# **SCHEDULE A: Applications with Recommendation**

22/0078

Item No: 05	Date of	Committee: 24/06/2022
<b>Appn Ref No:</b> 22/0078	<b>Applicant:</b> Mr Brown	<b>Parish:</b> Dalston
	<b>Agent:</b> Sam Greig Planning Ltd	Ward: Dalston & Burgh
Location: Bridge End Inn	, Bridge End, Dalston, Carlisl	e, CA5 7BH
Accommodatio	e Of Garage To Dual Use Co n & Holiday Let To Be Used blic House (Revised Applicati	In Association With The
Date of Receipt: 07/02/2022	Statutory Expiry Date 04/04/2022	26 Week Determination

# REPORT

Case Officer: Stephen Daniel

# 1. Recommendation

1.1 It is recommended that authority to issue approval is given to the Corporate Director of Economic Development subject to conditions and a satisfactory solution to deal with nutrient neutrality.

#### 2. Main Issues

- 2.1 Whether The Proposal Would Be Acceptable In Principle
- 2.2 Impact Of The Proposal On Listed Buildings
- 2.3 Impact Of The Proposal On The Dalston Conservation Area
- 2.4 Impact Upon The Occupiers Of Surrounding Residential Properties
- 2.5 Highway Matters
- 2.6 Drainage Matters
- 2.7 Nutrient Neutrality

# 3. Application Details

#### The Site

3.1 The application site contains a garage building that is conditioned to be

used for private and domestic purposes. The front and side elevations of the garage are finished in render, with the rear elevation being blockwork, under a slate roof. The north elevation, which faces the public house, has a door and window at ground floor level and a door at first floor level, with the south elevation having one window at ground floor level and one at first floor level. The rear elevations contains two windows and a door (which are not authorised). The windows and the door are brown upvc, although the approved plans show timber windows and doors.

- 3.2 A hedge separates the garage from the adjacent public house beer garden, with an electricity sub-station being located between the side elevation of the garage and the hedge. A timber fence is located on the rear boundary. An area of compacted gravel lies to the front of the garage, with a low wall and fence running along the front boundary.
- 3.3 A residential property (Martindale) adjoins the site to the rear (west), with the public house adjoining the site to the north. A residential property (Smithy Cottage) and a commercial garage (formerly Ben Hodgsons) lie to the east of the site, with a residential property (Caldew Bank) lying to the south.

## Background

- 3.4 In February 2015, full planning permission and Listed Building Consent were granted for the change of use of part of the beer garden attached to the Bridge End Inn to a car parking area for management and staff together with the erection of a detached domestic garage (application references 15/0008 and 15/0009). The garage was to have a width of 9.5 metres, a length of 6.05 metres, an eaves height of 2.5 metres and a ridge height of 4.25 metres. The garage was to be constructed from smooth rendered walls with stone quoins and sills under a slate roof. All windows and doors were to be constructed from timber with rain water goods consisting of cast aluminium. Timber lintels were also proposed above the garage doors.
- 3.5 Under applications 15/1086 and 15/1087 planning permission and Listed Building Consent were refused for a revised garage design. In comparison to applications 15/0008 and 15/0009, the revised garage had a larger footprint than previously approved (74.52m2 compared to 57.47m2) and the eaves and ridge height have also significantly increased (by 1.1 metres and 1.74 metres respectively) in order to accommodate a room within the roof space. The materials used in the windows, doors and rainwater goods were proposed to be PVCu as opposed to timber; the main garage doors were proposed to be roller shutters with the timber lintels originally approved removed.
- 3.6 In August 2016 a revised application was approved (application references 16/0448 and 16/0449). The revised design to the garage incorporated a first floor storage deck with the external finishes including: cast aluminium gutters; stone heads and sills; vertical boarded timber facing doors; timber windows; off white roughcast render; stone quoins; and natural grey slates on the roof.

## The Proposal

- 3.7 The proposal is seeking planning permission to change the use of the garage to a dual use consisting of staff accommodation and a holiday let both of which would be associated with the adjacent Bridge End Public House.
- 3.8 The garage doors in the front elevation would be changed to large windows, with the section beneath being finished in render to match the existing building. Two new pitched roof dormer windows would be added to the front elevation. The dormer cheeks and head of the dormer window would be finished in render under a slate roof to match the existing building, with stained timber casement windows and a new rooflight would be added to the rear roofslope. All of the existing windows and doors would be changed from brown upvc to stained timber.

## 4. Summary of Representations

4.1 This application has been advertised by means of site and press notices as well as notification letters sent to six neighbouring properties. In response three letters of objection (from 2 households) have been received which make the following points:

- the existing building is not built in accordance with the previous permission granted for a single residential garage - it exceeds the size permitted and contains windows and doors which were not approved;

- 2 windows and doors abut the boundary of a neighbouring property;

- no enforcement action has been taken in respect of the flagrant breach;

the structure and intended use overshadow the neighbouring property and overlook the garden and dwelling and have an adverse impact on privacy;
the plot is unsuitable for a domestic dwelling/ residential occupation

whether as a home, staff accommodation or a holiday let;

- the trees in the neighbouring property have already been devastated by the development;

- long established trees have been destroyed and replaced with a low quality fence;

- concerned that any resident might want the remaining long established trees and hedge to be removed;

- planning would not consent previously to 3 windows in the rear of the building - 2 windows and a door have been installed in the rear of the building in breach of the permission;

- there has been an application to reduce the size of a sycamore tree in order to make the plot more suitable for the intended use;

- the garden to the rear is home to a host of wildlife;

- the turn into the new development is an extremely dangerous one at the base of a hill and on a blind bend - astounded that there has not been an objection from Highways;

- the highway being a double bend corner and a busy junction is dangerous enough for people who know it, but for people on holiday it will be precarious, especially when EVs & bicycles and silent travel is taken into account;

highway safety is seriously compromised by traffic entering and leaving the proposed development, which is just off public parking outside the Inn;
this is an issue which will be exacerbated by occasional users not used to the blind access points on the bends on the B5299;

- the parking outside the pub is public despite signs being there to indicate something else;

- in 2006 the law was changed to include 'light nuisance' as a statutory nuisance under the Environmental Protection Act 1990 - security lights should provide the minimum level of illumination necessary to light a property, without causing neighbours or passers by a nuisance;

- re-location of the car sales at the garage opposite the pub led to the unauthorised floodlights (which are a genuine problem and abuse of the above);

- both the pub and the garage at Bridge End are below the windows of Caldew Bank, meaning that any light pollution (external and skylights) enters living rooms and bedrooms. Currently the pub has little to no activity after 2200hrs, but a holiday let and/or staff living, means that there will/ could be disturbance throughout the night;

- external lights from the pub are causing light pollution - the light needs to be directed onto the ground around the pub;

- the lighting around the Bridge End Inn, has a night time visual impact on highway safety, and is a distraction to seeing road users;

- the proposed development to a more residential use will create more light pollution which in turn makes access onto the B5299 more dangerous, because it's difficult to see who/

which users are on the road especially when/ if the unauthorised floodlights at the garage are on;

- light from the dormer window and front windows will spill out into the front windows of neighbouring properties unless the light spill is seriously controlled;

- noise and disturbance from the comings and goings of staff after hours or holiday lets will seriously affect the amenity of sleep in neighbouring properties;

- bearing in mind the coming FHS (Future Homes Standard) 2025, will the roof height have to be altered?;

- will the building meet FHS 2025 with non hazardous materials;

- parking shown on the plan seems to block access to the electricity sub station - is this something that should always be left clear for emergency access?

# 5. Summary of Consultation Responses

**Dalston Parish Council:** - it was never the intention of the planning department to allow the development of a house / holiday let as part of the pub estate and strongly object to this application. If permission were to be granted, we believe in time the owners of The Bridge End Inn will submit a further application to make the garage into a dwelling which is separated from the Bridge End Inn and could be sold off on its own with no ties.

The original application 16/0448 was for a garage for vehicles associated with the

adjoining public house and the drawings showed pedestrian access and minimum windows appropriate to a private building for such purpose. As the building neared completion, it became obvious that what had been built bore little resemblance and the garage incorporated more windows than those which had been approved in the original application. There was also a question that the overall dimensions and height had been exceeded thus creating a much higher loft space than was required for a garage. Several complaints were made to the Planning Department who, following an inspection, confirmed that the building was not in accordance with the approved drawings. A second application 21/0245 was then submitted in May 2021 for the conversion of the garage to 1no. dwelling, the Parish Council strongly objected to this application, and it was subsequently withdrawn leading to the above application 22/0078 being submitted.

1. **Linkage to the public house**. This was quoted as part of the application to build a garage and permission only granted with this linkage in place. If the planning committee are minded to ignore the objections then stringent conditions should be attached to the development so that the property could not be separated from the public house.

2. Access / Safety. The pub car park is very often congested (not least because of cars parked belonging to the adjacent car sales business) making it difficult to exit the garage through what is used as a parking area for the pub (a section of land which is unregistered). The access onto the road is virtually sightless to the right with much of the approaching traffic travelling at 30mph plus because it is coming down a steep hill. Quite a lot of this traffic is intending to turn right towards the M6 motorway, directly opposite the public house so the drivers descending the hill are concentrating on this manoeuvre and being unsighted until the last minute, any vehicles appearing on the left-hand side will be in considerable danger. Also, vehicles following those who are indicating to turn right will automatically keep close to the left-hand edge of the road as there is room to pass standing vehicles just further on and this will put any vehicle trying to exit from the proposed site right in their path and again not visible until the very last moment. There are also two entrances into the car sale premises opposite the site entrance so that vehicles going into either of them are a further distraction to drivers coming down the hill towards a concealed exit from the proposed house site. To summarise, the sight lines at this junction are very poor, making exiting from the proposed change of use very dangerous. If for instance a transit van or similar vehicle was parked immediately to the south of the entrance of the garage, exit visibility is nil and getting onto the road is highly dangerous. An accident occurred here 4 years ago, a vehicle travelling too fast down the hill crashed into another car, luckily it was not fatal. The car was so badly damaged that it was written off. Cumbria County Council as the Local Highway Authority have also stated that the access is located very close to a sharp bend which has limited visibility.

3. **Compliance**. There are currently ongoing issues regarding the installation of plastic windows in the garage. Due to the garage being in a conservation area a stipulation of the planning approval was that the windows needed to be timber framed. The Parish Council are of the understanding that a listed building notice has been issued to the owner and that no work can commence on the garage until this has been rectified.

The Parish Council would like a site visit to take place please before a decision is made on this application;

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

objections to the proposed development as it is considered that the proposal will not have a material affect on existing highway conditions nor does it increase the flood Risk on the site or elsewhere;

Local Environment - Environmental Protection: - no objections;

**Cumbria County Council - (Highway Authority - Footpaths):** - Public Footpaths 109078 and 109081 follow alignments to the north and east of the proposed development area and must not be altered or obstructed before or after the development has been completed, if the footpaths are to be temporarily obstructed, then a formal temporary closure will be required.

# 6. Officer's Report

#### Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Policies HO2, SP6, HE3, HE7, IP3, IP6 and CC5 of the Carlisle District Local Plan 2015-2030 and the Dalston Neighbourhood Plan 2015-2030 (DNP). The Supplementary Planning Document Achieving Well Designed Housing is also a material planning consideration as are Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.3 The proposal raises the following planning issues:
  - 1. Whether The Proposal Would Be Acceptable In Principle
- 6.4 Given the location of the garage, the conversion of the building into ancillary residential accommodation for use by staff from the adjacent public house or to holiday accommodation would be acceptable in principle.
- 6.5 The garage is located within Bridge End and this area lies outside the Defined Development Boundary for Dalston, as identified in the Dalston Neighbourhood Plan. Whilst the proposal to create a new dwelling in this location would be contrary to Policy DNP-H1 of the Dalston Neighbourhood Plan, the conversion of the building into ancillary accommodation for pub staff or holiday accommodation would be acceptable in principle.
  - 2. Impact Of The Proposal On Listed Buildings
- 6.6 The garage lies within the curtilage of the Grade II Listed Bridge End Inn. The Listing details for the Bridge End Inn are as follows:

Public house. Late C18. Painted incised stucco with flush pointed quoins on painted chamfered plinth. Graduated slate roof, rendered brick chimney stacks. 2 storeys, 3 bays. C20 door in painted stone surround. Sash windows with glazing bars in painted stone surrounds. Extension to right with C20 windows is not of interest.

6.7 Caldew Bank which lies to the south of the garage is also Grade II Listed. The list description for this dwelling is reproduced below:

House. Late C18 with early C19 wings. Painted stucco on painted chamfered plinth with V-jointed quoins; graduated green slate roof; ashlar chimney stacks. 2 storeys, 3 bays with flanking lower 2-storey, single-bay wings. Sash windows with glazing bars in painted stone surrounds. Side entrance to right: 6-panel door in eared architrave under triangular pediment. Tall round-headed stair window to rear.

6.8 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".

- 6.9 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.
- 6.10 The garage is located in the southern portion of the curtilage associated with the Bridge End Inn and to the south of an existing electricity sub-station. When granting approval for the garage, the scale, height and massing of the building were considered to be ancillary to the Inn. Whilst the building has not been not built in accordance with the approved plans, the eaves height is only 10cm higher, the ridge height 5cm higher, whilst the width and depth are 2cm and 5cm larger respectively. It is considered that these measures are negligible and do not alter the previous conclusion that the building is ancillary to the adjacent Inn.
- 6.11 The Council's Heritage Officer has been consulted on the application. He raised concerns about the plans as originally submitted, which showed four rooflights in the front elevation of the garage and the use of upvc windows throughout. The scheme has now been revised to remove the rooflights in the front elevation and to add two new pitched roof dormer windows. The dormer cheeks and head of the dormer window would be finished in render under a slate roof to match the existing building, with stained timber casement windows and a new rooflight would be added to the rear roofslope. The garage doors in the front elevation would be changed to large stained timber windows, with the section beneath being finished in render to match the existing building. All of the existing windows and doors would be changed from brown upvc to stained timber. Following the amendments, the

Heritage Officer has confirmed that he has no objections to the proposals.

- 6.12 Conditions have been added to the permission which require details of the proposed windows and rooflights to be submitted to the local planning authority for approval and to remove permitted development rights for extensions and fences/walls.
- 6.13 Caldew Bank lies to the south of the garage on the opposite side of the B5299 and sits at a significantly higher level. The proposals would not have an adverse impact on the setting of this dwelling.
- 6.14 Subject to the imposition of conditions, the proposal would not have an adverse impact on the setting of any adjacent listed buildings.
  - 3. Impact Of The Proposal On The Dalston Conservation Area
- 6.15 The application site lies within the Dalston Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:

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

- 6.16 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.17 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.18 The Council's Heritage Officer has been consulted on the application and has confirmed that he has no objections to the revised scheme. Conditions have been added to the permission which require details of the proposed windows and rooflights to be submitted to the local planning authority for approval and to remove permitted development rights for extensions and fences/walls.
  - 4. Impact Upon The Occupiers Of Surrounding Residential Properties
- 6.19 A residential property (Martindale) lies to the rear of the building. Two windows and a door in the rear elevation of the building face the end of the garden of Martindale. There is a solid timber fence on the rear boundary with Martindale and some trees within the garden of Martindale which reduce overlooking. The majority of the garden (which is approximately 60m long) would be unaffected and the dwelling, which is 50m away from the proposed

garage would be not impacted.

- 6.20 The dwelling Caldew Bank lies to the south of the garage on the opposite side of the B5299 and sits at a significantly higher level. Smithy Cottage lies to the east of the garage on the opposite side of the B5299, is screened by existing vegetation and does not face the garage.
- 6.21 Given the location of the proposed development in relation to the nearest residential properties, it is not considered that the proposal would have an adverse impact upon the living conditions of the occupiers of any residential properties in terms of overlooking, loss of light or over dominance.
  - 5. Highway Matters
- 6.22 The Parish Council and objectors have raised concerns about the sight lines at this junction which are very poor, making exiting from the proposed dwelling very dangerous. The garage does, however, currently has an access onto the adjacent highway and the Highway Authority has confirmed that is has no objections to the proposal.
  - 6. Drainage Issues
- 6.23 The Lead Local Flood Authority has confirmed that is has no objections to the proposal. The foul drainage would be picked up through the Building Control process.
  - 7. Nutrient Neutrality
- 6.24 Alongside other local planning authorities, Carlisle City Council has received a letter dated 16th March 2022 from Natural England about nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). The letter advised that new development within the catchment of these habitats comprising overnight accommodation (which includes holiday accommodation and ancillary residential accommodation) can cause adverse impacts to nutrient pollution.
- 6.25 Local authorities have been advised that planning applications and plans in affected areas should be carefully considered and mitigation should be used to ensure there are no adverse effects to meet the requirements of the Conservation of Species and Habitats Regulations 2017. Whilst the council assesses the implications of these matters, it cannot lawfully conclude that development within the catchment of the River Eden SAC will not have an adverse effect. Therefore, until these matters are resolved, the council will not be able to grant planning permission for developments. If Members are minded to approve this application a decision cannot be issued until this matter is resolved.

# Conclusion

6.26 In conclusion, the change of use of the garage to a dual use consisting of

staff accommodation and holiday let to be used in association with the Bridge End Public House would be acceptable in principle. The proposal would not have an adverse impact on the setting of the adjacent listed buildings or the conservation area, subject to the imposition of conditions, or on the living conditions of the occupiers of any neighbouring properties. The proposed access and drainage would be acceptable. In all aspects, the proposal is considered to be compliant with the relevant polices in the adopted Local Plan.

6.27 The recommendation is authority to issue approval subject to conditions and a satisfactory solution to deal with nutrient neutrality.

# 7. Planning History

- 7.1 In February 2015, full planning permission and Listed Building Consent were granted for the change of use of part beer garden to car parking area for management and staff; erection of detached domestic garage (revised/part retrospective applications) (15/0008 and 15/0009);
- 7.2 In January 2016, under application numbers 15/1086 and 15/1087, planning permission and Listed Building Consent were refused for a revised garage design to that consented under 15/0008 and 15/0009.
- 7.3 In August 2016, full planning permission and Listed Building Consent were granted for the erection of detached domestic garage/workshop (revised/part retrospective application) (16/0448 and 16/0449).
- 7.4 In February 2022, an application for the conversion of the garage to a dwelling was withdrawn prior to determination (21/0245).

# 8. Recommendation: Granted Subject to Nutrient Resolution

- 1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.
  - **Reason**: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  - 1. the submitted planning application form, received 7th February 2022;
  - 2. Site Location Plan (Dwg IB/DWELL/SLP1 Rev B), received 7th February 2022;
  - 3. Proposed Site Block Plan (Dwg IB/DWELL/SBP2 Rev C), received 25th May 2022;

- 4. Proposed Ground Floor Plan (Dwg IB/DWELL/FP3 Rev B), received 7th February 2022;
- 5. Proposed First Floor Plan (Dwg IB/DWELL/FP4 Rev B), received 7th February 2022;
- 6. Proposed Elevations (Dwg IB/DWELL/ELEV2 Rev E), received 6th June 2022;
- 7. Supporting Statement & Heritage Statement, received 7th February 2022;
- 8. the Notice of Decision;
- 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason**: To define the permission.

3. The use hereby permitted shall be restricted to staff accommodation and a holiday let only both of which are to be in association with the adjacent Bridge End Public House. The building shall not be occupied as permanent residential accommodation.

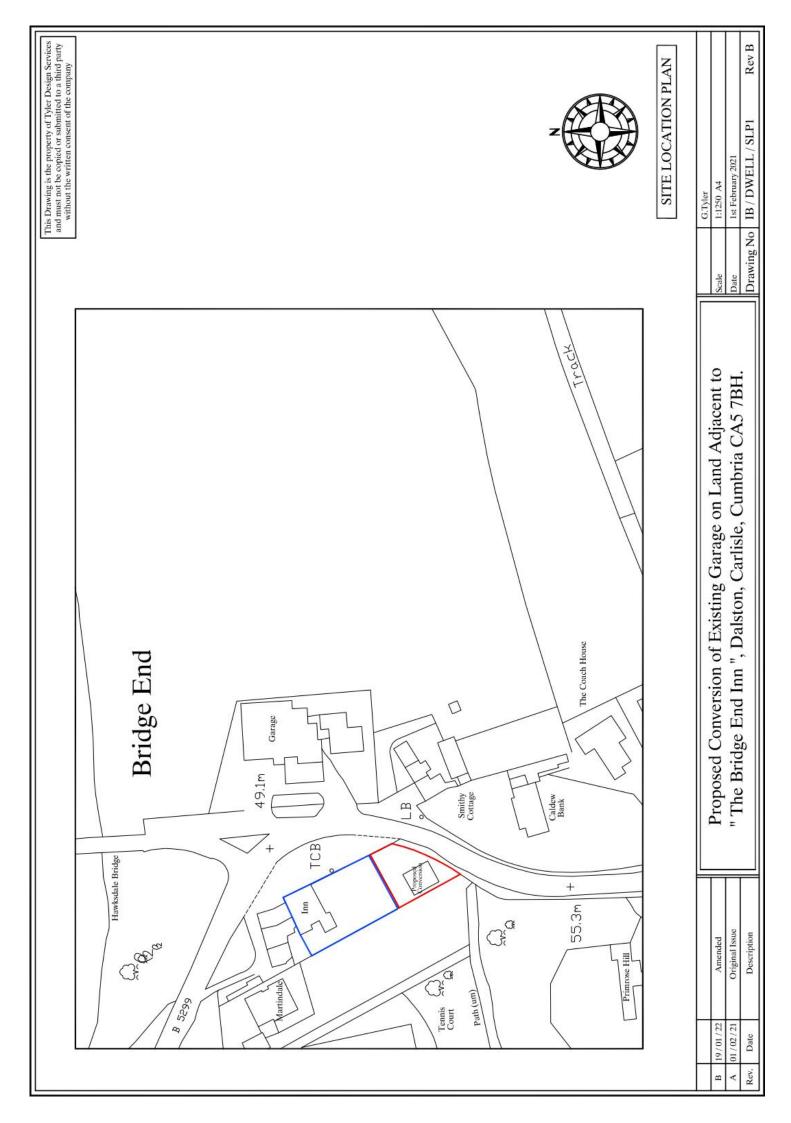
**Reason:** The use of the building as a dwelling would not be acceptable.

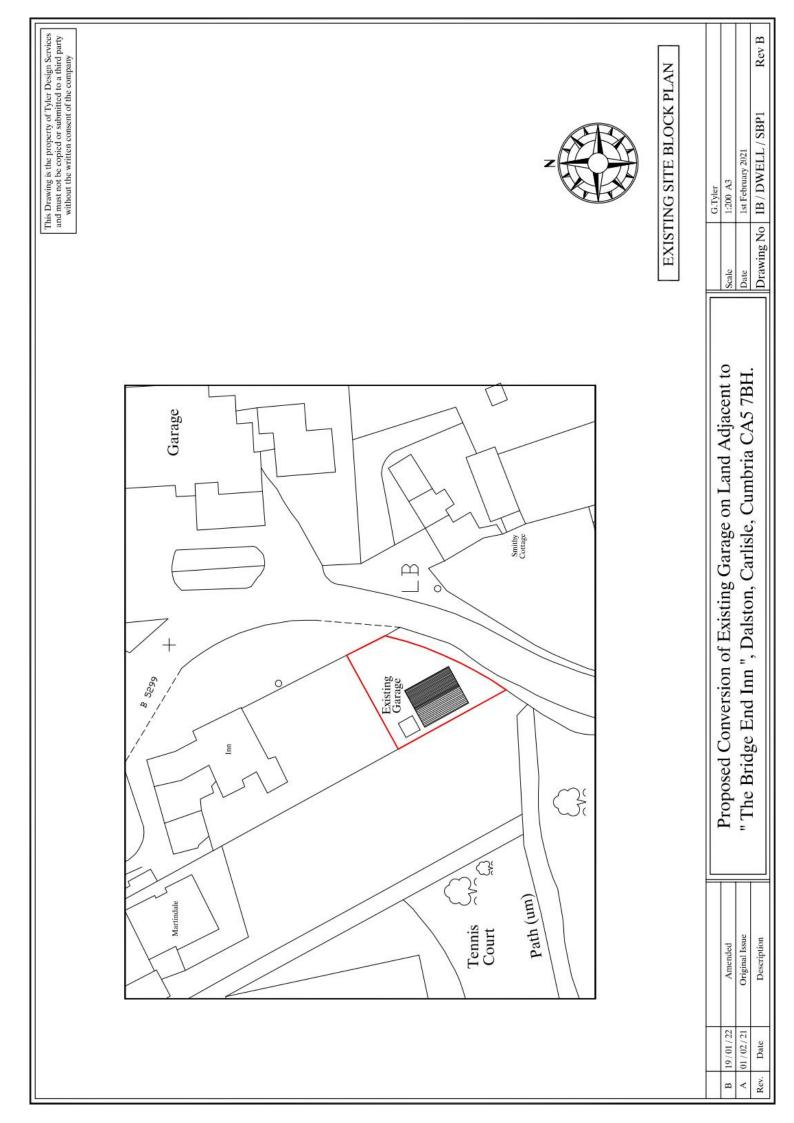
4. The site manager/owner shall keep a register to monitor the occupation of the building that is the subject of this application. Any such register shall be available for inspection by the Local Planning Authority at any time when so requested and shall contain details of those persons occupying the building, their name, normal permanent address and the period of occupation of the building by them.

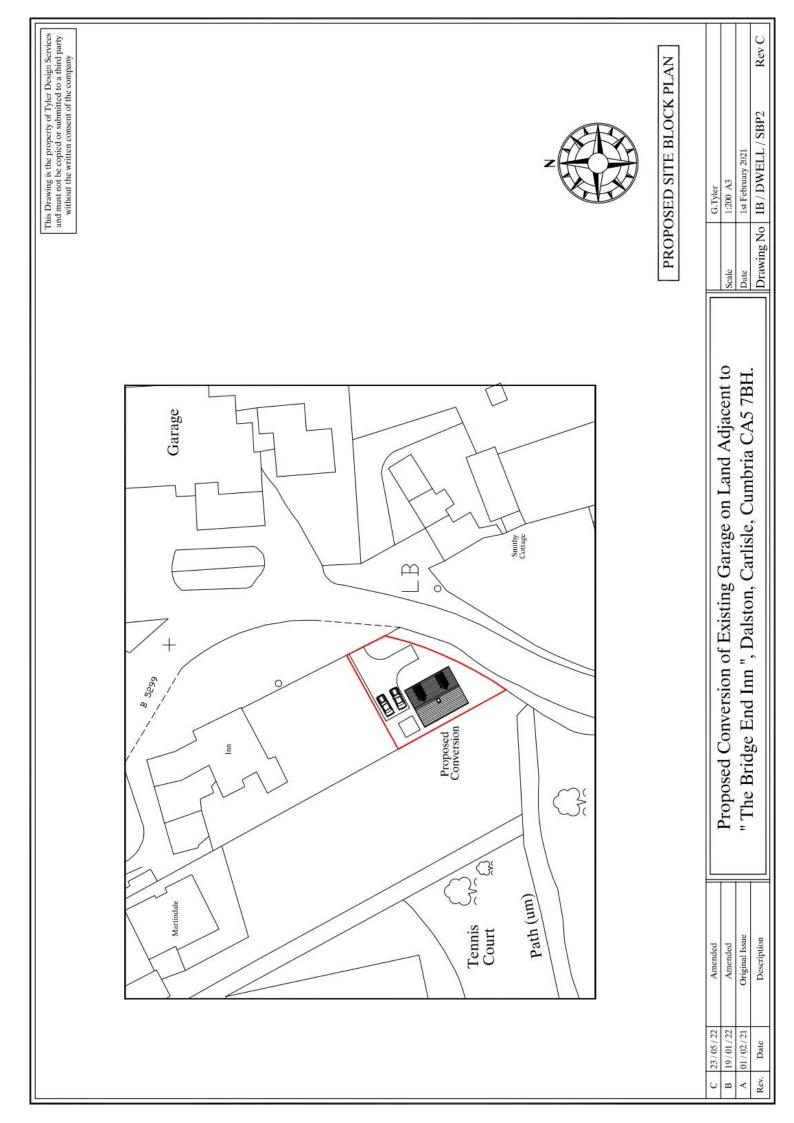
**Reason:** To ensure that the buildings is not occupied as permanent residential accommodation.

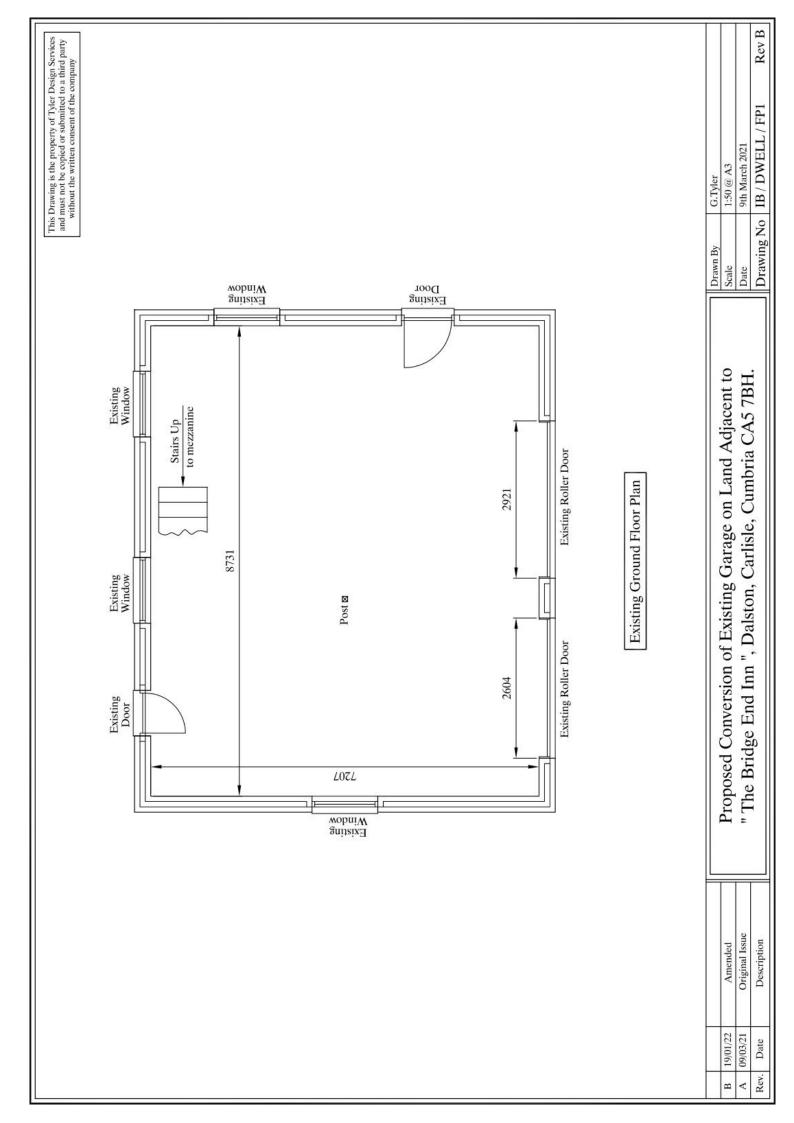
- 5. Prior to the occupation of the building that is the subject of this application, details of the proposed windows and rooflights to be installed shall be submitted to the local planning authority for approval. The windows shall then be installed in strict accordance with these details prior to the building being brought into use.
  - **Reason:** To ensure that the building does not have an adverse impact on the adjacent listed buildings and the conservation area, in accordance with policies HE3 and HE7 of the Carlisle District Local Plan 2015-2030.
- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) the following forms of development within the provisions of Part 1 to Schedule 2 of the Order shall not be undertaken without the express permission in writing of the council:

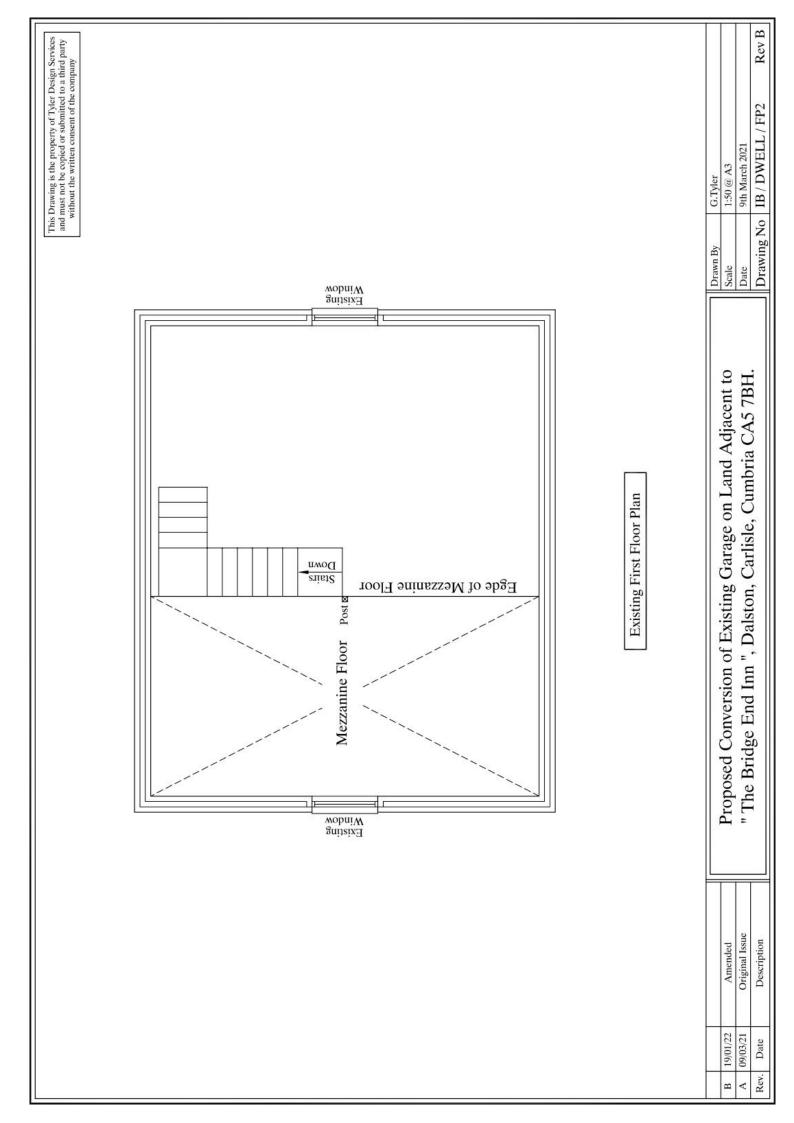
- 1. Extension or enlargement
- 2. Additions or alterations to roofs
- 3. Detached outbuildings
- 4. Porches
- 5. Chimneys and flues
- **Reason:** The further extension or alteration of this building requires detailed consideration to safeguard the amenities of the surrounding area, to accord with Policies SP6, HE3 and HE7 of the Carlisle District Local Plan 2015-2030.
- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any other Order revoking and re-enacting that Order), no walls, fences or other means of enclosure shall be erected within any part of the site without the permission in writing of the local planning authority.
  - **Reason**: To protect the character of the area in accordance with Policies HE3 and HE7 of the Carlisle District Local Plan 2015-2030.
- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) no windows, other than those shown on the approved plans shall at any time be placed in the rear (south west) elevation of the building without the grant of a separate planning permission from the local planning authority.
  - **Reason:** To safeguard the amenities of the adjoining premises from overlooking and loss of privacy, to accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

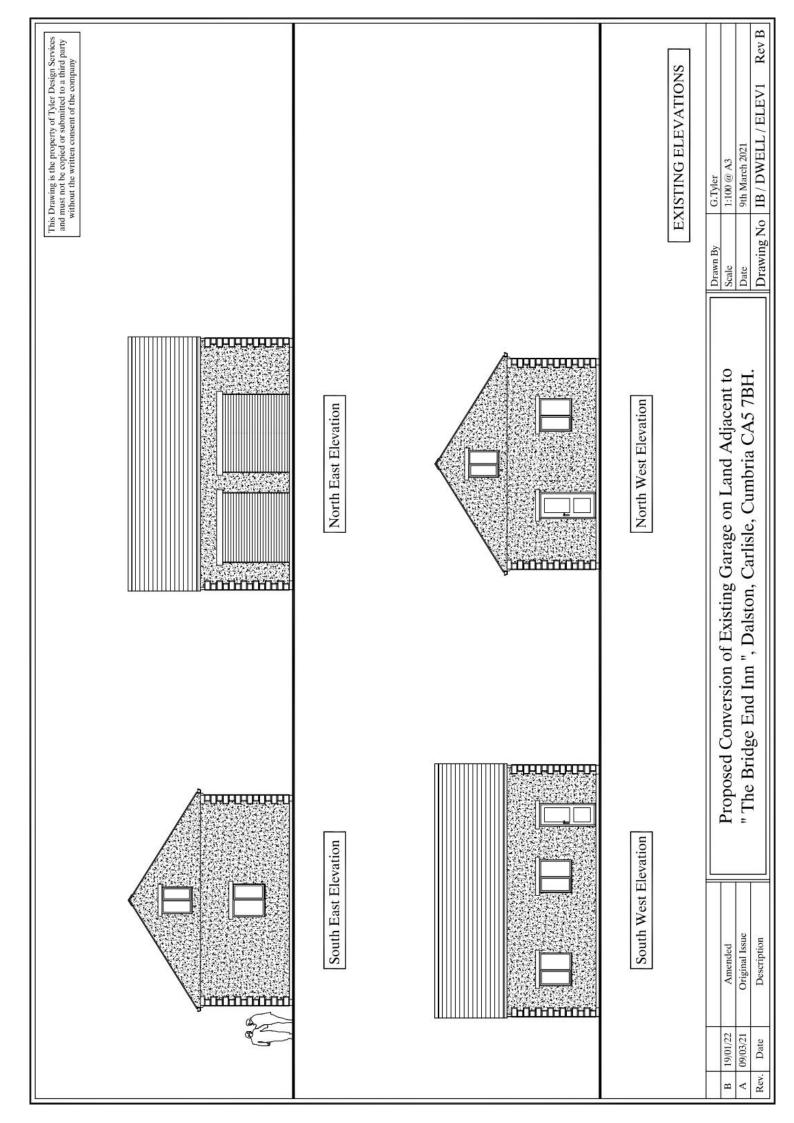




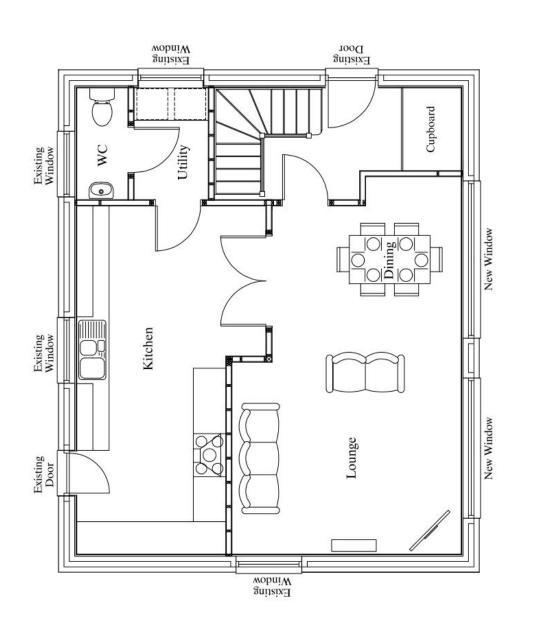








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Amended	Proposed Conversion of Existing Garage on Land Adjacent to	Scale	1:50 @ A3	
Original Issue	"The Bridge End Inn " Daleton Carliele Cumbria CA5 7RH	Date	9th March 2021	
Description	THE BURGE FUR THE , PURCH, CUIDE, CUIDER, CUIDER OF PURCH	Drawing No	Drawing No IB / DWELL / FP3	Rev B
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19/01/22 09/03/21 Date

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Proposed Ground Floor Plan

