

AGENDA

Development Control Committee

Friday, 14 February 2020 AT 10:00

In the Council Chamber, 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 item on the agenda at this stage.

Public and Press

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

Minutes of Previous Meetings

5 - 16

To approve the minutes of the meeting of the Development Control Committee held on 10 January 2020 and 11 February 2020 (site visits).

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

(a) planning permission for proposed developments

(b) approval of detailed plans

(c) consents for display of advertisements.

Explanatory Notes **17 - 22**

Item 01 - 19/0748 - Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle **23 - 50**

Item 02 - 19/0243 - Dalston Hall Hotel, Dalston, Carlisle, CA5 7JX **51 - 86**

Item 03 - 19/0459 - Land at Carleton Clinic, to the west of Cumwhinton Drive, Carlisle **87 - 128**

PART B

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

B.1 QUARTERLY REPORT ON PLANNING ENFORCEMENT

- Information relating to any individual;

Members of the Development Control Committee

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

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

Independent - Tinnion (Chair), Paton (sub)

Enquiries, requests for reports, background papers etc to:

Jacqui Issatt, Committee Clerk (01228) 817557 or
jacqui.issatt@carlisle.gov.uk

Minutes of Previous Meetings

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 10 JANUARY 2020 AT 10.00 AM

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

OFFICERS: Corporate Director of Governance and Regulatory Services
Corporate Director of Economic Development
Development Manager
Mr Allan – Flood Development Management Officer – Cumbria County Council
Principal Planning Officer
Planning Officer x 4
Planning Landscapes and Compliance Enforcement Officer

ALSO

PRESENT: Councillor Allison (Ward Member) attended the meeting having registered a Right to Speak in respect of application 19/0193 – St. Michaels and All Angels Church, The Square, Dalston, Carlisle, CA5 7PJ.

DC.004/20 APOLOGIES FOR ABSENCE

Apologies for absence was submitted on behalf of Councillors Patrick and Tarbitt.

DC.005/20 DECLARATIONS OF INTEREST

In accordance with the Council's Code of Conduct the following declaration of interest was submitted:

Councillor Tinnion declared an interest in respect of agenda item A.3 – TPO 303 – Land at Hayton, Brampton. The interest related to predetermination.

DC.006/20 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.007/20 MINUTES OF PREVIOUS MEETINGS

RESOLVED 1) That the minutes of the meetings held on 9 October (site visits), 11 October, 20 November (site visits) and 22 November 2019 be signed by the Chairman.

2) That the minutes of the meeting held on 7 January 2020 (site visits) be approved.

DC.008/20 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Corporate Director of Governance and Regulatory Services outlined, for the benefit of those members of the public present at the meeting, the procedure to be followed in dealing with rights to speak.

DC.009/20 CONTROL OF DEVELOPMENT AND ADVERTISING

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

1. Erection of 1no. Dwelling, L/A rear of Walton Parish Church, Walton, Brampton, CA8 2DH (Application 19/0494).

The Principal Planning Officer submitted the report on the application which had been deferred by Members at the 22 November 2019 meeting of the Committee.

Following the deferral discussions had taken place between Barron Wright Partnership drainage engineers and United Utilities which had confirmed that due to the clay nature of the soil a soakaway was not an option.

The Principal Planning Officer advised that he had spoken to United Utilities before the meeting and advised that, given the small size of the plot the consequent small volume of run-off it would generate, permission to connect to the sewer would be granted. It was further anticipated that some attenuation was able to be provided on-site, the details of which would need to be agreed with United Utilities and Building Control.

Slides were displayed on screen showing: proposed block and section plans; proposed elevation plans; drainage plan; drainage block plan; cross section plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

Additional conditions had been incorporated into the Consent requiring: a condition survey of the Village Green to be carried out prior to commencement and; the submission of details relating to the proposed retaining walls to be submitted to the Local Planning Authority for approval.

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

The Committee then gave consideration to the application.

A Member expressed disappointment that United Utilities had not responded in writing, he asked the Principal Planning Officer whether he was satisfied with the drainage proposals.

The Principal Planning Officer confirmed that he was satisfied with the drainage proposals, and in response to a further comment from the Member undertook to ensure that the drainage plan published on the Council's website was correctly titled.

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

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

2. Erection of 4no. dwellings, Land to the rear of 44 Scotby Road, Scotby, Carlisle, CA4 8BD (Application 19/0493).

The Development Manager submitted the report on the application which had been subject of a site visit by the Committee on 7 January 2020.

Slides were displayed on screen showing: block plan; location plan; floor plans; house type plans; junction plans; cross section; location plan; site plans; and photographs of the site, an explanation of which was provided for the benefit of Members.

Outline Planning Permission was granted in 2018 which approved the access point and restricted development of the site to one dwelling. Further to the granting of Consent, works were undertaken at the site, principally the removal of planting and shrubs, which had impacted on the appearance and feel of the area. The Development Manager displayed a number of slides on screen which illustrated the previous state of the site in order to assist Members in understanding the comments of some objectors who had raised the issue.

The matter of building in gardens was an issue raised by the proposed scheme and had been discussed in the report, the Development Manager reminded Members that local and national planning policy allowed such development,

During the Committee's site visit, the Parish Council noted that there was no condition relating to foul drainage contained in the permission. In the event of the application being approved, the Development Manager advised that it would be appropriate to incorporate such a condition.

In conclusion, the Development Manager recommended that the application be approved, subject to the conditions detailed in the report, and the imposition of a further condition requiring the submission of details of the method of foul drainage to the Local Planning Authority for approval.

Mr Brader (Objector) objected to the application in the following terms: there was no justification for the increase of proposed dwellings from 1 to 4; the scheme was not compliant with Local Plan policies HO 2 – Windfall Housing Development, HO 3 – Housing in Residential Gardens, and SP 6 – Good Design; vehicle lights using the access would disturb residents in adjacent properties.

Ms Howard (Agent) responded in the following terms: the scheme provided sustainable, high environmental standard development within a well contained site on brown field land; the principle of development was already accepted; plot 4 provided an end-stop feature to the development without being visually dominant; the applicant had agreed to provide an additional 1.2 metres of fencing to prevent light spill in the access area; additional planting would be provided at the site.

The Committee then gave consideration to the application.

In response to questions from Members the Development Manager advised that:

- The Phillip Morris Standard and Leonard Bernstein Principle were design standards for house builders;
- An energy efficiency rating of A meant that a property was towards the highest end of the scale;
- Although no hammerhead was included in the design of the development, hard surface parking areas were available for vehicles to carry out manoeuvres.

A Member expressed concerns that the steep gradient of the site down as it sloped towards the beck, which had been seen as very wet during the site visit, despite little earlier rainfall. He asked what the likelihood was of flooding occurring at the site.

The Development Manager confirmed that the beck did flood which had the potential to impact the lower levels of the site. A number of drainage methods were feasible including connecting into the existing sewer network which would require the use of pumping mechanisms. Discharge into the adjacent beck, following processing in a treatment plant was a further option, were that to

be implemented, outflow from the site would be restricted to existing levels, plus an allowance for Climate Change.

In relation to policy HO 6 – Other Housing in Open Countryside a Member questioned whether plots 3 and 4 were considered to be sited in open countryside.

The Development Manager responded that it was difficult to define garden and countryside in this case as the site was well contained within existing hedging, as such they were able to be considered the boundary. Conversely, the large size of the site contained a more formally structured garden area in proximity to existing dwelling, with a more open area on the slope running towards the beck. The judgement of whether the site was a garden or in open countryside was for Members' to determine. The Development Manager was of the view that the scheme did not extend beyond other development in the village, therefore it was not in open countryside.

The Committee discussed the matter and expressed particular concerns in relation to the location of the proposed dwelling on plot 4 which was some distance from the existing property. During the site visit the Committee observed the proximity of plot 4 to the beck and the less dense hedge and tree coverage in that area which had led a number of Members to consider that part of the development to be in open countryside.

The Corporate Director of Economic Development advised that, given the nature of the discussion and Members concerns, the Committee may wish to consider deferring the application in order for Officers to discuss those matters with the applicant/agent.

A Member moved that the application be deferred in order for Officer to discuss the Committee's concerns regarding the proposed plot 4 development. The proposal was seconded, and it was:

RESOLVED: That determination of the application be deferred in order for discussions to be held with the applicant/agent in relation to the Committee's concerns regarding the proposed Plot 4 and to await a further report on the application at a future meeting of the Committee.

3. Erection of extension to provide Library, Function Room and Entrance; Conversion of existing Vestry to form new accessible toilet, office and kitchen and alterations to the existing WC to provide Vestry and accessible toilet, St. Michaels and All Angels Church, The Square, Dalston, Carlisle, CA5 7PJ (Application 19/0193).

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; site plan and elevation plans; revised ground floor plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

The proposed extension was to be a multi-functional space providing an area for church related activities as well as the library facility. Part of the development was to be within the Root Protection Zone of the trees at the site, however, the extension was to be constructed from post and beam foundations which would limit any impact upon the tree roots.

The design of the extension and pallet of materials were sympathetic to the existing building and the style of buildings in the vicinity of the site which included a number of Listed Buildings.

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

Councillor Allison (Ward Member) addressed the Committee and noted that the proposed scheme aimed to ensure that the church remained a working facility in the village. The proposal had wide community support and the design had been revised to ensure it was sympathetic to the existing building and to limit its wider visual impact.

The Committee then gave consideration to the application.

A number of Members expressed concerns regarding the necessity of disturbing graves to accommodate the scheme. It was noted that the issue was a matter requiring Ecclesiastical Consent which would be considered by the appropriate organisation.

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

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

4. Erection of 1no. Dwelling, Land adjacent to Hillcrest, Milton, Brampton, CA8 1HS (Application 19/0184).

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; block plan; proposed floor plans; proposed elevation plans; section plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

Following the granting of Outline Planning Permission in July 2018, it became apparent that the route of the foul water pipeline through the site was plotted incorrectly on the United Utilities' sewer maps. This had major implication for the siting of a dwelling at the site which effectively meant the only viable location was as per the current proposal.

The Principal Planning Officer noted that the location of the proposed dwelling was not ideal. However, taking into account the improved design, lowered levels and proposed boundary treatments he judged the proposal to be acceptable.

Condition 20 of the proposed permission was not required as it related to larger housing developments, as such it the Principal Planning Officer recommended that it be removed from any Consent granted.

The Principal Planning Officer recommended that the application be approved subject to the imposition of conditions detailed in the report, with the exception of Condition 20 which was to be removed.

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

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

5. Erection of Dwellings, (Outline) Land adjacent to Fair Lea, Moorhouse, Carlisle, CA5 6EL (Application 19/0517).

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

Burgh by Sands Parish Council had objected to the proposal on the grounds of: the site not being allocated for residential development in the Carlisle District Local Plan 2015 – 30 (Local Plan) and, the overall amount of development in the village. The Planning Officer reminded Members that policy allowed for the development of Windfall Sites, therefore the site not being allocated was not an appropriate reason to refuse the application.

In terms of the extent of development in the village, neither the National Planning Policy Framework nor the Local Plan imposed a limit on the percentage or proportional increase over the level of allocated development in the Local Plan. Any proposed development out with the allocated sites was required to pass the tests whether the scale and design of the proposed development would be appropriate to the scale, form, function and character of the settlement. Those matters were fully discussed within the report and had been judged to be acceptable.

The submitted plans took into account highway issues and the living conditions of the occupiers of the neighbouring properties would not be prejudiced subject to the imposition of conditions. The means of foul and surface water drainage were able to be suitably addressed through the imposition of planning conditions. On that basis, the Planning Officer recommended that the application be approved, subject to the conditions detailed in the report.

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

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

6. Removal of condition 7 of previously approved application 19/0360 for the requirement to install a Package Treatment Plant to facilitate the increased number of pitches, Green Meadows Caravan Park, Blackford, Carlisle, CA6 4EA (Application 19/0670).

The Development Manager submitted the report on the application and provided an overview of the determination of earlier applications which had culminated in the imposition of a condition requiring a new foul drainage biosystem to be fully operational prior to the occupation of the eleventh static holiday unit (condition originally attached to permission 17/0075). The site location plan was displayed on screen.

The applicant had subsequently commissioned a Civil Engineer to assess the drainage capacity of the existing foul drainage plant, the results of which were detailed in full at paragraph 6.8 of the report. The findings had been considered by the Council's Building Control's Business Development Manager who confirmed:

- the serviceability of the existing plant and the quality of its discharge had been adequately addressed;
- the capacity of the existing plant was sufficient to accommodate the increased number of caravans and tents.

Accordingly, the Development Manager advised that condition 7 imposed in planning approval 19/0360 was now unnecessary and could therefore be removed from the current permission. Furthermore, the Development Manager advised that condition 3 contained a reference to policy EC10 which was part of the Local Plan 2001 – 2016, which had been superseded and as such ought to be removed from the permission.

The Development Manager recommended that the application be approved subject to the imposition of conditions detailed in the report, with condition 7 being removed and condition 3 being amended to remove the reference to policy EC10.

The Committee then gave consideration to the application.

In response to a question from a Member regarding the issue of an existing smell at the site, the Development Manager advised that the Council's Environmental Health team and the Environment Agency were investigating the matter.

A Member sought clarification on the reason for the removal of condition 7 imposed under application 19/0360.

The Development Manager explained the permitting process that the applicant would need to undertake with the Environment Agency negated the need for the condition. In the event of the drainage system not meeting the requirements of the Environment Agency permits, that organisation was able to require the applicant to install a foul drainage biosystem, therefore condition 7 was not necessary.

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

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

7. Conversion of rear of Church (existing extension) to 1no. dwelling including provision of external roof terrace, Old Methodist Church, Albert Street, Longtown, Carlisle, CA6 5SF (Application 19/0606).

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; site plan; elevation plans; section plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Highway Authority had raised several issues in response to the consultation on the application that culminated in an objection. The first issue related to the pedestrian visibility splays: the Planning Officer noted that the existing access arrangements were to be retained by the proposed development.

The second matter related to the intensification of the use of the site and the resulting increase in parking demand. Were Members to consider that would occur as a result of the development, the Planning Officer advised that, it is a matter of judgement as to whether the displacement would have a negative effect on the surrounding highway network and parking facilities. On balance, given the scale and nature of the development, it was considered acceptable in this instance.

In terms of the remainder of the building, the applicant had confirmed that it was not their intention to allow the continued use of the building as a church. Were an alternative use to be sought, Planning Permission would be required, with any future application being considered on its merits.

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

The Committee then gave consideration to the application.

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

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

8. Variation of condition 2 (Approved Documents) of previously approved application 18/1088 (Erection of 24no. Dwellings and associated infrastructure) to amend the site layout and finished floor levels, Land adjacent to King Edward Fauld, Burgh by Sands, Carlisle, CA5 6AR (Application 19/0851).

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: site location plan; proposed site plan; drainage strategy plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

Further to the granting of Planning Consent in 2018, United Utilities had requested that the approved pumping station be replaced with a gravity system which would be more reliable and sustainable. In order for the new system to be incorporated, the finished floor levels of a number of properties within the development needed to be increased. Plots 14 to 16 lay to the rear of existing dwellings on King Edwards Fauld and the finished floor levels of those dwellings would be increased by between 0.75m and 1.05m.

The Principal Planning Officer considered that the proposal would not have a negative impact on the occupiers of existing dwellings, accordingly, he recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

A Member commented that a short time had elapsed since the determination of the original scheme and the current application. Whilst he understood that it was standard practice for the details of drainage systems to be submitted for approval following permission being granted, he considered that process to be unsatisfactory. Finished floor levels had been an issue for Members at the time of the earlier application and he was very concerned that a variation had been requested so quickly.

The Principal Planning Officer responded that the detail of the design had been required to evolve in response to a request from a Technical Consultee. The single storey nature of the dwellings and their orientation led the Principal Planning Officer to consider the proposal acceptable.

The Corporate Director of Economic Development added that whilst she appreciated the Members' point, the authority was dependent on United Utilities in drainage matters. The Council had written to United Utilities on the issue previously, however, the organisation considered the current arrangement acceptable.

A Member asked why the drainage system approved by the Committee had not been acceptable.

Mr Allan (Cumbria County Council) explained that a pumping station was considered the worst drainage option. Such systems required human input, whereas the system required by United Utilities would be self-maintaining.

In response to a further question from a Member regarding the surface water drainage arrangements, Mr Allan outlined the system which was to comprise a soakaway and attenuation mechanisms. In the event of flooding occurring at the management company for the development would be responsible for ensuring the necessary remedial action was taken.

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

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

9. Demolition of Whitehorse Centre and erection of 5no. employment units and external compound area, Whitehorse Centre, Tyne Street, Carlisle, CA1 2NP (Application 19/0814).

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; block plan; existing elevations; proposed site plan; proposed elevation and floor plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

The site lay just outside the Settle to Carlisle Railway Line Conservation Area, however, in recognition of the building's architectural and historic interest the applicant had submitted a 60 page document providing a photographic record of the building with a view to complying with condition 3. The Council's Historic Environment Officer had confirmed that more information would be required to satisfy this and as such, the Planning Officer advised that the condition should remain.

The redevelopment of the site would expand the range of employment facilities on land which was previously used for commercial purposes and was well related to buildings that were currently in commercial use. As such, the principle of development was supported by the NPPF and local planning policies.

The proposal had not raised any highway, biodiversity or drainage issues. Accordingly, the Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

Members expressed disappointment that whilst objections to the application had been received on the grounds that the proposal necessitated the loss of a building of architectural and historical importance in the area, no interest in the building had been forthcoming prior to the submission of plans to demolish it. However, the Committee recognised the need for employment sites and welcomed the area being brought back into use.

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

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

10. Display of freestanding sign, Land adjacent to Hunters Crescent, Garlands Road, Carlisle (Application 19/0852).

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan, plan showing the dimensions and design of the signage, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer highlighted the different nature of the housebuilder signs and the proposed directional sign, consequently he considered there was sufficient justification for the use of the directional sign. Condition 1 restricted the maximum duration of the display of the sign up, as up

until 2025, the proposal would not therefore have any permanent impact upon the amenity of the surrounding area.

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

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

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

11. Demolition of garage and erection of two storey side extension to provide garage/utility on the ground floor with en-suite bedroom above, 25 Caldew Drive, Carlisle, CA5 7NS (Application 19/0879).

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; elevation plans; floor plans, and photographs of the site, an explanation of which was provided for the benefit of Members. The application was presented to Committee due to the applicant being an employee of Carlisle City Council.

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

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

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

DC.010/20 SCHEDULE B

RESOLVED: That the items in Schedule B be noted.

DC.011/20 CONSULTATION ON APPLICATION 19/9012/CTY – CARLISLE SOUTHERN LINK ROAD

The Development Manager submitted report ED.01/20 which set out the proposed response of Carlisle City Council as Local Planning Authority on an application from Cumbria County Council for the construction of Carlisle Southern Link Road (CSLR).

Slides were displayed on screen showing: Stage 1 route options; site plan; layout plans, site, an explanation of which was provided for the benefit of Members.

The Committee's attention was drawn to the Supplementary Schedule which contained a series of drawings, in A3 format, related to the proposal. The full application was accompanied by a series of technical reports and an Environmental Impact Assessment. The Development Manager set out: how the route for road had been selected; the start and end points; the path of the route; the location and arrangement of roundabouts; the drainage infrastructure related to the road, and the location of the construction compounds.

The report detailed the main issues relating to the scheme with the City Council's proposed response contained in paragraph 5.1 of the report. The Development Manager explained that the matters identified in proposed response were those that the City Council would likely consider were it the determining authority, however, in this case it was acting as a consultee.

The Development Manager recommended that the observations set out in paragraph 5.1 of the report be submitted to Cumbria County Council' consultation on the application, and he invited the Committee to make observations and comments for inclusion in the City Council's submission.

The Committee welcomed and expressed their support for the proposed scheme. Members requested that the following points be added to the City Council's response:

- That consideration be given to the cycle path(s) on the M6 junction 42 roundabout;
- That those companies and organisations involved in delivering the scheme look to off-set the carbon emissions generated through their work;
- Paragraph 1.15 of the report stated that a Preferred Option for the St. Cuthbert's Garden Village had been selected.

The Development Manager noted the masterplanning work in respect of St. Cuthbert's Garden Village was ongoing, with a Preferred Option yet to be settled upon. The Garden Village would increase the volume of traffic on the CSLR, but until the final location of the settlement(s) was decided it was not known which junctions would require the greatest capacity.

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

RESOLVED – That the observations set out in paragraph 5.1, of the report, and the issues set out above, be submitted to Cumbria County Council' consultation on the application.

DC.012/20 TPO 303 – LAND AT HAYTON, BRAMPTON

*Councillor Tinnion having declared an interest in relation to the item of business removed himself from his seat and took no part on the discussion nor determination of the matter.
Councillor Mrs Glendinning assumed the role of Chair of the meeting.*

The Planning/Landscape Compliance and Enforcement Officer submitted report ED.02/20 which considered the confirmation of Tree Preservation Order 303 – Land at Hayton, Brampton, in light of objections received to the making of the Order.

Following a request from residents an assessment of trees was carried out with those being judged as meriting protection being comprised within Tree Preservation Order (TPO) 303. In response to the consultation on the making of the Order, two objections were received in relation to trees T1 and T5, details of which were set out in the report. The Planning/Landscapes Compliance and Enforcement Officer advised that whilst trees T1 and T5 were judged to be worthy of protection, government guidance stated that where good management was in place, an Order may not be expedient. Accordingly, the Officer recommended that the Order be modified to remove

It was noted that the title of the report differed slightly from that of the Tree Preservation Order which was TPO 303 – Land at Hayton Village, Carlisle. Furthermore, the Officer stated that the grid references relating to the location of a number of trees subject to the Order required amendment to ensure that there was no doubt which trees were protected.

The Planning/Landscape Compliance and Enforcement Officer recommended that Tree Preservation Order 303 – Land at Hayton Village, Carlisle be confirmed with the following modifications:

- a) That trees T1 and T5 be removed from the Order;

b) That the grid references of the remaining trees be amended.

Councillor Tinnion (Ward Member) addressed the Committee and stated that none of the trees subject to the Order required such protection for the following reasons: T1 was an ancient monument situated on the Village Green and was managed and maintained by Hayton Parish Council; the remaining trees were not under threat of development. On that basis he did not view the confirmation of the Order as expedient or necessary.

The Committee then gave consideration to the confirmation of the Order.

A Member sympathised with the request for the Order to be made and commented that Committee all too often saw trees removed from sites in order to facilitate development.

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

RESOLVED – That Tree Preservation Order 303 – Land at Hayton Village, Carlisle be confirmed with the following modifications:

- a) That trees T1 and T5 be removed from the Order;
- b) That the grid references of the remaining trees be amended.

[The meeting closed at 12:45pm]

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

14th February 2020

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 30/01/2020 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 14/02/2020.

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

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
1.	19/0748 A	Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle	SD
2.	19/0243 A	Dalston Hall Hotel, Dalston, Carlisle, CA5 7JX	SO
3.	19/0459 A	Land at Carleton Clinic, to the west of Cumwhinton Drive, Carlisle	CH

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

19/0748

Item No: 01

Date of Committee: 14/02/2020

Appn Ref No:
19/0748

Applicant:
Womble Bond Dickinson

Parish:
Hayton

Agent:
WYG Engineering Limited

Ward:
Wetheral & Corby

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

Proposal: Erection Of 45no. Dwellings (Outline)

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

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

26 Week Determination
13/01/2020

REPORT

Case Officer: Stephen Daniel

1. Recommendation

1.1 It is recommended

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

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

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

2. Main Issues

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

3. Application Details

The Site

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

Background

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

The Proposal

- 3.4 The proposal is seeking outline planning permission for residential development with all matters, except access, reserved for subsequent approval.
- 3.5 The indicative layout plan that has been submitted with the application shows 45 dwellings - 23 detached units and 22 semi-detached units positioned off a central spine road, which equates to 28 dwellings per hectare.
- 3.6 The indicative plans shows an area of open space being created to the front of the site adjacent to Little Corby Road and this contains a Sustainable Drainage System, some landscaping and seating areas. Dwellings are shown fronting onto Little Corby Road. New tree planting is shown around the periphery of the site. Some hedgerows are shown within the site to

create wildlife corridors.

- 3.7 The dwellings would be served via a new access from Little Corby Road. A new footpath would be created in the highway verge to connect the new access road to the kissing gate to the south of the site from where access can be gained to Hurley Road (via a grass bank).

4. Summary of Representations

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

- 4.2 The letters of objection raise the following issues:

Principle/ Need for the Development

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

Highway Issues

- any further development in the village would cause more traffic problems and possible accidents;
- development will cause unnecessary traffic generation;
- the road is increasingly used as an alternative route to Warwick Road which has constant road works;
- the roads are terrible and in desperate need of repair without adding more traffic;
- the road cannot take an entrance into the proposed site as the quality of the road is poor;
- there are bends and dips in the road in the vicinity of the site;
- the proposed site entrance is directly opposite the allotments and gardeners' cars are frequently on the roadside adding to the danger in this area;
- the quoted lines of the sight from the access are actually insufficient for clear views especially on a narrow 60mph stretch of road;

- the road from the site towards Little Corby, a short distance from the proposed access, includes a dip with a virtual blind bend;
- there have been at-least 8 traffic accidents on the section of road from Little Corby Hall Farm to the road dip in the last 20 years;
- most drivers exceed the speed limit on the road passed the site;
- most dwellings have 2 cars, some will have 4 - then add visitors and delivery vehicles;
- concerned about extra traffic on Little Corby Road - there is no white line, no traffic calming measures and the corner passed the Otter pub is too narrow;
- the road from the Otter pub to the site is not wide enough and there is no footpath;
- by the Otter pub there is barely room for 2 cars to pass;
- the narrow road with no pavement won't be able to serve another 90 cars at busy commuting times when it is already busy;
- the road has a lot of agricultural vehicles and the width of tractor doesn't allow much room for a car to pass;
- the suggestion that the narrowness of the road would lead to traffic calming is nonsense;
- there is no mention in the transport study of the impact of cars turning off Little Corby Road up to the traffic lights in Corby Hill - this narrow road is already awkward to use due to the limited visibility of cars travelling down Little Corby Road;
- the minor road that runs up passed the Otter pub is a nightmare now - traffic turning left up the hill has to do so blind and if they meet oncoming traffic they then have to reverse back on to the road which is extremely dangerous;
- the road narrows by the Otter and there is no footpath;
- the right turn at the bottom of the hill by the Otter public house is already problematic when vehicles are approaching from Newby East;
- the road survey mentioned in the application seems to have been done in 2013 - this is not a reflection of the traffic that uses the road now;
- the extra vehicles from this development have been drastically under estimated in the traffic survey;
- anticipate that 45 dwellings would mean an estimated 90 to 135 vehicles (based on an approximate average number of vehicles per household) - this does not include visitors, deliveries or trades people;
- parking is already a problem for local services;
- in 2015 the water levels on the road from the site towards the Otter pub were between 0.5m and 0.6m in depth and a car that tried to get through had to be removed;
- when the road floods near the Otter it also floods at Newby East bridge which would make access to the site difficult if not impossible;
- the A69 leading through the village regularly floods next to Downagate - this is near the entrance into Little Corby Road which will be the main access to the site;
- the proposal will increase traffic at the busy junction of Little Corby Road and the A69 where the school crossing patrol stands and increase delays at this junction;
- on completion of the Warwick Mill development it is likely that parked cars will be left on both sides of the road by visitors;
- the road from Little Corby to Newby East has become a rat run;
- it is already difficult to safely exit the driveways of properties on Little Corby Road;
- there is a very narrow traffic lighted bridge towards Newby East which would have to accommodate the extra cars;
- the bridge over the River Irthing to Newby East is unsuitable for large vehicles;
- the road has a weight limit meaning all construction traffic would have to travel

through the village on a narrow road;

- if the application is approved the developers must be required to put traffic calming measures in place;
- traffic calming, street lighting and an extension to the 30mph limit zone would surely all have to be implemented;
- there will not be a suitable and safe access to or from the site for pedestrians - the road is not wide enough to accommodate a safe footpath and there is no lighting;
- provision of a suitable footway would present engineering difficulties but would be essential;
- there is not footpath at present from the kissing gate to Hurley Road and if one was created this would not be used as people will take the shortest route which would be to walk along the road which has no footpath and poor visibility;
- walking on the road would be very dangerous for parents with prams and young children;
- the existing pedestrian access is a steep grass bank which is mainly used by dog walkers and allotment holders;
- pedestrian access to Hurley Road is up a steep and muddy bank which is unlit and often slippery - it is unusable for 9 months of the year owing to deep mud on top of clay;
- even if the footpath from the kissing gate to Hurley Road was upgraded to tarmac it would be lethal in winter due to the gradient;
- a lot of cyclists use the route as it's on a national cycle route (Hadrian's Cycle Path);
- parking for most of existing facilities in the village is already very limited;
- construction traffic will cause damage to the roads and will increase congestion and highway safety issues;
- building on this land has been rejected several times - last year it was refused by the Secretary of State on the grounds of highway issues as no suitable access could be established onto the A69 or Little Corby Road;

Drainage/ Flood Risk

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

Residential Amenity

- negative impact on amenity of neighbours and the community due to overlooking and loss of privacy, noise, disturbance and nuisance;

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

Biodiversity/ Greenfield Site

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

4.3 The letters of support make the following points:

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

5. Summary of Consultation Responses

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

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

Northern Gas Networks: - no objections;

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions (highway construction details; details of vehicular and pedestrian access; details of parking and turning; Construction Phase Plan; Surface Water Drainage Scheme; Construction Surface Water Management Plan; condition and capacity survey of culverted watercourse downstream of the surface water discharge point);

Local Environment - Environmental Protection: - no comments received;

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

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

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

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

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

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

Hayton Parish Council: - object to the application for the following reasons: accessibility on foot - the developer proposes to construct a new footway along the public highway to link with the existing pedestrian route leading to Hurley Road. Hayton Parish Council do not believe this will be viable. The "existing pedestrian route" is not an official one. The County Council will not adopt a footpath unless the land on which it lies is able to be dedicated to it. A public right of way will need to be created and the developer is not aware of this. An unofficial path does not secure a long-term pedestrian route; any footpath constructed across the existing green space area will be steeper than 12% which is the maximum acceptable gradient for wheelchair users. As such the footpath will be unsuitable for disabled persons and for mothers with prams/pushchairs. It will also be liable to be slippery in winter conditions; should the footpath be constructed and adopted it is unlikely to be used by mothers taking their children to Warwick Bridge School due to the steepness and the extra walking distance. They will be at great risk when walking along a section of road which is totally unsuitable; residents of the proposed development walking to and from the Otter Inn will not use the footpath. Consequently, they will be at great risk when walking along a section of road which is totally unsuitable - this is one of the rare locations where the Highways Authority has deemed it necessary to erect "Pedestrians In The Road" warning signs;

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

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

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

Any increases to traffic (to access services all located on the other side of

A69 or the A69 itself) using the Otter Inn hill will exacerbate a perennial traffic problem that has not been solved by the introduction of inappropriate priority signs;

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

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

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

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP2, SP6, SP8, HO1, HE3, GI1, GI3, GI4, GI6, CM2, CM4, CC5, IP2, IP3, IP6 and IP8 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Documents Achieving Well Designed Housing and Trees and Development are also material planning considerations.
- 6.3 The proposal raises the following planning issues.
 1. Whether The Proposal Is Consistent With The Development Plan
- 6.4 The application site (1.55ha) is allocated for housing (R17 - Warwick Bridge/ Little Corby North) in the adopted Carlisle District Local Plan 2015-2030. An indicative yield of 45 dwellings is identified for this site. The proposal to develop the site for residential development is, therefore, acceptable in principle.
- 6.5 The previously refused application covered an area of 5.62ha and extended significantly beyond allocated site R17. Whilst development of the allocated R17 site is acceptable in principle, the additional proposed development

included in the previous application, which fell outside of the allocation, was not considered to be acceptable.

2. Whether The Scale And Design Would Be Acceptable

6.6 The layout and design of the dwellings are reserved for subsequent approval and do not form part of this application. The indicative plans that accompany the application show development of 45 dwellings which is consistent with the Local Plan allocation.

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

6.7 A number of existing dwellings on Hurley Road adjoin the site and the occupiers of a number of these properties have raised concerns about the impact of the proposed development on their residential amenity. These issues would be considered at the Reserved Matters stage, when the location, heights, orientation and the design of the dwellings would be determined.

6.8 It is, however, clear that dwellings could be accommodated on this site without having an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

4. Impact On The Adjacent Listed Building

6.9 Little Corby Hall, that lies to the north of the site, is an early 18th Century Grade II Listed Building. The building currently enjoys an open agricultural setting.

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

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

6.11 Paragraph 195 of the NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to (or total loss of significance of) a designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

6.12 Policy HE3 (Listed Buildings) of the adopted Local Plan states that listed

buildings and their settings will be preserved and enhanced. Any new development within the setting of a listed building should preserve or enhance the building's character and its setting.

- 6.13 A field separates the application site from the Grade II Listed Little Corby Hall. The nearest dwelling on the indicative layout plan would be approximately 70m from Little Corby Hall. Additional trees could be planted on the northern site boundary to help to screen the development from Little Corby Hall. In light of the above, the proposal would not have an adverse setting of the listed Little Corby Hall.

5. Highway Matters

- 6.14 The Parish Council and a number of objectors have raised concerns about the impact that the development of 45 dwellings on this site would have on the existing highway network in the vicinity of the site. They have also raised concerns about the proposed new vehicular access onto Little Corby Road and the proposed pedestrian access.
- 6.15 The site is allocated for housing (with an indicative yield of 45 dwellings) in the adopted Local Plan. The Highways Authority had an input into the housing allocations in the Local Plan and they were consulted on the sites prior to them being allocated. Any sites that were deemed to be unsuitable for residential development for highway reasons were not allocated as housing sites.
- 6.16 The City Council commissioned an independent highway assessment (by Modal Group Ltd) of the previous application on this and the adjoining site, which proposed access onto the A69. This assessment also considered whether the Local Plan Housing Allocation (R17) could be served by an access from Little Corby Road.
- 6.17 In relation to the Local Plan Housing Allocation R17 the Modal Report considered that:
- between a potential site access and the junction adjacent to the Otter Public House, Little Corby Road is sub-standard with no footways and reduced carriageway widths as well as poor forward visibility. In addition, the side road at the junction is also substandard at this point with restricted road widths and poor junction visibility;
 - any development onto Little Corby Road at this point should be restricted to the Local Plan recommendation of 45 dwellings. This is in the interest of highway safety, and in particular pedestrian safety;
 - it is feasible for up to 45 dwellings from the proposed development site to be served from an access onto Little Corby Road;
 - suggest that the developer should consider formalising the pedestrian route between Little Corby Road (near to the speed limit signage) and Hurley Road.
- 6.18 County Highways has been consulted on the application. It notes that the application is for 45 dwellings on an allocated site to the north of Little Corby

which is to be accessed from Little Corby Road and is mindful of the lengthy history and the various transport studies conducted for this allocated site.

- 6.19 The access, as shown within the illustrative masterplan and revised submitted layouts, is proposed to be within a relocated 30mph zone which is to be extended to the north of the development site on Little Corby Road. This would also entail a gateway feature into Little Corby to restrict vehicle speeds as they enter into Little Corby as this is a known issue at this location. As the speed limit would change to 30mph the visibility splay requirements would change to 2.4m x 60m which would be achievable at this location as shown by the submitted visibility splays as part of the Transport Assessment.
- 6.20 The major issue with the current proposals are the pedestrian linkages into Little Corby from the development site. The Highways Authority recommends that the applicant should provide a footway from the site access to a point past the current village signage posts. There should also be a link footway to the current kissing gate and improved street lighting. This element should be conditioned.
- 6.21 Therefore, to conclude the Highways Authority, considering the site history, the independent transport report, the recent appeal decision and the information provided by the applicant for this application, has no objections to the proposed development subject to conditions and a Section 106 agreement that funding of £5,500 would be put in place to enable the County Council to extend the 30mph speed limit and introduce village gateway signage and road markings (indicatively shown on drawing A112972-P001 Rev B).
- 6.22 Hayton Parish Council has raised a number of highway issues, which have been considered by the Highways Authority. In relation to accessibility on foot, the Inspector at the Local Plan Inquiry considered the site accessible and allowed it to be allocated in the local plan and the same applied to the inspector at the planning appeal for the larger site. Hayton Parish Council is correct, this permissive path has been in place for many years and maintained by Carlisle City Council. A route over this area is, therefore, available and usable. No path will be created over this piece of land, it will remain as is. The road network in Little Corby is not atypical of many villages in Cumbria which contain narrow roads without footpaths.
- 6.23 The Design Manual for Roads and Bridges is a design tool used to design new trunk roads. The Highways Authority is content that Manual for Street standards are used as the site will be subject to a 30mph. This will be true as long as the 85%ile speeds are below 37mph. The Transport Assessment satisfactorily considers the road widths in the vicinity of the site and traffic generation. TRICS is an industry tool and widely used. Sites are picked from this programme that are similar to the application site and this element was considered during the allocation of the site.

6. Biodiversity

- 6.24 An Ecological Impact Assessment has been submitted with the application.

Habitats on site consist of mature trees and hedgerows around the boundary and improved grassland within the field. The habitats range from low to local ecological value. The site has the potential to support nesting birds, foraging or commuting badger, roosting, foraging or commuting bats, brown hare and hedgehog.

- 6.25 It is likely that habitats of low to local ecological value would be lost as a result of the development. Without mitigation, the development might lead to negative impacts upon roosting bats, nesting birds and foraging badger. The Ecological Impact Assessment suggests a number of mitigation measures which should be incorporated into the final design to minimise the impacts of the development. These include retention and protection of mature broadleaf trees; retention and enhancement of the majority of the hedgerows; additional trees, shrub and bulb planting; use of a flowering lawn mixture in gardens; installation of ten double crevice bat boxes and creating roosting opportunities within buildings; and covering trenches and excavations overnight or providing a means of escape for wildlife.
- 6.26 The mitigation measures outlined above, which can be secured by condition, would ensure that the proposal does not have an adverse impact on biodiversity.
- 6.27 Natural England has been consulted on the application. It notes that the site is approximately 20m from the River Eden SAC/ SSSI and considers that without appropriate mitigation the application would have an adverse impact on the integrity of the SAC and damage or destroy the interest features for which the SSSI has been notified.
- 6.28 In order to mitigate these adverse effects and make development acceptable, conditions should be added to any consent to ensure that the applicants submit a Construction Environment Management Plan and a Surface Water Drainage Plan for approval in writing by the LPA. Natural England also notes that the Ecological Assessment concludes a negative impact upon local biodiversity and recommends mitigation measures to avoid and limit this impact. It notes that the City Council has a duty to have regard to conserving biodiversity as part of the decision making process.
- 6.29 Given the proximity of the site to the River Eden & Tributaries SSSI/ SAC, the City Council commissioned an Assessment of the Likely Significant Effect (ALSE) when the previous application was submitted. The proposed development would be confined to the land to the north of Hurley Road and would be approximately 17m to the east of the River Eden SSSI and approximately 40m to the south west of the River Irthing SSSI. Therefore, direct impacts on the River Eden & Tributaries SSSI are not anticipated. The production and implementation of an agreed Construction Environmental Management Plan (CEMP) and the use of appropriate mitigation measures should ensure that there is no impact on turbidity, siltation or toxicity/ pollution on the River Eden & Tributaries SSSI.
- 6.30 To further minimise any impacts upon breeding birds, any trees and scrub removal should be carried out between September and February to avoid the

bird breeding season. If this is not possible, a check for birds nests by a suitably experienced ecologist should be carried out to ensure nesting birds are not present. A condition has been added to the permission to cover this issue.

- 6.31 In light of the above, it is not anticipated that the proposed development would have an adverse impact on biodiversity, including the interest features of the River Eden & Tributaries SSSI/ SAC.

7. Archaeology

- 6.32 An Archaeological Desk Based Assessment was submitted with the application and following a request from the County Archaeologist an Archaeological Geophysical Survey of the site has been undertaken. This identifies a small number of features of potential archaeological interest surviving within the site. These are considered to be of local significance and they would be disturbed by the construction of the proposed development.
- 6.33 In light of the above, the County Archaeologist has recommended that an archaeological evaluation and where necessary a scheme of archaeological recording of the site should be undertaken in advance of development. This work could be secured through the inclusion of a condition.

8. Affordable Housing

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

9. Education

- 6.37 Using a population-led model, as no dwelling mix has been provided at this stage, a development of 45 dwellings is estimated to yield 16 children: 9 primary and 7 secondary.
- 6.38 The catchment schools for this development are Warwick Bridge (0.6 miles) and William Howard Secondary Academy (4.6 miles). The next nearest schools are Hayton Primary (2.2 miles) and Central Academy for secondary (4.7 miles), both of which are over the walking threshold.

- 6.39 There are sufficient places available in the catchment school of Warwick Bridge to accommodate the primary pupil yield from this development, therefore no primary education contribution is required.
- 6.40 When all housing developments are taken in to account none of the secondary schools in the Carlisle area, including the catchment school of William Howard can accommodate the additional children this proposed development will yield. Therefore an education contribution of £171,878 (7 x £24,554) is sought. The £24,554 figure is the £18,188 figure with indexation applied to bring the figure up to current prices. The contribution would be used to provide additional places at William Howard School.
- 6.41 It is anticipated that there will be sufficient spaces for the primary aged children at the catchment school Warwick Bridge, which is within the statutory walking distance. Subject to the remedial footpath measures being secured as outlined in highways response it is considered that the route will be safe, therefore no contribution for primary school transport is sought.
- 6.42 The nearest secondary schools are all over the statutory walking distance of 3 miles, therefore a secondary school transport contribution is required. Based on a vehicle up to 8 seats at £40 per day which is the mid-point in the procurement category for 0-9 miles. For secondary school transport a 5 year contribution is required, therefore based on 190 day school year the calculation is £40 x 190 days x 5 years = £38,000

10. Open Space Provision

- 6.43 Policy SP8 of the adopted Local Plan states that conditions, legal agreements and developer contributions will be sought to secure new or enhanced green infrastructure provision on, or associated with, new development. Developers will be expected to provide some aspects of green infrastructure within developments, ensuring that, where possible, they integrate with wider green infrastructure networks. The exact design of the green infrastructure within the development would be determined at the Reserved Matters stage
- 6.44 Policy GI4 (Public Open Space) requires new housing developments of more than 20 dwellings to include informal space for play and general recreational or amenity use on site according to the size of the proposed development.
- 6.45 The indicative plan that accompanies the application shows an area of informal open space at the eastern end of the site, adjacent to Little Corby Road. The Health and Wellbeing Team has been consulted on the application and notes that there is a deficit of open space provision on this proposal. A figure for the amount of open space hasn't been provided and there appears to be limited open space on the development as the sustainable drainage (Swale) is described as open space but this cannot be counted as usable open space. The target is 3.6Ha/1,000 population and therefore the target open space for a development of this scale would be 0.49 Ha based on an occupancy of 135 people. Ideally more useable open space should be provided on site, however a contribution to the upgrade of open space could be provided in lieu of some of the on-site open space. The contribution required cannot be calculated without further information, but

would be up to £8,437.50. The level of on-site open space will be considered during the Reserved Matters application. If a suitable amount of usable open space is not provided on the site the S106 will need to be varied to increase the financial contribution payable to the City Council. The developer would need to maintain this open space and this could be secured through a Section 106 Agreement.

- 6.46 The plans do not show an equipped play area on-site and there is no space for one to be provided in the current layout. The submitted layout is, however, indicative only and following discussions with the developer and the Health and Wellbeing Team it has been agreed that a condition should be added to the permission which requires the provision of an equipped play area on the site (the details of which would need to be agreed with the LPA). If any future developer decides that they don't want to provide an equipped play area on the site, an alternative would be to provide a financial contribution to improve the existing play facilities at Downagate and this would need to be secured through a S106 Agreement.
- 6.47 There is no provision for sports pitches on site and no scope to do this. A contribution of £8,505 should, therefore, be made to upgrade existing off-site sports and recreation provision within the district.

11. Foul And Surface Water Drainage

- 6.48 A Flood Risk and Drainage Assessment has been submitted with the application. This confirms that the site is at low risk of flooding from rivers, surface water, sewers, overland flows, groundwater, and reservoir failure. There is a small area at risk of flooding from surface water in Little Corby Road to the south of the site but the expected depths of flooding would not prevent safe access or egress to or from the site.
- 6.49 It is proposed to either infiltrate surface water runoff into the underlying ground or alternatively the runoff will be discharged to the River Eden or the existing United Utilities surface water sewer at a rate of 3.5 l/s. It is proposed to provide a SuDS management train including permeable pavements and swale in order to make sure that no flooding takes place during any rainfall event up to and including the 1 in 100 year plus a 40% allowance for climate change. It is expected that foul flows will be discharged to the existing combined sewer that flows through the site.
- 6.50 The Flood Risk Assessment makes the following recommendations:
- subject to the completion of the site investigation and associated infiltration testing, a detailed drainage design based on the results of the infiltration testing should be provided and it is anticipated that this would be submitted as part of the discharge of the future planning condition.
 - Finished Floor Levels of the new buildings should be set at 150mm above the adjacent ground level to ensure that in the event of exceedance events causing overland flows within the development, no flooding of the properties would occur.
 - a ground investigation including site specific infiltration testing in accordance with BRE Digest 365 guidelines would be undertaken to confirm the viability

of infiltration systems.

- the final site layout and refined drainage design should seek to maximise the use of SuDS techniques as outlined within this assessment and informed by the site-specific infiltration test results.
- a drainage survey would be undertaken to confirm the invert level of the existing combined sewer flowing through the site;
- on completion, a regular inspection & maintenance regime would be provided to the future owners and tenants based on the as-built information together with details of who would be responsible for the inspection and maintenance of the proposed SuDS and drainage components;
- where the final site layout conflicts with the existing UU foul sewer, then the sewer would require diversion under a Section 185 agreement and a 6m wide easement zone should be provided along the diverted sewer route.

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

Conclusion

- 6.55 The site is allocated for housing in the adopted Local Plan and the proposal is, therefore, acceptable in principle. The scale, layout and design of the

development and the impact of the proposal on the living conditions of the occupiers of neighbouring properties and Listed Buildings would be determined at the Reserved Matters stage. Subject to the proposed conditions and a S106 agreement it is considered that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, biodiversity, existing trees, education, open space or archaeology. The proposal is, therefore, recommended for approval subject to the completion of a S106 Agreement.

- 6.56 If Members are minded to grant planning approval it is requested that “authority to issue” the approval is given subject to the completion of a S106 agreement to secure:
- a) the provision of 30% of the units as affordable;
 - b) a financial contribution of £171,878 to be to paid to Cumbria County Council towards the provision of secondary school places;
 - c) a financial contribution of £38,000 to be to paid to Cumbria County Council towards secondary school transport;
 - d) financial contribution of £8,505 to upgrade existing off-site sports pitches;
 - e) the maintenance of the open space within the site by the developer;
 - f) a financial contribution of £5,500 to enable the 30mph speed limit to be extended and village gateway signage and road markings to be introduced.

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

7. Planning History

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

8. Recommendation: Grant Subject to S106 Agreement

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

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

2. Before any work is commenced, details of the layout, scale, appearance and

landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the Local Planning Authority.

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

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

1. the submitted planning application form received 24th September 2019;
2. the Site Location Plan (drawing ref 02) received 24th September 2019;
3. the Existing Site Plan (drawing ref 09) received 24th September 2019;
4. the Site in Context (drawing ref 03) received 24th September 2019;
5. the Illustrative Layout Plan (drawing ref 08) received 24th September 2019;
6. the Phase 1: Desk Top Study Report received 24th September 2019;
7. the Transport Assessment (ref A112972) received 24th September 2019;
8. the Flood Risk & Drainage Assessment (ref A110975) received 24th September 2019;
9. the Ecological Impact Assessment (ref N19073E) received 24th September 2019;
10. the Heritage Impact Assessment (March 2019) received 24th September 2019;
11. the Planning Statement, Design & Access Statement and Statement of Community Involvement (ref A110975) received 24th September 2019;
12. the Notice of Decision; and
13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

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

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

Reason: To ensure that the existing hedgerow is protected in

accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

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

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

7. No development shall commence until full details of the wildlife enhancement measures to be undertaken at the site (together with the timing of these works) have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

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

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

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

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

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

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

Site investigations should follow the guidance in BS10175.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with

those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

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

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

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

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

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

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

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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

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

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

16. Prior to the commencement of any development, a condition and capacity survey of the culverted watercourse (or piped drainage system) downstream of the surface water discharge point shall be provided to the Local Planning Authority. The information provided should also include mitigation measures where it is deemed the improvements are required.

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

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

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

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

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

19. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until

any such details have been approved and the parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

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

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

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- Details of proposed crossings of the highway verge;
- Retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- Surface water management details during the construction phase

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

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

This written scheme will include the following components:

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

publication in a suitable journal.

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

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

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

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

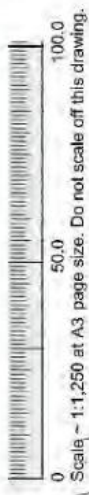
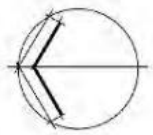
Reason: In order to secure a satisfactory standard of development and to make proper provision for the recreational needs of the area in accord with Policies GI4 and SP6 of the Carlisle District Local Plan 2015-2030.

Key



Site boundary

Plan based on mapping from Emapsite,
license no. 0100031673



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

drawing number 02

drawing name Site location plan

project Housing at Hurley Road, Little Corby

client Lucy Adamski and Rebecca Smithson

Eden Environment Ltd
www.edenenvironment.com

Key

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



PROJECT	14.09.2010	10.11.14.10	10.11.14.10
REVISIONS	20.03.2010	01.04.2010	01.04.2010
REVISIONS	NO. 1	NO. 2	NO. 3
drawing number		009	
drawing name		Existing site	

project
Housing at Hurley Road, Little Corby

client
Lucy Adamski and Rebecca Smithson


Eden Environment Ltd
www.edenenvironment.com

Little Corby Hall

225 dia. combined sewer

Hurley Road

Lucy's Allotments

Key
 Site boundary

Note
 This image is not to a specific scale



PL 01	04.27.2019	10010348	00010000	image upload
PL 02	20.05.2019	10010348	00010000	digital drawing
revision				notes
drawing number				03

drawing name
 Site in context

project
 Housing at Hurley Road, Little Corby

client
 Lucy Adamski and Rebecca Smithson

Eden Environment Ltd
www.edenenvironment.com

Key

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

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

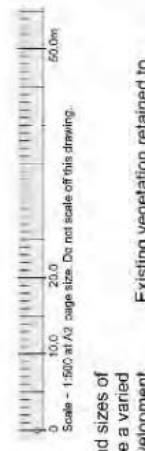
drawing number
08

drawing name
Illustrative layout

project
Housing at Hurley Road, Little Corby

client
Lucy Ashurst and Rebecca Smithson

Eden Environment Ltd
www.edenenvironment.com



SCHEDULE A: Applications with Recommendation

19/0243

Item No: 02

Date of Committee: 14/02/2020

Appn Ref No:
19/0243

Applicant:
Mr Mayer

Parish:
Dalston

Agent:
Sam Greig Planning

Ward:
Dalston & Burgh

Location: Dalston Hall Hotel, Dalston, Carlisle, CA5 7JX

Proposal: Erection Of A Marquee Without Compliance With Condition 2 Imposed By Planning Permission 14/0680 To Grant Permission For A Further 5 Years

Date of Receipt:
22/03/2019

Statutory Expiry Date
17/05/2019

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

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

2. Main Issues

2.1 The principle of development;

2.2 Whether the retention of the marquee for a further 5 year period would impact upon the setting of the adjacent Grade II* listed building;

2.3 Whether the retention of the marquee for a further 5 year period would have an adverse impact upon the living conditions of neighbouring residents;

2.4 Whether the retention of the marquee for a further 5 year period would have an adverse impact upon archaeology, trees, drainage, contamination and highway safety; and,

2.5 Other matters.

3. Application Details

The Site

3.1 Dalston Hall Hotel is a visually impressive Grade II* Listed Building with its

medieval Tower House creating a dominant element, together with its 18th and 19th century additions. The property is located on the eastern side of the B5299 Carlisle to Dalston Road, approximately 193 metres from the unadopted access which leads from the B5299. The unadopted access road also serves Dalston Hall Golf Club/Caravan Park together with Holly Lodge, a residential dwelling located towards the entrance off the B5299. The north, east and southern peripheries of the hotel are surrounded by Dalston Hall Golf Club/Caravan Park. The hotel is however situated at a lower level to Dalston Hall Caravan Park due to the topography of the land. Dalston Hall Hotel principally has a woodland setting which overlooks part of the Golf Course and Caravan site.

Background

- 3.2 On the 11th April 2014 planning permission was granted for a part retrospective application for the erection of a marquee in the grounds of Dalston Hall (planning reference 14/0101). The application was approved subject to a number of planning conditions including condition 1 which granted temporary permission for a period of 5 years.
- 3.3 The marquee approved under application 14/0101 was to be positioned towards the eastern boundary of the hall out with its formal gardens. The marquee was to have a footprint of 450 square metres with an eaves height of 3 metres and a ridge height of 5.4 metres. An entrance area (totalling 25 square metres) was to be located on the western side of the marquee and the marquee was proposed to have insulated side panels with no visibility through the panels to the north, south and east elevations. The roof was to be constructed from translucent white PVC material. The marquee was to be fixed to the ground by concrete pads and the floor covering of the marquee was to consist of timber boards. A hard standing outside of the marquee (to the west) was also proposed the materials of which were subject to a planning condition.
- 3.4 Following approval of application 14/0101 it transpired that the marquee had not been constructed in accordance with the approved plans namely the entrance porch on the west elevation had been omitted, the roof had a slight overhang with a fully glazed wall on the west elevation, positioned at an angle, and the walls on the south elevation were fully glazed. Additional hard standings has been constructed to the west and south of the marquee with an ancillary store constructed to the rear. A variation of condition application (reference 14/0680) was submitted to rectify this situation.
- 3.5 Application 14/0680 sought approval to vary condition 2 (the approved documents) of planning approval 14/0101 to include:
- the omission of the entrance porch on the west elevation;
 - the redesign of the marquee to include the slight overhang to the roof along the west elevation with the glazed wall positioned off vertical, the omission of the panelling on the south elevation of the marquee and the installation of a fully glazed wall on this elevation including additional sets of doors on the north and south elevations;

- the inclusion of a white metal toilet block to the south east elevation (to address neighbours concerns which were raised for the previous application regarding noise from patrons passing from the marquee to the hall to use the toilet facilities);
- alterations to the position and extent of the paved terrace which wraps around the west and south elevations of the marquee;
- inclusion of a white metal ancillary store to the south east elevation of the marquee to house an internal heating and cooling system to blow hot and cold air into the marquee to regulate the temperature during periods of warmer/colder weather. The store was to have an external 300mm flue and two fans;
- Additional fencing to screen the proposed patio areas.
- Alterations to existing banking to the rear of the marquee including new retaining wall to accommodate a toilet block and storage area

3.6 Application 14/0680 was approved by Members of the Development Control Committee on the 12th December 2014 subject to a number of conditions including condition 2 which stated:

"The development shall be carried out in accordance with conditions attached to the "Full" application 14/0101 with the exception of conditions 3, 4 and 5. Reason: For the avoidance of doubt."

The Proposal

3.7 The current application which is before Members is a variation of condition application which seeks approval to vary condition 2 of planning approval 14/0680 to grant permission for the marquee for a further 5 year period.

3.8 The application is accompanied by an explanatory statement the contents of which is discussed later within this report.

4. Summary of Representations

4.1 This application has been advertised by the display of a site notice, press notice and by means of notifications letters sent to 12 neighbouring properties/interested parties. During the consultation period 14 letters of objection have been received.

4.2 The letters of objection are summarised as follows:

1. patrons and owners of Dalston Hall Caravan Park are subject to loud noise coming from the marquee from early afternoon until early hours of the morning which includes noise from live groups, recorded music and djs as well as noise from patrons congregating at circulation points outside the marquee;
2. noise impacts resulting from marquee doors being left open, movement of patrons from the marquee to the hall as the approved toilets to the rear of the hall have not been constructed and movement of patrons to and from the site;

3. noise impacts from external speaker system on hotel;
4. noise impacts within and outside the site from patrons laughing, talking screaming and shouting, opening/shutting of car doors, horns beeping, engines revving and beeping of buses reversing;
5. patrons and owners of Dalston Hall Caravan Park, including their pets, are subject to disturbance from fireworks of an industrial scale being set off late at night;
6. noise and anti-social problems has resulted in an incident involving the police and owner of Dalston Hall Caravan Park employing their own security staff;
7. numerous complaints have been made to the Council's Environmental Services Department and Licensing regarding noise;
8. a writ was ordered against Dalston Hall Hotel but was withdrawn due to technical reasons;
9. queries regarding the Noise Management Plan for Dalston Hall which was released April 2018;
10. the nearest residence is higher than the marquee and the noise measuring point in the Noise Management Plan;
11. noise readings taken after 11pm in the nearest residential property have been higher than WHO recommendations of 24-29db as stated in the Noise Management Plan;
12. levels in excess of 40dB and 48dB have been recorded in neighbouring property after 11pm at night;
13. no noise improvement has been made since the introduction of the Noise Management Plan;
14. residents of neighbouring property are experiencing disturbed sleep which is below the WHO guidelines of 7-9 hours a night;
15. patrons of Dalston Hall Caravan park have complained to the owner of the caravan park numerous times about excessive noise;
16. a patron of Dalston Hall Caravan Park has relocated their holiday home across the park but this has not fully solved the issue;
17. structure of marquee provides no soundproofing;
18. owner of Dalston Hall Caravan Park has requested noise reduction but to no avail;
19. a permanent structure would not cure all noise problems but would reduce loud music;
20. loud music should be curtailed at 11pm which may reduce late night noise of people leaving in the early hours;
21. concerts at Carlisle Racecourse finish at 10:30pm in comparison to events at the Hall which continue well into the early hours of the morning
22. firework displays do not conform to HSE standards;
23. anti-social behaviour from patrons entering and leaving the premises as well as from drunk patrons of the marquee shouting, singing, screaming and urinating in hedges of a neighbouring property;
24. conflict between patrons trying to access Dalston Hall Caravan Park and traffic from car/buses entering, existing and disembarking from Dalston Hall Hotel;
25. coach drivers do not utilise the coach park and park on the access road and the driveway outside of the neighbouring property;
26. parking problems from coaches parking on over spill car park/cars parking on coach park;

27. historically buses used to stop on Dalston Road for guests to disembark;
28. highway safety from speed of cars arriving at the hall;
29. extra new parking had to be sought despite assurances there was adequate parking facilities;
30. main access is in ownership of Dalston Hall Caravan Park and Dalston Hall Hotel only have a right of access;
31. patrons of Dalston Hall Caravan Park are reducing number of visits due to excessive noise levels experienced;
32. when marquee is in use sanitary system/sewage treatment plant cannot cope;
33. discoloured water discharged from the treatment plant;
34. water sampling should take place on a weekend;
35. query if there is enough toilet facilities on site for number of patrons;
36. surface and rainwater does not run into a soakaway but onto neighbouring land;
37. external condition of marquee;
38. marquee not in keeping with the surrounding area;
39. health and well being impacts;
40. the two adjacent businesses appeal to different clientele, the hall aims at music, song and dance where as the caravan park aims at peace and tranquility.
41. impact upon the adjacent business
42. noise from functions taking place at the hall/marquee disturbs tranquility of Dalston Hall Caravan Park;
43. do not want marquee to be granted for a further 5 years;
44. concern that a further temporary consent will result in the marquee becoming a permanent structure; and
45. events that have taken place since current application was submitted are still causing noise nuisance and sewage problems.

5. Summary of Consultation Responses

Dalston Parish Council: - no observations however the parish council would like clarification of conditions listed.

Clarification has been provided and no further response has been received.

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection, standing advice received regarding sustainable drainage systems;

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

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

Local Environment - Environmental Protection (former Comm Env Services- Env Quality): - object to the application.

In summary, none of the proposed actions from previous planning applications to limit noise from the use of the land as a marquee have been implemented by Hotel Management (double door system which was

approved as part of 14/0101 but omitted as part of 14/0680, the connected toilet block to the rear of the marquee and the reinstatement of the original entrance into the Hall as part of application 16/0190). A walkway from the overspill car park to the marquee from the hotel gardens would also reduce the disturbance of guests leaving the venue in the early hours of the morning.

Following the 2014 approval for the temporary permission of the Marquee the department has received a significant number of complaints of noise nuisance from the owners of the Dalston Hall Caravan Park, as well complaints from residents and unit owners staying in the caravans (40 separate complaints).

The complaints received have mainly been concerning loud music, from both live bands and recorded music, but have also included complaints of noise due to traffic movements, people making noise whilst arriving and leaving the venue, loud firework displays and general anti-social behaviour. As part of investigations, the department has witnessed unacceptable levels of noise disturbance from patrons leaving the premises in the early hours of the morning, to board buses parked in close proximity to the neighbouring property.

Before the introduction of the marquee, when events were only held within the main Hotel building, no complaints were received.

In August 2015, the department were satisfied from the evidence obtained during the investigations into the noise complaints, a statutory nuisance had occurred. This opinion was supported by the frequency and nature of the complaints received and the observations of officers when visiting the site and audio recordings taken during investigations. An abatement was duly served on Dalston Hall Limited prohibiting the likely recurrence of nuisance from the emission of amplified music from the marquee. An appeal was brought against the Council by Dalston Hall Ltd on several grounds including grounds that the notice was served on the wrong company. It was later established that the tenant and occupier of the premises was a separate company, 'Hot Chefs Limited', trading as 'Dalston Hall Hotel'. As a result, the authority withdrew the abatement notice. Following the withdrawal of Abatement Notice, dialogue with Hot Chefs Ltd ensued and agreement was made for the company to develop and implement a Noise Management Plan (NMP). As part of the NMP, maximum noise levels were agreed which ES believe would not cause nuisance to the permanent residence of the Caravan Park owner. This was submitted as a minor variation to the Dalston Hall Hotel Premises Licence operating schedule to promote the licensing objectives of preventing public nuisance.

Since the introduction of the NMP, the department has continued to receive complaints of noise nuisance associated with loud music from the marquee. Officers have attended the complainant's property on 4 occasions to witness events. Audio recordings of events made by the complainant using the departments calibrated equipment have shown that levels are have been kept within general compliance with the NMP. On one occasion some minor

exceedance of agreed noise levels was noted, but poor weather conditions may have influenced the recorded levels. The department has, however, made recordings of guests leaving the venue late at night, making considerable noise, shouting etc. The department also has evidence to indicate that doors to the marquee are being left open when amplified music is being played.

Further monitoring has not been able to be undertaken due to not suitable weather conditions for accurate assessment. ES is unaware of any evidence from the applicant which demonstrates compliance with the NMP.

Given the number and frequency of complaints over the years ES has serious concerns that the structure of the temporary marquee does not provide sufficient acoustic controls, or design features to enable the applicant to sufficiently manage the breakout of noise during functions.

Due to the variable nature of the events, with different numbers of guests, different live bands etc, the potential for noise nuisance does exist. Whilst the department has not been able to witness statutory nuisance, the noise levels at the functions clearly cause disturbance to residents in the caravans and the neighbouring property.

Holding functions within the marquee will continue to result in complaints being received by this department. A permanent extension to the hall would allow for better controls of noise disturbance from the use of the land.

Based on observations made by officers, noise recordings in the complainant's property and significant number of complaints over the last 5 years it is considered that events involving amplified music in the marquee will continue to cause likelihood of noise nuisance complaints. Application should be refused as design and management of the marquee do not prevent properties being put at unacceptable risk and being adversely affected by unacceptable levels of noise pollution.

Environment Agency (N Area (+ Waste Disp & Planning Liaison Team): - no response received.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP1, SP2, SP6, EC8, EC11, IP2, IP3, IP6, CC5, CM5, HE2, HE3, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 (CDLP), and, the Dalston Parish Neighbourhood Plan

(DPNP) 2015-2030.

6.3 Other material considerations are Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 together with the Council's Supplementary Planning Document (SPD) adopted by the City Council 'Trees and Development'.

6.4 The proposal raises the following planning issues:

1. The Principle Of Development

6.5 The principle of the erection of a temporary marquee in the grounds of Dalston Hall was assessed and established as acceptable under applications 14/0101 and 14/0680 where the impact of the development upon the setting of the Grade II* Listed Building, the living conditions of neighbouring properties, archaeology, trees, parking/highway safety, drainage and contamination were considered. The current application seeks to vary condition 2 attached to application 14/0680 to enable the marquee that was granted temporary planning permission to be retained for a further five year period.

6.6 In the intervening period since the granting of planning applications 14/0101 and 14/0680 the revised National Planning Policy Framework (NPPF) has been published. The Carlisle District Local Plan 2015-2030 (CDLP) together with the Dalston Parish Neighbourhood Plan 2015-2030 (DPNP) have also been adopted. The revised NPPF still seeks to support a prosperous rural economy with paragraph 83 of the NPPF stating that planning decisions should enable a) the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

6.7 Policy EC11 of the Carlisle District Local Plan 2015-2030 which relates to rural diversification confirms that development proposals to diversify and expand upon the range of sustainable economic activities undertaken in rural areas will be supported and encouraged both through the conversion of existing buildings and well designed new buildings. Any new building must be well related to an existing group of buildings to minimise its impact and blend satisfactorily into the landscape through the use of suitable materials, design and siting. Policy EC11 goes onto state that proposals must: 1) be compatible with their rural setting; 2) be in keeping, in terms of scale and character, with the surrounding landscape and buildings, 3) include adequate access and car parking arrangements; and, 4) not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.

6.8 Policy EC9 of the CDLP 2015-2030 also indicates the support for proposals where they contribute towards the development and/or protection of the arts,

cultural, tourism and leisure offer of the District and support the economy of the area subject to compliance with the 3 criteria identified and other relevant planning policies.

- 6.9 Policy DNP-JE1 of the DPNP (Employment Development) states that proposals for the conversion of existing buildings or well designed new buildings for the sustainable growth and expansion of all types of business and enterprise (including land based rural businesses, sustainable rural tourism and leisure development) which respect the character of the countryside and local community facilities will be supported within existing settlements or adjacent to a group of buildings where there would be no significant adverse impact on the rural landscape, and, where they are compatible with surrounding uses and where there are no significant adverse residential or visual amenity impacts.
- 6.10 The retention of a marquee, used for functions, in the grounds of Dalston Hall Hotel, for a further 5 years would continue to support an existing established rural business and the wider rural economy. The application therefore raises no issues with regard to the principle of development.

2. Whether The Retention Of The Marquee For A Further 5 Year Period Would Impact Upon The Setting of the adjacent Grade II* Listed Building

- 6.11 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The 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"*.
- 6.12 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).
- 6.13 Paragraph 193 of the revised NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.14 Paragraph 194 goes onto state 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. Substantial harm to or loss of assets of highest significance, such as Grade II* Listed Buildings, should be wholly exceptional.

- 6.15 Paragraph 195 of the NPPF outlines that where a development will lead to substantial harm (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 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
- 6.16 Paragraph 196 of the NPPF states 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, where appropriate, securing its optimum viable use.
- 6.17 Policy HE3 (Listed Buildings) of the Local Plan also indicates that listed buildings and their settings will be preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance. The policy states that any new development within the curtilage or the setting of a Listed Building must have regard to: 1) the significance of the heritage asset, including its intrinsic architectural and historic interest and its contribution to the local distinctiveness and character of the District, 2) the setting of the asset and its contribution to the local scene; 3) the extent to which the proposed works would result in public benefits; 4) the present or future economic viability or function of the heritage asset; and 5) the preservation of the physical features of the building in particular scale, proportions, character and detailing (both internally and externally) and of any windows and doorways.
- a) the significance of the heritage asset and the contribution made by its setting
- 6.18 Dalston Hall is a medieval fortified House, now a hotel and was Listed at Grade II* 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 greenslate 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. "

6.19 Dalston Hall is a visually impressive and historic Grade II* Listed Building with its medieval Tower House creating a dominant element, together with its 18th and 19th century additions. It has part of its landscaped garden surviving but the re-alignment of the road altered much of this. The Hall has a woodland setting and walled gardens. The topography of the surrounding land is undulating resulting in the Hall and associated gardens situated on a lower level from the adjacent land which consists of part of a Golf Course and a Caravan Park.

6.20 By way of background there are over 374,000 listed buildings within England which are categorised as Grade I, Grade II* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II* Buildings are particularly important buildings of more than special interest, 5.5% of listed buildings are Grade II*. The final tier of Listed Buildings are Grade II buildings which are nationally important and of special interest.

b) the effect of the proposed development on the setting of the Grade II* Listed Building

6.21 The marquee has a footprint of 450 square metres with an eaves height of 3 metres and a ridge height of 5.4 metres. The marquee has insulated side PVC panels with no visibility through the panels to the north and east elevations. The walls on the west and south elevations are fully glazed with the walls on the west elevation positioned at an angle. The roof is constructed from translucent white PVC material and has a slight overhang on the west elevation. The building is fixed to the ground by concrete pads and the floor covering of the marquee consists of timber boards. Paved hard standings wrap around the west and south elevations of the marquee and a white metal ancillary store is constructed to the rear (east elevation) to house an internal heating and cooling system.

6.22 The marquee is situated in a relatively discrete location to the south-west of the hall away from its principle elevations and outside of its formal gardens. The marquee is viewed from the hall and associated gardens against the backdrop of existing mature trees. Views of the marquee from outside of the

site are limited due to the boundary treatment and typography of the land. Where views are afforded the marquee is seen through and along the backdrop of mature trees.

- 6.23 When assessing the impact of the marquee (proposed under applications 14/0101 and 14/0680) on the setting of the Grade II* Listed building the Council recognised that the PVCu materials for the marquee were alien to the historic fabric of the Grade II* Listed Building. The applicant however indicated that the marquee was a temporary facility to enable a permanent extension to the hall. In such circumstances and given the location of the marquee away from the principle elevations of the Grade II* Listed Building and outside its formal gardens together with the fact that the marquee would be viewed against the backdrop of mature trees with the land reinstated to its former use at the end of the temporary period the City Council considered that a temporary marquee within the grounds would not have a significant detrimental impact upon the setting of the hall to warrant refusal of the application. The City Council therefore imposed a 5 year temporary consent on applications 14/0101 and 14/0680 so that the Local Planning Authority could review the matter at the end of the limited period specified as the applicant indicated that the marquee was a temporary facility.
- 6.24 The current application is accompanied by an explanatory statement which confirms that the application does not propose any physical changes to the previously consented scheme (reference 14/0680) or any of the other planning conditions that were imposed by the Council. The statement states that the marquee was originally applied for as Dalston Hall Hotel had insufficient seating capacity within the "Great Hall" to cater for larger functions (the seating capacity was then limited to 150 persons). The limited seating capacity was resulting in an increased loss of business to those venues that have a greater seating capacity. The rationale for applying for the marquee was to reverse that trend and for income generated to contribute towards the cost of maintaining the built fabric of Dalston Hall, which is a Grade II* Listed Building.
- 6.25 The statement goes on to confirm that the applicant still has aspirations to provide a permanent function room however the applicant is not in a financial position to do so. The statement suggests that if a further temporary consent is not granted the Council has to weigh up the impact this could have upon the commercial success of Dalston Hall which in turn could impact upon its long term future and upkeep.
- 6.26 As confirmed in paragraph 6.23 the Council considered under applications 14/0101 and 14/0680 that the PVC materials for the marquee were alien to the Grade II* Listed Building however as the applicant indicated that the marquee was a temporary facility to generate sufficient funds to enable a permanent extension to the Hall with the land reinstated to how it was before the marquee was erected, the Council considered that the development would not have a significant detrimental impact upon the setting of the Grade II* Listed Building. Relevant conditions were imposed under applications 14/0101 and 14/0680 ensuring that the marquee is maintained in accordance with a maintenance schedule received 1st April 2014 to ensure that the

marquee was kept in a clean and tidy condition.

- 6.27 The explanatory statement provided by the applicant for the current application confirms that any consent granted for the marquee would only be of a temporary nature and the fact that a planning condition exists that requires the land to be reinstated to its former state following the removal of the marquee, it is clear that there would be no irreparable harm to the Grade II* Listed Building. The impact on the setting of the listed building continues to be limited and the benefits of the proposal continue to outweigh the harm.
- 6.28 In the intervening period since the explanatory statement has been submitted the applicant has furnished the Council with confidential financial information which clearly illustrates that the retention of the marquee is necessary to support the existing business and without the income from the marquee the business would not be in a financial position to support the general maintenance and upkeep of the Grade II* Listed Building. The upkeep of a Grade II* Listed Building is within the public interest therefore the current financial position of the business and the resulting impacts on the upkeep of the Grade II* Listed Building is a material planning consideration in the determination of the variation of condition application.
- 6.29 The Planning Practice Guidance (PPG) provides advice on the use of planning conditions. In terms of granting planning permission for a use for a temporary period only the PPG clarifies circumstances where a temporary permission may be appropriate including where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use'). The PPG goes on to confirm that it will be rarely justifiable to grant a second temporary permission (except in changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.
- 6.30 The applicant has applied for a further temporary consent for the marquee for a period of 5 years. It has been accepted through the granting of the first temporary consent for the marquee, design as proposed under application 14/0680, that a temporary marquee within the grounds of Dalston Hall Hotel would not have a significant impact upon the setting of the Grade II* Listed Building due to its positioning away from the principle elevation of the Hall and outside the Hall's former gardens together with the temporary nature of the marquee which will result in the land being reinstated following its removal. Given the materials of the marquee, PVCu which are alien to the historic fabric of the Grade II* Listed Building, the Council is unlikely to support a permanent planning application for the marquee as a permanent marquee is likely to have substantial harm to the setting of the listed building by virtue of the materials proposed.

- 6.31 When assessing the current application it is evident that the marquee has been built as per planning approval 14/0680 albeit the proposed toilets to the rear of the marquee have never been erected. The financial position of the business was not disclosed to the Council at the time of the granting the original temporary consent however it is now clear from the figures provided that the business is not in a position at the moment to fund a permanent extension to the Hall. It is also evident that without the income from the marquee the business would not have the financial funds to enable the general upkeep and maintenance of the Hall. It has already been established, through the granting of the first temporary consent, that a temporary marquee would not have a permanent impact on the setting of the Hall however it is clear from Government advice in the PPG that it is rarely justifiable to grant a second temporary permission and further permissions should normally be granted permanently or refused. In this instance it is clear that there has been a change in circumstances since the Council first considered a temporary permission for a marquee within the grounds of Dalston Hall Hotel. The Council is now fully aware of the financial situation of the business and it is clear that the retention of the marquee would be intrinsic to the upkeep and maintenance of the Grade II* Listed Building as well as the long term future of the business. It therefore considered that in these particular circumstances a further temporary consent for the retention of the marquee could be granted as a Grade II* Listed Building is deemed to be an asset of highest significance and the limited harm that the marquee would have in the temporary period that the marquee would be erected would be outweighed by the public benefits that the proposal would create i.e. funds to ensure the general maintenance and upkeep of a Grade II* Listed Building which the business would currently not have if the marquee was not retained.
- 6.32 Legitimate concerns have been raised by objectors that if Members grant a further temporary consent for the marquee for a period of 5 years the applicant could then apply for a certificate of lawfulness as the marquee would of been in situ for 10 years. Legal advice has however been sought and this is not the case.
- 6.33 If Members are minded to grant the current application giving a further temporary consent for a period of 5 years and a subsequent application is submitted in the future for a further temporary consent the determination of this application would not create a precedent for approving further temporary consents as the Council would have to assess the particular circumstances at that time.
- 6.34 The applicant's agent in his explanatory statement has confirmed that the applicant shares the aspiration of the Council's long term preference for the marquee to be replaced with a permanent structure and that is on the basis on which an application for a further temporary consent is sought. The applicant's agent however suggests an alternative thought process which is to renew the temporary consent on a periodic basis. The benefit of which is that once the marquee is no longer required or the physical appearance of the marquee is such that it detracts from the setting of the Grade II* Listed Building the temporary consent will not be renewed and the grounds reinstated to how it was before the marquee was erected. In terms of

safeguarding the character and setting of the Listed Building in the long term there is a strong argument that this approach would provide the optimal solution as the character and setting of the building would be preserved as is without the need for a permanent extension. Whilst the design of any permanent extension will have to preserve and enhance the setting and character of the Listed Building the agent confirms that there are many examples across the country where Listed Buildings have been extended and those extensions have in retrospect not been regarded as a right solution. The agent believes that the existing flat roof dining room extension to Dalston Hall is such an example. Irrespective of which ever approach is deemed more favourable, the agent argues that there is a need for the retention of the marquee to support the on-going viability of Dalston Hall and to ensure that it remains commercially competitive with other venues.

- 6.35 With regard to the alternative thought process Members are reminded that commercial competition is not a material planning consideration. The Council's Heritage Officer has been consulted on the development and has confirmed that the impact of the marquee is not permanent, and should be viewed in light of the more permanent impacts of the approved, but lapsed extension application 05/0224 (LBC) and 05/0214 (full), abutting the east of the hotel. While the materials of the marquee - white PVCu in tent like design is not ideal, this is mitigated by the temporary nature of the installation and its lack of physical harm to the adjacent building or irreversible impacts. The structure does some less than substantial harm to the setting of the listed building, but this is balanced by the need for this large building to be in a sustainable use. While typically the renewal of a permission on multiple occasions would not be considered normal, and a permanent extension would be sought. It is suggested that in this instance, given the sensitivity of the Grade II* building, and the need for the hotel to maintain its commercial viability, the periodic renewal of the 5 year consent is entirely acceptable.
- 6.36 Historic England has also been consulted on the development and has confirmed that they do not wish to offer any comments.
- 6.37 Overall it is considered that a temporary marquee within the grounds of Dalston Hall Hotel would have less than substantial harm upon the setting of the Grade II* Listed Building due to its positioning away from the principle elevation of the Hall and outside the Hall's former gardens together with the temporary nature of the marquee which will result in the land being reinstated following its removal. In terms of weighing this harm against the public benefits of the proposal it is clear that the retention of the marquee would be intrinsic to the upkeep and maintenance of the Grade II* Listed Building, which is in the public interest as it is a historic asset of high significance. On balance it is considered that the limited harm that the marquee would have in the temporary period that the marquee would be retained (a further 5 year period) would be outweighed by the public benefits that the proposal would create i.e. funds to ensure the general maintenance and upkeep of a Grade II* Listed Building which the business would currently not have if the marquee was not retained.

3. Whether The Retention Of The Marquee For A Further 5 Year Period

Would Have An Adverse Impact Upon The Living Conditions Of Neighbouring Residents

- 6.38 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate to its location taking into account the likely affect (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should 1) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life, 2) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 6.39 Paragraph 182 of the NPPF goes onto state that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. 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.
- 6.40 Policy EC8 (Food and Drink) of the CDLP also seeks to protect the amenity of adjacent users from food and drinking establishments. Furthermore Policy CM5 (Environmental and Amenity Protection) states that the Council will only support development which would not lead to an adverse impact on the environment or health or amenity of future or existing occupiers. Development will not be permitted where it would generate or result in exposure to, either during construction or completion, unacceptable levels of pollution (e.g. noise) which cannot be satisfactorily mitigated within the development proposal or by means of compliance with planning conditions.
- 6.41 Policy DNP-JE1 of the DPNP (Employment Development) also supports proposals for the conversion of existing buildings or well designed new buildings for the sustainable growth and expansion of all types of business and enterprise where they are compatible with surrounding uses and where there are no significant adverse residential or visual amenity impacts.
- 6.42 The north, east and southern peripheries of Dalston Hall Hotel are surrounded by Dalston Hall Golf Club/Caravan Park. The hotel is situated at a lower level to Dalston Hall Caravan Park due to the topography of the land and principally has a woodland setting which overlooks part of the Golf Course and Caravan site. The nearest residential properties to the hotel are "Lynwood Lodge" (where the owners of Dalston Hall Golf Club/Caravan Park reside) located approximately 119 metres to the north west of the marquee and "Holly Lodge" situated 220 metres to the west of the marquee.

- 6.43 As stated in paragraph 6.5 the impact of the marquee on the living conditions of the occupiers of neighbouring properties was assessed and established as acceptable under application 14/0680. To protect the living conditions of neighbouring properties relevant planning conditions were imposed on the consent ensuring that a sound monitor in the marquee is in situ at all times in direct sight of the music source and not obstructed by any solid objects/curtains, and, sound monitoring should take place at regular intervals during any event where amplified music is played within the marquee and such details shall be made available by the applicant to any Officers of the City Council on request, and, no external speakers should be attached to the marquee at any time.
- 6.44 Since the approval of application 14/0680 it is evident that the proposed connected toilet block to the back of the marquee has never been introduced and the Council's Environmental Services Department has received a significant number of complaints of noise nuisance from the owners of Dalston Hall Caravan Park as well as from unit holders staying in the caravans. To date 40 separate complaints have been received with the most recent being 10th September 2019. Environmental Services have confirmed that complaints have mainly been concerning loud music, from both live bands and recorded music, but have also included complaints of noise due to traffic movements, people making noise when arriving and leaving the venue, loud firework displays and general anti-social behaviour. As part of Environmental Services investigations the department witnessed unacceptable noise disturbance from patrons leaving the premises in the early hours of the morning to buses parked in close proximity to the neighbouring property. Evidence included audio recording through calibrated equipment installed at the neighbouring property and photographs and CCTV stills provided by the complainant.
- 6.45 Environmental Services have confirmed that prior to the introduction of the marquee, when events were held in the main hotel building, no complaints were received by the department. In August 2015 Environmental Services department were satisfied from evidence obtained during investigations into noise complaints that a statutory nuisance had occurred. This opinion was supported by the frequency and nature of the complaints received and observations by officers when visiting the site and audio recordings during investigations. For example during a monitoring visit by EHO on the 4th July 2015 music from the marquee was clearly audible within the grounds of the neighbouring property with individual songs and instruments being clearly distinguishable. An abatement was duly served on Dalston Hall Ltd prohibiting the likely recurrence of nuisance from the emission of amplified music from the marquee. An appeal was subsequently brought against the Council on several grounds including that the notice was served on the wrong company as it was later established that the tenant and occupier of the premise was "Hot Chefs Ltd" trading as "Dalston Hall Hotel". As a result Environmental Services withdrew the abatement notice.
- 6.46 Following the withdrawal of the abatement notice, dialogue with "Hot Chefs Ltd" ensued and agreement was made for the company to develop and implement a Noise Management Plan (NMP). Events held in the marquee

over the 29th July-1st August 2016 were monitored by the applicant's noise consultant and it was acknowledged that these noise levels did not generate a complaint from the neighbouring property and caravan users. As a result the recorded noise levels taken were used to formulate agreed levels before and after 11pm which the applicant detailed in the NMP. Environmental Services were satisfied that the agreed levels in the NMP would not cause a nuisance to the permanent residence of the Caravan Park owner. The NMP was later submitted on the 9th April 2018 by Hot Chefs Ltd as a minor variation to the premises licence for Dalston Hall Hotel to promote the licensing objectives of preventing public nuisance.

- 6.47 Environmental Services has confirmed that several assumptions were made in the NMP, including levels of music within the marquee being at the maximum allowable level of 95dB(A) and normal operating practices were in place during the event i.e. keeping doors closed etc. These assumptions were accepted by all parties including the neighbouring resident who was generally happy with the levels over that weekend. Environmental Services have however confirmed that since the introduction of the NMP the department has continued to receive complaints of noise nuisance associated with loud music from the marquee. As a result Environmental Services have attended the complainant's property four times to witness events. Audio recordings of events made by the complainant using the departments calibrated equipment have shown that levels have been kept within general compliance of the NMP. On once occasion some minor exceedance of the agreed noise levels were noted, but poor weather conditions may have influenced the recorded levels. Environmental Services has however confirmed that they have made recordings of guests leaving the venue late at night making considerable noise, shouting etc.
- 6.48 Environmental Services believe that management issues are responsible for a failure to continued compliance with the external sound levels in the NMP. For example they have evidence to indicate that doors to the marquee are being left open when amplified music is being played suggesting that the measures detailed in the NMP are not being adhered to or the heating/cooling system is not adequate for the purpose intended. Environmental Services has confirmed that due to the variable nature of events, with different numbers of guests, live bands etc the potential for noise nuisance does exist and whilst they have not been able to witness statutory nuisance the noise levels at the functions clearly cause disturbance to residents in the caravans and the neighbouring property. A recent complaint from a resident of the caravan park who stays every weekend from March-November confirmed that when ever there is a function at the Hotel they are unable to sit outside due to the noise and their sleep is disturbed into the night. This complaint is still under investigation however evidence suggests that noise from events in the marquee are having a detrimental effect on the caravan business.
- 6.49 Environmental Services have been unable to monitor further events due to weather conditions and have confirmed that they are unable to monitor every event to establish whether the application is operating within the parameters set out in the NMP as such action would have a significant impact on

resource for the department. They are unaware of any evidence from the applicant which demonstrates compliance with the NMP.

- 6.50 Based on observations made by Officers, noise levels and audio recordings taken within the complainant's property and the significant number of complaints received by the Authority over the past 5 years Environmental Services have objected to the current application to allow the retention of the marquee for further 5 years as they believe that the events involving amplified music within the marquee will continue to cause likelihood of noise complaints from the neighbouring resident and users of the caravan park. Environmental Services are therefore of the opinion that the application should be refused as the design and management of the marquee do not prevent nearby properties being put at unacceptable risk, and being adversely affected, by unacceptable levels of noise pollution.
- 6.51 Objectors to the current application have also raised similar noise concerns such as music emanating from the marquee, noise from patrons entering/ leaving events at the hall/marquee including from cars, buses turning, fireworks and anti-social behaviour.
- 6.52 When assessing the impact of the proposed application for the retention of the marquee for a further 5 years it is important to look at the fall back position and distinguish what could take place from the Hall if the marquee was not in situ. Members should then look at what development has taken place in the surrounding area since approval of the marquee and what specific issues the marquee is currently causing or could cause from the retention of a further 5 year period and determine whether the resulting impacts of the development on neighbouring residents are acceptable or could be made acceptable via the imposition of relevant planning conditions.
- 6.53 In terms of the fall back position it is accepted that Dalston Hall Hotel has been operating as a hotel/venue for events and weddings for a significant number of years and has no restriction on operating hours on the Premises Licence. It was established during consideration of application 14/0101 that the hotel, although limited to 150 patrons for weddings due to the size of the great hall where wedding reception dinners are held, has the capacity to accommodate 300 patrons during evening receptions. This was evidenced at the time by a copy of a Fire Risk Assessment which confirmed the existing capacity at the hall. Thus prior to the marquee, and if the marquee was not in situ, there could be up to 300 guests entering and leaving Dalston Hall Hotel during an event if the Hall was operating to its full capacity.
- 6.54 During consideration of both applications 14/0101 and 14/0680 it was established that the purpose of the marquee was to increase the seating capacity of the hall to prevent the loss of business to other venues with greater seating capacity and there was no intention to increase the available capacity of the hall itself. Therefore a relevant planning condition was imposed on application 14/0680 ensuring that the approved marquee shall not be used when a separate unrelated function is being held within Dalston Hall Hotel. Thereby ensuring that there was no increase in capacity at events taking place at Dalston Hall over and above what could take place as

existing. In consideration of the current application the agent has furnished the Council with a copy of the most up to date Fire Regulations Review (20th May 2019) which confirms no change to the capacity numbers. Thus it is clear that the marquee does not generate an increase in the number of patrons over and above what could take place without the marquee. Issues therefore of noise from patrons entering/leaving the premises could take place from Dalston Hall Hotel itself, if operating at full capacity, even if the current application for the retention of the marquee was refused.

- 6.55 In terms of noise and disturbance from fireworks being set off from the premises during an event this could also take place if events were being held in the Hall itself opposed to the marquee. The control of fireworks is governed by separate legislation which does not allow anyone to set off fireworks between 11pm and 7am, except on certain occasions (i.e. New Years Eve and Bonfire Night). Firework safety is also governed by the Health and Safety Executive.
- 6.56 In terms of anti-social behaviour resulting from patrons entering/leaving the premises this could also take place if the marquee was not there as it has been established that the marquee does not generate any additional patrons over and above what could take place if the Hall was operating to full capacity. Any anti-social behaviour from patrons entering/leaving the premises is a matter for the police to deal with.
- 6.57 If all of the aforementioned issues are consistently occurring (noise from patrons entering and leaving the premises/anti-social behaviour etc) then a responsible authority or any other person (such as the objectors to the current application) could call for a review of the premises licence if they believe a premises is not operating in a way that promotes the four licensing objectives of 1) preventing crime and disorder, 2) public safety, 3) the prevention of public nuisance, and, 4) the protection of children from harm.
- 6.58 In terms of what development has taken place within the vicinity of Dalston Hall Hotel since the erection of the marquee approved under application 14/0680 it is acknowledged that Dalston Hall Golf Club/Caravan Park was granted planning permission on the 16th May 2014 (reference 14/0124) for the erection of 16 additional holiday lodges on land to the north-east of the marquee which was implemented on the 1st July 2016. On 12th August 2016 planning permission was approved at the Golf Club/Caravan Park to vary the occupancy of 9 pitches approved in 2011 on land to the north-east of the marquee from 1st March-31st January to all year round use (reference 16/0476). Furthermore on the 24th October 2016 planning permission was approved to vary the occupancy of the 16 holiday lodges approved under application 16/0789 to all year round use. Given that all three of these applications have been implemented after the approval of application 14/0680 it is considered unreasonable to place any restrictions on the marquee at Dalston Hall Hotel with regard to the impact upon the 16 holiday lodges on the land to the north-east of the site as these were erected after the granting of the marquee. As per paragraph 183 of the NPPF it is up to the 'agent of change' to provide suitable mitigation.

- 6.59 In terms of the current application and noise emanating from the marquee itself i.e. from amplified music, patrons entering and leaving the marquee during an event and general noise from patrons within the marquee (talking, singing, shouting etc) it is appreciated that application 14/0680 had planning conditions attached to the approval ensuring that a sound monitor in the marquee is in situ at all times in direct sight of the music source and not obstructed by any solid objects/curtains, and, sound monitoring should take place at regular intervals during any event where amplified music is played within the marquee and such details shall be made available by the applicant to any Officers of the City Council on request, and, no external speakers should be attached to the marquee at any time. Furthermore, since application 14/0680 was approved Dalston Hall Hotel now has a Noise Management Plan attached to its Premises License (April 2018) to address potential noise issues from amplified and live music from events held in the marquee.
- 6.60 As stated in paragraph 6.46 events held in the marquee over the 29th July-1st August 2016 were monitored by the applicant's noise consultant and it was acknowledged that these noise levels did not generate a complaint from the neighbouring property and caravan users. As a result the recorded noise levels taken have been used to formulate agreed levels before and after 11pm which are detailed in the NMP. For example noise levels at the agreed monitoring position is to be no higher than 50dBLAeq, 15 minutes before 11pm and no higher than 43dBLAeq, 15 minutes +2dB to allow for variance after 11pm. With the benefit of distance attenuation this equates to 39dBLAeq, 15mins at the residential property at Dalston Hall Holiday Park after 11pm. If windows were open in the property then attenuation of around 10-15dB(A) would be achieved, resulting in internal levels between 24-29dBLAeq which is within current guideline criteria in BS8233:2014 and the WHO Guidelines for Community Noise for night time noise (currently defined as between 11pm and 7am).
- 6.61 The NMP also confirms that all doors in the marquee are self closing and windows are not capable of being opened. On events when live/amplified music is played at high volumes all doors for access and egress will be opened only for these purposes, and, kept open no longer than necessary. The NMP details that the sound system will cut out if a db reading of 95 is exceeded. The NMP also confirms that licensed events held at the Hall typically end at 1am on Friday and Saturday nights. Live bands will finish by 11pm and performance DJs should be controlled after 11pm and if it is possible to distinguish what the DJ is saying at the agreed monitoring location then corrective action should be taken if the agreed maximum noise levels are being exceeded. In terms of customer awareness the NMP states that security/hotel staff will be present when required at appropriate external locations (e.g. road leading to the designated car park/coach parking) up to one hour after an event ends to ensure dispersal takes place in an orderly and proper manner. Notices will be displayed on external doors and on the entrance to the car park asking customers to leave the premises in a quiet and orderly fashion and to respect neighbours. Verbal announcements prior to dispersal will also be made at the end of each night.

- 6.62 The NMP confirms that noise monitoring will take prior to 23:00 during an event and between 23:00-01:00 hours at the agreed monitoring location with all readings documented. Any complaints will be fully investigated by the site manager and where necessary and practicable, measures will be put in place to address the issue.
- 6.63 Although Environmental Services and objectors have objected to the retention of the marquee for a further five years on noise nuisance grounds no substantial evidence has been forwarded to Planning Services to illustrate that the agreed noise levels from the marquee in the NMP have been exceeded. As it has been accepted that the agreed noise levels detailed in the NMP did not generate a complaint from the neighbouring property and caravan users during events held in the marquee on the weekend of the 29th July-1st August 2016 it is evidenced that the marquee can operate within noise parameters acceptable to all parties.
- 6.64 It is acknowledged that since the introduction of the NMP Officers of the Council have witnessed doors to the marquee left open during an event. This is clearly a breach of the NMP which has been dealt with under the licensing regime as the closing of the marquee doors when patrons are not accessing/egressing the marquee is a requirement of the Premises License. Members should however be aware that since this breach occurred the applicant has subsequently confirmed that all doors on the marquee have been made self closing to prevent this happening again.
- 6.65 It is also appreciated that application 14/0680 introduced a number of amendments to the original application for the marquee 14/0101 one of which was to include a connected toilet block to the back of the marquee to reduce the noise generated by patrons passing between the marquee and the main hall to access the toilets. Whilst this measure would reduce noise emanating from the marquee when the doors are opened and closed for access/egress to the Main Hall it is acknowledged that the agreed noise levels detailed in the NMP were undertaken during two events over the weekend of the 29th July-1st August 2016 where patrons would have opened and closed the doors of the marquee to access the toilets in the hotel. Whilst the installation of toilets to the rear of the marquee would be desirable it has been clearly demonstrated that the operation of the marquee can adhere to acceptable noise levels without the installation of the toilets.
- 6.66 In response to the objections made by Environmental Health the applicant has since furnished the Council with a noise diary for events which have taken place at the hall or in the marquee between 2015-2019. For Members benefit the events which have been logged since the introduction of the Noise Management Plan in April 2018 have been summarised in the following table:

Maximum Noise levels recorded for events after implementation of the noise Management Plan April 2018			
Date	Before 11pm (levels not to exceed 50dB LAeq)	11pm onwards (levels not to exceed 43dB LAeq + 2db to allow for variance)	Comments

12th May 2018	41.7	40.5	
19th May 2018	42.2	42.7	
8th June 2018	42.5	42.3	
9th June 2018	44.5	-	
16th June 2018	-	-	High winds precluded accurate recording.
23rd June 2018	42.7	42.5	
29th June 2018	42.8	-	
30th June 2018	40.1	39.2	
28th July 2018	42.8	-	
4th August 2018	40.7	42.7	
11th August 2018	41.7	-	
18th August 2018	42.7	41.4	
24th August 2018	41.9	40.7	
25th August 2018	42.1	-	
26th August 2018	41.7	40.4	
1st September 2018	41.7	-	
8th September 2018	38.4	-	
6th October 2018	41.4	40.7	
27th October 2018	40.4	-	
27th April 2019	43.6	42.4	
3rd May 2019	43.7	42.9	
25th May 2019	45.1	43.7	
1st June 2019	42.9	43.3	
15th June 2019	46.7	-	
29th June 2019	41.4	-	
20th July 2019	42.2	40.7	
10th August 2019	42.7	46.4	Event was in Hall
7th September 2019	43.1	-	

6.67 The agent has confirmed that in relation to those events where noise levels haven't been taken after 11pm this because the music has been provided by a DJ and music from the DJ is monitored and controlled at its source, i.e. from within the marquee itself, by a combination of staff/the DJ monitoring the sound monitor to ensure that noise levels do not exceed 95db on the dance floor and, as a failsafe, by the Sentry MK2 device that cuts the electricity supply that feeds the music systems if a db reading of 95 is exceeded. The applicants Noise Consultant and the EHO have previously agreed that a noise level not exceeding 95db on the dance floor within the marquee should not exceed the agreed levels at the noise monitoring point. The sound monitoring referred to also applies to live bands; however, bands are only permitted to play up to 11pm, hence reference to music played by the DJ post 11pm.

- 6.68 As demonstrated in the table above all the events that have taken place in the marquee since the introduction of the NMP are in compliance with the noise levels in the NMP (not more than 50dBLAeq, 15 mins before 11pm and not more than 43dBLAeq, 15 minutes +2dB(A) after 11pm). It is clear that one event on the 10th August 2019 exceeded the agreed noise levels after 11pm however this event was in the Hall itself which has no restriction on noise levels.
- 6.69 The applicants solicitor has also raised concerns regarding the accuracy of the response by Environmental Health. In summary the solicitor has confirmed that the Noise Abatement Notice served on Dalston Hall Hotel was only served with reference to recordings made on the 25-26th June 2016 and it was evident that the equipment had recorded offensive noise emanating from an entirely different wedding party held in Lingeyclose Road. The solicitor goes on to state that the applicant has monitored noise emanating from events in accordance with the Noise Management Plan and the applicant is not aware that there has been any material breach of the NMP. The belief put forward by the Environmental Health Officer that management issues are responsible for an unsubstantiated alleged failure to continue compliance with external sound levels is apparently based on a single monitoring event, made by the EHO own admission, unreliable as it was undertaken in high winds/adverse weather conditions. There is no evidence of any value to suggest that the sound levels have exceeded the acceptable noise levels agreed with the EHO and which are contained in the NMP.
- 6.70 In response to the evidence produced by the applicant Environmental Health have advised that audio recordings using calibrated noise equipment set up in the noise complainant's property on the weekend of 11-12th of August 2018 and 24-27 August 2018 recorded music up to 51dB before 11pm and up to 44db after 11pm. During these weekends the weather was not good and as a member of Environmental Health was not present and did not witness the noise breach an abatement notice was not served. There has been no further recordings made since this time.
- 6.71 In relation to the above the applicants noise consultant has subsequently confirmed, using a noise model, that if a noise recording of 51dB was made at the complainant's property then internal noise in the marquee would be approximately 115dB. This level of sound is nearing the threshold of pain and is considered highly unlikely to have occurred as it would of been very uncomfortable for anyone to be in close proximity to the noise source without wearing hearing protection.
- 6.72 Environmental Health stand by the agreed noise management plan and believe that this has the correct levels in it so when operating under the correct restrictions it should operate satisfactorily and there should be no grounds for noise complaints. They have concerns at present in how the marquee is operating hence their objections and dis-satisfaction with the current situation. They believe that the noise management plan was prepared on the basis that the original design with its all incumbent doors and separate toilet facilities would mean that when in use the temptation to open doors and leave them open is minimised. Any potential noise nuisance would then be

limited. Relocating the position of bands within the marquee to the north facing south would also help to minimise noise nuisance.

6.73 The applicants noise consultant has undertaken a further monitoring exercise in the marquee during the day with noise levels in the marquee being played up to the maximum level of 93dBLAeq 2minutes. Measurements were taken at the agreed noise monitoring location with the doors to the marquee opened and closed and there was no discernible difference in the audibility of noise. Therefore it is not considered that the installation of toilet facilities would have a discernible impact on noise levels. It was also pointed out that the agreed noise levels from the marquee are likely to be exceeded by conversation of guests and patrons in the car park whilst arriving/leaving the venue, cars entering and exiting the car park and the lawful use of the hotel as a multi-purpose event venue. It is also not considered that there is reasonable justification to relocate the dance floor as the noise source is currently in position where it is directed away from the nearest potentially noise sensitive receptor.

6.74 When assessing the current application against the relevant planning policies it is clear that there are two businesses (Dalston Hall Hotel and Dalston hall Golf Club/Caravan Park) located in close proximity to each other which are both tourist venues with different characteristics. Each business plays a key role in helping to support the existing rural economy and weight should be proportioned to each business equally when assessing the impacts of development. It is clear since application 14/0680 has been approved that there has been noise and disturbance issues caused to the adjacent property and business however Members have to distinguish what has been directly been caused as a result of the marquee and what could be caused from existing operations at Dalston Hall Hotel itself which has been in existence as a food/drink establishment for a significant number of years. As demonstrated in paragraphs 6.52 -6.57 a number of issues that have been occurring (noise/disturbance from anti-social behaviour, fireworks, patrons entering/leaving the premises) could take place from the Hall itself if operating to full capacity and are controlled by separate regulatory bodies. In such circumstances it would be unreasonable to refuse the current application on this basis. In terms from noise disturbance from the marquee itself it has been established through the NMP, which has agreed noise levels based on an event taking place over a weekend without the toilets installed, that the marquee can operate within tolerable levels in such circumstances it would also be unreasonable to refuse the application on noise disturbance grounds when there is sufficient evidence (as demonstrated in the NMP) to illustrate that the marquee can operate and not cause a disturbance. If Members are minded to approve the application it is suggested that the following relevant conditions are imposed in order to protect the living conditions of the occupiers of neighbouring properties from noise/disturbance:

- adherence to the sound levels as specified in the NMP;
- ensuring that a sound monitor in the marquee is in situ at all times in direct sight of the music source and not obstructed by any solid objects/curtains;
- sound monitoring should take place at regular intervals during any event

where amplified music is played within the marquee and such details shall be made available by the applicant to any Officers of the City Council on request;

- no external speakers should be attached to the marquee at any time; and
- ensuring that the marquee is not used when there is a separate unrelated function being held in Dalston Hall Hotel
- ensuring that the doors in the marquee remain self closing except those for emergency access
- ensuring that all events in the marquee finish at 1am with all live bands finishing at 11pm

4. Whether The Retention Of The Marquee For A Further 5 Year Period Would Have An Adverse Impact Upon Archaeology, Trees, Drainage, Contamination And Highway Safety

6.75 As stated in paragraph 6.5 the impact of the erection of a temporary marquee in the grounds of Dalston Hall Hotel upon archaeology, trees, drainage, contamination and highway safety has already been assessed and considered acceptable under application 14/0680. The retention of the marquee for a further period of 5 years raises no further issues in this regard.

5. Other Matters

6.76 An objector has alleged that the development is causing environmental issues with coloured discharge water appearing from an outfall pipe on neighbouring land. The application site benefits from a discharge permit issued by the Environment Agency for treated sewage to discharge to an unnamed tributary. As part of the discharge permit annual sampling is required to ensure compliance with the permit limits and the applicant needs to ensure that the existing foul treatment system is in a good state of repair, continues to be regularly desludged and serviced and is of sufficient capacity to deal with changes in flow and loading through the year to remain with the permit limits to protect the River Caldw which is a designated SSSI/SAC. It was established through the previous application that the treatment plant of 5000 gallons is acceptable for the capacity of the Hall/marquee therefore any environmental issues relating to the outfall pipe should be directed to the Environment Agency as they are the appropriate regulatory body.

Conclusion

6.77 To conclude the principle of the erection of a temporary marquee in the grounds of Dalston Hall Hotel was assessed and established as acceptable under applications 14/0101 and 14/0680 where the impact of the development upon the setting of the Grade II* Listed Building, the living conditions of neighbouring properties, archaeology, trees, parking/highway safety, drainage and contamination were considered. The current application seeks to vary condition 2 attached to application 14/0680 to enable the marquee that was granted temporary planning permission to be retained for a further five year period.

- 6.78 The retention of a marquee, used for functions, in the grounds of Dalston Hall Hotel, for a further 5 years would continue to support an existing established rural business and the wider rural economy. The application therefore raises no issues with regard to the principle of development.
- 6.79 A temporary marquee within the grounds of Dalston Hall Hotel would have less than substantial harm upon the setting of the Grade II* Listed Building due to its positioning away from the principle elevation of the Hall and outside the Hall's former gardens together with the temporary nature of the marquee which will result in the land being reinstated following its removal. In terms of weighing this harm against the public benefits of the proposal it is clear from the confidential financial information provided that the retention of the marquee would be intrinsic to the upkeep and maintenance of the Grade II* Listed Building, which is in the public interest as it is a historic asset of high significance.
- 6.80 It is clear that since application 14/0680 has been approved that there has been alleged noise and disturbance issues caused to the adjacent property and business however Members have to distinguish what has been directly been caused as a result of the marquee and what could be caused from existing operations at Dalston Hall Hotel itself which has been in existence as a food/drink establishment for a significant number of years. As demonstrated in paragraphs 6.52 -6.57 a number of issues that have been occurring (noise/disturbance from anti-social behaviour, fireworks, patrons entering/leaving the premises) could take place from the Hall itself if operating to full capacity and are controlled by separate regulatory bodies. In such circumstances it would be unreasonable to refuse the current application on this basis. In terms from noise disturbance from the marquee itself it has been established through the NMP that the marquee can operate within tolerable levels in such circumstances it would also be unreasonable to refuse the application on noise disturbance grounds when there is sufficient evidence (as demonstrated in the NMP) to illustrate that the marquee can operate and not cause a disturbance. Subject to the conditions outlined in paragraph 6.74 of this report being imposed it is not considered that the retention of the marquee for a further 5 year period would have a sufficient adverse impact upon the living conditions of the occupiers of surrounding residential properties to warrant refusal of the application on this basis.
- 6.81 On balance it is considered that the benefits of the proposed retention of the marquee for a further temporary period (supporting an existing established rural business and the upkeep/maintenance of a Grade II* Listed Building which is within the public interest) would significantly outweigh the less than substantial harm caused to the setting of the Grade II* Listed Building and the limited impact to the living conditions of the occupiers of neighbouring properties which can be adequately controlled by the imposition of relevant planning conditions. The application was submitted in March 2019 and due to lengthy negotiations relating to the noise issues it would be apposite to give a 4 year permission in line with the intended length of time as originally submitted. Accordingly the application is considered to be compliant with the criteria of the relevant Development Plan Policies and is therefore recommended for approval subject to the imposition of relevant conditions.

7. Planning History

- 7.1 The relevant planning history is as follows:
- 7.2 In 2016 Full Planning Permission was granted for resubmission of previously approved permission 13/0401 for first floor extension and reconfiguration of ground floor of east wing to provide 8no.bedrooms, together with dining room extension to ground floor rear elevation (reference 16/0718). This application has never been implemented and has now expired;
- 7.3 In 2016 Listed Building Consent was granted for resubmission of previously approved permission 13/0400 for first floor extension and reconfiguration of ground floor of east wing to provide 8no.bedrooms, together with dining room extension to ground floor rear elevation (reference 16/0719). This application has never been implemented and has now expired;
- 7.4 In 2016 Full Planning Permission was granted for reinstatement of original entrance to Dalston Hall, including enhanced bus drop off area and over spill car parking (reference 16/0190, part retrospective);
- 7.5 In 2016 works related to a Tree Preservation Order were granted (reference 16/0001/TPO);
- 7.6 In 2014 a discharge of condition application was granted for discharge of condition 6 (parking/turning of vehicles) of previously approved application 14/0101 (reference 14/0790);
- 7.7 In 2014 a variation of condition application was granted for variation of condition 2 (approved documents) of previously approved application 14/0101 (reference 14/0680, part retrospective);
- 7.8 In 2014 permission was granted for a marquee (reference 14/0101, part retrospective);
- 7.9 In 2013 permission was granted for the renewal of unexpired permission of application reference 10/0574 for first floor extension and ground floor conversion to form 8no.rooms in east wing and erection of two storey lodge comprising 12no.rooms (LBC, reference 13/0400). This application has never been implemented and has now expired;
- 7.10 In 2013 permission was granted for the renewal of unexpired permission of application reference 10/0567 for first floor extension and ground floor conversion to form 8no.rooms in east wing and erection of two storey lodge comprising 12no.rooms (reference 13/0401). This application has never been implemented and has now expired;
- 7.11 In 2010 Full Planning Permission and Listed Building Consent were renewed for first floor extension and ground floor conversion to form 8no.rooms in east wing and erection of two storey lodge comprising 12no.rooms (references

10/0574 and 10/0567). This application has never been implemented and has now expired;

- 7.12 In 2005 Full Planning Permission and Listed Building Consent was granted for a first floor extension and ground floor conversion to form 8no.rooms in east wing and erection of two storey lodge comprising 12no. rooms (references 05/0214 and 05/0224). This application has never been implemented and has now expired;
- 7.13 In 1999 Full Planning Permission was granted for extension to dining room (reference 99/0403);
- 7.14 In 1999 Full Planning Permission was granted for erection of 8no.self catering holiday lodges (reference 99/0419). This application has never been implemented and has now expired;
- 7.15 In 1999 Listed Building Consent was granted for extension to dining room (reference 99/0420). This application has never been implemented and has now expired;
- 7.16 In 1993 Full Planning Permission was granted for installation of replacement sewage treatment plant (reference 93/0722).

8. Recommendation: Grant Permission

- 1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 - 1. the submitted planning application form received 22nd March 2019;
 - 2. the explanatory statement received 22nd March 2019 (Ref: 18/041);
 - 3. the noise management plan received 28th October 2019 (Dated April 2018);
 - 4. the site location plan received 6th August 2014 in respect of application 14/0680 (Drawing No. 14/017/2A);
 - 5. the plan showing the proposed marquee in setting received 14th November 2014 in respect of application 14/0680 (Drawing No.18.04);
 - 6. the elevations showing proposed marquee in setting received 14th November 2014 in respect of application 14/0680 (Drawing No.18.05);
 - 7. the proposed east and north elevations received 14th November 2014 in respect of application 14/0680 (Drawing No.18.02);
 - 8. the proposed west and south elevations received 14th November 2014 in respect of application 14/0680 (Drawing No.18.03);
 - 9. the confirmation of the proposed type of sound monitor received 21st October 2014 in respect of application 14/0680;
 - 10. the details of the proposed heating/cooling system received 14th November 2014 in respect of application 14/0680;
 - 11. the noise details of the proposed heating/cooling system received 14th November 2014 in respect of application 14/0680;
 - 12. the confirmation of the type of heating/cooling system (Jumbo 150) received in an email from the agent dated 27th November 2014 in

- respect of application 14/0680;
13. the email from the agent received 14th August 2014 confirming the materials for the furniture store and toilet in respect of application 14/0680;
 14. the maintenance schedule received 1st April 2014 in respect of application 14/0101;
 15. the Notice of Decision; and
 16. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. The marquee hereby permitted shall be removed by 11th April 2024 and the land reinstated to its former condition in accordance with a scheme to be approved beforehand by the local planning authority.

Reason: The Local Planning Authority wish to review the matter at the end of the limited period specified as the applicant has indicated that this is a temporary facility.

3. The marquee hereby approved shall be maintained in accordance with the maintenance schedule received by Planning Services on the 1st April 2014 in relation to application 14/0101.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area. In accordance with Policies SP6 and HE3 of the Carlisle District Local Plan 2015-2030.

4. The sound monitor hereby approved shall be in situ at all times in direct sight of the music source in a location agreed with Environmental Health and shall at no time be obstructed by any solid objects or curtains. Noise monitoring inside and outside of the marquee shall take place (including at the edge of the curtilage at Dalston Hall) at regular intervals during any event where amplified music is played within the marquee and such details shall be made available by the applicant to any Officers of the City Council on request

Reason: To safeguard the living conditions of the occupiers of neighbouring properties in accordance with Policies SP6, EC8 and CM5 of the Carlisle District Local Plan 2015-2030.

5. No external speakers should be attached to the marquee at any time

Reason: To safeguard the living conditions of the occupiers of neighbouring properties in accordance with Policies SP6, EC8 and CM5 of the Carlisle District Local Plan 2015-2030.

6. The marquee hereby approved shall not be used when a separate unrelated function is being held within Dalston Hall Hotel.

Reason: To ensure adequate parking provision is available in

accordance with Policies IP2 and IP3 of the Carlisle District Local Plan 2015-2030.

7. The ancillary buildings to the rear of the marquee shall be painted white in perpetuity.

Reason: To ensure that the development is carried out in a manner that respects the architectural integrity of the Listed Building in accordance with Policies SP6 and HE3 of the Carlisle District Local Plan 2015-2030.

8. The parking, loading, unloading and manoeuvring areas approved under discharge of condition application 14/0790 shall be kept available for those purposes at all times and shall not be used for any other purpose.

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

9. The noise emitted from the marquee shall not result in noise levels greater than 50dBLAeq, 15 minutes (free field) prior to 23:00 hours and 43dBLAeq, 15 minutes (free field) + 2dB(A) after 23:00 at the noise monitoring location specified on page 5 of the Noise Management Plan received 28th October 2019 (dated April 2018).

Reason: To protect the living conditions of the occupiers of the neighbouring property. In accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

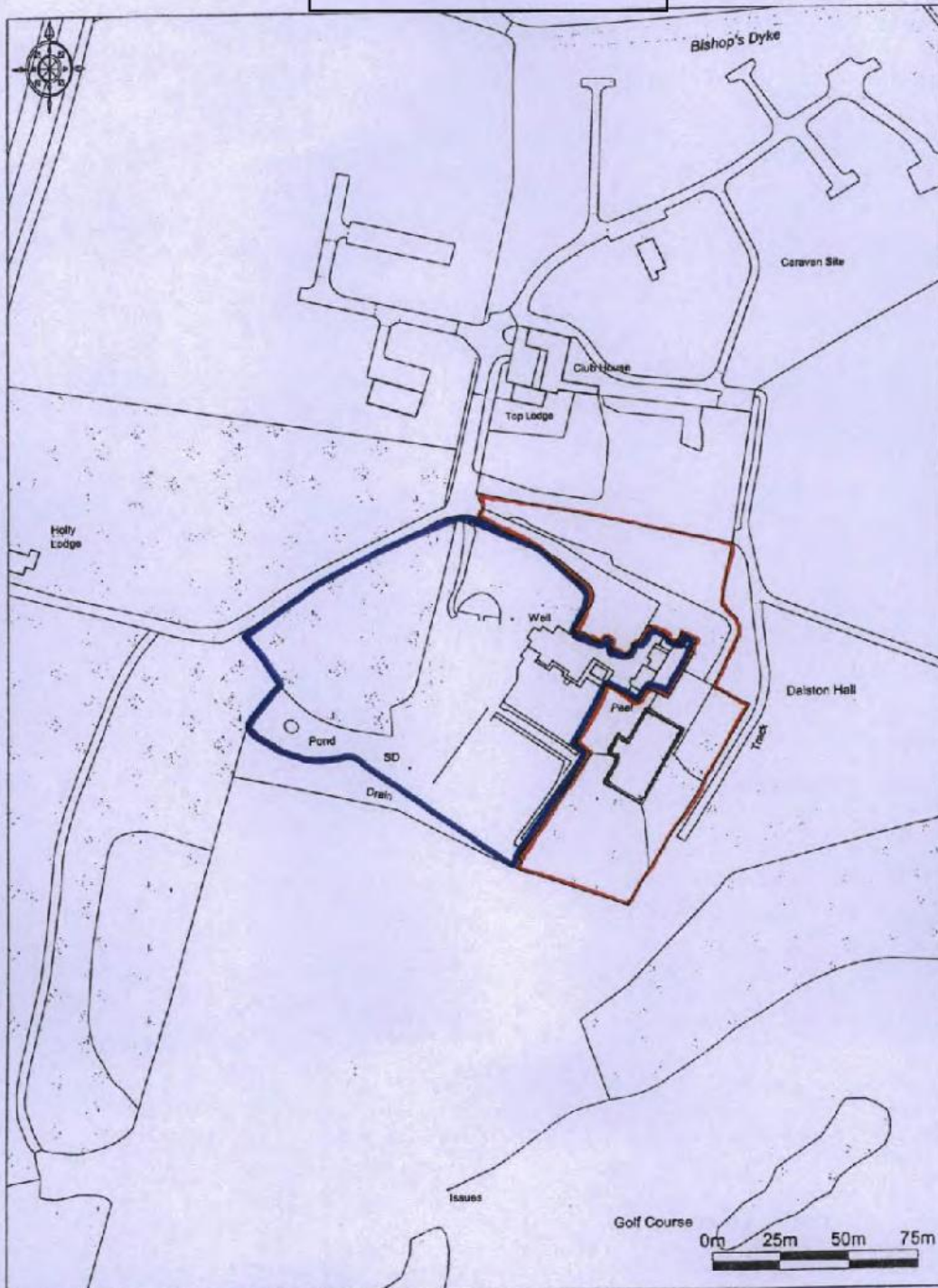
10. All doors in the marquee (except those used for emergency access) shall be self closing.

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

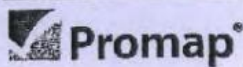
11. The use of the marquee hereby permitted shall not remain in operation after 01:00am. All live bands playing in the marquee shall finish no later than 23:00 hours.

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

For Information Purposes
Approved Site Plan For
14/0680



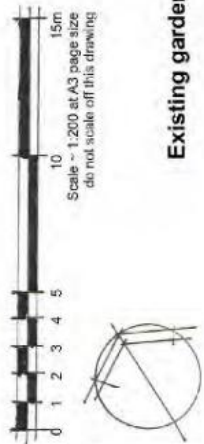
Ordnance Survey © Crown Copyright 2010. All rights reserved.
License number: 100020445. Printed Scale - 1:12500



SITE PLAN

PLAN NO. 14/017/02





Existing gardens

Notes:
 Ordnance Survey Crown Copyright
 All rights reserved 2010 License no. 100020449
 Marquee information taken from RODER HTS HOCKER
 technical drawings and specification
 Tree locations based on triangulation survey and tree survey

Existing buildings
Existing walls
Existing fence
Trees and shrubs
Proposed fence 1.8m high
Marquee
Sandstone paving
Black limestone paving
Block paving
New surface water drain
Existing foul water drain
Proposed connection to existing foul water drain
Entry and exit points in marquee

For Information Purposes
 Approved Layout Plan For
 14/0680

r 07	13.11.2014	fans, services etc amended, key updated
r 06	12.11.2014	trees amended, services added
r 05	22.10.2014	lay out: like black marquee
r 04	03.10.2014	store, fence + balli added, floor added
r 03	30.07.2014	block paving amended, store door added
r 02	28.07.2014	door to furniture store added
R 00	1-Feb-2011	Marquee amended
revision/date		notes

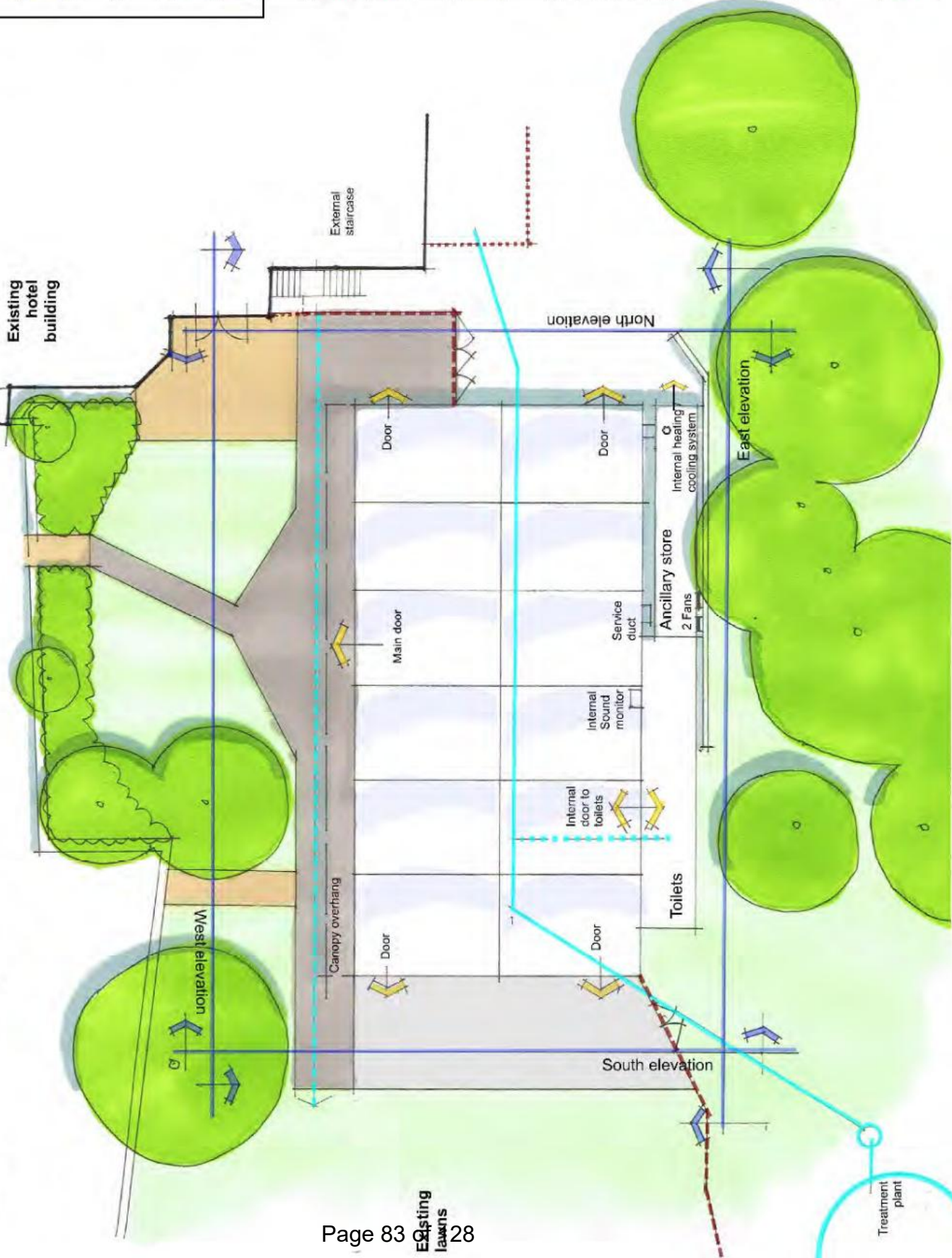
drawing number 18.04

drawing name Plan showing proposed marquee in setting

project Daiston Hall Hotel Proposed Marquee

client Mr J Meyer

Eden Environment Ltd
 www.edenenvironment.com

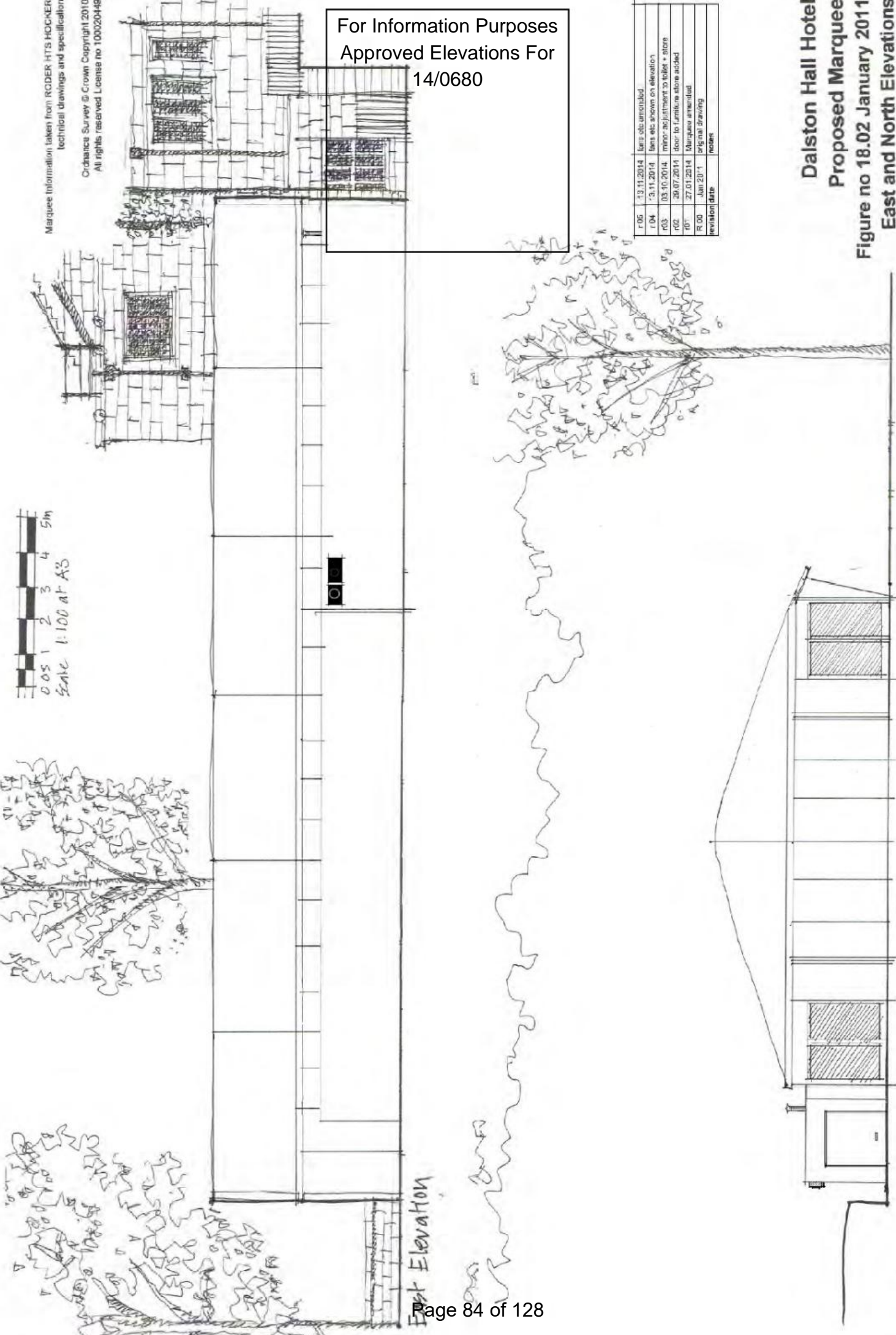


Marquee information taken from RCIDER HTS HICKER
 technical drawings and specification
 Ordinance Survey © Crown Copyright 2010
 All rights reserved License no 100020449

Scale 1:100 at A3
 0 0.5 1 2 3 4 5m

For Information Purposes
 Approved Elevations For
 14/0680

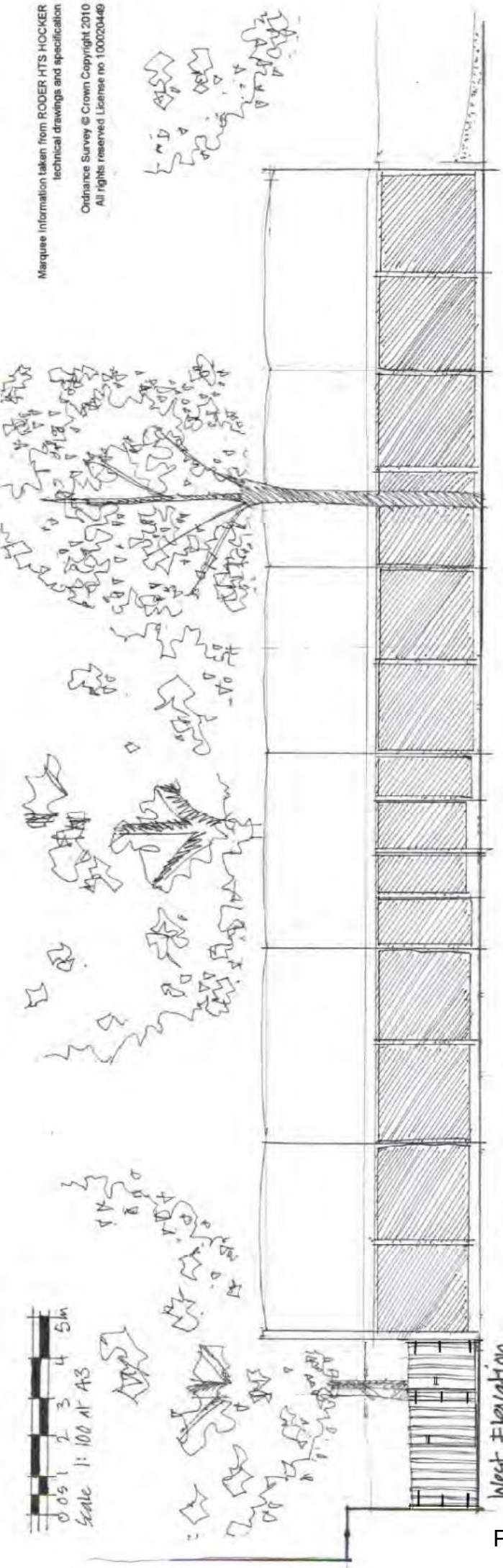
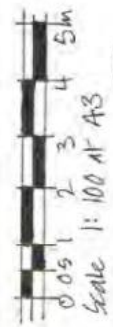
revision	date	notes
r 05	13.11.2014	lans etc amended
r 04	3.11.2014	lans etc shown on elevation
r 03	03.10.2014	minor adjustment to toilet + store
r 02	29.07.2014	door to Lunitore above added
r 01	27.01.2014	Marquee amended
R 00	Jan 2011	original drawing
		noted



East Elevation

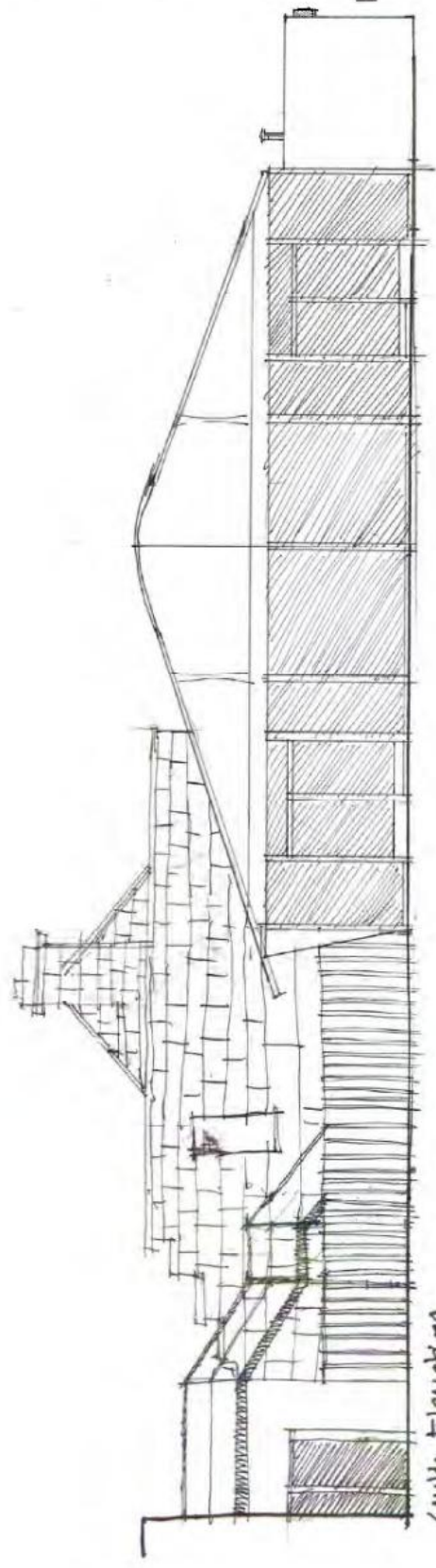
North Elevation

Dalston Hall Hotel
 Proposed Marquee
 Figure no 18.02 January 2011
 East and North Elevations
 Alison Moffatt CMLI



West Elevation

revision	date	notes
R 05	13.11.2014	lens etc amended.
I 04	3.11.2014	line of heading / reading equipment shown
I 03	03.10.2014	superfluous line removed from top of block
R 02	30.07.2014	glaze added to west elevation
R 01	27.01.2014	Marquee reworded
R 00	Jun 2011	original drawing



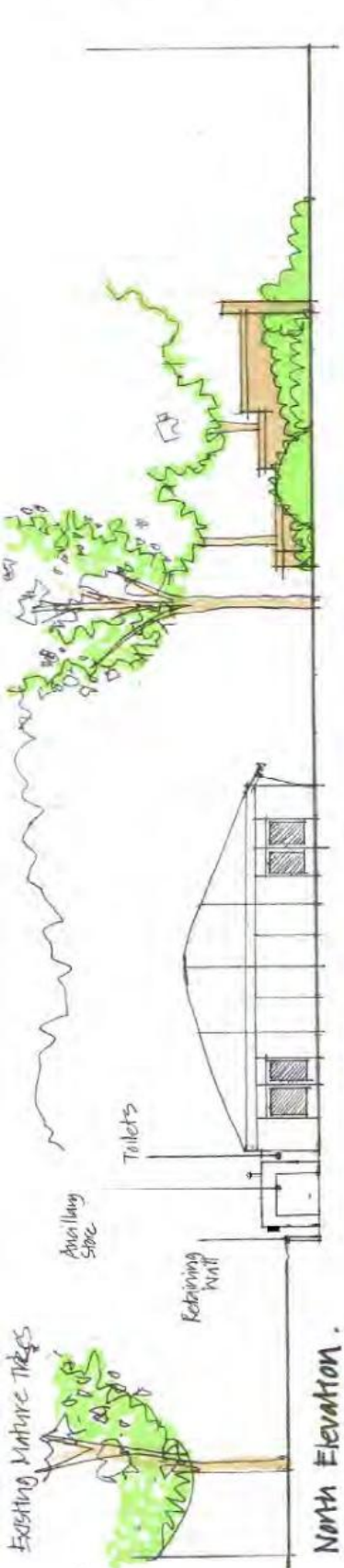
South Elevation

Dalston Hall Hotel
Proposed Marquee
Figure no 18.03 January 2011
West and South Elevations
Alison Moffatt CML



For Information Purposes
Approved Drawing For
14/0680

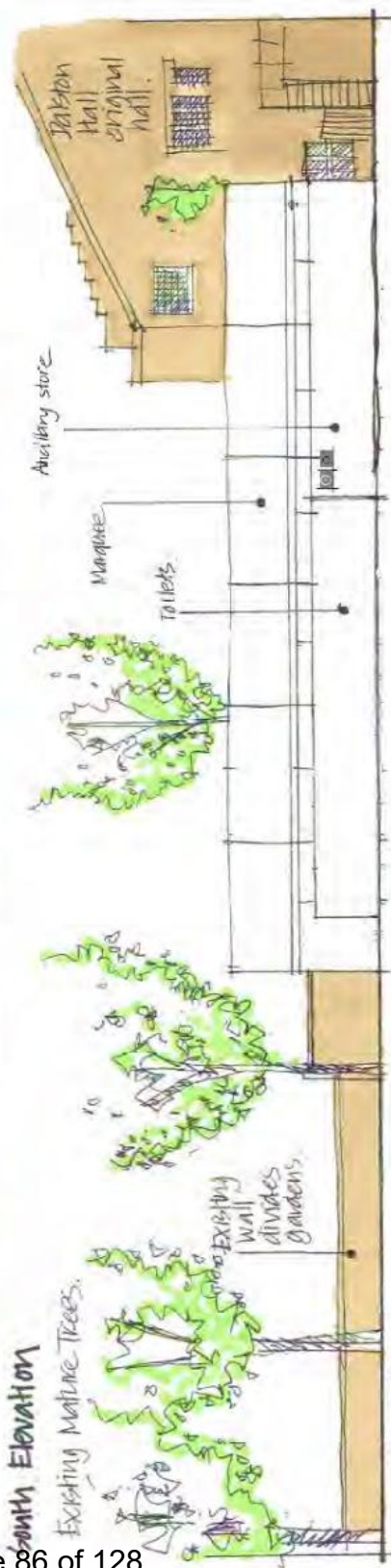
rev/insert/date	notes	
R 05	13.11.2014	panels etc shown on elevations
R 04	03.10.2014	minor alterations to store, toilet for 100
R 03	30.07.2014	panels and store door added
R 02	29.07.2014	door to furniture store added
R 01	27.03.2014	Marquee structure
R 00	Feb 2013	original drawing



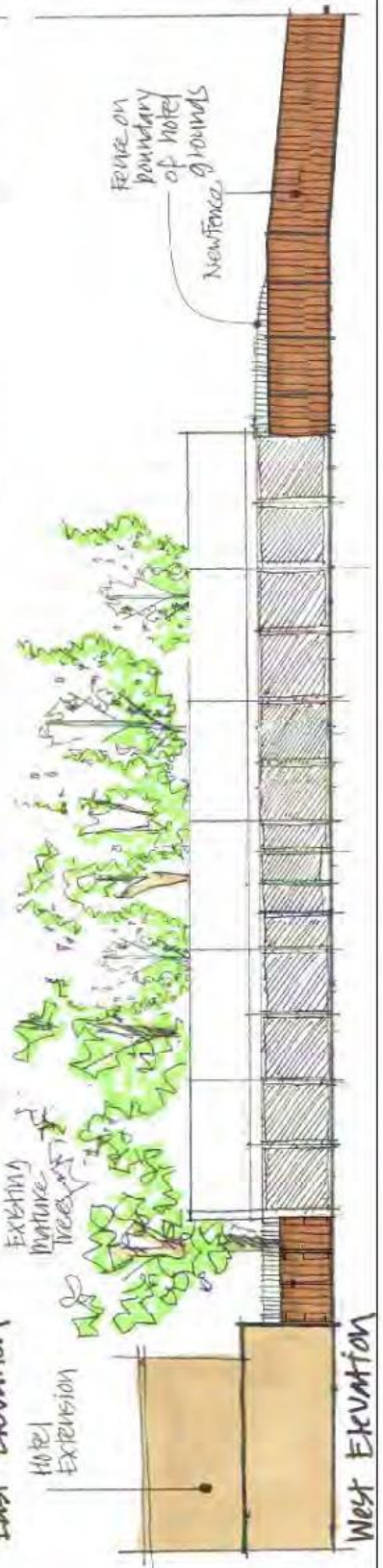
North Elevation



South Elevation



East Elevation



West Elevation

**Dalston Hall Hotel
Proposed Marquee**

Figure no 18.05
February 2011

**Elevations showing proposed
marquee in setting**

Eden Environment Ltd.
design and assessment
www.edenenvironment.com

for Mr J Mayer

SCHEDULE A: Applications with Recommendation

19/0459

Item No: 03

Date of Committee: 14/02/2020

Appn Ref No:
19/0459

Applicant:
Homes and Communities
Agency (O/A Homes
England)

Parish:
St Cuthbert Without

Agent:
AECOM Limited

Ward:
Harraby South & Parklands

Location: Land at Carleton Clinic, to the west of Cumwhinton Drive, Carlisle

Proposal: Erection Of Up To 160no. Dwellings With Associated Car Parking, Cycle Parking, Open Space, Landscaping And Associated Infrastructure; All Matters Are Reserved Except For Access (Outline)

Date of Receipt:
11/06/2019

Statutory Expiry Date
10/09/2019

26 Week Determination

REPORT

Case Officer: Christopher Hardman

1. Recommendation

1.1 It is recommended

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

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

(2) that should the Legal Agreement not be completed, delegated authority

be given to the Corporate Director of Economic Development to refuse the application.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Layout, Scale And Design Of The Dwellings Would Be Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Provision Of Affordable Housing
- 2.5 Highway Matters
- 2.6 Drainage and Flood Risk Issues
- 2.7 Education
- 2.8 Open Space
- 2.9 Impact On Trees and Biodiversity
- 2.10 Archaeology and Built Heritage
- 2.11 Other Matters

3. Application Details

The Site

- 3.1 The site covers an area of approximately 9.15 hectares and is located on the south eastern fringes of Carlisle. The site includes Westmorland House and Cumberland House, Victorian villas set in mature landscape which are no longer in use. The site wraps around The Coppice which remains an operational NHS property. To the south the site contains agricultural land with some mature trees.
- 3.2 Directly to the north of the site is the Garlands development which formed part of the redevelopment of the former Garlands Hospital with which the buildings on this site were associated. To the east is the Taylor Wimpey development which is currently in the later phases of construction and adjacent to that, south east of the site is the Carleton Clinic Hospital. To the south of the site is open farmland and to the west is farmland and the Creighton Rugby Club
- 3.3 The boundaries of the site are defined by a mix of treatments including mature, native species hedgerows, trees and fencing.
- 3.4 A bridleway (Ref 129016) lies adjacent to the site and connects Cumwhinton Drive to the east across the M6. To the north of the site there is a footpath connecting Cumwhinton Drive to Sycamore Lane and Rugby Club.

Background

- 3.5 There is no planning application history for this site however in 2010 the Council adopted "The Land at the Former Garlands Hospital" SPD and part

of the site is covered by a Tree Preservation Order 307.

The Proposal

- 3.6 The proposal is seeking Outline planning permission including access with all other matters reserved for later applications. The application description proposes up to 160 dwellings with associated car parking, cycle parking, open space, landscaping and infrastructure.
- 3.7 Vehicular access to the site would be from Cumwhinton Drive and although this is an Outline application the access arrangements are included in this application. The indicative plan proposes three areas for development and each would have its own access arrangements.

4. Summary of Representations

- 4.1 Consultation on this application has been undertaken by the posting of site notices, a press notice and direct notification to 23 neighbouring properties. In response 1 comment and 11 objections have been received.
- 4.2 The objections raise the following issues:
- Had objected to a similar previous development plan identified as Area C
 - When purchasing the house it was confirmed that the open space (Area C) served as a valuable buffer between Cherry Lane and the three large Victorian "Villas" and future development would not compromise this
 - the development of the perimeter open space will have a significant adverse landscape and visual impact
 - It will be seen as flowing seamlessly into the existing residential estate creating an overpowering urban effect (urban sprawl)
 - Development of area C will impact on privacy, residential amenity and seriously increase traffic noise to properties bordering the proposed development
 - there is already significant housing development already going on in the area and infrastructure is inadequate to meet the ongoing development
 - This will increase demand on already overstretched infrastructure
 - During consultation event, was assured that area C would be restricted to a small number of single storey homes - this is not reflected in the documents and a higher number of two-storey homes are proposed
 - eastern half of C rises sharply in height approx 10m in a short distance (30m)
 - There will be significant overshadowing and overlooking of homes that are bordering this area, regardless of height
 - Due to steep sloping nature of Area C, surface water is shown to flow down towards current houses on Cherry Lane - this will create a significant flood risk for existing homes
 - There is a potential vehicular link between areas B and C creating a circular route to/from Cumwhinton Drive resulting in high volume of traffic extremely close to rear of existing homes increasing noise and having a significant adverse effect on current homes and families

- Documents suggest health care facilities are located close to development site but this is misleading as they are specialist facilities and general access health care is some distance away
- Area C should not be developed and should be retained as a green space buffer between existing development and areas B & C and other larger development as part of the proposed Garden Village
- Another sprawling estate inappropriate to the scale and character of the surrounding area
- no need for additional housing in this already crowded neighbourhood
- will cause further traffic problems especially at the start/end of school/working day
- this proposal is a development with no infrastructure or integral facilities and should not be permitted
- does not dovetail or enhance the proposed Carleton Garden Village
- hardly sensitive expansion, it is simply insensitive use of beautiful green fields
- the proposal will not promote healthy lifestyles with a focus on high quality homes, locally distinctive spaces and inclusive facilities
- communities need a central focus for schools, leisure facilities, convenient shops and amenities the nearest of which are over 1 mile away
- the area is being totally swamped by developments and further development will increase the strains on already inadequate existing infrastructure
- nearest schools and shops are at Harraby and doctors is only 2 days a week
- garlands road is a narrow, badly surfaced lane with a large volume of traffic, especially dangerous when there are school buses picking up, setting down school children
- bus service only runs every 30 minutes and not at all on Sundays
- a feature of the area is the large copse of trees which would have to be partially destroyed
- existing broadband is totally inadequate
- this is another unnecessary and opportunist proposal by developers seeking to cash in on the publicity created Garden Village project
- this will mean an extra 350 houses including Taylor Wimpey development resulting in a significant increase in traffic and resulting safety risks
- infrastructure has not been improved to cope with this increase
- visually the area will be diminished by this additional housing
- existing bus service has been cut to 2/hr despite increased number of residents - not convenient or environmentally helpful
- local medical centre is not available
- whilst wanting to be part of a green environment overall urbanisation is increased and rural open space further diminished
- loss of amenity - open green spaces allied with nature/wildlife have significant psychological and general health benefits
- wildlife should be protected and not put at risk by development
- should include wildlife friendly corridors/areas in conjunction with RSPB - should include things like bricks for swallows/swifts
- currently enjoy buzzards, sparrowhawks, great spotted woodpeckers, squirrels and occasional bats - best protection is for the application to be

- refused
- Area C is very close to Cherry Lane and Twickenham Court would be better retained as a buffer
 - houses will detract from amenity changing agricultural land to housing
 - local area has seen significant residential growth in last 2 years and this incursion detracts from the quality of the environment
 - it will exacerbate shortcomings in provision of related services not addressed by this application
 - when moved to Parklands village it was sought after estate quiet and safe for children with higher end houses, the two new developments are bringing house prices down
 - roads are no longer safe - higher flow of often speeding traffic has swamped the roads
 - this was a nice peaceful area but if this goes ahead it will be more building work, more noise and more heavy vehicles - this is not what I moved here for
 - cumulative effect with recent development will put enormous pressure on limited infrastructure and amenities - inevitably it will become downgraded
 - already parking problems and congestion at certain times of day
 - Parkland Village was a planning success put in danger once limited amenities are overburdened
 - the appearance will change as more of the trees are cut down to make way for development
 - goes against the principles of "Garden Villages"
 - If development goes on unchecked Parkland Village will rapidly deteriorate or involve costly upgrading of services
 - The aggregated effect of already approved developments is over 500 new homes within a small geographical footprint on the southern edge of Carlisle, there is limited infrastructure and facilities for residents, already stretched road system and little evidence of improvements or planned enhancements
 - Almost no cycling infrastructure and distance to local shops results in a large proportion of journeys by car with associated environmental impact
 - Cumwhinton Drive has become a single carriageway during working hours due to large volume of car parking on the Eastern side of the road
 - shortfalls persist in spite of approach to such needs set out in Carlisle's Infrastructure Delivery Plan
 - This site is not a new one, in 2010 suitability of land around Carleton Clinic was assessed and concluded strong statements regarding constraints and anticipated improvement requirements
 - area has seen an influx of new residential property but support services and facilities have not been developed
 - Highways Authority advised that Cumwhinton Drive required upgrading to local distributor road standard - this development should be linked to ensure satisfactory linkage to the A6
 - TPO 247 applies to all significant trees limiting the developable area of the site
 - there are three attractive, substantial sandstone three-storey buildings which should be retained
 - Fail to see the need for 160 new dwellings in Parkland Village located on the indicative boundary of 10,000 homes intended for St Cuthbert's

Garden Village

- Homes England is now determining housing needs and sponsoring development rather than Carlisle City Council
- This would forever change the character and appearance of Parkland Village
- All of the trees and shrubbery should be retained for the wide range of wildlife - it defines the locality
- there should be no need to demolish the Victorian villas
- NHS would lose about 30 parking spaces currently in use by the villas so there would be even more parking on Cumwhinton Drive restricting traffic flow
- This will take away one of the green areas left following the loss of the nearby area developed by Taylor Wimpey
- Further development will change this into a housing estate rather than a mixed housing/green area
- the development being around the character old buildings of the old hospital emphasize the detrimental nature of the development
- traffic problems will be exacerbated by all access roads onto Cumwhinton Drive rather than on the main road
- increased traffic using the mini-roundabout has made it increasingly dangerous and several accidents/incidents have occurred
- the use of the roundabout needs to be made safer by extending sight lines and redesigning the junction
- there is a fundamental point of sufficient capacity at local schools for further new pupils
- there are no additional school places or education facilities proposed and local schools are already over subscribed
- is there any need for further development at all?
- at the recent consultation event there was reference to a major development for the Brisco area - surely this should be taken into account when taking a view on housing needs for the whole area
- this places greater stress on already overloaded infrastructure
- It is now regarded that having access to green spaces can reduce health inequalities, improve mental health and well-being
- the Story housing site was sold as a village, and a village by definition is situated in the rural area - the latest developments reduce green spaces and rural area amenities and impinge on the quality of life we are buying into when choosing to live here
- Infrastructure falls short of what is needed to meet existing demand never mind the additions proposed

4.3 An objection has also been received from County Councillor Ms Earl who makes the following points:

-
- Existing road infrastructure needs upgrading
- there are already big safety issues on Garlands Road and Cumwhinton Road due to speeding
- the existing mini-roundabout is not fit for purpose due to the amount of traffic
- there are two other developments currently causing big issues on the highway in terms of potholes and other road problems

- concerned about lack of detail for school places

4.4 The comment has been received from City Councillor McNulty who is also a local resident with the following observations:

- transport assessment doesn't go far enough in assessing the increased level of traffic that this and other developments will have to access roads around the area
- increased traffic provides increased levels of speed and some consideration needs to be taken to controlling speeding on these roads (Sewells Lonning, Cumwhinton Road, Garlands Road)
- Consideration needs to be given to the mini-roundabout which is not appropriate for current use and the potential traffic flow through Forest Hill and Hopes Hill
- More details are needed around development impacts on local services including schools
- Cycle parking is referred to although this is not clear and additional cycling routes are not identified
- With the City Council's commitment to tackling climate change the application looks at existing sustainable transport routes rather than enhance and encourage the use of those routes

5. Summary of Consultation Responses

Northern Gas Networks: - No objections however there may be apparatus in the area that may be at risk during construction works and should the application be approved we require the promoter of those works to contact us directly to discuss requirements in detail;

Cumbria County Council - (Highways): - Cumbria County Council (CCC) requested further information in the initial response dated 30th July 2020. The application provided further information on 17th October 2019 in respect of visibility splays and an assessment of accidents at Cumwhinton Road / Garlands Road junction.

Visibility Splays – the applicant confirmed that a 60m visibility splay could be achieved with the removal of trees but considered a lower visibility threshold was achievable. However, due the current unadopted status of part of Cumwhinton Drive and the advisory 20mph limit in place it is not currently possible to carry out an appropriate speed survey to demonstrate that the visibility splay can be reduced. As the planning officer for this application you have confirmed that it will be acceptable for additional trees to be removed in this location to achieve 60m visibility splay. Therefore, I consider that an appropriately worded condition should be part of the decision notice to ensure visibility splays are adequately achieved.

Accident assessment of Cumwhinton Road / Garlands Drive junction – the applicant has provided further information, which demonstrates they have investigated accidents at the roundabout. They conclude that there is no common pattern that would warrant a safety issue at the roundabout. CCC accepts this conclusion and, therefore, removes its request for improvements at the roundabout.

Right turn lane to Cumwhinton Road / Cumwhinton Drive – there has been no further information from the applicant to support the removal of this. A

condition for this will be recommended for inclusion a part of the decision notice.

2m wide footway along Cumwhinton Road – Again there has been no further information from the applicant to support the removal of this. A condition for this will be recommended for inclusion a part of the decision notice.

Sewell's Lonning – In the response dated 30th July the County Council requested a contribution of £555,000 for the widening of Sewell's Lonning. It is still considered that the requested contribution is appropriate. However, it is noted that a submission for LEP funding has been made for the improvements at Sewell's Lonning. If successful, this would reduce the S106 requirement from £555,000 to £155,000. If the City Council are minded to agree a reduced contribution based on the LEP bid the County Council would not object on that basis.

Impact on sustainable travel – Information to support this is normally provided in the form of a travel plan. As this is an outline application it is considered that submission of this can be provided at a later date. Therefore, a condition is proposed for this. It should be noted that a further S106 contribution of £6600 is requested for the monitoring of the Travel Plan.

Carlisle Southern Relief Road - The site will form part of part of St Cuthbert's Garden Village it is therefore considered that it is appropriate that a contribution of £2,000 per dwelling which equates to £320,000 is required towards the Carlisle Southern Link Road which is considered essential for the delivery of the Garden Village. The Highway Authority would not wish to raise an objection to the above application subject to the following: A Section S106 Agreement is agreed for the following contributions in relation to highways and transport:- £2,000 per dwelling which equates to £320,000 – Carlisle Southern Link Road; £155,000 towards the widening of Sewell's Lonning; £6,600 Travel Plan Monitoring fee

Cumbria County Council - (Lead Local Flood Authority):- The applicant in their letter dated 17th October 2019, have provided additional assessment in relation to the questions asked within our first response. I have considered these and can confirm that I consider a suitable drainage system can be provided to comply with current drainage requirements. The discharge into the Durranhill Beck tributary is to a point just upstream of a culverted section and a CCTV survey of this is requested to ensure it is in adequate working order. Therefore, the LLFA have no objection to this application subject to conditions;

St Cuthberts Without Parish Council: - Understood that the proposed site location was not identified in the Local Plan for housing development. If permitted this will set a precedent (compounded by the scale of the development) that will significantly compromise not only the vision, objectives and principles driving the Garden Village, but the Local Plan 2015-2030 itself. Therefore object to the development.

If minded to approve the application have the following comments:

The Transport Assessment doesn't capture that the proposed development would be accessed from an unadopted road which is in very poor condition - would want to see conditions imposed to ensure Cumwhinton Drive is improved so that it can be adopted by the highway authority. The speed limit on this road also needs to be taken into account. Improvements need speed calming measures recognising the significant increase in road traffic movements and increased risk of collision over the crest of the hill negotiating

the T-junction just to the south

When assessing public open space the sports provision are not part of the open space and are reserved for private club use

The site is on an elevated position and additional impermeable surface will increase the flashiness and quantity of water discharging into the existing overburdened surface water system - evidence of more detailed assessment and how it will be managed needs to ensure that the risk of flooding downstream will not be increased

The development is silent on impact on local facilities e.g. education and need to understand how these impacts will be addressed.

How will the local broadband network be enhanced to ensure the development is fit for the future

This is a special area due to its protected trees, recognise disease and safety are key considerations but want conditions to ensure continued protection of these special trees and enable their long-term future

Environment Agency: - No response received;

Local Environment - Waste Services: - Will await a reserved matters application if outline is approved as this will detail the road layout. Please advise the applicants to ensure the road layout is suitable for waste collection vehicles to access;

Cumbria County Council - (Archaeological Services): - In the event that planning consent is granted a scheme of archaeological investigation and recording should be undertaken in advance of the development. In addition both Cumberland House and Westmorland House should be recorded prior to any works being undertaken.

Natural England: - No comments

Local Environment - Environmental Protection: - Recommend conditions relating to contamination and remediation, control or working hours and potential noise attenuation, dust prevention measures for transportation of materials and electric vehicle charging points in relation to air quality

Planning - Access Officer: - No objections

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): - It is acknowledged that the published Masterplan is purely indicative and the final layout of access routes and orientation of dwellings are yet to be decided. The comments in the published Design and Access Statement relating to safety and security (particularly surveillance opportunities and overlooking) of the development are noted, however, from my interpretation new footpaths and links to existing routes are not ideally placed to attract surveillance, so scrutiny of former proposals is required. This site is extensively landscaped, so surveillance opportunities in parts are already compromised. In the event of an application for full permission being forthcoming, I would welcome additional information on how compliance with Policy CM 4 will be achieved.

Cumbria County Council (Education): - As part of the County Council response dated 30th July 2019 a contribution of £564,742 was requested in relation to secondary education capacity. Whilst it is still considered that the requested contribution is appropriate, it is acknowledged that the applicant has submitted a robust viability assessment which demonstrates that the development is not viable with all of the requested contributions. Therefore as in line with the County Council's Planning Obligation Policy (2017) which explains that consideration can be given to the potential to reappportion

contributions or seek revision to the proposal having regard to the most important agreed priorities and outcomes for a locality and the requirement that a scheme suitably and sustainably integrates with local communities and services. On that basis a reduced contribution of £218,400 is sought in relation to secondary school education;

Sport England North West: - No detailed response on the specifics of the application however provides advice in relation to development and demand for sport;

United Utilities:- Comments that drainage conditions should be applied relating to a surface water drainage scheme, foul and surface water should drain on separate systems and a sustainable drainage management and maintenance plan should be put in place, further advice is available on the protection of any United Utilities assets.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the NPPF, PPG and Policies SP2, SP3, SP5, SP6, HO1, HO2, HO4, IP1, IP2, IP3, IP4, IP6, IP8, CC4, CC5, CM2, CM4, CM5, HE6, GI3, GI4, GI5 and GI6 of The Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Documents (SPD) "Achieving Well Design Housing", "Affordable and Specialist Housing", "Trees and Development" and "The Land at the Former Garlands Hospital" and the National Design Guide are also material planning considerations.
- 6.3 The proposal raises the following planning issues:
- 1. Whether The Proposal Is Acceptable In Principle**
- 6.4 This application is located on the south eastern fringe of Carlisle adjacent to the Garlands development and opposite the Taylor Wimpey development. The site is located on land formerly used by the hospital trust and is surplus to requirements. In 2010 the Council considered that some of this land may come forward as a windfall site and a development brief was prepared acknowledging that the surplus assets could be redeveloped. At the time, no application was forthcoming and this new application incorporates the previously developed land and an adjacent field to the south west.
- 6.5 In planning terms the site is not allocated and would therefore be considered as windfall development, however the Council has considered part of the site for development previously as detailed in paragraph 6.4. The southern part of the site lies within the garden village red line boundary, whilst the northern part lies within the existing urban area of Carlisle. The development of the

northern part of the site can be considered against the windfall policy in the adopted Local Plan, as well as other relevant policies regarding trees, heritage assets etc. For the southern part of the site, Policy SP3 provides the framework in the adopted Local Plan for how the garden village should be brought forward, and this policy sets out that the development of the area should be in accordance with a masterplan which will ultimately be adopted as a DPD. The policy also seeks to control piecemeal development proposals within the area which are likely to prejudice delivery including the infrastructure required, i.e. developers can't just come along and build an isolated housing estate which bears no relation to the wider garden village area and doesn't make any contribution to wider infrastructure.

- 6.6 In dealing with Policy HO2, the northern part of the site accords with the criteria in the policy on the edge of Carlisle and utilises previously developed land and can be contained within the landscape. The principle of development on this part of the site is therefore acceptable.
- 6.7 A number of objectors have pointed out that Policy SP3 covers the southern part of the site and the development of this land would be contrary to this policy. As work on St Cuthbert's Garden Village progresses the Council will come under increasing pressure to release sites not only as it was always intended that some land in the wider area of the Garden Village would be developed prior to the Garden Village formally commencing as this will maintain the planned level of growth and five year supply of housing in Carlisle. Whilst we currently have a five-year supply of housing, the majority of housing allocations are now being developed and St Cuthbert's Garden Village is seen to be the next source of significant housing growth in the district. The consideration for Members is whether the proposal to develop a very small part of the Garden Village area would be acceptable. Members should also note that the application site is only partially within the Garden Village. The following paragraphs undertake to examine the principles of Policy SP3 in the context of this application.
- 6.8 Stage 1 or the masterplanning has been completed. This sets out the vision and concept for a series of villages located around Cummersdale, Durdar, north of Brisco and Carleton. It also puts forward 9 guiding principles which are based on the original garden city principles and are intended to guide the future development of homes and neighbourhoods. The principles take into consideration current best practice from across the UK and wider, in relation to the creation of successful living environments
- 6.9 Stage 2 of the masterplanning is underway and consultation has been undertaken. Two key parts of this commission are to draw up options on which to consult, and then develop a preferred option which will need to be tested against the vision, drivers and principles defined as part of the earlier concept work. The preferred option will also be subject to a more technical assessment including:
- Transport modelling to confirm the on and off-site highway mitigation requirements etc;
 - Drainage assessment including to confirm a drainage strategy;
 - Utilities assessment;

- Ecological mitigation required;
- Health impact assessment;
- Landscape and visual impact mitigation.

The Local Plans team will draft the scope of the policies and the preferred options version of those policies. The whole process will also be subject to a Sustainability Appraisal and Habitat Regs Assessment. There is also a need for all development to comprehensively contribute to the provision of a range of infrastructure through S106 agreements, and work in this respect, i.e. viability and infrastructure delivery plan is currently being drawn up.

- 6.10 The process of developing the masterplan and ultimately the DPD is hinged on seeing the Garden Village as a whole entity, with each village delivering on the principles, and each development parcel will ultimately relate to the wider area through design, connectivity, infrastructure contributions etc. Homes England undertook lengthy pre-application discussions with the City Council and County Council to develop proposals that recognised the site's unique location on the edge of Carlisle and the edge of the Garden Village. Due to this mix of policy considerations additional work was forthcoming such as the Design Code as a way of ensuring the Garden Village context was developed where possible.
- 6.11 It is therefore important that the 9 guiding principles for the Garden Village are not compromised to ensure that the release of this site is policy compliant with the policy aspirations for St Cuthbert's Garden Village and does not compromise the masterplanning and DPD work.

(i) Deliver a landscape led masterplan that harnesses the rivers, world class views and woodlands to create a network of unique, high quality, active landscapes and new destinations.

The existing woodland is a great asset to the site and would give the development an interesting setting. This landscape theme needs to be translated into the new planting proposed next to the Cumwhinton Road edge. If this is included, it would integrate the new development with the historic hospital woodland to the north. Incidental tree planting in area A could also follow this clustered pattern of planting near the main roadways. A woodland circular walk is indicated which would be an attractive addition to the development. The potential play space is indicated in the centre of the development, it may, however, be necessary to create a smaller play area within 'A' to accommodate younger children- a maximum of 250m from front door to play area distance is recommended for toddlers in the Fields in Trust Design Guidance.

(ii) Support locally distinctive, design of buildings, streets and spaces to create memorable and unique places to live.

Sensitive landscape planting will help support the integration of new homes within the existing landscape character. Architecturally there are a mixture of characters, locally, from 1960-70's houses to more ornate arts and crafts style homes. The illustrative masterplan shows three separate house typologies; semi/detached estate planning, formal urban terraces and self-build homes. The precedents associated with each sub area development area are quite different. The layout for area A suggests that it

contains more traditional detached, and semi-detached, homes and the precedents shown support this impression. Area B is more contemporary terraced housing and Area C comprises detached self-build homes, again, with a more traditional appearance. The Carleton Clinic site may set a precedent for the standard of homes for the Garden Village, which is indicated in the text, and a more contemporary approach throughout may be a way of signalling that a new type of development is expected. The site approach promotes three distinct, and contrasting, approaches to housing provision, and design, almost to the point of being a demonstration show site.

(iii) Promote a mix of high quality homes in distinct and integrated lifetime neighbourhoods.

The mix of housing types and tenures should reflect the objectives of creating a balanced and sustainable neighbourhood, and, include a percentage of affordable homes as well as lifetime home designs.

(iv) Focus inclusive communities around a hierarchy of excellent facilities clustered around village centres.

The site has the character of open woodland with glades and no boundary treatments (hedges, walls). This open character invites people into the site and should be preserved where possible. Accessibility to the woodland walks, and play space, to the adjacent community is welcomed.

(v) Support a variety of entrepreneurial and creative employment and skills opportunities.

Whilst this is not an employment proposal, access to home office facilities are encouraged including high speed broadband. This also suggests house forms that can be readily extended or adapted to the needs of home workers.

(vi) Promote health and well-being through accessible facilities and healthy lifestyles for all ages.

This development has the potential to encourage residents to play/ exercise and walk outdoors because the quality of the outdoor space is high. The bigger challenge is encouraging healthy routes to local facilities, including access to sports, education and retail services in Harraby.

(vii) Support low carbon living through sustainable planning, transport and energy.

Sustainable Urban Drainage System details are not shown at this stage although they are indicated as the method of surface water disposal, swales and balancing ponds may be expected in a development of this type. Rainwater harvesting could be considered or a green roof approach. At this outline stage, no information is given on the thermal performance, renewable technology carbon reduction or green material choices.

(viii) Provide excellent sustainable connections and environments that make walking, cycling and public transport the most attractive method of getting from A to B, making the most of the opportunities presented by the Carlisle Southern Link Road.

Routes to local employment centres, and transport hubs, need to be considered including lit cycle routes into Carlisle. Bus stops close to the site

with an appropriate frequency of service will help to reduce the reliance on private cars. This is discussed further in the highways section of this report including the need to contribute to the CSLR.

(ix) Continue to positively engage a range of people and communities in design, delivery and stewardship.

The involvement of Homes England indicates that the development is likely to move forward. If the application is approved it will be necessary to understand the disposal and delivery strategy, particularly whether this has influenced the emerging design.

6.12 The proposal has elements that contribute to the nine principles of the Garden Village however as this is an outline application it is reliant on further detailed plans coming forward at Reserved Matters stage. Later in this report are consideration of design, highways and other infrastructure which are key components of delivery for the Garden Village. It is envisaged that more development will take place in this part of Carlisle and this site will seek to raise the standard of design from the recent Persimmon and Taylor Wimpey developments ensuring that the Garden Village provides a different context for future housing.

6.13 In the context of Policy SP3 it states:

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

From the analysis above the guiding principles of the Garden Village are not being compromised and this development is focussed on delivering a strong sense of place making and design principles to help set a clear precedent in the Garden Village area for future development to follow. The application site will also act as a stimulus for the local housing market within the Garden Village area by attracting new market entrants along with playing a crucial role in kickstarting development within the area. On this basis the proposed development is acceptable in principle. Some of the detailed matters arising from these principles are discussed further in this report.

2 Whether The Layout, Scale And Design Of The Dwellings Would Be Acceptable

6.14 This application is in Outline form and the layout, scale and design are reserved for a later application. Although there is an indicative layout for the site, this masterplan would not form part of the approved documents. The application description states that it is for the erection of up to 160 dwellings which provides an overall indication of the proposed scale although no specifics on how this would vary throughout the site are provided as further details will be required in future Reserved Matters applications.

6.15 There are a number of considerations in relation to design which are relevant to this application. As discussed earlier in this report, the application falls

partly within the area of St Cuthbert's Garden Village and since submission of the application the Government has published the National Design Guide (NDG). Both these references would be picked up in any future Reserved Matters application however given this context it would be prudent to establish appropriate design parameters at this stage which could then influence any future application and, as the applicant is not a housebuilder, and sale of the land so that prospective purchasers can take into account the requirements.

- 6.16 The applicants, Homes England, understand the importance of good design and place making which is key objective with Homes England Strategic Plan and aligned with this approach, the applicant has submitted a high level Design Code as one of the key documents accompanying the application. The NDG recognises that specific, detailed and measurable criteria for good design are most appropriately set out at the local level and references a variety of tools such as design guides, design guidance or design codes including those prepared by applicants to accompany planning applications. Given this site's location within the St Cuthbert's Garden Village area it would be appropriate to ensure that the design concepts of the garden village are incorporated within any planning permission.
- 6.17 The applicant's Design Code has been developed by referencing a range of design material such as national guidance from the Urban Design Compendium, Manual for Streets 2 and Building for Life 12 as well as the Council's own SPDs. It then goes on to indicate design parameters that will influence future applications including developable areas and landscape buffers/green infrastructure to ensure integration of the site into the existing setting as well as aiming to create different neighbourhoods and character areas within the development. This is to help attract a range of developers to deliver this site.
- 6.18 Access and connectivity is important in ensuring that this development does not sit in isolation, it needs to meet local housing requirements and create a sense of place. A sense of place is always more difficult to define when an area will physically change by the presence of development but by defining specific parcels of land for development they can each build on the different characteristics of the site.
- 6.19 The Design Code also considers and offers examples of the quality of materials, the differences between public and private space and ensuring that properties are designed with space for storage whether for cycles/scooters for more sustainable travel or for the variety of waste receptacles for recycling. Although not setting out specific densities, there are three distinct areas of the site which require different design interventions to ensure that the local landscape and character is taken into account.
- 6.20 The concepts set out in the Design Code embrace many of the issues being developed throughout the garden village and whilst the specific details are not established in planning policy the intention is that this design code will ensure that the site's development runs in parallel to its evolution and will avoid any potential conflicts. Members may be aware that the Building Better, Building

Beautiful Commission has issued "The Living in Beauty" Report to the Government. Whilst the response from Government is awaited and how this would be translated into policy, it is noted that the NDG already contains measures to achieve better design and the use of a Design Code for this site would enable this to happen.

- 6.21 All the features set out in the Design Code are a positive interpretation of what the NDG is seeking to achieve. It would therefore be appropriate to ensure that not only is the Design Code part of the approved documents but is also specifically conditioned to be complied with as part of any future applications.

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

- 6.22 The Council's SPD "Achieving Well Design Housing" sets out standard distances between properties to ensure an element of privacy is maintained. This is an Outline application and there are no detailed plans of the proposed layout at this stage. Given the scale of the site and proximity of any neighbouring residential properties to the north and east the SPD requirements can easily be complied with.

- 6.23 The site surrounds The Coppice and care needs to be taken not only for future occupiers of the site and that property but significantly during construction. Noise and dust can be disruptive and measures should be taken to ensure that any potential nuisance is minimised. This would be conditioned through a Construction Management Plan for the site.

- 6.24 Some objectors have raised concerns about the development of Area C as this is closest to residential properties on Cherry Lane and Twickenham Court. The land slopes significantly at this point and care will have to be taken in the design of any properties to ensure that they make effective use of the landscape without significant changes to its natural form. As some of the properties will be built into the slope it would provide an opportunity for more individual style housing and levels would have to be agreed to avoid overbearing use of retaining structures. Through good design it would be possible to orientate a number of dwellings and avoid any direct overlooking given the orientation of existing properties. Whilst some regard the view as important, there has been extensive redevelopment of the former hospital site and making use of surplus public sector land is a Government priority in bringing forward land for housing. This should be done at any price and further work on any subsequent applications should set out how Area C can be brought forward whilst retaining its character.

4 Provision Of Affordable Housing

- 6.25 The application site falls within Affordable Housing Zone B, which requires a 20% affordable housing contribution. Local Plan Policy HO 4: *Affordable Housing* stipulates that the affordable housing provision should be 50% affordable/ social rent (usually through a Housing Association) and 50% intermediate housing (usually discounted sale at a 30% discount from market

value through the Council's Low-Cost Housing Register).

- 6.26 The Council's most recent Strategic Housing Market Assessment (SHMA) identified the need for 295 affordable homes per annum across Carlisle District, including 201 in the urban area, over the five-year period of the assessment. The housing need by property type and tenure identified in the SHMA is made up as follows:-
Tenure: 70% affordable/ social rent & 30% intermediate.
Property type: 70% 1-2 bed properties & 30% 3/ 3+ bed properties.
In the Housing team's experience 2-bed houses, 2-bed bungalows, as well as 3-bed houses are usually popular with Housing Associations; while smaller 3-bed houses, followed by 2-bed houses are generally the most popular unit types with people on the Council's Low Cost Home Ownership register.
- 6.27 In the case of this application, assuming the final development is for 160 units, the affordable housing element, based on 20% (Zone B affordable housing requirement) would be 32 affordable units (16 for social/ affordable rent and 16 for intermediate low-cost home ownership).
- 6.28 There are further details in the Council's assessment and in particular bungalows (designed to flexible and adaptable design standards) for elderly people were identified as a priority due to the ageing population. POPPI (Projecting Older People Population Information Systems) data projects a 37% increase in the population aged 65 or over in Carlisle between 2017 and 2035 (including a 94% increase in people aged 85 and over).
- 6.29 To meet the increasing needs of the older persons population, the Council's Affordable and Specialist Housing Supplementary Planning Document (SPD) recommends the inclusion of 10% bungalows (or other housing suitable for older persons) on sites of 100 or more units (Section 11.2 - Table 6). Other housing suitable for older persons includes:-
- Adaptable ground floor apartments
 - Adaptable upper floor apartments, serviced by a lift
 - Dormer bungalows, incorporating a ground floor w/c and washing facilities that can easily be converted to a wet room.
- 6.29 The Council's approach in planning for adequate provision to meet the requirements of older and disabled persons is supported by the Government's recent update to National Planning Practice Guidance (NPPG): "Housing for older and disabled people":-

"Accessible and adaptable housing enables people to live more independently, while also saving on health and social costs in the future. It is better to build accessible housing from the outset rather than have to make adaptations at a later stage – both in terms of cost and with regard to people being able to remain safe and independent in their homes. Accessible and adaptable housing will provide safe and convenient approach routes into and out of the home and outside areas, suitable circulation space and suitable bathroom and kitchens within the home. Wheelchair user dwellings include additional features to meet the needs of occupants who use wheelchairs, or allow for adaptations to meet such needs." (Paragraph: 008 Reference ID:

- 6.30 The site Design Code divides it into three sections: Areas A, B (which would retain Cumberland House under the applicant's preferred option) & C. The Planning Supporting Statement stipulates that the affordable housing provision is "likely" to be in Area A, however this will be discussed and considered by the Council at the Reserved Matters stage. The Council is committed to mixed sustainable communities principles, and the existing proposal could potentially be at odds with Local Plan policy HO4: "The siting of affordable housing within a development also needs careful thought to ensure that it is not concentrated within one area of the site, but is integrated throughout the development. This approach will provide greater opportunities for community cohesion".
- 6.31 On the basis of the above the site will provide for affordable housing. It should be noted that in relation to Local Plan Policy IP8 the applicant informed the Council that it would not be viable to deliver all the required planning obligations. In line with the policy, a viability assessment was provided and was independently checked by the Council's adviser. The amount of money available for S106 contributions does fall short of the total required for both the City Council and County Council requirements. Following further discussions and negotiations between the parties, as the applicant in this instance is Homes England who have a track record of assisting with housing delivery, particularly affordable housing, it would not be appropriate to reduce the affordable housing contribution. This means that a 20% policy compliant contribution is to be delivered however this does have consequences for other contributions.

5 Highway Matters

- 6.32 This Outline application includes access as part of the application and was accompanied by a transport assessment in relation to the additional traffic generated from the proposed development. The County Council as Highway Authority has assessed the transport assessment and the proposed access arrangements to the site on the basis of three different zones being provided.
- 6.33 There have been a number of developments in this part of Carlisle with ongoing schemes opposite this site by Taylor Wimpey and Gleeson's Moorside Drive development. The issue of increased traffic in the area has been raised on a number of occasions and the transport assessment needed to assess not only this scheme but the combined impacts on road junctions in the local area.
- 6.34 In addition, given the principle of development acknowledges that part of the site is within the St Cuthbert's Garden Village it is important that consideration is given to the transport infrastructure required for the delivery of the Garden Village.
- 6.35 The Highway Authority considered that there were a number of local impacts and the applicant was asked for further information in order to provide a robust assessment of the likely impacts. Many of the local traffic impacts

have been raised by local residents.

- 6.36 The assessment has concluded that in relation to the individual access points onto Cumwhinton Drive appropriate visibility splays can be provided although there may be implications for protected trees. This is based on standard visibility splays and whilst these may be reduced on evidence of a speed survey the road is currently unadopted due to the development on the Taylor Wimpey site which has a temporary speed limit reduction to 20mph. At a later date when Reserved Matters applications are received it may be possible to amend this (to reduce the length of visibility splay) however for this application it would be appropriate to impose the need for 60m visibility splay at this point in time.
- 6.37 Outside of the immediate access points, but in the local vicinity, the Highway Authority still requires a right turn lane at Cumwhinton Road/Cumwhinton Drive and a 2m wide footway along Cumwhinton Road. It was also highlighted initially that further information was required in relation to the Cumwhinton Drive/Garlands Road roundabout however as no common pattern of accidents has warranted a safety issue no improvements are required from this proposed development.
- 6.38 In the wider locality it has been noted that many journeys will use links through to London Road (A6) and although improvements were made to widen Sewell's Lonning as part of the Speckled Wood (Persimmon) development this only covered part of the length of the lonning and the remainder remains a narrower one-way route. Increased traffic from this proposed development will put additional pressure on the Sewell's Lonning route.
- 6.39 Initially the Highway Authority requested a full contribution towards the additional improvements required to bring the rest of Sewell's Lonning up to the same standard as that alongside Speckled Wood. A viability assessment of the proposed development indicated that not all the funding for all infrastructure improvements would be able to be recognised from the scheme. The viability assessment took account of all development costs including the retention of one of the villas and considered what was available to deliver all planning obligations. Section 4 of this report is based on the Policy premise that all required affordable housing will be delivered on-site and therefore viability indicated that not all funding was available towards other infrastructure. Nevertheless, the improvements to Sewell's Lonning are necessary not only for this development but also other local schemes as part of St Cuthbert's Garden Village and existing development in this part of Carlisle. On that basis, as part of the integral transport infrastructure improvements for this part of Carlisle a bid has been made to the Local Economic Partnership (LEP) for funding towards these works. On the basis of potential LEP funding the Highway Authority has reduced its request for this S106 requirement to £155,000.
- 6.40 As part of the wider St Cuthbert's Garden Village development it is noted that there will be a significant number of infrastructure asks on all development in the area. Work continues on this matter to ensure that all infrastructure for

transport, education, community facilities, open space and any other infrastructure is provided in a co-ordinated manner across the whole Garden Village area. In terms of transport infrastructure the most significant scheme which requires a large amount of capital is the Carlisle Southern Link Road (CSLR). Members will be aware of announcements, reports to other committees and work on St Cuthbert's Garden Village that the CSLR scheme will receive significant funding from Government through Homes England with contributions from Cumbria County Council and Carlisle City Council. Whilst it is noted that Homes England is also the applicant for this site it is acting as a land agent who will pass the permission onto one or more developers on a commercial basis. In this context, any developer/land owner bringing forward a housing scheme in the Garden Village area will be required to make a contribution towards the CSLR. Given the high cost of such a significant transport scheme, the contribution has therefore been set at £2,000 per dwelling which would equate to £320,000 for the 160 dwellings.

6.41 As with all major planning applications a travel plan should be submitted to evaluate how the development will contribute to sustainable travel and this will be required to be monitored by the Highway Authority. On this basis an additional contribution of £6,600 is requested for travel plan monitoring.

6.42 The above measures can either be delivered by way of planning condition or, where monetary contributions are required, through an appropriately worded S106 agreement. The proposed development is therefore compliant with policy requirements for highway impacts.

6 Drainage and Flood Risk Issues

6.43 As this is an Outline application, there are no details of drainage required as part of the application. The application form states that surface water drainage will be by way of a sustainable drainage system and the foul drainage will be connected to the existing system. Although the site is not liable to flooding, due to the size of site, even though it is in Flood Risk Zone 1 (least probability of flooding) a Flood Risk Assessment is required as part of the application.

6.44 The Environment Agency does not consider there is a high risk and their standard advice regarding sustainable drainage methods applies. In addition, they have recently updated information on future climate change impacts and the additional capacity in the drainage systems to combat future increases. This is taken into account when the Lead Local Flood Authority assesses the detailed drainage capacities.

6.45 The County Council as Lead Local Flood Authority (LLFA) is satisfied that on the basis of information provided a suitable drainage system is capable of being provided. The surface water drainage scheme as outlined in the application proposes to discharge into the Wash Beck tributary and Durrhill tributary. This can be complied with through appropriate planning conditions.

6.46 United Utilities also consider that drainage conditions should be applied relating to a surface water drainage scheme, foul and surface water should

drain on separate systems and a sustainable drainage management and maintenance plan should be put in place.

- 6.47 The overall drainage proposals are therefore acceptable subject to details in later applications. The LLFA also notes that the discharge into the Durranshill Beck tributary is to a point just upstream of a culverted section. In this instance a CCTV survey will be required to ensure it is in adequate working order. This type of situation has occurred in relation to two other recent developments, in different parts of Carlisle, which were able to prove that the drainage systems were satisfactory. In this instance it would be appropriate to add a further planning condition to ensure that these surveys are undertaken.

7 Education

- 6.48 The County Council as Education Authority has considered the impact of the additional dwellings on currently provided education infrastructure and the demand for additional school places.
- 6.49 Given the location of the proposed development and predicted number of pupil places anticipated (albeit and outline application with no detailed dwelling design) it is envisaged that there will be sufficient local capacity not to require a contribution towards primary school capacity.
- 6.50 In relation to secondary school capacity the County Council requested a contribution of £564,742. Although this was the appropriate amount for the proposed 160 dwellings, a robust viability assessment process has been undertaken which revealed that not all planning obligations can be met without making the development unviable. The County Council's Planning Obligations Policy acknowledges that consideration can be given to reapportion or revise contributions having regard to the most important agreed priorities and outcomes for a locality and the requirement that the scheme suitably and sustainably integrates with local communities and services. On this basis the Education Authority is agreeable to a revised contribution of £218,400 in relation to secondary school education.
- 6.51 No contribution will be sought for school transport as there are safe walking routes within the statutory walking distances.

8 Open Space

- 6.52 The Design Code for this site has set out a number of parameters for the site's development. This includes areas of landscaping which provide amenity space for new occupiers as well as an extension of amenity space for those living in adjacent neighbourhoods. There is also a recognition that a play area will be required although its form is yet to be decided and can be used to accommodate more natural play. Policy GI4 requires a variety of spaces to be provided for different types of play. On this site there are competing demands for the type of space created and retaining the parkland setting of the original design concept is key to ensure the site respects its historic context. As a result the on-site amenity space will create a woodland walk on the western and northern boundaries of the site providing an informal

recreational opportunity for all residents and building on the site's parkland characteristics and providing a network of green routes and wildlife corridors.

- 6.53 On this basis whilst large areas of amenity space will be provided there is no provision of formal sports provision. Reference is made to the nearby Creighton Rugby Club however as noted in some of the representations, this is a private facility and may not be accessible to all future residents. Recently a lot of investment has been made at the Edgehill Road community site providing for cycling as well as other sports uses with formal play facilities. These would be accessible for people in this area. Although these are within walking distance of this site the Policy would require that a contribution towards sports play is made.
- 6.54 Members will be aware that in this report a viability study has been undertaken to understand the maximum contributions that may be made from this development. This is discussed in the relevant sections of this report and although full affordable housing contributions are made, negotiations have reduced the contributions for highways and education. Given that informal amenity, play space and future maintenance will be provided on site a reduction in off-site contributions would be appropriate and as alternative provision is within walking distance this would be acceptable.

9 Impact On Trees and Biodiversity

- 6.55 Members will be aware that at the Development Control Committee of the 22nd November 2019 a review of the Tree Preservation Orders at the former Garlands hospital site has been undertaken. This resulted in new Tree Preservation Orders being made due to the fact that since the original Orders a number of trees have been removed (with consent), were diseased or died. This included the making of new Tree Preservation Order 308 which covers this proposed site.
- 6.56 As part of the Garlands hospital complex, it was considered that a parkland setting was important to the health and well being of the patients. The buildings were constructed in a parkland setting and many of the trees that are present today were planted at the time of the complex's formation.
- 6.57 Tree Preservation Orders are used as a planning tool to protect trees from unnecessary damage/removal and provide for future replacement to maintain the important tree cover and setting. The applicant has undertaken an arboricultural assessment of the site similar to the Council's review of its Tree Preservation Order. Both concluded that a small proportion of trees were no longer appropriate to protect, were in need of works for safety reasons and had a lifespan of less than 10 years. Both also concluded that the majority of trees have at least 20 years life and a good number will live for over 40 years.
- 6.58 At this stage only the access arrangements have been considered as part of this application and this will result in a number of trees to be removed for highway safety reasons. This includes some protected category B trees (more than 20 years).

- 6.59 When Members undertook a site visit as part of the review of the Tree Preservation Orders they observed the overall canopy of tree cover and noted that some of those trees were in amenity spaces as well as a number now within private property boundaries as the area was developed. Individual property owners are beginning to struggle with maintenance required for these mature trees and where they are over mature in smaller garden plots their replacement is difficult.
- 6.60 In planning this development it provides an opportunity through the Design Code not only to ensure that tree planting is designed into any scheme but where trees are to be removed or located close to development, greater consideration is given to succession planting to maintain the tree canopy in the longer term. The proposed scheme seeks to retain as many trees as possible and rather than leave them as incidental to the housing, they become an accessible feature providing an opportunity within the development through components such as the woodland walk.
- 6.61 The Design Code includes larger areas for amenity space which can include tree planting as part of the landscape proposals. This will ensure that not only is there replacement for any trees to be lost but consideration can be given to ensuring the parkland setting is maintained and trees can feature as part of the required green infrastructure increasing the biodiversity value of the site and recognising their valuable role in place-making.
- 6.62 Whilst there will be an impact on existing protected trees, the planning of this development can ensure that there is a net increase in tree cover for this site and therefore the proposals are acceptable.

10 Archaeology and Built Heritage

- 6.63 The applicant has submitted an Archaeology and Built Heritage Statement as part of the application even though there are no Listed Buildings within the site and the site is not within a conservation area. This was prepared in recognition that although there are no Listed Buildings, there are old buildings on the site which may merit assessment. The evaluation of heritage assets has been undertaken in accordance with Historic England guidance.
- 6.64 In respect of archaeology, the applicant commissioned a geophysical survey of part of the proposed development site prior to the application being made. The results indicate that extensive remains of late prehistoric or Romano-British round houses, field systems, enclosures and trackways survive buried within the area of the survey. It is possible that remains of a similar nature survive within the areas of the site that were not subject to the survey. These archaeological assets will be disturbed by the construction of the proposed development and mitigation will be undertaken as part of ongoing archaeological work. Appropriate mitigation will be dependent on the nature of any finds and subsequent discussion with the County Council's Historic Environment Officer.
- 6.65 The County Council's Historic Environment Officer recommends that, in the

event planning consent is granted, a scheme of archaeological investigation and recording of the site be undertaken in advance of development. This work would be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of planning conditions.

- 6.66 With regards to built heritage, whilst there are no listed buildings on the site, the proposed scheme includes conversion of Cumberland House and the demolition of Westmorland House. The assessment of the properties has involved research at Cumbria archives including the building's relationship to other former hospital properties that formed part of the original Garlands complex along with surveys of the buildings in their current form.
- 6.67 By the early 1890s there was a need for new buildings to accommodate private patients, and discussions lead to an agreement to build three new structures on the site. The first building, known as Cumberland House, was opened in 1897. Westmorland House was built by 1900. The third building was never constructed although 'The Coppice', to the immediate north was built in the early C20, completing the trio. All buildings sat in extensive landscaped grounds for the benefit of patients. The Council's conservation officer recognises that the buildings clearly constitute undesignated heritage assets and considers that they would be strong candidates for Local Listing, however they are not listed at the time of this application being considered. The applicant's Heritage Statement recognises their quality and status as undesignated heritage assets.
- 6.68 While the proposal retains Cumberland House, the loss of the substantial, villa-like Westmorland House is of concern given its historic significance and the quality which it currently lends to the site. The proposed works will result in total loss of the asset.
- 6.69 The extensive and well-produced Heritage Statement accompanying the application acknowledges the aesthetic and historic values of both Cumberland House and Westmorland House. It notes the buildings as illustrating developments in care philosophy, placed away from the main complex as 'cottage care' and also as evidence of class segregation for paying inmates vs paupers. Regarding Cumberland House, it notes that the building's aesthetic value is drawn from its high-quality surviving internal features and its external appearance, with its quality stonework and surviving sash windows and overhanging eaves with decorative iron brackets contributing to this aesthetic value. The lack of significant alteration to the external facades is a key component of this. As an unlisted building it is noted as of 'low significance' - according to the Historic England grading system.
- 6.70 Westmorland House is noted as one of a pair with Cumberland House and is again recognised as being a non-designated heritage asset. The report notes that in many respects the significance of Westmorland House lies in its demonstration of the same values as Cumberland House, drawing its significance primarily through its aesthetic and illustrative historical values, and to a lesser degree from its communal value.
- 6.71 The heritage statement regards the degree of internal alteration to

Westmorland House, the loss of its internal features, and the present condition of the building as factors determining the conclusion that its significance is lower than Cumberland House in respect of these alterations. The building is similarly assessed as being of local significance but regarded as of less value due to loss of internal features.

- 6.72 The redevelopment of the wider Garland's complex over the last 20 years went through a similar evaluation at the time and whilst the guidance of the NPPF may not have been available the importance of historic assets was still a significant factor in the evolution of the new housing development. At that time the buildings with the greatest architectural qualities and individual merit were converted but others were demolished and redeveloped. The resultant development with the remaining converted buildings still bears reference to the former hospital. The buildings subject of this application did not form part of the previous area for development and are only now part of the same assessment process as they are no longer required for the more modern hospital complex.
- 6.73 The Conservation Officer considers that both buildings, along with The Coppice, provide an aesthetic and historic ballast to the area which can be seen in the mixture of old and new elsewhere in the area, contribute strongly to a sense of place and to a successful development.
- 6.74 The 2010 Development Brief for this part of the site predates the NPPF which gives greater weight to undesignated heritage assets and the Historic Buildings Report for the Garlands site is not exhaustive in its assessment of the existing buildings. The Local Plan context has also changed with policies SP6, SP7 and importantly HE6 - Locally Important Heritage Assets of relevance.
- 6.75 Policy HE6 states that "throughout Carlisle District there are a number of buildings and structures of historic and architectural significance that, whilst not statutorily protected, help create the locally distinctive character of the area. The Council recognises the positive contribution these structures make to streetscape and/or landscape and will therefore designate such assets through the Local List to strengthen the presumption in favour of their retention when considering development proposals". Para 9.19 states that "Across the District there can be pressure for redevelopment potentially resulting in the loss of unlisted structures that whilst not of national importance (and therefore not eligible for inclusion on the statutory register of listed buildings) may be of local heritage or townscape significance. This reflects that many of these structures make an important contribution to the streetscape and/or landscape of a particular area, or that they are of local historic or architectural interest".
- 6.76 Paragraph 197 of the NPPF refers to non-designated assets – its 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"

- 6.77 It is clear that both local planning policy and the NPPF give weight to non-designated assets such as Westmorland House and Cumberland House.
- 6.78 The applicant has therefore undertaken an assessment of the historical significance of the buildings and found that internally there are now considerable differences between the two buildings. From considering the original layouts of the buildings they were designed differently as the internal features represented the societal differences between gender and Westmorland House had a simpler layout. That said, this has been further eroded by subsequent changes and adaptation of the building resulting in few internal features of quality. Policy HE6 seeks not only to retain locally important heritage assets but to be able to maintain that quality. The applicant's assessment has resulted in the proposal to retain the better quality asset. This is based on the merits of the building but also on the prospect of being able to convert both buildings to a similar standard so that they remain as a pair of villas.
- 6.79 Where a building exists in relatively good order, and can be incorporated into a wider development scheme – as Cumberland House is proposed to do, the Conservation Officer considers that there should be a revised layout which takes into account the value of Westmorland House and incorporates both villas creatively into the wider scheme. He continues that the lower quality of Westmorland House would give a freer rein to convert however if the two buildings are to function in the landscape as a pair the conversion should be of a comparable high quality.
- 6.80 Discussions have taken place with the applicant around the options to convert and retain the villas as part of the overall site's development. The applicant recognises the need to retain the historical character of the site however in evaluating the varied policy requirements and subsequent planning obligations it would not be possible to deliver everything without significantly affecting the viability of the site. Members will note that in considering the planning balance of the proposals, the proposed scheme already struggles to meet all planning obligation requirements and the additional costs for conversion of Westmorland House would add to this dichotomy.
- 6.81 On this basis it is acceptable that in accordance with Policy HE6 the loss will be permitted provided that the building is the subject of an appropriate survey, consideration is given to the provision of a replacement building of comparable quality which in this case would have to be sympathetic to the retained villa, and where possible, any special features (all be they limited) should be reused within the future development.
- 6.82 The County Council's Historic Environment Officer also recommends that, in the event consent is granted, Cumberland House and Westmorland House are recorded prior to conversion and demolition work commencing. This recording should be in accordance with Historic England advice in *Understanding Historic Buildings A Guide to Good Recording Practice, 2016*. This can be secured by planning condition.

11 Other Matters

- 6.83 Whilst acknowledging that this is an Outline application and further details are required on the layout and appearance of houses there are nevertheless a number of matters which will need to be dealt with no matter how the development looks. These are matters such as air quality and designing out crime which will apply to future applications on this site.
- 6.84 With regards to air quality, although there are no Air Quality Management Areas in the immediate vicinity of the site, there are several in other parts of Carlisle and guidance states that measures should be taken to reduce any negative impact on Air Quality. Environmental Health has responded and advised that a condition should be imposed to ensure that the development is designed with the ability for people to utilise electric charging points providing a realistic alternative choice for vehicles. Consultation was undertaken in 2019 on potential changes to Building Control legislation however these have yet not filtered through to formal policy. It would be reasonable to put on a planning condition to ensure that each house has an accessible charging point when constructed to ensure this is achieved.
- 6.85 The Cumbria Police Crime Prevention Officer has provided observations that the application does seek to embrace measures relating to safety and security especially surveillance opportunities and overlooking and he seeks to ensure that this is carried through to the future layout in any reserved matters application. This advice has been passed on to the applicant in relation to work on future applications for this site.

Conclusion

- 6.86 This application seeks to develop an area of land on the south-eastern fringe of Carlisle. The principle of development is acceptable complying with Policies HO2 and SP3. This application in Outline form includes access at this stage and subject to planning conditions, the proposed access arrangements are acceptable. Through the use of planning conditions, matters relating to drainage, heritage, open space and trees as well as layout, appearance, scale and landscaping which are reserved for future applications can all be suitably provided on site. As part of the site is within St Cuthbert's Garden Village it is necessary to contribute towards the required infrastructure for the Garden Village as well as affordable housing, education and local highway improvements. After considering viability of this site and taking the planning balance of all issues into account the proposed application is recommended for approval subject to a S106 legal agreement
- a) the provision of 20% of the units as affordable (in accordance with the NPPF definition and City Council's SPD proportions);
 - b) a financial contribution of £218,400 to Cumbria County Council towards secondary education capacity;
 - c) a financial contribution of £2,000 per dwelling (i.e. up to £320,000) towards the Carlisle Southern Link Road;
 - d) a financial contribution of £155,000 towards the widening of Sewell's Lonning;

- e) a Travel Plan Monitoring fee of £6,600;
 - f) the provision of an on-site play area;
 - g) the maintenance of the formal and informal open space within the site by the developer;
- Should the Legal Agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

7. Planning History

- 7.1 There is no direct planning application history for this site.

8. Recommendation: Grant Subject to S106 Agreement

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

- i) the expiration of 3 years from the date of the grant of this permission, or
- ii) the expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Management Procedure) Order 2015.

3. No construction shall take place until there has been submitted to and approved by the local planning authority:

- i) a fully detailed layout plan of the proposed site showing the primary road structure comprising all new roads together with related realignments and junction alterations to existing roads; the proposed primary system of trunk foul and sewage water drainage; the disposition of those areas intended to be development for [employment] purposes and the locations and extent of areas intended to be subject of structural landscaping and/or landscape conservation measures.
- ii) a programme of the proposed phasing and related phasing of the

- [reclamation] works;
- iii) a programme of the proposed phasing of the redevelopment and a related phasing plan based on the layout plan referred to item (i) above.
 - iv) the proposed measures for the successful implementation of the development and subsequent future maintenance of the landscaped areas of the site.

Future development shall comply with the Design Code submitted with this application which establishes the aims, objectives and required parameters for development.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Management Procedure) Order 2015.

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

- 1. the submitted planning application form;
- 2. the Site Location Plan received 10 June 2019;
- 3. the developable area and access parameter plan received 10 June 2019;
- 4. the Cumwhinton Drive/Area B proposed access visibility splay received 9 September 2019;
- 5. the Planning Statement received 10 June 2019;
- 6. the Archaeology and Built Heritage Statement received 10 June 2019;
- 7. the design and access statement received 10 June 2019;
- 8. the Phase 1 Desk Study received 10 June 2019;
- 9. the utilities assessment received 10 June 2019;
- 10. the Transport Assessment received 10 June 2019;
- 11. the framework travel plan received 10 June 2019;
- 12. the flood risk assessment received 10 June 2019;
- 13. the air quality assessment received 10 June 2019;
- 14. the arboricultural impact assessment received 10 June 2019;
- 15. the Preliminary Ecological Appraisal report received 9 September 2019;
- 16. the bat Survey Report received 9 September 2019;
- 17. the Breeding Bird Survey Report received 9 September 2019;
- 18. the Design Code August 2019 received 9 September 2019;
- 19. the consultation technical response dated 15 August 2019 received 9 September 2019;
- 20. the Carleton Clinic greenfield Run-off Calculations received 9 September 2019;
- 21. the Tree Protection Plan (Sheet 1 of 2 and Sheet 2 of 2) received 9 September 2019;
- 22. the additional drainage information and drainage strategy plan received 17th October 2019;
- 23. the additional highways information and visibility splay plans received 17th October 2019;

24. the crashmap data received 17th October 2019;
25. the Notice of Decision; and
26. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

5. No construction shall take place until a programme showing the phasing of the development has been submitted to and approved by the local planning authority and the development shall not proceed other than in accordance with the approved programme.

Reason: To secure in the public interest a satisfactorily correlated order of development in accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

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

7. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

This written scheme of investigation will include the following components:

- An archaeological evaluation;
- An archaeological recording programme the scope of which will be dependent 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.

8. Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within two years of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the local planning authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.

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

9. Prior to the carrying out of any conversion of the existing building known as Cumberland House, the building shall be recorded in accordance with a Level 3 Survey as described by Historic England's document Understanding Historic Buildings A Guide to Good Recording Practice, 2016. Within 2 months of the commencement of construction works a digital copy of the resultant Level 3 Survey report shall be furnished to the local planning authority.

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

10. Prior to the carrying out of any demolition works to the existing building known as Westmorland House it shall be recorded in accordance with a Level 2 Survey as described by Historic England's document Understanding Historic Buildings A Guide to Good Recording Practice, 2016. Within 2 months of the commencement of construction works a digital copy of the resultant Level 2 Survey report shall be furnished to the local planning authority.

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

11. Prior to the commencement of development, the recommendations provided by the 'Carleton Clinic, Phase 1 Desk Study', dated March 2019 report should be carried out. 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.

12. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until 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. This is subject to the approval in writing of 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.

13. 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 produced, and is subject to the approval in writing of the local planning authority.

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

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Further guidance can be found on the Carlisle City Council website “Development of Potentially Contaminated Land and Sensitive End Uses – An Essential Guide For Developers.”

Site investigations should follow the guidance in *BS10175:2011 (or updated version) “Investigation of Potentially Contaminated Sites.- Code of Practice ”*.

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

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

15. Prior to the commencement of development and for each phase of development, the applicant shall submit a Construction Management Plan

(CMP) (covering noise attenuation, dust suppression and white noise from reversing vehicles) for approval in writing by the local planning authority. The development shall then be undertaken in accordance with the details contained within the CMP.

Reason: In order to protect residential amenity in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

16. No construction shall commence until, a landscaping scheme has been submitted to and agreed with the local planning authority including details of trees and shrubs to be retained and proposed new planting. The scheme shall include the use of native species and shall also include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and size for new planting. The scheme shall then be implemented in accordance with the approved details.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with the objectives of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

17. 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 building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and 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 that it fulfils the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

18. Prior to the occupation of any dwelling, an external or within garage 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property.

Reason: In accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

19. 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. No construction shall be commenced until a full specification has been approved for that phase. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason: To ensure a minimum standard of construction in the interests

of highway safety. To support Policy IP2 of the Carlisle District Local Plan 2015-2030.

20. No development of each phase shall commence until adequate visibility splays for access roads at junctions with the county highway have been provided in line with the Cumbria Development Design Guide. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety. To support Policy IP2 of the Carlisle District Local Plan 2015-2030.

21. No development shall take place until such time as the following have been completed to the satisfaction of the Highway Authority:
- A right turn lane added to the Cumwhinton Road / Cumwhinton Drive junction
 - A 2m wide footway along Cumwhinton Road linking the development site into the Harraby area to the North West

Reason: In the interests of highway safety and to support Policy IP2 of the Carlisle District Local Plan 2015-2030.

22. Within 6 months of the occupation of the first dwelling, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason: To aid in the delivery of sustainable transport objectives.

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

Reason: In the interests of highway safety To support Policy IP2 of the Carlisle District Local Plan 2015-2030.

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

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicant's expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- surface water management details during the construction phase

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users. To also ensure the construction phase does not increase flood or pollution risk.

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

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

26. Prior to the commencement of any development, a surface water drainage scheme, with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment dated March 2019 and additional information dated 17th October 2019 proposing surface water discharging to Wash Beck tributary and Durranhill tributary unless otherwise approved in writing by the Local Planning Authority. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG and in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

27. Prior to the commencement of any development, a condition and capacity survey of the culverted watercourse on the Durranhill Beck tributary downstream of the surface water discharge point shall be provided to the Local Planning Authority.

Reason: To promote sustainable development, secure proper drainage

and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

28. No clearance of or damage to hedgerows shall take place during the bird breeding season from 1st March to 31st August unless agreed in writing beforehand by the Local Planning Authority.

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

29. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority before any construction works begin.

Reason: In order that the approved development does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

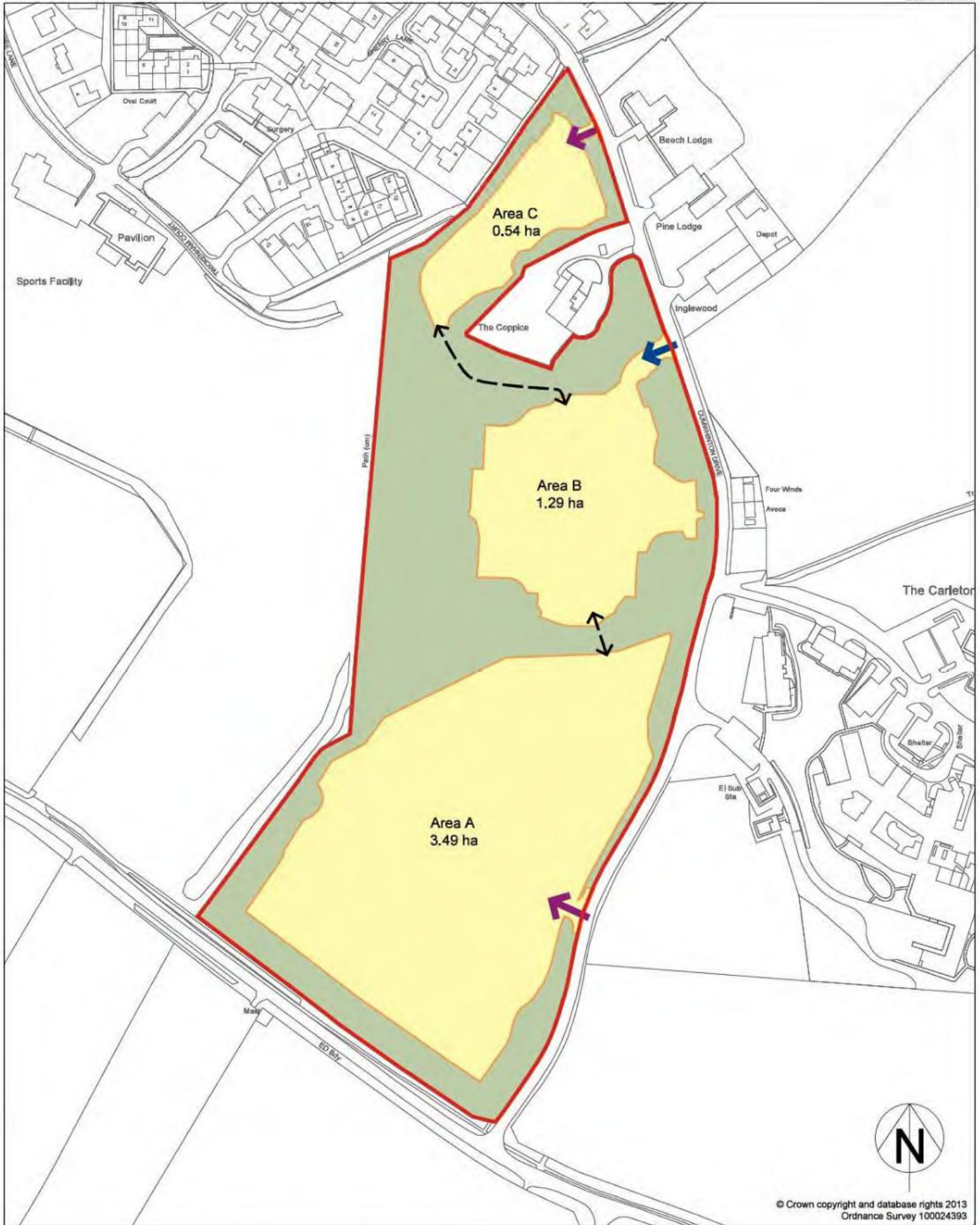
30. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

Reason: To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.



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<p>1 New York Street MANCHESTER, M1 4HD +44 (0) 161 601 1700 tel +44 (0) 161 601 1799 fax www.aecom.com</p>	<p>PROJECT: Carleton Clinic</p>	<p>SHEET NUMBER: 01_001</p>	<p>KEY</p> <p> Application site boundary (9.15 ha)</p>	<p>STATUS: For Approval</p> <p>CHECKING/VERIFICATION</p> <table border="1"> <tr> <td>DRAWN</td> <td>BY</td> <td>CHECKED</td> <td>NO</td> </tr> <tr> <td>VERIFIED</td> <td>LIV</td> <td>DATE</td> <td>12/03/19</td> </tr> </table> <p>ISSUE/REVISION</p> <table border="1"> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	DRAWN	BY	CHECKED	NO	VERIFIED	LIV	DATE	12/03/19																
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<p>CLIENT: Homes England</p>	<p>PROJECT NUMBER: 60589175</p>	<p>SCALE: 1:1000@A1</p>																										
<p>SHEET TITLE: Site Location Plan</p>	<p>DATE CREATED: 12/03/19</p>	<p>Page 123 of 128</p>																										
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<p>CLIENT: Homes England</p>	<p>PROJECT NUMBER: 60589175</p>	<p>SCALE: 1:1000@A1</p>	<p>DATE CREATED: 21/03/19</p>																																													



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<p>New York Street MANCHESTER M1 4HD +44 (0) 161 601 7000 tel +44 (0) 161 601 7000 fax www.aecom.com</p>	<p>PROJECT: Carleton Clinic</p>	<p>SHEET NUMBER: 04_002</p>	<p>KEY</p> <ul style="list-style-type: none"> Application site boundary Proposed developable area Green infrastructure Existing landscape buffer to be enhanced TPO Retained trees 400m buffer of way Existing footpath to be retained 	<p>★ Potential location for play space</p> <p> 400m radial distance from play space</p>	<p>STATUS: For Approval</p> <p>CHECKING/VERIFICATION</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 8px;">DRAWN</td> <td style="font-size: 8px;">BP</td> <td style="font-size: 8px;">CHECKED</td> <td style="font-size: 8px;">JFD</td> </tr> <tr> <td style="font-size: 8px;">VERIFIED</td> <td style="font-size: 8px;">LW</td> <td style="font-size: 8px;">DATE</td> <td style="font-size: 8px;">11/01/19</td> </tr> </table>	DRAWN	BP	CHECKED	JFD	VERIFIED	LW	DATE	11/01/19		
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<p>CLIENT: Homes England</p>	<p>PROJECT NUMBER: 60569175</p>	<p>SCALE: 1:1000@A1</p>	<p>DATE CREATED: 27/03/19</p>	<p>ISSUE/REVISION</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; height: 20px;"></td> <td style="width: 50%;"></td> </tr> <tr> <td style="height: 20px;"></td> <td></td> </tr> <tr> <td style="height: 20px;"></td> <td></td> </tr> <tr> <td style="height: 20px;"></td> <td></td> </tr> <tr> <td style="font-size: 8px;">I/R</td> <td style="font-size: 8px;">DATE</td> <td style="font-size: 8px;">DESCRIPTION</td> </tr> </table>									I/R	DATE	DESCRIPTION
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<p>SHEET TITLE: Building Heights and Minimum Floor Levels</p>	<p>CLIENT: Homes England</p>	<p>PROJECT NUMBER: 60589175</p>	<p>DATE CREATED: 21/03/19</p>																					