

# AGENDA

## Development Control Committee

Friday, 10 September 2021 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 items on the agenda at this stage.

### **PUBLIC AND PRESS**

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

### **MINUTES OF PREVIOUS MEETINGS**

5 - 22

To approve the minutes of the meetings held on 23 July and 8 September 2021 (site visits).

## PART A

To be considered when the Public and Press are present

### A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

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

<u>Explanatory Notes</u>	23 - 28
<u>Item 01 - 20/0797 - Land to the North West of Stainton Gardens, Stainton Road, Etterby, Carlisle</u>	29 - 100
<u>Item 02 - 20/0586 - Land adjacent Richardson House, Gretna Loaning, Mill Hill, Gretna, DG16 5HU</u>	101 - 204
<u>Item 03 - 21/0174 - Land adjacent The Green, Wreay, Carlisle, CA4 0RL</u>	205 - 236
<u>Item 04 - 21/0569 - Land to the rear of 42-50 Durdar Road, Carlisle</u>	237 - 254
<u>Item 05 - 21/0622 - Broadfield, Carleton, Carlisle, CA1 3DZ</u>	255 - 274
<u>Item 06 - 21/0183 - Carlisle Villa Amateur Boxing Club, 71 Currock Road, Carlisle, CA2 4BH</u>	275 - 316
<u>Item 07 - 21/0657 - 11 Newfield Park, Carlisle, CA3 0AH</u>	317 - 326

**PART B**

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

**B.1 PLANNING ENFORCEMENT UPDATE**

- Information relating to any individual;

**Members of the Development Control Committee**

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

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

**Independent** - Tinnion, Paton (sub)

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

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



**DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 23 JULY 2021 AT 10.00 AM**

**PRESENT:** Councillor Morton (Chair), Councillors Brown (as substitute for Councillor Southward), Christian, Finlayson, Glendinning, Meller, Nedved, Shepherd and Tinnion (until 3:50pm).

**ALSO**

**PRESENT:** Councillor Dr Davison (in her capacity as Ward Member) attended in the meeting having registered a Right to Speak in respect of applications  
- 21/0157 - Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road) Carlisle;  
&  
20/0797 – Land to the north west of Stainton Gardens, Stainton Road, Etterby, Carlisle.

Councillor Ellis (in his capacity as Ward Member) attended in the meeting having registered a Right to Speak in respect of application 20/0797 – Land to the north west of Stainton Gardens, Stainton Road, Etterby, Carlisle.

Councillor Tinnion (in his capacity as Ward Member) attended in the meeting having registered a Right to Speak in respect of applications 21/0374 & 21/0375 – Castle Hill, Hayton, Brampton, CA8 9JA.

**OFFICERS:** Corporate Director of Economic Development  
Development Manager  
Legal Services Manager  
Principal Planning Officer  
Planning Officer x 4

**DC.063/21 MINUTE'S SILENCE**

The Committee observed a minute's silence to mark the passing away of Councillor Denholm.

**DC.064/21 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Alcroft, Southward and Whalen.

**DC.065/21 DECLARATIONS OF INTEREST**

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

Councillor Tinnion declared an interest in respect of applications 21/0374 & 21/0375 – Castle Hill, Hayton, Brampton, CA8 9JA. The interest related to objectors being known to him. Councillor Tinnion advised that he would address the Committee as Ward Member.

Councillor Christian declared an interest in respect of applications 21/0392 & 21/0393 – Car Parks at Lanercost Priory and Tearooms, Lanercost, Brampton, CA8 2HQ. The interest related to objectors being known to him.

Councillor Meller stated that he had undertaken a site visit at Garth House, Greenfield Lane, Brampton, CA8 1AY. He advised that he had been shown the windows but had not discussed

the application and made no comments at the time nor had he formed any views as to the merits. Councillor Meller stated he would remain in the meeting and decide on the matter having heard the Committee's consideration of the matter.

#### **DC.066/21 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

#### **DC.067/21 AGENDA**

RESOLVED – 1) That agenda items A1(2) – Application 21/0120 Firbank, Westlinton, Carlisle, CA6 6AQ and A1(3) Application 21/0121 Firbank, Westlinton, Carlisle, CA6 6AQ be considered together.

2) That agenda items A1(7) – Application 21/0374 – Castle Hill, Hayton, Brampton, CA8 9JA and A1(8) – Application 21/0375 – Castle Hill, Hayton, Brampton, CA8 9JA be considered together.

3) That agenda items A1(9) – Application 21/0392 – Car Parks at Lanercost Priory and Tearooms, Lanercost, Brampton, CA8 2HQ and A.1(10) Application 21/0393 – Car Parks at Lanercost Priory and Tearooms, Lanercost, Brampton, CA8 2HQ be considered together.

#### **DC.068/21 MINUTES OF PREVIOUS MEETINGS**

RESOLVED – That the Chair sign the meetings held on 24 March (site visits), 26 March, 28 April (site visits), 30 April, 9 June, 9 June (site visits) and 11 June 2021.

2) That the minutes of the meeting held on 21 July 2021 (site visits) be approved.

#### **DC.069/21 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Legal Services Manager set out the process for those Members of the public who had registered a Right to Speak at the Committee.

#### **DC.070/21 CONTROL OF DEVELOPMENT AND ADVERTISING**

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

##### **1. Erection of 79no. Dwellings (Revised Application), Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road, Carlisle (Application 21/0157)).**

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

The Principal Planning Officer recommended that the application be approved with conditions, subject to the completion of a Section 106 Agreement to secure:

- a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
- b) an off-site open space contribution of £22,364 for the upgrading and maintenance of open space;

- c) a financial contribution of £27,409 to support the off-site maintenance and improvement of existing play area provision;
- d) a financial contribution of £15,561 to support the off-site improvement of existing sports pitches;
- e) a financial contribution of £3,500 to upgrade the footpath to the north of the site (which is to become a PROW);
- f) the maintenance of the informal open space within the site by the developer;
- g) a financial contribution of £508,596 to Cumbria County Council towards education provision (£213,948 for infant and junior places and £294,648 for secondary school places).

Ms Bates (Objector on behalf of Ms Gadsden) spoke against the application in the following terms: the site supported a broad range of wildlife including rare species; the site was widely used by local residents to increase their health and wellbeing; the proposal did not have public support and a petition against the development had generated 1,000 signatures; footpath issues had not been considered; education provision was still not sufficient to cover existing need.

Councillor Dr Davison (Ward Member) addressed the Committee in the following terms: the site had been a public amenity for many years and acted as a buffer to the nearby Nature Reserve; the land between the application site and the Reserve was also allocated for housing, which would have a negative cumulative impact on the Reserve; residents were deeply concerned about road safety issues and felt that 2 pedestrian crossings were needed as part of the development; the reduction of 1 house in the current application would not reduce the impact of the additional vehicular movements the development would generate; residents were concerned about the loss of biodiversity at the site; Cumbria Wildlife Trust had stated that the transposition of nationally rare orchids at the site was not feasible; Natural England had provided a detailed response to the application recommending that the landscaping scheme be assessed to identify whether the proposals would create a net gain in biodiversity, was that able to be incorporated into condition 10; the scheme would be detrimental to existing residents through loss of a social and green space amenity; the public had enjoyed access to the site for more than 20 years; it was regrettable that the Planning Inspectorate had not explored the issue of education provision more deeply when it determined the appeal on the earlier application (19/0905); the Local Plan required the retention of the existing footpath within the site; it was hoped that the proposed SUDS ponds would not cause damage to the roots of existing trees at the site.

Mr Wright (Applicant) responded on in the following terms: the site had been allocated for housing development in 2008 with an expected yield of 100 dwellings; the appeal against the Committee's refusal of the earlier application (19/0905) had been upheld, therefore the implementation of that scheme was permissible; the current application had been developed in response to points raised by objectors and issues raised by the Committee during its consideration of the earlier application; the current scheme would provide biodiversity net gains, economic benefits, and sustainable homes on a site twenty minutes walk from the city centre; if approved, the development, along with another in the district meant that Gleeson's would make a contribution of £1.4M towards local education provision.

A Member moved the Officer's recommendation which was seconded.

With reference to the successful appeal against the refusal of application 19/0905, a Member asked what action the Committee make take to ensure, the current scheme for 79 dwellings be implemented.

The Development Manager responded that, in the event of the current application being approved the applicant was able to choose which scheme it implemented. The developer had

indicated it considered the currently proposed scheme to be an improvement on the earlier application, as such it was likely that it would select this scheme; Members were able to impose a condition on the consent that the earlier scheme not be implemented, however, the developer had a right of appeal in relation to individual conditions.

The Member indicated that she wished the condition to be imposed.

The Legal Services Manager asked the mover of the Motion whether he would accept the imposition of the condition as part of his proposal. The Member confirmed he would.

The matter was put to the vote and it was:

RESOLVED: That the application be approved with conditions, along with an additional condition preventing the implementation of the development proposed in application 190/0905; and, subject to the completion of a Section 106 Agreement to secure:

- i) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
- ii) an off-site open space contribution of £22,364 for the upgrading and maintenance of open space;
- iii) a financial contribution of £27,409 to support the off-site maintenance and improvement of existing play area provision;
- iv) a financial contribution of £15,561 to support the off-site improvement of existing sports pitches;
- v) a financial contribution of £3,500 to upgrade the footpath to the north of the site (which is to become a PROW);
- vi) the maintenance of the informal open space within the site by the developer;
- vii) a financial contribution of £508,596 to Cumbria County Council towards education provision (£213,948 for infant and junior places and £294,648 for secondary school places).

2. **Erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use; alterations to outbuilding 1 to create utility, boot room & storage room; alterations to outbuilding 2 to create kitchen, W.C., lounge/dining room and gym on ground floor with function room, office and shower/W.C. above; alterations to outbuilding 3 to create 2no. ensuite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatments; creation of new access, Firbank, Westlinton, Carlisle, CA6 6AQ (Application 21/0120);**  
**&**
3. **Erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use; alterations to outbuilding 1 to create utility, boot room & storage room; alterations to outbuilding 2 to create kitchen, W.C., lounge/dining room and gym on ground floor with function room, office and shower/W.C. above; alterations to outbuilding 3 to create 2no. ensuite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatments; creation of new access (LBC), Firbank, Westlinton, Carlisle, CA6 6AQ (Application 21/0121).**

The Planning Officer submitted the report on the applications and highlighted that one of the applicants worked for the City Council on a contractual basis; however, they had not been involved in the assessment of the application other than as the applicant. Slides were displayed

on screen showing: location plan; block plan and photographs of the site, an explanation of which was provided for the benefit of Members.

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

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

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

*The Committee adjourned at 9:48am and reconvened at 9:55am*

#### **4. Erection of 33no. Dwellings, Land to the north west of Stainton Gardens, Stainton Road, Etterby, Carlisle (Application 20/0797).**

The Planning Officer submitted the report on the application which had been subject of a virtual site visit by the Committee on 21 July 2021. Slides were displayed on screen showing: location plan; boundary plan; proposed boundary treatment and hard landscaping plan; landscaping plan; front, sides and rear elevations; proposed street scenes; passing places locations; proposed site layout and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that:

- 1) Authority to Issue approval be granted to the Corporate Director of Economic Development, subject to the completion of a satisfactory Section 106 agreement to secure:
  - a) the provision of the proposed level of affordable units (nine units at plots 19-21, 23-25 and 27-29 that would be made available at discounted sale, with the level of discount set at 30% below open market value);
  - b) a financial contribution of £5,500 towards speed limit changes and traffic calming measures;
  - c) a financial contribution of £122,770 to Cumbria County Council towards education provision;
  - d) the maintenance of the informal open space, play provision and SUDs within the site by the developer;
  - e) financial contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading and maintenance of off-site open space.
- 2) That should the legal agreement not be completed within a reasonable time, authority be given to the Corporate Director of Economic Development to refuse the application.

Mr Brazendale (Objector for himself and on behalf of Ms Emmerson, Mr Dickinson and Ms Cox) spoke against the proposal in the following terms: the existing drainage system was already at capacity serving the existing dwellings in the vicinity of the application site; regular flushing of the drains were undertaken by United Utilities which caused foul water ingress into Ms Emmerson's property – video footage was shown on screen which illustrated the issue; increasing the number of properties using the drainage system would exacerbate the existing problems; the creation of the two accesses to the development was likely to cause lengthy road closures; there was a significant subsidence issue on Etterby Road that had yet to be resolved and doing so would necessitate a lengthy road closure; the increase traffic levels generated by the development would have a negative impact on road safety and would add to the degeneration of the existing highway infrastructure; the Etterby Road / Stainton Road junction was a 90° bend; the proposed access route contained several 90° bends and visibility was limited by existing hedgerows, in the event of remedial works being undertaken to Etterby Road, use of the proposed access road would increase; the provision of passing places was limited; there was no pedestrian access between the development and Stainton Road; the existing commercial operations in the vicinity of

the site meant that the imposition of a 20mph speed limit was essential; local services such as healthcare and education were already oversubscribed; the scheme would have a negative impact on local wildlife and there was the potential for the DRS site to cause pollution; the lack of paths and cycling provision would inhibit the Sustrans and Reivers Cycle networks; the cumulative impact of permitted development in the area in the preceding decade had seen the village of Stainton triple in size and had effectively transformed it from a semi-rural location to urban sprawl.

Councillor Dr Davison (Ward Member) addressed the Committee in the following terms: concerns expressed by residents in relation to the Stainton Gardens development had not been listened to, so there was a lack of confidence in the planning system; the impact of the cumulative development on services such as highways, drainage and education provision had been detrimental; the Highway Authority's response to the consultation had not responded to all the issues raised by objectors; Etterby Road had been made single carriageway as a result of the subsidence issue, addressing the matter would require a lengthy closure of the road; residents were concerned that the conditions requested by the Highway Authority were not sufficient; the Council's Green Spaces team had requested a play area be provided at the site due to a lack of footpath connections – how would children safely walk to school without adequate footpath provision; it was disappointing that Sustrans and Cycle England had not been consulted on the application; there was not sufficient pavement provision; the extension of the 30mph zone and traffic calming measures were not sufficient; the existing drainage system was at capacity and a resident was experiencing foul water ingress at their property; an assessment of the drainage system should be undertaken prior to the approval of the application; a solution for the issues at Etterby Road should be found prior to the application being approved; the site was not allocated for housing in the Local Plan; the site was part of a larger field and approving the application would provide a principle of development making further development on the field difficult to stop.

Councillor Ellis (Ward Member on behalf of himself and Kingmoor Parish Council) addressed the Committee in the following terms: the purpose of Local Plan policy HO 2 – Windfall Housing Development was to allow for smaller residential development on the outskirts of the city as such sites were unlikely to receive an allocation; the 33 dwellings proposed by the scheme made it a large development; it was clear that the proposal could be a pre-cursor to wider development at the field where the site was situated; Kingmoor Parish Council welcomed the extension of the 30mph zone, but felt that further consideration of the bend on the highway adjacent to Etterby House was needed; the proposed passing places should be marked with appropriate signage; a surface water drainage issue had caused the highway to flood on 21 May 2021; broadband connectivity in Stainton was unreliable and no fibre based services were provided; consultation was required regarding the unfenced Common Land owned by the Parish Council in relation to the provision of passing places on the highway.

Mr Greig (Agent) responded in the following terms: the issues raised by objectors related to the principle of development at the site's location rather than the physical development itself; when submitting an application for planning permission an applicant was required to use the skills of professionals in certain areas e.g. highways, the judgements of those professional were then independently assessed by experts from various government bodies; all the Statutory Consultee responses received either deemed that the impacts of the development were acceptable or were able to be made so via the imposition of appropriate conditions; the Committee's role was to determine applications in accordance with national and local planning policies and the submitted expert advice, any deviation from that advice must be based on evidence; the site not being allocated did not preclude development thereon; there were no allocated sites with a yield of 50 dwellings or less in the district; until such time as the St Cuthbert's Garden Village proposals were progressed the Council would be reliant on windfall sites to deliver its housing targets; the

submitted Planning Statement explained how the proposed scheme met each of the criteria in policy HO 2, the Planning Officer was also of that view;

*Highways Issues:* - the development would increase traffic, however, an assessment by the applicant's transport consultant of the increase in vehicular movements taken at the busiest period (7:00 – 8:00am) concluded an uplift in movements equating to one trip per two minutes. The assessment had been accepted by the Highway Authority, such an increase was not considered significant and to be well with the existing network's capacity.

In terms of the concerns for cyclists, there were streets, including those on designated cycle routes, where the vehicle movements are far higher. Underlying those objections was a supposition that motorists would drive in a way that endangers the cyclists, that was not a matter within the applicant's control.

There were no footpaths on a limited part of Etterby Road; that scenario existed in various locations where developments were permitted, particularly in the outlying villages. The absence of a continuous pavement had not been considered a fatal issue when Stainton Gardens was approved, nor had it proved to be dangerous for those residents since. It may equally be considered the presence of a pedestrian walking along the road caused drivers to be more cautious.

In light of Councillor Dr Davison's written objection, the applicant was agreeable to the imposition of a 20mph limit through Etterby. Given the Highway Authority's supportive stance the matter ought not to be a precursor to development.

The proposed scheme would provide a number of highway improvements: the creation of a gateway feature when entering Etterby from the by-pass, including extending the 30mph zone; the provision of passing places along the road that leads to the by-pass itself; and the provision of an improved pedestrian link via Stainton Gardens that would be beneficial for the residents of the estate, and for others who already walked in the area.

*Drainage:* - United Utilities had advised that there was not an issue with the foul drainage system and that it contained adequate capacity. The applicant and the Council could only work on the basis of the advice received from United Utilities. It appeared that the household experiencing foul drainage issues was an isolated case.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Policy HO 2 did not specify a maximum number of dwellings permitted at a development; schemes of 100 dwellings had been permitted under the policy previously, the adjacent Stainton Gardens development had been permitted under that policy; in assessing compliance with the policy the principle concern was that any proposed development would not impact the delivery of the Spatial Strategy; due to the existing residential development in the area and the landscape buffer at the site, the application was considered to accord with the policy;
- United Utilities response to the application was set out on page 132 of the Main Schedule, it confirmed there was no capacity issue with the drainage system. In relation to the individual household experiencing foul water ingress, the Planning Officer set out her understanding of the associated infrastructure noting that a Section 104 agreement may be required and that in such circumstances any maintenance costs would be borne by United Utilities.

The Committee outlined the following concerns regarding the application; the proposed footpath should be constructed to an all weather standard suitable for pedestrians and cyclists, and

include appropriate signage; the need for regular maintenance of the drainage system by United Utilities; no Road Safety Audit had been carried out; existing road safety issues on Etterby Road, particularly in relation to cyclists and vehicles; no Noise Impact Assessment had been carried out in relation to the DRS operation and the application site; lack of school place provision; insufficient street lighting provision.

A Member commented that he had personally visited the site prior to the meeting, he was of the view that the virtual site visit had not given Members sufficient understanding of the site in context. He proposed that determination of the application be deferred in order for a site visit to be undertaken and for the Council to undertake investigations with regard to issues raised during their discussion and in particular highway safety. The proposal was seconded and following voting it was:

RESOLVED: That consideration of the application be deferred in order to undertake a site visit; for the Council to undertake further investigations with regard to issues raised during their discussion and in particular highway safety; and, to await a further report on the application at a future meeting of the Committee.

**5. Erection of 7no. dwelling in site of former builders yard and paddock, Builders Yard, Brookside House, Thurstonfield, Carlisle, CA5 6HQ (Application 21/0115).**

The Planning Officer submitted the report on the application which had been subject of a virtual site visit by the Committee on 21 July 2021. Slides were displayed on screen showing: location and block plans as proposed; proposed layout; previously approved planning application plan 15/0001; layout for previously approved application 15/0001; plans for Type A, Type B, Type C and Type D houses and garages; street scenes looking North, South and West; location and block plan as proposed and photographs of the site, an explanation of which was provided for the benefit of Members.

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

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

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

**6. Change of use from dwelling (Use Class C3) to 1no. Holiday Let (Sui Generis) (Retrospective), The Paddock, Paving Brow, Brampton, CA8 1QU (Application 21/0267).**

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

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

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The applicant had initially requested temporary permission for the proposal as they wished to honour bookings which been cancelled as a result of the Covid 19 pandemic restrictions. It was

now understood that the applicant intended to continue with the proposed operation on a longer term basis. The applicant was aware that, should they in future wish to return property to domestic dwelling usage, further planning permission would be required.

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

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

- 7. Change of Use of redundant agricultural barn to provide 1no. new dwelling & extension to accommodation adjoining Gin Case; construction of new entrance and 2no. car parking spaces to rear within existing garden area to serve new dwelling and Gin Case, Castle Hill Brampton, CA8 9JA (Application 21/0374).**
- &**
- 8. Change of Use of redundant agricultural barn to provide 1no. new dwelling & extension to accommodation adjoining Gin Case; construction of new entrance and 2no. car parking spaces to rear within existing garden area to serve new dwelling and Gin Case, (LBC) Castle Hill Brampton, CA8 9JA (Application 21/0375).**

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

The Principal Planning Officer submitted the report on the applications. Slides were displayed on screen showing: existing and proposed block plan and aerial view; elevations as existing; elevations as proposed; site plan as proposed; new access drainage details and photographs of the site, an explanation of which was provided for the benefit of Members.

The proposed new access and parking area was a contentious issue raised by objectors. The Parish Council had applied to have land near to the proposed access registered as Common Land; were that registration to be approved the applicant would have to drive over that land in order to access the new driveway. The Principal Planning Officer advised the Committee that the issue was not a planning matter.

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

Councillor Tinnion (Ward Member) addressed the Committee in the following terms: the residents and Parish Council, whom he spoke on behalf of, did not object to the proposed development. However, they had significant concerns in relation to the proposed surface water drainage arrangements as the application indicated that the surface water would be channelled down a hill with a 1 in 4 gradient, discharging on to Beck Lane, which did not have gullies. From there the surface water would discharge at speed onto the highway at Briar Lonning, potentially creating a significant impact.

Councillor Tinnion outlined the flood history of the area, he noted that the Lead Local Flood Authority had not objected to the proposal which he attributed to the discharge being directed to a dead-end lane.

Mr Hutchinson (Agent) responded in the following terms: providing an overview of the national drainage hierarchy, wherein infiltration was the preferred method of managing surface water drainage; the application provided infiltration options such as the use of permeable gravel in the proposed parking area, the discharge from which would be directed to a deep gravel trench at the southern boundary of the site; the design of the surface water drainage system provided

sufficient capacity to adequately address a storm event; the applicant further proposed the opening of an existing culvert within their land, thereby increasing the volume of storage available and reducing the risk of surface water flooding; the Lead Local Flood Authority was satisfied with the proposed arrangements.

The Principal Planning Officer added that the driveway area was not likely to generate a significant volume of discharge and that it would be captured by the proposed access channel drains; as such the proposal was expected to provide an improvement to the current situation.

The Committee then gave consideration to the application.

The Principal Planning Officer confirmed that the site had an existing access to the main property.

A number of Members expressed strong concerns regarding the proposed new access to the site given that it would require vehicles to travel over a hill with a 1 in 4 gradient and indicated a preference that the existing access be used for the scheme.

A Member considered that the steepness of the access meant that many drivers would not be comfortable navigating such an access, particularly in inclement weather conditions. In such circumstance it was likely that they would park their vehicle(s) at the road end at the bottom of the access; that area was already used by residents as a turning circle. Resultantly, the Member was of the view that the proposed scheme was not compliant with Local Plan policies EC 11 – Rural Diversification and SP 6 – Good Design.

In response to the concerns expressed, the Chair sought clarification as to whether it was feasible for Officers to relay the issue to the applicant.

The Development Manager advised that the proposed consent was based on the application as submitted, altering the proposal would require amendments to the conditions contained therein and the approved drawings. He suggested that Officers raise the matter of using the existing access with the applicant, in the event that the proposal was agreeable, delegated authority be given to the Corporate Director of Economic Development to approve the application. Should the proposal not be accepted, a further report on the application be submitted to a future meeting of the Committee for Members consideration.

A Member proposed that the application be deferred in order to: a) give further consideration to the proposed parking. If the parking can be achieved utilising the existing access to the site combined with courtyard parking the application be delegated to the Corporate Director of Economic Development to approve;

b) That should the parking proposals not be altered then the committee await a further report on the application at a future meeting.

The proposal was seconded and following voting it was:

RESOLVED: 1) That determination of the application be deferred in order to give further consideration to the proposed parking. If the parking can be achieved utilising the existing access to the site combined with courtyard parking the application be delegated to the Corporate Director of Economic Development to approve.

2) That should the parking proposals not be altered then the committee await a further report on the application at a future meeting.

- 9. Installation of payment machines, ANPR cameras and associated structures (timber poles) for signage, Car parks at Lanercost Priory and Tearooms, Lanercost, Brampton, CA8 2HQ (Application 21/0392)**
- &**
- 10. Display of non-illuminated signage associated with payment machines and ANPR cameras, Car parks at Lanercost Priory and Tearooms, Lanercost, Brampton, CA8 2HQ (Application 21/0393)**

The Planning Officer submitted the report on the application. It was noted that page 286 of the Main Schedule contained a typographical error and that the reference to 'CCTV' ought to read ANPR cameras. Slides were displayed on screen showing: location plan; proposed site plan; sign elevations; examples of signage; payment machine elevations; camera pole elevations; location plan; proposed site plan; camera elevations and photographs of the site, an explanation of which was provided for the benefit of Members.

As set out in the report all of the proposed development relating to the tea rooms was deemed acceptable by Historic England and the Council's Heritage Officer as they considered that the siting would not have an adverse impact upon the setting of the Listed Buildings, nor would the proposal have an adverse impact upon the amenity of the area. As such those elements of the proposal were recommended for approval.

The pole signs and payment machines serving the Priory were not acceptable to Historic England or the Council's Heritage Officer as they considered that the siting of signage and payment machines in the proposed location would cause a high degree of harm to the setting of the Listed Buildings and the general amenity of the area. In such circumstances those elements of the proposals were recommended for refusal for the reasons outlined on pages 287 and 318 of the Main Schedule.

Accordingly, the Planning Officer recommended that a split decision be issued:

- a) approving the installation of signs, payment machines, ANPR cameras and associated structures (timber poles) subject to conditions for Naworth Tea Rooms as well as the ANPR camera and associated pole serving the Priory Car Park;
- b) the refusal of the signs, payment machines, and associated structures (timber poles for the signage) for the Priory car park.

Mr Angus (Objector) spoke against the application in the following terms: the Priory and Dacre Hall perform important roles for the local community and as a venue for cultural events; each year ten to twenty thousand people attended events at the site, in some instances the number of attendees for an individual event may be 300 – 400 people; The Priory was the local Parish Church; visitors were impressed by the intact nature of The Priory; The Priory was an integral aspect of the area's tourist offer and cultural identity; the view of The Priory from the archway was an iconic image with no intruding twenty-first century artefacts; the proposed machines and signage would undoubtedly affect the view and setting of several Listed Buildings and a Scheduled Monument in an unacceptable manner; no discernible public benefit mitigated the impact of the proposal; the introduction of charging would negatively impact local tourism the economics of the Church and Dacre Hall, the shared local heritage and community life; the introduction of charges was likely to displace vehicles and increase roadside parking.

Mr Cathers (Objector) spoke against the application in the following terms: the village hall and community centre dated back to 1169 and had offered events for the benefit of the community since that time; Dacre Hall and the Church received thousands of visitors per year who currently enjoyed the site freely and without hindrance; both applications were unacceptable; the whole site was of national historic importance; the view of the gateway had been as is for the preceding 500 years, the proposed scheme would destroy the beauty of the setting; there was a right of free

access for all users of the site; the impact of the proposed parking charges may make Dacre Hall untenable which would have a negative impact on the community groups it supported; Dacre Hall was part of the Scheduled Monument thus maintenance costs were high and not covered by the income from events, the Hall intended to pay for the upgrading of drainage infrastructure at the site, which was a significant cost it would take on.

Mr Gardner (Burtholme Parish Council) spoke against the application in the following terms: Burtholme was a very small parish area, yet 100 comments had been submitted on the application, an unprecedented number for a planning application in the area; the Parish Council did not object to the applications relating to the Tearooms; the view of The Priory through the gateway was iconic and had values in terms of health and wellbeing to economic input, altering the view would devalue it; the potential for the proposed scheme to impact on the amenity of residents was high given the potential for it to displace parking on to the roadside; it was not reasonable to expect local residents to pay to enter the site; the current costs of maintaining the car parks was acknowledged; it may be that other more compact solutions could be found to improve the proposal, but it did not appear that any such had been investigated; the Parish Council was prepared to participate in / lead any such exploration, therefore the application as submitted was premature.

Ms Borseley (Agent) responded in the following terms: the representation related only to the recommendation for refusal in respect of the Lanercost Priory Car Parking site; issues relating to potential car park charges and payments, displacement of parking to the roadside and right of access to the Parish Church and Dacre Hall were not planning matters; it was not uncommon for operational car parks to be sited within designated heritage assets; the proposed scheme would, through financial contribution to maintenance of the facility and the wider estate, ensure the longevity of the heritage assets; the operator worked with other traditional estates and understood the need to protect them; the design of signage would be in keeping with the wider estate colours, logos, etc; following submission of the application the location of the of the signage had been changed to make it easier for users to understand which car park they related to; Historic England had objected to the amended location on the basis that the new location was “... a much less sensitive site for the modern infrastructure...” – the applicant was of the view that there was a more suitable location in the Priory Car Park; the location of the machines and signage had been selected to reduce the visual impact on the Grade I Listed asset from the private driveway approach; the proposed machine and signage were to be positioned at the furthest point in the car park away from the heritage asset; it was necessary to position the infrastructure within the car park so that users were clear what they referred to and to comply with the British Parking Association; the signage at the gateway was to inform visitors that an ANPR camera was in operation – English Heritage had not objected to this; the signage was necessary for users to locate the machines; views from other Listed Buildings (the Gateway) were not necessarily protected, the protection related to the Listed Building (the Priory) and its setting; it was not clear how the Officer had assessed the signage and machinery proposed for the Priory as “visual clutter” when they were deemed acceptable in relation to the Tearooms; the level of infrastructure had been reduced to a minimum; the current use of the car parks arguably had a visual impact on the heritage assets and their settings; Paragraph 201 of the National Planning Policy Framework allowed for development in the vicinity of a heritage asset if it were demonstrated that the public benefits of a scheme outweighed the harm; the additional revenue generated by the proposed scheme would support maintenance of the car parking facilities and the wider estate, not implementing it may lead to a degradation of the facilities with potential negative impacts on the heritage assets; the applicant was happy to accept conditions similar to those outlined in the permission for the tearoom in respect of the signage for the Priory car park.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- There was not a justifiable planning reason(s) to refuse the applications relating to the Tearooms;
- The ownership of the whole site was not known, the application site as indicated by the red line boundary was entirely owned by Naworth Estates;
- There were a number of civil issues related to the application;
- The Highway Authority had not objected to the proposal, were parking to be displaced, and an obstruction to be caused, that was a matter for either the Highway Authority or Cumbria Constabulary;
- In forming the report recommendation an assessment of the degree of harm to the heritage assets had been carried out. In terms of the payment machines related to the proposed scheme for the Tearooms, they would be screened by existing hedging and would not be visible from the road. In order to refuse an application, Members needed to be confident that significant harm would be caused to a Listed Building by a development, the Planning Officer was of the view that was not the case in relation to the Tearooms proposal.

A Member moved the Officer's recommendation.

Another Member considered that Lanercost Priory was nationally significant and that the proposed scheme would cause more harm than benefit to the heritage assets. Therefore, she moved that the applications be refused on the grounds that they were not compliant with Local Plan policy HE 6 – Locally Important Heritage Assets.

The Development Manager advised that the Priory was not listed as a local heritage asset, therefore a more appropriate policy basis was HE 3 – Listed Buildings.

The Member moved that the applications be refused on the grounds that they were not compliant with Local Plan policy HE 3. The proposal was seconded.

A Member appreciated the rationale for the proposal to refuse both applications. He was concerned that in refusing both applications, that they may potentially both be permitted via an appeal to the Planning Inspectorate. On that basis, he seconded the proposal to support the Officer's recommendation.

The Chair noted that two proposals had been formally moved and seconded, he put the matter to the vote and, it was:

**RESOLVED:** 1) That the installation of signs, payment machines, ANPR cameras and associated structures (timber poles) for Naworth Tea Rooms be approved subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

2) That the installation of signs, payment machines, ANPR cameras and associated structures (timber poles) for Priory car park be refused for the reasons set out in the reports and as indicated on the Schedule of Decision attached to these minutes.

## **DC.071/21 STANDING ORDERS**

During consideration of the above item, it was moved, seconded and **RESOLVED** that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limit of 3 hours.

**11. Replacement of existing windows (LBC), Garth House, Greenfield Lane, Brampton, CA8 1AY (Application 21/0446)**

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

An objection to the proposal had been received on 21 July 2021 from The Georgian Group, which the Principal Planning Officer read out for the benefit of Members. The Council's Heritage Officer shared those views and was very concerned about the loss of the original windows.

The Principal Planning Officer considered that the proposed double glazing would result in a different appearance to the building, with crudely detailed and broader glazing bars and a loss of the variation and visual interest which individual handmade panes achieve; therefore, the proposal was contrary to national and local planning policies. Accordingly, the Principal Planning Officer recommended that the application be refused for the reasons detailed in the report.

Mr McGregor (Applicant) spoke against the recommendation in the following terms: the application had been submitted as part of ongoing works to the property which had been in a significant state of disrepair at the time of purchase; the suggestions made by the Council's Heritage Officer such as the use of thermal curtains were impractical and would not address the issue of heat loss from the property; double glazing would provide a higher degree of insulation, thereby reducing the property's carbon emissions; concerns regarding climate change ought to outweigh those of perceived harm to the building.

The Committee then gave consideration to the application.

A Member supported the Applicant's view and suggested that photographs of the existing windows may be taken as a record. He recommended that the application be approved along with conditions, including a photographic record of the existing windows.

With reference to Paragraph 128 of the National Planning Policy Framework, a Member noted that "... *planning should support the transition to a low carbon future*". Were Listed Buildings in general not permitted to embrace technologies that increased their thermal efficiency in the future, it was likely that habitation of them would decrease and instance of disrepair would increase. As such the benefits of approving the application extended beyond the individual proposal before the Committee.

Whilst recognising the Heritage Officer's concerns, the Member stated that the building was some way from being in the public eye. Moreover, it was unlikely that viewing the proposed windows from a distance, a lay person would identify them as not in-keeping with the rest of the building. Accordingly, he seconded the proposal to approve the application.

A Member recommended that the application be approved which was seconded and following voting it was:

The Chair noted that two proposals had been formally moved and seconded, he put the matter to the vote and, it was:

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

*The Committee adjourned at 3:00pm and reconvened at 3:10pm.*

**12. Formation of MUGA (Multi Use Games Area) within sports field, Wetheral Playing Field, Wetheral, Carlisle, CA4 6HE (Application 21/0468)**

The Development Manager presented the report on the application. Slides were displayed on screen showing: site location; block plan, proposed site, ground level; and photographs of the site, an explanation of which was provided for the benefit of Members.

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

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The applicant had chosen to position the facility on the area of the site as there was an existing adjacent area of hardcore, and to allow for surveillance of the facility.

A number of Members suggested that users of the facility be permitted to park their vehicles in the nearby Parish Council car park.

The Development Manager undertook to raise the issue with the Parish Council as it was the applicant for the proposed scheme.

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

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

**13. Change of Use from industrial unit to day care centre for dogs, Unit 11, Willowholme Industrial Estate, Millrace Road, Willowholme, CA2 5RS (Application 21/0496)**

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

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

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Condition 3 of the proposed Consent limited use of the facility to daytime (Monday to Saturday) and use outside that time was not permitted.

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

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

**14. Erection of 1no. dwelling with detached garage; access improvements at junction A689; upgrading of drainage arrangements (Revised application), Land adjacent to Oakfield, Milton, Brampton, CA8 1HX (Application 21/0328).**

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

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

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Notifications and site notices for the application had been published and four objections had been received;
- The future maintenance of the foul drainage system would require approval under Building Control regulations.

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

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

**15. Erection of 50no. dwellings (including 20% Affordable) with associated infrastructure and open space, land adjacent to Carleton Farm, London Road, Carlisle, CA1 3TY (Application 20/0500).**

The Development Manager submitted the report on the application which had been the subject of a virtual site visit by the Committee on 21 July 2021. Slides were displayed on screen showing: location plan; planning layout; landscape proposals; highways and drainage layout and photographs of the site, an explanation of which was provided for the benefit of Members.

The Development Manager recommended that:

- 1) Authority to Issue be given to the Corporate Director of Economic Development subject to the completion of a Section 106 legal agreement to secure:
  - a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
  - b) a financial contribution of £171,878 to Cumbria County Council towards education provision (Subject to viability);
  - c) a financial contribution of £8,267.25 towards toddler/infant provision and £14,643.89 towards off-site sports provision; and,
  - d) the maintenance of the informal open space within the site by the developer.
- 2) If the legal agreement not be completed, Delegated Authority be given to the Corporate Director of Economic Development to refuse the application.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Education provision was the only area Cumbria County Council had indicated as being potentially affected by viability. However, a formal response was yet to be received which may identify the need to amend contributions in other areas;
- In relation to surface water drainage, Cumbria County Council as Lead Local Flood Authority (LLFA) had not been satisfied with the original proposals. Subsequently a new proposal comprising 3 control mechanisms had been proposed which they had agreed. As a result of the system it was not anticipated that the development would affect Sewell Lane.

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

RESOLVED: - 1) That Authority to Issue be given to the Corporate Director of Economic Development subject to the completion of a Section 106 legal agreement to secure:  
a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);  
b) a financial contribution of £171,878 to Cumbria County Council towards education provision (Subject to viability);  
c) a financial contribution of £8,267.25 towards toddler/infant provision and £14,643.89 towards off-site sports provision; and,  
d) the maintenance of the informal open space within the site by the developer.

2) If the legal agreement not be completed, Delegated Authority be given to the Corporate Director of Economic Development to refuse the application.

*Councillor Tinnion left the meeting at 3:50pm.*

#### **DC.072/21 SCHEDULE B**

The Development Manager submitted the report which detailed other planning decisions taken within the district.

RESOLVED – That the report be noted.

[The meeting closed at 3:57pm]



# **Development Control Committee Main Schedule**

## Schedule of Applications for Planning Permission

10<sup>th</sup> September 2021

## The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 26/08/2021 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 10/08/2021.

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./ Schedule	Application Number	Location	Case Officer
1.	20/0797 A	Land to the North West of Stainton Gardens, Stainton Road, Etterby, Carlisle	SO
2.	20/0586 A	Land adjacent Richardson House, Gretna Loaning, Mill Hill, Gretna, DG16 5HU	JHH
3.	21/0174 A	Land adjacent The Green, Wreay, Carlisle, CA4 0RL	RJM
4.	21/0569 A	Land to the rear of 42-50 Durdar Road, Carlisle	BP
5.	21/0622 A	Broadfield, Carleton, Carlisle, CA1 3DZ	SD
6.	21/0183 A	Carlisle Villa Amateur Boxing Club, 71 Currock Road, Carlisle, CA2 4BH	RJM
7.	21/0657 A	11 Newfield Park, Carlisle, CA3 0AH	BP
8.	21/0681 A	Fell Hall, Townhead, Hayton, Brampton, CA8 9JH	SD

# SCHEDULE A

**Applications to be  
determined by the  
City Council.**

# SCHEDULE A

## SCHEDULE A: Applications with Recommendation

20/0797

Item No: 01

Date of Committee: 10/09/2021

**Appn Ref No:**  
20/0797

**Applicant:**  
Genesis Homes (North)  
Ltd

**Parish:**

**Agent:**  
Sam Greig Planning

**Ward:**  
Belah & Kingmoor

**Location:** Land to the North West of Stainton Gardens, Stainton Road, Etterby, Carlisle

**Proposal:** Erection Of 33no. Dwellings

**Date of Receipt:**  
23/12/2020

**Statutory Expiry Date**  
27/03/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Suzanne Osborne

Members resolved to defer consideration of the proposal at the Development Control Committee meeting on the 23rd July 2021 in order to under take a site visit; for the Council to undertake further investigations with regard to issues raised during their discussion in particular highway safety; and, to await a further report on the application at a future meeting of the Committee.

A further site visit is due to take place on the 8th September 2021.

In response to the highways issues raised during the last committee meeting Cumbria County Council as the relevant Highway Authority has confirmed that a footway cannot be provided along Etterby Road towards Balmoral Court due to the carriageway not being wide enough to accommodate a 2m footway and maintain the carriageway width of 5m. With regards to utilising a white line to delineate a footway, it is the view of the Highway's Authority that a white line feature will give pedestrians a false sense of security, leading to possibly more conflicts between pedestrians and vehicles and would be an ongoing maintenance issue. Therefore as stated previously the Highways Authority consider that the current arrangement is satisfactory for highway purposes and no improvement is necessary.

During third party rights to speak at the Development Control Committee meeting on the 23rd July 2021 suggestions were made for Etterby Road to become a 20mph Zone. The Highway Authority has since confirmed that they have no objections in principle with regard to Etterby Road becoming a 20mph zone; however it should be noted that the developer is to cover the costs associated with Traffic Regulation

Order (TRO) amendments and traffic calming required. The TRO amendments and traffic calming features can be secured through a s278 agreement with the developer.

The Highway Authority has also reconfirmed that the number of passing places proposed and their indicative locations are acceptable to the Highway Authority and are to be provided through a s278 agreement.

During discussions at the previous committee meeting Members also requested that the existing footpath at Stainton Gardens and the proposed link upgraded to a hard surface so that it can be used by pram's, cyclists etc. The landowner, Riverside, has confirmed that they are agreeable to this. An updated proposed boundary treatment and hard landscaping plan (Drawing No.003 Rev J) and proposed site layout (Drawing No.002 Rev L) has been submitted to show the footpath link. As stated in the original committee report this can be secured by a Grampian condition. It is therefore proposed that condition 14 in the original committee report is updated to the following:

*No development hereby approved shall take place above the ground floor slab level until details of a footpath from the edge of the application site connecting to the existing footpath at Stainton Gardens together with upgrading of the existing footpath, including location, design and materials have been provided to and approved in writing by the local planning authority. Such approved footpath must be constructed in accordance with the approved details and made available for use before the occupation of the first property in the development.*

**Reason:** *To ensure that pedestrian links are provided to the application site in the interests of highway safety.*

Condition 2 (list of approved documents) of the original committee report will also need to be updated as follows to reflect the two updated plans :

*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 23rd November 2020;*
- 2. the site location plan received 5th March 2021 (Drawing No.001 Rev C);*
- 3. the proposed site layout plan received 4th August 2021 (Drawing No.002 Rev L);*
- 4. the proposed boundary treatment and hard landscaping plan received 4th August 2021 (Drawing No.003 Rev J);*
- 5. the proposed landscape plan received 5th March 2021 (Drawing No.WW-01C);*
- 6. the proposed floor plans and elevations of The Caldew Petteril received 23rd November 2020 (Drawing Nos. Cal-Cal-Pet-S105-110-L and Cal-Cal-Pet-S105-160-L);*
- 7. the proposed floor plans and elevations of The Eden received 23rd November*

- 2020 (Drawing Nos. Eden-110- Rev M and Eden-160 Rev M);
8. *the proposed floor plans and elevations of The Ellen received 23rd November 2020 (Drawing Nos. Ellen V1 NG1-160-M and Ellen V1 NG1-110-M);*
  9. *the proposed floor plans and elevations of The Esk received 23rd November 2020 (Drawing Nos. Esk M42-160 Rev L and Esk M42-110 Rev L);*
  10. *the proposed floor plans and elevations of The Gelt received 23rd November 2020 (Drawing Nos. Gelt Semi-160 Rev L and Gelt Semi 110 Rev L);*
  11. *the proposed floor plans and elevations for The Dee (excluding Plot 1) received 23rd November 2020 (Drawing No. Dee M42-160 Rev M and Dee M42-110 Rev M);*
  12. *the proposed floor plans and elevations for The Dee (Plot 1 only) received 5th March 2021 (Drawing No. DeeM42-Plot 1 Rev M)*
  13. *the detached garage details received 23rd November 2020 (Drawing No. Gar Sin14 S101-200-C);*
  14. *the proposed street scene elevations received 5th March 2021 (Drawing No.004 Rev C);*
  15. *the drainage construction details received 23rd November 2020 (Drawing No.51 Issue P1);*
  16. *the highway construction details received 23rd November 2020 (Drawing No.61 Issue P1);*
  17. *the draft passing places plan received 7th May 2021;*
  18. *the Archaeological Desk-Based Assessment report received 23rd November 2020 (Report 339);*
  19. *the Design and Access Statement received 23rd November 2020;*
  20. *the Phase 2 Ground Investigation For Residential Commercial Development on Land At Etterby, Carlisle received 23rd November 2020 undertaken by FWS Consultants Ltd (Report No.8325OR02 Rev01/November 2020)*
  21. *the Planning And Affordable Housing Statement received 23rd November 2020 (Ref: 19/022);*
  22. *the Preliminary Contamination Risk Assessment received 23rd November 2020 undertaken by FWS Consultants Ltd (Report No.8325OR01Rev02/November2020);*
  23. *the Preliminary Ecological Appraisal received 23rd November 2020 undertaken by S.A.P Ecology and Environmental Ltd (Report Ref: GEN101/001);*
  24. *the Transport Statement received 23rd November 2020 undertaken by AXIS (Report 2886-01-TS01 November 2020);*

25. *the Ecological Impact Assessment received 21st May 2021 produced by Naturally Wild received 21st May 2021 (Report Ref GH-20-02, May 2021).;*
26. *the Flood Risk and Drainage Strategy received 7th May 2021 undertaken by Coast Consulting Engineers (Report 20184-FRA1 Rev F);*
27. *the soakaway test results received 21st May 2021;*
28. *the SUDS manual received 7th May 2021;*
29. *the Notice of Decision;*
30. *any such variation as may subsequently be approved in writing by the Local Planning Authority.*

**Reason:** *To define the permission.*

In terms of the concerns raised during committee discussions with regards to the capacity of the existing drainage system United Utilities have reconfirmed that they have to allow new drainage connections under their statutory obligations. That said UU recommend that all options for surface water drainage have been fully investigated and discounted prior to any proposed connection to the public sewer for surface water. The focus of UU comments is surface water as they have confirmed that foul flows have a minimal impact on the public sewer. Having regard to the content of the submitted flood risk assessment, UU understand that surface water will discharge to a watercourse with no reliance on the public sewer for surface water management. This approach helps ensure the impact of the development on UU sewers is kept to a minimum.

With regard to foul flows, although these are minimal, if planning permission is granted, UU have confirmed that they will further review any impact and consider whether it is necessary to amend the main connection point for foul water so that the connection is made further along Stainton Road where there is a larger sewer.

UU has confirmed that jet washing occurs as part of the regular, normal maintenance of the sewer to remove material that may build up over time and ensure the sewer remains in good working order. The problem experienced by a resident as a result of the jet washing is a matter under separate consideration and investigation and is not associated with any capacity issue.

In overall terms there is nothing further to add to the original committee report (other than amendments to conditions 2 and 14 as discussed above) which follows this addendum including the two new plans.

## **1. Recommendation**

- 1.1 It is recommended that “authority to issue” approval be granted to the Corporate Director of Economic Development subject to the completion of a satisfactory S106 agreement to secure:
  - a) the provision of the proposed level of affordable units (nine units at plots 19-21, 23-25 and 27-29 that would be made available at discounted sale,

- with the level of discount set at 30% below open market value);
- b) a financial contribution of £5,500 towards speed limit changes and traffic calming measures;
- c) a financial contribution of £122,770 to Cumbria County Council towards education provision;
- d) the maintenance of the informal open space, play provision and SUDs within the site by the developer.
- e) financial contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading and maintenance of off-site open space.

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

## **2. Main Issues**

- 2.1 The principle of development;
- 2.2 Scale, layout and design of the development;
- 2.3 The impact of the proposal on the living conditions of the occupiers of neighbouring properties;
- 2.4 Provision of affordable housing;
- 2.5 Highway matters;
- 2.6 Foul and surface water drainage;
- 2.7 Open space provision;
- 2.8 Education;
- 2.9 Archaeology;
- 2.10 Impact upon Hadrian's Wall World Heritage Site Buffer Zone
- 2.11 Noise issues;
- 2.12 Biodiversity;
- 2.13 Impact upon trees and hedgerows and the landscape character of the area;
- 2.14 Contamination;
- 2.15 Crime; and
- 2.16 Other matters.

## **3. Application Details**

### **The Site**

3.1 The application site, which covers 1.65 hectares, is a greenfield site in Etterby which adjoins the edge of the urban area of Carlisle. The site, which comprises part of a larger field, is located to the north of Etterby, off Stainton Road and is surrounded by two storey dwellings to the south-east at No.12 Stainton Road, the housing estate at Stainton Gardens (No.s 9-18) and a detached property 'The Beeches'. On the opposite side of Stainton Road to the south-west are two storey dwellings with the exception of the two northernmost properties which are bungalows. Beyond the application site to the north-east Direct Rail Services is located.

- 3.2 Access to the application site is via an ungated field access from Stainton Road. The site boundaries consist of a post and wire fence to the north-east which delineates an existing paddock, a mixture of fencing/hedging to the south-east which defines the existing residential curtilages and a hedgerow to the south-west which delineates the frontage of the site along Stainton Road. The north-west and part of the north-eastern boundary are undefined as the site crosses the field.
- 3.3 The site is located within the buffer zone of Hadrian's Wall World Heritage Site. An unscheduled archaeological site also lies to the north.

## **The Proposal**

- 3.4 The proposal seeks Full Planning Permission for 33 dwellings on the site. The proposal includes 7 different house types which includes 9 bungalows (comprising 5no.2 bed and 4no.3 bed bungalows), 15 semi-detached properties (comprising of 6no.2 bed and 9no.3 bed dwellings) and 9 detached properties (all of which will be 4 bed dwellings). The majority of the dwellings (with the exception of the Petteril house type which will be constructed from render) will be constructed from a mixture of three different facing brick types (Ibstock Glenfield Antique, Bespoke Brick Company Safier and Ibstock Ivanhoe Athena Blend) some with feature render panels under a marley modern light grey tiled roof. Windows would be anthracite grey upvc with fascia, barge boards and rainwater goods being black upvc.
- 3.5 The dwellings will have various designs and would utilise a range of features to add visual interest and variety. These would include the use of red sandstone effect artstone cills and lintels to the front elevations with brick cills to the rear corresponding associated brick type, single and two storey projections, open porches, and, some dwellings having integral garages or detached garages .
- 3.6 It is proposed to close the existing field access and create 2 new vehicular accesses from Stainton Road into the site. The principle access (a 5.5 metre wide carriageway with 2m wide footways), will be towards the northern extent of the road frontage opposite No.33 Stainton Road and will serve 30 dwellings. A secondary access, towards the southern extent of the road frontage, opposite Nos.25 and 27 Stainton Road, will be a private access drive to serve plots-1-3. Both accesses will be within the existing 30mph zone and can achieve visibility splays of 2.4x 60m in either direction. The submitted drawings also show that each residential unit will have 2no.incurtilage parking spaces. 7 visitor parking spaces will be provided as well as space within the curtilages of each dwelling for cycle parking provision.
- 3.7 The proposal also seeks to provide a 1.2 metre wide footpath from the main vehicular entrance through a landscaped area to the front of the site which will provide a link to an existing footpath that leads through Stainton Gardens.

- 3.8 The area of land on which the houses are to be sited measures approximately 113 metres in width and 116 metres in depth. The site boundary extends further northwards to include land that would be used for the provision of open space, a suds basin and associated outfall.
- 3.9 The application is accompanied by a range of supporting documents including a Design and Access Statement, Planning Statement, Archaeological Report, Preliminary Contamination Risk Assessment, Phase 2 Ground Investigation Report, Preliminary Ecological Appraisal, Ecological Impact Assessment, Transport Assessment, Flood Risk and Drainage Strategy, and, Soakaway Test Results.

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

- 4.1 This application has been advertised by the display of a site notice, press notice and by means of notification letters sent to 64 neighbouring properties/interested parties. In response to the consultation undertaken 50 objections have been received and 3 comments.
- 4.2 The objections received are summarised as follows:

##### **Principle**

1. There is enough houses being built on green areas;
2. Flats in Morton should be knocked down with houses built there;
3. Query whether more houses are needed north of the river;
4. There are already lots of sites still building;
5. A scheme should be devised to purchase and re-sell empty houses;
6. Land is not allocated within local plan and is opportunistic;
7. Site is contrary to Policy HO2 as there is no access to a primary school;
8. Area is under served for schools, shops and other facilities;
9. Two earlier, smaller applications for residential development on part of the site have been refused;
10. Concern that the application is the first phase of development;

##### **Highway Issues**

11. There are no pavements along Stainton road and part of Etterby road;
12. Roads are already narrow and single track in places;
13. Highway safety resulting from impact of construction traffic and additional household traffic;
14. Pedestrian access through Stainton Gardens would be obtrusive;
15. Existing road stability issues on Etterby Road and another 50/60 cars would increase the danger of collapse of the road;
16. Access along Stainton Road joining the land leading to the by-pass is a "pony and trap" width with passing loops;
17. Speed of existing traffic along Etterby Road and Stainton Road is illegal;
18. Etterby road is too busy and narrow in places;
19. Development is not on a bus route;
20. There is no room for two vehicles to pass safely with the main road/banks

- in their current state;
21. Insufficient lighting along roads;
  22. Access to the bypass is not fit for purpose;
  23. Top of Etterby road where Caledonian Buildings is in danger of collapse;
  24. There are no traffic calming measures in place;
  25. There is a constant flow of traffic 7 days a week to the local salvage yard;
  26. A full traffic survey should be carried out;
  27. Lack of cycle paths;
  28. Existing highway safety issue from parked cars in the area;
  29. Highways are proposing to make road single track in front of Caledonian Buildings with traffic lights;
  30. Query the Traffic Appraisal submitted;
  31. Unlikely that occupants will use lane from Stainton Road to the bypass;
  32. Proposed improvements for road to the by-pass do not address the fundamental safety issues with the road suitability for use.
  33. Unfenced land at the road junction just outside Stainton is "Common Land" therefore any passing places and remodelling will need to be with the agreement of the Parish Council and the "Commons Commissioners"

### **School Places**

34. Another 33 homes in the area without school places is irresponsible;
35. Lack of school places for primary school children until a new school is built;
36. Other plans in the area have been refused relating to school capacity;
37. Another primary school should be built before any other houses are built;
38. Site is less than one mile from the Deer Park site and same refusal on lack of school places should apply;
39. Query County Council's response on how additional local primary school children could be accommodated locally;
40. Nothing has changed since Deer Park was refused, proposal is contrary to Policy CM2 of the Carlisle District Local Plan 2015-2030;
41. If there is space for 3 infant children at Stanwix School why was this not taken into account for application 19/0905?
42. Stanwix School is an academy and sets its own arrangements for admissions.

### **Impact Upon Neighbouring Properties**

43. Impact upon privacy of neighbouring properties from the pedestrian access through Stainton Gardens
44. Planting of trees/evergreens will block light into gardens of Stainton Gardens
45. Impact upon outlook of neighbouring dwellings;
46. Impact upon existing residential dwellings from construction noise;
47. Already a lot of noise from Direct Rail Services;
48. Mental health needs of residents from prolonged stress from the pandemic and constant building work and applications;
49. Impact upon privacy from vehicles exiting the estate;

50. Overlooking of neighbouring properties.

### **Ecological Issues**

- 51. Area is rich in nature and there is little conservation in the plans;
- 52. Is it morally questionable for more greenfield land to be built upon damaging the environment?
- 53. Need to stop building on fields. Scotby village has seen 2/3 ugly housing developments in last couple of years destroy fields, hedges and animal habitats etc
- 54. Need to conserve greenery for health, planet's future and oxygen;
- 55. Site is close to local nature reserve and will have a negative impact upon wildlife in the area;
- 56. Site is a dog walking route;
- 57. Impact of construction noise on livestock;
- 58. Pollution impacts from standing traffic;
- 59. Field has been left to grow wild flowers in summer and hedges that surround it are home to birds and wild animals;
- 60. Environment Agency opinion on noise/air pollution should be sought;
- 61. Field is home to frogs and toads who enjoy the wet environment

### **Drainage**

- 62. Existing problem with drainage in Stainton road with foul drainage causing backup into some of the existing dwellings - concern that development would exacerbate this problem;
- 63. Creation of a SUDs pond will only cause further flooding in the remainder of the existing field and that adjacent;
- 64. Existing culvert fills causing overflow on the road and towards the proposed site entrance also making the culvert look invisible causing accidents;
- 65. Where drainage is piped this creates large puddles and water flowing across the road;
- 66. Query how drainage issues will be handled;
- 67. Want assurances that proposal will not exacerbate existing surface water flooding on Stainton Road;
- 68. Field where housing is proposed is subject to flooding.

### **Other Matters**

- 69. Contaminated land?
- 70. Development will lower house prices of local homes;
- 71. Noise and pollution from railway and potentially contaminated land
- 72. Residential development close to the DRS will restrict DRS proposals for expansion;
- 73. Reduction in access to primary care services; and
- 74. Telephone and broadband services are already overloaded;

4.3 The comments received are summarised as follows:

1. Impact of development on road loading/stability;
2. No pedestrian footways and inadequate street lighting on Etterby Road/Stainton Road;
3. Road condition very poor;
4. Continuous turning 'circle' usage;
5. No parking controls on highway; and
6. Inadequate highway drainage

4.4 Comments have also been received from Kingmoor Parish Council which are summarised as follows:

1. Increased traffic that uses the road from the CNDR roundabout to Stainton village and Etterby;
2. Road from CNDR roundabout has no official passing places and is subject to flooding and ice in the winter;
3. Number of existing issues with traffic using road from CNDR;
4. Highway safety of those using road from CNDR including cyclists;
5. Increased traffic flow will result in more erosion of the embankment by the Caledonian Buildings;
6. Broadband signal is very poor in the area, would like assurances that development will not reduce broadband in the area;
7. There are currently issues with flooding in Etterby and the land that is being considered for development is prone to flooding. Would like assurances that the development will not make existing flooding problems worse;
8. Welcome extension of 30mph speed limit. Further consideration should be given to making safe the right hand bend forming the junction of Etterby Road and Stainton Road;
9. Note measures to increase visibility - consideration should be given to straightening bends close to 'Misty Dawn' which is a accident black spot;
10. Pleased to see the passing places plan but would like to see them marked with signage;
11. There should be stricter enforcement of the HGV control of the road;
12. Drainage must be addressed before commencing development as water floods onto the road and adjacent farmland; and
13. Development must ensure reliable and fast broadband on completion and perhaps extending this to other communities such as Stainton.

4.5 An objection has also been received from Cllr Davidson which is summarised as follows:

1. Site is not allocated for housing in the Local Plan;
2. Before any housing is allowed there should be a thorough investigation of the impact upon local amenity for existing residents and upon local services in particular health and education as well as infrastructure;
3. Existing road infrastructure is inadequate to support the development;
4. Whole route is part of the National Cycle Network and would not like to see the development worsen safety issues for cyclists or pedestrians;
5. Important to seek views of Sustrans and Cycle UK;

6. Highway safety concerns along Etterby Road as there is no pavement, traffic travels too fast and there is heavy vehicles using the road to access Direct Rail Services and Michael Douglas Scrap Yard;
7. Measures should be explored to make Etterby Road safer such as 20-mph zone and Quiet Lanes and Home Zones before any development takes place;
8. Concern about pedestrian and vehicle safety of the junction of Etterby Road/Stainton Road;
9. Pleased to see developer putting in the footpath link however who is going to look after and maintain the path?
10. Is there any scope to improve the informal path that it links onto within Stainton Gardens as the existing path has steps down onto the road?
11. Issues with Stainton Lane from the CNDR due to its width;
12. Pleased to see highways recommending extending the 30mph zone and requiring a gateway feature but would like to see the speed limit reduced to 20mph;
13. Pleased to see highways including passing places on Stainton Lane, residents still have concerns that there will not be enough passing places to deal with the issues there;
14. Who's responsibility is it to repair the verges and drain along the verge in a timely manner?
15. Residents will have to walk up Etterby Road with no pavement to access the No.76 bus service;
16. Work should be done with bus companies to increase the frequency of services;
17. Concern that the proposal will exacerbate drainage and flooding issues currently experienced when Stainton Gardens was developed;
18. Following the Planning Inspectors ruling that they take the County Council's word at face value about school places with regard to Deer Park it feels very difficult to successfully argue but the same arguments apply as for Deer Park about primary and secondary school places for all children in the additional developments north of the city;
19. To date the County Council is providing no meaningful assurances that this issue has a definite solution and the urgent need for a new primary school north of the river remains;
20. Also concerns that key secondary schools in the catchment do not have the capacity for expansion;
21. If children have to go to Richard Rose Morton Academy it enhances arguments to sort out issues with Waverley Viaduct and create a good safe cycle route through the west of the city;
22. Would like to see conditions the absolute maximum level of mitigation measures for the loss of wildlife and habitat loss and additional enhancement measures for wildlife;
23. Development would only be sustainable if there is maximum use of renewable energy with a safe pedestrian route all the way up Etterby Road;
24. Noise and pollution from DRS should be considered and understood before houses are built;
25. Shame if an expansion to DRS is stopped due to the impact upon a new housing estate;
26. Developer should work closely with residents at Stainton Gardens around

- boundary issues to ensure that they are not detrimentally impacted;
27. Concerns that development could lead to further plans to build on the rest of the field; and
28. Photo in Design and Access Statement is out of date as there are no barriers to access the field and residents walk their dogs and children play in the field.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objection subject to 7 conditions relating to 1) vehicles ramps; 2) full construction details of the passing places to be provided which shall be installed prior to occupation of the dwellings; 3) construction details of carriageways, footpaths etc within the development; 4) details of parking areas for loading, unloading and turning of vehicles; 5) construction vehicles parking plan; 6) construction traffic management plan; and, 7) construction surface water management plan.

**Local Environment - Environmental Protection (former Comm Env Services- Env Quality):** - no objection subject to the imposition of conditions ensuring further investigation and testing of top soil in line with the recommendations of section 9.6.1 of the Ground Investigation Report, submission of a remediation scheme if necessary as well as conditions dealing with unsuspected contamination, noise and vibration, dust; electric car charging points and ensuring that noise measurements are undertaken in at least two residential units prior to occupation to verify that noise from the major road and railway do not result in internal and external noise levels exceeding World Health Organisation guidelines. Advice also received regarding notification to all residents and businesses potentially affect by works.

**Local Environment, Waste Services:** - no objection.

**Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention):** - no objection;

**Natural England - relating to protected species, biodiversity & landscape:** - as surface water will discharge to Pow Beck via the SuDS pond, and this is hydrologically linked to the River Eden SSSI/SAC to the north, pollution prevention measures during the construction of the SuDS pond and swale need to be put in place. This should be conditioned as part of the subsequent planning approval.

The recommendations outlined in Section 5 of the submitted Ecology Report also need to be secured.

**Cumbria County Council - Development Management:** - estimated that the development would yield 11 children consisting of 3 infant, 3 junior and 5 secondary age pupils. The catchment schools for this development are Kingmoor Infant and Kingmoor Junior Schools (2 miles) and Trinity Secondary Academy School (2.1 miles). The only other primary school within

the statutory walking distance threshold is Stanwix School (1.2 mile). The next nearest secondary school is Central Academy (2.2 miles).

There are sufficient places available to accommodate the estimated yield of 3 infant children from this development within the catchment school of Kingmoor Infants. There are currently no spaces for the junior yield in the catchment school of Kingmoor Junior, however Stanwix Primary School is nearer to the proposed site and has sufficient spaces available to accommodate the estimated yield of 3 junior age children. No education infrastructure capacity is therefore required in connection with primary school capacity.

Taking into account committed housing development, the catchment secondary school, Trinity Academy, has no space to accommodate the yield of 5 secondary school age pupils that is estimated to arise from this development proposal. This situation is replicated within other secondary schools in the Carlisle area. Therefore, an education contribution of £122,770 (5 x £24,554) is required to help provide additional secondary school capacity.

**Direct Rail Services:** - no response received;

**Cumbria County Council - (Archaeological Services):** - no objection subject to the imposition of a condition ensuring that the site is subject to an archaeological investigation and recording in advance of development.

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

**Northern Gas Networks:** - no objection, standing advice received regarding apparatus.

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

**(Former Green Spaces) - Health & Wellbeing:** - require on site play provision preferably central within the development and contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading and maintenance of off-site open space.

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** - no objection subject to the imposition of conditions relating to foul and surface water drainage. Standing advice has been received in respect of water supply, United Utilities' property, assets and infrastructure.

## 6. Officer's Report

### Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that 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 National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP1, SP2, SP5, SP6, HO2, HO4, IP1, IP2, IP3, IP4, IP6, IP8, CC4, CC5, CM2, CM4, CM5, HE1, HE2, GI1, GI3, GI4 and GI6 of the Carlisle District Local Plan 2015-2030. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) and the Council's Supplementary Planning Documents (SPD) "Achieving Well Designed Housing", "Affordable and Specialist Housing" and "Trees and Development" are also material planning considerations.

6.3 The proposals raise the following planning issues:

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

6.4 The main issue for Members to establish in consideration of this application is the principle of development. The application site is an unallocated greenfield site located on the edge of the urban area boundary of Carlisle in Etterby, as defined by the proposal maps which accompany the Carlisle District Local Plan 2015-2030.

6.5 When assessing whether the site is appropriate for residential development it is important to note that the National Planning Policy Framework (NPPF) outlines that the purpose of the planning system is to contribute to the achievement of sustainable development.

6.6 The aims of the NPPF are reiterated in Policy HO2 of the Carlisle District Local Plan 2015-2030 (CDLP) which allows for windfall housing development other than those allocated within or on the edge of Carlisle, Brampton, Longtown, and villages within the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and subject to satisfying five criteria namely that 1) the scale and design of the proposed development is appropriate to the scale form, function and character of the existing settlement; 2) the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed; 3) on the edge of settlements the site is well contained within existing landscape features, is physically connected; and integrates with the settlement, and does not lead to an unacceptable intrusion into open countryside; 4) in the rural area there are either services in the villages where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and 5) the proposal is compatible with adjacent land users.

6.7 As stated above the application site is located in Etterby and consists of a greenfield site on the edge of the urban area of Carlisle. The site is immediately bordered by primary residential areas (as defined by the proposal maps which accompany the CDLP) to the south-east and on the opposite side of Stainton road to the south-west. The south-eastern boundary is surrounded by two storey dwellings that have residential curtilages adjacent

to the application site. These properties are known as No.12 Stainton Road, the housing estate at Stainton Gardens (No.s 9-18) and a detached property 'The Beeches'. The residential dwellings located on the opposite site of Stainton Road to the south-west comprise mainly of two storey dwellings with the exception of the two northernmost properties which are bungalows.

- 6.8 The application site equates to 1.65 hectares and comprises part of a larger field. The area of land on which the houses are to be sited measures approximately 113 metres in width and 116 metres in depth. The site boundary extends further northwards to include land that would be used for the provision of open space, a suds basin and associated outfall. The site boundaries consist of a post and wire fence to the north-east which delineates an existing paddock, a mixture of fencing/hedging to the south-east which defines the existing residential curtilages and a hedgerow to the south-west which delineates the frontage of the site along Stainton Road. The north-west and part of the north-eastern boundary are undefined as the site crosses the field.
- 6.9 The development of the site for 33 houses (a mixture of bungalows, terraced, semi-detached and detached houses) would not prejudice the delivery of the spatial strategy of the Local Plan for Carlisle given the size of the site relative to the City. Furthermore similar sized windfall housing developments have been approved within the City.
- 6.10 The application site is deemed to be in a sustainable location as it is located immediately adjacent to the urban boundary of Carlisle where there is access to a range of services. The site is physically connected to the built form of Carlisle as it is bounded by residential dwellings immediately to the south-east and south west. In such circumstances and given the additional landscaping proposed along the north-western boundary of the site the proposal is considered to be well contained and would not result in a prominent intrusion into the open countryside. In such circumstances the principle of additional housing in this sustainable location is deemed acceptable. The impact on the landscape character and design of the proposal is discussed below.

## **2. Scale, Layout And Design Of The Development**

- 6.11 The proposal will provide 33 dwellings which includes a mix of house types consisting of 9 bungalows (comprising 5no.2 bed and 4no.3 bed bungalows), 15 semi-detached properties (comprising of 6no.2 bed and 9no.3 bed dwellings) and 9 detached properties (all of which will be 4 bed dwellings). The site area, excluding the SUDS pond, open space area and drainage run, covers an area of 1.24ha with the development equating to 26.6 dwellings per hectare which is appropriate for an edge of city site.
- 6.12 The majority of the dwellings (with the exception of the Petteril house type which will be constructed from render) will be constructed from a mixture of three different facing brick types (Ibstock Glenfield Antique, Bespoke Brick Company Safier and Ibstock Ivanhoe Athena Blend) some with feature render panels under a marley modern light grey tiled roof. Windows would be

anthracite grey upvc with fascia, barge boards and rainwater goods being black upvc. The dwellings will have various designs and would utilise a range of features to add visual interest and variety. These would include the use of red sandstone effect artstone cills and lintels to the front elevations with brick cills to the rear corresponding associated brick type, single and two storey projections, open porches, and, some dwellings having integral garages or detached garages .

- 6.13 It is proposed to create 2 new vehicular accesses from Stainton Road into the site. The principle access (a 5.5 metre wide carriage way with 2m wide footways), will be towards the northern extent of the road frontage opposite No.33 Stainton Road and will serve 30 dwellings. A secondary access, towards the southern extent of the road frontage, opposite Nos.25 and 27 Stainton Road, will be a private access drive to serve plots-1-3. The submitted drawings also show that each residential unit will also have 2no.incurtilage parking spaces. 7 visitor parking spaces will be provided as well as space within the curtilages of each dwelling for cycle parking provision. A 1.2 metre wide footpath from the main vehicular entrance through a landscaped area to the front of the site is also proposed which will provide a link to an existing footpath that leads through Stainton Gardens.
- 6.14 The proposed development is well laid out and will encourage and promote the creation of a neighbourhood. The properties overlook one another thereby creating a degree of natural surveillance and the distinction between public and semi-public space is clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring.
- 6.15 In terms of the units there are a range of differing house types, which, aesthetically, will add variety to the estate and create its own identity. The dwellings incorporate reasonably sized garden areas that are comparable to the size of the units that they serve, thereby ensuring that the development does not appear cramped or overdeveloped. The size of the gardens and the way that the properties are laid out will help create a sense of space within the estate.
- 6.16 The scale and design of the proposed dwellings relate well to the size and vernacular of surrounding properties which comprise of a mixture of two storey and single storey properties. Each property has adequate incurtilage parking provision, together with access to the rear gardens for refuse/green recycling bins.
- 6.17 In light of the above, the layout, scale and design of the proposed development is acceptable.

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

- 6.18 The Council's Achieving Well Designed Housing Supplementary Planning Document (AWDHSPD) seeks to ensure minimum separation distances of 21m between primary facing windows and 12m between primary windows and blank gables.

- 6.19 The submitted layout plan indicates that the development would comply with the minimum distances set out in the AWDHSPD from existing residential properties that surround the site. For example the proposed dwellings which directly face onto Stainton Road will be 30 metres or more from the residential properties opposite. The gable of the bungalow on plot 31 will be sited more than 12 metres from No.s 15 and 16 Stainton Gardens, and, the primary windows serving the proposed bungalow on plot 30 and the two storey dwellings on plots 28-30 will be sited 21 metres from the two storey properties at Stainton Gardens which face onto the site. Furthermore plots 26-27 which will back onto a residential property known as 'The Beeches', (located beyond Stainton Gardens to the north-east) will have a separation distance of 59 metres. Additionally, the gable of plot 1 (a single storey bungalow situated in the south-eastern corner of the application site) will be off set from the gable of No.12 Stainton Road.
- 6.20 As adequate separation distances have been maintained between the existing residential properties which surround the site and those proposed it is unlikely that the living conditions of the occupiers of existing residential properties will be compromised through loss of light, loss of privacy or over dominance.
- 6.21 If Members are minded to approve the application it is recommended that conditions are imposed within the decision notice restricting the hours of construction and removing certain permitted development rights from plots 28, 29, 30 and 31 to protect the living conditions of neighbouring properties.
- 6.22 In respect of any increase in traffic generated by this proposal it is not anticipated that this factor alone would prejudice the living conditions of local residents to such an extent that would warrant refusal of the application. The impact upon the local highway network is discussed further in paragraphs 6.29-6.38.

#### **4. Provision Of Affordable Housing**

- 6.23 Local Plan Policy HO4 requires 30% affordable housing on sites in Affordable Housing Zone C which encompasses the application site 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). A lower proportion and/or different tenure split may be permitted where it can be clearly demonstrated by way of a financial appraisal that the development would not otherwise be financially viable or where the proposed mix better aligns with priority needs.
- 6.24 The supporting text to policy HO4 states that in determining the type of affordable housing to be provided, the Council's Housing Service will advise developers of the appropriate type and mix of units for each site to ensure local need is being met. In relation to the tenure split of affordable housing the supporting text states that it is important to allow for flexibility to ensure marginal schemes remain viable. Demand for intermediate housing (such as

shared ownership) can vary with market conditions and as a result there may be occasions where an increased proportion of social rented housing would be acceptable.

- 6.25 In accordance with policy HO4, based on a 33 housing scheme, the requirement would be for 9 affordable dwellings, with a 50% tenure split. The proposal seeks to provide 9 affordable dwellings (plots 19-21, 23-25 and 27-29) which are to comprise 3no.3 bed dwellings and 6no.2 bed dwellings. The tenure for all affordable housing on the site is to be discounted sale, with the level of discount set at 30% below open market value. The Planning Statement accompanying the application confirms that the proposed tenure differs from the 50/50 usual split that the Council might otherwise seek to achieve as the proposal also includes the provision of 9 bungalows which equates to 27% of the dwellings to be provided on-site which exceeds the thresholds for larger housing developments outlined in the 'Affordable and Specialist Housing' SPD and strikes an appropriate balance between the aspirations of policies HO4 and HO10 (housing to meet specific needs) of the CDLP.
- 6.26 The Council's Housing Development Officer (HDO) has been consulted on the proposed application and has raised no objections to the proposal. The HDO has confirmed that on balance, taking into account that the site is adjacent to a recent 100% affordable 30-unit Riverside development (Stainton Gardens) which is a mix of 20 Affordable Rented houses and bungalows and 10 Shared Ownership houses, it is considered that, on this occasion, the applicant's proposal is acceptable, as there are already opportunities for people, to secure Affordable Rented homes in this part of Etterby. The decision to agree to vary the usual 50/50 tenure requirements is based solely on its own merit, due to the specific location of the application site and the level of Affordable Rented housing already available on the adjoining development, and does not set any precedent for future applications. Furthermore the HDO confirms that he has taken informal advice from an experienced Chartered Surveyor and it is considered that the trade-off between the reduced discount on a discounted sale property compared to an Affordable Rental unit would be approximately commensurate with the increased development costs associated with the larger footprint required by a bungalow, and a formal viability assessment would therefore not be required.
- 6.27 The HDO confirms that he is happy with the affordable unit sizes on site and confirms that as all the affordable homes are not in a single cluster, and taking into consideration that there are only nine units on the scheme the location of the affordable units is broadly acceptable.
- 6.28 In relation to the above the amount of affordable housing proposed and tenure split would be appropriate for the site. The provision of 9 bungalows in the housing scheme would also help to meet an identified need of an ageing population outlined in the Council's Affordable and Specialist Housing Supplementary Planning Document.

## 5. Highway Matters

- 6.29 Paragraph 108 of the NPPF confirms that when assessing specific applications for development it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be or have been- taken up, given the type of development and its location
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree
- 6.30 Paragraph 109 of the NPPF goes onto confirm that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policies IP2 (Transport and Development) and IP3 (Parking Provision) of the CDLP require all development proposals to be assessed against their impact on the transport network and to ensure adequate levels of parking provision. Such policies generally require that proposals do not increase traffic levels beyond that of the capacity of the surrounding highway network.
- 6.31 The application site currently has an ungated vehicular access from Stainton Road in the south-eastern corner of the site adjacent to No.12 Stainton Road. It is proposed to close this existing access and create 2 new vehicular accesses from Stainton Road into the site. The principle access (a 5.5 metre wide carriageway with 2m wide footways), will be towards the northern extent of the road frontage opposite No.33 Stainton Road and will serve 30 dwellings. A secondary access, towards the southern extent of the road frontage, opposite Nos.25 and 27 Stainton Road, will be a private access drive to serve plots-1-3. Both accesses will be within the existing 30mph zone and can achieve visibility splays of 2.4x 60m in either direction which is in accordance with the Cumbria County Council's Development Design Guide (2017). The principle access can also achieve visibility splays of 2.4x 90 metres in either direction in accordance with Design Manual for Road and Bridges. The submitted drawings also show that each residential unit will have 2no.incurtilage parking spaces. 7 visitor parking spaces will be provided as well as space within the curtilages of each dwelling for cycle parking provision.
- 6.32 The proposal also seeks to provide a 1.2 metre wide footpath from the main vehicular entrance through a landscaped area to the front of the site which will provide a link to an existing footpath that leads through Stainton Gardens. From the Officer site visit it was evident that the existing footpath leading through Stainton Gardens stops short of the application site. The applicant has confirmed that the landowner of Stainton Gardens, Riverside Housing Association, have agreed to provide the 'missing' footpath link from the proposed development to the existing footpath at Stainton Gardens. This can be ensured by a relevant grampian condition imposed upon any planning consent.

- 6.33 In terms of impact upon the highway network the Transport Statement (TS) statement accompanying the application confirms that the proposal is forecast to generate 30 two way vehicular trips during the morning peak hour and 26 two way trips during the evening peak hour, which volumetrically equates to one trip every 2.3 to 2 minutes during peak hours. The TS concludes that this level of traffic would not have a material impact on the capacity of the road network.
- 6.34 The TS also notes that the footpath link from the site to the adjacent Stainton Gardens development will improve pedestrian connectivity and the site is within walking distances to a number of amenities (including convenience stores on Kingmoor Road, Austin Friars School and Southwells Trade Centre). Public Rights of Way 109080 and 109079 are also accessible via Stainton Road as well as National Cycle Route 7 which runs along Stainton Road. The nearest bus stops to the site are on the Etterby Road/Etterby Scour junction.
- 6.35 The relevant Highway Authority has been consulted on the proposal and has raised no objections. The Highway Authority has confirmed that the visibility splays are achievable as they do not cross third party land. As the splays extend into the National Speed limit area the Highway Authority has advised that the 30mph speed limit should be relocated with a gateway feature to reduce vehicle speeds entering Stainton Road. The traffic calming measures and speed limit changes required are to be installed prior to the access being formed for the development at a cost of £5,500 which can be secured through a S106 agreement. The applicants agent has agreed to this request.
- 6.36 With regard to additional vehicle movements generated by the proposal the Highway Authority has confirmed that in order for the development to be considered acceptable passing places are required to permit vehicle movements north of the development towards the A689 (the bypass) not only for the 33 dwellings proposed but for any traffic which will have to serve the properties i.e refuse, delivery vehicles. The applicant has submitted a plan proposing the road widening of Stainton Road at two locations to enable the passing of vehicles. This is acceptable to the Highway Authority who have confirmed that the passing places will need to be constructed at the developers cost (including service diversions). The Highway Authority has clarified that the passing places will require a S278 Agreement and will need to be designed to take into account the traffic that may need to use them. The Highway Authority has confirmed that a condition should be included in any planning consent to ensure that the passing places are constructed in accordance with the agreed documents.
- 6.37 The Highway Authority has no objections to the proposed footpath which will link to Stainton Gardens as it will keep pedestrians away from the 90 degree bend in Stainton Road. A local Councillor has requested the provision of a public footpath/white lines on Etterby Road for pedestrians/cyclists. The Highway Authority has confirmed that following an assessment it is unlikely that such a provision would work within the existing highway boundary as the existing carriageway is 5m, widening at the Bridge to a maximum of 6.5m. The existing highway boundary would therefore make the provision of a built

footway not feasible, as to meet the requirements of the Design Guide, a footway would need to be 2m wide, reducing the lane width down to 3m. Whilst the aim should be to provide footway links where possible, there is insufficient space in the existing network to facilitate a built footway and still allow 2 way traffic movements.

- 6.38 Overall the Highway Authority raises no objection to the proposal subject to £5,500 to deal with traffic calming measures and speed limit changes (which can be secured through a S106 agreement) and the imposition of conditions relating to 1) vehicles ramps; 2) full construction details of the passing places to be provided which shall be installed prior to occupation of the dwellings; 3) construction details of carriageways, footpaths etc within the development; 4) details of parking areas for loading, unloading and turning of vehicles; 5) construction vehicles parking plan; 6) construction traffic management plan; and, 7) construction surface water management plan.

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

- 6.39 Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water.
- 6.40 It is proposed that foul drainage from the development will be disposed of via existing mains drainage. Surface water is to be discharged via an existing watercourse.
- 6.41 The disposal of foul drainage to the existing mains drainage network is acceptable to United Utilities. United Utilities has however requested details of proposed covered levels for the on-site drainage system and associated private drainage runs, details of the route of any exceedance flows from the existing and proposed drainage systems and a management/maintenance plan prior to the commencement of development.
- 6.42 In terms of surface water drainage the PPG has a hierarchical approach for the disposal of surface water drainage, with the aim to discharge surface water run off as high up the following hierarchy of drainage options as reasonable practicable: 1) surface water should discharge into the ground (infiltration), 2) to a surface water body, 3) to a surface water sewer/highway drain/other drainage system and 4) to a combined sewer. The Flood Risk Assessment and Drainage Strategy accompanying the application confirms that the site is located within flood zone 1 and has a low risk of flooding. A series of infiltration tests have been undertaken which confirm that the site is not suitable to discharge via infiltration due to stiff clays present which provides low permeability therefore it is proposed to discharge surface water to the north of the site. SUD techniques will be used on site with surface water stored in a detention basin with the flow to the water course (Pow Beck to the north) controlled to the equivalent of greenfield run off including 1 in 100 year rainfall event plus 40% climate change and 10% urban creep. The drainage proposals also incorporates three stages of treatment (stone filter drain, attenuation basin and swale outfall) prior to discharge.
- 6.43 The attenuation basin (SUDs pond) is to be located further north of the site

(approximately 60 metres from the proposed dwellings) and will be maintained by a nominated management and maintenance company.

- 6.44 The Lead Local Flood Authority has been consulted on the proposal and has raised no objections to the drainage arrangements. As the relevant statutory consultees have raised no objections subject to the imposition of relevant conditions it is not considered that the proposal conflicts with the relevant drainage policies of the Local Plan.

## **7. Open Space Provision**

- 6.45 Policy GI4 of the CDLP states that new developments of more than 20 dwellings will be required to include informal space for play and general recreational or amenity use on site according to the size of the proposal. The developer will be required to ensure that appropriate measures are put in place for the future management and maintenance of such spaces. On smaller housing sites, where on site provision is not appropriate the developer may be required to make commuted payments towards the upgrading of open space provision in the locality, especially if a deficit has been identified.
- 6.46 Policy GI4 goes on to confirm that all new dwellings should have safe and convenient access to high quality open space, capable of meeting a range of recreational needs. Where deficits are identified, new development will be expected to contribute towards the upgrading of an existing open space to improve its accessibility or the creation of a new one within the immediate locality.
- 6.47 The proposal seeks to provide 0.21 hectares of open space to the north-east of the site which will be managed/maintained by a nominated management company.
- 6.48 The Council's Green Spaces team have been consulted on the development and has confirmed that as there is no easy access to nearby play provision due to the lack of footway along Etterby Road on site play provision is required preferably central within the development and contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading and maintenance of off-site open space.
- 6.49 The applicant has agreed to the financial contribution requests. Whilst it would be preferable for the open space provision within the site to be more centrally located this is not feasible as relocating the open space would push the proposed dwellings further back into the site towards DRS which would cause noise issues. Also pushing the dwellings further back into the site would also have a greater impact upon the landscape character of the area. In such circumstances the location of the open space within the site is deemed to be the most appropriate location and a relevant condition has been imposed within the decision notice ensuring that the development incorporates a children's play area within the proposed open space. The

details of which will need to be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any work on site and shall be completed in accordance with an agreed programme for its implementation.

## **8. Education**

- 6.50 Cumbria County Council has estimated that the development would yield 11 children consisting of 3 infant, 3 junior and 5 secondary age pupils. The catchment schools for this development are Kingmoor Infant and Kingmoor Junior Schools (2 miles) and Trinity Secondary Academy School (2.1 miles). The only other primary school within the statutory walking distance threshold is Stanwix School (1.2 mile). The next nearest secondary school is Central Academy (2.2 miles).
- 6.51 The County has confirmed that there are sufficient places available to accommodate the estimated yield of 3 infant children from this development within the catchment school of Kingmoor Infants. There are currently no spaces for the junior yield in the catchment school of Kingmoor Junior, however Stanwix Primary School is nearer to the proposed site and has sufficient spaces available to accommodate the estimated yield of 3 junior age children. No education infrastructure capacity is therefore required in connection with primary school capacity.
- 6.52 The County has however confirmed that taking into account committed housing development, the catchment secondary school, Trinity Academy, has no space to accommodate the yield of 5 secondary school age pupils that is estimated to arise from this development proposal. This situation is replicated within other secondary schools in the Carlisle area. Therefore, an education contribution of £122,770 (5 x £24,554) is required to help provide additional secondary school capacity. The applicant's agent has agreed to pay the relevant contribution therefore there is no policy conflict.

## **9. Archaeology**

- 6.53 The Council's GIS mapping system has identified an unscheduled archaeological site to the north of the proposed SUDs pond. Policy HE2 of the CDLP states that development will not be permitted where it would cause substantial harm to the significance of a scheduled monument, or other non-designated site or assets of archaeological interest, or their setting.
- 6.54 The application is accompanied by an Archaeological Desk-Based Assessment which states that a contact zone with the River Eden has yielded nationally significant early prehistoric occupation at Stainton West, approximately 1km to the south-west. Familiarity with the local topography and the evidence of local geo-physical reconnaissance does not suggest that the creeks and sheltered havens that supported a hunter-gatherer community existed in close proximity to the study area. It is unlikely that archaeological deposits either existed or have survived within the study area. Roman occupation principally lay to the south of the River Eden, behind Hadrian's

Wall and the formalised Roman frontier.

- 6.55 The assessment goes on to state that medieval occupation appears to have been light and would have centred on the townships of Etterby and Stainton. Despite the former narrow linear shape of the fields, there is no evidence for medieval settlement within the study area. Moreover, an adjacent archaeological evaluation proved to be fruitless regarding deposits of substantive antiquity. The assessment concludes that it is doubtful whether a geo-physical survey would provide enlightenment regarding the presence of former occupation. The development area is open but wet underfoot and unlikely to have borne established settlement as the topography was largely unsuitable. The assessment concludes that a programme of archaeological evaluation prior to the development commencing would in all likelihood confirm the low expectation of archaeological significance.
- 6.56 The Historic Environment Officer (HEO) for Cumbria County Council has been consulted on the development and has confirmed that the site lies in an area of some archaeological potential. It is located on the edge of Etterby, a village which has medieval origins. Etterby is first mentioned in 12<sup>th</sup> century documents, although the origins of the name suggest a settlement on the site prior to the Norman Conquest. Remains of medieval field systems were revealed during an investigation on an adjacent site. Furthermore, aerial photos show a cropmark complex of a probable medieval settlement located 400m north west of the site. It is therefore considered that there is the potential for archaeological assets to survive on the site and that they will be disturbed by the construction of the proposed development. The HEO has therefore advised that should planning permission be granted a relevant planning condition should be imposed ensuring that the site is subject to archaeological investigation and recording in advance of development, which can be secured by a relevant planning condition. Subject to a relevant planning condition being imposed in the decision notice the proposal will not cause harm to any archaeological assets.

## **10. Impact Upon Hadrian's Wall World Heritage Site Buffer Zone**

- 6.57 The application site falls within the buffer zone of Hadrian's Wall World Heritage Site. Policy HE1 of the Local Plan 2015-2030 states new development within the Hadrian's Wall World Heritage Site and its buffer zone which enhances or better its significance, or which accords with the approved Management Plan will be supported. Proposed development in the buffer zone should be assessed for its impact on the site's Outstanding Universal Value and particularly on key views both into and out of it. Development that would result in substantial harm will be refused.
- 6.58 Historic England have been consulted on the proposal and do not wish to offer any comments. As discussed in paragraphs 6.4-6.17 the proposal is acceptable in terms of scale, design and would therefore not have a detrimental impact upon the buffer zone of the World Heritage Site.

## **11. Noise Issues**

- 6.59 Direct Rail Services (DRS) which operates a 24 hour depot is located approximately 132 metres to the north-east of the proposed dwellings. DRS has been consulted on the development and has made no comments during the consultation period.
- 6.60 Officers in Environmental Health have been consulted on the application in relation to noise. Due to the proximity of the proposed development to the railway line, depot and associated sidings, Environmental Health has confirmed that prior to the occupancy of any residential unit, noise level measurements must be undertaken in at least two residential units in the development to verify that the noise from the roads and the railway do not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night time; and the measured noise levels must be reported to and approved in writing by the Local Planning Authority. Environmental Health has also requested conditions to deal with noise and vibration, dust and electric car charging points. Advice has also been received regarding notification to all residents and businesses potentially affected by works. Suitably worded conditions and informative's have been added to the permission to deal with these issues. In such circumstances it is considered that the proposal would be able to provide satisfactorily living conditions for the occupiers of the proposed dwellings.

## **12. Biodiversity**

- 6.61 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the development of residential dwellings on greenfield land. As such it is inevitable that there will be some impact upon local wildlife.
- 6.62 Natural England has been consulted on the development and originally requested that a further NVC plant community survey is undertaken since the proposals will directly impact on an area of rush pasture/marshy grassland with the implementation of the SUDs pond and associated drainage. An ecological assessment has subsequently been submitted which includes a National Vegetation Classification (NVC) survey and a Great Crested Newt (GCN) survey. A Biodiversity Net Gain calculation has also been undertaken.
- 6.63 In summary the site was considered to be of overall moderate ecological value. Some suitable habitat for GCN, which are known to be present in the wider area, was recorded on site. Suitable habitat for foraging and commuting

bats, nesting birds, brown hare and hedgehog was also recorded. Surrounding habitats are considered to be of higher ecological value, providing suitable habitat for badgers and both aquatic and terrestrial habitats continue to offer suitable habitat for GCN.

- 6.64 Following the site assessment and in review of the findings, a series of ecological mitigation, compensation and enhancement measures to be incorporated into the works have been outlined. These include the production of a working Method Statement for GCN which will incorporate exclusion fencing (where necessary) and ecological supervision; commencing clearance works outside of bird nesting season (March to August) or pre-start surveys for nesting bird species if this is not feasible; further surveys of trees with potential for bats if they are to be removed; precautionary measures in relation to brown hare and hedgehog; adequate protection of retained vegetation; implementation of a sensitive lighting scheme; pollution prevention measures; the appropriate disposal of non-native plant species; wildlife friendly landscaping (in line with the Biodiversity Net Gain calculation of 5.14%) and possible incorporation of enhanced bat roosting and bird nesting opportunities on-site using bat and bird boxes. Providing the recommendations are implemented in full the ecological assessment concludes that there will not be a significant impact upon protected species or their habitats as a result of the proposed works.
- 6.65 Natural England has been consulted on the further information and has confirmed that as surface water will discharge to Pow Beck via the SuDS pond, and this is hydrologically linked to the River Eden SSSI/SAC to the north, pollution prevention measures during the construction of the SuDS pond and swale need to be put in place. This should be conditioned as part of the subsequent planning approval. The recommendations outlined in Section 5 of the submitted Ecology Report also need to be secured.
- 6.66 Subject to the mitigation measures outlined above which can be secured by condition the proposal will not have an adverse impact upon any protected species or their habitats.

### **13. Impact Upon Trees and Hedgerows And The Landscape Character Of The Area**

- 6.67 The application site is defined by a hedgerow along the road frontage with Stainton Road, a combination of fencing/hedging to the south-east together with a post and wire fence to the north-east which delineates an existing paddock.
- 6.68 The submitted plans illustrate that the landscaping along the peripheries of the application site will be retained with the exception of where the visibility splays to the accesses are to be formed and supplemented with additional landscaping. A new native hedgerow is to be formed along the north-western boundary behind plots 12-21. The hedgerow will be interspersed with native trees to contain the development and provide a natural backcloth. In such circumstances it is considered that the development scheme provides a suitable landscaping scheme which mitigates for the loss of part of the

hedgerow which is to be removed thereby ensuring that the development will be fully integrated into its surroundings. Subject to a relevant conditions being imposed regarding tree/hedgerow protection measures being in place during development works the proposal will not have an adverse impact upon any retained landscape features.

- 6.69 The site is identified as sub type 6d - urban fringe in the landscape maps which accompany the Cumbria Landscape Character Guidance and Toolkit (CLCGT) . The CLCGT states that the characteristics of such landscapes have long term urban influences on agricultural land; recreational, large scale buildings and industrial estates are common; and wooded valleys, restored woodland and some semi-urbanised woodland provide interest. The vision for this landscape type is to enhance through restoration. Guidance for development is to protect countryside and 'green' areas from sporadic and peripheral development through local plans; careful siting of any new development in non prominent locations; strengthen undeveloped areas of land with mixed woodland and hedgerow planting and restoration of natural landscape features; along major roads, develop schemes to improve visual awareness of individual settlements, land uses and cultural landmarks.
- 6.70 As this development involves building on an open field there will undoubtedly be some impact upon the landscape character of the area. As demonstrated in the preceding paragraphs of this report the impact has been reduced through the design of a sympathetic scheme. Where practical existing landscaping/trees are to be retained and additional landscaping is to be undertaken to soften the edge of the development. The development is considered to be well contained and related to the surrounding built-environment and would not result in a prominent intrusion into open countryside. The land in question is not designated as being of any special landscape character and it is the Officers view that there will be no significant adverse impact upon landscape character to warrant refusal of the application.

#### **14. Contamination**

- 6.71 As the site is a greenfield site the likelihood of contamination being present is low however a Preliminary Contamination Risk Assessment and Phase 2 Ground Investigation Report has been undertaken. In summary the report does not identify any significant contamination hazards on the predominantly greenfield site. A number of recommendations on remedial mitigation measures are however proposed including additional investigation and testing of topsoil to characterise the marginal, localised elevated lead concentrations.
- 6.72 Environmental Services have been consulted on the proposal and has raised no objection subject to the imposition of conditions ensuring further investigation and testing of top soil in line with the recommendations of section 9.6.1 of the Ground Investigation Report, submission of a remediation scheme if necessary as well as conditions dealing with unsuspected contamination.

## **15. Crime**

- 6.73 As previously stated in paragraph 6.14 the proposed development is well laid out and will encourage and promote the creation of a neighbourhood. The properties overlook one another thereby creating a degree of natural surveillance and the distinction between public and semi-public space is clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring. The Crime Prevention Officer has been consulted on the proposed development and has raised no objections. Advice has however been provided with regard to physical security measures which has been forwarded to the applicant.

## **16. Other Matters**

- 6.74 A condition has been added to the permission which requires each dwelling to be provided with a separate 32Amp single phase electrical supply. This would allow future occupiers to incorporate an individual electric car charging point for the property.
- 6.75 Queries have been raised regarding the stability of Etterby Road and whether the development will impact upon this. A relevant condition has been imposed within the decision notice regarding a construction management plan which can ensure that all construction traffic can access the site via the by-pass/Stainton Road. Notwithstanding this suggested condition the relevant Highway Authority has raised no objections to the proposal on road stability grounds.
- 6.76 Objectors have raised concerns in respect of the need for additional dwellings. The planning merits and assessment against the relevant policies are discussed within this report.
- 6.77 Objectors have also raised issues on the impact of the proposed development on broadband provision; however, this is not a planning matter.
- 6.78 Objectors have queried whether the proposal is just the first phase of development. As far as the Case Officer is aware this is the only housing scheme proposed and the application should be determined on its own merits.
- 6.79 A request has been made by a Local Councillor for additional traffic calming measures on Etterby Road due to a lack of footpath in places. The Highway Authority do not consider this necessary as the 30mph speed limit is to be extended on Stainton Road with associated traffic calming measures. As stated in paragraphs 6.29-6.38 the Highway Authority do not object to the proposal.
- 6.80 The site has been subject to previous planning refusals for housing in 1990 and 1980 however the issues raised during consideration of the historic applications are not directly comparable to the current application as the development plan has changed significantly in the intervening period as well as the sites surroundings. For example in the intervening period the 30

dwellings at Stainton Gardens have been constructed as well as the three dwellings on the western side of Etterby Road between Stainton Gardens and the entrance to Direct Rail Services. No.35 Stainton Road has also been constructed on the opposite side of the site.

- 6.81 Article 8 and Article 1 Protocol 1 of the Humans Rights Act are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

## **Conclusion**

- 6.82 The proposal is in accordance with the principles of the NPPF as the application site is located in a sustainable location on the edge of Carlisle. The site is physically connected to the built form of Carlisle as it is bounded by residential dwellings immediately to the south- east and south west. In such circumstances and given the additional landscaping proposed along the north-western boundary of the site the proposal is considered to be well contained and would not result in a prominent intrusion into the open countryside. In such circumstances the principle of additional windfall housing in this sustainable location is deemed acceptable.
- 6.83 The scale, layout and design of the development is acceptable and it is considered that the development would not have a significant impact upon the landscape character of the area, the buffer zone of Hadrian's Wall World Heritage Site, the living conditions of existing and future occupiers or crime.
- 6.84 Subject to suitably worded planning conditions and a S106 agreement it is considered that the character of the area can be safeguarded through an appropriate landscaping scheme and that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, , biodiversity, trees/hedgerows, archaeology, noise, contamination, education and open space.
- 6.85 The level of affordable housing proposed and tenure split would also be appropriate for the site. The provision of 9 bungalows in the housing scheme would also help to meet an identified need of an ageing population outlined in the Council's Affordable and Specialist Housing Supplementary Planning Document.
- 6.86 On balance, having regard to the Development Plan and all other material planning considerations, the proposal is considered acceptable.
- 6.87 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 the proposed level of affordable units (nine units at plots 19-21, 23-25 and 27-29 that would be made available at discounted sale, with the level of discount set at 30% below open market value);

- b) a financial contribution of £5,500 towards speed limit changes and traffic calming measures;
- c) a financial contribution of £122,770 to Cumbria County Council towards education provision;
- d) the maintenance of the informal open space, play provision and SUDs within the site by the developer.
- e) financial contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading and maintenance of off-site open space.

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

## 7. Planning History

7.1 The planning history of the site is as follows:

7.2 In 2011 Full Planning Permission was granted in the southern corner of the site (adjacent to No.12 Stainton Road) for the creation of a construction storage compound in association with the development of 30 dwellings (now known as Stainton Gardens) previously approved under planning permission reference 10/0508 (reference 11/0171);

7.3 In 1990 Outline Planning Permission for residential development was refused on part of the site fronting Stainton Road (reference 90/0429) for the following two reasons:

*The proposal is contrary to, and would offend against the objectives of the adopted policies of the Cumbria and Lake District Joint Structure Plan, the emerging provisions of the Carlisle Rural Area Local Plan and the related provisions of the Carlisle Settlement Policy, all of which reflect national planning guidance in seeking to restrict new residential development to appropriate sites within established settlements in order to prevent the intensification or creation of sporadic development in the countryside and to safeguard the amenity and character of the rural landscape.*

*The proposed site occupies a prominent location in an area of attractive countryside within an important and sensitive part of the urban fringe of Carlisle where the Council would not permit further residential development leading to the erosion of the landscape at the margins of the built up area within open countryside, other than, in exceptional circumstances, where justified on the grounds of essential agricultural need or in the interest of forestry activities. No such special need has, however, been advanced or can be identified which would merit departure from the approved policies in this instance or overcome the wider planning objections to these proposals.*

7.4 In 1980 residential development of 17 houses was refused (reference 80/0864) for the following five reasons:

*The proposed development would conflict with the provisions of the approved development plan which allocates the area in which the proposal is located as 'white land' intended to remain in its existing use.*

*The proposed development would result in an unsatisfactory form of development and would have an adverse affect on the amenities of the area.*

*If permitted the proposal would result in the intensification of the existing scattered development in the area.*

*Approval of the proposal would be contrary to the Council's policy for development in the area as embodied in the Carlisle Settlement policy.*

*The proposal would result in an inappropriate and over intensive form of development which would be out of keeping with the established form of development in the vicinity and would this seriously detract from the amenities of adjacent properties.*

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

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 23rd November 2020;
  2. the site location plan received 5th March 2021 (Drawing No.001 Rev C);
  3. the proposed site layout plan received 7th May 2021 (Drawing No.002 Rev J);
  4. the proposed boundary treatment and hard landscaping plan received 30th June 2021 (Drawing No.003 Rev H);
  5. the proposed landscape plan received 5th March 2021 (Drawing No.WW-01C);
  6. the proposed floor plans and elevations of The Caldew Petheril received 23rd November 2020 (Drawing Nos. Cal-Cal-Pet-S105-110-L and Cal-Cal-Pet-S105-160-L);
  7. the proposed floor plans and elevations of The Eden received 23rd November 2020 (Drawing Nos.Eden-110- Rev M and Eden-160 Rev

- M);
8. the proposed floor plans and elevations of The Ellen received 23rd November 2020 (Drawing Nos. Ellen V1 NG1-160-M and Ellen V1 NG1-110-M);
  9. the proposed floor plans and elevations of The Esk received 23rd November 2020 (Drawing Nos. Esk M42-160 Rev L and Esk M42-110 Rev L);
  10. the proposed floor plans and elevations of The Gelt received 23rd November 2020 (Drawing Nos. Gelt Semi-160 Rev L and Gelt Semi 110 Rev L);
  11. the proposed floor plans and elevations for The Dee (excluding Plot 1) received 23rd November 2020 (Drawing No. Dee M42-160 Rev M and Dee M42-110 Rev M);
  12. the proposed floor plans and elevations for The Dee (Plot 1 only) received 5th March 2021 (Drawing No. DeeM42-Plot 1 Rev M)
  13. the detached garage details received 23rd November 2020 (Drawing No. Gar Sin14 S101-200-C);
  14. the proposed street scene elevations received 5th March 2021 (Drawing No. 004 Rev C);
  15. the drainage construction details received 23rd November 2020 (Drawing No. 51 Issue P1);
  16. the highway construction details received 23rd November 2020 (Drawing No. 61 Issue P1);
  17. the draft passing places plan received 7th May 2021;
  18. the Archaeological Desk-Based Assessment report received 23rd November 2020 (Report 339);
  19. the Design and Access Statement received 23rd November 2020;
  20. the Phase 2 Ground Investigation For Residential Commercial Development on Land At Etterby, Carlisle received 23rd November 2020 undertaken by FWS Consultants Ltd (Report No. 8325OR02 Rev01/November 2020)
  21. the Planning And Affordable Housing Statement received 23rd November 2020 (Ref: 19/022);
  22. the Preliminary Contamination Risk Assessment received 23rd November 2020 undertaken by FWS Consultants Ltd (Report No. 8325OR01 Rev02/November 2020);
  23. the Preliminary Ecological Appraisal received 23rd November 2020 undertaken by S.A.P Ecology and Environmental Ltd (Report Ref:

GEN101/001);

24. the Transport Statement received 23rd November 2020 undertaken by AXIS (Report 2886-01-TS01 November 2020);
25. the Ecological Impact Assessment received 21st May 2021 produced by Naturally Wild received 21st May 2021 (Report Ref GH-20-02, May 2021).;
26. the Flood Risk and Drainage Strategy received 7th May 2021 undertaken by Coast Consulting Engineers (Report 20184-FRA1 Rev F);
27. the soakaway test results received 21st May 2021;
28. the SUDS manual received 7th May 2021;
29. the Notice of Decision;
30. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

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

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

4. 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;
- ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
- iii) 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.

5. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

**Reason:** To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety. To support Local Transport Plan Policies LD5, LD7 and LD8.

6. No development hereby approved shall be commenced until full construction details of the two passing places to be provided, which shall be located in general compliance with the locations illustrated on the draft Passing Places Plan received 7th May 2021, have been submitted to and approved, in writing, by the Local Planning Authority, unless otherwise agreed in writing via any subsequent Discharge of Condition application. The passing places shall be installed in compliance with the approved details prior to the occupation of the dwellings.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. To support Local Transport Plan Policies: LD5, LD7, LD8.

7. 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. To support Local Transport Plan Policies: LD5, LD7, LD8.

8. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes

at all times and shall not be used for any other purpose.

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

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

**Reason:** The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users. To support Local Transport Policies LD8.

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

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

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

11. 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.

12. The development shall incorporate a children's play area within the proposed open space. The 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.

**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.

13. Prior to the commencement of development details of all pollution prevention measures to take place during the construction of the SUDS pond and swale shall be submitted to and approved in writing to the local planning authority. The development shall then proceed in accordance with the approved details.

**Reason:** To prevent pollution to the River Eden SSSI/SAC in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

14. No development hereby approved shall take place above the ground floor slab level until details of a footpath from the edge of the application site connecting to the existing footpath at Stainton Gardens, including location, design and materials have been provided to and approved in writing by the local planning authority. Such approved footpath must be constructed in accordance with the approved details and made available for use before the occupation of the first property in the development.

**Reason:** To ensure that pedestrian links are provided to the application site in the interests of highway safety.

15. The proposed footpath link shall be lit with bollard lighting the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. The illumination of the footpath shall then be undertaken in strict accordance with the approved details.

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

16. 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 including the additional investigations as outlined in section 9.6.1 of the Phase 2 Ground Investigation For Residential Commerical Development on

Land At Etterby, Carlisle received 23rd November 2020 undertaken by FWS Consultants Ltd (Report No.8325OR02 Rev01/November 2020). 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.

17. 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.

18. Prior to the commencement of development, details of a sustainable water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
1. A restricted rate of discharge of surface water. The rate of discharge shall be in accordance with the submitted Flood Risk Assessment and Drainage Strategy dated 26 April 2021 reference 20184-FRA1 Rev F;
  2. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
  3. Foul and surface water shall drain on separate systems;
  4. Details of exceedance flows from the proposed and existing drainage systems;
  5. A management and maintenance plan. The 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 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 including during construction.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standard and in accordance with the principles in the submitted Flood Risk Assessment and Drainage Strategy dated 26th April 2021 reference 20184-FRA1 Rev F. No surface water shall discharge to the public sewer directly or indirectly.

The drainage schemes shall be completed, maintained and managed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

19. The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access roads with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

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

**Reason:** To establish an acceptable level of access to connectivity resources, in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

21. Prior to the occupation of any dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for any

dwelling shall be implemented on site before that unit is first brought into use and retained thereafter for the lifetime of the development.

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

22. Before the occupancy of any residential unit, noise level measurements must be undertaken in at least two residential units in the development to verify that the noise from the major road and railway does not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night time; and the measured noise levels reported to and approved in writing by the Local Planning Authority.

The noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. Daytime noise levels are to be measured in living rooms and the night time levels to be measured in bedrooms. Measurements must be taken at plots which are considered to be a worst case scenario, in terms of noise exposure. The rooms chosen must be orientated towards the noise sources i.e. railway line.

Before the measurements are undertaken a schedule of the properties and rooms to be used must be submitted in writing to the Local Planning Authority and the work must not be undertaken before the schedule is agreed in writing.

**Reason:** To protect the living conditions of the future occupiers of the proposed residential units.

23. 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.

24. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained in the positions shown on the Landscape Plan Drawing No.WW-01C. Within the areas fenced off no fires should be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** To ensure that the existing tree and hedgerow resource is preserved appropriately, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

25. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following completion of the development.

Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

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

26. The development hereby approved shall be undertaken in accordance with the Mitigation measures outlined in Section 5 of the Ecological Impact Assessment produced by Naturally Wild received 21st May 2021 (Report Ref GH-20-02, May 2021).

**Reason:** In order to ensure that the works do not adversely affect the habitat of protected species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

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

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

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the south-east elevation of the dwelling units to be erected on plots 28, 29, 30 or 31 in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

**Reason:** To protect the living conditions of the occupiers of adjacent properties and future occupiers of the development, and, to ensure that the character and attractive appearance of the buildings are not harmed by inappropriate alterations and/or

extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy HO8 of the Carlisle District Local Plan 2015-2030.#

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking and re-enacting that Order), no wall, fence or other means of enclosure shall be erected along the western boundary of plots 1, 2, 3, 11 and 12 (other than those shown in any plans which form part of this application), without the approval of the Local Planning Authority.

**Reason:** To ensure that any form of enclosure is carried out in a co-ordinated manner in accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

Site investigations should follow the guidance in BS10175.

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

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

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For: Genesis Homes

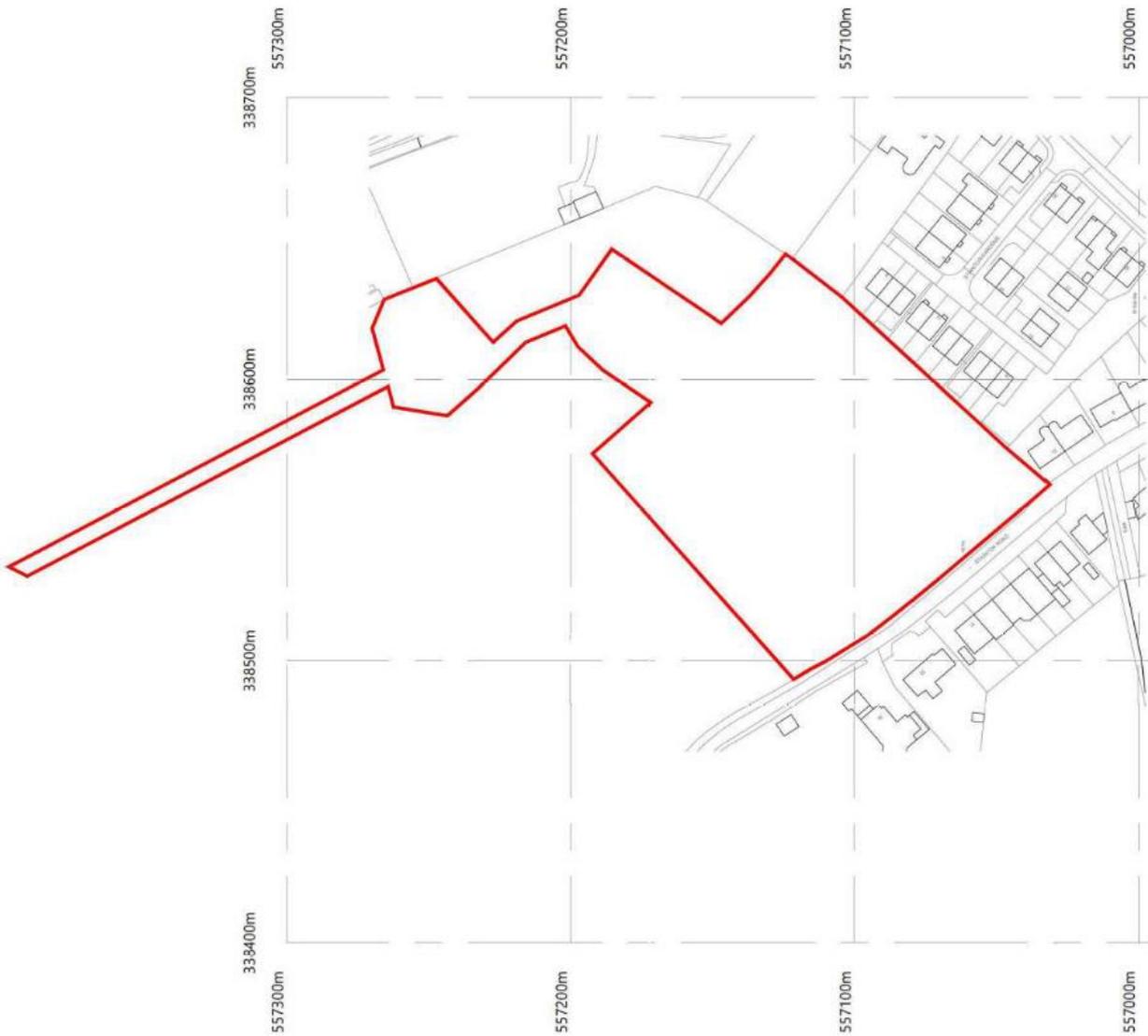


GENESIS  
 HOMES



**TOTAL SITE AREA - GROSS**  
 = 4 Acres - 1.65 Hectares

**TOTAL SITE AREA - NETT**  
 = 2.25 Acres - 0.92 Hectares



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- C** Open Space added and red line boundary amended 03.03.21
- B** Red-line boundary amended to suit new layout and drainage proposals 12.11.20
- A** Re-design down to 34 plots 04.11.20



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Project:  
 Stainton Road  
 Etterby

FILE:  
 Location / Redline  
 Boundary Plan

DATE OF DRAWING	DRAWN BY
Planning	AR
DATE OF ISSUE	REVISION
1:1250	A3
PROJECT NO.	DRAWING NO.
661	001

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For: Genesis Homes



**TOTAL SITE AREA - GROSS**  
= 4 Acres - 1.65 Hectares

**TOTAL SITE AREA - NETT**  
= 2.25 Acres - 0.92 Hectares



**OPEN SPACE**  
= 0.52 Acres - 0.21 Hectares

557200m

- J 08.04.21 Additional visitor parking added and ramp, access road amended and red line boundary amended
- I 03.03.21
- H 02.02.21 Road hump & additional VPA added, plot 1 & 27-29 re-handled, plots 12 & 28 boundaries amended to 1.5m and amended with a total of 33 plots
- G 17.11.20 House types on plots 2, 10, 27-29
- F 12.11.20 Red-line boundary amended to suit new layout and drainage proposals
- E 04.11.20 Re-design down to 34 plots
- D 28.10.20 Planning issue
- C 13.10.20 Plot 5 & 20 swapped & VP re-located further to request from SM on 13.10.20
- B Layout amended further to meeting on 05.09.20
- A 01.09.20 Mx amended per email from SM dated 02.09.20

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PROJECT:  
Sturminster Road  
Eterbury

DATE: 04/11/20  
SCALE: 1:500  
PROJECT NO: 661

DATE: 04/11/20  
SCALE: 1:500  
PROJECT NO: 661

DATE: 04/11/20  
SCALE: 1:500  
PROJECT NO: 661



Existing trees and hedges to remain

Existing trees and hedges to remain

Bungalow set back to create an attractive entrance

Road widened and hedge to be removed where necessary to create vision splays

Double fronted plot to create a feature at entrance to the development

Landscaped frontage (lower easement) with plots set back

4 plots with private drive accessed separately off Stanton Road

Additional window to plot 1, gable to overlook open space

Pedestrian link through to adjacent development open space

CODE	NAME	TYPE	NO	SOFT	TOTAL SOFT
Dee	Dee	2 bed bungalow	5	7626	3025
Cal	Calson	2 bed semi	6	718	4200
Pat	Peters	3 bed semi	3	822	2464
Ge	Geit	3 bed semi	6	940	5440
EsK	EsK	3 bed bungalow	4	1067	4268
Ed	Eden	4 bed detached	7	1338	9366
El	Elton	4 bed detached	2	1511	2922
			<b>33</b>		<b>37175</b>

557000m

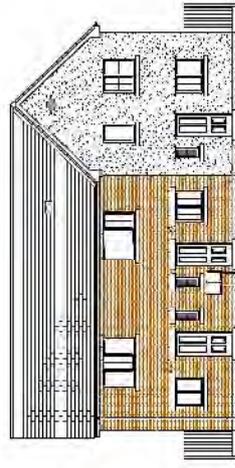
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DATE: 04/11/20  
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DATE: 04/11/20  
SCALE: 1:500  
PROJECT NO: 661







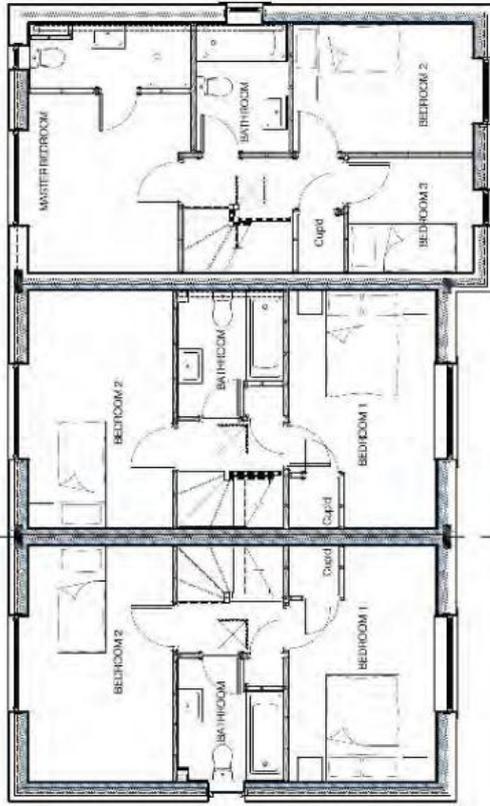
# The Caldew Caldew Petteril (Terrace)

2/3 Bedroom Terrace.

Area

Ground Floor 33.34 sq m / First Floor 33.34 sq m

Total 66.7 sq m (718 sq ft).

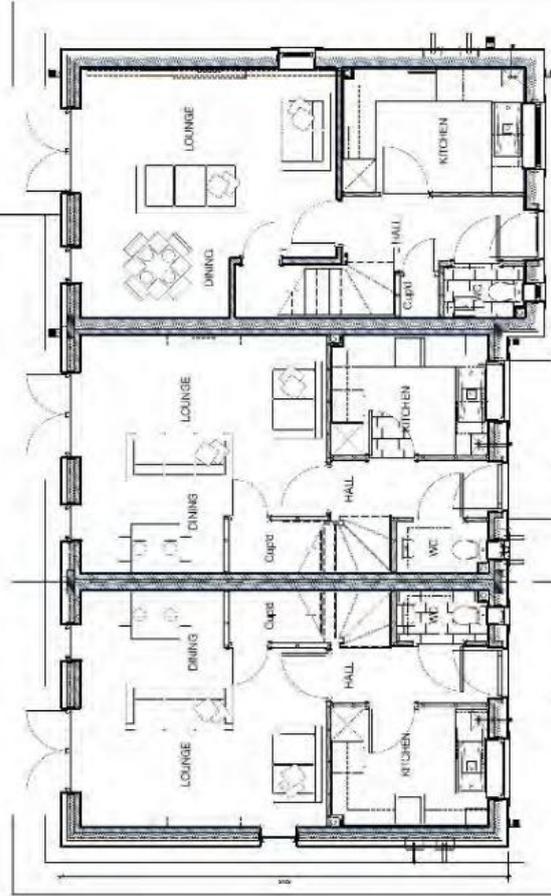


FIRST FLOOR PLAN

The Caldwell

The Caldwell Link

The Petterill



GROUND FLOOR PLAN



PL/14/0181/04/1  
 The Caldwell, Link & Caldwell Link  
 2 Bed Semi Detached, 1 Storey  
 Area: 104sqm (2327sq ft) (711sq ft)  
 Date: 21/03/2018  
 Rev A: 21/03/2018  
 Rev B: 21/03/2018  
 Rev C: 21/03/2018  
 Rev D: 21/03/2018  
 Rev E: 21/03/2018  
 Rev F: 21/03/2018  
 Rev G: 21/03/2018  
 Rev H: 21/03/2018  
 Rev I: 21/03/2018  
 Rev J: 21/03/2018  
 Rev K: 21/03/2018  
 Rev L: 21/03/2018  
 Rev M: 21/03/2018  
 Rev N: 21/03/2018  
 Rev O: 21/03/2018  
 Rev P: 21/03/2018  
 Rev Q: 21/03/2018  
 Rev R: 21/03/2018  
 Rev S: 21/03/2018  
 Rev T: 21/03/2018  
 Rev U: 21/03/2018  
 Rev V: 21/03/2018  
 Rev W: 21/03/2018  
 Rev X: 21/03/2018  
 Rev Y: 21/03/2018  
 Rev Z: 21/03/2018  
 Issue for Construction  
 1:50/100

GENESIS HOMES  
 Cat-Cat-Pat-S105-110- L  
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# The Eden

4 Bedroom detached property.

Area

Ground Floor 55.63 sq m

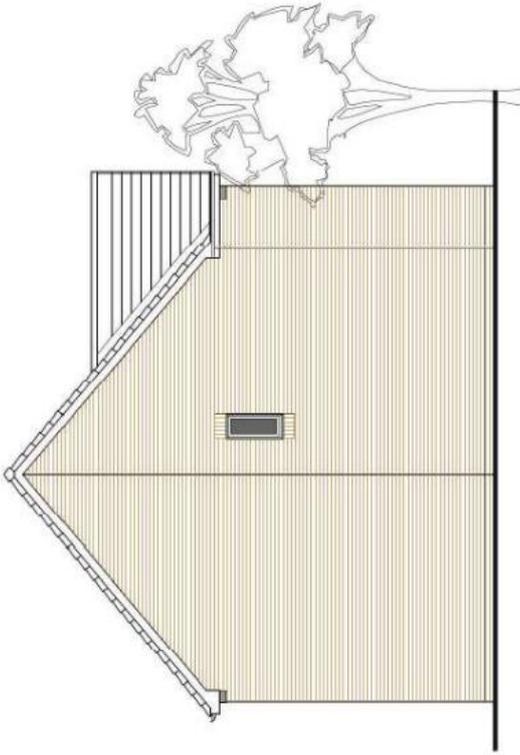
First Floor 67.55 sq m

Total 123.18 sq m (1326 sq ft).

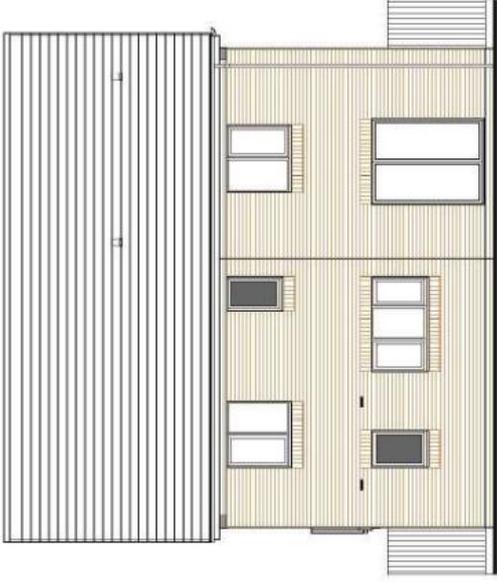
Garage 13.56 sq m

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SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION

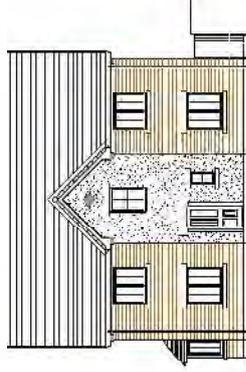


ELEVATIONS

Rev M	Sep-2020	GH Design review amend
Rev L	Aug-2020	GH Design review amend
Rev K	Dec-2019	GH Design review amend
Rev J	May-2019	GH Design review update
Rev I	Feb-2019	GH Design review update
Rev H	Dec-2019	Drainage review update
Rev G	21-09-18	Design Review update
Rev F	11-09-18	Design Review update
Rev E	11-09-18	3DR Feedback, Addcd
Rev D	05-01-18	General update
Rev C	06-10-17	General update
Rev B	28-07-17	B Regs update
Rev A	12-06-17	Issue for Construction

Scale of Arch: 1:50/100

Drawing number	Rev
Eden - 160-	M



# The Ellen (NG1)

4 Bedroom detached property.

## Area

Ground Floor 60.69 sq m

First Floor 61.06 sq m

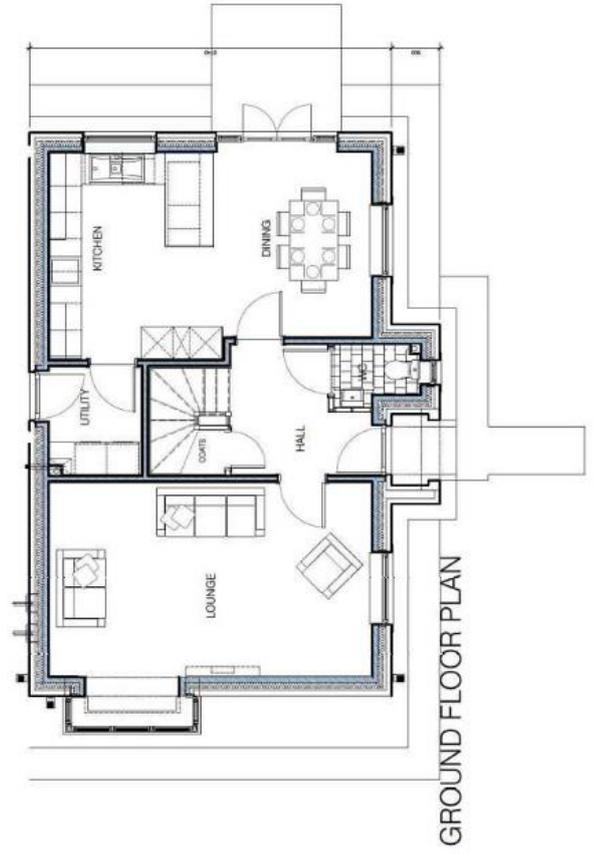
Total 121.75 sq m (1311 sq ft).

Garage 14.8 sq m (159 sq ft).

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FIRST FLOOR PLAN



GROUND FLOOR PLAN



FLOOR PLANS

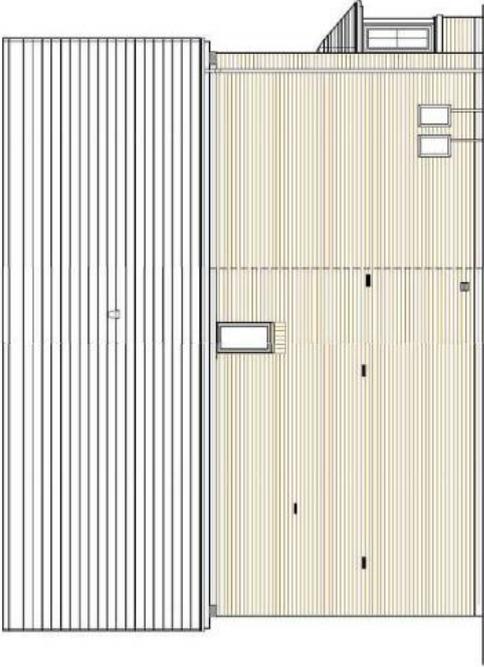
PLANNING DWG

The Ellen V1 with attached single Garage.  
4 Bedroom detached property.  
2 Storey.

Area:  
House 121.75 sq m (1320 sq ft).  
Garage 14.8 sq m (159 sq ft).

Scale: 1:50/100  
Drawing Number:  
Ellen V1 NG1-110- M

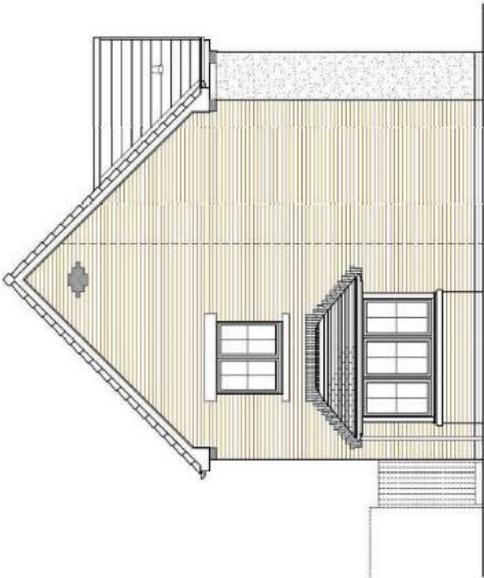
© Genesis Homes 2017



SIDE ELEVATION



REAR ELEVATION



FRONT/SIDE ELEVATION



FRONT/SIDE ELEVATION





# The Esk Bungalow

3 Bedroom Bungalow.

Area

Bungalow: 96.62 sq m (1040 sq ft).

Garage: 13.98 sq m (150 sq ft)



FLOOR PLAN



FLOOR PLANS

PLANNING DWG

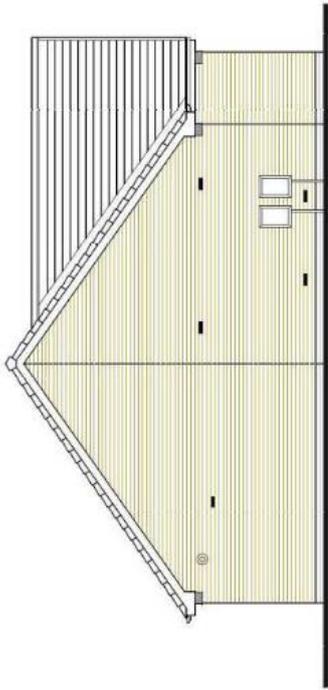
The S.A.  
 3 Bedroom Bungalow  
 Area  
 18.02 sqm (1001 sq ft)

- Rev. L Jan-2020 GH Design review amend
- Rev. K Feb-2020 GH Design review amend
- Rev. J May-2019 GH Design review update
- Rev. I Feb-2019 GH Design review update
- Rev. H Dec-2019 Drainage review update
- Rev. G 21-09-18 Design Review update
- Rev. F 11-06-18 Site Feedback Added
- Rev. E 11-06-18 Minor Revisions
- Rev. D 04-01-18 General update
- Rev. C 06-10-17 B Regs update
- Rev. B 29-07-17 B Regs update
- Rev. A 12-06-17 Issue for Construction

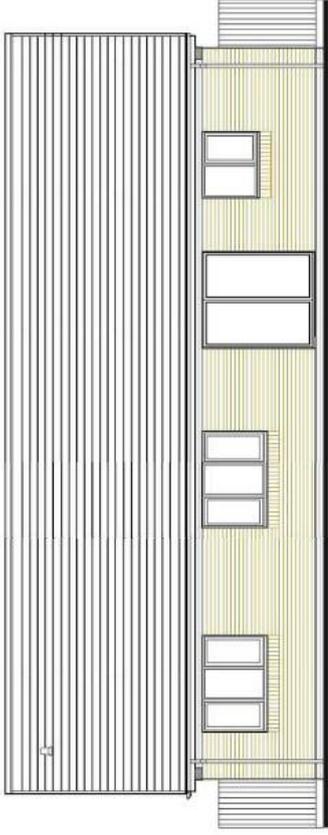
DATE OF PLAN  
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PLAN NUMBER  
 ESK M42-110- L

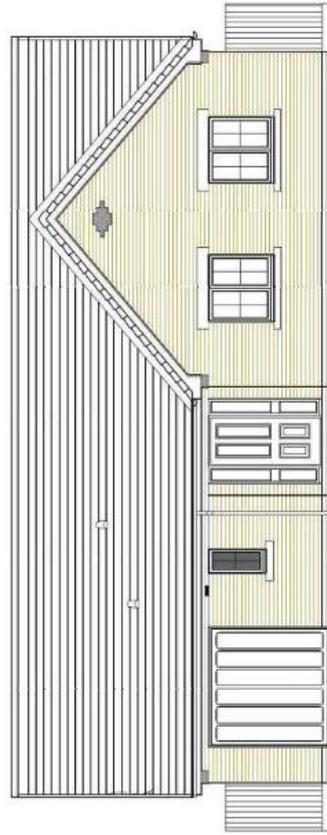
© Genesis Homes 2017



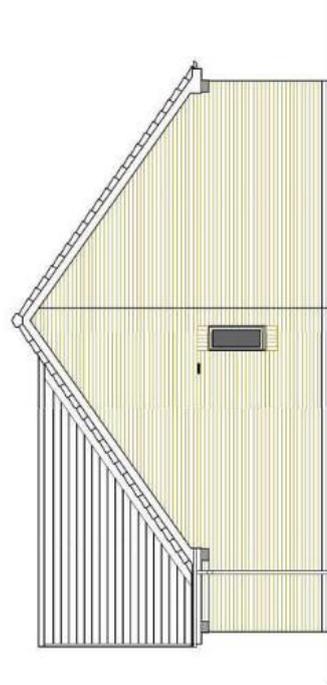
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



ELEVATIONS

- Rev L July 2020 GH Design review amend
- Rev K Dec-2019 GH Design review amend
- Rev J May-2019 GH Design review amend
- Rev I Feb-2019 GH Design review update
- Rev H Dec-2019 Drainage review update
- Rev G 21-09-18 Design review update
- Rev F 11-08-18 Site feedback/ Amend
- Rev E 01-08-18 General update
- Rev D 05-01-18 General update
- Rev C 05-10-17 General update
- Rev B 28-07-17 B Rags update
- Rev A 12-06-17 Issue for Construction

Scale: 1/100

1:50/100

Drawing Number: Esk-M42-160-L

© Genesis Homes 2017



# The Gelt (Semi V2)

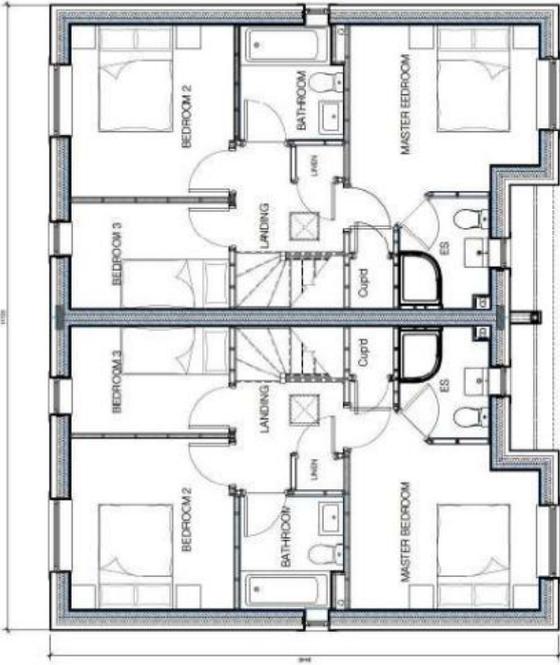
3 Bedroom Semi property.

Area

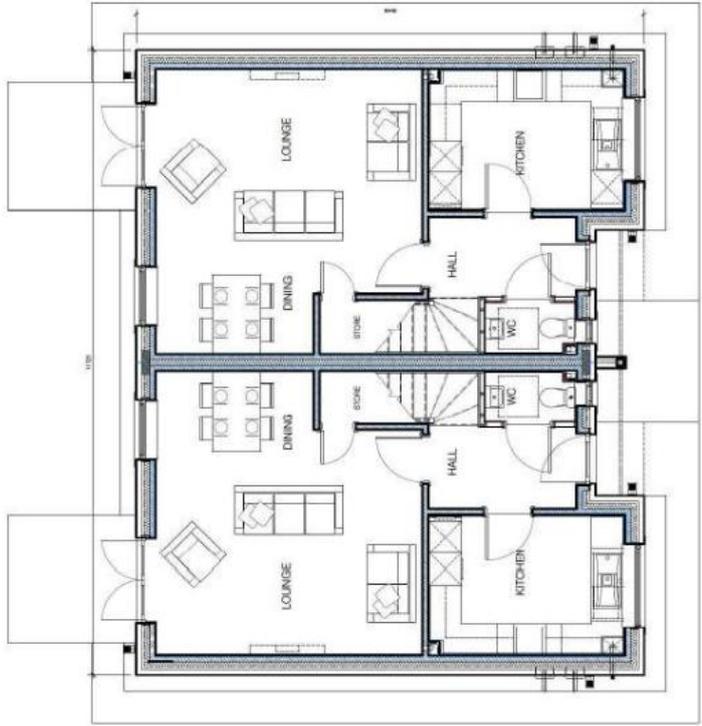
Ground Floor 43.68 sq m

First Floor 43.68 sq m

Total 87.36 sq m (940 sq ft).



FIRST FLOOR PLAN



GROUND FLOOR PLAN



FLOOR PLANS

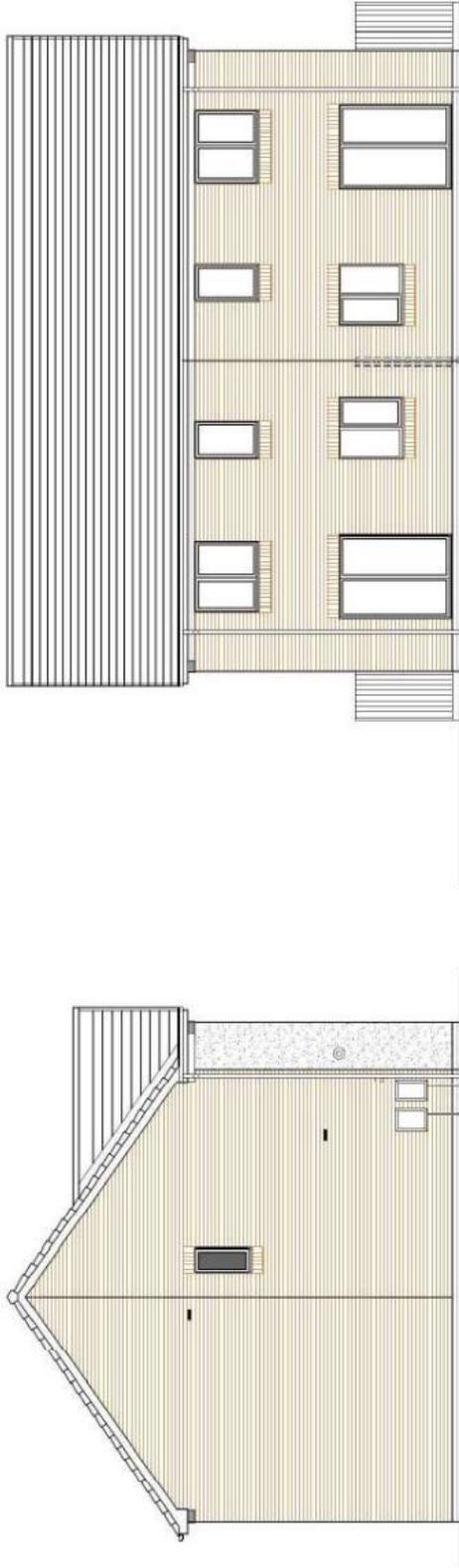
NUMBERED DAYS  
 The Galt Semi  
 3 Bedroom Semi property  
 2 Storey  
 Area  
 House 67.36 sq m (644 sq ft)

- Rev L Jun-2020 G1 Design review amend
- Rev K Dec-2019 G2 Design review amend
- Rev J May-2019 GH Design review amend
- Rev I Feb-2019 GH Design review update
- Rev H Dec-2019 Drainage review update
- Rev G 21-08-18 Design Review update
- Rev F 11-08-18 S18 Feedback-Abbey update
- Rev E 05-01-18 General update
- Rev D 05-01-18 General update
- Rev C 05-10-17 B Regs update
- Rev B 28-07-17 B Regs update
- Rev A 12-06-17 Issue for Construction

Scale: 1:50/100

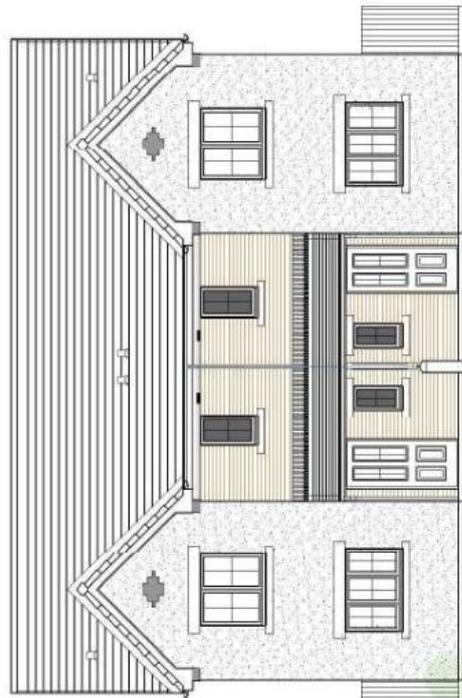
Drawing number:	Galt Semi-110-	L
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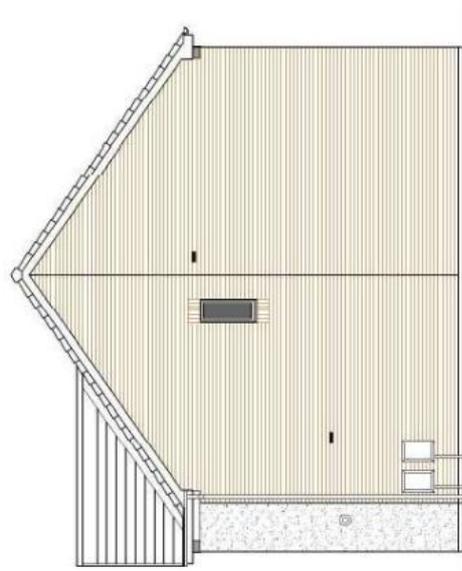


SIDE ELEVATION

REAR ELEVATION



FRONT ELEVATION



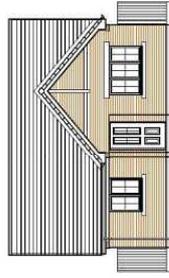
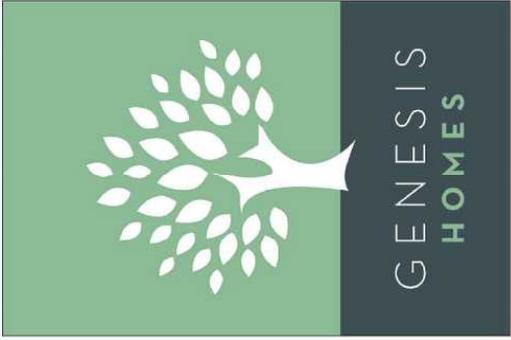
SIDE ELEVATION



ELEVATIONS

- Rev. L, Jan-2020, GH Design review amend
- Rev. K, Dec-2019, GH Design review amend
- Rev. J, May-2019, GH Design review amend
- Rev. I, Feb-2019, GH Design review update
- Rev. H, Dec-2018, Drainage review update
- Rev. G, 21-09-18, Design Review update
- Rev. F, 11-08-18, Site Feedback, Added
- Rev. E, 05-01-18, General update
- Rev. D, 05-01-18, General update
- Rev. C, 06-10-17, B Regs update
- Rev. B, 28-07-17, B Regs update
- Rev. A, 12-06-17, Issue for Construction

Scale: 1:50/100  
 Drawing number: Galt Semi-160-L

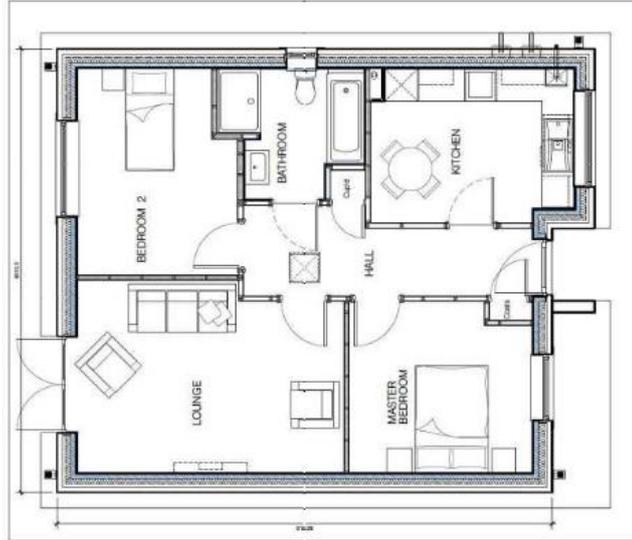


# The Dee

2 Bedroom Bungalow.

Area

Total 66.01 sq m (711 sq ft).



GROUND FLOOR PLAN



FLOOR PLANS

PLANNING DWG

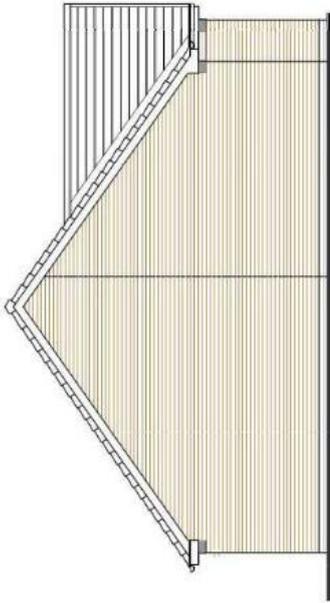
The One  
2 Bedroom Bungalow

Plot:  
House 65 of 50 in (704 sq ft)

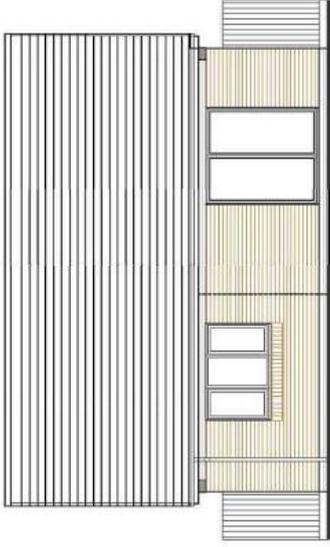
SCALE OF PLAN:  
1:50/100

Drawing Number:  
Dwg M42-110- M

© Genesis Homes 2017



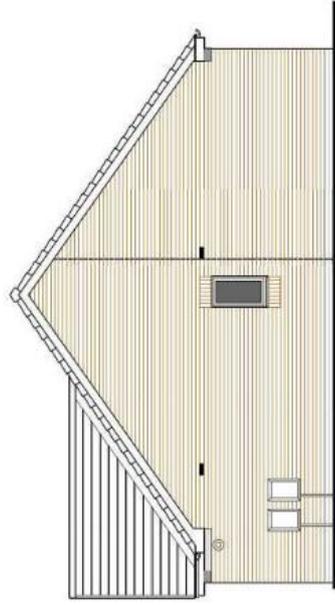
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



ELEVATIONS

- Rev. M Sep-2020 GH Design review amend
- Rev. L Jan-2020 GH Design review amend
- Rev. K Dec-2019 GH Design review amend
- Rev. J May-2019 GH Design review amend
- Rev. I Dec-2019 GH Design review amend
- Rev. H Dec-2019 Design review update
- Rev. G 21-09-18 Design review update
- Rev. F 11-05-18 Site Feedback Added
- Rev. E 01-02-18 Minor Revisions
- Rev. D 05-01-18 General Update
- Rev. C 28-07-17 General Update
- Rev. B 28-07-17 B Revise
- Rev. A 12-05-17 Issue for Construction

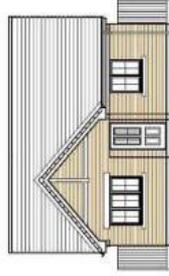
SCALE: 1/4"=1'-0"

1:50/100

Revised number: Dec M42-160-

Rev: M

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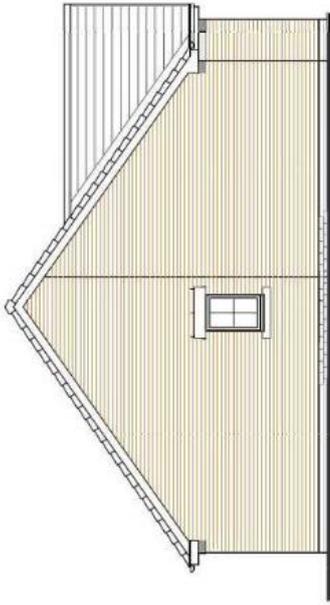
# The Dee (Plot 1 Only)

2 Bedroom Bungalow.

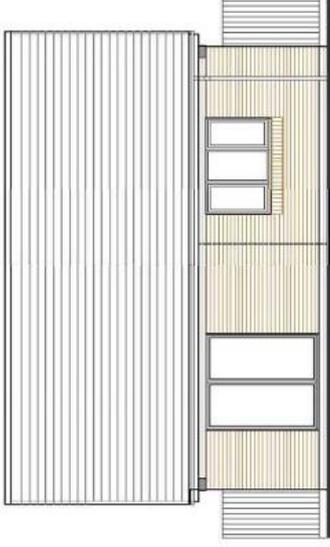
Area

Total 66.01 sq m (711 sq ft).

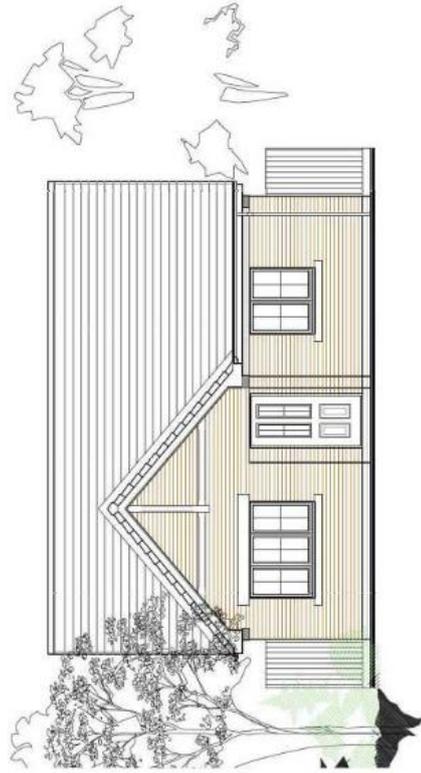




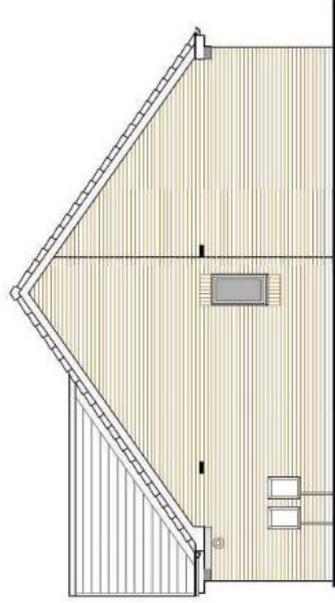
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION

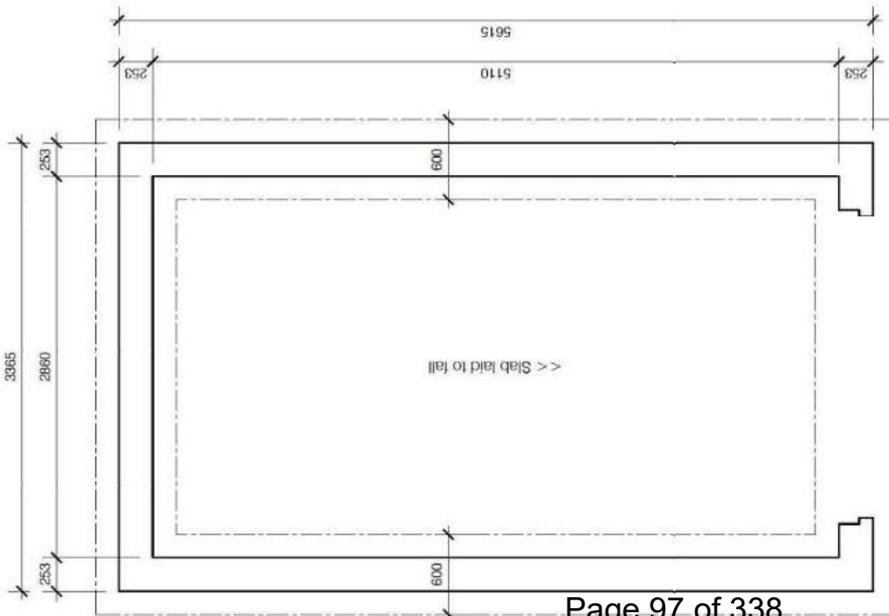


ELEVATIONS  
Plot 1 Only

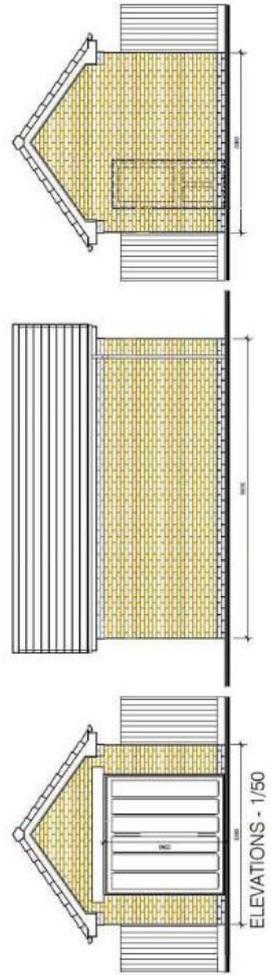
Rev M Sep-2020 GH Design review amend  
 Rev L Jan-2020 GH Design review amend  
 Rev K Dec-2019 GH Design review amend  
 Rev J July-2019 GH Design review amend  
 Rev I Dec-2019 Drainage review update  
 Rev H Dec-2019 Design Review update  
 Rev G 21-09-18 Design Review Update  
 Rev F 11-06-18 Site Feedback-Added  
 Rev E 01-02-18 Minor Revisions  
 Rev D 05-01-18 General Update  
 Rev C 28-07-17 General Update  
 Rev B 28-07-17 B Regs Update  
 Rev A 12-06-17 Issue for Construction

Scale: 1:50/100

Drawing Number: Dec M42-Plot 1  
 Rev: M  
 © Genesis Homes 2017

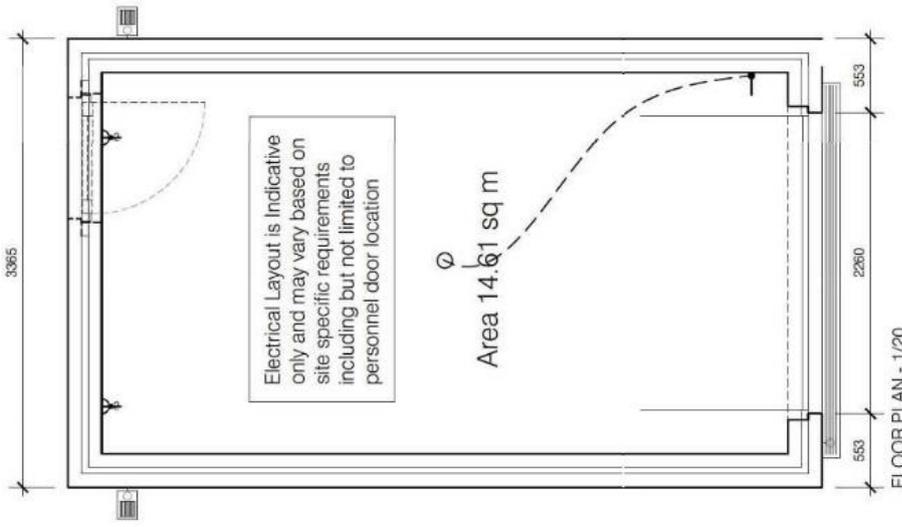


FOUNDATIONS - 1/20



ELEVATIONS - 1/50

**GENERAL ARRANGEMENT - SINGLE GARAGE 14 sqm (SLAB CONSTRUCTION)**  
 (to be read in conjunction with Engineer's drawings and specification)



FLOOR PLAN - 1/20

Electrical Layout is Indicative only and may vary based on site specific requirements including but not limited to personnel door location

Personnel Door is to be installed as a customer extra only and is dependent on build stage. Please refer to Customer Extra's Document



**DETACHED GARAGE**

THIS DRAWING IS THE PROPERTY OF GENESIS HOMES FOUNDATION NOTES:

DO NOT SCALE OFF THIS DRAWING. ALL NOTED DIMENSIONS ARE TO TAKE PRECEDENCE AND ANY DISCREPANCIES ARE TO BE REPORTED TO GENESIS HOMES IMMEDIATELY.

253mm cavity wall to be carried on a min. 3 No. courses of Class 4 Calcium Silicate or Class B Engineering bricks below DPC on external leaf. Concrete trench blocks to be used below brickwork.

Position of RMP's are indicative only - see engineers plot drainage layout.

Below ground drainage layout is indicative only - refer to engineers drainage drawing for specific plot drainage details.

Foundations taken below level of drainage pipe penetrations.

**CONSTRUCTION ISSUE**

REFER TO APPROPRIATE BUILDING REGULATIONS SPECIFICATION DOCUMENT AND SITE SPECIFIC CONSTRUCTION SCHEDULE.

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE APPROPRIATE GROUND FLOOR SLAB DESIGN FOR IN-SITU SUSPENDED CONCRETE FLOOR SLABS. SEE ENGINEERS DESIGN.

REFER TO THE SITE LAYOUT FOR PLOT ORIENTATIONS

Project: M.E. Year  
 A. External layout sketch (P) 13.09.2018  
 B. External layout sketch (P) 13.09.2018  
 C. Preliminary floor (P) 12.02.2018

**NOTE**

Drawing to be read in conjunction with overall drainage layout to ensure correct positioning of RWP / G's and routing of drainage pipework.

Scale: 0 A3: NA

Drawing number: Gar Sln 14 S 01-200-C

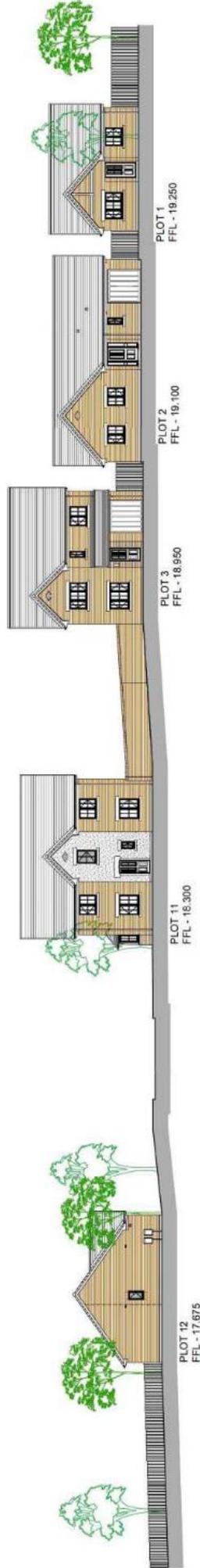
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Note:  
 Do not scale from this drawing.  
 This drawing is copyright of Ergo Projects Ltd.  
 All dimensions to be checked prior to any work commencing. Any discrepancies to be reported to Ergo Projects immediately.

For: Genesis Homes



GENESIS  
 HOMES



- C Plots 1 re-handled 02.02.21
- B Plots 2 & 3 amended 18.11.20
- A Amendments to reflect latest layout updates 12.11.20

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 Website: [www.ergoprojects.co.uk](http://www.ergoprojects.co.uk)  
 Registered Office:  
 Stainton Road  
 Exeter

PROJ:  
 Proposed Street Scenes

REVISIONS:	DATE OF REVISIONS	REVISION:	BY:
Planning	OCT 2020	A2	CP
		A2	C
		661	004





## SCHEDULE A: Applications with Recommendation

20/0586

Item No: 02

Date of Committee: 10/09/2021

**Appn Ref No:**  
20/0586

**Applicant:**  
Mr R Little

**Parish:**  
Kirkandrews

**Agent:**  
Graham Anthony  
Associates

**Ward:**  
Longtown & the Border

**Location:** Land adjacent Richardson House, Gretna Loaning, Mill Hill, Gretna, DG16 5HU

**Proposal:** Creation Of A Lorry Park Up to 40no. Spaces Including Conversion Of Existing Buildings To Provide Welfare Facilities & Storage Unit; Erection Of Commercial Vehicles Maintenance Building & Associated Preparation Yard; Installation Of 2.5m High Acoustic Fence (Bund)

**Date of Receipt:**  
03/09/2020

**Statutory Expiry Date**  
29/10/2020

**26 Week Determination**

---

### REPORT

**Case Officer:** John Hiscox

The application was deferred at the Development Control Committee on 11 June 2021, because new material was received that had the potential to have a significant bearing on consideration of the application. An Arboricultural Implication Assessment (AIA) was received further to conclusion of the committee report and prior to consideration of the application at the 11 June meeting. It was deemed too significant to be considered as supplementary information by either the Planning Service or the Committee, and substantial enough to warrant re-notification of third parties and consultees. The application was deferred for future consideration at the 11.6.21 Committee.

The AIA consisted of the following documents/plans:

- written report by 'arbconsultants ltd';
- Appendix 1: Site Location
- Appendix 2: Tree Survey Data Tables
- Appendix 3: Tree Survey Plan
- Appendix 4: Tree Constraints Plan Radii (TCP)
- Appendix 5: Tree Protection Plan/Proposed
- Appendix 6: Root Protection Area (RPA) Calculations

More recently, in August 2021, in the light of revisions to the scheme (identified in

Section 3 of this Report), a revised AIA (by the same author) was also submitted. It was revised to include protection and mitigation measures for the areas of trees situated north of the proposed maintenance/sales/office building, and north of the lorry park area. The main matters to note in the light of this most recent update are that more room has been created within which to site a protective tree barrier, and proposals for a transitional geogrid/cellular area between the development and trees have been abandoned. In relation to the latter item, the increased gap between development components and the trees is intended to alleviate concerns about root damage by providing a greater protected/undisturbed area.

The most recent revised scheme and AIA were reconsulted upon (third parties and relevant consultees) on 12 August 2021.

The Planning Service, in its original report intended for the 11 June Committee, discussed matters relating to trees (and other vegetation), concluding that although the application was deficient in respect of information relating to trees, in the overall balance there was enough information and understanding present to enable a positive recommendation to be made, although two Conditions of specific relevance were recommended, being Condition 5 (Landscaping Scheme) and Condition 11 (Tree Protection).

The most recent AIA now received has the potential to have a bearing on the planning recommendation, specifically having regard to the Conditions, but also in relation to the potential impacts on the tree resource which are now more clearly understood, in particular having regard to the detailed drawings showing how elements of the development would physically relate to retained trees, and to how mitigation could be achieved (for example, construction methods in proximity to retained trees).

The Committee is asked to note that two letters of representation were submitted further to the first re-advertisement/notification, and also to note that further consultation responses were received within the same period from Kirkandrews Parish Council and Natural England. Insofar as they relate to the application as a whole, the comments of consultees do not substantially change, although it is noted that Natural England clearly states that there is no objection, subject to mitigation in the form of compensatory habitat creation.

Kirkandrews Parish Council makes the following observations in the light of the original (June 2021) AIA, but has not made comments in relation to the August 2021 AIA or the revised layout:

*"Re clearance work - The work was definitely done to alter the hedges and gates, clear the ground, build up earth banks and cut down vegetation etc, carried out in April 2019 onwards during nesting season with little regard for any bird and wildlife habitats that were on site, long before any plans were presented. It has now been noted on the Arboricultural survey that these trees have been unsympathetically managed and the pruning appears to have caused cavities to these trees which have had a detrimental impact to them."*

Insofar as they relate to the publication of the AIA, the letters of objection (both of which are submitted by previous contributors - these are not the first objection letters

submitted by these third parties) identify the following matters as relevant to consideration of the application:

- (i) AIA was undertaken after substantial clearance of vegetation had been undertaken on the site;
- (ii) AIA suggests works undertaken to overhanging limbs of trees as part of site clearance have harmed trees;
- (iii) AIA identifies that development will cause harm to retained trees because hardstanding areas would be within the root protection areas identified;
- (iv) 'No-dig' cellular construction close to trees will not work in terms of preserving the trees, because it would not provide effective protection in these circumstances;
- (v) implementation (and subsequent maintenance) of the acoustic fence would require further invasive disturbance within the Root Protection Areas of retained trees due to associated groundworks and engineering required to make sure it is built properly;
- (vi) 'No-dig' area takes no account of this being an area proposed for drainage (shown being introduced over an area intended for drainage in drainage plan)
- (vii) While the purpose of utilising 'non-dig' surfacing is to avoid disturbance/severance of roots the tree report contradicts itself and includes specification for dealing with exposed roots, and implies it is acceptable to cut roots up to 45mm diameter. This renders the specification within the tree report useless for the purposes of protecting trees;
- (viii) an alternative layout that avoids conflict with trees would resolve issues relating to potential tree damage.

*Assessment of new information in the light of consultation responses and third party responses received:*

The matters identified within the third party representations and now properly understood due to the information provided in the AIA, confirm that the development would have the potential to be prejudicial to the future health of vegetation (in the absence of adequate protection) which, since the original Committee Report was published, has been made the subject of Tree Preservation Order TPO313. Imposition of the Order confirms how significant the trees are in terms of their amenity value and, as is reflected in the main Committee Report, in the absence of the trees, it is likely that the overall application would be viewed differently, because the success of the application depends on retention of these as a landscape and amenity resource, as well as being very likely to make a major contribution to the biodiversity improvements also identified as necessary (and required by conditions previously drafted).

However, the changes to the layout and to the protection/mitigation measures identified in the latest AIA and the revised drawings (plus the Amendment Schedule) now give confidence that the recommendation can remain as one for approval subject to conditions, without major changes to the drafted conditions schedule. This is because the increased separation between the trees and the development edge, along with the installation of the identified protection are sufficient to mitigate potential conflict and to enable both the trees and the development to co-exist.

This means that the development is not in conflict with Policy SP 6 and GI 6

because the proposals, including intended mitigation and associated development (i.e. acoustic fence and/or related construction and engineering works) would have the potential to protect the trees and would be unlikely to harm the roots, thereby avoiding tree dysfunction and death in the future.

### **ADJUSTMENT TO PLANNING RECOMMENDATION:**

The Committee is therefore requested to consider that (i) the principle of development remains as acceptable in terms of the overall planning recommendation; (ii) that the revised layout and mitigation are adequate to alleviate interim concerns about damage to the tree resource; and (iii) that implementation would not harm the trees' health in the long term, especially as they are now under protection from a Tree Preservation Order.

Changes to a number of Conditions (including deletion of previous Condition 11, which is no longer necessary in the light of the AIA, which contains recommendations that would be adopted through Condition 2) would be necessary to reflect the proposed revisions and inclusion of the AIA, but no new, individual conditions would be proposed over and above those stated in the 11.6.21 Committee Report. Said changes have been made to the relevant draft conditions and are included in this report.

#### **1. Recommendation**

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

#### **2. Main Issues**

- 2.1 Impacts on highway safety
- 2.2 Impacts on residential amenity
- 2.3 Impacts on tourism
- 2.4 Impacts on biodiversity
- 2.5 Landscape and visual impacts
- 2.6 Impacts on the water resource
- 2.7 Foul drainage
- 2.8 Crime prevention
- 2.9 User/resident safety
- 2.10 Impact on trees
- 2.11 Development principle

#### **3. Application Details**

##### **The Site:**

- 3.1 The site is situated close to where the national border between Scotland and England occupies the line of the River Sark. In terms of nearby settlements, Gretna is the main substantial settlement which is approximately 1km to the west of the site at its nearest point, albeit on the other side of the River Sark and the M6/A74(M) motorways.

- 3.2 The nearest settlement of any substance within England is the hamlet of Blackbank, which arguably includes Rosetrees Lane, a line of 12 dwellings opposite (to the north of) the expansive 'DSDA' Ministry of Defence site, sometimes known as 'DLO Longtown'. Longtown itself is approximately 3.5km east north-east of the site.
- 3.3 The relatively modern A6071 highway is located to the south of the application site. There is no direct access off the A6071. A flat, triangular field is situated between the southern boundary of the main body of the site and the A6071.
- 3.4 The A6071 connects Longtown to Gretna via Junction 45 of the M6/A74(M) at Guardsmill.
- 3.5 The main railway line from England to Scotland is located a little over 300m south-west of the site.
- 3.6 The site has two accesses. The first is located approximately 60m north north-west of the A6071, and comprises a pull-in area adjacent to the U1059 unclassified public road with double metal gates set back from the road. This was already an access but it has been cleared and augmented in very recent times. The second access is located approximately 90m further along the unclassified public road, around the corner and beyond Richardson House, a vacant building having the form of an extended bungalow, but possibly last used as offices. This second access seems to have been formalised in lieu of a previous access to the ground within, which was further east until very recent times.
- 3.7 Located just beyond the northern boundary area, and generally separated from the site by mature trees and/or a man-made earth mound, is the operational and fairly substantial 'Scotts' commercial site which produces and distributes compost and related products from the site.
- 3.8 There is a dwelling called 'Mill Hill Bungalow' close to the unclassified public road at the western end of the operational 'Scotts' premises. East of the Scotts site and adjacent to the public road (Gretna Lonning) on the south side of the road) is a detached dwelling called 'Midways', and a little further to the east again is Barrasgate House, another detached dwelling.
- 3.9 To the south, and on the opposite side of the A6071, is a junction which appears to be appropriately formed where it meets the A6071, but beyond peters out into what may be a private lane. It appears to lead eventually to a smallholding of some kind, but not to a dwelling.
- 3.10 On the other side of the public road that runs along the site's western boundary are open fields, although these contain a main overhead electricity supply line and several very tall metal-framed pylons are present. Further again west is the Mill Hill farmhouse and farm holding, which is bounded on its west side by the mainline railway.

3.11 The surrounding land is generally fairly flat and intervisibility over distance across the landscape is possible, although it is regularly punctuated by trees, hedgerows, buildings and man-made structures.

## **Background**

3.12 It may be noted that Richardson House itself, and associated curtilage, is specifically excluded from this application. It is understood that a separate planning application may be forthcoming in relation to that part of the overall land shown to be within the ownership/control of the current applicants.

## **The Proposal**

3.13 The planning application relates to the re-development of the site/land at Richardson House, in order that a lorry park with associated operational buildings would be introduced. The proposals effectively come in two separate, but related parts. The first part entails the following items:

- (i) creation of a lorry parking area for up to 40 lorries (detachables, aka pantechicons)
- (ii) conversion of an existing toilet block into a cafe with customer toilets, kitchen and service area, resulting in a 10m x 7m (approx) building with a front porch canopy;
- (iii) formation of a roadway associated with the lorry parking area which creates an inwards/outwards loop
- (iv) introduction of 2 no. fuel islands which would be arrived at before the lorry parking area
- (v) erection of a 2.5m high close-boarded timber acoustic fence around the lorry park, cafe and fuelling area
- (vi) associated landscape planting alongside much of the southern site boundary

3.14 These items (i to vi inclusive) relate principally to the eastern section of the site and would all be served off the access closest to the A6071

3.15 The second part entails the following items:

- (vii) erection of a shed (788 square metres, as stated on submitted drawings) to provide a maintenance and service (workshop) building for up to 7 no. lorries (7 individual bays served by individual roller-shutter garage doors) plus associated office, meeting room, staff room and toilets
- (viii) formation of a hardsurfaced yard area associated with (vii) to be used as a preparation, sales and parking area
- (ix) formalisation of the new access to serve this area

3.16 These items (vii to ix inclusive) relate to the western area of the overall site and would all be served off the access furthest away from the A6071.

3.17 The western and eastern areas of the site would be connected via a locked gate, according to the plans. It is clearly the intention to segregate the lorry park from the service/sales/preparation area.

- 3.18 It is proposed to create a visibility splay to serve the southernmost of the accesses i.e. the access to the lorry park area. The submitted drawing shows northerly and southerly splays of 2.4m x 48m in each direction.

### **Revisions To The Proposal**

- 3.19 In August 2021, the proposed layout of the development was changed in response to matters identified to the applicants in relation to potential impacts on trees adjacent to the site. Instead of attempting to protect ground close to the tree canopy by introducing 'no-dig' technology, the footprint of both the aforementioned items at 3.13(i) and 3.15(vii) above have been moved away from the trees.
- 3.20 Item 3.15(vii) is the proposed maintenance, service and office building. It has been relocated 2m further away from the trees to allow room for introduction of a tree protection barrier in an appropriate location. The acoustic fence mentioned at 3.13(v) above is not proposed in this area of the site.
- 3.21 Item 3.13(i) is the proposed lorry parking area. The northern edge of the parking area has been relocated 4.1m in a southward direction to enable both the acoustic fence and tree protection barrier to be installed in an appropriate location.

### **Additional Information Received Subsequent To Finalisation Of Original Committee Report**

- 3.22 In June 2021, and just between finalisation of the committee report and the date of the scheduled Development Control Committee (11 June 2021) the applicants submitted an Arboricultural Implication Assessment (AIA). This item was deemed to be a new item for consideration that could materially affect or influence consideration of the planning application. The Committee, on 11 June 2021, opted to defer the application to enable this new material to be reconsulted upon. Reconsultation was duly undertaken with notification to relevant consultees and third parties taking place on 11.6.21 and 15.6.21 respectively.
- 3.23 In August 2021, further to dialogue between the Planning Service and the applicants, the proposed scheme was revised (see previous section). In alignment with the revisions, the AIA was also updated and resubmitted as part of the 'revisions package'.
- 3.24 One of the documents submitted with the revised scheme is entitled 'Amendment Schedule'. The document helpfully describes and illustrates the changes made to the scheme in August 2021.
- 3.25 The Committee is asked to note that the trees referred to are now protected by Tree Preservation Order ref. TPO313. At the time of writing, an instruction has been sent to the Council's Legal team to confirm the TPO, with no objections having been received during the consultation period for that specific item (the Order).

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

- 4.1 The application has been advertised by way of a site notice, a press notice and neighbour letters initially sent to four properties.
- 4.2 In response to advertisement of the original proposals, and to re-notification carried out in relation to revised proposals, a total of 33 letters of objection representing 20 households/third parties; and 14 letters of support representing 13 households/third parties have been received.
- 4.3 It may be noted that several households submitted new letters of representation, further to re-advertisement of the application in March 2021.
- 4.4 A summary of the issues of relevance raised in the letters of objection is as follows:

##### Pollution:

- (i) development would add further air pollution to a locality already considered to be subject to higher-than-average pollution;
- (ii) development would add to carbon emissions, already higher-than-average in part due to proximity to main transportation routes;
- (iii) concerns about pollution of the water environment - can drainage infrastructure safeguard against this?
- (iv) concern relating to contamination potentially present within the site - adequate information?

##### Noise:

- (v) concern that proposed acoustic fencing would not be adequate to safeguard properties and wildlife against excessive noise;
- (vi) noise generated would exceed acceptable levels as decreed by the World Health Organisation; acoustic screen fence would not effectively mitigate against potential noise disturbance to local residents and animals (including livestock);
- (vii) adverse impact on social wellbeing of nearby residents due to nature of development and adverse impacts it would cause on communities due to increased vehicle movements in relation to settlements;
- (viii) concern that noise assessment has not considered potential impacts on Gretna including local businesses that would potentially be affected adversely by noise;
- (ix) concern that there are inconsistencies in the noise assessment in terms of predicted vehicle movements;
- (x) additional noise created by more vehicles attending and commercial workshop would be harmful to residential amenity;

##### Light:

- (xi) development would introduce substantial light pollution which would

occur for 24 hours, impacting on wildlife, security and residential amenity;

Highway safety:

- (xii) traffic movement already exceeds legal speed limits on average - locality known for fast driving; local road network may be unable to safely absorb additional traffic;
- (xiii) traffic generated likely to further impact on safety of all local users including cyclists, horse riders, walkers, tourists;
- (xiv) incompatibility between additional traffic generated by the development and farm vehicle movement - each could impact harmfully on one another;
- (xv) transport assessment (including survey) undertaken during pandemic and therefore not reflecting true circumstances of usage;
- (xvi) site does not benefit from direct access off the motorway, meaning that traffic using the site would have to use small country roads;
- (xvii) likely to be danger arising from slow speed of lorries leaving motorway and associated overtaking/queuing;
- (xviii) junction of A6071 and service road is dangerous due to people overtaking when travelling from Gretna and not being aware of the existence of the junction;
- (xix) concern that site access is not adequate to safely allow entry and departure for all vehicles due to location/design/layout;
- (xx) concern that separation of users between the lorry park and the workshop/sales area does not accord with weight limitations on road;
- (xxi) general concern that local roads are not constructed to an adequate specification to permit additional vehicles (refers to weight limits on local roads);
- (xxii) the majority of commercial vehicles using the A6071 have their own depots within a 10m radius - the development would draw more traffic to the locality off the A7 and motorway;

Ecology:

- (xxiii) redevelopment of the site would potentially harm wildlife and habitat (much of site cleared at pre-application stage)

Adequacy of infrastructure:

- (xxiv) infrastructure present in locality has previously been deemed inadequate in relation to proposed housing - how can it be acceptable for 24-hour lorry park?
- (xxv) insufficient electrical infrastructure present to support future use of electric vehicles and to preserve electricity supply to other properties in the locality;

Appropriateness of site for this development:

- (xxvi) rejected housing application in 2015 was better suited to site than current development proposed - this proposal should be resisted;

- (xxvii) other sites likely to be available for this (type of) development which are better served by, or more accessible from the major road network; for example, 'Harker View' logistics 'hub' being developed at Junction 44;
- (xxviii) wrong site for this development - quiet, rural location - would be better suited to industrial location;
- (xxix) applicant could look at alternative of re-developing existing premises (in Harker);
- (xxx) not considered to be a shortfall in lorry park provisions in the locality at the present time - adequate facilities already in existence within 10-20 miles of the site;

Litter:

- (xxxii) additional litter discarded by greater number of road users would exacerbate existing litter problem associated with traffic using the locality;

Safety:

- (xxxiii) concerns about potential usage of the development by vehicles carrying hazardous substances, especially in the light of the site being in a Ministry of Defence 'blast zone';

Impacts on residential amenity:

- (xxxiiii) concern about ad hoc parking outside nearby residences and knock-on effects on amenity/safety;

Impact on local businesses:

- (xxxv) the development would require transport deviating from their routes to get back onto the primary road network via Gretna, Springfield or Longtown; in relation to Gretna/Gretna Green, likely to adversely impact on wedding getaway culture

Lack of community engagement:

- (xxxvi) failure of applicants to engage with local communities at pre-application stage;

Trees:

- (xxxvii) adverse impact on the health of trees nearby as a result of increased air pollution;
- (xxxviii) application does not provide adequate coverage in relation to trees on site; for example, there is no tree survey submitted

Employment:

- (xxxix) possibility that development would not create additional jobs because it

would involve redeployment of staff already working on applicants' existing premises;  
(xxxix) development could have an adverse impact on local employment, for example due to impacts on farming and tourism;

Uncertainty/lack of clarity:

(xxxx) lack of clarity in relation to whether fuel pumps are going to be provided;  
(xxxxi) questions have been inaccurately answered in the planning application form, suggesting that the form does not validly cover all relevant matters;  
(xxxii) submitted documentation has not adequately appraised all issues impartially;  
xxxiii) development would potentially exacerbate flooding issues relating to groundwater run-off in fields adjacent to the Solway;

4.4 A summary of the issues of relevance raised in the letters of support is as follows:

- (i) development would address lack of facilities for lorry drivers in the local area;
- (ii) increased opportunities for lorry drivers to take welfare breaks etc, important due to increasing limitations on drivers' safe working hours;
- (iii) development would not increase numbers of vehicles movements unacceptably - would be compatible with movements already taking place on the local road network;
- (iv) proximity of site to motorway would mean less vehicles driving through small towns;
- (v) development would help alleviate problems associated with drivers having to park in public lay-bys;
- (vi) employment opportunities would arise from the development - local job creation (during development and after implementation);
- (vii) presence of site would potentially reduce littering and urination in lay-bys;
- (viii) security/convenience for female drivers would be increased;
- (ix) development would bring back into use derelict site;

4.5 It should be noted that several objectors have mentioned the clearance of vegetation from the site prior to the planning application being made, along with the depositing of hardcore material and the installation of gates. The planning service considers that none of the works undertaken at pre-application stage were of a nature that gave rise to unauthorised works requiring to be redressed via planning enforcement.

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

### **Kirkandrews Parish Council:**

24.3.21: Objects to the application on grounds of (i) impact on locality as habitat for wildlife; (ii) insufficient energy infrastructure to serve or futureproof development; (iii)

pollution of ground environment (diesel spillage); (iv) combined noise emanating from lorries using site, notwithstanding proposed acoustic fence; (v) potential impact of MOD blasts on site (safety).

23.9.20: Objects to the application on the grounds of (i) potential surface water management/pollution effects and uncertainties relating to the proposals (existing pond already filled in); (ii) service road (access lane) potentially not capable of accommodating traffic generated (existing 7.5T weight restriction mentioned); (iii) concern that the Transport assessment does not reflect wider road safety implications, with the site being described as 'within the strategic M6 corridor'; (iv) Transport Assessment potentially underestimates the likely generation of traffic associated with the development in the longer term; (v) impacts on health and wellbeing arising from additional traffic generated; (vi) disruption to local agricultural movements due to additional traffic utilising the local road network; (vii) adverse impacts on local businesses including nearby kennels, especially due to additional noise and light generated by the development; (viii) harmful impacts on local walking, running and cycling routes/increased likelihood of accidents with cyclists and pedestrians; (ix) inaccuracies within planning application submissions in relation to (1) unauthorised works carried out prior to the application being made; (2) absence of a tree survey; (3) relevance/importance of proposed opening hours; (4) generation/disposal of trade waste; (x) impacts on landscape and wildlife; (xi) more suitable sites for this development are available elsewhere.

#### **Cumbria County Council - (Highways & Lead Local Flood Authority):**

19.3.21: No objection to principle; advises in respect of matters that may lead to planning conditions: (i) upgrading of carriageway to accommodate traffic; (ii) provision of visibility splays at site access and at junction of service road with the A6071; (iii) suitable construction of the access area between the public road and the site; (iv) provision of a construction traffic management plan; (v) provision of a construction surface water management plan.

25.9.20: No objection to principle; considered there to be insufficient information in terms of both highway and drainage detail to make an adequate assessment before planning permission could be granted. Advised that if further information and clarity is not provided the application should be refused until it has been demonstrated that the proposal is acceptable in terms of (a) access; (b) visibility splays; (c) surface water drainage; (d) its effect on local traffic conditions and public safety.

#### **Highways England:**

No response.

#### **Cumbria Constabulary:**

23.3.21: Confirms application is compliant with Local Plan Policy CM 4, further to receipt of information from the applicants in relation to crime prevention.

22.3.21: Queries potential security issues relating to site perimeter, in light of new scheme with 2.5m acoustic fence.

16.9.20: Describes absence of adequate information relating to crime prevention - requests further specific information from applicants.

**MOD Safeguarding:**

14.10.20: No objection.

**Natural England - relating to protected species, biodiversity & landscape:**

29.9.20: Advises that because it is evident from the aerial photos supplied in the submitted Ecology Report that the site has been cleared in preparation for this proposal without relevant permissions in place; therefore prior to any approval the applicant will need to provide an updated Ecology Report which assesses the habitats that have been destroyed and how the application will provide a biodiversity net gain that not only seeks to compensation for the loss of habitat but provides additional habitat and provision for protected species.

4.9.20: Provides generic advice relating to a wide range of potential concerns.

**Local Environment - Environmental Protection (Env Health):**

No response.

**Local Environment, Waste Services:**

15.9.20: No comment as any waste facilities provided will be serviced by private trade waste contractors.

**Springfield & Gretna Green Community Council:**

9.9.20: Objects to the applications on grounds of (i) increased impact of traffic having to pass through villages of Springfield and Gretna Green (HGVs using the proposed site and wanting to head north to Scotland and access the M74 North or A75 West will have to use the B7076 Glasgow Road or the C141 A through the villages of Springfield and Gretna Green) - increased noise and incidents of speeding (ii) there are already truck stop facilities with in 20 to 30 minutes of the proposed site at Longtown, Carlisle and Ecclefechan - is there a need for another one?

**Dumfries & Galloway Council:**

No response.

**Gretna & Rigg Community Council:**

No response.

**Transport Scotland:**

9.3.21 & 28.9.20: No objection.

## **United Utilities:**

29.9.20: Advises that United Utilities does not have any wastewater assets in the area. Provides generic advice relating to drainage provisions, water supply and its own 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 an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
- 6.2 The proposed development requires to be assessed against the National Planning Policy Framework (2019 - as amended in July 2021) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.4 below.
- 6.3 The main issues, as listed earlier in the report, are as follows:
- (i) Impacts on highway safety
  - (ii) Impacts on residential amenity
  - (iii) Impacts on tourism
  - (iv) Impacts on biodiversity
  - (v) Landscape and visual impacts
  - (vi) Impacts on the water resource
  - (vii) Foul drainage
  - (viii) Crime prevention
  - (ix) User/resident safety
  - (x) Impact on trees
  - (xi) Development principle
- 6.4 Taking into consideration the range and nature of matters for consideration in respect of this major planning application, the following Policies of the aforementioned Local Plan are of relevance to this application:
- Policy SP 1 - Sustainable Development
  - Policy SP 2 - Strategic Growth and Distribution
  - Policy SP 5 - Strategic Connectivity
  - Policy SP 6 - Securing Good Design
  - Policy CC 4 - Flood Risk and Development
  - Policy CC 5 - Surface Water Management and Sustainable Drainage
  - Policy CM 4 - Planning Out Crime
  - Policy CM 5 - Environmental and Amenity Protection
  - Policy GI 3 - Biodiversity and Geodiversity
  - Policy GI 6 - Trees and Hedgerows
  - Policy IP 2 - Transport and Development
  - Policy IP 4 - Waste Minimisation and the Recycling of Waste
  - Policy IP 6 - Foul Water Drainage on Development Sites

**Applicants' Supporting Information:**

6.5 The application is supported by a number of significant documents. Each has been summarised below:

*Agent email 4 January 2021 (appearing on website as received 3 March 2021):*

- responds to consultation reply of Springfield and Gretna Green Community Council, advising in relation to highway usage and impacts on the local highway network (refers to Transport Statement);
- discusses suitability of the submitted ecological report in the light of the condition of the site when the application was in preparation; recommends condition relating to biodiversity to promote net gains;
- mentions that information relating to drainage has been submitted in response to the consultation reply of Cumbria County Council;
- mentions that a Transport Assessment Addendum has been submitted in response to the consultation reply of Cumbria County Council;
- describes potential crime prevention measures to be implemented including (i) Natural surveillance afforded by the vehicle flow position which offers clear view to the back of the site; (ii) establishing a secured perimeter through a combination of structure planting and security fencing (iii) security lighting (iv) access control managed by a number plate recognition barrier system; (v) commercial building designed to ensure resistance to forced entry (specification of exterior doors, roller shutters will satisfy such requirements); (vi) an effective alarm system implemented on site (vii) CCTV system linked to the applicant's phone to be installed.

*Planning, Design and Access Statement (Graham Anthony Associates, received 3 September 2020):*

6.6 This document has not been updated since the application was submitted in September 2020; a summary of the matters of most relevance and interest is as follows:

- application submitted in context of pre-application advice sought formally from local planning authority;
- none of the technical reports submitted in relation to highway safety, ecology, trees, landscaping, contamination, flood risk and drainage indicate any insurmountable matters that would preclude support of the application;
- the development would make maximum use of previously developed land and has excellent road and rail connections, supporting a key element of the

districts strategy to grow the economy;

- lists supporting documents submitted with the application (NB - identifies a Tree Survey - such an item has never been submitted);
- describes the characteristics of the site including its location in relation to the strategic transportation network and provides an aerial photograph of the site as it is now, with vegetation cleared and hardcore areas introduced;
- discusses the applicant's current operations in Harker and advises in relation to the decision to pursue this site on the basis of expanding because the existing site is now at maximum developable capacity;
- describes the likely activity at the new development along with access and landscaping proposals;
- under the heading of Planning Policy, states the following:

"The Development will make use of surplus, former MOD land within the strategic M6 Corridor, with such development seen as a key element of the strategy to grow the economy. The Commercial vehicle repair yard will further support the freight/ commercial industry and help support existing commercial operations in this locality. Furthermore, the development will provide employment to help offset the losses that have been incurred in traditional rural industries over recent years. This creates both social and economic benefits ensuring that rural communities have access to employment which in turn prevents outmigration. The proposed development will create strategic planting corridors that will connect areas of existing planting and promoting net gains in biodiversity. Furthermore, the application is supported by a detailed ecological assessment that confirms the proposal will incur no harm to any ecological features on site."

- seeks to justify the principle of development in relation to Policies IP 2 (Transport and Development) and EC 11 (Rural Diversification) of the Local Plan.

*Transport Assessment (SCP Transport, received 3 September 2020):*

6.7 Concludes/Summarises as follows:

- Analysis of accident data reveals that no road traffic accidents occurred during the most recent 5 year period available within the vicinity of the site.
- The three existing access points from the service road to the north of the A6071 are to be retained, whilst the junction between the A6071 and service road is to be widened to more comfortably accommodate passing HGVs, which will benefit both existing users and mitigate the additional trips generated by the development of the development.
- Internally within the lorry park an anti-clockwise loop arrangement is proposed with an automated gate system proposed at the exit to manage vehicle

movements. The swept path of a 16.5m articulated vehicle accessing the loop is accommodated.

- Appropriate visibility splays are achievable from each of the site access junctions and also the service road junction with the A6071.
- Based on robust assumptions it is calculated that the development would generate approximately 60 trips during the peak hours, equating to 1 trip per minute.
- The number of goods vehicle trips generated by the lorry park is robustly estimated at 40 movements during the peak hours or a vehicle movement every minute and a half. It should be noted that these movements are unlikely to be a primary trip and will already be passing the site on the A6071 or nearby on the local or strategic highway network.
- This is not considered to represent a material impact on the local highway network, whilst representative junction capacity modelling is not possible in the current conditions affected by the pandemic.
- In their pre-application comments, the local highway authority requested that the impact of the additional trips generated through the communities of Gretna and Gretna Green be considered to access the A74(M) to / from the north.

*Transport Assessment Addendum (SCP Transport, received 3 March 2021):*

- 6.8 Purpose of the document to respond to highway safety matters raised in the consultation response of Cumbria County Council;
- describes agreement between applicants' transport consultant and Cumbria County Council that a planning condition could appropriately deal with matters relating to vehicular access, including (i) visibility splays from the site access, (ii) swept paths and (iii) the weight limit traffic regulation order on the access road;
  - describes/explains traffic speed survey undertaken to ascertain speeds of vehicles using the stretch of public road between the A6071 and the proposed site access;
  - advises that the recorded speed would give rise to requirement for visibility splays of 2.4m x 35.8m to the north and 2.4m x 36.7m to the south;
  - proposes relocation of weight limitation signs to a location further north beyond the lorry park access when approached from the south;
  - corrects previous error relating to potential access to the lorry park from the north; confirms all access to/from the lorry park will be from the A6071 (swept paths shown in updated drawings);

*Flood Risk Assessment (Reford Consulting Engineers Ltd, received 3*

September 2020):

6.9 Concludes that:

- The Site lies within Flood Zone 1, the lowest risk which is identified as land assessed as having a less than 1 in 1000 annual probability of river or sea flooding (<0.1%)
- The Environment Agency Risk of Flooding from Surface Water map indicates the site is at a very low risk of surface water flooding;
- The risk of fluvial flooding is very low;
- The risk of flooding from canals, reservoirs and other artificial sources is low;
- The flood risk from groundwater is low;
- The risk from sewer flooding and pluvial runoff is low;
- The risk of flooding from the development drainage is low.

Drainage Strategy (Reford Consulting Engineers Ltd, received 3 March 2021):

6.10 Confirms trial pits created within the site to test permeability/make-up of the soil; confirmed soil is red clay and not suitable for infiltration;

- Confirms surface water and foul water are already managed on site (separate systems) and that no public sewers are present in the locality; an existing drainage system comprising a piped network and drainage ditches alongside the unmade tracks is said to collect surface water runoff from the existing site. The surface water is then said to pass through an underground chamber and be attenuated within the existing pond that lies at the development site's south eastern corner, prior to discharging via an existing outfall under the A6071 into a culverted drain, classed as an 'ordinary watercourse', that flows to the south.
- Foul water is said to be treated by septic tanks
- Proposes that the existing surface water management items would be incorporated into the scheme that would serve the development, as far as is practicable;
- Surface water management would be augmented with the introduction of (i) a Hydrobrake control system to control discharge rate before water disperses into the ordinary watercourse via culvert under the A6071; (ii) additional underground attenuation apparatus within the sales and preparation yard area; (iii) a fuel interceptor relating to run-off from hardstandings (installed after the Hydrobrake on the north side of the A6071); (iv) separate surface water drainage system around the fuel islands with a second fuel interceptor;
- foul water from the developed site would be treated in a new sewage

treatment plant (septic tanks no longer to be used);

Noise (Acoustic) Assessment (Martin Environmental Solutions, received 3 March 2021):

- 6.11 confirms that potential impact on neighbouring amenity is the reason the report has been produced;
- advises that the World Health Organisation recommends that maximum sound levels at night should not regularly exceed 45dB(A) within bedrooms to prevent sleep disturbance;
  - advises that relevant British Standard includes recommendation that the 'daytime' period internal noise levels should be 35dB LAeq,16hr, for resting in living rooms and bedrooms while for night time a level of 30dB LAeq,8hr is recommended;
  - provides in-depth coverage of how and why noise assessments are undertaken, and relevant policy/guidance/standards;
  - describes how and when the assessment was carried out on the site in January 2021;
  - provides a summary of the sound recording results and makes recommendations specifically relevant to the proposed development, being (i) incorporation of existing earth bund on north-east boundary into sound attenuation regime; (ii) proposed earth bund or close-boarded fence (2.5m high) around the lorry park to act as sound attenuation in relation to amenity of dwellings in vicinity;
  - advises that operation of the maintenance shed would not promote unacceptable levels of noise;
  - concludes that development could go ahead, with mitigation, without causing unacceptable levels of noise.

Preliminary Ecological Assessment /Hedge Survey (Openspace, received on 3 September 2020):

- 6.12 An Executive Summary of this report is usefully provided. It has been reproduced here as it gives appropriate coverage to the subject matter/conclusions within:
- The bare ground, disturbed ground/ephemeral vegetation, species-rich secondary vegetation, semi-improved neutral grassland and damp semi-improved neutral grassland are of limited conservation interest in terms of the vegetation, with no impacts expected from the removal of this habitat and no mitigation required.
  - There are two hedges along the western boundary of the site, a length of derelict hedge and a length of native species-rich hedgerow with trees. The

current proposal does not require the removal of these hedgerows and therefore no impact is expected and no mitigation is required. If any hedgerow is to be removed, mitigation measures, including the planting of native hedgerow, will suitably offset the impact of removal. Recommendations on hedge protection have been provided;

- One ash tree has been identified as having low potential for roosting bats. This tree is not proposed for removal in the indicative outline plans. Should this tree be removed or require significant pruning a full preliminary ground based roost assessment may will be required to determine the status of any potential roost feature.
- Protection measures should be put in place to protect the roots system of the retained hedges and the RPA of the retained trees.
- The water feature around the septic tank and the attenuation pond on site are suitable for Great Crested Newts and therefore eDNA surveys should be conducted to determine presence or absence prior to any works being undertaken on site.
- Pollution control measures should be put in place to reduce the impact on the water courses on site.
- The four buildings on site have potential to be used by roosting bats. Only the derelict toilet block is currently proposed for conversion/refurbishment. A preliminary roost assessment will be required to determine the status of any potential roosts within the building prior to commencement of works.
- There are habitats on site with some suitability for use by local populations of bats, birds and other species. Recommendations on further survey effort required, timing, methods, good practice and habitat enhancement have been provided in this report.
- All European protected species and species of conservation concern should be considered at all times during construction, and if individual animals are suspected or appear within the construction phase, works must stop and further guidance to protect from harm and disturbance should be sought by contacting an approved ecologist.
- There is an opportunity to increase the biodiversity of the site. The proposed landscape plan to accompany a planning application should be produced in accordance with the National Planning Policy Framework (NPPF) in order to 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...' and the local planning authority should take into account the policies contained in the Framework when making any decision. The proposed landscape features need to be created in a way that they are suitable for and will be used by wildlife. The proposed landscape plan should also use UK native species from reputable sources.

*Contaminated Land Phase One Desk Study (Martin Environmental Solutions,*

2019):

6.13 This report appears to have been commissioned in relation to a potential residential development at Richardson House, prior to the current application being submitted. However, it does relate to the application site and is therefore relevant. A summary of its conclusions is as follows:

- no contaminants identified on or off site that are likely to present a significant possibility of significant harm to any identified receptor;
- the area to the rear, north, of the site together with the grassed field area to the east and south of the site are to form commercial uses and hardstanding for vehicles as such there is limited potential for any contamination to affect receptors.

#### **Consideration of Development Proposals:**

6.14 To enable full consideration of whether the principle of development can be accepted in the light of the development shown in the application, it is necessary to first appraise various aspects of the development, in the light of information submitted by the applicants, relevant responses of specialist consultees, and views of the public and/or their representative Parish/Community Councils. Whether or not individual (or linked) aspects of the development are deemed acceptable will, ultimately, enable it to be concluded whether or not the principle is acceptable.

#### **(i) Impacts on highway safety**

6.15 The A6071 is a busy connecting route between Longtown and Gretna, providing access to and from the motorway for a range of vehicles, including lorries. It is a relatively fast road, including at the point where the U1059 meets it, just south of the application site. The junction is not heavily used at present but is fully useable by most vehicles, albeit with a weight limitation of 7.5 tonnes from the edge of the A6071 to the southernmost site access.

6.16 The development would, according to the application, and specifically in terms of the lorry park section of the development, be accessed only from the south i.e. it would not be accessed from the C1002 road from Mill Hill (to the north).

6.17 The applicants' stated intention is to pick up passing trade from vehicles already using the A6071, and not to advertise or try to divert vehicles off the motorway to visit. This approach is based on an understanding that the route is already used by a significant number of potential customers, and that the development is located adjacent to that oft frequented route. As such, the indication from the applicant is that it is not advocating a substantial increase in the number of vehicles using the A6071 to access the development, because they would already be utilising that route.

6.18 During the consideration period for the application, the applicants have sought to provide an appropriate level of information relating to how the development would impact on highway safety, and how it has been designed to ensure it is

compliant with highway safety objectives as observed in detail by Cumbria County Council, in particular, in its role as highway safety advisor to Carlisle City Council.

- 6.19 Policy IP 2 from within the Carlisle District Local Plan is the most pertinent to consideration of the current application. Of particular relevance is the first paragraph of the Policy, which states:

*"All new development will be assessed against its impact on the transport network. Development that will cause severe issues that cannot be mitigated against will be resisted. Development likely to generate significant levels of transport within isolated and poorly accessible areas will be resisted unless a clear environmental, social or economic need can be demonstrated."*

- 6.20 Of further relevance is the section of the Policy under heading 'Travel Plans and Transport Assessments' specifically because, due to the nature of the development proposed, a Transport Assessment and an Addendum to the initial assessment have been provided. This section reads as follows:

*"Development which through reference to national guidance requires the submission of a Transport Assessment and/or Travel Plan, should, in addition to responding to national guidance, demonstrate how:*

- 1. the needs of cyclists and pedestrians will be met and prioritised on site;*
- 2. the development will help to reduce the need to travel, particularly by private motor car;*
- 3. the movement of freight and goods by rail will be maximised where possible and appropriate;*
- 4. the site will safely and conveniently connect to public and green transport routes, and contribute to creating a multifunctional and integrated green infrastructure network;*
- 5. the accessibility needs of more vulnerable people have been taken into account;*
- 6. the impact of heavy goods vehicles accessing the site, where this is a required aspect of operations, will be minimised, including restrictions on operating hours and how route plans involving the movement of HGVs will avoid residential areas where possible; and*
- 7. all other sustainable transport concerns will be addressed."*

- 6.21 **Policy EC 11** 'Rural Diversification' is also of relevance in this context, requiring that new development permitted in the context of the policy must include adequate access and car parking arrangements and not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.

- 6.22 Within the updated NPPF is Chapter 9 'Promoting sustainable transport'. In the context of appraising this application, the pertinent advice (with irrelevant text removed and replaced with ".....") appears within **Paragraph 104**, as follows:

*"Transport issues should be considered from the earliest stages of.....development proposals, so that:*

*a) the potential impacts of development on transport networks can be addressed;*

*b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*

*c) opportunities to promote walking, cycling and public transport use are identified and pursued;*

*d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*

*e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places."*

- 6.23 **Paragraph 105** follows on, advising that:

*"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."*

- 6.24 **Paragraph 109** is of specific relevance to the proposed development. It states:

*"Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use."*

- 6.25 Paragraphs 110 to 113 inclusive, under the heading 'Considering development proposals', are all of relevance in relation to highway safety:

**Para. 110:** *"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

*a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*b) safe and suitable access to the site can be achieved for all users; and*

*\*\*NB - Criteria c) not listed here - new insertion in July 2021 NPPF Update\*\**

*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

**Para. 111:** *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

**Para. 112:** *"Within this context, applications for development should:*

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

*b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

*c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

*d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

*e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations."*

**Para. 113:** *"All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."*

6.26 Not all of the aforementioned national or local policy text is specifically focussed on highway safety, but this provides a broader context for consideration of the application in a transport context, and includes a number of references to ensuring development is not prejudicial to highway safety.

Increased volume of traffic:

- 6.27 It is acknowledged that usage of the site would be likely to generate a noticeable level of new traffic, especially because the existing site is not in use. Despite assurances from the developer that there is no intention to try to attract customers other than those who are passing or who are aware of the site through word of mouth, a successful development will undoubtedly be popular and will attract new customers.
- 6.28 The A6071 route is already busy with commercial traffic, to a great extent because it connects the A7 at Longtown with the M6/M74 motorways, meaning that traffic can swiftly and easily cut across and can either approach, or leave Scotland on either the main route to the Scottish Borders or on the more westerly main route that heads towards Dumfries and Galloway, the west coast, Glasgow and Edinburgh.
- 6.29 A dedicated lorry park with capacity for 40 lorries, a fuelling station, and an associated sales/preparation area would undoubtedly give rise to an increase in traffic movement in both directions on the A6071, but this increase has been appraised in detail by specialist consultees at Cumbria County Council and, presumably, by colleagues at Transport Scotland, leading to conclusions on both sides of the Border that the resultant development has no attributes that would render it to be unsupportable, taking into consideration proposed access arrangements, the likely level and nature of movement, and mitigation proposed in terms of modification to the junction(s) and provision of visibility splays.
- 6.30 It is likely that although public perception is that the development would add significantly to the amount of commercial traffic on the local road network, it would not likely be particularly noticeable because the proposed development is (a) only for lorries; and (b) of a reasonably modest scale overall. Further, it is accepted that current traffic movement includes commercial vehicles passing through the locale at a significant level, and although this would be increased, it does not give rise to a brand new principle not previously experienced. The existing highway network leading to and from the site via the A6071 is adequate to accommodate any additional traffic generated by this specific development.
- 6.31 Of specific note is the fact that users of the lorry park who wish to join, or rejoin the M74 in a northerly direction would have to drive through Gretna via the B7076 (along Glasgow Road) to get to the one-way junction that connects Gretna to the motorway because there is no return slip-road route to enable vehicles to go back onto the motorway from Junction 45. Although this is considered to be not ideal, it would potentially exacerbate current circumstances by a modest amount, but not so much as to render the proposal unacceptable.

Turning/Manoeuvring/Entering/Departing from the site:

- 6.32 Driving in this locale requires more than average concentration and care to be taken, because it is a fast stretch of road which, despite the presence of

junctions and associated signage, and because it is utilised by such a range of vehicles, regularly promotes overtaking manoeuvres. Arguably, highway safety concerns could arise from the introduction of the development with more traffic using the U1059/A6071 junction and therefore with more vehicles slowing down on approach, and with more vehicles necessarily exiting from the U1059 carefully and slowly onto the A6071. This would have the potential to create conflict, more so than at present.

- 6.33 However, despite this, the locality is not the subject of a high number of recorded traffic incidents; plus, the development proposes to improve the layout of the access so that it would be able to safely accommodate the lorries coming and going.
- 6.34 The site layout is such that vehicles would drive through/around the lorry park area in a one-way anti-clockwise loop system, so there would be adequate room to manoeuvre safely for users.
- 6.35 Again, Cumbria County Council has appraised the ability of the site to safely accommodate traffic and has assessed that the development would not be prejudicial to highway safety, as long as works are undertaken to the junctions and access to enable them to be safely used by lorries.
- 6.36 It should be noted in this context that it would be unacceptable for commercial vehicles to seek to approach the development from the north if they opted to exit the M74 at either the Gretna Services sliproad exit or the sliproad exit at Junction 22 of the M74, because this would lead to potential use of the site accesses in a way that has not been designed to cater for the manoeuvring of lorries.

*Pedestrian/Cyclists/Horserider safety:*

- 6.37 The development is intended to be accessed only from the main A6071 via the short section of the improved U1059, and although it is likely that walkers, runners, cyclists and horseriders will be active at a low level in the locality, if they are using the main road and junction(s) in this area there is already a level of risk involved because there is no dedicated series of pavements, rights of way or trails - users would be active on the public road network notwithstanding the existence of a development such as that now proposed. The locality does not lend itself to leisure uses 'per se' although the public is fully entitled to use the road network.
- 6.38 Any change or increase of usage resulting from the development would not impact on a specific leisure resource such as a national cycle trail or a long distance path, and therefore such increases could be accommodated without giving rise to overriding, or severe road safety concerns.
- 6.39 In relation to highway safety especially bearing in mind the applicants' commitment to ensuring all access points are constructed to accord with acceptable safety standards, the application would broadly comply with the aforementioned Policy IP 2, and relevant advice from within the NPPF in the Paragraphs listed above.

- 6.40 However, given that usage of the junction would change, increase and be affected by improvements to visibility, plus the presence of the lorry park resources and associated sales/preparation area of development, which in itself is a significant introduction with the potential to generate traffic over and above the lorry park operations, if planning permission is granted it would be appropriate to impose a condition requiring a scheme of signage to be submitted to, and approved by the local planning authority, in conjunction with Cumbria County Council. This would ensure all possible actions have been taken to increase safety for, and minimise risk to highway users.
- 6.41 It would be expected that any such signage scheme would include signs advising drivers of there being no access to the development from the north (only from the A6071).

(ii) **Impacts on residential amenity:**

- 6.42 As discussed in the previous section, there would be an increase in traffic utilising the road network in the immediate locality. This, in itself, could give rise to actual, or perceived impacts on residential amenity; or in other words, how others in occupancy of properties nearby live in, use and enjoy those properties.
- 6.43 In addition to the potential impacts of additional traffic, the development could, by virtue of its nature, scale of use, the nature and number of vehicles coming and going, and the day-to-day (and night-by-night) activities at the lorry park in particular, promote nuisances from noise, vibration, light and air pollution. The site has never before been brought into use for such a substantial commercial use, and inevitably future circumstances will be compared against the existing circumstances of what is essentially a relatively (or partially) undeveloped and inactive site that extends for the most part into what is fundamentally an agricultural field.
- 6.44 There is no residential or other amenity impact assessment submitted at this time, but the noise assessment is intended to look at how the development would impact on residential amenity, so it is relevant within this section.
- 6.45 Of the greatest relevance within the Local Plan are Policies SP 6 'Securing Good Design', and CM 5 'Environmental and Amenity Protection'. Criteria 8 of Policy SP 6 states:

*"Proposals should ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable conditions for future users and occupiers of the development."*

- 6.46 Policy CM 5 is of relevance in this context. It states (with irrelevant text omitted using "....."):

*"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:*

1. *it would generate or result in exposure to, either during construction or on completion, unacceptable levels of pollution (from contaminated substances, odour, noise, dust, vibration, light and insects) which cannot be satisfactorily mitigated within the development proposal or by means of compliance with planning conditions;*

.....

5. *proposals for new hazardous installations (e.g. certain gases, liquids and explosive chemicals) pose an unacceptable risk to the health or safety of users of the site, neighbouring land and/or the environment.*

*Proposals may be required to submit detailed assessments in relation to any of the above criteria to the Council for approval. Where development is permitted which may have an impact on such considerations, the Council will consider the use of conditions or planning obligations to ensure any appropriate mitigation measures are secured."*

- 6.47 Within the NPPF is Chapter 15 'Conserving and enhancing the natural environment; within that Chapter are the Paragraphs most relevant to the proposal in the context of residential amenity impacts. **Paragraph 185** states:

*"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (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:*

- a) *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;*
- b) *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."*

**Traffic Movement:**

- 6.48 It is considered that traffic increases relating to the A6071 as a whole, as reflected in the previous section of this report, are likely not to be of great influence because it is already a busy commercial connecting route. In any event, in the vicinity of the development site, there are no properties close to, and accessed from, the A6071 directly, so the potential affects of traffic movement on residential amenity, in this context, are likely to be negligible.
- 6.49 Properties served off the stretch of road north of the site (Gretna Lonning) should also not be noticeably affected because no traffic using the proposed

development should be attempting to access the site via this stretch of road. Examples are Wood Villa, Midways and Barrasgate.

6.50 What would potentially be very noticeable, given that there would be an intensification of use to the junction of the U1059 and the A6071 and the associated stretch of the U1059 providing access to both parts of the development, is the change in experience for those residents living in properties in the hamlet known as Mill Hill, which are all served off the public road that connects to the U1059 approximately half way between the two commercial accesses proposed. Properties in this hamlet/building group include:

- Mill Hill Farm (operational commercial farm)
- Roses Halt
- Station Cottages
- Graham Arms House
- Guards Mill Cottage
- Meadowbank
- Mill View
- Guards Mill Farm (operational commercial farm)

6.51 Clearly, some of the traffic utilising the junction and the stretch of road from the A6071 to where the lane to Mill Hill begins is currently agricultural traffic, which would include tractors, trailers, implements and lorries.

6.52 Intensification of use of the junction/connection stretch of the U1059 would undoubtedly lead to an impact on the day-to-day movements of persons living and working in the Mill Hill hamlet. The proposed lorry park and preparation/sales areas, if the development becomes operational and is a success, would attract considerable numbers of users in their vehicles, and with many of these being lorries, at times this would be to the inconvenience/detriment of local amenity because residents would be more likely to encounter lorries as they go to and from their homes. This would lead to actual change and also a potential perception of negative change, because presently the locality is fairly quiet and vehicle movement is likely to be limited to residential and agricultural traffic. Although the 'Scotts' commercial site nearby on Gretna Lonning operates with the use of lorries delivering materials and products, its vehicles would not tend to use the connecting section of the U1059 because it does not lend itself to an easy passage for long commercial vehicles (and has the 7.5 tonne weight restriction), and the much better alternative junction with the A6071 is available at the eastern end of Gretna Lonning.

6.53 It is considered that this specific effect of the development is relevant to consideration of the overall balance of impacts and compliance with national and local policy, as set out above. In this particular respect, the proposals are not fully compliant with either Policy CM 5, Policy SP 6 or the NPPF.

Noise:

6.54 Presently, the locality is considered to be subject to noise arising from a

variety of sources including traffic from the motorway and other public roads, agricultural activity including vehicles and machinery, commercial activity at the Scotts commercial site and the nearby commercial wind farm north of Mill Hill.

- 6.55 It is highly likely that the overall level of perceived noise would presently lessen at night as activities dissipate, although the major roads would still be in use throughout the night, and the wind farm would tend to be operational on a 24-hour basis.
- 6.56 The site itself is currently noise-free, as there is no activity taking place, and over the course of time previous uses of the site have drifted away so that for all intents and purposes, this is a redundant site with no current usage; although, it may be accepted that the presence of existing development on the site including the bungalow/office buildings (not within the current application site, but forming part of the overall unit) and the rather dilapidated service buildings imply that activity could take place if it simply meant bringing these available volumes back into (an authorised) use.
- 6.57 It is intended that the lorry park would be operational on a 24-hour basis, according to the application. This is stated within the Noise Report/Assessment submitted earlier this year. The maintenance/preparation side of the development is not intended to be in operation at night-time.
- 6.58 The application/development currently includes a proposal for an acoustic fence (2.5m height) around the lorry park section. The fence has been proposed further to the findings of the noise assessment and was not an original component of the proposed development. This is the only recommendation of the noise assessment and is proposed to render noise emanating from the site as acceptable in relation to residential properties that may be affected. The recommendation in the noise assessment is for either a bund (presumably formed from earth) or a fence.
- 6.59 It is envisaged that a 24-hour, operational lorry park would promote noises from manoeuvring vehicles, reversing horns, air brakes, air horns, vehicle doors closing, cumulative noise arising from people working at and using the site, and vehicle movements associated with operational deliveries and staff. The preparation/sales area would also generate noise during the daytime, but this would likely be a less intensely used area and visitations from users are likely to be far less than those from users of the actual lorry park.
- 6.60 Due to the presence of the aforementioned noise-generating entities mentioned earlier in this section already in existence in the locality, it could not reasonably or logically be described as a 'tranquil' or peaceful location. In particular, proximity to the M6/M74 motorway corridor means that the wider locale is highly unlikely ever to be fully at rest. Ambient daytime noise already includes the range of noise generating activities/entities; and night-time would be subject to a lesser, but still noteworthy range of such activities, because it would include less traffic and less commercial/agricultural activity but would still include traffic on arterial routes and the wind farm.

- 6.61 In the locality, other than the wind farm, all commercial activities tend to cease overnight. The introduction of a 24-hour lorry park, therefore, would change the circumstances significantly in terms of the promotion of a site which is actively in use at night. However, it would be logical to expect that not as many lorries would use the lorry park in terms of dropping in and out at night-time - many would likely be sleeping in their cabs overnight, and in that respect operational activity at night is likely to be less intense than during the daytime. There is likely to be a proportionate drop in activity overnight, in line with most (although not all, as many lorry drivers do drive the nightshift) sleeping patterns and habits.
- 6.62 Notwithstanding the likelihood that night-time operations would be less intensive than daytime uses, movement of vehicles slowing down to access the junction or to enter the site itself, plus movement of vehicles exiting the development would include rises and falls of noise emanating from the vehicles, and this may be noticeable, more so at night-time than during the daytime.
- 6.63 The noise assessment has been accepted as fit for purpose by the Carlisle City Council Environmental Health Service (EHO), has been carefully considered, and has found to conclude acceptably that no overriding noise concerns arise. It is accepted that the acoustic fence would be adequate/appropriate for the purpose of containing site noise to the extent where any noise emanating from within the site would not exceed acceptable levels.
- 6.64 Furthermore, it has been agreed by the EHO and the applicants that a Noise Management Plan would be required to ensure any ongoing problems can be managed and mitigated if they occur. The planning service accepts this position in respect of on-site noise management. If the development goes ahead, measures put in place to offset, manage and mitigate noise would be able to address issues arising in an appropriate way.
- 6.65 Unfortunately, these management/mitigation tools would not overcome the potential noise emanating from vehicles accessing and departing the site, as described in Paragraph 6.62 above, and if it is accepted that the development can go ahead, it must also be accepted that night-time movement would have the potential to generate noise which could register audibly at residences in the locality. However, there are no dwellings in such close proximity to the site that this would be likely to be an overriding matter, and although it cannot be assumed 'across the board', it is very likely that most properties in the locality already have significant noise attenuation in place, for example newer, more soundproof windows and doors which are not left wide open at night.
- 6.66 With respect to noise, therefore, it can be concluded that there are no overriding issues arising that would put the development in conflict with the aforementioned Policies SP 6 and CM 5, or the NPPF, if the development goes ahead with the acoustic fence implemented.

Light pollution:

- 6.67 As yet, no lighting information has been provided. It is known that the site will require to be lit, and it is assumed that a range of external lighting would be required throughout the site to ensure it is operationally safe during hours of low light or darkness, which would include night-time hours.
- 6.68 The site presently does not include any lighting, therefore its appearance would significantly change when it is required to be artificially lit. At night, it is likely that the development would stand out in the locality visually, because being operational 24-hours means keeping a site operationally safe at all times.
- 6.69 Adjacent to the site to the north are areas of mature woodland, which would help to absorb and/or 'backcloth' some of the new lighting, when viewed from certain directions. However, judgement as to whether or not light proposals are acceptable cannot be formed at the moment, because the applicant has opted not to provide lighting information.
- 6.70 The option not to provide a lighting scheme at this stage/prior to determination was taken despite suggestions by the planning service that information would be more appropriately be provided before the recommendation is made, to help inform it.
- 6.71 The Committee is asked to note that dialogue between the applicants and the EHO about lighting has resulted in an interim conclusion that the matter of lighting could be dealt with via planning condition(s). However, the Committee is also asked to note that this proposition does not sit entirely comfortably with the planning service, because lighting of the site is fundamental, not optional to the applicants and so it is known that substantial lighting is likely to be required. Not knowing where lighting apparatus would go, the type of lighting intended and not having proposals to manage and mitigate so that lighting is not problematic is not conducive to enabling a fully informed recommendation.
- 6.72 With this in mind, the potential impacts of lighting on the residential amenity of nearby occupiers cannot be fully considered. However, on balance it is unlikely that the absence of such information would preclude support of the application, because the local planning authority would retain its full prerogative to accept or not accept any lighting scheme put forward in response to conditions imposed.
- 6.73 With regard to potential impact of light pollution on residential amenity, subject to the imposition of suitable conditions, it can therefore be concluded that the development could accord with Policies SP 6, CM 5 and the NPPF.

Vibration:

- 6.74 Vehicular movements of lorries can promote vibration in the ground that transfers to adjacent properties and ground. Taking into consideration how close the site is to private residences, and the provision for commercial vehicles only to approach the site from the south via the A6071 and the improved section of the U1059, vibration is unlikely to become a significant

concern because vehicles will be travelling slowly and carefully on approach and departure from the lorry park and the vehicle sales/preparation area - this is inevitable taking into account the junction and road layout.

- 6.75 That is not to say that vibration would not occur, and would not occasionally be felt at a very low level, but it is unlikely to become a significant or overriding concern at this particular site, under general/normal day-to-day scenarios.
- 6.76 One scenario that could occur is that a number of vehicles on site together, for whatever reason, leave their engines running or their compressors (for example if vehicles are refrigerated) are simultaneously in operation. This can give rise to perceived noise that has vibrational tones in it, which can be sensed in the hearing. As this is more a noise matter than a vibration matter, but as the two are linked, it would be reasonable and appropriate to suggest that the Noise Management Plan mentioned in a previous section could become a Noise and Vibration Management Plan, if planning permission is granted. This could enable the application to accord with Policies CM 5 and SP 6, and with the NPPF.

*Air pollution:*

- 6.77 There is no supporting information submitted that relates to potential air pollution associated with the development. This was not identified as a specific requirement at pre-application stage, and has not been requested during the consideration period. It has also not been requested by the EHO during the consideration period, or identified as an outstanding item that would prevent appropriate assessment of the application.
- 6.78 An air pollution assessment would look at the potential impacts of fumes and dust generated by a development, and would offer mitigation if required. Of these two matters, it is more likely that the emission of fumes, which include particulates, would be relevant to this application.
- 6.79 Not having any information relating to air pollution causes a degree of concern, given the nature of the development and the number of new vehicular movements in the locality, and the potential effects of those movements on the air quality available at residences such as Red Brae, Mill Hill Bungalow, Midways, Wood Villa and Barrasgate.
- 6.80 Air quality impacts have not been called into question to date, and therefore it would be unreasonable at this stage to require a pre-determination air quality assessment - especially having regard to guidance received from the EHO, which does not seek to challenge the absence of such information.
- 6.81 However, consideration must be given to imposing a condition requiring an air quality assessment to be undertaken if planning permission is granted, to enable potential effects to be identified, and mitigation to be proposed in response. Such mitigation could include dense planting of new vegetation in areas between the site and the aforementioned residences, or to augment existing vegetation by improving the quality of existing woodlands and

hedgerows.

- 6.82 In respect of potential air pollution, it can be accepted that, subject to appropriate mitigation secured via planning condition(s), the development could accord with Policies SP 6, CM 5 and the NPPF.

**(iii) Impacts on tourism:**

- 6.83 Tourism in Carlisle District, generally speaking, is reliant on its visitor offer, which includes at least one world class site, being the Hadrian's Wall World Heritage Site and associated long distance walking route. Other major assets include Carlisle Castle, Talkin Tarn, the excellent network of walking and cycling routes and the presence of two Areas of Outstanding Natural Beauty. Outwith its built up areas, much of Carlisle is agricultural land and some of it is designated forestry land with public access. In and around the rural areas, a range of larger and smaller tourism accommodation sites exist which help to support the local economy very significantly.

- 6.84 Adjoining Carlisle District, and of particular relevance in this scenario where a lorry park would be introduced adjacent to the A6071 and require users to approach or depart via the local road network, is Dumfries and Galloway Council's area within which, just over the national border and in Scotland, is the world famous Gretna Green/Gretna wedding getaway network of attractions and supporting assets.

- 6.85 It has been suggested that the lorry park would adversely impact on the attractiveness and prosperity of Gretna as a destination because it would promote an increase in traffic through the settlement and cause its quality to diminish. To a certain extent, this matter has been appraised already under the heading of 'highway safety' (specifically, within paragraph 6.31) and the general view of the planning service is that any increase in the level of movement, although perceptible would be highly likely to be so problematic as to promote a reason to refuse the application. As a side effect of development, residents and businesses within the Gretna Green/Gretna settlements may notice a slight increase in traffic using its roads, but Gretna's brand and presence in the local economy is so strong that it could not reasonably be concluded that the lorry park could trigger any significant diminishment to tourism, having particular regard to the fact that similar traffic utilises the road network at present. Any increase, although unlikely to be highly perceptible, could be accommodated without significant concern arising, and in this regard the application would comply with Policies SP 6 and SP 2 of the Local Plan.

**(iv) Impacts on biodiversity:**

- 6.86 The site is bounded in part by roads, in part by the Scotts commercial site, in part by mature woodland, in part by open paddock (east of/attached to the site) and in part by man-made embankments. Also belonging to the site is Richardson House, which in effect has a 'curtilage', the possibility of which is accentuated by its exclusion from this application. Said curtilage includes some vegetation. The overall site includes traditional hedgerows and trees on

its margins. The overall setting is agricultural but further to the north-east and east are substantial woodlands/plantations, and to the north is the wind farm mentioned earlier in the report.

- 6.87 The site has been partially cleared in recent times. The central area was populated by trees and hedgerows to a significantly greater extent than it is now. It is evident that the site was 'prepared' to be transferred to a new use: the apparent open area was increased and hardcore has been brought in and laid down in areas that may previously have included grass and other vegetation.
- 6.88 It is easy to see that the site has changed much in terms of its characterisation by vegetation since, for example, Google Earth street photography was taken in 2010 and 2011 in the locality. What was until recently a heavily vegetative site has been denuded of much of its potential habitat, in order to make the site easier to develop.
- 6.89 This is unfortunate, and disappointing. It is a practice thought to have been curtailed in recent times because generally it is recognised by all responsible parties concerned that any such intervention should be done sensitively and with a view to maximising the ecological potential of a site even it is developed. However, two things must be noted:
1. This intervention was not undertaken by the current applicants.
  2. None of the interventions gave rise to any breach of planning legislation or regulations.
- 6.90 The site itself has limited ecological value at the moment but relates to ecological assets including woodlands, and is of sufficient size that, if development goes ahead in the light of this application, opportunities to substantially improve the biodiversity quality of the site are available.
- 6.91 The Preliminary Ecological Assessment mentioned earlier identifies that (i) further investigation would be required in relation to protected species; and (ii) that the site has the potential to be improved in terms of its ecological contribution.
- 6.92 The most pertinent Policy from within the Local Plan is GI 3 'Biodiversity and Geodiversity'. This is a comprehensive and detailed policy, but its main objectives (in relation to this planning application) may be summarised as follows:
- biodiversity should always aim to be conserved and enhanced in the context of developments;
  - developments should incorporate and integrate existing biodiversity assets;
  - mitigation and improvement should be secured to offset development effects during the planning process.
- 6.93 Policy SP 6 is also of relevance, in particular Criteria 8 which requires that development proposals *"should aim to ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats through*

*avoidance, including alternative design. If the loss of environmental features cannot be avoided, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought."*

6.94 In terms of the NPPF, Chapter 15 'Conserving and enhancing the natural environment' is highly pertinent to this application. In particular, the following may be noted:

**Para. 174** (with non-relevant text replaced with ".....") states:

*"Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

.....

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

.....

*f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*

**Para. 180** states;

*"When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

.....

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."*

- 6.95 The application is for a lorry park and associated commercial development, which in itself does not seem to lend itself to alignment with biodiversity conservation; and the site has been altered so that its current ecological value has been diminished, although not by the current applicants. It would seem that the clearance of the site was not for the purpose of reducing biodiversity, but for the purposes of increasing the potential developability of the site.
- 6.96 Supporting information submitted with the application indicates recognition that improvement to biodiversity would be appropriate, and that it would be achievable. The site is well related to mature woodland, hedgerows and there is plenty of space within which to undertake planting and/or protective measures.
- 6.97 However, to date the potential measures proposed are quite limited and there is no committed approach to provision of substantive improvement to habitat or to any specific feature that could be enhanced or made the focus of a scheme of enhancement. The site plan indicates 'proposed planting' along the southern embankment, but this area was already well populated with trees before site clearance was undertaken, so this amounts merely to putting back what was felled, to a great extent. It would be difficult to describe this as enhancement, as such and in the light of the previous felling/clearance undertaken.
- 6.98 Essentially, at this stage enhancement of biodiversity at the site has not been a primary focus of the application; therefore the application is lacking in terms of its attention to this matter, and as a result the aforementioned objectives of Policies from the Local Plan, and the NPPF have not been adequately responded to. However, neither the site nor its surroundings are deemed to be of a highly sensitive nature, i.e. no protected/designated areas such as Sites of Special Scientific Interest. Supporting information is positive in a biodiversity context because it tends to support enhancement and recognises the opportunity that is available. Therefore, if there is a willingness by the applicants to accede to a condition that requires greater focus on biodiversity improvement, e.g. to submit a biodiversity protection and enhancement plan which goes a lot further than the current application does, there is no reason why the application could not meet the objectives of SP 6, GI 3 and the NPPF.
- 6.99 To conclude in respect of biodiversity, therefore, as long as all are in agreement with a condition requiring matters of biodiversity to be looked at again in more detail, and to include proposed mitigation and enhancement to an acceptable level, the application has the potential to comply with relevant national and local planning policy, and biodiversity matters would not preclude support of the application.

**(v) Landscape and visual impacts:**

- 6.100 All development must visually harmonise, as best it can taking into consideration its nature, with its surroundings. The potential acceptability of development can be aided by intelligent design including the proposed use of sympathetic materials and by taking advantage of existing topography and

vegetation.

Landscape impacts:

- 6.101 Generally, the locale is not noteworthy in terms of its landscape quality. It is relatively flat, it includes major infrastructure including the motorway, bridges, pylons, large commercial wind farm, commercial and agricultural structures. It is neither pristine nor of landscape interest by comparison to many of the better landscape settings in the District and beyond in most directions. In this context, it not especially sensitive to change.
- 6.102 Landscape impacts, therefore, are likely to be relatively low in terms of any noteworthy harm arising from the development, and it could accord with Policy GI 1 of the Local Plan.

Visual impacts:

- 6.103 This is potentially a more complicated matter for consideration, because the development would introduce not only a new large building in the preparation/sales section of the site; it would also tend to be populated by a fleet of various lorries which, by their nature and having regard to the proposed layout and expectations of visitation by vehicles, would introduce a moving visual impact over time, as well as a static visual impact caused by the presence of parked vehicles. This would certainly cause visual change to the locality, which is presently not in use, quiet and generally backdropped by mature vegetation.
- 6.104 Further, visual impact of development would occur due to lighting both from the vehicles (bearing in mind that this is intended to be a 24-hour facility) and from the lighting placed within and around the development, details of which are not yet known.
- 6.105 The principal Policy from within the Local Plan in the context of visual impact is SP 6 'Securing Good Design', which states (with irrelevant text omitted and replaced with "....."):

*"Development proposals will be assessed against the following design principles. Proposals should:*

- 1. respond to the local context and the form of surrounding buildings in relation to density, height, scale, massing and established street patterns and by making use of appropriate materials and detailing;*
- 2. take into consideration any important landscape or topographical features and respect local landscape character;*
- 3. reinforce local architectural features to promote and respect local character and distinctiveness;*

.....

5. *ensure all components of the proposal, such as buildings, car parking, and new connections, open space and landscaping are accessible and inclusive to everyone, safe and well related to one another to ensure a scheme which is attractive and well integrated with its surroundings;*

.....

9. *include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;*

10. *ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features, or cause visual cluttering;*

....."

- 6.106 Also of relevance in this context is **Policy EC 11** 'Rural Diversification', which requires that proposals must be compatible with their rural setting and be in keeping, in terms of scale and character, with the surrounding landscape and buildings.
- 6.107 Chapter 12 of the NPPF is 'Achieving well designed places', and while none of the specific Paragraphs are reproduced here, it is clear from the Chapter that the Government places great emphasis on ensuring that any new development with the potential to cause significant visual impacts must be well designed to integrate harmoniously with its surroundings.
- 6.108 The site benefits from reasonably good containment in visual terms, in particular because its southern edge is bounded by an earth bund along much of its length, providing a level of screening across the relatively flat ground when viewed from the south, including the A6071. The curtilage and building forming Richardson House also intervene within the site in terms of breaking up the internal openness, although as mentioned earlier, the site used to be a lot gentler (visually) and included many trees in areas now cleared of vegetation. The site is very well backdropped when viewed from the south (for example, on approach in either direction along the A6071), and screened when viewed from the north, as a result of the presence of Mill Hill Wood and also the buffer created by the Scotts commercial development.
- 6.109 The bund would not prevent views to within the site for users of vehicles with higher seating positions such as lorries and buses/coaches at present.
- 6.110 The only significant new planting proposed relates to proposed new vegetation along the length of the bund. This would introduce landscaping that would be likely, in time, to provide additional screening and reduce the visibility of the development.

**New building:**

- 6.111 Looking first at the buildings intended to be placed, physically, on the development as permanent structures, the only item shown in the proposed plans is the preparation/sales shed in the western section. Within the eastern section (lorry park) no new buildings are proposed. No canopies are proposed adjacent to the fuel islands. Existing buildings are to be retained and upgraded to their new uses.
- 6.112 The new building would be very well backdropped by the existing woodland area behind which, according to the location plan, is at least partially controlled by the current applicant. The presence of the woodland, taking into consideration its scale, means that it provides visual mitigation by reducing the potential starkness of the new building, which is intended to be clad externally with coloured metal profiled sheeting (it is intended to be a fairly standard utilitarian building - hybrid agricultural/industrial in appearance) and which would have an upper height of between 7.5 and 8m.
- 6.113 Although it is the only building proposed, it would be large, of functional appearance and potentially highly visible without mitigation. Notwithstanding the quality of the surroundings in visual terms, it would be important to ensure that it is not only backdropped for the future by the existing trees, but also that additional landscaping is provided to further limit visual impacts. From this it may be concluded that as long as the landscaping is provided and maintained appropriately, the visual impacts could be accepted and would not be so harmful as to conflict with Policy SP 6, Policy EC 11 or the NPPF. However, to date the landscaping proposed for screening/visual purposes does not attempt to mitigate potential visual impacts of the building - the proposed landscaping is strategic and structural, being on the southern boundary only and not targeting the building. For this reason, to ensure the development is compatible with Policy SP 6 and EC 11, it would be necessary to require, by condition, an augmented and improved landscaping proposal for the site, if planning permission is granted.
- 6.114 The committee may note that the original Proposed Site Plan, submitted in September 2020 and supported by an Indicative Planting Plan, included more landscaping than currently proposed and did appear to target the preparation/sales area with new native planting proposed on two sides (south and east). Additional planting was also shown to be provided on the eastern boundary of the lorry park area. The current, revised Proposed Site Plan seems to show that these areas have been removed from the proposals for reasons that are not entirely clear, but are likely to have been influenced by the introduction of the 2.5m high acoustic fence now proposed.

**Stationary/moving vehicles:**

- 6.115 The visual experience of the resultant development (notwithstanding any movement during construction) would include a potentially high level of presence and movement associated with the stationing, arrival, manoeuvring and departure of vehicles. Up to 40 lorries would be able to utilise the park when it is at full capacity and, given the size and bulk of large lorries including detachables, this would without doubt be noticeable - it would change the visual nature of the site substantially. The lorries would stand out against the

backdrop of trees and woodland. Visual impacts would likely be experienced at night-time too, but that particular aspect is given more focussed coverage in subsequent paragraphs.

- 6.116 If planning permission is granted, the visual intrusion caused by the lorries would arguably be detrimental to the local visual environment and the lorries would likely be the most prominent static and moving visual component/aspect of the development. Mitigation would likely only be relevant if it provides as much screening as possible, which makes the landscaping mentioned in previous paragraphs (relating primarily to the new building) just as important, if not more so, in respect of the lorries.
- 6.117 From a developer/operator point of view, it might be argued that greater visibility would enhance potential trade, but any such argument in this case would not be sustainable because the applicants have already indicated that publicity would be limited and word of mouth, remembering that this is a local business already operating out of a premises in Harker, would be invoked to ensure the existence of the facility would be known. Adequate and appropriate signage installed in accordance with the scheme likely to be necessary (see Paragraph 6.40 above) would ensure users know where the site is and how to safely access it.
- 6.118 Lorry parks, and indeed service stations open to all the public can be greatly enhanced by appropriate landscaping and other planting, not only for the purposes of reducing visual impact but also to improve the quality of the environment within the development for users. If the application is supported, it would be essential to ensure visual impact of the lorry element is minimised; and at present, as suggested earlier in this report, proposed landscaping is inadequate and would require improvement/augmentation to render it acceptable in relation to the development proposed. New landscaping would have to be empathetic, targeted and proposed within a specialist-led formal landscaping scheme for it to serve its most valuable mitigation purposes.
- 6.119 Essentially, an improved landscaping scheme, although highly unlikely to fully screen the facility, would help greatly to reduce potential visual impacts of lorries and enable the application to accord with Policies SP 6 and EC 11 purely in relation to this factor. That is not to say that all visual harm would be fully offset, but the potential is there for a landscaping scheme to be implemented that would be adequate to render visual impacts acceptable.

#### **Lorry lights/security & site lighting:**

- 6.120 Although mentioned as a separate topic, consideration of the potential visual impacts of lighting has already been provided to a certain extent within this report. Visual impact is highly likely, but it will be possible to assess and negotiate to agreement in respect of on-site lighting at a 'post-determination' stage.
- 6.121 The provision of such a lighting scheme via condition, which has been agreed as an acceptable way to enable this element of the development to be considered (this action endorsed by the Carlisle City Council EHO), would not

extend to coverage of lighting emanating from vehicles, however. Although vehicle movement is likely to be lower during most hours of darkness than it is during daylight hours, lorries are known for occasionally being very well lit with extra light adornments in some cases, but even without them the headlamps, sidelights and rear lights can make lorries stand out in darkness to what some may perceive as an accentuated degree. The presence of lit-up lorries during hours of darkness would certainly change the visual nature of the site by comparison to what it looks like now.

- 6.122 A substantive landscaping scheme would have the potential to mitigate the effect of lorry lights to some extent, although full mitigation could not be reasonably expected. Lorry lamps are powerful and penetrative, and even if landscaping is provided which is comprehensive and fit for purpose, it would take many years to mature to the stage where it properly reduces the visual impacts of the lights on the vehicles, especially while they are moving and the lamps are sweeping around in arcs or otherwise changing direction.
- 6.123 This means that if the development principle is to be accepted, notwithstanding mitigation it will have to be accepted that the lights from moving and sometimes static vehicles, potentially up to 40 lorries at any one time on the lorry park area after dark, will have a significant, and additional negative effect on the locality because it would cause the site to be highly noticeable - this could be experienced at any time during hours of darkness and would potentially have the effect of causing visual incongruity.
- 6.124 The requirement for a condition has already been identified in relation to site lighting, should planning permission be granted. Such a condition is likely to enable a good degree of certainty in relation to future effects of such lighting. One option available to the local authority would be to impose a separate condition relating to the management of vehicle lighting impacts on the site, or to extend the lighting condition to cover this issue as well. It would not provide for as much certainty as it would for site lighting, and would depend to a great extent on the site operators being vigilant and active in ensuring any management/mitigation proposals are implemented and monitored. However, it would ensure all steps have been taken to ensure this area of concern has been mitigated as far as possible, and would place the onus on the applicants/operators to come forward with a suitable scheme. With this in mind, it is considered that the visual impacts of lighting are unlikely to be of such an extreme nature that they would render the application unacceptable, and with appropriate mitigation in place, the application could accord with Policy SP 6 and Policy EC 11.
- 6.125 Applying or extending the condition in this manner would also provide further opportunity to consider if and how any lighting from vehicles could potentially impact on residential amenity of nearby occupiers.

**(vi) Impacts on the water resource:**

- 6.126 First, it may be noted that the application site is not within either Flood Risk Zone 2 or 3, which by default means it is within Flood Zone 1. The application is accompanied by both a Drainage Strategy and a Flood Risk Assessment

that jointly conclude no significant issues concerning potential flood risk or surface water management. The planning service accepts this position, and acknowledges that the consultation responses of Cumbria County Council indicate satisfaction that surface water management has been appropriately covered in the application.

- 6.127 It is known that the site is generally not suited to infiltration because of its geological make-up. It is also acknowledged that the scheme would introduce new development components that would require surface water to be channelled through and to existing and proposed discharge and attenuation points. Surface water is channelled via on-site ditches and pipes, is treated via a filtration pond and is then appropriately discharged to the water environment. Additional on-site measures to prevent pollution of the water resource are proposed, have been considered and have been deemed to be acceptable by relevant consultees.
- 6.128 The submitted Drainage Strategy is fit for purpose and includes detailed recommendations that have informed a proposed surface water management scheme. Having regard to all consultation responses and the information contained within the Drainage Strategy it is considered, subject to securing implementation of the surface water management via an appropriate condition in the event of planning permission being granted, that the development would accord with Policy CC 5 in this context.

**(vii) Foul drainage:**

- 6.129 The Drainage Strategy mentioned under the previous heading also provides coverage of intended foul water management, indicating that it would require to be served by a new sewage treatment plant, to take the place of an existing septic tank (in a similar location towards the south-east corner of the site). The treated effluent from the plant would be released into the water environment via an existing outfall into a culverted drain.
- 6.130 There are no public sewers available in the locality, hence the requirement for the new treatment plant to be provided.
- 6.131 The sewage treatment plant would require approval under the Building Regulations, which would ensure it is installed in accordance with accepted standards.
- 6.132 This mode of management of future foul drainage is considered to be appropriate to the development in principle, and would enable the application to accord with Policy IP 6 of the Local Plan. However, the application lacks details in respect of the proposed location of the plant, therefore if planning permission is granted, it would be appropriate to require this information to be submitted and considered via planning condition.

**(viii) Crime prevention:**

- 6.133 The proposed development is of a nature that requires consideration to be given to how it would respond to potential threats from criminal activity. Policy

CC 4 of the Local Plan requires that *"new development should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out opportunities for crime."*

6.134 During the consideration period for the application, Cumbria Constabulary as specialist consultee queried a range of matters relating to crime prevention, the applicant responded and this enabled the consultee to conclude all reasonable steps were to be taken to enable the application to accord with Policy CM 4.

**(ix) User/resident safety:**

6.135 This matter is mentioned having regard to concerns stated in objection(s) regarding potential parking of vehicles associated with the development in locations where they could prejudice the safe passage of road network users. The road network, in this context, includes public pavement and the users includes children.

6.136 Specifically, mention is made about the potential for the development to give rise to parking of lorries and other vehicles associated with the development in Blackbank.

6.137 The site is generous and offers parking for 40 lorries, therefore adequate space would be available within the site to ensure that traffic could be accommodated. Further, Blackbank is situated over 1km away and does not have direct sight-lines to the site for the proposed development; therefore, it is highly unlikely that vehicles unable to use the new site would 'retrench' to Blackbank instead while they wait for space within the lorry park. It is more likely that they would find other locations to stop within more spacious locations or other facilities.

**(x) Impact on trees:**

6.138 The Committee is asked to ensure that this section is read in conjunction with the Addendum to the report, relevant to revisions made in August 2021, which have been made specifically in relation to impact on trees. Otherwise, this section of the main report has not be altered to avoid confusion (this paragraph 6.138 is the only new paragraph - the remainder of the paragraphs under this heading have not been amended since the report was published in advance of the 11 June 2021 Committee, at which the application was deferred). The Addendum report explains how an Arboricultural Implication Assessment (AIA) has been submitted alongside revisions to the layout.

6.139 The site overall has been changed substantially in terms of its tree cover, prior to the current application being submitted. As mentioned earlier in the planning report, many trees (and likely ground cover, shrubs and possibly hedges) were cleared out to prepare the site for some kind of development, but no planning breach has occurred with the removal of the vegetation.

6.140 Although the site still contains a number of individual trees dotted within and on the edges, and includes groups of trees and part of Mill Hill Wood along

the northern boundaries, and despite reference to it in the Planning, Design and Access Statement, there is no tree survey accompanying the application. This was highlighted by the Kirkandrews Parish Council in its consultation response.

6.141 The role of the trees in relation to the development proposed is an important one. The woodlands to the north, in particular, provide essential backdrop/assets in terms of potential amenity, landscape and visual impacts. It is highly likely, in the context of the planning application and the previous interventions where many trees were felled, that remaining trees and woodlands affected by, or adjacent to the development would require to be protected by a Tree Preservation Order. This would be the case whether or not the current proposal gains planning permission, as it would be essential to prevent further unwarranted diminishment of the trees as a multipurposeful resource, although it is noted that there is no stated intention to fell further trees, within the application. There is an indication that the applicants recognise the potential environmental value of the site and are willing to enhance it.

6.142 Policy GI 6 of the Local Plan 'Trees and Hedgerows' is relevant to consideration of this aspect of the development. It states (with irrelevant text omitted and replaced with "....."):

*"Proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute positively to a locality, and/or are of specific natural or historic value. Planning conditions requiring protective fencing around trees to be retained, in line with the current and most up to date British Standard: BS 5837 will be used to ensure adequate protection of valued trees during construction.*

*Tree Surveys: Where trees and hedges are present on a development site a survey, in accordance with the current and most up to date British Standard: BS 5837 must be carried out by a qualified arboriculturist and presented as part of the planning application.*

*Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.*

*Proposals which would result in the unacceptable or unjustified loss of existing trees or hedges or which do not allow for the successful integration of existing trees or hedges identified within the survey will be resisted.*

.....

*Landscaping and Replanting: Any proposals for onside landscaping schemes should seek to incorporate the planting of native tree species where practicable. Where trees are lost due to new development, the Council will require developers to replant trees of an appropriate species on site where it is practicable to do so, or to contribute via planning conditions and/or legal agreement, to the replanting of trees in an appropriate, alternative location.*

*The extent of replanting required will be representative of the age, number and size of trees, or length of hedgerows, originally lost.*

*All new development should also have regard to the current Trees and Development Supplementary Planning Document."*

- 6.143 This Policy is supported by Criteria 8 of Policy SP 6 which, generally, requires trees, hedges etc. to be protected, included, or mitigated for if removed. Broadly, this approach aligns with Chapter 15 of the NPPF.
- 6.144 The absence of a tree survey, which would normally include reference to tree protection, retention, categorisation and replacement of felled trees, is not helpful in this instance, particularly with recent history including such a noteworthy level of vegetation removal. The fact that the document is mentioned as being submitted in the Planning, Design and Access Statement means that there is an expectation that it should have materialised so that it could be scrutinised, along with all other documents submitted, by all interested parties.
- 6.145 The preliminary Ecological Appraisal makes reference to trees in a biodiversity context but is not in itself a tree survey and does not perform the function of one.
- 6.146 Practically, and having regard to the site and its environs/margins as it stands today, there is room in amongst the trees for the development to be implemented. If (i) a Tree Preservation Order is made, if (ii) appropriate conditions add protection, and if (iii) the developer adheres to the protective requirements, it would be possible to avoid any further significant intervention relating to trees on or adjacent to the site. The Proposed Site Plan clearly identifies that the areas intended for actual development do not further impinge on the canopies of trees, which means that it would be straightforward to install protective barriers in appropriate locations to protect remaining trees during construction.
- 6.147 This is a sensitive topic to consider, especially because of the previous site clearance which has changed the character and environmental value of the site substantially, although as noted earlier, it was not the current applicant's undertaking. It is necessary to look at what is present now, whether development would enable all existing tree cover to be preserved or indeed enhanced; and whether adequate proposals for replanting are in place to offset tree loss and to improve the visual and environmental quality of the locale.
- 6.148 It has already been noted in the Landscape and Visual Impact section of this report that the current proposals for on-site planting (landscaping) are inadequate and that such proposals have been substantially reduced since the application was originally submitted. It has also already been recognised that there would be a requirement for proposed landscaping to be improved if planning permission is granted, and that conditions relating to this matter would be included as part of any positive recommendation.

- 6.149 It may be further noted that the landscaping scheme could legitimately be extended to include coverage of all existing trees, shrubs and hedgerows, their protection and a proper regime of new planting, including maintenance proposals. This could enable the application to accord to some extent with Policy GI 6 at the point of recommendation, although in the absence of the Tree Survey discussed in the Policy, the application would not be fully compliant and, therefore, is still not fully aligned with the Policy.
- 6.150 It is challenging to summarise in relation to trees and hedgerows at this point as a singular issue, mainly because it is considered that the subject/resource/asset has not been given its full attention during the application process: (a) by the developer in opting not to provide adequate information; and (b) by the local planning authority in not being able to make a full and proper assessment because the information is not present.
- 6.151 To omit a Tree Survey despite it being promised as part of the application package is remiss of the developer and unfortunately causes this aspect of the application to be deficient at this time. However, and this is not to be taken lightly because it is tantamount to a modest leap of faith, having regard to comments above about including outstanding tree and hedgerow matters in the context of an enhanced landscaping proposal, it could be accepted in the overall planning balance that the matter is not overriding. Whether or not this is the case will be discussed under the next heading.

**(xi) Development Principle:**

- 6.152 Up to this point in the report, despite uncertainties of differing levels relating to trees, landscaping, lighting, visual impacts, amenity impacts and drainage, every one of these topics has been discussed in the light of opportunities that are likely to be available to propose planning conditions, if the application is supported, to ensure that outstanding information is provided and that (a) implementation and (b) operation could be carried out acceptably.
- 6.153 All of the matters covered thus far indicate that in themselves and, to a great extent in combination, none promote such conflict with local and national policy that any would be overriding.
- 6.154 Having assessed the individual areas of concern/interest, to some extent that is likely to inform how the principle is perceived. For example, no specialist consultees have identified overriding concerns relating to highway safety, nuisance, crime, amenity or drainage. There is an outstanding concern stated in the second consultation response by Natural England about the relevance of the Ecological Appraisal, but this can be taken into consideration in the wider assessment; and, in any event, if the application is approved it would be conditional in respect of biodiversity - a further ecological assessment and mitigation would inevitably be required due to the nature and potential magnitude of the development.
- 6.155 The Policies of most relevance in terms of the development principle tend to be strategic and so include SP 1 'Sustainable Development', SP 2 'Strategic Growth and Distribution', and SP 5 'Strategic Connectivity'. EC 11 is also

relevant at this point of analysing whether the principle is acceptable.

6.156 **Policy SP 1** states:

*"When considering development proposals Carlisle City Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will always work proactively with applicants, and communities, jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of the District.*

*Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood development plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:*

- 1. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- 2. specific policies in the NPPF indicate that development should be restricted."*

**Policy SP 2** (with irrelevant text omitted and replaced with ".....") states:

*"To ensure that objectively assessed development needs are met, and met in the most sustainable manner, strategic growth within the District of Carlisle will be governed by the following principles:*

.....

- 2. Sufficient land will be identified to create the right conditions for economic growth:*
  - a) the focus for development will be within the urban area of Carlisle and locations which can maximise the benefits of Carlisle's highly accessible position in relation to the M6 Corridor; and*
  - b) whilst efforts will be focussed across the Plan period on realising the residual capacity within existing employment areas, this approach will be complemented by the allocation of an additional 45 Ha for employment related purposes.*
- 3. Development of surplus land at Ministry of Defence (MOD) Longtown, which lies within the strategic M6 Corridor and benefits from excellent road and rail connections, will also be supported as a key element of the strategy*

*to grow the economy, and to secure modal shifts in freight transport.*

.....

*6. Where possible and appropriate, the re-use and redevelopment of previously developed land will be encouraged across the District. ....*

.....

*8. Within the open countryside, development will be assessed against the need to be in the location specified."*

**Policy SP 5** (with irrelevant text omitted and replaced with ".....") states:

*"The City Council will support improvements to the transport network, in partnership with delivery partners and operators, including the Highway Authority, in order to support the District's growth aspirations and Carlisle's role as a strategic transport hub.*

*Proposals in line with the objectives of the 3rd Cumbria Local Transport Plan will be supported. Interventions to facilitate growth as identified in the Infrastructure Delivery Plan will be prioritised. Opportunities will also be taken to:*

- 1. increase the provision for walking and cycling, including improved connectivity across the District;*
- 2. retain and enhance existing public transport services and to improve and modernise key public transport infrastructure including Carlisle Railway Station and interchange;*
- 3. promote economic growth and seek to attract new and growing investment along the M6 corridor;*
- 4. improve transport networks for all modes to ensure access and movement are maintained;*

.....

*7. secure a modal shift in the transport of freight from road to rail and improve connections with the Port of Workington;*

.....

*Land will be safeguarded and/or allocated through the planning process to support the realisation of new or improved transport infrastructure."*

**Policy EC 11** states:

*"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.*

*Proposals must:*

- 1. be compatible with their existing 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."*

6.157 Within Chapter 2 of the NPPF ('Achieving sustainable development) is **Paragraph 8**, which states:

*"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural well-being; and*
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

**Paragraph 9** is also of specific relevance. It states:

*"These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."*

6.158 Within Chapter 4 of the NPPF, which is also of a strategic nature ('Decision-making'), the following paragraphs are of relevance to the application:

**Para. 38:**

*"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

**Para. 55:**

*"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."*

6.159 Also of strategic relevance to economic development is Chapter 6 'Building a strong, competitive economy', within which the following paragraphs are of particular relevance:

**Para. 81:**

*"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."*

**Para. 83:**

*"Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations."*

**Para. 84(a):**

*"Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;"*

**Para. 85:**

*"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."*

6.160 All of the above policies point towards one overarching question: Is this the right development in the right place? If it is accepted that the design, layout and scale of the development could be appropriately accommodated at the site, and that conditions could effectively respond to outstanding technical and practical matters, more strategic considerations are required, which in this case are:

1. Does the development need to be in the location specified?
2. Would this constitute re-development of previously development land?
3. Is the location right for this type of development?
4. Does 'need' for the development influence consideration of the application?
5. Is the promotion of support for road freight sustainable?
6. Does the application represent proposals that represent community need and that have benefitted from pro-active engagement with communities?

**Need to be in this location:**

6.161 This site has not been compared 'sequentially' to any other potentially available sites in the District, or indeed outside the District, which is relevant given the proximity of the site to the national border with Scotland. It therefore has to be considered in terms of its own merits, having regard to its nature and its relationship with surroundings, including the strategic road network.

6.162 The site has been selected on the basis that it is conveniently and strategically located between two arterial routes which already connect via the A6071, and which already accommodate a high level of traffic, including lorries and other commercial vehicles. Indeed, the applicant's ethos is apparently one which expects 'passing trade' and 'word of mouth' to promote a successful level of usage to make the development viable.

6.163 The site has also inevitably been selected because it is 'available' whereas other sites with similar, or better credentials are not. This, arguably, supports a case for 'need' because options to develop on other land are not available.

6.164 It may be difficult to find a reason to resist the application on the basis of whether it needs to be in this location.

### **Previously developed land?**

- 6.165 It could be argued that the site has to some extent got a 'previously developed' character because previous uses were implemented, although they have not been operational for many years and the overall site returned to nature by some degree; plus, it already contains a number of items indicating development (notwithstanding the recent introduction of the hardcore areas, which in itself does not indicate or support the site being previously developed).
- 6.166 It cannot be accepted that the overall site is previously developed because part of the site remains as paddock/field and part is actually woodland. Its previously developed character is dissected and has been diluted by time and by vegetative reclamation.
- 6.167 The site feels like it has been the subject of human intervention on more than one occasion, which is true having regard to the planning history and the presence of buildings and drainage infrastructure. However, it is not in the truest sense a brownfield site and therefore any inference of a previously developed nature must be looked at precautionarily and guardedly, because it is not obvious. Its 'partially previously developed' nature can be accepted and may be influential.

### **The right location?**

- 6.168 Notwithstanding earlier comments relating to 'need', consideration must be given to whether this type of development would be more appropriately guided to an available (or potentially available) site closer to an existing commercial, industrial or urban locale.
- 6.169 Close to Junction 44, and within Kingstown Industrial Estate is a comparable (although slightly larger) facility being the Carlisle Truckstop. It could be argued that where Carlisle Truckstop is makes that a more logical location because it is much closer to distribution centres. The proposed development under consideration has no immediate relationship with any other commercial transport or distribution cluster other than the Scotts operational site to the north of the application site. It is not next to an industrial estate like the similar truckstop at Whitesyke, off the A6071 between Longtown and Brampton. It is not within an existing rest area/services facility like at Gretna Services and is less well sited than the Ecclefechan Truckstop which is immediately adjacent to, and easily accessed from the M74 motorway without having to go through any settlements.
- 6.170 However, acknowledgement must be given to the fact the applicants (Robert Little) currently operate a more modest site within Harker, which in itself is arguably less logical than the aforementioned sites in Paragraph 6.168, although it is not far from Junction 44 via the A7. Whether the site currently proposed is any less well located to the strategic road network is open to debate, but there are similarities, and the applicants are alleged to run the existing operations in Harker efficiently and to have outgrown that limited site, hence the push for expansion on a large site elsewhere.

6.171 There is certainly a case to be made that the site is not so far away from the strategic/arterial road network to render it an illogical choice; indeed, it would be unlikely that the current application would be in front of the local authority if it were not considered to be in a workable location with good access to the main road routes, taking into consideration the type of vehicle that would be using it. Poor connectivity would be a disincentive to potential users.

**'Need', taking into account the existence of other facilities:**

6.172 Mentioned on several occasions in objections is that existing facilities exist in Carlisle, at Gretna Services, at Ecclefechan and in Longtown. The applicants' existing site, although not a lorry park as such, represents at least in part another facility for the sale and preparation of commercial vehicles. Interested parties are asking why there needs to be another facility when these already exist.

6.173 The planning system is not entitled to quell competition or to manipulate the market; moreso, it is vital that competition exists to ensure that the best developments thrive and to ensure the market is not false. The existence of other facilities as mentioned would not provide a reason to resist a further development of this type, if the applicants deem it to be viable. The applicants operate a known, successful local business in the commercial vehicle arena, and as such cannot be approaching the new site without first having understood that it could be successful financially.

6.174 There is no area of the aforementioned national or local policy that would preclude support of the principle of another facility of this nature, as long as it does benefit from being the right development in the right place.

6.175 It would be true to say that the presence of lorries parking overnight in lay-bys in the District is observable on many occasions, and that the development would provide another resource and potentially fulfil an ongoing need to ensure adequate provision continues, especially because overnight lay-by parking, as evidenced in both letters of support and objections submitted, is seen to be problematic for a number of reasons.

**Sustainability of development supporting road freight:**

6.176 This consideration is, in current times, in a juxtaposition. On the one hand, national and local policy is aiming to shift transport away from roads and onto other modes such as rail. The ongoing transportation of goods etc via road freight invokes greater fossil fuel usage, and pollution of more than one kind.

6.177 Road transportation is in transition, however, and alternative fuel solutions including electric vehicles are having to be found because the long term use of fossil fuels will end at some stage when the resources actually run out. Although only a very small percentage of vehicles on the road are powered by alternative means at present, realistically road freight will continue into the future by utilising other fuelling technologies.

6.178 It would not be logical, therefore to conclude that the application would give rise to an unsustainable form of development simply because it would support future road freight. Transportation is in transition away from fossil fuels and (note: new road routes are still being developed and existing road routes are constantly being upgraded in the UK) although it may still take a long time for a full transition, it is inevitable.

**Community engagement:**

6.179 This is an area that the application does not represent well. It does not reflect a community-led development, was not the subject of any known pre-application community engagement and has divided the community somewhat in terms of the number and nature of representations received. Many of the objections are known to be from local residents; whereas, the source of letters of support is more varied and represents a less geographically coherent community.

6.180 Both Kirkandrews Parish Council and Gretna Green & Springfield Community Council have both objected to the application; whereas, Gretna and Rigg Community Council has opted not to comment.

6.181 In this respect, the application does not comply with the NPPF because no account has been taken prior to submission of what the development might mean to the community. The development would impact on nearby settlements and rural communities, but how said communities feel about that has only been possible to judge, to a great extent, since the application has been submitted.

6.182 While the application has been 'live', i.e. since September 2020, there has been no new evidence introduced that indicates taking opportunities to gauge local opinion, for example by holding events (these are likely to have been required to be 'virtual' events) or by communicating by letter to local bodies, residents and businesses within a chosen radius.

6.183 It could be argued that the level of interest in the application, although noteworthy, is not high and does not represent a substantial campaign either for or against. However, the local Mill Hill (hamlet and surroundings) community is not particularly populous and as such interest was perhaps never likely to be strikingly high. It does, however, represent a reasonable level of local interest. Whether or not this would be such a significant issue as to require the application to be refused would need to be looked at in the overall balance.

**Conclusion:**

6.184 The development of a lorry park and associated preparation/sales facility in this location is not necessarily what would be thought of as first choice, if alternative proposals were forthcoming. The locality, though, is by no means pristine and includes the Scotts commercial site to the north, so although it has been concluded that the site is not fully previously developed, it is previously partially developed and relates to other commercial

(non-agricultural) major activity close by. It can be accepted, to some extent, that the development would give rise to a form of rural diversification.

- 6.185 A range of individual subject areas have been appraised and have led to the conclusion that although on a number of levels the application is deficient in its current form, in practical terms it would be acceptable to address all outstanding individual matters such as landscaping, trees, drainage, noise, light and air pollution through planning conditions. Imposition of a Tree Preservation Order on trees at the northern peripheries of the site would be appropriate, and would help protect the woodland areas as amenity and biodiversity assets.
- 6.186 The intended development would add another facility, this being a 24-hour facility, for overnight parking of lorries whereas in the broader locale there are at least four other such sites in operation in Carlisle, Longtown, Gretna and Ecclefechan. All of these sites have differing facilities available, but in essence all are of a 'truckstop' nature.
- 6.187 The development would enable a local business to operate from a larger site, and in so doing expand and diversify an existing successful business, which is already set in a semi-rural location (Harker) and which would move to another semi-rural location.
- 6.188 Although the development would undoubtedly give rise to impacts which local residents and businesses become aware of through activity, movement, light, air quality and noise impacts, these either have, or could be mitigated acceptably.
- 6.189 It is important to support local economic development if possible, and to ensure local and national policy requiring every effort to be made to support applications for sustainable development is observed. Economic objectives must be balanced against social and environmental objectives. Rural diversification must be supported where it is appropriate to a rural location.
- 6.190 It is, however, important also to acknowledge that there is no evidence of community engagement at any stage during the planning process which, given the scale and nature of development, is likely to have been beneficial to all concerned, including the potential developer.
- 6.191 It is partially due to the way the application was submitted without community engagement, and with certain information not clear or absent in the application, that a significant level of community interest has been generated post-submission indicating objections in respect of various matters, all of which have been given coverage in this report. In response, a number of letters of support were submitted pointing out the benefits of the development. Some are for, and some are against the application. Of the three Parish/Community Councils consulted, those two most likely to be affected have submitted detailed objections, and the other has opted not to submit a response.
- 6.192 However, there are no overriding objections submitted by specialist

consultees including those with an interest in safety and crime prevention, and those interested in pollution (i.e. Environmental Health). All such consultees are content that outstanding matters relating to safety and amenity can be addressed through conditions, post-determination of the application.

- 6.193 It is therefore not considered that there are any singular or overlapping matters outstanding that would prevent the application being supported, either in relation to individual/technical matters or in relation to the principle, which would accord, on balance, with the aforementioned strategic policies within both the Local Plan and the NPPF.
- 6.194 The application, therefore, is recommended for approval subject to a number of conditions requiring matters still outstanding to be addressed either before or during development, as per the procedural norm and in line with recommendations within specialist consultees' responses.
- 6.195 It may be noted that potential ground contamination has not been discussed in the report because the findings of the contamination report are accepted and have not been challenged by the Council's EHO. However, as a precautionary measure, standard conditions relating to the discovery, during development, of unforeseen contaminants would appropriately be included in any planning permission granted.

## **7. Planning History**

- 7.1 In 2016, planning application ref. 15/1079, for the demolition of Richardson House; erection of dwellings and ancillary infrastructure was refused.
- 7.2 In 2008, under County Council ref. 08/9024/CTY, Carlisle City Council made observations in relation to a Section 73 application for the modification of Condition 6 of 1/02/9010, to authorise the use of Wood Villa for offices and the construction of the revised vehicular access (retrospective). Said County Council application was granted.
- 7.3 In 2002, under County Council ref. 02/9010/CTY, Carlisle City Council made observations in relation to a 'County Matter' planning application, for change of use and extension to Wood Villa to form offices, construction of new access road and car park, provision of despatch office and weighbridge and other ancillary development associated with existing peat processing works. Said County Council application was approved.
- 7.4 In 1979, a planning application was made under ref. 79/0226 for the erection of a bungalow. The application appears to have been refused.
- 7.5 In 1977, a planning application was made under ref. 77/0223 for a caravan site and toilet block. The application was approved, and may have led to one or more of the items now present, in dilapidated condition, on the site.
- 7.6 In 1971, under ref. BA5249, planning permission was granted for the use of land as a caravan site.

## 8. Recommendation: Grant Permission

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

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

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

1. the submitted planning application form;
2. document entitled 'Amendment Schedule', ref. GA3237 – Amendment Schedule 11-08-21, received on 11 August 2021 and published to the Council's website on 12 August 2021;
3. drawing ref. GA3237-SP-01A 'Amended Existing Site Plan', received on 3 March 2021;
4. drawing ref. GA3237-PSP-01D 'Amended Proposed Site Plan', excluding references to proposed landscape planting, received on 11 August 2021 and published to the Council's website on 12 August 2021;
5. the Arboricultural Implication Assessment (Arbconsultants Ltd dated 7 August 2021) including Appendices 1-6 inclusive and all stated recommendations therein, received on 11 August 2021 and published to the Council's website on 12 August 2021;
6. the amended Drainage Strategy (Revision A, Reford Engineers Limited, December 2020), received on 3 March 2021;
7. drawing ref. GA3237-PPBLK-01 'Proposed Toilet Block' (Depicting Toilets, Kitchen, Seating Area and Service Area), received on 3 September 2020;
8. drawing ref. GA3237-PSHED-01 'Proposed Shed Plans and Elevations', received on 3 September 2020;
9. drawing ref. GA3237-LP-01 'Location Plan', received on 3 September 2020;
10. the Planning, Design and Access Statement, received on 3 September 2020;
11. the Notice of Decision;
12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

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

Site investigations should follow the guidance in BS10175.

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

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

4. The development arising from this planning permission shall be at all times operated in accordance with a site specific Noise and Vibration Management Plan, which shall first have been submitted to, and approved in writing by the local planning authority.

**Reason:** To ensure that the development does not have an adverse impact on the residential amenity of nearby occupants of private dwellings due to operational noise occurring within the site, and to accord with Policies CM 5 and SP 6 of the Carlisle District Local Plan 2015-2030.

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

- new areas of trees, hedgerows and shrubs to be planted including planting densities
- new groups and individual specimen trees and shrubs to be planted
- specification/age/heights of trees and shrubs to be planted
- existing trees and shrubs to be retained or removed
- any tree surgery/management works proposed in relation to retained trees and shrubs
- any remodelling of ground to facilitate the planting

- timing of the landscaping in terms of the phasing of the development
- protection, maintenance and aftercare measures

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

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

**Reason:** To ensure the development is acceptable visually and harmonises with existing development, in accordance with Policies SP 6 and EC 11 of the Carlisle District Local Plan 2015-2030.

7. No lighting shall be installed as part of the development unless otherwise in accordance with a scheme of lighting that has first been submitted to, and approved in writing by the local planning authority. The scheme shall include details relating to the following (this list is not exhaustive):

- (i) floodlighting including support column specifications;
- (ii) ground level lighting for parking/manoeuvring areas;
- (iii) lighting installed on any building, tree, gate, fence or other structure for the purposes of illumination of the site or security;
- (iv) any lighting associated with the fuel pumps and/or the surrounding area that relate to fuelling activities;
- (v) any lighting to be installed in relation to, or as part of any signage components;
- (v) the level of luminance and the projected extent of light emanating from each element of the lighting scheme (light mapping)

**Reason:** The application does not currently include information relating to proposed site lighting, which will be necessary as part of the development in relation to the proposed operational hours and activities identified in the approved documents. The detailed information required by this condition will enable the local planning authority to further assess the acceptability of the lighting required, to ensure it is compatible with the locality in terms of (a) its overall appearance and potential visual impacts and (b) its relationship with existing properties nearby, and that it is in accord with the objectives of Policies SP 6, EC 11 and CM 5 of the Carlisle District Local Plan 2015-2030.

8. The development shall be operated at all times in strict accordance with a

mitigation strategy relating to minimisation of the effects of vehicle lights during hours of darkness, that has first been submitted to and approved in writing by the local planning authority. The strategy should include mitigation relating both to vehicle lights on commercial vehicles stationed within the site and to vehicles entering and departing the site.

**Reason:** To minimise the potential impacts on the residential amenity of occupiers in the locality, to ensure that the development accords with Policies SP 6, CM 5 and EC 11 of the Carlisle District Local Plan 2015-2030.

9. Prior to its installation as part of the development hereby approved, drawn details, an ongoing maintenance scheme and a specification of the acoustic fence shown in the approved drawings and required to mitigate noise emanating from the site shall be submitted to, and approved in writing by the local planning authority. The fence shall be installed in strict accordance with the details approved in response to the condition prior to the lorry park becoming operational, and shall be retained and maintained thereafter in accordance with the approved scheme.

**Reason:** Inadequate detail has been provided in relation to this item, which is essential in terms of its noise reducing properties in respect of potential noise emanating from the site, and to ensure that the development is in accord with Policies SP 6, CM 5 and EC 11 of the Carlisle District Local Plan 2015-2030.

10. The development shall operate in strict accordance with a schedule of opening/operating hours relating to both the lorry park area and the maintenance/sales/preparation area, that has first been submitted to, and approved in writing by the local planning authority.

**Reason:** To prevent disturbance to nearby occupants in accordance with Policies CM 5 and SP 6 of the Carlisle District Local Plan 2015-2030.

11. Prior to the commencement of development, an air quality assessment shall be submitted to and approved in writing by the local planning authority, identifying consequential impacts of the development in respect of local air quality, and identifying mitigation measures to minimise air pollution. The development shall thereafter be operated at all times in strict accordance with the mitigation measures agreed in response to this condition.

**Reason:** To ensure that the development operates in such a way that impacts on the air quality afforded to nearby properties is minimised, to enable the application to accord with Policies CM 5 and SP 6 of the Carlisle District Local Plan 2015-2030.

12. The new vehicle workshop associated with the maintenance of commercial vehicles shall be utilised only for the purposes of the repair and maintenance of commercial vehicles, and shall not be utilised for any other purpose in

Class B2 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

**Reason:** To ensure that the development remains compatible with surrounding uses, and to accord with Policy CM 5 and EC 11 of the Carlisle District Local Plan 2015-2030.

13. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained in strict accordance with a specification (including timing/phasing) that has first been approved by the local planning authority.

**Reason:** In the interests of highway safety and to accord with the National Planning Policy Framework (2019) especially Paragraph 108.

14. The carriageway of the access onto the U1059 shall be designed, constructed, drained and lit to a standard suitable for adoption by the County Council and in this respect further details, including longitudinal/cross sections, shall be submitted to and approved in writing by the local planning authority before any work commences on site. All works approved in response to this condition shall be undertaken in strict accordance with the approved documentation before the development becomes operational.

**Reason:** To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to accord with Policies SP 6 and IP 1 of the Carlisle District Local Plan 2015-2030.

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

- (i) 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 Highway Authority at the applicants expense;
- (ii) details of proposed crossings of the highway verge;
- (iii) retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- (iv) cleaning of site entrances and the adjacent public highway;
- (v) details of proposed wheel washing facilities;
- (vi) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- (vii) construction vehicle routing;
- (viii) the management of junctions to and crossings of the public highway and other public rights of way/footway;
- (ix) surface water management details during the construction

phase.

Development of the site, in the context of this permission, shall be undertaken in accordance with the CTMP at all times.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network, in the interests of highway and pedestrian safety and to accord with Paragraph 108 of the National Planning Policy Framework 2019.

16. No development shall commence until the visibility splays shown in drawing ref. SCP/190638/F03 forming part of the submitted Transport Assessment Addendum (SCP, 4 December 2020) have been provided. Notwithstanding any provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays at any point in the future.

**Reason:** In the interests of highway safety, to ensure compliance with Policy SP 6 and IP 2 of the Carlisle District Local Plan 2015-2030.

17. A scheme of signage shall be implemented on land within the control of the developer and on the highway network in accordance with details that have first been submitted to, and approved in writing by the local planning authority. The scheme shall including the following (this list is not exhaustive):

- (i) directional signage proposed on any public highways intended to direct vehicles to the site;
- (ii) any signage required for security purposes;
- (iii) signage advising of local weight limits in effect further to partial reconstruction of the U1059 public highway;
- (iv) details of any illumination proposed in relation to said signage;
- (v) details of timing of implementation, maintenance and repair of said signage.

**Reason:** To ensure that signage for the development is included at the development stage, in order that it does not accrue on an ad hoc basis, and in order that it would align with highway safety objectives to accord with Policies SP 6 and IP 2 of the Carlisle District Local Plan 2015-2030.

18. A Biodiversity and Habitat Protection and Enhancement Strategy, informed by a detailed, supplementary, updated Ecology Report relating to the site, shall be submitted to and approved in writing by the local planning authority, which shall include details of all measures proposed to protect, improve and

augment the site, to support and promote a net gain in biodiversity.

**Reason:** In the context of the proposed development, taking into consideration the relatively recent clearance of a substantial amount of vegetation within the site in preparation for development, the site offers opportunities to secure a net gain for biodiversity, in line with Paragraph 175 of the National Planning Policy Framework 2019 and Policy GI 3 of the Carlisle District Local Plan 2015-2030.

19. Surface water shall be treated, channelled and attenuated in accordance with the Drainage Strategy (Reford Engineers Ltd, December 2020, Revision A) forming part of this planning permission, and identified in Condition 2 as an approved document.

**Reason:** To protect the water environment, and to accord with Policy CC 5 of the Carlisle District Local Plan 2015-2030.

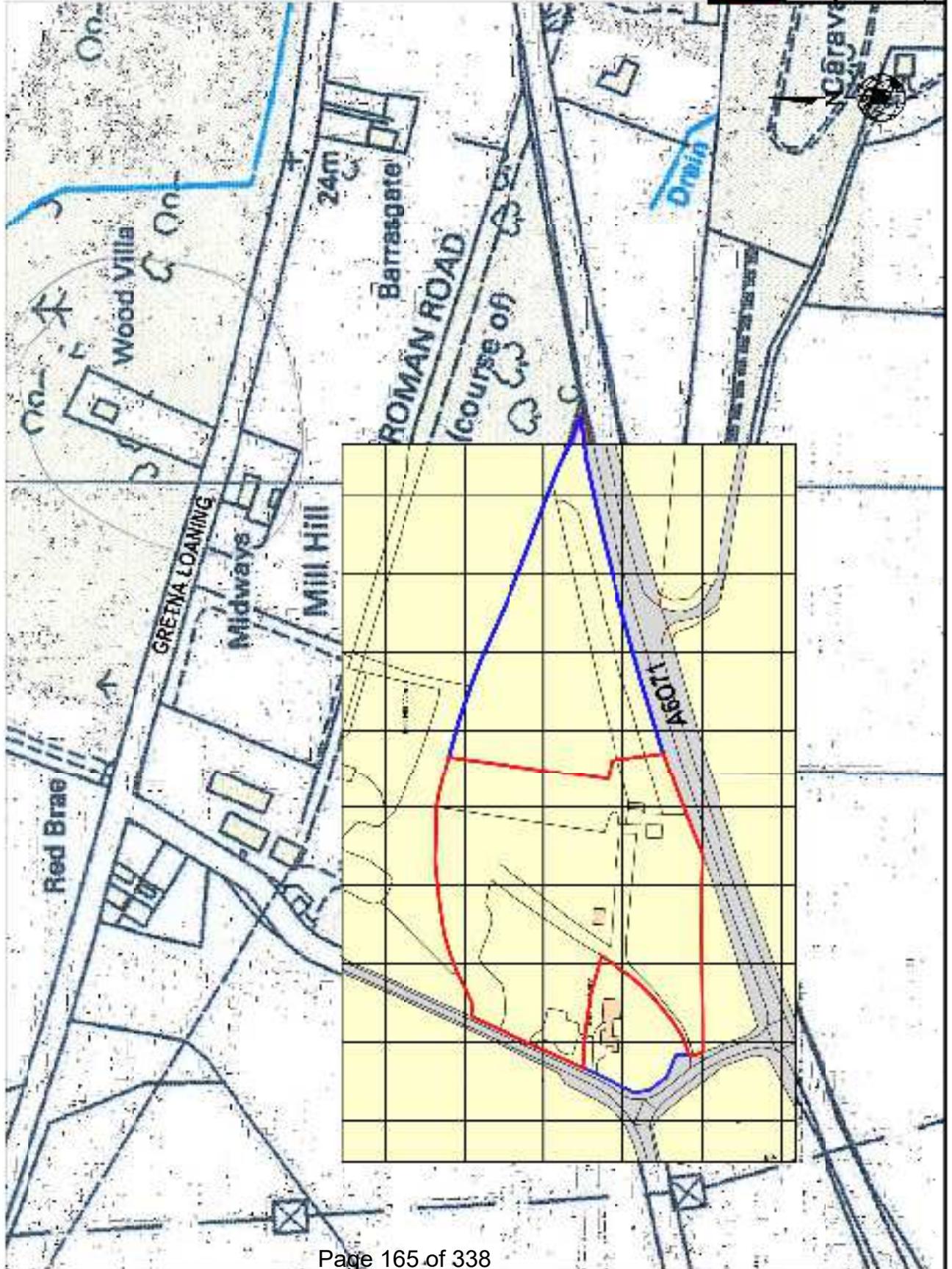
20. The development shall not be brought into operational use until details of the proposed sewage treatment plant including its precise location have been submitted to and approved in writing by the local planning authority, and the plant has been installed and made operational.

**Reason:** The application does not contain adequate detail relating to the sewage treatment plant, therefore this information is required to ensure that the development will accord with Policy IP 6 of the Carlisle District Local Plan 2015-2030.

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# LOCATION PLAN

GRETNA LOANING, MILL HILL, GRETNA, CARLISLE, DG16 5HU



**GA ASSOCIATES**  
مركز الدراسات الجغرافية  
GEOGRAPHIC STUDIES CENTRE

1. PROJECT NO. 2. CLIENT 3. DATE 4. SCALE 5. SHEET NO. 6. TOTAL SHEETS

MR LITTLE  
LOCATION PLAN  
PROJECT NO. 14/17  
DATE 11/01/2017  
SCALE 1:1000  
SHEET NO. 1 OF 2



# PROPOSED SITE PLAN

GRETNA LOANING, MILL HILL, GRETNA, CARLISLE, DG16 5HU

**KEY**

- EXISTING ROAD
- EXISTING PLANTING
- PROPOSED PLANTING
- EXISTING STRUCTURE
- PROPOSED NEW 45-47' HIGH BOUNDARY WALL (SEE IN SCHEDULE TO THE DRAWING)
- LINE OF TIGHT PROTECTION BOUNDARY FROM A44



38-14 TO 38-15 TO  
EXISTING TO BE IMPROVED  
SOUTH LANE

PARKING FOR BIKES  
& MOTORCYCLES

TRUCKS

EXISTING LANE  
TO BE IMPROVED

EXISTING LANE  
TO BE IMPROVED

EXISTING LANE  
TO BE IMPROVED



**GA ASSOCIATES**

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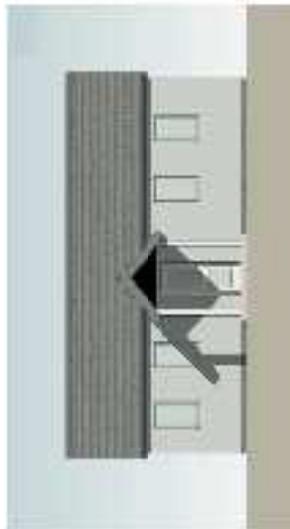
PROJECT: LORRY PARK  
DATE: 10/20/2010  
DRAWN: J. LITTLE  
CHECKED: J. LITTLE  
SCALE: AS SHOWN





# PROPOSED TOILET BLOCK

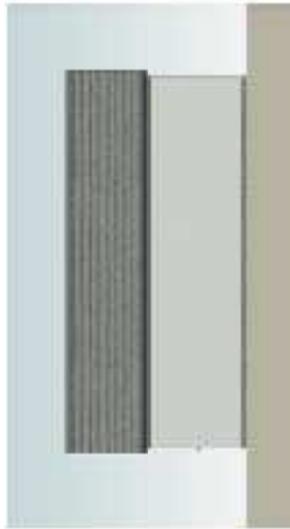
GRETNA LOANING, MILL HILL, GRETNA, CARLISLE, DG16 5HU



**South**  
1 : 100



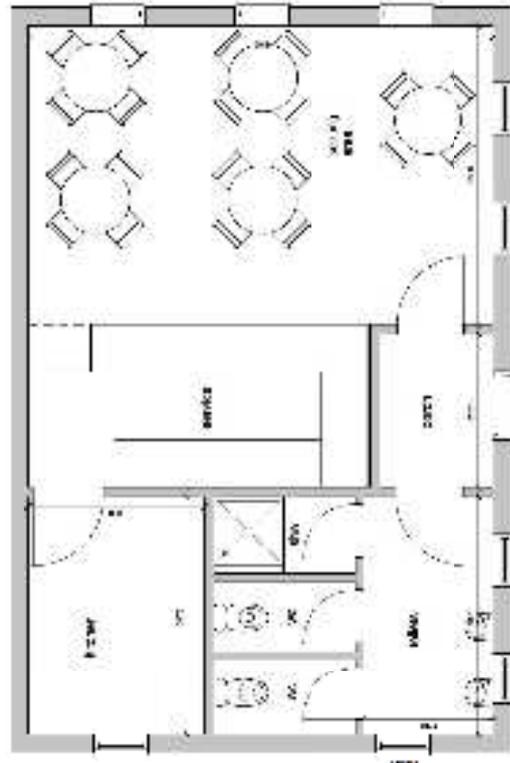
**West**  
1 : 100



**North**  
1 : 100



**East**  
1 : 100



**Ground floor**  
1 : 100



**GA**  
 Geometric Architecture  
 Architectural Services  
 1. PROJECT: PROPOSED TOILET BLOCK  
 2. LOCATION: GRETNA LOANING, MILL HILL, GRETNA, CARLISLE, DG16 5HU  
 3. DATE: 15/04/2015  
 4. DRAWN BY: [Name]  
 5. CHECKED BY: [Name]  
 6. APPROVED BY: [Name]  
 7. SCALE: 1:100  
 8. SHEET NO: 01 OF 01  
 9. PROJECT NO: 15/04/15/01-02

# arbconsultants ltd

## Arboricultural Implication Assessment (AIA)

Prepared by

Arbconsultants Ltd



Consultants in Urban Forestry, Arboriculture and Environmental Sciences

<b>Address</b>	Gretna loaning, Mill Hill, Gretna, Carlisle, DG16 5HU		
<b>Client</b>	Graham Anthony Associates	<b>Client Ref</b>	G Oates
<b>ARB Ref</b>	K0317 / 4697	<b>Consultant</b>	Christopher Raper
<b>Report Date</b>	7/8/2021	<b>Quality Checked</b>	JG
<b>Technical Arboriculture Approved</b>			

## Table of Contents

1. Scope and Limitations of Report
2. Qualifications and Experience
3. Summary
4. BS 5837:2012 Survey
5. Grading Category and Recommended Tree Works
6. Tree Constraints Plan (TCP) – Calculated Root Protection Area (RPA)
7. Tree Protection Plan (TPP) Protective Barriers,
8. Method Statements - Installation of Services & Additional Precautions outside the exclusion zone
9. Supervision
10. Conclusions and Recommendations

Appendix 1 – Site Location Topo

Appendix 2 - Tree Survey Data Table

Appendix 3 - Tree Survey Plan (TSP)

Appendix 4 - Tree Constraints Plan Radii (TCP)

Appendix 5 – Tree Protection Plan (TPP) and Proposed

Appendix 6 - Root Protection Calculations

## 1. Scope and Limitations of Report

- 1.1 This report has been commissioned by Graham Anthony Associates and the scope of the report reflects their instructions.
- 1.2 The scope of the report is limited to a visual inspection of the trees (VTA Visual Tree Assessment).
- 1.3 This report was prepared as a report of work instructed by the client (as specified). Neither Arbconsultants Ltd nor any associated company, nor any of their employees, nor any of their contractors, subcontractors or their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or any third party's use or the report and its findings. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise, does not necessarily constitute or imply its endorsement, recommendation, or favouring by Arbconsultants Ltd or any associated company. The views and opinions of authors expressed herein do not necessarily state or reflect those of Arbconsultants Ltd or any associated company. The content, layout and any supporting digital files associated with this report are subject to copyright owned by Arbconsultants Ltd. Exceptions to this are present where that copyright has been legally assigned to us by another party/organisation. In addition Arbconsultants Ltd may utilise content generated under license. Reproduction, scanning, copying or distribution of this report in any form is prohibited without prior written agreement. Neither Arbconsultants Ltd nor any of its associated companies, sub-contractors or suppliers will be responsible or liable for any claim of loss or damage resulting from the third party use of the information contained within this report.
- 1.4 The brief is to appraise the trees in relation to the proposed development of the site in accordance with British Standard 5837:2012 'Trees in relation to Construction – Recommendations'. To prepare a clear set of report recommendations with supporting plans and data to facilitate consideration of the Arboricultural implications by the Local Planning Authority.
- 1.5 To consider the development proposals and identify areas where there are arboricultural issues and to recommend possible solutions.
- 1.6 To consider additional information supplied and identify arboricultural issues arising from this information and to recommend possible solutions.
- 1.7 This report is not a Tree Risk Management or a Hazard Analysis Report and its use as such is invalid.

- 1.8 The report refers to the condition of the trees and an assessment of the site on the day that the evaluation was undertaken. All tree inspections, unless specified, have been undertaken from ground level and using non-invasive techniques. Comments contained within the report on the condition and risk associated with any tree relate to the condition of the tree at the date and time of survey. Please note that the condition of trees is subject to change. This change may occur, but is not limited to biological and non-biological factors as well as mechanical/ physical changes to conditions in the proximity of the tree. Trees should be inspected at intervals relative to identified site risks and in accordance with best Industry practice and guidance. Arbconsultants Ltd can provide further information on this matter if required.
- 1.9 Please note no statutory control checks have been undertaken (unless specified). Where tree surgery works have been identified these works are based on the assumption that planning is approved, no tree works should be undertaken prior to determination of this application without up to date confirmation of the Tree Preservation Order / Conservation Area Status of the vegetation. All works should be undertaken in accordance with the appropriate Duty of Care. This should include, for example, site specific risk assessments and due diligence inspections for the presence of protected species. Any comment relating to 3<sup>rd</sup> party trees has been made without full access to the tree(s). Should these trees have any detrimental impact on the proposed development we would advise you to instruct us to contact the 3<sup>rd</sup> party and undertake further inspection work. Due to the changing nature of trees and their site circumstances this report and any recommendations made are limited to a 1 year period. Any alteration to the application site or any development proposals could change the current circumstances and may invalidate this report and any recommendations made. Should this be the case this report will require revision to reflect the development proposals.
- 1.10 Trees are dynamic structures that can never be guaranteed 100% safe; even those in good condition can suffer damage under normal conditions. Regular inspections can help to identify potential problems before they become acute.
- 1.11 A lack of recommended work does not imply that a tree is safe and likewise it should not be inferred that a tree will be made safe following the completion of any recommended work.
- 1.12 Trees dimensions were measured using a combination of a Haglof digital Clinometer, a Leica Disto Laser Rangefinder and a Fujikura Diameter tape. All instruments were used in accordance with appropriate user guides.
- 1.13 Decay detection if requested and used is undertaken using an IML Resistograph.
- 1.14 All data provided by the testing equipment has been verified according to the equipment manufacturer's instructions.
- 1.15 No soil samples were taken and no soils analysis was undertaken. Clay soils are prone to compaction during development with damage to soil structure potentially having a serious impact on tree health. The design of foundations near problematic tree species will also need to take into consideration subsidence risk. Further advice from the relevant experts on the specific soil properties can be sought as necessary.

- 1.16 Any legal description or information given to Arbconsultants Ltd is believed to be accurate.
- 1.17 Where solutions to arboricultural problems are specified which require the usage of a third party product e.g. no dig roadway construction. No liability is assumed for the performance or suitability of the product and specialist advice as to the suitability or installation of the product should be sought from the manufacturer or other specialist.
- 1.18 This report is primarily an arboricultural report. Whilst comments relating to matters involving built structures or soil data may appear, any opinion thus expressed should be viewed as qualified, and confirmation from an appropriately qualified professional sought. Such points are usually clearly identified within the body of the report. It is not a full safety survey or subsidence risk assessment survey. These services can be provided but a further fee would be payable. Where matters of tree condition with a safety implication are noted during a survey they will of course appear in the report. No responsibility is assumed by Arbconsultants Ltd for legal matters that may arise from this report, and the Consultant shall not be required to give testimony or to attend court unless additional contractual arrangements are made.
- 1.19 Any alteration or deletion from this report shall invalidate it as a whole.

## 2. **Qualifications and Experience**

- 2.1 My name is Christopher Raper and I am a Consultant practising through Arbconsultants Limited, which is an Arboricultural Consultancy Practice based at Myerscough College, Preston, Lancashire. The Practice Specialises in Arboriculture, Urban Forestry, Biological Sciences and Project Management.
- 2.2 I am a Consultant specialising in tree failure, hazard evaluation, risk assessment related to trees, planning and development where trees are involved and insurance claims where tree failure is involved and/or building damage occurs which may be attributed to the activity of trees. I have received extensive training in relation to trees, clay soils and subsidence of low-rise buildings. I am a specialist in the field of trees/vegetation and special construction engineering methodologies. I am familiar with different Tree Hazard Evaluation systems and conversant in Visual Tree Assessments (VTA) techniques.
- 2.3 I have a 1st class honours degree in Arboriculture awarded by Myerscough College in conjunction with the University of Central Lancashire. I have over 20 years experience in the Arboricultural industry ranging from Tree Officer with a Local Authority through to Senior Consulting level with an Arboricultural Consultancy. I have provided guest lectures on Arboricultural Consultancy to the MSc course on Arboriculture and Urban Forestry and I have also taught the planning and law modules to the BSc (Hons) courses run by the University of Central Lancashire and Myerscough College. I have attended formal and informal public inquiries and have supplied consultancy advice as part of design, project management and consultant/legal teams.

### 3. Summary

- 3.1 Arbconsultants Ltd have been appointed by Graham Anthony Architects to provide advice on the arboricultural issues relating to the proposed re-development of the development at Gretna Loaning, Mill Hill, Gretna, Carlisle, DG16 5HU.
- 3.2 We have not been supplied with detailed drawings showing foundation types therefore we have made certain assumptions and have supplied method - statements that will cover most contingencies whereby the development may impact upon the trees. If necessary these method statements can be modified once full technical drawings have been produced. Please note that there will be no development / construction of either buildings or acoustic fencing within the root protection areas of the surveyed trees.
- 3.3 We undertook a Pre-Development Tree Condition Survey (see Appendix 2), in December 2019. This survey assessed the condition of the tree resource that may impact on the development, categorised the trees and provided the Root Protection Area (RPA) information according to the BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations".
- 3.4 The tree numbers used in this report refer to the tree numbers used in our appendices 2, 3, 4, 5 and 6.

4. **BS: 5837:2012 'Trees in relation to construction – Recommendations'**
- 4.1 The trees on site have been surveyed in accordance with BS5837:2012 'Trees in relation to construction – Recommendations'.
- 4.2 The survey lists all the trees or groups of trees (excluding those trees already scheduled for removal) that may be impacted upon by the development and will include the following information.
- Reference number (to be recorded on the tree survey plan)
  - Species
  - Height in metres.
  - Stem diameter at 1.5m above adjacent ground level (on sloping ground to be taken on the upslope side of the tree base) as per annex D of the Standard or
    - a) For trees with two to five stems, the combined stem diameter should be calculated as follows:  $\sqrt{(\text{stem diameter 1})^2 + (\text{stem diameter 2})^2 + (\text{stem diameter 5})^2}$
    - b) For trees with more than five stems (not illustrated in Annex C), the combined stem diameter should be calculated as follows:  
 $\sqrt{(\text{mean stem diameter})^2 \times \text{number of stems}}$
  - Branch spread in meters taken at the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan).
  - Existing height above ground level of first significant branch and direction of growth (e.g. 2.4-N) of the canopy, to inform on ground clearance, crown/stem ratio and shading;
  - Life stage (e.g. young, semi-mature, early mature, mature, over-mature).
  - General observations, particularly of structural and/or physiological condition (e.g. the presence of any decay and physical defect), and/or preliminary management recommendations;
  - Estimated remaining contribution, in years (<10, 10+, 20+, 40+).
  - Category U or A to C grading (see 4.5 and Tables 1 and 2), to be recorded on the tree survey plan.
- 4.3 The survey is attached at **Appendix 2** of this report.
- 4.4 The British Standard at 5.5.6 states that the following factors need to be considered -
- a) **site construction access**; this will be via the existing access from the highway.

- b) **the intensity and nature of the construction activity;** the construction will be of medium intensity. The site compound should be outside all root protection areas.
- c) **contractors' parking;** Contractors will be expected to use off-street parking close to the development.
- d) **phasing of construction works;** all tree works will be completed and protective barriers / ground protection will be in place prior to any construction work -

## 5.0 Grading Category and Recommended Tree Works

- 5.1 Trees that have the potential to be affected by the development have been classified according to BS5837:2012 and the data and categorisation relating to trees that may affect the development is contained at **Appendix 2**.
- 5.2 Category “A” Trees are classified as high quality and value in such condition as to make a substantial contribution for a minimum of 40 years. We would not consider any tree surveyed to be category A.
- 5.3 Category “B” i.e. those of moderate quality and value: those in such a condition as to make a significant contribution (a minimum of 20 years is suggested). Category B Trees are defined as trees that might be included in the high category, but are downgraded because of impaired condition (e.g. presence of remediable defects including unsympathetic past management and minor storm damage).
- 5.4 Trees that have been classified as Category “C” are of lower quality and value; currently in adequate condition which could if necessary remain until new planting is established, trees present in groups or woodlands, but without this conferring on them significantly greater landscape value.
- 5.5 Category “U” trees are those in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management. Examples include...
- Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other U category trees (i.e. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning).
  - Trees that are dead or showing signs of significant, immediate, and irreversible overall decline.
  - Trees infected with pathogens of significance to the health and/or safety of other trees nearby (e.g. Dutch Elm Disease), or very low quality trees suppressing adjacent trees of better quality.
- 5.6 Permissions: Under no circumstances is any tree work to be instigated without having first checked with the Local Planning Authority that no statutory controls apply in respect of the trees. All tree workers shall have the relevant NPTC qualifications and shall submit completed risk assessments to the project manager prior to commencement of tree-work.
- 5.7 All pruning shall be done in accordance with the principles of ‘Natural Target Pruning’ and in accordance with the current relevant British Standard, **BS3998: 2010** ‘Recommendations for Tree Work’. All pruned sections shall be lowered to the ground in a controlled manner such that no damage is done to other trees or vegetation and structures beneath. The implication of tree works must have regard to the presence of any nesting Birds or Bats and their roosts, which are protected under the Wildlife and Countryside Act 1981

## 6.0 Tree Constraints – Calculated Root Protection Area (RPA)

- 6.1 BS5837 (2012) requires that the root protection area is calculated for each of the retained trees on the development. The root protection area is the minimum area in m<sup>2</sup> which should be left undisturbed around each retained tree. The RPA should be calculated using Annex D of the Standard as an area equivalent to a circle with a radius 12 times the diameter calculated for the stem of the tree.
- 6.2 The standard calculated RPA's and the protection zone radii are detailed at Appendix 6 of this report.
- 6.3 The RPA, for each tree as determined in Table 2 of the standard, should be plotted on the **Tree Constraints Plan** (Appendix 4) taking full account of the following factors, as assessed by an arboriculturalist, which may change its shape but not reduce its area whilst still providing adequate protection for the root system (Appendix 5).
- a) The likely tolerance of the tree to root disturbance or damage, based on factors such as species, age and condition and presence of other trees.
  - b) The morphology and disposition of the roots, when known to be influenced by past or existing site conditions (e.g. the presence of roads, structures and underground services).
  - c) The soil type and structure.
  - d) Topography and drainage.

## 7.0 Arboricultural Method Statement - Tree Protection Plan (TPP) Barriers

- 7.1 The exclusion zones (Construction Free Zone) as defined in this report will be protected with fencing. The fencing is to be strong enough to resist impacts and suitable to the degree of construction activity on the site and to be in accordance with that specified of BS5837:2012.
- 7.2 All fencing will be in place prior to any other development work (with the exception of necessary tree works) commencing on site. Such fencing will therefore be erected before any materials or machinery is brought onto site. Once erected the fences will not be moved or altered in any way without prior consultation with the Local Planning Authority other than for operations detailed in this report. If the fencing is damaged in any way it will be re-instated to its original condition before construction work can re-commence Notices will be erected on the fencing stating Protected Area – No Operations within Fenced Area. Protective fences shall be maintained in situ until all equipment, machinery and surplus materials have been removed from the site. No vehicle shall access shall be allowed within the construction frees zone. Nothing will be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made other than those detailed in this report, without the written consent of the Local Planning Authority.
- 7.3 The total exclusion zones are marked on the accompanying drawing in **Appendix 5 (Tree Protection Plan)**. British Standard 5837:2012 (Appendix 7) indicates the recommended areas for the Root Protection Areas (RPA) which should be enforced with protective fencing. Specifications within BS5837-2012 inform our recommendations for both the fencing type as detailed below in figure 2 and the location of this fencing. As detailed in section 6.2.3.1 of the standard it is acceptable for the barriers to be set back and ground protection to be put in place.
- 7.4 Barriers should be fit for purpose and appropriate to the degree of activity and proximity of work to the retained trees. All protective fencing is to be constructed in accordance with BS:5837(2012) – Figures 2 and 3 specification reproduced below.

Figure 2 Default specification for protective barrier

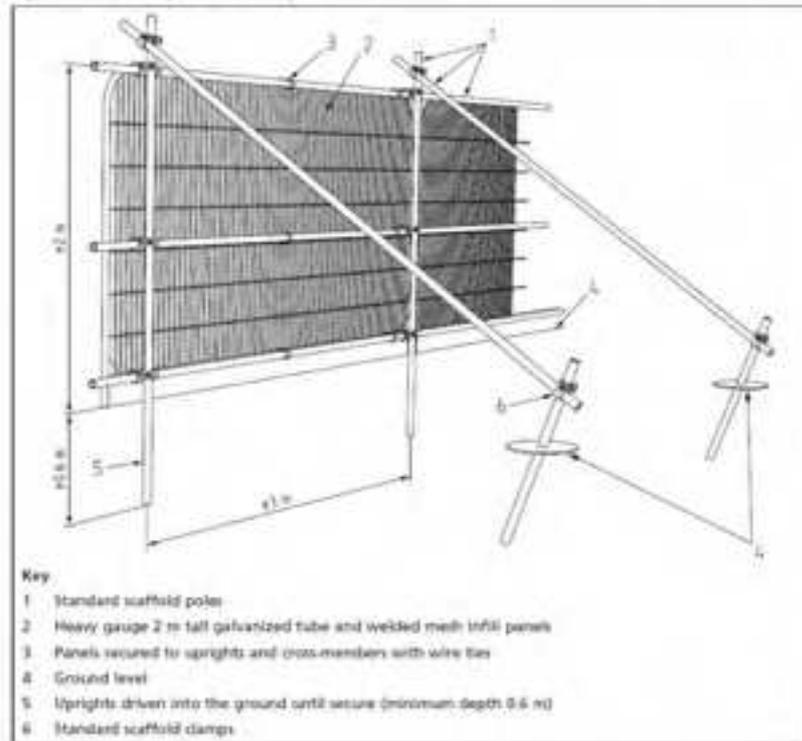
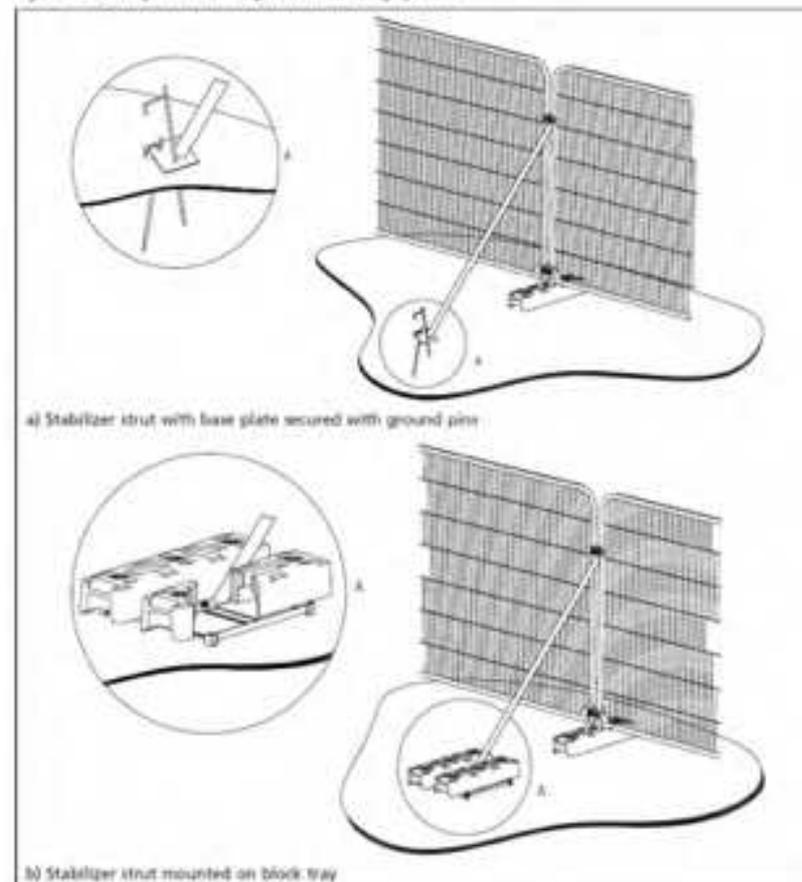


Figure 3 Examples of above-ground stabilizing systems



## 8.0 Installation of Services (Underground and above ground services)

- 8.1 Trenching for the installation of underground services severs any roots present and may change the local soil hydrology in a way that adversely affects the health of the tree. For this reason particular care should be taken in the routing and methods of installation of underground services and where possible routing the services outside the specified RPA's
- 8.2 At all times where services are to pass within the RPA, detailed plans showing the proposed routing should be drawn up in conjunction with an Arboriculturist. Such plans should also show the levels and access space needed for installing the services. A decision on either directional drilling / micro-tunnelling / impact moling should be taken using Table 3 of BS5837 2012 as a guide.

Table 3 Trenchless solutions for differing utility apparatus installation requirements

Method	Accuracy mm	Bore dia. <sup>(1)</sup> mm	Max. sub. <sup>(2)</sup> length m	Applications	Not suitable for
Microtunnelling	<20	100 to 300	40	Gravity-fall pipes, deep apparatus, watercourse/ roadway undercrossings	Low-cost projects due to relative expense
Surface-launched directional drilling	-100	25 to 1 200	150	Pressure pipes, cables including fibre optic	Gravity-fall pipes, e.g. drains and sewers <sup>(3)</sup>
Pipe ramming	-150	150 to 2 000	70	Any large-bore pipes and ducts	Rocky and other heavily obstructed soils
Impact moling <sup>(4)</sup>	-50 <sup>(5)</sup>	30 to 180 <sup>(6)</sup>	40	Gas, water and cable connections, e.g. from street to property	Any application that requires accuracy over distances in excess of 5 m

- 8.3 In this instance it is envisaged that there should be no necessity for any new services to enter the root protection areas. If it is found that there is a need for services to pass through Root Protection Areas Micro-tunnelling is the preferred method although it may be acceptable (where services need to pass through the RPA and a mole is unsuitable) to install the services in conjunction with the specification of NJUG 10. All excavations that are done in conjunction with the NJUG specification shall take place with an air-spade and any root pruning necessary will be undertaken by a qualified tree surgeon in accordance with both NUG 10 and BS3998 2010. The timing and extent of pruning (especially regarding the number and size of wounds; should be determined by both the management objectives and an assessment of the likely effects on the tree and its surroundings. The assessment should take account of species tolerances, the tree's age and condition and any implications for the safety of other trees. Any damaged roots should be cut so that the final wound is as small as possible and free from ragged torn ends. In the interests of clarity we only recommend this method of installing the cable if micro tunnelling, Impact moling or directional drilling cannot be accommodated.
- 8.4 Any roots which are to be left exposed for more than three hours should be covered in damp straw and/or hessian covers. Also note that if temperatures exceed 16C the time should be reduced to one hour before roots should be protected.

- No pruning of roots over a diameter of 25mm should be undertaken unless permission of the Local Authority tree officer is given. *Any damaged roots should be cleaned and pruned back to an appropriate place*
- The existing top soil is to be retained where possible. Any voids or depressions within the ground surface are to be filled with sharp sand (not builders sand) to maintain levels.

8.5 Consideration will be given to the routing of above ground services in order to avoid the need for detrimental and repetitive pruning. In this regard the current and future crown size of the tree should be assessed.

8.6 **Additional precautions outside the exclusion zone :-**

8.7 Once the exclusion zone has been protected by barriers and/or ground protection, construction work can commence. All weather notices should be erected on the barrier with words such as: **“Construction exclusion zone — Keep Out”**.



8.8 In addition the following should be addressed or avoided.

- a) Care should be taken when planning site operations to ensure that wide or tall loads, or plant with booms, jibs and counterweights can operate without coming into contact with retained trees. Such contact can result in serious damage to them and might make their safe retention impossible. Consequently, any transit or traverse of plant in close proximity to trees should be conducted under the supervision of a banks-man to ensure that adequate clearance from trees is maintained at all times. In some circumstances it may be impossible to maintain adequate clearance thus necessitating access facilitation pruning.

- b) Material which will contaminate the soil, e.g. concrete mixings, diesel oil and vehicle washings, should not be discharged within 10 metres of the tree stem.
- c) Fires should not be lit in a position where their flames can extend to within 5 m of foliage, branches of trunk. This will depend on the size of the fire and the wind direction.
- d) Notice boards, telephone cables or other services should not be attached to any part of the tree.
- e) It is essential that allowance should be made for the slope of the ground so that damaging materials such as concrete washings, mortar or diesel oil cannot run towards trees.

## 9.0 Supervision

- 9.1 Most damage to trees on developments sites is caused inadvertently and to ensure continued protection during development a system of site monitoring is proposed.
- 9.2 Basic checks will ensure that protective fencing remains intact. Any unforeseen issues can also be identified and discussed before damage to the tree(s) occurs.
- 9.3 The Local Planning Authority may secure the following schedule by way of Planning Condition. To be effective the Local Planning Authority must provide us with a copy of the formal Decision Notice to ensure we can then contact and follow up the proposed monitoring. A copy of the Decision Notice should be emailed to [enquiries@arbconsultants.co.uk](mailto:enquiries@arbconsultants.co.uk) The number of proposed visits is driven by the scale of the proposal

Visit	Date	Status
<b>Pre-commencement Inspections</b> Attend site to inspect type and location of tree protection and any temporary ground protection prior to development commencing and discuss any issues associated with demolition/ enabling works	TBC	Incomplete
<b>Site Inspection</b> Attend site to confirm fencing remains in place and supervise etc.	TBC	Incomplete
<b>Site Inspection</b> Attend site to confirm fencing remains in place and supervise etc.	TBC	Incomplete
<b>Site Inspection</b> Attend site to confirm fencing remains in place and supervise etc.	TBC	Incomplete
<b>Site Inspection</b> Final site visit to confirm that no damage has been done to retained trees/ identify any remedial actions in the event damage has occurred. Assess any required tree surgery following construction	TBC	Incomplete

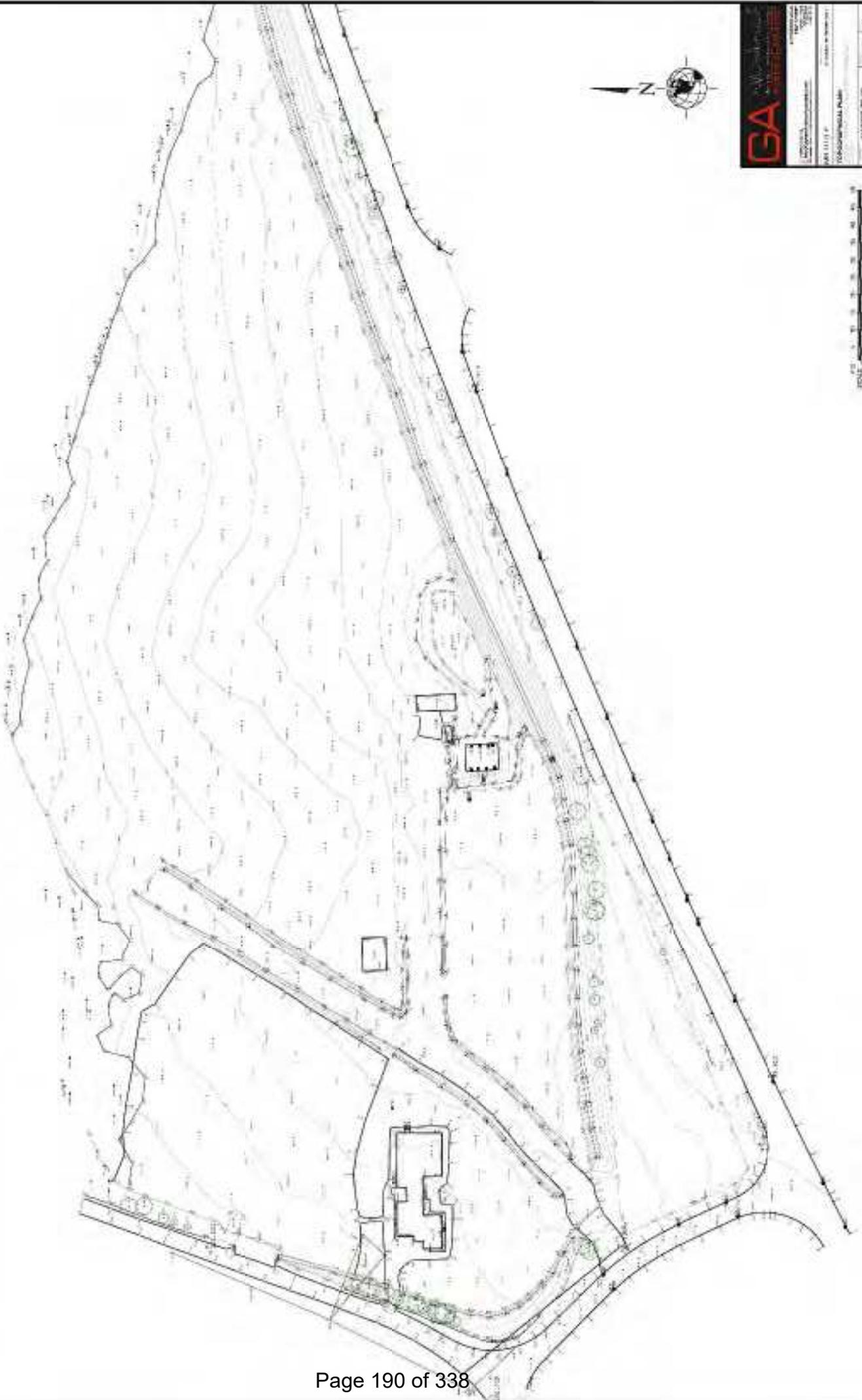
## 10.0 Conclusion and Impact Statement

- 10.1 Trees within and adjacent to the proposed site and compliant with the scope of the development have been assessed in accordance with BS:5837:2012.
- 10.2 Some of the trees afford amenity through their function either as a screen or as a softening of the landscape.
- 10.3 Thirty two individual trees and seven groups and two woodlands have been assessed in response to the proposed development.
- 10.4 The development will not require the removal any trees to facilitate the development but one boundary tree should be removed for sound arboricultural management and it is suggested that the landscaping of the site including replanting of good quality specimen trees in appropriate positions once developments is complete as this will ensure continuity of the arboricultural population.
- 10.5 The impact of the proposed development has been assessed and in our professional opinion provided that the works take place in accordance with the method statements specified and replanting appropriately, the works will not be detrimental to the retained trees and the overall arboricultural population will remain stable.
- 10.6 No work shall commence on site until such time as this method statement has been submitted to and approved in writing by the Local Planning Authority. All retained trees on the site shall be protected from damage as a result of the works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and relevant British Standards (e.g. BS5837:2012) or the duration of the development. In the event that trees become damaged during construction, the Local Planning Authority shall be notified and remedial action agreed and implemented. In the event that any tree(s) dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced within the first available planting season, in accordance with details agreed with the Local Planning Authority.
- 10.7 All technical issues relating to arboriculture should be addressed to Arbconsultants Ltd in the first instance. Arbconsultants Ltd will liaise between the Local Planning Authority and any interested parties. It is suggested that the development proceeds in accordance with the above recommendations.

## Appendix 1 Site Location

# TOPOGRAPHICAL PLAN

GRETNA LOANING, MILL HILL, GRETNA, CARLISLE, DG16.5HU



**GA**

Geotechnical Engineering  
1000 Peachtree Street, N.E.  
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www.ga-engineering.com

PROJECT NO. 16-00000000-0000  
DRAWING NO. 16-00000000-0000-0000  
DATE: 10/10/2016

DESIGNED BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]

## Appendix 2 Tree Survey Data Tables

Tree Number	Species	Diameter (mm)	Height	Bspread North	Bspread East	Bspread South	Bspread West	Height above ground of first branch over field	Life stage	General observations	Scale useful life category	BIS category	Recommendation
1	Birch	210	11	2	2	2	4	2	M	Boundary tree with slightly asymmetric crown and minor dead wood	20 to 40	C1	Pruned with barriers
2	Oak	440	9	2	2	3	3	2	SM	Boundary tree with slightly asymmetric crown and minor dead wood. Moderate snag cut.	20 to 40	B1	Pruned with barriers
3	Spruce	400	14	3	3	3	4	3	SM	Boundary tree with well-developed canopy and minor dead wood	20 to 40	B1	Pruned with barriers
4	Common Beech	420	13	3	3	3	4	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood	20 to 40	B1	Pruned with barriers
5	Common Beech	650	18	3	3	3	4	3	EM	Wooded edge tree with asymmetric crown. Large butt located to north with associated rot	20 to 40	B1	Pruned with barriers
6	Spruce	620	15	4	3	7	3	3	EM	Wooded edge tree with asymmetric crown. Second leader removed. Pruned/Pruning at base.	10 to 20	C1	Pruned with barriers
7	Ash	470	17	2	3	3	3	3	EM	Wooded edge tree with asymmetric crown	20 to 40	C1	Monitor for Ash Die Back - Pruned with barriers
8	Ash	465	18	3	3	3	3	3	M	Wooded edge tree with asymmetric crown	20 to 40	B1	Monitor for Ash Die Back - Pruned with barriers
9	Spruce	490	14	4	3	3	3	3	CM	Wooded edge tree with asymmetric crown and minor dead wood	20 to 40	C1	Pruned with barriers
10	Ash	320	12	3	7	7	3	2	M	Heavily crown lifted and large dead wood	10 to 20	B1	Monitor for Ash Die Back - Pruned with barriers
11	Spruce	410-45-100	14	3	2	4	7	3	SM	Wooded edge tree with asymmetric crown and minor dead wood. Twin stems at ground level.	20 to 40	B1	Pruned with barriers
12	Spruce	430	16	3	3	3	4	3	M	Wooded edge tree with asymmetric crown and minor dead wood	20 to 40	B1	Pruned with barriers
13	Common Beech	440	17	3	3	3	3	4	M	Major old tree on wooded edge managed in past as pollard. Old pruning wounds with callus.	20 to 40	C1	Pruned with barriers
14	Common Beech	1010	18	3	4	3	3	4	M	Major old tree on wooded edge managed in past as pollard. Old pruning wounds with callus.	20 to 40	C1	Pruned with barriers
15	Common Beech	800	17	3	3	3	3	4	M	Major old tree on wooded edge managed in past as pollard. Old pruning wounds with callus.	20 to 40	C1	Pruned with barriers
16	Common Beech	940	17	4	4	4	4	4	M	Major old tree on wooded edge managed in past as pollard. Old pruning wounds with callus.	20 to 40	C1	Pruned with barriers
17	Common Beech	730	12	3	3	7	3	4	M	Major old tree on wooded edge managed in past as pollard. Old pruning wounds with callus.	20 to 40	C1	Pruned with barriers
18	Common Beech	400	17	2	3	7	3	3	M	Major old tree on wooded edge managed in past as pollard. Old pruning wounds with callus.	20 to 40	B1	Pruned with barriers
19	Common Beech	1000	18	3	4	4	3	4	M	Major old tree on wooded edge managed in past as pollard. Old pruning wounds with callus.	20 to 40	C1	Pruned with barriers - Monitor annually
20	Common Beech	1000	18	3	3	3	3	4	M	Major old tree on wooded edge managed in past as pollard. Old pruning wounds with callus.	20 to 40	C1	Pruned with barriers - Monitor annually
21	Common Beech	1000	18	3	4	3	3	4	M	Major old tree on wooded edge managed in past as pollard. Old pruning wounds with callus.	20 to 40	C1	Pruned with barriers - Monitor annually
22	Common Beech	1000	18	3	4	3	3	4	M	Major old tree on wooded edge managed in past as pollard. Old pruning wounds with callus.	20 to 40	C1	Pruned with barriers - Monitor annually
23	Common Beech	1000	18	7	4	3	3	4	M	Major old tree on wooded edge managed in past as pollard. Old pruning wounds with callus.	20 to 40	C1	Pruned with barriers - Monitor annually
24	Common Beech	210 MG	2	2	2	2	2	2	M	Part of distant hedge	20 to 40	C1	Pruned with barriers - Monitor annually
25	Birch	300	10	3	3	3	3	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood	20 to 40	B1	Pruned with barriers
26	Birch	310	12	3	3	3	3	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood	20 to 40	B1	Pruned with barriers
27	Birch	180	8	4	2	3	2	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood. Suppressed	20 to 40	C1	Pruned with barriers
28	Birch	180	8	2	2	3	2	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood. Suppressed	20 to 40	C1	Pruned with barriers
29	Birch	210 MG	0	2	2	2	2	2	M	Boundary tree with slightly asymmetric crown and minor dead wood. Suppressed	20 to 40	C1	Pruned with barriers
30	Birch	180	8	4	3	3	2	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood. Suppressed	20 to 40	C1	Pruned with barriers
31	Ash	420	14	2	3	3	3	4	SM	Boundary tree with slightly asymmetric crown and minor dead wood. Suppressed	20 to 40	B1	Monitor for Ash Die Back - Pruned with barriers
32	Birch	370	12	3	3	3	3	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood	20 to 40	B1	Pruned with barriers
33	Common Beech	220 MG	2	2	2	2	2	2	M	Part of distant hedge	20 to 40	C1	Pruned with barriers
34	Common Beech	1000-140	18	3	4	3	3	4	M	Major old tree on wooded edge managed in past as pollard. Old pruning wounds with callus.	20 to 40	C1	Pruned with barriers - Monitor annually
35	Great Willow	350 MG	9	3	3	3	3	3	M	Group of old trees growing on edge of site. 6 young trees planted on boundary of site. There is a large spot heap of soil between tree and site	20 to 40	C2	Pruned with barriers
36	Spruce and Birch	1000	7	1	1	1	1	2	M	Group of old trees growing on edge of site. 6 young trees planted on boundary of site. There is a large spot heap of soil between tree and site	20 to 40	C2	Pruned with barriers

Tree number	Species	Diameter (mm)	Height	Spread North	Spread East	Spread South	Spread West	Height above ground of first branch over point	Life stage	General observations	Safe use/health category	ISIS category	Recommendation
02	Goat Willow	300 MS	9	0	0	0	0	0	M	Group of soft rot decay growing on edge of stem.	20 to 40	C2	Protect with barriers
03	Manchurian Ash	300 MS	5	0	0	0	0	0	M	Point of defect decay	20 to 40	C1	Protect with barriers
07	Goat Willow	350 MS	9	0	0	0	0	0	M	Group of soft rot decay growing on edge of stem.	10 to 30	C2	Protect with barriers
09	Black Populus (Black alder)	475 - 001	19	0	0	0	0	0	E to M	Minor Wood-boring alder beetle (A. retusoides) infestation	20 to 40	B1	Monitor with barriers
10	Black Populus (Black alder)	485 - 003	19	0	0	0	0	0	M to H	Minor Wood-boring alder beetle (A. retusoides) infestation	20 to 40	B1	Monitor with barriers

## Appendix 3 Tree Survey Plan



Appendix 4  
Tree Constraints Plan Radii (TCP)



Appendix 5  
Tree Protection Plan / Proposed



Appendix 6  
Root Protection Area (RPA) Calculations

Tree ID	2020	Grefna	
	Diameter at 1.5m above ground level	Equivalent to a circle with a radius of	Root Protection Area (See Note)
1	210	2.4	18
2	440	5.4	92
3	400	4.8	72
4	720	8.7	238
5	860	10.2	327
6	620	7.5	177
7	470	5.7	102
8	480	5.7	102
9	600	5.7	102
10	530	6.3	124
11	40 & 48 = 620	7.5	177
12	680	8.1	206
13	980	11.7	430
14	1010	12	452
15	450	5.4	92
16	540	6.6	137
17	730	8.7	238
18	460	5.4	92
19	1000#	12	452
20	1000#	12	452
21	1000#	12	452
22	1000#	12	452
23	1000#	12	452
24	200 MS	2.4	18
25	330	3.9	48
26	300	3.6	41
27	180	2.1	14
28	340	4.2	55
29	200 MS	2.4	18
30	180	2.1	14
31	450	5.4	92
32	300	3.6	41

G1	200 MS	2.4	18
G2	1000#	12	452
G3	350 MS	4.2	55
G4	100	1.2	5
G5	350 MS	4.2	55
G6	200 MS	2.4	18
G7	350 MS	4.2	55
W1	450 - 600	7.2	163
W2	450 - 600	7.2	163
Note			
The calculated RPA should be capped to 707m sq, equivalent to a circle with a radius of 15m or a square with approximately 26m sides			

**Root Protection Area (RPA) Calculator**

## AMENDMENT SCHEDULE

Planning Application Ref : 20/0586

**Location :** Land adjacent Richardson House, Gretna Loaning, Mill Hill, Gretna, DG16 5HU

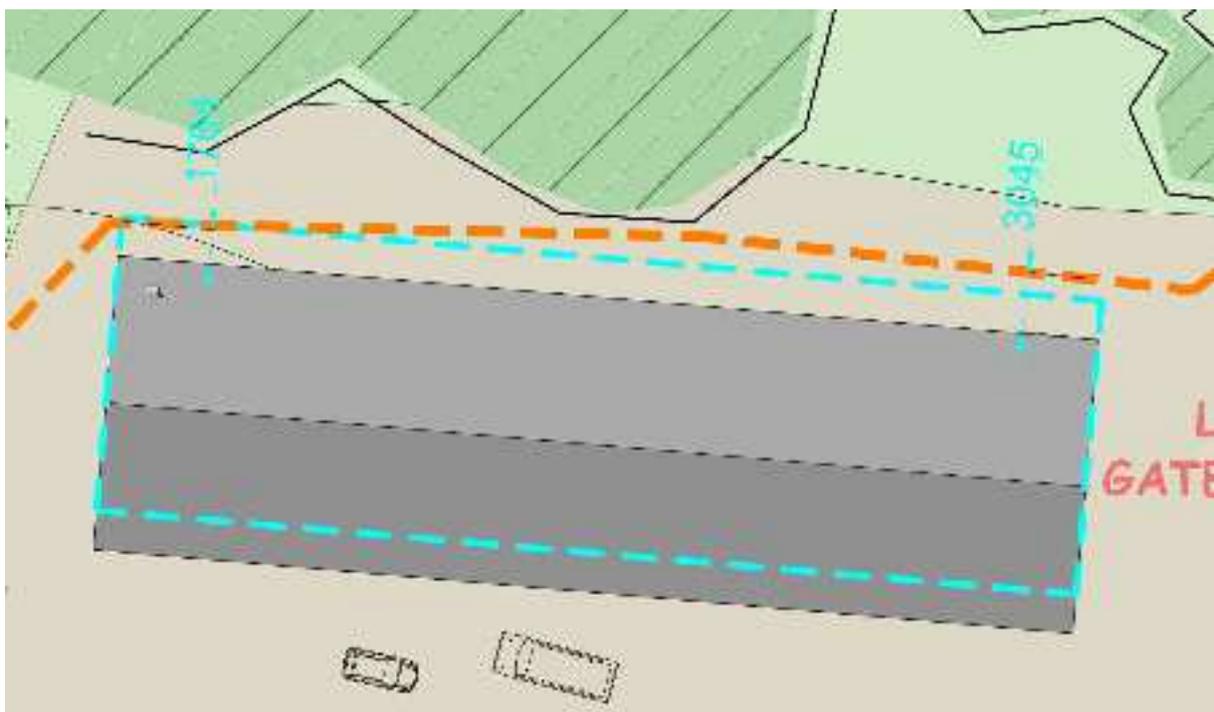
**Proposal :** Creation of a lorry park up to 40no. spaces including conversion of existing buildings to provide welfare facilities & storage unit, erection of commercial vehicles maintenance building and associated preparation yard.

This document outlines the amendments made in response to comments from the planning officer within his email dated 3<sup>rd</sup> August 2021 & 10<sup>th</sup> August 2021 and should be read in conjunction with drawing ref no.s GA3237-PSP-01D Proposed Site Plan & Appendix 5 Tree Protection Plan issued with this documents.

Taking on board you're the comments within the email from the planning officer we made the following amendments in order to address the concerns / queries raised.

For ease of reference I've listed the amendments below and included some screen shots showing the over lay of the '**BEFORE**' taken from plan ref no. GA3237-PSP-01B and '**AFTER**' taken from plan ref no. GA3237-PSP-01D (attached).

1. The proposed building has been relocated further south by approx. 2m ensuring the proposed building is a sufficient distance from the tree protection barrier as proposed within the Arboricultural Impact Assessment. Please refer to screen shot below – the **CYAN** line is building position before the amendment and the **ORANGE** line is line of tree protection barrier. Relocated building is now 1.7m & 3m away from tree protection barrier.



2. Hardstanding area for lorry park has been reduced along the northern edge by 4.1m with the proposed acoustic fence located on the edge of the hardstanding. The reduction of the hardstanding allows 1m between the hardstanding and the root protection barrier. Please refer to screen shot below showing the line of the unaltered hardstanding in **RED**, the tree protection barrier in **ORANGE** and acoustic fence in **PINK**.



The amendments proposed on the attached means there is no development necessary or proposed within the root protection areas, the repositioning of the building, acoustic fence and reduction in the hardstanding area allows the erection of the root protection barrier in accordance with the tree consultants AIA keeping all development activity on the development side of the protection barrier ensuring no impact on the tree's. The root protection barrier can be conditioned to ensure it is erected prior to commencement of any development and retained for the duration of the development period.

Considering the amendments proposed and on the basis that no development is proposed within the root protection area the fencing method statement is not required and can therefore be superseded.

## SCHEDULE A: Applications with Recommendation

21/0174

Item No: 03

Date of Committee: 10/09/2021

**Appn Ref No:**  
21/0174

**Applicant:**  
John Fairclough

**Parish:**  
St Cuthbert Without

**Agent:**  
Ashwood Design  
Associates Ltd

**Ward:**  
Dalston & Burgh

**Location:** Land adjacent The Green, Wreay, Carlisle, CA4 0RL

**Proposal:** Variation Of Condition 2 (Approved Documents) Of Previously Approved Permission 19/0066 (Erection Of 2no. Detached Dwellings (Revised Application)) To Amend Plans To Include 1no. Dwelling Only With A Revised Design

**Date of Receipt:**  
25/02/2021

**Statutory Expiry Date**  
26/04/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Principle Of Residential Development Is Acceptable
- 2.2 Whether The Scale, Design And The Impact Of The Proposal On The Character And Appearance Of The Area Is Acceptable
- 2.3 Impact On Listed Buildings
- 2.4 The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties
- 2.5 Highway Issues
- 2.6 Foul and Surface Water Drainage
- 2.7 Impact On Trees And Hedgerows
- 2.8 Impact Of The Proposal On Biodiversity

#### 3. Application Details

## **The Site**

- 3.1 The application site is located on a 0.14 hectare parcel of land within the village of Wreay. The land, which forms part of the curtilage of The Green, slopes down from west to east and again from north to south.
- 3.2 The application site is located in the village of Wreay flanked by an existing residential property to the west with the public house and properties to the east. St. Mary's Church is a Grade II\* listed building is to the north with a well-defined hedgerow along the southern boundary and countryside beyond. Wreay has a number of services or facilities including a public house, a church and a primary school.

## **The Proposal**

- 3.3 This application is for full planning permission for the erection of one detached two storey dwelling with a vehicular access formed on the eastern boundary. The property would be located towards the northern boundary where the façade would be largely symmetrical with a central porch over the entrance door. The east gable would also incorporate a porch with a mono-pitched roof. To the rear, the elevation would incorporate two gables with the first floor leading onto balcony areas.
- 3.4 The building would be constructed from Welsh blue/ grey slate, self-coloured render and local red stone, red sandstone window and door surrounds, stained timber doors and windows and green oak for the porches and the balcony supports. The property would incorporate chimney stacks to both gables and modest window openings to the north, east and west. To the south, the appearance would be slightly more contemporary with larger openings and a roof lantern.
- 3.5 In the south-east corner of the site, it is proposed to construct a detached garage that would include a double width garage with an open covered area adjacent. The materials would match those of the proposed dwelling. The submitted layout plan shows the retention of the existing hedgerow and trees within the site.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 16 of the neighbouring properties. In response, six letters of objection were received and the main issues raised are summarised as follows:
1. a house this size on an already elevated site would totally dominate the village and neighbouring properties. It would dominate the idyllic green and spoil the aspect of Wreay Church;
  2. the development will add to existing parking problems on the stretch of road which is already congested due to a lot of the old village having no off road parking coupled with school times, funerals, weddings etc.;

3. it will be difficult to accommodate builders, building materials and everything safely. The last new house built in the village on a much wider bit of road was in fact extremely disruptive to all. Parking on the green would not be tolerated either;
4. before planning was granted the first time round, the owners had already broken all the laws & cut down mature trees, made an opening in the hedge, & wrecked the wildlife ponds. It s difficult to see how planning permission was granted after that;
5. the best option for the land would be to revoke the planning totally and allow the land to return to nature or at least kept as a green space. This is a special old village and deserves to be protected. Development around the village is not opposed but definitely not on this site;
6. the proposal fails to match existing construction materials, such as the local sandstone that characterises the village green;
7. the site is big enough to accommodate the property at the bottom (boundary with the field) of the site and therefore be less obtrusive to the village green and if sited at the bottom, there may be less objections.
8. Wreay was considered for conservation area status, which is on hold. Had this been in place, this development would not be permitted in its current form. A consideration to the future conservation status of the village needs to be considered;
9. with the building being so large it would surely impinge on the Tree Preservation Order in particular T3 and T1. Given the proposed access point it would be almost impossible to prevent damage to the tree roots;
10. access cannot be used via the village green as this is Parish Council ground and in any case would destroy the green. On the drawings it shows a small entrance onto the village green, which is unnecessary and would possibly be subject to the parish council approval;
11. there is a lack of drainage detail;
12. a more suitable dwelling would be one with a lower roof line built to the field side of the site and not using part of the village green as access;
13. concerns about the placement of the primary windows which appear to be looking straight into neighbouring properties;
14. the mature trees and hedgerow that are safe havens for all the wildlife, it is not understood how the site can be developed without felling some of the trees.

4.2 A petition was submitted to the parish council and forwarded to the city council signed by 28 signatories and which raises the following:

1. the original planning permission was not wanted as it was felt the site is in a very sensitive area and the impact of the erection of two dwellings was over intensive, unneighbourly and out of keeping with the sensitive nature of this location. This remains the position;
2. given that permission to develop on the site exists the impact of one household as opposed to two is preferable;
3. the recent consultation regarding the possibility of Wreay becoming a conservation area has been put on hold. Had this been improved residents are confident that this development would not be approved nor the extent permission given for the two dwellings on the site;
4. existing policies and the local plan clearly put great restriction on sighting,

- size, design, and use of materials in sensitive areas and would lead councillors to refuse the current application;
5. Wreay is named in policy SP7 has been a sensitive area. The current generic design for a mansion it's not good enough for real village and historic architecture St. Mary's parish church;
  6. Policy SP6 requires good design and there be an adverse effect on the area areas as a result and when the conservation areas created all the adjacent properties currently undesignated when become designated;
  7. although there is next and permission the current design is not good enough and his proposed height is far greater than that of the adjacent building in the grounds of which it sits And will dominate neighbouring properties;
  8. stone is a common material in many adjacent buildings however none is proposed in the proposed dwelling with the plans suggesting smooth render;
  9. the development does not enhance its local setting and is neither in the local vernacular nor is the design of sufficient merit to be called high architectural quality;
  10. it is requested that the previous decision to approve permission for two dwellings on the site is rescinded. Although this is unlikely the council could ameliorate the situation by not approving the current application and ask the applicant to put forward plans of a more appropriate design and consistent with the vernacular, local materials and/ or architecture of national importance and significant merit which would not detract from the site but enhance it.

4.3 Following the receipt of revised plans in May 2021 principally showing alterations to the fenestration, reduction in height and change in materials, further consultation was undertaken and as a result, two letters of objection were received and the main issues raised are summarised as follows:

1. the reduction in height as it is shown on the drawings as being lower than the neighbouring house is welcomed and hopefully this will be the case if passed. The house however is still too large and not in keeping with the style of nearby houses to the west nor the church to the north. Even with it being lowered into the site it will still be an imposing building that dwarfs other buildings in the vicinity.
2. past comments suggested more stonework rather than rendered walls, this has not been addressed apart from window surrounds so we feel let down in this aspect of the proposal.
3. concern about the access as the Plough Inn is due to reopen which will increase the vehicle traffic with implications for the access to property, the road is virtually single track as residents have to park on the roadside. the access to the village green will need to be agreed with the Parish Council as it will involve making an opening onto the green and it should be considered alongside the fact there is an old hand pump and well close by;
4. it's a shame the development had not been sited at the bottom of the site beside the field, had it been out of view perhaps there would not have been so many negative comments.

4.4 In addition, one representation was received commenting on the application and raising the following issues:

1. many of the previous concerns that the original proposal would dominate the village green have been partially met. In particular, the sinking of the development to ensure the roof line is no higher than neighbouring properties and that no new access pedestrian or vehicle has cut across the green;
2. the house is still too close to the green but is no closer than a neighbouring property which is reasonable;
3. the building materials used should be sympathetic to the surrounding buildings and character of the village.

4.5 Following the receipt of revised plans in July principally showing the inclusion of chimney stacks changes to the porches and materials, further consultation was undertaken and as a result, three letters of objection were received and the main issues raised are summarised as follows:

1. although some concerns have been met, the intermittent stonework proposed is a poor substitute for full stonework finish;
2. the access point would be situated on a busy narrow road, highlighted even more with the reopening of the Plough Inn which is proving to be very successful but has meant an increase in vehicles to the area in question. The residents cars have to be parked on the roadside and along with customer cars the road is virtually one lane for approximately 200 yards. The new opening proposed will be right in the middle of this and is far from ideal;
3. it would be more sensible to reposition the building and access points to the bottom of the plot and avoid all this hassle and negative comments;
4. although lowering the site, the building is still overpowering for the area, drawing a high hedge on the plans to cover the first floor windows is ridiculous as this will be cut down to allow light in, exposing the full frontal elevation;
5. whilst white render is sympathetic to the house next door it is not in keeping with the majority of properties in the area which are stone;
6. there is far too much glazing to the rear with glass balconies which again out of character. This is a village not a suburb;
7. the applicant should not be allowed to put a gate onto the village green which is protected and registered as common land;
8. there is no assessment regarding surface water drainage for the development. A considerable amount of surface water is now running down the road from the village and has increased significantly over recent years with the increase in development. The road floods regularly now at Rose Cottage and the field to which the development abuts also floods at its low point with regularity now. The superficial geology of this area is composed of clay and till with a low permeability resulting in flashy run off and low percolation and poor natural attenuation of precipitation. It is important that an assessment of the drainage is properly undertaken prior to consent being granted for the development.

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

**Cumbria County Council - (Highways & Lead Local Flood Authority): -**

Cumbria County Council as both the Local Highway Authority and Lead Local Flood Authority has no objection to the proposed variation as it is considered that the proposal will reduce the impact the development would have as the applicant seeks to reduce the site from 2 residential Units to the one. As such CCC would have no objections to the variation of condition 2 and would welcome additional details associated with the development and as requested in the response sent by CCC on the 5th August 2019 in relation to application 19/0066;

**Historic England - North West Office:** - the following response has been received:

Summary .

The proposal seeks to amend Condition 2 of a previous approval for two dwellings which Historic England raised concerns regarding the design and impact on the setting of the nearby Grade II\* Church of St Mary. The proposal is to now substitute the approved plans for a revised scheme of one dwelling only but to a different design.

Plans have been amended since our previous responses which are welcomed, the comments below relate to the most recent amendments. Historic England consider that the changes overall are positive, however, we still maintain some concerns, primarily relating to the level of glazing to the rear elevation.

Historic England Advice .

Significance .

Wreay is a distinctive settlement with a leafy and low-density character relating to key routes and spaces. It consists of low scale buildings of vernacular style arranged informally within a rural setting, notable for its greenspaces.

The village hosts a remarkable architectural ensemble by the antiquarian, architect and visionary Sara Losh, including the highly original and accomplished Church of St Mary (Grade II\*), school, schoolmasters house, churchyard, mausoleum, cross, mortuary chapel, font, sundial and cemetery cottage (many of which are Grade II listed in their own right).

The church was constructed 1840-42 of dressed sandstone under a stone slate roof in a Romanesque style showcasing both French and Italian influences. Featuring sculptural stonework by William Hindson which was erected by estate workers at their own expense, along with other examples of details and timber carvings by local craftsmen. It is evident that the church formed an important focus of the community.

Informal views of the Grade II\* Church form an important aspect of its significance.

## Impact

The applicant is thanked for submitting additional information, particularly that relating to context and the proposed materiality of the development which is noted closely relates to the neighbouring property to the west.

The recent amendments made which consist of one additional window to the front and both side elevations, lean-to roofs to porches and the inclusions of gable end chimney stacks are welcomed and these amendments are considered to be positive by introducing some minor variation and additional visual interest.

Historic England continue to suggest consideration of introducing a modest step in the elevations at the point of the projecting outriggers to help break up the mass further.

The rear elevation continues to retain a high level of glazing over which we have previously raised some concern. This is considered to appear out of character with the other elevations of the proposed dwelling and the surrounding built environment which has a high solid to void ratio. This issue is exacerbated by the proposals south-south easterly orientation, location at the top of a rise and sitting in short-long distance views of the Grade II\* church coupled with the level of glazing creating large areas of reflective surfaces, drawing the eye and impacting on the setting of the heritage asset.

It is suggested that negotiations continue on this point and wonder whether alterations such as removal of the triangular gable windows, having a window instead of full height glazing to the dining room, a flat rooflight instead of a lantern or the use of a more visually solid construction for the balcony guarding or a combination of these would aid in introducing more solidity to this rear elevation.

## Policy

Paragraph 130 of the revised National Planning Policy Framework (2021) (NPPF) sets out amongst other factors that developments should ensure that they:

- add to the overall quality of the area for the lifetime of the development, and;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, and;
- establish or maintain a strong sense of place.

Paragraph 199 requires that great weight should be given to an asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 202 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.

Paragraph 206 advises that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance.

Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

### Position

The additional amendments made to the scheme are welcomed following previous feedback which helps the proposal better relate to the character of the area.

There are still some concerns regarding the amount of glazing currently proposed to the rear elevation which is a visually prominent elevation due to the topography and orientation.

If unaddressed it is considered that it would lead to a low level of less than substantial harm to the Grade II\* listed Church through impacting on the contribution that setting makes to the significance of the heritage asset and therefore suggest that the local authority continues to negotiate this point.

### Recommendation

Historic England has concerns regarding the application on heritage grounds.

The issues and safeguards outlined in the advice need to be addressed in order for the application to meet the requirements of paragraphs 130, 199, 200, 202 & 206 of the NPPF;

**St Cuthberts Without Parish Council:** - the parish council objects to this application on the basis that there is no information regarding the surface water details and on the basis of the proposed access across the village green.

## **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 At a national level, the relevant considerations include the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG). The Development Plan for the purposes of the determination of this application comprise Policies SP2, SP6, HO3, SP7, IP2, IP3, IP4, IP6, CC5, CM5, HE3, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 are of particular relevance. The City Council's Supplementary Planning Documents 'Achieving Well Designed Housing' (SPD) is also a material planning consideration. Section 66 of the Planning (Listed Building and Conservation Areas) is also a material planning consideration. The proposal raises the following planning issues.

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

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

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

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

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

- 6.5 Policy HO3 is equally transparent in its guidance relating to housing development and requires that:

- “1. the scale, design and siting of the proposal would not result in a cramped form of development out of character with the surrounding environment;*
- 2. a safe and attractive garden area, which reflects that predominant in the area, can be created for both the proposed new house and the existing house;*
- 3. the proposal, by way of design, siting and materials integrates into the surrounding built, natural, and where necessary historic environment;*
- 4. there is no unacceptable loss of living conditions to surrounding properties by overlooking, loss of light, overbearing nature of the proposal or increase in on street parking; and*
- 5. the proposal does not prejudice the development potential of an adjacent site.”*

- 6.6 The application site is located in the village of Wreay flanked by an existing residential property to the west with the public house and properties to the east. St. Mary's Church is to the north with a well-defined hedgerow along the southern boundary and countryside beyond. The land is well-related to the village and would not encroach into open countryside. The village has a

number of services or facilities including a public house, a church and a primary school.

- 6.7 Planning permission was recently granted for the erection of two dwellings on this site and in light of the foregoing, the principle of development is therefore considered to fully accord with both national and local planning policies and is acceptable. The planning issues raised by the development are discussed in the following paragraphs.

## **2. Whether The Scale, Design And The Impact Of The Proposal On The Character And Appearance Of The Area Is Acceptable**

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

*“Planning policies and decisions should ensure that developments:*

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

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

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

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary*

*planning documents such as design guides and codes; and/or*  
b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

- 6.10 Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing. Development of this site will have an impact on the character of the area.
- 6.11 The proposal involves the erection of a detached dwelling with vehicular access taken through the eastern boundary of the site. The building is proposed to be constructed from sandstone with self-coloured render under a slate roof. The windows would be timber and set behind the stone surrounds.
- 6.12 The existing hedgerow would, for the most part, be retained except for the formation of the access. The protected trees would also be retained within the existing landscape features.
- 6.13 The scheme includes a greater element of stone to better reflect the appearance of adjacent buildings. The inclusion of porches and chimney stacks provides some variance and enhancement to the scheme. The garage would be located in the south-east corner of the site and would not be dominant. Overall, the building would be acceptable in the context of its immediate surroundings by incorporating appropriate materials. The scale of the dwelling is considered to be appropriate to the size of the plot with sufficient amenity and parking spaces retained. The new dwelling would therefore not form a discordant feature and would have a positive contribution to the character and appearance of the surrounding area and is therefore acceptable in this regard.

### **3. Impact On Listed Buildings**

- 6.14 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings.
- 6.15 Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.16 Paragraph 201 of the NPPF states that: Local Planning Authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in

paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 6.17 Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed buildings will only be justified where the public benefits of the proposal clearly outweighs the significance.
- a) the significance of the heritage asset and the contribution made by its setting
- 6.18 There are eight listed structures within the village of Wreay that are each listed separately due their individual significance. The closest and most significant is St. Mary's Church that is approximately 32 metres from the application site.
- b) the effect of the proposed development on the setting of the Grade II Listed Building
- 6.19 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.20 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.21 Paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.22 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.23 Although the character of the village is held in high regard by residents, the parish council, visitors and Officers alike, Wreay is not a designated conservation area. However, for this reason and given the Grade II\* listed church opposite, Historic England and the council's conservation officer has been involved in the application process.

6.24 In response to the application, Historic England initially commented that:

*“Unfortunately, the design remains bland and uninspiring with the external design again seemingly dictated by the internal room layout and sizes.*

*The proposed design is for a deep, almost square building with little visual interest or articulation except for the rear elevation which is given over to high expanses of glazing which we feel stops the development gelling with its surroundings.*

*The depth of the proposal requires large, expansive side elevations and also a large roof form which appears to add considerable height to the building over what was previously approved. All of this combines to create an overly large and bulky building with little interest and articulation, exacerbated by being located at the highest point of the sloping site.*

*This new design does not appear to include the finer level details which were present in the previously approved scheme which helped relate it to its wider setting and the local vernacular e.g. the use of natural buff sandstone, stone quoin details set in lime mortar, natural slate roof, stone window surrounds, heritage style rainwater goods and the use of sandstone surfaces for pathways.*

*The proposed would appear as an overly dominant, bland and incongruous addition to the village and have a negative impact on the contribution setting makes to the significance of the nearby Grade II\* Church, impacting on views to and from the heritage asset and affecting the way the asset is appreciated.”*

6.25 Following on-going discussions with Officers, the application was subsequently amended. The elevations of the building were altered through the use of some stone and render and the fenestration amended through the use of porches, smaller window openings and stone surrounds. The ridge height was also reduced from 9.7 metres to 7.8 metres.

6.26 Further comments were received from Historic England which read as follows:

*“We thank the applicant for submitting additional information, particularly that relating to context and the proposed materiality of the development which we note closely relates to the neighbouring property to the west.*

*We welcome the positive amendments made to the scheme in order to better reflect the village character e.g. use of stone window surrounds, slate roof, and a more simplistic and elegant front elevation which benefits from an improved window layout creating a pleasant symmetry.*

*We also welcome the changes made to the side elevations to add more visual interest and articulation, particularly the east elevation which will be visible to the wider area. We suggest consideration of introducing a modest step in the elevations at the point of the projecting outriggers to help break up*

*the mass further.*

*The rear elevation still retains a high level of glazing which we consider appears out of character with the other elevations of the proposed dwelling and also the surrounding built environment which has a high solid to void ratio. Unfortunately, this issue is exacerbated by the buildings position on the top of a rise and sitting within long, medium and short distance views up the hill towards the Grade II\* listed church.*

*We suggest that the Local Authority continues to negotiate on this point and we wonder whether alterations such as removal of the triangular gable windows, having a window instead of full height glazing to the dining room, a flat rooflight instead of a lantern or the use of a more visually solid construction for the balcony guarding or a combination of these would aid in introducing more solidity to this rear elevation.”*

- 6.27 Concerns were echoed to the amended plans from the council’s Conservation Officer who submitted the following:

*“The site is sensitive and while the principle of residential development here is established by the 19/0066 permission, any development must have regard to its location, which is in immediate vicinity to the Grade II\* of Church of St Mary, and a number of associated listed buildings. The wider area was proposed as a Conservation Area in the 1997 Carlisle Local Plan, and while this was progressed to a pre-designation appraisal, publicly consulted on in 2019, the designation is in abeyance, following a level of local objections to perceived constraints arising from designation. What was not disputed was the architectural and landscape quality of the area. Additional to the statutorily listed assets, other buildings in the vicinity are attractive vernacular buildings, including the Plough public house and the cottage adjacent to the application site.*

*The 2019 scheme was for two dwellings, and while initially not exhibiting strong design qualities, was finally approved as a pair of traditional detached dwellings with design features, scale and detailing redolent of Wreay’s older properties. Plot two has a primary elevation similar to Wreay’s traditional buildings, with a rear wing and a reducing mass of smaller ‘extensions’, minimising its bulk and suggesting organic growth. Plot 1, occupying the site of the present proposal, was a symmetrical ‘farmhouse’ like building, bookended by chimney stacks and again with single storey annexes. Mindful of the importance of the south elevation and its prominence when approaching the village from the south, off the A6, this too presented a modest and traditional rear elevation. The materials, palate was not dissimilar to the present submission, with welsh slate, sandstone and generally timber fenestration.*

*While welcoming the reduced intensity of development, and the general layout of the proposed scheme, I have concerns over its massing, detailing and elevational treatment. The proposed material palate – being mainly white render – does not reflect the dominant material in Wreay, and is a marked retrograde step over the sandstone previously proposed for the site. While*

*the adjacent cottage is also rendered, this is clearly a vernacular building with its low height, heavy sandstone flags and traditional detailing. The proposed new build is significantly bulkier and if rendered as proposed, will I believe sit far less comfortably in the landscape. The front elevation of the building, in the approved scheme bookended by chimney stacks, is now shorn of these, and features a large and ungainly porch, not relating to any local design feature. The side elevation is long, and again features a prominent porch canopy. To the prominent southern elevation there are a pair of gables with projecting timber balconies and triangular glazing.*

*I was not able to locate a clear schedule of materials with any level of detail, nor a heritage statement or design and access statement to explain the design synthesis of the proposal, or to explain how the setting of the site and its relationship to designated and undesignated assets had been taken into account. My advice is that this should be requested and that any heritage statement should help inform the design of the building, and not be a retrospective document to justify the tabled scheme. It would also be helpful to convey the massing of the scheme if a simple 3d SketchUp or similar submission accompanied the application – this would be useful in understanding the articulation proposed on the southern elevation.*

*I believe that some of the issues with the design arise from the large footprint of the building and the attempt to accommodate this predominantly under the pitch of the main north facing wing. This results in a non-traditional expansive gable to the east elevation, which the approved scheme avoided – this being a more modest 3 bed development. However, plot 2 of the 19/0066 scheme achieved 5 bedrooms with an 'I shaped plan' avoiding the depth of footprint which I believe is causing design issues with the tabled scheme. I would invite consideration of a scheme drawing on the footprint of approved unit 2, but with the symmetrical and traditional elevational treatments of plot 1.*

*In policy terms, consideration must be given to the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the 1990 Act requires that “In considering whether to grant planning permission [F1or permission in principle] 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.”. My advice is that the present scheme fails to have adequate regard to the setting of the Grade II\* church.*

*The scheme at present also fails in regard to Local Plan Policy HE3 as regards the setting of heritage assets, and policy SP6, Securing Good Design, which states that “Development proposals will be assessed against the following design principles. Proposals should:*

*1. respond to the local context and the form of surrounding buildings in relation to density, height, scale, massing and established street patterns and by making use of appropriate materials and detailing;*

*[...]*

*3. reinforce local architectural features to promote and respect local character and distinctiveness;*

*4. take into consideration the historic environment including both designated and undesignated heritage assets and their settings;*

*I would invite consideration of the above points but would recommend that in its present form the application be refused.”*

- 6.28 Further revised plans were submitted which include the use of more stone within the building, inclusion of chimney stacks and revisions to the design of the porch canopies. Historic England’s further response is reproduced in Section 5 of this report. Members will note that concerns are still raised in respect of the amount of glazing currently proposed to the rear elevation which is considered to be a visually prominent elevation due to the topography and orientation.
- 6.29 The Conservation Officer considers the revisions to be a “substantial improvement” to the previous submission and is content for the application to proceed on this basis.
- 6.30 Whilst it is reasonable assessment that the road rises when approaching the village from the south and therefore, any building within the site will be elevated above the lower ground, it is also reasonable that the topography and hedgerows would go some way to mitigate this impact. Additionally, regard must be had to the scheme as a whole in conjunction with the previously approved scheme which is a material planning consideration. The applicant has made significant changes to the scheme to respond to the comments that have been submitted and it remains that the only area of concern for Historic England is the glazing to the rear elevation.
- 6.31 In light of the above, the applicant has amended the scheme, in design terms, to reflect the comments received. The palette of materials would be appropriate to the site and its context. The building would be a notable addition to the village but given the current open aspect of the site this is inevitable. The glazing and fenestration to the rear elevation would not result in a building that would have such a significant adverse impact on the character or appearance of the area and as such, refusal of the application on this basis would not be warranted. Should planning permission be forthcoming, it would be appropriate to impose conditions requiring the submission and approval of ground levels together with a sample wall to be agreed by the local planning authority.
- 6.32 The application site is separated from the nearest listed building, St. Mary’s Church, by the village green and the road. The development would be viewed in the context of the neighbouring properties and public house. In this context it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned listed buildings.

#### **4. The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties**

- 6.33 Paragraph 130(f) of the NPPF highlights that developments and decisions

should:

*“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

- 6.34 The city council's Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:

*"Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply (para. 5.44). While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances." (para. 5.45)*

- 6.35 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusive.

- 6.36 The land is elevated above some of the buildings to the east of the application site, in particular The Plough Inn and adjacent to it, Forge House. A secondary first floor bedroom window would serve bedroom 3 on the east gable that would be approximately 28.5 metres from Forge House and 21.5 metres from Church View. Given the orientation of the application site with the neighbouring properties means that it is not considered that the occupiers would suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of over-dominance.

## **5. Highway Issues**

- 6.37 Planning policies require that adequate access and parking provision can be achieved as part of any development. The dwelling would result in the formation of additional access through the eastern boundary together with areas of hardstanding within the site that would permit vehicles to enter and exit in a forward gear.
- 6.38 The objections make reference to the narrowness of the road in this part of the village, the trade from the public house, cars parked along the highway and lack of appropriate visibility culminating in the fact the development would be detrimental to highway safety and users of the highway, including pedestrians.
- 6.39 The development would generate a relatively low level of vehicle movements related to two dwellings. Cumbria County Council as the Local Highway

Authority has been involved in the application process and also been influential in terms of revising the scheme. Whilst it is acknowledged that on-street parking occurs in the vicinity and the site is directly opposite the public house, the development would not generate additional on-street parking demand as there is sufficient space within the site.

6.40 The application site is within an area where the speed of vehicles is limited to a maximum of 30mph. The Local Highway Authority has raised no objection to the application and as such, the proposal is acceptable.

6.41 Given the character and nature of surrounding road network, it would be appropriate to impose a condition requiring an area to be reserved for the parking of construction vehicles.

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

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

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

6.43 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application documents, submitted as part of the application, provides that the foul water would be disposed of to the mains sewer and the surface water would be to a watercourse.

6.44 The principle of the means of disposal of the foul and surface water are acceptable surface water is acceptable but as no details have been provided, conditions are included within the decision notice requiring the submission and agreement of further details including a management and maintenance scheme for the soakaway in accordance with the NPPF. The surface water drainage scheme would also require the run-off from the site to be no more than the green field run off rate thereby not exacerbating the existing situation in the locality.

## **7. Impact On Trees And Hedgerows**

6.45 Policy GI6 of the local plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the city council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees and hedges. This aim is further reiterated in Policy SP6 of the local plan which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing landscaping.

- 6.46 The City Council's SPD 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 6.47 The site is bounded by a mature hedge with several established trees along the frontage. The current plans show these trees and hedges being retained, with the exception of the formation of the relevant accesses. During the previous application process, the council's Planning/ Landscapes Compliance and Enforcement Officer assessed the trees on the frontage of the site and considered them to be worthy of protection. Accordingly, the trees are now the subject of a Tree Preservation Order (TPO).
- 6.48 In order to protect existing hedgerows during construction works a condition is recommended which would ensure that tree and hedge protection barriers are erected prior to the commencement of any works and remain in situ during construction works. In overall terms, existing and proposed landscaping would help to soften and blend the development into the landscape.
- 6.49 It is also suggested that conditions should be imposed requiring the submission of a method statement about the construction works around the protected trees and that must be agreed by the council. It is Officer's view that there would be no detrimental impact on the remaining trees and that the imposition of the suggested conditions would be appropriate.

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

- 6.50 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded to grant permission for an application in accordance with paragraph 118 of the NPPF. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted.
- 6.51 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, cc.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the

Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.

- 6.52 The city council's GIS layer did identify the potential for protected species to be present on the site or within the immediate vicinity. Given that the proposal involves a domestic curtilage that would retain the majority of trees and hedgerows on the site, it is unlikely that the proposal would affect any species identified; however, an informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

## **9. Conclusion**

- 6.53 In overall terms, the site is located within the village of Wreay and the application is supported by the NPPF and the development plan and as such, the principle of development remains acceptable. Additionally, the scale and design would be appropriate to the site and would not result in an adverse impact on the character or appearance of the area.
- 6.54 The proposed development would provide a large detached dwelling; however, the fenestration and layout of the development has been designed respond to the scale and form of existing buildings within Wreay. The proposed palette of materials would also respect and reflect those of the existing properties within the locality. The retention of the existing hedgerows around the application site together with proposed hard and soft landscaping within the site would also help to soften and blend the proposed dwellings into the street scene. Furthermore, the proposed development would also achieve adequate external space and parking provision to serve each of the dwellings. As such the proposal would respond to the local context and would not be disproportionate or obtrusive within the street scene.
- 6.55 The application would have a less than substantial harm to the significance of the heritage assets and their settings. In line with the objectives of NPPF, PPG, Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant local planning policies, this less than substantial harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use in terms of its contribution to the housing market within the district and potentially supporting the existing services within the village.
- 6.56 Given the location of the application site in relation to neighbouring residential properties, the proposal would not have a detrimental impact on the living conditions of the occupiers of those properties on the basis of loss of light, overlooking or over dominance. Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition is suggested which would limit construction hours.
- 6.57 Subject to satisfying pre-commencement conditions, the proposal will not have a detrimental impact on highway safety. Pre-commencement conditions

would also ensure that the proposed drainage methods to serve the development would not have a detrimental impact on foul and surface water drainage systems. The proposal would not have a detrimental impact of existing hedgerows or biodiversity.

- 6.58 In overall terms, the proposal is considered to be compliant under the provisions of the National Planning Policy Framework, the Planning Practice Guidance, Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant policies of the Carlisle District Local Plan 2015-2030.

## 7. Planning History

- 7.1 In 2017, an application for outline planning permission was submitted for residential development but was withdrawn prior to discussion.
- 7.2 An application for full planning permission was submitted in 2018 for the erection of two detached dwellings but was withdrawn prior to discussion.
- 7.3 Planning permission was granted in 2019 for the erection of two detached dwellings.

## 8. Recommendation: Grant Permission

1. The development hereby approved shall be begun not later than 30th August 2022.

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

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

1. the Planning Application Form received 22nd February 2021;
2. the Site Plan received 7th July 2021 (Drawing no. 21.05.02A);
3. the Floor Plans received 7th July 2021 (Drawing no. 21.05.03A);
4. the Elevations received 7th July 2021 (Drawing no. 21.05.04A);
5. the View From North + Section A-A received 7th July 2021 (Drawing no. 21.05.05A);
6. the proposed Garage received 25th May 2021 (Drawing no. 21.05.06);
7. the Notice of Decision;
8. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. Prior to the commencement of any development hereby approved, a surface water drainage scheme, including a sustainable drainage management and

maintenance plan based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority.

The surface water system shall demonstrate that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any building in a 1 in 100 year event plus 40% to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc). The scheme must also confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary.

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. In the event of surface water draining to the surface water public sewer, the pass forward flow rate to the surface water public sewer must be restricted to 5l/s for any storm event.

The scheme shall be implemented and maintained operational following its approval.

**Reason:** To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off onto adjoining land including the highway and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030, in the interests of highway safety and environmental management and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

4. Prior to the commencement of development hereby approved, details of all measures to be taken by the applicant/ developer to prevent surface water discharging onto or off the highway shall be submitted to and approved in writing by the local planning authority. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

**Reason:** To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off onto adjoining land including the highway and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030, in the interests of highway safety and environmental management and to support Local Transport Plan Policies LD7 and LD8 and to promote sustainable

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

5. Notwithstanding the Supporting Document Revision B received 3rd July 2019, no development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.

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

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

**Reason:** The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users in accordance with Policies HO3 and SP6 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policy LD8.

7. Prior to the commencement of the dwelling hereby approved, details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling and garage shall be submitted to and approved in writing by the local planning authority before any site works commence. The development shall then be undertaken in accordance with the approved

**Reason:** In order that the approved development is appropriate to the character and appearance of the area and does not adversely affect the occupier of a neighbouring property in accordance with Policies HO3 and SP6 of the Carlisle District Local Plan 2015-2030.

8. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the local planning authority.

Specific issues to be dealt with in the TPP and AMS:

- a) location and installation of services/ utilities/ drainage shall be identified;
- b) methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees;
- c) a specification for protective fencing to safeguard trees during both demolition and construction;

- d) a specification for scaffolding and ground protection within tree protection zones;
- e) tree protection during construction indicated on a TPP and construction activities clearly identified as prohibited in this area;
- f) methodology and detailed assessment of root pruning;
- g) arboricultural supervision and inspection by a suitably qualified tree specialist, including reporting;
- h) methods to improve the rooting environment for retained and proposed trees and landscaping;
- i) veteran and ancient tree protection and management.

In the event of trenches or excavations exposing tree roots of 50mm/ 2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/ 2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval in writing of the local planning authority and where such approval is given, the roots shall be cut back to a smooth surface.

The tree and hedge protection fencing must be carried out as described and approved and shall be maintained until the development is completed. The development shall be undertaken in accordance with the approved Arboricultural Method Statement.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030, and pursuant to section 197 of the Town and Country Planning Act 1990

9. Prior to the construction of any external wall associated with the dwelling or garage hereby approved, the details of the mix of lime mortar shall be submitted to and approved in writing by the local planning authority. A sample panel shall also be constructed and available for inspection showing details of the pattern of stone work and pointing detail of the lime mortar. The development shall not be carried out otherwise than in accordance with the approved details.

**Reason:** To ensure the development is appropriate to the listed building in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. A landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority prior to the occupation of the dwelling. The scheme shall include details of the following where relevant (this list is not exhaustive):
- 1. new areas of trees and shrubs to be planted including planting densities;
  - 2. new groups and individual specimen trees and shrubs to be planted;
  - 3. specification/age/heights of trees and shrubs to be planted;
  - 4. existing trees and shrubs to be retained or removed;

5. any tree surgery/management works proposed in relation to retained trees and shrubs;
6. any remodelling of ground to facilitate the planting;
7. timing of the landscaping in terms of the phasing of the development;
8. protection, maintenance and aftercare measures.

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

11. Notwithstanding any description of materials in the application, prior to their use as part of the development hereby approved, full details of materials to be used externally on the building(s) shall be submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in strict accordance with the approved details.

**Reason:** Satisfactory details of the external materials have not yet been provided, therefore further information is necessary to ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

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

**Reason:** To ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030.

13. Prior to the occupation of the dwelling hereby approved, details of the screening to the first floor balconies shall be submitted to and approved in writing by the local planning authority. The approved details shall be retained as approved thereafter.

**Reason:** To safeguard the living conditions of the occupiers of neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

14. Notwithstanding any details shown on the approved drawings, all boundary fences, walls, screens or other means of enclosure shall only be installed or erected in strict accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority, which shall include:

1. precise details of the item(s) including materials, location and height;
2. timescale for implementation;
3. any maintenance proposals identified as necessary within the first [\$] years following provision.

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

15. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 60 metres measured down the centre of the road have been provided at the junction of the access with the county highway. 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 to that construction traffic is safeguarded.

**Reason:** In the interests of highway safety in accordance with Policies HO2 and IP2 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD7 and LD8.

16. 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.

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

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

18. 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; and
2. additions or alterations to roofs; and
3. detached outbuildings; and

4. porches; and
5. chimneys and flues.

**Reason:** The further extension or alteration of this (these) dwelling(s) or erection of detached buildings requires detailed consideration to safeguard the amenities of the surrounding area, to accord with Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030.

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

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

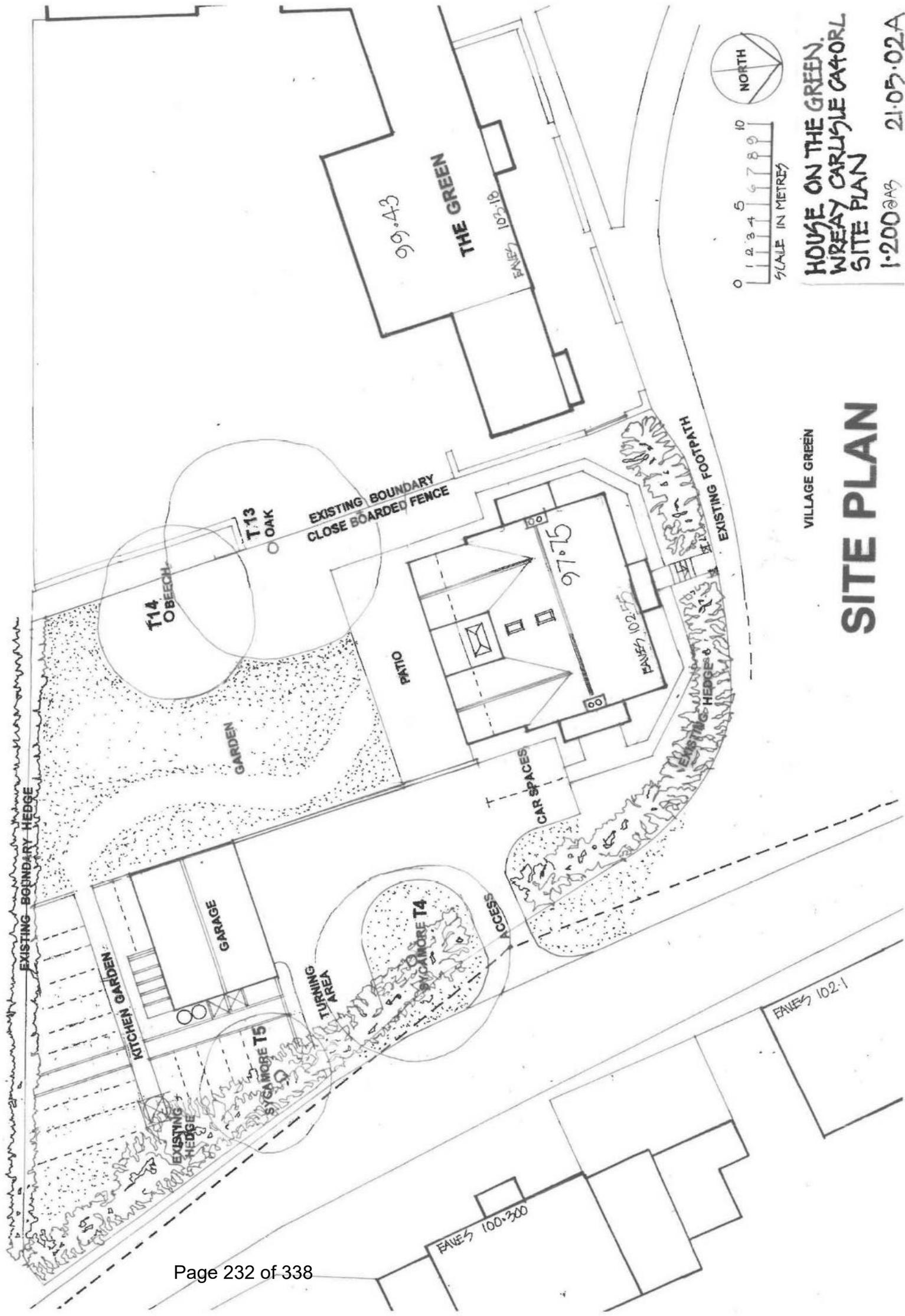
**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,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

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

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

21. 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 IP5 of the Carlisle District Local Plan 2015-2030.



**HOUSE ON THE GREEN,  
WREAY CARLISLE CA40RL  
SITE PLAN**

1:200 @ A3 21.05.02.A

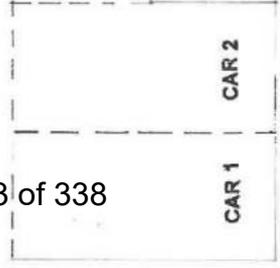
VILLAGE GREEN

# SITE PLAN

GARDEN

PATIO

DRIVEWAY



EXISTING BOUNDARY FENCE

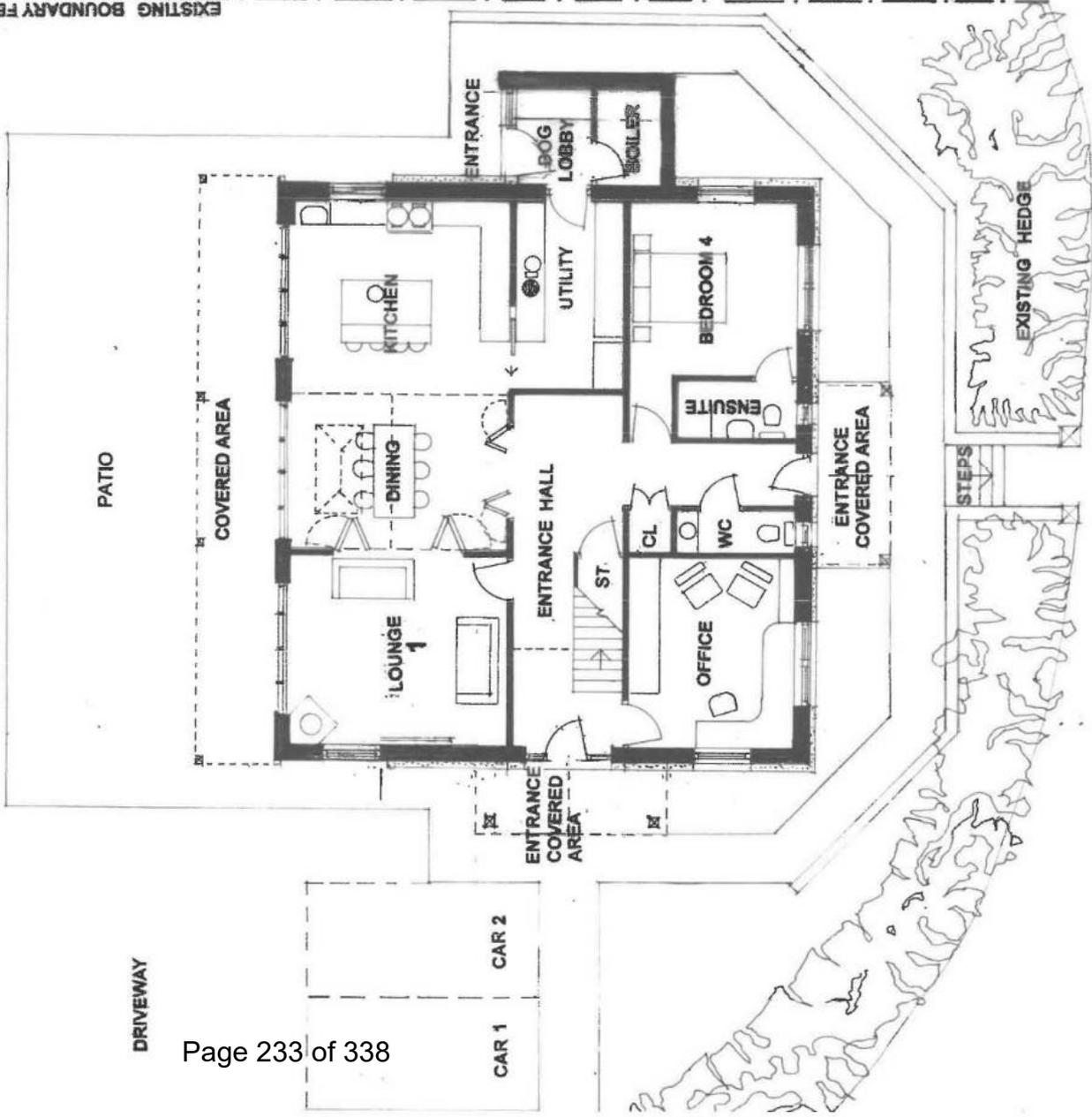
EXISTING WALL

EXISTING PATH

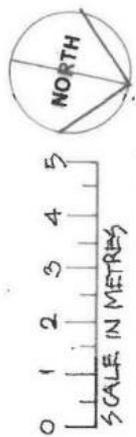
### GROUND FLOOR PLAN

EXISTING HEDGE

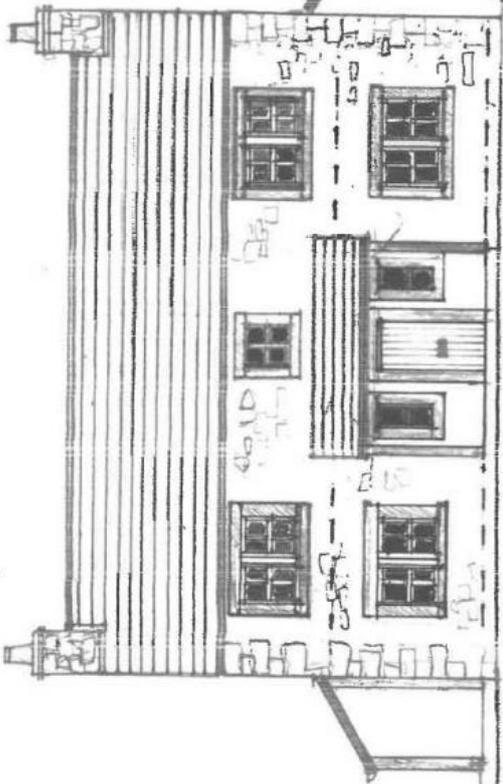
STEPS



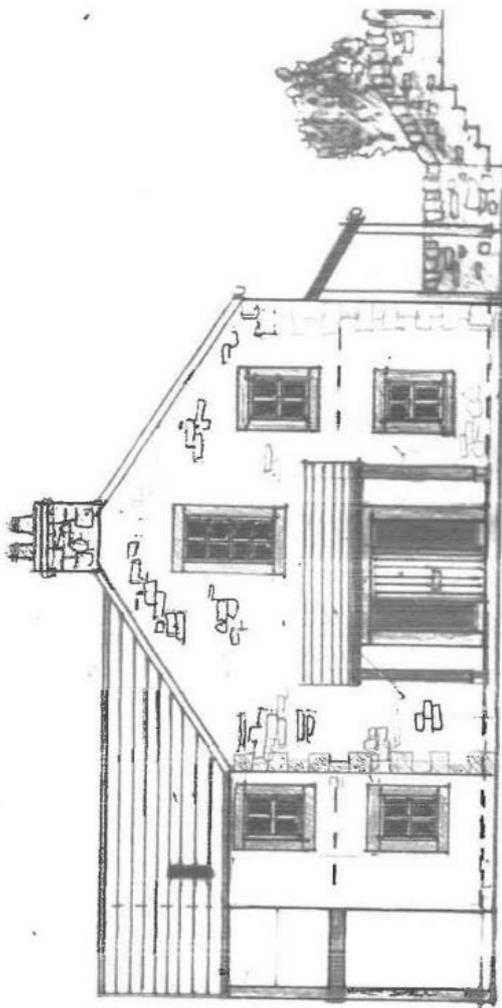
### FIRST FLOOR PLAN



HOUSE ON THE GREEN  
WREAY CARLISLE CA4 0RL  
FLOOR PLANS  
1-100 2017 21.05.03A

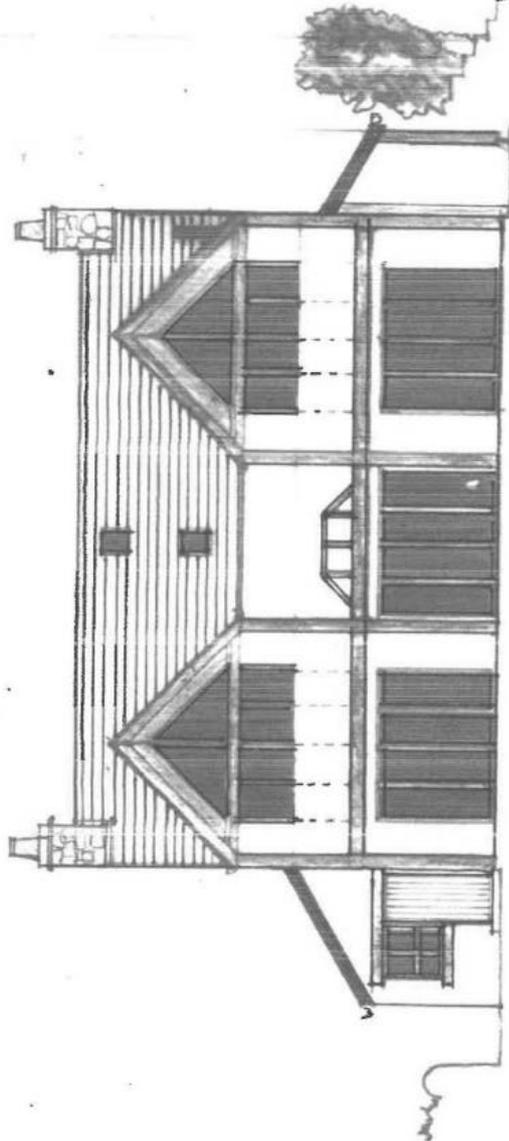


**NORTH**

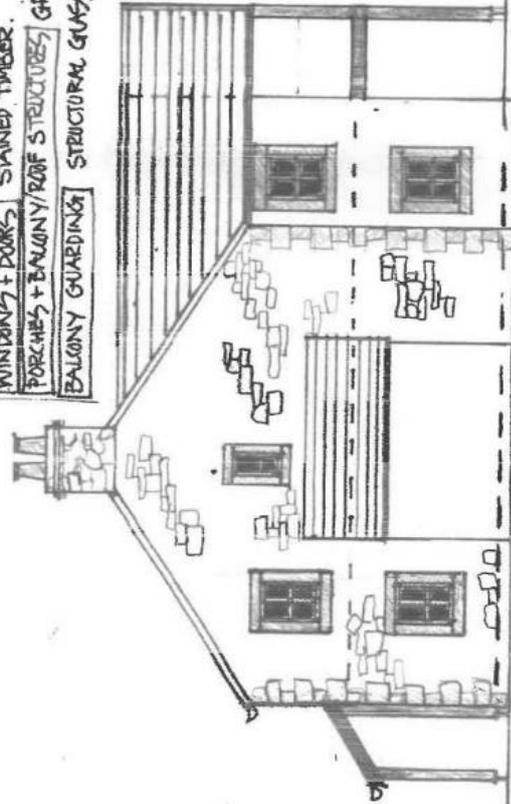


**EAST**

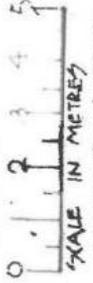
- MATERIALS FINISHES**
- ROOF** RE-CYCLED WELSH BLUE/GRAY SLATE
- WALLS** SELF-COLORED (OFF WHITE) NET DASH RENDER AND LOCAL RED SANDSTONE.
- DOORS + WINDOW SHROUNDS** LAZONBY RED SANDSTONE
- WINDOWS + DOORS** STAINED TIMBER.
- PORCHES + BALCONY/ROOF STRUCTURES** GREEN OAK
- BALCONY GUARDING** STRUCTURAL GLASS



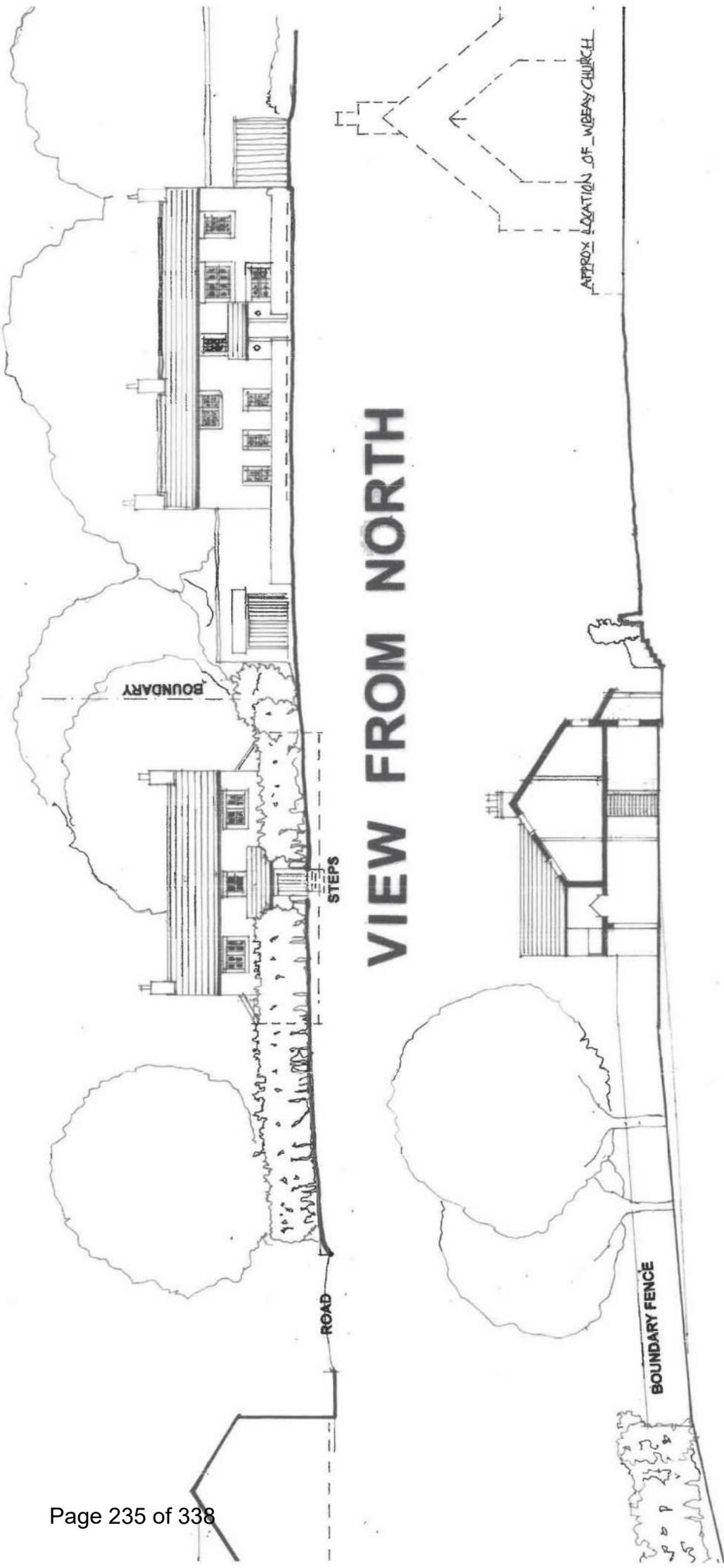
**SOUTH**



**WEST**



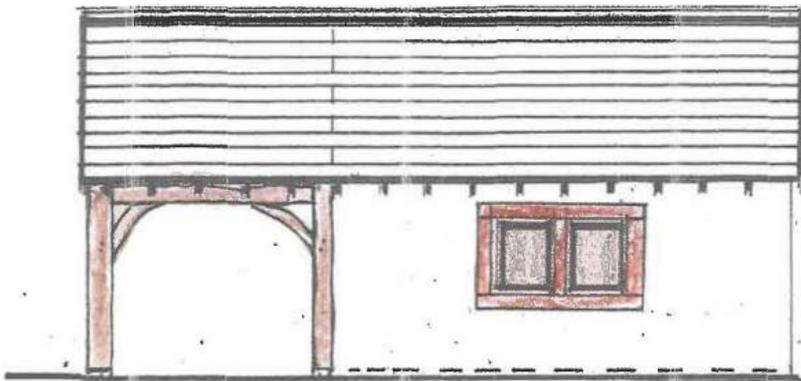
**HOUSE ON THE GREEN**  
**WREAY CARLISLE CA4 0RL**  
**ELEVATIONS**  
 1:100 ans 21.05.04-B



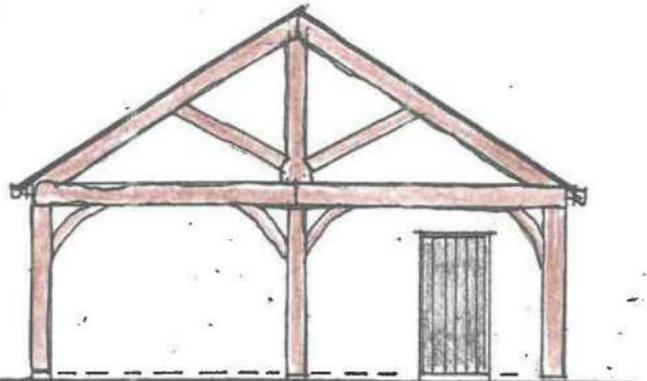
HOUSE ON THE GREEN  
 WREAY CARLISLE CA 4 0RL  
 VIEW FROM NORTH +  
 SECTION AA  
 1:200 @ A3 21.07.05A

**VIEW FROM NORTH**

**SITE SECTION A A**



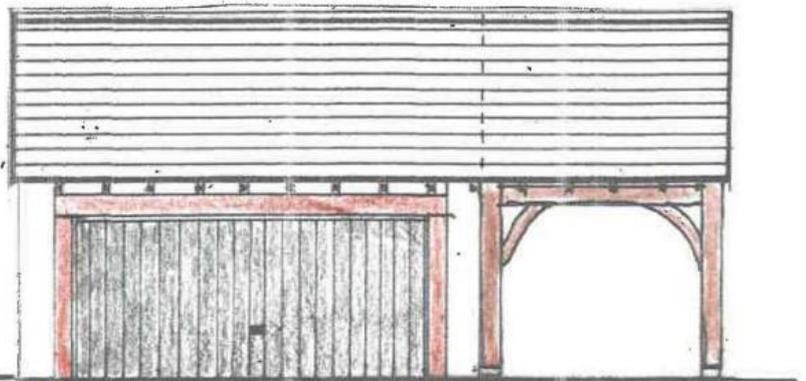
**SOUTH**



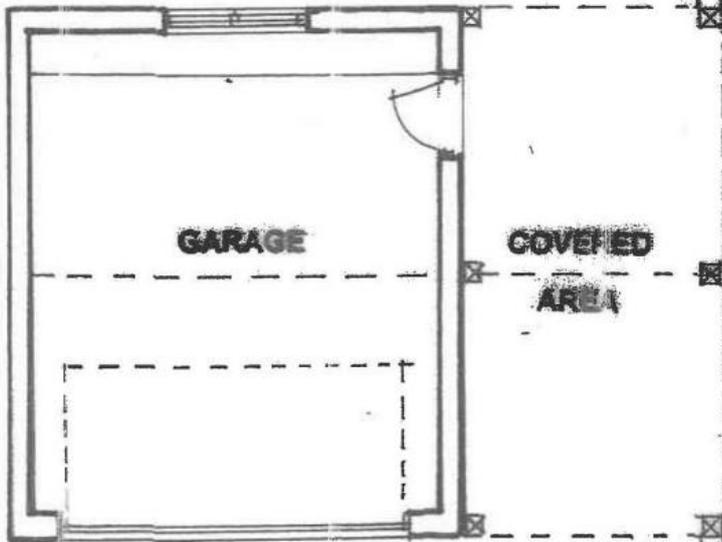
**WEST**



**EAST**



**NORTH**



**PLAN**

**MATERIALS, FINISHES**

- ROOF** RE-CYCLED WELSH BLUE/GREY SLATE
- WALLS** SELF-COLOURED (OFF WHITE) NET DASH RENDER
- DOOR + WINDOW SURROUNDS** LAZONBY RED SANDSTONE
- WINDOWS + DOORS** STAINED TIMBER
- CAR PORT STRUCTURE** GREEN OAK



**HOUSE ON THE GREEN  
WREAY CARLISLE CA40RL  
PROPOSED GARAGE**

1:100 @ A4

21.05.06

## SCHEDULE A: Applications with Recommendation

21/0569

Item No: 04

Date of Committee: 10/09/2021

**Appn Ref No:**  
21/0569

**Applicant:**  
Sawyers Construction

**Parish:**  
St Cuthbert Without

**Agent:**  
Edenholme Architectural  
Surveyors

**Ward:**  
Dalston & Burgh

**Location:** Land to the rear of 42-50 Durdar Road, Carlisle

**Proposal:** Erection Of 1no. Dwelling

**Date of Receipt:**  
11/06/2021

**Statutory Expiry Date**  
06/08/2021

**26 Week Determination**  
13/09/2021

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### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the character of the area
- 2.3 Scale and design of the proposed dwelling
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Disposal of foul and surface water drainage
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on existing trees and hedges
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other matters

#### 3. Application Details

##### The Site

3.1 The application site is located to the rear (west) of numbers 42-50 Durdar Road, a terrace of properties located on the western side of Durdar Road,

Carlisle Extending to approximately 580 square metres in area, the application site was formerly the domestic curtilage of 52 Durdar Road. The site is extremely overgrown so access to the site is currently difficult, however; from a previous visit to the site the eastern boundary of the site is delineated by the rear boundary walls and outbuildings of numbers 42-50 Durdar Road with wooden fences and shrubs along its western and southern boundaries. A dwarf wall with wood fence and shrubs runs along its northern boundary. Access to the site is through an existing gateway in the north west corner of the site.

- 3.2 Within the vicinity of the application site are a variety of properties of differing ages and styles. Immediately opposite the application site is Carwinley and its associated curtilage. Planning permission for the erection of 2no. detached dwellings within the domestic curtilage of Carwinley was granted by Members of the Development Control Committee at its meeting on the 19th February 2020 (application reference 20/0844).

### **Background**

- 3.3 Outline Planning Permission with all Matters Reserved except for access for the erection of 1no. dwelling was granted under delegated powers in December 2017. This permission has subsequently lapsed, however; it should be noted that the application was determined against the policies of the Carlisle District Local Plan 2015-2030, therefore, is a material planning consideration.

### **The Proposal**

- 3.4 This application seeks full planning permission for the erection of a detached dwelling. The proposed dwelling, including the garage, would have a maximum length of 17.8 metres by a maximum width of 8.5 metres with a maximum ridge of 7.2 metres. The accommodation would comprise of family room, entrance hall, w.c., kitchen / dining room, utility and garage with master en-suite bedroom, 3no. bedrooms, bathroom and gallery landing above.
- 3.5 The proposed walling materials for the dwelling are a combination of reconstituted stone and render. The roof would be finished in dark grey concrete tiles.
- 3.6 The submitted drawings illustrate that the northern and western boundaries would be delineated by a foliage boundary with a close boarded fence along the southern boundary. The eastern boundary would remain as existing which consists of the rear yard walls and outbuildings of the adjacent terraced properties. Access to the application site would be in the north west corner of the plot onto the existing unadopted access road off Durdar Road. This access road also affords vehicular access to the farm buildings of Blackwell Farm and other existing and proposed residential properties.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of ten neighbouring properties and the posting of a site notice. In response, four representations of objection has been received.
- 4.2 The representations identify the following issues:
1. there is no access from Blundell Place to the application site;
  2. potential obstruction of the access lane arising from construction traffic;
  3. access lane is unadopted and any potential development might lead to further deterioration of its surface;
  4. suggests that the applicant should contribute to the resurfacing of the road and then it could be adopted by the highway authority;
  5. impact on highway safety;
  6. potential to damage the mains sewer which runs along the lane;
  7. privacy between existing and the proposed dwelling should be maintained.

## 5. Summary of Consultation Responses

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

**St Cuthberts Without Parish Council:** - no response received;

**United Utilities:** - no objections subject to the imposition of a condition and informative.

## 6. Officer's Report

### Assessment

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

### 1. Principle of Development

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

(paragraph 10).

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

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

- 6.6 Policy HO3 of the local plan acknowledges that gardens contribute significantly to the character and quality of housing areas within the City. Proposals for housing development in existing residential gardens will be permitted providing five criteria are met. The form and scale of any new development should respect the local character of the immediately surrounding area. In particular the scale, number of storeys and massing of new housing development should not exceed that of existing dwellings adjacent to the site.
- 6.7 The application seeks the development of part of what was the former domestic curtilage of 52 Durdar Road, a substantial end of terrace two storey detached dwelling located to the south east of the application site. Extending to approximately 580 square metres in area, the site is extremely overgrown. The eastern boundary of the site is delineated by the rear boundary walls and outbuildings of numbers 42-50 Durdar Road with a wooden fence and shrubs along its western and southern boundaries. A dwarf wall with wood fence and shrubs runs along its northern boundary.
- 6.8 It is inevitable that the erection of a dwelling within what was part of a former domestic curtilage would have some visual impact on the character of the area. In mitigation, however; it would be viewed in the context of other neighbouring residential properties within the immediate vicinity. Furthermore, the implementation of a landscaping scheme would also help to settle the proposed dwelling within its surroundings. Accordingly, the proposed dwelling would not result in a visually discordant feature within the area.

## **3. Scale And Design Of The Proposed Dwelling**

- 6.9 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping

which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in both Policies SP6 and HO3 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale, massing and established street patterns and by making use of appropriate materials and detailing.

- 6.10 As outlined earlier in the report, the application seeks full planning permission for a two storey dwelling. The scale and layout of which is commensurate with the size of the plot and would achieve adequate amenity space and in-curtilage parking provision to serve the dwelling. The drawings detail the use of reconstituted stonework and render with contrasting grey quoin's with a roof of dark grey concrete tiles, however; no specific colours or manufacturing details have been provided. As such, a condition is recommended requiring the submission of full details of all materials to be used externally on the dwelling. A further condition is also recommended requiring the submission of details for the proposed boundary treatments. Accordingly, the recommended conditions would ensure that the dwelling would be acceptable visually ensuring that the development harmonises with existing and proposed development within the vicinity.

#### **4. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.11 Policies within the local plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. Policy HO3 recognising that development proposals have the potential to cause significant amenity problems to existing properties including loss of privacy, loss of daylight, overlooking, visual intrusion, noise disturbance, loss of car parking. Criterion of Policy SP6 seeking to ensure that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's SPD 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should normally be achieved.
- 6.12 The dwelling has been orientated so as to achieve the minimum distances between the eastern gable elevation of the dwelling and the first floor non-primary windows of numbers 44 to 48 Durdar Road. The gable elevation of the single storey garage would be between 8.2 metres and 8.5 metres from the rear elevations of numbers 46 and 48 Durdar Road, however; in mitigation the garage would be single storey and largely obscured by the existing boundary walls and outbuildings of the terraced properties. Furthermore, the roof of the garage would be hipped away from the terraced properties.
- 6.13 In overall terms, the siting, scale and design of the proposed dwelling would not adversely affect the living conditions of the occupiers of neighbouring properties by virtue of loss of privacy, loss of light or over-dominance. To further protect the residential amenity of the occupiers of neighbouring

properties from unacceptable loss of privacy or overlooking a condition is recommended removing permitted development rights for the insertion of first floor windows in the western and eastern gable elevations. A further condition restricting construction hours would ensure that the development does not have an adverse impact on the living conditions of the occupiers of neighbouring residents from unacceptable noise and disturbance during the construction phase.

## **5. Disposal of Foul And Surface Water Drainage**

- 6.14 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development. The submitted documents illustrate surface and foul water would be disposed of via the mains sewer.
- 6.15 In respect of surface water drainage and based on the standing advice of Cumbria County Council, as Lead Local Flood Authority, a pre-commencement condition is recommended to be imposed requiring the submission of a surface water scheme based on the hierarchy of drainage options in the NPPF together with evidence of an assessment of the site conditions.
- 6.16 United Utilities as Statutory Consultee for foul drainage also raises no objections to the proposal subject to the development complying with its legislation. Accordingly, to ensure the implementation of a suitable method for the disposal of foul drainage a further condition is recommended requiring details of the proposed method for the disposal of foul drainage. An informative is also recommended drawing the applicant's attention to the requirement to comply with United Utilities legislation.
- 6.17 The imposition of the recommended conditions would ensure the submission of further details to ensure the provision of acceptable methods for the disposal of foul and surface water drainage. The submitted details for both the proposed foul and surface water drainage schemes would then be subject of further consultations with the relevant statutory consultee. Should the additional details prove to be unacceptable, it may be that the residential development would stall as a result.

## **6. Impact Of The Proposal On Highway Safety**

- 6.18 The submitted Design and Access Statement and drawings illustrate that the proposed dwelling would utilise an existing access taken from the unadopted road off Durdar Road. Objections have been received from the occupiers of neighbouring properties in respect of the unadopted access road. The representations have been reproduced in full for Members, however, in summary the issues raised are: impact on pedestrian and vehicular safety; potential to exacerbate existing maintenance issues of the lane; access lane should be adopted or repaired as part of this application; and potential parking issues from construction traffic.
- 6.19 Since the introduction of the Service Level Agreement, the views of Cumbria

County Council, as Highway Authority, are no longer sought and standing advice is provided for small development proposals such as this one. Nevertheless, during the processing of the original outline application and more recently the development subject of application reference 20/0844, the Highway Authority raised no objections as it considered it would not have a material effect on existing highway conditions. The Highway Authority did at that time recommend the imposition of several conditions and these conditions are recommended to be attached to this application, should Members approve the application. These conditions would require details of: access and parking provision to serve the proposed dwelling; construction traffic parking and that the access and parking arrangements to be substantially met prior to commencement of any development so that construction traffic can park and turn clear of the highway.

- 6.20 The views of the objectors are noted; however, given that the Highway Authority did not previously share these concerns then it would be difficult to substantiate a refusal on highway safety grounds. In respect of the adoption of the access road or that it should be resurfaced as part of this application. Cumbria County Council, as Highway Authority, did not recommend the adoption of the access road. The imposition of a condition requiring the resurfacing of the unadopted road as part of this application would be unreasonable as most of the road would be out with the frontage of the application site. Should the access road be damaged by construction traffic then this would be a civil matter. This issue is further borne out by a letter of support with an attached document dated and signed by two firms of solicitors in 1932 details that: *"on enquiry at the County Surveyor's Office the Vendor's Solicitors are informed that ... is a private occupation road ... adjoining owners will be liable for its maintenance"*.

## **7. Impact Of The Proposal On The Existing Trees and Hedgerows**

- 6.21 Policy GI6 of the local plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute positively to a locality, and/or are of specific natural or historic value. Furthermore, the City Council's SPD 'Trees and Development' outline that not only should the design of developments seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting. Accordingly, it is important that these issues are considered at the very start of the planning process.
- 6.22 As highlighted earlier in the report, the application site is extremely overgrown. The submitted Design and Access Statement details that the present ground features would be maintained and levelled and the majority of self-seeded bushes grubbed up and removed any perimeter foliage will be pruned and left in position as site boundary treatment. Conditions are recommended ensuring the submission of a more detailed landscaping scheme including the height and species of retained and proposed species together with hedge/tree protection measures for the retained trees and hedges.

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

- 6.23 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative has been included within the decision notice that if a protected species is found all work must cease immediately and the local planning authority informed.

## **9. Other Matters**

- 6.24 A third party has also made reference to the presence of services beneath the access lane. Northern Gas Networks and United Utilities have raised no objections to the proposal subject to compliance under their legislation in respect of protection of assets. Should Members approve the application, informatives are recommended to be included within the decision notice drawing the developer's attention to their obligations under Northern Gas Networks and United Utilities legislation.
- 6.25 The originally submitted Design and Access Statement made reference to access being made via Blundell Place. This is incorrect as there is no direct access to the application site from Blundell Place. The Design and Access Statement has subsequently been amended with access being gained off Durdar Road.

## **Conclusion**

- 6.26 The principle of development for housing on the site was first established in 2017. Although this application has now lapsed there has been no change in planning policies and it remains acceptable under the provisions of the National Planning Policy Framework and the Carlisle District Local Plan 2015-2030. Subject to compliance with the recommended conditions the: layout; scale; appearance; access; and landscaping of the proposed dwelling is acceptable and would ensure that the dwelling does not result in a discordant feature within the area and would not have a detrimental impact on the living conditions of the occupiers of neighbouring properties.
- 6.27 The submission of further details in respect foul and surface water drainage would also ensure that the proposed dwelling would be served by adequate foul and surface water drainage schemes.
- 6.28 In overall terms, the proposal site accords with the objectives of the National Planning Policy Framework and the Carlisle District Local Plan 2015-2030. Accordingly, the application is recommended for approval.

## **7. Planning History**

- 7.1 In 2017, outline planning permission was granted for the erection of 1no. dwelling (application reference 17/0983).

## 8. Recommendation: Grant Permission

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

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

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

1. the submitted planning application form received 24th August 2021;
2. the site location plan received 7th June 2021;
3. the proposed elevations received 24th August 2021 (Drawing No. 24.08.21/Saw/03 Revision B);
4. the proposed plans received 24th August 2021 (Drawing No. 24.08.21/Saw/04 Revision B);
5. the block plan and cross section received 24th August 2021 (Drawing No. 24.08.21/Saw/05);
6. the Notice of Decision;
7. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

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

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

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

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

**Reason:** To ensure a satisfactory means of foul water disposal and in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

5. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction shall be submitted to the local planning authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose

**Reason:** To ensure that all vehicles can be properly and safely accommodated clear of the highway in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

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

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

7. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

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

8. A landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following:

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

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

9. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

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

10. Notwithstanding any description of materials in the application, prior to their use as part of the development hereby approved, full details of materials to be used externally on the dwelling shall be submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in strict accordance with the approved details.

**Reason:** Satisfactory details of the external materials have not yet been provided, therefore further information is necessary to ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030.

11. Notwithstanding any description of materials in the application, prior to their use as part of the development hereby approved, full details of the proposed hard surface finishes to all public and private external areas within the proposed application site shall be approved in writing by the local planning authority before their use as part of the development hereby approved. The approved development shall be carried out in strict accordance with the details approved in response to this condition.

**Reason:** To ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030.

12. Notwithstanding any details shown on the approved drawings, all boundary fences, walls, screens or other means of enclosure shall only be installed or erected in strict accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority, which

shall include:

- precise details of the item(s) including materials, location and height
- time scale for implementation
- any maintenance proposals identified as necessary within the first 5 years following provision

**Reason:** To ensure that the appearance of the development will be in keeping with the locality and to protect visual amenity, in accordance with Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030.

13. 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 shall at any time be formed at first floor level in the eastern and western elevations of the dwelling hereby permitted 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 Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030.

14. 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.

15. No work associated with the construction of the residential units hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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

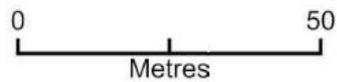
16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary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

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

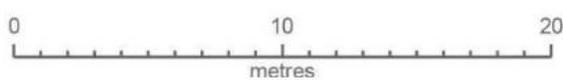
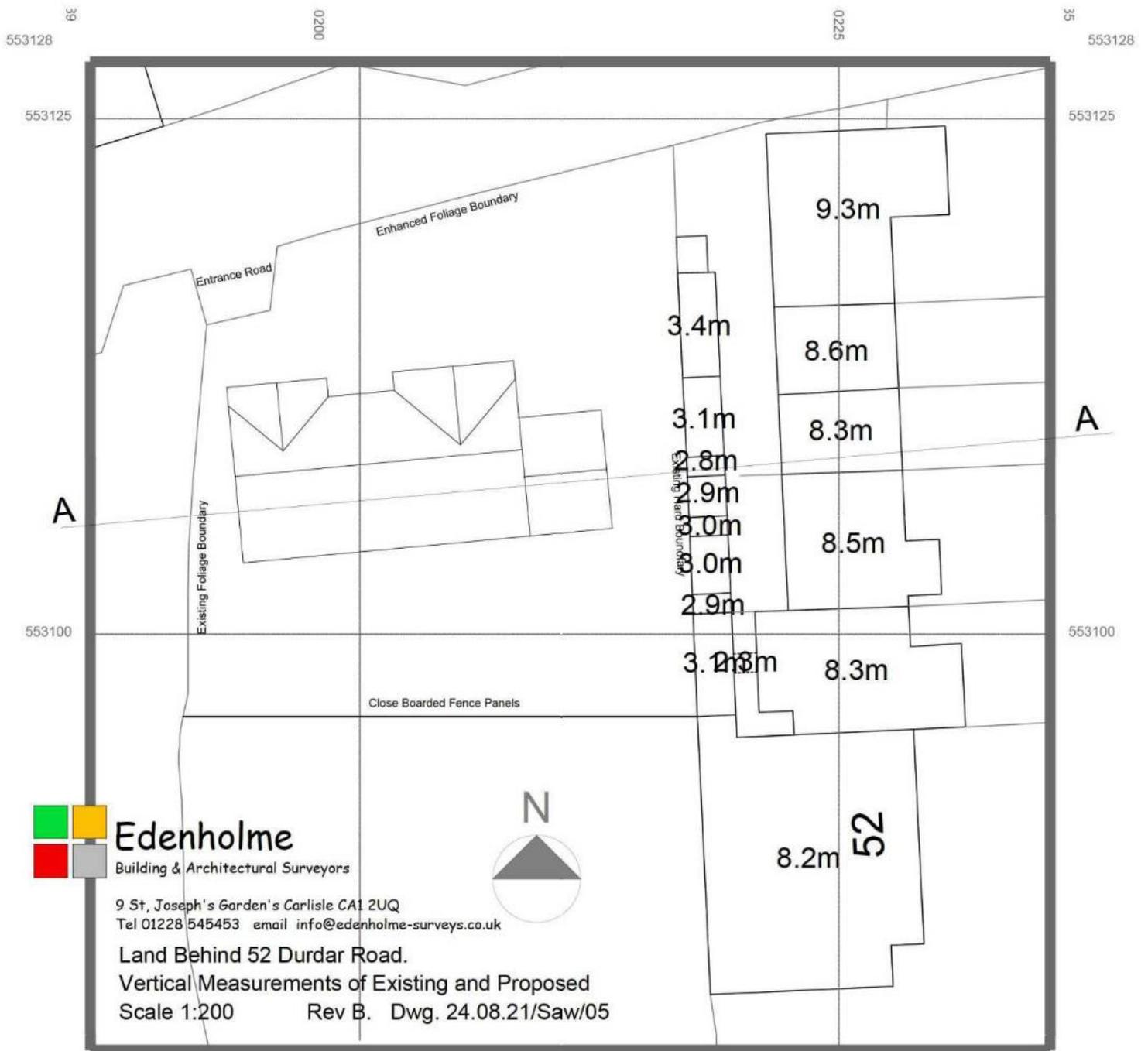
**Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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

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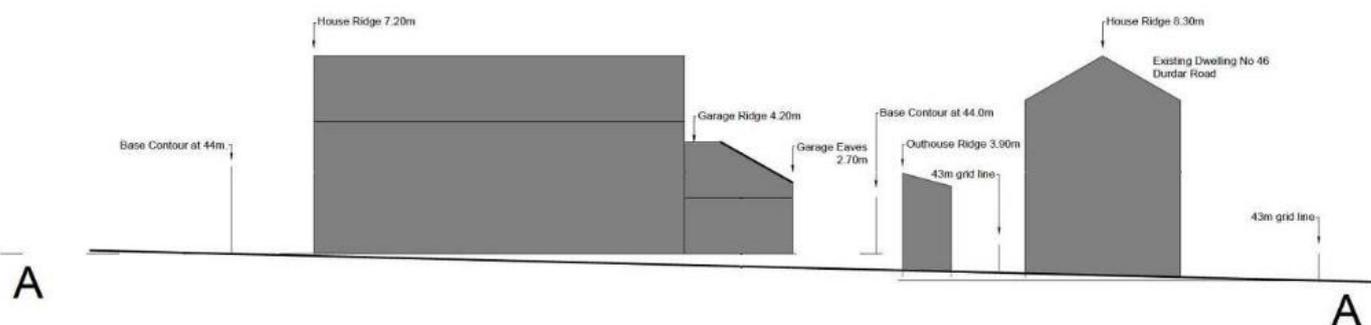
# Land Behind 52 Durdar Road

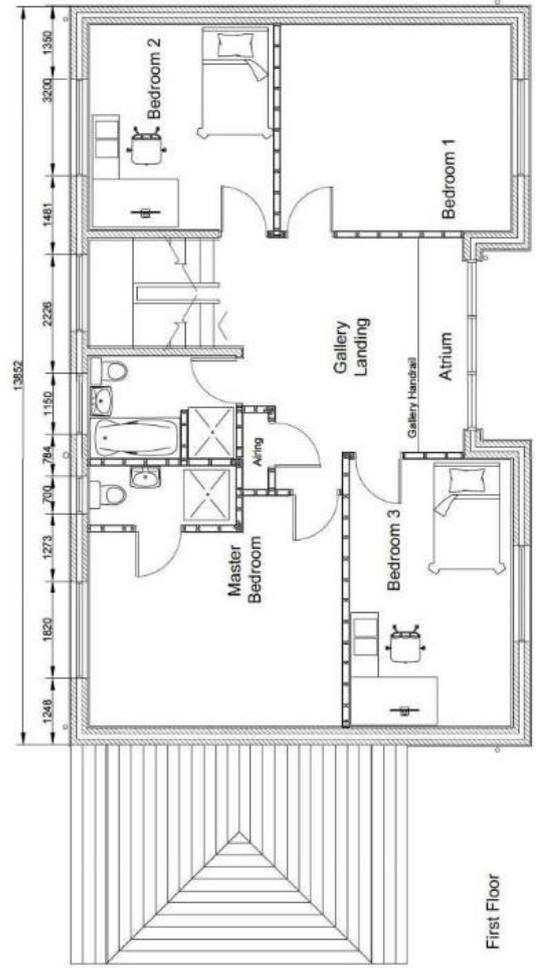
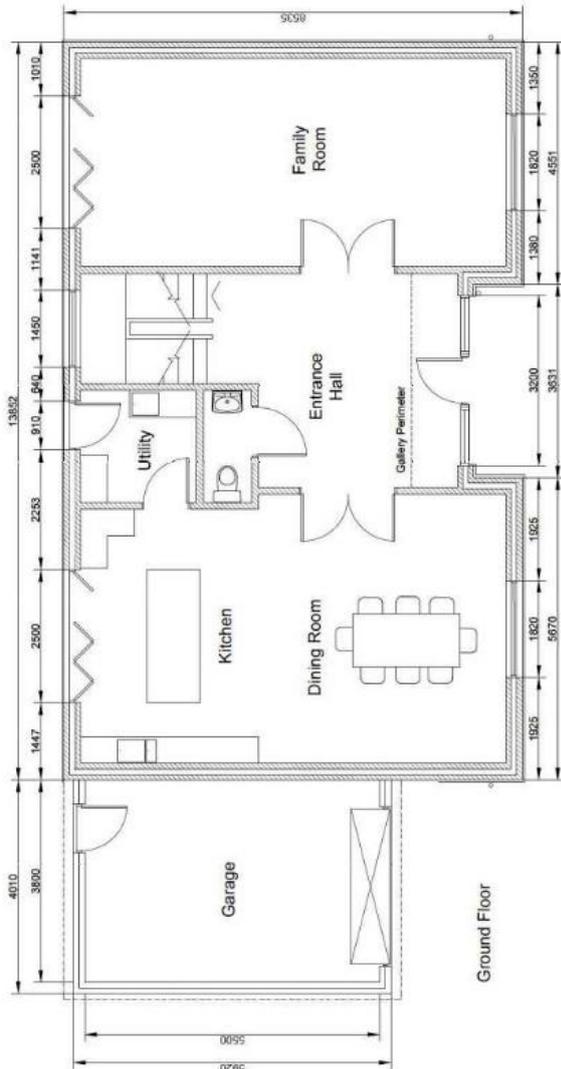


Plan Produced for: Site location Plan - Dwellin  
Date Produced: 02 Jun 2021  
Plan Reference Number: TQRQM21153143454900  
Scale: 1:1250 @ A4

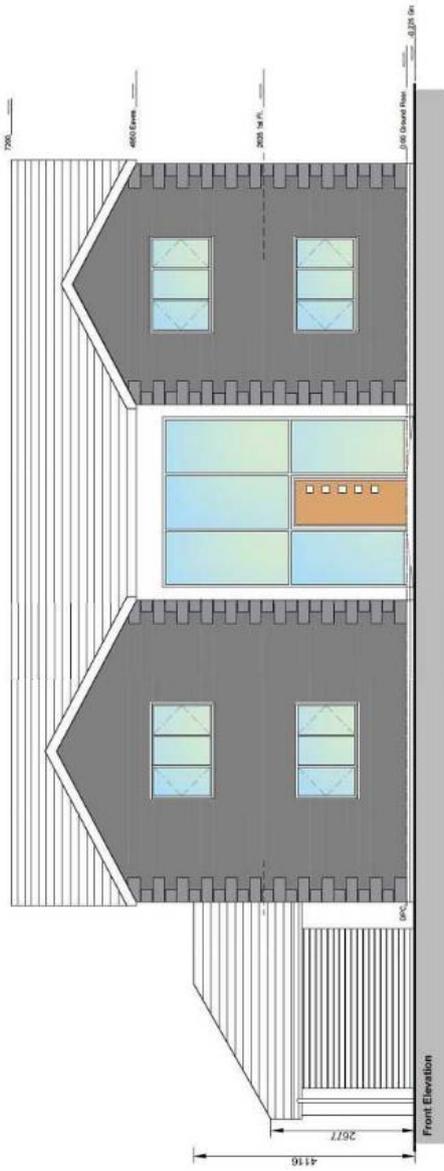


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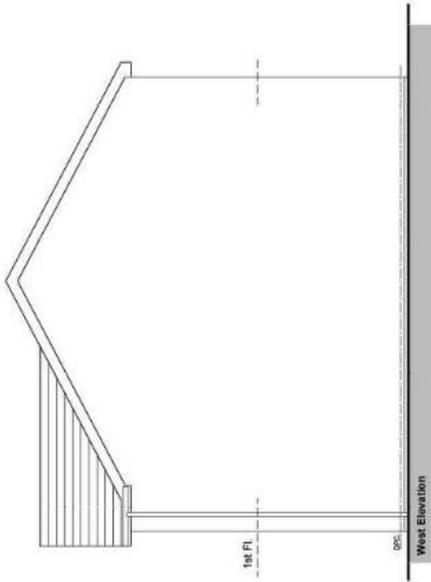




<p>Edenholme Buildings &amp; Architectural Services 9 St. Joseph's Square, Carlisle, Cumbria Tel: 01273 545453 email: info@edenholme-services.co.uk</p>	<p><b>Project</b> New Dwelling at adjacent to Durdar Road, Carlisle, Cumbria</p>	<p><b>Client</b> Messrs Skye Construction 100 Durdar Road Carlisle CA1 3UD</p>		<p><b>Drawing Title</b> Proposed Plans</p>	<p><b>Drawing Date</b> 1:5000 A1 Date: Aug 2021</p>	<p><b>Drawing Number</b> 24_08_21/Saw04 <b>Drawn by</b> JDS</p>	<p><b>Revision</b> <b>B</b></p>	<p><b>Date</b> Aug 2021 <b>Details</b> No items to show Group on East Elevation and window construction</p>	<p>This drawing and information depicted must not be copied or used for any purpose without the written consent of Edenholme Buildings &amp; Architectural Services. All dimensions to be checked on site. Do not scale from this drawing. Copyright ©</p>
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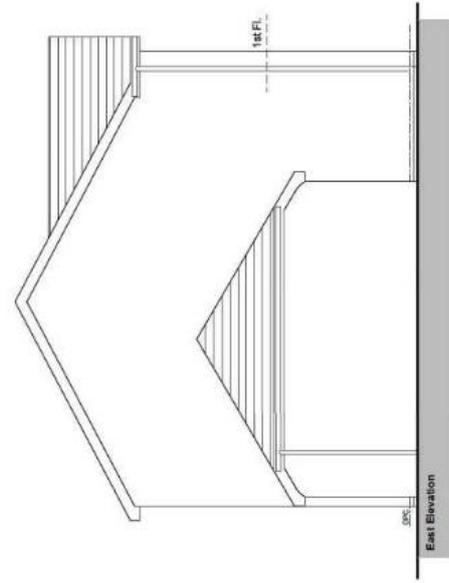


Front Elevation

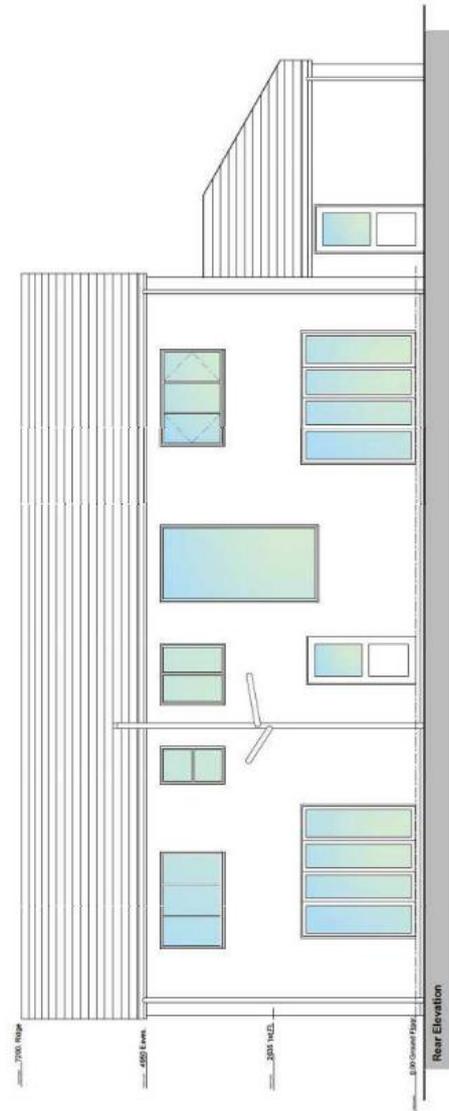


West Elevation

- Roof - Dark Gray Concrete Tiles
- South Elevation Walls - Reconstituted stone laid to straight beds
- Gray Quoins - Contrasting Gray Colour Laid to coursed beds
- Glazed curtain walls - Contrasting Gray Alloy double glazed
- Windows - Matching Gray uPVC double glazed
- Doors - Secured by design composite of contrasting colour



East Elevation



Rear Elevation

<p>Edenhome Building &amp; Renovation Services 11, The Quadrant, Carlisle, Cumbria, UK Tel: 01223 24452   email: info@edenhome-services.co.uk</p>	<p>Project New Dwelling Land Adjacent to Durdar Road Carlisle</p>	<p>Client Mason Street Construction Unit 1 - Paddock Road Carlisle, Cumbria, UK Carlisle DA1 3UD</p>		<p>Drawing Title Proposed Elevations</p>	<p>Drawing Scale 1:50 @ A1 Date Aug 2021</p>	<p>Drawing Number 24.06.21/Saw03 Drawing By JDS</p>	<p>Revision <b>B</b></p>	<p>Details Aug 2021 - No change to elevations and revised construction JDS</p>	<p>Scale 1:50 Copyright ©</p>	<p>This drawing is the intellectual property of Edenhome and must not be used or copied for any purpose without the written permission of Edenhome Building &amp; Renovation Services. It is to be used in connection with the contract on which it is based. Do not scale from this drawing.</p>
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## SCHEDULE A: Applications with Recommendation

21/0622

Item No: 05

Date of Committee: 10/09/2021

**Appn Ref No:**  
21/0622

**Applicant:**  
Mr Graham Weir

**Parish:**  
St Cuthbert Without

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Dalston & Burgh

**Location:** Broadfield, Carleton, Carlisle, CA1 3DZ

**Proposal:** Erection Of 1no. Dwelling & Associated External Work

**Date of Receipt:**  
23/06/2021

**Statutory Expiry Date**  
18/08/2021

**26 Week Determination**  
13/09/2021

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### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Scale And Design Of The Proposal Are Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Impact Of The Proposal On The Setting Of Listed Buildings
- 2.5 Biodiversity/ Trees
- 2.6 Other Matters

#### 3. Application Details

##### The Site

3.1 The site, which measures 0.23 ha, is elevated above the adjacent A6 and rises steeply from south to north. It previously contained a dormer bungalow, a garage and a series of outbuildings, which were located towards the northern end of the site but these have all been demolished. The bungalow that previously occupied the site was finished in render under

a slate roof. It had a large flat roof dormer window, which was clad in white horizontal panels, in the south facing roofslope.

- 3.2 The site contains a number of mature trees towards the southern site boundary. Other trees are located along the eastern site boundary and these help to screen the site. The site is accessed from a driveway that adjoins the A6 near to the southern site boundary and which slopes steeply uphill.
- 3.3 Residential properties adjoin the site to the north, with other dwellings being located to the east of the site on the opposite side of the A6. Two of the dwellings and an outbuilding to the east of the site are Grade II Listed Buildings.
- 3.4 An office building, with a parking area to the front, and a residential property adjoin the site to the south. Fields adjoin the site to the west, with the River Petteril being located approximately 150m to the west of the site. A hedge separates the site from the adjacent field.

## **The Proposal**

- 3.5 The proposal is seeking to erect a replacement part two-storey dwelling part single-storey dwelling on the site and to re-grade and widen the existing access.
- 3.6 The dwelling would have a linear form and run from north to south on the site. The dwelling has been designed to make the most of the views towards the River Petteril to the west and would be orientated so that the main elevations face east and west. It would be of contemporary design and would be clad in scorched timber with a flat roof and it would meet high standards of design and sustainability
- 3.7 The ground floor would contain two en-suite bedrooms, a storage area and a double garage. The first floor, which would be larger than the ground floor, would contain a master bedroom with an en-suite bathroom and a dressing room, an open plan kitchen/ dining area/ living area, a media room, an office, a utility room, a w.c. and storage areas.
- 3.8 The site contains a number of trees. The three pine trees and large oak tree at the southern end of the site would be removed with other trees on the site being retained. The hedge along the western boundary would be retained with other hedges on the site largely being retained. Additional landscaping would be provided, with a number of new trees proposed to be planted along the eastern site boundary to provide a better quality of landscaping.
- 3.9 The existing driveway, which is narrow and steep (1 in 4 in places), would be regraded so that it is less steep (1 in 10) and it would be widened from 2.5m to 4m. This would provide access to the integral double garage and an adjacent parking area that would be located to the rear of the dwelling.

## **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 twelve neighbouring properties. In response, three letters of objection and two letters of support (from one household) have been received.
- 4.2 The letters of objection raise the following concerns:
- there were quite a number of mature trees growing on the site around the bungalow (that has now been demolished). In the first planning application for this site some 2 to 3 years ago, it was deemed necessary that in order to build the replacement dwelling that it was necessary to fell most of the mature trees growing there which included a magnificent specimen of a Cedar of Lebanon. There is now only a clump of 3 Scots Pines and 1 oak tree shown on the site and these are to be felled. Two pink flowering cherry trees are growing on the site I fear the future of these - object to the further felling of these beautiful established trees;
  - the heritage aspect of this application is the most crucial - this site is surrounded by no less than 8 separate Grade 2 listed buildings. To the south of the site only 10 or 15 yards away is Orchard House. Directly across the road are The Beeches Farm, adjacent to that is a long 16th/17th century "Cumbrian longhouse", adjacent to this is The Cottage and two houses further up the hill towards Carlisle are 1 & 2 Petteril Villas then Croft House and finally three houses further up the hill 5 Brisco View. This proposed new development will severely impact on this surrounding cluster of listed buildings and in all aspects should be clearly sympathetic to the historic heritage of the area;
  - the proposal would completely rip away the historic value of the village;
  - the dwelling's design, dimensions, and building materials just violently jar with its surroundings. With absolutely no consideration to the heritage of this area of the village;
  - object most strongly to the size, shape, and materials of this proposed building in this location;
  - the proposed modular dwelling which in all honesty resembles a dark industrial unit is totally contrary to the aesthetics and heritage of this pretty historic village;
  - there are modern farm buildings at The Beeches but non of these buildings can be seen from the road they are hidden from view by the old existing 18th/19th-century farm buildings;
  - a person driving into Carlisle from the south on the A6 will see pleasing heritage-listed buildings on one side of the road and a large oblong-shaped box resembling an industrial unit on the other side of the road;
  - any proposed planting to shield the property from view will take many years to get fully established;
- 4.3 The letters of support make the following points:
- as the owner/ occupier of the neighbouring property, fully support the planning application in its current form;
  - feel the proposal will fit in and enhance the area.

## 5. Summary of Consultation Responses

**St Cuthberts Without Parish Council:** - objects to the application. The objection is the setting for this proposed development which is an important part of Carlisle's heritage. The development site is surrounded by a cluster of seven architecturally important Grade 2 listed houses in what historically was the rural village of Carleton. The proposed design pays no regard to its historic setting. It is very big (three stories) and modern in design and will not be appropriate. It will detract from an important historic entry point into the City. It will dominate that part of Carleton and change it significantly. If approved, it will lead to the further felling by the applicant of mature trees (3 large Scotch Pines and a Mature Oak Tree) on that site which would have an adverse effect on wildlife and birds;

**Northern Gas Networks:** - no objections.

## 6. Officer's Report

### Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are Policies SP1, SP6, HO6, HE3, IP3, IP6, CC5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Documents (SPD) "Achieving Well Designed Housing" and "Trees and Development" are also material planning considerations.
- 6.3 The proposals raise the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 6.4 The proposal is seeking to erect a new dwelling in Carleton on the site of a former bungalow. Planning permission has previously been granted for a replacement dwelling on this site and this proposal is seeking to amend the design of the replacement dwelling. The erection of a new dwelling on the site would, therefore, be acceptable in principle, subject to the scale and design being appropriate.
2. Whether The Scale And Design Of The Proposal Are Acceptable
- 6.4 In September 2017, planning permission was granted at committee for the erection of a replacement dwelling with a contemporary design. The dwelling had a footprint of 324 sq m and consisted of three blocks that would be linked by lower, recessed, glazed sections. It had a flat roof and was to be constructed of stone to the ground floor, with the first floor being finished in

timber effect cladding with large areas of glazing.

- 6.5 This proposal is seeking to amend the design of the replacement dwelling. The dwelling would have a linear form and would run from north to south on the site and would be orientated so that the main elevations face east and west. It would be of contemporary design and would be clad in scorched timber with a flat roof and it would meet high standards of design and sustainability.
- 6.6 The ground floor would contain two en-suite bedrooms, a storage area and a double garage. The first floor, which would be larger than the ground floor, would contain a master bedroom with an en-suite bathroom and a dressing room, an open plan kitchen/ dining area/ living area, a media room, an office, a utility room, a w.c. and storage areas.
- 6.7 The three pine trees and large oak tree at the southern end of the site would be removed with other trees on the site being retained. The hedge along the western boundary would be retained with other hedges on the site being largely retained. Additional landscaping would be provided, with a number of new trees proposed to be planted along the eastern site boundary to provide a better quality of landscaping.
- 6.8 The existing driveway, which is narrow and steep (1 in 4 in places), would be regraded so that it is less steep (1 in 10) and it would be widened from 2.5m to 4m. This would provide access to the integral double garage and an adjacent parking area that would be located to the rear of the dwelling.
- 6.9 The Parish Council and three objectors have raised concerns about the design of the dwelling, which: would be sited near a cluster of seven architecturally important Grade 2 listed houses in what historically was the rural village of Carleton; the proposed design pays no regard to its historic setting; it is very big and modern in design and would not be appropriate to the setting; and, it would detract from an important historic entry point into the City and would dominate that part of Carleton and change it significantly.
- 6.10 Planning permission has previously been granted for the erection of a contemporary building on this site which was larger than the dwelling currently proposed (342m<sup>2</sup> compared to the current 218m<sup>2</sup>). Whilst the proposed dwelling is still partly two-storey the height of the building is similar to the ridge of the previous bungalow and remains lower than the eaves height of the neighbouring building to the north.
- 6.11 The previous dwelling on the site was a 20th century dormer bungalow which had low townscape quality. The proposed dwelling would sit on an elevated site above the A6 and given the size of the plot and the existing and proposed landscaping it would not be viewed in conjunction with any neighbouring properties. The Council's Heritage Officer/ Urban Designer has been consulted on the application and he has raised no objections to the contemporary design of the new dwelling. Whilst modern materials are being used, these are considered to be appropriate for the contemporary design of

the dwelling and the choice of timber cladding would help the dwelling integrate into the landscape. The use of more traditional materials would detract from the contemporary design concept.

6.12 In light of the above, the scale and design of the proposed dwelling would be acceptable.

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

6.13 The nearest residential property lies 20m to the north of the proposed dwelling. The dwelling has been designed so that a single-storey blank elevation faces this property.

6.14 The dwelling has been designed so that the main living areas and main garden areas would face the open fields to the west. The dwellings to the east (The Elms and Yew Tree House) would have front elevations 30m and 37m away from the east elevation of the proposed dwelling. The proposed landscaping along this boundary would help to reduce overlooking.

6.15 The nearest building to the south would be over 39m away from the south elevation of the proposed dwelling and would be partially screened by the existing landscaping along the southern site boundary, some of which is to be retained.

6.16 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

### 4. Impact Of The Proposal On The Setting Of Listed Buildings

6.17 Two dwellings (The Beeches and The Cottage) and an outbuilding that lies between the two dwellings are all Grade II Listed.

6.18 For the Beeches the Listing reads as follows:

*Farmhouse. 1830-40. Flemish bond brickwork, stone quoins and surrounds, graduated slate roof, brick end chimney stacks. 2 stories, 3 bays. V-jointed stone quoins. 2 canted bay windows, flank entrance of Tuscan columns supporting open pediment with pilasters behind and round headed arch: moulded stone surrounds to windows. Panelled door with patterned fanlight. Sash windows in bays have single glazing bars, all others with glazing bars. Decorative cast-iron gutter brackets below eaves. Behind and at right angles to the house, but joined to it, is the earlier farmhouse with Stone lintel dated 1706 and initials R.R.S. Sandstone rubble walls, slate roof. 2 storeys, 3 bays. Original entrance with lintel, now a window: C19 replacement window surrounds with shutter hinge brackets and one wall shutter retaining catch, windows all C20 casements. Sneaked ashlar quoins. Listing includes 2 storey extension to rear of English bond brickwork, slang roof and brick chimney stack: sash windows with glazing bars and C20 door. Listing does not include further extension which is*

*extensively altered with C20 garage doors.*

- 6.19 For the Cottage the Listing reads as follows:

*Late C18. Whitewashed rendered walls, graduated slate roof, rendered chimney stacks. 2 storeys, 2 bays. Entrance has 3 steps up, plain surround with rounded moulded head and false keystone. Plain surrounds to windows, 2-pane sashes, 6-panel door with patterned fanlight. No C20 external wooden shutters to each window.*

- 6.20 For the outbuilding that lies between the Cottage and the Beeches the Listing reads as follows:

*Store and outbuilding, originally a house and integral barn, now divided between the two named properties. Early C18, datestone eroded with alterations. Set at right angles to The Cottage. Sandstone rubble part rendered, slate roof. 2 storeys, 5 bays. Plain surrounds to plank door, and to sash windows with glazing bars, in former barn section (The Beeches property), meanwhile converted to house and now reverted to store. Also an arched cart entrance with reeded ashlar surround. East part (The Cottage property) originally the house, has blocked door with inscribed lintel up short flight of steps, stone mullioned and chamfered window (mullion removed) at right and other windows blocked or partly blocked. Included partly for group considerations.*

- 6.21 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".*

- 6.22 Paragraph 201 of the NPPF states that where a proposed 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 substantial public benefits that outweigh that harm or loss or the proposal meets a four specified criteria. In paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy HE3 (Listed Buildings) of the adopted Local Plan states that listed buildings and their settings will be preserved and enhanced.

- 6.23 The proposed dwelling would be 30m from the nearest of the these listed buildings, which would lie on the opposite side of the A6. The site previously

contained a relatively modern dormer bungalow which was of low aesthetic value and planning permission has been granted for a contemporary replacement dwelling on this site. The current proposal is also for by a contemporary building, which would be separated from the listed buildings by the A6 and would be significantly screened from the listed buildings by proposed landscaping.

- 6.24 In light of the above, the setting of the listed buildings would not be materially affected by the proposal.

## 5. Biodiversity/ Trees

- 6.25 There are three pines trees at the southern end of the site that are in poor condition. They were identified in the previous application as Category C, Trees of Low Quality. These are noted as 'unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.' These trees are to be removed as part of this proposal. An oak tree, which is overhanging the adjacent property to the south, is also to be removed.
- 6.26 Whilst some of the trees within the site would be removed, a number of trees would be retained, with a number of new replacement trees being planted. The hedge that runs along the western site boundary, which has over 80% native species and which would be categorised as a UKBAP Priority Habitat, would be retained.
- 6.27 In light of the above, the proposal would not have an adverse impact on biodiversity.

## Conclusion

- 6.28 In overall terms, the proposal is acceptable in principle. The scale and design of the replacement dwelling would be acceptable and it would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. The proposal would not have an adverse impact on the setting of any Listed Buildings or on biodiversity. The proposed access and parking would be acceptable. Drainage will be dealt with through the Building Control process. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.

## 7. Planning History

- 4.1 In September 2017, planning permission was granted for the demolition of existing bungalow and outbuildings and for the erection of a two-storey dwelling (17/0599).

## 8. Recommendation: Grant Permission

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

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

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

1. the submitted planning application form, received 20th June 2021;
2. Site Location Plan (Dwg 18008-001 Rev A), received 20th June 2021;
3. Existing & Proposed Block Plan (Dwg 18008-AP-004 Rev A), received 20th June 2021;
4. Site Plan - Ground Floor Level (Dwg 18008-AP-005 Rev B), received 20th June 2021;
5. Site Plan - First Floor Level (Dwg 18008-AP-006 Rev A), received 20th June 2021;
6. Proposed Floor Plans (Dwg 18008-AP-010 Rev A), received 20th June 2021;
7. Proposed Elevations (Dwg 18008-AP-009 Rev A), received 20th June 2021;
8. Proposed Site Sections (Dwg 18008-AP-008 Rev A), received 20th June 2021;
9. Design & Access Statement, received 20th June 2021;
10. Heritage Assessment Statement, received 20th June 2021;
11. the Notice of Decision;
12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

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

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. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

6. Other than those trees identified for removal on the approved plan, no tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the Local Planning Authority and the protection of all such trees and hedgerows during construction shall be ensured by a detailed scheme to be agreed with the Local Planning Authority.

**Reason:** The Local Planning Authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

7. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway. The access also needs to be a minimum of 3.7m wide.

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

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

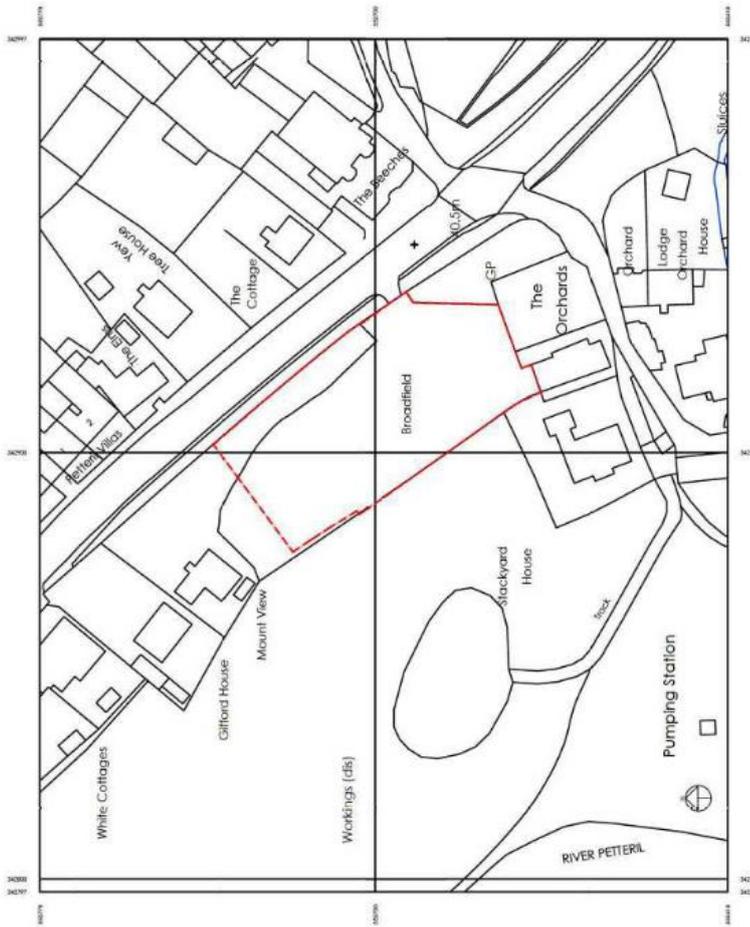
**Reason:** In the interests of highway safety and environmental

management and to support Local Transport Plan Policies LD7 & LD8.

9. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

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SITE LOCATION PLAN 1:1250

PLANNING

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Project: New Dwelling  
Caleton Road, Carlisle

Client: Graham and Dulio

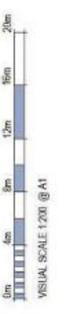
Drawings: Existing Plans  
Site Location Plan

Scale: 1:1250  
Date: 18.09.18  
Drawn: VW  
Checked: @A3

Completion: EX01  
Number: 18008-001 A



**Existing Site Plan**  
**New Dwelling on London Road**





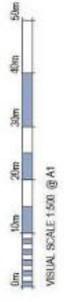
1 Existing Block Plan  
1 : 500



2 Proposed Block Plan  
1 : 500

# Existing and Proposed Block Plans

## New Dwelling on London Road



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A - PLANNING ISSUE  
15/06/2021 VW  
Project - Description  
3 - PLANNING  
S2 - ISSUE

**ARCHITECTS PLUS**

New Dwelling on London Road  
Graham Weir and Dulcie Barbosa

Existing and Proposed Block Plans  
VW 06/15/21 15/06/2021 11:32:25  
1 : 500  
18008-AP-004  
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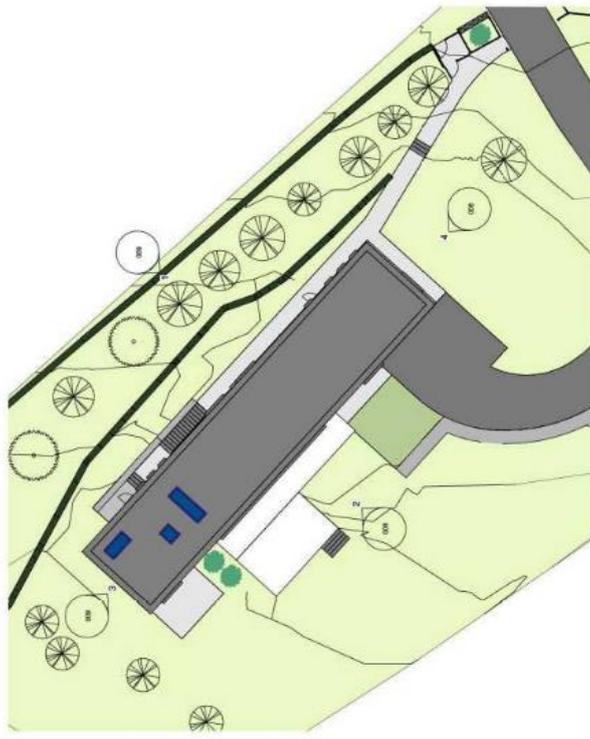




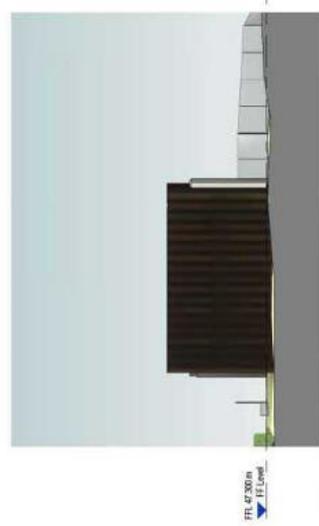
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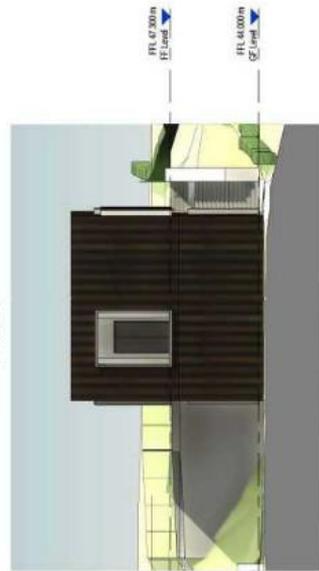
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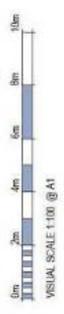
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# Proposed Elevations

## New Dwelling on London Road

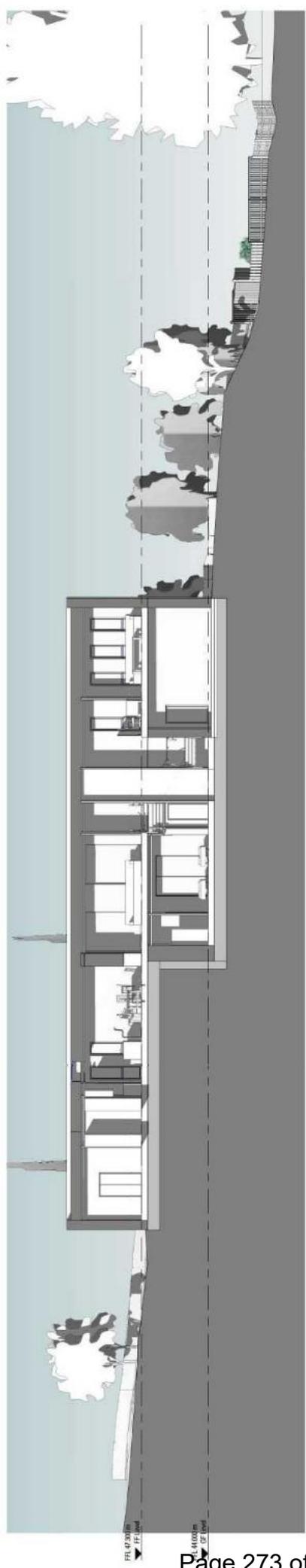


A PLANNING ISSUE  
 14/06/21 VW  
 3 - PLANNING  
 SQ - Scope

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 New Dwelling on London Road  
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 Proposed Elevations

06/15/21 15/06/2021 11:34:04  
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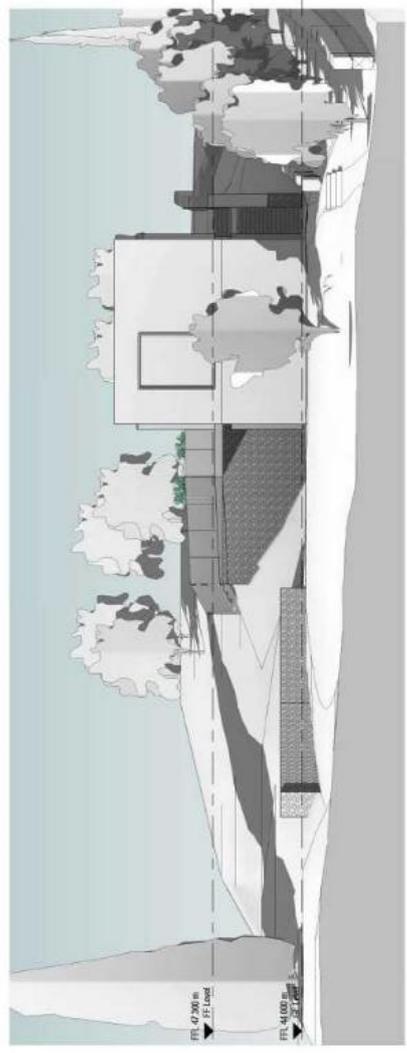
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② Site Section 2  
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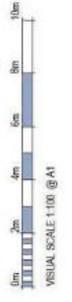


③ Site Section 3  
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④ Site Section 4  
1 : 100

# Proposed Site Sections New Dwelling on London Road



A PLANNING ISSUE  
 15/06/2021 VW  
 3 - PLANNING

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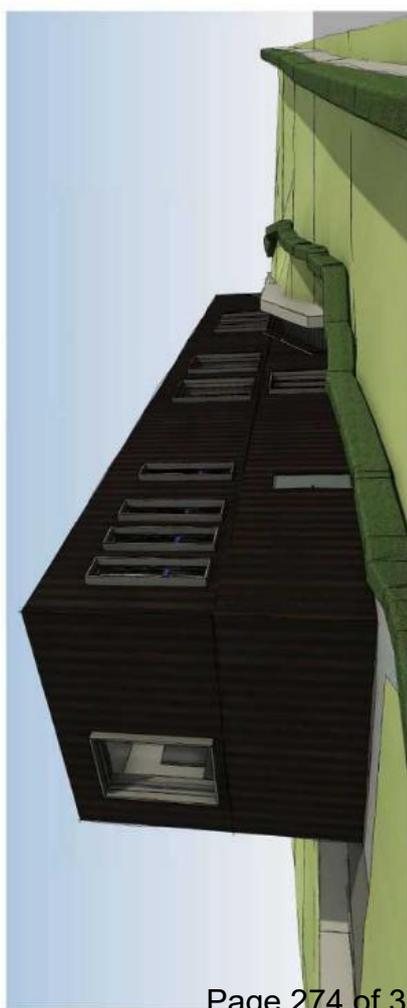
New Dwelling on London Road

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Proposed Site Sections

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① 3D View 1 - No Planting



③ 3D View from Site Entrance



② 3D View 1 - With Proposed Planting



④ 3D View from Building Entrance

A PLANNING SIZE 15/06/21 VW  
 3 - PLANNING S2 - Single  
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 New Dwelling on London Road  
 Graham Weir and Dulcie Barbosa  
 Proposed 3D Views  
 VW 06/15/21 15/06/2021 11:32:57  
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**Proposed 3D Views**  
**New Dwelling on London Road**

## SCHEDULE A: Applications with Recommendation

21/0183

Item No: 06

Date of Committee: 10/09/2021

**Appn Ref No:**  
21/0183

**Applicant:**  
Carlisle Villa ABC

**Parish:**

**Agent:**  
Northern Construction

**Ward:**  
Currock & Upperby

**Location:** Carlisle Villa Amateur Boxing Club, 71 Currock Road, Carlisle, CA2 4BH

**Proposal:** Extension To Existing Gym Facilities

**Date of Receipt:**  
01/03/2021 17:00:43

**Statutory Expiry Date**  
28/04/2021

**26 Week Determination**

---

### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Scale, Design And The Impact Of The Proposal On The Character And Appearance Of The Area Is Acceptable
- 2.2 The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties
- 2.3 Highway And Parking Issues
- 2.4 Foul and Surface Water Drainage
- 2.5 Impact Of The Proposal On Biodiversity
- 2.6 Other Matters

#### 3. Application Details

##### The Site

3.1 The site is located to the rear of 71 Currock Road, Carlisle and comprises a single storey outbuilding that formerly comprised the gymnasium for the adjacent school.

- 3.2 The application site is surrounded on all sides by residential properties. A road leads from Alton Street through to Mayson Street which serves the site as well as the adjacent properties.

## **The Proposal**

- 3.3 This application seeks full planning permission for the erection of an extension within the curtilage of the property over an existing area of hardstanding. The extension would comprise a new gymnasium hall and would be constructed from facing brick under a flat roof with double glazed windows.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 29 of the neighbouring properties. In response, seven letters of objection have been received and the main issues raised are summarised as follows:

1. the gym generates excessive noise from the machines beeping, bells, bags, loud and aggressive shouting and screaming, noise from patrons arriving/ leaving. These have previously been reported to the council;
2. the negative impact of the noise has resulted in residents feeling like prisoners in their own homes the noise and disturbance means that neighbours are unable to enjoy their homes and gardens, particularly the outside space;
3. the past and current noise issues can be attributed to an inferior and unfit for purpose renovation with main reference to the cheap metal roof that was installed on the building, a distinct absence of roof ventilation and air conditioning have resulted in the boxing club constantly opening the fire doors and entrance door to release the excess heat, condensation and noise;
4. the gym is trying to do good work for some sectors of the community but would be better located elsewhere, away from residential areas, such as by DW gym;
5. parking is non-existing for the gym and many homeowners can't get parked on their street where they live which will be made worse with more cars;
6. parking issues are compounded by vehicles overspilling from residents of Currock road, patients vehicles from The Fir Tree Dental Centre on Currock Road and vehicles belonging to the staff of The Currock Villa operating as Hopscotch;
7. parking on any of the surrounding streets is equally as bad as the well publicised parking issues in Denton Holme and in the surrounding streets of the 3G Football pitches at the bottom of Edgehill Road, both of which the local authority and Cumbria Highways have taken decisive action to reduce the negative impact on the local residents. If approval is given for the expansion of the boxing club without fully considering the parking issue, more members will attend every session meaning more vehicles in the already heavily congested surrounding streets, causing a daily domino effect of parking misery for all the surrounding streets;
8. if approved, Alton Street, Thirlmere and Mayson Street should be made

- 'residents only parking zones' and ensure the club members park on Currock Road as this is the address of the boxing club;
9. the access road to the gym is a private road and the deeds of neighbouring properties. Any damage has to be paid for by Alton Street homeowners. Has this been taken into account? Are residents going to be driven out of their own homes?;
  10. the only available access/ egress is via a very narrow lane on Alton Street and Mayson Street which are already constantly heavily congested with vehicles;
  11. there has recently been a vermin problem in the area with residents witnessing rodents coming and going from the boxing club's land where there is a lot of rubbish.

4.2 In response, 84 representations have been submitted which support the application and raise the following issues:

1. the gym is very popular and very well run with excellent facilities and coaches. Attending sessions makes a massive difference to people's lives and the local community;
2. the level of commitment showed by the board, the coaches and boxers is fantastic and so is the help and support from local people and businesses;
3. the club has gone from strength to strength and has a positive impact on peoples lives and their physical and mental health. The amount of classes have grown and so have the number of people who attend to the point where there's too many people for the space that's available. It would be great for the club if it could utilise the waste ground next to the current unit;
4. the club always appears to be mindful of residents and noise is kept to a minimum;
5. this is a fantastic boxing club that has done so much for so many in the local community. This development will help the club to increase the current membership so many more can take advantage of the selfless attitude of the coaching staff who are all volunteers;
6. the club have recently started a mental health initiative that is very popular. This session is close to capacity and with the lockdown and furlough coming to an end in the near future can see more needing this session which the club carry out for free;
7. the gym is amazing for all in the local area, for so many reasons, not only for the opportunities that it offers local kids but also in terms of the mental health classes which are put on by the club. These are brilliant and can help so many people with mental health problems in a way that other activities can't. By expanding the gym, it would only be great and beneficial to the community;
8. the club is not only a vital part of the local area but Carlisle as a whole, many people benefit from using the facilities, keeps children off the streets and actively promotes health and well-being in all ages.

## 5. Summary of Consultation Responses

**Planning - Access Officer:** - no response received;

**Cumbria County Council - (Highways & Lead Local Flood Authority):** -

the Highway Authority and Lead Local Flood Authority has no objection to the proposed development as it is considered that the proposal will not have a material effect on existing highway conditions nor does it increase the flood risk on the site or elsewhere;

**Local Environment - Environmental Protection:** - the result of the recently submitted BS4142 assessment would indicate that any noise from the planned air conditioning units should not pose a noise nuisance. It is anticipated that the provision of air conditioning should negate the need for the outer doors to be opened thereby reducing noise escape.

Any windows facing domestic properties must be in accordance with section 4.23 of the report to protect residential properties from noise breakout. If openable, the windows must remain closed during sessions.

Providing the materials used in construction are in accordance or have equivalent acoustic properties with those quoted in the BS4142 assessment, operation of the premises should not pose a nuisance. However, any changes to the choice of materials or to the siting or the choice of the proposed Daikin RZA200D condensers must be notified to the Planning Department before the changes are implemented.

This department would wish to ensure that any equipment used in the extension does not introduce a new noise source that is likely to cause a nuisance to domestic properties. The applicant should therefore consult with the planning department prior to adding to or relocating any speakers or buzzers in the extended premises.

## **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 At a national level, the relevant considerations include the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG). The Development Plan for the purposes of the determination of this application comprise Policies SP2, SP6, SP9, IP2, IP3, IP6, CC5, CM5 and GI3 of the Carlisle District Local Plan 2015-2030 are of particular relevance. The proposal raises the following planning issues.

#### **1. Whether The Scale, Design And The Impact Of The Proposal On The Character And Appearance Of The Area Is Acceptable**

6.3 Paragraphs 126 to 136 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and

distinctiveness as the starting point for the design process. Paragraph 130 outlines that:

*“Planning policies and decisions should ensure that developments:*

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

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

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

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

6.5 Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing. Development of this site will have an impact on the character of the area.

6.6 The area around the building is not much larger than the footprint of the

building itself and the extension would occupy a large portion of this land; however, the extension would be well-related to the existing building and of a reasonable scale. The site is served by an existing access from the lane to the rear of the neighbouring properties. This in turn leads to the area of hardstanding around the building which is adequate to accommodate a small number of vehicles. The extended building would be constructed from facing brick and white upvc windows that are appropriate to the existing building. The extension would also feature a flat roof. Overall, the development would not result in a discordant feature within the character of the area.

## **2. The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties**

- 6.7 Paragraph 130(f) of the NPPF highlights that developments and decisions should:

*“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

- 6.8 The city council's Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:

*“Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply (para. 5.44). While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances.” (para. 5.45)*

- 6.9 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusive.
- 6.10 Given the orientation of the application site with the neighbouring properties means that it is not considered that the occupiers would suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of over-dominance.
- 6.11 There are residential properties surrounding the application site. In the objections that have been received against the application, the dominant issue raised relates to overall impact on the amenity of occupiers of residential properties primarily from the nature and level of use leading to unacceptable levels of noise and disturbance.
- 6.12 The use as a gymnasium is historic and there is no restriction in terms of level

of use or noise emanating from the site, other than when a statutory noise nuisance occurs in which case this may be investigated and enforced under the Environmental Health legislation. Notwithstanding this unfettered position, any proposal to extend or alter the facility through the planning system must take account of potential noise issues.

- 6.13 The initial response from the council's Environmental Health Officer raised the following:

*“This department has been in receipt of a number of complaints relating to noise from activities at the existing facilities over the last three years. Residents have reported being unable to have their windows open or enjoy their garden space when the premises are in use due to aggressive shouting and buzzer noise. The problems are reported to be worse in the summer months when the premises doors are open for ventilation.*

*The proposed extension will bring the noisy activities much closer to the rear of properties on Alton Street and it is noted that the gym holds classes at times when residents are likely to be at home.*

*Unless the applicant can provide evidence to the Planning Department that the entire extended premises will be capable of operating all year round without causing a nuisance, then it is advised that it would not be appropriate to grant permission.*

*The applicant should be aware that even if the extension does not go ahead, enforcement action can be taken if noise escape from the premises continues to cause a nuisance.”*

- 6.14 Having had regard to this and given considerable weight to the objections of residents, Officers raised concerns with the applicant over the apparent historic noise issues and the potential for continued levels of noise and disturbance that may emanate from the site. This was supported by the Environmental Health Officer who also raised similar concerns. The applicant was therefore requested to undertake a suitable noise assessment by a qualified Acoustic Consultant.

- 6.15 The applicant has subsequently commissioned a different noise consultant who has submitted a Noise Assessment Report, a copy of which is reproduced following this report which concludes that:

- Continuous sound level monitoring has been conducted over a weekend period in order to determine the existing background and ambient sound pressure levels at the site;
- From the survey data, an appropriate daytime sound level target has been determined for new building services plant (condenser units);
- The sound rating level of the proposed condenser units is expected to achieve the target noise limit in both heating mode and cooling mode;
- On the basis of this assessment and BS 4142 guidance, condenser related noise is expected to have a low to negligible impact at adjacent dwellings;

- At this stage, additional noise mitigation measures are considered unnecessary for the proposed outdoor condenser units;
- The resulting breakout sound level due to amplified music is predicted to be notably below the existing background and ambient sound level during the daytime period (with windows closed);
- On this basis, negligible noise related impacts are anticipated at the nearest dwellings due to noise breakout from the building envelope;
- It is recommended that the new windows are acoustically laminated as opposed to standard thermal double glazing and windows should remain closed (or be fully sealed) during training/exercise classes;
- The proposed extension and air-conditioning system is expected to provide a notable improvement to the current situation, in terms of noise affecting the local residents. During the survey, noise breakout from the existing fire escape doors (facing the dwellings on Alton Street) was audible and was considered to be a weak point in the building envelope. The doors and existing glazing will be removed and replaced as part of the proposals.

6.16 In summary, the use of appropriate materials (including windows) in the construction of the structure, the installation of air conditioning units and the requirement to have windows and doors closed when the building is in use, should ensure that the use will not result in any adverse noise issues for the occupiers of neighbouring residential properties and it would appear, be a betterment to the existing situation.

6.17 Members will note from Section 5 of this report that the council's Environmental Health Officer has raised no objection subject to the development being undertaken in accordance with the conclusion of the Noise Assessment Report. Although condition 2 requires the development to be undertaken in accordance with the submitted documents, which include the Noise Assessment Report, it is considered appropriate to impose a separate, stand-alone condition required the development to be undertaken in strict accordance with the Noise Assessment Report, for the avoidance of doubt.

### **3. Highway And Parking Issues**

6.18 Planning policies require that adequate access and parking provision can be achieved as part of any development. Additionally, the development has the potential to result in increase traffic generation to the site and result in parking demand on the surrounding streets. Whilst the development would occupy an existing area of hardstanding, the agent has confirmed that the only car parking spaces are for the mini bus and head coach as the club discourages its members from using the area. The agent further states that whilst vehicles do occasionally park on the land however these are generally people visiting Hopscotch Care Limited in the adjoining building not the club. The extension to the boxing club doesn't lose any car parking spaces, however the club intends to add cycle racks for club members.

6.19 Reference is made in the objections to the existing parking problems in the locality. The site is well-related to the city and is accessible by alternative

means of transport including cycling, walking and public transport, with a bus stop on Alton Street.

- 6.20 Whilst the development will increase the patrons using the gym which will include travelling to the site by car and potentially parking in the locality, Cumbria County Council as the Local Highway Authority has raised no objection to the application. As such, the proposal does not raise any highway issues.
- 6.21 Cumbria County Council has been made aware of the objections raised to this application on highway grounds and has been advised of residents suggestion to create a residents' parking scheme.

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

- 6.22 In accordance with the NPPF and the NPPG, the surface water should be drained in the most sustainable way. The NPPG clearly outlines the hierarchy when considering a surface water drainage strategy with the following drainage options in the following order of priority:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
- 6.23 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application documents, submitted as part of the application, provides that both the foul water would be disposed of to the mains sewer.
- 6.24 Given the scale of the development in this urban location and the existing hardstanding, the development would not result in an increased amount of run-off. The LLFA has raised no objection and as such, in this stance, the means of foul and surface water drainage are acceptable.

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

- 6.25 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded to grant permission for an application in accordance with paragraph 118 of the NPPF. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted.
- 6.26 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of

the Conservation (Natural Habitats, cc.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.

- 6.27 The city council's GIS layer did identify the potential for protected species to be present on the site or within the immediate vicinity. Given that the proposal involves the construction of a building on an area of existing hardstanding, it is unlikely that the proposal would affect any species identified; however, an informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

## **6. Other Matters**

- 6.28 The presentations make reference to rubbish stored next to the site on land allegedly belonging to the application together with vermin in the locality. The applicant has been advised of this and in response has stated that this is as a result of fly-tipping which costs the applicant money to clear. The agent further states that there are no waste materials stored on the land that would attract vermin and would welcome seeing evidence of this. We do have vermin traps in place and nothing has been detected in the last 12 months. If these problems are substantiated and/ or persists, they should be dealt with outwith the remit of this planning application.
- 6.29 Any restricted right of access across the road which serves the properties on Alton Street/ Mayson Street is a private matter for the relevant parties to resolve outside the planning process.

## **7. Conclusion**

- 6.30 In overall terms, the principle of an extension to the existing gym is acceptable. The building would be appropriate in terms of its siting, scale, design and use of materials and would not result in a discordant feature on the character or appearance of the area.
- 6.31 Given the location of the application site in relation to neighbouring residential properties, the proposal would not have a detrimental impact on the living conditions of the occupiers of those properties on the basis of loss of light, overlooking or over dominance. The submitted Noise Assessment Report identifies that the proposal would generate levels of noise and disturbance that would adversely affect the amenity of neighbouring residents. Subject to the imposition of conditions, the proposal is acceptable in this regard.
- 6.32 Cumbria County Council has confirmed that the proposal is acceptable in highway terms albeit Officers have advised them of the issues raised by residents.

- 6.33 In overall terms, the proposal is considered to be compliant under the provisions of the National Planning Policy Framework, the Planning Practice Guidance and relevant policies of the Carlisle District Local Plan 2015-2030.

## 7. Planning History

- 7.1 Planning permission was granted in 1955 for the erection of a gymnasium/hall. A revised application was approved later the same year.

## 8. Recommendation: Grant Permission

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the Planning Application Form received 2nd March 2021;
  2. the Block & Location Plan received 2nd March 2021 (Drawing no. 1344-01);
  3. the As Proposed Floor Plan received 2nd March 2021 (Drawing no. 1344-04);
  4. the As Proposed Elevations received 2nd March 2021 (Drawing no. 1344-05);
  5. the Noise Assessment Report received 9th August 2021;
  6. the Notice of Decision;
  7. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. The development shall be undertaken in strict accordance with the Noise Assessment Report received on 9th August 2021 and all windows and doors shall remain closed during training/ exercise classes.

**Reason:** To prevent unacceptable noise and disturbance to the occupiers of adjacent residential properties in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

4. The building hereby approved shall be retained with the approved materials, acoustically laminated windows and the proposed Daikin RZA200D condensers units thereafter unless otherwise agreed in writing by the local planning authority.

**Reason:** To prevent unacceptable noise and disturbance to the occupiers of adjacent residential properties in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

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BLOCK PLAN 1:500

LOCATION PLAN 1:1250

**Block & Location Plan**  
**Carlisle Villa Boxing Club**  
 Alton Road, Carlisle. CA2 4DX.

**UNDERWOOD ASSOCIATES**  
 CHARTERED BUILDING SURVEYORS

Warwick Mill Business Centre  
 The Bridge  
 Carlisle  
 CA4 8PR

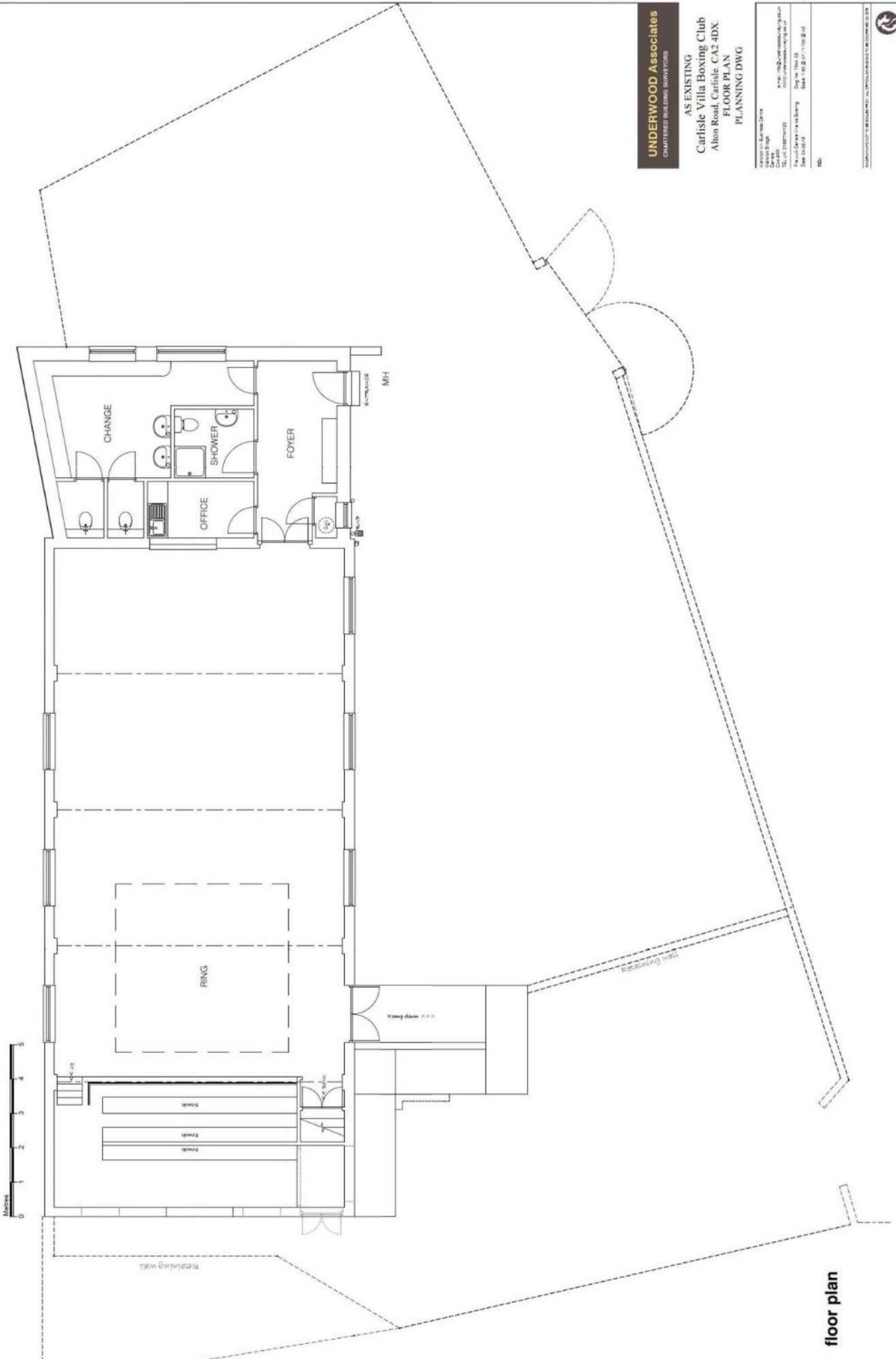
TEL UK: 01697741123  
 WWW.underwoodsurveying.co.uk

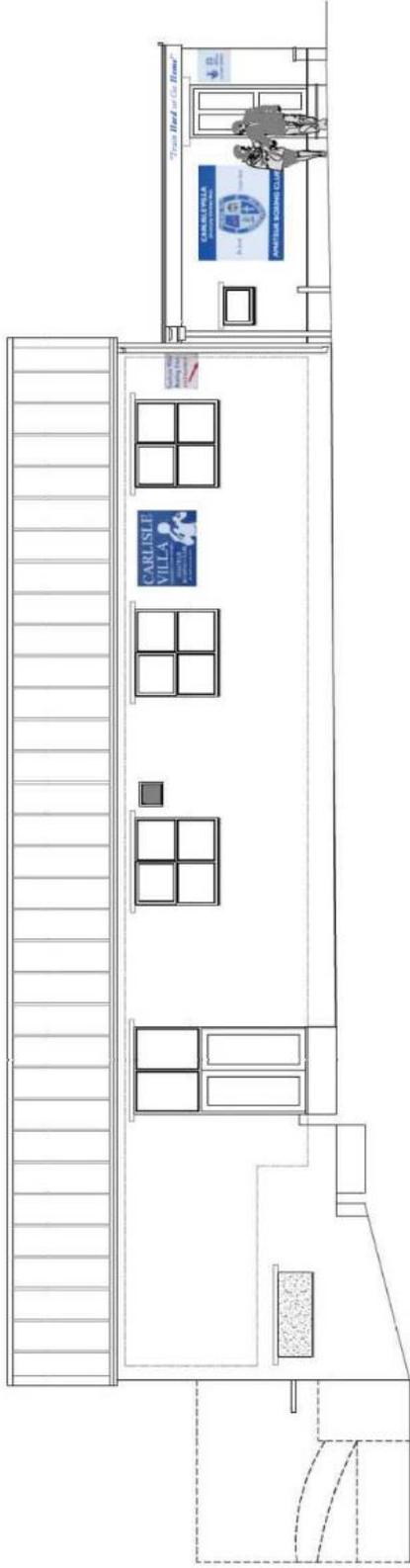
e-mail: info@underwoodsurveying.co.uk

File: JJA-Carlisle Villa Location Plan WP

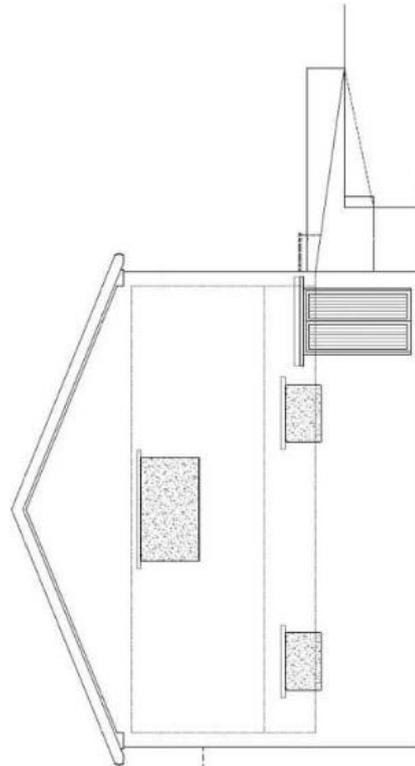
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 Date: 02/01/2018  
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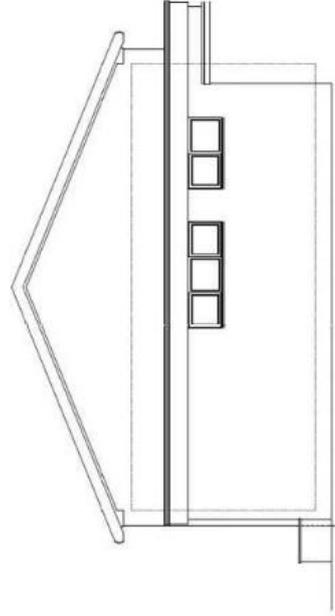




north elevation



east elevation



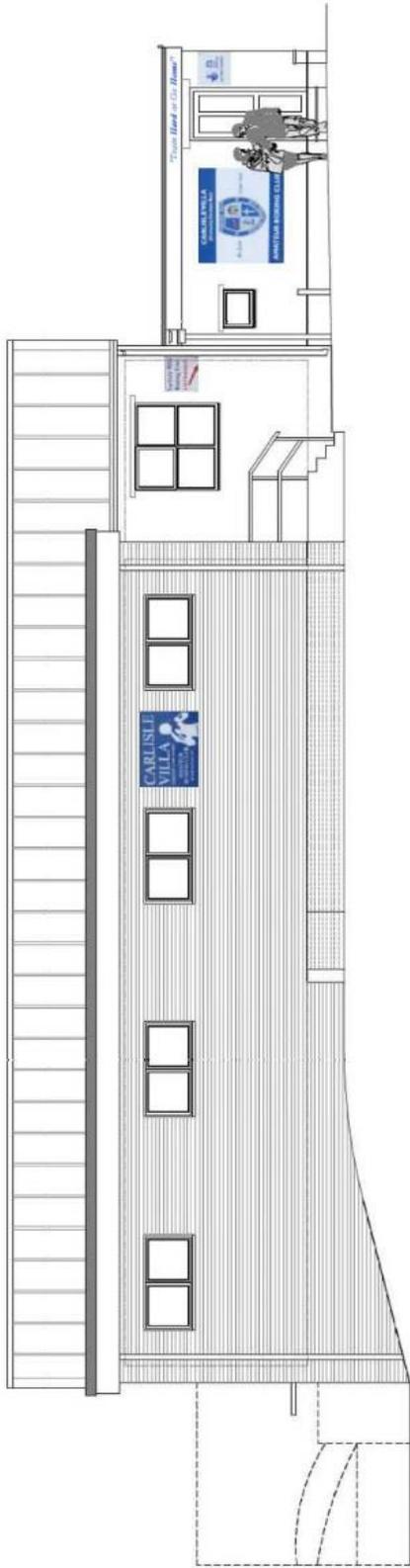
west elevation

**UNDERWOOD Associates**  
CHARTERED BUILDING SURVEYORS

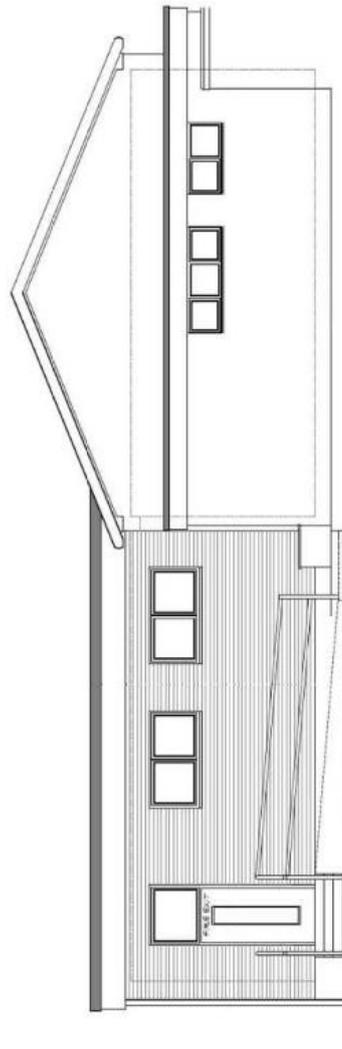
AS EXISTING  
Carlisle Villa Boxing Club  
Alton Road, Carlisle, CA2 4DX  
ELEVATION  
PLANNING DWG

Project No: 100/1000/001  
Drawing No: 100/1000/001/001  
Date: 10/10/10  
Scale: 1:100  
Author: [Name]  
Check: [Name]  
Date: 10/10/10

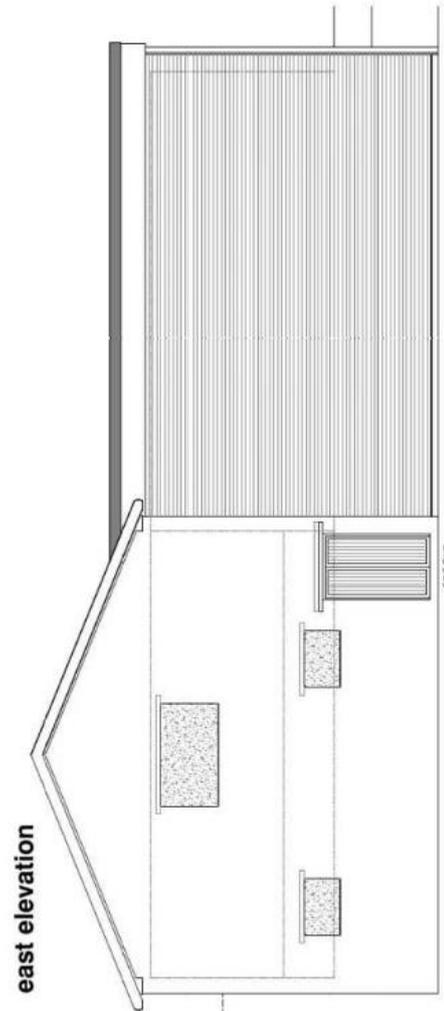




north elevation



west elevation



east elevation

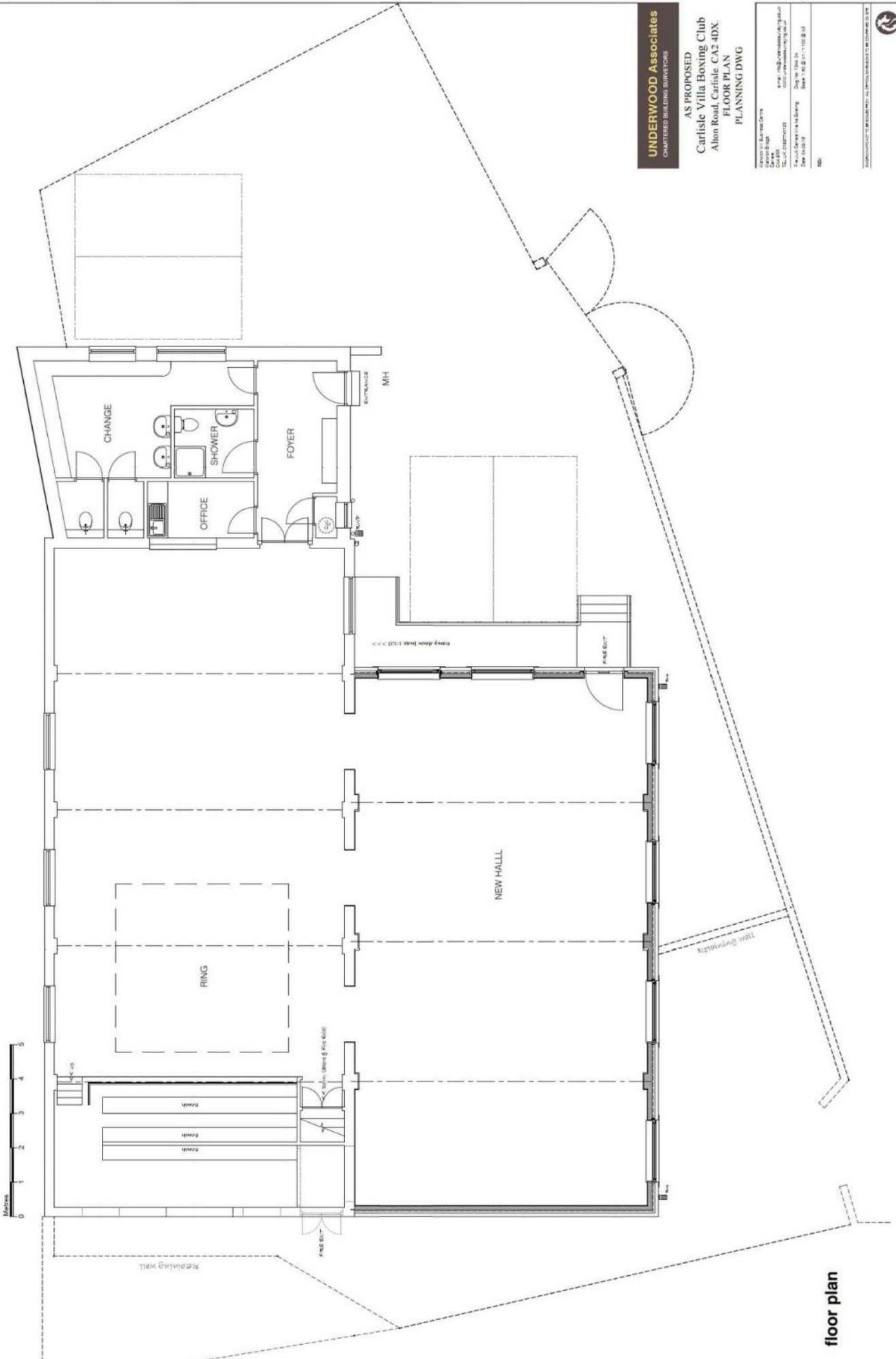


**UNDERWOOD Associates**  
 CHARTERED BUILDING SURVEYORS

AS PROPOSED  
 Carlisle Villa Boxing Club  
 Alton Road, Carlisle, CA2 4DX.  
 ELEVATION  
 PLANNING DWG

Approved by Building Control  
 Approved by sign  
 Client: RICS  
 Title: N/A  
 Date: 15/08/2017  
 Drawn by: J. H. H. H.  
 Checked by: J. H. H. H.  
 Date: 15/08/2017





**floor plan**

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**Proposed Extension  
Carlisle Villa Boxing Club**

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**Noise Assessment Report**

Project: Carlisle Villa Boxing Club - Noise Assessment Report

Client: Northern Construction & Security Ltd

Project Reference: RSA355/2021

Report Date: 05 August 2021

### Document History

Version	Date	Comments	Initials
1	05 August 2021	Issue for planning	RS / MP

Authorised by	Ryan Swales, BSc, MIOA Director & Principal Consultant
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## Contents

<b>Section</b>	<b>Page</b>
<b>1. Introduction</b>	<b>4</b>
<b>2. Assessment Guidance &amp; Criteria</b>	<b>5</b>
British Standard 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound	5
<b>3. Environmental Noise Survey</b>	<b>7</b>
Survey methodology	7
Survey equipment	8
Weather conditions	8
Measured indices	8
Results summary	9
<b>4. Assessment &amp; Discussion</b>	<b>11</b>
New building services plant and nearest noise sensitive receptors	11
Predicted condenser sound levels at neighbouring dwellings	12
Noise breakout from the building envelope	13
<b>5. Conclusion</b>	<b>15</b>
 <b>List of Tables, Figures &amp; Appendix</b>	
Table 3.1 – Summary of measured background sound pressure levels	9
Table 3.2 – Summary of measured ambient sound pressure levels	9
Table 4.1 – Daytime sound level target for new building services plant	11
Table 4.2 – Daikin RZA200D octave band sound pressure levels ( $L_{eq}$ dB)	11
Table 4.3 – Condenser sound pressure level at the nearest dwellings (cooling mode)	12
Table 4.4 – Condenser sound pressure level at the nearest dwellings (heating mode)	12
Table 4.5 – Building envelope sound insulation (acoustically laminated double glazing)	14
 Figure 3.1 – Site location and survey measurement position	 7
Figure 3.2 – Photographs showing survey measurement position	8
Figure 3.3 – Graph showing results of continuous sound level monitoring	10
 <b>Appendix A - Proposed floor plan and elevations</b>	 <b>16</b>
<b>Appendix B - Condenser sound level data</b>	<b>21</b>
<b>Appendix C - Assessment terminology</b>	<b>23</b>

# 1. Introduction

- 1.1 RS Acoustic Engineering Ltd have been appointed by Northern Construction & Security Ltd to undertake a noise impact assessment with regard to a new extension at Carlisle Villa Boxing Club, Alton Street, Carlisle, CA2.
- 1.2 The boxing club was established in circa 1993 and the construction of the existing building consists of brick/block cavity walls, standard thermal double glazing and a lightweight aluminium profiled roof.
- 1.3 The extension consists of a single-storey hall that will be attached to the north east facing elevation of the existing building.
- 1.4 The building will be air-conditioned and therefore there will be two Daikin outdoor condensing units installed at low-level to the rear of the building.
- 1.5 In terms of existing noise-sensitive receptors to the site, there are terraced dwellings along Alton Street to the north, Currock Road to the west and Mayson Street to the east/south.
- 1.6 The dominant noise source at the site was observed to be road traffic on Currock Road and Alton Street.
- 1.7 An environmental noise survey has been conducted over a number of days in order to determine the existing background and ambient sound levels during the daytime and night-time period.
- 1.8 A plant noise assessment has been undertaken taking into consideration the guidance given within BS 4142:2014+A1:2019 *Methods for rating and assessing industrial and commercial sound*.
- 1.9 The manufacturer's octave band sound level data has been used to determine the resulting plant sound level at neighbouring dwellings during the daytime period (07:00 to 23:00 hours).
- 1.10 An assessment of noise breakout from the new extension has also been conducted and the resulting sound levels determined at neighbouring dwellings.
- 1.11 The survey and assessment was conducted by Mr Ryan Swales (BSc(Hons), MIOA), Principal Acoustic Consultant and Corporate Member of the Institute of Acoustics.
- 1.12 The report provides the survey results, details of the proposed building services plant, calculated sound levels at adjacent dwellings and the anticipated impact.

## 2. Assessment Guidance & Criteria

### British Standard 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound

- 2.1 BS 4142 (amended June 2019) describes methods for rating and assessing sound of an industrial and/or commercial nature, such as sound from manufacturing processes and fixed mechanical plant/machinery.
- 2.2 Outdoor sound levels are used to assess the likely effect on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident.
- 2.3 BS 4142 is not intended to be applied to the derivation of indoor sound levels arising from sound levels outside, or the assessment of indoor sound levels.
- 2.4 The standard has three different methods (subjective, objective and reference) of applying a penalty to tonal, impulsive and intermittent noises, as separate entities.
- 2.5 The current standard no longer indicates significance of noise impacts as giving rise to a '*likelihood of complaint*' but rather as an '*indication*' of varying degrees of '*adverse impact*'.
- 2.6 BS 4142:2014 states that a difference of around +10 dB or more (excess of rating level above the background sound level) is likely to be an indication of a significant adverse impact, depending on the context.
- 2.7 A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.
- 2.8 The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact.
- 2.9 Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.
- 2.10 With regard to determining the background sound level at the site, the standard provides the following guidance:
- Where possible, measure the background sound level at the assessment location(s). If this is not possible measure at an alternative location where the residual sound is comparable to the assessment location(s). A detailed justification for considering this should be reported.*
- Ensure that the measurement time interval is sufficient to obtain a representative value of the background sound level for the period of interest. This should comprise continuous measurements of normally not less than 15 min intervals, which can be contiguous or disaggregated.*
- 2.11 The standard also provides the following general commentary on background sound level:
- The background sound level is an underlying level of sound over a period,  $T$ , and might in part be an indication of relative quietness at a given location. It does not reflect the occurrence of transient and/or higher sound level events and is generally governed by continuous or semi-continuous sounds.*
- In using the background sound level in the method for rating and assessing industrial and commercial sound it is important to ensure that values are reliable and suitably represent both the particular circumstances and periods of interest. For this purpose, the objective is not simply to ascertain a lowest measured background sound level, but rather to quantify what is typical during particular time periods.*

*Among other considerations, diurnal patterns can have a major influence on background sound levels and, for example, the middle of the night can be distinctly different (and potentially of lesser importance) compared to the start or end of the night-time period for sleep purposes. Furthermore, in this general context it can also be necessary to separately assess weekends and weekday periods.*

*Since the intention is to determine a background sound level in the absence of the specific sound that is under consideration, it is necessary to understand that the background sound level can in some circumstances legitimately include industrial and/or commercial sounds that are present as separate to the specific sound.*

### 3. Environmental Noise Survey

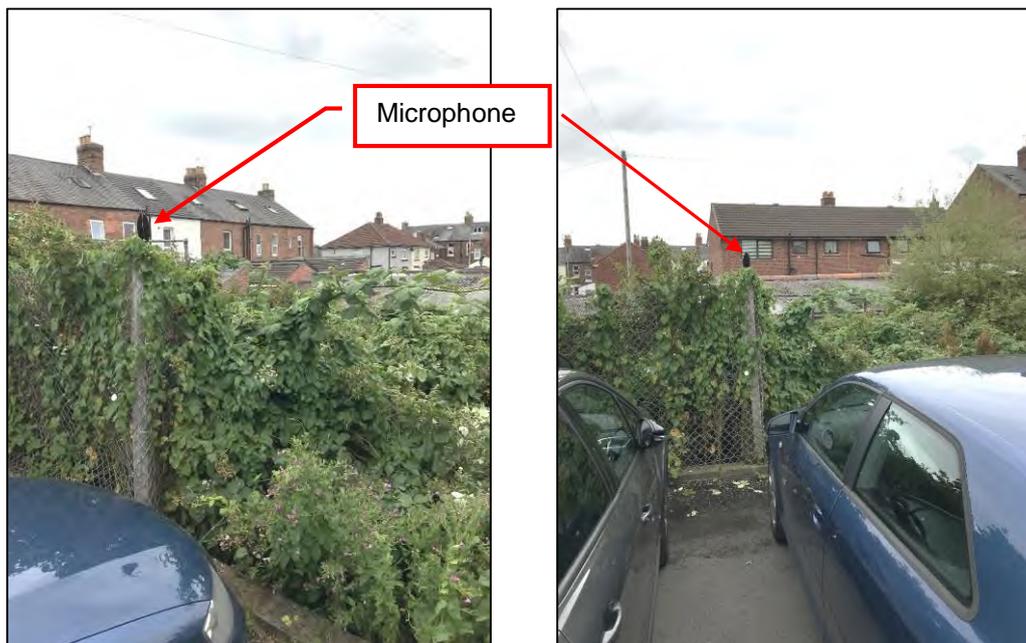
#### Survey methodology

- 3.1 Continuous sound level monitoring was conducted over a 52-hour period to the side of the boxing club, adjacent to the northern boundary and the rear gardens of neighbouring properties.
- 3.2 The microphone was fixed at a height of approximately 1.8 metres from the ground.
- 3.3 Measurements were performed from 12:00 hours on Saturday 31<sup>st</sup> July through to 16:00 hours on Monday 02<sup>nd</sup> August 2021.
- 3.4 A measurement interval of 15 minutes was used throughout the survey and measurements were considered to be subject to free-field conditions.
- 3.5 The site location, surrounding area and survey measurement position are shown in Figure 3.1. The photographs in Figure 3.2 also show the survey measurement position.
- 3.6 The proposed floor plan and elevations are shown in Appendix A.

Figure 3.1 – Site location and survey measurement position (Source: Google Earth)



Figure 3.2 – Photographs showing survey measurement position



## Survey equipment

- 3.7 The survey was performed using the following Class-1 specification equipment:
- Brüel & Kjaer 2250-Light data logging sound level meter, with microphone type 4189 and pre-amplifier type ZC0032.
  - CEL-120/1 Acoustic calibrator.

3.8 Calibration of the sound level meter and microphone used for the measurements are traceable to UKAS accredited laboratories (calibration certificates are available on request).

3.9 The calibration of both sound level meter and microphone was checked using a 1 kHz tone at 94 dB prior to and following the survey. The drift in calibration was less than 0.1 dB.

## Weather conditions

3.10 The weather conditions during the survey were dry and fine with clear sunny spells. Wind speed measurements taken on site were less than 2 m/s<sup>-1</sup>.

3.11 The air temperature during the survey ranged between approximately 9°C and 20°C. The overall weather conditions were considered suitable to obtain representative measurements.

## Measured indices

3.12 Although a wide range of statistical sound level data was recorded during the survey, the L<sub>Aeq</sub> and L<sub>A90</sub> indices are of most interest for this assessment:

- L<sub>Aeq,T</sub> - The A-weighted equivalent continuous sound pressure level over a period of time, T. Representative of the 'average' sound pressure level over a given period (used to describe the ambient sound level).
- L<sub>A90,T</sub> - The sound pressure level that is exceeded for 90% of the measurement time interval, T. L<sub>A90</sub> is often used to describe the 'background' sound level.

3.13 Sound pressure level measurements are taken with an A-weighting (denoted by a subscript 'A', e.g. L<sub>Aeq</sub>) to approximate the frequency response of the human ear.

## Results summary

- 3.14 Table 3.1 presents a summary of the measured background  $L_{A90}$  sound pressure levels from the continuous monitoring position. Measured values have been rounded to the nearest whole number.

**Table 3.1 – Summary of measured background sound pressure levels**

Date	Period, Hours	Typical <sup>1</sup> $L_{A90,15min}$ dB	Lowest $L_{A90,15min}$ dB	Highest $L_{A90,15min}$ dB
Saturday 31/07/2021 - Sunday 01/08/2021	Daytime (12:00-23:00)	35	28	39
	Night-time (23:00-07:00)	36	28	39
Sunday 01/08/2021 - Monday 02/08/2021	Daytime (07:00-23:00)	36	31	39
	Night-time (23:00-07:00)	28	26	35
Monday 02/08/2021	Daytime (07:00-16:00)	36	32	39

<sup>1</sup>Considered to be the representative background sound level from a statistical analysis

- 3.15 It is worth noting that the lowest measured daytime value (28 dB  $L_{A90,15min}$ ) corresponds to the time period 22:45 to 23:00 hours.

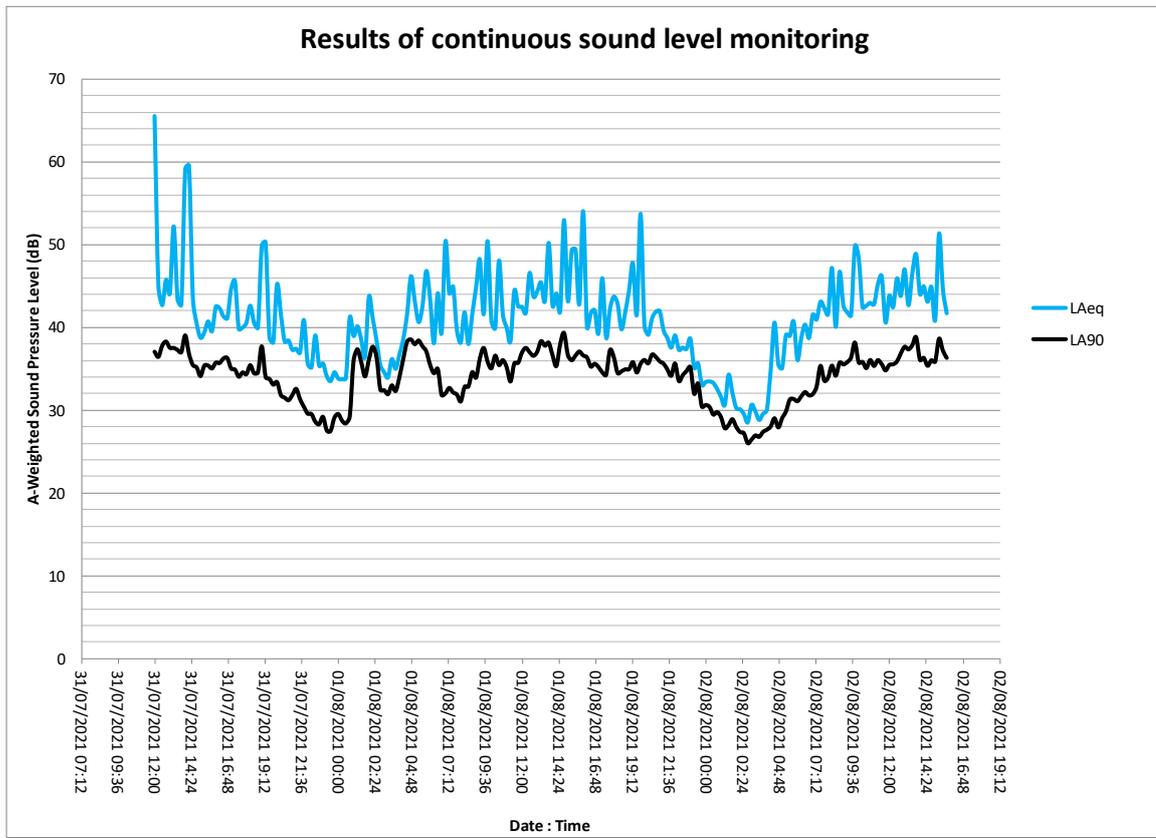
- 3.16 Table 3.2 presents a summary of the measured ambient  $L_{Aeq}$  sound pressure levels from the continuous monitoring position. Measured values have been rounded to the nearest whole number.

**Table 3.2 – Summary of measured ambient sound pressure levels**

Date	Period, Hours	Average $L_{Aeq,15min}$ dB	Lowest $L_{Aeq,15min}$ dB	Highest $L_{Aeq,15min}$ dB
Saturday 31/07/2021 - Sunday 01/08/2021	Daytime (12:00-23:00)	51	35	66
	Night-time (23:00-07:00)	40	33	47
Sunday 01/08/2021 - Monday 02/08/2021	Daytime (07:00-23:00)	45	37	54
	Night-time (23:00-07:00)	36	28	41
Monday 02/08/2021	Daytime (07:00-16:00)	45	40	51

- 3.17 The results of the sound level monitoring are presented graphically in Figure 3.3 overleaf.

Figure 3.3 – Graph showing results of continuous sound level monitoring



## 4. Assessment & Discussion

### New building services plant and nearest noise sensitive receptors

#### Sound level targets for new building services plant

- 4.1 It is considered prudent to determine appropriate external sound level targets based on the measured background sound levels and relevant guidance given within BS 4142.
- 4.2 BS 4142 states *Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.*
- 4.3 It is considered appropriate for new items of plant and equipment to achieve a sound rating level of at least 5 dB below the typical background  $L_{A90}$  sound pressure level. The average typical background sound level over the three days has been used for this assessment (ref: Table 3.1).
- 4.4 Table 4.1 presents the daytime sound level target for new fixed plant. The target should be achieved at approximately 3.5 metres from the nearest noise sensitive window or elevation (free-field).

**Table 4.1 – Daytime sound level target for new building services plant**

Period, Hours	Typical Background Sound Level $L_{A90,15min}$ dB	Target Rating Level $L_{Aeq,15min}$ dB
Daytime (07:00-23:00)	36	31

#### Daikin outdoor condenser units

- 4.5 There will be two Daikin outdoor condenser units installed at low level to the rear of the building. At this stage, the exact location of the condenser units is unknown. For this assessment, it is assumed that the position of the condenser units will be approximately mid-point between the new hall and existing building on the south east facing elevation (as shown in Appendix A).
- 4.6 The nearest dwellings to the new condenser units are expected to be those along Mayson Street and also those along Alton Street (rear gardens and elevations). The separation distance between the condensers and the nearest dwelling is estimated to be approximately 20 metres.
- 4.7 It is understood that the outdoor units will be Daikin RZA200D condensers with a sound pressure level of approximately 53 dBA at 1 metre in cooling mode and 60 dBA in heating mode.
- 4.8 The manufacturer's octave-band sound pressure levels for the unit are presented in Table 4.2. The sound level data is also presented graphically in Appendix B.

**Table 4.2 – Daikin RZA200D octave band sound pressure levels ( $L_{eq}$  dB)**

Octave Band Centre Frequency (Hz)								Overall $L_{Aeq}$ dB
63	125	250	500	1000	2000	4000	8000	
54	55	53	52	48	44	40	34	Cooling 53
67	63	59	59	54	49	44	37	Heating 60

## Predicted condenser sound levels at neighbouring dwellings

- 4.9 It is assumed that both of the outdoor units could operate simultaneously and continuously over a given assessment period. To determine the level of sound attenuation due to distance separation, standard acoustic principals for a point source have been assumed.
- 4.10 Table 4.3 presents the calculation results for the proposed condenser units operating in cooling mode and Table 4.4 presents the calculation results in heating mode.
- 4.11 The calculations take into consideration the cumulative sound level (3 dB higher for the two units combined), frequency spectrum, surface directivity, distance separation and acoustic screening (from the adjacent structures/garages).

**Table 4.3 – Condenser sound pressure level at the nearest dwellings (cooling mode)**

	Octave Band Centre Frequency (Hz)							
	63	125	250	500	1000	2000	4000	8000
Daikin RZA200D (Cumulative $L_{eq}$ dB)	57	58	56	55	51	47	43	37
Directivity factor dB (wall reflection)	+3	+3	+3	+3	+3	+3	+3	+3
Distance attenuation dB	-26	-26	-26	-26	-26	-26	-26	-26
Screening attenuation dB	-6	-7	-9	-11	-14	-16	-19	-22
A-weighting correction dB	-26	-16	-9	-3	0	+1	+1	-1
<b>Resulting level dBA</b>	<b>2</b>	<b>12</b>	<b>15</b>	<b>18</b>	<b>14</b>	<b>9</b>	<b>2</b>	<b>-9</b>
<b>Specific sound level <math>L_{Aeq,T} = 22</math> dB</b>								

**Table 4.4 – Condenser sound pressure level at the nearest dwellings (heating mode)**

	Octave Band Centre Frequency (Hz)							
	63	125	250	500	1000	2000	4000	8000
Daikin RZA200D (Cumulative $L_{eq}$ dB)	70	66	62	62	57	52	47	40
Directivity factor dB (wall reflection)	+3	+3	+3	+3	+3	+3	+3	+3
Distance attenuation dB	-26	-26	-26	-26	-26	-26	-26	-26
Screening attenuation dB	-6	-7	-9	-11	-14	-16	-19	-22
A-weighting correction dB	-26	-16	-9	-3	0	+1	+1	-1
<b>Resulting level dBA</b>	<b>15</b>	<b>20</b>	<b>21</b>	<b>25</b>	<b>20</b>	<b>14</b>	<b>6</b>	<b>-6</b>
<b>Specific sound level <math>L_{Aeq,T} = 29</math> dB</b>								

- 4.12 The calculation results indicate a specific sound pressure level of approximately 22 dB  $L_{Aeq,T}$  at the nearest dwellings in cooling mode and approximately 29 dB  $L_{Aeq,T}$  in the louder heating mode.
- 4.13 Taking into consideration the tonal characteristics of the unit and the resulting sound level, it is considered unnecessary to apply a correction (penalty) with regard to the potential tonality or characteristics of the noise as experienced at the receptor position.
- 4.14 On this basis, the specific sound level is considered to be equal to the rating level (29 dB  $L_{Ar,15min}$ ).
- 4.15 The recommended noise limit at neighbouring dwellings is 31 dB  $L_{Aeq,15min}$  during the daytime.
- 4.16 The sound rating level of the condenser units therefore achieves the target noise limit in both heating mode and cooling mode.
- 4.17 With regard to the anticipated noise impact, BS 4142 states:

*The significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs...*

*The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.*

- 4.18 Noise from the condensers is therefore expected to have a low impact at neighbouring dwellings.

#### **Vibration control**

- 4.19 It is recommended that suitable anti-vibration (resilient) mounts are fitted to the units in order to eliminate the potential for structure-borne noise. Without appropriate anti-vibration mounts, vibration levels could potentially become audible as structure-borne noise within the main hall.

### **Noise breakout from the building envelope**

- 4.20 External walls are expected to be of a brickwork/cavity/blockwork construction. The sound insulation performance of such a construction is typically in the region of 50 to 55 dB  $R_w$ .
- 4.21 It is understood that the flat roof will be a single-ply construction with Rockwool insulation and suspended ceiling tiles (Ecophon or similar). The sound insulation performance of such a construction is typically in the region of 43 to 47 dB  $R_w$ .
- 4.22 The external glazing is expected to be the weakest element with regard to the building envelope sound insulation.
- 4.23 It is therefore recommended that acoustically laminated double glazing (e.g. 6 mm glass / 16 to 20 mm cavity / 6.8 mm acoustic laminate) is installed to the north and west facing elevations, as opposed to standard thermal double glazing.
- 4.24 As an example, Pilkington Optiphon is a high performing acoustic laminate that can be used within double glazed systems.
- [www.pilkington.com/en-gb/uk/products/product-categories/noise-control/pilkington-optiphon/](http://www.pilkington.com/en-gb/uk/products/product-categories/noise-control/pilkington-optiphon/)
- 4.25 The composite sound insulation of the building envelope has been determined taking into consideration the proposed dimensions, surface area and typical sound insulation of each element.
- 4.26 The calculation results in Table 4.5 overleaf indicate a composite sound insulation performance of approximately 44 dB  $R_w$  with acoustically laminated double glazing (windows closed).

**Table 4.5 – Building envelope sound insulation (acoustically laminated double glazing)**

Title: Carlisle Villa Boxing Club Sound Transmission Loss (ISO 12354)											
Formula/Comment	Single Value	63	125	250	500	1000	2000	4000	8000	R <sub>w</sub>	(C <sub>1</sub> ,C <sub>2</sub> )
R = -10 log Σ 10 <sup>(-R<sub>pi</sub>/10)</sup>	ΔR		29.1	33.4	39.9	45.0	48.0	50.6		44	(-2,-5)
R <sub>isolating</sub>			29.1	33.4	39.9	45.0	48.0	50.6		44	(-2,-5)
D <sub>0,1</sub> = R - 10 log (S <sub>iso</sub> / A)											
D <sub>0,1,isolating</sub>											
D <sub>0,1</sub>	Mass										
<b>Materials with additional layer</b>											
8mm glass/16 - 20 mm cavity/6.8mm lam	11.8		23.0	24.0	34.0	42.0	43.0	52.0		37	(-2,-6)
Brickwork/ blockwork cavity wall	116.2		40.0	44.0	45.0	51.0	56.0	60.0		51	(-1,-4)
Flat roof, rockwool slab, suspended ceiling	131.8		28.0	34.0	40.0	45.0	49.0	50.0		44	(-2,-5)
Timber door with perimeter sealing	2.0		17.0	21.0	26.0	29.0	31.0	34.0		29	(-1,-3)

- 4.27 The sound pressure level at the nearest dwelling has been calculated using the following equation:
- $SPL_2 = SPL_1 - R_w + 10 \text{ Log } S - 20 \text{ Log } r - 14 \text{ dB}$
- 4.28 Where SPL2 is the sound pressure level at the dwelling; SPL1 is the internal sound pressure level adjacent to the wall/roof where sound breakout will occur; R<sub>w</sub> is the weighted sound reduction index; S is the surface area of the walls/roof; r is the distance from the building to the nearest dwellings.
- 4.29 Sample measurements previously conducted at a number of training classes indicate equivalent continuous sound levels in the region of 80 to 85 dB L<sub>Aeq,60sec</sub>. The sound level generated is predominantly due to the amplified sound system, as opposed to noise from participants themselves.
- 4.30 It is assumed that the training class and associated music/noise will operate continuously for a given assessment period (i.e. 15-minute period).
- 4.31 On the basis of the above, the predicted ambient sound level at the nearest dwellings on Alton Street due to breakout from the building envelope is approximately 28 to 33 dB L<sub>Aeq,15min</sub>.
- 4.32 The results of the survey indicate that the typical background sound level was 35 to 36 dB L<sub>A90,15min</sub> during the daytime (ref: Table 3.1), whereas the average ambient sound level was 45 to 51 dB L<sub>Aeq,15min</sub> (ref: Table 3.2).
- 4.33 The lowest ambient sound level was 35 to 40 dB L<sub>Aeq,15min</sub> during the daytime period.
- 4.34 The resulting breakout sound level is therefore notably below the existing background and ambient sound level during the daytime period (with windows closed).
- 4.35 On this basis, negligible noise related impacts are anticipated at the nearest dwellings due to noise breakout from the building envelope.
- 4.36 It should be noted that with windows open, the composite sound insulation of the building envelope will reduce from 44 dB R<sub>w</sub> to approximately 15 dB R<sub>w</sub>, in which case the existing background and ambient sound level will be exceeded (which in turn is likely to lead to complaints).
- 4.37 On this basis, it is recommended that the new windows remain closed, or alternatively, sealed units should be installed to help prevent noise disturbance at the nearest dwellings.

## 5. Conclusion

- 5.1 Continuous sound level monitoring has been conducted over a weekend period in order to determine the existing background and ambient sound pressure levels at the site.
- 5.2 From the survey data, an appropriate daytime sound level target has been determined for new building services plant (condenser units).
- 5.3 The sound rating level of the proposed condenser units is expected to achieve the target noise limit in both heating mode and cooling mode.
- 5.4 On the basis of this assessment and BS 4142 guidance, condenser related noise is expected to have a low to negligible impact at adjacent dwellings.
- 5.5 At this stage, additional noise mitigation measures are considered unnecessary for the proposed outdoor condenser units.
- 5.6 The resulting breakout sound level due to amplified music is predicted to be notably below the existing background and ambient sound level during the daytime period (with windows closed).
- 5.7 On this basis, negligible noise related impacts are anticipated at the nearest dwellings due to noise breakout from the building envelope.
- 5.8 It is recommended that the new windows are acoustically laminated as opposed to standard thermal double glazing and windows should remain closed (or be fully sealed) during training/exercise classes.
- 5.9 The proposed extension and air-conditioning system is expected to provide a notable improvement to the current situation, in terms of noise affecting the local residents. During the survey, noise breakout from the existing fire escape doors (facing the dwellings on Alton Street) was audible and was considered to be a weak point in the building envelope. The doors and existing glazing will be removed and replaced as part of the proposals.

## Appendix A

### Proposed floor plan and elevations

Figure A.1 – Existing floor plan

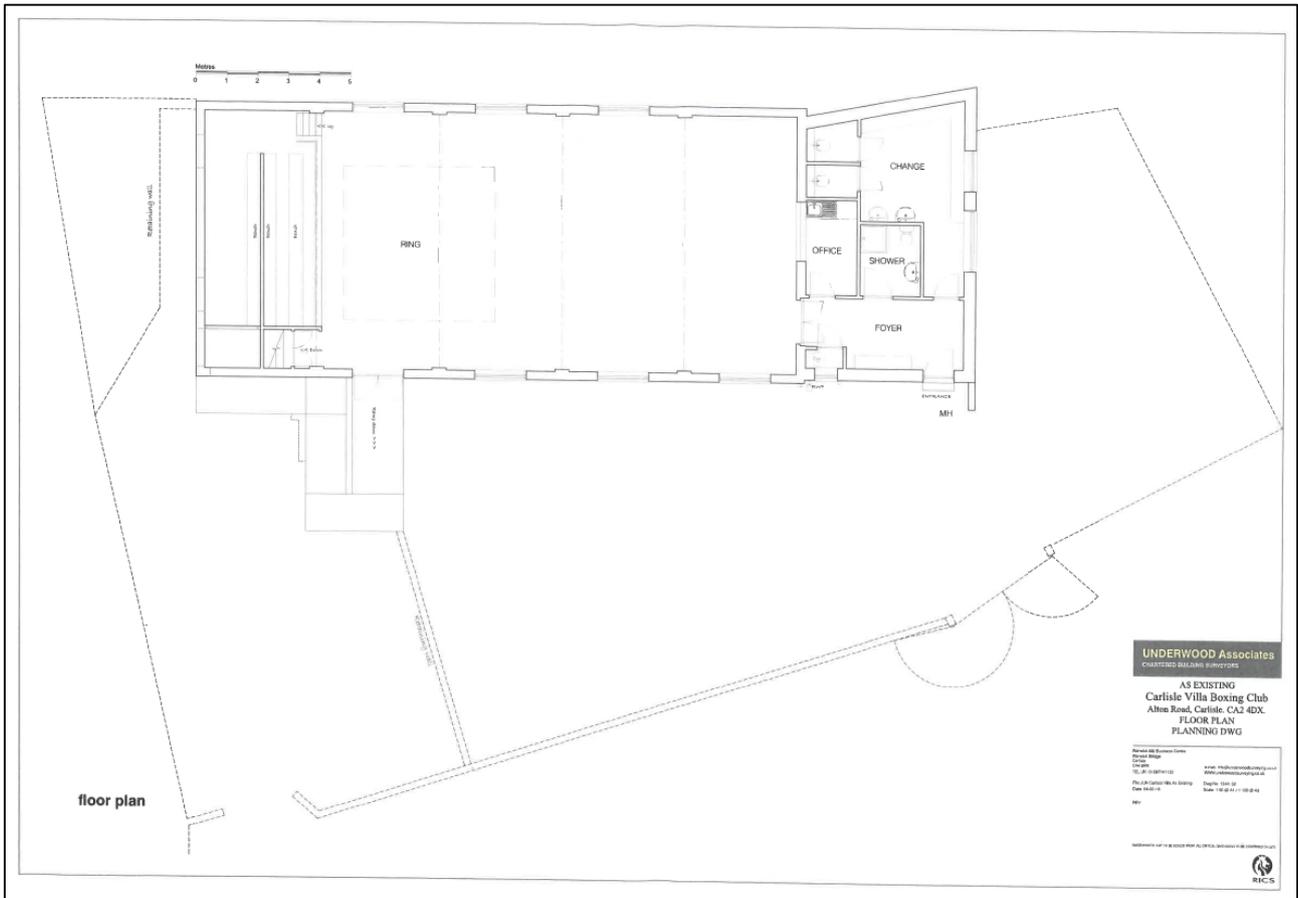
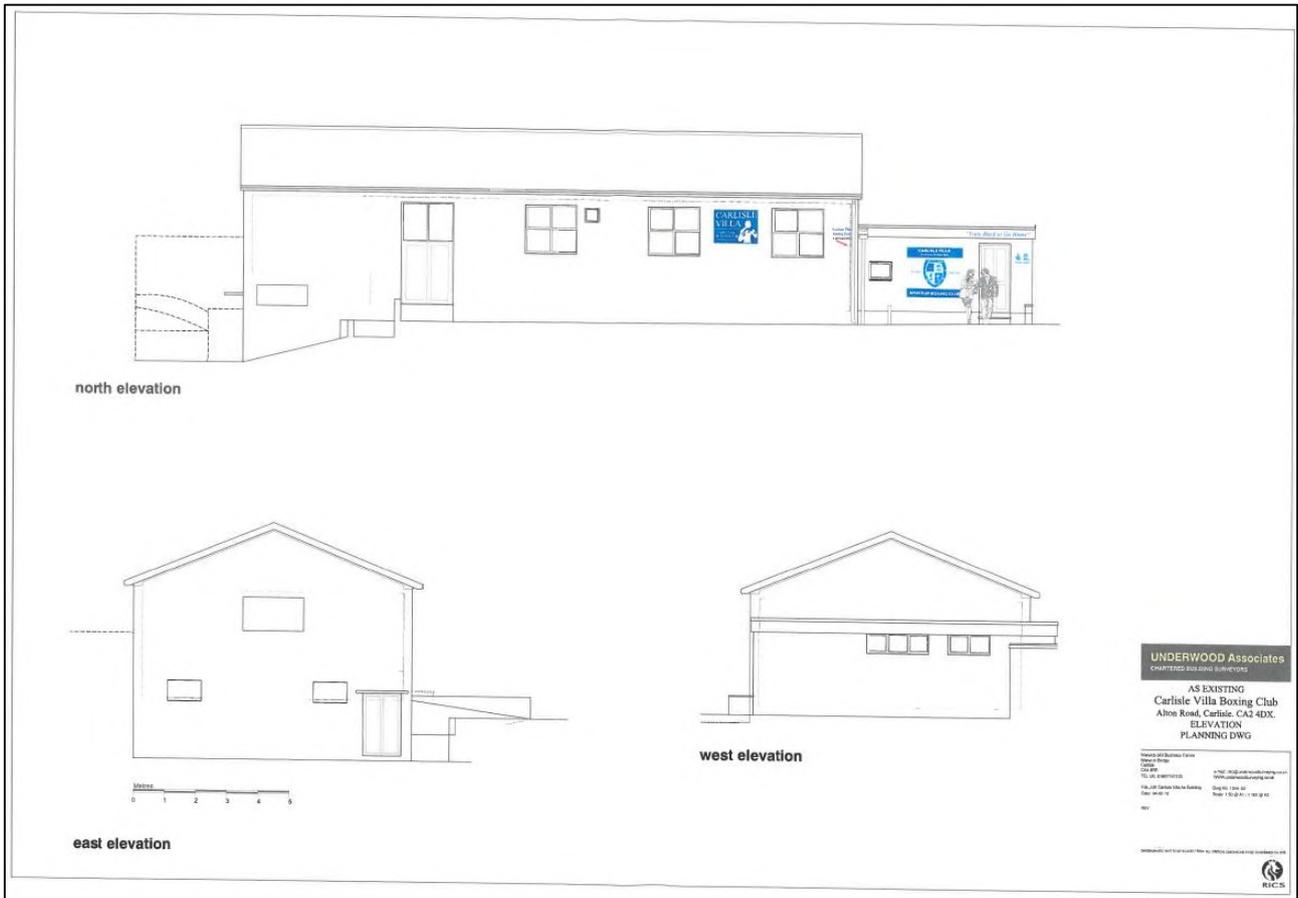




Figure A.3 – Existing elevations

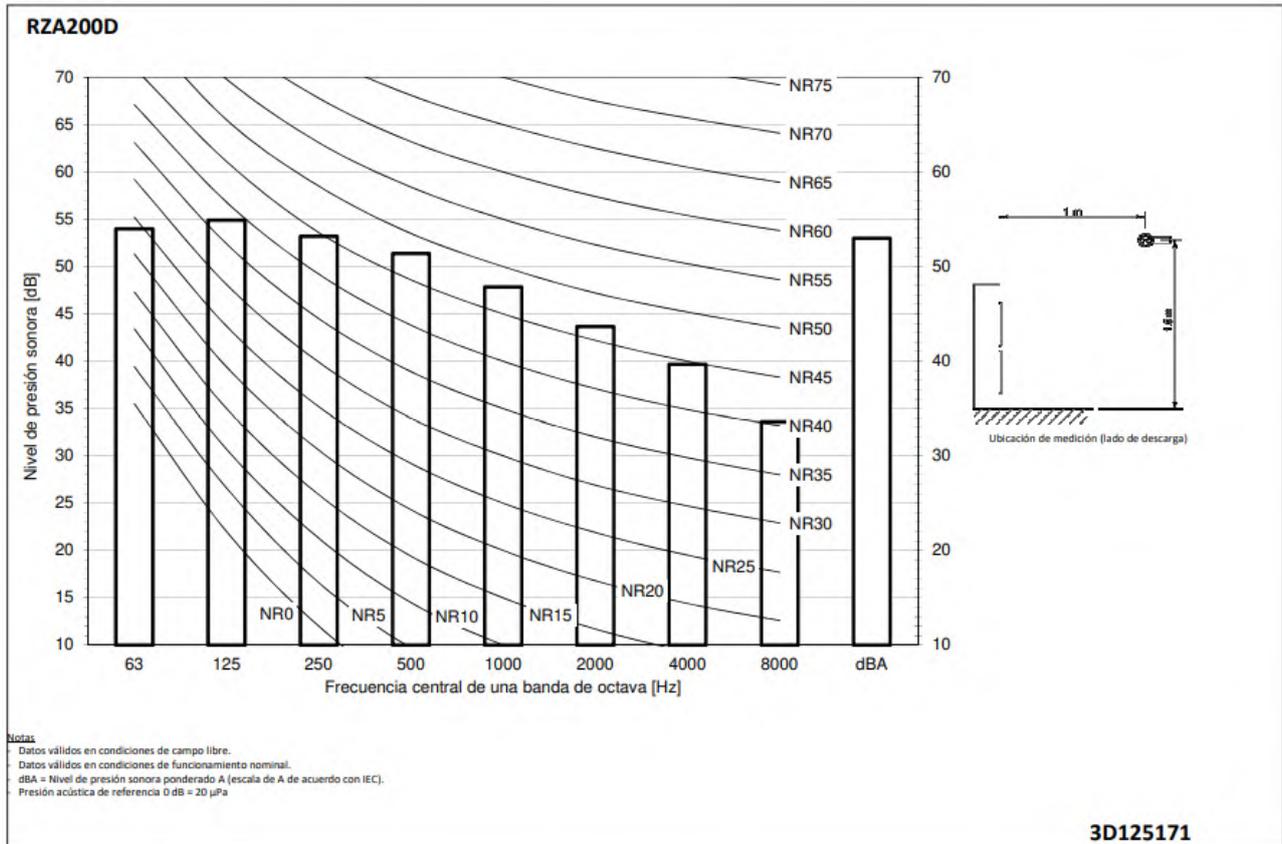




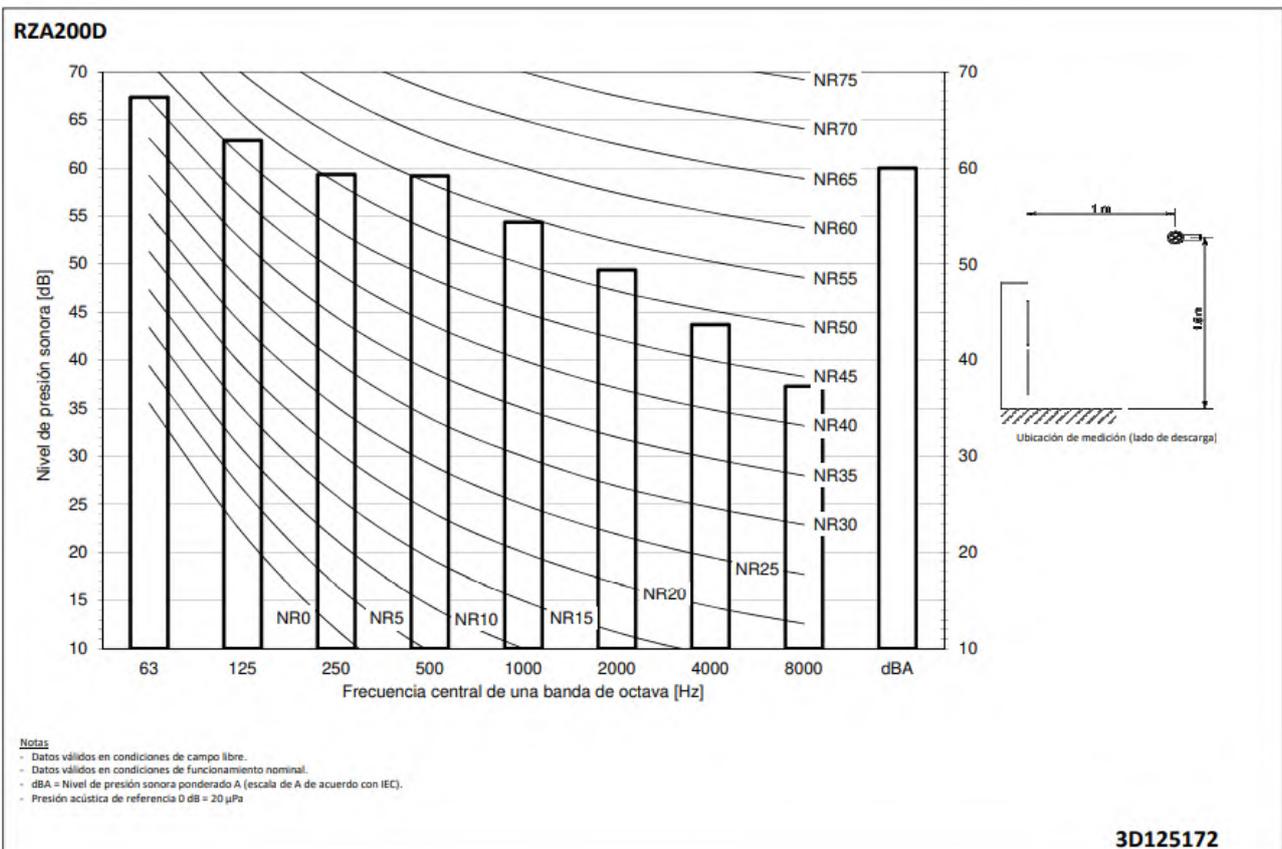
## Appendix B

### Condenser sound level data

**Cooling mode**



**Heating mode**



## Appendix C

### Assessment terminology

**Assessment terminology**

Term	Description
dB (decibel)	The scale on which sound pressure level is expressed. It is defined as 20 times the logarithm of the ratio between the root-mean-square pressure of the sound field and a reference pressure ( $2 \times 10^{-5} \text{Pa}$ ).
dB(A)	The most widely used weighting mechanism that best corresponds to the response of the human ear is the 'A'-weighting scale. This is widely used for environmental noise measurement, and the levels are denoted as dB(A) or $L_{Aeq}$ , $L_{A90}$ etc, according to the parameter being measured.
Acoustic environment	Sound from all sources as modified by the environment.
Ambient sound level	The totally encompassing sound in a given situation at a given time; it is usually composed of sound from many sources, near and far.
Background sound level	The sound level in the absence of a specific noise source under consideration (e.g. plant/machinery), measured as $L_{A90,T}$ .
Residual sound	Ambient sound remaining at the assessment location when the specific sound source is suppressed to such a degree that it does not contribute to the ambient sound.
Specific sound source	Sound source being assessed.
Specific sound level	Equivalent continuous A-weighted sound pressure level produced by the specific sound source at the assessment location over a given reference time interval, T.
Rating level $L_{Ar,T}$	Specific sound level plus any adjustment for the characteristic features of the sound.



## SCHEDULE A: Applications with Recommendation

21/0657

Item No: 07

Date of Committee: 10/09/2021

**Appn Ref No:**  
21/0657

**Applicant:**  
Mr George Kinnaird

**Parish:**  
Carlisle

**Agent:**

**Ward:**  
Belah & Kingmoor

**Location:** 11 Newfield Park, Carlisle, CA3 0AH

**Proposal:** Removal Of Hedge And Erection Of 1.8M High Boundary Fence To Incorporate Additional Land Into Domestic Curtilage

**Date of Receipt:**  
29/06/2021

**Statutory Expiry Date**  
24/08/2021

**26 Week Determination**  
13/09/2021

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### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Impact of the proposal on the character of the area
- 2.2 Impact of the proposal on the living conditions of neighbouring residents
- 2.3 Impact of the proposal on the adjacent Public Footpath
- 2.4 Scale and design of the fence
- 2.5 Impact of the proposal on archaeology
- 2.6 Impact of the proposal on biodiversity
- 2.7 Other Matters

#### 3. Application Details

##### The Site

3.1 Number 11 Newfield Park is a detached dwelling located on the eastern periphery of the Newfield Development. The property is surrounded by residential properties to the north, south and west whilst along its eastern boundary is California Lane along which Public Footpath 109003 runs.

## **The Proposal**

3.2 The application seeks full planning permission for the incorporation of a strip of land immediately behind the rear boundary of 11 Newfield Park and the adjacent public footpath. The land would have a depth of 2 metres with an overall length of approximately 26 metres and is proposed to be enclosed by a 1.8 metre high wooden fence, similar in appearance to others within the immediate vicinity. The fence would be set back from the outer edges of the hard surfaced footpath.

## **4. Summary of Representations**

4.1 This application has been advertised by the direct notification of two neighbouring properties and the posting of a site notice. In response, nine representation of objection have been received.

4.2 The representations identify the following issues:

1. existing path would make an excellent cycle way;
2. narrowing of path may reduce the opportunity to make the path into a cycle way;
3. records indicate that this lane was the main route into the city and dates back to the Romans;
4. definitive plan may be inaccurate and may actually be a restricted byway for horses and carts;
5. works should take place outside of bird nesting season;
6. potential impact on biodiversity.

4.3 Councillor Davison has also raised concerns in summary these centre on:

1. given it is a key off road route that could and should be developed to better enable walkers and cyclists come from the north of the city and into town, as well as being an important leisure route. It will become an increasingly important route to preserve and keep distance between the houses off Newfield and the new estate that is planned for the fields to the east of it;
2. the route is and should be classified as some sort of highway rather than footpath, given that it is the route of the Roman road. My expectation is that there will be a Roman Road there underneath somewhere to be uncovered. Certainly when a route was put across it to enable access to the planned housing development behind Newfield Park a resident saw some Roman slabs uncovered, which were promptly disposed of by whoever was doing that bit of road before the resident could get photos of them. So I feel this is an historical route which should not be further extended into. I am aware the precedent has been set by other planning decisions but I feel that this one, given the long stretch it appears to be on the plans would leave it open for more similar and a real loss of this community amenity and important route;
3. Is my understanding right that if this were classified as some sort of public

- highway it would not be possible for people to build out onto it?
4. My concern with this planning application is that I would not want to see any garden extension into this area that would impact on the future development of this route into a decent car free walking and cycling route. I would want there to be sufficient confidence that the width remaining and available to be developed is wide enough to accommodate a cycle route, whilst also ensuring that the hedgerow to the east is not lost in the process, given that will be a key buffer between the route and the newly proposed houses. I understand a relevant width may be 10 feet / 3 metres, not the width is it currently designated as a footpath.
  5. Understand that this route is on the radar of those people looking at the walking and cycling infrastructure plan, and that there is a possibility that 106 monies have been agreed from the approved housing development in the fields to the east of the path to turn this route into a cycle route;
  6. Would very much like the planning officer and the members of the development control committee to be made aware of any plans that there are in place in terms of turning this into a cycle route so that knowledge can help inform any decision made about the route.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority - Footpaths):** - Public Footpath 109003 follows an alignment to the east side of the development area and must not be altered or obstructed before or after the development has been completed, if the Footpath is to be temporarily obstructed, then a formal temporary closure will be required;

**The Ramblers:** - FP109003 is an ancient FP going back to Roman Times, an artefact, a milestone from this site resides in Tullie House, Carlisle; 2. local 19 century titles may show this to be untaxed it could actually be a "Restricted Byway" for horses and carts; 3. walking is good for physical, mental and spiritual wellbeing as has been proved since the coronavirus pandemic; 4. This FP connects with other local paths and eventually with LDP's (Long Distance Footpaths) The Miller's Way, Hadrians' Wall Path, Cumbria Way and The Cumbria Coastal Way now the England Coast Path; 5. The Ramblers don't approve of encroachment, creepage and annexation of PROW's (Public Rights of Way); 6. Taking over parts of the countryside is unsustainable; 7. Grant Shapps, Secretary of State for Transport. has said that "Walking is good for you and a £338m package is available to increase the number of people adopting active travel as a healthier and more environmentally-friendly way to get around and make walking and cycling safer; and 8. other residents in this area have already annexed some of this land so may have set an illegal precedent.

The Ramblers oppose and object to this Planning Application on the grounds of encroachment, the impact on a nature corridor, large hedgerow removal used by birds for nesting and other wildlife for food and shelter. This 1.8m fencing would become the main landscape feature character instead of the countryside it would dominate and impact on;

**Cumbria County Council - Historic Environment:** - the line of California Lane

is thought to be a Roman road although, when a section was cut across it 70 metres to the south of the application site during the construction of a new access road, no evidence for a Roman road was revealed. If any remains of a Roman road survive here, the evidence suggests that they would not be in a good state of preservation and so the erection of a short section of fence is unlikely to have a significant impact upon it, therefore, raise no objections to the application.

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

### **Assessment**

6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP6, CM4, CM5, GI3 and GI5 of the Carlisle District Local Plan 2015-2030.

6.3 The proposals raise the following planning issues:

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

6.4 Planning policies within the local plan seek to respect local landscape characteristics and ensure that development proposals respond to the local context and established street patterns and by making use of appropriate materials and detailing. As highlighted earlier in the report, the application seeks planning permission for the incorporation of a section of land into the domestic curtilage of 11 Newfield Park. The land is located immediately to the rear boundary of the property adjacent to Public Footpath Number 109003 which follows the route of California Lane.

6.5 When assessing this application against the relevant planning policies, sections of California Lane have become overgrown with vegetation, fly tipping and littering has/is occurring and sections of the public footpath appears to be in need of repair. Other properties which also border California Lane along the western edge of the public footpath have incorporated sections of land into their domestic curtilages including the property next door but one, number 39 Newfield Park which was granted planning permission by Members of the Development Control Committee at its meeting in January 2014 (application reference 13/0908).

6.6 The proposal would be similar in scale and design to its close neighbour and others within the immediate vicinity. The land has been enclosed by a wooden fence similar in appearance with other boundary fences along the western side of California Lane. In overall terms, the development is relatively small scale and would not have a significant detrimental impact on the character of the area.

## **2. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.7 Given the scale, boundary treatment, orientation and use of the land in respect of adjoining properties, the proposal is unlikely to have a detrimental impact on the living conditions of neighbouring residents through intensification of use or overlooking.

## **3. Impact Of The Proposal On The Adjacent Public Footpath Number 109003**

- 6.8 Public Footpath 109003 follows California Lane which runs northwards from the eastern end of Public Footpath 109020 for approximately 560 metres before joining California Road. The Newfield Housing Development is located immediately to the west of the footpath.
- 6.9 The application permission for the incorporation of part of a strip of land immediately behind the rear boundary of 11 Newfield Park and the adjacent public footpath 109003. As previously highlighted, the land would have a depth of 2 metres with an overall length of approximately 26 metres enclosed by a wooden fence which would be set back from the outer edges of the hard surfaced footpath.
- 6.10 Cumbria County Council, as Highways Authority, has been consulted and the Countryside Access Officer has raised no objections to the incorporation of the land into domestic curtilage subject to the imposition of an informative ensuring that there is no alteration / obstruction of the public footpath before or after the development has been completed.
- 6.11 It should also be noted that during the determination of the application for number 39 Newfield Park (application reference 13/0908) the Countryside Access Officer advised that the Definitive Map Statement details that Public Footpath Number 109003 has a prescribed width of between 2 and 3 metres, therefore, it does not span the entire width of California Lane. Although the Statement details the relevant width of the footpath, it does not indicate at which points where the width of the footpath should be 2 metres or where it should be 3 metres. Accordingly, at that time the Countryside Access Officer was of the opinion that provided that any works do not reduce the available footpath width to less than 2 metres, when measured from the centre line of the footpath as indicated on the Definitive Map, then these works are not unlawful.
- 6.12 In respect of this current application and based on the definitive footpath map provided by the Countryside Officer, the line of proposed fence would be located approximately between 3 metres and 5 metres from the route of public footpath number 109003, therefore, there would be no encroachment on the alignment of the public footpath.

## **4. Scale And Design Of The Development**

- 6.13 The development is visible from the adjacent public footpath which runs along California Lane; however, the scale, design and materials of the boundary fencing are similar in appearance to other boundary fences within the immediate vicinity. Furthermore, the boundary fence follows a similar line as other boundaries within the immediate vicinity. In such a context, the proposed fence would not form a discordant feature within the immediate vicinity.

## **5. Impact Of The Application On Archaeology**

- 6.14 Concerns have been raised by residents as to the impact of the application on archaeology as a Roman Road lies to the east of Public Footpath 109003. Cumbria County Council's Historic Environment Officer has been consulted and details that the line of California Lane is thought to be a Roman road although, when a section was cut across it 70 metres to the south of the application site during the construction of a new access road, no evidence for a Roman road was revealed. If any remains of a Roman road survive here, the evidence suggests that they would not be in a good state of preservation and so the erection of a short section of fence is unlikely to have a significant impact upon it, therefore, has raises no objections to the application.

## **6. Impact Of The Application On Biodiversity**

- 6.15 The Councils GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. The proposed development seeks permission to incorporate a strip of land into the domestic curtilage of 11 Newfield Park. Given the scale of the development it is unlikely that the development would harm a protected species or their habitat. Nevertheless, an informative is recommended drawing the applicant's attention to their requirement to comply with conservation legislation such as the Wildlife and Countryside Act 1981 etc.

## **7. Other Matters**

- 6.16 Objectors and the ward Councillor have raised concerns about plans for future cycle routes and the potential for a route to use California Lane. When considering planning applications members have to be aware of material considerations when making those decisions and the weight to give to such matters. S106 monies have been set aside for improvements to cycle routes from both the Story and Gleeson housing developments current under construction to the north of this site. At the time of considering this application, there are no fixed plans and no proposed drawings of route improvements between the aforementioned housing developments and the city centre. Without definitive proposals in place, it is not possible to consider how this proposed fencing would impact on those proposals. It is however worth noting that as referenced earlier in the report there have already been extended gardens on the western side of California Lane which would have to be taken into account when any improvements for cycle route provision are made should they be in the vicinity of this site.

## **Conclusion**

6.17 In overall terms whilst the application site is visible from the adjacent Public Footpath within the context of the wider area, the principle of the change of use of the land is acceptable. Furthermore, the rear boundary follows that of other properties within the immediate vicinity and the fence is of a similar scale and design. The application would not adversely affect the living conditions of the occupiers of the neighbouring properties nor would it impact on biodiversity. In all aspects the application is compliant with the objectives of the NPPF, PPG and relevant local plan policies and the application is recommended for approval.

## 7. Planning History

7.1 There is no relevant planning history.

## 8. Recommendation: Grant Permission

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

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

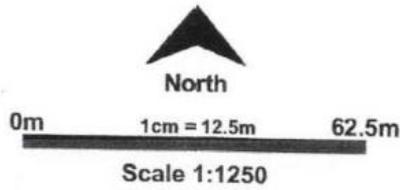
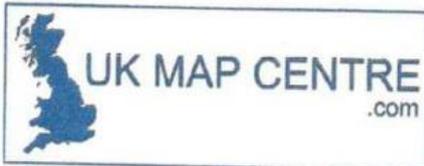
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 29th June 2021;
2. the site location plan received 29th June 2021 (Drawing No. 1);
3. the block plan received 29th June 2021 (Drawing No. 2);
4. the fence details received 29th June 2021 (Drawing No. 3);
5. the Notice of Decision;
6. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

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PLAN N<sup>o</sup> 1.

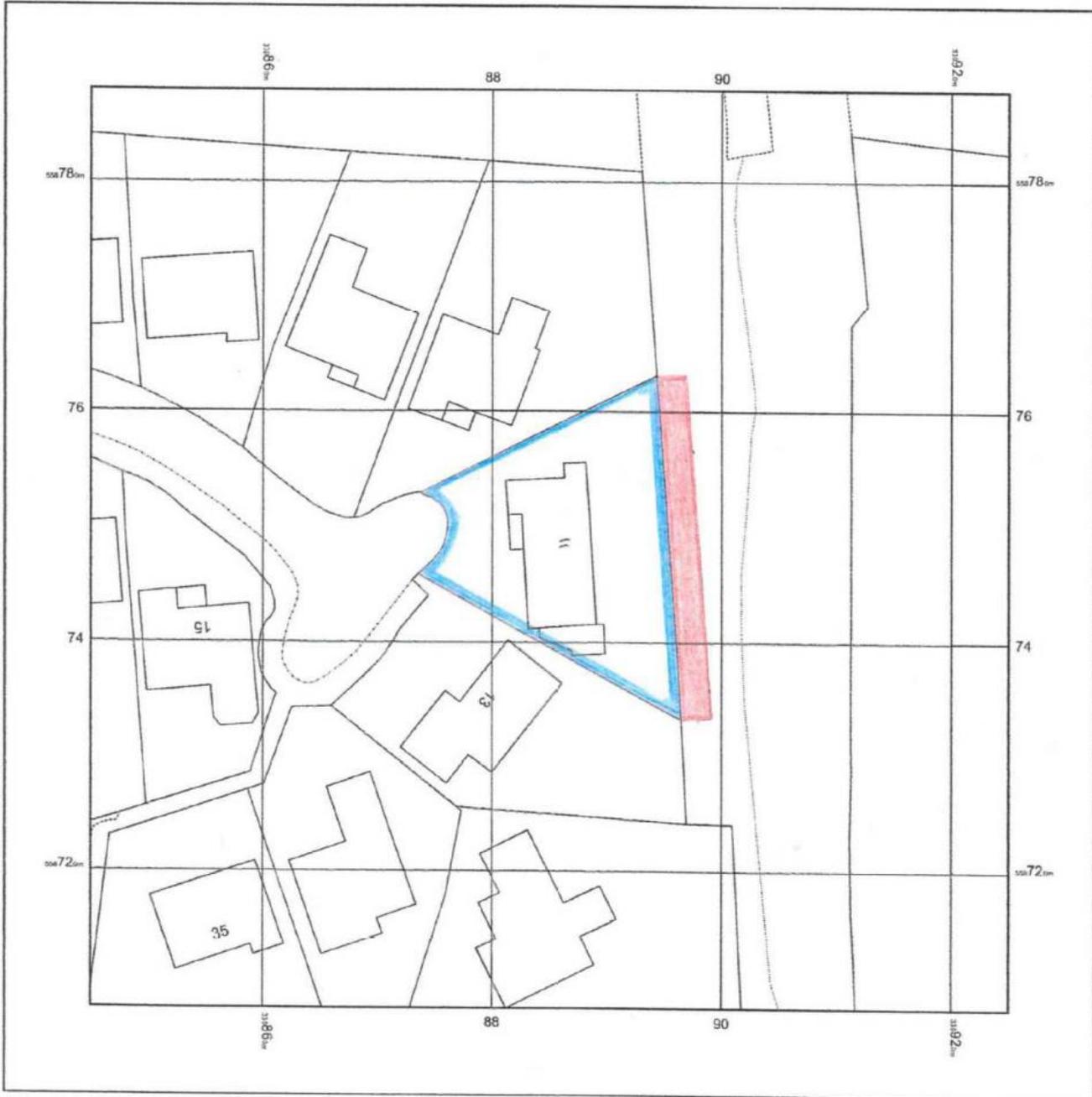
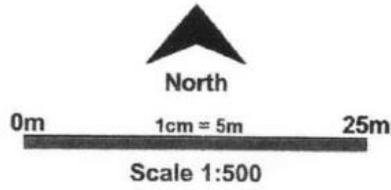
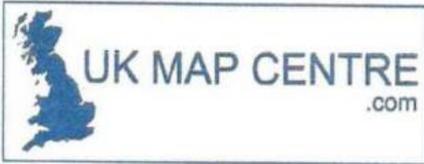


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PLAN N° 2

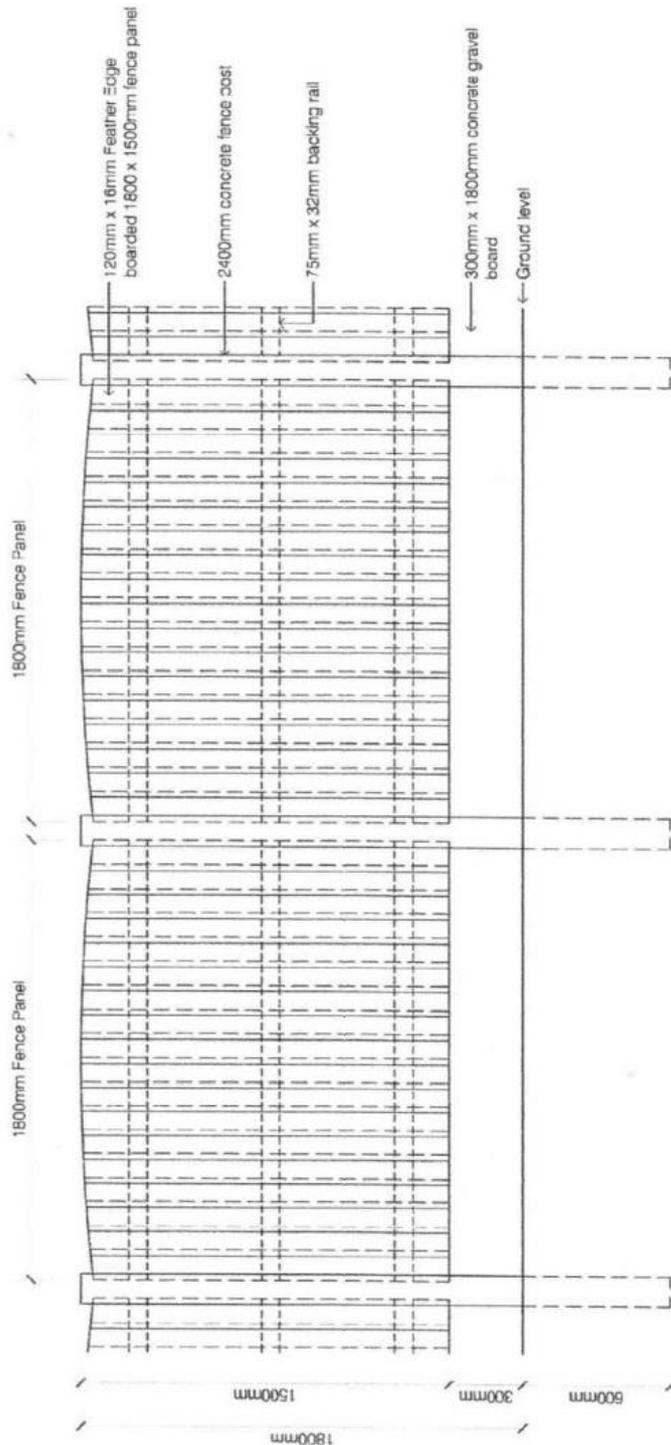
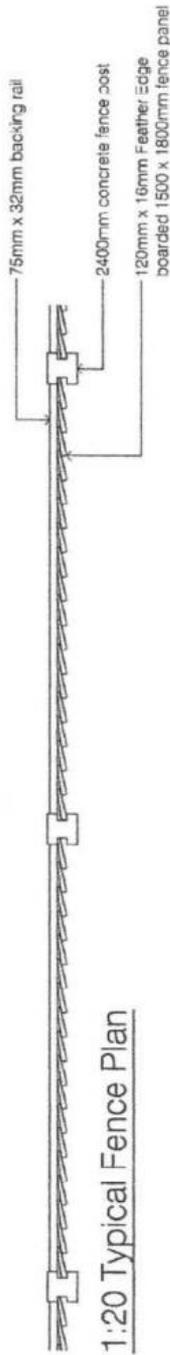


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PLAN N° 3.



Project: Installation of New Fence Panel  
 Address: 11 NEWFIELD PARK, CARLISLE  
 Dwg No: PLAN N° 3.  
 Scale: 1-20

## SCHEDULE A: Applications with Recommendation

21/0681

Item No: 08

Date of Committee: 10/09/2021

**Appn Ref No:**  
21/0681

**Applicant:**  
Mr Day

**Parish:**  
Hayton

**Agent:**  
Harraby Green Associates

**Ward:**  
Brampton & Fellside

**Location:** Fell Hall, Townhead, Hayton, Brampton, CA8 9JH

**Proposal:** Removal Of Conditions 3 & 4 Of Previously Approved Permission 13/0431 (Revisions To Original Planning Approvals 11/0433 & 11/0690 Involving Amended Estate House And Erection Of 1no. Eight Bed Holiday Unit In Lieu Of 8no. Holiday Lets) Enabling The Holiday Unit To Be Occupied As A Dwelling

**Date of Receipt:**  
06/07/2021 16:00:49

**Statutory Expiry Date**  
01/09/2021

**26 Week Determination**  
13/09/2021

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### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

2.1 Whether The Removal Of Conditions 3 & 4 From Application 13/0431 Would Be Acceptable

#### 3. Application Details

##### The Site

3.1 The existing building is a U-shaped two-storey building that is set around a courtyard. The building, which is constructed of stone under a slate roof, is currently an eight-bedroom holiday unit. A block paved parking area is located to the front of the building and this is adjoined by a paddock. An estate worker's dwelling is located to the front of the building, with an area of woodland adjoining the site to the rear.

- 3.2 The building lies on the eastern side of the unclassified Townhead Road to the immediate south of the residential property Woodleigh and approximately 80 metres to the north of the junction with the Talkin/Castle Carrock Road.

## **Background**

- 3.3 In September 2011, planning permission was given for the replacement of Townhead Cottage with an estate worker's house (11/0433). In November 2011, full permission was given for the erection of eight holiday let units on land adjoining Townhead Cottage (11/0690). In August 2012, under applications 12/0540 and 12/0635 approval was given for non-material amendments to include basements for the developments approved under 11/0433 and 11/0690.
- 3.4 In October 2013, planning permission was granted for "revisions to original planning approvals 11/0433 & 11/0690 involving amended estate house and erection of one eight bed holiday unit in lieu of eight holiday lets". This permission was subject to several conditions one of which, number 3, stated:

*"The holiday unit hereby approved shall be used for let holiday accommodation as a single planning unit and for no other purpose, including any other purpose in Class C of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification. Under no circumstances shall the applicant or successors in title subsequently let, use or permit to be used any part of the holiday unit hereby permitted independently of the remainder of the overall property."*

Condition 4 also required that:

*"A bound register of all occupants of the holiday unit hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall contain details of those persons occupying the premises, their name, normal permanent address and the period of occupation of the premises by them."*

## **The Proposal**

- 3.5 This proposal is seeking to remove conditions 3 and 4 of application 13/0431 to allow greater flexibility in the occupation of the building. The lifting of these conditions would enable the holiday unit to be occupied as a residential dwelling.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and

notification letters sent to 27 neighbouring properties. In response, six letters of objection have been received which raise the following concerns:

- concerned that the removal of conditions 3 & 4 will leave the conditions for future use of the property vague and unclear;
- planning application 13/0431 was approved subject to the imposition of relevant conditions 3 and 4 in order to secure control of the development in relation to adverse impacts on the local community. In particular, these conditions protect the quality of life for neighbouring residents and safeguard the character of the area. Unfortunately, the current application aims to remove those very conditions which facilitated the approval of the building complex back in 2013;
- feel potential usage needs defining conditions and limits as would be the case for domestic properties;
- it is important that planners and councillors examine the full history of this site;
- although the occupation of the property has been irregular and infrequent it is well suited to the purpose of existing consent;
- it is not suitable for "multiple occupation" as such is out of character in this rural location;
- consent for housing, C3(a) only, would be acceptable;
- category C3 covers three distinct sub-uses: C3 (a) which is for family use; C3 (b) which would be some kind of supported living; C3 (c) which is up to 6 individuals living together ie falling just short of the definition of an HMO - the supporting statement for the change of use class does not disambiguate the three potential elements;
- two of these sub-divisions would have a negative impact on the area;
- C3 (b) is not a suitable use of the building in respect of the local community. It would be very different to the originally proposed use of holiday letting. Such a use would be constant and year round and would increase noise and traffic movement from frequent staff changes and there might be other anti-social issues that would arise;
- C3 (c) is for up to six residents living in the eight-bedroom property. Six residents would avoid the additional requirements for an HMO license. However, once occupied there would be no way to police its use to ensure it doesn't become an HMO, ie with more than 6 residents;
- with six residents this would be different to a C3(a) dwelling as its likely use would be for staff in the employ of the applicant. Comings and goings from the property, times of movement, traffic movement and number of vehicles present, and so on, would all be very different, and have a negative effect on the local community, compared to a C3 (a) use;
- C3 (b) and C3 (c) would in many ways would have a negative impact on, local social and environmental conditions;
- a change of use class to C3(a) can be seen as having potential benefits, for example by using the local facilities such as the primary school and pub, and contributing to the Townhead community feel. Uses C3(b) and C3(c), however, appear to offer no benefit and have the strong potential to incur a negative impact;
- removal of conditions 3 and 4 to allow occupation of the premises for uses falling within Use Class C3 would result in a lack of control over the user group as well as the potential for multiple occupation and a high number of

people occupying the dwelling all year round. This brings likely material problems in terms of noise/disturbances, especially for those living nearby.

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

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

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are Policies SP1, SP2, SP6, HO2, GI1, GI3, GI6, CC5, CM4, EC9, EC11 and IP3 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposals raise the following planning issues:
1. Whether The Removal Of Conditions 3 & 4 From Application 13/0431 Would Be Acceptable
- 6.4 The proposal is seeking to remove conditions 3 and 4 of application 13/0341 which would allow the building to be occupied as a dwelling.
- 6.5 The building is located on the edge of Townhead. The Council has previously allowed new dwellings to be erected in Townhead, due to the proximity of Hayton, which contains a range of services including a school, a public house and a village hall. The proposal to use the building as a dwelling would, therefore, be acceptable in principle.
- 6.6 Objectors have raised concerns that if the building becomes a dwelling, it could be occupied by up to six residents living together, including a household where care is provided. They are concerned that comings and goings from the property, times of movement, traffic movement and the number of vehicles present would all be very different, and have a negative effect on the local community, compared to the current use of the building or the use of the building as a single dwelling.
- 6.7 Use Class C3 would allow the building to be used for the following purposes:
- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster

child

- C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems

- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger

6.8 Use Class C4 (houses in multiple occupation) allows small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Planning permission is not required to move between Use Classes C3 and C4.

6.9 Whilst the objectors concerns are noted, the building currently has permission for use as an eight-bedroom holiday let and it has previously had permission for eight separate holiday lets. It is not considered that the impact of the use of the building as a dwelling (even if occupied by six residents living together) in terms of traffic generation and noise would be significantly worse than the current use of the building. It should be noted that the applicant is intending to let the property to a single family and this should have less impact on local residents than the current use.

6.10 It is not considered reasonable to restrict the use of the building solely to Use Class C3(a) given the current use of the building, as holiday accommodation with eight bedrooms, which could have similar impacts to a house occupied by six people.

6.11 In light of the above, the proposal to remove conditions 3 and 4 to allow the building to be occupied as a dwelling would be acceptable.

## **Conclusion**

6.12 In overall terms, the proposal to remove conditions 3 and 4 to allow the building to be occupied as a dwelling would be acceptable. In all aspects, the proposal is considered to be compliant with the relevant policies in the adopted Local Plan.

## **7. Planning History**

7.1 In September 2011, under application 11/0433, planning permission was given for a replacement dwelling at Townhead Cottage, Hayton.

7.2 In November 2011, under application 11/0690, full permission was given for the erection of eight holiday let units on land adjoining Townhead Cottage.

- 7.3 In 2012, under application 12/0242, approval was given to discharge conditions 4 (materials) And 5 (bat habitat mitigation measures) regarding the permission granted under 11/0433.
- 7.4 In August 2012, under applications 12/0540 and 12/0635 approval was given for non material amendments to include basements for the developments approved under 11/0690 and 11/0433.
- 7.5 In December 2012, under application 12/0736 partial discharge of conditions 6 (Bat Friendly Ridge Tiles); 8 (Hard Surface Details); And 13 (Drainage Details) and full discharge of conditions 7 (Materials); and 11 (Landscape Scheme) relating to application 11/0690 was given.
- 7.6 In October 2013, planning permission was granted for revisions to original planning approvals 11/0433 & 11/0690 involving amended estate house and erection of an eight bed holiday unit in lieu of eight holiday lets (13/0431).

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

1. The approved documents for this Planning Permission comprise:
  1. the submitted planning application form rec'd 30 May 2013 and 7th July 2021;
  2. Dwg 1213.18.01 Proposed Basement Plan (Single letting unit) Rev.B rec'd 25 July 2013;
  3. Dwg 1213.18.02 Proposed Ground Floor Plan (Single letting unit) Rev C rec'd 16 August 2013;
  4. Dwg 1213.18.03. Proposed 1st Floor Plan (single letting unit)Rev.B rec'd 25 July 2013; .
  5. Dwg 1213.18.04 Proposed Roof Plan (single letting unit) Rev.B rec'd 25 July 2013; .
  6. Dwg 1213.18.05 Proposed Elevations to Quadrangle/Courtyard sheet 1 Rev. B rec'd 25 July 2013;
  7. Dwg 1213.18.06 Proposed Elevations to Quadrangle/Courtyard sheet 2 Rev. B rec'd 25 July 2013;
  8. Dwg 1213.18.07 Setting Out Section PRELIMINARY Rev. A rec'd 25 July 2013;
  9. Dwg 1213.18.08 Proposed & Existing Site Sectional Elevations Rev. A rec'd 25 July 2013;
  10. Dwg 1213.18.10 Proposed Site Plan (single letting unit) Rev.C rec'd 15 September 2013 attached to e-mail sent by agent to the Case Officer at 16:54 hours;
  11. Dwg 1213.18.11 Proposed Landscape/Reinstatement Site Plan rec'd 15 September 2013 attached to e-mail sent by agent to the Case Officer at 16:54 hours;
  12. Dwg 1213.18.12 Location Plan Rev.O rec'd 25 July 2013;
  13. Dwg 1213.18.13 Block Plan Rev.O rec'd 25 July 2013;
  14. Dwg 1213.18.14 Site Survey - made 29.04.13 Rev.O rec'd 25 July 2013;
  15. Dwg 1213.19.01 Proposed Ground & 1st Floor Plans Front & Gable

- Elevations as proposed Rev.C rec'd 16 August 2013;
16. Dwg 1213.19.02 Basement, Loft & Roof Plans Rear & Gable Elevations as proposed Rev.B rec'd 6 June 2013;
  17. the submitted Design and Access Statement rec'd 30 May 2013 and "Review of Ecological Issues" prepared by Middlemarch Environmental Ltd and rec'd 18th September 2013;
  18. Supporting Statement, received 6th July 2021;
  19. the Notice of Decision; and
  20. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** For the avoidance of doubt.

2. The paddock/field as identified on drawing number 1213.18.11 Rev 0 (submitted with application 13/0431) shall be retained and used for agriculture as defined in Section 336 of the Town and Country Planning Act 1990.

**Reason:** For the avoidance of doubt and safeguard the visual amenity of the area.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and/ or re-enacting that Order), no extensions shall be carried out to the replacement dwelling and holiday unit/ dwelling hereby permitted without the permission of the local planning authority.

**Reason:** The local planning authority wishes to retain full control over the matters referred to in order to protect the living conditions of the neighbouring residents and safeguard the character of the area in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and/ or re-enacting that Order), there shall be no temporary buildings and uses carried out on, in, under or over the paddock/field as identified on drawing number 1213.18.11 Rev 0 (submitted with application 13/0431), within the meaning of Schedule 2 Part 4 of Classes A and B of these Orders, without the written approval of the local planning authority.

**Reason:** The local planning authority wishes to retain full control over the matters referred to in order to protect the living conditions of neighbouring residents and safeguard the character of the area in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. For the avoidance of doubt, neither drainage from the proposed swimming pools, surface water, land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly). The development shall thereafter be maintained and managed in accordance with the drainage

details approved under application 12/0736.

**Reason:** To ensure a satisfactory means of foul and surface water disposal and in accord with Policy CC5 of the Carlisle District Local Plan 2015-2030.

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General Notes

1. The contractor must check and verify dimensions of the whole site and building including levels and sewer inverts, before commencing work.
2. This drawing is to be read with and checked against any specialist drawings, including those of the engineers, before work commences.
3. The contractor must work in strict compliance with all British Standards, Building Regulations, Acts of Parliament and European Legislation.
4. This drawing and the work shown are the copyright of Space Designed Solutions Ltd and cannot be copied without consent.



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Street Name and Address  
 Edmond Castle Estates  
 Edmond Castle  
 Hayton  
 Carlisle  
 Project  
 Revisions to Townhead  
 Hayton, Carlisle  
 Drawing Title  
 Location Plan



Date  
 27.04.2013  
 Scale  
 1:1250  
 Drawn By  
 LP  
 Purpose  
 Planning

Drawing  
 1213.18  
 12  
 Revision  
 0





