE3 highlights that development within the locality of a listed building should preserve or enhance its character and setting and be sympathetic in scale, character and materials. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweigh the significance.

- 6.48 The applicant has submitted the following documents in support of the application:

**a Conservation Management Plan (CoMP)**, prepared by Purcell Heritage Consultants. This is a strategic document intended to guide the future development and conservation of the designated heritage assets on Site by setting out a framework for their management, maintenance and safeguarding, based on a foundation understanding of their history, significance and the issues they face

**a Heritage Impact Assessment (HIA)**, prepared by Purcell Heritage Consultants. This sets out an assessment of the impact of the proposed development upon the designated Heritage Assets of The Crown Court building and The Nisi Prius building, alongside the landscape and setting, and key views

**a Visual Structural Condition Appraisal**, prepared by Curtins. It is a structural condition appraisal for the designated Nisi Prius Courthouse, Crown Court, Hospital Wing and Gaol Wall Frontage, and Gaol Wall assets, alongside the formation of a Remedial Works schedule

**a Condition Survey**, prepared by Purcell Heritage Consultants. This provides a description of both the current interior and exterior conditions of the Crown Court, Nisi Prius, Gaol Wall, Retaining Walls and Woolworth Buildings

The details contained within these aforementioned documents have been taken into consideration when assessing the impact of the proposal upon the heritage and archaeological assets.

- 6.49 It is noted that the significance of the site cannot be underestimated, and this significance permeates through to the interior of the buildings, in particular the Grade I Citadels Buildings whose interior retains important court room spaces, and a variety of period interiors richly decorated in keeping with the high status of these former courtrooms and associated spaces. Therefore, whilst the principle of University occupation is very welcome, it is important that this is balanced against the significance of the assets, and that an optimum outcome is achieved both for occupiers and for the heritage assets themselves, in order to sustain their significance and also support their future viability.

#### Impact of the proposal upon the Crown Court

- 6.50 The applicant proposes to carry out the following works to the Crown Court Building:
- a) Reopen existing external doorway onto Citadels garden
- 6.51 The impact of reopening of a currently infilled former doorway is considered low. It is not considered that the proposed reopening of an existing external doorway will have an adverse impact upon the significance of the Building. Rather, it will have some public benefits as it will facilitate public access to the gallery of the Court.



b) New accessible WC and Floor level raised at the Former Petty Jury Room

- 6.52 This room is located adjacent to the Court Room, and has few historic features of note due to its function as the former Petty Jury Room. The applicant proposes to use this empty room to provide new accessible WC to serve future users of the Building. The historic features of the room will be retained, nevertheless, the installation of the WC will have some low impact upon the historic significance of this room. That being said, the provision of the accessible WC is considered essential given it will facilitate the reuse of the Court room and surrounding vacant rooms as multi-use teaching / events rooms. As for the proposal to raise the floor level, it will facilitate step free access for wheelchair users. As such, this work also considered acceptable as it will allow the effective use of the Building and facilitate access for wheelchair users without any significant harm towards the historic significance of this room.

c) Removal of window to form new opening to terrace at the Former Labour Group Room

- 6.53 The stone mullioned window is proposed for removal to facilitate access onto the terrace above the modern cell block. The window proposed for replacement and removal is original of high significance and it is considered that the loss of this feature will result in some harm to the appearance of the room and the external appearance of the Building. A concern has been raised to the proposed loss of a historic window to create a doorway accessing a roof terrace in the south elevation of the Crown Court might weaken the defensive character of this bastion and harming its significance.
- 6.54 It is noted that the roof terrace in the Crown Court Building will be used as an outdoor breakout and event space, and it will help to revitalise a secluded part of the Citadels Garden. Furthermore, it will also increase the active surveillance of the Citadels gardens space, whose southern end has long been neglected as it is effectively a cul-de-sac. These interventions create a much more active space that minimises anti-social activity and stimulates activity through the site. In this case, it is considered that the public benefits this proposed alteration provides would outweigh the less than substantial harm to the heritage asset. As such, it is considered that the proposal to replace a historic window to form a door opening to access on to a proposed roof terrace is acceptable. To ensure the proposed doorway would not have a detrimental impact upon the listed building, it is recommended that a condition is to be included within the decision notice to request for details of the proposed Corten doorway metal panel to be submitted to and approved by the LPA prior to the window taken down.

d) Removal of central bar table, existing radiators, first row of benches to create stage area and raised timber floor to rear platform to create level access from stair lift

- 6.55 The Crown Court court room is a very high significance space. The removal of the court room furniture and by its nature the no longer complete court room will be harmful to significance as the intactness and integrity of the court

and its significance will be reduced. The submitted HIA considers the magnitude of impact resulting from the proposed development in the Crown Court building, and has categorised this work as 'high adverse' towards the significance of the Building. An objection was received from the Georgian Group stating that the proposed removal of the central bar table and benches would have the potential to cause irreversible and significant harm to the special interest of the court room.

- 6.56 Whilst the impact of the furniture removal is noted, it is also recognised that the court room by its nature is highly prohibitive to an alternative use due to courtroom fixtures, complex circulation routes and the narrow passages between benches. By removing the central bar table and surrounding benches will help to create a more open space that can be used for lectures or ceremonies. If the bar table remains in-situ, it will significantly reduce the functionality of the space and increase the risk of the space becoming unusable on a daily basis. In addition, new stage area would allow for loose furniture to suit ambulant disabled and other users. As such, it is considered that some modest alterations would be necessary to facilitate a new use. This view is also shared by Historic England and the Council's Urban Design/Conservation Officer.
- 6.57 According to the submitted documents, the intention of the proposal is to celebrate the history of the court room whilst invigorating it with new functions such as small concerts, performance speakers and feature events to encourage more people within the University and local community to inhabit the space. The submitted Courtroom Furniture report (prepared by Purcell) has confirmed that the central bar table is not fixed and is therefore easily movable, and the seating is fixed to the floor with visible metal straps which can be unscrewed from the floor. As part of the mitigation measures, it is proposed that the removed central bar table and seating are relocated within the new buildings of the campus and utilised in specialist meeting and presentation spaces.
- 6.58 Relocation of these elements to another part of the site means that they will be visible and available for reinstatement in the future if required. This means that the heritage fabric will not be lost and can continue to be appreciated and used in a different context. This also means that this scheme is reversible and the furniture could be relocated back into the court rooms in the future if necessary. Both Historic England and The Council's Urban Design/Conservation Officer agree that this approach to the incorporation of these important spaces within the scheme is a pragmatic one and have raised no objection to the proposed mitigation measure. It is recommended that a condition is to be included to ensure that the fixtures and fitting will be retained within the Citadels buildings and their uses specified. In this case, given that the relocation of small amount of court room furniture will bring the Building back into beneficial use, and that the furniture can be relocated back to the court room in the future, it is considered that the benefits of this proposed alteration provides would outweigh the less than substantial harm to the heritage asset.
- 6.59 The raised timber floor to the rear platform is an inserted platform as

evidenced by how it cuts across earlier radiators, as such, it is of no significance. In light of this, the proposal removal of this raised platform to create level access from stair lift is considered acceptable.

e) Removal of high-level glazed panels

- 6.60 The applicant proposes to removal the high-level glazed panels on the backs of some benches to improve visibility of the room. These glass panels are a modern addition and therefore, their removal is considered beneficial and will not have an adverse impact upon the significance of the Building.

f) Reconfiguration of timber panel

- 6.61 On the back level where the raised timber platform is being removed to provide level wheelchair access, the applicant proposes to reduce the height of the timber uprights to allow visibility into the space. This will mean an amendment to the existing panelling and some loss of high significance fabric, however, this loss is relatively small, and the integrity of the courtroom will largely be retained. As such, this work is considered acceptable as it will not cause any significant harm to the Building.

g) New stair lift at landings

- 6.62 As a principal circulation space within the building, this space is of high historic interest. The addition of the stairlift will cause some visual harm to the existing landing areas, although the significance largely relates to the historic value which will be largely unaltered. The stairlift is required to bridge the stairs for wheelchairs to access the proposed ceremony space behind. In light of the significance of the landing areas will be largely unaltered, it is considered that the visual harm caused by the new stair lift would be outweighed by the benefits of the proposed works.

h) Various like-for-like repairs throughout the Building

- 6.63 Various repairs are outlined in the accompanying condition survey report. Although some elements may be considered to have moderate impact upon the significance of the building, such as installation of roof access equipment, the majority of the proposals are like for like repairs, along with some elements to be restored. Therefore, the proposed repair works are considered beneficial to significance. The Council's Urban Design/Conservation Officer has raised no objection to the proposed works.

Impact of the proposal upon the Nisi Prius Building

- 6.64 The applicant proposes to carry out the following works to the Nisi Prius Building:

a) Minor alteration to an existing external doorway and two new platform lifts at corridor allow disabled access from street level to basement

- 6.65 The applicant proposes to utilise an existing external doorway as a new

public entrance to the Nisi Prius building. To accommodate that, the applicant would need to remove a step and lower the doorway slightly. Whilst it has a slight impact upon the appearance of the Building, it is considered the proposed alteration is crucial as it will provide a levelled access that can be utilised by the public. In addition, the applicant proposes to install 2 new platform lifts at the corridor adjacent to the court room with an aim to allow disabled access from street level to basement. Whilst it is inevitable that the addition of the platform lifts will lead to some extent of visual harm to the space, it is considered that the platform lifts are essential to bridge the stairs for wheelchairs to access the site. Overall, it is considered that the public benefits of the minor alterations to the external doorway and the installation of two platform lifts at the corridor within the Nisi Prius Building would outweigh the less than substantial harm to this space.

b) New accessible WCs on all floors

- 6.66 Most of the proposed locations for the new WCs are formed of modern partitions and therefore have low or no significance as identified within the submitted HIA. Similar to the new WCs at Crown Court Building, the provision of the accessible WCs is considered essential given it will facilitate the reuse of the Court room and surrounding vacant rooms within the Nisi Prius Building. Since it is not considered that the proposed new accessible WCs will lead to any unacceptable harm to the Building, these works are considered acceptable.

c) Removal of modern subdivisions and modern glazed screens on the back of the benches

- 6.67 It is noted that the building has previously been subject to some unsympathetic alterations, notably during its 1980s refurbishment, a subdivision was built between the offices adjacent to the corridor the court room which was originally a public entrance. The subdivision of this space dates from c.1889 and is not an original feature. Although there is some limited historic interest showing the adaption of the buildings in the 19th century, this wall divides the public entrance and negatively impacts the spatial characteristics of the room. There are other modern subdivisions on the second and third floors within the Building, which the applicant proposes to removal as part of this application. Likewise, the glass panels on the back of some benches are a modern addition that change the aesthetics of the court room. Overall, it is considered that the removal of the modern subdivisions and glazed screens would have a beneficial impact upon the significance of the Building.

d) New platform lift at first floor corridor adjacent to the court room

- 6.68 Whilst the proposed platform lift will have some visual harm to the space, this space is considered to have low significance due to last alterations made to this space. Nevertheless, the significance of this space largely relates to the historic value which will be largely unaltered by the new platform lift. As the proposed platform lift is required to bridge the stairs

e) Removal of central bar table and first row of benches in court room

- 6.69 Similar to the Crown Court court room, the court room in the Nisi Prius is of very high significance. The removal of the court room furnitures and by its nature the no longer complete court room will be harmful to significance as the intactness and integrity of the court and its significance will be reduced. That being said, given that the relocation of small amount of court room furniture will bring the Building back into beneficial use, and that the retention and reuse of the fixtures and fitting can be satisfactorily mitigated for by planning condition, it is considered that the proposed removal and relocation of the courtroom furniture is acceptable, and that the benefits of this proposed work would outweigh the less than substantial harm to the heritage asset.

f) Various like-for-like repairs throughout the Building

- 6.70 Various repairs are outlined in the accompanying condition survey report. Although some elements may be considered to have moderate impact upon the significance of the building, such as installation of roof access equipment, the majority of the proposals are like for like repairs, along with some elements to be restored. Therefore, the proposed repair works are considered beneficial to significance. The Council's Urban Design/Conservation Officer has raised no objection to the proposed works.

#### Impact of the proposal Upon the Hospital Wing

- 6.71 The applicant proposes to carry out the following works to the Hospital Wing:

a) Removal of external ramp and various internal modern subdivisions

- 6.72 The Hospital Wing façade will be retained. Though, the Hospital Wing has been extensively refurbished in the 20th century and little remains of the historic plan form. Given that the ramp and inserted stud walls are harmful to the significance of the Hospital Wing, the proposed removal of these modern additions would be considered beneficial. The proposed removal of an external ramp and internal subdivisions will allow level access from the new building (the new business interaction centre) without causing adverse harm to the listed building. The Council's Urban Design/Conservation Officer has confirmed that this will help to open up the space into a form which is more in keeping with its original arrangements.

b) Reopen former openings in the Hospital Wing external elevations (on ground floor level)

- 6.73 The Gaol elevation had two large arched openings that are currently infilled with stonework and modern timber windows. It is proposed to reopen these as entry points into the building. Given the historic access will be reinstated, it is not considered that this work will have any adverse impact upon the listed building.

c) New bridges and openings at first floor of the Hospital Wing

- 6.74 Two new openings are proposed in the gaol elevation of the Hospital Wing. This is to facilitate access to the proposed new build (Business Interaction Centre) to the southwest of the Hospital Wing and the Forum, and encourage the integration of the historic assets with the wider site. In addition, the applicant proposes to have a first floor linking bridge, will bring the building into the heart of the scheme and sustains its use and purpose. Overall, it is accepted that the proposed work will result in some harm to the significance of the listed building, however, given the works are proposed in an elevation that is not highly visible from the public realm and that the proposed alteration would allow an effective use of the existing building, it is considered that the proposed works to the Hospital Wing is acceptable. The proposed development will have any detrimental impact upon the character, appearance and historical significance of the listed building. Both Historic England and the Council's Urban Design/Conservation Officer have confirmed that they have no objection to the proposed works at the Hospital Wing.

#### Impact of the proposal Upon the Statue of Earl of Lonsdale

- 6.75 Given that the external façade of the Nisi Prius building will remain unaltered and that no works are proposed to the statue, cannons or drinking fountain at this site, it is not considered that there will be any introduction of harmful elements into the immediate setting. As such, it is not considered that the proposal will affect the historical significance of the Statue.

#### Impact of the proposal Upon the Gaol Wall

- 6.76 It has been proposed that an opening is to be created at the Gaol Wall to provide a secondary pedestrian route between the City Centre and Carlisle Railway Station, and a direct access to the University campus.
- 6.77 Whilst creating an opening at the Gaol Wall will help to improve the pedestrian permeability through the site and will have numerous positive knock-on effects to the viability of the City Centre, a concern has been raised that the new opening in the Gaol Wall would harm the legibility of the Citadel gateway/English Street as the primary entry route into the city, and would also harm the defensive character of the robust and impenetrable Gaol wall .
- 6.78 It should be noted that historically English Gate near this location would have been the main route into Carlisle and there is an existing opening in the gaol wall near this location that has been infilled, all adding a precedent for access in this area. Given that there is a historic opening in the Gaol Wall a few metres away from the proposed opening, it demonstrates that the Gaol Wall is not an uninterrupted feature. Nevertheless, it is accepted that a new opening to the Gaol Wall will inevitably have some harm to the significance of the Gaol Wall due to some loss of heritage fabric in the formation of the opening.
- 6.79 In addition, due to the topography of the site, it is required to bridge the height difference either side of the wall. Therefore, the proposed opening at the

Gaol Wall will have some visual impact on the setting of the assets and the gardens from the raised earth as well.

- 6.80 This level difference cannot be bridged internally, and the possibility to reuse the previous Gaol Wall opening at a lower level of the site had been explored during the pre-application stage. It was concluded the previous Gaol Wall opening cannot be reused due to the topography of the site and the requirement for a DDA compliant route. The applicant proposes to mitigate the impact by reducing the size of the earthen bank to the minimum required by landscaping. This design option was considered to have the least impact upon the setting of the listed building, and the harm is considered less than substantial, especially when taking into account that the immediate setting has already been impacted by the 20th century cell block. Previous designs involve the utilisation of a corten ramp, however, this was considered more harmful to the semi-natural setting of the gardens and has therefore been discounted.
- 6.81 Whilst it is acknowledged that the proposal to create an opening at the Gaol Wall would lead to some harm to the Grade II Listed Gaol Wall and the setting of the Grade I listed Crown Court, taking into consideration the Gaol Wall is not an uninterrupted feature, the size of the proposed opening and that the opening is created at a discreet location of the Gaol Wall, it is considered that the harm identified would be within the less than substantial harm category.
- 6.82 Meanwhile, it is acknowledged that this part of the site is currently underused and acts as a dead end. As such, it is considered that by having an opening at the Gaol Wall will encourage more use of the Citadel's garden spaces and encourage better visitor flow through the campus site.
- 6.83 Given that the proposed location of the opening will increase the legibility of the site and the route from the top of the Citadel's Gardens through to the Gaol Wall will be DDA compliant, it is considered that the proposed opening of the Gaol Wall will have great public benefits (please refer to Section 13 for detailed assessment of public benefits from the proposed Gaol Wall opening). The Council's Urban Design/Conservation Officer also has raised no objection to the proposed opening of the Gaol Wall.
- 6.84 Given that the active frontage and the entrance of the University is located on English Street, and that the opening of the Gaol Wall is modest in size and in a discreet location, it is considered that the Gaol Wall opening will only provide a secondary access point to the amphitheatre/courtyard space and improves city centre permeability. It is considered that English Street will remain the primary route into the City Centre and the proposed secondary opening in the Gaol Wall will not detract from that.
- 6.85 Overall, given that the proposed opening in the Gaol Wall would only cause a low level of harm that is justifiable by the wider benefits of the scheme, it is considered that the principle of having an opening in the Gaol Wall is acceptable in this instance and it will not cause a detrimental harm to the listed building to an extent which is significant enough to warrant refusal of

this application.

- 6.86 The creation of an opening in the Gaol Wall is considered acceptable. However, buttressing will probably be required for additional support, and further investigations are recommended to attain the feasibility of this proposal. Given that the applicant would need to investigate whether or not buttress structure will be required for the proposed Gaol Wall opening, and that no details regarding buttressing were provided as part of this application, it is considered that a separate Listed Building Consent would be required in the future (should buttressing is required for the opening of the Gaol Wall), so that the LPA can assess whether or not the proposed buttress structure would be acceptable. This will help to minimise any unnecessary interference with the Gaol wall and to ensure the any proposed buttress structures will not have an adverse visual impact upon the area.

Impact of the proposal upon the Woolworth and Burton's Buildings  
(Non-Designated Heritage Asset)

- 6.87 Although the Woolworth and Burton's Buildings are not listed buildings, the fascia of the Woolworth and Burton's Buildings greatly contribute to the historic character of the area and as such, they are considered as a non-designated heritage asset. Therefore, the effect of the application on the significance of these buildings should be taken into account in determining the application.
- 6.88 As stated within the previous sections, the overall façade and structural elements of the existing Woolworth and Burton's Buildings will be retained. That being said, to enhance the appearance of the façade of the building, the University proposes to replace the existing windows as many of those are corroded and in very poor condition. The proposed new double glazing will help achieve energy efficiency improvements for the building and the steel frame windows will maintain the visual interest of the existing windows. Although it is acknowledged that by replacing some original steel framed windows of the Woolworth and Burton's Buildings will cause some less than substantial harm to the buildings, it is considered that the proposed works will improve the energy efficiency and visual appearance of the buildings. Therefore, this is considered acceptable.
- 6.89 During Phase 2 of the proposed development, it is proposed that an additional storey is to be added above the Woolworth Buildings. In recognising that the fascia is significant, particularly in the streetscene, the parapet roof line as seen from the street also needs to be understood. Following a series of discussions between the Agent, Architects and Officers, the design for the proposed roof extension has been revised and it now appears to have a lighter visual appearance through the use of slender columns, reduced height and an amended roof edge detail.
- 6.90 Given that the proposed roof extension would be of a lightweight construction and will be set back from the existing perimeter parapet of the building, it will not detract from the overall fascia of the Woolworth Buildings which is of significance. It is also noted that the relatively steep viewing angle along



English Street means that much of this extension would not be visible from street level. Overall, whilst it is acknowledged that the proposed roof extension will have a visual impact, it will not constitute substantial harm and will not detrimentally harm the appearance or historical significance of the Woolworth and Burton's Buildings.

- 6.91 With regard to the shop frontages at the Woolworth Buildings, the applicant proposes to replace the glazing and change the materials of the store risers and pillars from granite, steel and tile to sandstone. The Council's Urban Design/Conservation Officer considers that the existing granite fascias, stallrisers and pillars have the potential to contribute to the character of the buildings. That being said, given the sandstone is the dominant material in the fascia of the Woolworth Buildings, it is considered that the use of sandstone at this location will ensure the ground floor frontage of the building is in keeping with the upper sections of the building. Given that the surrounding buildings also have a sandstone finish, it is considered that the proposed change in material for the fascia, store riser and pillar at Woolworth and Burton's Buildings to sandstone is acceptable.

Impact of the Teaching Block and Phase 2 Development upon the setting of the listed buildings

- 6.92 Concerns were received regarding that massing of the Teaching Block and rooftop extensions from the Phase 2 massing would affect the Citadel's primacy, in particular from Victoria Viaduct.
- 6.93 According to the applicant, the Phase 2 quantum is informed by current floorspace of the existing Brampton Road and Fusehill campuses Centre, along with a review of current operating patterns and future requirements. The AUDE Higher Education Estates report sets out that the University of Cumbria is currently operating with between 5-10m<sup>2</sup> per full time student / staff member. As such, the suggested floor space will be required at Phase 2 to accommodate the University's need for expansion.
- 6.94 It is recognised that the design has had to accommodate not only the floorspace to meet the project brief to make the scheme viable, but also minimise heritage impact on setting and key views and to minimise harm to architecture and archaeology, which means that massing is pushed more towards the Victoria Viaduct end of the site, which was agreed in the early stages of the design with the LPA. This protects the setting of the more prominent views around The Crescent and English Street and minimises archaeological disturbance.
- 6.95 It is noted that Victoria Viaduct was a product of the evolution of the Citadel railway, because of this the views provided by Victoria Viaduct are a product of the Victorian era. The original Citadel's building was never constructed with such intentional vantage points to appreciate the building. Therefore, it is considered that this view of the Citadel is not a long standing historic view. It is also noted that the view of the Citadel from Victoria Viaduct is a walking view which in itself has been interrupted by other buildings over time. The view of the Citadel from Victoria Viaduct is already partially obstructed by the

existing/previous buildings (Paton House, the Kramer Building and the Crown Court toilet block). Whilst it is accepted that the proposal will result in a building that would have a greater mass than the Paton House, and thus will screen the view of the Citadels from certain viewpoints along Victoria Viaduct, the scale of the Citadels Buildings can still be recognised and appreciated from Victoria Viaduct. As such, it is not considered that the Phase 2 development will lead to such a degree of harm that would warrant refusal of this application.

- 6.96 Notwithstanding this, to reduce its impact, the Architects have reduced the proposed height and massing of the elevations of the Phase 2 proposed structures at the parapet level and the façade treatment has also been adjusted to lighten and visually reduce the height. In addition, the colonnade has been omitted on the Southern elevation of Phase 2. It is noted that the proposed Teaching Block will be a stepped structure. The stepping feature has been introduced to respect the visual primacy of the Citadels Buildings. It is considered that these combined amendments will open up the viewpoint to the Citadels from Victoria Viaduct. In light of this, it is considered that the proposed massing of Phase 2 is acceptable within the context of the public benefits of the application being weighed against the 'less than substantial' harm generated by the proposed development.
- 6.97 Overall, it is considered that the proposal will not lead to any significant harm to any of the listed buildings, non-designated heritage asset nor their settings. Whilst less than substantial harm to the significance of the listed buildings were identified, the above assessment has demonstrated that the public benefits of the application will outweigh the less than substantial harm caused by the proposed development, in accordance with paragraph 202 of the NPPF.

## **5. Impact Upon The Character Of the Carlisle City Centre Conservation Area**

- 6.98 In addition to the nationally and internationally important historical designations, the site also sits within the Carlisle City Centre Conservation Area.
- 6.99 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that '*special attention be paid to the desirability of preserving or enhancing the character or appearance of [the Conservation Area]*'.
- 6.100 This duty is also reflected in Policy HE 7 of the Carlisle District Local Plan 2015-2030. CDLP Policy HE 7 states that any new development and/or alterations to buildings in conservation areas should preserve or enhance the special character and appearance of the conservation area and its setting. Development which would result in harm to a public or private open space that contributes positively to the character of a conservation area will be permitted only where this harm is outweighed by the public benefits of the proposals.
- 6.101 The accompanying TVIA confirms that, in terms of heritage assets and

designations, the proposed development would give rise to a number of beneficial effects on the Carlisle City Conservation Area. Overall, the design of the proposed development has taken on a landscape-led approach and will provide numerous benefits through the scheme's design, taking into account the site's sensitivities as well as the needs of the University. It is not considered that the proposal would have an unacceptable impact on the historic street patterns/ boundaries, roofscape, skyline and setting of the conservation area. It is not envisaged that the proposal will generate a significant increase in traffic movements, heavy vehicles or excessive parking demands where these would be prejudicial to the character of the conservation area.

- 6.102 The upper section of Bush Brow is currently surfaced with Basalt setts. According to the submitted details, the applicant intends to change the surfacing material to Granite pavers to create a smoother surface for access. Whilst the Council's Urban Design/Conservation Officer considers that Basalt setts contribute strongly to the character of this part of the conservation area, and therefore subsequently raised a concern regarding the hard surfacing materials for the upper section of Bush Brow, it is considered that this issue can be mitigated with by the appropriate hard landscaping planning conditions.
- 6.103 Overall, it is considered that the proposal will not lead to any significant harm to the character or appearance of the City Centre Conservation Area. The above assessment has demonstrated that the public benefits of the application will outweigh the less than substantial harm caused by the proposed development, in accordance with paragraphs 202 and 203 of the NPPF.

## **6. Impact Of The Proposal On The Residential Amenity Of The Area**

- 6.104 One of the core planning principles of the NPPF is that planning has an essential role in seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.105 The supporting TVIA confirms that the proposed development will give rise to beneficial impacts in terms of the townscape and heritage character areas, and given its city centre location, it is not considered that the scale and massing will cause any adverse overlooking or be imposing upon neighbouring businesses and/or residents.
- 6.106 To mitigate with any unacceptable noise, dust or vibration disturbance during construction, it is suggested that conditions with regard to construction hours limit and construction management plan are to be imposed. The Construction Management Plan condition will be a pre-commencement condition and the management plan will need to include a series of mitigation measures to be implemented during the construction phase in order to ensure that there are no adverse impacts in terms of noise, odour and vibration upon neighbouring residents and businesses.

## **7. Sustainable Construction**

- 6.107 Section 14 of the NPPF stresses the importance of planning and its role in reducing greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change. It also supports the delivery of renewable and low carbon energy and associated infrastructure.
- 6.108 Meanwhile, CDLP Policy CC3 advocates that new development should make the fullest contribution to creating environments which enable carbon reduction and are resilient to the effects of climate change.
- 6.109 It is noted that the reusing of the existing listed historic assets and buildings will greatly reduce the carbon footprint. Given that Listed assets are involved, the proposed development has been designed through using the Fabric First approach combined with energy efficiency measures and renewable energy generation to achieve a net-zero-ready scheme.
- 6.110 The existing buildings will be upgraded and retrofitted to minimise energy use and carbon emission. For instance, the windows of the Woolworth and Burton's Buildings will be upgraded to improve energy efficiency. Furthermore, the University will opt for all electric system approach, meaning that the operation of the University has the potential to exclude any reliance on fossil fuels. This will allow the building to be Net Zero ready. In addition, the use of low-carbon air source heat pump technology for heating and hot water will also help to increase energy efficiency and lower emissions. The proposal will also include the implementation of low and zero carbon technologies in the form of roof mounted Photovoltaic Cells.
- 6.111 According to the submitted details, the proposed relocation and amalgamation of the two existing campuses into a new, more energy efficient buildings will deliver significant carbon emissions output savings of around 11% and a reduction in energy demand by 10%.
- 6.112 Overall, it is recognised that the energy use and carbon emissions from the operation of the new campus would be less than that of the operation of the existing campuses. The proposal has incorporated the use of renewable technology in the form of a 3kWp PV Array photovoltaic panels, along with other low and zero carbon technologies to help the University buildings to become Net Zero ready. It is also noted that green roofs will be provided as part of the proposal. Not only can green roofs lead to a visual enhancement in this sensitive location, they can also contribute to reducing surface water run-off and provide additional insulation (as a low/zero carbon mechanism for controlling heating and cooling). As such, it is considered that the proposal will meet the objectives and criteria of the NPPF and CDLP Policy CC3.
- 6.113 That being said, it is recommended that the mechanisms for achieving the objectives of CDLP Policy CC3 should be secured through planning condition requesting a sustainable construction report to be submitted and approved prior to the commencement of the development.

## **8. Access, Parking, Sustainable Travel and Impact Upon Highways Safety**

### Access

- 6.114 In terms of access, the main pedestrian access point will be provided via the Gateway Building on English Street. Other access points include new opening in the former Gaol Wall which facilitates new access into the site from the south, existing accesses off Borough Street and Bush Brow. Each pedestrian access point is proposed to meet within The Forum (the centrally located publicly accessible communal courtyard area).
- 6.115 In relation to the access at Bush Brow, it is noted that this is an existing ramped access. Currently, Bush Brow is a road, however this design proposes to close the road and make it a pedestrian access to the site, with the ability to allow deliveries and servicing into The Forum. Whilst this route will provide an alternative route through the Citadels site, this will be maintained by the University and will be closed during the evening. As such, this will be a secondary route to the main primary pedestrian route at English Street.
- 6.116 At the lower ground level, the site can be accessed off Borough Street, via the lower retained stub road Bush Brow. This access point will mainly provide vehicular access to the service yard and to the car park. The Teaching Block can be accessed at the lower ground level to authorised personnel.
- 6.117 The other external access points into the site are the individual entrance points for Nisi Prius and the Crown Court Building; these locations already exist and will be retained.

### Parking

- 6.118 The Proposed Development will comprise limited on-site parking due to the sustainable location of the Site. The proposed car park is to include 71 parking bays, 11 of which will be accessible spaces. It is proposed that this car park will be reserved for eligible students and staff, and visitors and therefore is considered sufficient for any new vehicle trips associated with the development proposals.
- 6.119 Vehicular access for the proposed undercroft car parking provision will be provided via Bush Brow (Borough Street access).

### Sustainable Travel

- 6.120 It is noted that the site is centrally located in Carlisle City Centre adjacent to Carlisle Railway Station. It is therefore sustainably located and is easily accessible by public transport links. There are a number of bus stops which surround the site along English Street and The Crescent, and Carlisle Bus Station is located approximately 0.2 miles to the north of the Site along Lowther Street.
- 6.121 According to the submitted Transport Assessment (TA), prepared by Curtins, the best incentive the University can provide to promote sustainable travel

(amongst students) is a zero-student parking provision. Nevertheless, there will be some exceptions to this principle and therefore, the University has agreed that up to approximately 10% of the parking provision could be permitted to students with blue badges or those in exceptional circumstance such as childcare needs, a very rural or inaccessible home address where sustainable travel is not achievable or where a student has experienced a temporary injury. This will be managed by the University, with students required to detail their case and include supporting evidence of an essential need before any parking permit is issued.

6.122 In addition, amongst the proposed 71 parking bays, 10% of the proposed electric vehicle car parking bays will be 'active' upon the opening of the site, with an additional 40% passive EV provision is proposed, whereby bays will be 'future proofed' with ducting and cabling so that EV infrastructure can readily be provided if future demand arises on Site.

6.123 Furthermore, cycle parking will be provided in safe and secure locations across the development site. Upon completion of the scheme, it is proposed that 80 cycle parking spaces will be provided on site.

#### Impact Of The Proposal Upon The Highway Network And Highway Safety

6.124 Paragraph 111 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

6.125 Cumbria County Council as the Highways Authority has confirmed that the submitted TA is acceptable. The submitted TA concludes that the additional traffic arise from the proposed development would not have a significantly detrimental impact upon the surrounding highway network . Furthermore, it is considered the impact on car parking throughout the city centre would be insignificant as it has demonstrated that there is significant residual capacity at a number of Carlisle Council car parks, and any potential car parking demand could be captured via student and staff permitting.

6.126 Based on the submitted details, it is not considered that the proposal will lead to unacceptable highway safety issues nor will the proposal affect the existing condition of the highway network. Cumbria County Council as the Highways Authority were consulted and they have raised no objection to the application. Overall, it is considered that the proposed development will accord with NPPF paragraph 111 and the objectives of CDLP Policies IP1, IP2 and IP3.

#### **9. Flood Risk and Drainage**

6.127 In order to protect against pollution, CDLP Policies IP6 and CC5 seek to ensure that development proposals have adequate provision for the disposal of foul and surface water.

6.128 The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy in support of the application. According to the submitted

FRA, it confirms that the risk to the Site from fluvial, surface water, reservoir and groundwater flooding is very low. It also confirms that the risk from public sewers and drainage flooding to the Site is low, and that there is no risk from tidal or historic flooding.

- 6.129 In order to ensure no flood risk will be increased due to the development of the proposal, it is proposed that a sustainable drainage system is designed for the site, following the hierarchy of sustainable drainage principles. The Drainage Strategy proposes that runoff from the site is collected, treated and attenuated by SuDS before discharging via a vortex flow control into the combined sewer. Total attenuation volumes have been calculated for the proposed discharge rate of a 50% betterment on the existing brownfield rate, and the Greenfield rate for context.
- 6.130 The SuDS scheme is proposed to incorporate the following features which are appropriate for the urban setting:
- d) Rainwater harvesting
    - Green roofs
    - Bioretention systems
    - Pervious pavements, and
    - Attenuation storage tanks
- 6.131 A separate foul water drainage system is proposed for the site, which will connect to the United Utilities combined sewer.
- 6.132 The FRA and Drainage Strategy has demonstrated that the proposed development would be operated with minimal risk from flooding, and would not increase flood risk elsewhere. Therefore is compliant with the requirements of the NPPF and the objectives and criteria of the NPPF and CDLP policies IP6, CC4 and CC5.
- 6.133 United Utilities and Cumbria County Council, as the Lead Local Flood Authority, were consulted and both parties have raised no objection to the proposal subject to the imposition of appropriate surface water and foul water drainage conditions.

## **10. Security And Crime Prevention**

- 6.134 The NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places. Paragraph 96 of the NPPF states that to ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Paragraph 97 states that planning policies and decisions should promote public safety and take into account wider security and defence requirements.
- 6.135 Meanwhile, CDLP Policy CM 4 requires proposals to make a positive

contribution to creating safe and secure environments by integrating measures for security and designing out opportunities for crime.

6.136 The Campus will establish good site security via several provisions which are visible and accessible yet unobtrusive. The areas within the proposed Campus have been categorised into 3 tiers:

- Tier 1 – public accessible areas (members of public, students, staff, visitors)
- Tier 2 – gained access (students, staff)
- Tier 3 – restricted access (Staff and maintenance only)

6.137 There will be secure entrances for Tier 2 and 3 areas which require fob/card to gain access to ensure only authorised persons can access non-public areas. In addition, there will be key/fob access control to all plant/back of house areas to deter any potential anti-social behaviours. As for Tier 1 areas, they will be monitored by CCTV at all times and security gates to public routes will be restricted to authorised personnel only outside of core hours. According to the submitted documents, there will also be security personnel on site to ensure security of the site.

6.138 Gating of the opening of the Gaol Wall outside of core hours is considered acceptable given that this access is new and only opens to improve the permeability of the site during day time. Other the other hand, Bush Brow is a longstanding access route in the City, dating from the construction of the Viaduct in the 1890s, and allowing reasonable access from Irish Damside up to Backhouses Walk and the upper Viaduct, English Street and West Walls. Although it is not envisaged that many people will use the Bush Brow access and staircase during night time, especially that the existing Bush Brow access route is not DDA compliant, it is incontrovertible that gating of this route during out of hours will cause some extent of inconvenience to pedestrians and cyclists, who will be required to walk or cycle a more circuitous route to reach their destinations. That being said, it is accepted that there is a need to have some security control mechanism in place to ensure the Campus is a safe place at night. On balance, given that the gating hours can be controlled by condition, it is not considered that the gating of the Bush Brow access at night is detrimental enough to warrant refusal of this application. Cumbria County Council as the Highways Authority has raised no objection to the gating of the access at Bush Brow during out of hours either.

6.139 It is also recommended that conditions regarding a lighting scheme and detailed design of any proposed gates should be imposed.

6.140 With a combination of CCTV, access control and on-site security personnel, it is considered that proposed measures will assist in maintaining a safe environment at the proposed Campus. Cumbria Constabulary was consulted and the Crime Prevention Officer has confirmed that he has no objection to the proposal.

6.141 Given that the locations and details of the CCTV have not been submitted as



part of the application, a condition is recommended to be attached to the decision notice to request for an operational management plan to outline the proposed security measures in detail, including location of the CCTVs, details of access points and opening/closing time for the gates.

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

- 6.142 The application is accompanied by a Preliminary Ecological Appraisal (PEA), Bat Survey Report and a Biodiversity Net Gain Assessment in support of the application. All three appraisals were undertaken by Urban Green.
- 6.143 The PEA confirms that the site comprises predominantly of hardstanding and buildings, surrounded by areas of amenity grassland, introduced shrub and scattered trees. It identifies the following ecological constraints:
- Nisi Prius, Crown Court and the existing buildings along English Street (including Woolworth and Burton's Buildings, excluding Hospital Wing) was assessed as having high bat roosting potential
  - Paton House was assessed as having moderate bat roosting potential
  - Suitable habitats for notable nesting bird species via scattered trees and buildings
- 6.144 Suitable mitigation is therefore recommended for bats and birds; with no removal of vegetation or demolition permitted during the bird breeding season (March to September inclusive), and any proposed lighting should be designed to minimise potential lighting impacts on bats in the local area. These issues can be mitigated through planning conditions.
- 6.145 The supporting Bat Survey Report confirms that nocturnal bat surveys undertaken identified one non-breeding summer transitional roosts for common pipistrelle at lifted fascia boards above windows on the south-western aspect on the building along English Street which is to be partly demolished. As the proposed works will cause the destruction of these roosts, and a breach of legislation under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species regulations 2017 (as amended), a Bat Mitigation Class Licence or a standard Mitigation Licence would be required for the demolition works to be undertaken lawfully and to minimise the risk of impacting roosting bats. The LPA does not consider there is any obvious reason why a licence would not be granted, and as such planning permission should not be withheld for this reason. Compensatory roost provisions will be implemented before any demolition works take place to provide compensatory habitat for the loss of the roosts. These compensatory roost provisions must be maintained within the site for a minimum of five years. It is recommended that this issue is to be mitigated via a planning condition.
- 6.146 Ecological enhancements are also recommended in the form of bird boxes, and the planting of native species under any soft-landscaping scheme. Likewise, these can be mitigated for through planning conditions.

- 6.147 A Biodiversity Net Gain Assessment (BNG) has also been undertaken by Urban Green which supports the planning application submission. It confirms that, based on the current landscape design, the Proposed Development results in a gain of 100.4% on Site. This illustrates that the proposed development will have a positive impact on the environment with higher quality habitats present post-development and is in line with the relevant National Planning Policy Framework and Local Planning Policies.
- 6.148 The applicant has submitted an Arboricultural Impact Assessment (undertaken by Urban Green) to support the application. The Assessment was carried out in accordance with BS 5837:2012 Trees and it identifies that 8no. trees (1no. moderate quality B category tree and 7no. Low Quality C category trees) will require removal to facilitate the development. These trees are located at the lower section of the Citadel gardens and therefore merit some value given that they are visible from the public realm. That being said, it is considered that the loss of these trees will have low, localised impacts. The impact will be mitigated by the retention of high and moderate quality trees within the site, along with the provision of new trees and extensive landscaping. On balance, it is therefore considered that the removal of these trees will not detrimentally affect the visual amenity of the area.
- 6.149 In view of the above, it is not considered that the proposal would lead to any significant harm to any wildlife or protected species. The proposal will result in significant net gain in biodiversity and therefore it is considered that the proposed development will accord with NPPF paragraph 174 and CDLP policies GI1, GI3 and GI6.

## **12. Other Matters**

- 6.150 With regard to waste management, the applicant has submitted a Servicing Strategy, prepared by Curtins, in support of the application. The Servicing Strategy has considered the potential refuse and recyclable waste volumes for all uses of the proposed development. It also provides details of the collection arrangements. The report concludes that the proposed uses will be served by private refuse collections. The bins will be transported to the presentation area by the management company. The collection point is located at the existing loading bay located along Victoria Viaduct. However, if required, servicing can also occur within the under-croft car parking provision on Bush Brow (Borough Street access) off the public highway. The proposed development is anticipated to be served by three-times-a-week collections. Overall, in terms of waste management, the proposed arrangement is considered acceptable.
- 6.151 It is noted that all signage will be subject to separate advertisement consents application. It is suggested that an advisory note is to be included within the decision notice to explain that no signage will be permitted to be displayed on any of the buildings until advertisement consent is obtained.
- 6.152 There has been a public comment received regarding the paving at the entrance area showing on the general arrangement plan is outside of the red line boundary. This was reflected to the Agent whom has amended the plans

alongside a note to confirm that works shown beyond the red line are indicative and aspirational at this stage, and will be subject to a separate planning application which is due to be submitted for works to English Street.

- 6.153 The preliminary desk study appraisal identifies activities that could have resulted in land contamination from organic pollutants within made ground and natural ground. To mitigate this, it is recommended that a condition is to be included requiring the submission of a remediation strategy.

### **13. Sustainable Development - Benefits Of The Proposed Development**

- 6.154 The redevelopment of the Citadels site has numerous benefits that would help to regenerate the City Centre of Carlisle. According to the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 6.155 Paragraph 10 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development and, in applying this principle, Paragraph 11 goes on to require that decision making should apply this presumption in favour of sustainable development.

- 6.156 This coincides with the objectives of CDLP Policy SP1 which state that Carlisle City Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF, and will work proactively with applicants, and communities, jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of the District.

## Economic Benefits

- 6.157 In terms of Economic benefits of the proposal, it is recognised that the University currently makes a significant contribution towards the local, regional and national economy. According to the submitted documents, its most recent assessment of its economic impact indicated a worth annually of some £120 million to the regional (Cumbrian) economy, and £230 million to the national economy.
- 6.158 Work carried out for the Cumbria Learning Improvement Service (LIS) has identified that Cumbria has, based on current projections, the slowest growing population of any Local Economic Partnership (LEP) area across England. In addition, the LIS evidence base also identified that the workforce in Cumbria has a low proportion with higher levels qualifications, and the lowest absolute number of people educated to NVQ level 4 or better of any LEP area in England. This represents that Cumbria currently has a very thin pool of higher-level skills impacting on productivity.
- 6.159 CDLP Policy SP10 provides a clear commitment that the City Council will work with partners to develop a skilled population and workforce within Carlisle. The policy states that the City Council will support developments which relate to the operational needs of the District's higher, further and specialist education establishments including the University of Cumbria.
- 6.160 One of the major roles of the Citadels project is to attract and retain more workers, especially graduate level workers, which will help address the demographic and thin pool of higher-level skills challenges in Cumbria/Borderlands.
- 6.161 The two existing campuses provide a low presence in the City, nor do they give any indication that Carlisle is a university city. They severely constrain the growth of the University and its ability to provide the best education and training in the following ways:
- a) The campuses are hidden away and have a low profile for visitors and prospective students alike (both younger undergraduates, but also business users).
  - b) There is a lack of high quality business-facing facilities and provision.
  - c) The campuses are poorly located and, in the case of Brampton Road in particular, relatively inaccessible to the city centre (and the train station).
  - d) The buildings are old and not suited to modern HE provision and, in particular, the ability to deliver blended provision using the latest digital technology is constrained.
  - e) The campuses are separate and cannot be run efficiently together creating a significant running cost overhead.
  - f) The spread out nature of facilities means there is a lack of a critical mass of facilities for students in one location

As such, it is recognised that there is a need for a new campus at a centralised and prominent location to accommodate future growth for the University and attract more students, learners and skilled workforce.

- 6.162 According to the submitted details, it has been projected that the new higher education facilities will increase the total number of undergraduate and postgraduate students studying in Carlisle each year by around 1,200 extra full-time equivalent (FTE) students compared to the baseline without the new campus (around 1,900 FTEs). This represents roughly 400 extra new graduate entrants to the labour market each year. As a result, significant productivity benefits will be generated in Cumbria and the Borderlands region.
- 6.163 Apart from students, the submitted documents confirms that the proposal will also improve engagement between the University and employers, and so to help expand the number of people already in the workforce to get involved in higher skills development. Since the proposal will attract more people to enter higher education or engage in higher skills development, it is considered that the proposal will generate significant productivity benefits in Cumbria and the Borderlands region.
- 6.164 In addition, the proposed development will create numerous direct and indirect jobs throughout the construction phase and additional jobs through the operation of the campus. According to the submitted documents, the proposed development has the potential to facilitate the creation of approximately 145 temporary direct full time employment construction jobs and 219 temporary indirect full time employment jobs per annum over the approximate 32 month construction period. During the operation of the University Campus, it is anticipated that an additional circa.164 full time employment university jobs will be created over the 20 years from opening in 2025/26.
- 6.165 It is acknowledged that Carlisle, as with other towns and cities, faces considerable challenges in its high street with declining footfall and increased vacancy rates in the retail sector, which have been accelerated by Covid-19. Therefore, maintaining and boosting the vibrancy of the city centre is critical as part of efforts to ensure Carlisle is an attractive place to live, work and visit.
- 6.166 The proposed development will increase footfall to a key gateway site into Carlisle City Centre, which will consequently have a wider knock-on effect of increasing the vitality, vibrancy and viability of Carlisle City Centre's Primary Shopping Area. This will help to encourage economic activity and revitalisation of the high street and Carlisle City Centre, and will also help to boost the general liveability of Carlisle for current and future residents, visitor and workers. As such, it is considered that the proposal will have significantly benefits to the Carlisle's economy and housing market.

#### Social Benefits

- 6.167 In terms of social benefits of the proposal, the new campus will deliver a mixture of modern, high quality and innovative educational facilities for use by existing and future University of Cumbria students. These include fully digital enabled teaching spaces, business interaction spaces, and university

administration and support services space.

- 6.168 Apart from that, the proposed development will also generate significant social benefit by opening up cultural facilities run by University of Cumbria. The new cultural facilities right in the city centre at the Citadels site will include the university's centre for digital transformation, a 200 seater multi-purpose lecture theatre and internal and external exhibition areas.
- 6.169 Although these facilities will primarily be for teaching/education purposes, the University has confirmed that they will also be made available to the wider community, members of the public and local groups, particularly through a partnership with Multi Cultural Cumbria (to be based at the Citadels Campus) and as partners of the Carlisle Culture Consortium. The new campus will provide venues that can be used by other cultural organisations and open up the University's own cultural activity more widely. This in turn will support and enhance the cultural sector in the city, and improve the overall attractiveness and liveability of Carlisle as a city.
- 6.170 In addition, the proposal will allow the site to be opened up to the public, increasing permeability and accessibility to the Site, City Centre and the surrounding area through the development of a central publicly accessible space, known as 'The Forum', providing residents and visitors with improved recreational space in a highly sustainable location.

#### Environmental Benefits

- 6.171 In terms of environmental benefit, the application site is located within a central city centre location which is accessible via a range of sustainable modes of transport. In comparison to the existing campuses, the location of the proposed new campus will facilitate and encourage staff, students and visitors to access by public transport or walking/cycling rather than private vehicles.
- 6.172 The proposed development will incorporate elements of new build construction and the refurbishment of existing buildings on site. Given that Listed assets are involved, the proposed development has been designed through using Fabric First approach combined with energy efficiency measures and renewable energy generation to achieve a net-zero-ready scheme. In addition, the proposal has incorporated electric vehicle charging points. 10% of the proposed electric vehicle car parking bays will be 'active' upon the opening of the site, with additional 40% of parking bays future proofed with ducting and cabling so that EV infrastructure can be readily provided if future demand increases on site.
- 6.173 The proposed development will dramatically reduce the University's energy demand and usage, and will respond positively to all national regional and local energy policies (Please refer to Section 8 of this report for further assessment with regard to sustainable construction).
- 6.174 According to the submitted details, the proposed development will also result in the creation of higher quality habitats post-development which will help to

double the levels of biodiversity present on site, resulting in an extremely positive impact on the environment.

- 6.175 In light of the above, it is considered that the proposal will bring numerous social, economic and environmental benefits to Carlisle. The proposed development is therefore considered to be a sustainable development, in line with the NPPF and objectives of CDLP Policy SP1.

## **Conclusion**

- 6.176 The proposed development will deliver a University campus in a sustainable and central city centre location, and will bring the Citadels Buildings back into beneficial use. The proposal will provide modern and innovative educational facilities for use by existing and future University of Cumbria students, and will also strengthen the University's role as the anchor higher education institution for Cumbria and would hopefully encourage more young people in Cumbria progress into higher education.
- 6.177 The design of the proposal has been engineered to be a low carbon solution, with the ability to help the university become a Net Zero Carbon organisation. It can also be seen that the design of the proposal respects the rich history of the site, which is embedded in the Listed Buildings and non-listed retained buildings, as well as within buried archaeology.
- 6.178 The proposal will facilitate connection, optimise footfall and create an enhanced sense of place by providing alternative routes into the City Centre, and will help to re-establish English Street as an important thoroughfare and public place within the city.
- 6.179 Overall, the application has demonstrated that the proposal has numerous benefits both socially, economically and environmentally.
- 6.180 The assessment of this planning application has taken into account all relevant planning material considerations, including the effect of the application on the significance of all listed and non-designated heritage assets on site and the effect on the Conservation Area. Great weight is afforded to any harm to heritage assets and in particular the listed buildings of greater historical significance which are particularly relevant to this application. It is considered that the proposal will not cause any substantial harm but will cause some less than substantial harm to two Grade I listed buildings (Crown Court and Nisi Pirus) due to the relocation of court room furniture, raising of internal floor levelling and the installation of WCs and platform lifts; Grade II listed Hospital Wing due to some loss of historic fabric from the new openings; Grade II listed Gaol Wall due to the loss of historic fabric from the proposed opening. However, it has been clearly demonstrated within the application that the public benefits of the proposal will outweigh the identified harms.
- 6.181 In light of the above, It is considered that the application is in full accordance with both local and national planning policies. It is recommended that this application is approved with conditions.

## **7. Planning History**

- 7.1 The following planning history relates to the assessment of this planning application:

**The 'Offices and Former Nisi Prius Buildings' contains the following significant planning applications:**

(Pre 1974) TP1838- Provision of additional 3,500 sq.ft. of office accommodation by construction of three new floors:- Two to Citadel Row Block, one to English Street Block. Granted.

**The 'Former Crown Court Buildings' contains the following significant planning applications:**

- 99/9009 - Internal alterations, redecoration and re-routing of surface-mounted services to provide a new reception area, disabled WC and disabled access
- 98/9018 - Items of minor alteration in former Grand Jury Room, replacement of glazed ceiling panels in former Courts Entrance Foyer (LBC)
- 93/9022 - Change of use of part of the old Crown Court buildings from Crown Courts to County Council office use (Reg 3 App)
- 01/9011 - Lift installation to access first floor and brass tubular handrailing to grand staircase (LBC) Permission was granted.
- 01/9017 - Remodelling of modern extension including glazed corridor and access ramp (LBC) Permission was granted.

**The 'Paton House' building and surrounding area to the rear contains the following significant planning applications:**

- 94/0899 - Change of use of vacant garage to public car park. Permission was granted.
- 98/0078 - Renewal of permission for part of former garage for car parking (80 spaces), Permission was granted.
- 01/0232 - Change of use of part of garage to car parking (80 spaces), Permission was granted.
- 14/9002/CTY - Installation Of Cast Iron Downpipe And Hopper To Discharge To New Gulley (LBC), Permission was granted.
- 17/9007/CTY - Demolition Of The Lower Gaol Yard And Lonsdale Buildings. Permission was granted.
- 18/9003/CTY - Change Of Use To A Surface Level Car Park And Erection Of Ancillary Infrastructure
- 20/0867 - Demolition Of Building at Paton House, 9 Victoria Viaduct. Permission was granted.
- 21/0633 - Discharge Of Conditions 3 (Level 2 Survey); 4 (Construction Management Plan) And 5 (Construction Phase Traffic Management Plan) Of Previously Approved Application 20/0867. Permission was granted.



**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 29 Mar 2022;
2. Location Plan (Dwg No. DAY-XX-XX-DR-A-04-0100), received 29 Mar 2022;
3. Proposed Site Plan (Dwg No. DAY-XX-XX-DR-A-04-0110), received 29 Mar 2022;
4. Proposed Block Plan (Dwg No. DAY-XX-XX-DR-A-04-0124), received 29 Mar 2022;
5. Section and elevation Key (Dwg No. DAY-XX-XX-DR-A-04-0125), received 29 Mar 2022;
6. Demolition GIA Use Category Plans (Dwg No. DAY-XX-ZZ-DR-A-04-0152), received 29 Mar 2022;
7. Phase 2 GIA Use Category Plan (Dwg No. DAY-XX-ZZ-DR-A-04-0154), received 29 Mar 2022;
8. New Build GEA Plans Phase 2 (Dwg No. DAY-XX-ZZ-DR-A-04-0156), received 29 Mar 2022;
9. Crown Court Demolition Plans (Dwg No. DAY-XX-ZZ-DR-ID-04-0132, Rev A), received 10 Jun 2022;
10. Nisi Pirus Demolition Plans (Dwg No. DAY-XX-ZZ-DR-ID-04-0133, Rev A), received 10 Jun 2022;
11. Site Elevations (Street Scenes) Proposed Phase 1 (Dwg No. DAY-XX-XX-DR-A-04-1105, Rev A), received 10 Jun 2022;
12. Site Elevations (Street Scenes) Proposed Phase 2 (Dwg No. DAY-XX-XX-DR-A-04-1106, Rev A), received 10 Jun 2022;
13. Site Elevations (Central Plaza) Proposed Phase 1 (Dwg No. DAY-XX-XX-DR-A-04-1108, Rev A), received 10 Jun 2022;
14. Site Elevations (Central Plaza) Proposed Phase 2 (Dwg No. DAY-XX-XX-DR-A-04-1109, Rev A), received 10 Jun 2022;

15. Woolworths Elevations Proposed Phase 1 (Dwg No. DAY-XX-ZZ-DR-A-04-1102, Rev A), received 10 Jun 2022;
16. Woolworths Elevations Proposed Phase 2 (Dwg No. DAY-XX-ZZ-DR-A-04-1103, Rev A), received 10 Jun 2022;
17. Site Demolition Plan Phase 1 (Dwg no. DAY-XX-XX-DR-A-04-0130), received 29 Mar 2022;
18. Site Demolition Plan Phase 2 (Dwg no. DAY-XX-XX-DR-A-04-0131), received 29 Mar 2022;
19. General Arrangement Plan - Lower Ground Floor Proposed Phase 1 and 2 (Dwg no. DAY-XX-B1-DR-A-04-0111), received 29 Mar 2022;
20. General Arrangement Plan - Ground Floor Proposed Phase 1 and 2 (Dwg no. DAY-XX-00-DR-A-04-0112 Rev A), received 14 Jul 2022;
21. General Arrangement Plan - First Floor Proposed Phase 1 (Dwg no. DAY-XX-01-DR-A-04-0113), received 29 Mar 2022;
22. General Arrangement Plan - First Floor Proposed Phase 2 (Dwg no. DAY-XX-01-DR-A-04-0114), received 29 Mar 2022;
23. General Arrangement Plan - Second Floor Proposed Phase 1 (Dwg no. DAY-XX-02-DR-A-04-0115), received 29 Mar 2022;
24. General Arrangement Plan - Second Floor Proposed Phase 2 (Dwg no. DAY-XX-02-DR-A-04-0116), received 29 Mar 2022;
25. General Arrangement Plan - Third Floor Proposed Phase 1 (Dwg no. DAY-XX-03-DR-A-04-0117), received 29 Mar 2022;
26. General Arrangement Plan - Third Floor Proposed Phase 2 (Dwg no. DAY-XX-03-DR-A-04-0118), received 29 Mar 2022;
27. General Arrangement Plan - Roof Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0119 Rev A), received 10 Jun 2022;
28. General Arrangement Plan - Roof Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-0120 Rev A), received 10 Jun 2022;
29. General Arrangement Plan - Hospital Wing and Crown Court Building Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0121 Rev A), received 10 Jun 2022;
30. General Arrangement Plan - Nisi Prius Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0122 Rev A), received 10 Jun 2022;
31. Section Through Site Axis Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2101 Rev A), received 10 Jun 2022;
32. Section Through Site Axis Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2102 Rev A), received 10 Jun 2022;
33. Sections longitudinal Proposed Phase 1 (Dwg no.

- DAY-XX-ZZ-DR-A-04-2103 Rev A), received 10 Jun 2022;
34. Sections longitudinal Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2104 Rev A), received 10 Jun 2022;
35. Sections Transverse Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2105 Rev A), received 10 Jun 2022;
36. Sections Transverse Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2106 Rev A), received 10 Jun 2022;
37. Section Floor Levels Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2107 Rev A), received 10 Jun 2022;
38. Section Floor Levels Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2108 Rev A), received 10 Jun 2022;
39. 3D Sections A B C Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2117 Rev A), received 10 Jun 2022;
40. 3D Sections D E F Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2118 Rev A), received 10 Jun 2022;
41. 3D Sections G H Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2119 Rev A), received 10 Jun 2022;
42. 3D Sections A B C Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2120 Rev A), received 10 Jun 2022;
43. 3D Sections D E F Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2121 Rev A), received 10 Jun 2022;
44. 3D Sections G H Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2122 Rev A), received 10 Jun 2022;
45. Business Interaction Centre Floor Level Section Plan (Dwg no. DAY-BB-ZZ-DR-A-04-2125), received 10 Jun 2022;
46. Hospital Wing Floor Level Sections Plan (Pt 1) (Dwg no. DAY-BB-ZZ-DR-A-04-2123), received 10 Jun 2022;
47. Hospital Wing Floor Level Sections Plan (Pt 2) (Dwg no. DAY-BB-ZZ-DR-A-04-2124), received 10 Jun 2022;
48. General Arrangement Plan (Dwg no. UG\_471\_LAN\_GA\_DRW\_001 Rev P16), received 30 Jun 2022;
49. Gaol Wall Opening (Dwg no. DAY-XX-XX-DR-A-04-2113 Rev A), received 10 Jun 2022;
50. Facade Study - New Build Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2111 Rev A), received 10 Jun 2022;
51. Facade Study - New Build Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2112), received 10 Jun 2022;

52. the Notice of Decision; and
53. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The development shall be undertaken in general accordance with the approved documents for this Planning Permission which comprise:
  1. Carlisle Citadels: Archaeological Impact Assessment (undertaken by Oxford Archaeology), received 29 Mar 2022;
  2. Bat Survey Report (undertaken by Urban Green), received 29 Mar 2022;
  3. Biodiversity Net Gain Design Stage Assessment (undertaken by Urban Green), received 29 Mar 2022;
  4. Condition Survey (undertaken by Purcell), received 29 Mar 2022;
  5. Carlisle Citadels Conservation Management Plan (prepared by Purcell), received 29 Mar 2022;
  6. Demolition Statement (Revision: P01, prepared by Curtins), received 29 Mar 2022;
  7. Energy & Sustainability Statement (Ref: 16110-HYD-XX-XX-RP-Y-5002, prepared by Hydrock Consultants Limited), received 29 Mar 2022;
  8. Written Scheme of Investigation for an Archaeological Evaluation and Watching Brief, received 29 Mar 2022;
  9. Heritage Impact Assessment (Issue 02, undertaken by Purcell), received 29 Mar 2022;
  10. Interim Travel Plan (Revision: V04, prepared by Curtins), received 29 Mar 2022;
  11. Phase 1 Preliminary Risk Assessment (Revision: V02, prepared by Curtins), received 29 Mar 2022;
  12. Preliminary Ecological Appraisal (prepared by Urban Green), received 29 Mar 2022;
  13. Servicing Strategy (Revision: V03, prepared by Curtins), received 29 Mar 2022;
  14. Stage I Visual Structural Condition Appraisal (prepared by Curtins), received 29 Mar 2022;
  15. Townscape & Visual Impact Appraisal (prepared by Urban Green), received 29 Mar 2022;
  16. Transport Assessment (Revision: V03, prepared by Curtins), received 29 Mar 2022;

17. Urban Design Framework Statement (prepared by Urban Green), received 29 Mar 2022;
18. Geophysical Survey Report (prepared by SUMO Geophysics Ltd), received 1 Apr 2022;
19. Arboricultural Impact Assessment (AIA) (undertaken by Urban Green), received 10 Jun 2022;
20. Historic Buildings Design and Usage Review (Revision G, prepared by Purcell and Day Architectural Ltd), received 10 Jun 2022;

**Reason:** To define the permission.

4. Notwithstanding any description of materials in the application, prior to the commencement of the outer façade of each Phase of the development (Phase 1 and 2), excluding demolition, samples or full details of materials to be used externally on the building within the relevant phase, have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

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

5. Prior to the installation of any vents and drainage apparatus, samples and details of any roof vents, ventilation grilles, flues and soil pipes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

6. Prior to any stonework being modified and/or rebbed and repointed, including a section of Gaol Wall at Bush Brow, a sample area of stonework measuring not less than 1m x1m shall be erected on site for inspection by the Local Planning Authority, with the stone type and source, bonding pattern, mortar specification, and joint detail and general appearance to be agreed in writing. An area of ashlar repointing to a discrete area of the retained buildings shall be completed for inspection by the Local Planning Authority to be agreed in writing as above. If there are any repairs to stone, brickwork and roofs, a method statement and specification of the repairs and to include samples and details of fixings and mortar mix shall be made available to the Local Planning Authority for their inspection and approval prior to any repairs being undertaken. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed

buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

7. Notwithstanding any information as submitted, prior to the insertion of any new/replacement windows (on any listed buildings and Woolworth and Burton's Buildings), details at a scale of 1:5 of any new windows, including the construction, means of affixing to the walls, the size, glazing, opening mechanisms, cill and lintol arrangement and the depth of the reveal shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

8. Within 6 months of the decision or prior to the commencement on site (excluding demolition)(whichever is sooner), a statement to explain how the WW2 'Emergency Water Supply' (circa 1m high) on the brick return of the Burton's Building at Bush Brow is to be protected and retained, and incorporated into the scheme, is to be submitted to the LPA for written agreement.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with the objectives of Carlisle District Local Plan Policies HE6 and HE7.

9. Notwithstanding the information as submitted, prior to the occupation of the development hereby approved, full details of the proposed soft landscaping, including a phased programme of works, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved following the completion of the development or in accordance with a programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure a satisfactory landscaping scheme is implemented to fulfil the requirements of policies SP6, GI1 and GI6 of the Carlisle District Local Plan 2015-2030.

10. Notwithstanding the information as submitted, prior to the occupation of the development hereby approved, full details of the proposed hard landscaping, including details of the former City Wall interpretative feature, samples of surfacing materials and a phased programme of works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the

development shall not be constructed other than in accordance with the approved details.

**Reason:** To ensure a satisfactory landscaping scheme is implemented to fulfil the requirements of Policies SP6, HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

11. Details of the paint colour and finish, including manufacturer's specification to be used on the internal (listed buildings only) and external areas of the existing buildings shall be submitted to and approved in writing by the Local Planning Authority prior to any painting work commencing. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

12. Prior to the commencement of any works (excluding demolition and foundation works), full details of all proposed gating, including pedestrian gates, within the application site shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include detailed design and size of the gates.

**Reason:** In the interest of the appearance and character of the listed buildings and conservation area, in accordance with Policies HE3 and HE7 of the Carlisle District Local Plan 2015-2030.

13. Prior to installation of any external lighting, details of the proposed external lighting (inclusive of the design, locations and luminance levels) shall be submitted to the local planning authority for approval in writing. The development shall only be carried out in accordance with the approved details.

**Reason:** To safeguard the living conditions of the neighbouring residents and to ensure the objectives of Policies CM5 and SP6 of the Carlisle District Local Plan 2015-2030 are met.

14. Prior to the removal of any Court Room furniture in Nisi Prius and the Crown Court Buildings, a programme of works for the court room furniture relocation, and photographs and drawings as existing, and as proposed, shall be submitted to and approved in writing by the Local Planning Authority. The programme of works shall identify how and by whom supervision of the works shall be undertaken and shall include details regarding the exact proposed locations (within the application site) and uses for the removed court room furniture. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle

District Local Plan 2015-2030.

15. Notwithstanding the details that have been submitted with the application, full details including drawings and manufacturers details where appropriate of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to any works to the boundaries. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

16. Prior to the removal of the window at the Former Labour Group Room at the Crown Court Building (as shown on Carlisle Citadels Conservation Management Plan, prepared by Purcell, received 29 Mar 2022), details of the proposed roof terrace access shall be submitted to and approved by the local planning authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

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

These written schemes of investigation will include the following components:

- i) An archaeological evaluation - in accordance with the submitted 'Written Scheme of Investigation for an Archaeological Evaluation and Watching Brief' dated April 2022;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation.

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

18. Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the



preparation and submission of a report of the results for publication in a suitable specialist journal.

**Reason:** To ensure that a permanent and publically-accessible record is made of the archaeological remains that have been disturbed by the development.

19. Prior to the carrying out of any construction work the following buildings and structures affected by the proposed development shall be recorded in accordance with the undermentioned Levels of Survey, as described by Historic England's document Understanding Historic Buildings A Guide to Good Recording Practice, 2016:

The Crown Court - Level 3 Survey;  
Nisi Prius Court - Level 3 Survey;  
the Hospital Wing - Level 2 Survey;  
the Gaol Wall – Level 1 Survey; and  
the Woolworth Buildings - Level 1 Survey.

Within 2 months of the commencement of construction works a digital copy of the resultant survey report shall be furnished to the Local Planning Authority.

**Reason:** To ensure that a permanent record is made of the buildings and structures of architectural and historical interest prior to their alteration as part of the proposed development.

20. Work to the carriageway, footways, footpaths, cycleways etc ,as indicatively shown on the drawings submitted with this application, shall be designed, constructed, drained and lit to a suitable standard and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any of the above highways related works commence on site. None of the above highways related works shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is occupied.

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

21. No development works pursuant to the development hereby approved (including demolition) shall take place outside the hours of 7.30am to 6pm on weekdays and 7.30am to 4pm on Saturdays with no works on any Sundays or statutory holidays. Quieter activities which are carried out inside buildings such as electrical works, plumbing and plastering may take place outside of agreed working times so long as they do not result in significant disturbance to neighbouring occupiers.

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

22. 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 (excluding demolition). 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.

23. Prior to the commencement of each phase of the development (Demolition, phase 1 and phase 2), a Demolition and Construction Environment Management Plan (DCEMP) for the relevant phase shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include details of:

1. 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;
2. details of proposed crossings of the highway verge;
3. retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
4. cleaning of site entrances and the adjacent public highway;
5. details of proposed wheel washing facilities;
6. the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
7. provision and use of water suppression equipment;
8. covering of 'dusty' materials;
9. construction vehicle routing;
10. the management of junctions to and crossings of the public highway and other public rights of way/footway;
11. Details of any proposed temporary access points (vehicular / pedestrian)
12. surface water management details during the construction phase; and
13. implementation of noise mitigation measures i.e. use of noise attenuation barriers, storage/unloading of aggregates away from sensitive receptors, use of white noise reversing alarms where possible.

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

24. Prior to the commencement of Phase 1 development (excluding demolition), details of cycle storage provisions shall be submitted to and approved in

writing with the Local Planning Authority.

**Reason:** In accordance with Policies SP1 and IP3 of the Carlisle District Local Plan 2015-2030.

25. Within 6 months of first occupation of the site, a final Travel Plan which includes clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review and update; and be based on the particulars contained within the development hereby approved, shall be submitted to and approved in writing by the local planning authority and thereafter operated in accordance with the agreed details.

**Reason:** In accordance with Policies SP1 and IP2 of the Carlisle District Local Plan 2015-2030.

26. Prior to the occupation of the site hereby approved, details and location of the carpark spaces equipped with active and passive EV charging points shall be submitted to and approved in writing by the local planning authority. The details shall include:

1. Location of active and passive charge points;
2. Specification of charging equipment;
3. Operation/management strategy, including details regarding the process to active passive charging points;

The development shall be completed in accordance with the approved details and retained in perpetuity.

**Reason:** In accordance with Policies SP1 and IP2 of the Carlisle District Local Plan 2015-2030.

27. Prior to the occupation of phase 1 of the development, an Operational Management Plan shall be submitted to and approved in writing by the LPA. The Operational Management Plan shall, as a minimum, cover the following points:

1. The location of all ground/lower ground external access points and how they will be managed
2. How all external access points will be controlled during the day and out of hours i.e. fob/key card
3. The times that the external access gates will be closed to the public
4. The location of CCTV
5. Noise management for any external event at the Forum

**Reason:** In accordance with Policies CM4 and HE3 of the Carlisle District Local Plan 2015-2030.

28. Prior to the commencement of each phase (1 and 2) of the development (excluding demolition), an updated Sustainability and Energy Statement for the relevant phase, shall be submitted to and approved in writing by the LPA. The updated Sustainability and Energy Statement shall include a detailed

scheme to demonstrate compliance with CDLP Policy CC3 and shall, as a minimum, include:

- 1.. The sustainability credentials of the external build materials
2. The specification and location of renewable energy such as air source heat pump technology and the roof mounted Photovoltaic Cells

**Reason:** In accordance with Policies SP1, SP6 and CC3 of the Carlisle District Local Plan 2015-2030.

29. For the duration of the development works, the retained trees as shown within the submitted Arboricultural Impact Assessment (undertaken by Urban Green, received 10 Jun 2022) shall be protected by tree protective fencing erected and maintained outwith all root protection areas. The specification for the tree protective fencing must conform to BS5837:2012 Trees in relation to Construction - recommendations, and within all root protection areas, there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

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

30. The development hereby approved shall not be carried out otherwise than in complete accordance with the Mitigation Measures contained within the submitted Bat Survey Report (2021) compiled by Urban Green, received 29 Mar 2022.

Compensatory roost provisions shall be implemented before any demolition works take place to provide compensatory habitat for the loss of the roosts. These compensatory roost provisions must be maintained within the site for a minimum of five years.

**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. Prior to the commencement of each phase of the development (Demolition, Phase 1 and Phase 2), a detailed Landscape and Ecological Management Plan for the relevant phase shall be submitted to and approved by the local planning authority. Each detailed Landscape and Ecological Management Plan shall include mitigation, compensation and enhancement measures, and the Management Plan shall be in accordance with the principles set out within the submitted Biodiversity Net Gain Assessment (carried out by Urban Green, received on 29 Mar 2022). The development shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

**Reason:** To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy GI3 of the

Carlisle District Local Plan 2015-2030.

32. Prior to the commencement of each Phase of the development (Phase 1 and Phase 2) (excluding demolition), details of measures, to prevent birds from nesting/roosting on the roofs or facades of the buildings, for the relevant phase shall be submitted to and approved in writing with the Local Planning Authority.

**Reason:** In the interests and amenities of users of the building, nearby residential and business premises in accordance with Policy SP6 of the Carlisle District Local Plan 2015-30.

33. Within 6 months of the development hereby approved being brought into first use, an updated Servicing Strategy including details of the provision of external litter bins; their specifications and planned emptying frequencies, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be operated in accordance with the approved details.

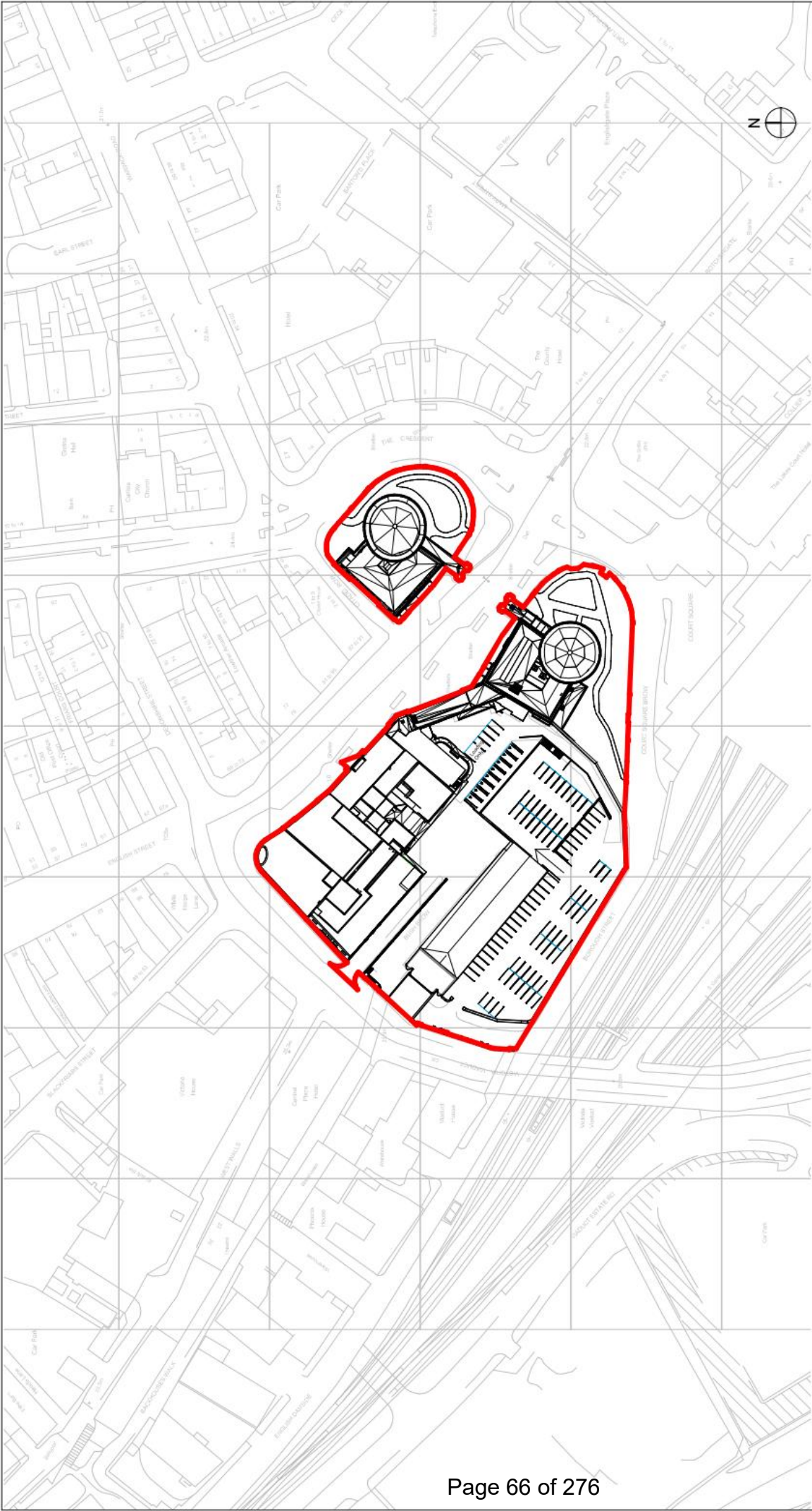
**Reason:** To ensure that adequate means of litter management is provided in accordance with policy IP5 and SP6 of the Carlisle District Local Plan 2015-2030.

34. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason** To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework and Policy CM5 of the Carlisle District Local Plan 2015-2030.



## Location Plan Planning

1:1250

### GENERAL NOTES

- DAY Architectural Ltd accepts no responsibility for any costs, losses or claims whatsoever arising from these drawings, specifications and related documents unless there is full compliance with the Client or any authorised user of the following:
1. All boundaries, dimensions and levels are to be checked on site before construction and any discrepancies reported to the Architect / Designer, prior to the implementation of the design.
  2. Partial Services: Any discrepancies with site or other information is to be advised to the Architect / Designer and direction as to be taken prior to the implementation of the design.
  3. Block and site plans are reproduced under license from the Ordnance Survey.
  4. For the purpose of coordination, all relevant parties must check this information prior to implementation and report any discrepancies to the Architect / Designer.

### CLIENT

University of Cumbria

### PROJECT

The Citadel

### DRAWING

Location Plan

### SCALE

1:1250 @ A3

### PROJECT

1248-21

### DRAWN BY

SL

### CHECKED BY

NE

### DATE

12/02/21

### ORIGINATOR

DAY

### VOLUME

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### LEVEL

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### ROLE

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04-0100

### REVISION

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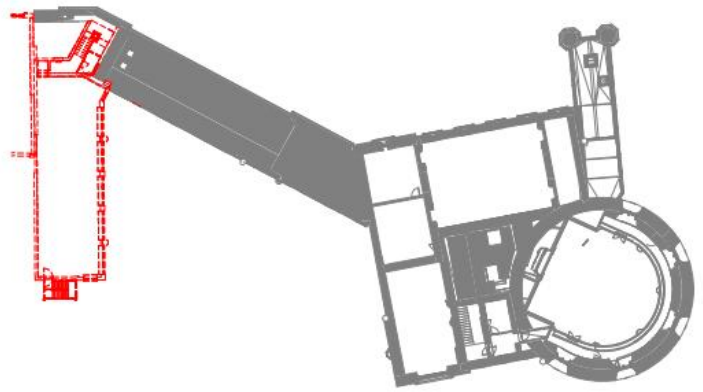




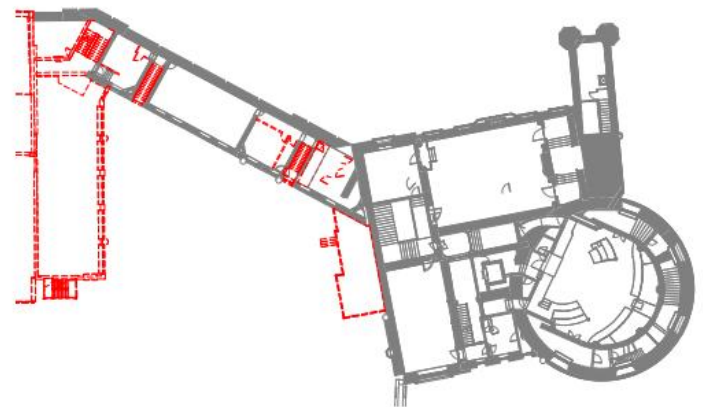




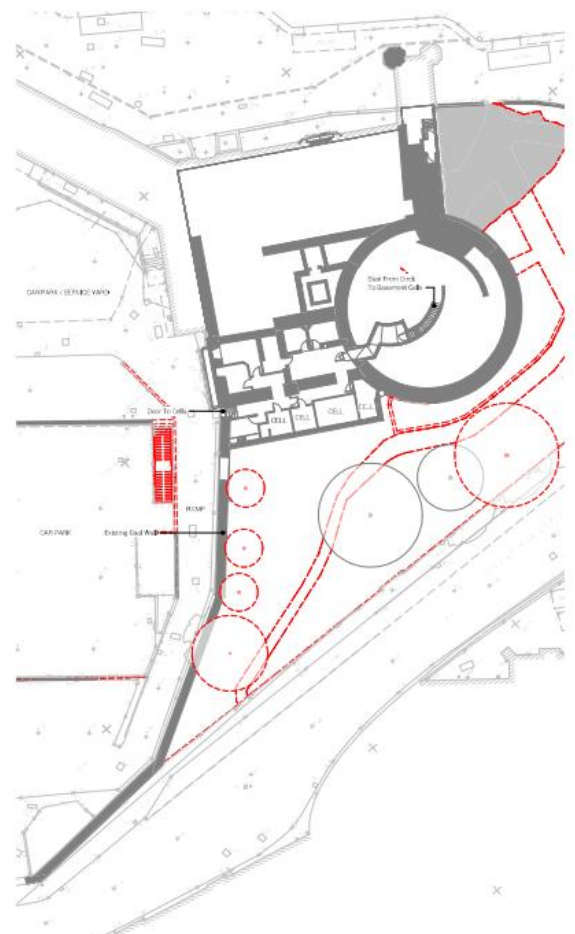




Crown Court Level 4 - Second Floor Demolition Planning  
1/2001

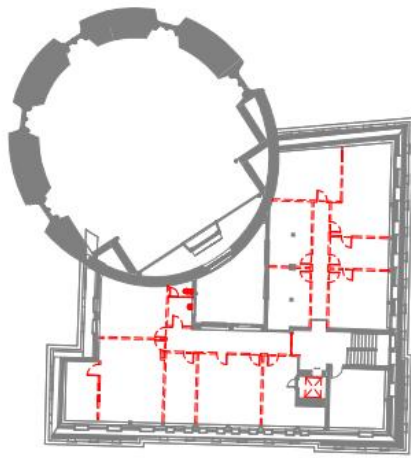


Crown Court Level 2 - Upper First Floor Demolition Planning  
1:200

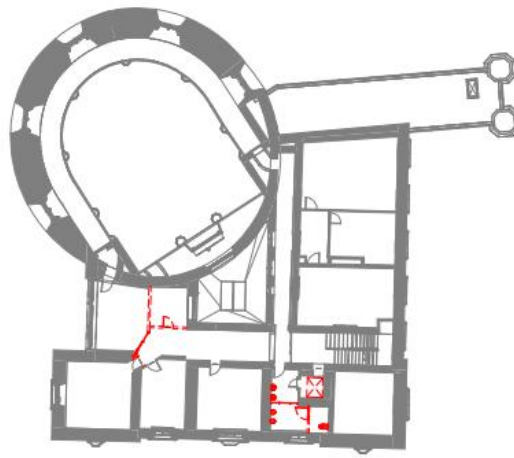


Crown Court Level -1 - Basement Demolition Planning  
1-100

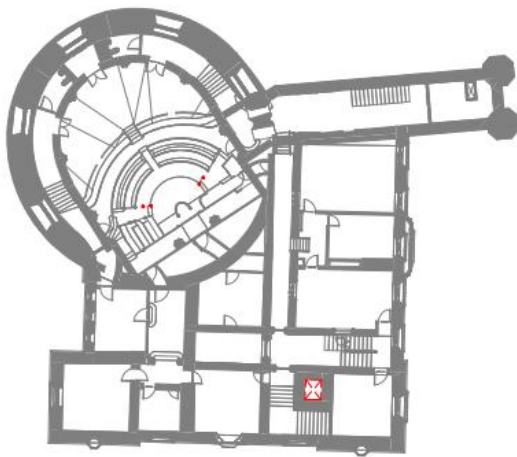
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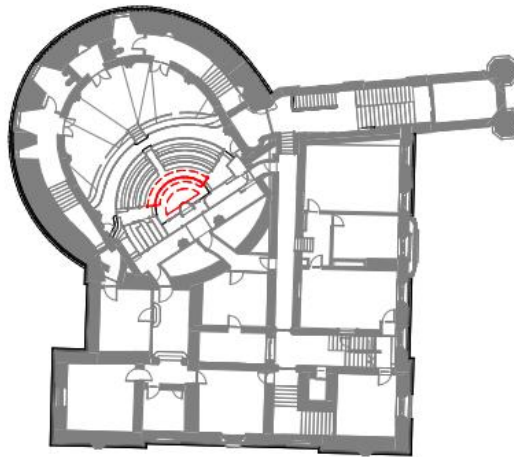
Nisi Prius Level 4 - Third Floor Demolition Planning  
1:200



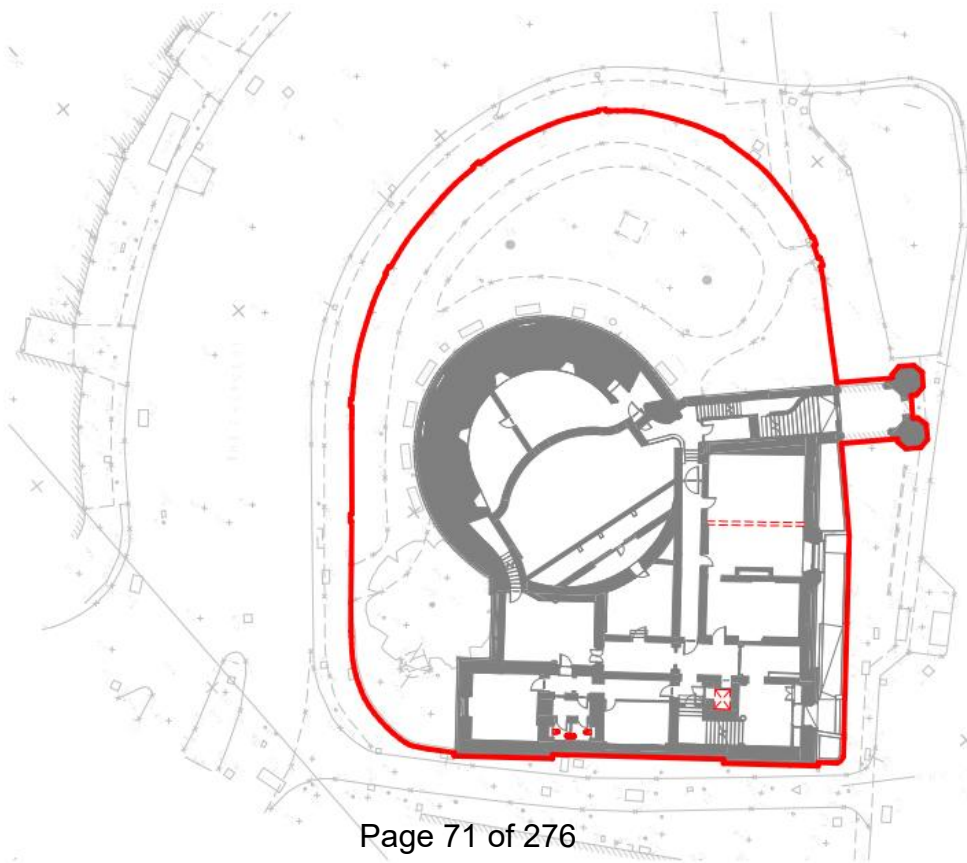
Nisi Prius Level 3 - Second Floor Demolition Planning  
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Nisi Prius Level 2 - Upper First Floor Demolition Planning  
1:200



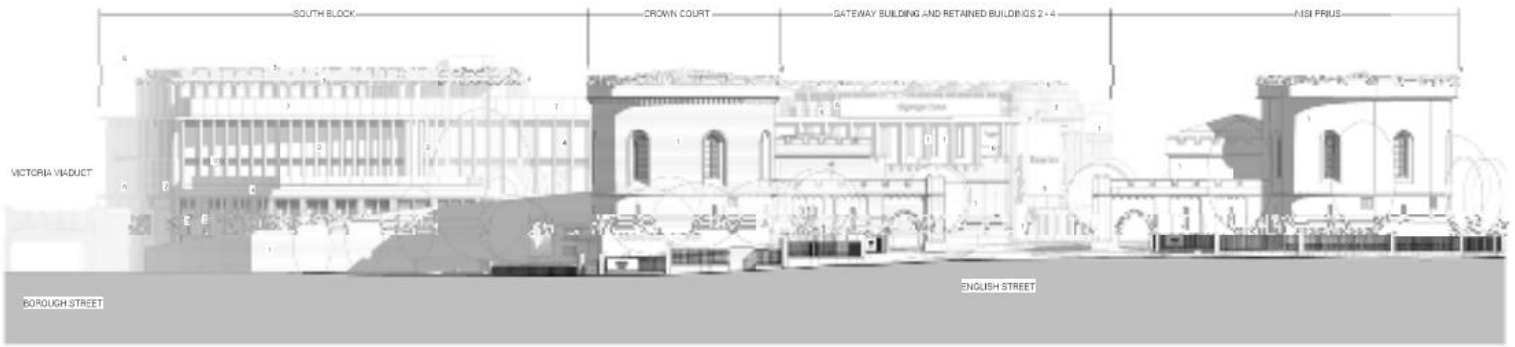
Nisi Prius Level 1 Lower First Floor Proposed Demolition Planning  
1 : 200



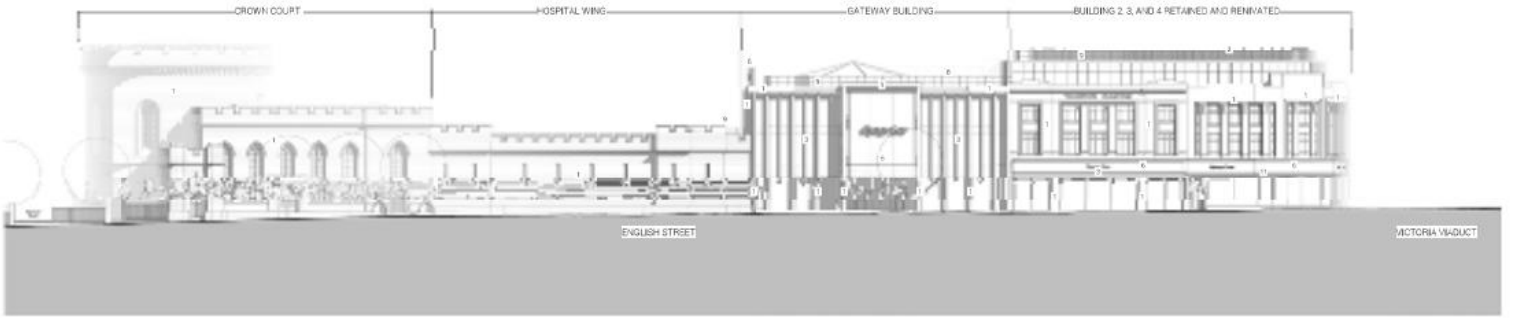
Nisi Prius Level 0 - Ground Floor Demolition Planning  
1-200







Elevation Bolchergate Street Scene Proposed Phase 2 Planning  
1:200



Elevation English Street Street Scene Proposed Phase 2 Planning  
1:200



Elevation Victoria Viaduct Street Scene Proposed Phase 2 Planning  
1:200



Elevation Borough Street Street Scene Proposed Phase 2 Planning  
1:200

- MATERIALS KEY**
- 1. Red sandstone
  - 2. Red brick
  - 3. Bronze colour aluminium
  - 4. Perforated panels colour: bronze aluminium or Cor-Ten steel TBC
  - 5. Cor-Ten steel
  - 6. University signage under separate advertising consent.
  - 7. Glass balustrade
  - 8. Perforated metal balustrade / screen
  - 9. Mansafe system
  - 10. Louvre - (ventilation inlet / exhaust)
  - 11. Restored Granite



















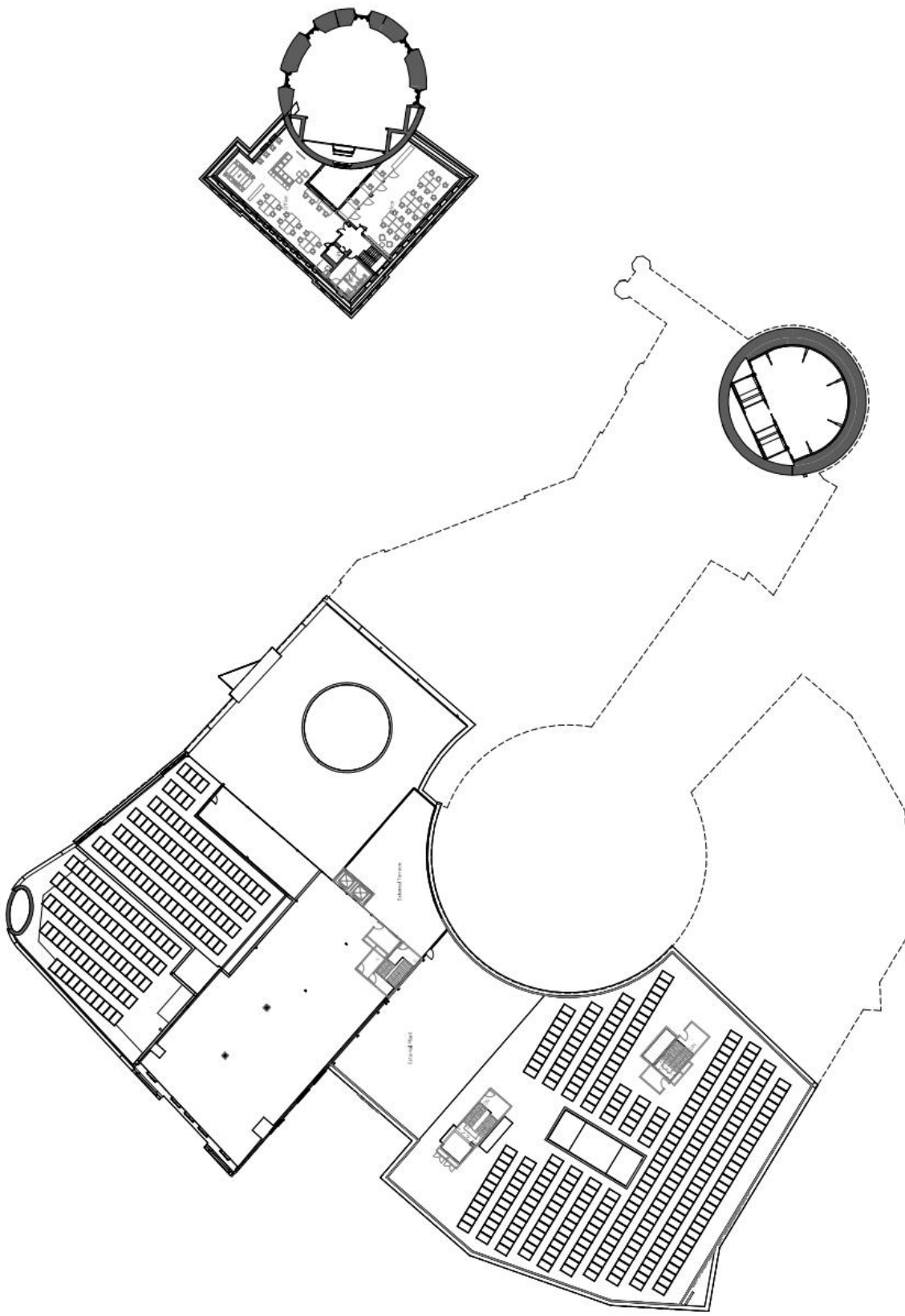

















<b>Level 3 GA Plan - Third Floor Proposed Phase 1</b> <small>1/2/2025</small>		<b>DAY</b> <small>Architectural Firm</small>	
Project Name 1000 Main St.	Project Number 1000	Project Date 1/2/2025	Project Location 1000 Main St.
Project Description Level 3 GA Plan - Third Floor Proposed Phase 1		Project Status In Progress	
Project Manager John Doe		Project Engineer Jane Smith	
Project Architect DAY		Project Designer DAY	
Project Consultant DAY		Project Contractor DAY	
Project Owner DAY		Project Stakeholder DAY	

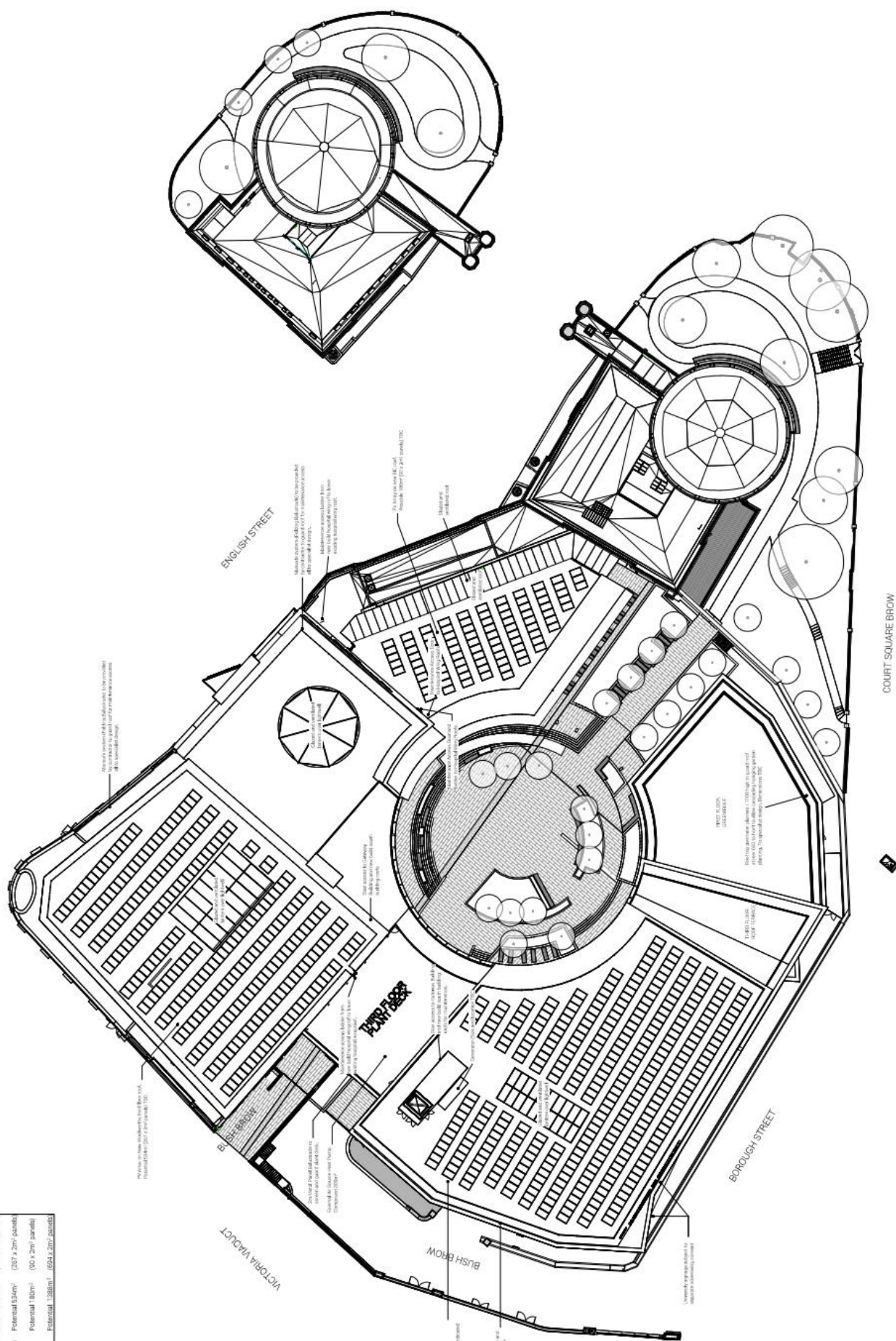




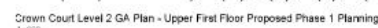
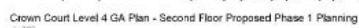
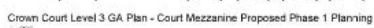


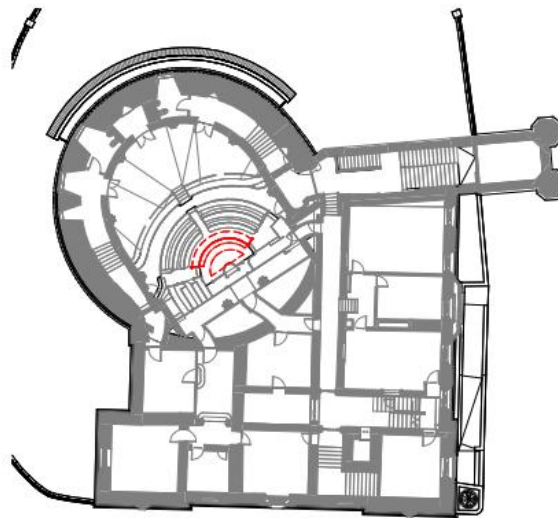
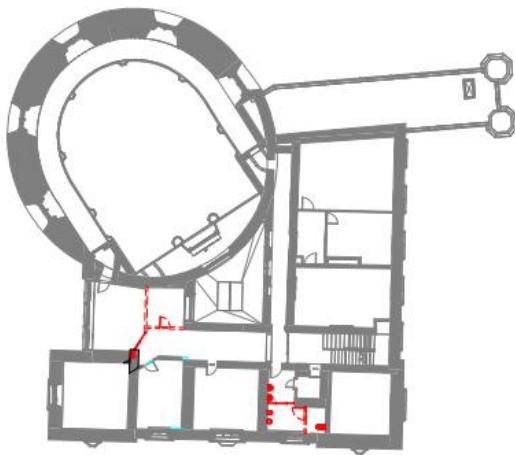
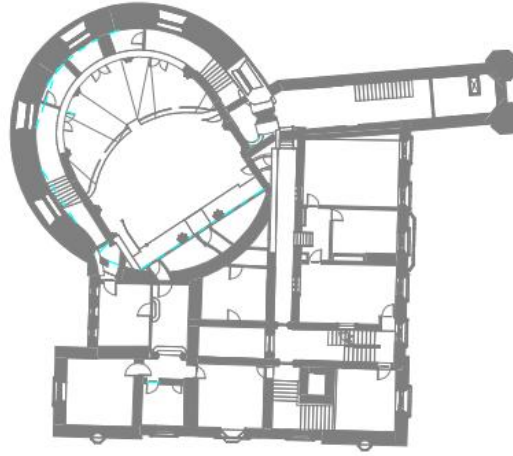
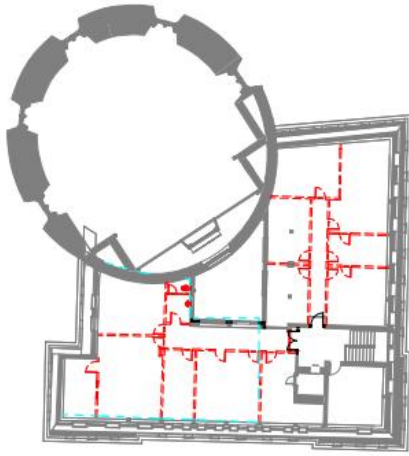
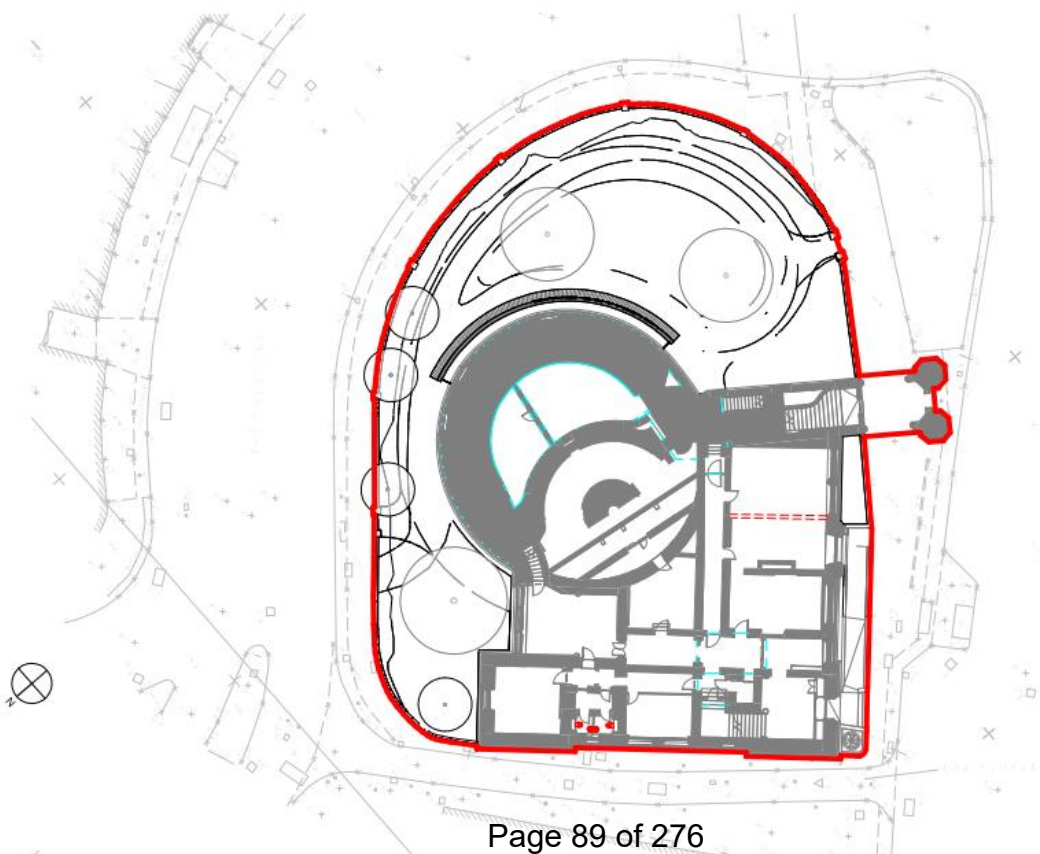


PHASE 2 - POTENTIAL PV ARRAY CAPACITY		
New Build Southern Block	Potential 674m <sup>2</sup>	(337 x 2m <sup>2</sup> panels)
Existing Woolworths Roofs	Potential 534m <sup>2</sup>	(267 x 2m <sup>2</sup> panels)
New BIC Roof	Potential 130m <sup>2</sup>	(65 x 2m <sup>2</sup> panels)
<b>Total</b>	<b>Potential 1,338m<sup>2</sup></b>	<b>(669 x 2m<sup>2</sup> panels)</b>





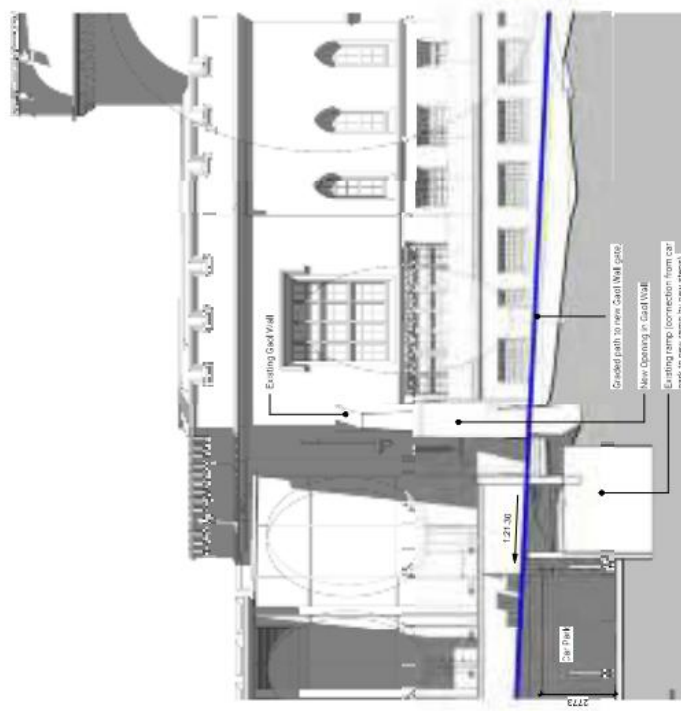
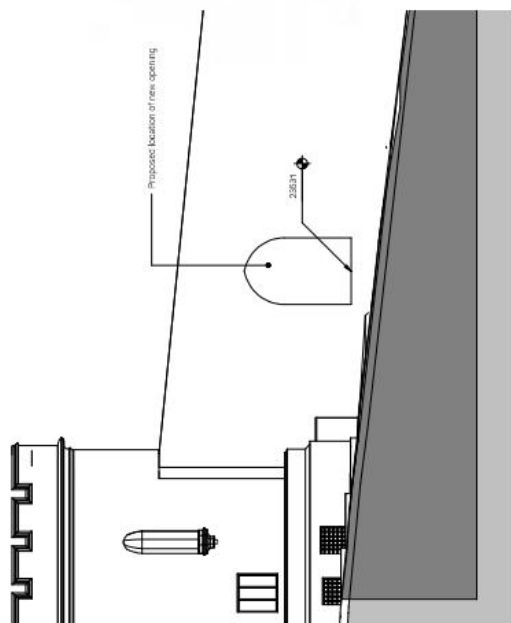




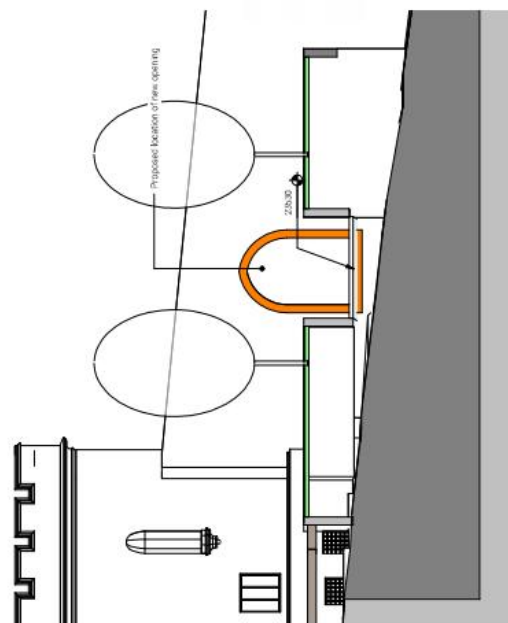




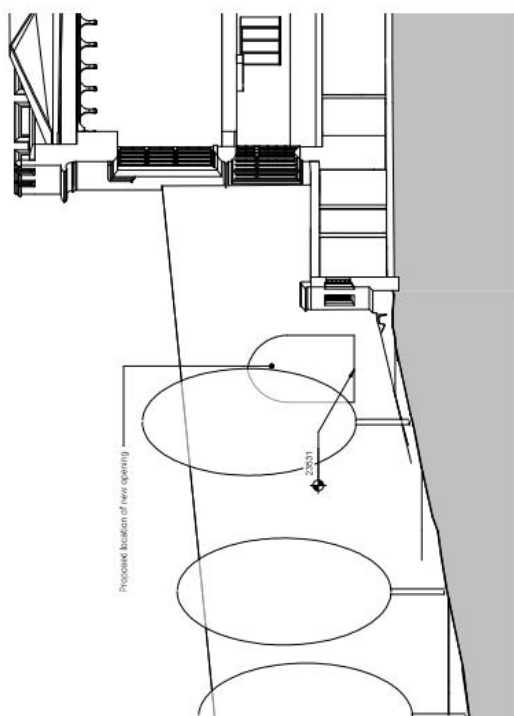


Section 12 Gaol Wall To Victoria Viaduct Proposed Planning  
1:100

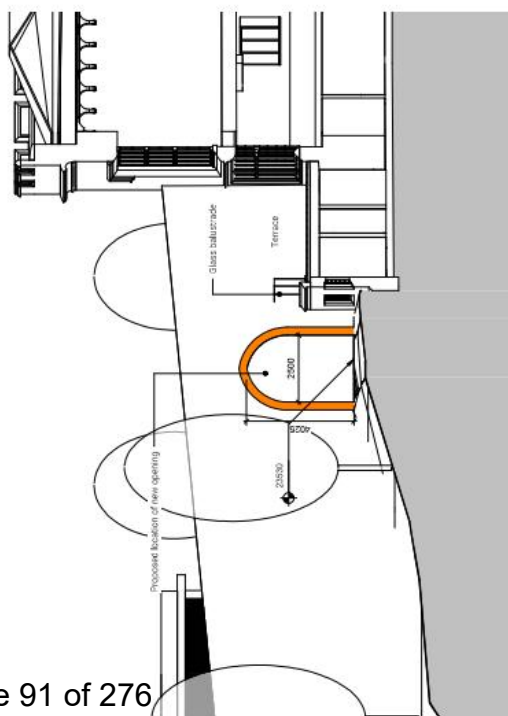
Elevation Gaol Wall Opening Plaza Side - Proposed Planning  
1:100



Elevation Gaol Wall Opening Plaza Side - Proposed Planning 2  
1:100



Elevation Gaol Wall Opening Gardens Side - Existing Planning



Elevation Gaol Wall Opening Gardens Side - Proposed Planning  
1 : 100





## SCHEDULE A: Applications with Recommendation

22/0262

Item No: 02

Date of Committee: 05/08/2022

**Appn Ref No:**  
22/0262

**Applicant:**  
University of Cumbria

**Parish:**  
Carlisle

**Agent:**  
DPP

**Ward:**  
Cathedral & Castle

**Location:** Citadel Buildings, English Street, Carlisle

**Proposal:** Alterations To Existing Citadels Buildings (Which Comprise The Crown Court, Nisi Prius & Hospital Wing); Insertion Of Opening To The Gaol Wall; Demolition Of 106-114 English Street, The Kramer Building & The Toilet Block To The Crown Court; Reinstatement Of Railings To Citadel Gardens; Comprehensive Refurbishment Of Former Crown Court, Nisi Prius & Hospital Wing To Provide Higher Education (Office & Teaching Spaces) Including Replacement Of Mechanical & Electrical Services, Installation Of WC's, Accessibility Enhancements & Removal Of Modern Detrimental Additions & Partitions; Hospital Wing Alterations Include: Removal Of Various Modern Subdivisions Across The Hospital Wing; Reopening Of Former Openings In The Hospital Wing External Elevations & New Bridges & Openings At First Floor Of The Hospital Wing (LBC)

**Date of Receipt:**  
04/04/2022

**Statutory Expiry Date**  
04/07/2022

**26 Week Determination**  
10/08/2022

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### REPORT

**Case Officer:** Alanzon Chan

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Impact Upon The Grade I and Grade II Listed Buildings  
2.2 Sustainable Development - Benefits Of The Proposed Development

#### 3. Application Details

## **The Site**

- 3.1 Carlisle Citadels are located at the southern side of Carlisle City Centre, and approximately 30m to the northwest of Carlisle Railway Station. The site comprises a parcel of land encompassing The Crescent, English Street, Court Square Brow, Borough Street and Victoria Viaduct.
- 3.2 The eastern side of the site contains two Grade I listed Citadel buildings (Crown Court Citadel and Nisi Prius). To the east of Nisi Prius is the grade II listed Statue of the Earl of Lonsdale. The former Hospital Wing of the County Gaol is Grade II listed and this is directly connected to the Crown Court building and the Kraemer Building. A Grade II listed wall wraps around the southern boundary of the site. This is known as Gaol Wall and dates from the mid-1820s and stands at 10 meters from ground level at its highest point. The western and northern parts of the site are encompassed by Victoria Viaduct and English Street frontages respectively, which both comprise a range of retail premises. The site is also located to the southeast of the Scheduled Ancient Monuments of the Town Wall, Roman and Medieval Town Area which is bound by Heads Lane West Wall and Blackfriars Street, and Carlisle Cathedral Precinct
- 3.3 The two bastions, known as The Citadels, were originally built in the 16th century, subsequently rebuilt in the 1800s. The Citadels were used to house the civil courts in the East Tower, and the criminal courts in the West Tower. The Citadels then became the local offices and meeting place for Cumbria County Council and ceased to function as a judicial facility in 1992, when the new Crown and County Courts Complex was built on Earl Street. In 2016, The Citadels ceased to function as a municipal facility when Cumbria County Council moved to a single building, Cumbria House, on Botchergate. Shortly after that, under County Council application 17/9007/CTY, both the Lower Gaol Yard and Lonsdale Building were considered to be in poor condition, and the Lonsdale Building was subsequently demolished. Permission was granted by the County Council (under application 18/9003/CTY) to use the area to the west of the Crown Court as a surface level car park until a new use for the site could be identified. Under application 20/0867, permission was granted for the demolition of Paton House at 9 Victoria Viaduct.
- 3.4 The whole site, including the Citadels buildings, adjacent properties on English Street, and the land to the rear of the site, extends to approximately 1.65 hectares.

## **The Proposal**

- 3.5 This application seeks Listed Building Consent for the alterations to the existing Citadels Buildings (which comprise the Crown Court, Nisi Prius and Hospital Wing); insertion of opening to the Gaol Wall; demolition of 106-114 English Street and the Kramer Building and the toilet block to the Crown Court; and reinstatement of railings to Citadel Gardens.
- 3.6 As an aside, a full planning permission has also been submitted (under application 22/0261) for the change of use of the existing Citadels Buildings

(which comprise the Crown Court, Nisi Prius and Hospital Wing), 94-96 English Street (known as Woolworth buildings), 98-104 English Street and 185 Victoria Viaduct (known as Burton's Building) to higher education use (Class F1(a)) with ancillary café (Class E(b)) at the ground floor of the Woolworth Buildings; erection of a single storey roof extension to the Woolworth Buildings; demolition of 106- 114 English Street and the Kramer Building (former CuCC offices) and construction of a new university entrance; reconfiguration of the former Paton House (now demolished) car park and construction of a 4 storeys over ground floor level (maximum) building with associated roof terraces for higher education use [Class F1(a)] at Bush Brow; with associated pedestrian access point through the former Gaol Wall, landscaping enhancements to the Citadels Gardens; the creation of a new publicly accessible privately owned (and managed) public realm/civic space within the centre of the scheme and associated adjacent highways works.

## Background

- 3.7 Following the submission of a Borderlands Inclusive Growth Deal proposal to the UK and Scottish Governments in 2018, The Borderlands Inclusive Growth Deal was signed in March 2021, which will bring up to £350million of investment into the Borderlands region, from the UK and Scottish Governments. The grant will be allocated to a range of projects across the region, these include:

**Carlisle Citadels** - transformation of the Grade I listed Citadels buildings into a new city centre campus for the University of Cumbria, expanding opportunities for local students and drawing in new students to the area.

**Carlisle Station Gateway** - developing Carlisle Station as the gateway to Carlisle and a key transport hub with connections across the Borderlands including preparations for the arrival of HS2 in the future.

**The Southern Gateway** - a transformative programme of public realm and access improvements which will bind these opportunities and deliver a change in movement and sense of place at the heart of Carlisle.

There are other notable city centre projects to be delivered as part of the Towns Fund for England (Towns Fund) and Future High Streets Fund, which include the reimagination of Market Square; improvement works to Devonshire Street; and the regeneration of the Victoria Viaduct Central Plaza Hotel site.

- 3.8 The redevelopment of Carlisle Citadels buildings and adjacent land for a new University of Cumbria campus in the city centre will involve the university relocating from its two existing Carlisle campuses, Fusehill Street and Brampton Road, into one city centre location. The two existing campuses comprise a number of buildings which are largely underutilised. Many teaching rooms are either under or oversized. Institutes and facilities are separated across different sites and buildings, and many spaces are duplicated. A new city centre campus will provide an opportunity to reduce

duplication of services, increase collaboration and interdisciplinary working through co-location and improve utilisation of spaces.

- 3.9 The proposed development will involve the part-demolition and part-retention of the existing buildings on the site. The proposed development will be carried out in two phases:

**Phase One** will involve the demolition of a few non-listed buildings, the refurbishment of the Citadels buildings along with new build provision. It will introduce a Gateway Building on English Street as the main entrance of the University campus, and a new Teaching Block. All ground floor spaces, including the Woolworths and Burton's Building will be re-purposed, and The Crown Court building, the Hospital Wing and Nisi Prius will be renovated. Phase One development will also include external works, car parking around the development and the introduction of an amphitheatrical courtyard area.

**Phase Two** will allow for future university expansion through the renovation of first and second floors of the Woolworth and Burton's Buildings; a rooftop extension above the Woolworth and Burton's Buildings; additional floor levels and planting to Teaching Block building and additional external rooftop space.

#### 4. Summary of Representations

- 4.1 This application has been advertised by means of press notice, site notices and direct notification to the occupiers of 123 properties. No verbal or written representations have been received during the advertisement period.

#### 5. Summary of Consultation Responses

**Historic Buildings and Places:** No comments received

**Council for British Archaeology:** No comments received

**National Amenity Society:** No comments received

**Georgian Group:** objects to the removal of central bar table and benches, and the massing of the new buildings

**Victorian Society:** No comments received

**Conservation Area Advisory Committee** No comments received

**Network Rail - LNW (North):** No objection

**Planning - Access Officer:** No objection

**Cumbria County Council - (Archaeological Services):** no objection subject to the imposition of conditions

**Local Environment - Environmental Protection:**

Noise & vibration

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

construction works.

#### Dust

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

#### Mobile Crusher

If a mobile crusher is to be used on site, Environmental Health would usually be informed of this in advance of operation. Crushers must be operated in line with the Environmental Permit and best practice, in order to limit noise, dust and vibration impacts.

#### Public Information

It would be advisable for the applicant to write to all residents and businesses within the vicinity of the site, which could be potentially adversely affected by the works. This could include detail of the planned hours of work and duration of the project, prior to commencement of works. The applicant should also distribute details of a suitable contact number which can be used in the event of issues/complaint.

**National Highways:** no objection

**Historic England:** supports the principle of the proposal and advises that many aspects of the scheme are sensitive and well considered but they have made the following comments:

- highly supportive of the principle of accommodating the University campus use on the Citadel site
- Subject to the fixtures and fittings being retained within the Citadel, and Carlisle City Council securing this via condition, this approach to the incorporation of these important spaces within the scheme is considered a pragmatic one.
- the scale and massing of phase 1 would allow the Citadel to maintain this primacy but the massing of phase 2, as currently designed, would challenge the Citadel's primacy.
- consider that the proposed new opening within the Gaol Wall would harm the legibility of the Citadel gateway / English St as the primary entry point and route into the City from the south and its place within the street hierarchy, as well as the character of the conservation area, and thus their significance.
- The new opening within the Gaol wall would also harm the defensive character of the robust and impenetrable Gaol wall, the character of the wider Citadel group and the conservation area, and thus their significance.
- The opening to access and roof terrace at the Crown Court would weaken the defensive character of this bastion, harming its significance.
- recommend that the City Council seek to ensure that there is a synergy between public realm projects and that their impact on the significance of the Citadel buildings and their settings is duly considered in their design.
- welcome the retention and repurposing of the majority of the Woolworths

buildings. The loss of building 1 of the 'Woolworths buildings' represents a low level of less than substantial harm to the wider conservation area  
- The oriel window or 'pop out' above the new entrance would intrude in views and interrupt the smooth curvature of English Street, detracting from the visual harmony of this positive red sandstone set.

## **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, SP6, HE3 and HE6 of the Carlisle District Local Plan (CDLP) 2015-2030. Section 66 of the Planning (Listed Building) Act 1990 (LBA), National Design Guide, Urban Design Guide and Public Realm Framework SPD (2009), Carlisle City Council Development Framework (2015) (CCDF) and Cumbria Development Design Guide are also material planning considerations.

The proposal raises the following planning issues:

### **1. Impact Of The Proposal Upon The Grade I and Grade II Listed Buildings**

- 6.3 There are a series of important heritage assets surrounding the site. These are:

- a) The Crown Court
- b) Nisi Prius Court
- c) The Hospital Wing
- d) Statue of Earl of Lonsdale
- e) Goal Wall

- 6.4 Below are the list entries and description for each of the listed asset:

#### **a) The Crown Court**

Grade: I

Date first listed: 01 Jun 1949

Statutory Address: Crown Court, Adjoining Offices And Gate Arch, English Street

Description: *'Formerly known as: The Citadel. Crown Court and Court Offices on the site of the 1542 Citadel. 1810-17 (interior not completed until 1822) by Sir Robert Smirke. Red sandstone ashlar on chamfered plinth with string courses, machicolated cornice (in part) and battlemented parapets. Hipped lead roofs. Rounded tall tower is completely C19, on the site of the*

demolished western tower of the Citadel (of the same dimensions); clasping the NW side is a lower 2-storey office block of 6 bays, with mock gate projection into English Street; all in Gothic style and almost a mirror image of the Nisi Prius Court range opposite, with which it forms a pair. Tower has tall 2-light windows in rounded deeply-recessed chamfered arch, over small lancets. Office block has right double plank doors in pointed Gothic arch; similar off-centre doorway projects in a battlemented porch, now fitted with a casement window. Ground-floor stone mullioned windows in double chamfered surrounds. Larger 2-light Gothic windows above with central trefoil heads in pointed arches. Gate projection was formerly a passageway to the court; ends in 2 octagonal turrets flanking central arch under a cross vent; the side walls have been pierced by 2 pointed arches created in 1929 (formerly the pavement went around the turrets). INTERIOR of court retains its original galleried seating of panelled oak. The offices are internally divided on ground floor. Members' room has late C19 monogrammed carved oak fireplace with tiled and engraved slate fireback. Upper floor No.2 Courtroom has plain stone fireplace, pointed archways, dado panelling along one wall and rib-panelled plaster ceiling. In an outer corridor the removal of a false ceiling has revealed the earlier painting of the panelled ceiling. Marble statue of Major Aglionby by Musgrave Lewthwaite Watson, 1844, has been moved from the main entrance and temporarily boxed in to prevent damage during renovation work. Staircase has ribbed and traceried wooden ceiling with flat central skylight (void above). Grand Jury Room has dado oak panelling; pointed arches, one an alcove and rib-vaulted plaster ceiling. Some original panelled doors. For further details see J Hughes CWAAS, Trans.NS LXX, Perriam CWAAS, Trans.NS LXXVIII. (Cumb. & West. Antiquarian & Archaeological Soc., New Series: Hughes J: LXX: The building of the Courts, Carlisle 1807-22: 205-20; Cumb. & West. Antiquarian & Archaeological Soc., New Series: Perriam DR: LXXVIII: The dating of the County Goal: 129-140).'

## **b) Nisi Prius Court**

Grade: I

Date first listed: 01 Jun 1949

Statutory Address: Nisi Prius Courthouse, Associated Offices And Gate Arch, English Street

Description: 'Formerly known as: The Citadel. Citadel, then Court House and Court Offices, now County Council Offices. 1542 by Stephen von Haschenperg with 1809-12 alterations and additions, by Thomas Telford and Sir Robert Smirke. Red sandstone ashlar on chamfered plinth with string courses, machicolated cornice (in part) and battlemented parapets. C20 greenslate roof on offices without chimneys and hipped lead roof on tower. Tower was formerly the Nisi Prius Court and is oval, the core being the former Citadel east tower, heightened and refaced in C19; clasping NW side is a 2-storey (internally 3 storeys) office block of 6 bays, with mock gate projection into English Street; all in Gothic style. The tower has tall 2-light windows in rounded deeply-recessed chamfered archs, over small lancets and 2-light openings. Office block has left double plank doors in pointed Gothic arch; similar off-centre doorway projects in a battlemented porch, now fitted with a casement window. Ground floor 2-, 3- and 4-light stone mullioned windows above with central trefoil heads in pointed arches. Gate projection is basically

*an elongated passageway to the court; ends in 2 octagonal turrets flanking central arch under a cross vent; the side walls have been pierced by 2 pointed arches created in 1929 (formerly the pavement went round the turrets). Left return has windows similar to the main facade (some are C20) and blind statue niches. Rear has some C20 windows inserted. INTERIOR of tower retains its galleried semicircular court seating and judges bench (ceased to be used 1971). Ceiling replica replaced in 1980s renovation; much external stonework was replaced in same restoration. Office block interior extensively altered.'*

### **c) The Hospital Wing**

Grade: II

Date first listed: 11 Apr 1994

Statutory Address: Hospital Wing Of County Gaol And Gaol Wall, English Street

Description: *'Hospital wing of County Gaol, now offices, and gaol wall. 1824-7 by Christopher Hodgson. Red sandstone ashlar, extensively restored, with solid parapet, battlemented on the English Street facade. Flat lead roof. 2 storeys, numerous bays. Facing onto English Street is the gaol wall on chamfered plinth with regularly-placed blind lancets with single metal bar. On the top on the angle of the wall, public executions were performed and a cast plaque records the last one in 1862. The wall joins with the Crown Court offices and is an integral part of those offices. The rear of the wall has built against it the hospital wing. 2 off-centre former segmental-arched doorways are now infilled and fitted with casement windows in stone surrounds, some paired. INTERIOR alterations, but the solitary confinement cell is still complete with its iron door and peep hole, now used as a strong room. For further details see Perriam, CWAAS, Trans.NS LXXVII. (Cumb. & West. Antiquarian & Archaeological Soc., New Series: Perriam DR: LXXXVII: The dating of the County Goal: P.129-140)'*

### **d) Statue of Earl of Lonsdale**

Grade: II

Date first listed: 13 Nov 1972

Statutory Address: Statue Of Earl Of Lonsdale, The Crescent

Description: *'Statue. 1846 for the subscribers, signed M.L.WATSON, SCULPTOR. Calcareous sandstone base, plinth and shaft; white marble figure. Rusticated square base and plinth; shaft inscribed at front in six lines WILLIAM EARL OF LONSDALE, LORD LIEUTENANT OF CUMBERLAND AND WESTMORLAND FROM 1802 TO 1844. Larger-than-life figure dressed in robe and costume of the Order of the Garter. A competition for the statue was held in 1845. Its original location was in English Street between the Courthouses, where the foundation stone was laid in 1846, but because of a dispute it was not erected until a year later, (see Carlisle Journal 1845, 6 and 7). A photograph of the statue being moved on 25 July 1929 is in Cumberland News, 19 September 1986. It was placed in its present location in the Courthouse Gardens in 1930. For an illustration of the statue and details of the sculptor, see Marshall Hall (1979). (Carlisle Journal: 8 March 1845; Carlisle Journal: 24 October 1846; Carlisle Journal: 13 August 1847;*



*Cumberland News: 19 September 1986; Marshall Hall: The Artists of Cumbria: 1979-: P.93)*

#### **e) Goal Wall**

Grade: II

Date first listed: 11 Apr 1994

Statutory Address: Gaol Wall, West Of Crown Court, Borough Street

Description: *'County Gaol wall. 1824-7 by Christopher Hodgson. High snecked red sandstone wall without plinth, with rounded coping. Extends from the Crown Court down Court Square Brow, along Borough Street and up Bush Brow, enclosing the former gaol yard. Nearest the Crown Court the wall stands to its full original height of almost 10 metres, with the blocked archway into the former stone yard. Along Borough Street and Bush Brow its height has been reduced. The squared gate piers on Bush Brow are not 1820s but are included for group value. Christopher Hodgson's original drawings for the gaol and this wall, dated 1824, are in Carlisle Library. For a further section of this wall, see Hospital Wing of County Gaol and Gaol Wall, English Street (qv)'*

- 6.5 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising their powers in respect of listed buildings. The aforementioned section states that:

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

- 6.6 Paragraph 201 of the NPPF states "where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use."

- 6.7 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.

- 6.8 Paragraph 203 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 of any harm or loss and the significance of the heritage asset.

- 6.9 Meanwhile, CDLP Policy HE3 highlights that development within the locality of a listed building should preserve or enhance its character and setting and be sympathetic in scale, character and materials. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweigh the significance.

- 6.10 The applicant has submitted the following documents in support of the application:

**a Conservation Management Plan (CoMP)**, prepared by Purcell Heritage Consultants. This is a strategic document intended to guide the future development and conservation of the designated heritage assets on Site by setting out a framework for their management, maintenance and safeguarding, based on a foundation understanding of their history, significance and the issues they face

**a Heritage Impact Assessment (HIA)**, prepared by Purcell Heritage Consultants. This sets out an assessment of the impact of the proposed development upon the designated Heritage Assets of The Crown Court building and The Nisi Prius building, alongside the landscape and setting, and key views

**a Visual Structural Condition Appraisal**, prepared by Curtins. It is a structural condition appraisal for the designated Nisi Prius Courthouse, Crown Court, Hospital Wing and Gaol Wall Frontage, and Gaol Wall assets, alongside the formation of a Remedial Works schedule

**a Condition Survey**, prepared by Purcell Heritage Consultants. This provides a description of both the current interior and exterior conditions of the Crown Court, Nisi Prius, Gaol Wall, Retaining Walls and Woolworth Buildings

The details contained within these aforementioned documents have been taken into consideration when assessing the impact of the proposal upon the heritage and archaeological assets.

- 6.11 It is noted that the significance of the site cannot be underestimated, and this significance permeates through to the interior of the buildings, in particular the Grade I Citadels Buildings whose interior retains important court room spaces, and a variety of period interiors richly decorated in keeping with the high status of these former courtrooms and associated spaces. Therefore, whilst the principle of University occupation is very welcome, it is important that this is balanced against the significance of the assets, and that an

optimum outcome is achieved both for occupiers and for the heritage assets themselves, in order to sustain their significance and also support their future viability.

#### Impact of the proposal upon the Crown Court

- 6.12 The applicant proposes to carry out the following works to the Crown Court Building:
- a) Reopen existing external doorway onto Citadels garden
- 6.13 The impact of reopening of a currently infilled former doorway is considered low. It is not considered that the proposed reopening of an existing external doorway will have an adverse impact upon the significance of the Building. Rather, it will have some public benefits as it will facilitate public access to the gallery of the Court.
- b) New accessible WC and Floor level raised at the Former Petty Jury Room
- 6.14 This room is located adjacent to the Court Room, and has few historic features of note due to its function as the former Petty Jury Room. The applicant proposes to use this empty room to provide new accessible WC to serve future users of the Building. The historic features of the room will be retained, nevertheless, the installation of the WC will have some low impact upon the historic significance of this room. That being said, the provision of the accessible WC is considered essential given it will facilitate the reuse of the Court room and surrounding vacant rooms as multi-use teaching / events rooms. As for the proposal to raise the floor level, it will facilitate step free access for wheelchair users. As such, this work also considered acceptable as it will allow the effective use of the Building and facilitate access for wheelchair users without any significant harm towards the historic significance of this room.
- c) Removal of window to form new opening to terrace at the Former Labour Group Room
- 6.15 The stone mullioned window is proposed for removal to facilitate access onto the terrace above the modern cell block. The window proposed for replacement and removal is original of high significance and it is considered that the loss of this feature will result in some harm to the appearance of the room and the external appearance of the Building. A concern has been raised to the proposed loss of a historic window to create a doorway accessing a roof terrace in the south elevation of the Crown Court might weaken the defensive character of this bastion and harming its significance.
- 6.16 It is noted that the roof terrace in the Crown Court Building will be used as an outdoor breakout and event space, and it will help to revitalise a secluded part of the Citadels Garden. Furthermore, it will also increase the active surveillance of the Citadels gardens space, whose southern end has long been neglected as it is effectively a cul-de-sac. These interventions create a much more active space that minimises anti-social activity and stimulates

activity through the site. In this case, it is considered that the public benefits this proposed alteration provides would outweigh the less than substantial harm to the heritage asset. As such, it is considered that the proposal to replace a historic window to form a door opening to access on to a proposed roof terrace is acceptable. To ensure the proposed doorway would not have a detrimental impact upon the listed building, it is recommended that a condition is to be included within the decision notice to request for details of the proposed Corten doorway metal panel to be submitted to and approved by the LPA prior to the window taken down.

d) Removal of central bar table, existing radiators, first row of benches to create stage area and raised timber floor to rear platform to create level access from stair lift

- 6.17 The Crown Court court room is a very high significance space. The removal of the court room furniture and by its nature the no longer complete court room will be harmful to significance as the intactness and integrity of the court and its significance will be reduced. The submitted HIA considers the magnitude of impact resulting from the proposed development in the Crown Court building, and has categorised this work as 'high adverse' towards the significance of the Building. An objection was received from the Georgian Group stating that the proposed removal of the central bar table and benches would have the potential to cause irreversible and significant harm to the special interest of the court room.
- 6.18 Whilst the impact of the furniture removal is noted, it is also recognised that the court room by its nature is highly prohibitive to an alternative use due to courtroom fixtures, complex circulation routes and the narrow passages between benches. By removing the central bar table and surrounding benches will help to create a more open space that can be used for lectures or ceremonies. If the bar table remains in-situ, it will significantly reduce the functionality of the space and increase the risk of the space becoming unusable on a daily basis. In addition, new stage area would allow for loose furniture to suit ambulant disabled and other users. As such, it is considered that some modest alterations would be necessary to facilitate a new use. This view is also shared by Historic England and the Council's Urban Design/Conservation Officer.
- 6.19 According to the submitted documents, the intention of the proposal is to celebrate the history of the court room whilst invigorating it with new functions such as small concerts, performance speakers and feature events to encourage more people within the University and local community to inhabit the space. The submitted Courtroom Furniture report (prepared by Purcell) has confirmed that the central bar table is not fixed and is therefore easily movable, and the seating is fixed to the floor with visible metal straps which can be unscrewed from the floor. As part of the mitigation measures, it is proposed that the removed central bar table and seating are relocated within the new buildings of the campus and utilised in specialist meeting and presentation spaces.
- 6.20 Relocation of these elements to another part of the site means that they will

be visible and available for reinstatement in the future if required. This means that the heritage fabric will not be lost and can continue to be appreciated and used in a different context. This also means that this scheme is reversible and the furniture could be relocated back into the court rooms in the future if necessary. Both Historic England and The Council's Urban Design/Conservation Officer agree that this approach to the incorporation of these important spaces within the scheme is a pragmatic one and have raised no objection to the proposed mitigation measure. It is recommended that a condition is to be included to ensure that the fixtures and fitting will be retained within the Citadels buildings and their uses specified. In this case, given that the relocation of small amount of court room furniture will bring the Building back into beneficial use, and that the furniture can be relocated back to the court room in the future, it is considered that the benefits of this proposed alteration provides would outweigh the less than substantial harm to the heritage asset.

- 6.21 The raised timber floor to the rear platform is an inserted platform as evidenced by how it cuts across earlier radiators, as such, it is of no significance. In light of this, the proposal removal of this raised platform to create level access from stair lift is considered acceptable.

e) Removal of high-level glazed panels

- 6.22 The applicant proposes to removal the high-level glazed panels on the backs of some benches to improve visibility of the room. These glass panels are a modern addition and therefore, their removal is considered beneficial and will not have an adverse impact upon the significance of the Building.

f) Reconfiguration of timber panel

- 6.23 On the back level where the raised timber platform is being removed to provide level wheelchair access, the applicant proposes to reduce the height of the timber uprights to allow visibility into the space. This will mean an amendment to the existing panelling and some loss of high significance fabric, however, this loss is relatively small, and the integrity of the courtroom will largely be retained. As such, this work is considered acceptable as it will not cause any significant harm to the Building.

g) New stair lift at landings

- 6.24 As a principal circulation space within the building, this space is of high historic interest. The addition of the stairlift will cause some visual harm to the existing landing areas, although the significance largely relates to the historic value which will be largely unaltered. The stairlift is required to bridge the stairs for wheelchairs to access the proposed ceremony space behind. In light of the significance of the landing areas will be largely unaltered, it is considered that the visual harm caused by the new stair lift would be outweighed by the benefits of the proposed works.

h) Various like-for-like repairs throughout the Building

- 6.25 Various repairs are outlined in the accompanying condition survey report. Although some elements may be considered to have moderate impact upon the significance of the building, such as installation of roof access equipment, the majority of the proposals are like for like repairs, along with some elements to be restored. Therefore, the proposed repair works are considered beneficial to significance. The Council's Urban Design/Conservation Officer has raised no objection to the proposed works.

Impact of the proposal upon the Nisi Prius Building

- 6.26 The applicant proposes to carry out the following works to the Nisi Prius Building:

a) Minor alteration to an existing external doorway and two new platform lifts at corridor allow disabled access from street level to basement

- 6.27 The applicant proposes to utilise an existing external doorway as a new public entrance to the Nisi Prius building. To accommodate that, the applicant would need to remove a step and lower the doorway slightly. Whilst it has a slight impact upon the appearance of the Building, it is considered the proposed alteration is crucial as it will provide a levelled access that can be utilised by the public. In addition, the applicant proposes to install 2 new platform lifts at the corridor adjacent to the court room with an aim to allow disabled access from street level to basement. Whilst it is inevitable that the addition of the platform lifts will lead to some extent of visual harm to the space, it is considered that the platform lifts are essential to bridge the stairs for wheelchairs to access the site. Overall, it is considered that the public benefits of the minor alterations to the external doorway and the installation of two platform lifts at the corridor within the Nisi Prius Building would outweigh the less than substantial harm to this space.

b) New accessible WCs on all floors

- 6.28 Most of the proposed locations for the new WCs are formed of modern partitions and therefore have low or no significance as identified within the submitted HIA. Similar to the new WCs at Crown Court Building, the provision of the accessible WCs is considered essential given it will facilitate the reuse of the Court room and surrounding vacant rooms within the Nisi Prius Building. Since it is not considered that the proposed new accessible WCs will lead to any unacceptable harm to the Building, these works are considered acceptable.

c) Removal of modern subdivisions and modern glazed screens on the back of the benches

- 6.29 It is noted that the building has previously been subject to some unsympathetic alterations, notably during its 1980s refurbishment, a subdivision was built between the offices adjacent to the corridor the court room which was originally a public entrance. The subdivision of this space dates from c.1889 and is not an original feature. Although there is some limited historic interest showing the adaption of the buildings in the 19th



century, this wall divides the public entrance and negatively impacts the spatial characteristics of the room. There are other modern subdivisions on the second and third floors within the Building, which the applicant proposes to removal as part of this application. Likewise, the glass panels on the back of some benches are a modern addition that change the aesthetics of the court room. Overall, it is considered that the removal of the modern subdivisions and glazed screens would have a beneficial impact upon the significance of the Building.

d) New platform lift at first floor corridor adjacent to the court room

- 6.30 Whilst the proposed platform lift will have some visual harm to the space, this space is considered to have low significance due to last alterations made to this space. Nevertheless, the significance of this space largely relates to the historic value which will be largely unaltered by the new platform lift. As the proposed platform lift is required to bridge the stairs

e) Removal of central bar table and first row of benches in court room

- 6.31 Similar to the Crown Court court room, the court room in the Nisi Prius is of very high significance. The removal of the court room furnitures and by its nature the no longer complete court room will be harmful to significance as the intactness and integrity of the court and its significance will be reduced. That being said, given that the relocation of small amount of court room furniture will bring the Building back into beneficial use, and that the retention and reuse of the fixtures and fitting can be satisfactorily mitigated for by planning condition, it is considered that the proposed removal and relocation of the courtroom furniture is acceptable, and that the benefits of this proposed work would outweigh the less than substantial harm to the heritage asset.

f) Various like-for-like repairs throughout the Building

- 6.32 Various repairs are outlined in the accompanying condition survey report. Although some elements may be considered to have moderate impact upon the significance of the building, such as installation of roof access equipment, the majority of the proposals are like for like repairs, along with some elements to be restored. Therefore, the proposed repair works are considered beneficial to significance. The Council's Urban Design/Conservation Officer has raised no objection to the proposed works.

#### Impact of the proposal Upon the Hospital Wing

- 6.33 The applicant proposes to carry out the following works to the Hospital Wing:

a) Removal of external ramp and various internal modern subdivisions

- 6.34 The Hospital Wing façade will be retained. Though, the Hospital Wing has been extensively refurbished in the 20th century and little remains of the historic plan form. Given that the ramp and inserted stud walls are harmful to the significance of the Hospital Wing, the proposed removal of these modern

additions would be considered beneficial. The proposed removal of an external ramp and internal subdivisions will allow level access from the new building (the new business interaction centre) without causing adverse harm to the listed building. The Council's Urban Design/Conservation Officer has confirmed that this will help to open up the space into a form which is more in keeping with its original arrangements.

b) Reopen former openings in the Hospital Wing external elevations (on ground floor level)

- 6.35 The Gaol elevation had two large arched openings that are currently infilled with stonework and modern timber windows. It is proposed to reopen these as entry points into the building. Given the historic access will be reinstated, it is not considered that this work will have any adverse impact upon the listed building.

c) New bridges and openings at first floor of the Hospital Wing

- 6.36 Two new openings are proposed in the gaol elevation of the Hospital Wing. This is to facilitate access to the proposed new build (Business Interaction Centre) to the southwest of the Hospital Wing and the Forum, and encourage the integration of the historic assets with the wider site. In addition, the applicant proposes to have a first floor linking bridge, will bring the building into the heart of the scheme and sustains its use and purpose. Overall, it is accepted that the proposed work will result in some harm to the significance of the listed building, however, given the works are proposed in an elevation that is not highly visible from the public realm and that the proposed alteration would allow an effective use of the existing building, it is considered that the proposed works to the Hospital Wing is acceptable. The proposed development will have any detrimental impact upon the character, appearance and historical significance of the listed building. Both Historic England and the Council's Urban Design/Conservation Officer have confirmed that they have no objection to the proposed works at the Hospital Wing.

#### Impact of the proposal Upon the Statue of Earl of Lonsdale

- 6.37 Given that the external façade of the Nisi Prius building will remain unaltered and that no works are proposed to the statue, cannons or drinking fountain at this site, it is not considered that there will be any introduction of harmful elements into the immediate setting. As such, it is not considered that the proposal will affect the historical significance of the Statue.

#### Impact of the proposal Upon the Gaol Wall

- 6.38 It has been proposed that an opening is to be created at the Gaol Wall to provide a secondary pedestrian route between the City Centre and Carlisle Railway Station, and a direct access to the University campus.
- 6.39 Whilst creating an opening at the Gaol Wall will help to improve the pedestrian permeability through the site and will have numerous positive

knock-on effects to the viability of the City Centre, a concern has been raised that the new opening in the Gaol Wall would harm the legibility of the Citadel gateway/English Street as the primary entry route into the city, and would also harm the defensive character of the robust and impenetrable Gaol wall .

- 6.40 It should be noted that historically English Gate near this location would have been the main route into Carlisle and there is an existing opening in the gaol wall near this location that has been infilled, all adding a precedent for access in this area. Given that there is a historic opening in the Gaol Wall a few metres away from the proposed opening, it demonstrates that the Gaol Wall is not an uninterrupted feature. Nevertheless, it is accepted that a new opening to the Gaol Wall will inevitably have some harm to the significance of the Gaol Wall due to some loss of heritage fabric in the formation of the opening.
- 6.41 In addition, due to the topography of the site, it is required to bridge the height difference either side of the wall. Therefore, the proposed opening at the Gaol Wall will have some visual impact on the setting of the assets and the gardens from the raised earth as well.
- 6.42 This level difference cannot be bridged internally, and the possibility to reuse the previous Gaol Wall opening at a lower level of the site had been explored during the pre-application stage. It was concluded the previous Gaol Wall opening cannot be reused due to the topography of the site and the requirement for a DDA compliant route. The applicant proposes to mitigate the impact by reducing the size of the earthen bank to the minimum required by landscaping. This design option was considered to have the least impact upon the setting of the listed building, and the harm is considered less than substantial, especially when taking into account that the immediate setting has already been impacted by the 20th century cell block. Previous designs involve the utilisation of a corten ramp, however, this was considered more harmful to the semi-natural setting of the gardens and has therefore been discounted.
- 6.43 Whilst it is acknowledged that the proposal to create an opening at the Gaol Wall would lead to some harm to the Grade II Listed Gaol Wall and the setting of the Grade I listed Crown Court, taking into consideration the Gaol Wall is not an uninterrupted feature, the size of the proposed opening and that the opening is created at a discreet location of the Gaol Wall, it is considered that the harm identified would be within the less than substantial harm category.
- 6.44 Meanwhile, it is acknowledged that this part of the site is currently underused and acts as a dead end. As such, it is considered that by having an opening at the Gaol Wall will encourage more use of the Citadels garden spaces and encourage better visitor flow through the campus site.
- 6.45 Given that the proposed location of the opening will increase the legibility of the site and the route from the top of the Citadels Gardens through to the Gaol Wall will be DDA compliant, it is considered that the proposed opening of the Gaol Wall will have great public benefits (please refer to Section 13 for

detailed assessment of public benefits from the proposed Gaol Wall opening). The Council's Urban Design/Conservation Officer also has raised no objection to the proposed opening of the Gaol Wall.

- 6.46 Given that the active frontage and the entrance of the University is located on English Street, and that the opening of the Gaol Wall is modest in size and in a discreet location, it is considered that the Gaol Wall opening will only provide a secondary access point to the amphitheatre/courtyard space and improves city centre permeability. It is considered that English Street will remain the primary route into the City Centre and the proposed secondary opening in the Gaol Wall will not detract from that.
- 6.47 Overall, given that the proposed opening in the Gaol Wall would only cause a low level of harm that is justifiable by the wider benefits of the scheme, it is considered that the principle of having an opening in the Gaol Wall is acceptable in this instance and it will not cause a detrimental harm to the listed building to an extent which is significant enough to warrant refusal of this application.
- 6.48 The creation of an opening in the Gaol Wall is considered acceptable. However, buttressing will probably be required for additional support, and further investigations are recommended to attain the feasibility of this proposal. Given that the applicant would need to investigate whether or not buttress structure will be required for the proposed Gaol Wall opening, and that no details regarding buttressing were provided as part of this application, it is considered that a separate Listed Building Consent would be required in the future (should buttressing is required for the opening of the Gaol Wall), so that the LPA can assess whether or not the proposed buttress structure would be acceptable. This will help to minimise any unnecessary interference with the Gaol wall and to ensure the any proposed buttress structures will not have an adverse visual impact upon the area.

Impact of the proposal upon the Woolworth and Burton's Buildings  
(Non-Designated Heritage Asset)

- 6.49 Although the Woolworth and Burton's Buildings are not listed buildings, the fascia of the Woolworth and Burton's Buildings greatly contribute to the historic character of the area and as such, they are considered as a non-designated heritage asset. Therefore, the effect of the application on the significance of these buildings should be taken into account in determining the application.
- 6.50 As stated within the previous sections, the overall façade and structural elements of the existing Woolworth and Burton's Buildings will be retained. That being said, to enhance the appearance of the façade of the building, the University proposes to replace the existing windows as many of those are corroded and in very poor condition. The proposed new double glazing will help achieve energy efficiency improvements for the building and the steel frame windows will maintain the visual interest of the existing windows. Although it is acknowledged that by replacing some original steel framed windows of the Woolworth and Burton's Buildings will cause some less than

substantial harm to the buildings, it is considered that the proposed works will improve the energy efficiency and visual appearance of the buildings. Therefore, this is considered acceptable.

- 6.51 During Phase 2 of the proposed development, it is proposed that an additional storey is to be added above the Woolworth Buildings. In recognising that the fascia is significant, particularly in the streetscene, the parapet roof line as seen from the street also needs to be understood. Following a series of discussions between the Agent, Architects and Officers, the design for the proposed roof extension has been revised and it now appears to have a lighter visual appearance through the use of slender columns, reduced height and an amended roof edge detail.
- 6.52 Given that the proposed roof extension would be of a lightweight construction and will be set back from the existing perimeter parapet of the building, it will not detract from the overall fascia of the Woolworth Buildings which is of significance. It is also noted that the relatively steep viewing angle along English Street means that much of this extension would not be visible from street level. Overall, whilst it is acknowledged that the proposed roof extension will have a visual impact, it will not constitute substantial harm and will not detrimentally harm the appearance or historical significance of the Woolworth and Burton's Buildings.
- 6.53 With regard to the shop frontages at the Woolworth Buildings, the applicant proposes to replace the glazing and change the materials of the store risers and pillars from granite, steel and tile to sandstone. The Council's Urban Design/Conservation Officer considers that the existing granite fascias, stallrisers and pillars have the potential to contribute to the character of the buildings. That being said, given the sandstone is the dominant material in the fascia of the Woolworth Buildings, it is considered that the use of sandstone at this location will ensure the ground floor frontage of the building is in keeping with the upper sections of the building. Given that the surrounding buildings also have a sandstone finish, it is considered that the proposed change in material for the fascia, store riser and pillar at Woolworth and Burton's Buildings to sandstone is acceptable.

Impact of the Teaching Block and Phase 2 Development upon the setting of the listed buildings

- 6.54 Concerns were received regarding that massing of the Teaching Block and rooftop extensions from the Phase 2 massing would affect the Citadel's primacy, in particular from Victoria Viaduct.
- 6.55 According to the applicant, the Phase 2 quantum is informed by current floorspace of the existing Brampton Road and Fusehill campuses Centre, along with a review of current operating patterns and future requirements. The AUDE Higher Education Estates report sets out that the University of Cumbria is currently operating with between 5-10m<sup>2</sup> per full time student / staff member. As such, the suggested floor space will be required at Phase 2 to accommodate the University's need for expansion.

- 6.56 It is recognised that the design has had to accommodate not only the floorspace to meet the project brief to make the scheme viable, but also minimise heritage impact on setting and key views and to minimise harm to architecture and archaeology, which means that massing is pushed more towards the Victoria Viaduct end of the site, which was agreed in the early stages of the design with the LPA. This protects the setting of the more prominent views around The Crescent and English Street and minimises archaeological disturbance.
- 6.57 It is noted that Victoria Viaduct was a product of the evolution of the Citadel railway, because of this the views provided by Victoria Viaduct are a product of the Victorian era. The original Citadels building was never constructed with such intentional vantage points to appreciate the building. Therefore, it is considered that this view of the Citadel is not a long standing historic view. It is also noted that the view of the Citadel from Victoria Viaduct is a walking view which in itself has been interrupted by other buildings over time. The view of the Citadels from Victoria Viaduct is already partially obstructed by the existing/previous buildings (Paton House, the Kramer Building and the Crown Court toilet block). Whilst it is accepted that the proposal will result in a building that would have a greater mass than the Paton House, and thus will screen the view of the Citadels from certain viewpoints along Victoria Viaduct, the scale of the Citadels Buildings can still be recognised and appreciated from Victoria Viaduct. As such, it is not considered that the Phase 2 development will lead to such a degree of harm that would warrant refusal of this application.
- 6.58 Notwithstanding this, to reduce its impact, the Architects have reduced the proposed height and massing of the elevations of the Phase 2 proposed structures at the parapet level and the façade treatment has also been adjusted to lighten and visually reduce the height. In addition, the colonnade has been omitted on the Southern elevation of Phase 2. It is noted that the proposed Teaching Block will be a stepped structure. The stepping feature has been introduced to respect the visual primacy of the Citadels Buildings. It is considered that these combined amendments will open up the viewpoint to the Citadels from Victoria Viaduct. In light of this, it is considered that the proposed massing of Phase 2 is acceptable within the context of the public benefits of the application being weighed against the 'less than substantial' harm generated by the proposed development.
- 6.59 Overall, it is considered that the proposal will not lead to any significant harm to any of the listed buildings, non-designated heritage asset nor their settings. Whilst less than substantial harm to the significance of the listed buildings were identified, the above assessment has demonstrated that the public benefits of the application will outweigh the less than substantial harm caused by the proposed development, in accordance with paragraph 202 of the NPPF.

Impact Of The Demolition Of 106-114 English Street, Kramer Building & The Toilet Block To The Crown Court

- 6.60 Part of the proposal seeks to demolish a small proportion of the existing



buildings on site to form a new Gateway building (the main entrance for University of Cumbria). The buildings that are proposed to be demolished are the Kramer Building, the late 20th century roof built onto the Hospital Wing serving Kramer House and the building at 106-114 English Street.

- 6.61 The applicant has submitted a Condition Report (Feb 2022) (Ref 003, prepared by Purcell UK) which shows that they are in poor condition and are not suitable for re-use. Given that the English Street façade forms a key feature of the townscape and key views to the entrance of the City, it is considered that the proposed demolition of these buildings which are dated and in poor conditions could provide an opportunity for new development to revitalise the street scene and appearance of the area.
- 6.62 In terms of the proposed demolition of toilet block to Crown Court, it has been demonstrated within submitted HIA that it is a poor-quality late 20th century building that is detrimental to the significance of Crown Court to which it abuts. Although it is built to the rear of the site with less sensitive views, the building is still a negative feature adjacent to a grade I listed asset. Therefore, it is considered that its removal will improve the setting of the building in this location.
- 6.63 The applicant has previously considered having the main entrance at the other sections of Woolworths Building (94-96 English Street) but it was considered that the facade of that section of the Woolworth Buildings has a much greater significance than the facade and the internal structures of 106-114 English Street which is currently in poor condition. As such, the proposed location for the new Gateway building is considered to have the least impact upon the non-designated heritage asset and setting of the listed buildings, especially given 106-114 English Street has the least significance amongst other buildings on site. The demolition of these buildings will enable the construction of a Gateway Building which will turn help to attract and optimise the footfall required to maintain an active frontage along this part of English Street. This will also ensure that English Street will remain the primary route into the City Centre whilst allowing the Citadels Buildings continue to be appreciated by visitors and residents of Carlisle. In light of this, it is considered that the demolition of 106-114 English Street, Kramer Building and the Toilet Block to The Crown Court is acceptable within the context of the public benefits of the application being weighed against the 'less than substantial' harm generated by the proposed demolition.

#### Reinstatement Of Railings To Citadel Gardens

- 6.64 It is noted that a series of public realm works are proposed, notably the re-erection of the lost perimeter railings to the Citadel Gardens. The railings were an original feature demarking the Citadel gardens from the road. The proposed reinstatement of the railing to Citadel Gardens not only will demark the gardens as a green space and restore a lost feature but they will also enhance the setting of the Citadels and the wider public realm and conservation area. In this instance, it is considered that the proposal to reinstate the railings to the citadel gardens is acceptable and it will not adversely affect the historical significance of any listed building.

## 2. Sustainable Development - Benefits Of The Proposed Development

- 6.65 The overarching aim of the proposal is to create a new campus development for the University of Cumbria that will allow them to consolidate their operations into a visible, accessible and high-quality campus within the city centre of Carlisle. The new campus will replace the two existing poorly located and dated campuses at Fusehill Street and Brampton Road. The proposal also seeks to revitalise Carlisle and the City Centre by improving the access route to the City Centre and enhancing the environmental infrastructure on site, including energy conservation, green infrastructure and landscaping. The Proposal seeks to attract more people to study, work and live in Carlisle, and contribute to the improvement of productivity across Carlisle and the Borderlands region.
- 6.66 The redevelopment of the Citadels site has numerous benefits that would help to regenerate the City Centre of Carlisle. According to the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.67 Paragraph 10 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development and, in applying this principle, Paragraph 11 goes on to require that decision making should apply this presumption in favour of sustainable development.
- 6.68 This coincides with the objectives of CDLP Policy SP1 which state that Carlisle City Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF, and will work proactively with applicants, and communities, jointly to find

solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of the District.

### **Economic Benefits** .

- 6.69 In terms of Economic benefits of the proposal, it is recognised that the University currently makes a significant contribution towards the local, regional and national economy. According to the submitted documents, its most recent assessment of its economic impact indicated a worth annually of some £120 million to the regional (Cumbrian) economy, and £230 million to the national Economy.
- 6.70 Work carried out for the Cumbria Learning Improvement Service (LIS) has identified that Cumbria has, based on current projections, the slowest growing population of any Local Economic Partnership (LEP) area across England. In addition, the LIS evidence base also identified that the workforce in Cumbria has a low proportion with higher levels qualifications, and the lowest absolute number of people educated to NVQ level 4 or better of any LEP area in England. This represents that Cumbria currently has a very thin pool of higher-level skills impacting on productivity.
- 6.71 CDLP Policy SP10 provides a clear commitment that the City Council will work with partners to develop a skilled population and workforce within Carlisle. The policy states that the City Council will support developments which relate to the operational needs of the District's higher, further and specialist education establishments including the University of Cumbria.
- 6.72 One of the major roles of the Citadels project is to attract and retain more workers, especially graduate level workers, which will help address the demographic and thin pool of higher-level skills challenges in Cumbria/Borderlands.
- 6.73 The two existing campuses have a low presence in the City, nor do they give any indication that Carlisle is a university city. They severely constrain the growth of the University and its ability to provide the best education and training in the following ways:
- a) The campuses are hidden away and have a low profile for visitors and prospective students alike (both younger undergraduates, but also business users).
  - b) There is a lack of high quality business-facing facilities and provision.
  - c) The campuses are poorly located and, in the case of Brampton Road in particular, relatively inaccessible to the city centre (and the train station).
  - d) The buildings are old and not suited to modern HE provision and, in particular, the ability to deliver blended provision using the latest digital technology is constrained.
  - e) The campuses are separate and cannot be run efficiently together creating a significant running cost overhead.
  - f) The spread out nature of facilities means there is a lack of a critical mass

of facilities for students in one location

As such, it is recognised that there is a need for a new campus at a centralised and prominent location to accommodate future growth for the University and attract more students, learners and skilled workforce.

- 6.74 According to the submitted details, it has been projected that the new higher education facilities will increase the total number of undergraduate and postgraduate students studying in Carlisle each year by around 1,200 extra full-time equivalent (FTE) students compared to the baseline without the new campus (around 1,900 FTEs). This represents roughly 400 extra new graduate entrants to the labour market each year. As a result, significant productivity benefits will be generated in Cumbria and the Borderlands region.
- 6.75 Apart from students, the submitted documents confirms that the proposal will also improve engagement between the University and employers, and so to help expand the number of people already in the workforce to get involved in higher skills development. Since the proposal will attract more people to enter higher education or engage in higher skills development, it is considered that the proposal will generate significant productivity benefits in Cumbria and the Borderlands region.
- 6.76 In addition, the proposed development will create numerous direct and indirect jobs throughout the construction phase and additional jobs through the operation of the campus. According to the submitted documents, the proposed development has the potential to facilitate the creation of approximately 145 temporary direct full time employment construction jobs and 219 temporary indirect full time employment jobs per annum over the approximate 32 month construction period. During the operation of the University Campus, it is anticipated that an additional circa.164 full time employment university jobs will be created over the 20 years from opening in 2025/26.
- 6.77 It is acknowledged that Carlisle, as with other towns and cities, faces considerable challenges in its high street with declining footfall and increased vacancy rates in the retail sector, which have been accelerated by Covid-19. Therefore, maintaining and boosting the vibrancy of the city centre is critical as part of efforts to ensure Carlisle is an attractive place to live, work and visit.
- 6.78 The proposed development will increase footfall to a key gateway site into Carlisle City Centre, which will consequently have a wider knock-on effect of increasing the vitality, vibrancy and viability of Carlisle City Centre's Primary Shopping Area. This will help to encourage economic activity and revitalisation of the high street and Carlisle City Centre, and will also help to boost the general liveability of Carlisle for current and future residents, visitor and workers. As such, it is considered that the proposal will have significantly benefits to the Carlisle's economy and housing market.

## **Social Benefits**

- 6.79 In terms of social benefits of the proposal, the new campus will deliver a mixture of modern, high quality and innovative educational facilities for use by existing and future University of Cumbria students. These include fully digital enabled teaching spaces, business interaction spaces, and university administration and support services space.
- 6.80 Apart from that, the proposed development will also generate significant social benefit by opening up cultural facilities run by University of Cumbria. The new cultural facilities right in the city centre at the Citadels site will include the university's centre for digital transformation, a 200 seater multi-purpose lecture theatre and internal and external exhibition areas.
- 6.81 Although these facilities will primarily be for teaching/education purposes, the University has confirmed that they will also be made available to the wider community, members of the public and local groups, particularly through a partnership with Multi Cultural Cumbria (to be based at the Citadels Campus) and as partners of the Carlisle Culture Consortium. The new campus will provide venues that can be used by other cultural organisations and open up the University's own cultural activity more widely. This in turn will support and enhance the cultural sector in the city, and improve the overall attractiveness and liveability of Carlisle as a city.
- 6.82 In addition, the proposal will allow the site to be opened up to the public, increasing permeability and accessibility to the Site, City Centre and the surrounding area through the development of a central publicly accessible space, known as 'The Forum', providing residents and visitors with improved recreational space in a highly sustainable location.

## **Environmental Benefits**

- 6.83 In terms of environmental benefit, the application site is located within a central city centre location which is accessible via a range of sustainable modes of transport. In comparison to the existing campuses, the location of the proposed new campus will facilitate and encourage staff, students and visitors to access by public transport or walking/cycling rather than private vehicles.
- 6.84 The proposed development will incorporate elements of new build construction and the refurbishment of existing buildings on site. Given that Listed assets are involved, the proposed development has been designed through using Fabric First approach combined with energy efficiency measures and renewable energy generation to achieve a net-zero-ready scheme. In addition, the proposal has incorporated electric vehicle charging points. 10% of the proposed electric vehicle car parking bays will be 'active' upon the opening of the site, with additional 40% of parking bays future proofed with ducting and cabling so that EV infrastructure can be readily provided if future demand increases on site.

- 6.85 The proposed development will dramatically reduce the University's energy demand and usage, and will respond positively to all national regional and local energy policies (Please refer to Section 12 for further assessment with regard to sustainable construction).
- 6.86 According to the submitted details, the proposed development will also result in the creation of higher quality habitats post-development with a biodiversity net gain of 100.4% on Site, resulting in an extremely positive impact on the environment.
- 6.87 In light of the above, it is considered that the proposal will bring numerous social, economic and environmental benefits to Carlisle. The proposed development is therefore considered to be a sustainable development, in line with the NPPF and objectives of CDLP Policy SP1.

## **Conclusion**

- 6.88 The proposed development will deliver a University campus in a sustainable and central city centre location, and will bring the Citadels Buildings back into beneficial use. The proposal will provide modern and innovative educational facilities for use by existing and future University of Cumbria students, and will also strengthen the University's role as the anchor higher education institution for Cumbria and would hopefully encourage more young people in Cumbria progress into higher education.
- 6.89 The design of the proposal has been engineered to be a low carbon solution , with the ability to help the university become a Net Zero Carbon organisation. It can also be seen that the design of the proposal respects the rich history of the site, which is embedded in the Listed Buildings and non-listed retained buildings, as well as within buried archaeology.
- 6.90 The proposal will facilitate connection, optimise footfall and create an enhanced sense of place by providing alternative routes into the City Centre, and will help to re-establish English Street as an important thoroughfare and public place within the city.
- 6.91 Overall, the application has demonstrated that the proposal has numerous benefits both socially, economically and environmentally.
- 6.92 The assessment of this planning application has taken into account all relevant planning material considerations, including the effect of the application on the significance of all listed heritage assets on site. Great weight is afforded to any harm to heritage assets and in particular the listed buildings of greater historical significance which are particularly relevant to this application. It is considered that the proposal will not cause any substantial harm but will cause some less than substantial harm to two Grade I listed buildings (Crown Court and Nisi Pirus) due to the relocation of court room furniture, raising of internal floor levelling and the installation of WCs and platform lifts; Grade II listed Hospital Wing due to some loss of historic fabric from the new openings; Grade II listed Gaol Wall due to the loss of historic fabric from the proposed opening. However, it has been clearly



demonstrated within the application that the public benefits of the proposal will outweigh the identified harms.

- 6.93 Overall, It is considered that the application is in full accordance with both local and national planning policies. Whilst it is noted that the proposal will cause some 'less than substantial' harms to a few listed buildings, the proposal has clearly demonstrated within the application that the public benefits of the application will outweigh the identified harms, and therefore listed building consent should not be withheld, in accordance with paragraph 202 of the NPPF, Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and CDLP Policy HE3. In light of the above, it is recommended that this application is approved with conditions.

## **7. Planning History**

- 7.1 The following planning history relates to the assessment of this planning application:

**The 'Offices and Former Nisi Prius Buildings' contains the following significant planning applications:**

(Pre 1974) TP1838- Provision of additional 3,500 sq.ft. of office accommodation by construction of three new floors:- Two to Citadel Row Block, one to English Street Block. Granted.

**The 'Former Crown Court Buildings' contains the following significant planning applications:**

- 99/9009 - Internal alterations, redecoration and re-routing of surface-mounted services to provide a new reception area, disabled WC and disabled access
- 98/9018 - Items of minor alteration in former Grand Jury Room, replacement of glazed ceiling panels in former Courts Entrance Foyer (LBC)
- 93/9022 - Change of use of part of the old Crown Court buildings from Crown Courts to County Council office use (Reg 3 App)
- 01/9011 - Lift installation to access first floor and brass tubular handrailing to grand staircase (LBC) Permission was granted.
- 01/9017 - Remodelling of modern extension including glazed corridor and access ramp (LBC) Permission was granted.

**The 'Paton House' building and surrounding area to the rear contains the following significant planning applications:**

- 94/0899 - Change of use of vacant garage to public car park. Permission was granted.
- 98/0078 - Renewal of permission for part of former garage for car parking (80 spaces), Permission was granted.
- 01/0232 - Change of use of part of garage to car parking (80 spaces), Permission was granted.
- 14/9002/CTY - Installation Of Cast Iron Downpipe And Hopper To

Discharge To New Gulley (LBC), Permission was granted.

- 17/9007/CTY - Demolition Of The Lower Gaol Yard And Lonsdale Buildings. Permission was granted.

- 18/9003/CTY - Change Of Use To A Surface Level Car Park And Erection Of Ancillary Infrastructure

- 20/0867 - Demolition Of Building at Paton House, 9 Victoria Viaduct. Permission was granted.

- 21/0633 - Discharge Of Conditions 3 (Level 2 Survey); 4 (Construction Management Plan) And 5 (Construction Phase Traffic Management Plan) Of Previously Approved Application 20/0867. Permission was granted.

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

1. The works identified within the approved application shall be commenced within 3 years of this consent.

**Reason:** In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The development shall be undertaken in strict accordance with the approved documents for this Listed Building Consent which comprise:

1. the submitted planning application form, received 29 Mar 2022;
2. Location Plan (Dwg No. DAY-XX-XX-DR-A-04-0100), received 29 Mar 2022;
3. Proposed Site Plan (Dwg No. DAY-XX-XX-DR-A-04-0110), received 29 Mar 2022;
4. Proposed Block Plan (Dwg No. DAY-XX-XX-DR-A-04-0124), received 29 Mar 2022;
5. Section and elevation Key (Dwg No. DAY-XX-XX-DR-A-04-0125), received 29 Mar 2022;
6. Demolition GIA Use Category Plans (Dwg No. DAY-XX-ZZ-DR-A-04-0152), received 29 Mar 2022;
7. Phase 2 GIA Use Category Plan (Dwg No. DAY-XX-ZZ-DR-A-04-0154), received 29 Mar 2022;
8. New Build GEA Plans Phase 2 (Dwg No. DAY-XX-ZZ-DR-A-04-0156), received 29 Mar 2022;
9. Crown Court Demolition Plans (Dwg No. DAY-XX-ZZ-DR-ID-04-0132, Rev A), received 10 Jun 2022;
10. Nisi Pirus Demolition Plans (Dwg No. DAY-XX-ZZ-DR-ID-04-0133, Rev A), received 10 Jun 2022;
11. Site Elevations (Street Scenes) Proposed Phase 1 (Dwg No.

- DAY-XX-XX-DR-A-04-1105, Rev A), received 10 Jun 2022;
12. Site Elevations (Street Scenes) Proposed Phase 2 (Dwg No. DAY-XX-XX-DR-A-04-1106, Rev A), received 10 Jun 2022;
  13. Site Elevations (Central Plaza) Proposed Phase 1 (Dwg No. DAY-XX-XX-DR-A-04-1108, Rev A), received 10 Jun 2022;
  14. Site Elevations (Central Plaza) Proposed Phase 2 (Dwg No. DAY-XX-XX-DR-A-04-1109, Rev A), received 10 Jun 2022;
  15. Woolworths Elevations Proposed Phase 1 (Dwg No. DAY-XX-ZZ-DR-A-04-1102, Rev A), received 10 Jun 2022;
  16. Woolworths Elevations Proposed Phase 2 (Dwg No. DAY-XX-ZZ-DR-A-04-1103, Rev A), received 10 Jun 2022;
  17. Site Demolition Plan Phase 1 (Dwg no. DAY-XX-XX-DR-A-04-0130), received 29 Mar 2022;
  18. Site Demolition Plan Phase 2 (Dwg no. DAY-XX-XX-DR-A-04-0131), received 29 Mar 2022;
  19. General Arrangement Plan - Lower Ground Floor Proposed Phase 1 and 2 (Dwg no. DAY-XX-B1-DR-A-04-0111), received 29 Mar 2022;
  20. General Arrangement Plan - Ground Floor Proposed Phase 1 and 2 (Dwg no. DAY-XX-00-DR-A-04-0112 Rev A), received 14 Jul 2022;
  21. General Arrangement Plan - First Floor Proposed Phase 1 (Dwg no. DAY-XX-01-DR-A-04-0113), received 29 Mar 2022;
  22. General Arrangement Plan - First Floor Proposed Phase 2 (Dwg no. DAY-XX-01-DR-A-04-0114), received 29 Mar 2022;
  23. General Arrangement Plan - Second Floor Proposed Phase 1 (Dwg no. DAY-XX-02-DR-A-04-0115), received 29 Mar 2022;
  24. General Arrangement Plan - Second Floor Proposed Phase 2 (Dwg no. DAY-XX-02-DR-A-04-0116), received 29 Mar 2022;
  25. General Arrangement Plan - Third Floor Proposed Phase 1 (Dwg no. DAY-XX-03-DR-A-04-0117), received 29 Mar 2022;
  26. General Arrangement Plan - Third Floor Proposed Phase 2 (Dwg no. DAY-XX-03-DR-A-04-0118), received 29 Mar 2022;
  27. General Arrangement Plan - Roof Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0119 Rev A), received 10 Jun 2022;
  28. General Arrangement Plan - Roof Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-0120 Rev A), received 10 Jun 2022;
  29. General Arrangement Plan - Hospital Wing and Crown Court Building Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0121 Rev A),

received 10 Jun 2022;

30. General Arrangement Plan - Nisi Prius Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0122 Rev A), received 10 Jun 2022;
31. Section Through Site Axis Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2101 Rev A), received 10 Jun 2022;
32. Section Through Site Axis Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2102 Rev A), received 10 Jun 2022;
33. Sections longitudinal Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2103 Rev A), received 10 Jun 2022;
34. Sections longitudinal Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2104 Rev A), received 10 Jun 2022;
35. Sections Transverse Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2105 Rev A), received 10 Jun 2022;
36. Sections Transverse Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2106 Rev A), received 10 Jun 2022;
37. Section Floor Levels Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2107 Rev A), received 10 Jun 2022;
38. Section Floor Levels Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2108 Rev A), received 10 Jun 2022;
39. 3D Sections A B C Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2117 Rev A), received 10 Jun 2022;
40. 3D Sections D E F Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2118 Rev A), received 10 Jun 2022;
41. 3D Sections G H Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2119 Rev A), received 10 Jun 2022;
42. 3D Sections A B C Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2120 Rev A), received 10 Jun 2022;
43. 3D Sections D E F Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2121 Rev A), received 10 Jun 2022;
44. 3D Sections G H Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2122 Rev A), received 10 Jun 2022;
45. Business Interaction Centre Floor Level Section Plan (Dwg no. DAY-BB-ZZ-DR-A-04-2125), received 10 Jun 2022;
46. Hospital Wing Floor Level Sections Plan (Pt 1) (Dwg no. DAY-BB-ZZ-DR-A-04-2123), received 10 Jun 2022;
47. Hospital Wing Floor Level Sections Plan (Pt 2) (Dwg no. DAY-BB-ZZ-DR-A-04-2124), received 10 Jun 2022;

48. General Arrangement Plan (Dwg no. UG\_471\_LAN\_GA\_DRW\_001 Rev P16), received 30 Jun 2022;
49. Gaol Wall Opening (Dwg no. DAY-XX-XX-DR-A-04-2113 Rev A), received 10 Jun 2022;
50. Facade Study - New Build Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2111 Rev A), received 10 Jun 2022;
51. Facade Study - New Build Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2112), received 10 Jun 2022;
52. the Notice of Decision; and
53. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The development shall be undertaken in general accordance with the approved documents for this Listed Building Consent which comprise:
  1. Carlisle Citadels: Archaeological Impact Assessment (undertaken by Oxford Archaeology), received 29 Mar 2022;
  2. Bat Survey Report (undertaken by Urban Green), received 29 Mar 2022;
  3. Biodiversity Net Gain Design Stage Assessment (undertaken by Urban Green), received 29 Mar 2022;
  4. Condition Survey (undertaken by Purcell), received 29 Mar 2022;
  5. Carlisle Citadels Conservation Management Plan (prepared by Purcell), received 29 Mar 2022;
  6. Demolition Statement (Revision: P01, prepared by Curtins), received 29 Mar 2022;
  7. Energy & Sustainability Statement (Ref: 16110-HYD-XX-XX-RP-Y-5002, prepared by Hydrock Consultants Limited), received 29 Mar 2022;
  8. Written Scheme of Investigation for an Archaeological Evaluation and Watching Brief, received 29 Mar 2022;
  9. Heritage Impact Assessment (Issue 02, undertaken by Purcell), received 29 Mar 2022;
  10. Interim Travel Plan (Revision: V04, prepared by Curtins), received 29 Mar 2022;
  11. Phase 1 Preliminary Risk Assessment (Revision: V02, prepared by Curtins), received 29 Mar 2022;
  12. Preliminary Ecological Appraisal (prepared by Urban Green), received 29 Mar 2022;

13. Servicing Strategy (Revision: V03, prepared by Curtins), received 29 Mar 2022;
14. Stage I Visual Structural Condition Appraisal (prepared by Curtins), received 29 Mar 2022;
15. Townscape & Visual Impact Appraisal (prepared by Urban Green), received 29 Mar 2022;
16. Transport Assessment (Revision: V03, prepared by Curtins), received 29 Mar 2022;
17. Urban Design Framework Statement (prepared by Urban Green), received 29 Mar 2022;
18. Geophysical Survey Report (prepared by SUMO Geophysics Ltd), received 1 Apr 2022;
19. Arboricultural Impact Assessment (AIA) (undertaken by Urban Green), received 10 Jun 2022;
20. Historic Buildings Design and Usage Review (Revision G, prepared by Purcell and Day Architectural Ltd), received 10 Jun 2022;

**Reason:** To define the permission.

3. Details and drawings including sections and elevations and a method statement for the restoration and repair of any existing windows and doors, panelling and other period joinery shall be submitted to and approved in writing by the Local Planning Authority prior to any works to these features. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

4. All existing historic doors within the listed buildings shall be retained and if required to be altered in any way, details shall be submitted to and approved in writing by the local planning authority prior to any works to the doors. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

5. Prior to the insertion of any new doors, details at a scale of 1:5 of new doors including construction, means of affixing to the wall, the size, proposed frames, panels and depth of reveal and new internal doors (listed buildings only) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in



accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

6. Notwithstanding any information as submitted, prior to the insertion of any new/replacement windows on any listed buildings, details at a scale of 1:5 of any new windows, including the construction, means of affixing to the walls, the size, glazing, opening mechanisms, cill and lintol arrangement and the depth of the reveal shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings. In accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

7. Full details of sound proofing and fire protection measures shall be submitted to and approved in writing by the Local Planning Authority prior to any of these measures being undertaken. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, and in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

8. Prior to the commencement of the development hereby approved, a Conservation Strategy shall be submitted to and approved in writing by the Local Planning Authority detailing the protection of all historic features, including staircases, windows and glazing, fireplaces, panelling, plaster ceilings, cornicing and any other internal architectural features, during the works to the buildings. Thereafter all works to historic features shall follow this strategy.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth Buildings, and in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

9. Prior to the installation of any platform lifts, details of the location, materiality and means of fixing to the listed structures shall be submitted to and approved by the local planning authority.

**Reason:** In the interest of the appearance and character of the listed buildings. In accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

10. Prior to the removal of the window at the Former Labour Group Room at the Crown Court Building (as shown on Carlisle Citadels Conservation Management Plan, prepared by Purcell, received 29 Mar 2022), details of the proposed roof terrace access shall be submitted to and approved by the local planning authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

11. Prior to the removal of any Court Room furniture in Nisi Prius and the Crown Court Buildings, a programme of works for the court room furniture relocation, and photographs and drawings as existing, and as proposed, shall be submitted to and approved in writing by the Local Planning Authority. The programme of works shall identify how and by whom supervision of the works shall be undertaken and shall include details regarding the exact proposed locations (within the application site) and uses for the removed court room furniture. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

12. Details of the paint colour and finish, including manufacturer's specification to be used on the internal (listed buildings only) and external areas of the existing buildings shall be submitted to and approved in writing by the Local Planning Authority prior to any painting work commencing. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, and in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

13. Prior to the commencement of any works (excluding demolition and foundation works), full details of all proposed gating, including pedestrian gates, within the application site shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include detailed design and size of the gates.

**Reason:** In the interest of the appearance and character of the listed buildings and the conservation area, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

14. Notwithstanding the details that have been submitted with the application, full details including drawings and manufacturers details where appropriate

of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to any works to the boundaries. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

15. Prior to the occupation of phase 1 of the development, an Operational Management Plan shall be submitted to and approved in writing by the LPA. The Operational Management Plan shall, as a minimum, cover the following points:

1. The location of all ground/lower ground external access points and how they will be managed
2. How all external access points will be controlled during the day and out of hours i.e. fob/key card
3. The times that the external access gates will be closed to the public
4. The location of CCTV
5. Noise management for any external event at the Forum

**Reason:** In accordance with Policies CM4 and HE3 of the Carlisle District Local Plan 2015-2030.

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## SCHEDULE A: Applications with Recommendation

22/0219

Item No: 03

Date of Committee: 05/08/2022

**Appn Ref No:**  
22/0219

**Applicant:**  
Kingmoor Park Properties  
Ltd

**Parish:**  
Kingmoor

**Agent:**  
WSP

**Ward:**  
Belah & Kingmoor

**Location:** Land at Dukes Drive, Kingmoor Park North, Carlisle, CA6 4SD

**Proposal:** Erection Of Distribution Centre (Use Class B8) (Including Ancillary Office Space), Associated Car Parking & Service Yard; Associated Storage Of Vehicles & Trailers; New Access Road; & Associated Engineering, Infrastructure & Landscaping

**Date of Receipt:**  
21/03/2022

**Statutory Expiry Date**  
20/06/2022

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 The Principle Of Development
- 2.2 Whether The Scale, Design And Impact On The Character Of The Area Is Acceptable
- 2.3 Effect On The Living Condition Of The Occupiers Of The Nearby Premises
- 2.4 Noise
- 2.5 Highway And Parking Issues
- 2.6 Foul and Surface Water Drainage
- 2.7 Hedges, Trees and Landscaping
- 2.8 Potential For Crime And Disorder
- 2.9 Biodiversity
- 2.10 Air Quality
- 2.11 Energy Efficiency

### **3. Application Details**

#### **The Site**

- 3.1 The application site comprises two separate parcels of land located within and adjacent to Kingmoor Park, Carlisle. The first parcel of land and larger of the two is located between Kingmoor Park Central and Kingmoor Park North. The overall site area for this application as stated on the application form is 7 hectares. The main part of the site is located on land currently used for agricultural grazing. The topography is such that there is a rise in the land generally from south to north and again, rising from east to west. The land, along with neighbouring parcels of land, are bisected by hedgerows. To the north of the site is a public footpath and to the south, are commercial and industrial buildings which comprise part of Kingmoor Park Central. This land is allocated for employment.
- 3.2 The second parcel of land is located adjacent and to the west of Unit B, Dukes Drive. Unit B is a large detached metal prolife sheeted commercial building which occupies the majority of the site and with the length of the majority of the building being approximately 90 metres. The site subject of this application in comparison measures approximately 68 metres in width by 122 metres in length giving an overall site area of 0.082 hectares. Further to the east is a building currently under construction having obtained planning permission for the storage of tyres. Opposite the site are further commercial and industrial buildings. This land is designated as a Primary Employment Area and both parcels of land are within the Kingmoor Park Enterprise Zone.

#### **The Proposal**

- 3.3 The application seeks planning permission to create a warehouse and distribution centre. To facilitate this, a new access road would be taken from Dukes Drive near to the roundabout with the A689. This would lead north, across Cargo Beck, to the main part of the site. Improvement works would also be undertaken to the highway network in relation to the road leading east into Kingmoor Park Central and a section of Dukes Drive leading east.
- 3.4 Access into the site would be taken from the new spine road that would be formed from Dukes Drive. The first access would be formed in the south-east corner of the site that would serve a car park. From the northern edge of the spine road, a junction would be formed and a road constructed perpendicular to the spine road and from which the second access serving the main part of the site would be constructed.
- 3.5 The building would be constructed almost centrally within the site with an east-west orientation. It would provide an overall gross internal floor area of 5,787 sqm (62,286 sq ft). This would provide the warehouse facility of 4,981 sqm (53,615 sq ft) with ancillary office and staff welfare accommodation. The building would measure approximately 142 metres in length and 41.5 metres in width. The height to the eaves would be approximately 10.5 metres and to the ridge would be 12.7 metres.

- 3.6 The building would be constructed from concrete to the dock pit front wall with the majority being constructed from horizontally laid insulated and composite wall panels coloured black grey and silver. The roof would be broadly covered with a dual pitched roof coloured goosewing grey. Over the office and staff accommodation at the eastern gable would be a black grey coloured composite flat roof deck. The roller shutter doors would be silver but the doors, windows and curtain walling of the building would be black grey in colour.
- 3.7 Within the site, parking provision would be made for 181 vans, 20 heavy goods vehicles (HGVs), 120 cars including 8 for disabled persons. Of the 120 car parking spaces, 10 would be allocated for car sharing and overall two would have electric vehicle charging points with two charging points for vans.
- 3.8 Two detention ponds and two swales would also be constructed within the site. Generally the site would be bound by 2.4 metre high weldmesh fencing with 1.8 metre high gates to the entrance to the car park. The application is further accompanied by a detailed landscaping scheme.

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

- 4.1 This application has been advertised by means of two site notices, a press notice and direct notification to the occupiers of nine of the neighbouring premises. In response, two representations have been received
1. there is a relationship between the applicant and the council as some Officers and Members are part of the Kingmoor Park Enterprise Zone Strategic Partnership Group. As such, the application should be considered by the Planning Committee;
  2. no hours of use are provided despite the application form stating that these are relevant to the application. These are necessary to consider the times of vehicle movements;
  3. the application form says there will be 315 new employees. Its not clear if these are existing or new employees;
  4. the application form says that a public right of way will have to be diverted. This should be determined before this application is considered;
  5. the trailer park will be situated off Dukes Drive. No details of screening form nearby residential properties has been provided;
  6. concern about the cumulative impact pf the proposed development and the approved development in the locality on traffic flows at Parkhouse Roundabout;
  7. additional information is required to clarify HGV return times and, if there is the possibility HGVs returns to the national hub may coincide with evening peak travel times, that the applicant considers the traffic impacts on the roundabouts;
  8. what Passenger Car Units (PCU) values have been used for each vehicle type (car, van, HGV) have been used so that the appropriateness of the selected PCU values can be verified;
  9. the air quality assessment does not include the predicted emissions from



- committed developments such as the energy from recently approved waste plant that would emit many air pollutants;
10. the cumulative emissions should also include traffic emissions from all other additional committed developments. Cumulative emissions should include any other nearby operational plants that may not be included in background levels. It is unclear whether emissions from the peaking plant are sufficiently represented;
  11. the receptors in the Air Quality Assessment does not adequately represent many sensitive locations;
  12. Environment Agency guidance provides the Ambient Air Directive Limit Value. The figures in the Air Quality Objective figures used should be checked and consideration as to whether the presence of the Kingmoor Nature Reserves in the area requires a lower NO<sub>2</sub> Air Quality Objective figure to be used;
  13. the impact of the proposal on the council's ability to meet the proposed air quality limits should be assessed;
  14. the application should include several years of meteorological data (the Environment Agency usually requires 5 consecutive years) and to consider using nearer meteorological data;
  15. the cumulative impact of the proposal to the consented incinerator and the impact on the Kingmoor nature reserves and the River Eden SAC/SSSI should be considered;
  16. the applicant has estimated "model uncertainty" but this appears to have been determined based on a single year of meteorological data and after the application of "adjustment factors". The applicant's approach may significantly underestimate the model uncertainty when the "primary adjustment factor" was nearly a factor of 2;
  17. the development will result in increased air pollution including NO<sub>x</sub> and particulates so it is appropriate to consider how air quality impacts may be minimised/ mitigated. Further mitigation measures should be considered and implemented;
  18. further electric vehicle charging points should be provided;
  19. the application should demonstrate that the development will have a sufficient electricity supply at the site for the vehicle charging that are expected in the coming years, and show that additional vehicle charging provision (for cars, vans and HGVs) will be able to be added economically and cheaply as required;
  19. the Energy Statement only refers to "potentially future photovoltaics located on the roof" and the proposal should provide a commitment to the installation of photovoltaics;
  20. the Air Quality Assessment states that the gas fired radiant heaters will heat the warehouse. The Energy Statement does not explain why alternative sources of heat, such as additional air source heat pumps, are not appropriate in light of the climate emergency.

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

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

Transport Assessment

The applicant's pre application discussions are welcomed and has provided much needed background and operational particulars for the end user. The application was considered being mindful of the Enterprise zone status of Kingmoor Park as well as the modelled traffic flow undertaken in the traffic model for Carlisle.

In light of that and the details provided in the TA, it is confirmed that the parking numbers and traffic generation are accepted.

The comments from National Highways are noted. The matter relating the traffic impact on the Parkhouse Roundabout has previously been discussed and it was agreed that a modest increase in traffic is predicted to occur on the A689 eastbound approach with the predicted increases on the other three approaches being negligible. Increases in traffic of this magnitude are less than one additional vehicle per minute are unlikely to be detectable within the day to day variation in flow through the junction. Furthermore, the surveys conducted at the junction in 2022 recorded a total of 1,303 vehicles on the A689 westbound approach during the AM peak.

This modest increase will not cause a severe highway impact; however, this element will be scrutinised further in any subsequent application.

#### Travel Plan

The document provided is acceptable. The targets and measures proposed to allow for the reduction in private car usage stated in the document is acceptable. The applicant should provide funding for its monitoring by Cumbria County Council as normal to the amount of £6600.

In light of the above, it is confirmed that the local highways authority (LHA) has no objections to this application but would recommend that the imposition of conditions.

#### Lead Local Flood Authority (LLFA)

The Flood Risk Assessment and drainage strategies are well written and acceptable. It is however disappointing that the percolation tests and that the surveys of the capacities of the foul system are not complete.

The applicant should be made aware that these lacking elements, amongst others, (like the storage capacity of the basins, culverted watercourse and Swales/ Bioretention Zones) could potentially create issues during the discharge of condition application. The aforementioned is true for the main site.

Of some concern for the HGV parking area is the lack of petrol interceptors or for that matter drainage detail. The same applies to the new highway proposed. Drainage details will need to be provided to allow the both the LLFA and LHA to make an informed comment.

It is confirmed that the LLFA has no objection to the proposed drainage strategy and therefore this application; however, conditions should be imposed on the application to ensure that it complies with the NPPF and best practice.

#### Conclusion

The LHA and LLFA has no objections to this application subject to the imposition of conditions/ obligations being included in any consent granted;

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

**Cumbria Constabulary - North Area Community Safety Unit:** - it is apparent that crime prevention measures have been incorporated into the design of this development.

The comments in Item 5.2 Security of the Design and Access Statement are noted, although there is little detail. However from my interpretation of the Site Plan and External Lighting Impact Assessment, the proposals are concurred for :

- service yard and car park - 2.4m and 1.8m 'Paladin' welded mesh fencing;
- location of cycle shelter;
- exterior illumination of yard (good uniformity values).

There is no mention of deployment of a CCTV scheme or an intruder alarm. It is perceived that despite the distribution centre operating 24/7 (continuous presence of staff on site), these measures would still be worthwhile. Recurring crime trends across Cumbria and the North West region relate to thefts from vehicles to acquire catalytic converters. Any sites where favoured vehicles are stored may become a likely target;

**Local Environment - Environmental Protection:** - the air quality Assessment has been reviewed and accepted. It is noted that receptors in Crindledyke and Cargo were not included in the report, as was advised during the pre-application stage. This is acknowledged in the report.

The noise assessment has been reviewed. It is recommended that further mitigation, such as additional acoustic screening, is included to reduce noise impacts on properties on Elliot Drive and Maxwell Drive. An exceedance of +5dB above background between 06:00 and 07:00 has been identified in section 8.2 of the report. Ideally the noise impacts should be below background levels to protect the occupants of these premises.

The site plan appears to show provision of 4 electric vehicle charging points. It is not clear if this is the case. It is recommended to consider increasing this number, given the overall number of parking spaces and the likely future demand for EV charging. This can also encourage the uptake of electric vehicles;

**Kingmoor Parish Council:** - no response received;

**Natural England:** - this site has the potential to be hydrologically connected to the River Eden SAC and River Eden & Tributaries SSSI.

Kingmoor North Nature Reserve LWS.

Further clarification is needed to understand whether there will be land take within the Kingmoor NNR boundary, please can it be stated where exactly the land take will be and what will be lost.

Habitat Regulations Assessment

A Habitat Regulations Assessment is required, under the Conservation of Habitat and Species Regulation's 2017, in order to assess the potential impacts on the River Eden SAC due to the connection of Cargo Beck. The HRA should focus on the potential impacts to Cargo Beck and other water environments on site during the operational and construction phases of developments, listed below are some of the potential impacts.

The issues likely to be relevant during construction and operational phases for development proposals adjacent to watercourses include:

- potential for direct damage, modification, displacement of and / or disturbance to protected species and riverine / riparian habitat;
- potential for sediment or other polluting run-off to enter the river, both during the construction period (including earthworks, storage and use of machinery, materials and fuels) and any potential siltation, run-off or other pollution arising from the development in its construction / operational phase. Any discharge (including foul drainage) and / or run-off / drainage from the site must not lead to a deterioration in water quality in the watercourse;
- potential for impacts derived from use and / or disturbance of contaminated land;
- potential for introduction and / or spread of invasive non-native species.

Construction Environmental Management Plan

A Construction Environmental Management Plan is required. Appropriate pollution prevention guideline measures should be incorporated to include materials and machinery storage, biosecurity, and the control and management of noise, fugitive dust, surface water runoff and waste to protect any surface water drains and the SAC from sediment, and pollutants such as fuel and cement. There must be a 10m buffer strip to the river, and a bund across the track that leads down to the river to prevent any sediment and pollution in surface water run-off from reaching the SAC. All materials and equipment must be stored outside the buffer strip, and there should be a designated concrete mixing / refuelling site outside the buffer strip, with spill kits on site and drip trays used for refuelling.

The developer should produce a management plan on how they propose to manage surface water runoff in conditions of heavy rainfall to prevent the pollution of the SAC. If attenuation basins are to be used during the construction phase for the purpose of settling out sediment, the basins and catch pits need to be monitored and maintained following rainfall events to prevent trapped silt from being remobilised. Consideration should also be

given to using other emergency mechanisms such as a silt buster. EA discharge consent will be required for discharge to the watercourse during both construction and operational phases.

#### Preliminary Ecological Appraisal

Natural England agree with the mitigation proposed in the conclusion of the PEA and recommend that it is secured.

#### Biosecurity and Invasive Species

The council should follow the check-clean-dry procedure to reduce the risk of introducing and/or spreading invasive non-native species (eg Himalayan balsam, Japanese knotweed, *Crassula helmsii*, *Dikerogammarus villosus*) or infecting the river with the fungal spores of crayfish plague. Any machinery or equipment to be used in the river must be high pressure washed or steam cleaned with clean tap water (not river water) then dried. Once dry, the machinery/ equipment must be kept completely dry for 48 hours prior to use in the river.

#### Biodiversity Net Gain

Natural England recommend the proposals seek to achieve biodiversity net gain, over and above residual losses which should be accounted for and addressed. With careful planning this should be achievable for this development given its scale and opportunity for extensive blue/green infrastructure.

Natural England recommend the current Biodiversity Metric 3.0 be used to calculate the net gain in biodiversity for individual planning proposals.

The applicant subsequently submitted a shadow Habitats Regulations Assessment and following further consultation with Natural England, their additional response reads as follows:

This application site is hydrologically connected to the River Eden SAC.

Natural England agree with the conclusions in the Habitats Regulation Assessment but notes that even in an anoxic condition Cargo Beck could have fish and therefore if any de-watering to create dry workings areas take place in the beck a fish rescue should be carried out. The HRA also mentioned the unlikeliness for Otters in urban areas but as the PEA identifies a suitable habitat for holt creation we recommend that an ECOW is on site to check for otters/holts being work is undertaken. If otters are found then appropriate mitigation and a license will be required.

Comments in respect of the Construction Environmental Management Plan and Biosecurity and Invasive Species are still relevant;

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

**National Highways:** - no objection.

## **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 Policies SP1, SP2, SP6, EC1, EC2, IP2, IP3, IP6, CC3, CC4, CC5, CM4, CM5, GI1, GI3, GI5 and GI6 of the Carlisle District Local Plan 2015-2030 are also relevant. The proposal raises the following planning issues.

### 1. The Principle Of Development

- 6.3 Within the NPPF there is a presumption in favour of sustainable development. Paragraph 7 requires that:
- “The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”*
- 6.4 Paragraph 8 continues and identifies that to achieve sustainable development there are three overarching objectives. Paragraph 10 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 The location of this type of operation in the rural area must also be justified. Policy SP2 of the local plan requires that development proposals will be assessed against their ability to promote sustainable development. Outside of the specified settlements, development proposals will be assessed against the need to be in the location specified.
- 6.6 Paragraph 81 of the NPPF states that:
- “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”*
- 6.7 The land is adjacent to a Primary Employment Area, within the Enterprise Zone and would expand the range of businesses in the locality. In addition, the land on which permission is sought for the erection of the building forms

part of a larger parcel of land allocated for employment use within the local plan. The Planning Statement identifies that there are currently 130 full time roles and the existing facility and the proposal would generate a further 250 full time roles; however, taking applying tolerances for displacement and multiplier effects, the overall number of full time roles is likely to be 315. The development would be an appropriate development and expansion of employment uses on adjacent Primary Employment Area, which is supported by the objectives of the NPPF and there would be no conflict with Policy SP2 of the local plan.

## **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:

*“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)."*

- 6.10 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. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.11 In the context of the proposal, the building is a substantial commercial structure; however, its visual impact would be relatively minimised by the characteristics of the locality. When approaching from the south, it would be set in the background of existing buildings with the land rising to the rear. Further to the east of Dukes Drive, is an existing area of mature vegetation and trees and to the west, is agricultural land and the west coast railway line. The design and use of materials is reflective of large, modern commercial buildings but nevertheless, would be appropriate to the setting of this site. As such, the proposal would have a limited impact on the character and appearance of the area which in any event would be appropriate in the context of the site and existing development.
- 6.12 The application is accompanied by a detailed landscaping plan which is considered to be appropriate. In the event that Members are minded to approve the application, it would be appropriate to include a condition requiring the landscaping scheme to be implemented in the first planting season following the development having been brought into use.

### **3. Effect On The Living Condition Of The Occupiers Of The Nearby Premises**

- 6.13 Policies SP6 and CM5 of the local plan require that proposals ensure that there is no adverse effect on residential amenity or result in unacceptable conditions for future users and occupiers of the development and that development should not be inappropriate in scale or visually intrusive.
- 6.14 There are commercial properties adjacent and to the east of the site with residential properties further to the west. The proposed building would be approximately 200 metres from the nearest residential property, 11 Maxwell Drive.
- 6.15 Given the orientation of the application site with the neighbouring properties it is not considered that the occupiers would suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of over-dominance.

#### **4. Noise**

- 6.16 A Noise Impact Assessment accompanies the application which identifies the nearest noise sensitive receptors and assesses the elements of the development and potential impact on these. The report concludes that:

*“This assessment identifies that noise levels from a new DPD parcel depot facility and its associated trailer park are acceptable and will result in no, or a low observed adverse effect level. Predicted noise levels indicate the only instance where noise levels may exceed background levels may occur during peak HGV activities within the trailer park when compared to lowest background levels at the nearest sensitive receptors.*

*BS 4142 identifies ‘Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact’. Based on guidance set out in the Government’s Planning Practice Noise guidance, noise levels are expected to result in no observed adverse effect level or the lowest observed adverse effect level in the case of worst-case night-time noise events. This means that the impact on the nearest sensitive receptors will be low.*

*The assessment of the new site aligns with the Carlisle District Local Plan 2015-2030 in that ‘Where noise may be an issue, a noise impact assessment will be required and will be sought at the earliest possible stage of the planning process.’*

*This report demonstrates that noise is a consideration but not a constraint for the successful approval of planning permission for this site.”*

- 6.17 A condition is recommended requiring the submission of a Construction Environmental Management Plan (CEMP) which includes, amongst other matters, details of the construction hours. Given the nature of the development, the proximity to other commercial uses and distances from nearest noise sensitive receptors, the CEMP would adequately address any issue and the proposal is acceptable in this regard.

#### **5. Highway And Parking Issues**

- 6.18 The site would be located adjacent to existing employment areas that are served by good road links and infrastructure to the city, west Cumbria and to wider parts of the country via the A698, A7 and M6 motorway. A bus service and also serves the estate and there are cycle links from the A689. A Transport Assessment accompanies the application and provides an assessment of the highway and traffic issues. The report concludes:

*“The number of staff car parking and operational van parking spaces have been calculated specifically for the new facility. This will ensure that the site will operate efficiently, without any risk of overspill parking on adjacent roads, or vehicles queueing on the highway to gain access.*

*The predicted traffic generation and its distribution on the adjacent highway*

*network has been derived using data provided by the DPD Logistics Team for the new facility and from vehicle routing information from the existing DPD facility.*

*Forecast traffic flows and multi-modal trips have been identified and it is noted that the predicted level of demand for walking, cycling and public transport can be easily accommodated within the existing provision.*

*The operational performance of the revised A689 Kingsway Roundabout and the Site Access / Kingmoor Park Central / Dukes Drive junctions have been tested against the baseline traffic flows and the predicted operational traffic flows for the AM and PM peak hours for opening year (2023) and opening year +5 (2028) scenarios. It is noted that both junctions will operate well within their capacity thresholds in both scenarios. The existing highway network is therefore considered appropriate to accommodate development generated traffic and no mitigation is required.*

*In terms of transport impacts, the findings of this TA identify no reason why the proposed development should not be granted planning permission.”*

- 6.19 The main site would be serviced by some employees who would remain at the site as their place of work but the majority of vehicle movements would be from the delivery vans and the HGVs which would come and go. The parking facilities, including those for disabled persons, motorcycle and bicycle provision will be provided in accordance with the with the Cumbria Development Design Guide Appendix 1 – Parking.
- 6.20 The facility would be occupied by a business who already operates in the locality but requires larger premises. It is considered that over both sites, there would be adequate access and parking provision for both elements of vehicle movements.
- 6.21 National Highways initially raised some issues in terms of highway issues and potential impact on J44. Following further discussions with the applicant's highway consultant, a revised response which has been received which raises no objection following clarification of their points raised. The proposal is therefore considered acceptable in this regard.
- 6.22 A public right of way (PROW) exists approximately 200 metres to the north of the application. Initially, the documents stated that the development would affect the PROW; however, this isn't the case and the documents have been amended.
- 6.23 In response to third party representations, the applicant has submitted further comments to the points raised. In respect of the highway issues, the following comments have been made:
- the scope of the Transport Assessment (TA) has been agreed with Cumbria County Council;
  - the proposed development will not result in any material traffic impacts on the adjacent highway network given the modest levels of traffic generation

- (particularly in the AM and PM peak hours;
- with regards to the Parkhouse Roundabout, the TA identifies that the largest predicted increase in traffic at the junction is 58 vehicles on the A689 westbound approach during the AM peak hour;
- furthermore, it should be noted that the traffic surveys conducted at the junction in 2022 recorded a total of 1,303 vehicles on the A689 westbound approach during the AM peak hour. An additional 58 vehicles equates to an increase in flow of only 4%, which will not materially change the operation of this approach;
- the traffic generated by the proposed development and its timing on the network have been derived using a first principles approach based on forecast vehicle timing information provided by the applicant;
- the time gap noted between vans arriving at the depot and HGVs departing is related to sorting operations which need to be undertaken by staff in the warehouse.
- HGV traffic generation for the entire facility has been considered throughout the day (24hrs) and it should be noted that 2 inbound and 2 outbound HGVs (relating to operations at the trailer park) are accounted for in the PM peak hour assessment;
- the traffic flows used in the model assembled to assess traffic impacts at the A689/ Kingsway/ Site Access (Dukes Drive) roundabout are based on PCU values and is industry standard practice;
- the HGV flows are minimal in the peak hours, so the application of PCU factors result in a negligible change to the predicted development traffic flows.

6.24 Cumbria County Council as the Local Highways Authority has confirmed that the predicted level of vehicle movements can be accommodated within the highway network and has raised no objection.

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

6.25 In accordance with the NPPF and the NPPG, the surface water should be drained in the most sustainable way. The NPPG clearly outlines the hierarchy when considering a surface water drainage strategy with the following drainage options 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.

6.26 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 documents, submitted as part of the application, outlines that foul drainage would be disposed of into the private network which serves the industrial estate.

6.27 The application also states that surface water would also be disposed of into the mains sewer. Alternative means of disposal should be considered in accordance with the hierarchy of drainage options.

- 6.28 Cumbria County Council as the LLFA and the depth of additional information required which they state should be provide prior to determination to that a further assessment can be made.
- 6.29 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.”*

- 6.30 A condition could be imposed requiring the submission of this further information as part of a drainage strategy that would still meet the relevant criteria required as it is necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.
- 6.31 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.

## **7. Hedges, Trees and Landscaping**

- 6.32 The application is accompanied by a Tree Survey which identifies that although the majority of trees on the site are of little value, there are some trees worthy of retention which are shown to be retained on the Planting Strategy Plan. In addition to identifying the Tree Survey within the list of approved documents, it is also necessary to require these trees to be protected by appropriate fencing during the construction works and limiting works within the protected area, the imposition of an additional condition would achieve this.

## **8. Potential For Crime And Disorder**

- 6.33 Policy CM4 of the local plan requires that *“new development should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out opportunities for crime. Proposals should be designed with the following principles in mind in order to create secure environments which deter crime...”*
- 6.34 Cumbria Constabulary has commented on the application and whilst highlighting additional measures that could be in place, has raised no objection. The applicant is aware of the response to consider these measures

separately to this application. Notwithstanding this, the proposal does not raise any issues in terms of the crime and disorder and is acceptable in respect of this matter.

## **9. Biodiversity**

- 6.35 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.
- 6.36 Ordinarily, the local planning authority would prepare the Habitats regulation Assessment and submit this to Natural England. In this instance, the applicant has provided a Shadow Habitats Regulations Assessment (SHRA), hence the reference to a 'shadow' document which is an acceptable means of addressing the issue. A further consultation was undertaken with Natural England in respect of this information and their response is reproduced in Section 5 of this report. Subsequently, reports have been submitted in respect of Protected Species, a Bats Survey and a Great Crested Newts.
- 6.37 With regards to the Protected Species Report, it assessed the impact on badgers, otters, water voles, aquatic receptors, reptiles, invasive non-native species and nesting birds and concluded that no species were evident on the site although there was evidence of some presence in the past. The report recommends a series of recommendations to ensure that the development is undertaken in an appropriate manner.
- 6.38 The Bat Survey found that:
- "Whilst no bat roosts have been recorded during the surveys, suitable roosting, commuting and foraging bat habitat is present within the Site; comprising of mature trees, hedgerows that border pasture fields and tall ruderal habitat."*
- 6.39 The report recommends suitable mitigation measures including appropriate landscaping, a suitable lighting scheme and the provision of bat boxes. The agent has confirmed that the landscaping scheme accords with the report and would provide an appropriate corridor for foraging bats. In addition, a condition is recommended requiring the provision of bat boxes and a suitable lighting scheme.
- 6.40 The Great Crested Newt Survey found that whilst Smooth Newts were caught during the survey period, no Great Crested Newts (GCNs) were caught but the report acknowledges that there is suitable habitat with the locality for

newts (GCNs). It advises on a series of mitigation measures that are recommended to form part of a method statement to support an application for a European Protected Species Mitigation licence to Natural England.

- 6.41 Informatives should be included in any decision notice advising of the need to obtain appropriate licences and furthermore ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.
- 6.42 Alongside other local planning authorities, Carlisle City Council has received a letter dated 16th March 2022 from Natural England about nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). The letter advised that new development within the catchment of these habitats comprising overnight accommodation (which includes new dwellings) can cause adverse impacts to nutrient pollution.
- 6.43 Under Section 4 of Natural England's letter, it states:

*“Other types of business or commercial development, not involving overnight accommodation, will generally not need to be included in the assessment unless they have other (non-sewerage) water quality implications. For the purposes of the Methodology, it is assumed that anyone living in the catchment also works and uses facilities in the catchment, and therefore wastewater generated can be calculated using the population increase from new homes and other accommodation. This removes the potential for double counting of human wastewater arising from different planning uses.”*

- 6.44 As the proposal relates to commercial development and no accommodation is provided as part of this application, the proposal does not fall within the umbrella of the development that is prohibited by nutrient neutrality and as such, the council is lawfully able to determine the application.

## **10. Air Quality**

- 6.45 An Air Quality Assessment has been submitted in support of the application which concludes that:

*“The construction works have the potential to create dust. During construction it is recommended that a package of mitigation measures to reduce the impact of medium risk sites is put in place to minimise the risk of elevated PM10 concentrations and dust nuisance in the surrounding area.”*

- 6.46 The conclusion continues:

*“The effect of vehicle exhaust emissions associated with proposed development during the operational phase on local air quality will be not significant. Warehouse heating will be provided gas fired radiant heaters. Emissions from the heaters will be released from a flue discharge on the North side of the building and will not have a significant effect on local air quality. Overall, it is concluded that there are no air quality constraints to the proposed development.”*



- 6.47 In response to issues raised through third party representations, an Air Quality Technical Notes has been submitted which addresses the individual points. Overall, it concludes that:

*“There can be no doubt that the proposal will result in increased air pollution including NOX and particulates so it is appropriate to consider how air quality impacts may be minimised/mitigated.*

*A combination of some or all of the following mitigation suggestions may make the facility more acceptable. Mitigation Suggestion 1: Probably the mitigation that would reduce adverse air quality impacts the most would be the acceleration of the assist with measures to promote car sharing set out within the travel plan. - A total of 2 electric vehicle charging parking spaces are proposed within the car park. It is envisaged that “trickle chargers” will be provided in the car park with spare duct ways for 2 additional spaces. - The proposals include a total of 24 cycle parking spaces, provided within the main car park. The cycle parking provision will be in covered shelters suitable for long stay cycle parking. A total of 82 lockers and 4 showers within segregated male and female changing facilities will also be provided to further promote cycling.”*

- 6.48 The amount of electric vehicle (EV) charging points is sufficient to satisfy the requirement under the Building Regulations. In addition, the applicant has confirmed that their approach to EV charging is that some are provided on site for staff and/ or visitors as well as for the drivers; however, the drivers are supported financially with off-site charging options. Whilst it may be aspirational to provide more EV charging points, provision has been made on site for future installation. The matter has been highlighted with the applicant’s agent but at present, the amount is compliant with the site’s requirements.
- 6.49 It should be borne in mind that the land proposed for the depot is allocated for employment development and as such, some change will occur that is likely to affect air quality; however, the technical reports which accompany the application also accept this but also confirm that there are measures within the development which will mitigate any impact which in itself would be minimal.
- 6.50 Based on the results of the Air Quality Assessment, the site is considered to be suitable for the proposed end use.

## **11. Energy Efficiency**

- 6.51 Policy CC3 of the local plan requires that:

*“New development should make the fullest contribution to creating environments which enable carbon reduction and are resilient to the effects of climate change.”*

- 6.52 To achieve this, development proposals must take into account the need for

energy conservation and efficiency in their design, layout and choice of materials. The applicant has confirmed that the building has been designed to take solar panels should this option be explored in the future. Electric vehicle charging points are being provided with infrastructure in place to install additional facilities in the future.

- 6.53 In terms of the heating of the building, the applicant has confirmed that other options such as air source or ground source heat pumps have been explored but at present, these are currently ineffective in an industrial environment. As such, the gas-fired heating tubes are the most efficient option in this instance.

## **Conclusion**

- 6.54 In overall terms, the principle of development relates to land which is either allocated or designated for employment purposes and is adjacent to other commercial uses. The development effectively forms part of an-fill between Kingmoor Park Central and Kingmoor Park North.
- 6.55 The building would be large in scale and of modern appearance. The development and layout of the site takes appropriate account of the land form and topography in the locality and is acceptable. The development would be supported by an appropriate landscaping scheme.
- 6.56 The proposed development would be occupied by an existing business which operates elsewhere on Kingmoor Park. A total of 315 full-time jobs would be provided on the site, which includes those relocated from the existing premises. Notwithstanding this, the application is accompanied by several technical documents which address highway issues and Cumbria County Council has raised no objection to the application subject to the imposition of conditions and a financial contribution for the monitoring of the Travel Plan.
- 6.57 The detailed noise issues and the impact of the development relating to the area for the parking of HGV trailers is subject to a planning condition which includes the requirement to provide a Noise Mitigation Strategy. The imposition of this condition adequately addresses the issues raised, subject to satisfactory details being submitted.
- 6.58 Subject to the imposition of conditions, no issue is raised in respect of surface water drainage. No further issues are raised in respect of hedges, crime, biodiversity, air quality or energy efficiency.
- 6.59 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 2006, outline planning permission was granted for a proposed 'hub' development for uses to include: A1 & A3/ A5 small scale retail and cafe facilities; creche; A3 restaurant; A4 public house/ restaurant; petrol filling station; and B1 offices together with a small bus interchange, associated

- infrastructure, servicing and parking areas (application reference 05/0531).
- 7.2 Outline planning permission was granted in 2007 for a proposed development of a 130 bedroom hotel with ancillary conference centre, health and fitness centre, restaurants and bar together with associated infrastructure, servicing and parking areas (application reference 07/0715).
- 7.3 In 2008, full planning permission was granted for the variation of condition 9 of planning permission 05/0531 to seek an amendment to the access arrangement from the roundabout (application reference 08/0151).
- 7.5 Outline planning permission was granted in 2010 for a proposed B1, B2 and B8 development with associated infrastructure and minor relocation of previously consented hotel (application reference 07/0015) and pub/ restaurant (application reference 05/0531) (application reference 09/0170).
- 7.6 In 2010, planning permission was granted for a new link road and associated infrastructure within the hub area of Kingmoor Park (application reference 10/0342).
- 7.7 Also in 2010, outline planning permission was renewed for the unexpired permission of previously approved application 07/0015 for proposed development of a 130 bedroom hotel with ancillary conference centre, health and fitness centre, restaurants and bar together with associated car parking (application reference 10/0815).
- 7.8 Full planning permission was granted in 2011 for the erection of a pub/ restaurant (application reference 11/0475).
- 7.9 Later in 2011, outline planning permission was granted for the renewal of unexpired permission of previously approved application 05/0531 for proposed 'hub' development - uses to include: A1 & A3/ A5 small scale retail and cafe facilities; creche; A3 restaurant; A4 public house/ restaurant; petrol filling station; and B1 offices together with a small bus interchange, associated infrastructure, servicing and parking areas (application reference 11/0484).
- 7.10 Also in 2011, advertisement consent was granted for the display of an externally illuminated direction sign (application reference 11/0498).
- 7.11 An application was approved in 2012 to discharge conditions 4 (surface water scheme); 6 (contamination scheme) and 9 (provision of ramps) of the previously approved permission 11/0475 (application reference 11/1029)
- 7.12 Later in 2012, advertisement consent was granted for the display of 6no. non-illuminated free standing signs (application reference 12/0344).
- 7.13 Also in 2012, advertisement consent was granted for the display of 3no. non-illuminated free standing signs (application reference 12/0957).
- 7.14 Reserved matters approval was granted in 2013 pursuant to outline

permission 09/0170 for ambient storage and distribution facility (use class B8) with ancillary office accommodation (use class B1 (a)) and associated gatehouse and access arrangements, service station, car parking and landscaping (application reference 13/0709).

- 7.15 Planning permission was granted in 2013 to create a landscaping bund and retaining structure (application reference 13/0771).
- 7.16 Later in 2013, an application was approved for the variation of conditions 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 19, 21 and 23 of previously approved permission 09/0170 (application reference 13/0912).
- 7.17 An application was approved in 2014 for the variation of condition 10 (roundabout) of the previously approved application 11/0484 (application reference 13/1001).
- 7.18 Later in 2014, an application was approved to discharge of conditions 5 (landscaping plan); 8 (archaeological written scheme of investigation); 11 (drainage strategy); 13 (highways detail); 19 (habitat management plan); 21 (construction environmental management plan) and 23 (lighting strategy) of previously approved permission 09/0170 and condition 3 (phasing plan) of variation of condition application 13/0912 (application reference 13/1010).
- 7.19 Also in 2014, an application was approved to discharge of condition 15 (contamination) of the previously approved application 09/0170 (application reference 14/0080).
- 7.20 An application for a non material amendment of the previously approved planning application 13/0709 was approved in 2014 (application reference 14/0145).

## **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 18th March 2022
  - 2. the Site Location Plan received 18th March 2022 (Drawing no. 0001 P5);
  - 3. the Site Plan As Proposed received 19th May 2022 (Drawing no. 0001 P13);
  - 4. the DPD Trailer Park, Site Plan As Proposed received 18th March 2022 (Drawing no. 0002 Rev P3);
  - 5. the Elevations As Proposed received 30th May 2022 (Drawing no.

- 21044-FRA-0001 rev P6);
6. the GA Plan As Proposed – Level 00 received 18th March 2022 (Drawing no. 0001 Rev P4);
7. the GA Plan As Proposed – Level 01 received 18th March 2022 (Drawing no. 0002 Rev P3);
8. the Proposed Site Sections received 30th May 2022 (Drawing no. 0001 Rev P3);
9. the Proposed GA Sections received 30th May 2022 (Drawing no. 0001 P2);
10. the Proposed Waste Compound Details received 18th March 2022 (Drawing no. 0001 P1);
11. the Proposed Cycle Shelters Details received 18th March 2022 (Drawing no. 0002 Rev P1);
12. the GA Plan As Proposed - Level 00 received 18th March 2022 (Drawing no. 0001 P4);
13. the GA Plan As Proposed – Level 01 received 18th March 2022 (Drawing no. 0002 P3);
14. the Plot 100/ DPD Planting Strategy Plan received 18th March 2022 (Drawing no. 0002 P01);
15. the Plot 100/ DPD Planting Schedule received 18th March 2022 (Drawing no. 0003 P01);
16. the Arboricultural Impact Assessment Report received 18th March 2022;
17. the Archaeological Desk-Based Assessment received 18th March 2022;
18. the Design & Access Statement received 18th March 2022;
19. the Desktop Environmental and Geotechnical Site Assessment received 18th March 2022;
20. the Renewable Energy Statement received 18th March 2022;
21. the Flood Risk Assessment received 18th March 2022;
22. the External Lighting Impact Assessment received 18th March 2022;
23. the Noise Impact Assessment received 18th March 2022;
24. the Planning Statement received 18th March 2022;
25. the Statement of Community Involvement received 18th March 2022;
26. the Transport Assessment received 18th March 2022;
27. the Travel Plan received 18th March 2022;
28. the Air Quality Assessment received 25th March 2022;
29. the Plant Schedule received 18th March 2022;
30. the Protected Species Report received 21st July 2022;
31. the Great Crested Newt Survey received 21st July 2022;
32. the Bat Surveys received 21st July 2022;
33. the Notice of Decision;
34. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. 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 written approval prior to the development being commenced (except site

clearance and ground works). Any approved works shall be implemented prior to the development being occupied 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 in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030.

4. Prior to the commencement of development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include and address the following matters (where appropriate):

1. provision of appropriate protective barriers/ boundary hoarding and lighting;
2. dust management and details of the proposed means of dust suppression;
3. details of deliveries times to the site during the construction phase;
4. the construction hours of working;
5. noise management measures;
6. programme of works (including measures for traffic management and operating hours);
7. loading and unloading of plant and materials;
8. piling techniques;
9. location and nature of compounds and storage areas (including maximum storage heights) and factors to prevent wind-whipping
10. waste storage and removal and litter management;
11. temporary buildings and boundary treatments;
12. details of checks of vehicles and other plant for leaks;
13. static plant to be placed on drip trays;
14. preparation of cement and other construction materials;
15. waste minimisation and management measures;
16. bio-security measures to prevent the introduction of disease and invasive species;
17. measures to prevent pollution including the management of site drainage such as the use of silt traps during construction;
18. the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread of invasive species;
19. noise and vibration management (to include arrangements for monitoring, and specifically for any concrete breaking and any piling);
20. there shall be no burning of materials on the site; and
21. any external lighting associated with the development during any ground works/ construction for the purposes of security and site safety shall prevent upward and outward light radiation;
22. protocols for contact and consultation with local people and other matters to be agreed with the local planning authority;
23. wheel washing;
24. vibration management;

- 25. vermin control;
- 26. vehicle control within the site and localised traffic management.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without prior written agreement of the local planning authority.

**Reason:** To avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety in accordance with Policies SP6, IP3 and CM5 of the Carlisle District Local Plan 2015-2030.

- 5. Development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include and address the following matters (where appropriate):

- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- 1. cleaning of site entrances and the adjacent public highway;
- 2. details of measures to prevent mud from vehicles leaving the site during construction including wheel washing facilities and their management;
- 3. the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- 4. construction vehicle routing;
- 5. the management of junctions to and crossings of the public highway and other public rights of way/ footway;
- 6. details of any proposed temporary access points (vehicular/ pedestrian);
- 7. details of provision to ensure pedestrian and cycle safety;
- 8. parking and turning for vehicles of site personnel, operatives and visitors.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without prior written agreement of the local planning authority.

**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 in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

- 6. 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 any highway work commences on site. No highway works shall be commenced until a full specification has been approved in writing. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved including the carriageway, footways, footpaths and cycleways shall be constructed in strict accordance with the



approved details and completed prior to the development being brought into use.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

7. The roadside ditch shall be piped at the access prior to the development being brought into use, in accordance with details which have first been submitted for approval by the Local Planning Authority. The construction shall be in accordance with a specification which has been approved by the Local Planning Authority.

**Reason:** In the interests of safety and in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

8. Prior to the heavy good vehicle trailer parking area being brought into use, details of a Noise Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken and completed in strict accordance with the approved details and retained as approved thereafter unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure that the amenity of existing and future occupiers of neighbouring premises and residential properties are not adversely affected by the development in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

9. Prior to the installation of any external lighting within the development hereby approved, details shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken and completed in strict accordance with the approved details and retained as approved thereafter unless otherwise agreed in writing by the local planning authority.

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

10. Prior to the development being brought into use, bat boxes shall be installed in accordance with details which have been submitted to and approved in writing by the local planning.

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

11. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees and hedges to be retained at the

extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

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

12. The development hereby approved shall not be carried out otherwise than in complete accordance with the mitigation measures and recommendations in the Protected Species Report received 21st July 2022; the Great Crested Newt Survey received 21st July 2022; and the Bat Surveys received 21st July 2022.

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

13. The new access road as detailed on Site Plan As Proposed received 19th May 2022 (Drawing No. 0001 P13) shall be constructed and brought into use prior to the use hereby permitted commencing.

**Reason:** To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety and in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

14. 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.

15. Prior to the building being brought into use, the application should enter into and have completed a S106 to secure a financial contribution for the monitoring of the Travel Plan.

**Reason:** To secure appropriate funding for the monitoring of the Travel Plan in accordance with Policies SP6 and IP3 of the Carlisle





### General Notes

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### Property Schedule

Name	Area (Acres)	Area (Hectares)
Ownership Boundary	314 acres	127 hectare
DPD Planning Boundary	15 acres	6 hectare
DPD Trailer Park Boundary	2 acres	1 hectare

### Boundary Key

Ownership Boundary —  
Site Planning Boundary —

P5	Issued for Planning	15.03.22	AL	AR
P4	Issued for Planning	14.03.22	AL	AR
P3	Issued for Planning	10.05.22	PM	AR
P2	Draft planning issue for comment	04.05.22	PM	AR
P1	Draft planning issue for comment	25.02.22	PM	AR
Rev.	Description	Date	DS	APP

Scale: As indicated @ A1  
Status: S2 Information  
Drawn by: PM  
Checked by: AR  
Date: 25.02.22  
Client:

Kingmoor Park Properties Limited

Project:  
DPD Parcel Depot Facility,  
Plot 100, Kingmoor Business Park,  
Carlisle, CA6 4SJ

Sheet Name:  
Site Location Plan

Project No. Orig. Date Issue Type Date Chg. Date No. Rev.  
21044-FRA-V1-XX-DR-A-01-0001 P5

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w www.fletcher-rae.com  
e info@fletcher-rae.com

Site Plan

Project Name	Project No.	Project Date
Project Location	Project Scale	Project Status
Project Owner	Project Designer	Project Engineer
Project Architect	Project Surveyor	Project Planner
Project Landscape Architect	Project Civil Engineer	Project Mechanical Engineer
Project Electrical Engineer	Project Structural Engineer	Project Environmental Engineer
Project Traffic Engineer	Project Fire Engineer	Project Safety Engineer
Project Security Engineer	Project Health Engineer	Project Quality Engineer
Project Sustainability Engineer	Project Innovation Engineer	Project Future Engineer

Project Name	Project No.	Project Date
Project Location	Project Scale	Project Status
Project Owner	Project Designer	Project Engineer
Project Architect	Project Surveyor	Project Planner
Project Landscape Architect	Project Civil Engineer	Project Mechanical Engineer
Project Electrical Engineer	Project Structural Engineer	Project Environmental Engineer
Project Traffic Engineer	Project Fire Engineer	Project Safety Engineer
Project Security Engineer	Project Health Engineer	Project Quality Engineer
Project Sustainability Engineer	Project Innovation Engineer	Project Future Engineer



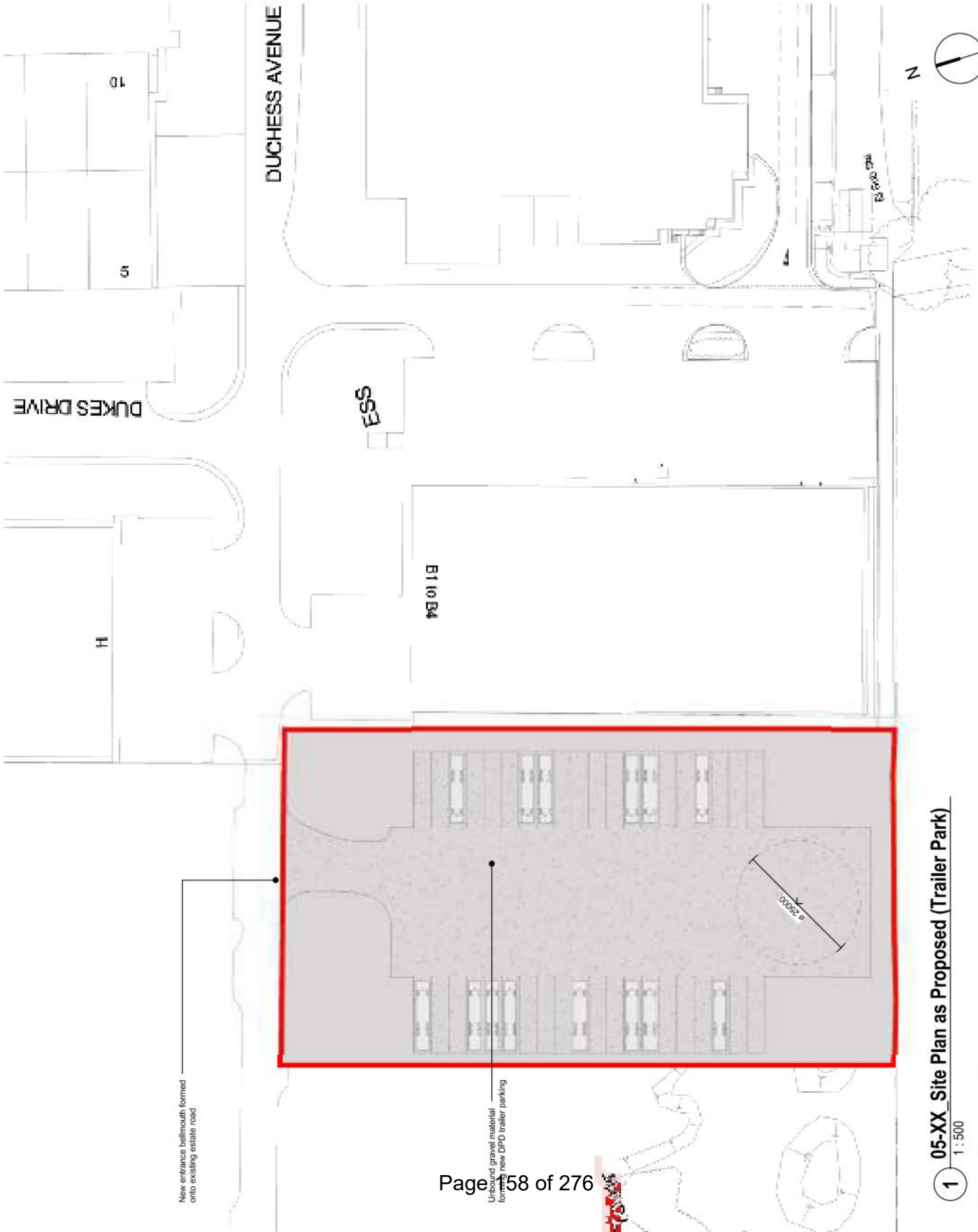
65.00 Site Plan as Proposed



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Parking Schedule - Trailer Park		
Type	Description	Count
PAR-G	HGV Trailer parking bay	40



New entrance bellmouth formed onto existing estate road

Unbound gravel material forming new DPD trailer parking

P3	Issued for Planning	15.03.22	AL	AR
P2	Issued for Planning	14.03.22	AL	AR
P1	Issued for Planning	10.03.22	PM	AR
Rev.	Description	Date	By	App

Scale	1:500 @ A2
Status	S2 Information
Drawn By	PM
Checked By	AR
Date	25.02.22
Client:	Kingmoor Park Properties Limited

Project:  
DPD Parcel Depot Facility,  
Plot 100, Kingmoor Business Park,  
Carlisle, CA6 4SJ  
Sheet Name:  
DPD Trailer Park, Site Plan as  
Proposed

Project No.: 21044-FRA-V1-XX-DR-A-05-0002 P3  
Orig.: Zone Level Type Role CL Date No. Rev  
fletcher-rae  
Architects | Master Planners | Designers  
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w www.fletcher-rae.com  
e info@fletcher-rae.com



Grid lines indicated blue are to the outside face of the steelwork (inside face of cladding rail)

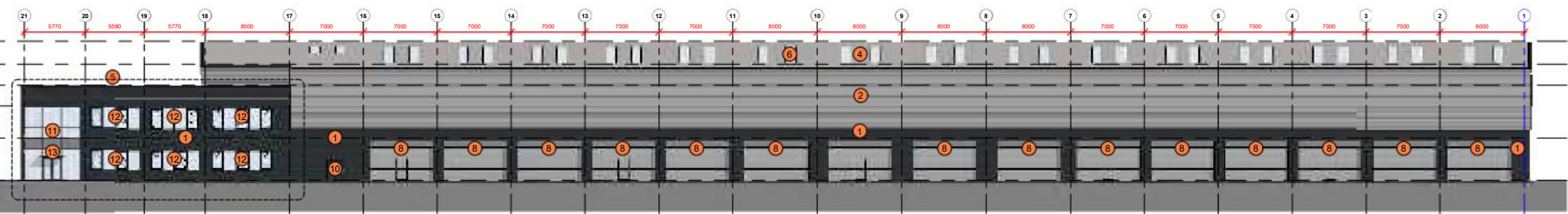
Note:  
All steelwork / grid references are indicative only and are subject to confirmation by Structural Engineer including steelwork / structural grid arrangement / configuration and column sizes.

#### General Notes

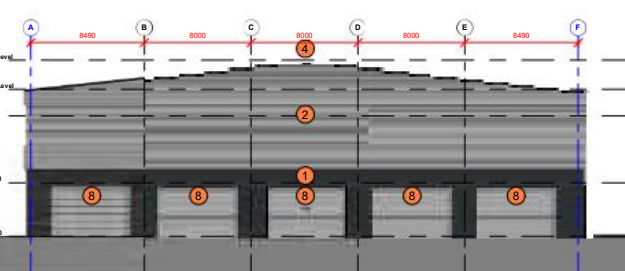
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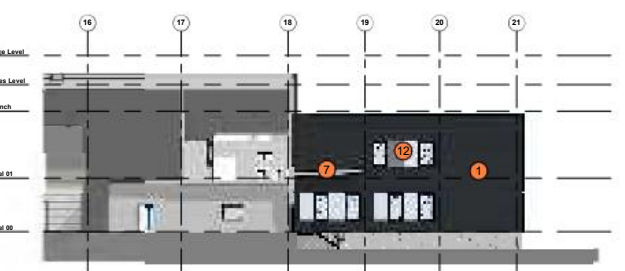
**21-01 Elevation A**  
1:200



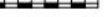
**21-02 Elevation B**  
1:200



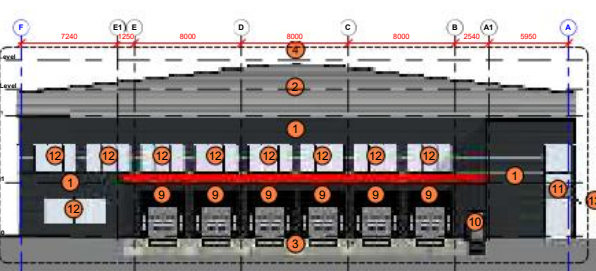
**21-03 Elevation C**  
1:200



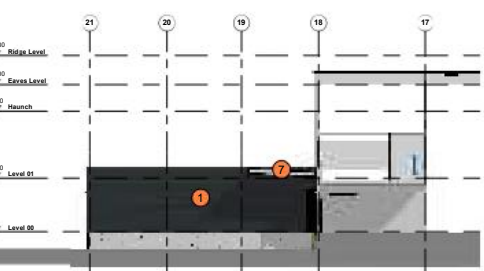
**21-05 Elevation A1**  
1:200



**21-04 Elevation D**  
1:200



**21-06 Elevation C1**  
1:200

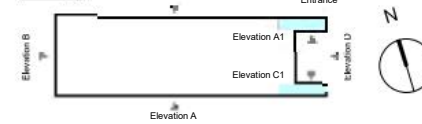


#### Elevation Material Legend

- Walls**
- Horizontally laid, flat composite wall panel  
Manufacturer: Kingspan or equal and similar approved  
Profile Reference: K15 1000R1 - 1.5mm thick  
Core Thickness: 80mm QuadCore  
R-Value: 0.22 W/m²K (to provide min U-value of 0.22 W/m²K)
  - Colours:  
Externally: RAL 7021 (Black Grey)  
Internally: RAL 9003 (White)
  - Horizontally laid, trapezoidal built up insulated wall system  
Manufacturer: CA Group or equal and similar approved  
System Reference: Twin Therm Wall  
Outer Sheet: 0.7mm CA 17 1000R pre-coated steel  
Liner Sheet: 0.7mm CA 17 1000R pre-coated steel  
Thickness: 250mm with 200mm insulation (to provide min U-value of 0.22 W/m²K)
  - Colours:  
Externally: RAL 9006 (Silver)  
Internally: RAL 9003 (White)
  - Concrete retaining 'L' wall / dock pit front wall  
Colour: Smooth concrete
- Roof**
- Trapezoidal built up roof system  
Manufacturer: CA Group or equal and similar approved  
System Reference: Twin Therm Roof  
Outer Sheet: 0.7mm CA 32 1000R pre-coated steel  
Liner Sheet: 0.7mm CA 17 1000R pre-coated steel  
Parapet Capping: PPC 0.3mm profiled aluminium flashing  
Thickness: 272mm with 240mm insulation (to provide min U-value of 0.14 W/m²K)
  - Colours:  
Externally: RAL 9006 (Silver) - BS 15A25 (Dissociating Grey)  
Internally: RAL 9003 (White)
  - Parapet Capping: RAL 7021 (Black Grey)
  - Insulated composite roof deck  
Manufacturer: Kingspan or equal and similar approved  
System Reference: QuadCore Topack  
Liner: TC MC32 Polyisocyanurate Thermal core  
Outer: Thermagrip 32 1000R GRP profile  
Thickness: 125mm (to provide min U-value of 1.4 W/m²K)
  - Colour: RAL 980 70 05 - BS 15A25 (Dissociating Grey)
  - Thermagrip GRP rooflights  
Manufacturer: CA Group or equal and similar approved  
System Reference: Twin-Therm Thermalight Rooflights  
Liner: TC MC32 Polyisocyanurate Thermal core  
Intermediate: Thermagrip 32 1000R GRP profile  
Outer: TBC (to provide min U-value of 1.4 W/m²K)
  - Covering: 19% Roof Coverage
  - Single axis insulated roof (canopy over dock levelers)  
Manufacturer: TBC  
System Reference: TBC  
Outer Sheet: 0.7mm CA 32 1000R pre-coated steel  
Liner Sheet: 0.7mm CA 32 1000R pre-coated steel  
Parapet Capping: PPC 0.3mm profiled aluminium flashing  
Colours:  
Externally: RAL 980 70 05 - BS 15A25 (Dissociating Grey)  
Internally: RAL 9003 (White)  
Parapet Capping: RAL 7021 (Black Grey)

- Doors**
- Loading doors  
Manufacturer: ASSA ABLOY or equal and similar approved  
Product Reference: 1042P insulated panel overhead sectional industrial doors  
Door Opening: 3500mm x 6000mm  
Colours:  
Externally: RAL 9006 (Silver)  
Internally: RAL 9003 (White)  
Note: (to incorporate push door where indicated)
  - Insulated sectional roller shutter doors  
Manufacturer: ASSA ABLOY or equal and similar approved  
Product Reference: Prima Securaplast - PAS 34  
Door: 1042P insulated panel overhead sectional industrial doors  
Door Opening: 3500mm x 6000mm  
Colours:  
Externally: RAL 9006 (Silver)  
Internally: RAL 9003 (White)  
Note: (to incorporate push door where indicated)
  - Insulated steel personnel doors  
Manufacturer: ASSA ABLOY or equal and similar approved  
Product Reference: Prima Securaplast - PAS 34  
Door: 1042P insulated panel overhead sectional industrial doors  
Door Opening: 3500mm x 6000mm  
Colours:  
Externally: RAL 9006 (Silver)  
Internally: RAL 9003 (White)  
Note: (to incorporate push door where indicated)
  - Windows / Curtain Systems
  - Curtain wall framing with insulated double glazed units and integrated entrance door system  
Manufacturer: Kingspan or equal and similar approved  
Product Reference: FVS 50, thermally insulated self-supporting aluminium facade system  
Curtain Wall: FVS 50, thermally insulated self-supporting aluminium facade system  
Integrated Door: FVS 60 CV (Concealed Vang) facade system  
Colour: RAL 7021 (Black Grey)  
Framing: RAL 7021 (Black Grey)  
Spandrel Panels: RAL 7021 (Black Grey)  
TS and turn opening lights to be incorporated into ribbon window system when
  - Misc
  - Glazed canopy over main entrance  
Frame Colour: RAL 7021 (Black Grey)  
Rainwater Gutters & Rainwater Downpipes (where visible): RAL 7021 (Black Grey)

#### Elevation Key



P6	Annotation of levels amended	27.05.22	RT	MC
P5	Levels changed to suit structural design and top levels	24.05.22	RT	MC
P4	Initial Tender Issue	14.04.22	RT	AR
P3	Issued for Planning	10.03.22	PM	AR
P2	Reconfiguration of Mess facilities to incorporate internal escape stairs from 1st floor offices. Issued for comment / approval	02.03.22	PM	AR
P1	Draft planning issue for comment	23.02.22	PM	AR
Rev.	Description	Date	ISS	APP

Scale  
Status  
Drawn By  
Checked By  
Date  
Client:  
As indicated @ A1  
S2 Information  
PM  
AR  
01.02.22

**Kingmoor Park Properties Limited**  
Project:  
DPD Parcel Depot Facility,  
Plot 100, Kingmoor Business Park,  
Carlisle, CA6 4JY  
Sheet Name:  
Elevations as Proposed

Project No. Orig. Zone Level Type Role C1 Orig No. Rev  
21044-FRA-V1-XX-DR-A-21-0001 P6  
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41-0001  
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w www.fletcher-rae.com  
e info@fletcher-rae.com



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PN	Issue for Planning	15.03.22	AL	AR
P3	Issue for Planning	10.03.22	PM	AR
P2	Reconfiguration of Mess facilities to incorporate internal escape stairs from 1st floor offices.	02.03.22	PM	AR
P1	Issue for comment / approval	25.02.22	PM	AR
PN	Decision	Date	NS	App

Scale  
Status  
Drawn By  
Checked By  
Date

**Client:** Kingmoor Park Properties Limited  
**Project:** DPD Parcel Depot Facility,  
Plot 100, Kingmoor Business Park,  
Carlisle, CA6 4SJ

Sheet Name: **GA Plan as Proposed - Level 00**

[illegible]

fletcher | rae

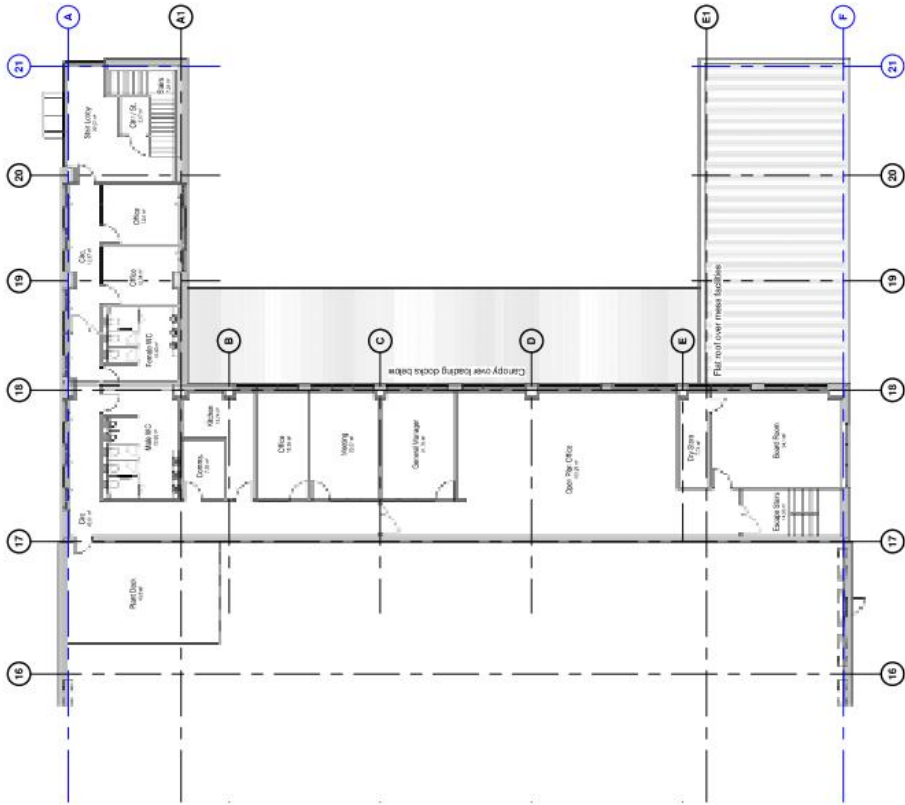
1 20-00 General Arrangement

1 : 200



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P3	Issued for Planning	10.03.22	PM	AR
P2	Reconfiguration of Mess facilities to incorporate internal escape stairs from 1st floor offices. Issued for comment / approval	02.03.22	PM	AR
P1	Draft planning issue for comment	25.02.22	PM	AR
Rev.	Description	Date	ISS	APP
Scale	1: 200 @ A2			
Status	S2 Information			
Drawn By	PM			
Checked By	AR			
Date	01.02.22			
Client:	Kingmoor Park Properties Limited			

Project:  
DPD Parcel Depot Facility,  
Plot 100, Kingmoor Business Park,  
Carlisle, CA6 4SJ

Sheet Name:  
GA Plan as Proposed - Level 01

Project No. Orig. Zone Used Type Role CL Date No. Rev  
21044-FRA-V1-01-DR-A-20-0002 P3  
fletcher-rae  
Architects | Planners | Engineers  
Hill Quay, 5 Jordan Street, Manchester, M15 4PY

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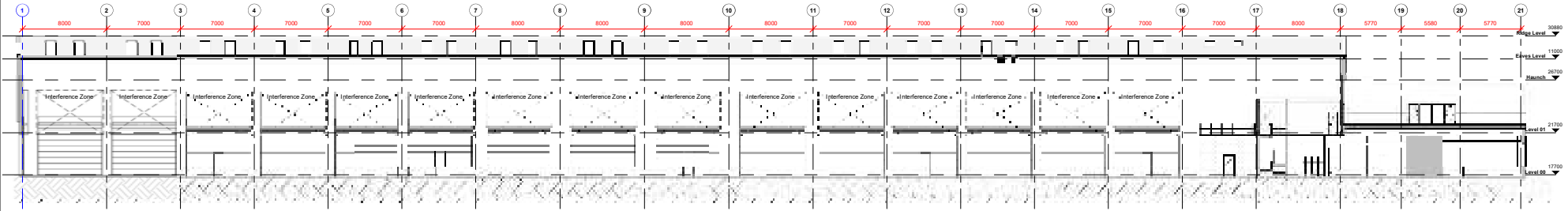


### General Notes

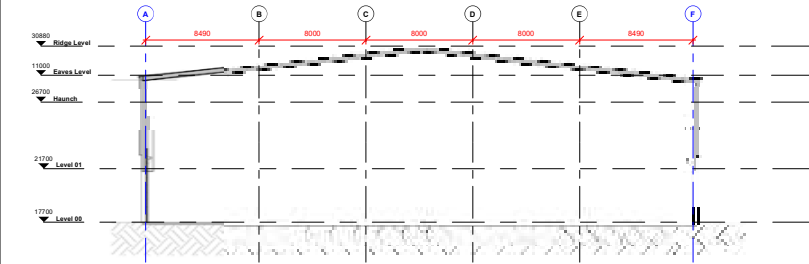
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1 20-01 GA Section A-A  
1:200



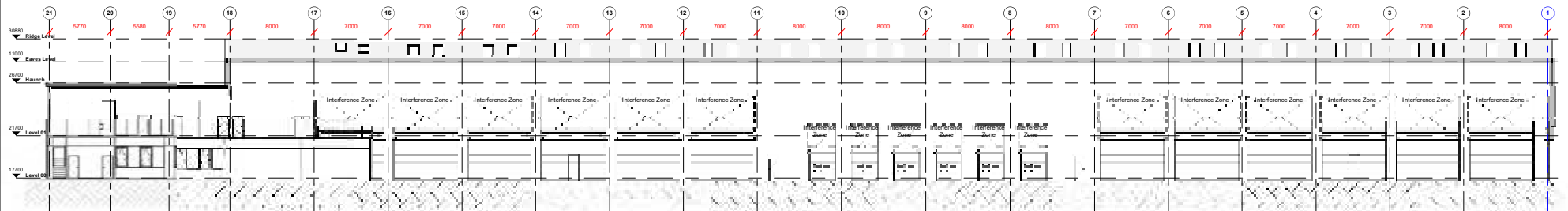
2 20-02 GA Section B-B  
1:200

**Trapezoidal built up roof system**  
Manufacturer: CA Group or equal and similar approved  
System Reference: Tish Thermo Roof  
Outer Sheet: 0.7mm CA 32 1000S pre-coated steel  
Liner Sheet: 0.7mm CA 17 1000S pre-coated steel  
Parapet Capping: PPC 3.0mm profiled aluminium backing  
Thickness: 272mm c/w with 240mm insulation  
(to provide min U-value of 0.16 W/m²K)  
Colours:  
Externally: RAL 600 70 (S) - BS 15A05 (Succoway Grey)  
Internally: RAL 9003 (White)  
Parapet Capping: RAL 7021 (Black Grey)

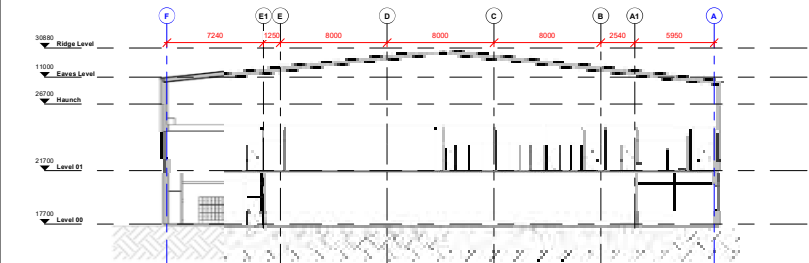
**Preformed insulated gutter compatible with roof system. Size and thickness to contractor's design**  
Colours:  
Externally: RAL 600 70 (S) - BS 15A05 (Succoway Grey)  
Internally: RAL 9003 (White)

**Horizontally laid, trapezoidal built up insulated wall system**  
Manufacturer: CA Group or equal and similar approved  
System Reference: Tish Thermo Wall  
Outer Sheet: 0.7mm CA 40S 30 830 pre-coated steel  
Liner Sheet: 0.7mm CA 17 1000S pre-coated steel  
Thickness: 252mm c/w with 200mm insulation  
(to provide min U-value of 0.22 W/m²K)  
Colours:  
Externally: RAL 9006 (Silver)  
Internally: RAL 9003 (White)

5 Typical Eaves and Gutter Detail  
1:20



3 20-03 GA Section C-C  
1:200



4 20-04 GA Section D-D  
1:200

P2	Levels changed to suit structural design and topo levels	24.05.22	RTC	MC
P1	Initial Tender Issue	14.04.22	RT	AR
Rev.	Description	Date	ISS	APP

Scale: As indicated @ A1  
Status: D1 Tender  
Drawn By: MG  
Checked By: RT  
Date: March 2022

Client: Kingmoor Park Properties Limited  
Project: DPD Parcel Depot Facility, Plot 100, Kingmoor Business Park, Carlisle, CA6 4SJ  
Sheet Name: Proposed GA Sections

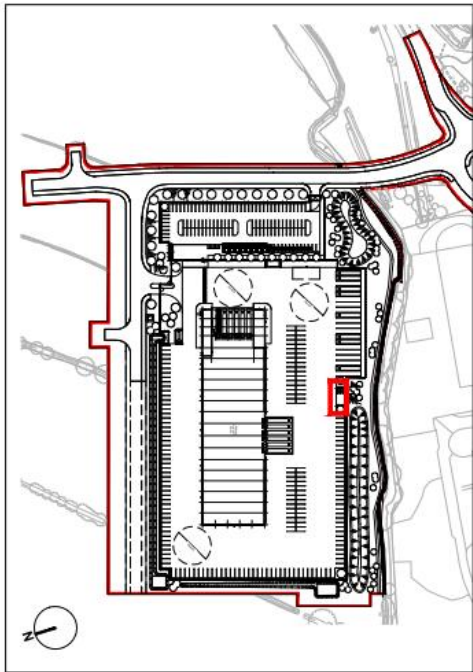
Project No. Orig. Zone Level Type Role C/s Dwg No. Rev  
21044-FRA-V1-ZZ-DR-A-22-0001 P2

**fletcher-rae**  
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All site dimensions shall be verified by the Contractor on site prior to commencing any works.

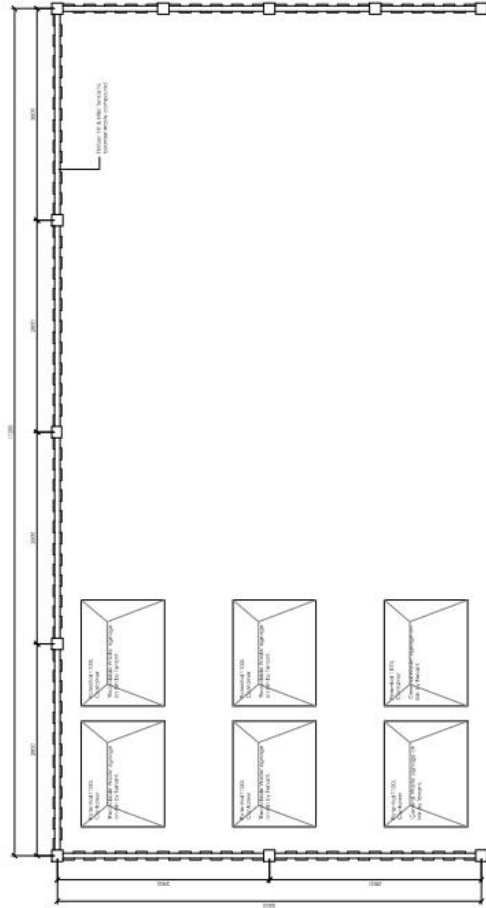
[illegible]

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w [www.fletcher-rae.com](http://www.fletcher-rae.com)  
e [info@fletcher-rae.com](mailto:info@fletcher-rae.com)

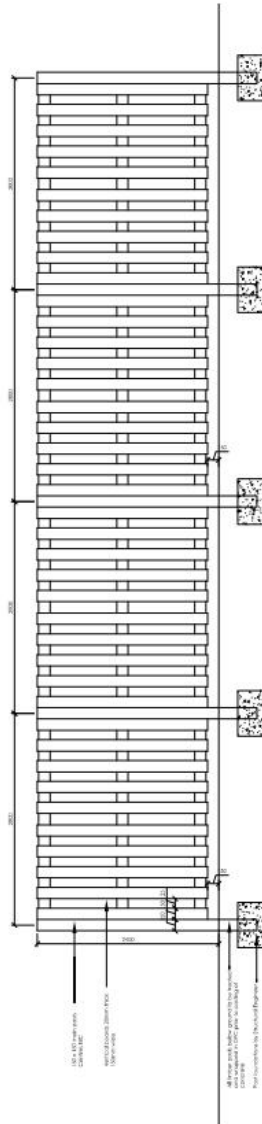


Waste Compound Location Plan NTS

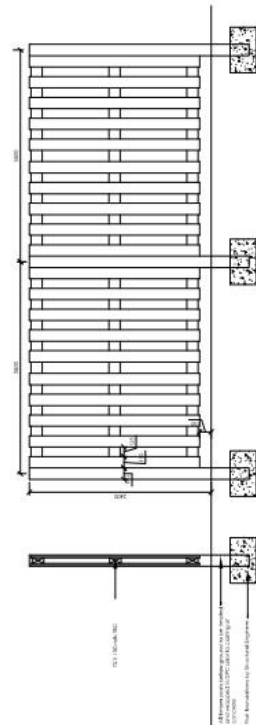
PLAN  
SCALE 1:50



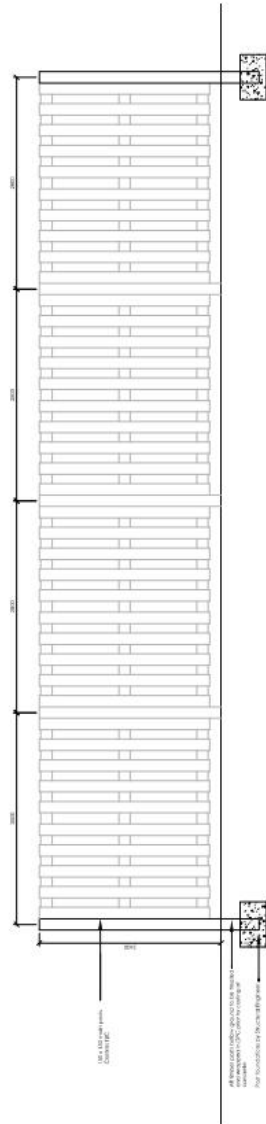
REAR ELEVATION  
SCALE 1:50



PROPOSED SECTION DETAIL AND SIDE ELEVATION  
SCALE 1:50



FRONT ELEVATION  
SCALE 1:50



# General Notes

All site dimensions shall be verified by the Contractor on site prior to commencing any works.  
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Project No. 21044-FRA-V1-XX-DR-A-09-0001  
Rev. Description

Scale 1:50@A2  
Status SZ Information  
Drawn by AL  
Checked by RT  
Date 16.03.21  
Client:

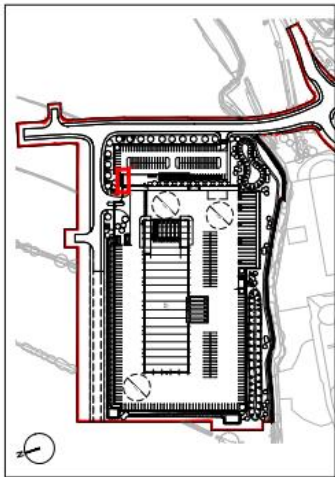
Kingmoor Park Properties Limited  
DPD Parcel Depot Facility,  
Plot 100, Kingmoor Business Park,  
Carlisle, CA6 4SJ  
Proposed Waste Compound Details

Project No. 21044-FRA-V1-XX-DR-A-09-0001  
Rev. Description

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Cycle Shelter Location Plan NTS

### General Notes

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### NOTES:

2 no SHELTERS WITHIN THE DEMISE  
EACH SHELTER ACCOMMODATES 12

### Foundations:

Typical foundation details are calculated for shelters in good sand or gravelly ground. A ground bearing pressure of 100kN/m<sup>2</sup> is assumed for all typical foundations.  
Concrete grades typically C20 for pockets and C25 for bases with reinforcing mesh.

All reinforced bases typically 150mm deep must be laid on compacted hardcore - M20 type 1 stone, regular on placement of order, after which construction may commence, subject to project Structural Engineer on the details.

### Structure & Roof and Side cladding:

Robust modular construction featuring load bearing purlins. Tubular section anti-climb end frames.  
Curved roof glazing bar framing members with Clearview PEG UV cladding.  
All assembled using anti-lamper high strength bolts.

### Bicycle Stands:

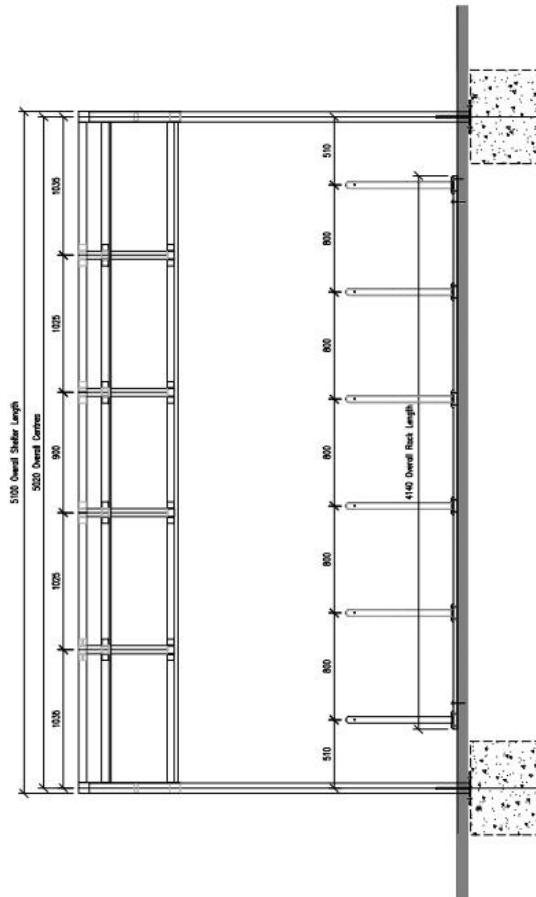
Matching powder coated, tubular hipped style, fixed to concrete pads or bases below external paving surface finish.  
Layout to achieve minimum number of bicycle space provision indicated on the drawing to comply with planning guidelines.

### Cycle Shelter Specification

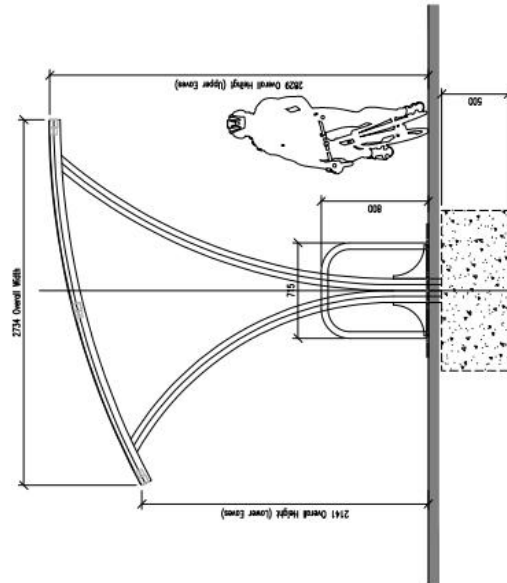
Type:  
Broxap (BRXW/AP) Apollo Cycle Shelter. 2hr shelter, 5m Module size for 12 cycles each. To include provision of matching cycle hoops.  
Frame & cycle hoops to be in light grey (RAL 7038).  
Clear polycarbonate to roof covering.

### Floor:

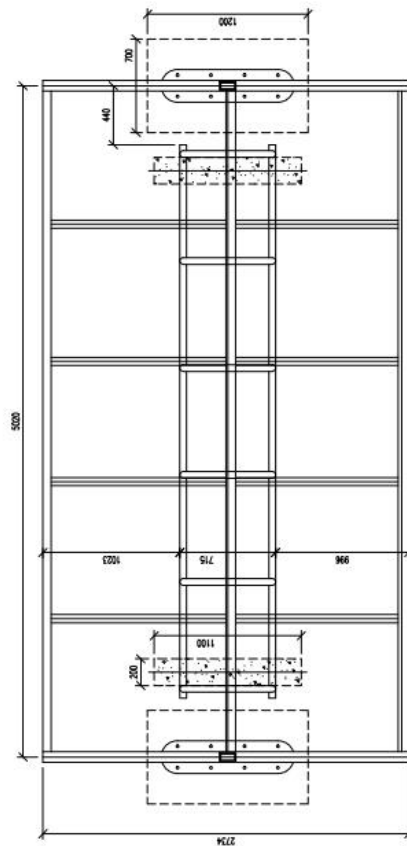
Feature flag paving installed around and within cycle shelter footprint. Paving also dressed around bicycle stand hoops and shelter support posts.  
Shelter and stand supports fixed down to concealed concrete pad foundations to manufacturers requirements and recommendations.



ELEVATION  
SCALE 1:20



SECTION  
SCALE 1:20



PLAN  
SCALE 1:20

P1 - Basis for Planning  
Rev. Description  
16.03.2021 AL RT  
Date

Scale 1:20@A1  
S2020 S2 Information  
Drawn by AL  
Checked by RT  
Date 16.03.21  
Client:

Kingmoor Park Properties Limited

Project:  
DPD Parcel Depot Facility,  
Plot 100, Kingmoor Business Park,  
Garfield, CA6 4SJ  
Proposed Cycle Shelters Details

Project No. 21044-FRA-V1-XX-DR-A-09-0002 P1  
Zone Local Type Sub Ch. Draw No. Rev.

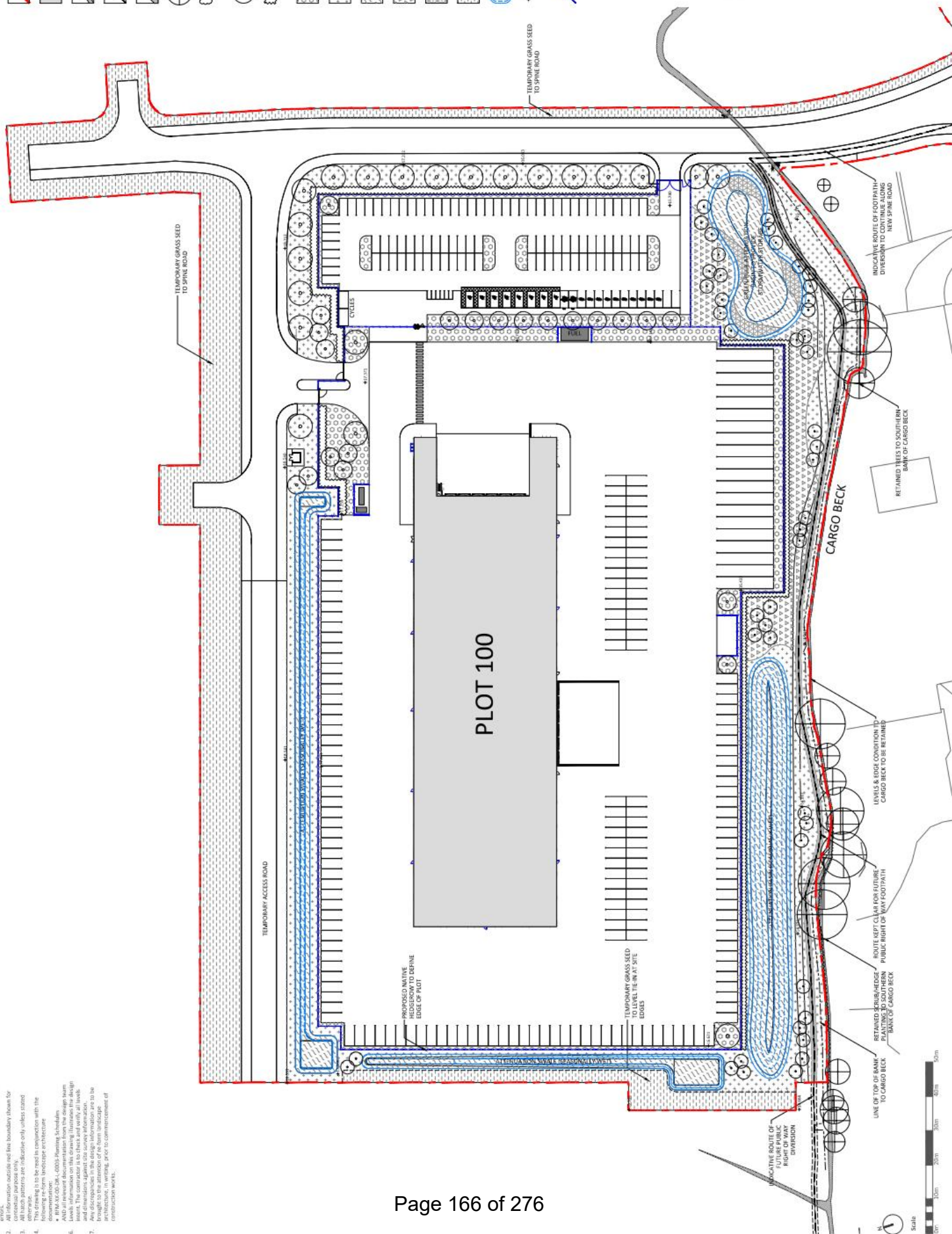
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- Key
- Planning application boundary  
For full extent of planning red line boundary  
refer to architect's drawings
- Proposed building
- Cargo Beck (existing route of watercourse)
- Proposed indicative route of Public Right of Way (diversion from the E2100080)

Page 166 of 276

[illegible]



## SCHEDULE A: Applications with Recommendation

22/0214

Item No: 04

Date of Committee: 05/08/2022

**Appn Ref No:**  
22/0214

**Applicant:**  
Equorium Property  
Company Limited

**Parish:**  
Hayton

**Agent:**  
Harraby Green Associates

**Ward:**  
Brampton & Fellside

**Location:** The Forge, Skellion Farm, How Mill, Brampton, CA8 9JL

**Proposal:** Variation Of Condition 15 & Removal Of Condition 16 Of Previously Approved Permission 14/0003 (Erection Of 1 No. Holiday Letting Unit On Site Of Redundant Agricultural Building) To Enable Mixed Residential And Holiday Let Use Of The Forge/Barn 'B'

**Date of Receipt:**  
16/03/2022

**Statutory Expiry Date**  
11/05/2022

**26 Week Determination**

---

### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

1.1 It is recommended that this application is refused.

#### 2. Main Issues

2.1 Whether The Proposal Would Be Acceptable In Principle

#### 3. Application Details

##### The Site

3.1 Skellion Farm is a two-storey stone farmhouse which lies on the southern side of a courtyard and which is adjoined by a single-storey stone dwelling (which was formerly a barn). Two two-storey stone properties are located on the northern side of the courtyard, one of these is in residential use and one is used as holiday accommodation. A single-storey swimming pool building is located on the western side of the courtyard. A pond is located to the south of the buildings, with open fields adjoining the courtyard to all other

sides.

## Background

3.3 In March 2014, planning permission was granted for the demolition of an open fronted metal shed which was adjoined by a two-storey stone barn and to replace it with a new build holiday let (14/003). An application was also submitted to convert two existing stone barns to two dwellings (14/0004). One of these dwellings is attached to the holiday let, with the other being located on the opposite side of the farmyard, adjacent to the existing farmhouse.

3.4 The following conditions were attached to permission 14/0003 to ensure that the building was used for holiday let purposes only.

15. The building hereby approved shall be used for holiday accommodation only and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning [Use Classes] Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**Reason:** The site is within an area where it is the policy of the Local Planning Authority not to permit additional residential development and to ensure compliance with Policy EC16 of the Carlisle District Local Plan 2001-2016.

16. The building hereby approved shall not be used at any time as sole and principal residences by any occupants.

**Reason:** The site is within an area where it is the policy of the Local Planning Authority not to permit additional residential development and to ensure compliance with Policy EC16 of the Carlisle District Local Plan 2001-2016.

## The Proposal

3.5 This application is seeking to vary condition 15 and remove condition 16 of permission 14/0003 to enable the building to be used for both residential and holiday let use. Condition 15 would be amended to read:

15. The Forge/Barn B shall be used for residential (Use Class C3) and / or holiday accommodation (Sui Generis) and for no other purpose including any other purpose in Classes C3 or Sui Generis of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

3.6 The application is accompanied by a supporting statement which makes the following points:

- the ramifications of the coronavirus (COVID – 19) pandemic has led to a

review of the business model of the Estate, and the consequent effective use of resources. In relation to Barn B/The Forge the difficulties stem from the fact that it is currently unlet and there are periods (particularly outside of the summer months) when the property has remained vacant;

- in such circumstances, the current application has been submitted to vary condition 15 and remove 16 imposed under 14/0003 and thereby give greater flexibility in the occupation of that unit. This would enable The Forge to be occupied either as a holiday let or for a more extensive period as a residential dwelling;

- in comparison to the occupation of the unit as holiday accommodation the impact on such issues as the living conditions of neighbouring residents and biodiversity would not be materially altered because of this application;

- the main issue is considered to be whether the conditions restricting the occupancy of the building to holiday accommodation are necessary and reasonable, having regard to a) the policies of the development plan; b) the strength of the rural economy; and c) the accessibility of the site;

- there is no specific policy in the CDLP 2015-2030 that addresses the removal of holiday occupancy conditions;

- the building, as per the neighbouring dwellings, is capable of permanent occupation;

- it is recognised that the unit has not been subject to a recent separate marketing exercise, but this is because it is integral to the Estate's property portfolio at Skellion Farm. There is no intention to separate The Forge from the remaining dwellings at Skellion Farm. In such circumstances, no evidence is being submitted arguing that there is no demand for the property as holiday accommodation. Rather, the over-riding concern is that the occupation of the building has been seasonal;

- as it stands, the building has ongoing maintenance and operational costs as holiday let accommodation but is currently vacant and not in use for holiday purposes;

- the proposal is the Estate's response to overcoming the disuse of the building and thereby safeguard the visual amenity of the area;

- the imposed conditions arose in the policy context that applied in 2014.

National and local planning policy has evolved since the original grant of planning permission. Paragraph 80(c) of the Framework now indicating that the re-use of disused buildings in the countryside is acceptable, without any preferred hierarchy of uses related to the accessibility of the location. Policy HO6 of the CDLP 2015-2030, similarly, supports the conversion of disused rural buildings without any preference for tourism uses over residential, or any reference to the accessibility of the location;

- if the unit was still disused, its use as a dwelling would accord with the aims of the Framework and the Local Plan regarding the conversion of rural buildings. Consequently, the continued restriction on the occupation of the building for holiday purposes only, is not necessary or reasonable having regard to current development plan policy;

- the occupation of the building for holiday accommodation would have benefits for the rural economy, as tourists would bring trade to businesses and facilities in the area. However, even if a holiday use was re-established, it is likely that the building would be occupied primarily in the summer months, and therefore the economic benefits would be concentrated during the holiday season. Under the current proposal, the occupants of the unit

could support local services and facilities throughout the year;

- whilst the economic benefits arising from a permanent dwelling may be different to a holiday use, we are not suggesting that, in aggregate terms, they would be any less. Consequently, the conditions restricting the occupancy of the building to holiday accommodation, are not necessary or reasonable having regard to the strength of the rural economy;
- the option to use the unit as a dwelling will not give rise to additional highway danger compared to a holiday let;
- it is recognised that the site lies outside the limits of any settlement, but it is also the case that the occupation of the building for holiday purposes would generate a need to access services and facilities. These needs may be different to those of permanent residents, but there is no evidence to indicate that a less restricted residential use would result in a significantly greater level of private vehicular movements, compared with a holiday use;
- it is considered that the conditions restricting the occupancy of the building to holiday accommodation are not therefore necessary or reasonable, having regard to the accessibility of the site;
- condition 15 as worded and condition 16 are not necessary or reasonable in the light of current development plan policies;
- furthermore, a less restricted residential use would neither harm the rural economy nor accessibility;
- taken together, these factors demonstrate that the current restriction is no longer justified. The development, with condition 15 re-worded and removal of condition 16, would comply with Policy HO6 of the Local Plan, which supports the conversion of rural buildings.

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

- 4.1 This application has been advertised by means of a site notice and notification letters sent to three neighbouring properties. No verbal or written representations have been made during the consultation period.

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

**Hayton Parish Council:** - no observations.

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

##### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP2, SP6, H02, H06, EC9, EC11, GI3, GI6, 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 In March 2014, planning permission was granted to demolish an open fronted metal shed which was adjoined by a two-storey stone barn and to replace it with a new build holiday let (14/0003). In March 2014, planning permission was also granted to convert the adjacent two-storey stone barn and a single-storey stone barn attached to the main farmhouse into two dwellings (14/0004). When the application was determined, the proposal to erect a new build holiday unit was acceptable in principle as the NPPF and the Local Plan were (and still are) both supportive of proposals to diversify the rural economy. Similarly, the proposal to convert the existing traditional stone barns into dwellings was compliant with planning policies. Under the National Planning Policy Framework (NPPF), the conversion of traditional barns into dwellings was acceptable, providing there was some enhancement of the immediate area. In this case, bringing the barns back into use and the removal of the modern brick extension to the rear of one barn and the removal of the open fronted metal shed provided enhancements to the immediate area.

6.5 The new build holiday let replaced an open fronted metal shed which was not capable of conversion to a dwelling. Whilst a new build holiday let was acceptable, the erection of a new dwelling in this location would not have been acceptable in 2014 and would not be acceptable under current planning policies.

6.6 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby. Paragraph 80 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality.

- 6.7 Policy HO6 (Other Housing in the Open Countryside) of the adopted Local Plan permits the conversion of structurally sound or disused buildings to dwellings providing that the development would lead to an enhancement to the immediate setting of the building. The building is currently used as holiday accommodation and the change of use of the building to a dwelling would not lead to any enhancement of the building, given that it is relatively recent new build.
- 6.8 Given that the property is a new build, Policy HO2 (Windfall Housing Development) of the adopted Local Plan is relevant and this only permits new housing within or on the edge of Carlisle, Brampton, Longtown and villages within the rural area. Given that the site is located within a farm complex that lies within the open countryside and is not within or adjacent to a village/ settlement, the proposal to remove conditions to allow the property to be used a dwelling would be contrary to Policy HO2.

## **Conclusion**

- 6.9 This proposal is seeking to remove conditions to allow a new build holiday let (which replaced an open fronted metal shed which was not capable of conversion to a dwelling) to be used as a dwelling. Para 80 of the NPPF and Policy HO6 of the adopted Local Plan permit the conversion of redundant or disused buildings to dwellings providing that the development would lead to an enhancement to the immediate setting of the building. The building is currently used as holiday accommodation and the change of use of the building to a dwelling would not lead to any enhancement of the building, given that it is a relatively recent new build. Local Plan Policy HO2 only permits new housing within or on the edge of Carlisle, Brampton, Longtown and villages within the rural area. Given that the site is located within a farm complex that lies within the open countryside and is not within or adjacent to a village/ settlement, the proposal to remove conditions to allow the property to be used a dwelling would also be contrary to Policy HO2.

## **7. Planning History**

- 7.1 In September 2013, an Agricultural Determination was approved for the erection of a storage building for agricultural vehicles and animal feeds (13/0015/AGD).
- 7.2 In March 2014, planning permission was granted for the erection of 1no. holiday letting unit on site of redundant agricultural building (14/0003).
- 7.3 In March 2014, planning permission was granted for conversion of barns to form 2no. dwellings (14/0004).
- 7.4 In July 2015, planning permission was granted for extension to previously approved barn conversion (14/0004) to provide 2no. additional bedrooms

and erection of communal pool hall (15/0200).

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

1. **Reason:** This proposal is seeking to remove conditions to allow a new build holiday let (which replaced an open fronted metal shed which was not capable of conversion to a dwelling) to be used as a dwelling. Para 80 of the NPPF and Policy HO6 (Other Housing in the Open Countryside) of the Carlisle District Local Plan 2015-2030 permit the conversion of redundant or disused buildings to dwellings providing that the development would lead to an enhancement to the immediate setting of the building. The building is currently used as holiday accommodation and the change of use of the building to a dwelling would not lead to any enhancement of the building, given that it is a relatively recent new build. Policy HO2 (Windfall Housing Development) of the Carlisle District Local Plan 2015-2030 only permits new housing within or on the edge of Carlisle, Brampton, Longtown and villages within the rural area. Given that the site is located within a farm complex that lies within the open countryside and is not within or adjacent to a village/ settlement, the proposal to remove conditions to allow the property to be used a dwelling would also be contrary to Policy HO2.
-





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Proposed variation of condition 15 and removal of condition 16 imposed under 14/0003 to allow mixed residential and holiday let use of The Forge/Barn "B" at Skellion Farm, How Mill, Brampton CA8 9JL



## Supporting Planning Statement

### Background Information

In 2014, under application 14/0004, planning permission was given for the conversion of two barns (Barns "A" and "C") to form two dwellings in addition to the existing farmhouse.

Also, under application 14/0003, planning permission was given for "Barn B" as a holiday letting unit. Condition 15 imposed under 14/0003 states:

*"The building hereby approved shall be used for holiday accommodation only and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning [Use Classes] Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification."*

Condition 16:

*"The building hereby approved shall not be used at any time as sole and principal residences by any occupants."*

In the case of both conditions, the reason given was that:

*"The site is within an area where it is the policy of the Local Planning Authority not to permit additional residential development and to ensure compliance with Policy EC16 of the Carlisle District Local Plan 2001-2016."*

Under application 15/0505 conditions 4, 5, 6, 8 and 14 imposed under 14/0003 were discharged.

### Description of Proposal

The planning permissions granted under 14/0003 and 14/0004 have been implemented and the use of Barn B as a holiday let (now known as The Forge) and the remaining properties as dwellings commenced to generate income for the Hayton Estate - Barn A is called the Old Stable House and Barn C The Old Barn.

The ramifications of the coronavirus (COVID – 19) pandemic has led to a review of the business model of the Estate, and the consequent effective use of resources.

In relation to Barn B/The Forge the difficulties stem from the fact that it is currently unlet and there are periods (particularly outside of the summer months) when the property has remained vacant.

In such circumstances, the current application has been submitted to vary condition 15 and remove 16 imposed under 14/0003 and thereby give greater flexibility in the occupation of that unit. This would enable The Forge to be occupied either as a holiday let or for a more extensive period as a residential dwelling.

It is suggested that condition 15 be re-worded along the following lines:

*"The Forge/Barn B shall be used for residential (Use Class C3) and / or holiday accommodation (Sui Generis) and for no other purpose including any other purpose in Classes C3 or Sui Generis of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order."*

Proposed variation of condition 15 and removal of condition 16 imposed under 14/0003 to allow mixed residential and holiday let use of The Forge/Barn "B" at Skellion Farm, How Mill, Brampton CA8 9JL



Supporting Planning Statement

## Planning Policy

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.

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 SP1 (Sustainable Development), SP6 (Securing Good Design), HO6 (Other Housing in the Open Countryside), IP3 (Parking Provision), and GI3 (Biodiversity) of the Carlisle District Local Plan 2015-2030 (CDLP).

Policy HO6 (Other Housing in the Open Countryside) states that new housing in the open countryside will be allowed if it involves the conversion of structurally sound redundant or disused buildings, and providing that it would:

- a) lead to an enhancement of the immediate setting of the building; and
- b) be able to access the road network without the need to construct access tracks which would have an unacceptable impact on the landscape.

On the subject of "Rural Housing", paragraph 80 of the NPPF states that:

*"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *the development would involve the subdivision of an existing residential building; or*
- e) *the design is of exceptional quality, in that it:*
  - *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
  - *would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area."*

## Main Issue

In comparison to the occupation of the unit as holiday accommodation the impact on such issues as the living conditions of neighbouring residents and biodiversity would not be materially altered because of this application.

As such, the main issue is considered to be whether the conditions restricting the occupancy of the building to holiday accommodation are necessary and reasonable, having regard to a) the policies of the development plan; b) the strength of the rural economy; and c) the accessibility of the site.

Proposed variation of condition 15 and removal of condition 16 imposed under 14/0003 to allow mixed residential and holiday let use of The Forge/Barn "B" at Skellion Farm, How Mill, Brampton CA8 9JL



## Supporting Planning Statement

### Assessment

#### *Development Plan*

When assessing the proposal regarding the policies of the CDLP 2015-2030, we would like to make the following points.

Firstly, there is no specific policy in the CDLP 2015-2030 that addresses the removal of holiday occupancy conditions.

Secondly, the building, as per the neighbouring dwellings, is capable of permanent occupation.

Thirdly, it is recognised that the unit has not been subject to a recent separate marketing exercise, but this is because it is integral to the Estate's property portfolio at Skellion Farm. There is no intention to separate The Forge from the remaining dwellings at Skellion Farm. In such circumstances, no evidence is being submitted arguing that there is no demand for the property as holiday accommodation. Rather, the over-riding concern is that the occupation of the building has been seasonal. As it stands, the building has ongoing maintenance and operational costs as holiday let accommodation but is currently vacant and not in use for holiday purposes.

Fourthly, the proposal is the Estate's response to overcoming the disuse of the building and thereby safeguard the visual amenity of the area.

Fifthly, the imposed conditions arose in the policy context that applied in 2014. National and local planning policy has evolved since the original grant of planning permission. Paragraph 80(c) of the Framework now indicating that the re-use of disused buildings in the countryside is acceptable, without any preferred hierarchy of uses related to the accessibility of the location. Policy HO6 of the CDLP 2015-2030, similarly, supports the conversion of disused rural buildings without any preference for tourism uses over residential, or any reference to the accessibility of the location.

Finally, if the unit was still disused, its use as a dwelling would accord with the aims of the Framework and the Local Plan regarding the conversion of rural buildings. Consequently, the continued restriction on the occupation of the building for holiday purposes only, is not necessary or reasonable having regard to current development plan policy.

#### *Rural Economy*

The occupation of the building for holiday accommodation would have benefits for the rural economy, as tourists would bring trade to businesses and facilities in the area. However, even if a holiday use was re-established, it is likely that the building would be occupied primarily in the summer months, and therefore the economic benefits would be concentrated during the holiday season. Under the current proposal, the occupants of the unit could support local services and facilities throughout the year.

Whilst the economic benefits arising from a permanent dwelling may be different to a holiday use, we are not suggesting that, in aggregate terms, they would be any less. Consequently, the conditions restricting the occupancy of the building to holiday accommodation, are not necessary or reasonable having regard to the strength of the rural economy.

Proposed variation of condition 15 and removal of condition 16 imposed under 14/0003 to allow mixed residential and holiday let use of The Forge/Barn "B" at Skellion Farm, How Mill, Brampton CA8 9JL



## Supporting Planning Statement

### *Accessibility*

The option to use the unit as a dwelling will not give rise to additional highway danger compared to a holiday let.

It is recognised that the site lies outside the limits of any settlement, but it is also the case that the occupation of the building for holiday purposes would generate a need to access services and facilities. These needs may be different to those of permanent residents, but there is no evidence to indicate that a less restricted residential use would result in a significantly greater level of private vehicular movements, compared with a holiday use.

On this basis, it is considered that the conditions restricting the occupancy of the building to holiday accommodation are not therefore necessary or reasonable, having regard to the accessibility of the site.

### **Conclusion**

It is considered that condition 15 as worded and condition 16 are not necessary or reasonable in the light of current development plan policies. Furthermore, a less restricted residential use would neither harm the rural economy nor accessibility. Taken together, these factors demonstrate that the current restriction is no longer justified. The development, with condition 15 re-worded and removal of condition 16, would comply with Policy HO6 of the Local Plan, which supports the conversion of rural buildings.

## SCHEDULE A: Applications with Recommendation

22/0364

Item No: 05

Date of Committee: 05/08/2022

**Appn Ref No:**  
22/0364

**Applicant:**  
Etman Enterprises Ltd

**Parish:**  
Dalston

**Agent:**  
Lambe Planning and  
Design Ltd

**Ward:**  
Dalston & Burgh

**Location:** Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX

**Proposal:** Change Of Use Of Land For 38no. Holiday Lodges To Be Used For A  
12 Month Season

**Date of Receipt:**  
09/05/2022

**Statutory Expiry Date**  
04/07/2022

**26 Week Determination**  
08/08/2022

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### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

- 1.1 It is recommended that the application is approved subject to a satisfactory solution to the issue of nutrient neutrality. Should Members be minded to grant permission it is requested that authority to issue the decision is given to the Corporate Director for Economic Development.

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the Grade II\* Listed Building
- 2.3 Impact of the proposal on the Scheduled Monument
- 2.4 Impact of the proposal on the landscape character of the area
- 2.5 Impact of the proposal on the living conditions of neighbouring residents
- 2.6 Proposed drainage methods
- 2.7 Impact of the proposal on highway safety
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other Matters

#### 3. Application Details

## **The Site**

- 3.1 Dalston Hall Caravan Park is located 60-80 metres to the north-east of Dalston Hall Hotel on the eastern side of the B5299 Carlisle to Dalston road. Access to the application site is via an un-adopted access lane off the county highway which also affords vehicular access to Dalston Hall Hotel and Holly Lodge, a private residential property located at the entrance to the access lane.
- 3.2 Views of the caravan site as a whole are limited due to existing hedgerow and mature trees. The application site, subject of this application, is immediately to the east of the 16no. holiday units granted by Members at their meeting in May 2014 (application reference 14/0124) and also of the 9 holiday units approved by the council under delegated powers in 2011 (application 11/0176).

## **The Proposal**

- 3.3 The application seeks full planning permission for the change of use of land for the siting of 38no. holiday lodges to be used for a 12 month season at Dalston Hall Caravan Park. The scale and design of the proposed holiday units would be similar to that of the existing holiday units and be served by their own parking spaces.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of the occupiers of two neighbouring properties and the posting of a site notice. In response, one representation of objection and twenty representations of support have been received.
- 4.2 In summary the issues raised within the representation of objection are:
1. queries the accuracy of the heritage statement;
  2. heritage statement fails to assess contribution that the undeveloped application site makes to the setting of the listed building and relies principally on existing vegetation;
  3. existing vegetation during winter months will not provide a level of screening;
  4. not all of the trees are in the ownership / control of applicant and are not a permanent fixtures with a limited life-span;
  5. lodges not of timber construction and have standard appearance of static caravans which would be an alien feature out of context with setting of listed building;
  6. application site is visible from the two towers of Dalston Hall with any development at the caravan park adversely affecting the setting of the listed building;
  7. Historic England should be notified of the application;
  8. implications of 'Agent of Change' principle should be considered and that the proposed units incorporate appropriate measures to mitigate for any



- alleged noise and disturbance taking place at the adjacent events venue;
- 9. prospective purchasers of the units should be made aware that Dalston Hall is an events venue as this has contributed to complaints being received against activities at Dalston Hall Hotel;
- 10. to determine the application is contrary to Natural England's advice in respect of Nutrient Neutrality.

4.3 In summary the issues raised within the representations of support are:

- 1. support the development as it brings trade to other businesses;
- 2. receive a vast amount of trade from the caravan park on a regular basis;
- 3. following the last 2 years of lost earnings due to closure the whole village would welcome the boost the extension to the caravan park would bring;
- 4. the proposals will help the local economy and businesses in Dalston;
- 5. in favour of bringing more customers into the locality;
- 6. very good for village and passing trade;
- 7. this is tourism beyond the Lake District and would bring more tourists to the area to help secure all local businesses futures;
- 8. will support local businesses and tradespeople.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to the imposition of a pre-commencement condition requiring full details of the surface water drainage system;

**Dalston Parish Council:** - do not wish to make any representations;

**Local Environment - Environmental Protection:** - no objections. Should planning permission be granted, the current site licence would need to be amended for the additional pitches. Spacing, surfaces, sanitation and fire safety would need to conform to the Caravan Control and Development Act 1960;

**Cumbria Constabulary - North Area Community Safety Unit:** - no observations or comment to offer;

**Historic England:** - Historic England (HE) provides advice when HEs engagement can add most value. In this case HE are not offering advice. This should not be interpreted as comment on the merits of the application and suggest that you seek the views of your specialist conservation and archaeological advisers.

## 6. Officer's Report

### Assessment

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

Practice Guidance (PPG), Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP2, SP6, SP7, EC9, EC10, EC11, IP2, IP6, CC5, CM5, HE2, HE3, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The Cumbria Landscape Character Guidance and Toolkit (March 2011), Historic England's document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' and Dalston Parish Neighbourhood Plan 2015-2030 (DPNP) are also material planning considerations.

6.3 The proposal raises the following planning issues:

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

- 6.4 Paragraph 7 of the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 8 and 9 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.
- 6.5 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"*.
- 6.6 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"*.
- 6.7 The aforementioned paragraphs of the NPPF are reiterated in Policies EC9, EC10 and EC11 of the local plan all of which seek to support sustainable rural tourism and leisure developments where they respect the character of the countryside and where identified needs are not met by existing facilities in rural services centres. Specifically, in relation to caravan, camping and chalet

sites, Policy EC10 of the local plan highlights that proposals for the development of caravan sites and the extension of caravan sites will be supported subject to compliance with the criteria identified within the policy.

- 6.8 The Dalston Parish Neighbourhood Plan 2015-2030 does not contain a specific policy in respect of tourism proposals, however; in its vision statement it outlines: *"This Plan aims to protect the rural environment and unique character of the Parish; to enhance the strong community spirit while encouraging the area to have a thriving and sustainable future. To do this, the Plan seeks to manage housing development, protect and promote businesses, support the farming community and to encourage tourism"*. Criterion 7 of its Strategic Objectives stating: *"To support the local economy through its existing businesses, by encouraging new enterprises and facilities which enhance commercial effectiveness and employment opportunities"*. In respect of jobs and the economy the neighbour plan highlights: *"historically this has always been a working Parish, with a recent, gradual increase in tourism. Tourism is an important industry throughout Cumbria and this Parish has much to offer by way of beautiful pastoral scenery ... there are two small campsites, some holiday cottages, Dalston Hall Hotel, but a great dearth of Bed and Breakfast accommodation which is much sought after"*.
- 6.9 Prior to the Covid 19 pandemic, tourism bodies annual statistics highlighted the value of tourism to the British economy through visitor spending and employment opportunities. Figures also detailed how the nature of holidays in the UK was increasingly diverse, with holiday makers going away several times a year, often for short breaks and not exclusively in the summer months.
- 6.10 The application seeks full planning permission for the change of use of land for the siting of 38no. holiday lodges to be used for a 12 month season at Dalston Hall Caravan Park. The submitted Design and Planning Statement outlining that: *"Dalston Hall Holiday Park was established many years ago, the Covid 19 Viral Pandemic has significantly and detrimentally affected the business and has put pressure on the enterprise to adapt to these new trading requirements. This proposal for additional holiday lodges will safeguard the existing enterprise, its existing employment, spends within the local economy, create additional employment and provide a much needed additional holiday lodge facility unlike anything else in the region"*.
- 6.11 The application site, part of a golf course, is immediately to the east of the 16no. holiday units granted by Members at their meeting in May 2014 (application reference 14/0124). The scale and design of the proposed units would be similar to that of the existing holiday units subject of that approval and also of the 9 holiday units approved by the council under delegated powers in 2011 (application 11/0176).
- 6.12 Should Members approve the application, conditions are recommended to restrict the holiday units subject of this application solely for holiday use and not as permanent residential accommodation. A further condition is also recommended that would require the owners/operators of the site to maintain an up-to-date register of the names of all owners/occupiers of the individual

caravans on the site, and of their main home addresses. This register would then have to be made available for inspection by officers of the council to ensure compliance with the existing and recommended conditions. These conditions are in line with another parts of Dalston Hall Caravan Park, other year round opening of caravan sites granted approval within our District, local planning authorities within the UK and by the Planning Inspectorate.

- 6.13 In overall terms, the proposal would be an expansion of an existing sustainable rural tourism business, thereby, ensuring the continued viability of the enterprise. The application site is well related to the existing caravan park as a whole with existing and additional landscaping proposed to minimise any perceived visual impact. Adequate access and parking provision can also be achieved to serve each of the holiday units. Accordingly, the proposal accords with the objectives of the NPPF, relevant local plan policies and the Dalston Parish Neighbourhood Plan 2015-2030.

## **2. Impact Of The Proposal On The Grade II\* Listed Building**

- 6.14 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

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

- 6.15 Accordingly, Members must give considerable importance and weight to the desirability of preserving the adjacent Dalston Hall Hotel, a Grade II\* listed building and its setting when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.16 Protecting and enhancing the historic environment is also an important component of the National Planning Policy Frameworks drive to achieve sustainable development. Paragraph 189 highlights that: *"heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".*
- 6.17 Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict

between the heritage asset's conservation and any aspect of the proposal.

- 6.18 In considering potential impacts on heritage assets, paragraph 200 of the NPPF seeks to ensure that: "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ...".
- 6.19 The aims of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF are reiterated at a local level. Policies SP7 and HE3 of the local plan seeking to ensure that listed buildings and their settings are preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweigh the harm.
- 6.20 In light of the foregoing, Members need to have cognizance of: a) the significance of the adjacent Grade II\* listed building and the contribution made by its setting; and then assess b) the effect of the proposal on the Grade II\* listed building and its setting (inclusive of its significance and on the appreciation of that significance).
- a) the significance of the adjacent Grade II\* listed building and the contribution made by its setting
- 6.21 The south western periphery of the application site is located approximately 50 metres from the north eastern corner of Dalston Hall Hotel. As previously outlined, Dalston Hall Hotel is a Grade II\* Listed Building. By way of background, listed buildings within England which are categorised as Grade I, Grade II\* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of listed buildings are Grade I. Grade II\* listed buildings are particularly important buildings of more than special interest, 5.8% of listed buildings are Grade II\*. The final tier of listed buildings are Grade II listed buildings are of special interest; 91.7% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner. Historic England's website details that: "surprisingly the total number of listed buildings is not known, as one single entry on the National Heritage List for England (NHLE) can sometimes cover a number of individual units, such as a row of terraced houses. However, we estimate that there are around 500,000 listed buildings on the NHLE".
- 6.22 Dalston Hall Hotel was listed by English Heritage as a Grade II\* Listed Building in 1984. The listing details are as follows:
- "Fortified house now hotel. Mid or late C15, dated by inscription below parapet: JOHN DALLSTON ELSABET MI WYF MAD YS BYLDYNG. West wing c1556 for Sir John Dalston, with central block of c1620; late C17 alterations and further extensions, dated 1899 on lead rainwater heads, by C.J Ferguson for E.W Stead. Large blocks of red and calciferous sandstone. Flat lead roofs on towers; graduated green slate roofs on wings, ashlar chimney stacks. 3-storey C15 tower to right; 4-storey C16 tower to left, linked together by C16 wings and C19 extension to rear. Early tower has extremely*

*thick walls on chamfered plinth with string courses and battlemented parapet. Angel stair turret projecting above parapet has 4 C15 carved shields of arms of the Kirkbride and Dalston families. 2-light stone mullioned windows with rounded headed in round arch. Interior: stone vaulted basement, now library. Newel Staircase for full 3 storeys to roof. Ground floor inner yett of iron is C15. Bedroom above has mural recess: former fireplace cut through to form bathroom. Wing to left has plank door in roll-moulded architrave. 2- and 3-light stone mullioned windows in roll-moulded architraves. Roll-moulded cornice has cannon-like water spouts. Battlemented tower to left with similar 2- and 3-light windows. Side wall to right has corbelled-out semicircular stair turret from first floor to roof. C19 extensions have stone mullioned windows imitating the earlier work. C20 extension to extreme right is not of interest. Interior of C16 wing was extensively altered by C J Ferguson in Arts and Crafts style; banqueting hall inglenook with firehood of pewter dated 1900 with initials E.W.S. Ground floor room on extreme left has fireplace with William de Morgan tiles".*

- 6.23 The importance of Dalston Hall as an example of an historic former fortified building is further referenced in "The Medieval Fortified Buildings of Cumbria" (Perriam and Robinson, 1998).

- 6.24 Dalston Hall is a visually impressive and historic Grade II\* listed building that has part of its landscaped garden surviving but the re-alignment of the drive altered much of this. The Hall has a woodland setting although the topography of the surrounding land is undulating resulting in the Hall and associated gardens nestling into the landscape such that the ground and first floor views from the building are predominantly to the east and towards Dalston. The views from the fifteenth and sixteenth century towers are naturally more extensive although those towards the River Caldew are obscured by the existing trees and topography. When viewing the property there is an overriding sense that the contribution made by the setting has changed over the years from its origins as a fortified house, with the consequent need to view all surroundings, to the work carried out in the nineteenth century with the aspect of the landscaped garden achieving a greater significance. A marquee has also been erected within the grounds which Members gave temporary permission for its retention at the Development Control meeting on the 14th February 2020 (application reference 19/0243).

b) the effect of the proposal on the Grade II\* listed building and its setting

- 6.25 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. Accordingly, considerable importance and weight needs to be given to the desirability of preserving Dalston Hall Hotel and its setting when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.26 As highlighted earlier in the report, when considering potential impacts of a proposed development on the significance of a designated heritage asset,

great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 199 of NPPF).

Paragraph 200 of the NPPF outlining that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ..."*. Paragraph 202 expanding by stating that: *"where a proposed development would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.

- 6.27 Planning Practice Guidance (PPG) outlines that: *"when assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation"* (Paragraph 013 Reference ID: 18a-013-20190723). In relation to harm, paragraph 018 Reference ID: 18a-018-20190723 of the PPG highlights: *"whether a proposal causes substantial harm will be a judgement for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases ... it is the degree of harm to the asset's significance rather than the scale of the development that needs to be assessed. The harm may arise from works to the asset or from development within its setting"*.
- 6.28 Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
- 6.29 The TSHA document details the definition of the setting of a heritage asset as that contained within Annex 2: Glossary of the NPPF as: *"the surroundings in which heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 6.30 The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking. The TSHA stating that: *"all heritage assets have significance, some of which have particular significance and are designated. The contribution made by their setting to their significance also varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of*



*the change. It can also depend on the location of the asset: an elevated or overlooked location; a riverbank, coastal or island location; or a location within an extensive tract of flat land may increase the sensitivity of the setting (i.e. the capacity of the setting to accommodate change without harm to the heritage asset's significance) or of views of the asset. This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis".*

- 6.31 A third party, who objects to the proposal, has employed a planning consultant to act of his behalf. This representation of objection has been reproduced in full for Members. In respect of the impact of the proposal on the setting of the listed building the salient points that the Agent raises are that: "*... the undeveloped section of the caravan park makes a positive contribution to the setting of Dalston Hall ... the Heritage Statement fails to assess in a meaningful way the contribution that the undeveloped application site makes to the setting of the listed building and relies principally on the presence of existing vegetation that has, in the author's view, the effect of screening the development ... the Heritage Statement's reasoning also disregards the fact that not all of the trees that provide a screening effect are in the applicant's ownership or control and that the trees are not permanent fixtures. Trees have a limited lifespan, and they will at some point die or need to be felled. As such, it cannot be assumed that the trees will have the alleged screening effect for the lifetime of the development ... the assessment limits itself to the assertion that Dalston Hall Hotel cannot be seen from the caravan park due to tree cover (notably no reference is made to the winter months); however, it fails to take into account the fact that the caravan park is visible from the elevated position of Dalston Hall Hotel, specifically its two towers, which are significant to its historical context as a fortified house. Patrons who are staying at Dalston Hall Hotel often request to visit the rooftop area and it is an integral part of their experience of staying in this Grade II\* Listed Building. As such, views from the towers are not limited solely to staff but are available to the wider public ... any suggestion that the intervening deciduous vegetation has a screening effect during the winter months is clearly a flawed rationale. It also fails to take account of the fact that the trees that are heavily relied upon to mitigate the impact of the development will not provide a permanent solution to the harm that will arise to the setting of the building if the static caravans are visible ... it is submitted that the correct approach would be to: 1. assess the impact that the development will have during the winter months; 2. discount those trees that are not in the applicant's ownership or control; and 3. to correctly assume that the vegetation in question will not provide a permanent degree of mitigation to the potential impact upon the setting of the Grade II\* Listed Building for the lifetime of the development. It is only once that the above reasonable tests are applied objectively to the development in question that a true assessment of the impact can be concluded in terms of whether the proposed development has "substantial harm" or "less than substantial harm" to the building's setting ... it is the objector's firm view that the ability to view any of the static caravans will result in substantial harm to the setting of the listed building".*

- 6.32 As highlighted earlier in the report, Dalston Hall is a visually impressive and

historic Grade II\* listed building. The Hall has a woodland setting although the topography of the surrounding land is undulating resulting in the Hall and associated gardens nestling into the landscape such that the ground and first floor views from the building are predominantly to the east and towards Dalston. As found during previous site visits to Dalston Hall the views from the fifteenth and sixteenth century towers are naturally more extensive although those towards the River Caldwel are obscured by the existing trees and topography. In respect of the setting of the building this has evolved over the years through its use as a hotel. Works include the re-alignment of the driveway, formation of car parking, nineteenth century extensions together with the retention of a marquee.

- 6.33 When considering the immediate setting of Dalston Hall Hotel, the topography of the surrounding area is such that the property is located at a lower level than that of the application site. As found during the assessment of earlier applications for the caravan park, from within the grounds of Dalston Hall itself (excluding glimpses from the eastern end of the car park) there are no views of the caravan park due to the lower ground level, the existing boundary treatments and mature landscaping. From the eastern end of the car park, which also provides an alternative route to the retained marquee, any views of the caravan park is mitigated through extensive landscaping.
- 6.34 In respect of the views from the fifteenth and sixteenth century towers and their associated battlements, access and viewing by the public is restricted not only physically but also because previously the proprietor had advised that he insists on a member of staff being present. However, it needs to be acknowledged that the significance of such a heritage asset is not necessarily dependent upon their being an ability to experience the setting in question. From both towers, to varying degrees, there are views of parts of Dalston Hall Caravan Park. In respect of this current application; however, due to the existing mature landscaping belts along the shared boundary only partial views of some of the ramparts of one of the towers together with a chimney are visible from areas along the eastern boundary of the applications site. The current proposal would not affect the existing wood, nor the remaining views such as the landscaped garden and views towards Dalston. In the context of the caravan site as a whole, although the proposal is for the siting of a further 38no. static holiday units, given the existing and proposed landscaping, the proposal will have a less than substantial harm on the adjacent heritage asset or its setting.
- 6.35 In respect of the wider context of the setting of Dalston Hall Hotel, although sections of the caravan park are visible from the B5299 when travelling from Carlisle towards Dalston, Dalston Hall Hotel and its grounds together with the application site are screened by mature trees and hedgerows. Public Footpath 114018 follows the railway line located approximately 280 metres to the east of Dalston Hall; however, any views of Dalston Hall are again restricted due to the topography of the land and existing landscaping. Views from the caravan park are already constrained by existing mature landscaping and a 2.8 metre high brick wall.
- 6.36 In consideration of the proposal, the holiday units would be viewed against

the backdrop of existing caravans located on part of the golf course and in other parts of the caravan site, mitigated by the existing belts of mature landscaping together with proposed landscaping within the application site itself. In such a context it is evident that the proposal would not appear detached from the existing caravan park and the location is not considered to be highly visible. Concerns have been raised by a third party in respect of the ability of the existing and proposed landscaping to screen the proposal from the adjacent listed building especially during the winter months. The scheme proposes the retention of existing landscaping together with additional planting. The imposition of a condition is also recommended that would require the submission of a landscaping scheme. A further condition is also recommended that would ensure that any landscaping is maintained thereafter and that any trees which die, are removed or become seriously damaged or diseased shall be replaced with others of similar size and species. The submission of details of any proposed lighting within the application site would also help to mitigate any perceived visual impact.

- 6.37 In summary, Dalston Hall is a Grade II\* Listed Building that has a woodland setting although the topography of the surrounding land is undulating resulting in the property with its associated gardens nestling into the landscape. There is an overriding sense that the contribution made by the setting has changed over the years from its origins as a fortified house, with the consequent need to view all surroundings, to the work carried out in the nineteenth century, the retention of the marquee with the aspect of the landscaped garden and the views towards Dalston latterly appearing to have a greater significance. The importance of its setting, however; throughout the history of the building should be given equal significance. When considering the degree to which the proposed changes enhance or detract from that significance, and the ability to appreciate that asset, the current proposal does neither alter the existing landscaping nor affect the views of the landscaped garden and towards Dalston. In the case of the views from the towers, the proposal would have a less than substantial harm given the relationship of the proposed holiday units with the caravan site as a whole together with existing and proposed landscaping. It is appreciated that views of the caravan site from Dalston Hall Hotel may be more apparent during the winter months; however, it would not be so significant to have a negative impact on the adjacent listed building or its setting. In overall terms, the proposal would have a less than substantial impact on the adjacent heritage asset or its setting.
- 6.38 Historic England (HE) has been consulted and advises that HE provides advice when HEs engagement can add most value. In this case HE are not offering advice. This should not be interpreted as comment on the merits of the application and suggest that the council seek the views of its specialist conservation and archaeological advisers.
- 6.39 The City Council's Conservation Officer has advised that the proposal any application should be assessed against Historic England's document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)'. As the document indicates setting includes views from the asset outwards, so the caravan park will potentially engender

a degree of harm if it is visible from the Hall.

- 6.40 In accordance with the objectives of NPPF, PPG, Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant local planning policies, this less than substantial harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use.
- 6.41 In the context of the foregoing, the benefits of the proposal would: a) contribute to the local economy through visitor spending; and b) safeguard existing employment.
- 6.42 Accordingly, the benefits of the proposal clearly outweigh any perceived harm to the listed building and its setting.

### **3. Impact Of The Proposal On The Scheduled Monument**

- 6.43 The NPPF and local plan recognises the heritage assets are an irreplaceable resource. The overriding objective of Policy HE2 is to ensure that heritage assets are preserved in perpetuity. Bishop' Dyke a Scheduled Monument is located along part of the northern boundary of the existing caravan park approximately 170 metres from the application site with intervening caravan stances. Given the distance of the application site together with the intervening holiday units within Dalston Hall Caravan Park, the proposal would not have a detrimental impact on the scheduled monument.

### **4. Impact Of The Proposal On The Landscape Character Of The Area**

- 6.44 The Cumbria Landscape Character Guidance and Toolkit (March 2011) identifies that the site falls within the Cumbria Landscape Character Sub-Type 5a 'Ridge and Valley' and is neighboured by Sub-Type 5b 'Low Farmland'. The toolkit advises that key characteristics of Sub-Type 5a landscape are: a series of ridges and valleys that rises gently towards the limestone fringes of the Lakeland Fells; well managed regular shaped medium to large pasture fields; hedge bound pasture fields dominate, interspersed with native woodland, tree clumps and plantations; scattered farms and linear villages found along ridges; and large scale structures generally scarce.
- 6.45 In consideration of the proposal, the holiday units subject of this application would be located on land immediately adjacent to other static holiday units and would also be viewed against the backdrop of existing belts of mature landscaping. Further landscaping within the application site itself would also help to mitigate any perceived visual impact. Accordingly, the proposal would not have a detrimental impact on the landscape character of the area.

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

- 6.46 Policies within the local plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One

of the criterion of Policy SP6 being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments.

- 6.47 Holly Lodge is sited at the entrance of the access road which serves the existing caravan site and Dalston Hall Hotel. In respect of traffic movements, the proposal would increase the number of units within the site; however, it is unlikely that all of the units would be occupied at the same time. In overall terms, given the existing use of the access road which also serves Dalston Hall Hotel, the proposal would not have a significant detrimental impact through intensification of use, noise or disturbance on the occupiers of neighbouring properties.

## **5. Proposed Drainage Methods**

- 6.48 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development and that development proposal do not have an adverse impact on the environment. The submitted documents illustrating that foul drainage from the proposed development would be to a package treatment plant with surface water disposed of via existing soakaways.
- 6.49 In respect of the disposal of surface water drainage, the Lead Local Flood Authority (LLFA), raise no objections to the proposal subject to the imposition of a pre-commencement condition requiring the submission of a surface water drainage scheme.
- 6.50 The submitted details illustrate that foul drainage from the proposed development would enter a package treatment plant; however, no details have been provided, therefore, a condition is recommended ensuring the submission of details in respect of foul drainage. Nevertheless, as Members are aware, alongside other local planning authorities, Carlisle City Council received a letter dated 16th March 2022 from Natural England about nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). The letter advised that new development within the catchment of these habitats comprising overnight accommodation can cause adverse impacts to nutrient pollution.
- 6.51 Whilst the council assesses the implications of these matters, it cannot lawfully conclude that development within the catchment of the River Eden SAC will not have an adverse effect. Until these matters are resolved, the council will not be able to grant planning permission for developments comprising overnight accommodation within the affected catchments until such time that it can be demonstrated that the development can mitigate/achieve nutrient neutrality.

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

- 6.52 Policies EC10 and EC11 of the local plan seek to ensure that development proposals should normally be accessible by public transport, walking and

cycling. However; for some developments in the rural area this may not be possible. In these cases, new development should be able to demonstrate that adequate access/parking is available and that proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.

- 6.53 Access to the caravan park is currently via an un-adopted access lane off the B5299 county highway. These access arrangements will remain unchanged with parking to serve each of the holiday units provided adjacent to each of the proposed units. Cumbria County Council, as Highway Authority, has been consulted and raise no objections. In light of the views of the Highway Authority, the proposal will not have a detrimental impact on highway safety.

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

- 6.54 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. Furthermore, the proposal includes additional landscaping, thereby, providing an opportunity for net biodiversity gain. To protect biodiversity and breeding birds during any construction works, informatives are recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

## **8. Other Matters**

- 6.55 A planning consultant acting on behalf of a third party alleged that: *"Dalston Hall Hotel has historically been subject to protracted and unsubstantiated complaints of alleged noise disturbance from the owner of Dalston Hall Caravan Park and some of its patrons".* The planning consultant draws attention to paragraph 187 of the NPPF which outlines: *"existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."* The planning consultant goes on to highlight that *"Dalston Hall Hotel has existed as an events venue prior to the establishment of Dalston Hall Caravan Park. The implications of the 'Agent of Change' principle are such that the onus is on the applicant to ensure that the proposed caravans incorporate appropriate measures to mitigate the alleged noise disturbance from activities taking place at Dalston Hall Hotel. It is also respectfully requested that the applicant informs prospective purchasers or occupiers of the caravans of the fact that Dalston Hall Hotel is an events venue as this appears to be a factor that has contributed to complaints having been received against activities at Dalston Hall Hotel".*
- 6.56 The proposal seeks permission for the siting of 38no. static holiday units at Dalston Hall Caravan Park which would be located close to the boundary of

Dalston Hall Hotel and its marquee. Given that the application would introduce caravans within an area which has not previously been used as a caravan site in line with paragraph 187 of the NPPF the onus is on the applicant to provide suitable mitigation measures and make the prospective purchasers aware of the presence of the adjacent events venue.

## Conclusion

- 6.57 In overall terms, the principle of development is considered to be acceptable. The proposal would not have a detrimental impact on the Bishop's Dyke Ancient Monument or the landscape character of the area. It would not lead to any demonstrable harm to the living conditions of the occupiers of any neighbouring properties nor have a detrimental impact on highway safety or biodiversity. The proposed method for the disposal of surface water drainage is also acceptable subject to compliance with a pre-commencement condition. The foul drainage system would also be subject of a pre-commencement condition and have to satisfy the requirements of the The Conservation of Species and Habitats Regulations 2017 to ensure that the development can mitigate/achieve nutrient neutrality.
- 6.58 The adjacent Grade II\* Listed Building, Dalston Hall Hotel, is located within an undulating woodland setting resulting in the property with its associated gardens nestling into the landscape. There is an overriding sense that the contribution made by the setting has changed over the years from its origins as a fortified house, with the consequent need to view all surroundings, to the work carried out in the nineteenth century, the retention of the marquee with the aspect of the landscaped garden and the views towards Dalston latterly appearing to have a greater significance. The importance of its setting, however; throughout the history of the building should be given equal significance. When considering the degree to which the proposed changes enhance or detract from that significance, and the ability to appreciate that asset, the current proposal neither alters the existing landscaping nor affect the views of the landscaped garden and towards Dalston. In the case of the views from the towers, the proposal would have a less than substantial harm given the relationship of the proposed holiday units with the caravan site as a whole together with existing and proposed landscaping. It is appreciated that views of the caravan site from Dalston Hall Hotel may be more apparent during the winter months; however, it would not be so significant to have a negative impact on the adjacent listed building or its setting. In overall terms, the proposal would have a less than substantial impact on the adjacent heritage asset or its setting. Furthermore, the benefits of the proposal would: a) contribute to the local economy through visitor spending; and b) safeguard existing employment.
- 6.59 It is recognised and understood that under Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 considerable importance and weight still needs to be given to the desirability of preserving Dalston Hall Hotel and its setting even if the harm is found to be less than substantial. On balance and having attributed special weight to the desirability of preserving the setting of Dalston Hall, the proposal accords with the objectives of the National Planning Policy Framework, Planning Policy Guidance, Section 66 of



the Planning (Listed Buildings and Conservation Areas) Act 1990, The Carlisle District Local Plan and supplementary material planning considerations.

- 6.60 Accordingly, the application is recommended for approval subject to a satisfactory solution to the issue of nutrient neutrality. Should Members be minded to grant permission it is requested that authority to issue the decision is given to the Corporate Director for Economic Development.

## **7. Planning History**

- 7.1 The site and adjacent fields have a long and varied history through its use as a caravan site and a former golf course.

## **8. Recommendation: Granted Subject to Nutrient Resolution**

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 3rd May 2022;
2. the Heritage Statement received 3rd May 2022;
3. the site location plan received 9th May 2022;
4. the layout plan received 3rd May 2022 (Drawing No. DHP/21/1.2);
5. the holiday unit elevations received 9th May 2022;
6. the holiday unit floor plans received 9th May 2022;
7. the holiday unit images received 9th May 2022;
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 commencement of development full details of the package treatment plant including details to mitigate nutrient emission from the plant shall be submitted to and approved in writing by the local planning authority. No holiday unit shall be occupied until the foul drainage system serving that holiday unit is connected to the foul drainage system.

**Reason:** To ensure that adequate foul drainage facilities are available in accordance with Policy IP6 of the Carlisle District Local Plan 2015-30.

4. Prior to commencement of development 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. 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 manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk no not increased within the site or elsewhere in accordance with Policies CC4, CC5 and CM5 of the Carlisle District Local Plan 2015-2030.

5. Notwithstanding any description of landscaping details in the application trees and shrubs shall be planted in accordance with a scheme to be agreed with the Local Planning Authority before work commences. The scheme shall include the use of native species and shall include particulars of the proposed heights and planting densities and shall be retained and maintained thereafter.

**Reason:** To ensure that a satisfactory landscaping scheme in prepared in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the site or the completion of the development, whichever is the sooner, and maintained thereafter; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that if fulfils the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

8. Prior to installation details of any proposed means of external lighting to serve the extension to the existing caravan park hereby permitted shall be submitted to and approved in writing beforehand by the Local Planning Authority.

**Reason:** To safeguard the character of the area.

9. The total number of static holiday units to be stationed within the application site at any one time shall not exceed 38no.

**Reason:** For the avoidance of doubt.

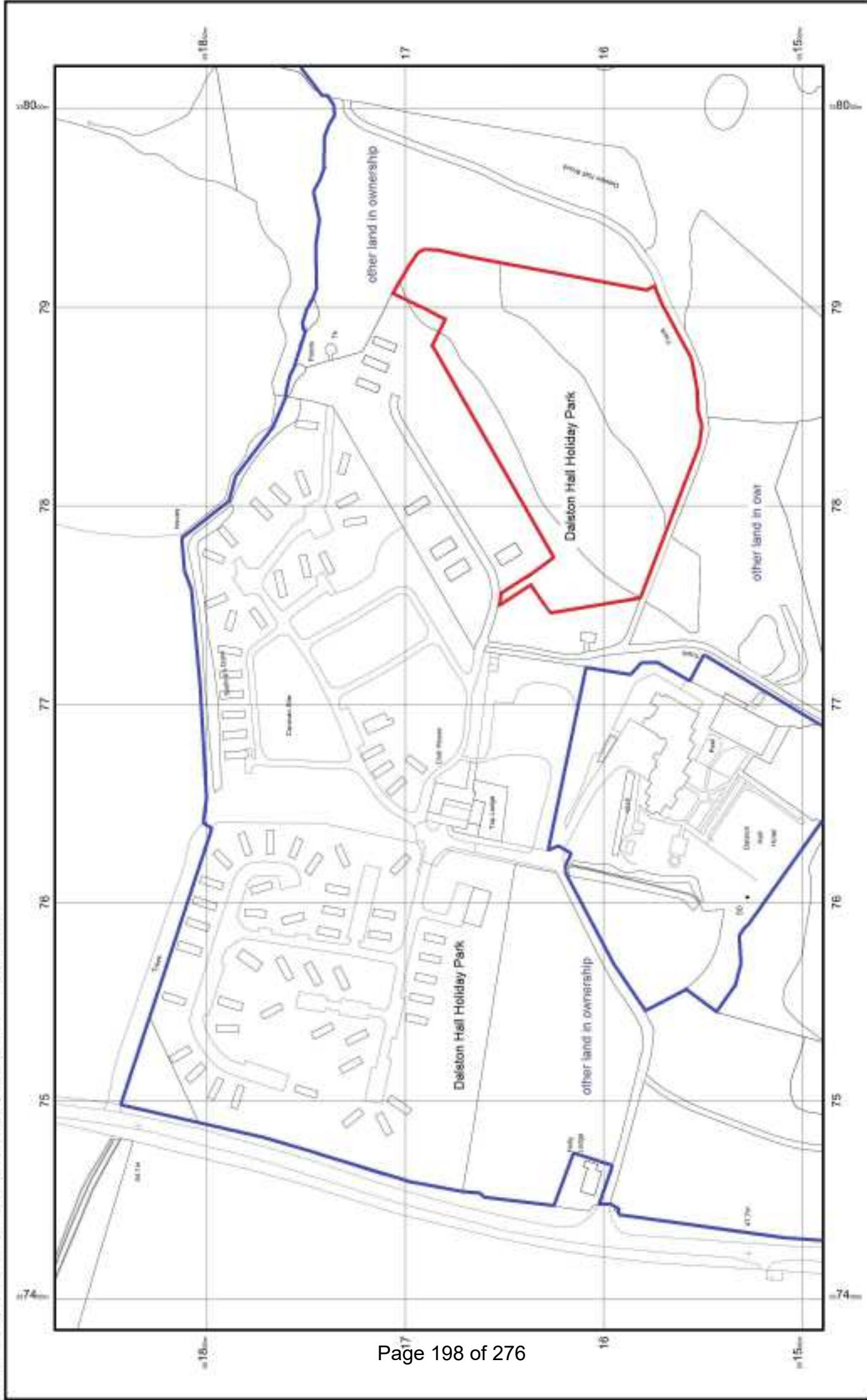
10. The static holiday units shall be used solely for holiday use and shall not be occupied as permanent accommodation.

**Reason:** To ensure that the approved static holiday units are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

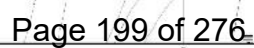
11. The site manager/owner shall keep a register to monitor the occupation of the holiday units subject of this approval. Any such register shall be available for inspection by the local planning authority at any time when so requested and shall contain details of those persons occupying the units, their name, normal permanent address and the period of occupation.

**Reason:** To ensure that the approved holiday units are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

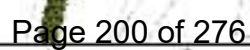
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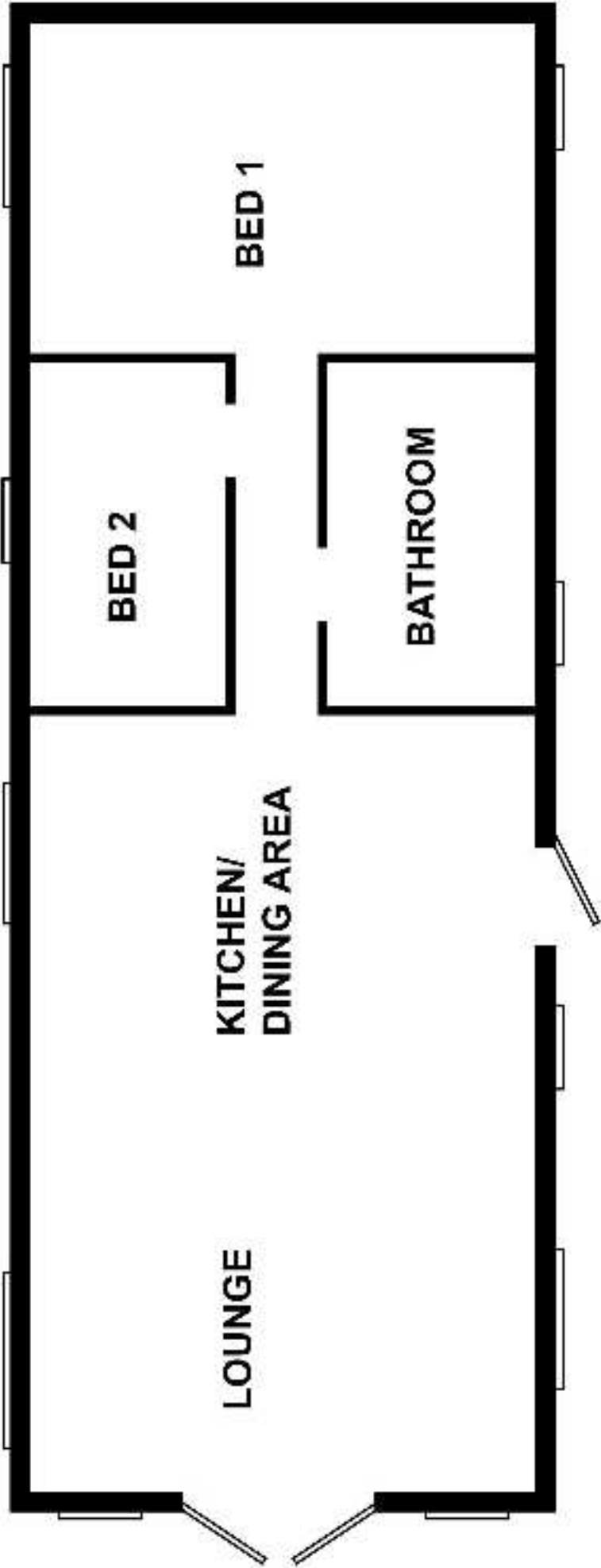


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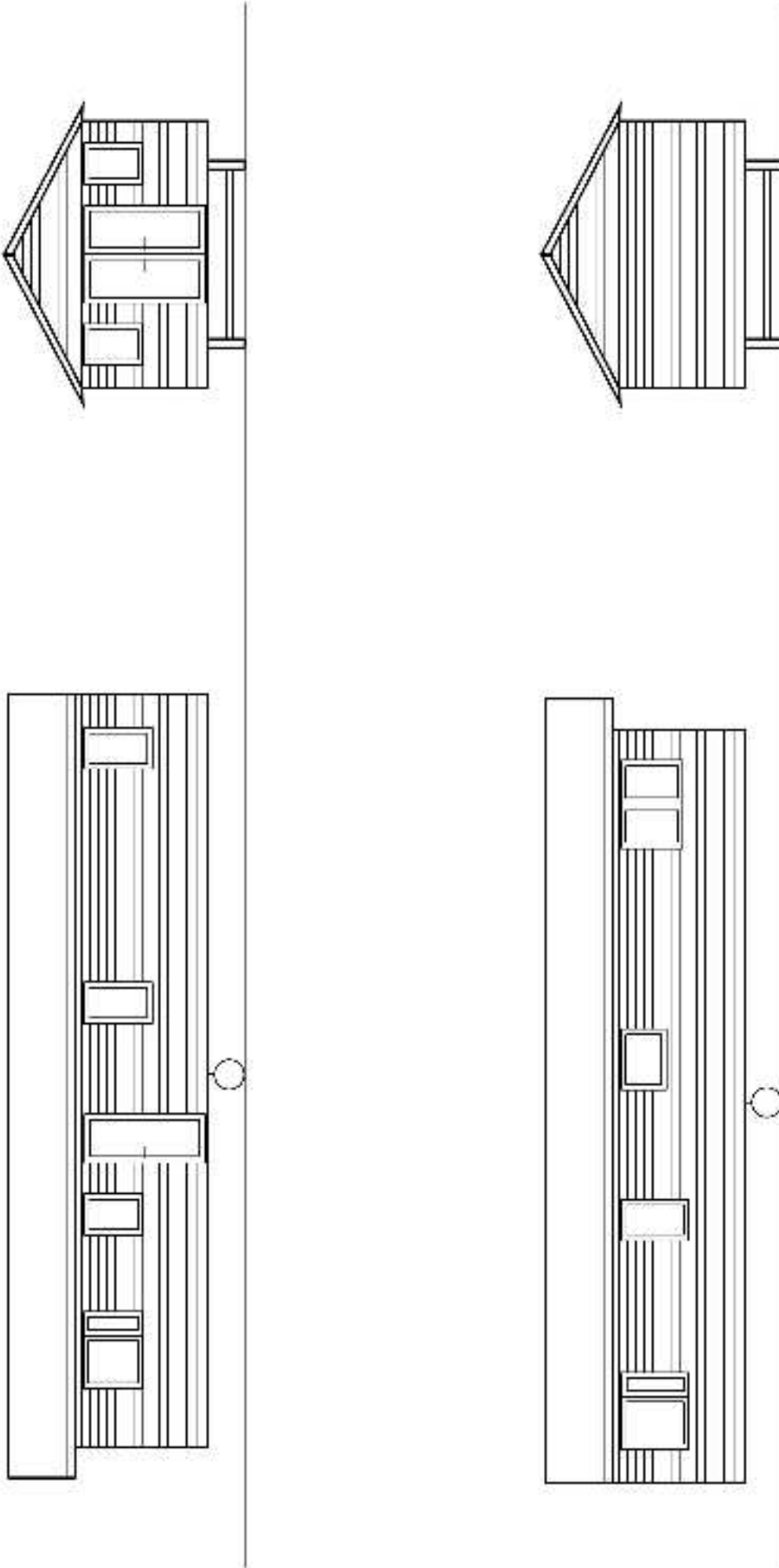












## SCHEDULE A: Applications with Recommendation

22/0372

Item No: 06

Date of Committee:

**Appn Ref No:**  
22/0372

**Applicant:**  
Mr Lee Robinson

**Parish:**  
Beaumont

**Agent:**  
Harraby Green Associates

**Ward:**  
Dalston & Burgh

**Location:** Former Beaumont Waste Disposal Site, L/Adj. Field 6065, Monkhill, CA5 6DH

**Proposal:** Change Of Use Of Land For The Keeping Of Horses, Erection Of Stables, Paddock & Levelled Yard Via Field Access Track (Retrospective)

**Date of Receipt:**  
11/05/2022

**Statutory Expiry Date**  
06/07/2022

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Principle Of The Development Is Acceptable
- 2.2 Whether The Scale, Design And Impact On The Character Of The Area Is Acceptable
- 2.3 The Impact On The Hadrian's Wall World Heritage Site Buffer Zone
- 2.4 Impact On The Listed Building
- 2.5 Impact On The Occupiers Of Neighbouring Properties
- 2.6 The Impact Of The Proposal On Highway Issues
- 2.7 Surface Water Drainage
- 2.8 Contamination
- 2.9 Impact On Trees
- 2.10 Biodiversity
- 2.11 Other Matters

#### 3. Application Details

## **The Site**

- 3.1 The site comprises of a rectangular parcel of land, approximately 0.15 hectares in area, located 320 metres north-east from the centre of Monkhill. The site is accessed along a gravelled track, approximately 315 metres in length from a junction at the U1113 Monkhill to Beaumont Road.
- 3.2 There is a band of trees to the north and south of the application site which is otherwise flanked by agricultural land. The site is within the Hadrian's Wall World Heritage Site Buffer Zone and the Drovers Rest Inn, a Grade II listed building, is approximately 210 metres to the south-east.

## **The Proposal**

- 3.3 The application seeks retrospective planning permission for the change of use of land for the keeping of horses together with the erection of stables and a paddock area.
- 3.4 The building comprises two stables with a central covered area and is constructed from timber boarding under a metal sheeted roof. The building measures approximately 13.2 metres in length by 6.2 metres in width with a ridge height of 4.3 metres.
- 3.5 The site is bounded by an open boarded timber fence and solid timber and galvanised steel framed gates.

## **4. Summary of Representations**

- 4.1 The application has been advertised by mean of a site notice and direct notification to the occupiers of nine properties. In response, 21 representations have been received objecting to the application which raise the following issues:

### Application Details/ Principle Of Development

1. there is no mention in this application of the static caravan, generators and use of the site for habitation which is clearly evident at the site;
2. the site is clearly being used as a dwelling with a new road having been built to it;
3. the wooden cabin on the site was brought in on a transporter and not towed;
4. a water/ waste supply has been applied for indicating the cabin is to be used a permanent residence;
5. the application indicates that in recent years there has been planning permission granted for the field in which the development is taking place. However, this is false. The discussed planning permission was for the adjacent field;
6. given that this application is retrospective, it is highly likely that a further retrospective application will be made once the residents have built a permanent dwelling;

#### Traffic

7. increased vehicle movements along the track including commercial scrap metal and other vehicles frequently travelling to and from it day and night turning up full and leaving empty;

#### Waste

8. waste is regularly burnt late into the night which has required attendance of the Fire Service on a number of occasions. The fires result in thick black smoke from toxic waste has been burned;

#### Character Of The Area

9. the site is illuminated at night resulting in light pollution;
10. it is a heritage site so should be assessed;
11. the development is unsightly and disturbing to residents and wildlife;
12. the yard has been enclosed by 1.8m high timber fence panels which can clearly be seen from the Burgh and Beaumont roads and the listed building (Dover's Rest) and detracts from the open aspect view towards Beaumont Village. Only the paddock needs to be enclosed with an open post and rail fence;
13. walkers follow the old railway line can easily see and hear the site and it's not just a couple of horses and the proposal is contrary to Policy EC13 of the local plan relating to the development of stables;

#### Trees

14. a considerable number of trees were cut down to enable the construction of the stable block and compound for which retrospective planning permission has been applied and more trees have been cut down since the said construction. A tree survey should be submitted;
15. the trees on the site served to reduce the risk of flooding to adjacent land due to high levels of service water through the heavy rain fall months. The applicant will now be responsible for adjacent land flooding;

#### Contamination

16. the site was a former waste disposal site, a contamination survey needs to have been carried out before any development can be allowed;
17. there are no details of waste/ effluent disposal. Burning of any material including horse bedding needs to be strictly prohibited;
18. the adjacent landowner's fence has been destroyed due the applicant clearing the site, thus has created soil movement. The application form insinuates that the land is not known to be contaminated, despite being referred to as Beaumont Waste Disposal. This clearly implies that would be most sensible to have conducted land surveys and tests, especially in the case of animals to be kept on the site;
19. no evidence of a gas test to support any works on site, no digging, building/ concreting, removal of trees & hedges, should have taken place without a completion of a soil gas test;

#### Ecology

20. the site is within the River Eden Nutrient Neutrality Restriction Zone, therefore no development should be allowed that would add to nutrients

- entering the River Eden from this site via Monkhill beck and directly into the River Eden such as burning of plastics etc. off scrap metal, siting of large residential caravan and other waste from running the business or residential occupancy from the land;
21. the land needs to recover from past uses, as it had been doing, the planting of many trees and the forming of a pond used to be a haven for wildlife such as deer, newts, bats and venturing otters from the River Eden;

#### Other Matters

22. properties have been purchased in the area at a time when there were no plans to build. A small development has now taken place on green belt land which contravenes planning laws;
23. the proposed paddock is of insufficient size for the proposal to allow space for grazing, exercise and field management;
24. its unclear why the yard/ hardstanding area need to be so large;
25. the council should apply rigorous due diligence to ensure that the exact terms of this 'retrospective' application are abided by and must include clarity that a further application for a dwelling or alternative use will not be considered. The most appropriate course of action should be to reject this 'retrospective' application at source to eliminate guaranteed future problems;
26. approval will lead to scrap being dumped and a dump of the area;
27. the site has been visited by utility companies but there is no mention of this in the planning application;
28. a site visit should be made by the planning office;
29. the applicant has gravelled the lonning that leads to the site, without permission of the landowners who are seemingly unaware of this;
30. the site is known to the police;
31. the applicant uses local roads to carry persons in trotting carts pulled by small ponies which has a negative effect on the character of the neighbourhood.
- 4.2 In addition, six anonymous representations have been received.
- 4.3 One representation of support has been received and which raises the following issues:
1. the site needed tidying up as the previous owner had left rubbish on it;
  2. the applicant is right to water for his horses;
  3. the representations are racist and discriminatory making reference to dealing scrap and prejudicing Gypsies;
  4. the site has been visited by the parish council who had no concerns and supportive of the work being done to the site.

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

**Beaumont Parish Council:** - there is no objection made to the keeping of horses and erection of stables as that fits in with the keeping of the village.

Perimeter lighting should be kept to a minimum to minimise light pollution, as the site is visible from all surrounding areas.

The parish council objects to any servicing of or running of a commercial business from the site now or in the future.

An objection is made to the present siting of a residential caravan and objection to any future residential development on site;

**Local Environment - Environmental Protection:** - as this application relates to an area of infilled land which is believed to have been used as a waste disposal site there would be a requirement for the applicant to provide information regarding land contamination. A series of planning conditions are suggested relating to site characterisation, submission of a remediation scheme, implementation of an approved remediation scheme, and reporting unexpected contamination.

Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination;

**Historic England - North West Office:** - no response received.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies SP2, SP6, EC13, IP3, CC5, CM5, HE1, HE3, GI1, GI2, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also a material planning consideration. The proposal raises the following planning issues.

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

- 6.3 Policy EC13 states that the development of stables, horse riding schools and/or riding centres in the rural area will be permitted provided that: there will be no unacceptable impact upon the landscape and character of the area; the building or structure is sited where practical to integrate with existing buildings and/or take advantage of the contours of the land and any existing natural screening; the proposal will not have a detrimental effect upon surrounding land uses; the surrounding roads and bridleways are adequate and safe for

the increased use by horse riders, with the roads being suitable for all users; and the scale and intensity of use is proportionate to the equestrian needs and appropriate for the site and character of the area.

- 6.4 The proposal involves the use of the land for the keeping of horses together with the erection of a stable building, which are permitted in principle by Policy EC13. The issues raised by the policy criteria together with other relevant planning policies are discussed in the following paragraphs.

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

- 6.5 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.”*

- 6.6 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)."*

- 6.7 Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.8 The site is set within a context of a small wooded area and albeit some trees have been removed prior to the submission of the application, the majority remain to the north and south of the site. The scale of the building is small, with a footprint of nearly 82 square metres. It is well related to existing landscape features and as such, its impact on the character of the area is minimal.
- 6.9 The Solway Coast Area of Outstanding Natural Beauty (AONB) is located approximately 110 metres to the north of the application site. In addition to policies which seek to protect the character of the countryside, Policy GI2 of the local plan recognises the particular importance of AONBs and requires that development proposals protect their special characteristic and landscape quality through appropriate development and protection and incorporation of landscape features.
- 6.10 In this context, given the scale of development, distance from the AONB and intervening trees and hedgerows, the development, the scale, design and use of materials would be appropriate and would not appear obtrusive to the character or setting of the AONB and is compliant with policies in this regard.

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

- 6.11 Policy HE1 of the local plan seeks to control development within the Hadrian's Wall World Heritage Site (WHS) and Buffer Zone to ensure that development which would have an unacceptable adverse impact on the character and/ or setting of the World Heritage Site will not be permitted. The NPPF also requires that an appropriate assessment harm and a balanced judgement is made in terms of the impact on the WHS and nearby scheduled monument that is Hadrian's Wall.
- 6.12 Historic England has submitted no advice in respect of the application. Whilst it is noted that this should not be interpreted as commenting on the merits of the application, Section 2 of this report has assessed the impact on the character of the area. As such, this development is acceptable in the context of this site and not result in harm to the setting of the scheduled monument or WHS and is acceptable in this regard.

### **4. Impact On The Listed Building**

- 6.13 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings.
- 6.14 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).
- 6.15 Paragraph 195 of the NPPF states that: local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.16 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 buildings will only be justified where the public benefits of the proposal clearly outweighs the significance.
- a) the significance of the heritage asset and the contribution made by its setting
- 6.17 The Drovers Rest Inn, is Grade II listed and approximately 210 metres to the south-east.
- b) the effect of the proposed development on the setting of the Grade II Listed Building
- 6.18 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.19 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.
- 6.20 Paragraph 195, 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.
- 6.21 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).

- 6.22 The proposal involves the development of the land for equestrian use, including the erection of stable building. The development is not located adjacent to the heritage asset and given the distance, topography and intervening landscape features, in this context it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned listed building.

## **5. Impact On The Occupiers Of Neighbouring Properties**

- 6.23 There are residential properties within the village; however, given the orientation of the application site, the distances involved between the proposed development and residential properties and the topography of the land, the living conditions of the occupiers of neighbouring properties would not suffer from a loss of privacy. The use of the building for stables and storage for personal use would not give rise to unacceptable levels of noise or disturbance; however, it would be appropriate to impose a condition prohibiting any commercial use and restricting it limiting the use to that of a personal nature.

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

- 6.24 The development would utilise an existing agricultural access which is taken from the junction with the U1113 Monkhill to Beaumont Road. Any additional increase in level of use for equestrian purposes is unlikely to be significant. There is adequate access, parking and turning facilities to and within the site. As such the proposal does not raise any highway issues; however, together with the reasons in the aforementioned paragraph, it would be appropriate limit the stables to that solely used for the applicant.

## **7. Surface Water Drainage**

- 6.25 In accordance with the NPPF and the NPPG, the surface water should be drained in the most sustainable way. The NPPG clearly outlines the hierarchy when considering a surface water drainage strategy with the following drainage options 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.
- 6.26 In order to protect against pollution, Policy CC5 of the local plan seeks to ensure that development proposals have adequate provision for the disposal of surface water. No foul drainage is proposed and the application documents, submitted as part of the application, outlines that the surface

water would be disposed of to a soakaway. On this basis, the means of surface water drainage is acceptable. There is sufficient land on which to construct a soakaway that is away from a highway or neighbouring property and as such, it isn't necessary to impose a condition requiring the submission of further details; however, an instructive condition requiring the provision of a soakaway to a recognised standard would be appropriate.

## **8. Contamination**

- 6.27 The representations refer to the previous use of the site being used for landfill and the possible contamination and risk from developing the land. Available planning records show that planning permission was granted for a parcel of land landfill in 1985 for the “Controlled tipping of non-hazardous industrial/builders waste” (application 85/0932) and in 1991 for the “Renewal of permission for land infill with non-hazardous industrial/builders waste and the deletion of condition no. 11 on permission 85/0932” (application 91/0091). This land is approximately 135 metres north of the application site.
- 6.28 The land subject of this application is identified as being potentially contaminated on the council's constraints map. It's not known what material may or may not be under the ground and the extent to which this has been disturbed which in turn may have opened up and exposed pathways allowing the contamination to spread. Environmental Health Officers have suggested a series of conditions to deal with the issue of potential contamination, including site characterisation, submission of remediation scheme, implementation of approved remediation scheme and reporting of unexpected contamination.
- 6.29 The first two conditions, numbered 4 and 5 in the schedule, make reference to the fact that ‘no development shall commence until’. As the application seeks retrospective permission, it is considered that these should be reworded that the information should be submitted within three months from the date of any permission. Three months is an appropriate timescale to allow for the preparation and submission of the reports. The fourth suggested condition requires that in the event that further contamination is found, a further survey should be submitted; however as no further works are sought as part of this application and therefore the condition isn't considered necessary; however, it is included as an advisory note. –

## **9. Impact On Trees**

- 6.30 Planning policies requires 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. The trees were felled prior to or immediately at the time when the council was notified of the development, as such, any damage through the loss of trees had already occurred. Whilst not condoning this approach, there is little in the way of further protection that is required should planning permission be forthcoming as the works are complete. The council's Planning/ Landscapes Compliance and Enforcement Officer has visited the site on several occasions and has made no reference to any of the trees, either singularly or as a group, being put forward for a Tree Preservation

Order.

## **10. Biodiversity**

- 6.31 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.
- 6.32 The council's GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. The application seeks retrospective planning permission; however, an Informative has also been included within the decision notice ensuring that if a protected species is found during any future work, all work must cease immediately and the local planning authority informed.
- 6.33 Alongside other local planning authorities, Carlisle City Council has received a letter dated 16th March 2022 from Natural England in respect of nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). The letter advised that new development within the catchment of these habitats comprising overnight accommodation can cause adverse impacts to nutrient pollution. Until such time as appropriate mitigation measures are in place in respect of each individual development proposal, the council isn't able to issue planning permission.
- 6.34 The letter advised that new development within the catchment of these habitats comprising overnight accommodation can cause adverse impacts to nutrient pollution. Such development includes, but is not limited to:
- new homes;
  - student accommodation;
  - care homes;
  - tourism attractions;
  - tourist accommodation;
  - permitted development (which gives rise to new overnight accommodation) under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.35 Whilst the council assesses the implications of these matters, it cannot lawfully conclude that development within the catchment of the River Eden SAC will not have an adverse effect and therefore planning permission can't be granted until such effects and appropriate mitigation measures are known. The proposed development does not fall within any of the categories listed as and such, is not caught up in the issue of nutrient neutrality and the council is able to determine the application.

## 11. Other Matters

### Siting Of A Caravan

6.36 It is alleged in the objections that have been received that the applicant lives in the caravan that is on site. During the various site visits undertaken by Officers, it was evident that the caravan had been placed on the land but there was no evidence of occupancy. There is no means of water supply or drainage from the caravan with the only connection being electrical from the diesel generator.

6.37 In terms of planning permission, this is required as a result of “development” which is described in section 55(1) of the Town and Country Planning Act 1990 as:

Section 29 (1) of the Caravan Sites and Control of Development Act 1960 which defines a caravan as:

*“Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted but does not include*

- (A) Any railway rolling stock which is for the time being on rails forming part of a system, or*
- (B) Any tent”*

6.38 Section 13 (1) of the Caravan Sites Act 1968 deals with twin-unit caravans which provides that:

*“A structure designed or adapted for human habitation which:*

- (A) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices; and*
- (B) Is, when assembled, physically capable of being moved by road from one place to another (whether being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or have been) a caravan within the means of Part 1 of the Caravan Sites Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled”.*

6.39 A further amendment to the definition of a caravan in 2006 placed dimensional restrictions which include:

- (a) Length (exclusive of any drawbar) 20m (65.6FT)
- (b) Width: 6.8m (22.3ft)
- (c) Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft).

- 6.40 The caravan appears to have the accommodation required by the 1968 Act, it is within the prescribed size limits and it is capable of being moved by road and therefore, complies with the definition of a caravan. No operational development has occurred in conjunction with the caravan and provided that the caravan isn't occupied, no change of use has occurred. There is currently no evidence of it being habited but Officers would continue to respond to any complaints or allegations should they be submitted.

#### Generator

- 6.41 The applicant has sited a diesel generator to provide electricity for lighting on the site. Many of the objectors received make reference to the noise generated by this equipment and that this adversely affects the amenity of residents of the locality.
- 6.42 The generator is not described within the application and as such, permission is not sought for its siting within the land. Whilst the observations of the objectors are noted, planning permission is only needed if the work being carried out meets the statutory definition of 'development' which is set out in section 55 of the Town and Country Planning Act 1990. 'Development' includes:
- building operations (e.g. structural alterations, construction, rebuilding, most demolition);
  - material changes of use of land and buildings;
  - engineering operations (e.g. groundworks);
  - mining operations;
  - other operations normally undertaken by a person carrying on a business as a builder;
  - subdivision of a building (including any part of it) used as a dwellinghouse for use as 2 or more separate dwelling houses.
- 6.43 The generator remains sited on the land by virtue of its own weight and no specific works have been undertaken to facilitate this i.e. the formation of a concrete hardstanding. The generator is connected by means of a cable to allow the distribution of electricity and as such, this does not constitute 'other operations' or fall within any other definition outlined in the preceding paragraph. As such, it does not amount to development and does not require planning permission. Environmental Health Officers are aware of this issue and should this be investigated and found to be a statutory noise nuisance, this may be enforced separately outwith the planning process

#### Fence/ Gates

- 6.44 The applicant has erected a boundary fence and gates together with fencing within the site. As Members will be aware, in planning terms, certain development does not require planning permission as they benefit from permitted development rights. Permitted development rights are set out in The Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended) (GPDO) and are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application but are



subject to certain criteria.

- 6.45 Specifically in relation to fences and boundary structures, Schedule 2, Part 2, Class A of the GPDO (as amended), planning permission will be required for any fence, wall, gate or other enclosure maintained, improved or altered if:
- it is over 1 metre in height and adjacent to a highway used by vehicular traffic;
  - it is over 2 metres in height elsewhere;
  - it would exceed its former height or the any of the heights listed above (whichever is the greater);
  - it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.
- 6.46 The submitted drawings include reference to fence within the site which is annotated "Timber fencing 1.8, high". During the course of a site visit, Officers measured the height, which was found to be in excess of this, albeit would still be permitted development as it is less than 2 metres.
- 6.47 In terms of the boundary fence and the double gates, these are in excess of 2 metres with the gates measuring approximately 2.4 metres in height. Having discussed this with the agent, Officers have been informed that it is not intended to regularise the issue of the boundary fences through this application and is subject to further discussion with the applicant.

#### Burning Of Waste Material

- 6.48 The representations received make reference to regular fires occurring on the site resulting in 'toxic black smoke' as a result of waste having been burned. No evidence of this was apparent during the course of any site visit by Officers. As a result of the fires, Cumbria Fire and Rescue Service have been called to attend on several occasions. They have advised that having attended the site, the fires are well-controlled with only clean waste product being burned. It is further stated that they have no concerns about cable burning or illegal burns.
- 6.49 Environmental Health Officers are aware of the alleged burning of waste material which is being investigated separately.

#### Scrap Metal Dealing

- 6.50 The applicant was a licenced scrap metal dealer. It is not unreasonable during the course of a day for him to visit the site to check on the welfare of his horses. If this is during a working day, it is inevitable that he will travel to the site with his works vehicle, possibly carrying scrap metal. Again, during the course of site visits, some of which were unannounced, Officers found there was no evidence of scrap having been dealt, sorted or stored on the land. If this were the case, a further application for planning permission for the change of use of the land would be required.

#### Lighting

- 6.51 The objectors refer to the light levels emanating from the site. Should Members be minded to approve the development, notwithstanding any lighting already installed, it would be appropriate to impose a condition requiring the submission of a lighting scheme to ensure that the character and appearance of the area is not prejudiced during the hours of darkness.

#### Retrospective Application

- 6.52 The way in which the site has been developed without planning permission and the retrospective nature of the application, aren't reasonable grounds, in planning terms, to refuse the application.

### **Conclusion**

- 6.53 In overall terms, the principle of the development for personal equestrian use is acceptable. The scale and design of the building is appropriate and doesn't affect the character or appearance of the locality or the AONB.
- 6.54 The setting and appearance of the heritage asset is not affected by the development and the site is of sufficient distance from neighbouring properties such that the use for which planning permission has been applied for i.e. the erection of stables and use of land for personal equestrian use, would not adversely affect the amenity of occupiers of residential properties.
- 6.55 In addition, no highway or biodiversity issues are raised. Officers will continue to monitor and investigate other alleged activities should the need arise but this is separate to the determination of this application. Subject to the imposition of appropriate planning conditions, the proposal is compliant with the objectives of the relevant local plan policies.

### **7. Planning History**

- 7.1 There is no planning history associated with this site.

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

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the Planning Application Form received 11th May 2022;
  2. the Location Plan received 5th May 2022 (Drawing no. 2257-01);
  3. the Block Plan As Proposed received 5th May 2022 (Drawing no. 2257-04);
  4. notwithstanding the details of any boundary treatment, the Site Plan As Proposed received 5th May 2022 (Drawing no. 2257-05);
  5. the Floor Plan and Elevation As Proposed received 5th May 2022 (Drawing no. 2257-10);
  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.

2. Notwithstanding any lighting already installed, within 3 months from the date of the permission hereby approved, details of all external lighting 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 and shall not be altered unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure that the development is appropriate to the locality in accordance with Policies SP6 and HE1 of the Carlisle District Local Plan 2015-2030.

3. The building hereby approved shall be used only for private use for the stabling of horses with ancillary storage facilities and shall at no time be used for any commercial purposes.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policies SP6 and EC13 of the Carlisle District Local Plan 2015-2030.

4. Within 3 months from the date of this permission, an investigation and risk assessment, (in addition to any assessment provided with the planning application), shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the written approval of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (i) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (i) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination: Risk Management (LCRM) based on '*Model Procedures for the Management of Land Contamination, CLR 11*'.

**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.

5. Within 3 months from the date of this permission, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared and submitted to and agreed in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

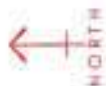
**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,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

6. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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Lee Richmond

Project: Pooled tables, outdoor and pool.

Analysis  
Cable  
CALCULATIONS

Designing  
Landscape Plan

Drawing No. 2257-01

Scale: 1:2000 M.A.S. (Survey)

Date: Jan/2022

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# Monkhill Stables

KEY:  
 Island of development site  
 Island of other site (overlaid)

NORTH



Part 1

Client: Lee Robinson

Project: Proposed stables, paddock and yard

Monkhill  
 Certificate  
 C-AS (C2)

Drawing: Block Plan

A1 Building

Drawing No: 2257-02

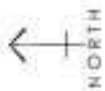
Scale: 1:1250 at A3

Date: April 2022

Drawn by: [Name]







Revisions

Client	Lee Robinson
Project	Planned stables, paddock and yard.
Designer	Markell Coombe C+S 2016
Drawing	Site Plan As Built
Drawing No.	2257-00
Scale	1:1250 or A3
Drawn	UK
Date	Jan 2023

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# Monkhill Stables

KEY:  
 Island of development site  
 Island of (other site ownership)

NORTH



Plan sheet

Client: Lee Robinson

Project: Proposed stables, paddock and yard.

Monkhill  
 Certificate  
 CAS 628

Drawn: Mark Pinn

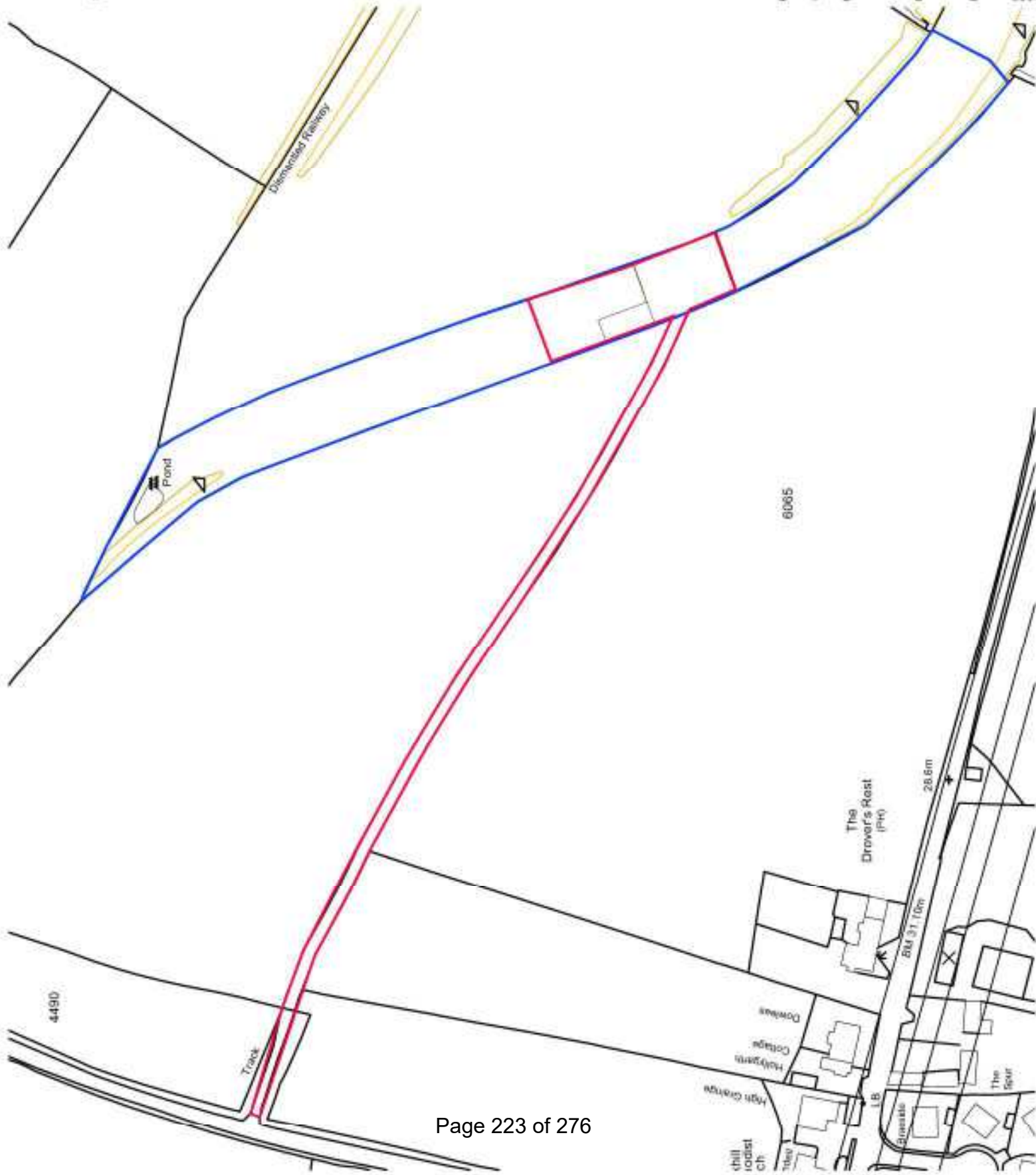
A1 Proposal

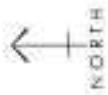
Drawing No: 2257-04

Scale: 1:1250 at A3 (shown: 1:1)

Date: April 2023

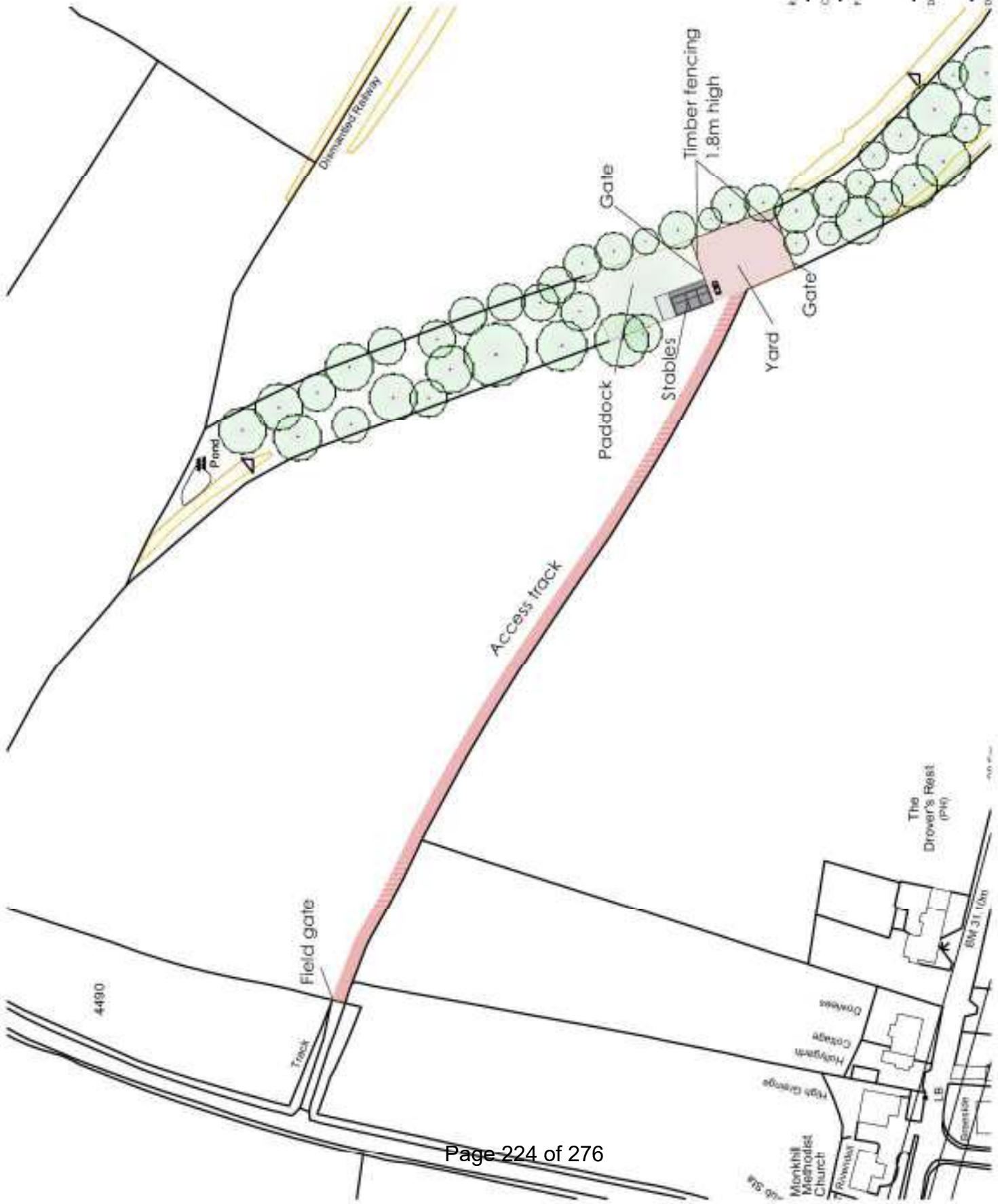
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Residence	
Client	Jane Robinson
Project	Proposed stables, paddock and yard.
	Monkhill Cottages C/S 8018
Drawing	Site Plan
	As Proposed
Drawing No.	2257-05
Scale	1:1250 @ A3
Drawn	CR
Date	Jan 2023

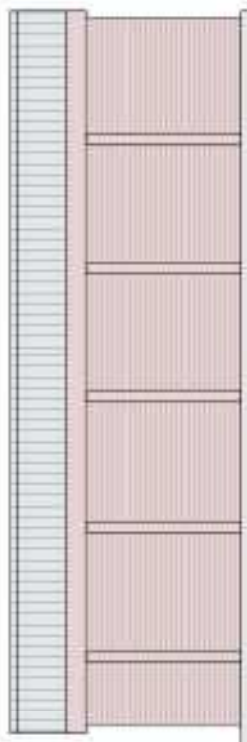
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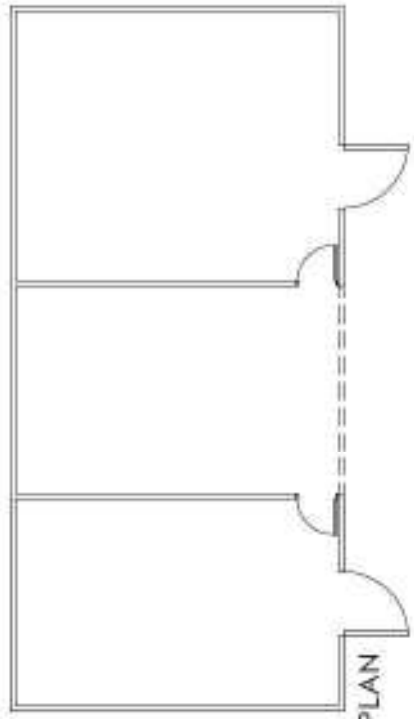
FRONT (NORTH-EAST) ELEVATION

SIDE (EAST-SOUTH)-ELEVATION



REAR (SOUTH-WEST) ELEVATION

SIDE (WEST-NORTH)-ELEVATION



FLOOR PLAN



ROOF PLAN



Revision	10/2021	Revised Submission: UK
Client		
Project		
Location		
Scale		
Drawing		
Drawing No.		
Scale		
Date		

# Appeal Decision

Site visit made on 14 February 2022

**by G Robbie BA(Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> February 2022**

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**Appeal Ref: APP/E0915/D/21/3289523**

**Fairview, 3 Harrison Gardens, Monkhill, Burgh-By-Sands CA5 6DF**

- 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 Anthony Milburn (Morton Garden Buildings Ltd) against the decision of Carlisle City Council.
  - The application Ref 21/0952, dated 6 October 2021, was refused by notice dated 8 December 2021.
  - The development proposed is the erection of a summerhouse.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed summerhouse on the character and appearance of the surrounding area, with particular regard to the setting of Hadrian's Wall Vallum and the Hadrian's Wall World Heritage Site Buffer Zone.

## Reasons

3. The appeal property is a recently constructed detached bungalow within a small cul-de-sac development of similar properties. The property has open aspects to the north and east, looking out across a garden plot laid predominantly to lawn, and across the surrounding rolling countryside. The appeal property lies within the Hadrian's Wall World Heritage Site buffer zone (WHSBZ) and the line of the Hadrian's Wall Vallum (the Vallum) passes through the appeal site. The proposed summerhouse would be located within the line of the Vallum.
4. Historic England's consultation response states that the Vallum is assumed to be a crucial element of the Hadrian's Wall frontier, which formed an extra layer of defence from attack and as demarcation of a military zone of control associated with the wall itself. As such, I saw that the open approach to the site from the east and the open swathe across the northern garden frontages of the appeal property and its neighbours to the west maintain a noticeable sense of linear openness in keeping with the linearity of Hadrian's Wall and the Vallum. The gardens of these three properties are largely open and unencumbered by substantial buildings, fences or other structures.
5. The proposed summerhouse would be seen as a clearly detached building that would stand apart from the existing house. Its intrusion within this open swathe would be exacerbated in longer views on approach from the east where it would be seen as an incongruous skyline feature on rising land. There would be garden retained around the summerhouse, particularly to the east of it and the main house, but the more limited depth of the garden to the north would



- be such that it would occupy a substantial portion of the currently open swathe of garden.
6. The extent to which the Vallum is visible in fields to the east of the appeal site is a matter of dispute between the parties. However, the approach to Monkhill from the east affords open longer views across the rolling fields, where the sense of openness is maintained across the garden frontage of the appeal property and its neighbours within Harrison Gardens. The proposed summerhouse would be of a relatively modest scale, but in this location and when viewed from a main approach into Monkhill along the line of the Vallum, it would be an unduly prominent and intrusive feature within this largely open setting. As such it would erode an understanding of the openness associated with the WHSBZ and the Vallum.
  7. I accept that the proposed summerhouse would be seen, from some viewpoints, against the backdrop of the existing house. This would provide a degree of context and a background of built development to the proposed summerhouse. However, this contribution in respect of longer views from the east would be limited, really only providing that context upon much closer viewing adjacent to the appeal site.
  8. I have also noted the appellant's contention that it is not practical or possible to locate the proposed summerhouse in a less sensitive location elsewhere within the appeal property's garden plot. I can understand the appellant's desire to maintain access to the property's north-facing garage door and noted the presence of windows on the building's east facing elevation. However, I am not persuaded that these matters are insurmountable or that a smaller structure or an alternative, less harmful location for a summerhouse, could not be achieved.
  9. I accept too that it is not a matter of dispute that the proposal would not cause harm to below-ground archaeology. This was, the appellant notes, the principal area of concern in respect of the proposal which resulted in the construction of the appeal property. However, it is clear that that proposal was the result of extensive discussions between the developer, the Council and Historic England at that time and I cannot be certain that the other, resolved, matters alluded to in correspondence did not include considerations of the setting and openness of the Vallum. Thus, whilst the agreed absence of harm to physical remains is welcomed, this would not justify the harm to the setting of the WHS, the WHNSBZ or the character of the Vallum set out above.
  10. Local Plan (LP) policy HE1 recognises the contribution that the WHSBZ makes to the World Heritage Site's setting and its Outstanding Universal Value. The effect of proposals on key views into an out of the buffer zone are noted as being a particular focus for consideration. Development that would result in substantial harm will, it is stated, be refused, whilst that which results in less than substantial harm will be assessed against public benefits.
  11. I have no reason to disagree with the Council with respect to their assessment and conclusions in terms of the living conditions of neighbouring residents, its scale and appearance relative to the existing dwelling and its construction materials. These are however neutral matters which weigh neither in support of, nor against, the proposal and are, in any event, largely private benefits to the appellant.

12. Nor do I disagree with the appellant's suggestion that the summerhouse would be of modest size and would not be an unusual feature in the rear garden of a dwellinghouse. However, its location in a prominent position within the appeal site, and within the Hadrian's Wall Vallum and the buffer zone of the Hadrian's Wall World Heritage Site are factors which lead me to conclude that the proposal would be contrary to LP policy HE1 and with LP policy SP6. Amongst other things, the latter requires proposals to take into consideration the historic environment and the settings of both designated and undesignated heritage assets, as a means to secure good design.

### **Other Matters**

13. The Drover's Rest Inn, a short distance away from the appeal site on the opposite side of the road, is a grade II listed building. I do not disagree with the Council's assessment that the proposal would lie within the setting of the listed building. Nor do I have any reason to disagree with the Council's conclusion that the proposal would accord with the provisions of LP policy HE3 which seeks to ensure that development within the locality of a listed building should preserve its character and setting.
14. I am satisfied that in reaching this conclusion the Council have exercised their statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the [listed] building or its setting. I agree that the proposal would have a neutral effect on the setting of the listed building and, as such, would preserve its setting. This does not, however, alter my conclusions in respect of the main issue as set out above.

### **Conclusion**

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

*G Robbie*

INSPECTOR

## SCHEDULE A: Applications with Recommendation

22/0489

Item No: 07

Date of Committee: 05/08/2022

**Appn Ref No:**  
22/0489

**Applicant:**  
Mr & Mrs Greig

**Parish:**  
Beaumont

**Agent:**

**Ward:**  
Dalston & Burgh

**Location:** Sunnyside, Moorhouse Road, Moorhouse, Carlisle, CA5 6EJ

**Proposal:** Erection Of Single Storey Side Extension To Provide Extended Utility And Home Office

**Date of Receipt:**  
21/06/2022

**Statutory Expiry Date**  
16/08/2022

**26 Week Determination**

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### 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 Scale And Design Would Be Acceptable
- 2.2 Impact On The Occupiers Of Neighbouring Properties
- 2.3 Biodiversity

#### 3. Application Details

##### The Site

- 3.1 The existing dwelling is a detached one-a-half-storey property, which has a ridge height of 6.8m. Two small pitched roof dormer windows are located on the north and south facing roofslopes, with solar panels also being located on the south roofslope. The north elevation contains a pitched roof porch. The main dwelling and the porch are finished in render, with a brick plinth, under slate roofs.
- 3.2 The dwelling sits is a large plot, which contains a large timber shed, a smaller



garden shed, a green house and a number of trees. Boundary treatment consists of post and wire fences and hedgerow.

- 3.3 The dwelling is surrounded by fields, with the nearest residential property being located approximately 170m to the south.

## **Background**

- 3.4 This application has been brought to committee because one of the applicants works for the City Council.

## **The Proposal**

- 3.5 This proposal is seeking planning permission for the erection of a single-storey extension to provide an extended utility room and a home office. The extended utility room would be attached to the rear of the porch and it would have a flat roof which would be constructed of GRP. The office would be attached to the north elevations of the porch and utility room extension and it would have a pitched slate roof. It would measure approximately 7.3m in length by 4.6m in width and would be finished in render under a slate roof, to match the main dwelling.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and notification letters sent to one neighbouring property. No verbal or written representations have been made during the consultation period.

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

**Beaumont Parish Council:** - has no comments to make.

## **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 HO8 and SP6 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposal raises the following planning issues:
1. Whether The Scale And Design Would Be Acceptable

- 6.4 The existing dwelling is a detached one-a-half-storey property which is finished in render, with a brick plinth, under a slate roof. The proposed extension would be single-storey and would appear subordinate to the main dwelling. It would be finished in render, with a brick plinth, to match the existing dwelling. The office area would have a pitched slate roof, with the small utility room extension having a flat roof, which would be located to the rear of the existing pitched roof of the porch. Accordingly, the proposals would complement the existing dwelling in terms of design and materials to be used.

## 2. Impact On The Occupiers Of Neighbouring Properties

- 6.5 The application site is surrounded by open countryside and the nearest dwelling would be located over 170m away. The proposal would not, therefore, 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.

## 3. Biodiversity

- 6.6 The Council's GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. As the proposed development seeks permission to extend an existing dwelling with minimum disturbance to vegetation, it is unlikely that the development would harm a protected species or their habitat. However, an Informative has been included within the Decision Notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

## Conclusion

- 6.7 In overall terms, the scale and design of the proposal would be acceptable and it 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. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.

## 7. Planning History

- 7.1 In June 2012, planning permission was granted for the raising of roof to provide first floor accommodation comprising 1no. en-suite bedroom, 2no. bedrooms and bathroom, together with reconfiguration of ground floor accommodation (12/0314).
- 7.2 In August 2012, a non-material amendment to previously approved permission 12/0314 was granted (12/0631).
- 7.3 In 2013, planning permission was granted for the raising of roof to provide first floor accommodation comprising 1no. en-suite bedroom, 2no.

bedrooms and bathroom, together with reconfiguration of ground floor accommodation; erection of detached garage (revised/part retrospective application) (13/0370).

**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 20th June 2022;
2. Location Plan, received 21st June 2022;
3. Proposed Block Plan (Dwg 2022SKG03), received 20th June 2022;
4. Proposed Floor Plans & Elevations (Dwg 2022SKG01), received 20th June 2022;
5. the Notice of Decision;
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

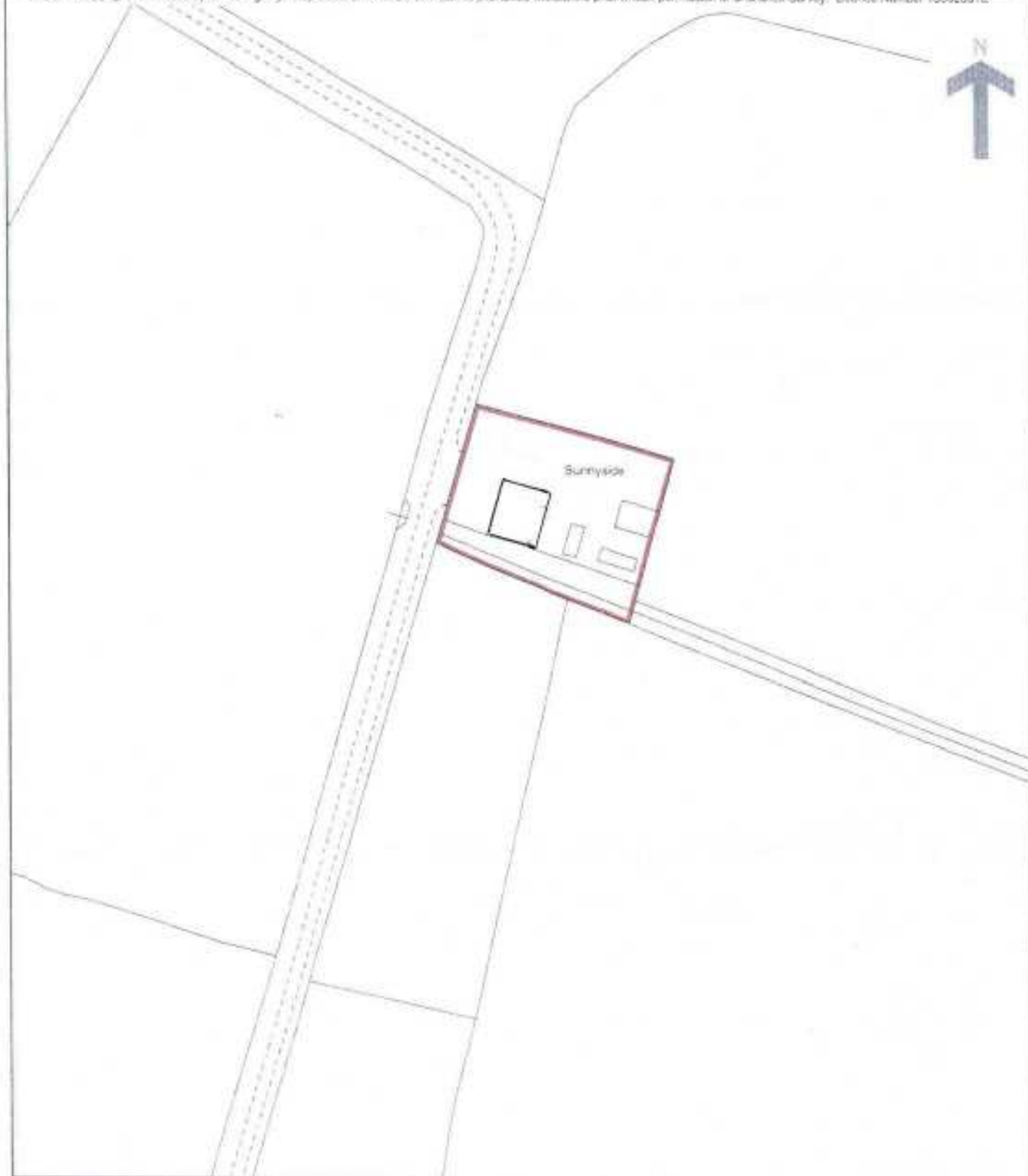
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Land Registry  
Official copy of  
title plan

Title number **CU262105**  
Ordnance Survey map reference **NY3556NW**  
Scale **1:1250** enlarged from 1:2500  
Administrative area **Cumbria: Carlisle**



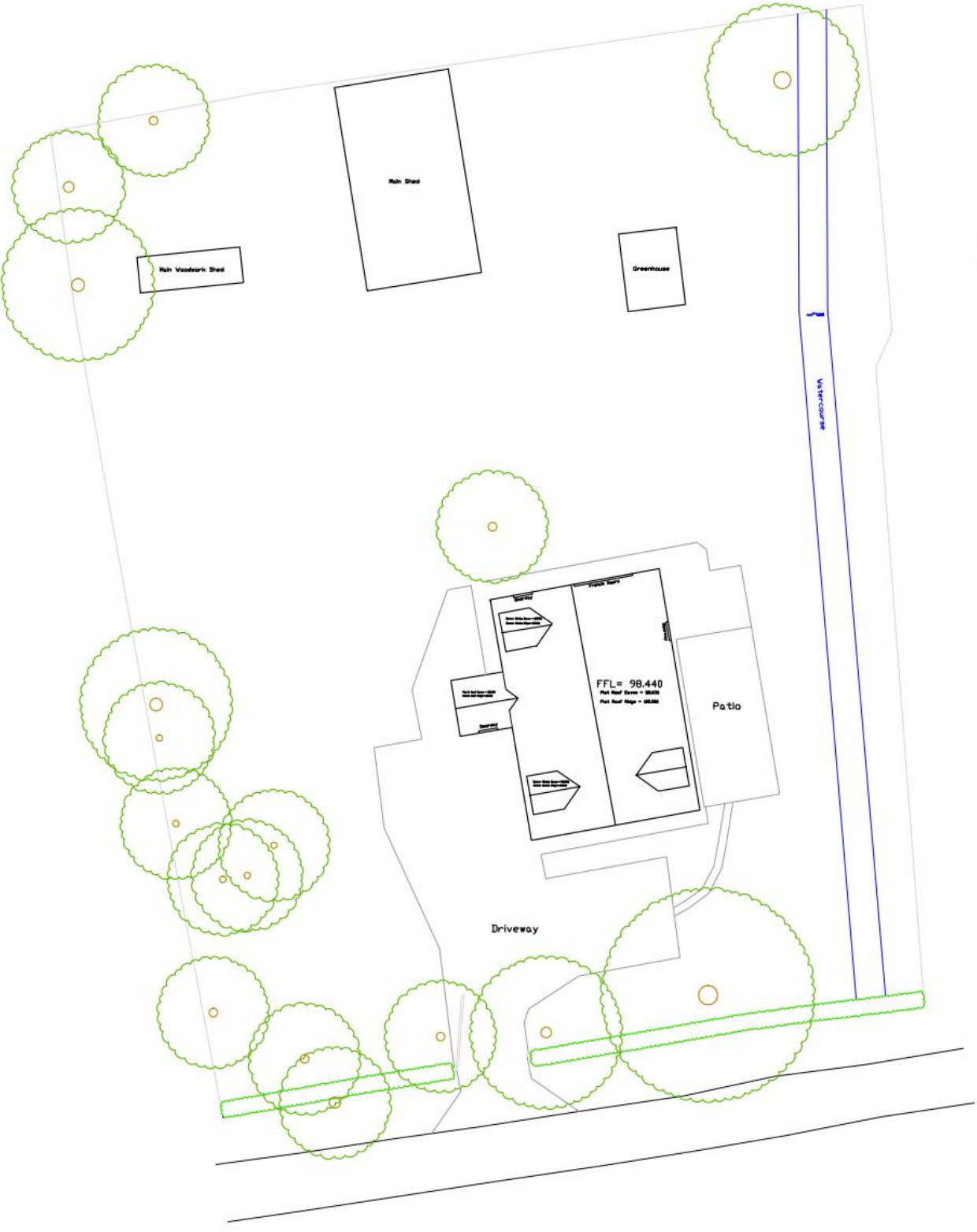
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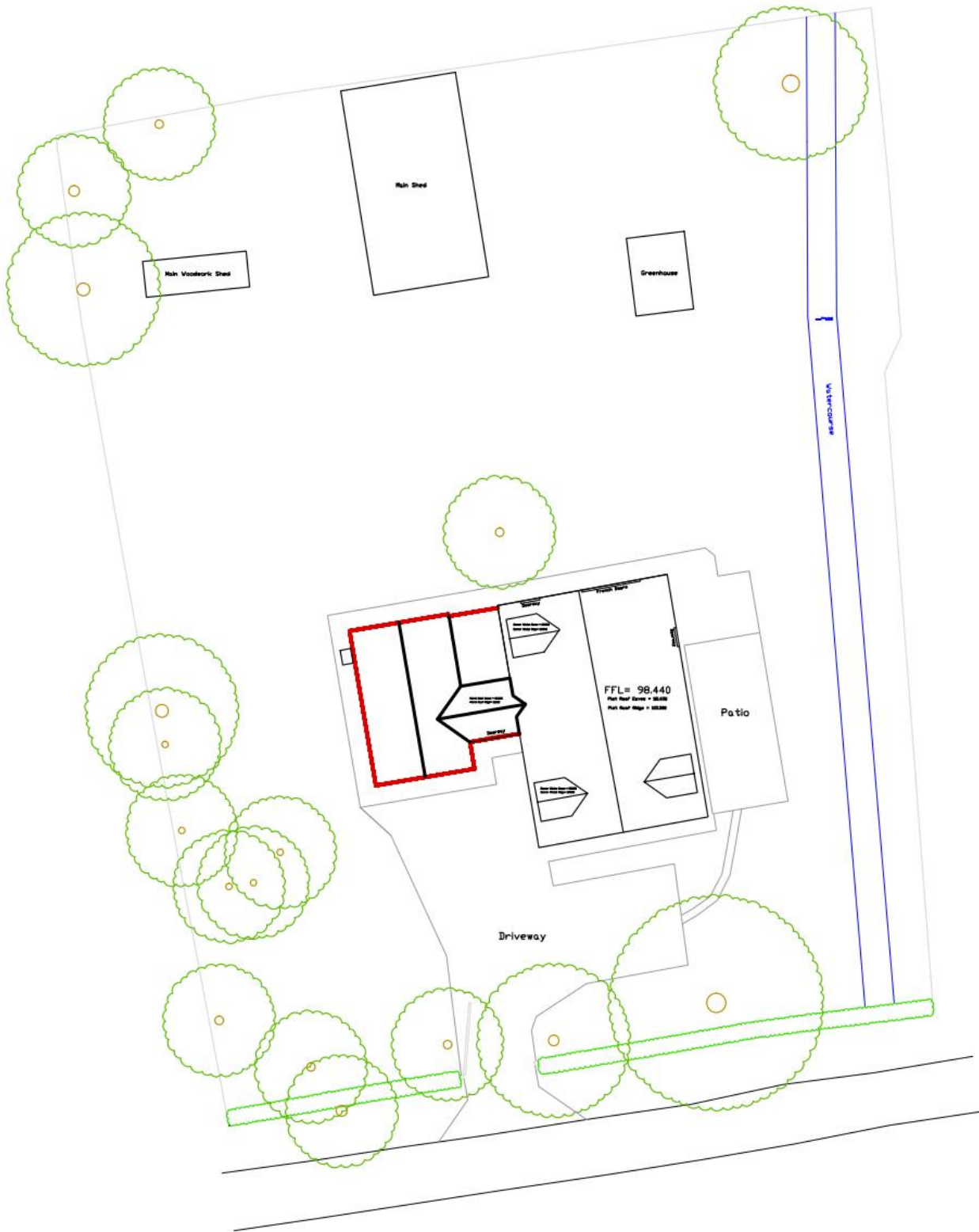


This official copy issued on 20 September 2011 shows the state of this title plan on 20 September 2011 at 13:15:08. It is admissible in evidence to the same extent as the original (s.87 Land Registration Act 2002).

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This title is dealt with by Land Registry, Durham Office.





drawing.

**Plan |B| Building Drawing Ltd.**

project.

PROPOSED SINGLE STOREY FRONT EXTENSION TO PROVIDE  
EXTENDED UTILITY ROOM AND HOME OFFICE  
AT SUNNYSIDE, HOSKET HILL, CARLISLE, CA5 6EJ.  
FOR SAM AND KAREN GREIG.

160 Dalston Road, Carlisle, Cumbria. CA2 5PJ.  
(t) 01228 546368 (m) 07801803358 (e)  
stuart@planbdrawings.com.

PROPOSED SITE BLOCK PLAN

scale. 1:200

date. 15-06-2022

drawn by. G5L

nos.

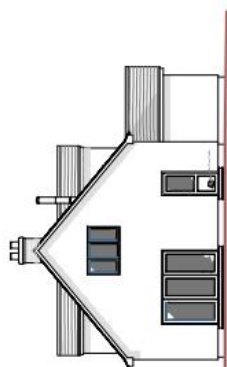
2022 SKG 03



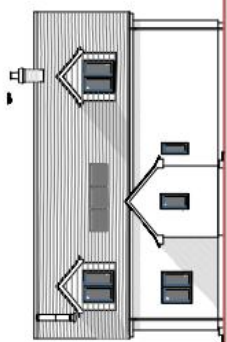
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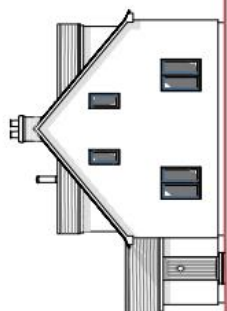
EXISTING GROUND FLOOR PLAN



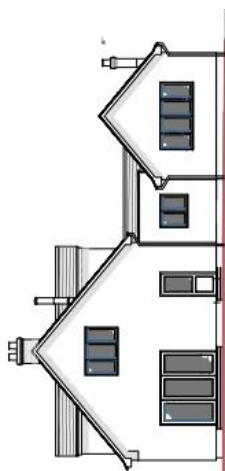
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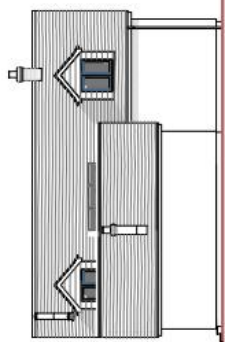
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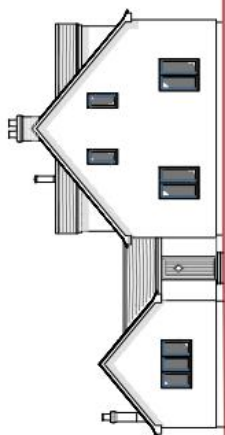
EXISTING FRONT ELEVATION



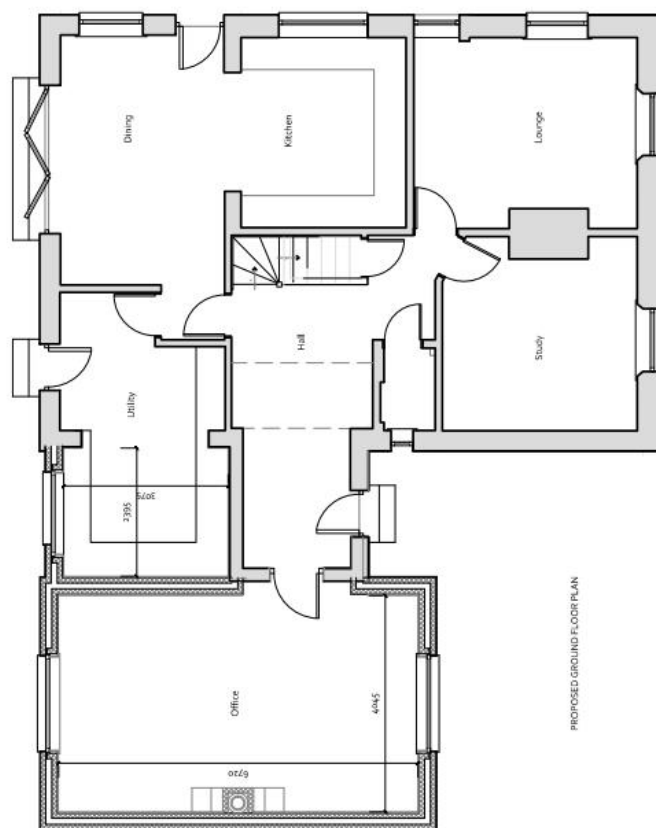
PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED FRONT ELEVATION



PROPOSED GROUND FLOOR PLAN

# Plan [B] Building Drawing Ltd.

160 Colinton Road, Carlisle, Cumbria, CKA 9PL  
 01293 546468 (m) 07840 33814  
 plan@planbuilding.co.uk

PROPOSED SINGLE STOREY FRONT EXTENSION TO PROVIDE  
 EXTENDED UTILITY ROOM AND HOME OFFICE  
 AND REAR GARDEN WALL, CARLISLE, CKA 9EL  
 FOR SAM AND KAREN GREG.

drawing

EXISTING ELEVATIONS & FLOOR PLANS

PROPOSED ELEVATIONS & FLOOR PLAN

scale

1:50

date

15-08-2022

drawn by

GSL

rev

2022 SKG on



# SCHEDULE B

**Applications  
determined by other  
authorities.**

SCHEDULE B

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**Item No: 08**

Between 10/06/2022 and 21/07/2022

**Appn Ref No:**  
21/0812**Applicant:**  
Ms Sally Oliver**Parish:**  
Kingwater**Date of Receipt:**  
13/08/2021 16:00:53**Agent:**  
Carter Smith Planning  
Consultants**Ward:**  
Brampton & Fellside**Location:**  
Glen Croft, West Hall, Brampton, CA8 2BS**Grid Reference:**  
358135 566867

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**Proposal:** Siting Of 3no. Moveable 'Eco-Home' Holiday Chalets; Creation Of  
Hardstanding (Part Retrospective)

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**REPORT****Case Officer:** Richard Maunsell**Decision on Appeals:****Appeal Against:** Against Non Determination**Type of Appeal:** Written Representations**Appeal Decision:** Appeal Allowed with Conditions      **Date:** 19/07/2022

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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# Appeal Decision

Site visit made on 30 March 2022

**by J Symmons BSc (Hons) CEng MICE**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> July 2022**

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**Appeal Ref: APP/E0915/W/21/3284915**

**Glen Croft, West Hall, Brampton CA8 2BS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Ms Sally Oliver against Carlisle City Council.
  - The application Ref 21/0812, is dated 12 August 2021.
  - The development proposed is described on the application form as 'Part Retrospective Proposal to Site 3 x Moveable 'Eco-Home' Holiday Chalets and creation (retrospective) of hardstanding'.
- 

## Decision

1. The appeal is allowed and planning permission is granted for a part retrospective proposal to site 3 x moveable 'Eco-Home' holiday chalets and creation of hardstanding at Glen Croft, Brampton CA8 2BS in accordance with the terms of the application, Ref 21/0812, dated 12 August 2021, subject to the conditions set out in the attached schedule.

## Applications for costs

2. An application for costs was made by Ms Sally Oliver against Carlisle City Council. This application is the subject of a separate Decision.

## Procedural Matters

3. At the time of my site visit some hardstanding had been laid on site, hence the description of development above. The appeal is against the failure of the Council to reach a decision within the relevant statutory timeframe. The Council's position at appeal is ambiguous, albeit that the substantive matter raised in paragraph 4.4 of their appeal statement is 'whether the development would contribute to any farm diversification scheme'. Whilst I note the other points in that paragraph, all parties have had an opportunity for comment at appeal regardless of any certificates of ownership originally submitted, and by design the structures are moveable (albeit the supporting plans indicate their intended location).
4. At appeal Natural England (NE) issued advice regarding nutrient levels and river catchments, with a bearing on the catchment of the River Eden Special Area of Conservation (SAC) in respect of Carlisle. I consider that matter subsequently, on which both main parties and NE have had the opportunity to make comments at appeal. In that context I note, notwithstanding some ambiguity in the initial scheme, that waste water from the development proposed would now be dealt with using composting toilet facilities.

## **Main issues**

5. In the context above, the main issue is whether the proposal would constitute appropriate rural diversification.

## **Reasons**

6. The appeal site is a modest irregular parcel of land beside Glen Croft, a dwelling, and Park Nook, originally a substantial stone barn the opposite side of the historic farmyard to Glen Croft. I understand the site falls within what is described in the information before me as 'Park Nook Farm', which encompasses a substantial amount of surrounding land. I am told that some of that surrounding land is put to agricultural use, albeit that there is no robust evidence before me of an ongoing agricultural concern here. There are also more distant properties to the west, Heather Homestead and Allensteads, and to the east, Bark Mill and Clockey Mill, a Grade II listed building.
7. The site is somewhat nestled in the gently undulating rural countryside, which here is characterised principally by a varied field pattern cut by traditional hedgerows. It is quite some distance from the nearest discernible settlement. On account of the topography, intervening features in the landscape, and the form of Glen Croft and Park Nook, the appeal site is of limited prominence. It reads principally as associated with the historic farmyard, albeit there are glimpsed views of both buildings from surrounding rights of way criss-crossing the landscape. The site falls relatively close to the boundary of the Hadrian's Wall World Heritage Site (WHS).
8. Recognising the value thereof to the rural economy, Policy EC 11 of the District Local Plan 2015-2030 (Local Plan) accords in principal support to rural diversification. Similarly, in broad terms, paragraphs 84 and 85 of the National Planning Policy Framework (the Framework) are supportive of rural business, including sustainable rural tourism. The latter also recognise that development which is economically beneficial to rural areas may not be particularly accessible, and both relevant development plan provisions and elements of the Framework seek to ensure all such development integrates appropriately with its surroundings.
9. The proposal would inherently be an artificial intervention in the landscape, both by virtue of the surfacing proposed and the form of the 'eco-lodges'. It would also result in an additional intensity of use in what I have reasoned above is a strongly rural and tranquil environment. I have noted above that the proposal is in part retrospective, and accept that there is little substantive evidence that the scheme before me would contribute to existing incomes from farming or agriculture.
10. Nonetheless, given the affinity of the site with the historic courtyard between Glen Croft and Park Nook, the topography and intervening features in the landscape described above, the proposal would have a barely perceptible effect on the landscape character. Regardless of whether the proposed 'eco-lodges' may or may not accurately be compared to shepherds' huts, they would nevertheless be modest, rustic in appearance and visually similar to utilitarian outbuildings commonly found in rural areas. Subject to a sensitive approach to landscaping and lighting, as could be secured via appropriately-worded conditions, the scheme would integrate acceptably with the landscape

character and setting of the WHS and of Grade II listed Clockey Mill some 160 metres away<sup>1</sup>.

11. Noise, disturbance and traffic generated by the scheme would, in all likelihood, be limited given its small-scale nature. In my experience individuals would elect to holiday in this location because of its rural peaceful character rather than in spite of it. I saw that there is quite some separation from properties other than those immediately next to the site, such that I am not of the view that unacceptable effects would arise in these respects (and note that separate provisions exist elsewhere to address noise amounting to a statutory nuisance). Whilst I accept perceptions of noise and actual levels of sound differ, given the nature of the proposal and its surroundings there is nothing to indicate the proposal would unacceptably affect those nearby or their mental wellbeing. Sufficient parking on site could also be secured via condition. I would, moreover, note that Local Plan Policy EC 11 and Framework paragraphs 84 and 85 inherently accept some degree of change associated with supporting a thriving rural economy.
12. Moreover on a plain reading there is nothing within Local Plan Policy EC 11 or Framework paragraphs 84 or 85 that limits the support to appropriate rural diversification to that which sits beneath, or provides a supportive income stream to, agriculture or farming. Undoubtedly the proposal would be beneficial to the rural economy in broad terms, noting the location of the scheme set out initially. As reasoned above, I foresee no real likelihood that holidaymakers here would adversely affect surrounding uses but would rather value the countryside and all that comes with it. As immediately above the potential for conflict to occur could be mitigated by ensuring the site operates in line with an agreed management plan secured via condition.
13. Consequently, I conclude that the proposal would represent appropriate rural diversification in compliance with the relevant provisions of Local Plan Policy EC 11 and of the Framework referenced above.

### **Other Matters**

14. The appeal site lies within the catchment of the River Eden which is identified as a Special Area of Conservation (SAC) and, during this appeal, Natural England (NE) has advised that the river is in an unfavourable condition due to excessive nutrients. Under the Conservation of Habitats and Species Regulations 2017, the River Eden is subject to statutory protection. As the proposal consists of overnight tourist accommodation then, subject to the waste water strategy, there could be a risk of significant effect on the SAC from any additional treated effluent being discharged. Regulation 63 states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. I have sought to apply such a requirement reasonably and proportionately relative to the nature and context of the development proposed.
15. The Council, appellant and NE, the appropriate nature conservation body as defined in the Regulation, have been consulted regarding this matter. As there are no main sewers on the site, the proposal is to use composting toilets with no direct discharge to the River Eden. The compost waste from the toilets

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<sup>1</sup> Mindful of the duty upon me in that regard by virtue of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

would be disposed of in accordance with the Environment Agency guidance. This approach would mitigate the potential effect of the proposal on the SAC. NE were consulted and agreed that this approach was acceptable however, they requested that disposal of any compost waste be completed outside of the SAC catchment. These requirements can be secured by condition.

16. On the above basis, I am satisfied that the proposed use of composting toilets with disposal of any compost waste outside of the SAC catchment would ensure the proposal would not adversely affect the integrity of the SAC. The development would therefore comply with the Conservation of Habitats and Species Regulations 2017.
17. I have taken careful account of the representations of those nearby in addition to the points addressed above, including in respect of tourist demand, emergency services access, the practicalities of installing and maintaining 'eco-lodges', increased crime, litter and environmental harm. However, as reflected by Policy EC 11 and various uses nearby, tourism is evidently a significant component of the local economy, and there is nothing within the scheme before me to indicate that the scheme would presage any other uses being proposed (which would have to be treated on their merits).
18. Points raised in respect of crime, litter and environmental implications could adequately be dealt with via conditions related to a management plan and landscaping, and there are remedies via other regimes in those respects. I appreciate that practicalities of installing the lodges may be a temporary inconvenience to some road network users, albeit there is no substantive evidence before me that their installation or maintenance would be unfeasible or cause undue adverse effects (in much the same way as the surrounding road network, whilst rural, is capable of accommodating larger vehicles on occasion). Therefore, whilst I understand those perspectives, there is nothing substantive to lead me to a different conclusion to that in respect of the main issue.
19. I have taken careful account of the representations of those who raise concerns regarding mental wellbeing and appreciate that different people respond differently to various situations. However inherent in my reasoning above is that, in material planning terms, the proposal would not result in unacceptable effects to the living conditions of those nearby.

## **Conditions**

20. The Council and appellant have requested conditions to be applied, which I have assessed with regard to the tests set out in the Planning Practice Guidance (PPG). The conditions that I have imposed are broadly reflective of those suggested by the parties although I have amended some of the wording in the interests of precision and clarity.
21. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans and the number and locations of the moveable 'Eco-Home' holiday chalets are defined for certainty. Conditions are necessary so that composting toilet and waste water drainage, refuse receptacles, hard and soft landscaping and parking provision are secured. Conditions relating to the provision of a management plan are required to ensure the site is operated safely and with care and consideration to nearby occupiers. The holiday let

conditions, including the provision of a letting register, are necessary to ensure it remains in use for that purpose, can be monitored and be enforceable.

## **Conclusion**

22. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

*J Symmons*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Location Plan – Drawing: YRPS-OL140695-01A
  - Existing Site Plan – Drawing: YRPS-OL140695-02A
  - Proposed Site Plan – Drawing: YRPS-OL140695-03A
  - Large eco Home Plans and Elevations – Drawing: YRPS-OL140695-05A
  - Large eco Home Floor and Roof Plan – Drawing: YRPS-OL140695-07A
  - Small eco Home Floor and Roof Plan – Drawing: YRPS-OL140695-08A
- 3) No more than three holiday accommodation vehicles or structures shall be stationed on the land at any one time, and they shall be sited in accordance with drawing YRPS-OL140695-03A.
- 4) The development hereby permitted shall not be occupied until a hard and soft landscaping scheme has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The scheme details shall be agreed with the local planning authority and shall consider the following:
  - 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; and



- protection, maintenance and aftercare measures.

The hard and soft landscaping shall thereafter be retained and maintained in accordance with the approved details.

- 5) The development hereby permitted shall not be occupied until the parking areas have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The parking areas shall thereafter be retained and maintained in accordance with the approved details.
- 6) The development hereby permitted shall not be occupied until the conveyance, treatment and disposal of the surface water drainage to serve the development shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment (inclusive of how the scheme shall be managed for its lifetime after completion) shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system. This assessment shall have regard to DEFRA's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall be provided to 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.
- 7) No waste water, including any composting waste, from the development hereby permitted shall be allowed to be spread, drained or discharged onto land, water or groundwater which has a hydrological or hydrogeological connection to the River Eden SAC catchment.
- 8) The development hereby permitted shall not be occupied until a scheme for the conveyance, treatment and disposal of the waste water, including the use of composting toilets and the disposal of any compost waste outside of the River Eden SAC catchment, has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. This scheme shall thereafter be retained and maintained in accordance with the approved details.
- 9) The development hereby permitted shall not be occupied until a scheme for the siting and provision of suitable refuse receptacles to serve the development has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. These facilities shall thereafter be retained and maintained in accordance with the approved details.
- 10) The development hereby permitted shall not be occupied until a Management Plan for their operation has been provided and implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The submitted details shall include:
  - arrangements for the storage and collection of waste;
  - arrangements for the arrival and departure of guests;

- arrangements for the cleaning and servicing of the site;
- arrangements to control any noise disturbance to neighbouring properties caused by the proposed use of the site including prescribed quiet hours;
- a means by which contact details for a managing agent/owner can be displayed on the premises; and
- the procedure for considering and mitigating where appropriate any issues that are identified to the managing agent/owner.

The Management Plan shall thereafter be adhered to.

- 11) The development hereby permitted shall not be occupied until a register to monitor the occupation of the holiday units/structures has been established. The register shall contain details of all persons occupying holiday units, their name, normal permanent address and the period of occupation. This register shall be made available for inspection at all reasonable times to the local planning authority.
- 12) The development hereby permitted shall be used for holiday letting accommodation and for no other purpose, including any other purpose in Class C of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.
- 13) The development hereby permitted shall not be used as a second home by any person, nor shall it be used at any time as a sole or principal residence by any occupants.



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**Item No: 09**

Between 10/06/2022 and 21/07/2022

**Appn Ref No:**  
21/1069

**Applicant:**  
Mr Whitby

**Parish:**  
Castle Carrock

**Date of Receipt:**  
25/11/2021

**Agent:**  
ELG Planning

**Ward:**  
Brampton & Fellside

**Location:**  
Castlegate House, Castle Carrock, Brampton, CA8  
9LT

**Grid Reference:**  
354205 555685

---

**Proposal:** Erection Of Stone Wall With Cedar Wood Fencing & Double Gates  
(Retrospective)

---

## **REPORT**

**Case Officer:** Stephen Daniel

### **Decision on Appeals:**

**Appeal Against:** Appeal against refusal of planning permission

**Type of Appeal:** Householder Appeals

**Appeal Decision:** Appeal Dismissed

**Date:** 14/07/2022

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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# Appeal Decision

Site visit made on 15 June 2022

**by S Brook BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 July 2022**

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**Appeal Ref: APP/E0915/D/22/3296360**

**Castlegate House, Castle Carrock, Brampton CA8 9LT**

- 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 G Whitby against the decision of Carlisle City Council.
  - The application Ref 21/1069, dated 17 November 2021, was refused by notice dated 20 January 2022.
  - The development proposed is the erection of a stone wall.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The stone wall has been erected. Nevertheless, I am determining the appeal based on the plans before me. I have removed the word 'retrospective' from the description above as it does not describe an act of development.

## Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, including the nearby North Pennines Area of Outstanding Natural Beauty (AONB) designation.

## Reasons

4. The appeal scheme relates to a detached dwelling lying at the northern end of a rural village. When approaching the village from the north, houses are set back from the highway with frontages consisting mainly of low stone walls of a simple design with gardens beyond, providing a pleasant and open character. Further into the village, some houses are positioned adjacent to the highway in a more urban manner, with no front boundary treatments. Other houses are set back and have front boundaries consisting mainly of stone walls of simple design and varying height.
5. Land opposite (to the east) and land to the south of the appeal property lies within the North Pennines AONB designation. The appeal site is outside the designated area, whilst the majority of Castle Carrock village lies within it. Noting the duty under section 85 of the Countryside and Rights of Way (CROW) Act, I have had regard to the purpose of conserving and enhancing the natural beauty of AONB which extends to considering the setting, given the close relationship of the site to that important designation.
6. The development has introduced a stone wall with multiple stone piers and curved top infill timber panels and gates to part of the property frontage. This

wall is higher than other boundary walls noted when entering the village from the north, and therefore it detracts from the sense of openness generally apparent elsewhere. It also differs notably in appearance from other walls, with a more elaborate style which is uncharacteristic of boundary walls in the village. The Appellant references other boundary treatments in the village, however at my site visit, I did not see any that were comparable in design to the appeal scheme. Nor would such examples necessarily justify this scheme, given the harm identified. As such, the development appears as a discordant feature, at odds with the prevailing character and appearance of the area, that does not respond to local context. The changes in topography in the immediate locality, including changes in highway levels and gradients, do not mitigate for this suburban impact within a rural area. The development does not achieve a sensitive design within the setting of the North Pennines AONB designation by failing to respond to local character and distinctiveness.

7. I have considered the newness of the wall and its likelihood to weather, as well as the use of local stone. However, these matters do not address the concerns raised above.
8. To conclude on this main issue, the development has a harmful impact upon the character and appearance of the area. This is experienced in views towards and out of, the North Pennines AONB. The development does not comply with Policies HO8 and SP6 of the Carlisle District Local Plan 2015–2030, adopted 2016, which collectively seek to ensure that development is of an appropriate scale and design, that responds to local context, respecting local character and distinctiveness. Nor does it meet the objective of paragraph 176 of the National Planning Policy Framework (NPPF) which requires sensitively designed development within the setting of AONB designations. This would adversely impact upon the setting of the AONB, failing to conserve or enhance the natural beauty of the designated area.

### **Other Matters**

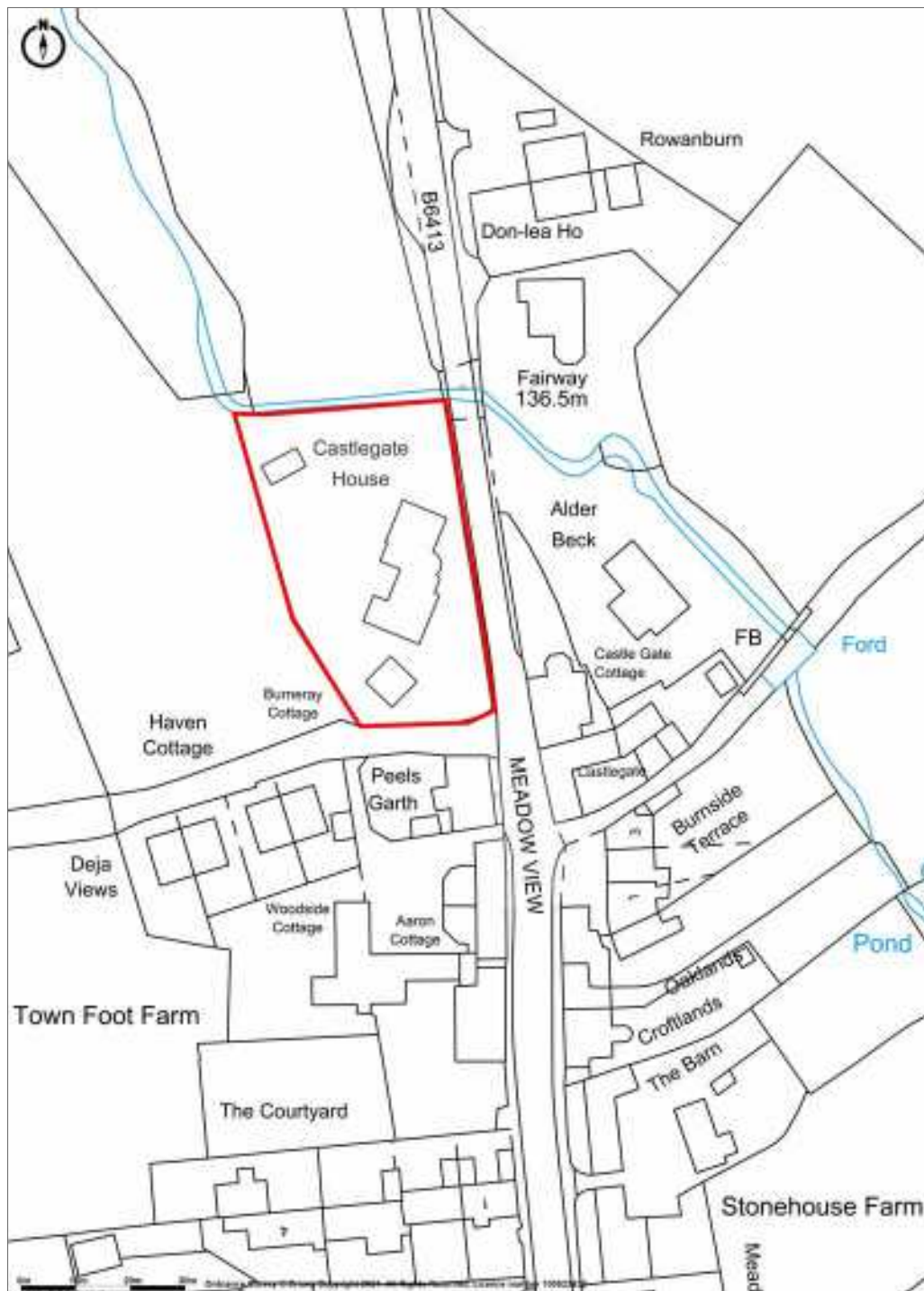
9. I am referred to planning permission (22/0038) which exists for a different design of wall. Whilst there are some common elements, those plans would be substantially different and far more simple in design from the plans I am considering. I do not consider that this planning permission provides any significant weight in favour of this case.
10. I appreciate that for the appellant, the development provides the benefit of increased privacy for a bedroom which is sited close to the road, as well as to parts of their garden which lie at a lower ground level than the road. I observed these conditions at my site visit. However, there is little evidence about what other solutions have been explored.
11. These other matters do not outweigh the harm that I have identified in relation to the main issue.

### **Conclusion**

12. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be dismissed.

*S Brook* INSPECTOR





**Promap**  
LANDMARK INFORMATION

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**Item No: 10**

Between 10/06/2022 and 21/07/2022

**Appn Ref No:**  
22/0052

**Applicant:**  
Allenwood Enterprises Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
02/02/2022

**Agent:**  
Mr C Welbourne

**Ward:**  
Botcherby & Harraby North

**Location:**  
333 Warwick Road, Carlisle, CA1 2BS

**Grid Reference:**  
341766 555921

---

**Proposal:** Replacement Of Existing 48 Sheet Illuminated Advertisement Hoarding  
With 1no. 48 Sheet Gable Mounted Digital Advertising Internally  
Illuminated Display Hoarding

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## **REPORT**

**Case Officer:** Barbara Percival

### **Decision on Appeals:**

**Appeal Against:** Against Advert Decision

**Type of Appeal:** Written Representations

**Appeal Decision:** Appeal Dismissed

**Date:** 16/06/2022

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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# Appeal Decision

Site visit made on 10 May 2022

**by Sarah Manchester BSc MSc PhD MIEnvSc**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 June 2022**

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**Appeal Ref: APP/E0915/Z/22/3296880**

**333 Warwick Road, Carlisle, CA1 2BS**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Dougal Kyle of Allenwood Enterprises Ltd against the decision of Carlisle City Council.
  - The application Ref 22/0052, dated 27 January 2022, was refused by notice dated 21 March 2022.
  - The advertisement proposed is replacement of existing 48 sheet illuminated advertisement hoarding with 1 x 48 sheet gable mounted digital advertising display unit, measuring 6.3m wide x 3.3m high, and comprising pressed metal frame and sealed LED screen.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant to the appeal, these have not been decisive in my determination of this appeal.

## Main Issue

3. The main issue is the effect of the proposed advertisement on amenity.

## Reasons

4. No 333, referred to as 'Advertising Right' in the application form, is the end property of a terrace of traditional 2 storey red brick dwellings in a Primary Residential Area. The side elevation, the location of the proposal, is prominently located close to the road and adjacent to a bridge over a well vegetated tree-lined river corridor. Warwick Road is a main arterial route into Carlisle.
5. There has been a 48 sheet poster advertisement at the site for over 10 years. As it benefits from deemed consent, the acceptability of the existing advertisement on amenity has been established. The proposed advertisement would be the same height and width and in the same position. Therefore, in terms of its size, scale and siting, the proposal would not result in greater harm than the existing advertisement.

6. However, the proposal would differ from the existing insofar as it would display internally illuminated sequential static images, changing every 10 seconds with instantaneous and smooth change over. While each static image might be similar to a poster advertisement, overall the illuminated changing imagery would be markedly dissimilar from the existing situation. In this regard, the appellant acknowledges that the proposal would be different and more noticeable than the existing advertisement.
7. By virtue of its siting and orientation, the proposal would only be visible to road users on Warwick Road travelling from Carlisle in the direction of the M6 motorway. Long views would be screened to some extent by street trees and boundary vegetation. However, on the closer approach it would be clearly visible and dominant above the bridge stone parapet and the brick walls that contain the river. There would also be views of the proposal from the rear of Thirlwell Avenue and from the road and properties north of Thirlwell Avenue.
8. The overtly modern technology and frequently changing images would be conspicuous and out of keeping with the traditional modest residential built and verdant surrounding context. The proposal would be visually obtrusive and discordant taking into account the local townscape character. There is some signage associated with the hotel on the opposite side of the road beyond the terrace of which No 333 forms part. However, this appears distant, smaller and low key. There is an absence of large or modern signage to provide a visual context or that might help integrate the proposal.
9. The internal LED would result in a clear and sharp image and the display would not radiate illumination. However, it would not be visually similar to the street lighting or vehicle headlights and these light sources would not assimilate the proposal into its surroundings. While the proposal would be an innovative feature, it would not be an attractive addition or enhancement of the traditional and unassuming street scene. Moreover, while large LED advertisements may be expected to coexist in mixed use areas, the appeal site is in a residential area with little obvious sign of commercial uses.
10. The proposal would be visible in both oblique and direct facing views from properties on the opposite side of the river. Irrespective of the degree of separation, the internally illuminated changing images would result in visual disturbance to the nearby residential occupiers. Control over the level of illumination during the hours of darkness would not mitigate the adverse visual impact of the frequently changing large imagery. The proposal would be visually intrusive and disturbing to the nearby occupiers, including in their bedrooms. Although the PPG advises that, for the purposes of advertisements, amenity does not include living conditions, I find that the visual disturbance to residents would be an adverse impact in terms of visual amenity.
11. In addition to the standard conditions, I note the suggestion that a planning condition could be imposed to restrict the level of illumination with reference to ambient light levels, to show a black screen in the event of malfunction, to not show moving images, animation, videos or images that resemble road signs or traffic signals, with smooth uninterrupted transition between images displayed for no less than 10 seconds each. However, I am not satisfied that these measures would mitigate the visual harm that I have found. The proposal could not be made acceptable through the use of conditions.

12. Therefore, I conclude that the proposed advertisement would harm amenity. The development plan policies are not determinative, but as I have found harm the proposal would conflict with the aims of Policy SP6 of Carlisle District Local Plan 2015-2030. This requires, among other things, that proposals respond to local context, promoting and respecting local character and distinctiveness.

### **Other Matters**

13. My attention has been drawn to LED digital displays permitted elsewhere, although full details have not been provided. The photograph of 23-27 Church Street (appeal ref 20/3263415) illustrates a locality with large buildings, including some that are contemporary and have flat roofs, and a multi-lane carriageway with light controlled traffic junction. The Currock Street scheme (ref 21/0701) is in an apparently commercial area with numerous existing advertisements. The scheme in Preston (ref 06/2018/0076) is next to a bridge on the side elevation of a café and close to a railway line. The Solihull case (ref APP/A4625/Z/19/3229278) relates to a commercial ground floor unit adjacent to a busy 4-lane highway in a mixed use area with numerous other advertisements. The evidence in relation to the Manchester case (ref APP/B4215/Z/19/2143383) indicates the site adjoins a mixed use area close to a junction on a busy main road. Notwithstanding any apparent similarities, I cannot be certain that any of these is directly comparable or that they provide a justification for the appeal proposal.
14. The appellant is frustrated by what he deems to be a lack of proactive and positive engagement on the part of the Council. However, while advertisements elsewhere may have been permitted subject to planning conditions following discussions between the parties, it does not follow that the same conditions would be adequate in every case. Moreover, the Council's behaviour during the processing of the application is not a matter for the appeal.
15. I note the excerpts from, and reference to research within, the Transport for London Guidance for Digital Roadside Advertising and Proposed Best Practice (Adopted March 2013). However, while it may be accepted as best practice guidance by some Councils outside of London, it has not been provided in full and I cannot be certain it provides support or a justification for the proposal.
16. While the advertising of local businesses and charitable organisations could support the local economy, there would be no guarantee the proposal would be used for such. There is similarly little evidence it would be used to display council, highway or emergency messaging. Irrespective, advertisements should be subject to control only in the interests of amenity and public safety and there is no indication in the Regulations, planning policy or guidance that other factors should be taken into account either for or against a proposal.

### **Conclusion**

17. For the reasons set out above, the proposed advertisement would harm amenity. Therefore, the appeal should be dismissed.

*Sarah Manchester*

INSPECTOR



# location plan.

Location Plan 333 Warwick Road



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**Project:** 333 Warwick Road  
**Drawing Name:**  
Scaled Location Plan  
**Revision:** B  
**Date:** 02.02.2022



**Units 6 & 7**  
Power Station Thermal Road,  
Bromborough CH62 4YB  
**0151 334 3716**  
info@evoke-creative.com  
[evoke-creative.com](http://evoke-creative.com)

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**Item No: 11**

Between 10/06/2022 and 21/07/2022

**Appn Ref No:**  
21/0617**Applicant:**  
Mr John Wilson**Parish:**  
Kirkandrews**Date of Receipt:**  
10/08/2021**Agent:****Ward:**  
Longtown & the Border**Location:**  
Land adjacent Forest Gate, Blackbank, Longtown,  
CA6 5LQ**Grid Reference:**  
334831 567582

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**Proposal:** Erection Of 1no. Dwelling (Outline)

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**REPORT****Case Officer:** Stephen Daniel**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Appeal Decision:** Appeal Dismissed**Date:** 21/07/2022

A copy of the Notice of the decision of the Determining Authority is printed following the report.



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# Appeal Decision

Site visit made on 20 June 2022

**by Katherine Robbie BA (Hons) DipTP MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 July 2022**

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**Appeal Ref: APP/E0915/W/22/3293490**

**Land adjacent to Forestgate, Blackbank, Longtown CA6 5LQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr John Wilson against the decision of Carlisle City Council.
  - The application Ref 21/0617, dated 18 June 2021, was refused by notice dated 4 October 2021.
  - The development proposed is outline application for single dwelling (all matters reserved).
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application has been submitted in outline form with all matters reserved for subsequent consideration. Although I note that the appellant states that the proposal is for a substantial detached two-storey property with a double garage, no indicative plans have been submitted. I have determined the appeal accordingly.

## Main Issue

3. The main issue is the principle of the proposed development with specific regard to its location.

## Reasons

4. The appeal site is located on the edge of a group of around twelve houses and bungalows set on either side of an un-named lane off the A6071 between Gretna and Longtown. Carlisle District Local Plan (2015-2030) (CDLP) Policy HO2 gives support for new housing on unallocated sites within or on the edge of villages within the rural area provided they would not prejudice the delivery of the CDLP's spatial strategy and subject to a range of criteria. The Council's spatial strategy is set out in Policy SP2 of the CDLP. Villages are defined in the CDLP as "a group of houses, other buildings and open spaces which can include businesses and community uses such as a village hall and village green, church or primary school".
5. Given the number and proximity of the dwellings here I consider that it amounts to a settlement capable of being described as a village in accordance with the definition in the CDLP. The proposal would, however, be situated on the edge of that settlement in the open countryside.



6. The proposal would be appropriate to the scale of the settlement, in that it would be for one house. It would be contained within the landscape feature of the forest block which surrounds the site on two sides and by built development on the other two, thereby would be physically connected with the settlement. It would also be compatible with adjacent land users. It would, nevertheless, result in a form of development that would encroach into the countryside beyond the north-eastern edge of the settlement on this side of the lane. Whilst the proposal may "round off" the settlement as the appellant argues, there is no imperative for this in CDLP Policy HO2 nor within the National Planning Policy Framework (the 'Framework').
7. Furthermore, the settlement has no services and is detached from other settlements in the area. Future occupants of the proposal would therefore be reliant on services from other settlements. Longtown is approximately 3km and Gretna approximately 2.2km from the appeal site. Both towns provide community facilities including shops, schools, public houses, churches, health facilities and other essential services and are accessible via the A6071. The busy nature of which would not be an attractive route for either walking or cycling on a regular basis and given the distances involved would be impractical to do so. Moreover, whilst the lane on which the appeal site is located is effectively a cu-de-sac, it serves a substantial number of dwellings over and above those within the group containing the appeal site and is narrow with no footpaths or streetlighting.
8. There are bus stops on the A6071 close to the junction with the un-named lane. These are some distance from the appeal site which would not encourage their use. No evidence has been presented to me of the frequency of buses on this route. It is therefore likely that, taking this and the above into account, future occupiers of the proposed dwelling would be heavily reliant on the use of private motor vehicles to access services. This is the least sustainable travel option.
9. Whilst I recognise that the proposal would be located close to MOD Longtown which could offer employment opportunities for future occupiers there is no guarantee that this would be the case. CDLP Policy SP2 promotes the development of surplus land at MOD Longtown for development and whilst the policy refers to excellent road and rail links this in the context of development relating to freight transport for which the site is promoted in the policy. I have not been presented with any evidence that the proposal would enhance or maintain the vitality of the rural economy and community.
10. No case has been made in respect of the provisions of CDLP Policy HO6 in terms of providing housing for an essential rural worker. The proposal is not for the construction of a replacement dwelling or dwellings nor does it involve the conversion of existing buildings. Therefore, there is no support for the proposal from CDLP Policy HO6.
11. Accordingly, the appeal site is not an appropriate location for housing, having had regard to the development plan and national planning policy. The principle of the proposed development would therefore be unacceptable. The proposal would, accordingly, conflict with CDLP Policies SP2, HO2 and HO6 which, amongst other things, aim to encourage sustainable patterns of development. The proposal would also fail to comply with the aims of the Framework in this respect.

## **Other Matters**

12. The site is not the subject of landscape, ecological or historical designation and is not liable to flooding being in Flood Zone 1 and benefitting from an existing drain which discharges into a nearby watercourse. These are however neutral matters and weigh neither in support of nor against the proposal, and do not therefore alter my conclusion on the main issue.
13. The appellant has alleged that the Council has an inconsistent approach to the application of Policy HO2 in relation to rural settlements across the district. I do not have the full details of the examples which have been cited, and therefore I am unable to conclude whether there are any direct parallels with the case before me and other locations. I have, in any event, determined the appeal on the evidence before me. The existence of other developments in locations elsewhere which may be similar to the appeal site is not a reason to allow otherwise unacceptable development in this case.
14. It is unclear what the authorised use of the site is. However, it is not for me, under a section 78 appeal to determine whether the present use of the site is lawful. To that end it is open to the appellant to apply for a determination under sections 191/192 of the Act and my determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome.

## **Planning Balance**

15. The Council do not dispute the appellant's claim that they are unable to demonstrate the supply of housing sites as required by the Framework. If this were to be the case, I would be taken, with regard to the specific circumstances of the appeal, to paragraph 11d) (ii) which explains that the most important policies are out of date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The principle of the proposed development would be unacceptable and would be contrary to the aims of the Framework in seeking to promote sustainable patterns of new development. I ascribe this matter substantial weight. The appeal scheme would provide a single dwelling which would make a positive albeit limited contribution to the housing undersupply. The scale of the proposals would also limit the wider benefits associated therewith. These benefits would therefore attract limited weight. To the extent that, in the case of the proposed development, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

## **Conclusion**

17. There are no other material considerations, including the Framework and worth of sufficient weight, that would warrant taking a decision otherwise than in accordance with the development plan taken as a whole. The appeal should therefore be dismissed.

*Katherine Robbie*

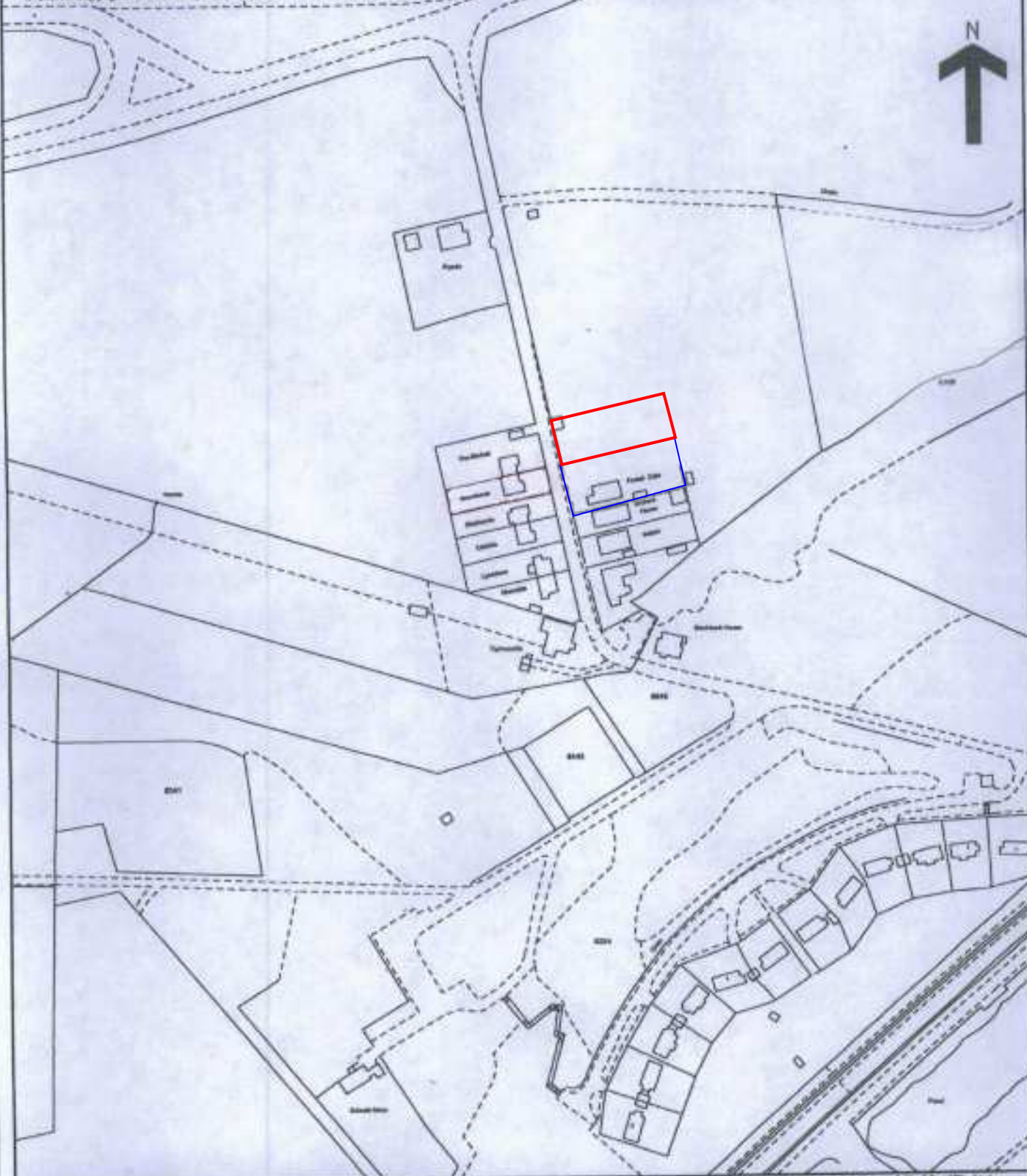
INSPECTOR

# Land Registry Official copy of title plan

Title number **CU243081**  
Ordnance Survey map reference **NY3467NE**  
Scale **1:2500**  
Administrative area **Cumbria: Carlisle**



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This title is dealt with by Land Registry, Durham Office.

## SCHEDULE B: Applications Determined by Other Authorities

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**Item No: 12**

Between 10/06/2022 and 21/07/2022

**Appn Ref No:**  
22/9003

**Applicant:**  
Cumbria County Council

**Parish:**  
Carlisle

**Date of Receipt:**  
14/06/2022

**Agent:**  
Cumbria County Council -  
Economy & Planning

**Ward:**  
Belah & Kingmoor

**Location:**  
James Rennie Special School, California Road,  
Carlisle, CA3 0BU

**Grid Reference:**  
339697 559299

**Proposal:** Erection Of Modular Building To Provide 2no. Temporary Classrooms

### REPORT

**Case Officer:** Stephen Daniel

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 30/06/2022

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 19/07/2022

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**The Town and Country Planning Act 1990  
The Town and Country Planning (Development Management Procedure)  
(England) Order 2015**

**Notice of Planning Permission**

To: Cumbria County Council  
Parkhouse Building  
Kingmoor Business Park  
Carlisle

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the proposal described in your application and on the plans/drawings attached thereto received on 10 June 2022.

**viz: Modular building to provide 2 temporary classrooms plus an additional 16 car parking spaces.**

**James Rennie School, California Road, Carlisle, CA3 0BX**

Subject to due compliance with the following conditions:

**Time Limit (Planning Permission Granted for a Limited Period)**

1. The modular building hereby permitted shall remain on site for a limited period only expiring on 15 July 2023 by which date the building, associated services and infrastructure hereby permitted shall have been removed.

*Reason: Siting of the temporary building is proposed for a temporary period of time until alternative facilities are made available. To comply with Section 72(1)(b) of the Town and Country Planning Act 1990.*

**Approved Scheme**

2. The development hereby permitted shall be carried out with the following:
  - a. The submitted Application Form – dated 9 June 2022
  - b. Design and Access Statement - undated
  - c. Plans named and Numbered:
    - i) Proposed temporary classroom – Drawing No 5713-11-Rev.B
    - ii) Plans and elevations – Drawing No 5713-10-Rev.A

*Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.*

**Drainage**

3. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted *Foul & Surface Water Drainage Design Drawing 5713 AA Rev A -Dated 9.06.2022* which was prepared by Day Cummins. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

*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.*

Dated 19 July 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 application are set out within the planning officers' report which can be viewed at: [Planning.cumbria.gov.uk/Planning/Display/1/22/9003](http://Planning.cumbria.gov.uk/Planning/Display/1/22/9003)
- 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.

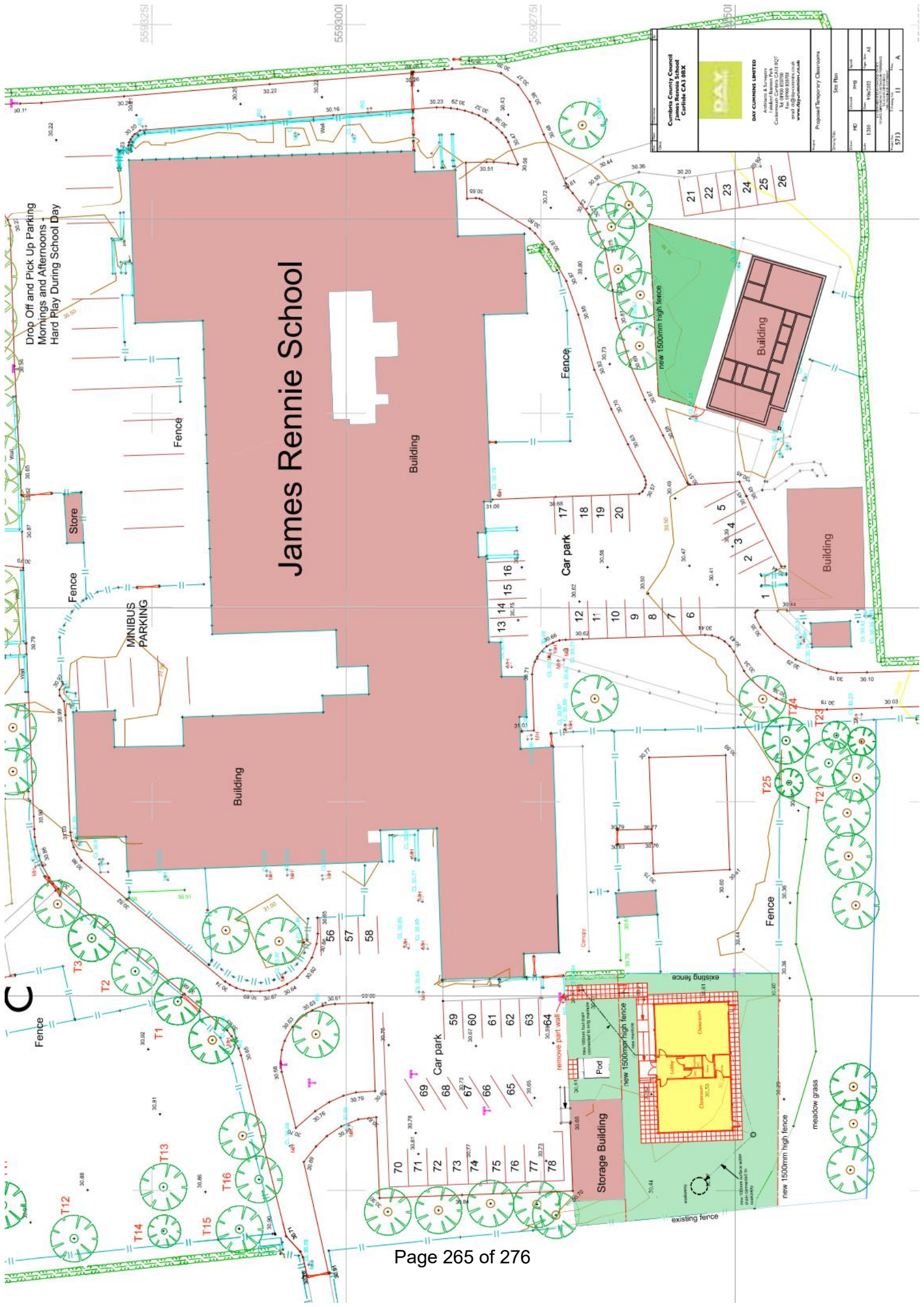
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## APPENDIX TO NOTIFICATION OF PLANNING DECISION

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.
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.





# James Rennie School

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5713



# Report to Development Control Committee

Item  
A.2

Meeting Date: 5<sup>th</sup> August 2022  
Portfolio: Economy, Enterprise and Housing  
Key Decision: No  
Within Policy and Budget Framework: No  
Public / Private: Public

Title: RIGHT TO SPEAK POLICY – CLARIFICATION UPDATE  
Report of: Corporate Director of Economic Development  
Report Number: ED.20/22

## Purpose / Summary:

This report presents an update on the Right to Speak policy which is in operation for Development Control Committee providing further clarification on timings.

## Recommendations:

That Members approve the points of clarification in this report.

## Tracking

Executive:	N/A
Overview and Scrutiny:	N/A
Council:	N/A

## **1. BACKGROUND**

- 1.1 The Development Control Committee's Right To Speak Policy was reviewed in 2018/2019 with a report on the new policy approved by Development Control Committee at its meeting of the 26 April 2019 and adopted by the Council's Executive on the 26<sup>th</sup> May 2019.
- 1.2 The policy has been in operation since that date albeit that adjustments were made during the Covid pandemic for virtual meetings, any adjustments reflected the intent of the policy as close as possible.
- 1.3 Officers continue to implement the policy however a recent Standards Board meeting has recommended that the Corporate Director for Economic Development provides additional clarification relating to time allocated to speakers and the transference of time when a resident is unable to attend the meeting.

## **2. RIGHT TO SPEAK POLICY UPDATES**

- 2.1 The specific issue highlighted by the Standards Board relates to the time allotted to Ward Councillors in representing their constituents.
- 2.2 The policy states that Ward members are allowed 10 minutes to represent their ward. Whilst this is explained that it is to cover all their residents interests, the policy is not clear that this is the maximum time allowed to a ward member irrespective of the number of constituent residents they are representing.
- 2.3 One resident was unable to attend a meeting and therefore asked their ward member to represent them however as the ward member was already speaking for 10 minutes they were unable to do their own presentation and the resident's in the available time. The resident's concerns were represented to the meeting so they were not inconvenienced directly however to allow the Councillor the full time available, in that instance, another person should have presented the residents concerns. Clarifying this point in the policy will assist.
- 2.4 In addition, the time to register the right to speak was left until the last few minutes making it difficult to make alternative arrangements and different parts of the policy have stipulated 23:59 or 5pm. It is therefore recommended that the time to register a right to speak to address the meeting should be closed at 4pm on the Wednesday prior to the meeting allowing officers to deal with matters slightly earlier.
- 2.5 It has also been noted that some speakers still wish to bring material for presentation or hand out to Committee members on the day of the meeting however late information is not acceptable. Presentations need to be checked for GDPR and

copyright compliance which cannot be done on the morning of the meeting. Some speakers have also sought to make late changes at the start of a meeting when the officers are preparing causing potential last-minute delays. Therefore, it would be useful to further clarify these points in the policy.

- 2.6 The following points of clarification are therefore intended and have been inserted into appendix 1 which is the approved policy (text to be removed is ~~struck through~~ and text to be inserted is *italicised* and both **highlighted** for ease of reference):

### **3. RECOMMENDATION**

That Members approve the points of clarification in this report.

**Contact Officer: Chris Hardman**

**Ext: 7502**

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- **None**

### **CORPORATE IMPLICATIONS:**

**LEGAL** – The right to speak policy must be underpinned by fairness and equality and also allow people to participate in the planning system which the Council administers on their behalf.

**PROPERTY SERVICES** – n/a

**FINANCE** – There are no financial implications arising from this policy

**EQUALITY** – Equality principles are applied in the operation of the policy

**INFORMATION GOVERNANCE** – Included within the report



### RIGHT TO SPEAK POLICY

This document sets out when members of the public and planning agents/applicants, Parish Councils and other Council Members can address Carlisle City Council's Development Control Committee. It sets out the "Right to Speak" policy in relation to planning applications and proposals for new Tree Preservation Orders.

#### Right to Speak on Planning Applications

For any application which is presented to the Committee you must first have made representation on the application prior to an officer report being published. Just because an objection may have been made to a planning application does not mean it will be reported to the Development Control Committee. Application will only be presented to the Committee when the criteria under the Council's scheme of delegation have been met (*INSERT HYPERLINK*).

When commenting on an application you may have requested a right to speak to the committee however you cannot register in advance. You will be advised that at the time of you making representation it is not clear whether the application is going to committee and we will not register your right to speak. If you wish to know whether an application will be reported to the Development Control Committee you will have to contact the case officer after the consultation period has ended. If it is going to committee, once the committee schedule of applications has been published (10 days prior to the meeting usually the Wednesday the week preceding the committee) you will be able to register along with others who have made representation.

#### Right to Speak on Tree Preservation Orders

When a new Tree Preservation Order has been made and an objection has been made this will be reported to Development Control Committee. There will be a right to speak as to whether or not the order should be made. Please note that when an application is made to undertake works to trees protected by a Tree Preservation Order this is usually dealt with under delegated powers by officers and not reported to the Development Control Committee.

#### When can you register your right to speak?

When the Committee agenda has been published you will be able to register to speak by telephone/email/letter to [DCRTS@carlisle.gov.uk](mailto:DCRTS@carlisle.gov.uk) or 01228 817179. The agenda includes a schedule of planning applications which will be presented to the committee and you will find a copy of the officer's report within the papers. Reports on Tree Preservation Orders are listed separately on the main agenda.

You have until ~~23:59~~ 16:00 on the Wednesday prior to the Committee meeting to register. Once a right to speak has been registered we will inform the agent/applicant hence we have to close the ability to register ~~more than 24 hours~~ in sufficient time prior to the meeting. For Parish Councils and Ward Members please note that whilst a site visit may be undertaken on the Wednesday prior to the meeting you should still register your right to speak by ~~close of play 5pm~~ 4pm the same day.

Please note that for delegated reports there is no right to speak and the consideration of all matters relies on written correspondence submitted as part of the application process.

Once a right to speak has been registered the Applicant/agent has a right of reply. There is no automatic right to speak to committee for agents/applicants. If the officer's report is recommending "refusal" of the application, the agent/applicant can have a right of response to the committee. The Technical Clerks will contact you to register the right to speak.

#### How long is the right to speak for?

For any member of the public wishing to speak you must first have made representation on the application prior to the officer report being published. You will then be able to address the committee for 3 minutes on planning related matters. Three minutes is ample time to present a cogent argument at a reasonable pace of speech, speaking faster to get more information in can result in part of your speech being missed and lessen the impact of what you are saying.

There is a limit of 5 places for members of the public (not from the same household) on each application. If more than 5 people wish to speak it operates on a first come first served basis and you may not be able to speak if you are the 6<sup>th</sup> person to register. Someone (other than a City Councillor (Councillors have different rights to make representations)) may speak on your behalf and your 3 minutes will be allotted to them. You must arrange this yourself and inform the Council if you choose for someone to speak on your behalf no later than the day prior to the committee meeting. There is therefore a maximum of 15 minutes for residents. Any residents group will be allotted time from within the 15 minutes for residents and no additional time will be given. *Please note that if you wish to ask a City Councillor to speak on your behalf their time is a maximum of 10 minutes. If they are already registered to speak their time will not be extended and you should therefore ask another person to speak on your behalf.*

Parish Councils will be allowed 10 minutes to address the committee and should inform the Council which Parish Councillor will be speaking on their behalf with written confirmation (e-mail will suffice) from the Clerk/Chairman of the Parish Council.



City Councillors will be allowed 10 minutes to address the Committee where they act on behalf of a number of residents. Sometimes Councillors may have a personal interest and be acting as a local resident in which case they will be limited to 3 minutes.

*Please note that as a City Councillor the maximum time allowed is 10 minutes irrespective of the number of residents. If you are intending to speak for the whole 10 minutes this will not be extended to represent others who may wish you to speak on their behalf and alternative arrangements will have to be made.*

County Councillors will be allowed to address the committee at the discretion of the committee chair.

The Planning Agent for the application will be notified when a right to speak has been registered and will be informed on the day prior to the meeting how many have registered in relation to the application. If there is no agent, we will inform the applicant. As the agent/applicant as a right of reply, you will be given the sum of time allotted to the other speakers up to a maximum of 15 minutes. Please note this is a maximum time available and it is not a requirement to fill this time.

If anyone chooses to have more than one person speak (e.g. a specialist on certain issues) this will form part of the total time allotted based on the above maximum limits and no additional time will be allowed for more speakers.

Please note that whilst the agent has a right to reply we will inform you of the timings anticipated for other speakers. If one or more speakers do not turn up on the day we will honour the time slot that you have been advised.

The Chair of the meeting will advise you when your time to speak is nearing its end and will request that you come to a prompt close. They also have the ability to override the microphone should you ignore their requests.

### Presentations

You can choose to present information on screen if you consider that graphs/tables/images or photographs will assist. The presentations should be sent to the Council's planning technician through the email address [DCRTS@carlisle.gov.uk](mailto:DCRTS@carlisle.gov.uk) by close of play on Wednesday prior to the meeting. This is to ensure they are incorporated within the presentations to committee and ensure any material requiring redaction is dealt with prior to the meeting (e.g. we redact vehicle registration numbers, or we may obscure faces of people who have not consented to images being used).

We cannot currently include videos within presentations

Late presentations will not be accepted.

*If you wish to make late changes to your presentation, please do so by 5pm on the day before the meeting (Thursday) and confirm with the planning technician no later than 09:45 on the morning of the meeting that the correct presentation has been uploaded.*

Nothing will be allowed to be handed out to the councillors on the day of the committee. Do not expect to hand out notes or photographs to the committee or have a presentation uploaded on the morning of the meeting.

*Please note that whilst we will accommodate requests as much as possible within the policy guidelines presentations are being shown in public meetings and will need to be checked prior to transmission. We cannot accept them on the day of the meeting.*

#### What if the application is to be refused?

If an application is to be refused the agent/applicant will be allowed a right to speak in response to the report. Members of the public who have written in support of the application will be allowed a right to speak as well as Parish Councils and City Councillors will also be allowed to speak. The agent/applicant will have up to 3 minutes to speak if no one else registers. Otherwise the time allowed will be based on the previous time allowances with a maximum of 15 minutes for agents/applicants.

#### Right to Speak on Tree Preservation Orders

Making of a tree preservation order is only reported to the Development Control Committee when there is an objection. The objector therefore has a 3-minute right to speak. Other people can speak in support or objection with no more than 5 people and a maximum 15 minutes in total.

#### Rights to speak at the site visit

These will not be allowed as this is not a public meeting.

Agent/applicant may be present (sometimes to allow access to land) but you will not be allowed to address the committee.

Parish Council's will be invited to attend the site visit to observe however if they wish to address the visit it shall be through the local ward member (or vice-chair of the committee if the local ward member is not present).

Members of the public will not be allowed to address the site visit as it is not a public meeting. The site visit is just to allow the committee members to see the site and

its surroundings.

Ward Councillors will be invited to the site visit and may address the committee at the site visit. If you wish to speak at the formal committee meeting please ensure you have registered your right to speak in accordance with this policy.

#### What happens at the committee?

On the day of the meeting please make the technical officers aware that you have arrived (they will be wearing name badges and be present at the entrance to the Council Chamber). They will then be able to inform the chair that you are in attendance. They will also direct you to a seat in the main chamber so that you will be able to make your right to speak when called. One seat in the chamber is reserved for the rights to speak. Please do not occupy this seat until called by the committee chair.

If you have not spoken at a committee meeting before, the meetings are held in public so please come and see how the meeting works on another day. You may be nervous by the formality of the meeting, but we do try to put you at your ease. You will be asked to leave a set of notes for the committee clerk to assist with the minutes of the meeting. We do not prepare a transcript but will summarise the salient planning points of your speech. Once the minutes have been approved by the committee the copy of your notes will be disposed of and cannot be returned.

Each planning item runs in the following order:

- The officer presents the application;
- Rights to speak are then heard in the following order:
  - Members of the public (Objectors to applications recommended for approval or Supporters of applications recommended for refusal)
  - Parish Council
  - City Councillors
  - Right of response by the applicant/agent
- The Committee will then debate the application and you will not be able to address the meeting further. You can return to your seat to listen to the debate.

#### What happens if the item is deferred from discussion at the meeting?

Deferring an application means that no decision on the application will be made at that meeting and further discussion will take place. It depends on when and why the application is deferred what happens to your right to speak.

Members may wish the application to be deferred for a site visit before any discussion has taken place and sometimes before the officer has presented the application. In this case your right to speak will be deferred until the next meeting of the committee.

Members may defer the application for more information or to suggest that the applicant may wish to make modifications to their application. This may arise during the debate and you will have had your right to speak. In which case, there is no automatic additional right to speak when the application returns to a later meeting. Exceptionally a further right to speak may be granted depending on what additional information comes forward.

In general, you only have one opportunity to address the committee. If the item is deferred before you have opportunity to speak you will be asked if you wish to speak or wait until the next meeting. We would normally advise that you wait however if you cannot attend the next meeting you can use your right. Please note that when items are deferred for more information or alterations it may be a couple of meetings before the application is reported back to the committee.

#### Ten practical tips

1. There is no need to stand up to address the committee.
2. There is a static microphone which is operated by a push button and it will be able to pick up your voice, but this will be less clear if you stand up.
3. The planning technician will operate slides for you in a presentation *if you so wish or you can use a remote slide changer (~~remote slide changers currently do not operate from the right to speak desk~~)* so please put in your notes when you wish to change the slides *if the technician is to change them for you.*
4. There is no cross-examination. You will not be able to ask questions of the case officer, the committee or the applicant. They will not be allowed to ask questions of you.
5. Focus on planning matters as these are the only matters that the committee can consider (Add in examples). The chair or officers may remind you during your right to speak if they consider your issues may not be relevant to the committee.
6. If you have prepared a 3D model (usually for other purposes) it may be put on display outside the chamber and we will advise the members to view it on their way to the meeting.
7. Banners will not be allowed in the chamber
8. Notes are not to be passed to members of the committee and there should be no interaction with members of the committee once the meeting has started.
9. Heckling of officers/members will not be tolerated and you may be removed from the chamber.
10. When your item has been discussed please leave the chamber quietly as the meeting will continue and others will wish to participate and listen to subsequent items.

### Special access arrangements

Please note that current access to the Council chamber involves stairs. If you require assistance, please mention this when registering your right to speak so that we can make the necessary arrangements.

### Scheduling the timing of the meeting

Please note that the Development Control Committee commences at 10:00 and as each item is debated in order we cannot estimate the timing of when applications will be heard by the committee. Only under exceptional circumstances will items be moved on the agenda.

### What happens after the committee?

If an application is refused by the committee, the applicant has the right to appeal to the Planning Inspectorate. This process is then undertaken by the Planning Inspectorate and not the City Council. The Planning Inspectorate's web site advises on procedures for the different types of appeal.

### Data Protection

When you register your right to speak we will ask you for contact details including your phone number/email address and we will ask for your postal address to confirm that you have made representation prior to the reports being published.

Your information will only be for the committee purposes in relation to that planning application to be heard in case we need to contact you about any changes to the meeting. We will not pass this information on to any third parties. This is why, if someone is to speak on your behalf you must contact us again and inform us of this change.

Your name will be read out at the meeting when you are called to give your right to speak and you will be named in the Committee minutes. This is to ensure that the impacts of the development are understood and considered by the committee and recorded as such.

Please be aware that we are not able to control what speakers at the committee may say and they may identify individuals during their right to speak. (Add hyperlink to privacy policy for Development Management).