

# AGENDA

## Development Control Committee

**Friday, 04 December 2020 AT 10:00**

**This meeting will be a virtual meeting and therefore will not take place in a physical location.**

### **Virtual Meeting - Link to View**

This meeting will be a virtual meeting using Microsoft Teams and therefore will not take place at a physical location following guidelines set out in Section 78 of the Coronavirus Act 2020.

This meeting will be held in two sessions, please see overleaf details of the items that will be considered in each session.

**Session 1 will convene at 10:00am**

**[To view this session online click this link](#)**

**Session 2 will convene at 2:00pm**

**[To view this session online click this link](#)**

### **Session 1**

#### **Register of Attendance and Declarations of Interest**

A roll call of persons in attendance will be taken and Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

### **Apologies for Absence**

To receive apologies for absence and notification of substitutions

### **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 - 12**

To approve the minutes of the meetings held on 6 November and 2 December 2020 (site visits).

## **PART A**

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

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

To consider applications for:

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

### **Explanatory Notes**

**13 -  
18**

**Item 01 - 19/0905 - Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road), Carlisle**

**19 -  
82**

**Item 02 - 20/0245 - 4-14 Victoria Place, Carlisle, CA1 1ER**

**83 -  
124**

<b><u>Item 03 - 20/0246 - 4-14 Victoria Place, Carlisle, CA1 1ER</u></b>	<b>125 - 142</b>
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<b><u>Item 04 - 20/0563 - Garthside, Walton, Brampton, CA8 2JP</u></b>	<b>143 - 198</b>
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<b><u>Item 05 - 20/0669 - 25 Whiteclosegate, Carlisle, CA3 0JA</u></b>	<b>199 - 208</b>
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<b>A.2</b>	<b><u>MODIFICATION OF S106 PLANNING OBLIGATION – AFFORDABLE HOUSING CONTRIBUTION – LAND AT CARLISLE ROAD, BRAMPTON</u></b>	<b>209 - 214</b>
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The Corporate Director of Economic Development to submit a report setting out the position regarding Section 106 contributions relating to affordable housing following an independent viability assessment of the site.  
(Copy report ED.46/20 herewith).

## **Session 2**

<b>A.3</b>	<b><u>CONTROL OF DEVELOPMENT AND ADVERTISING</u></b>
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To consider applications for:

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

<b><u>Item 06 - 20/0279 - Land at Rookery Park (South of Alders Edge), Scotby, Carlisle CA4 8EH</u></b>	<b>215 - 278</b>
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## **PART B**

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

- NIL-

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

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

**Labour** – Alcroft, Birks, Mrs Glendinning (Vice Chair), Miss Whalen, Patrick (sub), Dr Tickner (sub)

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

Enquiries, requests for reports, background papers etc to:

Jacqui Issatt, Committee Clerk - [jacqui.issatt@carlisle.gov.uk](mailto:jacqui.issatt@carlisle.gov.uk)

To register a Right to Speak at the meeting please contact  
DCRTS@carlisle.gov.uk



**DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 6 NOVEMBER 2020 AT 10.00 AM**

**PRESENT:** Councillor Tinnion (Chair), Alcroft, Birks, Christian, Finlayson (as substitute for Councillor Collier), Glendinning, Meller, Morton, Nedved, Shepherd and Whalen.

**OFFICERS:** Corporate Director of Economic Development  
Development Manager  
Legal Services Manager  
Planning Officer x 3

**DC.092/20 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Collier.

**DC.093/20 DECLARATIONS OF INTEREST**

No declarations of interest were submitted.

**DC.094/20 PUBLIC AND PRESS**

**RESOLVED** – That the Agenda be agreed as circulated.

**DC.095/20 AGENDA**

**RESOLVED** – That items 2 and 3, applications 20/0245 and 20/0246: 4 – 14 Victoria Place, Carlisle, CA1 1ER be considered together as they related to the same site.

**DC.096/20 MINUTES OF PREVIOUS MEETINGS**

**RESOLVED** – 1) That it be noted that Council, at its meeting of 3 November 2020 received and adopted the minutes of the meetings of the Development Control Committee held on 12 August (site visits), 14 August, 9 September (site visits) and 11 September 2020.

2) That the Committee's resolution in respect of application 19/0905 - Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road) Carlisle be amended to include reference to secondary school provision (Minute Excerpt DC.091/20(1) refers).

3) That the minutes of the meeting held on 9 October 2020 be approved.

**DC.097/20 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. Use of existing Touring Site for the stationing of 44 Static Touring Caravans In lieu of Consented 71 Touring Stances (51 Touring Caravan and 20 Tent Pitches) together with the demolition of existing amenity block, Dalston Hall Caravan Park, Dalton, Carlisle, CA5 7JX (Application 20/0567).**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan, landscaping plan, an example of the proposed type of static holiday unit, and photographs of the site, and the towers of Dalston Hall Hotel, 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 application covered both the inclusion of the units and the demolition of the existing amenity block, as such the two issues were not able to be determined separately;
- Insulation and soundproofing incorporated into the units would minimise the impact of external noise;
- Condition 4 of the permission restricted use of the units for holiday use only and precluded residential use. The owner of the site was required to keep a register of those staying in the units, and their main address, which was to be made available to the Local Planning Authority. Inspections of the register would take place on a spot check basis or in response to notification of any breach of the holiday use only restriction.

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

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

**2. Change of Use of redundant office building to form 6No. Houses of Multiple Occupation, 4 – 14 Victoria Place, Carlisle, CA1 1ER (Application 20/0245)**

**&**

**3. Change of Use of redundant office building to form 6No. Houses of Multiple Occupation together with various internal and external alterations (LBC), 4 – 14 Victoria Place, Carlisle, CA1 1ER (Application 20/0246)**

The Planning Officer submitted the report on the applications. Slides were displayed on screen showing: location plan; block plan; elevation plans; floor plans; schematic of individual pod and communal areas; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The report demonstrated that the principle of the conversion of the buildings was acceptable. The scale and design were appropriate to the site and would not result in an adverse impact on the character or appearance of the area.

The buildings had remained empty since they were vacated with little interest shown for re-use. The absence of interest indicated a lack of appetite within the market for alternative uses such as

retail or to remain as offices. The Planning Officer noted the danger of their not being brought back into use may lead them to fall into a state of disrepair thus degrading the valuable Grade II\* heritage assets and, potentially, impacting on the symmetry of the streetscene, character and appearance of the Conservation Area.

The significance and integrity of heritage assets need to be properly taken account of and protected as part of any development proposal. In determining this application, the Planning Officer advised that a planning balance had to be made which primarily related: to the less than substantial harm occurring as a result of the works to the building, offset by the development enabling the viable reuse of the building, rather than the continued period of vacancy leading to a potential deterioration of the building. The proposed scheme necessitated a number of alterations to the buildings so as to make them practical and viable for an alternative use, one which would secure the future of the heritage asset. As such the alterations were deemed acceptable.

The Council's Conservation Officer had been involved from an early stage, with the scheme being amended to take account of some issues raised by him. Based on the foregoing assessment it was considered that an appropriate equilibrium had been struck between the conversion and future use of the buildings together with the protection of the heritage assets and would be of wider public benefit. Therefore, the proposal would not be detrimental to the character or setting of any listed building.

There was already a high level of measures within the building for protection of its occupants from a fire incident given its former use as an office. Although a metal fire escape would be removed, this was the only one located at the far end of the terrace of buildings that would have been inaccessible by persons located at the Lowther Street end of the building. The conversion of the building would have to comply with Building Regulations which would include smoke and fire detectors, use of window openings for means of escape etc.

In the context of the site, the amenity of the occupiers of the neighbouring property would not be adversely affected. Adequate provision would be made for foul and surface water drainage. Although there was no dedicated parking provision, the site was located in the city centre with access to alternative transport links and car parks. In overall terms, the proposal was considered to be compliant with the objectives of the relevant local plan policies and the National Planning Policy Framework (NPPF). Accordingly, the Planning Officer recommended that the applications 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 accommodation was not classed as bedsits as the rooms were not self-contained;
- The floor space of the rooms conformed to the nationally set Space Standards;
- Where the application to have been a scheme to create houses, it was possible that they may encompass the same number of bedrooms;
- No information had been provided on the potential future occupiers. The issue of occupancy was not a matter planning permission was able to control;
- Cumbria County Council, as Highway Authority, had stated that no residential parking permits would be issued in the area of the development site. Future occupiers would be aware of that situation. The building had previously operated as an office and would have had parking requirements associated with it in terms of staff and visitors. It was understood that parking provision had been paid for at a nearby commercial site by the

previous owner, therefore it was feasible that similar situation could be implemented by the landlord of the proposed scheme. However, that was a matter for the company managing the scheme;

- In terms of disability access to the proposed scheme, a balance would need to be struck between protection of the fabric of the Grade II\* Listed Building, appropriate access measures, and compliance with Building Regulations. The matter would be addressed via Building Control;
- Refuse would be deposited in wheeled bins stored at the rear of the building;
- The Listed Building Consent process stipulated the works authorised to be carried out during a development. Any works undertaken in addition to those permitted would constitute a prosecutable offence under Listed Buildings and Conservation legislation;
- The applicant would work closely with the Council's Conservation Officer regarding the recording of features within the building;
- Cumbria Constabulary had not been directly consulted on the application, nor had it responded via the weekly published List of Planning Applications;
- The applicant had not indicated whether lighting would be provided to the rear of the property;
- The Council had adopted the Portland Square and Chatsworth Square Management Plan. That document superseded the former zoning of the Conservation Area which had prevented the creation of further Houses of Multiple Occupation therein;
- The reports on the condition of the sewers had not been seen by the Planning Officer. However, the applicant had already met with residents of nearby properties and had undertaken to repair any defects in the system;
- The current fire escape ladder would be removed as part of the scheme. Protection and warning systems inside the building would be provided, given the building's former use, those systems would be greater than those usually provided in a domestic setting. Any future application for the provision of fire escapes to the exterior of the building would be assessed in accordance with planning policy, but given the Grade II\* Listed status of the building would be unlikely to secure approval;
- Houses of Multiple Occupation were classed as one household for the purposes of self-isolation in relation to the Covid 19 pandemic.

A number of Members expressed concerns regarding the style of accommodation proposed by the scheme which it was felt provided too intense a level of occupation for the area and had the potential to create an adverse impact on the tone of the neighbourhood. A Member questioned whether the proposal was contrary to Local Plan policy HO 9 - Large Houses in Multiple Occupation and the Subdivision of Dwellings. Further concerns were expressed in relation to the quality of the development.

The Planning Officer responded that the applicant had developed other similar residential schemes which had been of good quality. He noted that the applicant would invest significantly in the property to achieve the scheme with costs relating to the purchase of the building and the conversion works. In response to concerns about the level of occupation of the building, the Planning Officer reiterated that were the building to be developed as houses, that may realise a similar level of occupation.

A Member appreciated that the construction was acceptable in Planning terms, but felt that the Committee remained concerned about a number of issues relating to the management of the site, on which Members did not have information to consider. He proposed that determination of the application be deferred in order to get more information on those issues via a Management Plan.

The Corporate Director cautioned Members about exceeding the remit of the Committee which was to determine land use and consider the impact on heritage assets. However, she acknowledged Members concerns on the matter of wanting to understand how the scheme would operate.

The Legal Services Manager advised that properties owned by businesses were monitored by the relevant regulatory bodies when it came to matter such as sewerage, and that any breach of Houses of Multiple Occupation legislation would be overseen and addressed by the Council. In terms of the management of the scheme, the individual occupiers would usually be subject to a legal tenancy agreement which would provide management in relation to matters such as waste or nuisance. She suggested that a condition may be added to the consent requiring the submission of a Management Plan prior to occupation.

The Development Manager explained that the Committee had considered Management Plans in respect of student accommodation, therefore there was a precedent for such action.

A Member moved that determination of the application be deferred in order to:

- a) Request the submission of a Management Plan;
- b) Obtain a consultation response from Cumbria Constabulary;
- c) Seek further clarification regarding the provision of cycle facilities;
- d) Clarify any proposed improvements and repair of foul drainage infrastructure;
- e) Clarify the provision of any external lighting;
- f) Identify security measures to access of the rear lane;
- g) Clarify any repair issues to the external stonework.

The proposal was seconded and following voting it was:

RESOLVED: That determination of the application be deferred in order to:

- a) Request the submission of a Management Plan;
- b) Obtain a consultation response from Cumbria Constabulary;
- c) Seek further clarification regarding the provision of cycle facilities;
- d) Clarify any proposed improvements and repair of foul drainage infrastructure;
- e) Clarify the provision of any external lighting;
- f) Identify security measures to access of the rear lane;
- g) Clarify any repair issues to the external stonework.

**4. Erection of garage; resiting of existing vehicular access from highway and associated external works to improve parking and turning within front forecourt (Revised application), Fairfield Cottage, Wetheral, Carlisle, CA4 8HR (Application 20/0540).**

The Planning Officer submitted the report on the application and outlined the planning history of the site. It was noted that a similar scheme had been refused by the Committee at its October 2019 meeting on the grounds that the proposed garage had not been considered a subservient addition, the current application was a revision of that scheme.

Slides were displayed on screen showing: location plan; existing and proposed site plan; elevation and floor plans; plan comparing the elevations of the previously refused application 19/0513 and the current proposal; 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 relation to the garage door facing the highway, a Member commented that the proposed aluminium shutter was not in-keeping with the vernacular.

The Planning Officer confirmed that the application proposed the use of an aluminium shutter door, however, the agent had indicated that the applicant was agreeable to using a timber door instead.

The Member considered a timber door more appropriate and requested that a condition be included to require that.

The Planning Officer undertook to incorporate the condition into the permission.

A Member moved the Officer's recommendation, along with an additional condition requiring the garage door facing the highway be constructed of timber. The proposal was seconded and following voting it was:

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

## **Schedule B**

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

RESOLVED – That the report be noted.

## **DC.098/20 WHITE PAPER: PLANNING FOR THE FUTURE**

The Development Manager submitted report ED.41/20 which set out the Council's response to the Government's Consultation on the White Paper: Planning for the Future.

The White Paper proposed the streamlining of Local Plans and increased the focus on design through the "Build Beautiful" message and National Design Guide being the biggest area for local input. A key element of the Paper was standardisation of the planning process through the use of national policies which were to be incorporated into Council's Local Plans. The proposed reduction in timescale for producing Local Plans (current average 5 years reduced to 18 months) left potentially large gaps in local knowledge and a reduced ability to identify local issues which a set of national policies may not adequately address.

Innovation in consultation with a view to improving engagement with local people was also covered in the paper. This was appreciated as Members were aware that at times people were not aware of planning policies, land allocations or planning applications. Increasing awareness was to be welcomed although, the Development Manager noted that it was to be done in the context of reducing time for Local Plan preparation and dealing with planning applications.

The ultimate aim of the Paper was to speed up delivery of housing as well as standardising most parts of Local Plans, the application process was to become more digital moving away from document heavy systems by reducing the demand for reports. In addition, the Government proposed changes to the Section 106 Legal Agreement system by the inception of a national infrastructure levy system.

The Council's response to the consultation was contained in the report, the Development Manager recommended that Members note its content.

The Committee gave consideration to the report.

Members considered with the increased focus on design, it was important to ensure that Officers and Members had sufficient training to be able to understand the relevant issues.

In response to a question from a Member regarding the consideration of health in planning policies, the Development Manager responded that whilst it was not an overt strand of the Paper it was a factor in the concept of sustainable places.

A Member expressed some concern that the proposals would negatively impact democratic engagement with the planning process particularly for Parish Council and local residents.

The Committee noted that the Government planned on implementing the White Paper within the current parliament.

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

RESOLVED. That report ED.41/20 be noted.

[The meeting closed at 11:55am]





# **Development Control Committee Main Schedule**

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

04<sup>th</sup> December 2020

## 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; except the following where the associated documents are located at –

20/0279 - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

**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 19/11/2020 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 04/12/2020.

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

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 Applications Entered on Development Control Committee Schedule
 

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Item No.	Application Number/ Schedule	Location	Case Officer
1.	<u>19/0905</u> A	Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road), Carlisle	<u>SD</u>
2.	<u>20/0245</u> A	4-14 Victoria Place, Carlisle, CA1 1ER	<u>RJM</u>
3.	<u>20/0246</u> A	4-14 Victoria Place, Carlisle, CA1 1ER	<u>RJM</u>
4.	<u>20/0563</u> A	Garthside, Walton, Brampton, CA8 2JP	<u>JHH</u>
5.	<u>20/0669</u> A	25 Whiteclosegate, Carlisle, CA3 0JA	<u>AC</u>
6.	<u>20/0279</u> A	Land at Rookery Park (South of Alders Edge), Scotby, Carlisle CA4 8EH	<u>CH</u>

## SCHEDULE A

Applications to be  
determined by the  
City Council.

## SCHEDULE A

## SCHEDULE A: Applications with Recommendation

19/0905

Item No: 01

Date of Committee: 04/12/2020

**Appn Ref No:**  
19/0905

**Applicant:**  
Gleeson Homes

**Parish:**  
Carlisle

**Agent:**  
PFK Land and  
Development

**Ward:**  
Belah & Kingmoor

**Location:** Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road), Carlisle

**Proposal:** Erection Of 80no. Dwellings

**Date of Receipt:**  
27/11/2019 16:01:18

**Statutory Expiry Date**  
02/03/2020

**26 Week Determination**  
05/10/2020

### REPORT

**Case Officer:** Stephen Daniel

The application was deferred at the Development Control Committee meeting on the 9th October 2020 so that Members could be provided with a clear indication of the timing of primary and secondary school provision north of the river. Members requested that the Corporate Director of Economic Development pursue this matter with the County Council and to report back on the application at a future meeting of the Committee.

A letter has been received from the County Council which sets out their position regarding school places in Carlisle and this is set out in full below:

*The county council remains aware of the need to provide additional primary school places in North Carlisle to mitigate the impact of housing development. The full impact, of course, will only be realised once developments have been completed, and all houses are occupied. Whilst there is a perception that the need for new school places is imminent, all timely, main-round admission applications for Reception places in North Carlisle schools over the last 5 years from families living in the catchment area have been successful. This is partly the result of investments the county council has made in recent years to provide additional places at Rockcliffe, Houghton and Kingmoor Infant and Junior schools, but is also related to the phasing of housing development. Much of the housing with planning consent has not yet been completed and, therefore, has not fully impacted on the provision of places; whilst there is no current shortage of places, the county council still expects that there would be a shortfall once developments progress to completion.*

*The future of the Story Homes development at Crindledyke is a crucial component in concluding how the impacts would best be mitigated. There remains in place a Section 106 agreement that requires Story to provide a school at Crindledyke once the appropriate trigger is reached. In seeking contributions from other developments, the county council has no choice at the present time but to consider that the impact of a full development at Crindledyke will be mitigated by Story providing a new school there. The county council has undertaken discussions with Story Homes about the future of the development, but the developer has yet to submit a new planning application relating to further phases which would allow the county council to fully understand what this may mean for the previously agreed mitigation measures. If, for example, the number of houses proposed for Crindledyke is to be reduced from the number specified at outline planning stage, the impact on school places will be less severe than originally envisaged. The assessed impact of other development in the North Carlisle area has not been sufficient to warrant the seeking of contributions to cover the whole cost of a new school elsewhere, insofar as these would be much greater in scale than the developments could be expected to support. The county council is not in a position to fund the shortfall, so until the issue of Crindledyke is resolved, the county council cannot provide firm detail on the solution it will pursue.*

*In terms of secondary provision, as with primary, the county council has sought contributions to mitigate the cumulative impact of a number of long-term developments. Three schools – Morton Academy, Caldew, in Dalston, and William Howard in Brampton – have been identified as having the potential for expansion. To date, no further discussion has taken place as to the detail of what that expansion might entail but, as yet, the issue is not pressing. Pressure on places will result as housing developments progress and grow, but the county council expects to be able to accommodate admissions for at least the next two intakes (in September 2021 and 2022) within the existing capacity. Further work will be undertaken in the meantime to ensure that firm plans are in place to provide additional accommodation at the appropriate time to meet new demand.*

*Finally, the county council is entirely supportive of sustainable housing development in Carlisle, and would not expect the issue of school place planning to impact on the decision of the Planning Committee on the proposed Deer Park development. There are undoubtedly issues to resolve in terms of providing new school places at the appropriate time, but we remain confident that a solution will be found once Story Homes clarify plans for Crindledyke.*

Three additional letters of objection have been received after the closing date for comments but these do not raise any new issues.

A late response was received from the Council's Urban Design Officer, who has questioned the proposed materials (bricks and tiles) to be used. Condition 3 deals with materials and this has been amended to require the submission of materials for approval by the LPA.

A further response has been received from the Highway Authority after the report was written and this requests additional conditions on the provision of visibility splays. Three new conditions (conditions 37 to 39) have, therefore, been added to



the report to cover the provision of visibility splays – 60m for the main access and 43m for the emergency access and the 3 private driveways

Two additional letters of objection about ecology have been received after the closing date for comments, one of which is from the Cumbria Wildlife Trust. These raise the following issues:

- the site is used by plants and animal species in both existing nature reserves;
- the site allows the free movement of species from one nature reserve to the other;
- the site is an important buffer which reduces pressure from human visitors;
- Deer Park is important as a site in itself compromising a range of habitats;
- question the suitability of the proposed sites for translocated orchids;
- application should be rejected due to the site's importance from an ecological and biodiversity point of view. It should be put forward as a candidate for formal statutory protection as a local nature reserve;
- the decision should be delayed until it is clear from the Government's Environment Bill as what the duties of LPAs are in relation to biodiversity;
- there should be a very important public interest reason to justify the deliberate isolation and degradation of a local nature reserve.

In response to these issues:

- the nature reserves were in existence when the site was allocated for housing – the impact on the nature reserves would have been considered when the site was allocated for development;
- the site has been allocated for development in the last 2 local plans;
- the site is in private ownership and it has been left unmanaged with public access. The site's owner could start managing the site (remove unprotected trees, cut the grass etc) and could prevent public access to the site – other than to the Public Right of Way;
- we cannot delay the decision whilst we wait for the Environment Bill to be passed - this is likely to be some time off, particularly given the existing global pandemic.

PREVIOUS REPORT TO DEVELOPMENT CONTROL COMMITTEE FOLLOWS:

## **1. Recommendation**

- 1.1 It is recommended that this application is approved with conditions, subject to the completion of a S106 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);

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

## **2. Main Issues**

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Layout, Scale And Design Of The Dwellings Would Be Acceptable
- 2.3 Impact Of The Proposal Of The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Provision Of Affordable Housing
- 2.5 Highway Matters
- 2.6 Drainage Issues
- 2.7 Open Space Provision
- 2.8 Public Rights Of Way/ Footpaths
- 2.9 Education
- 2.10 Biodiversity
- 2.11 Impact On Trees/ Hedges
- 2.12 Crime Prevention
- 2.13 Archaeology
- 2.14 Noise Issues
- 2.15 Contamination
- 2.16 Other Matters

## **3. Application Details**

### **The Site**

- 3.1 The application site, which covers 3.51 hectares, is currently undeveloped and contains a number of trees, shrubs and plants. The site slopes downhill from south-east to north-west, with a total fall across the site of approximately 5m.
- 3.2 The northern part of the site was occupied by Deer Park House, but this was demolished a number of years ago. There are a number of trees on the site, a number of which are protected, including an avenue of lime trees, two groups of trees adjacent to Kingmoor Road and a group of trees that lie to

the west of the lime trees.

- 3.3 A Public Right of Way currently crosses the site and this links Kingmoor Road with Kingmoor Sidings Nature Reserve. There are a number of other informal paths that cross the site, with two of these also providing access to the nature reserve. A permissive path runs along the northern site boundary and this also links Kingmoor Road with the nature reserve.
- 3.4 Kingmoor Road adjoins the site east and this contains a number of dwellings that face the site. Dwellings on Gleneagles Drive and Saint Pierre Avenue lie to the south of the site and these are separated from the site by a belt of trees. Kingmoor Industrial Estate lies to the north of the site and is separated from it by a strip of land that is in City Council ownership, which contains the permissive path. Kingmoor Sidings Nature Reserve adjoins the site to the west beyond which lies the railway line.
- 3.5 The eastern site boundary, adjacent to Kingmoor Road, is predominantly hedgerows although there are sections of metal palisade fence and a section of stone wall. The northern, southern and eastern site boundaries consist of post and wire fencing.

## **Background**

- 3.6 The site is allocated for housing in the Carlisle District Local Plan 2015-2030 (Policy H01 - Site U16). The site was allocated for mixed use development in the Carlisle District Local Plan 2001-2016 which was adopted in September 2008. This would have allowed the site to be developed for either housing or commercial use.

## **The Proposal**

- 3.7 The proposal is seeking to erect 80 dwellings on the site. The development would contain seventeen different house types and these would include 13 two-bedroom semi-detached starter homes, 26 three-bedroom semi-detached properties, 21 three-bedroom detached properties and 20 four-bedroom detached properties.
- 3.8 The dwellings would be constructed of a red multi brick, under a flat dark grey concrete tiled roof. Windows, fascias and soffits would be white upvc with rainwater goods being black upvc.
- 3.9 The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of; brick sills and lintels; brick quoins; open porches; bay windows; two-storey projecting gables; single-storey projections; pitched roof dormer windows; with some dwellings having integral garages, attached garages or detached garages.
- 3.10 Vehicular access to the site would be from a priority controlled junction with Kingmoor Road. This road would vary in width from 5.5m to 4.8m and would have a 2m footpath to one side. This road would provide access to 77 of the

dwelling via two shared surface roads and three private shared drives, with 3 of the dwellings at the northern end of the site having direct access onto Kingmoor Road. An emergency access would also be provided onto Kingmoor Road, the use of which would be controlled by bollards.

- 3.11 A 3m wide footpath/ cycleway would be provided along Kingmoor Road from the southern end of the site, near Gleneagles Drive, to the northern end of the site. At the southern end of the site the footpath would be set back behind some protected trees that are to be retained. An additional footpath would be provided along the avenue of protected lime trees, which are to be retained. This would link (via a shared surface road) to the public footpath that runs along the northern site boundary. This footpath would replace the existing Public Right of Way that runs through the site. A group of protected trees that lie to the west of the avenue of lime trees would also be retained, together with some protected trees that adjoin Kingmoor Road to the south of the avenue of lime trees.
- 3.12 A SUDS pond would be provided in the south-west corner of the site and this would take the surface water from the development. An area of open space would be provided to the west of the SUDS pond and a number of the orchids that currently exist on the site would be relocated to this area. Some of the orchids would be relocated to a landscaped area that adjoins the site to the north and which would lie adjacent to the footpath that runs along the northern site boundary.

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

- 4.1 This application has been advertised by means of three site notices and notification letters sent to 75 neighbouring properties. An online Zoom meeting also took place on Monday 10th August which was attended by the applicant, agent, case officer, local councillor and a number of local residents. In response 72 letters of objection and one letter of support were received to the application, with a further 78 letters of objections being received following a re-consultation following the submission of amended plans. A letter of objection has also been received from Councillor Helen Davison who is the city councillor for Belah and Kingmoor ward.
- 4.2 The letters of objection raise the following issues:

##### **Principle of Development**

- the land should never have been zoned for housing;
- the site is an area of historical and natural interest and should be protected;
- hard to see why this site needs to be developed given the number of other sites in the city that have been given planning permission;
- there has been a recent build of 7 houses behind the Redfern pub which are still unsold after 4 months;

- site is unsuitable for a housing development due to its proximity to existing nature reserves;
- the land should be used to extend Kingmoor Sidings Nature Reserve to create a valuable community asset and improve accessibility for recreation;
- the site has over the years become part of the nature reserve and is used for many social and recreational activities;
- the site is enjoyed by many people including dog walkers and families with young children;
- site is a very popular green space for local walkers;
- the few remaining green spaces in Kingmoor are precious and should not be sacrificed for development;
- area is a vital open space in an extensively built up area;
- there are few greenfield spaces in Carlisle but there are several brownfield sites and empty properties that could be redeveloped, preserving greenfield areas;
- other options exist for new housing e.g. garden village south of Carlisle;
- buildings should be completed on existing sites before agreeing to new ones;
- the land is boggy and water will be displaced on the nature reserve if the site is built on;
- the land between the recycling place and the railway bridge on Kingmoor Road has been granted planning permission for housing - does Kingmoor Road need a second housing development that increases the pressure on infrastructure and doubles the concerns of residents?;
- the Belah school site is still empty and would be better used for some of these houses;

### **Wildlife/ Biodiversity**

- the site contains a variety of flora and fauna and is an important habitat for a diverse range of wildlife;
- the field contains a level of biodiversity not found in housing developments or on agricultural land;
- the area should be conserved;
- the site joins Kingmoor Woods and Kingmoor Sidings and should be kept for recreation;
- do not see any plans to preserve, relocate and protect the habitat of Deer Park;
- the land is used for grazing by deer (there are 4 living on the land) and foxes use the field;
- the open grassland is home to insects, butterflies, birds and small mammals that provide food for larger animals, bats, owls, buzzards and many other

species that live in this area;

- honey bees have had a hive for a number of years within the trees at Deer Park;

- the land is a paradise for all kinds of animals and other wildlife that have lived undisturbed for many years;

- site supports an abundance of wildlife and is starting to regenerate naturally with the appearance of many small trees;

- there are many bats in the area - they fly over the field to the avenue of lime trees;

- would lose easy access to the nature reserve to the rear of the site;

- there needs to be a buffer between the housing and the wood to protect the area that is full of orchids and wild flowers;

- two species of wild orchid are on quite a large area of the site;

- once the orchids have died back it would be impossible to find them to dig them up and re-locate them;

- the site has Japanese Knotweed all along the boundary and well into the wood;

- the avenue of 24 lime trees which formed a driveway to Deer Park House are a very important feature - this is the most likely entrance to the site which could mean the trees are felled to gain access;

- concerned a number of the protected lime trees will be removed - losing these trees would have a detrimental effect on the area - they provide a lovely aspect from all directions, reduce noise and pollution and provide a shelter for birds, insects and animals;

- there are more protected trees in a spinney including a rare specimen European Cut Leaf Beech which should be protected - there are also other specimen trees including a copper beech;

- how can foundations for houses be dug without affecting the roots of the protected trees;

- the established trees will suffer greatly from the site being drained - which may cause them to fall;

- the older oak trees have re-seeded themselves and there are several young oak trees dotted around the field which will be destroyed by the development;

- building on this land will affect the wildlife in the nature reserve;

- the impact of draining the field and the siting of the SUDS pond have not been considered - will affect the water table in the nearby wet woodland;

- impact on great crested newts has been under estimated - removing another substantial and wet area could reasonably be expected to affect the population;
- site is a vital link between 2 nature reserves (Kingmoor Woods and Kingmoor Sidings);
- nature needs linking corridors of green areas in order to thrive;
- there aren't enough buffer zones between the houses and trees;
- there should be one or two ponds in the area next to the woods to take the drainage and provide a buffer;
- having extra housing closer to the nature reserve will have environmental impacts for nature through noise and light pollution and groundwater flooding;

### **Highway Issues**

- Kingmoor Road is already extremely busy with cars - additional traffic will endanger existing road users and residents;
- Kingmoor Road is already a rat run for local schools with queuing traffic creating unacceptable levels of emissions;
- Kingmoor Road is inadequate for current levels of traffic at peak times - the railway bridge creates a bottle-neck and frequently floods;
- Kingmoor Road is too narrow, difficult to cross and vehicles exiting the development will be held up by vehicles on Kingmoor Road;
- vehicles parked on one side of Kingmoor Road make the road single lane most of the time;
- traffic going to and from the bypass speeds along Kingmoor Road;
- there have been numerous accidents, both serious and minor, on Kingmoor Road;
- the current traffic survey that was done on 1st October and submitted with the application is not a true reflection of the traffic on a daily basis - that day the bridge leading to the bypass was flooded and a car was stranded in it and people were advised to avoid the area;
- visibility from the opposite side of the road adjacent to the proposed new access is already limited due to the gradual bend on Kingmoor Road;
- adding 2 new road entrances will increase the risk of accidents;
- given the speed of traffic on Kingmoor Road the visibility splays will be inadequate;
- on-street parking is only possible opposite the new access;
- there is only one pavement on Kingmoor Road which is quite narrow;

- all pedestrian footfall is on the same side of Kingmoor Road as there is no footpath from Gleneagles Drive until V Athletics;
- don't see any plans to include a footpath, traffic lights at any junction, a pedestrian crossing, speed reduction measures or road widening options for Kingmoor Road in light of the increased traffic;
- Kingmoor Road is already single lane for buses and larger vehicles at peak times;
- the traffic is worse than before the northern bypass was built;
- parking in the area is already difficult;
- there are no pedestrian crossings in the area - have concerns for the safety of children and others trying to cross the main roads;
- a crossing is desperately needed near the shop on Kingmoor Road and speed cameras at the nature reserve end;
- a crossing is needed on Kingmoor Road and traffic calming measures are needed;
- the new houses potentially put another 160 cars in the immediate area on roads which are comparatively narrow and unlikely to be able to handle the increased traffic;
- the road to the bypass under the bridge floods regularly;
- there are no bus services or pavements down to the further development next to the recycling centre;
- since the development of the bypass Hartley Avenue through to Briar Bank and Kingmoor Road have become heavily congested - extra housing will exacerbate this and increase the risk of accidents;
- pulling out of Hartley Avenue is difficult as visibility is restricted by bends in the road;
- proposal may adversely affect road safety for all traffic but especially cyclists;
- lack of parking is a concern and there isn't enough parking for each house - this will add to the parking problem in the area and lead to more accidents;
- only 6 visitor parking spaces are proposed;
- construction phase will lead to a significant increase in traffic in the area;
- there is no evidence of footway provision along Kingmoor Road on the revised plans as required by County Highways;
- proposed pedestrian crossing would be situated at the northern end of the site - this is a blind corner heading out to the bypass - need full visibility and traffic calming measures;
- the proposed crossing is to be at the worst possible place - at the northern end of the site near Vibralife - this is a very dangerous place to cross due to the blind corner near Hartley Avenue;



- the main access to the site is unfit for purpose;
- unbelievably several houses have their driveway access onto Kingmoor Road;
- the estate should have 2 means of open vehicle access to help reduce traffic congestion - the emergency access has bollards;
- the emergency access will be used as overflow parking which could impede the safety of residents in the development if it is obstructed;
- children from the development would have to cross Kingmoor Road to get to schools in the area;

### **Schools**

- development will impact on Kingmoor School which already struggles with high pupil numbers;
- schools north of the river are at a premium and yet housing developments continue to emerge none of which have adequately addressed the need for additional school places;
- both Stanwix and Kingmoor schools are about full to capacity;
- we need a new school now;
- seek assurance that school catchment areas do not change;
- the issue of a lack of school places north of the river, following the closure of Belah School, has still not been resolved although a number of new dwellings (675) have been given permission;
- the approval of new development requiring additional school places continues to aggravate the growing crisis;
- no new developments should be approved until the issues of school places has been resolved;
- using Gleeson's admission that at Greymoorhill 25% of homes would be occupied by children, 21/22 primary aged children could occupy this development;
- the out dated formula for children the development will yield is still being used
- only 29 children from 86 dwellings with 247 bedrooms - one child for every 3 houses - is too low;
- the County Council should already be in receipt of £1.6m towards education needs with a further £337,536 due - it has owned land for a school since 2017 - the progression of a new school should start immediately;
- the infrastructure must be in place before permission is given for more dwellings;
- it will take an estimated 3 to 4 years to build a new school by which time we will be beyond breaking point;
- Story Homes were going to build a school and this didn't happen;

- overcrowding in current schools will have a negative impact on children;
- need a new primary school and a new secondary school;
- the land is perfect for a school;

### **Footpaths/ Rights of Way**

- there are several footpaths on the site leading to 3 entrances to the nature reserve and these should be protected;
- what will happen to the Public Right of Way that crosses the site?;
- it is unclear where the footpaths will go and if they will still exist;
- the Right of Way through the site appears to have been removed;
- people wanting to enter the woods from the south of the site will have to walk further;
- the loss of the entry points to the wood will make access to the woods harder;
- people will be forced to enter the woods via a long and narrow path;
- 2 access points into Kingmoor Sidings have been removed - this only leaves one access at the northern end down what is a very narrow path;
- you cannot disrupt footpaths without going through lengthy proceedings;
- the Public Right of Way across the site would need to be kept as it is now or with an appropriate diversion to allow pedestrians to walk across to the nature reserve as at present;

### **Scale/ Design**

- the proposed number of dwellings is too many for the site;
- all new developments in Carlisle are exactly the same - where are the self builds, bungalows and truly affordable homes?;
- development should bring a mixture of styles and some good design;
- Policy HO1 requires the provision of housing for the elderly, including bungalows - no bungalows have been provided in the housing developments (761 dwellings) approved north of the river in the last 2 years;
- the application makes no provision for the elderly which is a clear objective in the Local Plan;
- Carlisle needs more houses but it doesn't need more small boxes that are

- poorly and quickly thrown up - it needs affordable good sized forever homes;
- so many of the new housing estates in Carlisle are not well designed and the same issues appear in these plans;
- the site is too small to support the drainage and utilities for 86 decent sized dwellings;
- need to build some bungalows and low cost housing for young couples;
- if housing must be built on this site, reduce the number of dwellings, make changes to the parking and save more of the green space;
- appreciate the need for starter homes but these should be included in all developments;
- proposal will lead to overlooking of existing dwellings and loss of privacy and light;
- the lime avenue should be the main footpath into the woods - this could be a stunning feature if done sympathetically;

### **Drainage**

- the site is often boggy in wet weather;
- where will the surface water from the site go?;
- the site is at risk from ground water flooding below ground level - there is potential for groundwater flooding to basements and below ground infrastructure;
- there is no watercourse nearby and infiltration is not feasible so the applicant will rely for surface water on the existing public surface water sewer crossing the site to the west for surface runoff;
- pollutants will pool, runoff driveways enter the surface water sewer and contaminate ground to the west;
- surface water flood maps show highly significant risk of flooding at Balmoral Court and Kingmoor Sidings adjacent to the site - sewage and drainage systems and surface watercourses may be entirely overwhelmed and at times of groundwater flooding this would include on-site mitigation and the detention pool proposed;
- there are likely to be changes in extreme rainfall events - the applicant has used 40% allowance for climate change - it is unclear if the model takes into account rarer rainfall events with up to 10% more rainfall over and above the effect of climate change - this is recommended by Environment Agency's advice;

- drainage exceedance during flash flooding will have an adverse impact on Kingmoor Sidings Nature Reserve/ County Wildlife site - risks are associated with overland flow from dirty water, pollutants, pathogens and sediments in suspension or solution with overland flow or drain water;

### **Other**

- there is a covenant on the site that forbids building anywhere other than on the site of the original dwelling;

- too many builds north of the river;

- a potential 80 extra families will put a strain on local schools and services;

- there are not enough doctors or dentists in the area;

- climate emergency should be a priority for the Council - allowing a development that will increase pollution and lead to a loss of trees is not environmentally considerate;

- the proposal will lead to the further deterioration of the environment north of the river due to increased traffic and pollution;

- traffic pollution on Kingmoor Road is already bad;

- the rail depot to the west of Kingmoor Park causes a lot of noise and diesel fumes which drift across Deer Park and may affect the housing;

- the archaeological potential of the land identified previously has been dismissed by planning;

- has the archaeological site survey been completed? This was requested before any development;

- the field was damaged by heavy plant last month;

- building work will cause noise and disruption;

- having green areas nearby is important for physical and mental health;

- the great value of Deer Park has been realised even more due to the pandemic;

- the site allegedly contains hazardous material (asbestos) which might pop up in people's gardens;

- lack of current jobs and businesses;

- affordable homes are not affordable for many local people on low wages;

4.3 The letter of objection from Cllr Helen Davison raises the following concerns:

- prior to writing this to get residents views I held a drop-in session with residents to understand their issues and also hosted an online meeting with residents and the developer and planning officer where issues were raised by residents. I have also canvassed views of other residents, some of whom were unaware the development was proposed and have been upset and horrified to hear that the field is likely to be lost to housing development. From my discussions with residents I have learnt just what a precious community amenity this field has been over the years for them and just how much they value it. I got a real feel for their passion and desire to protect the field from development and their real sadness that anyone would even consider building houses upon it;

- Highway safety, traffic and parking issues - residents have raised major issues about road safety on Kingmoor Road where this development is planned and have significant concerns about the introduction of a new road junction onto a road which already has several junctions and driveways coming onto it;

- traffic is regularly observed exceeding the speed limit. In the time since the planning application was submitted at the end of last year I am aware of two vehicle collisions in that area (one into the barriers just by the entrance to Etterby Road and one into the garden wall of a house Kingmoor Road, close to the position the new entrance to the estate is planned). I have also had a resident have a near miss with a vehicle when trying to get four children across the road near the Redfern pub.

- given plans to remove a significant amount of the hedges on the development side I have it on good authority from a county council officer that this will reduce the sense of narrowness of the road and that there is a risk that people will speed more;

- some residents on Kingmoor Road do not have driveways so park on the roadside - if they fully park on the road this leads to there being only room for one vehicle to go along the road in certain sections. It also adds to the poor visibility to see vehicles coming when pulling out of driveways, which is a particular issue due to the speed that traffic travels along the road;

- the pavement width is such that when any vehicle parks partly on the pavement the pavement itself can be blocked to wheelchair and pushchair users requiring them to get onto the busy road;

- drivers drive like the road is a straight road but there are slight bends on it, which result in people having difficulty seeing cars in time when pulling out of junctions, especially when those cars are speeding. Residents have raised concerns about coming out of driveways, coming out of Hartley Avenue and also coming out from the Kingmoor Park Nature Reserve;

- there are currently no pedestrian crossings over Kingmoor Road and residents currently have to risk the speeding traffic to cross the road. Although one of the conditions of the development requested by highways that the developer fund a crossing over the road, as yet there is no exact location identified for this. It is being suggested at the north end of Kingmoor Road towards Kingmoor South Nature Reserve. Residents are concerned, depending

upon its location, what the visibility will be like coming up to it, given the slight but significant bends in the road.

- if the pedestrian crossing is not appropriately positioned people will continue to cross the road in places which are not so safe for crossing. Although a crossing at the northern end will work for children going to Kingmoor schools and would link to the cycle route from Lowry Hill it is less likely to be a route of choice for people who are going to the shop / post office, pub and take away from St Ann's estate and for parents who wanted to take their children to the large playing field off Belah Road from Etterby Road, Gleneagles Drive or the proposed development areas. Furthermore, given the pressure on the school places at Kingmoor Infant and Junior school how are children going to safely walk or cycle to a school being proposed at Windsor Way?;

- Conservation, wildlife and biodiversity - the strong message coming from residents is what on earth are we doing allowing building upon a field which has such an array of plant and wildlife, quite unique in its area and right next to our local nature reserve?;

- the orchids for example may not be the rare types that can be protected by legislation, but I don't know anywhere else in our local vicinity that you can see over 80 orchids over summer in a field so close to many residents who can access them. Where else locally can residents look out of their windows and watch the deer in a field?;

- many of the trees are protected, including the avenue of trees lining the old driveway to the house on Deer Park, but what will happen to them once surrounded by houses. How will their roots be affected? What damage will happen to the trees with TPOs during building? How many of them will become damaged and will have to be chopped down?;

- other species on the site include goldfinches, badgers, bats, two or three species of orchid including northern marsh orchids, butterflies, fruit trees and bushes including blackberries, raspberries, apples, pears and sloes;

- how is the field used by the various species that inhabit it? Is the field part of a wildlife corridor that links wildlife here into Kingmoor Nature Reserve on the other side? Where will the creatures go that live there? This is a very different habitat from the adjacent nature reserve;

- what will happen to the honey bees nest that has been in the tree at the entrance to the field that has been there for several years and where if you look carefully you can see the honeycomb?;

- our knowledge and understanding have dramatically changed since the Local Plan was written back in 2015 and the land re-allocated for housing. We are facing the extinction of wildlife on an unprecedented scale and a huge loss of insect life, the pollinators that maintain our food crops, down to human activity and the loss of habitats as a result of human development - would like to see the council consider every development with this consideration. Of all the fields to pick for this development this more than so many others around Carlisle is hugely biodiverse;

- how is this development going to properly implement the net gain principle in the National Planning Policy Framework (Feb 2019) with regards to this development? Para 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment;
- although this may not be a “valued landscape”, this is absolutely a valued landscape for the local residents and those from further afield who have used that field over the years to get outdoors for exercise and recreation;
- the benefits to residents of this field (their local natural capital) are immeasurable in terms of the impact on their health and wellbeing - what this field gives that the nature reserves don't is open space and open skies;
- the developer mentioned moving some orchids to near the path to the north of the field - that land is dry and marsh orchids would not survive there - also how are the orchids going to be transplanted? Are the scale of the orchids mentioned within the reports on the field so that it can be seen where they are in order to a) protect them and b) safely move them?;
- Carlisle Local Plan (2015 – 2030) Policy GI3 is also relevant. “Biodiversity assets across the district will be protected and where possible enhanced”;
- a conservation expert at Friends of the Lake District considers that the obvious option would be for the field to the north to be enhanced for biodiversity (and protected from future development) to make a physical link between the two areas of the nature reserve. However, it already has planning approval for 71 houses;
- whatever green space is available in this new development is not going to compensate for the loss of the habitat as it is. Would question how net biodiversity gain, as required, can be achieved on the site itself or close enough to the area to mitigate for the impact of losing this field;
- if the development is to go ahead the maximum amount of conditions that can be imposed should be imposed to ensure that there are homes and habitats for bats, hedgehogs and other creatures that currently inhabit the field;
- Amenity - this field would seem to me to fulfil the definition of amenity as taken from the planning portal - the loss of this field to housing will destroy a valuable local amenity for the neighbourhood;
- this field is closest to the areas of Belah and Kingmoor ward which have the worst statistics for health and social factors. Also Belah was identified in the Carlisle Green Infrastructure Strategy (The Big Green City: The Green Infrastructure Strategy for Carlisle City and District, 2011) as being number six on the list of the 10 wards in the city with the least green infrastructure cover;
- this is a gem of a field that is within very easy walking distance for the residents in that area, where it is possible to get a sense of tranquillity and being “away from it all” even though you are close to houses;
- the site offers open space, trees and hedgerows and the opportunity to engage with nature and wildlife, see the stars and planets away from so much

light pollution and educate children about nature. Building houses on this field will take away an irreplaceable community asset;

- the developer talks about the development enhancing the area and creating a desirable place to live, but the very development will take away one of the key assets that makes the area a desirable place to live in the first place;

- would ask that all involved in making the decision for this field read all the objections that have been submitted - reading a summary of the report highlighting key issues raised is unlikely to capture the depth of feeling and the desire of the community to protect this field both for themselves and future generations;

- Impact on and availability of local services - where is it intended that children will go to school from this and the nearby approved development north of the industrial estate? Kingmoor Infants and Junior schools are currently oversubscribed and Stanwix School hasn't got the capacity to expand;

- when this development is built and if families move in straight away, where will their children be expected to attend school? Will they have to go to the not yet built but talked about school at Windsor Way? And if so how will they travel to school?;

- if the children from here attend Kingmoor schools, what areas in the ward will then have to send their children to the Windsor Way school and if so how will they get to that school?;

- what measures are going to be put in place to ensure that the option of walking and cycling to school is a safe and preferable option rather than parents needing to drive their children to school adding to congestion and pollution? This will require safe routes for children across Scotland Road both on foot and bicycle;

- also particularly important to consider are the routes for children coming from this estate to the secondary schools in the centre of Carlisle, Trinity and Richard Rose Academy. What provision is going to be put in place to enable a safe cycle route on the direct route that children will want to take, along Etterby Scaur and along Cavendish Terrace or the path below to Eden Bridge?;

- the developer is being required by highways to put a walking and cycling path in along the front of the estate which is great. But how do children and teenagers then safely get from there to Eden Bridge without needing to cycle on Kingmoor Road from Gleneagles Drive, the Etterby Scaur road and the bottom of Etterby Street? There is a potential route that could be developed about which I have spoken to County Council officers but there would need to be funding to enable that;

- if we are serious as a council about moving towards net zero as a city, which includes playing our part in facilitating a modal shift in how we travel I believe all these questions need to be answered and the infrastructure be ready to be set up and funded before we agree to this housing development going ahead;

- what is the impact of this development and the neighbouring planned estate on local health services? Is there the capacity within the system as it stands to



deal with the additional pressure on services?;

- Housing need - given there is the development on the next field out to the north of the industrial estate, this more than covers the allocation of houses that were suggested for the Deer Park field;

- if the developers genuinely want to provide Carlisle residents with some truly affordable housing for the area and care about enhancing the opportunities for people to live in a pleasant environment how about creating some properly affordable low level blocks of flats on the site on the footprint of the old house - this would leave the neighbourhood with its valuable community amenity and provide the residents wanting to live there with the opportunity to live in a beautiful piece of estate land and the major threat to biodiversity and the loss of a wildlife corridor to Kingmoor Nature Reserve would be removed;

- At odds with the Carlisle Local Plan and other planning documents

- the Public Right Of Way provides a direct route through the field enabling residents coming from the south end of the site to access Kingmoor Sidings Nature Reserve and everything should be done to protect this right of way;

- Carlisle Local Plan Policy GI5 Public Rights of Way states: "New development will be expected to ensure that all public footpaths, bridleways, cycleways and other rights of way are retained. Development proposals that would affect existing rights of way will not be permitted unless an alternative route is made available, or can be made available, which is safe, attractive, is well integrated with the existing network and is not significantly longer than the original route.";

- how long is significantly longer and how long is the diversion likely to be? The current footpath is 280 metres (according to the sign in the nature reserve as you enter it) Will the Kingmoor Sidings Nature Reserve still be accessible for those with mobility issues and limited in the distance they can walk, for example people coming from the Gleneagles Drive area, or in St Ann's?;

- Para 10.24 of the Local Plan states: "Only if it can be demonstrated to be impossible or impractical should the rerouting of a right of way be considered. When an alternative route is proposed as part of an application for new development, the application will only be approved once it is clear that the route has been (or will be) established, and that the route is safe, convenient, of similar or better quality to the original, well integrated with the development and its setting and not significantly longer than the original route.";

- what has the developer done to demonstrate that it is impossible or impractical to keep the existing route? Is it actually impossible for the developer to keep the path where it is? How will having a path through a housing development enhance the experience for users of that public footpath?;

- Carlisle Local Plan Policy GI3 states: "Biodiversity Assets across the District will be protected and, where possible, enhanced". The nature reserve is a priority habitat. Given that the field to the north of the site, which would have been the area with the scope for the protection of and enhancement of the Kingmoor Siding Nature Reserve by linking it with Kingmoor South Nature Reserve, is now being built upon, how is this development really going to do this?;

- potential site contamination - could a condition be put on that should the developer start work and find something within the process that stops it from happening, and if it becomes apparent that the development becomes unviable that they will cover the cost of restoration of the field, given what a precious community resource it is?;

- there is high confidence from a first-hand witness, a former railway worker at Kingmoor Sidings, that there is asbestos along the route of the public right of way in the field - it would be a real shame if the developer starts work and digs up the field, only to find some level of contamination from this or other industrial materials which prevented houses being built there;

- lack of meaningful engagement in the Local Plan process - it seems wholly unfair and wrong to me that, at the moment they learn that there is a planning application for houses and want to voice their objections, residents are told that they should have objected at the time of the local plan consultation;

- not one resident I have spoken was aware that the local plan process was either happening or that if they were, that it was advertised in such a way that they realised this was the time to object to the principle of building houses on this site. Had they known they would have actively objected then and would have raised awareness within their own community, as they are now currently doing;

- in the introduction to the Carlisle District Local Plan (p4) it states that "Active community involvement at each key stage of plan preparation has helped to mould the Plan ..... to ensure stakeholders and the community are engaged in the process." - from all of my discussions with residents I can categorically say that the community who value this field and community amenity and desperately want to protect it were not actively involved in this local plan process;

- hope that this is heard by the council and that it will see the unfairness in a system that has meant residents objections to the principle of building houses on Deer Park did not get voiced in the way that the system dictates because they did not know they could;

- has the decision already been made? – the developer seems to think so - there seems to be an assumption by the developer that planning permission for this development has already been granted. Do they know something that I and residents do not? That would seem to make a mockery of the planning process if it is all already agreed. They are already advertising this site on their website.

#### 4.4 One letter of support has been received which makes the following points:

- this new development is exactly what this area needs and will be fantastic;

- will allow new families to buy homes and input into the local community;

- Carlisle needs to grow and improve and this development looks like it will be a brilliant addition.

## 5. Summary of Consultation Responses

**Northern Gas Networks:** - no objections;

**Cumbria County Council - (Highway Authority - Footpaths):** - a PROW runs across the site and would need to be diverted - requested some funding for upgrading of nearby public footpaths;

**The Ramblers:** - no comments received;

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to conditions (construction details of roads/ footways/ cycleways and ramps; details of the crossing on Kingmoor Road; construction details of driveways; no other vehicular access to the site; linking of footways and cycleways to nearest footway/ cycleway; submission of Construction Traffic Management Plan for approval; submission and approval of surface water drainage scheme and Construction Surface Water Management Plan);

**Local Environment, Waste Services:** - no objection in principle - would like to see waste container collection points for all the areas with private shared driveways;

**Local Environment - Environmental Protection:** - should limit the permitted hours of work; need mitigation measures to deal with noise, vibrations and dust; note reports and findings of the Geotechnical Report submitted with the application - need a further report and need to agree a remediation strategy; need conditions in relation to remediation and unexpected contamination; developer needs to provide at-least one electric charging point per dwelling and rapid charging points in communal areas;

Additional comments were submitted following an objection from DRS, which has requested that noise level measurements should 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 should be reported to and approved in writing by the Local Planning Authority;

**Health & Wellbeing:** - require contributions for offsite open space (£22,364); offsite play provision (£27,409), offsite sports pitches (£15,561) and upgrading the permissive path (£3,500). Need to establish suitable boundary fence to the nature reserve to prevent unauthorized access from the open spaces and back gardens. Need to assess the trees within the nature reserve in relation to having them protected where they overhang the development;

**Planning - Access Officer:** - no objections at this time;

**Cumbria Constabulary - North Area Community Safety Unit:** - revision has significant benefits to previous scheme. Large areas of unsupervised space have become private curtilage. SUDS pond is better supervised. Obvious

definition of front curtilages should be implemented. Has concerns about the lack of overlooking of sections of the PROW;

**Natural England:** - as surface and foul drainage is to go to a sewer there is unlikely to be any negative impact on the River Eden SSSI/SAC. Further bat surveys and GCN surveys are required as referred to in the ecology report. The proposal gives opportunities for delivering net gain. The proposal should also look to implement high quality green infrastructure.

Following the receipt of additional surveys the updated ecology report recommends further detailed bat surveys; enhancing the bat foraging corridors along the western and southern boundaries; wildlife sensitive lighting; bat box provision; and an additional red squirrel survey prior to any tree removal - these measures should be secured through planning conditions;

**Cumbria County Council - (Archaeological Services):** - the applicant has commissioned an archaeological evaluation of the site which indicates that there is a very low potential for archaeological assets to be disturbed by the development and no further archaeological work is required on site;

**Direct Rail Services:** - objects to the proposals for the following reasons:

- operate a 24 hour depot and this might be a cause for concern for the proposed residents - cannot see any evidence that a noise and pollution assessment has been carried out by a specialist consultant in this field;

- in the winter months, locomotives requiring idling/ warm up on a continuing basis of around 3 to 4 hours, 2 to 3 times a day and this generates a significant amount of low frequency noise - measured one of the loudest locomotives from approx 100m away and got a noise reading of 98.1db - aware that the proposed development will be next to a nature reserve which may create a sound barrier but need to see evidence of how effective this would be;

- in line with national policy guidance, the applicant needs to identify the effects of existing businesses that may cause a nuisance - DRS propose that a noise, vibration, emissions and pollution assessment should be undertaken;

- there is no evidence that Network Rail has been consulted which is required as the railway line operated by them is close to the proposed development;

- DRS are considering expansion of the depot engineering shed which will turn the light maintenance depot into a heavy overhaul depot which will create added noise - this needs to be taken into account.

**United Utilities:** - no objections subject to conditions (surface water; foul water);

**Cumbria County Council - Development Management:** - estimated that the proposed development would yield 29 children: 7 infant, 10 junior and 12 secondary pupils. There are insufficient places available in the infant

catchment school of Kingmoor to accommodate all of the infant pupil yield from this development; leaving a shortfall of 2 places. No spaces are available in the catchment junior school of Kingmoor to accommodate the yield of 10 places. Therefore a contribution is required for 2 infant places and 10 junior places  $12 \times £17,829 = £213,948$ . Trinity Academy is already oversubscribed and cannot accommodate any further pupils. Therefore, an education contribution of £294,648 ( $12 \times £24,554$ ) is sought for secondary school places.

## **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) and Policies SP2, SP5, SP6, HO1, HO4, IP1, IP2, IP3, IP4, IP6, IP8, CC4, CC5, CM2, CM4, GI3, GI4, GI5 and GI6 of The Carlisle District Local Plan 2015-2030. 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 proposal raises the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 6.4 The site is allocated for housing in the Carlisle District Local Plan 2015-2030 (Policy H01 - Site U16) and the proposal to erect 80 dwellings on the site would, therefore, be acceptable in principle.
- 6.5 The site was allocated for mixed use development in the Carlisle District Local Plan 2001-2016 which was adopted in September 2008. This would have allowed the site to be developed for either housing or commercial use.
- 6.6 A number of objectors have stated that they were not aware that the site has been allocated for housing. It has, however, been identified as a development site since 2004 and extensive public consultation was undertaken (including articles in the press, public exhibitions and information sent to every household in the District) prior to the adoption of both Local Plans.
- 6.7 A number of objectors consider that the site should be de-allocated as a housing site but this can only be done through a review of the Local Plan. Allocating a site for housing through the Local Plan process gives certainty to developers that the principle of housing is acceptable on a site. This gives them the confidence to invest large sums of money in undertaking site

surveys (transport assessments, ground investigation reports, tree surveys, ecological surveys, great crested newt surveys, bat surveys, Flood Risk Assessment), commissioning architects to draw up plans and paying the planning fee (which was £27,827 for this application).

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

- 6.8 The site covers an area of 3.51 hectares and the proposal is seeking to erect 80 dwellings on the site. This equates to a density of 22.8 dwellings per hectare which is low density. The adopted Local Plan gives an indicative yield of 100 dwellings for this site. The initial scheme that the applicant submitted to the Council as part of a pre-application enquiry showed 99 dwellings on the site. This scheme has been amended due to a number of constraints on the site.
- 6.9 Vehicular access to the site is proposed from a priority controlled junction with Kingmoor Road with visibility splays of 2.4m by 45m in each direction being provided. This road would vary in width from 5.5m to 4.8m and would have a 2m footpath to one side. This road would provide access to 77 of the dwellings via two shared surface roads and three private shared drives, with 3 of the dwellings at the northern end of the site having direct access onto Kingmoor Road. An emergency access would also be provided onto Kingmoor Road, the use of which would be controlled by bollards.
- 6.10 A 3m wide footpath/ cycleway would be provided along Kingmoor Road from the southern end of the site, near Gleneagles Drive, to the northern end of the site. At the southern end of the site the footpath would be set back behind some protected trees that are to be retained. An additional footpath would be provided along the avenue of protected lime trees, which are to be retained. This would link (via a shared surface road) to the public footpath that runs along the northern site boundary. This footpath would replace the existing Public Right of Way that runs through the site. A group of protected trees that lie to the west of the avenue of lime trees would also be retained.
- 6.11 A SUDS pond would be provided in the south-west corner of the site and this would take the surface water from the development. An area of open space would be provided to the west of the SUDS pond and a number of the orchards that currently exist on the site would be relocated to this area.
- 6.12 The development would contain seventeen different house types and these would include 13 two-bedroom semi-detached starter homes, 26 three-bedroom semi-detached properties, 21 three-bedroom detached properties and 20 four-bedroom detached properties. The size of the dwellings would range from 60.5sq m to 108.5sq m.
- 6.13 The dwellings would be constructed of a red multi brick, under a flat dark grey concrete tiled roof. Windows, fascias and soffits would be white upvc with rainwater goods being black upvc.
- 6.14 The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of: brick sills

and lintels; brick quoins; open porches; bay windows; two-storey projecting gables; single-storey projections; pitched roof dormer windows; with some dwellings having integral garages, attached garages or detached garages.

- 6.15 The Council's Affordable and Specialist Housing Supplementary Planning Document recommends that developments of between 50 and 100 dwellings should provide 5% of the dwellings as bungalows or as suitable adaptable properties which meet the needs of an ageing population.
- 6.16 Gleeson is a niche house builder that specialises in the provision of low cost housing for those on low incomes with a core aim of getting people out of housing poverty and the 'rental trap' and into home ownership. The company is proud of its average selling price which currently sits at £128,900 (November 2019) across their entire range which includes 4 bed detached properties. 87% of purchasers are first time buyers, with an average age of 31 (and over 81% of purchasers are under the age of 35) and an average household income of £32,400.
- 6.17 In order to be able to provide low cost homes, Gleeson has to maintain an efficient and economical operation, and this extends to land values. Bungalows are inherently 'land hungry' and would be economically prohibitive to bring forward in a Gleeson development. The SPD notes that bungalows achieve greater values than dwellings but this runs completely at odds to the ethos of the Gleeson business which, as set out above, is all about providing low cost housing for low income families to get their foot on the housing ladder. The majority of developers would be able to provide bungalows as part of their development and recoup the 'loss' through increasing the asking price, but this doesn't work for a Gleeson development.
- 6.18 Gleeson considers that its proposals are consistent with the desires of the SPD, as it provides a product which is financially beneficial for an occupier over even social housing rental prices and so is attractive and effective in allowing social housing tenants to move out of their rented accommodation and into home ownership, freeing up the rental property for those who truly need it. This can be particularly helpful in the case of more limited accommodation types, such as bungalows, where tenants may be residing in inappropriate accommodation which can then be freed up for those requiring it.
- 6.19 Gleeson does offer, as part of its 'Community Matters' initiative, a 'Design for Disability' policy which provides free of charge alterations to dwellings to cater for those with specific identified needs. This policy would facilitate the provision of specialist hardware such as chair lifts, but not the installation of such hardware.
- 6.20 On balance, it is considered that the benefits of low cost housing which would be delivered by the proposal would outweigh the none provision of bungalows within the development.
- 6.21 In light of the above, the layout, scale and design of the proposed development would be acceptable.

### 3. Impact Of The Proposal On The Living Conditions Of The Occupiers Of

## Any Neighbouring Properties

- 6.22 The application site lies adjacent to residential properties on St Pierre Avenue, which lies to the south and Kingmoor Road, which lies to the west. There would be a minimum separation distance of 33m between the proposed dwellings and the existing dwellings on St Pierre Avenue and a belt of trees would lie on the boundary between the existing and proposed dwellings.
- 6.23 A number of the proposed dwellings that would face Kingmoor Road would be orientated so that do not directly face the existing dwellings on Kingmoor Road or would lie to the rear of existing trees which are to be retained. Plots 17 to 25 would have elevations directly facing the existing dwellings on Kingmoor Road. Plot 22 would have a side elevation 20m from the front elevation of a property on Kingmoor Road but this would only contain a bedroom window at first floor level, with all other plots being a minimum of 25m away from the existing dwellings.
- 6.24 The separation distances proposed would comply with the Council's separation distances (21m between primary facing windows and 12m between primary windows and blank gables) set out in the Council's Achieving Well Design Housing SPD.

## 4. Provision Of Affordable Housing

- 6.25 In July 2018 the NPPF was revised to include a revised and expanded definition of Affordable Housing, which includes the following:  
“d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.” This definition was included once more in the NPPF published in February 2019.
- 6.26 Gleeson has been delivering a product very closely aligned to the new definition of ‘other low cost homes for sale’ for a number of years. The proposals for the application site are to sell a minimum of 30% of properties on the development at prices that are 20% below local market levels. At least 13 two-bed semi detached dwellings (15% of the entire development) would be sold for no more than £109,995 (sold with parking space but not a garage). The average sale price of a semi-detached home within one mile of the site is £169,849 (Land Registry Data 21st November 2019) - the Land Registry data does not specify the bedroom size. Gleeson's two-bed semi-detached dwellings that make up 15% of the total development would be 35% below the local market value.



- 6.27 At least 13 three-bed semi-detached dwellings (15% of the entire development) would be sold at no more than £135,879 (sold with parking space but not a garage). The average sale price of a semi-detached home within one mile of the site is £169,849 (Land Registry Data 21st November 2019). Gleeson's three-bed semi-detached properties that make up 34% of the total development would be 20% below the local market value.
- 6.28 Gleeson is happy to give nomination rights on these dwellings to the council. Upon the initial sale, the properties would be made available to applicants on the Council's Low Cost Housing Register (for one month exclusively) before being made available to the general public.
- 6.29 In light of the above, at least 20% of the development would be affordable homes (in accordance with the NPPF definition) with a mix of two and three-bed properties being provided. The prices would be reviewed each year with an allowance to increase in line with the percentage increase in the national living wage in the same period. These prices would exclude garages and any 'purchaser extras' which would be over and above the discounted price. Such provisions would be covered within a S106 agreement.

## 5. Highway Matters

- 6.30 The application is accompanied by a Transport Statement, which has been prepared in accordance with recognised guidance and pre-application advice from Cumbria County Council. It concludes that:
- the site has been demonstrated to be accessible on foot, by bicycle and by public transport;
  - a review of the historical collision data has demonstrated that there are no existing accident blackspots in the vicinity of the site and no safety concerns related to the operation of a priority controlled junction on this section of Kingmoor Road;
  - based on the findings of the trip generation analysis, there is no reason to believe that highway safety would be worsened as a result of the development;
  - the design of the proposed site access junction and internal road layout accord with the County Council's design guidance;
  - car parking has been provided in accordance with the Highway Authority's pre-application advice;
  - an AutoTrack assessment has demonstrated that the site can be safely serviced using an 11.2m refuse vehicle;
  - from a review of the traffic generation of the site, the proposed development would have no material impact upon the safe and efficient operation of the surrounding highway network;
  - the proposed Kingmoor Road site access junction has been demonstrated to operate well within capacity.
- 6.31 An issue previously stated was associated with the main vehicular access into the development and its junction radii. Following detailed discussions with the developer and the submission of a revised block plan, the junction radii of 6m has been confirmed. This is acceptable to the Highway Authority and in line

with the requirements of the Cumbria Development Design Guide. As part of the revised site plan plots 22 to 24 have direct access off Kingmoor Road. Following on from previous comments the applicant has demonstrated that each vehicular access has visibility splays of 2.4m x 90m which is acceptable to the Highway Authority.

- 6.32 For the scale of the development, an Emergency Vehicle Access (EVA) onto Kingmoor Road is required and this is being provided between plots 21 and 25. The visibility splays for the EVA are 2.4m x 45m in line with the requirements of the Cumbria Development Design Guide. In previous iterations of the visibility splays the hedge line next to the EVA was an issue, but this has since been removed and is therefore acceptable.
- 6.33 The applicant has demonstrated that a 3m wide footway / cycleway is to be provided along the boundary of the development with Kingmoor Road. A pedestrian crossing point is to be provided along Kingmoor Road and this would be funded by the applicant and secured through a condition. The exact location of the pedestrian crossing would be determined at a later date following further detailed investigations to determine the most suitable location.
- 6.34 Traffic calming is also required within the development to restrict the ability of vehicles to exceed speed limits and should also provide additional benefits (i.e. crossing points). This is to be achieved through shared surface areas being reached by a ramp and speed tables throughout the development. It is also not stated within the suite of documents submitted as part of this application what the property driveways will be formed of. It is a requirement that they are formed of a bound material and not loose chippings or gravel. The issues noted above have not been clarified by the applicant within the revised site plans. However, this is to be addressed as part of detailed design submission, along with construction details etc. which will be required for the design check for the Section 38 Agreement and secured through planning conditions.
- 6.35 The car parking provision associated with each dwelling within the development has been submitted by the applicant. The car parking provision proposed for each dwelling is acceptable to the Highways Authority as it meets the requirements of the Cumbria Development Design Guide with all spaces 2.4m x 5m in diameter. As noted within previous responses to this application, the private shared driveways will require bin collection points that are not located in the highway extent. This issue has been rectified within the revised block plan and is therefore acceptable to the Highway Authority. The applicant should note that long sections, construction details, engineering layouts showing road lighting and highway drainage will be required to progress a Section 38 Agreement. All these will be required as the scheme progresses, as will a Stage 1/2 Road Safety Audit.
- 6.36 In light of the above, the Highway Authority has no objections to the proposal subject to the imposition of conditions (construction details of roads/ footways/ cycleways and ramps; details of the crossing on Kingmoor Road; construction details of driveways; no other vehicular access to the site; linking

of footways and cycleways to nearest footway/ cycleway; submission of Construction Traffic Management Plan for approval).

## 6. Drainage Issues

- 6.37 The applicant has submitted a Flood Risk Assessment and Drainage Strategy (FRA) which details the drainage principles associated with the development. The applicant has stated within the FRA that the proposed surface water discharge is to be into the combined sewer to the west of the site. This is because it has been deemed by the applicant that discharge via infiltration is unfeasible on site and there are no available watercourses within the vicinity of the site.
- 6.38 It is expected that the applicant works through the hierarchy of drainage options as stated within the Cumbria Development Design Guide. As such the first option to be explored for the discharge of surface water is via infiltration. A series of valid infiltration tests across the development site in accordance with the BRE 365 method have been undertaken by the applicant and the results submitted to the LLFA within a geo-environmental report for comment. It is stated within this document that 3 trial pits were constructed across the site in accordance with the BRE 365 method which concluded that infiltration is not a valid method of surface water discharge for the development. The LLFA agrees with this conclusion; and with no ordinary watercourses within the vicinity of the development site, surface water discharge into the combined sewer is acceptable in principle.
- 6.39 The greenfield runoff rate calculated for the site is 19l/s and this is proposed to be the discharge rate for the site controlled via a hydro brake. It is also stated that attenuation is to be provided on site to accommodate a 1 in 100 year plus 40% (to account for climate change) storm event. The principles stated above regarding the discharge rate being equal to the greenfield runoff rate and the attenuation volume to be designed into the drainage network are acceptable to the LLFA. The detailed micro drainage calculations submitted by the applicant illustrate that the drainage network can accommodate a 1 in 100 year plus 40% (to account for climate change) storm event without increasing flood risk on site or downstream of the development.
- 6.40 A detailed drainage design with built ground levels has not been submitted which correlates to the Micro Drainage calculations. For clarity, the attenuation on site is to be provided through a series of rain gardens, permeable paving, attenuation ponds and swales, not a predominantly piped system leading into an attenuation pond. It is the preference of the LLFA that drainage features are not piped but are surface features which are easily maintainable and provide additional biodiversity benefits. It is deemed that the applicant can provide this information at a later stage of the planning process and this can be secured through the use of planning conditions.
- 6.41 In light of the above, the LLFA has no objections to the proposals subject to the imposition of a number of conditions (surface water drainage scheme; submission of a Construction Surface Water Management Plan).
- 6.42 United Utilities has been consulted on the application. It has reviewed the FRA and Drainage Strategy and has confirmed that the proposals are acceptable in principle. United Utilities has requested conditions are added to the permission which require the submission of a surface water drainage

scheme and a sustainable drainage management and maintenance plan for the lifetime of the development, both of which would need to be approved by the LPA.

## 7. Open Space Provision

- 6.43 The proposal should provide 0.89 Ha of open space to maintain the Local Plan target of 3.6Ha/'000. The plan provides 0.49 Ha of open space leaving a deficit of 0.40 Ha (45%). The proposal provides links to other open spaces which would contribute to this deficit, subject to a contribution for the upgrading and maintenance of open space within the ward of £22,364 (45% of total contribution) and this would be secured through a S106 Legal Agreement.
- 6.44 There is no provision for a play area on site and the development is too small to have its own dedicated play area. An offsite contribution is, therefore, required, to maintain and improve existing play provision within the local ward, which is accessible from the development. Based on the size of the development (247 bedrooms) a contribution of £27,409 is required and this would be secured through a S106 Legal Agreement.
- 6.45 There is no provision for sports pitches on site and no scope to do this. Therefore, a contribution to improve existing off-site sports and recreation provision within the District is required. Based on the size of the development a contribution of £15,561 is required and this would be secured through a S106 Legal Agreement.
- 6.46 The developer would be required to ensure appropriate measures are put in place for the management of any new open space provided within this development. The future maintenance of the open space within the development would be secured through a S106 Legal Agreement.
- 6.47 The pedestrian and cycle links through the site and on to the play area at Gleneagles Drive and open spaces on the Kingmoor Sidings Nature Reserve, Kingmoor South Nature Reserve and Briar Bank Field open space are improved and suitable. The existing Public Right of Way is being re-routed to link up with the existing link to the Kingmoor Nature reserves.
- 6.48 In light of the above, the proposed level of open space in the site would be acceptable, together with financial contributions to improve existing open space, play areas and sports pitches in the area.

## 8. Public Rights of Way/ Footpaths

- 6.49 A Public Right of Way (FP109397) currently crosses the site. It starts in the south-east corner of the site and provides access to Kingmoor Nature Reserve. A permissive path, which is on land owned by the City Council, runs to the north of the site and this provides a link from Kingmoor Road into the nature reserve.
- 6.50 The proposed plans retain a PROW through the site but alter the alignment. The route would start in the south-east corner of the site and would run along the eastern side of the site near to Kingmoor Road before passing through the avenue of lime trees. It would then link into the permissive path that runs to the north of the site via a shared surface road and a landscape strip which

is in City Council ownership.

- 6.51 The County Council has been consulted on the application and is happy with the proposed new route of the PROW. It has, however, requested that the permissive path that the PROW would link to should be dedicated as a PROW so that it can be suitably maintained as a part of the network. The Health & Well Being Manager has no objections to the permissive path becoming a PROW and if the application is approved this would need to happen along with the diversion of the existing PROW. The applicant has agreed to pay £3,500 to upgrade this footpath and this will be secured through a S106 Legal Agreement.
- 6.52 At present there are a number of informal paths across the site, which are not identified as PROWs and there is no legal requirement to retain these. There are currently three entrances into the nature reserve from the application site and the Health & Wellbeing Manager supports the removal of these and creation of a single footpath link into the nature reserve.

## 9. Education

- 6.53 It is estimated that the proposed development would yield 29 children: 7 infant, 10 junior and 12 secondary pupils for the schools.
- 6.54 The site is in the catchment areas of Kingmoor Infant and Kingmoor Junior Schools (1.5 miles) and Trinity Secondary Academy School (1.8 miles). The only other primary school within the walking threshold is Stanwix School (1 mile) and the next nearest secondary school is Central Academy (1.94 miles).
- 6.55 There are insufficient places available in the infant catchment school of Kingmoor to accommodate all of the infant pupil yield from this development, leaving a shortfall of 2 places. No spaces are available in the catchment junior school of Kingmoor to accommodate the yield of 10 places. Therefore, a contribution of £213,948 is required for 2 infant places and 10 junior places (12 x £17,829).
- 6.56 The multiplier is £14,500 as at September 2015 and adjusted using the BCIS Public Sector North West TPI. The Education Authority would require the contribution to be provided prior to occupation of any dwellings and this approach is consistent with what has been agreed in relation to other developments in north Carlisle which include the Story development at Greymoorthill (14/0761), the Persimmon development at Windsor Way (14/0778), the Kingmoor Park Properties development at Harker Industrial Estate (15/0812) and the Gleeson development at Greymoorthill (18/1142). It is important to note that the multiplier and timing of the contributions has been accepted by a Planning Inspector as part of the appeal decision for the development at Harker Industrial Estate (15/0812) & (App/E0915/W/3179674).
- 6.57 Trinity Academy is already oversubscribed and cannot accommodate any further pupils. When all housing developments are taken in to account none of the secondary schools in the Carlisle area can accommodate the additional

children. Therefore, an education contribution of £294,648 (12 x £24,554) is required. The multiplier used is the £18,188 figure referenced in the County Council's Planning Obligations Policy (2013) index linked using the BCIS All in Tender Price Indexation.

- 6.58 As there are both primary and secondary schools within the statutory walking distances, subject to the above contributions being provided, no contribution is sought for primary or secondary school transport.

## 10. Biodiversity

- 6.59 The application is accompanied by an Ecological Appraisal of the site. An Extended Phase 1 Habitat Survey of the study area was undertaken in June 2019. The site's habitats were mapped and plant species were recorded. The site is dominated by poor semi-improved grassland derived from the historical management of Deer Park House and its grounds.
- 6.60 In the lower lying south western part of the site an area of semi-improved grassland is present and this area has greater species diversity than other parts of the site, including marsh orchid hybrids. In the central/ northern part of the site a mosaic of habitats are present dominated by mature plantation woodland. An avenue of mature lime trees extends from the eastern boundary of the site towards the location of the former dwelling and this formed the formal driveway to the house. A number of trees are located to the west of the lime trees and this area also contains the former foundations of the dwelling together with several large mounds of rubble and spoil. Other small groups of trees are located along the eastern site boundary, including a group in the south-east corner of the site and a group to the south of the lime trees, with further trees lying just beyond the northern site boundary. A hedge runs along the eastern site boundary adjacent to Kingmoor Road.
- 6.61 During the Phase 1 Habitat Survey additional surveys were undertaken where appropriate to establish the presence of protected species. A badger survey was undertaken of the site. No setts were found on site and no sign of badger activity was found on the site or along the site boundaries.
- 6.62 Trees were inspected for potential opportunities that may be of value to bats and some trees were identified as having bat roost potential. Some trees are considered to have moderate to high potential for roosting bats and this potential is significantly enhanced by the habitats on site and the proximity of high quality bat foraging habitats which extends into the wider landscape for considerable distances.
- 6.63 Trees were also inspected for dreys and checks were made for feeding remains of red squirrels. The survey did not locate any feeding remains of red squirrels and there was no evidence of red squirrel dreys although visibility in many areas was significantly reduced by dense leaf cover. Several sightings of grey squirrel were made.
- 6.64 The report makes a number of recommendations which are summarised below:
- the development should aim to retain as much woodland/ mature trees and

boundary hedgerow as possible;

- the development should aim to maximise an undeveloped buffer along the western and southern site boundaries;

- the hedgerows affected by the development are species poor and do not qualify as important hedgerows under the Hedgerow Regs. Any lengths of hedgerow lost must be replaced by new native hedgerows;

- there are no issues in relation to badgers;

- removal of woodland/ trees/ scrub/ hedgerows should take place outside the bird breeding season otherwise checks should be made to establish any nesting or breeding activity prior to the removal of suitable habitat. Following the felling of trees/ scrub piles of brash should be removed from the site;

- further surveys for feeding remains and dreys for red squirrels need to be repeated when trees are dormant and without leaf cover;

- a daytime bat roost assessment is required of all trees affected by the development. This must be undertaken when trees are dormant and without leaf cover. Any trees that require further detailed inspection will be identified for inspection by a licensed bat handler;

- additional native hedge planting should be incorporated into the sites landscaping where possible;

- lighting of the site's woodland/ tree lined/ hedge boundaries must be avoided. Where lighting is required this must be low level, directed downwards and low intensity;

- significant provision for bats should be made within the development using artificial bat roosts (within properties and trees);

- Great Crested Newt (GCN) surveys need to be undertaken to establish the location of viable GCN breeding locations within 250m of the site.

6.65 A further Ecological Surveys & Assessments Report was undertaken in March 2020, in relation to bats, red squirrels and great crested newts. In relation to bats, the survey identified 10 trees as having bat roost potential which will require further more detailed inspections by a licenced bat handler. Following these inspections further recommendations will be made. In relation to red squirrels, the latest survey failed to detect the presence of the species on the site. One drey was located in woodland within the centre of the site but it is not possible to differentiate between grey and red squirrel dreys. The survey for dreys needs to be repeated before construction starts on site and before any trees are removed.

6.66 The Great Crested Newt (GCN) Survey revealed the presence of 4 water bodies within terrestrial range of the species in relation to the site and at least 3 of these have historical records of supporting GCNs. A GCN Survey was undertaken in May 2020. Three ponds and a ditch were surveyed. GCN are absent beyond reasonable doubt from Pond 1 (58 west of the site), Pond 2 (100m north of the site) and Ditch 1 (162m to 400m north of the site). There are, therefore, no water bodies within 250m of the site currently supporting

GCN.

- 6.67 Pond 3 is the only pond supporting GCN. This pond is over 300m away from the site at its nearest point which is beyond distances considered to present acceptable risk to the species. In addition, this pond is immediately surrounded by extensive and very high quality optimum GCN terrestrial habitat, including mature woodland. It has been shown by Natural England that where such habitat exists around ponds the vast majority of the GCN population is likely to be contained within 100m of the pond.
- 6.68 In light of the above, it is unlikely that GCN are present anywhere within the proposed development site and, therefore, no further action is required in respect of GCN in relation to the development of the site.
- 6.69 Pennine Ecological was commissioned to undertake additional investigations of the 10 trees that were identified as being suitable for bats. It concluded that three of the surveyed trees (T1, T2 and T6) pertain to 'Moderate' bat roost suitability. Therefore, it is recommended that two dusk and/or dawn emergence/re-entry surveys are conducted during the active season of bats (May - August) in order to establish if the trees are being used by bats, and if so identify the species, abundance, roost locations and flight lines following emergence/re-entry.
- 6.70 Pennine Ecological was re-commissioned to undertake the dusk bat surveys and these were carried out in June and July 2020. These found that T1 is being used by two Soprano Pipistrelle bats and T6 by one Soprano Pipistrelle for roosting purposes.
- 6.71 To ensure that bats are not left without a roost while the work takes place two Schwegler 1FF bat boxes (or suitable equivalent) will be erected on suitable trees in close proximity to T1 and T6 respectively; if this is not possible, pole-mounted boxes will be required. The receptor bat boxes will act as receiver boxes if bats have to be captured by hand and relocated to them by the ecologist during the work schedule; they will be retained permanently post-development to provide a long term roost opportunity for bats.
- 6.72 Prior to felling being undertaken the presence/absence of bats (as far as is possible) will be established by the arborist undertaking detailed investigation of each section identified as holding potential for roosting bats under supervision from the ground by the Ecologist. A minimum of 10 bat boxes will be erected on trees in proximity to those trees which have been felled. Furthermore, additional new roost provision can also be incorporated into the design of the proposed new dwellings. Landscaping on the site should include native tree planting to include the creation of linear features, particularly along the eastern border and central area of the site.
- 6.73 Natural England has been consulted on the application. As surface and foul drainage is to go to a sewer and there is no hydrological link it is unlikely there will be any negative water quality impact on the River Eden SSSI/SAC. The proposal gives opportunities for delivering net gain particularly due to the presence of quality habitat adjacent and the opportunity for enhancing the ecological network. The recommendations in the updated ecology report should be secured by condition (detailed bat survey; enhancing bat foraging corridors along the western and southern boundaries; wildlife sensitive



lighting; bat box provision; additional red squirrel survey prior to tree removal). Natural England has also been consulted on the follow up GCN report and bat reports and referred back to its previous advice.

- 6.74 An objector has e-mailed Members of the Planning Committee to raise concerns about the ecological reports undertaken to date. This includes a statement from Dr Simon Pickering which notes that a preliminary Ecological Report was undertaken in June 2019 with a second follow up report on bats, red squirrel and great crested newts being undertaken in March 2020. He notes that both these reports are technically inadequate in order for the planning application to be determined and if the Council were to rely on these he considers that there is a high risk of a successful legal challenge on the grounds that there is no evidence as to whether protected species (bats and GCNs) are or are not present on this site. This is because appropriate surveys have not yet been carried out. The second report clearly states that further bat and GCN surveys are required and there is no evidence that such surveys have been carried out and submitted to the Council.
- 6.75 Additional surveys on GCNs and bats have actually been carried out. The GCN report was submitted in June 2020 with two new bat reports being submitted on 7th September. Natural England has been consulted on these additional reports and has raised no concerns.
- 6.76 Objectors have raised concerns about the impact of the proposals on orchids (hybrid marsh orchid and common spotted orchid) which are present on the site, particularly in the south east corner. These are not protected species but the applicant is proposing to relocate them around the proposed SUDS pond and to an area at the northern end of the site. Objectors have questioned relocating the marsh orchids to the northern end of the site which is drier than the south-east section but the applicant's ecologist considers that the ground conditions at the northern end of the site are suitable for marsh orchids.
- 6.77 Objectors have also made reference to deer using the site. Deer are not, however, a protected species. Objectors have also made reference to honey bees using one of the trees on the site that is to be removed but honey bees are not a protected species. The applicant's ecologist has advised that it would be very difficult for the bees to be manually re-homed due to being located within a hollow of a tree. There are a limited number of honey bees active in a nest during winter season and he has suggested the best thing to do would be to leave parts of the felled tree in situ for a period of time and let the bees leave on their own accord.
- 6.78 Objectors have made reference to biodiversity net gain. This is not, however, currently policy although there is a requirement to provide mitigation. Whilst this application would lead to the loss of some trees and hedgerows, new trees and hedgerows would be planted to mitigate for their loss. The orchids that are currently present on the site would be translocated to new areas within or adjacent the site. Bat boxes and bird boxes would be provided within the site. Once the gardens become established and flowers and trees are planted they would contribute to the biodiversity of the site.
- 6.79 The Health & Wellbeing Manager has stated that the boundary treatment

between the nature reserve and the development needs to be improved to prevent multiple access points from the open space and back gardens. Conditions have been added to the permission which require the submission of landscaping details and boundary treatment for approval by the LPA.

- 6.80 The SUDS uses existing United Utilities systems to outflow to and, therefore, doesn't affect Kingmoor Nature reserve. The SUDS pond would provide some biodiversity enhancements within the site.
- 6.81 In light of the above, the proposal would not have an adverse impact on biodiversity subject to the imposition of a number of conditions (retention and protection of a number of existing trees; additional landscaping (including trees and hedgerows); wildlife enhancement measures; external lighting and relocation of orchids). Informatives have been added to require bat and red squirrel surveys prior to tree removal and to protect breeding birds.

#### 11. Impact On Trees/ Hedges

- 6.82 The site contains a number of trees (a number of which are the subject of a Tree Preservation Order(TPO)) and a tree survey has been submitted with the application.
- 6.83 The avenue of lime trees that formed the driveway to Deer Park House are protected by a TPO and these trees would be retained. A group of trees, which are also protected, lie to the west of these and these would also be retained, with the exception of two trees (an ash and a horse chestnut) which are identified as trees unsuitable for retention (Category U).
- 6.84 There are four mature trees in the southern corner of the site which are also subject to a TPO. Two of these would be retained, with two being removed. The trees to be removed are both ash trees which have major decay and which as a consequence have been identified as unsuitable for retention (with one being identified as a tree which should be felled as a matter of urgency). The layout plan also shows other mature trees that lie adjacent to Kingmoor Road, to the south of the avenue of lime trees, being retained with the exception of one horse chestnut which is identified as a tree of low quality. Existing trees that adjoin the footpath that runs along the northern site boundary would also be retained. A group of trees that lie within the northern section of the site would be removed but none of these are protected trees.
- 6.85 A belt of trees adjoins the site to the south, with trees in the nature reserve adjoining the site to the west and these would both be adjoined by the gardens of the proposed dwellings. New hedgerows would be planted along the southern site boundary. There are some significant trees within the nature reserve adjacent to the development and these should be assessed to see if any are worthy of a TPO.
- 6.86 A hedge runs along the majority of the eastern site boundary. A large section of this would need to be relocated to accommodate the 3m footway/ cycleway that is proposed along Kingmoor Road. Additional hedgerows would be planted within the site (particularly along the southern site boundaries) to enhance the biodiversity of the site and these would be secured by condition.

- 6.87 Footpaths, drives/parking areas, fences and gardens would be located within the Root Protection Areas (RPAs) of trees to be retained. The applicant has submitted an Arboriculture Method Statement, which sets out the methodology for works within the RPAs of the existing trees. A plan has also been submitted which shows the construction details of roads and footpaths within the RPAs of existing trees. Conditions will ensure that the works in the RPAs are undertaken in strict accordance with the Method Statement. A condition also requires the applicant to submit details of the location and specification of tree protection fencing which would be need to be installed prior to construction works starting on site.
- 6.88 In light of the above, the proposal would not have any adverse impact on the existing trees.

## 12. Crime Prevention

- 6.89 The Crime Prevention Officer (CPO) raised a number of concerns about the layout as originally submitted. His concerns predominantly related to the lack of direct supervision of the public open space, the woodland path and the SUDS pond and the presence of open space to rear of a number of properties.
- 6.90 The site layout has been amended a number of times and the CPO considers it is now a significant improvement on the initial site layout. The removal of the additional link into the nature reserve is supported; the incorporation of large areas of unsupervised open space into private gardens is welcomed; and the SUDS ponds is better overlooked.
- 6.91 The CPO still has concerns about the PROW that invites access to non-residents to reach the adjacent Kingmoor Sidings Nature Reserve or vice-versa. It enters the development at the south east corner of the development and the closest dwelling (Unit 80) presents a blank gable towards the footpath. The route then passes to the rear of Units 1, 2, 3 and 7 and the Crime Prevention Officer considers that it is unacceptable for a formalised route to pass to the rear of dwellings. He has also noted that as the PROW leaves the development the closest dwellings (Units 35 & 36) present blank gables towards it.
- 6.92 Plots 35 and 36 have windows in the side elevations and in light of the comments from the CPO, windows have been added to the side elevation of Plot 80 to improve the overlooking of the footpath. It is acknowledged that the footpath runs to the rear of some dwellings within the development. This is due to the desire to retain the protected trees along Kingmoor Road, which prevents the footpath being sited adjacent to the road. Views of the footpath from Kingmoor Road should be possible beneath the trees. The PROW also runs through the avenue of lime trees and this will limit overlooking. It should, however, be noted that the existing PROW that crosses the site is currently unsupervised and it provides access into an area of woodland to the rear of the site. There is an alternative footpath route through the development that runs adjacent to the main road through the development.
- 6.93 The CPO has also requested obvious definition of front curtilages. The

development would be an open plan estate but individual property owners would be able to define their front boundaries by planting.

### 13. Archaeology

- 6.94 Records indicate that the site lies in an area of archaeological potential and Roman remains were identified during an archaeological investigation in advance of an adjacent housing development. The archaeological assets were interpreted as a temporary Roman camp, one of a number that were located around the periphery of the Roman town. It is, therefore, considered that the site has the potential for similar archaeological assets to survive below ground and that they would be disturbed by the construction of the proposed development. The County Archaeologist, therefore, recommended that, in the event planning consent is granted, the site is subject to archaeological investigation and recording in advance of development which should be secured by condition.
- 6.95 The applicant has commissioned an archaeological evaluation of the site prior to the determination of the application. The results indicate that there is a very low potential for archaeological assets to be disturbed by the construction of the proposed development and so no further archaeological work is required on the site. The County Archaeologist has, therefore, confirmed that he no longer considers the condition he previously recommended is necessary in any planning consent that may be granted.

### 14. Noise Issues

- 6.96 Direct Rail Services (DRS) has objected to the proposals. DRS operates a 24 hour depot and this might be a cause for concern for the proposed residents. In the winter months locomotives require idling/ warm up on a continuing basis of around 3 to 4 hours, 2 to 3 times a day and this generates a significant amount of low frequency noise. DRS are considering expansion of the depot engineering shed which will turn the light maintenance depot into a heavy overhaul depot which will create added noise and this needs to be taken into account. Whilst the proposed development will be next to a nature reserve which may create a sound barrier DRS want to see evidence of how effective this would be. A noise and pollution assessment does not appear to have been carried out.
- 6.97 Officers in Environmental Health have been consulted on the application in relation to noise. Due to the close proximity of the proposed development to the railway line, depot and associated sidings, they have suggested that a noise survey should be carried out. This should provide details of noise from railway activities and demonstrate the likely impact upon future occupants of properties on this development. This information should be used to inform details of the final design/ construction and orientation of the houses. Details of proposed mitigation measures to minimise noise disturbance from the railway should be provided to the planning department. 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. A suitably worded condition has been added to the permission to deal with this issue.

- 6.98 DRS has raised concerns that Network Rail has not been consulted on the application, which is required as the railway line operated by them is close to the proposed development. There is, however, only a requirement to consult Network Rail on development within 10m of the railway line and this development is approximately 130m away.

## 15. Contamination

- 6.99 Objectors have raised concerns about the site being contaminated. The applicant has commissioned a Geo-Environmental Appraisal of the site. The Environmental Health department has reviewed this report and a Ground Gas Monitoring Addendum letter in respect of land contamination. The findings and recommendations of these reports have been noted. In view of concerns regarding elevated levels of Lead, Benzo (a) pyrene and Napthalene which have been identified within the site investigation, officers in Environmental Health concur that a further report should be produced to agree a remediation strategy and this would be secured by condition. A condition has also been added to deal with any unexpected contamination that is encountered in the course of the development.

## 16. Other Matters

- 6.100 Objectors have raised the issue about a covenant on this land that stipulates the only building allowed would be on the site of the demolished house. The applicant has confirmed that no such covenant exists.
- 6.101 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.
- 6.102 An objector has made reference to Japanese Knotweed growing on the site and in the adjacent nature reserve. This issue has been raised with the Health & Wellbeing Team who manage the nature reserve.

## Conclusion

- 6.103 The application site is allocated for housing in the adopted Local Plan. The layout, scale and design of the development would be acceptable and the proposal would not have an adverse impact on the living conditions of existing and future occupiers. Subject to the proposed conditions and a S106 agreement it is considered that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, biodiversity, trees, archaeology, education, or open space. The site would provide 20% of the dwellings as affordable (in accordance with the NPPF definition) which is considered to be acceptable. The proposal is, therefore, recommended for

approval subject to the completion of a S106 Agreement.

6.104 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 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);

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

## **7. Planning History**

7.1 There is no relevant planning history relating to this site.

## **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. submitted planning application form, received 27th November 2019;
2. Site Location Plan (drawing ref 1732-PL100) received 28th July 2020;
3. Proposed Site Plan (drawing ref 1732-PL212 (Rev M) received 21st September 2020;
4. House Type - 201 (drawing ref 201/1F) received 27th November 2019;

5. House Type - 211 (drawing ref 211/1A) received 27th November 2019;
6. House Type – 301 (drawing ref 301/1G) received 27th November 2019;
7. House Type - 311 (drawing ref 311/1A) received 27th November 2019;
8. House Type – 314 (drawing ref 314/1) received 27th November 2019;
9. House Type - 315 (drawing ref 315/1A) received 27th November 2019;
10. House Type - 403 (drawing ref 403/1H) received 27th November 2019;
11. House Type – 337 (Elevations - Rural 13) (drawing ref 13/337-10 Rev A) received 19th August 2020;
12. House Type – 337 (Floor Plans) (drawing ref 337/1) received 19th August 2020;
13. House Type – 340 (Elevations - Rural 13) (drawing ref 13/340-10) received 19th August 2020;
14. House Type – 340 (Floor Plans) (drawing ref 340/1) received 19th August 2020;
15. House Type – 351 (Elevations - Rural 13) (drawing ref 13/351-9 Rev A) received 19th August 2020;
16. House Type – 351 (Floor Plans) (drawing ref 351/1) received 19th August 2020;
17. House Type – 353 (Elevations - Rural 13) (drawing ref 13/353-9 Rev A) received 19th August 2020;
18. House Type – 353 (Floor Plans) (drawing ref 353/1A) received 19th August 2020;
19. House Type – 354 (Elevations - Rural 13) (drawing ref 13/354-10 Rev B) received 19th August 2020;
20. House Type – 354 (Floor Plans) (drawing ref 354/1A) received 19th August 2020;
21. House Type – 357 (Elevations - Rural 13) (drawing ref 13/357-8 Rev A) received 19th August 2020;
22. House Type – 357 (Floor Plans) (drawing ref 357/1A) received 19th August 2020;
23. House Type – 401 (Elevations - Rural 13) (drawing ref 13/401-9 Rev C) received 24th September 2020;
24. House Type – 401 (Floor Plans) (drawing ref 401/1G) received 19th August 2020;
25. House Type – 404 (Elevations - Rural 13) (drawing ref 13/404-9 Rev

- B) received 19th August 2020;
26. House Type – 404 (Floor Plans) (drawing ref 404/1F) received 19th August 2020;
  27. House Type – 436 (Elevations - Rural 13) (drawing ref 13/436-10 Rev A) received 19th August 2020;
  28. House Type – 436 (Floor Plans) (drawing ref 436/1) received 19th August 2020;
  29. House Type – 450 (Elevations - Rural 13) (drawing ref 13/450-9) received 19th August 2020;
  30. House Type – 450 (Floor Plans) (drawing ref 450/1A) received 19th August 2020;
  31. Boundary Treatments – 1800mm Timber Fence Details (drawing ref 0282-SD-100 Rev D) received 27th November 2019;
  32. Boundary Treatments – Post and Wire Fence Details (drawing ref 0282-SD-103 Rev B) received 27th November 2019;
  33. Standard Garages - Single (drawing ref 0282-SD700 Rev A) received 27th November 2019;
  34. Standard Garages - Double (drawing ref 0282- SD701 Rev B) received 27th November 2019;
  35. Landscape Plan (drawing ref WW/01 Rev A) received 18th September 2020;
  36. Drainage Details (drawing ref 19004-D701 Rev 1) received 15th January 2020;
  37. Proposed Engineering Layout 1 of 2 (drawing ref 19004-D001 Rev 1) received 15th January 2020;
  38. Proposed Engineering Layout of 2 (drawing ref 19004-D002 Rev 1) received 15th January 2020;
  39. Manhole Schedule (drawing ref 19004–D200 Rev1) received 15th January 2020;
  40. Flood Routing Plan (drawing ref 19004–D201 Rev 1) received 15th January 2020;
  41. Proposed Impermeable Areas (drawing ref 19004–D202 Rev 1) received 15th January 2020;
  42. Proposed Road Long Sections 1 of 2 (drawing ref 19004–D300 Rev 1) received 15th January 2020;
  43. Proposed Long Sections 2 of 2 (drawing ref 19004–D301 Rev 1) received 15th January 2020;
  44. Kerbs & Surfacing Plan (drawing ref 19004–D500 Rev 1) received 15th January 2020;
  45. Proposed Highway Construction Details (drawing ref 19004–D700



- Rev 1) received 15th January 2020;
46. Public Right of Way Proposed Diversion Route (drawing ref 1732–PL214 Rev G) received 21st September 2020;
  47. Public Open Space Plan as Proposed (drawing ref 1732–PL213 Rev C) received 21st September 2020;
  48. 3m Wide Footpath Plan as Proposed (drawing ref 1732-PL215 Rev B) received 21st September 2020;
  49. Boundary Treatments & Enclosures Plan as Proposed (drawing ref 1732-PL216 Rev B) received 21st September 2020;
  50. Existing Drainage Plan (drawing ref 19004–SK-002 Rev 1) received 27th November 2019;
  51. Geoenvironmental Appraisal (Report 7049A, April 2019), received 27th November 2019;
  52. Geotechnical Appraisal Ground Gas Monitoring Addendum received 27th November 2019;
  53. Archaeological Desk Based Assessment (Report 303 - 20th October 2019) received 27th November 2019;
  54. Transport Statement/Travel Plan (VN91443 - November 2019) received 27th November 2019;
  55. Preliminary Ecological Appraisal (Pennine Ecological) received 27th November 2019;
  56. Tree Survey Report & Plan (Iain Tavendale - 26th April 2019) received 27th November 2019;
  57. Flood Risk Assessment and Drainage Strategy (Ae/FRADS/19004 November 2019) received 27th November 2019;
  58. Planning Statement received 27th November 2019;
  59. Construction Management Plan received 27th November 2019;
  60. Economic Benefits Report received 27th November 2019;
  61. Affordable Housing Statement received 27th November 2019;
  62. Draft Heads of Terms received 27th November 2019;
  63. Design and Access Statement received 27th November 2019;
  64. Ecological Surveys & Assessment - Pennine Ecological - March 2020 Update in Relation to Bats, Red Squirrels & Great Crested Newts received 16th June 2020;
  65. Great Crested New Survey - Pennine Ecological received 16th June 2020;
  66. Appendix 1 – Extended Phase 1 Habitat Survey Plan received 15th June 2020;

- 67. Archaeological Evaluation (Report 312 - 3rd February 2020) received 19th August 2020;
- 68. Dusk Bat Survey Results - Pennine Ecological received 7th September 2020;
- 69. Additional Appraisal and Inspection of Trees in Relation to Bats - Pennine Ecological received 7th September 2020;
- 70. Schedule of Affordable Housing Units received 18th September 2020;
- 71. Arboriculture Method Statement (Westwood) received 18th September 2020;
- 72. Paving Details in RPA (drawing ref D/01) received 18th September 2020;
- 73. House Type - 403 - Plot 80 variation (drawing ref 403) received 18th September 2020;
- 74. 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 of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before their first use on site. The development shall then be undertaken in strict accordance with these details.

**Reason:** To ensure the works harmonise as closely as possible with dwellings in the vicinity and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

- 4. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

- 5. Prior to the commencement of development, details of the proposed boundary treatment to be erected along the western and southern site boundaries (with the nature reserve and woodland belt) shall be submitted for approval in writing by the Local Planning Authority. The boundary treatment shall then be erected in strict accordance with these details and retained at all times thereafter.

**Reason:** To ensure satisfactory boundary treatment is erected in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Prior to the SUDS ponds being brought into use, the applicant shall install a fence/railings around the SUDS ponds, the details of which shall have been agreed beforehand in writing by the Local Planning Authority.

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

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

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

8. 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.

None of the dwellings hereby approved shall be occupied until the approved surface water drainage scheme has been completed and made operational.

**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.

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

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

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

10. 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.

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

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

12. Prior to the commencement of development, a method statement for the relocation of the orchids shall be agreed in writing by the LPA. The orchids shall then be relocated to the areas identified on the Landscape Plan (Dwg ref WW/01 Rev A, received 18th September 2020) in strict accordance with the method statement.

**Reason:** In order to retain the orchids on site, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

13. Prior to the commencement of development, details of any lighting (including location and specification) to be used on site during the construction phase shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.

**Reason:** In order to ensure the development does not have an adverse impact on bats and other wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

14. Prior to its installation, details of any lighting (including location and specification) to be installed on the dwellings shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.

**Reason:** In order to ensure the development does not have an adverse impact on bats and other wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

15. Prior to the commencement of development, tree protection fencing shall be installed in accordance with details to be agreed in writing by the Local Planning Authority. The tree protection fencing shall be retained in place at

all times until the construction works have been completed.

**Reason:** To ensure that the existing trees are protected, in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

16. The development shall be undertaken in strict accordance with the Arboriculture Method Statement (dated 16th September 2020), received on 18th September 2020 and the Paving Details RPA Area Plan (Dwg No D/01), received 18th September 2020.

**Reason:** To ensure that the existing trees are protected, in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

17. Prior to any works being undertaken to the trees located within the Kingmoor Sidings Nature Reserve which overhang the development site, details of the works shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.

**Reason:** To protect the existing trees, in accordance with Policy GI6 of the Carlisle District Local Plan 2015--2030.

18. Prior to the commencement of development, the applicant shall submit details of the proposed location and height of any soil storage areas. The soil shall then be stored in accordance with these details.

**Reason:** To protect the existing trees, in accordance with Policy GI6 of the Carlisle District Local Plan 2015--2030.

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

**Reason:** In order that the approved development does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 215-2030.

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

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

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. 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.

23. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared. This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

24. 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 (referred to in PPS23 as a validation 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.

25. 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.

26. 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 railway line 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. The rooms chosen must be orientated towards the noise sources i.e. road.

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.

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

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

28. 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 dwelling to be erected 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 ensure that the character and attractive appearance of the dwellings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

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

30. Details of proposed crossing of Kingmoor Road shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossing has been constructed.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

31. 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 and to support Local Transport Plan Policies LD5, LD7 & LD8.

32. The access drives for each property 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.

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

33. There shall be no vehicular access to or egress from the site other than via



the approved access, unless otherwise agreed by the Local Planning Authority.

**Reason:** To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to support Local Transport Plan Policies LD7 & LD8.

34. Footways shall be provided that link continuously and conveniently to the nearest existing footway. Pedestrian footways within and to and from the site shall be provided that are convenient to use.

Cycleways shall be provided that link continuously and conveniently to the nearest existing cycleways. The layout shall provide for safe and convenient access by cycle.

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

35. 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 and to support Local Transport Plan Policies LD7 & LD8.

36. 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)
- 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 and to support Local Transport Plan Policies WS3 & LD4.

37. 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 road 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.

38. No dwelling with direct access onto Kingmoor Road shall be occupied prior to visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of its the access and the nearside channel line of the carriageway edge have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be 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.

39. The Emergency Vehicle Access shall be provided prior to the construction of the 50<sup>th</sup> dwelling hereby permitted and shall provide for clear visibility of 43 metres measured 2.4 metres down the centre of its the access and the nearside channel line of the carriageway edge have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees,

bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be 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.

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1. THE SITE IS A RESIDENTIAL LOT, AND THE PROPOSED DEVELOPMENT IS A RESIDENTIAL DEVELOPMENT.  
 2. THE SITE IS A RESIDENTIAL LOT, AND THE PROPOSED DEVELOPMENT IS A RESIDENTIAL DEVELOPMENT.  
 3. THE SITE IS A RESIDENTIAL LOT, AND THE PROPOSED DEVELOPMENT IS A RESIDENTIAL DEVELOPMENT.

Project: -  
 Description: 00.00.00



**MANNINGELLIOTT**  
 PARTNERSHIP

Drawing number:  
 1732-PL100  
 Date: 07/20/20  
 Scale: 1:1250

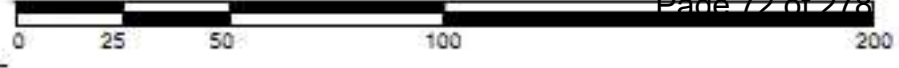
Project title:  
 Proposed Residential Development  
 Deer Park  
 Kingmoor Road, Carlisle

Drawing title:  
 Location Plan

Drawing stage:  
 PLANNING ISSUE

Date: JUL 20 2020  
 Drawn by: CS  
 Scale: 1:1250

Drawing number:  
 1732-PL100





REVISION	NO.	DATE	DESCRIPTION
Revision A	CS	04.12.2019	Plan updated to show trees to be retained and proposed car parks to be added
Revision B	CS	14.01.2020	Plan updated to show trees to be retained and proposed car parks to be added
Revision C	CS	29.03.2020	Updates to Boundary, including with Planning Officer
Revision D	CS	01.06.2020	Updates to Boundary, including with Planning Officer
Revision E	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision F	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision G	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision H	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision I	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision J	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision K	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision L	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision M	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision N	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision O	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision P	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision Q	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision R	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision S	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision T	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision U	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision V	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision W	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision X	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision Y	CS	03.06.2020	Updates to Boundary, including with Planning Officer
Revision Z	CS	03.06.2020	Updates to Boundary, including with Planning Officer



Mix Target Schedule					
		SQ M	SQ Ft	Units	Total SQ M
201	Semi	2 Bed	60.5	631	12
211	Semi	2 Bed	60.5	631	12
301	Semi	3 Bed	70.6	760	11
311	Semi	3 Bed	70.6	760	11
321	Semi	3 Bed	70.6	760	11
331	Semi	3 Bed	70.6	760	11
341	Semi	3 Bed	70.6	760	11
351	Semi	3 Bed	70.6	760	11
361	Semi	3 Bed	70.6	760	11
371	Semi	3 Bed	70.6	760	11
381	Semi	3 Bed	70.6	760	11
391	Semi	3 Bed	70.6	760	11
401	Semi	3 Bed	70.6	760	11
411	Semi	3 Bed	70.6	760	11
421	Semi	3 Bed	70.6	760	11
431	Semi	3 Bed	70.6	760	11
441	Semi	3 Bed	70.6	760	11
451	Semi	3 Bed	70.6	760	11
461	Semi	3 Bed	70.6	760	11
471	Semi	3 Bed	70.6	760	11
481	Semi	3 Bed	70.6	760	11
491	Semi	3 Bed	70.6	760	11
501	Semi	3 Bed	70.6	760	11
511	Semi	3 Bed	70.6	760	11
521	Semi	3 Bed	70.6	760	11
531	Semi	3 Bed	70.6	760	11
541	Semi	3 Bed	70.6	760	11
551	Semi	3 Bed	70.6	760	11
561	Semi	3 Bed	70.6	760	11
571	Semi	3 Bed	70.6	760	11
581	Semi	3 Bed	70.6	760	11
591	Semi	3 Bed	70.6	760	11
601	Semi	3 Bed	70.6	760	11
611	Semi	3 Bed	70.6	760	11
621	Semi	3 Bed	70.6	760	11
631	Semi	3 Bed	70.6	760	11
641	Semi	3 Bed	70.6	760	11
651	Semi	3 Bed	70.6	760	11
661	Semi	3 Bed	70.6	760	11
671	Semi	3 Bed	70.6	760	11
681	Semi	3 Bed	70.6	760	11
691	Semi	3 Bed	70.6	760	11
701	Semi	3 Bed	70.6	760	11
711	Semi	3 Bed	70.6	760	11
721	Semi	3 Bed	70.6	760	11
731	Semi	3 Bed	70.6	760	11
741	Semi	3 Bed	70.6	760	11
751	Semi	3 Bed	70.6	760	11
761	Semi	3 Bed	70.6	760	11
771	Semi	3 Bed	70.6	760	11
781	Semi	3 Bed	70.6	760	11
791	Semi	3 Bed	70.6	760	11
801	Semi	3 Bed	70.6	760	11
811	Semi	3 Bed	70.6	760	11
821	Semi	3 Bed	70.6	760	11
831	Semi	3 Bed	70.6	760	11
841	Semi	3 Bed	70.6	760	11
851	Semi	3 Bed	70.6	760	11
861	Semi	3 Bed	70.6	760	11
871	Semi	3 Bed	70.6	760	11
881	Semi	3 Bed	70.6	760	11
891	Semi	3 Bed	70.6	760	11
901	Semi	3 Bed	70.6	760	11
911	Semi	3 Bed	70.6	760	11
921	Semi	3 Bed	70.6	760	11
931	Semi	3 Bed	70.6	760	11
941	Semi	3 Bed	70.6	760	11
951	Semi	3 Bed	70.6	760	11
961	Semi	3 Bed	70.6	760	11
971	Semi	3 Bed	70.6	760	11
981	Semi	3 Bed	70.6	760	11
991	Semi	3 Bed	70.6	760	11
1001	Semi	3 Bed	70.6	760	11
Total					

Endorsement  
 If less other site stated, all existing site boundaries will be assessed on site and replaced / retained as necessary.  
 All garages are optional, if not constructed with the house a screen fence is to be provided on rear garage wall. FIVE.  
 Front gardens and POS to be L.F.E.  
 Materials:  
 Main Brick: -  
 Roof:  
 Windows & French Doors:  
 Front & Rear Doors:  
 Facade & Soffits:  
 Rainwater Goods:  
 Paving:  
 Paving slabs to be laid in a 5m x 5m grid for parking spaces. Gradients to be as per 1 in 12 for maximum 5m length.  
 Paving slabs - Grey, PCC  
 Forterra Abbey Red Muir:  
 Flat Concrete in Dark Grey  
 White JP/AC  
 White composite or steel faced style as per drawings  
 White JP/AC  
 Black  
 Paving slabs to be laid in a 5m x 5m grid for parking spaces. Gradients to be as per 1 in 12 for maximum 5m length.  
 Paving slabs - Grey, PCC

**MANNING ELLIOTT PARTNERSHIP**  
 Chartered Architects & Planners  
 Head Office, Suite 1  
 100-102, The Quadrant  
 Carlisle, Cumbria, CA1 1JH  
 Tel: 01273 800 000  
 Email: info@manningelliott.co.uk

Project Title:  
**Proposed Residential Development, Deer Park, Kingmoor, Carlisle.**

Drawing Title:  
**Site Plan as Proposed**

Issue Stage:  
**PLANNING ISSUE**

Date: **SEP 19** Drawn: **500 / 1000**

Drawing Number:  
**1732-PL212** Revision: **M**









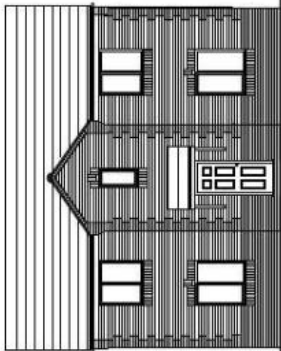
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10000 House, Suite 1  
Garden Road, Parrish  
Louisiana 70056  
t. 504.833.8222  
e. [info@mcgovern.com](mailto:info@mcgovern.com)  
w. [www.mcgovern.com](http://www.mcgovern.com)

drawing number: 1732-PL214  
revision: G

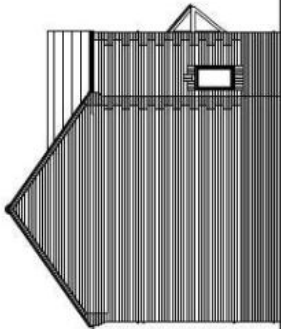




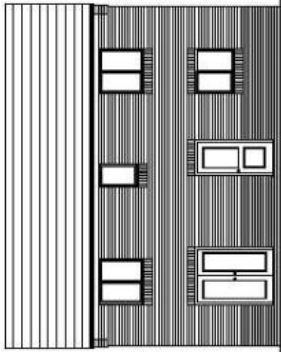




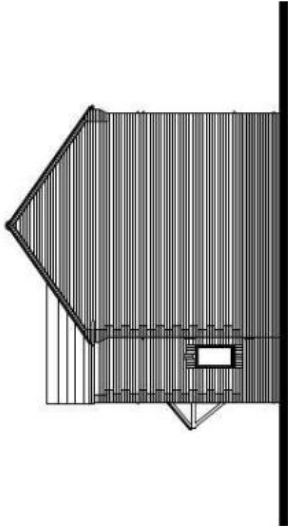
FRONT ELEVATION



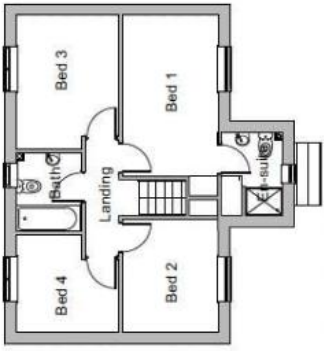
SIDE ELEVATION



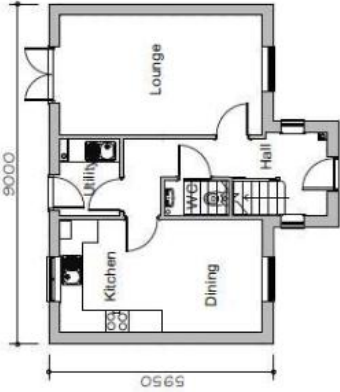
REAR ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN



GROUND FLOOR PLAN

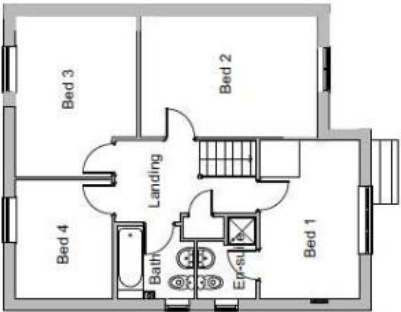
FLOOR AREA  
97.36m<sup>2</sup>, 1048ft<sup>2</sup>

PLANNING  
DRAWING

403 dwelling type

GLEESON  
HOMES & REGENERATION

A. Kitchen, bath and internal doors removed	24/02/11	Scale
B. Front & Rear elevations	27/07/11	
C. Detailed working drawings on 1	17/03/12	1:100
D. Drafting started	22/03/12	at A2
E. Plans submitted	22/03/12	
F. Plans approved by Urban Development	22/07/14	Value
	July 10	
	Page 1/1	
	403/1H	



FIRST FLOOR PLAN



GROUND FLOOR PLAN



**PLANNING  
DRAWING**

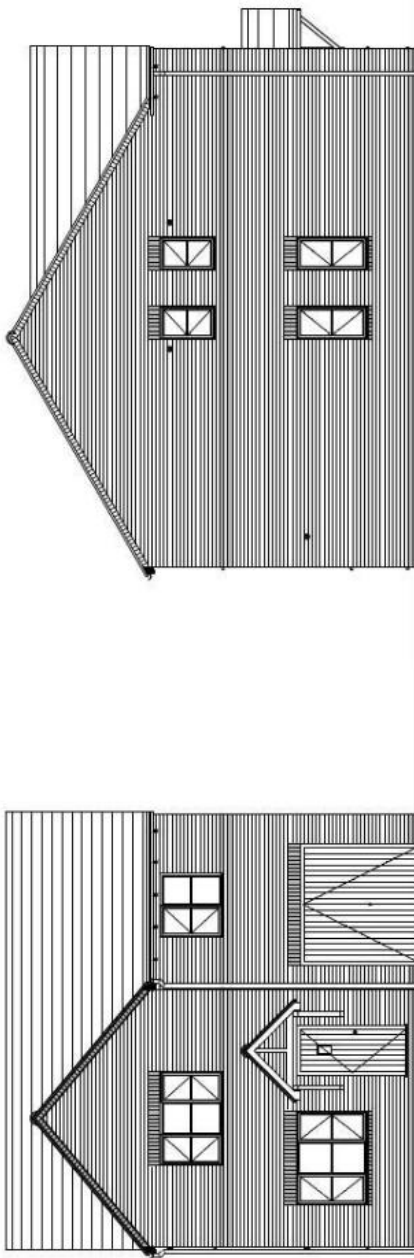
**436 dwelling type**

**GLEESON  
HOMES & REGENERATION**

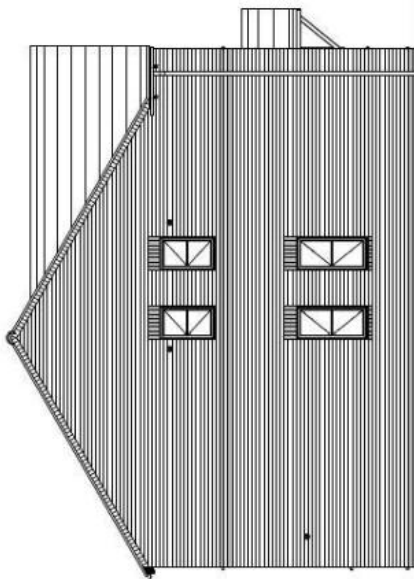
Scale	
1:100	
at A2	
Date	
Dec 19	
Drawn by	
436/1	

**FLOOR AREA**  
108.45m<sup>2</sup>, 1167ft

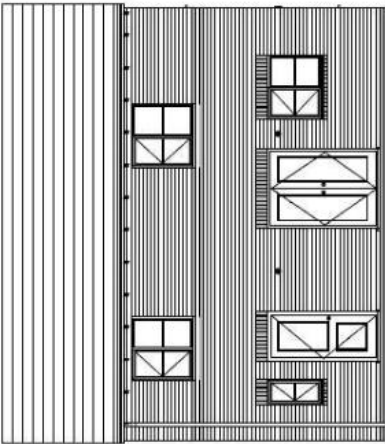
Revisions:	Date:
A. Updated to include structural requirements.	17.07.20



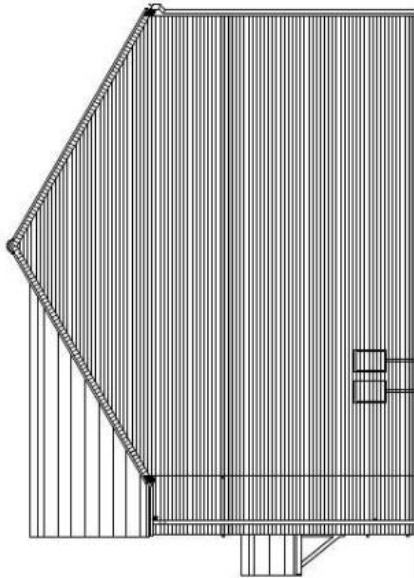
FRONT ELEVATION



SIDE ELEVATION



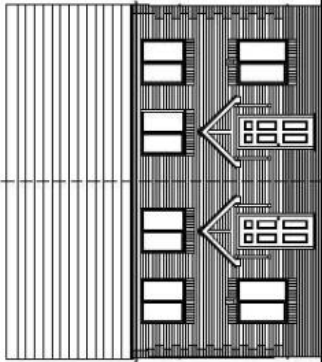
REAR ELEVATION



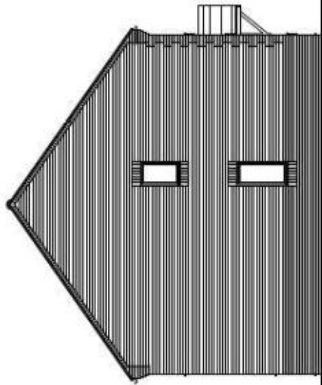
SIDE ELEVATION



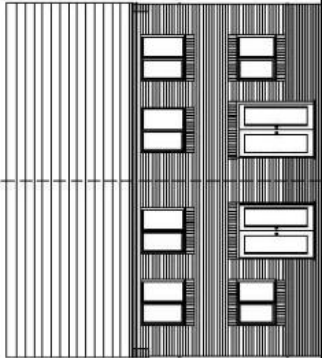
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Project:	HOUSE TYPE DRAWING
Title:	TYPE 436 ELEVATIONS (RURAL 13)
Scales:	1:100 @ A3
Drawn:	Checked:
Drawing no.	Date: July 2010
	Rev: A



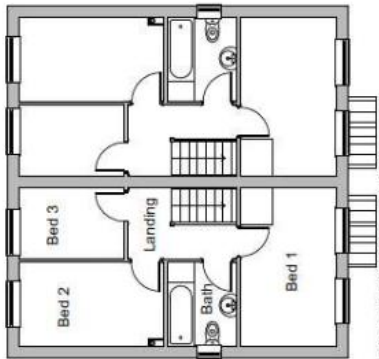
FRONT ELEVATION



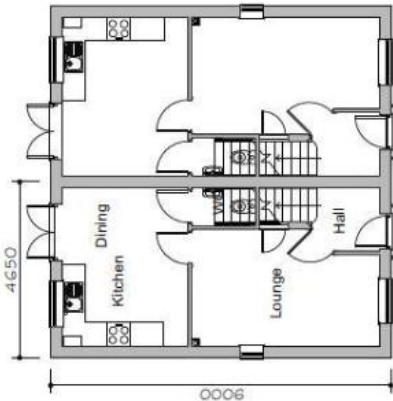
SIDE ELEVATION



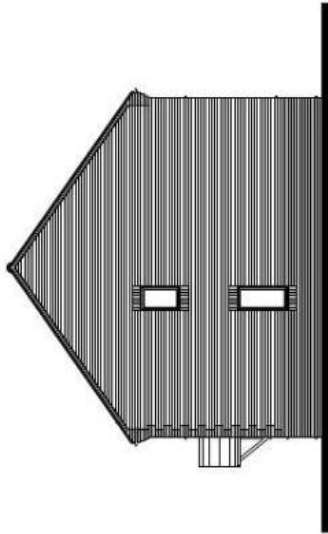
REAR ELEVATION



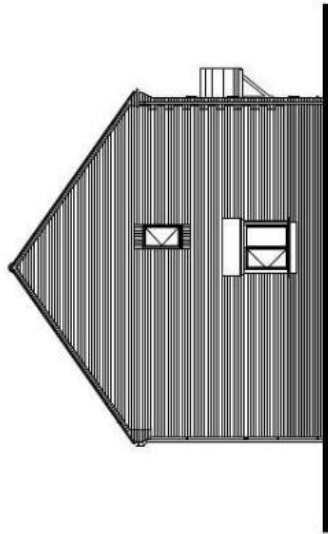
FIRST FLOOR PLAN



GROUND FLOOR PLAN



SIDE ELEVATION



optional bay window  
SIDE ELEVATION



FLOOR AREA  
70.56m<sup>2</sup>, 759ft<sup>2</sup>

PLANNING  
DRAWING

311 dwelling type	
GLEESON	
HOMES & REGENERATION	
1. Dwelling type	311/1A
2. Scale	1:100 at A2
3. Date	Dec.13
4. Drawn by	
5. Checked by	
6. Approved by	



## SCHEDULE A: Applications with Recommendation

20/0245

Item No: 02

Date of Committee: 04/12/2020

**Appn Ref No:**  
20/0245

**Applicant:**  
Sound Leisure Limited

**Parish:**  
Carlisle

**Agent:**  
Day Cummins Limited

**Ward:**  
Cathedral & Castle

**Location:** 4-14 Victoria Place, Carlisle, CA1 1ER

**Proposal:** Change Of Use Of Redundant Office Building To Form 6no. Houses Of Multiple Occupation

**Date of Receipt:**  
24/04/2020

**Statutory Expiry Date**  
19/06/2020

**26 Week Determination**  
07/12/2020

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### REPORT

**Case Officer:** Richard Maunsell

### ADDENDUM REPORT

The application was presented to Members of the Development Control Committee on the 6th November 2020 with a recommendation that the application was approved.

Following a debate by Members, several issues were raised and the application was deferred to allow Officers time to discuss the matters with the applicant and to allow the submission of additional information. The applicant has submitted a Drain Survey, A Management Plan, a Site Plan and a supporting letter, the latter 3 of which are reproduced following this report and following the previously reproduced plans and documents. The following underlined subheadings identify each of the committee's concerns and the information which has been submitted by the applicant together with an appropriate assessment.

#### Management Plan

A Management Plan has been submitted in support of the application which is reproduced following the report. In summary the report provides the following:

#### *Refuse*

Refuse areas will be provided and monitored by the CCTV system and tenants warned and fined if not used appropriately. The bins will be collected once or twice weekly on a contract with a private or council operated refuse collection organisation at a specified timeslot and will be handled by the applicant's maintenance team;

### *Post*

A central postage delivery system will be created which delivers all post to one townhouse/location. This post will be circulated to lockable letter boxes in the hallway of each townhouse daily or every other day.

### *CCTV & Access Control*

All the entrances into the building will be secure security fobbed access. Further security is provided by way of a comprehensive and strategically placed network of CCTV cameras to the front and rear façade and will be monitored by the maintenance team.

### *On-Site Staffing*

The site will be staffed by 6 property managers, 4 tradesmen and a selection of maintenance companies currently in Cumbria. The maintenance team will visit site at least 4-5 days per week to carry out duties.

### *Noise and Anti-social Behaviour*

The continual presence of the site management and live CCTV monitoring will ensure that local residents always have a point of contact should there be any issues relating to noise or anti-social behaviour so they can be dealt with promptly and efficiently.

Information packs issued on arrival will include reference to considering local residents and penalties (in leases) if anti-social behaviour is noted.

### *Car Parking*

Rooms will be marketed with no parking. No residents parking permits will be allowed. Visitors with cars can use pay and display parking at the Iceland Car Park.

### *Management*

Any anti-social behaviour will not be tolerated and any residents breaching the clear and strict rules and regulations outlined within their tenancy agreement will lose their accommodation.

### *Out of Hours Management*

The management team will operate a 24/7 help desk which will link through to the property manager, security and maintenance staff will be on a call out rota to attend out of hour calls.

### *Security*

CCTV cameras in and around the building will be channelled back to several managers smart phones.

### *Inspection*

All communal areas will be inspected weekly to control cleanliness levels. This will ensure that the accommodation conforms to hygienic regulations and minimises pest control issues. The amenity and landscaped areas will also be inspected and maintained regularly by the contracted cleaning company.

### *Repairs*



The property will have Property Services Assistants (PSA's) in Cumbria who will carry out all of the day to day repairs and testing of the fire alarm and emergency lighting systems. The PSA's will be backed up by specialist subcontractors for gas, electrical testing, water treatment risk assessments, fire extinguisher and fire alarm maintenance etc.

### *Health & Safety*

The site will be operated to the following BSI accreditations including ISO9001: Quality Management; ISO14001: Environmental Management and OHSAS 18001: Health & Safety Management. The management take health and safety and statutory compliance very seriously with regular assessments and audits carried out.

### *Neighbourhood and Community*

The management team will actively seek to engage with local tenants and resident's associations and community organisations. In addition to working closely with local people, the management team will hold regular meetings with local residents and groups to discuss and address any issues. There will be CCTV cameras covering this area as well as around the perimeter of the building to increase surveillance of residents in and around the property.

### *Move-In Process*

Public car parks are available within walking distance of the site for longer term parking during and post drop off. The management team may enter into negotiation with the Iceland Car Park landlords to get spaces reserved annually which will help during move in days.

### *Tenancy Agreements*

Resident applications will be processed with deposits required and guarantors if appropriate in place as soon as the Tenancy Agreement is signed. Each resident will sign up to a Tenancy Agreement which bounds them to rules and codes of conduct during their stay at the residences. Where residents breach the agreement, there will be escalating levels of enforcement which will include deductions from their deposits, written and final warnings and ultimately expulsions.

### *Travel Management Principles*

The use of walking, cycles, buses and trains given the central location will be promoted.

### Consultation with Cumbria Constabulary

Following the receipt of the additional information, Cumbria Constabulary were consulted and their response is based on the originally submitted application details together with the additional documents that were submitted following the deferral of the application. Their response reads as follows:

*"The comments in the Management Plan document are noted. The development must also comply with Building Regulations Approved Document Q (Security - Dwellings).*

*From my interpretation the buildings shall be sub-divided into apartments with private entrances across each of the four floors.*

*The Heritage Statement highlights the significance of Listed Building status and advises that there are no proposals to replace all the existing external doors, basement windows or ground floor windows. Considering most of these items could be decades old, I query the integrity and suitability of these features to resist forced entry in a domestic environment and thus how they shall be adapted or refurbished with modern locking devices for this purpose. Glazing shall likely be original annealed panes, with little impact resistance (or heat retention).*

*Consequently, without having prior knowledge of the features listed below and without further detail in the application documents, it would be helpful if the applicant could advise how the following security measures shall be addressed:*

- *yard gates/doors to prevent unauthorised access via rear lane*
- *illumination of rear yards;*
- *reinstatement of existing rear external doors to deter forced entry (some of these items will likely be designated as emergency escape for each building);*
- *reinstatement of existing building main entry doors to resist forced entry and permit safe scrutiny of unexpected visitors;*
- *reinstatement of basement and ground floor windows to resist forced entry;*
- *provision of new external doors (I recommend these items to be certified to PAS 24:2016);*
- *provision of new apartment entry doors (I recommend these items to be certified to PAS 24:2016);*
- *provision of new windows (demonstrate compliance with Approved Document Q)*
- *cycle storage (I recommend these items to be compliant with LPS 1175 SR1 as a minimum standard);*
- *presence of CCTV noted.*

In response, the agent clarified that the buildings will not be apartments but rooms in a shared house with communal lounge /kitchen/ dining. Each of the six buildings will form a unit and current links between buildings to be blocked-up.

He continues and confirms that the window and doors are in a reasonable condition generally and due to historic nature and listing of the building will be refurbished by specialists and security improved. The presence of CCTV hopefully will deter break-ins.

In terms of each of the points raised by Cumbria Constabulary, the following response (in italics) has been submitted:

*Yard gates/doors to prevent unauthorised access via rear lane*

*Lock to be provided to each yard gate with key operation. The yards are enclosed with high masonry walls. Note also there is an existing steel gate at the entrance to the back lane securing access to the lane.*

*Illumination of rear yards*

*Each yard area to have low level lighting to entrances and lights to each yard gate entrance on the back lane side. (shown on the site plan) details to be submitted and conditioned.*

Reinstatement of existing rear external doors to deter forced entry (some of these items will likely be designated as emergency escape for each building)  
*Generally existing doors to be retained*

Reinstatement of existing building main entry doors to resist forced entry and permit safe scrutiny of unexpected visitors \_  
*Existing doors to be retained (they are well maintained and are very solid heavy-duty doors). Also entrances covered by CCTV.*

Reinstatement of basement and ground floor windows to resist forced entry  
*Comments noted but due to listed building status will be refurbished by specialists and security improved with window locks etc.*

Provision of new external doors (I recommend these items to be certified to PAS 24:2016) \_  
*Noted details to be submitted and conditioned.*

Provision of new apartment entry doors (I recommend these items to be certified to PAS 24:2016)  
*Noted - Subject to further discussion with Conservation officer - there is a mix of modern and original doors details to be submitted and conditioned.*

Provision of new windows (demonstrate compliance with Approved Document Q) \_  
*Noted.*

Cycle storage (I recommend these items to be compliant with LPS 1175 SR1 as a minimum standard)  
*Comments noted. Cycle stands provided to rear yard areas and secure by design approved "streetpod cycle stands" to be considered.*

A further and final response in reply to this has been received from Cumbria Constabulary which reads:

*"I am indebted to Mike Dawson [the agent] for this additional information, which covers all the points made and thus demonstrates compliance with Policy CM 4. I am delighted to note the intention to deploy Streetpod cycle parking:  
<https://www.cyclepods.co.uk/streetpod/>*

*I thank Mike for explaining the subtle difference of the shared occupancy (with communal facilities) – not apartments as I presumed.*

*One would still expect bedrooms to be 'private' spaces and doors to be lockable. Consequently, I would prefer to see PAS 24 compliant doors.....otherwise the "mix of modern and original doors" should be resistant to forced entry (i.e. not reliant on a single locking device keeping the door closed). Multi-point locking mechanisms would provide this enhanced resistance, without compromising easy emergency escape."*

Clarification regarding the provision of cycle facilities

A Proposed Site Plan (Drawing no. 08) has been submitted which illustrates that 3

cycle racks per house unit will be provided in the rear yard areas.

#### Clarify any proposed improvements and repair of foul drainage infrastructure

A Drain Survey has been undertaken and a report submitted in respect of this application. The report follows a CCTV survey of the drains.

No major issues have been identified by the survey with the agent advising that *“the drains appear to have good capacity being 150mm diameter from the building to the main sewer in the rear lane and the main sewer is 225mm diameter which will easily cope with the proposed building use and neighbouring properties.”*

The report highlights a brick partially blocking a drain but this is within the rear yard area and therefore a private section of drain and will be addressed during the refurbishment works.

The report also highlights a dislodged joint at the junction with the main sewer in the back lane which will also be addressed during the refurbishment works.

The agent has stated that some areas of private drains could not be investigated until the yard is cleaned (No 14) but these will be also be surveyed and fully investigated during refurbishment and repairs undertaken if necessary.

#### Clarification of the provision of any external lighting

Low level lighting is shown to be provided to the rear yards and rear access lane on the Proposed Site Plan (Drawing no. 08).

#### Identify security measures to access of the rear lane

Low level lighting and CCTV is shown to be provided to the rear yards and rear access lane on the Proposed Site Plan (Drawing no. 08). The agent has confirmed that the lane has an existing metal security gate which will be retained and with agreement of neighbours provided with a digital lock.

#### Clarify any repairs to the external stonework

The agent has confirmed that the applicant will engage a 5 year maintenance proposal to reinstate/ repair all stonework by a specialist stone mason.

### **Conclusion**

Through discussions with Officers, the applicant has provided additional information in response to the issues raised by Members. The application has been considered by Cumbria Constabulary who has raised no objection to the proposed development. As such, the principle of the conversion of the buildings remains acceptable and the additional information addresses the matters highlighted at the previous meeting of this committee and in overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

If Members satisfied with the additional information received and are minded to

approve the application, it is considered that:

1. condition 2 should be amended to include references to the additional documents received;
2. an additional condition should be included which requires that the development shall be undertaken in accordance with the Management Plan;
3. a condition requiring all new external doors to be certified to PAS 24:2016.

## **COMMITTEE REPORT FOR 6th NOVEMBER 2020 MEETING**

### **1. Recommendation**

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

### **2. Main Issues**

- 2.1 The Principle of Development
- 2.2 Whether The Scale And Design Is Acceptable
- 2.3 The Impact Of The Development On Heritage Assets
- 2.4 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Affordable Housing
- 2.6 Highway Issues
- 2.7 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.8 Impact Of The Proposal On Biodiversity

### **3. Application Details**

#### **The Site**

- 3.1 The application site relates to 4-14 Victoria Place, Carlisle which are six properties within a terrace of nine, three storey building with basements. The buildings are within the city centre set on a back of pavement linear form along Victoria Place, a main thoroughfare leading east. The buildings date from 1852-54 and are located within the Portland/ Chatsworth Square Conservation Area. The terrace was constructed in an early Victorian era but are of Georgian appearance. This area of Victoria Place is characterised by its linear form, established building line and tree lined street.
- 3.2 The buildings were originally constructed as townhouses which comprised of living accommodation, servants' quarters and working areas to the houses spread over a basement, ground and first floor with attic accommodation in the roofspace. The buildings have been subject to a variety of alternative uses over the years and the subsequent alterations to the buildings to facilitate these uses have eroded this historic character to a greater or lesser degree.
- 3.3 The buildings are constructed from ashlar sandstone under a slate roof and face directly onto another terrace on the opposite side of the road. The

entrances are characterised by a porch with column supports. The windows to the front elevations are timber sliding sash with glazing bars. To the rear, the construction is brick in English garden wall bond. Some of the outriggers have been removed and the rear elevations have been rendered. A number of modern alterations are evident such a single storey extension, rebuilding of outriggers, fire escapes and blocking up of basement openings. Windows are a mix of original timber sliding sash and modern timber casement windows. To the rear of the buildings are a small courtyard which leads onto a lane that separates Victoria Place from Chapel Street.

## **The Proposal**

- 3.4 The buildings have been vacant for several years following the relocation of the previous occupant, Burnetts Solicitors. Listed building consent is sought for the change of use of redundant office building to form 6no. houses of multiple occupation together with various internal and external alterations.
- 3.5 The proposed alterations to the buildings are detailed in the Design & Access Statement accompanying the application and include (although not limited to):
- the reinstatement of individual townhouses with the infilling of doorways on the party walls and garden walls/ garden gates;
  - the removal of external fire escape stair to No. 14 and removal of the ground floor extension to No. 12 to return to the original building line and the reinstatement of windows and the ground & first floor to the original floor levels;
  - reinstate a staircase to No. 12 in the original location to serve all floor levels;
  - remove various partitions and in principle rooms (e.g. ground floor) reinstate to original wall lines;
  - form openings in archway features (at ground floor) to provide open plan lounge/kitchen (to match detail in house 6);
  - make all front doors operational and replace the window in No. 12 with a front door to match the original front door;
  - replacement and addition of dormer windows to the front roof elevation of all units to provide additional daylight and up-grade insulation levels and re-cladding with zinc cladding panels;
  - insert ensuites/bathrooms within existing rooms as a pod;
  - insert escape doors (to the rear of basements) and partition walls;
  - refurbish yard areas with raised planters, fixed seating to provide external amenity space for residents;
  - all insertions will be scribed around architectural features to allow removal if required without damage to the original feature.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers 14 of the neighbouring properties. In response, eight letters of objection have been received (three of them from the same person) and the main issues raised are summarised as follows:

1. there are an excess number of bedsits which could potentially lead to more than 100 people living here if occupied by couples which will put a strain on local resources;
2. the development will give rise to increase noise levels;
3. the yard from the lane could not comfortably house the recycling/ bins. Who would be responsible for taking them out from the yard at the back of the property down the lane and on to the street for collection? This would be a hazard on the day of collection on the public paths and it not regularly looked after, give rise to smell and vermin issues;
4. the rear lane has been a mess for years now cleaned by residents. Bin stores in yards will create even more mess as shown by an existing HMO in Chapel Street where bags are left in rear lane due to tenants not placing them out for collection;
5. traffic and parking has also been a longstanding issue in the area with residents struggling to park with shoppers visiting the city centre. This has been somewhat resolved recently with the introduction of residents only parking;
6. where are these potential 63 plus new residents going to park? There will be again high demand for the few free spaces in the area. There is also likely to be increase of cars pulling over outside this properties dropping off and picking up residents on an already constantly busy road where stopping isn't permitted;
7. the applicant's suggest that 'parking permits might be possible' which has already been discounted as parking in Zone C is at maximum capacity;
8. as well as parking, the development would increase pressure on other infrastructure such as the sewage system. The sewers are weak as evidenced by surveys undertaken by the previous owner;
9. as Grade II\* listed the renovation to include 63 bedsits within 6 properties would not be achievable within the keeping of the guidelines, health and safety (appropriate access and fire escapes etc.) or within the spirit of listed properties, surely rooms being divided etc., would cause damage to ceiling features and other characteristics;
10. six separate individual dwellings would be a more favourable option reducing the number of tenants;
11. there is no objection to these buildings being residential properties such as houses or apartments as long as they are in keeping with the surrounding buildings and Grade II\* characteristics which also have a reasonable number of residents. However 63 bedsits is an excessive number of people crammed into these properties, with minimal outdoor space for refuse and recycling. No allocated parking and an increase pressure on surrounding roads and parking and an increase of noise;
12. this is overdevelopment of listed buildings within a conservation area.

## 5. Summary of Consultation Responses

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

Local Highway Authority

As is stated in the Cumbria Development Design Guide normally for one bedroom dwellings one parking spaces per unit would be required. This cannot be achieved due to the limited parking availability to accommodate for the intensification of vehicles that will be the result of this development. However, taking into account the sustainable location of the proposed development with good access to public transport and city centre services, the Cumbria County Council has no objection to the proposed development. It should however be noted that the Cumbria County Council Parking Enforcement Team have stated that no resident parking permits are being allocated to new developments as there is currently no spare capacity.

If the application is approved the applicant must not commence works, or allow any person to perform works, on any part of the highway until in receipt of an appropriate permit allowing such works. They will need to contact Streetworks Central [centrals@cumbria.gov.uk](mailto:centrals@cumbria.gov.uk) for the appropriate permit.

#### Lead Local Flood Authority (LLFA)

The LLFA has no records of minor surface water flooding to the site and the Environment Agency surface water maps do not indicate that the site is in an area of risk.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies SP2, SP6, SP7, HO2, HO4, HO10, IP2, IP3, IP4, CC5, CM5, HE3, HE7 and GI3 of the Carlisle District Local Plan 2015-2030 are also relevant. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) and Carlisle City Council's Supplementary Planning Documents (SPD) 'Achieving Well Designed Housing' and 'Affordable and Specialist Housing' are also material planning considerations. The proposal raises the following planning issues.

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

- 6.3 The main issue to establish in the consideration of this application is the principle of development. Since the adoption of the local plan, the NPPF has been published by the government and is a material consideration in the determination of this application.
- 6.4 Policy HO2 of the local plan makes provision for windfall housing development within or on the edge of Carlisle subject to a number of criteria covering scale, design, location, proximity to services and the need to



enhance or maintain the vitality of rural communities.

- 6.5 The supporting text to Policy HO2 states in paragraph 5.9:

*“Windfall housing is recognised as contributing in a positive way to the supply of housing over the plan period. Within the built up areas of Carlisle, Brampton and Longtown, particularly but not exclusively within the Primary Residential Areas, there are likely to be opportunities for new residential development, either through the development of vacant sites, the conversion of vacant buildings, or as part of a larger mixed use scheme. Residential development in these areas will be acceptable, subject to the stated criteria in the above policy.”*

- 6.6 Moreover, in recent years there has been a shift in demand for office accommodation with out-of-centre locations being favoured over city centre buildings. This is supported by the length of time that the building has remained vacant. As such, an alternative use has to be found for such buildings to make them viable for conversion and remaining as part of the existing urban form. Given these material considerations and the fact that the site is within the city centre, the principle of development is acceptable in policy terms. The planning issues raised by the development are discussed in the following paragraphs.

## **2. Whether The Scale And Design Is Acceptable**

- 6.7 The NPPF promotes the use of good design with paragraph 127 outlining 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.”*

- 6.8 It is further appropriate to be mindful of the requirements in paragraph 130 of the NPPF which states:

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”*

- 6.9 Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. Developments should therefore harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
- 6.10 This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.11 The development would involve the installation of eight dormers on the front elevation that would replicate the four that currently exist and which would be visible from the street scene. New railings would also be provided to replace those that were historically removed. To the rear of the buildings, further alterations are proposed that include the removal of an external metal fireplace, insertion of a window, removal of a modern extension, insertion of door and removal of air conditioning equipment.
- 6.12 The alterations to the rear would not be visible from any public vantage point and would have a minimal impact on the occupiers of the neighbouring properties. The alteration to the principal front elevation would replicate existing features and has attracted no objection from the statutory consultees. Conditions are imposed on the listed building consent application which accompanies this planning application that require the applicant to submit further details in terms of the railing details, dormer construction and window and door detail.
- 6.13 The removal of some structures to the rear of the buildings would not only enhance the setting of the heritage assets, which is elaborated later in this report, but would allow for a larger amenity space. Given the scale of the land and the size of the buildings, this is limited but is not different to the previous use as an office and is commonplace for such proportions in city centre locations. A condition is imposed requesting the submission and agreement of an area for the storage and management of refuse bins and collections.

- 6.14 The scale and nature of the alterations would be acceptable in the context of the its immediate surroundings by incorporating appropriate materials. The conversion 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. The Impact Of The Development On Heritage Assets**

#### **3a. Listed Buildings**

- 6.15 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

#### Impact Of The Proposal On The Character And Setting of the Grade II\* Listed Buildings

- 6.16 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. 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).
- 6.17 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.18 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.19 The buildings are Grade II\* listed buildings and the description reads:

*“Includes: No.2 ALBERT STREET. Terrace of 9 houses (one on the return), now offices, club and house. 1852-4. Calcareous sandstone ashlar on moulded plinth, with string course, cornice and dwarf parapet. Graduated slate roof with some skylights and C20 boxed dormers; shared ridge brick chimney stacks, partly rebuilt or heightened. 2 storeys, 3 bays each, except No.2 Albert Street which is 2 bay. Right and left paired doorways have panelled door and overlights, up steps, in prostyle Ionic porches. Sash*

*windows, most with glazing bars in plain stone reveals over recessed aprons. Cellar windows under ground floor windows, the voids of No.12 and No.18 with cast-iron patterned railings. No.12 has door replaced by sash window, but within porch. The end of the terrace Nos 16 and 18 project slightly from the rest of the terrace of No.2 at the other end. 2-bay return of No.18 is on Albert Street and continues as No.2 Albert Street with right panelled door and overlight in pilastered surround. Sash windows in plain reveals. Railed cellar void carried round from No.18. INTERIORS not inspected. See description of Nos 3-17 for further details. This terrace is not on the 1851 census, but appears on Asquith's Survey of Carlisle 1853. The Carlisle Journal (1852) records the finding of Roman remains in digging foundations for houses. The deeds for No.4, listing the builder, plasterer and joiner, are dated July 1854. No.12 formerly listed on 13.11.72. (Carlisle Journal: 28 May 1852)."*

- 6.20 There are also a large number of listed buildings in the vicinity of this city centre location which includes both sides of Victoria Place together with the buildings to the north along the south side of Chapel Street.
  - ii) the effect of the proposed development on the settings of the listed buildings
- 6.21 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.22 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.
- 6.23 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 194). However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.24 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).
- 6.25 A key objective in the NPPF is "*the desirability of sustaining and enhancing the significance of heritage assets*" (paragraph 126). The NPPF advises that the more significant the heritage asset the greater weight should be given its

conservation (paragraph 132). In 2008, English Heritage issued Conservation Principles which in part explains the importance of understanding what is significant before making changes to a historic building. The document sets out four main aspects of significance: evidential (or archaeological), historical, aesthetic and communal. In accordance with the Conservation Principles, the Heritage Statement outlines that there are four main categories of significance that can be measured:

*“Exceptional – an asset important at the highest national or international levels, including scheduled ancient monuments, Grade I and II\* Listed buildings and World Heritage Sites. The NPPF advises that substantial harm should be wholly exceptional.*

*High – a designated asset important at a national level, including Grade II listed buildings and locally designated conservation areas. The NPPF advises that substantial harm should be exceptional.*

*Medium – an undesignated asset important at local to regional level, including buildings on a Local List (nonstatutory) or those that make a positive contribution to a conservation area. May also include less significant parts of listed buildings. Buildings and parts of structures in this category should be retained where possible, although there is usually scope for adaptation.*

*Low – structure or feature of very limited heritage value and not defined as a heritage asset. Includes buildings that do not contribute positively to a conservation area and also later additions to listed buildings of much less value.*

*Negative – structure or feature that harms the value of heritage asset. Wherever practicable, removal of negative features should be considered, taking account of setting and opportunities for enhancement.”*

- 6.26 The proposal involves works to the listed building which are summarised in paragraph 3.5 of this report. Historic England initially commented that:

*“Historic England is therefore supportive of both the proposed residential use of the building, and the proposal to re-establish the historic internal subdivision between the six dwellings.*

*However, we would express concerns in relation to the proposed internal configuration at first floor, which is comparatively invasive, and would serve to erode the ability to understand the historic character and form of the important first floor rooms.*

*This impact could be avoided if the terrace was converted back into six houses, which would be our preference. However, we have previously accepted that this use is unlikely to be viable, given the lack of sufficient external space or parking provision. We would therefore accept that a degree of additional subdivision will be necessary to bring the building back into active use, even if this will in part have a negative impact on the architectural character of the building. We would also acknowledge that the interior of the*

*building has already been altered in an unsympathetic manner.*

*However, any harm is a material consideration, and any application should demonstrate that this harm is both necessary, and has been mitigated as far as possible. We would therefore suggest that further consideration is given to whether a layout that did not require the subdivision of the principal rooms at first floor or the introduction of ensuite 'pods' could be achieved, particularly by reducing the number of bedrooms and proposing a greater number of shared bathroom facilities.*

*If the applicant contends that these changes to the layout cannot be achieved, the local authority should consider whether they feel that the supporting justification is clear and convincing, and whether the heritage benefit delivered by the proposal is only achievable from a scheme that causes the identified harm."*

- 6.27 The Heritage Statement provides an appraisal of the different areas and features within the buildings and categories them as being of high significance, moderate/ medium significance, low/ medium significant. The principal elevations are classified as high significance and this is a consistent status across all the levels. Within the buildings themselves, the basement is of low and low/ medium significance which is reflective of the historical functional nature of the space. The ground floor is generally of high significance with the exception of some internal doors, architrave and stud partitions which are of low and low/ medium significance. This is reflected on the first floor with chimney breasts, fire places and ornate coving and ceiling roses attaining high significance but again, internal doors, architrave and stud partitions being of low and low/ medium significance. The staircases leading to the attic space of high significance but the reminder is of low/ medium and moderate/ medium significance, again this is reflective of the historical use as servants quarters or small bedrooms.
- 6.28 The scheme has been amended following the initial submission further to the comments made regarding the first floor principle rooms with alterations to Nos. 8, 10, 12 and 14 first floor rooms to introduce pod bathrooms and a reduction in the number of bedrooms in Nos. 8 and 10.
- 6.29 The detailed Heritage Statement which has been submitted in support of this application highlights that over the years, the buildings have been subject to physical alteration and change to adapt to their alternative uses. Fundamentally, the main physical changes proposed under this application are the subdivision of the former board room between Nos. 12 and 14, the formation of dormer windows and the installation of ensuite pods. The remaining works are considered to be sympathetic alterations to the buildings such as the removal or reversal of modern additions and repair to the fabric of the building.
- 6.30 The Heritage Statement S concludes that:
- "My conclusions have found that Victoria Place is a significant heritage building with elements of the highest significance and therefore most*

*sensitive to change is its principal elevations, in particular the Victoria Place elevation which for the most part will remain unchanged. The building merits is listing at grade II\* and whilst the building has been impacted by a number of later changes which have irrecoverably changed the overall aesthetic of the building, there is recognition that a programme of sympathetic regeneration and comprehensive internal upgrading is required to enable the building to be reinstated back to its intended use as residential. The slight internal reordering of spaces and decorative uplifting would help ensure that the building is attractive making a positive contribution to the local area."*

- 6.31 The issue in determining such applications is making a balanced planning judgement which in this instance relates to the less than substantial harm that would occur as a result of the works to the building offset by the fact that the development would allow the viable reuse of the building rather than the continued period of vacancy of potential deterioration of the building. This point is highlighted in the Historic England's response and when asked specially to comment on this as part of the listed building application, the council's Conservation Officer advised that:

*"The issues to me are that the buildings have sat idle for a couple of years now, and have been actively marketed, but with little interest. The lack of parking possibly limits appeal, as does Carlisle's depressed market and a number of other former commercial listed buildings being available elsewhere...(Portland Square). The benefits of this scheme are the removal of significant partitioning and approved works to the gf, which reinstates these spaces, and overall re-use of the building. The most significant ff rooms are to the front of buildings 8-14 with 4 and 6 already subdivided. The proposals reveal the proportions of ff rooms at 8 and 10, albeit with bathroom pods to all frontage rooms. The bathroom pods are designed at our request to have curved edges and stop short of the ceilings and cornices – emphasising them as insertions into the space. This mitigates somewhat against the subdivision originally proposed which was conventionally boxy.*

*On balance, the removal gf portioning and some ff partitioning outweighs the impact on room proportions arising from the pods. I do not think the applicant's have clearly conveyed this but on aggregate I would consider the works to be of beneficial to revealing the significance of the building, and the original spatial arrangements."*

- 6.32 A number of conditions are proposed as part of the recommendation for the listed building application which follows this report in the schedule, including the requirement to provide scale drawings of the dormer windows, submission of further window details, details of any mechanical extraction systems, an obligation to record the building to Historic England Level 3, use of lime mortar for any interior or exterior brickwork, agreement of insulation to attic spaces and any rewiring or plumbing to be made good in lime plaster. 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 adjacent listed buildings.

### 3b. Impact Of The Proposal On The City Centre Conservation Area

- 6.33 The application site is located within the City Centre Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG, Policy HE7 of the local plan are relevant.
- 6.34 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:
- "special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".*
- 6.35 The aim of the 1990 Act is reiterated in the NPPF, PPG and policies within the local plan. Policies HE6 and HE7 of the local plan advise that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.36 Under the requirements of the NPPF, a *"balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
- 6.37 The principal elevation would only be subject to relatively minor changes, reinstating the railings and installing additional dormer windows. As stated as part of the listed building application, the council's Conservation Officer is content with these proposals subject to the imposition of conditions which are included separately as part of the recommendation under the listed building report.
- 6.38 On this basis, the proposal would preserve the character and appearance of the conservation area and would not prejudice important views into or out of the conservation area and is acceptable.

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

- 6.39 Development should be appropriate in terms of quality to that of the surrounding area and should not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The SPD provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking. Any subsequent scheme would have to be mindful and have regard to the distances outlined in the SPD i. e. 12 metres between primary windows and blank gables and 21 metres between primary windows.
- 6.40 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)*

- 6.41 The buildings face onto the rear of those along Chapel Street and vary in distance between approximately 8 and 11 metres. Although less than the stated distances in the SPD, members must be mindful that the openings in the building are existing and that these distances already are already present. Nothing is proposed as part of the development that would intensify this issue, for example, through the construction of extensions that would project from the rear of the buildings closer to those along Chapel Street. Indeed, it has been accepted for other applications that the development does not make an existing situation worse, such an arrangement below these distances is acceptable.
- 6.42 It is inevitable that any development may lead to increased levels of traffic and noise; however, given that the size of the site the level of usage would not warrant refusal of the application on this basis.
- 6.43 Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition is suggested which would limit construction hours.
- 6.44 In overall terms, taking into consideration the scale and position of the proposed application site in relation to neighbouring properties, it is unlikely that the living conditions of the occupiers of the surrounding properties will be compromised through loss of light, loss of privacy or over dominance.

## **5. Affordable Housing**

- 6.45 Policy HO4 of the local plan requires identifies three zones within the district and the proportionate level of affordable housing that should be provided once the relevant threshold has been met. In this instance, the site falls within Zone B which requires that on sites of 11 units or over, 20% of the units will be required to be affordable housing.
- 6.46 The council's Housing Development Officer has commented that a financial contribution for off-site affordable housing is required in lieu of on-site provision due to the number of units exceeding the threshold. This would be based on the equivalent to providing 12 on-site affordable units at 20% of the total units.
- 6.47 The converted buildings will provide individual rooms with communal facilities. The submitted Design and Access Statement clarifies that:

*"The proposals seek to return the Townhouses back to individual stand alone units with a mixture of room sizes and facilities to rent on a shared house basis. This application seeks to provide modern, sustainable and appealing*

*living space, while preserving and enhancing the building curtilages and working within the constraints of the Grade 2\* listing."*

- 6.48 The importance of Policy HO4 and the affordable housing SPD is acknowledged but in this instance it would not be appropriate to apply them to this development or to require the affordable housing contribution. The SPD refers to the numbers of dwellings or units to be created and the resulting number relative to the assessment of the affordable housing provision. In this instance, given that the 'units' comprise of rented ensuite bedrooms whose occupants share communal facilities such as the kitchen, lounge and laundry facilities, a contribution is not required. This does not undermine the council's position when assessing applications for flats, bedsits or self-contained sheltered accommodation which would be considered a residential unit due to facilities classifying them as 'self contained'.
- 6.49 The Housing Development Officer also makes reference to the fact that housing policies support accessibility to and within properties and in particular, that Policy HO10 of the local plan is committed to the development of flexible and adaptable homes to meet the need of disabled persons. It is recommended that a number of the ground floor units incorporate design standards from Part M of the Building Regulations.
- 6.50 Policy HO10 refers specifically for dedicated specialist housing for a particular group within society such as vulnerable people, ageing people, those with physical or learning difficulties etc. This application is not intended to target a particular need such as this.
- 6.51 The buildings are elevated above the pavement level and are accessed via several steps. Some measures could be incorporated on the ground floor; however the buildings are Grade II\* listed and consideration would have to be given to the alteration of the buildings in this manner. Development must comply with other relevant legislation which in this case would include the Building Regulations where accessibility would be taken into account.

## **6. Highway Issues**

- 6.52 There is no dedicated parking for these buildings and parking along the frontage is prohibited by double yellow lines. The fact that there is no parking is not uncommon in city centre locations which is generally the 'norm' rather than the exception. Initially, Cumbria County Council as the Local Highway Authority raised an objection on the following basis:

*"No parking provisions have been provided, therefore does not meet our requirements. If the application is approved I can confirm no parking permits area available for on street parking as this area is oversubscribed for parking. There are large private car parks in the area but the applicant would have to liaise with the car park owners directly.*

*With the above in mind I have no alternative but to recommend refusal."*

- 6.53 This response conflicted with responses issued by the Local Highway Authority for other developments in the city centre, particularly given that the site is well-related to the city and is accessible by alternative means of transport including cycling, walking and public transport. It is also well-related to two public car parks. Following discussions with Officers, the consultation response was revised and the updated comments are reproduced in Section 5 of this report.
- 6.54 The proposed use also has to be considered against the existing lawful and previous use of the buildings as offices which were occupied by Burnetts Solicitors. A large number of staff worked in these buildings and there were also clients which would have visited the premises, all of whom would have to have made their own parking or travel arrangements. As such, any vehicle movements can be accommodated within the existing highway network and 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.

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

- 6.55 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application form, submitted as part of the application, outlines that both foul drainage and surface water would drain to the mains drains as is the current arrangement.
- 6.56 Cumbria County Council as the Lead Local Flood Authority has raised no objection to this issue. In the representations that have been received, it is stated that the drainage infrastructure serving the property is in need of some repair. If this is the case, this is a matter for the applicant and the utilities company to resolve. As such, it is considered that the means of foul and surface water drainage are acceptable.

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

- 6.57 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c. ) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.58 As the proposal would involve the conversion of an existing building within the city centre, the proposal would not harm a protected species or their habitat; however, an Informative has been included within the decision notice

ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

- 6.59 It has been stated to Officers that there are known to be bats in the attic. There is no evidence of this and given the nature and location of the building, this is considered unlikely; however, the applicant has a separate obligation under the European legislation to protect the species if any are found once work commences.

## **Conclusion**

- 6.60 In overall terms, the principle of the conversion of the buildings is acceptable. 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.
- 6.61 The significance and integrity of heritage assets need to be properly taken account of and protected as part of any development proposal. In determining this application, a planning balance has to be made which in this instance primarily relates to the less than substantial harm that would occur as a result of the works to the building offset by the fact that the development would allow the viable reuse of the building rather than the continued period of vacancy of potential deterioration of the building. The building has remained vacant for a considerable period of time with little prospect of that changing. It is accepted that some alterations are necessary to convert the building and make it practical and viable for an alternative use, one which will secure the future of this heritage asset. Based on the foregoing assessment it is considered that an appropriate equilibrium has been struck between the conversion and future use of the buildings together with the protection of the heritage assets and would be of wider public benefit and the proposal would not be detrimental to the character or setting of any listed building
- 6.62 In the context of the site, the amenity of the occupiers of the neighbouring property would not be adversely affected. Adequate provision would be made for foul and surface water drainage. Although there is no dedicated parking provision, the site is located in the city centre with access to alternative transport links and car parks. In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

## **7. Planning History**

- 7.1 Historically there have been several applications for planning permission for alterations to the buildings.
- 7.2 More recently, in 2002, listed building consent was granted for the creation of link doors at ground floor and 1st floor between 14 and 16 together with additional internal alterations.
- 7.3 An application is currently being considered for listed building consent for the change of use of redundant office building to form 6no. houses of multiple

occupation under application 20/0246.

## **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 20th April 2020;
  2. the Block Plan & Location Plan received 15th April 2020 (Drawing no. 06 Rev A);
  3. the Proposed Plans and Elevations received 9th July 2020 (Drawing no. 02 Rev G);
  4. the Typical Ensuities & Ground Floor received 9th April 2020 (Drawing no. 04);
  5. the Proposed Section received 9th April 2020 (Drawing no. 03);
  6. the Design and Access Statement received 9th April 2020;
  7. the Heritage Statement received 9th April 2020;
  8. the Notice of Decision;
  9. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

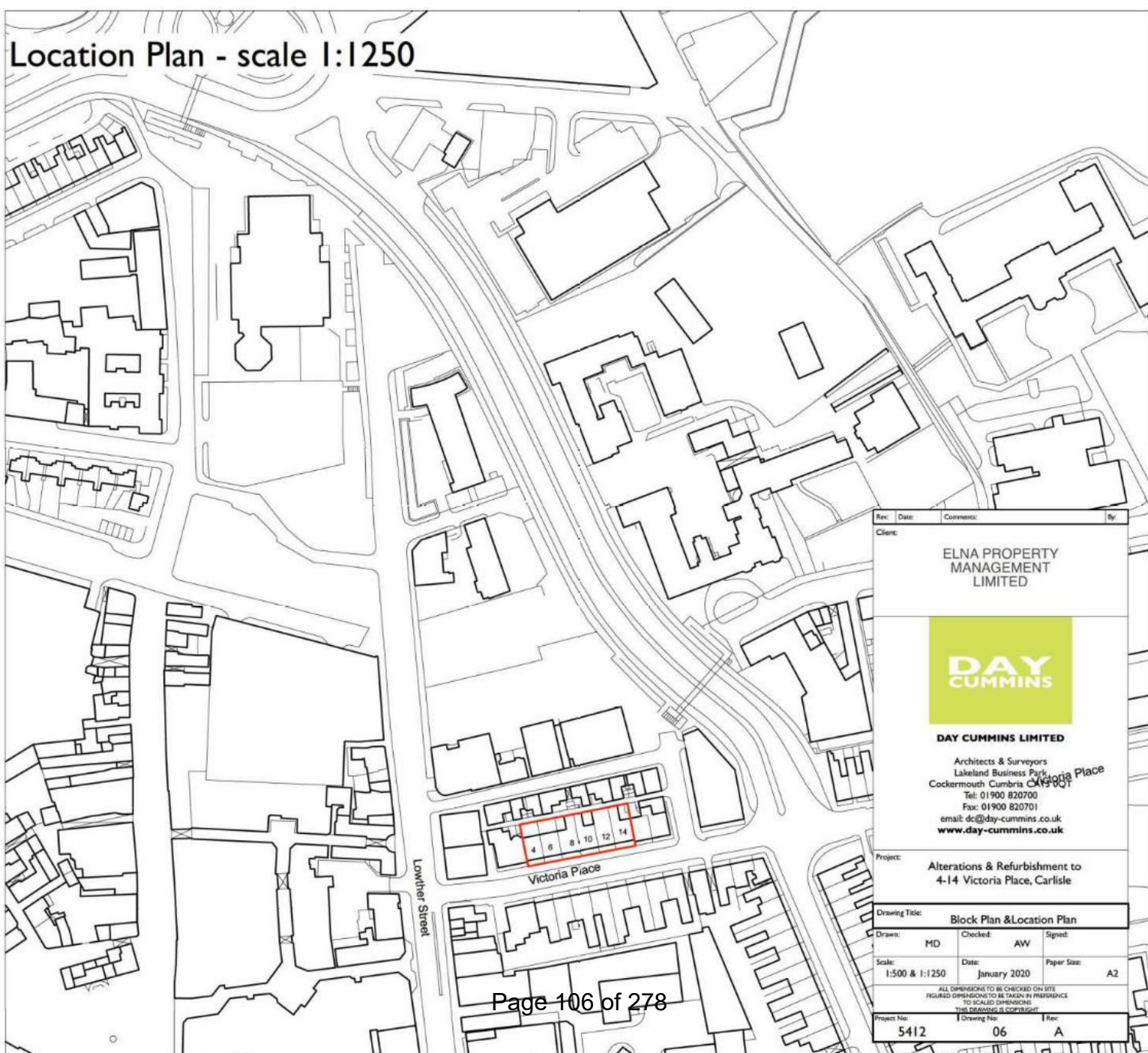
3. The bin storage area serving each property (shown on the Proposed Plans and Elevations Drawing no. 02 Rev G) shall be provided, together with appropriate refuse receptacles, prior to the first occupation of each individual property and shall be retained thereafter.

**Reason:** To ensure that adequate provision is made for refuse in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. 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).

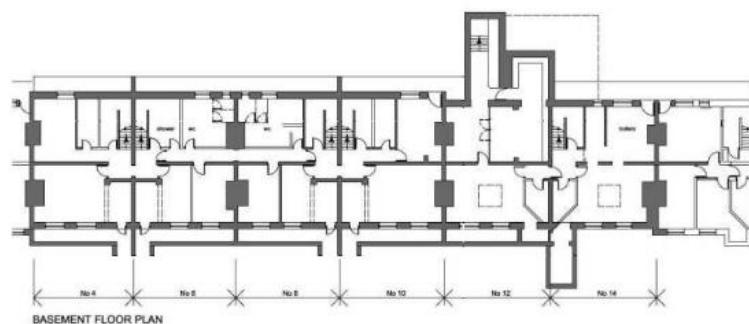
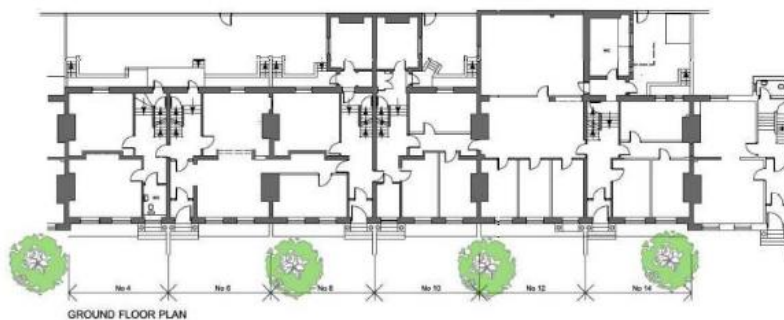
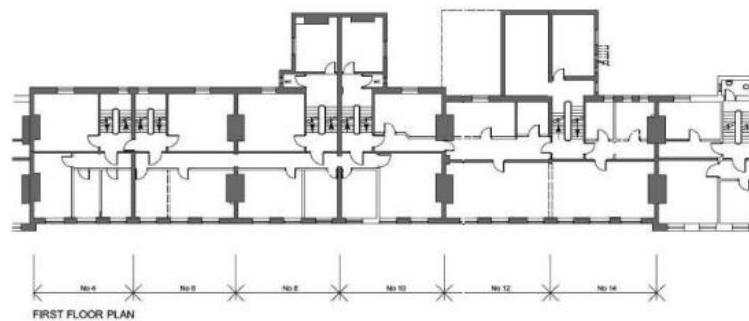
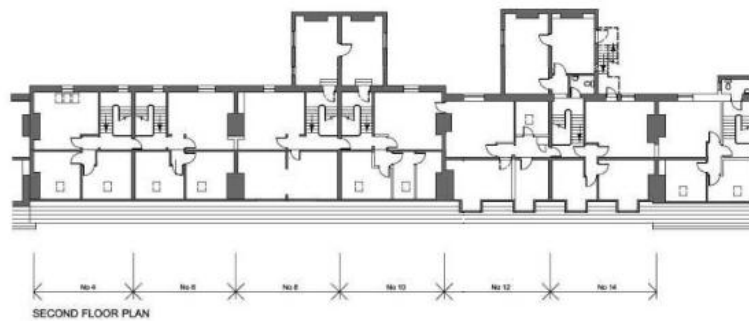
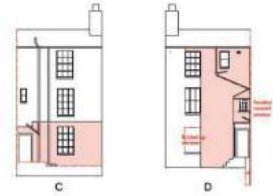
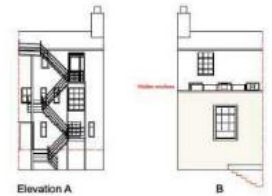
**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

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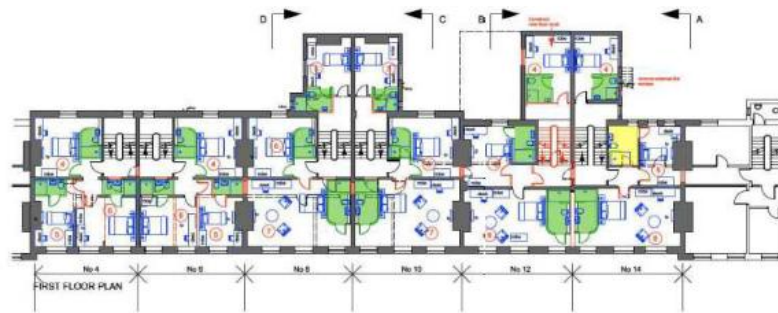
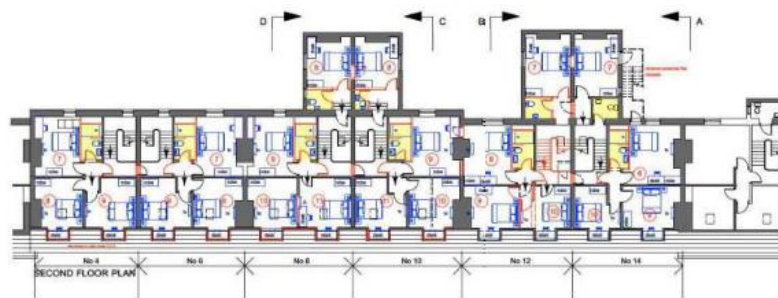
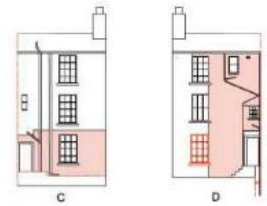
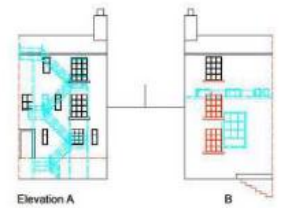


Rev:	Date:	Comments:	By:
Client:			
ELNA PROPERTY MANAGEMENT LIMITED			
			
DAY CUMMINS LIMITED			
Architects & Surveyors Lakeland Business Park Cockermouth Cumbria CA13 9QT Tel: 01900 820700 Fax: 01900 820701 email: dc@day-cummins.co.uk www.day-cummins.co.uk			
Project: Alterations & Refurbishment to 4-14 Victoria Place, Carlisle			
Drawing Title: Block Plan & Location Plan			
Drawn: MD	Checked: AW	Signed:	
Scale: 1:500 & 1:1250	Date: January 2020	Paper Size: A2	
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Project: Alterations & Refurbishment to 4-14 Victoria Place, Carlisle			
Drawing Title: Existing Plans and Elevations			
Drawn: MD	Checked: AW	Signed:	
Scale: 1:200	Date: January 2020	Paper Size: A1	
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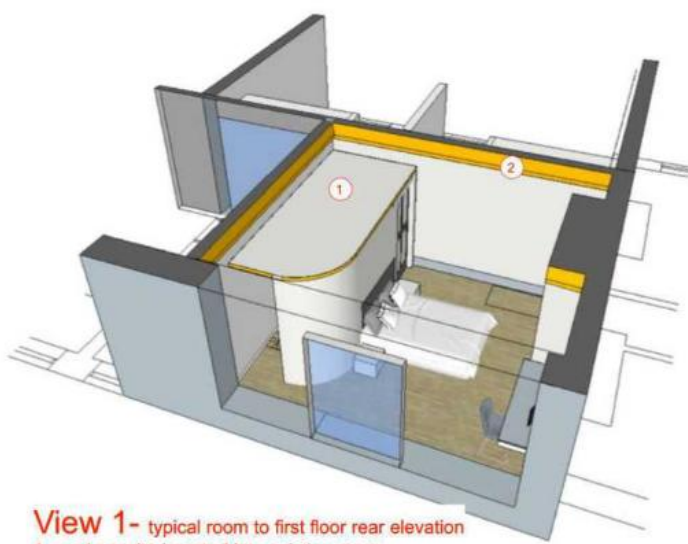


- no 4 - Nine rooms  
gross internal area 284.1m<sup>2</sup>
- no 6 - Nine rooms  
gross internal area 284.1m<sup>2</sup>
- no 8 - Eleven rooms  
gross internal area 348.5m<sup>2</sup>
- no 10 - Eleven rooms  
gross internal area 348.5m<sup>2</sup>
- no 12 - Ten rooms  
gross internal area 359.7m<sup>2</sup>
- no 14 - Ten rooms  
gross internal area 349m<sup>2</sup>
- total - 60 Rooms**  
**lounge/dining, shower rooms**  
**& laundry to each townhouse**

Rev	Date	Comments	By
01			
Client: ELNA PROPERTY MANAGEMENT LIMITED			
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Project: Alterations & Refurbishment to 4-14 Victoria Place, Carlisle			
Drawing Title: Proposed Plans and Elevations			
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Project No: 5412	02	G	







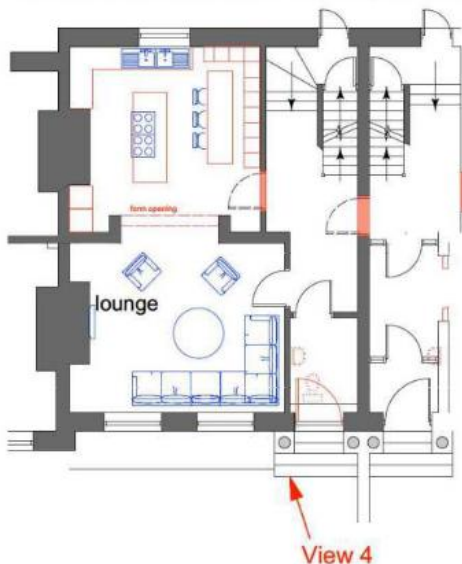
**View 1** - typical room to first floor rear elevation  
1 - pod ensuite inserted into existing room  
2 - Existing cornice



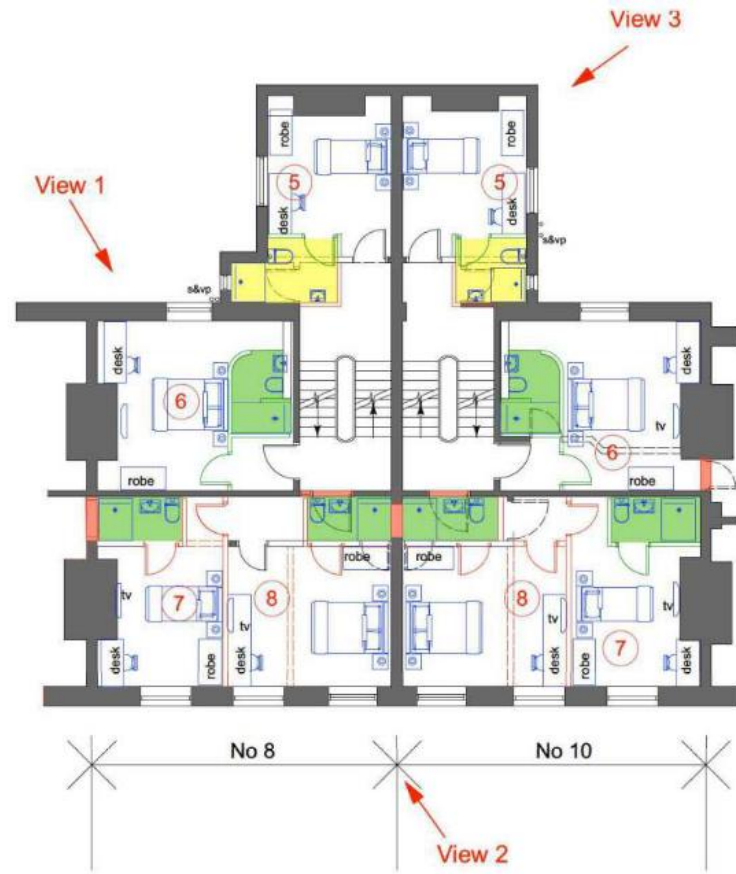
**View 2** - typical room to first floor front elevation  
1 - pod ensuite inserted into existing room  
2 - Existing cornice



**View 4** - typical ground floor lounge/kitchen  
1 - form new opening in existing archway (as house 6 - see photo)



**View 4**



**View 3** - typical room to first floor rear elevation  
1 - pod ensuite inserted into existing room  
2 - Existing cornice

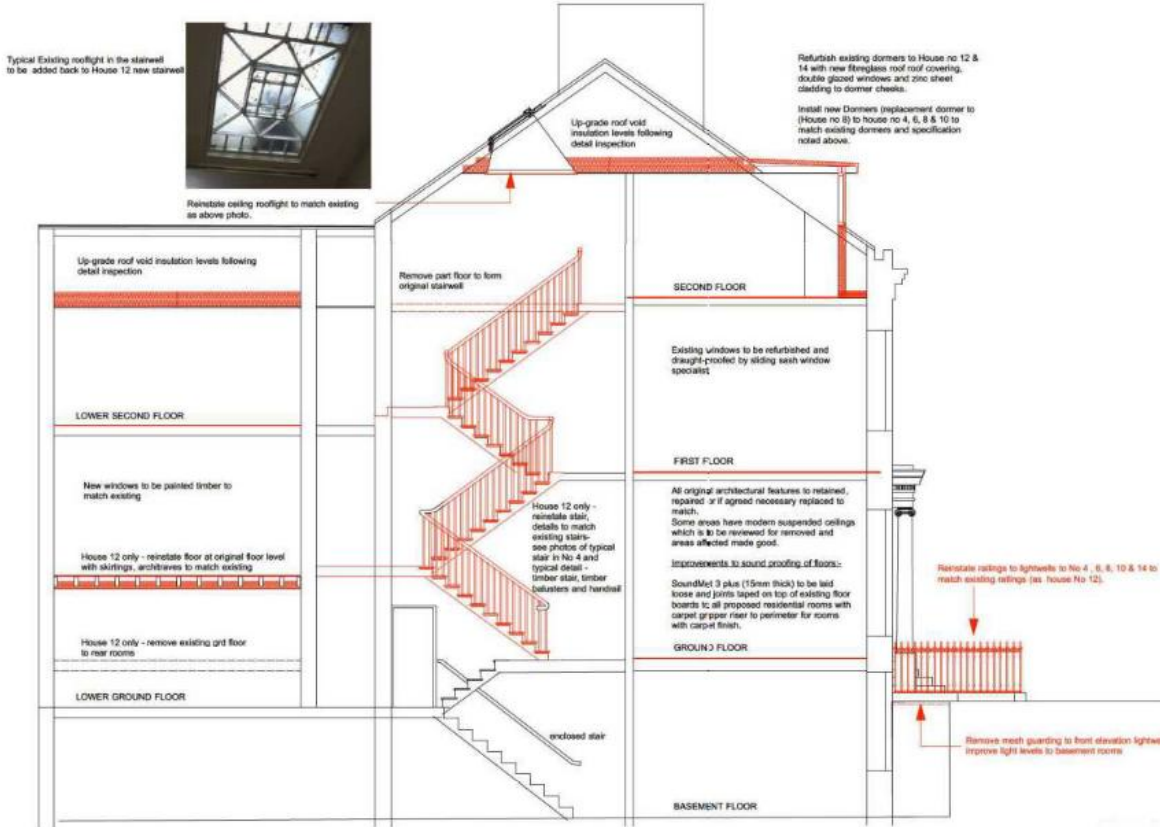


Example of archway feature treatment - House no 6

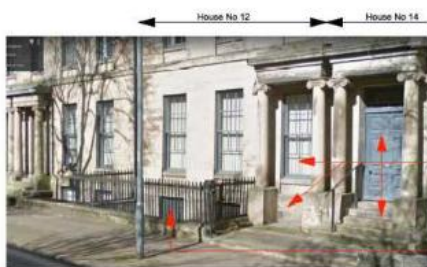
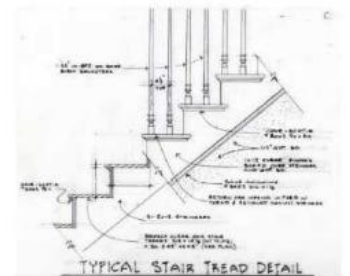
Rev:	Date:	Comments:	By:
Client:			
<p><b>ELNA PROPERTY MANAGEMENT LIMITED</b></p>			
<p><b>DAY CUMMINS</b></p>			
<p><b>DAY CUMMINS LIMITED</b></p>			
<p>Architects &amp; Surveyors Lakeland Business Park Cockermouth Cumbria CA13 0QT Tel: 01900 820700 Fax: 01900 820701 email: dc@day-cummins.co.uk www.day-cummins.co.uk</p>			
Project:			
<p>Alterations &amp; Refurbishment to 4-14 Victoria Place, Carlisle</p>			
Drawing Title:			
<p><b>Typical ensuite &amp; Ground floor</b></p>			
Drawn:	MD	Checked:	AWW
Scale:	1:200	Date:	January 2020
Paper Size:	A1		
<p>ALL DIMENSIONS TO BE CHECKED ON SITE. ROUNDED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS. THIS DRAWING IS COPYRIGHT</p>			
Project No:	5412	Drawing No:	04



Existing dormers houses 12 & 14 front elevation - to be refurbished and new dormers added to match on houses 4,6,8 & 10



Typical stair to be added back to house 12



Reinstate front door to No 12 and front door stone steps to match original doorsteps (as house no 14)

Reinstate railings to lightwells to No 4, 6, 8, 10 & 14 to match existing railings (as house No 12).

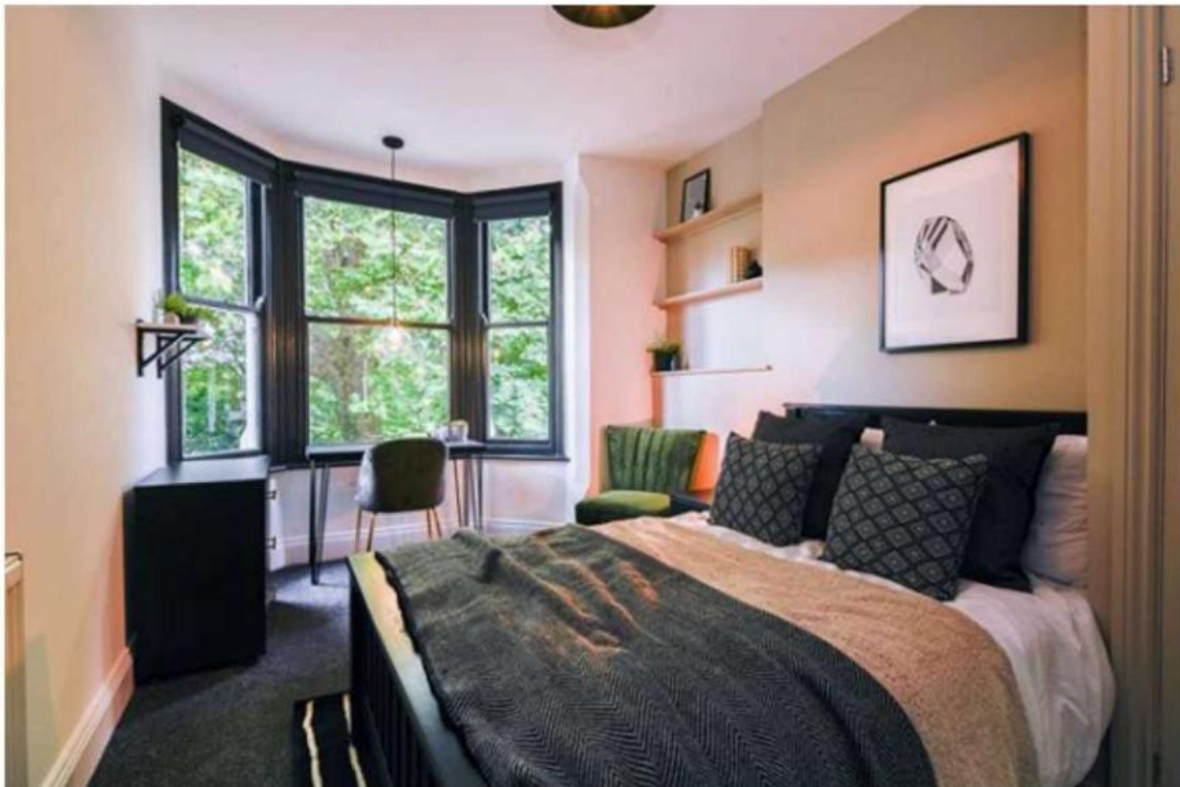
Remove mesh guarding to front elevation lightwells to improve light levels to basement rooms

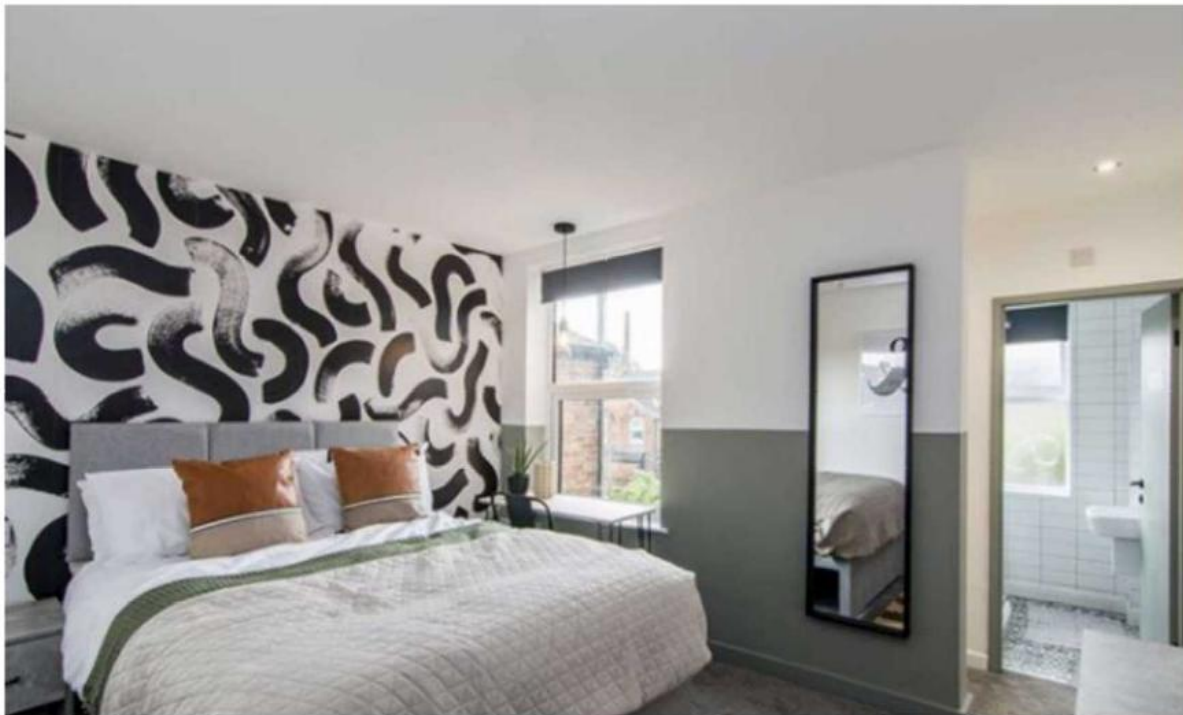


Rev	Draw	Comments	No
Client:	ELNA PROPERTY MANAGEMENT LIMITED		
<b>DAY CUMMINS LIMITED</b> Architects & Surveyors Lakeside Business Park Cockermouth Cumbria, CA13 8QZ Tel: 01900 820700 Fax: 01900 820701 email: dc@day-cummins.co.uk www.day-cummins.co.uk			
Project: Alterations & Refurbishment to 4-14 Victoria Place, Carlisle			
Drawing Title: Proposed Section			
Drawn: MD	Checked: AW	Signed:	
Scale: 1:200	Date: January 2020	Paper Size: A1	
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Page No: 5412	Drawing: 03	Rev:	



Modern HMO Standards that will be used in Victoria Place













12/11/2020

**Subject: 4-14 Victoria Place Planning Deferral**

Dear Richard and for the attention of the committee,

I am writing in regard to the committee meeting held on Friday 6<sup>th</sup> November 2020 whereby it was voted, unanimously, in favour of deferring the decision pending several pieces of information. I was fortunate enough to attend the committee meeting in full and therefore was able to gain a good understanding of various committee member's concerns, these will be commented upon in more detail within this letter.

I would however like to comment that it was quite disappointing to hear some of the comments regarding the quality of the project. As a company we take pride in taking on more difficult builds with a view to creating quality stock which we then retain on a long-term basis. This is contrary to many mainstream developers who look for easy, characterless developments which focus on profit and sales. We really do wish the meeting would have had a less pessimistic discourse which may give some credit to a developer looking to take on a heritage asset with quality intent, however, we also understand that committee members have a duty of care to the city.

First of all, I will address the information requested and then give more information as to why we are developing the property in this way:

- request the submission of a Management Plan – please see attached. We have managed numerous tenanted properties of studios, apartments, HMO and residential units for over 25 years. For example, in Luton we have a 40-bed development of studios in the centre. Luton has many socioeconomic issues that can invite crime and antisocial behaviour. Our building has been fully occupied for four years with no reported crimes or issues and remains very well maintained by our team.
- obtain a consultation response from Cumbria Constabulary – Richard Maunsell is taking care of this.





- seek further clarification regarding the provision of cycle facilities – please see attached plans with 3 cycles added to each rear yard area.
- 4. clarify any proposed improvements and repair of foul drainage infrastructure – Drainage survey took place the Monday following committee, it was found that
- clarify the provision of any external lighting – demonstrated on attached plans
- identify security measures to access of the rear lane – CCTV shown. It is unclear who holds ownership over the lane but we look to monitor it closely either through keypad access or if a right of way, our CCTV will also cover it.
- clarify any repairs to the external stonework – the feasibility of the development is extremely tight given the historic nature and fairly weak values, we have a maintenance plan in place that will restore the front façade stonework from profits over a 3-5 year project.

### **Strategy:**

HMO's are often depicted as low-income poor-quality housing when, in many cases, this is quite simply not true. Predominant cities across the UK have seen a wave of luxury HMO supply which fulfils an important role that other residences do not. If I were a junior nurse, trainee solicitor or factory worker moving into Carlisle for work for an undetermined length of time, I would have 3 options:

- Poor quality house shares
- Apartment / house rental
- Short term accommodation at expensive pricing

Each of these three products have limitations and pain points to include the following:

- Setting up utilities and council tax
- Closing down utilities and council tax on exit
- Poor quality accommodation
- 2-4 week tenant onboarding processes with agents

At 4-14 Victoria Place, we will be utilising our strategies which have proven extremely popular in our other locations, some examples include:

- A central location within walking distance to amenities, transport and leisure creating ease and wellbeing for residents.





- Our onboarding process for new residents is very diligent and takes no longer than 24 hours to completion and move in, it is frictionless.
- All bills and council tax are included in the pricing.
- We have designated wifi 100mb cables to our buildings allowing residents to access strong wifi immediately without setting up accounts with providers and waiting for access.
- Our variety of rooms from small with share bathrooms to large rooms with living room amenities given a large spread for different affordability
- Our buildings are semi serviced allowing for easy maintenance requests, bin collection, tenant communications and so on.
- Our security system consists of CCTV surrounding the property, front door fob entry and individual room key entry giving residents a secure feel in the town centre.
- Our rooms are designed by interior designers with wellbeing at the forefront. We are not creating boxes to cram tenants in, they are enjoyable experiences.

People have enough to focus on in life without dealing with all of the pain points that getting accommodation brings. 4-14 Victoria Place allows a resident to live in a well designed room in a grade 2 star townhouse in the centre of town at a pricing comparable to that of poor accommodation outside of the centre; this is a new and important offering and is appropriate to bring this building back into use.

Kind Regards,



## **4 – 14 Victoria Place, Carlisle - Management Plan**

Managing Agent: Elna Property Management Ltd

Owner: Victoria Place Holdings Ltd.

### **1.0 The Residence**

The Residence (accommodation at 4-14 Victoria Place Carlisle) will be managed by an experienced property management team – Elna Property Management Ltd to create a safe and enjoyable environment for its occupants whilst respecting their needs for privacy and social activity. The Residence and its occupants acknowledge and respect the privacy of adjoining residents and businesses and will ensure these rights are not compromised by their actions. Noise and antisocial behaviour will have no place at the premises. This is to be a serviced premises.

### **1.1 The Site**

The site is located on Victoria Place in the city centre. The site is within a 5-minute walk to the city centre, bus terminal and train station.



### **1.2 The Design**

The new buildings will present 6 attractive grade two star Townhouses. We are looking to bring luxury HMO design that is rife in Manchester, Leeds and London to Carlisle with a long-term investment approach.



## Cycle Store

There will be 3 cycle storage units placed at the rear of each townhouses. 18 cycles in total which given the central location should more than suffice.

## Bin Store and Refuse

Three large wheel bin stores will be provided in rear areas of each townhouse as per plans. The bin areas will be monitored by the CCTV system and tenants warned and fined if not used appropriately. Doors to the rear alleyway will be locked allowing no neighbourly use of bins. Bins will be collected once or twice weekly on a contract with a private or council operated refuse collection organisation at a specified time-slot – this will be handled by our maintenance team.

## Mail and Letter Boxes

Given the number of occupants, we will create a central postage delivery system which delivers all post to one townhouse/location. This post will be circulated to lockable letterboxes in the hallway of each townhouse daily or every other day.



## CCTV & Access Control

All the entrances into the building will be secure security fobbed access. Further security is provided by way of a comprehensive and strategically placed network of CCTV cameras to the front and rear façade. The CCTV will be monitored by our maintenance team and we operate smartphone app – HIKVISION to keep live viewing of all properties.

The Residence will ensure that all staff are aware of their obligations to occupants and the local community and conduct themselves professionally at all times. Lost keys, fobs or other access tools are replaced as soon as possible after notification at an adequate charge in accordance with the Licence governing occupation.

### **1.3 Accommodating DDA**

The accommodation will be designed in line with building regs. Given the listed building nature, we cannot foresee what elements will be required pre building regs stage.

### **1.4 Delivery Van Parking Strategy**

Short-stay delivery vehicles seeking to parcel drop-off and pick-up could park temporarily on Albert Street in order to avoid any congestion on Victoria Place, the nature of central city living makes alternative arrangements difficult. Delivery vans have a maximum stay of 15 minutes to unload and deliver; providing the vehicle is not causing any unnecessary obstructions.

Longer-stay vehicles seeking to gain access to the parking for the purpose of maintenance and repairing can park in the Iceland car park behind where we may or may not purchase long term spaces.

## **2.0 On Site Staffing**

It is proposed the site will be managed by:

- The scale of the property is not big enough to condone a full time site manager. We currently have 6 property managers, 4 tradesmen and a selection of maintenance companies in Cumbria. The finance and leasing management will take place in offices in Cockermouth with a potential satellite office nearby in Carlisle. The maintenance team will visit site at least 4-5 days per week to carry out duties.

This will provide robust 24/7 management of the site to ensure that the property is managed professionally from day one to alleviate the impact on the local community.

### **2.1 Noise and Anti-social Behaviour**

We recognise that there are a number of residences and businesses in close proximity to the site but the continual presence of the site management and live CCTV monitoring will ensure that local residents always have a point of contact should there be any issues relating to noise or anti-social behaviour so they can be dealt with promptly and efficiently.

Info packs issued on arrival will include reference to considering local residents and penalties (in leases) if anti-social behaviour is noted.

### **2.2 Community**

The management team will actively seek to engage with local residents, resident's associations and community organisations. In addition to working closely with the local people, the management team will hold annual meetings with local residents and groups to discuss and address any issues that may



arise. A meeting room is available on the ground floor within the main reception area for this purpose.

### **2.3 Car Parking**

Rooms will be marketed with no parking. No residents parking permits will be allowed. Visitors with cars can use pay and display parking at the Iceland Car Park. The central location of the property and cycling storage given should minimise need for parking.

### **2.4 Management**

Whilst the management team will aim to create a welcoming environment for all the tenants, any anti-social behaviour will not be tolerated and any residents breaching the clear and strict rules and regulations outlined within their tenancy agreement will lose their accommodation.

The management will be supported by an off-site team who will deal with the marketing of the property and any serious tenancy enforcement issues.

### **2.5 Out of Hours Management**

The management team will operate a 24/7 help desk which will link through to the property manager, security and maintenance staff will be on a call out rota to attend out of hour calls, for example when there is a fire alarm or the heating fails.

### **2.6 Security**

CCTV cameras in and around the building will be channelled back to several managers smartphones through HikVision app.

### **2.7 Inspection**

All communal areas will be inspected weekly and a traffic light system i.e. green, amber and red will be used to control cleanliness levels. This will ensure that the accommodation conforms to hygienic regulations and minimises pest control issues. Amenity and landscaped areas will also be inspected and maintained regularly by the contracted cleaning company.

At the end of every break in occupation the rooms will be inspected, repaired and deep cleaned in readiness for the next occupier.

### **2.8 Repairs**

The property will have Property Services Assistants (PSA's) in Cumbria who will carry out all of the day to day repairs and testing of the fire alarm and emergency lighting systems. The PSA's will be backed up by specialist's subcontractors for gas, electrical testing, water treatment risk assessments, fire extinguisher and fire alarm maintenance etc.

There will be a sinking fund in place to deal with major repairs which will be organised by the building owner. This will include internal and external decoration; re-carpeting; new furniture and roof, window and fabric works as the building ages. This will ensure that the building is maintained and kept in a safe, working state.

## **2.9 Health & Safety**

The site will be operated to the following BSI accreditations including ISO9001: Quality Management; ISO14001: Environmental Management and OHSAS 18001: Health & Safety Management. The management take Health and Safety and statutory compliance very seriously with regular assessments and audits carried out relating to such items as:

- Fire Risk Assessments
- Health & Safety Risk Assessments including COSHH, PAT testing and Gas Safety Certification
- Legionellosis (water) Risk Assessment
- Fixed Electrical Testing
- Emergency Lighting Testing

The property will be subject to regular statutory compliance reports.

## **2.10 Minimum Operational Standards**

We will adhere to all operational standards of HMO's but will look to outperform these substantially.

## **2.11 Neighbourhood and Community**

The management team will actively seek to engage with local tenants and resident's associations and community organisations. In addition to working closely with local people, the management team will hold regular meetings with local residents and groups to discuss and address any issues. There will be CCTV cameras covering this area as well as around the perimeter of the building to increase surveillance of residents in and around the property.

The management team will have robust procedures in place to manage this and the terms of the license means that we can fine and if necessary expel repeat offender residents or take criminal proceedings if appropriate. Management will operate a deposit and guarantor policy which provides further security relating to resident behaviour.

They will also actively engage with resident representatives via regular consultations to listen to their concerns and suggestions and at the same time provide feedback to the residents on any incidents or underlying issues.

## **2.12 Move-In Process**

Public car parks are available within walking distance of the site for longer term parking during and post drop off. The management team may enter into negotiation



with the Iceland Car Park landlords to get spaces reserved annually which will help during move in days. The outcome of this negotiation can of course not be guaranteed at this stage.

### **3.0 Tenancy Agreements**

Resident applications will be processed with deposits required and guarantors if appropriate in place as soon as the Tenancy Agreement is signed.

Each resident will sign up to a Tenancy Agreement which bounds them to rules and codes of conduct during their stay at the residences.

Where residents breach the agreement, there will be escalating levels of enforcement which will include deductions from their deposits, written and final warnings and ultimately expulsions.

Agreements will include all bills and potentially council tax to give the easiest experience and avoid utility bills issues as tenants move in and out of the property.

### **4.0 Travel Management Principles**

We will look to promote use of walking, cycles, buses and trains given the central location.

[illegible]



## SCHEDULE A: Applications with Recommendation

20/0246

Item No: 03

Date of Committee: 04/12/2020

**Appn Ref No:**  
20/0246

**Applicant:**  
Sound Leisure Limited

**Parish:**  
Carlisle

**Agent:**  
Day Cummins Limited

**Ward:**  
Cathedral & Castle

**Location:** 4-14 Victoria Place, Carlisle, CA1 1ER

**Proposal:** Change Of Use Of Redundant Office Building To Form 6no. Houses Of Multiple Occupation Together With Various Internal And External Alterations (LBC)

**Date of Receipt:**  
16/04/2020

**Statutory Expiry Date**  
11/06/2020

**26 Week Determination**  
07/12/2020

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### REPORT

**Case Officer:** Richard Maunsell

### ADDENDUM REPORT

The application was presented to Members of the Development Control Committee on the 6th November 2020 with a recommendation that the application was approved.

Following a debate by Members, several issues were raised and the application was deferred to allow Officers time to discuss the matters with the applicant and to allow the submission of additional information. The applicant has submitted a Drain Survey, A Management Plan, a Site Plan and a supporting letter, the latter 3 of which are reproduced following this report and following the previously reproduced plans and documents. The following underlined subheadings identify each of the committee's concerns and the information which has been submitted by the applicant together with an appropriate assessment.

#### Management Plan

A Management Plan has been submitted in support of the application which is reproduced following the report. In summary the report provides the following:

#### *Refuse*

Refuse areas will be provided and monitored by the CCTV system and tenants warned and fined if not used appropriately. The bins will be collected once or twice weekly on a contract with a private or council operated refuse collection organisation

at a specified timeslot and will be handled by the applicant's maintenance team;

#### *Post*

A central postage delivery system will be created which delivers all post to one townhouse/location. This post will be circulated to lockable letter boxes in the hallway of each townhouse daily or every other day.

#### *CCTV & Access Control*

All the entrances into the building will be secure security fobbed access. Further security is provided by way of a comprehensive and strategically placed network of CCTV cameras to the front and rear façade and will be monitored by the maintenance team.

#### *On-Site Staffing*

The site will be staffed by 6 property managers, 4 tradesmen and a selection of maintenance companies currently in Cumbria. The maintenance team will visit site at least 4-5 days per week to carry out duties.

#### *Noise and Anti-social Behaviour*

The continual presence of the site management and live CCTV monitoring will ensure that local residents always have a point of contact should there be any issues relating to noise or anti-social behaviour so they can be dealt with promptly and efficiently.

Information packs issued on arrival will include reference to considering local residents and penalties (in leases) if anti-social behaviour is noted.

#### *Car Parking*

Rooms will be marketed with no parking. No residents parking permits will be allowed. Visitors with cars can use pay and display parking at the Iceland Car Park.

#### *Management*

Any anti-social behaviour will not be tolerated and any residents breaching the clear and strict rules and regulations outlined within their tenancy agreement will lose their accommodation.

#### *Out of Hours Management*

The management team will operate a 24/7 help desk which will link through to the property manager, security and maintenance staff will be on a call out rota to attend out of hour calls.

#### *Security*

CCTV cameras in and around the building will be channelled back to several managers smart phones.

#### *Inspection*

All communal areas will be inspected weekly to control cleanliness levels. This will ensure that the accommodation conforms to hygienic regulations and minimises pest control issues. The amenity and landscaped areas will also be inspected and maintained regularly by the contracted cleaning company.

### *Repairs*

The property will have Property Services Assistants (PSA's) in Cumbria who will carry out all of the day to day repairs and testing of the fire alarm and emergency lighting systems. The PSA's will be backed up by specialist subcontractors for gas, electrical testing, water treatment risk assessments, fire extinguisher and fire alarm maintenance etc.

### *Health & Safety*

The site will be operated to the following BSI accreditations including ISO9001: Quality Management; ISO14001: Environmental Management and OHSAS 18001: Health & Safety Management. The management take health and safety and statutory compliance very seriously with regular assessments and audits carried out.

### *Neighbourhood and Community*

The management team will actively seek to engage with local tenants and resident's associations and community organisations. In addition to working closely with local people, the management team will hold regular meetings with local residents and groups to discuss and address any issues. There will be CCTV cameras covering this area as well as around the perimeter of the building to increase surveillance of residents in and around the property.

### *Move-In Process*

Public car parks are available within walking distance of the site for longer term parking during and post drop off. The management team may enter into negotiation with the Iceland Car Park landlords to get spaces reserved annually which will help during move in days.

### *Tenancy Agreements*

Resident applications will be processed with deposits required and guarantors if appropriate in place as soon as the Tenancy Agreement is signed. Each resident will sign up to a Tenancy Agreement which bounds them to rules and codes of conduct during their stay at the residences. Where residents breach the agreement, there will be escalating levels of enforcement which will include deductions from their deposits, written and final warnings and ultimately expulsions.

### *Travel Management Principles*

The use of walking, cycles, buses and trains given the central location will be promoted.

### Consultation with Cumbria Constabulary

Following the receipt of the additional information, Cumbria Constabulary were consulted and their response is based on the originally submitted application details together with the additional documents that were submitted following the deferral of the application. Their response reads as follows:

*"The comments in the Management Plan document are noted. The development must also comply with Building Regulations Approved Document Q (Security - Dwellings).*

*From my interpretation the buildings shall be sub-divided into apartments with*

*private entrances across each of the four floors.*

*The Heritage Statement highlights the significance of Listed Building status and advises that there are no proposals to replace all the existing external doors, basement windows or ground floor windows. Considering most of these items could be decades old, I query the integrity and suitability of these features to resist forced entry in a domestic environment and thus how they shall be adapted or refurbished with modern locking devices for this purpose. Glazing shall likely be original annealed panes, with little impact resistance (or heat retention).*

*Consequently, without having prior knowledge of the features listed below and without further detail in the application documents, it would be helpful if the applicant could advise how the following security measures shall be addressed:*

- *yard gates/doors to prevent unauthorised access via rear lane*
- *illumination of rear yards;*
- *reinstatement of existing rear external doors to deter forced entry (some of these items will likely be designated as emergency escape for each building);*
- *reinstatement of existing building main entry doors to resist forced entry and permit safe scrutiny of unexpected visitors;*
- *reinstatement of basement and ground floor windows to resist forced entry;*
- *provision of new external doors (I recommend these items to be certified to PAS 24:2016);*
- *provision of new apartment entry doors (I recommend these items to be certified to PAS 24:2016);*
- *provision of new windows (demonstrate compliance with Approved Document Q)*
- *cycle storage (I recommend these items to be compliant with LPS 1175 SR1 as a minimum standard);*
- *presence of CCTV noted.*

In response, the agent clarified that the buildings will not be apartments but rooms in a shared house with communal lounge /kitchen/ dining. Each of the six buildings will form a unit and current links between buildings to be blocked-up.

He continues and confirms that the window and doors are in a reasonable condition generally and due to historic nature and listing of the building will be refurbished by specialists and security improved. The presence of CCTV hopefully will deter break-ins.

In terms of each of the points raised by Cumbria Constabulary, the following response (in italics) has been submitted:

*Yard gates/doors to prevent unauthorised access via rear lane \_*

*Lock to be provided to each yard gate with key operation. The yards are enclosed with high masonry walls. Note also there is an existing steel gate at the entrance to the back lane securing access to the lane.*

*Illumination of rear yards \_*

*Each yard area to have low level lighting to entrances and lights to each yard gate entrance on the back lane side. (shown on the site plan) details to be submitted and conditioned.*

Reinstatement of existing rear external doors to deter forced entry (some of these items will likely be designated as emergency escape for each building)

*Generally existing doors to be retained*

Reinstatement of existing building main entry doors to resist forced entry and permit safe scrutiny of unexpected visitors

*Existing doors to be retained (they are well maintained and are very solid heavy-duty doors). Also entrances covered by CCTV.*

Reinstatement of basement and ground floor windows to resist forced entry

*Comments noted but due to listed building status will be refurbished by specialists and security improved with window locks etc.*

Provision of new external doors (I recommend these items to be certified to PAS 24:2016)

*Noted details to be submitted and conditioned.*

Provision of new apartment entry doors (I recommend these items to be certified to PAS 24:2016)

*Noted - Subject to further discussion with Conservation officer - there is a mix of modern and original doors details to be submitted and conditioned.*

Provision of new windows (demonstrate compliance with Approved Document Q)

*Noted.*

Cycle storage (I recommend these items to be compliant with LPS 1175 SR1 as a minimum standard)

*Comments noted. Cycle stands provided to rear yard areas and secure by design approved "streetpod cycle stands" to be considered.*

A further and final response in reply to this has been received from Cumbria Constabulary which reads:

*"I am indebted to Mike Dawson [the agent] for this additional information, which covers all the points made and thus demonstrates compliance with Policy CM 4. I am delighted to note the intention to deploy Streetpod cycle parking:*

*<https://www.cyclepods.co.uk/streetpod/>*

*I thank Mike for explaining the subtle difference of the shared occupancy (with communal facilities) – not apartments as I presumed.*

*One would still expect bedrooms to be 'private' spaces and doors to be lockable. Consequently, I would prefer to see PAS 24 compliant doors.....otherwise the "mix of modern and original doors" should be resistant to forced entry (i.e. not reliant on a single locking device keeping the door closed). Multi-point locking mechanisms would provide this enhanced resistance, without compromising easy emergency escape."*

Clarification regarding the provision of cycle facilities

A Proposed Site Plan (Drawing no. 08) has been submitted which illustrates that 3 cycle racks per house unit will be provided in the rear yard areas.

#### Clarify any proposed improvements and repair of foul drainage infrastructure

A Drain Survey has been undertaken and a report submitted in respect of this application. The report follows a CCTV survey of the drains.

No major issues have been identified by the survey with the agent advising that *“the drains appear to have good capacity being 150mm diameter from the building to the main sewer in the rear lane and the main sewer is 225mm diameter which will easily cope with the proposed building use and neighbouring properties.”*

The report highlights a brick partially blocking a drain but this is within the rear yard area and therefore a private section of drain and will be addressed during the refurbishment works.

The report also highlights a dislodged joint at the junction with the main sewer in the back lane which will also be addressed during the refurbishment works.

The agent has stated that some areas of private drains could not be investigated until the yard is cleaned (No 14) but these will be also be surveyed and fully investigated during refurbishment and repairs undertaken if necessary.

#### Clarification of the provision of any external lighting

Low level lighting is shown to be provided to the rear yards and rear access lane on the Proposed Site Plan (Drawing no. 08).

#### Identify security measures to access of the rear lane

Low level lighting and CCTV is shown to be provided to the rear yards and rear access lane on the Proposed Site Plan (Drawing no. 08). The agent has confirmed that the lane has an existing metal security gate which will be retained and with agreement of neighbours provided with a digital lock.

#### Clarify any repairs to the external stonework

The agent has confirmed that the applicant will engage a 5 year maintenance proposal to reinstate/ repair all stonework by a specialist stone mason.

### **Conclusion**

Through discussions with Officers, the applicant has provided additional information in response to the issues raised by Members. The application has been considered by Cumbria Constabulary who has raised no objection to the proposed development. As such, the principle of the conversion of the buildings remains acceptable and the additional information addresses the matters highlighted at the previous meeting of this committee and in overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

If Members are satisfied with the additional information received and are minded to approve the application, it is considered that:

1. condition 2 should be amended to include references to the additional documents received:

## **COMMITTEE REPORT FOR 6th NOVEMBER 2020 MEETING**

### **1. Recommendation**

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

### **2. Main Issues**

- 2.1 Impact Of The Development On The Heritage Asset

### **3. Application Details**

#### **The Site**

- 3.1 The application site relates to 4-14 Victoria Place, Carlisle which are six properties within a terrace of nine, three storey building with basements. The buildings are within the city centre set on a back of pavement linear form along Victoria Place, a main thoroughfare leading east. The buildings date from 1852-54 and are located within the Portland/ Chatsworth Square Conservation Area. The terrace was constructed in an early Victorian era but are of Georgian appearance. This area of Victoria Place is characterised by its linear form, established building line and tree lined street.
- 3.2 The buildings were originally constructed as townhouses which comprised of living accommodation, servants' quarters and working areas to the houses spread over a basement, ground and first floor with attic accommodation in the roofspace. The buildings have been subject to a variety of alternative uses over the years and the subsequent alterations to the buildings to facilitate these uses have eroded this historic character to a greater or lesser degree.
- 3.3 The buildings are constructed from ashlar sandstone under a slate roof and face directly onto another terrace on the opposite side of the road. The entrances are characterised by a porch with column supports. The windows to the front elevations are timber sliding sash with glazing bars. To the rear, the construction is brick in English garden wall bond. Some of the outriggers have been removed and the rear elevations have been rendered. A number of modern alterations are evident such a single storey extension, rebuilding of outriggers, fire escapes and blocking up of basement openings. Windows are a mix of original timber sliding sash and modern timber casement windows. To the rear of the buildings are a small courtyard which leads onto a lane that separates Victoria Place from Chapel Street.

## **The Proposal**

- 3.4 The buildings have been vacant for several years following the relocation of the previous occupant, Burnetts Solicitors. Listed building consent is sought for the change of use of redundant office building to form 6no. houses of multiple occupation together with various internal and external alterations.
- 3.5 The proposed alterations to the buildings are detailed in the Design & Access Statement accompanying the application and include (although not limited to):
- the reinstatement of individual townhouses with the infilling of doorways on the party walls and garden walls/ garden gates;
  - the removal of external fire escape stair to No. 14 and removal of the ground floor extension to No. 12 to return to the original building line and the reinstatement of windows and the ground & first floor to the original floor levels;
  - reinstate a staircase to No. 12 in the original location to serve all floor levels;
  - remove various partitions and in principle rooms (e.g. ground floor) reinstate to original wall lines;
  - form openings in archway features (at ground floor) to provide open plan lounge/kitchen (to match detail in house 6);
  - make all front doors operational and replace the window in No. 12 with a front door to match the original front door;
  - replacement and addition of dormer windows to the front roof elevation of all units to provide additional daylight and up-grade insulation levels and re-cladding with zinc cladding panels;
  - insert ensuites/bathrooms within existing rooms as a pod;
  - insert escape doors (to the rear of basements) and partition walls;
  - refurbish yard areas with raised planters, fixed seating to provide external amenity space for residents;
  - all insertions will be scribed around architectural features to allow removal if required without damage to the original feature.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers 14 of the neighbouring properties. In response, two letters of objection have been received and the main issues raised are summarised as follows:
1. there are an excess number of bedsits which could potentially lead to more than 100 people living here if occupied by couples which will put a strain on local resources;
  2. the development will give rise to increase noise levels;
  3. the yard from the lane could not comfortably house the recycling/ bins. Who would be responsible for taking them out from the yard at the back of the property down the lane and on to the street for collection? This would be a hazard on the day of collection on the public paths and it not regularly looked after, give rise to smell and vermin issues;



4. traffic and parking has also been a longstanding issue in the area with residents struggling to park with shoppers visiting the city centre. This has been somewhat resolved recently with the introduction of residents only parking;
5. where are these potential 63 plus new residents going to park? There will be again high demand for the few free spaces in the area. There is also likely to be increase of cars pulling over outside this properties dropping off and picking up residents on an already constantly busy road where stopping isn't permitted;
6. as Grade II\* listed the renovation to include 63 bedsits within 6 properties would not be achievable within the keeping of the guidelines, health and safety (appropriate access and fire escapes etc.) or within the spirit of listed properties, surely rooms being divided etc., would cause damage to ceiling features and other characteristics;
7. there is no objection to these buildings being residential properties such as houses or apartments as long as they are in keeping with the surrounding buildings and Grade II\* characteristics which also have a reasonable number of residents. However 63 bedsits is an excessive number of people crammed into these properties, with minimal outdoor space for refuse and recycling. No allocated parking and an increase pressure on surrounding roads and parking and an increase of noise.

## 5. Summary of Consultation Responses

**Historic England - North West Office:** - the following comments have been received:

### Summary

The applicant seeks permission to carry out works to convert 4-14 Victoria Place in Carlisle from an office to a residential use, as well as for the associated internal and external alterations. The properties form part of a terrace of nine mid-nineteenth century houses, of exceptional architectural significance.

Historic England remains supportive of the proposals to bring the buildings back into their historic residential usage, and notes that the amendments proposed have improved the impact of the scheme on the significance of the listed building. However, given that the amendments are relatively minor in scope, they are not identified to have fully addressed the previously identified concerns. Historic England therefore continues to express some concerns in relation to proposed internal subdivision, which need to be weighed against the public benefits of the proposals.

### Historic England Advice

#### *Significance*

As set out previously, 4-14 Victoria Terrace form six of a terrace of nine houses, which form an attractive architectural set piece, and are listed grade II\*. They form part of a wider group of early Victorian buildings, which

together allow an understanding of the nineteenth century character and evolution of Carlisle, and make an important positive contribution to the Chatsworth Square and Portland Square Conservation Area.

### *Impact*

In a previous response, Historic England stated that they were supportive of the principle of returning the terrace from an office use to a residential one, particularly as the internal alterations would physically subdivide the building on historic lines, to re-establish the division between the six original houses. However, concerns were raised in relation to two elements; the subdivision of the principal rooms at first floor, and the introduction of individual ensuite pods into these rooms.

The revisions have removed some of the subdivision from two of principal first floor rooms (in numbers 8 and 10), and are therefore considered to be an improvement on the previously submitted scheme, as they would allow the form and character of these rooms to be better experienced. However, these changes are relatively minor in their scope and do not fully address the wider concerns previously raised. Therefore, while the revised proposals are considered to improve the impact which the scheme has on the significance of the listed building, they are not identified to fully resolve the previous concerns.

### *Policy*

National policy relating to the conservation and enhancement of the historic environment is articulated in section 16 of the National Planning Policy Framework. This is supported in local planning policy, in this instance set out within the Carlisle District Local Plan (adopted 2015).

### *Position*

Historic England continues to be supportive of both the proposed residential use of the building, and the proposal to re-establish the historic internal subdivision between the six dwellings. However, we would reiterate our previously stated concerns in relation to the extent of additional subdivision proposed to facilitate this conversion. It is however accepted that the optimum use for the building from a heritage perspective, its conversion back into six houses, is not considered to be viable, due to factors such as the lack of associated parking or associated external private space. A degree of additional subdivision is therefore identified to be necessary.

Historic England concludes that while the proposals would result in some harm to the significance of the listed building, there is also considerable heritage benefit to the principal of what is proposed. If the local planning authority concurs with the applicant that this heritage benefit is only deliverable from a scheme that causes the identified harm, we would accept that the identified benefits would outweigh the harm caused.

### Recommendation

Historic England would still identify concerns regarding the application on heritage grounds, and consider that the issues and safeguards outlined in the advice need to be justified in order for the application to meet the

requirements of paragraphs 184 and 193 of the NPPF. In determining this application, the council should bear in mind the statutory duty of sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting, and to the desirability of preserving or enhancing the character or appearance of conservation areas;

**National Amenity Society:** - no response received;

**Georgian Group - Amenity:** - no response received;

**Ancient Monument Society - Amenity:** - no response received;

**Council for British Archaeology - Amenity:** - no response received;

**Twentieth Century Society - Amenity:** - no response received;

**Victorian Society - Amenity:** - no response received.

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

### **Assessment**

6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP7 and HE7 of the Carlisle District Local Plan 2015-2030 are also relevant. Section 66 of the Planning (Listed Building and Conservation Areas) is also a material planning consideration. The proposal raises the following planning issues.

1. The Impact Of The Development On The Heritage Asset

6.3 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

#### Impact Of The Proposal On The Character And Setting of the Grade II\* Listed Buildings

6.4 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. 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).

- 6.5 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.6 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.7 The buildings are Grade II\* listed buildings and the description reads:
- "Includes: No.2 ALBERT STREET. Terrace of 9 houses (one on the return), now offices, club and house. 1852-4. Calcareous sandstone ashlar on moulded plinth, with string course, cornice and dwarf parapet. Graduated slate roof with some skylights and C20 boxed dormers; shared ridge brick chimney stacks, partly rebuilt or heightened. 2 storeys, 3 bays each, except No.2 Albert Street which is 2 bay. Right and left paired doorways have panelled door and overlights, up steps, in prostyle Ionic porches. Sash windows, most with glazing bars in plain stone reveals over recessed aprons. Cellar windows under ground floor windows, the voids of No.12 and No.18 with cast-iron patterned railings. No.12 has door replaced by sash window, but within porch. The end of the terrace Nos 16 and 18 project slightly from the rest of the terrace of No.2 at the other end. 2-bay return of No.18 is on Albert Street and continues as No.2 Albert Street with right panelled door and overlight in pilastered surround. Sash windows in plain reveals. Railed cellar void carried round from No.18. INTERIORS not inspected. See description of Nos 3-17 for further details. This terrace is not on the 1851 census, but appears on Asquith's Survey of Carlisle 1853. The Carlisle Journal (1852) records the finding of Roman remains in digging foundations for houses. The deeds for No.4, listing the builder, plasterer and joiner, are dated July 1854. No.12 formerly listed on 13.11.72. (Carlisle Journal: 28 May 1852)."*
- 6.8 There are also a large number of listed buildings in the vicinity of this city centre location which includes both sides of Victoria Place together with the buildings to the north along the south side of Chapel Street.
- ii) the effect of the proposed development on the settings of the listed buildings
- 6.9 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).

- 6.10 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.
- 6.11 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 194). However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.12 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).
- 6.13 A key objective in the NPPF is *“the desirability of sustaining and enhancing the significance of heritage assets”* (paragraph 126). The NPPF advises that the more significant the heritage asset the greater weight should be given its conservation (paragraph 132). In 2008, English Heritage issued Conservation Principles which in part explains the importance of understanding what is significant before making changes to a historic building. The document sets out four main aspects of significance: evidential (or archaeological), historical, aesthetic and communal. In accordance with the Conservation Principles, the Heritage Statement outlines that there are four main categories of significance that can be measured:

*“Exceptional – an asset important at the highest national or international levels, including scheduled ancient monuments, Grade I and II\* Listed buildings and World Heritage Sites. The NPPF advises that substantial harm should be wholly exceptional.*

*High – a designated asset important at a national level, including Grade II listed buildings and locally designated conservation areas. The NPPF advises that substantial harm should be exceptional.*

*Medium – an undesignated asset important at local to regional level, including buildings on a Local List (non statutory) or those that make a positive contribution to a conservation area. May also include less significant parts of listed buildings. Buildings and parts of structures in this category should be retained where possible, although there is usually scope for adaptation.*

*Low – structure or feature of very limited heritage value and not defined as a*

*heritage asset. Includes buildings that do not contribute positively to a conservation area and also later additions to listed buildings of much less value.*

*Negative – structure or feature that harms the value of heritage asset. Wherever practicable, removal of negative features should be considered, taking account of setting and opportunities for enhancement.”*

- 6.14 The proposal involves works to the listed building which are summarised in paragraph 3.5 of this report. Historic England initially commented that:

*“Historic England is therefore supportive of both the proposed residential use of the building, and the proposal to re-establish the historic internal subdivision between the six dwellings.*

*However, we would express concerns in relation to the proposed internal configuration at first floor, which is comparatively invasive, and would serve to erode the ability to understand the historic character and form of the important first floor rooms.*

*This impact could be avoided if the terrace was converted back into six houses, which would be our preference. However, we have previously accepted that this use is unlikely to be viable, given the lack of sufficient external space or parking provision. We would therefore accept that a degree of additional subdivision will be necessary to bring the building back into active use, even if this will in part have a negative impact on the architectural character of the building. We would also acknowledge that the interior of the building has already been altered in an unsympathetic manner.*

*However, any harm is a material consideration, and any application should demonstrate that this harm is both necessary, and has been mitigated as far as possible. We would therefore suggest that further consideration is given to whether a layout that did not require the subdivision of the principal rooms at first floor or the introduction of ensuite ‘pods’ could be achieved, particularly by reducing the number of bedrooms and proposing a greater number of shared bathroom facilities.*

*If the applicant contends that these changes to the layout cannot be achieved, the local authority should consider whether they feel that the supporting justification is clear and convincing, and whether the heritage benefit delivered by the proposal is only achievable from a scheme that causes the identified harm.”*

- 6.15 The Heritage Statement provides an appraisal of the different areas and features within the buildings and categories them as being of high significance, moderate/ medium significance, low/ medium significant. The principal elevations are classified as high significance and this is a consistent status across all the levels. Within the buildings themselves, the basement is of low and low/ medium significance which is reflective of the historical functional nature of the space. The ground floor is generally of high significance with the exception of some internal doors, architrave and stud

partitions which are of low and low/ medium significance. This is reflected on the first floor with chimney breasts, fire places and ornate coving and ceiling roses attaining high significance but again, internal doors, architrave and stud partitions being of low and low/ medium significance. The staircases leading to the attic space of high significance but the remainder is of low/ medium and moderate/ medium significance, again this is reflective of the historical use as servants quarters or small bedrooms.

- 6.16 The scheme has been amended following the initial submission further to the comments made regarding the first floor principle rooms with alterations to Nos. 8, 10, 12 and 14 first floor rooms to introduce pod bathrooms and a reduction in the number of bedrooms in Nos. 8 and 10.
- 6.17 The detailed Heritage Statement which has been submitted in support of this application highlights that over the years, the buildings have been subject to physical alteration and change to adapt to their alternative uses. Fundamentally, the main physical changes proposed under this application are the subdivision of the former board room between Nos. 12 and 14, the formation of dormer windows and the installation of ensuite pods. The remaining works are considered to be sympathetic alterations to the buildings such as the removal or reversal of modern additions and repair to the fabric of the building.
- 6.18 The Heritage Statement concludes that:

*“My conclusions have found that Victoria Place is a significant heritage building with elements of the highest significance and therefore most sensitive to change is its principal elevations, in particular the Victoria Place elevation which for the most part will remain unchanged. The building merits is listing at grade II\* and whilst the building has been impacted by a number of later changes which have irrecoverably changed the overall aesthetic of the building, there is recognition that a programme of sympathetic regeneration and comprehensive internal upgrading is required to enable the building to be reinstated back to its intended use as residential. The slight internal reordering of spaces and decorative uplifting would help ensure that the building is attractive making a positive contribution to the local area.”*

- 6.19 The issue in determining such applications is making a balanced planning judgement which in this instance relates to the less than substantial harm that would occur as a result of the works to the building offset by the fact that the development would allow the viable reuse of the building rather than the continued period of vacancy of potential deterioration of the building. This point is highlighted in the Historic England's response and when asked specially to comment on this, the council's Conservation Officer advised that:

*“The issues to me are that the buildings have sat idle for a couple of years now, and have been actively marketed, but with little interest. The lack of parking possibly limits appeal, as does Carlisle's depressed market and a number of other former commercial listed buildings being available elsewhere...(Portland Square). The benefits of this scheme are the removal of significant partitioning and approved works to the gf, which reinstates these*

*spaces, and overall re-use of the building. The most significant ff rooms are to the front of buildings 8-14 with 4 and 6 already subdivided. The proposals reveal the proportions of ff rooms at 8 and 10, albeit with bathroom pods to all frontage rooms. The bathroom pods are designed at our request to have curved edges and stop short of the ceilings and cornices – emphasising them as insertions into the space. This mitigates somewhat against the subdivision originally proposed which was conventionally boxy.*

*On balance, the removal of portioning and some ff partitioning outweighs the impact on room proportions arising from the pods. I do not think the applicant's have clearly conveyed this but on aggregate I would consider the works to be of beneficial to revealing the significance of the building, and the original spatial arrangements."*

- 6.20 A number of conditions are proposed including the requirement to provide scale drawings of the dormer windows, submission of further window details, details of any mechanical extraction systems, an obligation to record the building to Historic England Level 3, use of lime mortar for any interior or exterior brickwork, agreement of insulation to attic spaces and any rewiring or plumbing to be made good in lime plaster. 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 adjacent listed buildings.

## **Conclusion**

- 6.21 Historic England has raised some relevant issues in the consideration of this application. Unquestionably, the significance and integrity of heritage assets need to be properly taken account of and protected as part of any development proposal. In determining this application, a planning balance has to be made which in this instance primarily relates to the less than substantial harm that would occur as a result of the works to the building offset by the fact that the development would allow the viable reuse of the building rather than the continued period of vacancy of potential deterioration of the building. The building has remained vacant for a considerable period of time with little prospect of that changing. It is accepted that some alterations are necessary to convert the building and make it practical and viable for an alternative use, one which will secure the future of this heritage asset. Historic England has not objected to the application, rather they would prefer to see the development undertaken in a different manner which is reasonable; however, based on the foregoing assessment and subject to the imposition of conditions, it is considered that an appropriate equilibrium has been struck between the conversion and future use of the buildings together with the protection of the heritage assets and would be of wider public benefit. In overall terms the proposal would not be detrimental to the character or setting of any listed building and in all aspects the proposal is considered to be compliant with the objectives of the NPPF and the relevant local plan policies.

## **7. Planning History**



- 7.1 Historically there have been several applications for planning permission for alterations to the buildings.
- 7.2 More recently, in 2002, listed building consent was granted for the creation of link doors at ground floor and 1st floor between 14 and 16 together with additional internal alterations.
- 7.3 An application is currently being considered for planning permission for the change of use of redundant office building to form 6no. houses of multiple occupation under application 20/0245.

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

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Listed Building Consent which comprise:
1. the Listed Building Application Form received 20th April 2020;
  2. the Block Plan & Location Plan received 15th April 2020 (Drawing no. 06 Rev A);
  3. the Proposed Plans and Elevations received 9th July 2020 (Drawing no. 02 Rev G);
  4. the Typical Ensuities & Ground Floor received 9th April 2020 (Drawing no. 04);
  5. the Proposed Section received 9th April 2020 (Drawing no. 03);
  6. the Design and Access Statement received 9th April 2020;
  7. the Heritage Statement received 9th April 2020;
  8. the Notice of Decision;
  9. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the consent.

3. All new windows and doors to be installed in the extension to the listed building shall strictly accord with detailed drawings and specifications that shall first have been submitted to and approved in writing by the local planning authority. Such details shall include the frames, means of affixing to the wall, the size and opening arrangements of the window, the method of glazing, frames, cill and lintol arrangement.

**Reason:** To ensure that the works harmonise as closely as possible with the listed building, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

4. Prior to the carrying out of any construction works, the following elements of the historic fabric of the building, which will be impacted upon by the

development, shall be recorded in accordance with a Level 3 Survey as described by Historic England's document 'Understanding Historic Buildings A Guide to Good Recording Practice, 2016': Within 2 months of the commencement of construction works a digital copy of the resultant Level 3 Survey report shall be furnished to the local planning authority.

**Reason:** To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration as part of the proposed development, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

5. All new mortar and plaster used in the repairs/ refurbishment of the listed buildings, hereby approved, shall be lime mortar without the use of cement, coloured and of a type, mix and joint finish matching in accordance with details which have been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure the works harmonise as closely as possible with the existing building in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

6. Prior to the installation of any mechanical ventilation extraction system, their details shall be submitted to and approved in writing by the local planning authority. Development shall be undertaken in strict accordance with these approved details.

**Reason:** In order to safeguard the character and appearance of the listed building in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

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## SCHEDULE A: Applications with Recommendation

20/0563

Item No: 04

Date of Committee: 04/12/2020

**Appn Ref No:**  
20/0563

**Applicant:**  
Mr J Bishop

**Parish:**  
Burtholme

**Agent:**  
PFK Land and  
Development

**Ward:**  
Brampton & Fellside

**Location:** Garthside, Walton, Brampton, CA8 2JP

**Proposal:** Conversion Of Barns To Form 3no. Dwellings, Change Of Use Of Land Of The Siting Of 8no. Camping Pods, Partial Demolition And Remodelling Of Agricultural Building And Associated Development

**Date of Receipt:**  
21/08/2020

**Statutory Expiry Date**  
19/10/2020

**26 Week Determination**

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### REPORT

**Case Officer:** John Hiscox

#### 1. Recommendation

- 1.1 It is recommended that this application is approved subject to conditions and appropriate advisory notes.

#### 2. Main Issues

- 2.1 Taking into consideration the range of items requiring planning permission, and the information contained within consultation responses, the main issues for consideration are as follows:
- (i) Whether the principle of converting the traditional barns into 3 no. dwellings and accommodation to support the main farmhouse is acceptable;
  - (ii) Whether the introduction of 8 no. glamping pods for tourism accommodation is acceptable;
  - (iii) Landscape and visual impacts associated with (i) and (ii) above
  - (iv) Impacts on heritage assets, settings and archaeology associated with (i) and (ii) above;
  - (v) Impacts on highway safety and associated amenity associated with (i) and (ii) above;

- (vi) Whether the associated elements of development to support the items mentioned in (i) and (ii) are acceptable and appropriate to the site;
- (vii) Ecological impacts;
- (viii) Impacts on the water resource.

### **3. Application Details**

#### **The Site:**

- 3.1 The proposed development would occur at Garthside, until recently a modest operational farmsteading in open countryside, approximately 2km east of the village of Walton, as the crow flies; and approximately 1.2km north-west of the village of Lanercost.
- 3.2 Garthside has no immediate neighbours (the nearest other occupiable property is over 300m to the east), and occupies a fairly flat area of ground east of the public road that runs north-south towards Lanercost via Burtholme.
- 3.3 The farmstead is elevated above lower ground to the south (as the land falls towards the River Irthing), and is situated approximately 160m to the north of the public footpath forming part of the long distance Hadrian's Wall walk.
- 3.4 The Hadrian's Wall World Heritage Site (WHS) includes said public footpath; the edge of the scheduled monument area around the Wall site is around 135m south of the steading, at its nearest point. The site is within the designated buffer zone to the WHS as identified within the current Carlisle District Local Plan.
- 3.5 The farmstead is set back approximately 70m east of the public road, and is accessed by a single linear access track that only serves Garthside. The track has recently been resurfaced with hardcore and is in good condition. Either side is demarcated by a mature hedgerow (no trees within it). Good visibility exists in relation to the straight section of road running north-south past the entrance, and the joining road opposite leading west to Walton village.
- 3.6 The steading is fairly compact, only containing a few traditional buildings and two modern single span buildings. It is visible from both the public road and the public footpath mentioned above; although it is likely to be visible in the wider landscape from public vantage points (especially from lower ground to the south), intervening vegetation diminishes its prominence.
- 3.7 The existing steading is well documented in the 'as existing' drawings supporting the application. It consists of a detached farmhouse with associated farm buildings: old and new, large and small.

- 3.8 There are no listed buildings at the site, but it is considered overall to represent a non-designated heritage asset, the traditional farm buildings and farmhouse being of historic and architectural interest.
- 3.9 The buildings are generally stone and slate with timber frames, windows and doors, although in places the old roofs have been replaced with corrugated asbestos sheeting. The principal farm building has an interesting, and relatively complete stone flag roof which adds to its heritage prowess and is an attractive component of its appearance, along with a log-lintel above its main door. Various items of ironmongery are evident on buildings - rainwater goods, hinges, handles and bolts. The windows and doors of the barns have generally been finished in red paint which is still evident but faded. A few brick elements are present - later additions and repairs to the traditional buildings. The largest central building is characterised to some extent by a good presence of ventilation slits, most of which have not been blocked off.
- 3.10 There is quite a substantial amount of cobbled yard still present around the steading.
- 3.11 Two substantial 'modern' farm buildings form part of the steading, although it is noted that one single span metal building has been demolished outright since the planning site visit earlier in October. Planning approval was specifically granted under ref. 20/0001/DEM for this work.
- 3.12 The locality includes a range of trees and hedgerows; within and bounding the steading are several hedgerows and there are one or two mature trees at the edge of the site. The steading is not characterised to any significant extent by its vegetation; however, the wider locale is characterised by sections of woodland and a good number of hedgerow trees.
- 3.13 The entire site is within the parish of Burtholme.

**Background:**

- 3.14 This is a stand-alone planning application for a number of items. It is submitted as a full planning application with a full range of 'as existing' and 'as proposed' drawings.
- 3.15 The proposed development has been amended during the consideration period, specifically in relation to the design of the conversions to the traditional farm buildings. The current plans represent the second 'round' of information related to the proposed development.
- 3.16 It may be noted that a second site visit was undertaken jointly between the case officer, the applicant, the stated agent and the Carlisle City Council Conservation Officer.

- 3.17 It may also be noted that the agent has represented the applicant since the application was made at a meeting of the Parish Council, during which it was possible for attendees to raise questions.

### **The Proposal:**

- 3.18 There are several components to the development requiring planning permission. These are:
1. Conversion of traditional buildings to 3 no. dwellings;
  2. Conversion of small detached building to an office and shop;
  3. Partial demolition of a large modern agricultural building, with the retained section proposed for storage associated with the site/development;
  4. Introduction of 8 no. 'glamping pods' with associated hot tubs, paths, surfaces and new landscaping;
  5. Formation of a communal car park and waste management area (bins/recycling);
  6. Installation of a sewage treatment plant to serve the overall development;
  7. Conversion of a section of the traditional buildings to an electrical store/room.
  8. Conversion of section of the traditional buildings to a laundry/utility/store to serve the main farmhouse.
- 3.19 The site plan identifies various soft landscaping proposals to provide new trees, shrubs and sections of hedgerow.
- 3.20 The site plan is annotated with information relating to surface water drainage including a drainage ditch.
- 3.21 With regard to **Item 1** listed above, it is the intention to convert the range of traditional buildings to 3 no. independent dwellings with associated amenity spaces which include hot tubs. Two of the units would have parking allotted; whereas the third would utilise the communal car park mentioned above.
- 3.22 These core buildings are considered to be non-designated heritage assets, and with this in mind the proposals have been influenced by guidance from the case officer and the conservation officer. The conversion proposals have changed during the consideration period in response to advice provided by the local authority, leading to a revised scheme, which has been appropriately re-notified to relevant consultees.
- 3.23 Two of the 3 no. dwellings would all have accommodation over two floors; whereas, the third would be single storey with all accommodation at ground floor level. The submitted drawings identify all new and modified openings, plus internal layouts to the units.

- 3.24 Each unit would have a different roof material, with the single storey unit (U2) having a corrugated metal roof (to replace the existing corrugated asbestos), the adjoining unit (U1) having a replacement slate roof, and the stone flag roof being removed and reinstated on the highest principal roof (U3) further to the external walls being repaired.
- 3.25 A number of rooflights would be deployed throughout to provide light to the internal accommodation.
- 3.26 The building at **Item 2** is a freestanding building opposite the main farmhouse, currently a simple, small barn. It would be converted to a site office and shop to serve the development.
- 3.27 The modern building mentioned in **Item 3** would see its two easternmost bays demolished and its two westernmost bays retained to provide a store to serve the resultant development. The building is located in the eastern area of the site. The concrete lower section of the new east end elevation facing southwards would be clad in timber.
- 3.28 **Item 4** would see the introduction of 8 no. glamping pods and associated items, in a bank of 3 and a bank of 5 in two separate parts of the site. An area of ground, roughly square in nature, opposite and to the north of the main barns, would contain three of the pods in a small 'fan'. The remaining 5 pods are proposed in the area to the east and south of the partially demolished modern building, around the edge of the steading and generally with their 'amenity' ends opening out towards the east/south-east to exploit outward views in those directions.
- 3.29 Each pod is intended to provide accommodation for two people; they are rectangular in plan form, have curved rooves and are externally clad in lightweight grey tiles and vertical timber boarding. All pods are intended to be identical, at 6.5m in length and 3.2m in width with an upper roof height of 2.3m (dimensions measured off submitted drawing no. 23).
- 3.30 The proposed car park and refuse/recycling area mentioned in **Item 5** would be located in the north-west corner of the overall site, and would provide up to 14 car parking spaces occupied communally by those utilising the pods and U1 of the conversions. This area is currently a small grassed enclosure behind the freestanding building proposed as an office/shop (Item 2), and west of the group of three pods.
- 3.31 The proposed sewage treatment plant (**Item 6**) would be installed at the southern end of the cleared, grassed area resulting from demolition of the whole modern agricultural building. The proposed site plan shows the intended 'runs' of all the subterranean pipes stemming from the pods, conversions and the farmhouse. It also identifies the proposed discharge location to the south of the plant.
- 3.32 The conversions mentioned as **Item 7** and **Item 8** would occupy the western end of U1, with this section retained to support the accommodation within the main farmhouse. The upper floor is accessed via an external stone stair.

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

- 4.1 The application has been advertised by way of a site notice posted close to the location where the access track meets the public highway. There have been no representations submitted by members of the public or interest groups (third parties).

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

##### **Burtholme Parish Council:**

- 5.1 6.10.20: No objection to development principle, but raises concerns relating to: (i) adverse impacts on highway safety and the amenity of local residents due to form of local road network (narrow roads) and potential increase in traffic and noise; (ii) impacts on the character and setting of the locality, especially the Hadrian's Wall setting; (iii) potential requirement for off-site electric plug-in vehicle charging points via legal agreement; (iv) scale of development is too great - potential impacts on other businesses dependent on Hadrian's Wall users (walkers); (v) lack of clarity about usage of converted barns, level of parking (29 spaces) and function of the shop; (vi) summarises concerns thus: not convinced that there would be no demonstrable harm resulting from the use of the site, in terms of adverse visual or landscape impacts, loss or harm to natural habitats, or through increased usage of the site for tourism purposes; location, scale and design of the development make it incompatible with the character of the area, would adversely affect the rural nature of the local environment and the Hadrian's Wall World Heritage Site.
- 5.2 9.11.20: No objection to development principle, but raises concerns relating to: (i) adverse impacts on highway safety including that of users of the long distance Hadrian's Wall path due to form of local road network (narrow roads) and road condition, and potential increase in traffic (ii) impacts on the character and setting of the locality, especially the Hadrian's Wall setting; (iii) number of pods proposed may be excessive and impact adversely on other similar, but smaller glamping developments nearby.

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

- 5.3 No objection on highway safety or flood risk grounds; recommends conditions in respect of (i) provision and maintenance of visibility splays where the access track meets the public highway; (ii) limitation of height of roadside boundary structures; (iii) provision of access and parking prior to commencement of use.

##### **Historic England - North West Office:**

- 5.4 No objection.

##### **Cumbria County Council - (Archaeological Services):**



- 5.5 No objection. Recommends a condition to ensure recording of the buildings to be converted, in line with Historic England guidance.

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

- 5.6 No objection. Refers to generic advice contained within specific publications.

**Local Environment - Environmental Protection (former Comm Env Services- Env Quality):**

- 5.7 No objection. Responds in the context of the required Caravan Sites Licences for the pods, providing advice that is likely to lead to information contained within an advisory note.

**Local Environment, Waste Services:**

- 5.8 No objection.

**6. Officer's Report**

**Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
- 6.2 The proposed development requires to be assessed against the National Planning Policy Framework (2019) 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) Whether the principle of converting the traditional barns into 3 no. dwellings and accommodation to support the main farmhouse is acceptable;
  - (ii) Whether the introduction of 8 no. glamping pods for tourism accommodation is acceptable;
  - (iii) Landscape and visual impacts associated with (i) and (ii) above
  - (iv) Impacts on heritage assets, settings and archaeology associated with (i) and (ii) above;
  - (v) Impacts on highway safety and associated amenity associated with (i) and (ii) above;
  - (vi) Whether the associated elements of development to support the items mentioned in (i) and (ii) are acceptable and appropriate to the site;
  - (vii) Ecological impacts;
  - (viii) Impacts on the water resource.
- 6.4 Taking into consideration the range and nature of matters for consideration,

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 6 - Securing Good Design  
Policy SP 7 - Valuing our Heritage and Cultural Identity  
Policy CC 3 - Energy Conservation, Efficiency and Resilience  
Policy CC 5 - Surface Water Management and Sustainable Drainage  
Policy EC 9 - Arts, Culture, Tourism and Leisure Development  
Policy EC 10 - Caravan, Camping and Chalet Sites  
Policy EC 11 - Rural Diversification  
Policy GI 1 - Landscapes  
Policy GI 3 - Biodiversity & Geodiversity  
Policy GI 6 - Trees and Hedgerows  
Policy HE 1 - Hadrian's Wall World Heritage Site  
Policy HO 6 - Other Housing in the Open Countryside  
Policy IP 2 - Transport and Development  
Policy IP 3 - Parking Provision  
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:

*Planning Statement:*

- 6.6 This document was submitted with the original application and has not been updated since. The document is detailed and provides commentary in relation to national and local planning policy. It also:

- describes the site, and site context;
- sets out known planning history;
- describes the development proposed.

- 6.7 The document concludes with an assessment in the context of planning policy, having specific regard to

- the development principle;
- impact on heritage assets and archaeology;
- impact on the character and appearance of the surrounding area;
- impact on residential amenity;
- impact on highway safety;
- impact on ecology;
- drainage matters.

*Landscape Analysis:*

- 6.8 This document was not an original part of the application package; it was submitted in October 2020 further to a site visit by the Carlisle City Council

Conservation Officer (CCCCO) and case officer, during which a section of the Hadrian's Wall long distance path was walked with the applicant and agent. The document intends to show the potential landscape and visual impacts associated with the interaction of the site/development and the path, which is within the World Heritage Site (WHS).

- 6.9 The analysis is in effect a sequence of photographs looking both from the path to the site, and from the site to the path. Photos 1-8 begin just east of Haytongate and are taken while the photographer travels east to west along the path, with the last of these being only approximately 30m from the public road; photos 9, 10 and 11 are taken from the south and west of the site.
- 6.10 Garthside is generally not visible from the path/WHS from viewpoints 1-5. It is only when the path user reaches viewpoint 6 that the farmstead is revealed. From this location, which has been logically selected, it demonstrates that visibility towards Garthside is limited to glimpses from relatively short lengths of the path, and then only really when viewed by turning towards the farm. Views towards the farm from viewpoints 7 and 8 are screened by mature vegetation.
- 6.11 Viewpoint 9 is located in the south-eastern area of the steading, roughly where several of the glamping pods are intended to be placed. It looks in a southerly direction towards the path/WHS. It demonstrates that, while there is a visual relationship between the site and the path, to some extent it is broken up by vegetation - it is not possible to distinguish the line of the path easily when viewed from here i.e. it is not a visual entity.
- 6.12 Viewpoint 10 is situated within the field to the south-west/west of the farm, and identifies the appearance of the steading from this area before the large agricultural building was demolished. The viewpoint potentially represents the kind of view users of the public road would obtain in passing, especially if there were to be a reduction in roadside vegetative screening in the future.
- 6.13 Viewpoint 11 is situated in the public road west of the site looking eastwards towards the farm. From this it may be deduced that very little visual change could be expected due to the presence of buildings, topography and vegetation.
- 6.14 This document concludes with a brief policy appraisal and summary, affirming that the development would not cause noteworthy adverse effects on local settings, including that of the Hadrian's Wall WHS.

*Supporting Letter dated 23 October 2020:*

- 6.15 This letter lists the new and supplementary items submitted as part of/with the revised scheme, and goes on to provide context to the submissions in respect of:
- how and why the conversion proposals have been changed;
  - changes to the drainage proposals;
  - potential impacts on the highway network - commentary is provided in

- relation to anticipated nature and number of movements;
- reason for level of parking provided;
- potential landscape and visual impacts, and how the design of the development seeks to harmonise;
- heritage impact and considerations including the setting of the farm and the WHS;
- scale of development in the context of the rural locale;
- tourism/visitor benefits arising from the development;
- how the on-site shop is intended to function.

6.16 It also seeks to address concerns raised by Burtholme Parish Council in its consultation response, by providing advice/feedback in relation to:

- the recommendation of the Parish Council that a vehicle charging point be installed;
- the nature of the conversions i.e. permanent residences or holiday lets;
- the economic sustainability of the proposed development.

*Heritage Statement (originally submitted with the application):*

6.17 This document is intended to enable understanding of the significance of heritage assets in the vicinity of the site, namely the WHS and two specific monuments that form part of the stretch of Hadrian's Wall closest to Garthside.

6.18 It goes on then to assess the impacts of the proposed development on these assets, concluding that:

- in terms of the integrity of the assets(s), the development proposed would not result in any impact or change to the understanding of the land use in this landscape;
- in terms of the authenticity of the asset(s), no elements of the development would have adverse effects (and would improve situation);
- in relation to archaeology, there would be no significant effects due to the nature of the development.

*Heritage Statement Addendum (submitted with revised scheme in October 2020):*

6.19 This is an additional document to the original document, which focuses on the heritage value of Garthside farmsteadings:

- the document appraises the Garthside site as an authentic non-designated heritage asset, in addition to the original appraisal of the WHS;
- it investigates the presence of Garthside on historic maps dating back to 1862;
- it assesses the potential impacts of the proposed development on the integrity of the non-designated heritage assets within the site;
- it concludes that the impacts of the proposed development on the assets is acceptable and would potentially enhance and better reveal their

significance.

**Bat Survey:**

- 6.20 Despite the title, this report touches on other protected species including birds. In effect, it represents a protected species survey. Protected species surveys are required to be submitted where it is considered that development may impact on environments inhabited and used by protected species, in particular bats and birds.
- 6.21 Surveys were undertaken at the site in March, May and June of 2020 by the author of the survey report.
- 6.22 A executive summary is provided in relation to the report, as follows:
- three active bat roosts are present within the buildings proposed to be converted;
  - as the proposed works would result in the damage/modification of the bat roosts, a licence would be required from Natural England in order to legally proceed;
  - said Licence application can only be made to Natural England once planning permission has been granted;
  - proposed mitigation in terms of retention and provision of bat roosts within the development will ensure no long term impacts on local bat population;
  - a barn owl is utilising the site, including for roosting;
  - alternative roosting accommodation would be provided within and adjacent to the development;
  - this would result in an increase in roost and nesting available for barn owls on site;
  - appropriate checks would be undertaken prior to commencement in relation to the owls

**Consideration of Development Proposals:**

(i) **Principle of Conversion of Stone Barns:**

- 6.23 Policy HO 6 of the Carlisle District Local Plan will permit support to be given for the conversion of redundant rural buildings to permanent residences, as long as the buildings are generally worthy of salvation because they are of architectural or historical interest, and are capable of being converted without recourse to major demolition, and via a scheme that is harmonious with the buildings and their settings. The re-use of existing buildings is considered to promote energy efficiency and is a sustainable form of development, providing additional housing that supports the aims of the Local Plan in terms of sustainably increasing the housing stock throughout the District.
- 6.24 There are no immediate neighbours to the development, therefore the impacts of the physical changes to the buildings would have no impact on existing private amenity. Any window-to-window relationships between dwellings at the location would be created at the time of development, and via the developer's chosen design. Even if they do not meet the standard

requirements within adopted Carlisle City Council guidance, occupiers would be aware prior to occupation, and would not have new impositions upon their privacy and amenity.

- 6.25 Substantial adjustments to the scheme, responding to advice from the case officer and the CCCCCO, have improved the design of the alterations to the range to the extent that they are now nearly fully harmonious with the existing buildings and setting. The conversions would, therefore, now align with a range of policies relating to impacts on heritage assets/settings, landscapes and the visual environment in general.
- 6.26 The buildings themselves are of significant quality, and have been recognised by all concerned to constitute non-designated heritage assets; they have a relationship with the historic Hadrian's Wall, which has been improved visually by the demolition of the obtrusive modern farm building that was formerly viewed right in front of the traditional range when looking from the long distance public footpath.
- 6.27 The condition of the buildings is generally very good, although the principal building would need to have its roof stripped off to allow a repair to one corner of the building. This element of works is not considered to amount to major demolition, and would be necessary to enable the integrity of the buildings to be maintained.
- 6.28 In terms of Policy HO 6, subject to the re-development proposals being appropriate in terms of layout and design, the conversion of the barns to permanent residential accommodation, along with the lesser element of secondary conversion to ancillary rooms to serve the farmhouse, is therefore acceptable in principle.
- 6.29 This element of the development would also accord with the overarching principles within Policies SP 1 and SP 2 of the Local Plan, and also with Policy CC 3 with the development representing an appropriate re-use of existing buildings.

(ii) Introduction of Glamping Pods:

- 6.30 This part of the development falls mainly to be considered in the light of Policies EC 9, EC 10 and EC 11, but also in the light of overarching Policies SP 1 and SP 2.
- 6.31 Policy EC 9 will support development where it would contribute towards the arts, cultural, tourism and leisure offer of the District and would support the economy of the area. This is subject to the criteria/caveats that the development must be:
1. compatible with the character of the surrounding area in terms of scale and design;
  2. accessible via a range of means of transport;
  3. not harmful to the related attraction.

- 6.32 The Policy specifically refers to the Hadrian's Wall WHS, stating also that it *"is a major attraction for tourism and proposals for new tourism development which are sustainable and aim to promote the enjoyment and understanding of the WHS while meeting the above criteria will be permitted."*
- 6.33 The application proposes 8 pods, which is a significant number and which necessitates the establishment of a shop on the site to provide basic provisions.
- 6.34 Glamping may be described as a hybrid of camping and chalet activity, therefore Policy EC 10 would be applicable. Policy EC 10 will support the development of such development where:
1. clear and reasoned justification has been provided as to why the development needs to be in the location specified;
  2. the siting, scale or appearance of the proposal does not have an unacceptable adverse effect on the character of the local landscape, or upon heritage assets or their settings;
  3. the site is contained within existing landscape features and, if necessary, and appropriate, is supplemented with additional landscaping;
  4. adequate access and appropriate parking arrangements are provided; and
  5. the potential implications of flood risk have been taken into account where necessary.
- 6.35 Policy EC 11 will support and encourage genuine proposals for rural diversification, provided that:
1. proposals are compatible with their existing rural settings;
  2. proposals are in keeping, in terms of scale and character, with the surrounding landscape and buildings;
  3. adequate car parking and access arrangements are included; and
  4. they would not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.
- 6.36 Perhaps the main consideration in this context, and in the light of Policies EC 9, EC 10 and EC 11 is the is the number of glamping pods proposed, which may be described as the scale of the development, and the potential effects this would cause.
- 6.37 8 pods, where there are presently none, would quite substantially change the activities and operations of/at the site. The resultant development of the overall steading would include 4 permanent dwellings including the farmhouse, but the related development of the car park, shop/office and storage building mainly reflect the required associated items which would complement/serve the tourism facility.
- 6.38 It is understood that this number of pods would be necessary to enable the overall development to be financially viable, and while the local planning authority does not have access to the related financial information, it is considered that the number of pods is not excessive in terms of the land area



it would occupy, its scale in relation to the size and spread of the steading, and the form and wider function of the surrounding area. The subdivision of the site, looking at the way development relatable to the glamping component and its 'grab' of the land and buildings at Garthside, is proportionate and does not lean too heavily towards the tourism elements; and the site is well located in terms of its accessibility for users of the long distance Hadrian's Wall walking route.

- 6.39 There are potential other effects of the introduction of the pods and associated items:

(iii) Landscape and Visual Impacts:

- 6.40 The general landscape at this location, and more specifically the landscape associated with the Hadrian's Wall WHS, is sensitive to change. Development that would cause overriding harm in these contexts would not be supported.
- 6.41 The application includes information that validly demonstrates that the overall impacts on the landscape, which are only likely to be noticeable from the south, would not be harmful, and in fact would arguably improve the appearance of the farmstead with the removal of a large, modern, obtrusive building, the cladding of the partially demolished/retained building and the introduction of new landscaping. The development overall constitutes a substantial investment and at this stage it is expected that the visual quality of the site would be increased with the renovation of the buildings and the improvement of the southern areas of the site.
- 6.42 The only matter for further consideration is that the pods proposed for the eastern area, which would be sited to exploit views across the landscape that includes the WHS, would potentially change the character of these environs in terms of how the site is perceived from the south. This particular concern has been expressed by the Parish Council in its consultation response. Each unit is to be accompanied by a hot tub and an amenity outside area on the site of the farmstead that interacts with the WHS.
- 6.43 In this respect, it is considered that a balance would be achieved, mainly because the overall profile (and visual hierarchy) of the development, when viewed from the south, would be improved so that the relatively low profile pod development would be backdropped by the newly visible and attractive converted barns and restored farmhouse, following the demolition of the obtrusive modern barn (already gone from the site), the proposed landscaping and the recladding of part of the retained barn (store).
- 6.44 Furthermore, the applicant has been approached to establish whether it would be possible for an additional hedgerow to be planted in the vicinity of this southern area of the site, which could be secured by planning condition in the event of planning permission being granted. The applicant has responded positively in this regard and would be willing to introduce an additional hedgerow in this area, albeit one that can be managed at a height so that it does not shut out views from the glamping pods southwards over the landscape.

- 6.45 It is possible that the glamping development would give rise to additional sources of light visible in the landscape from the area close to the WHS and from further afield; however, it must be borne in mind that operational farms are known to promote light pollution during hours of darkness because they are on occasion operational during these times; further, the long distance path is not useable during hours of darkness, generally speaking, so if use of the glamping pods and associated hot tubs and outdoor amenity area does promote light pollution to some extent during hours of darkness, it would not compromise this asset/landscape in any way that affects user, because such users are extremely unlikely to be present.
- 6.46 A good degree of assurance may be taken from the consultation responses of both Historic England and Cumbria County Council's Historic Environment Officer, which both confirm that there are no significant concerns relating to the potential landscape and visual impacts arising, in the context of the WHS. This position aligns with that of the local planning authority, in particular with that of the CCCC who has, in the light of the revised scheme submitted in October, not identified any overriding concerns in this regard.
- 6.47 Having regard to the above information, it is considered that the development, in the context of landscape and visual impacts, would accord with Policies SP6, GI 1, EC 9, EC10, EC 11, SP 7 and HE 1 of the Local Plan.

(iv) Other Heritage Impacts:

- 6.48 The only other heritage (non-landscape/visual) issue for consideration is the potential impact on archaeological remains, which can be upstanding or subterranean. In this context, the consultation responses of both specialist consultees at Historic England and Cumbria County Council have advised that this is not an area for concern and that no archaeological investigations would be required in association with the development, in particular with the level of disturbance to the ground already having taken place within the steading over time.
- 6.49 The local planning authority's position aligns with the approach of both consultees. In this respect, the application accords with Policies SP 7 EC 9 and HE 1 of the Local Plan.

(v) Impacts on Highway Safety:

- 6.50 The site benefits from good visibility in all directions where the access lane meets the public road. This has not been raised as an issue by any interested parties. It might need mild adaptation to ensure visibility meets standards required by Cumbria County Council, but the roads in all directions are straight for an adequate distance to provide good visibility.
- 6.51 It would be possible to create adequate parking areas/spaces, in an appropriate manner, within the former farmsteading to serve all existing and new elements of development. This is reflected in the submitted drawings, and in the consultation response provided by Cumbria County Council as

highway safety specialist. The local planning authority is fully aligned with these positions.

- 6.52 The Parish Council is concerned about the impacts of the development on highway safety, in particular because of the potential for the development to generate additional movement by users on the network of narrow and winding lanes from which the site is approached. The local roads are acknowledged not to be ideal in terms of the ability of vehicles to pass one another safely and passing places are very limited, and informal.
- 6.53 Cumbria County Council has not highlighted this as a cause for concern in its appraisal of the application.
- 6.54 It may be acknowledged that the last use as an operational farm would have given rise to both domestic and agricultural traffic locally; the latter is highly likely to have included tractors, trailers and other machinery.
- 6.55 The proposed development would have the potential to generate a greater degree of traffic than occurred when the property was last in agricultural use, but generally of a non-agricultural nature - the entire steading is shown to be given over to residential and leisure occupancy, and although some machinery would inevitably be needed to manage the site's grounds, this would be quite different than the machinery operated at a working farm.
- 6.56 The site would be visited with deliveries, for example of items required to enable the maintenance of the pods, the shop and the hot tubs. Working farms also are visited with deliveries and collections, occasionally by commercial vehicles including lorries.
- 6.57 Overall, although it is noted that the local road network does include some sections which must be navigated carefully, although the development would give rise to more frequent traffic it would be likely to involve traffic of a more domestic nature, with agricultural operations having ceased. The site is approachable from three different directions which should, in theory, help to distribute vehicles across the road network rather than all vehicles using the same route to get to Garthside. It is less likely that users would approach from the north (Kirkcambek direction), more likely that users would approach from the west (Walton/Brampton direction) and the south (Lanercost/Brampton via Burtholme direction).
- 6.58 Although there may be a difference in respect of the future traffic, it is not considered that the difference in intensity or frequency would be particularly noticeable by comparison to traffic using the site when the farm was operational.
- 6.59 The Parish Council has suggested that the developer could be required to make improvements to the local road network. In theory, this could amount to the introduction of passing places, where possible in terms of land available and in appropriate ownership. However, for this to be a consideration it would need to be highlighted as a requirement in response to substantial concerns, for example by Cumbria County Council as highway safety specialist. In the

absence of any mention of this issue within the planning consultation response, and having regard to the above appraisal of the likely change to traffic movements in the locality, it would not be reasonable or proportionate to seek this type/level of mitigation.

- 6.60 In relation to highway safety and parking provision, the proposals are therefore consistent with Policies IP2, IP3 and SP 6 of the Local Plan.

(vi) Impacts of Associated Development:

*Communal car park and refuse storage area:*

- 6.61 This would be provided in a logical location, would benefit from intended landscaping and would occupy an area of ground in such a way that it would relate well to the development, whilst being offset from it. This a well chosen, proportionate and locationally appropriate element of the overall proposed development. It would accord with Policies SP 6 and IP 3 of the Local Plan.

*Proposed shop/office:*

- 6.62 This would be in an appropriate location, adjacent to the car park in the area before site users go further into the site to occupy the residential accommodation and glamping pods. The building is small and would be further subdivided within, meaning that the office space and 'shop' space associated with its use would be modest and proportionate to the site/development. It is not intended that the shop would serve a wider public function, as although this is mentioned in a suggestion by the Parish Council, this is not a sustainable location for a community-based shop because in terms of requiring people to use it, it would require a lot of individual trips, inevitably mostly by car, into an isolated rural location. Any shop intended for community use would need to be sited in a justifiable location, potentially in a settlement or where there is already a public hub such as a pub or a village hall.

- 6.63 This component of the development is therefore considered to be acceptable and would accord with Policies SP 6 and EC 10 of the Local Plan.

*Partially demolished/altered/reclad storage building:*

- 6.64 This is considered to be a sensible re-use of part of a building already present on site, having regard to the location of the building in close proximity to all components of the site. Its reduced size would be well-related to the scale of the development and, along with the partial recladding of the lower sections with timber and proposed landscaping, its movement away from the site peripheries slightly lessens the level of environmental (visual) impacts of the building. It would accord with Policies SP 6, HE 1 and GI 1 of the Local Plan.

*Proposed landscaping:*

- 6.65 The landscaping identified within the application is appropriate and proportionate to the site and to the development, providing augmentation of

existing vegetation without changing the essence of how the site and surroundings interact.

6.66 As mentioned earlier in this report, the site itself is not overly characterised by vegetation, but it does include a few mature trees and hedgerows. These do not screen the site from public view, but they do break up the setting in combination with the buildings and with more large scale vegetation outwith the site (woodlands and field trees). The additional landscaping would enable the setting to be appropriately maintained.

6.67 The permeable paths and outdoor areas alongside the pods and the dwellings would be agreeable and would not change the external appearance of the site from anywhere in the public realm.

6.68 This component of the scheme accords with Policies SP 6, GI 1 and GI 6 of the Local Plan.

(vii) Ecological Impacts:

6.69 The application is supported by a bat survey, which also makes reference to protected birds (barn owls). This is a common approach and in effect provides a 'protected species survey'.

6.70 The survey/report has been appraised by the local planning authority, and reflects good practise in relation to the assessment of the site and mitigation proposed.

6.71 The resultant development would see the site's ecological value enhanced with the accommodation of bats and owls built into the buildings and nearby vegetation.

6.72 The augmented soft landscaping (including retention of existing trees and hedgerows) would add to the site's ecological potential by providing increased habitat and wildlife corridors.

6.73 It is therefore considered that the application would accord with Policy GI 3 of the Local Plan, and with Policy HO 6 in this context.

(viii) Impacts on the Water Resource:

6.74 The application includes foul and surface water management proposals which use both existing arrangements and include new elements, mainly being the sewage treatment plant with its associated discharge to nearby existing watercourses.

6.75 The proposed site plan shows how the overall site strategy for dealing with drainage has been designed to take the foul and surface water from the buildings and the site via a network of devices including a drainage ditch which already exists.

6.76 Cumbria County Council, as flood risk/drainage specialist consultee, has

found the drainage proposals to be agreeable overall. The local planning authority agrees with this position and, having regard to this information, the application is considered to accord with Policies CC 5 and IP 6 of the Local Plan.

## **Conclusion**

- 6.77 The application represents a substantial and significant development in the context of this rural, and fairly quiet location within Burtholme Parish. Its proximity to the Hadrian's Wall WHS including the long distance trail heightens sensitivities in respect of potential adverse impacts of development, especially with regard to how it might impact on heritage settings.
- 6.78 However, the development has been well conceived and presented, has been adjusted to respond to concerns identified by the local planning authority and represents an appropriate opportunity being realised to re-use a previously developed site in an agreeable manner.
- 6.79 It would result in a proportionate, sympathetic re-development of the steading to provide appropriate permanent accommodation within the 3 dwellings arising from the conversion; and would result in a leisure/tourism development which supports economic development within the District in close proximity to one of the District's main visitor attractions.
- 6.80 The design and layout of the site, including associated landscaping, would ensure that landscape and visual impacts are not adverse or harmful, both in regard to the landscape in general and heritage settings.
- 6.81 The concerns of the Parish Council are noted, in particular in respect of these landscape and visual impacts; but also in respect of potential highway safety impacts. In this latter regard, it is considered that the level of change of traffic movement in the locality may be noticeable, but would be acceptable and would not reasonably require any upgrade of the network by the developer, as this would be disproportionate to the level of development proposed.
- 6.82 In all other respects, the development would accord with the aforementioned Policies of the Local Plan. Furthermore, it would accord in all respects with the National Planning Policy Framework because it does represent an appropriate development proposal for the location, not giving rise to any overriding planning concerns and which would positively provide an appropriate level of rural housing in a sustainable manner, alongside a proportionate, associated tourism/leisure development.
- 6.83 For these reasons, it is recommended that the application is approved, subject to a range of conditions relating to matters of relevance, some of which have been identified as required in statutory consultation responses.

## **7. Planning History**

- 7.1 In 2020, under ref. 20/0001/DEM, planning approval was given for the demolition of a modern agricultural building. At the time of writing of this part of the planning report in November 2020, the building has been demolished.
- 7.2 In 1996, under ref. 96/0589, planning permission was granted for the erection of a freestanding livestock building. This development was undertaken, and the resultant building now forms part of the current planning proposal (half retained to form store associated with development).
- 7.3 It may be noted that the main farmhouse is being substantially renovated, but that this does not require planning permission, because it relates to a dwelling with authorised planning use as a dwellinghouse.

## **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. Drawing ref. 226-02-B 'Site Plan as Existing', received on 26 October 2020;
3. Drawing ref. 226-13-C 'Site Plan as Proposed', received on 26 October 2020;
4. Drawing ref. 226-08 'Building 3 Elevations and Sections as Existing', received on 24 August 2020;
5. Drawing ref. 226-19-B 'Building 3 Elevations and Sections as Proposed', received on 26 October 2020;
6. Drawing ref. 226-07 'Buildings 1 and 2 Elevations and Sections as Existing', received on 24 August 2020;
7. Drawing ref. 226-18-A 'Buildings 1 and 2 Elevations and Sections as Proposed', received on 26 October 2020;
8. Drawing ref. 226-06 'Buildings 1 and 2 Elevations as Existing', received on 24 August 2020;
9. Drawing ref. 226-17-A 'Buildings 1 and 2 Elevations as Proposed', received on 26 October 2020;
10. Drawing ref. 226-05 'Roof Plan of Main Barns as Existing', received



on 24 August 2020;

11. Drawing ref. 226-16-B 'Roof Plan of Main Barns as Proposed', received on 26 October 2020;
12. Drawing ref. 226-04 'First Floor Plan of Main Barns as Existing', received on 24 August 2020;
13. Drawing ref. 226-15-B 'First Floor Plan of Main Barns as Proposed', received on 26 October 2020;
14. Drawing ref. 226-03 'Ground Floor Plan of Main Barns as Existing', received on 24 August 2020;
15. Drawing ref. 26-14-A 'Ground Floor Plan of Main Barns as Proposed', received on 26 October 2020;
16. Drawing ref. 226-11 'Building 9 Plan and Elevations as Existing', received on 24 August 2020;
17. Drawing ref. 226-21-A 'Building 9 Plan and Elevations as Proposed', received on 26 October 2020;
18. Drawing ref. 226-09 'Building 6 Plan and West and South Elevations as Existing', received on 24 August 2020;
19. Drawing ref. 226-10 'Building 6 Roof Plan and North and East Elevations as Existing', received on 24 August 2020;
20. Drawing ref. 226-20 'Building 6 Plans and Elevations as Proposed', received on 24 August 2020;
21. Drawing ref. 226-23 'Pods as Proposed', received on 24 August 2020;
22. Drawing ref. 226-12 'Entrance as Existing', received on 24 August 2020;
23. Drawing ref. 226-22-A 'Entrance as Proposed', received on 24 August 2020;
24. Drawing ref. 226-01 'Location and Block Plan', received on 24 August 2020;
25. Hesketh Ecology Bat Survey at Garthside Farm, Walton (2020), received on 24 August 2020;
26. PFK 'Planning Statement' (Garthside, Walton), received on 24 August 2020;
27. PFK 'Heritage Statement' (Garthside, Walton), received on 24 August 2020;
28. PFK 'Heritage Statement Addendum' (Garthside, Walton), received on 26 October 2020;
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. Visibility splays providing clear visibility of 215m in both directions (north and south) and 2.4m back from the carriageway edge down the centre of the access road shall be provided at the junction of the access road with the county highway before development of the main site commences. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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, subsequent to their provision.

**Reason:** In the interests of highway safety, and to accord with Policy IP1 of the Carlisle District Local Plan and the National Planning Policy Framework (2019) especially Paragraph 108.

4. Any existing fence, hedgerow or other boundary structure located within or adjoining the visibility splay shall be reduced or limited to a height not exceeding 1.05m above the carriageway level of the adjacent highway, and shall not be raised or allowed to grow to a height exceeding 1.05m metres thereafter.

**Reason:** In the interests of highway safety, by maintaining an acceptable level of visibility and to accord with the National Planning Policy Framework (2019) especially Paragraph 108.

5. The development shall not be occupied until the access and parking provisions identified within the approved scheme have been constructed and brought into use as per the details shown on the approved documents. These provisions shall be retained and be capable of unobstructed use when the development is completed and shall not be removed or altered unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of highway safety and to accord with Policy SP6 of the Carlisle District Local Plan 2015-2030 and the National Planning Policy Framework (2019) especially Paragraph 108.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) the following forms of development within the provisions of Part 1 to Schedule 2 of the Order shall not be undertaken without the express permission in writing of the council:

1. Extension or enlargement

2. Additions or alterations to roofs
3. Detached outbuildings
4. Porches
5. Chimneys and flues
6. New window and door openings

**Reason:** The further extension or alteration of these dwellings arising from the conversion, including the erection of detached buildings requires detailed consideration to safeguard the amenities of the surrounding area including heritage settings, and the character and visual integrity of the buildings, to accord with Policies SP6, HO 6, HE 1, SP 7 and HO 8 of the Carlisle District Local Plan 2015-2030.

7. A section of native hedgerow including mixed species such as hawthorn, beech, dog rose, hazel, elder, holly, oak and wych elm shall be planted along the entire site boundary between the north-east corner of the plot to 'pod 4' and the point at which the proposed hawthorn hedgerow forming the west boundary to 'pod 8' meets with the southern site boundary, as depicted within the approved drawing ref. 226-13-C (Site Plan as Proposed), before any of the pods 4-8 inclusive are installed. The hedgerow shall comprise a double staggered row of whip plants which are permitted to grow to a minimum height of 1m within the first two years after planting, and maintained no lower than 1m in height above adjacent ground level thereafter.

Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure that adequate landscaping is provided on the southern/south-eastern boundaries of the development site to promote a level of screening that is appropriate to the site, having regard to the proximity of the development to the Hadrian's Wall World Heritage Site and associated long distance walking route, and to accord with Policies SP 6, SP 7 and HE 1 of the Carlisle District Local Plan 2015-2030.

8. All new trees, hedgerows, shrubs and grassed areas shown for landscaping within the approved drawing ref. 226-13-C (Site Plan as Proposed), shall be planted prior to the occupation of any of the dwellings or pods hereby approved.

Any plants provided in response to this condition which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season

with others of similar size and species, unless the local planning authority gives written consent to any variation.

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

9. The development shall be undertaken in strict accordance with the recommendations within the Hesketh Ecology report entitled 'Bat Survey at Garthside Farm, Walton, Brampton, Cumbria, CA8 2JP, 2020', as listed in the documents approved under Condition 2 of this permission, including the mitigation for bats and birds stated within Chapter 8 of the document.

**Reason:** To ensure that the potential of the site to provide habitat for protected species of fauna is appropriately realised; to ensure that development impacts on bats and Barn Owls, which are both protected by the Wildlife and Countryside Act 1981, are minimised, and to accord with Policy GI 3 of the Carlisle District Local Plan 2015-2030.

10. Prior to the carrying out of any construction work, the buildings affected by the proposed development shall be recorded in accordance with a Level 2 Survey as described by Historic England's document 'Understanding Historic Buildings: A Guide to Good Recording Practice, 2016'. Within 2 months of the commencement of construction works, a digital copy of the resultant Level 2 Survey report shall be furnished to the local planning authority.

**Reason:** To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration as part of the proposed development, and to accord with the objectives of Policy SP7 of the Carlisle District Local Plan 2015-2030.

11. 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.

12. The glamping pods hereby permitted shall be restricted to self-catering tourist accommodation only and shall not be occupied as permanent residential accommodation either independently or in association with the property within which it is situated.

**Reason:** To ensure that this element of the development accords with Policy EC 9 of the Carlisle District Local Plan 2015-2030, which only offers support for bona fide tourism developments and not for permanent residential accommodation.

13. The site manager/owner shall keep a register to monitor the occupation of the unit of tourism accommodation hereby approved. Any such register shall be available for inspection by the Local Planning Authority at any time when so requested and shall contain details of those persons occupying the units, their name, normal permanent address and the period of occupation of the units by them.

**Reason:** To ensure that the tourism unit is not occupied as permanent residential accommodation and to ensure that the development complies with Policy EC 9 of the Carlisle District Local Plan 2015-2030.

14. Notwithstanding any description of materials in the application, prior to their use as part of the development hereby approved, full details of the external materials relating to the following items 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:

- (i) the proposed corrugated sheeting to be utilised in proposed roof coverings, as identified in the approved drawings;
- (ii) any replacement natural slate to be utilised on the roofs of the converted buildings;
- (iii) new windows (including rooflights), and doors;
- (iv) new pointing on the converted buildings.

**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 SP 6, SP 7 and HO 6 of the Carlisle District Local Plan 2015-2030.

15. The stone flags forming the roof covering to Building 3 shall be carefully

lifted, stored and re-used as indicated in drawing ref. 226-19-B 'Building 3 Elevations and Sections as Proposed', received on 26 October 2020 and listed as an approved document in Condition 2 of this planning permission. Any variation to this undertaking shall not be carried out unless written consent has first been obtained from the local planning authority.

**Reason:** To ensure that all possible measures have been taken to minimise adverse impacts on the character and appearance of the building, which constitutes a non-designated heritage asset, to accord with Policies SP 6, SP 7 and HO 6 of the Carlisle District Local Plan 2015-2030.

16. Notwithstanding the information contained within the documents approved as part of this planning permission, and prior to the undertaking of the approved conversions of the farm buildings to dwellinghouses and other uses, details of how the external joinery components located on the south elevation of building 2, the south elevation of building 9, the north elevation of building 1 and the south elevation of building 3 will be retained and/or re-deployed within the site shall be approved in writing by the local planning authority. The joinery items considered in response to this condition shall be re-used or re-deployed in strict accordance with the details approved.

**Reason:** To ensure that all possible measures have been taken to minimise adverse impacts on the character and appearance of the building, which constitutes a non-designated heritage asset, to accord with Policies SP 6, SP 7 and HO 6 of the Carlisle District Local Plan 2015-2030.

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NOTES AND AMENDMENTS  
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REVISIONS

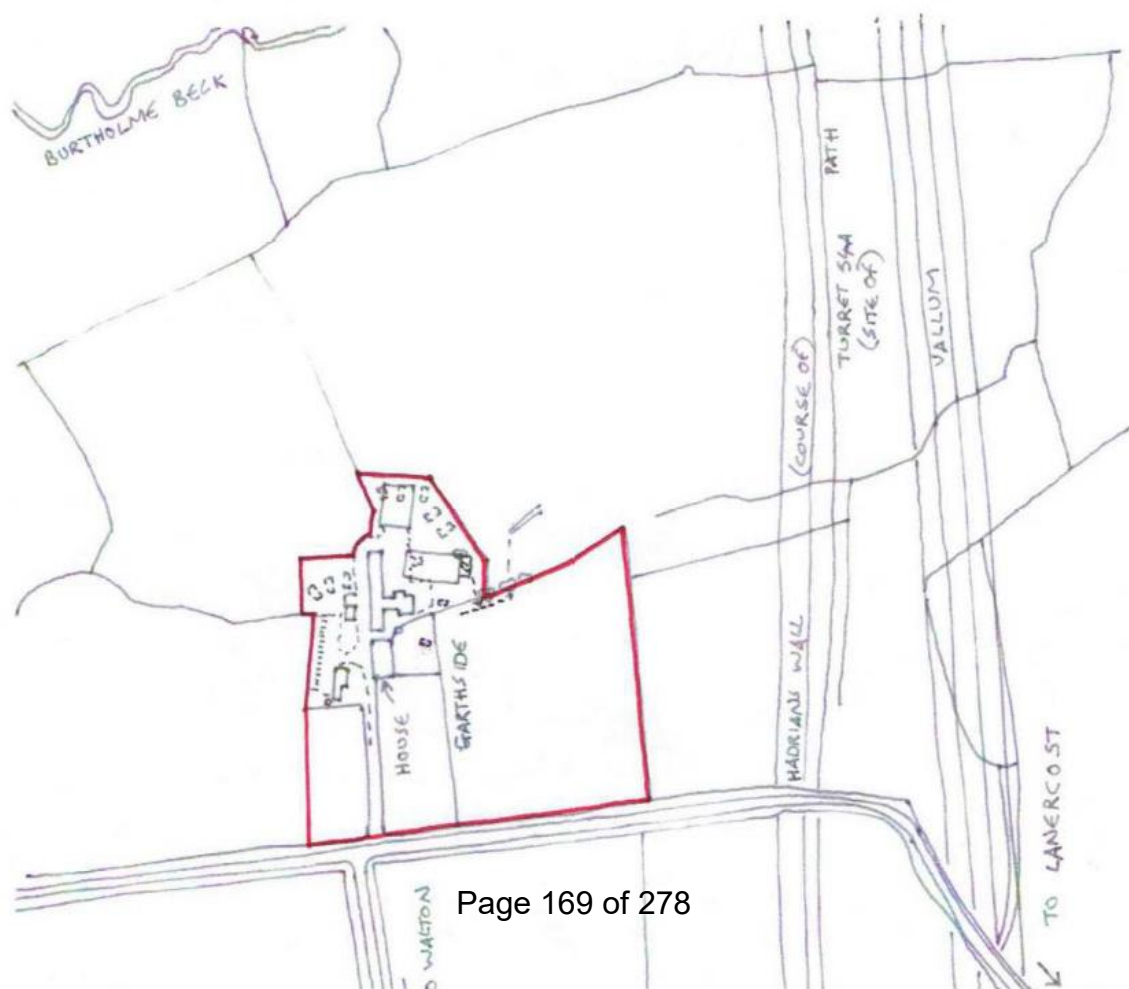


BLOCK PLAN. SCALE 1/500

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Project:  
Development of Garthside Farm for Mr and Mrs Bishop.

The Location and Block Plan			
Scale	Page size	Drawn by	Check
1/2500 and 1/500	A3		06/2020
Project No	226	Revision	01



LOCATION PLAN. SCALE 1/2500

RED LINE: PROPOSED SITE  
BLUE LINE: LAND ALSO OWNED BY APPLICANT

Legend

- Field
- Fence
- Existing hedge
- Existing Tree
- Existing assumed perimeter drainage
- Existing assumed field drainage



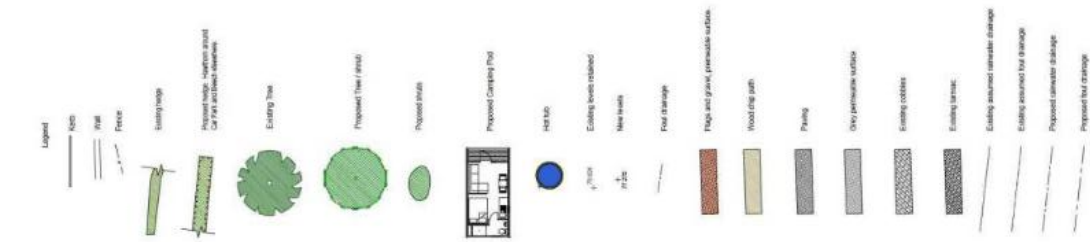
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Development of Garthside Farm for Mr and Mrs Bishop.

Site Plan as Existing

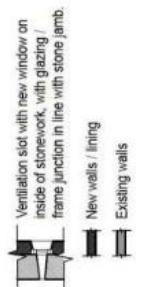
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Date: 04/2020  
Sheet: 226 of 02  
Revision: B





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Planning Application, Aug. 2020  
A: Updated following meeting with Planning Officer on  
24th September 2020 and comments received on 14th  
October 2020. Oct. 2020



Page 172 of 278

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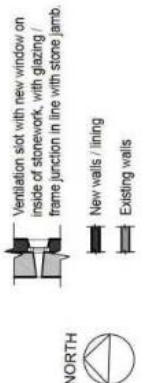
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Scale:	Paper size:	Date:
1/100	A3	06/2020
Project No:	Drawing No:	Revision:
226	14	A



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A: Planning Application. Windows on South gable amended. Aug. 2020  
B: Updated following meeting with Planning Officer on 24th September 2020 and comments received on 14th October 2020. Oct. 2020



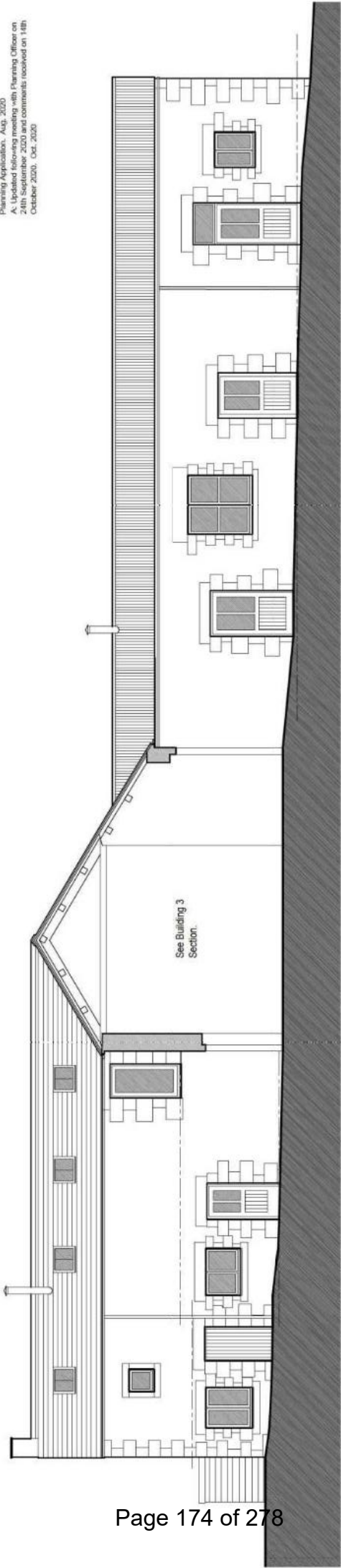
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Project No:	Drawing No:	Revision:

NOTES AND AMENDMENTS

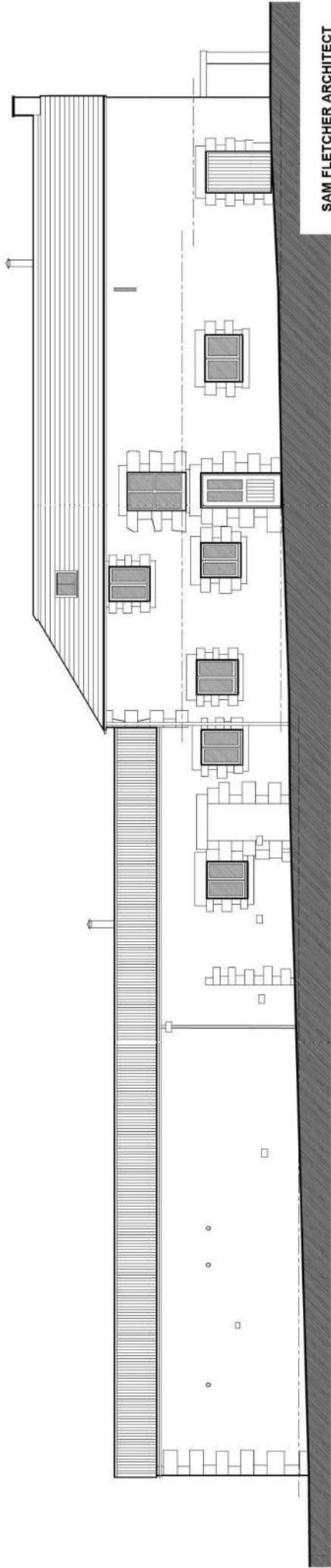
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REVISIONS

Planning Application: Aug. 2020  
A. Unpublished: 20th September 2020 and comments received on 18th October 2020. Oct. 2020



Buildings 1 and 2. South Elevation.



Buildings 1 and 2. North Elevation.

Materials:

Roof:  
Grey slate to Building 1.  
Grey metal to Building 2 to replace asbestos.  
Conservation rooflights.

Walls:  
Existing stone repointed with lime mortar.

Rainwater Goods:  
Black heritage range aluminium.

Windows:  
Grey aluminium.

Materials continued:

Front doors and doors to Store and Utility on Buildings 1 and 2:  
Grey Aluminium.

Dummy door to built up openings on building 1:  
Painted timber.

Flues:  
Stainless steel.

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Development of Garthside Farm for Mr  
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Title:  
Buildings 1 and 2 Elevations as  
Proposed.

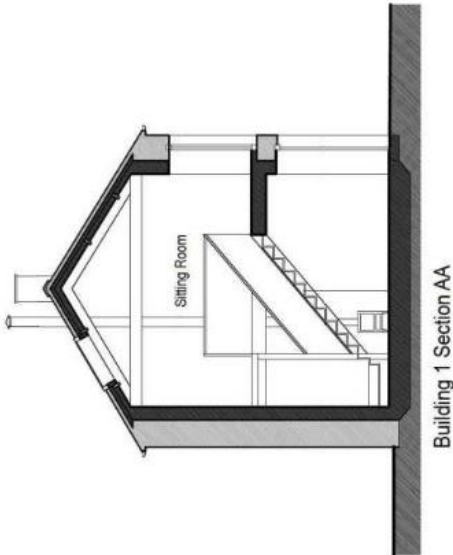
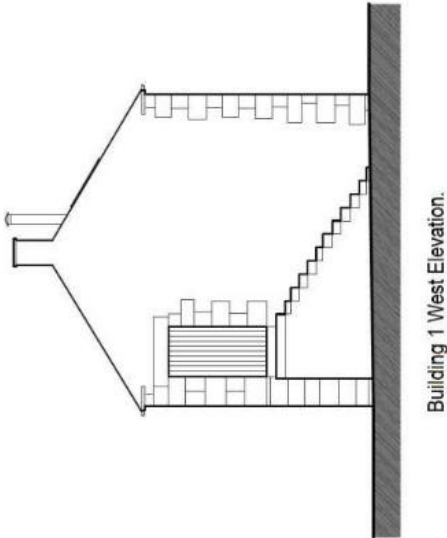
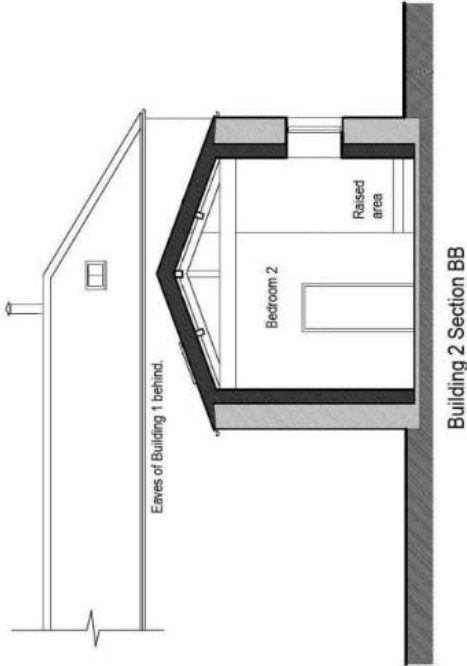
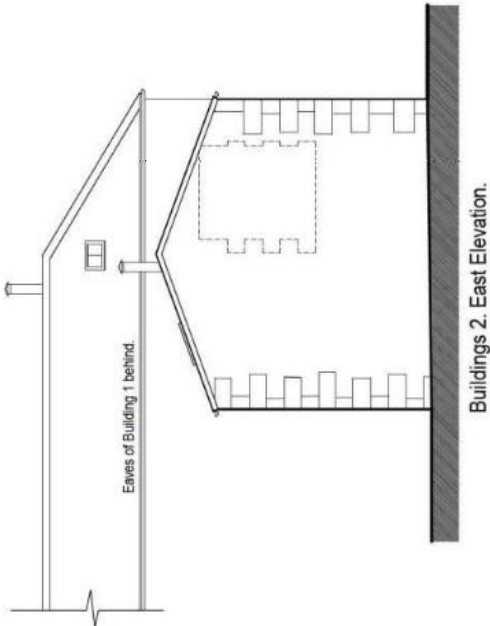
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Project No:	226	Drawing No:	17	Revision:	A

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REVISIONS

Planning Application - Aug. 2020  
A. Updating following meeting with Planning Officer on 24th September 2020 and comments received on 14th October 2020. Oct. 2020



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Title: Buildings 1 and 2 Elevations and Sections as Proposed.			
Scale:	1/100	Paper size:	A3
Date:	06/2020		
Project No:	226	Drawing No:	18
Revision:			A

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REVISIONS

A. Planning Application. Windows amended on West Gable and roof lights added. Aug. 2020  
B. Updated following meeting with Planning Officer on 24th September 2020 and comments received on 14th October 2020. Oct. 2020

Materials:

Roof:

Sandstone flags to be retained if feasible and viable. If sandstone flags are not feasible / viable roof to be grey slate as per Building 1 and the Farm House, possibly with some sandstone courses at the bottom of the roof.

Conservation rooflights to main building.

Slate lean-to on South gable to have low pitched slate roof with glazing set into slate to cover external seating area.

Walls:

Existing stone repointed with lime mortar. Existing oak beam over main opening to be retained if feasible.

Lean-to walls on South gable rebuilt in stone with lime mortar.

Rainwater Goods:

Black heritage range aluminium.

Windows:

Grey aluminium.

Glazed Frame and entrance door.

Grey aluminium.

Dummy door to built up opening:

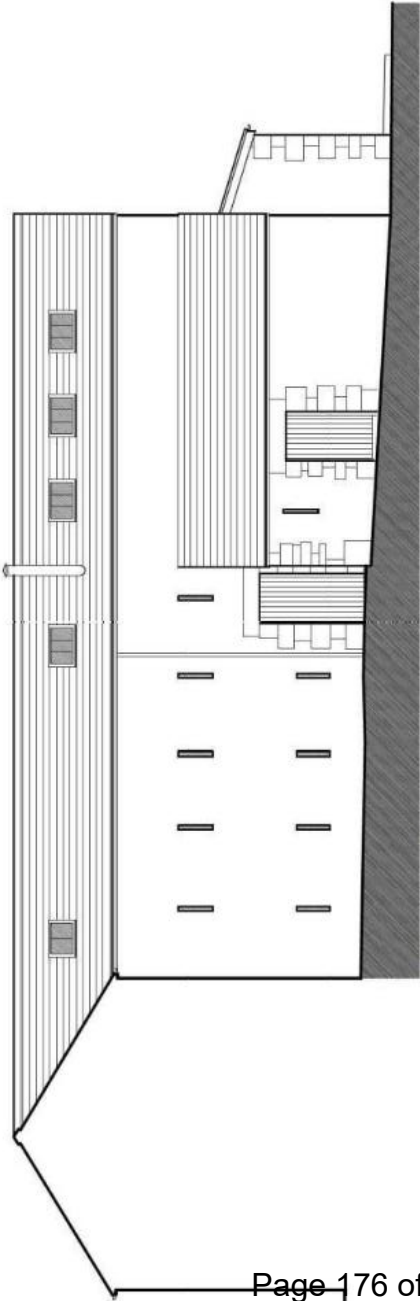
Painted timber.

Door to Store and Electrics:

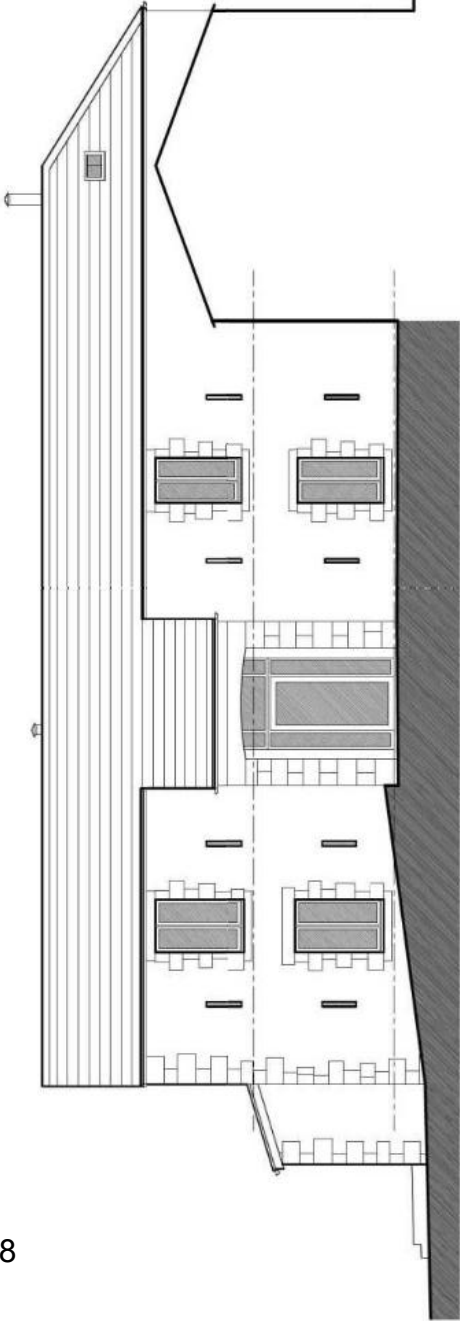
Painted timber.

Flue:

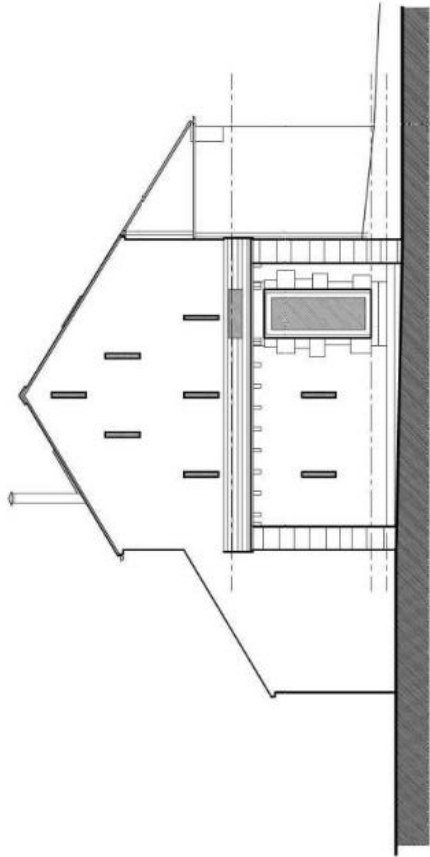
Stainless steel.



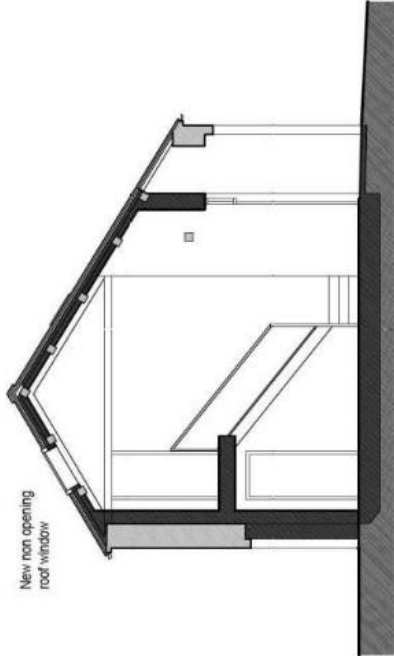
Building 3 West Elevation.



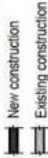
Building 3 East Elevation.



Building 3 South Elevation.



Building 3 Section CC



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Project:

Development of Garthside Farm for Mr and Mrs Bishop.

Title:

Building 3 Elevations and Section as Proposed.

Scale:

1/100

Project No:

226

Drawing No:

19

Revision:

B

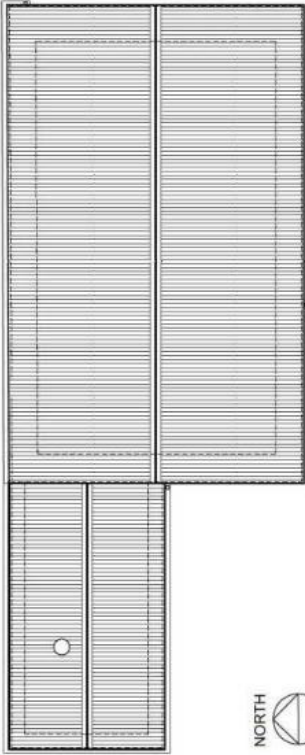
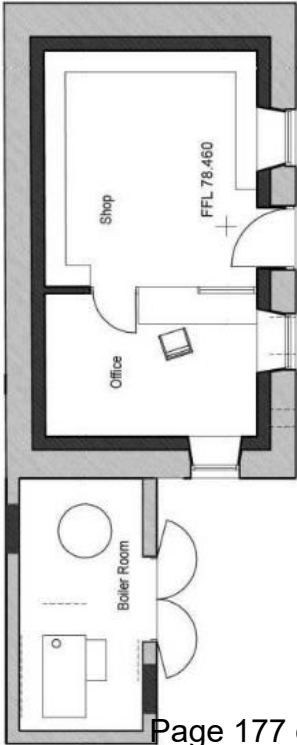


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REVISIONS

Planning Application: Aug. 2020



Roof Plan.

Materials:

Roof:  
Grey metal to replace asbestos.

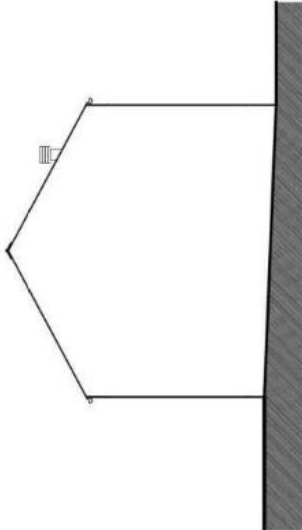
Walls:  
Existing stone.  
Existing brick to North and West of Boiler House.  
South wall of Boiler House rendered.

Rainwater Goods:  
Black heritage range aluminium.

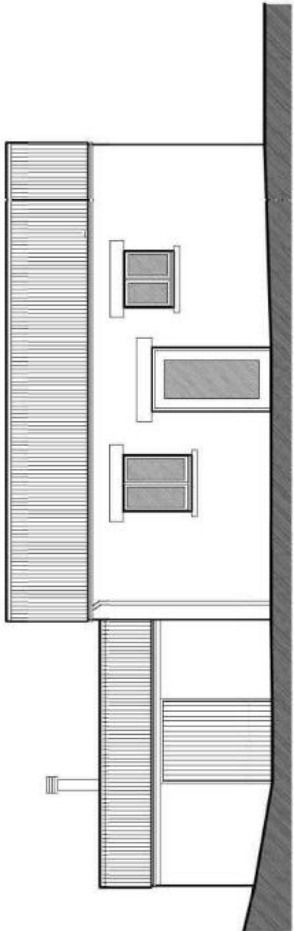
Windows:  
Grey aluminium.

Doors:  
Grey aluminium to Shop.  
Painted timber to boiler house.

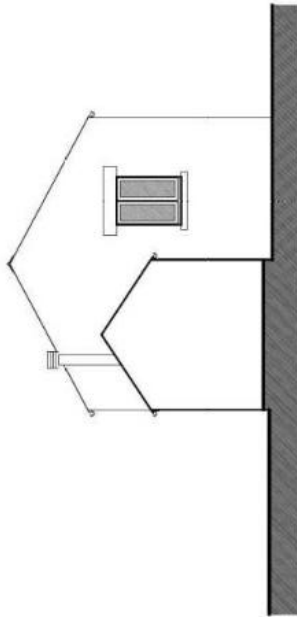
Flue: Stainless steel.



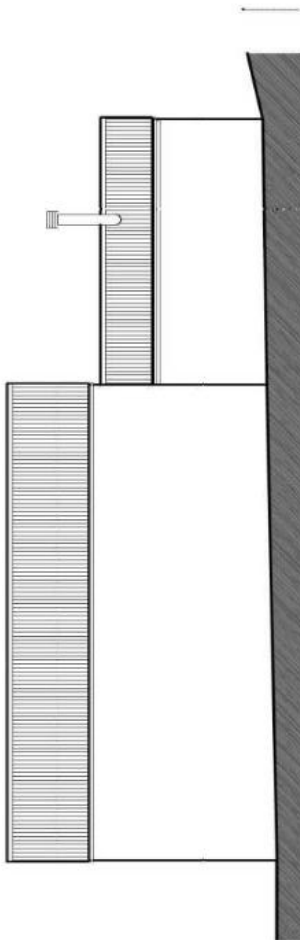
East Elevation



South Elevation



West Elevation



North Elevation

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Project:

Development of Garthside Farm for Mr and Mrs Bishop.

Title:

Building 9. Plan and Elevations as Proposed.

Scale:

1/100

Page size:

A3

Date:

06/2020

Project No:

226

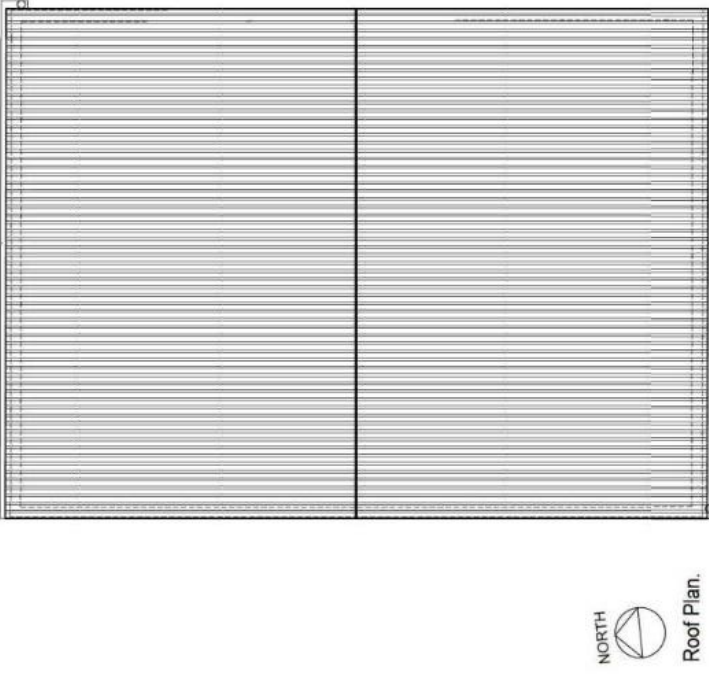
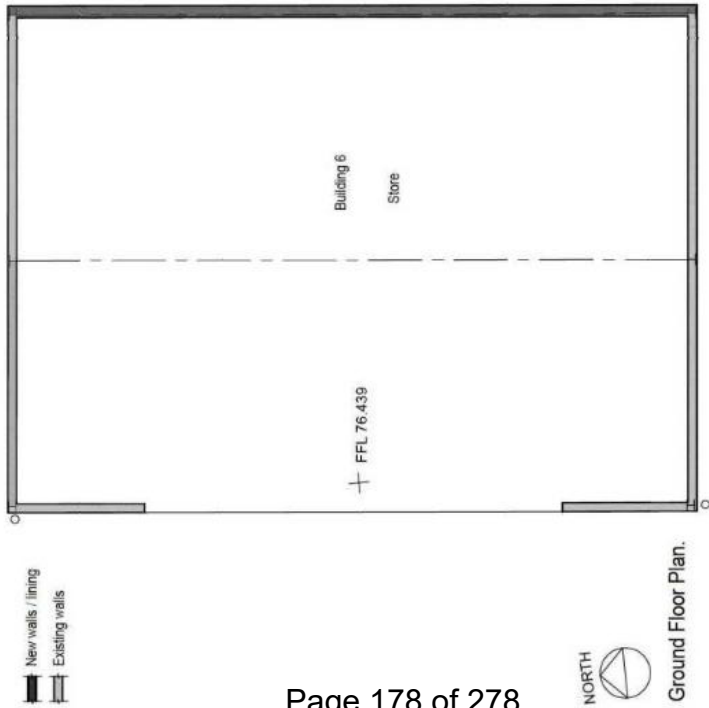
Drawing No:

21

Revision:

-

 New walls / lining  
 Existing walls

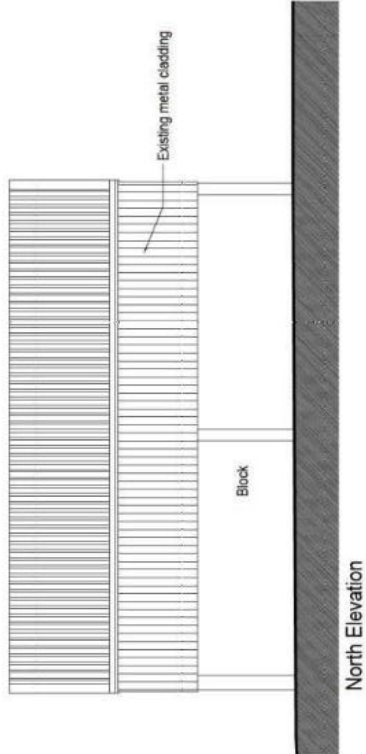
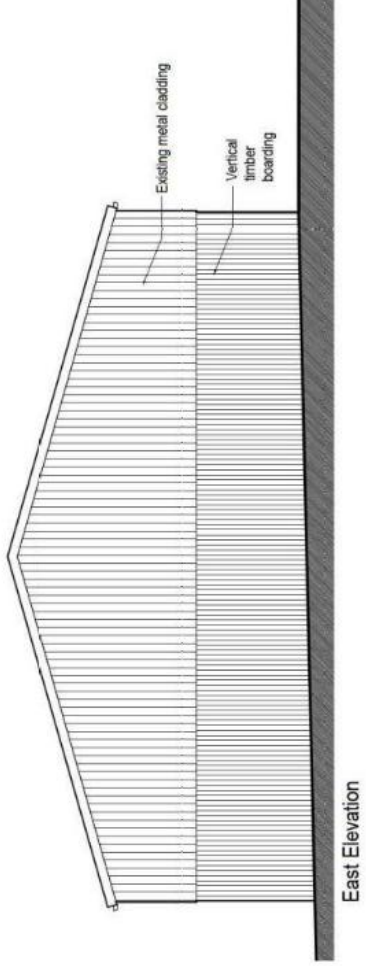
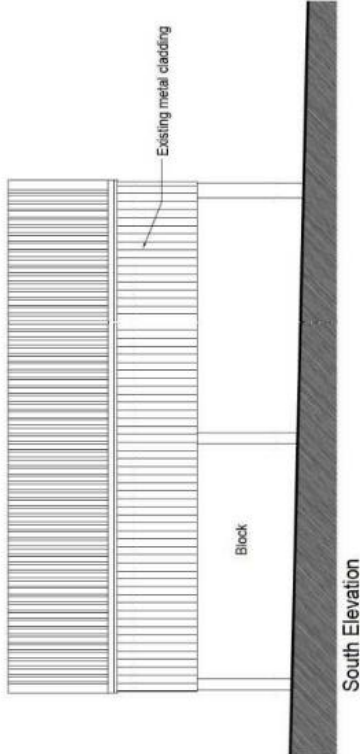
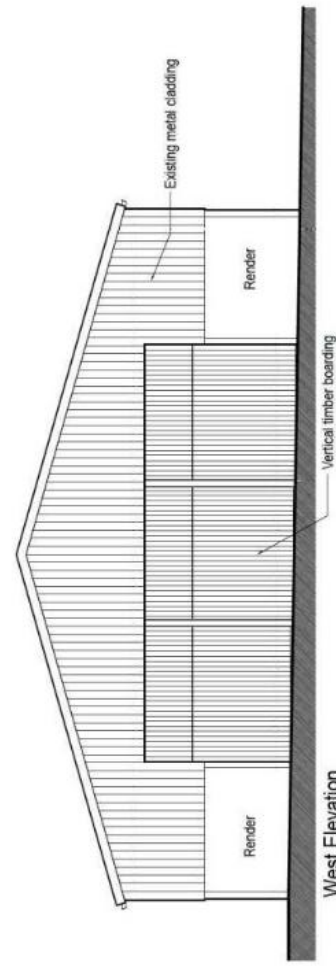


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**REVISIONS**

Planning Application: Aug. 2020



**SAM FLETCHER ARCHITECT**

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 01228 559950  
 samfletcherarchitect@gmail.com  
 www.samfletcherarchitect.co.uk

Project:  
 Development of Garthside Farm for Mr and Mrs Bishop.

Title:  
 Building 6. Plans and Elevations as Proposed.

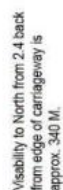
Scale:	Paper size:	Date:
1/100	A3	06/2020

Project No:	Drawing No:	Revision:
226	20	-



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A: Planning Application. New hedge at entrances. Aug. 2020



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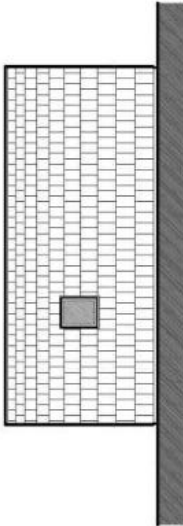
Project:  
Development of Garthside Farm for Mr  
and Mrs Bishop.

Title	Entrance as Proposed

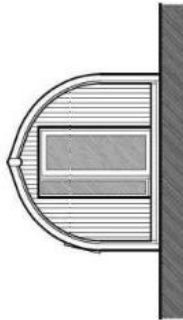
Scale	Paper size	Date
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Project No.	Drawing No.	Revision:
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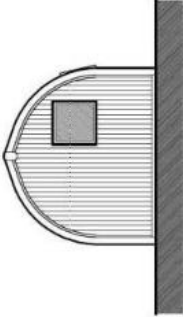
Entrance sign, Scale 1/10



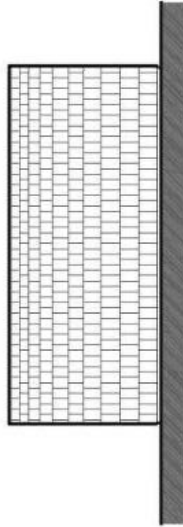
Side Elevation



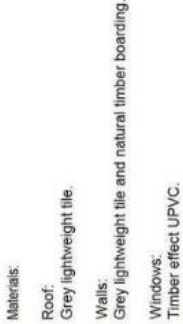
Front Elevation



Rear Elevation



Side Elevation



Materials:

## NOTES AND AMENDMENTS

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## REVISIONS

Planning Application: Aug. 2020

## SAM FLETCHER ARCHITECT

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Project:  
Development of Garthside Farm for Mr  
and Mrs Bishop.

Title:  
Pods as Proposed.

Scale:  
1/100

Page size:  
A3

Date:  
06/2020

Project No:  
226

Drawing No:  
23

Revision:  
-

GARTHSIDE, WALTON

# Landscape Analysis

Page 181 of 278

PFK





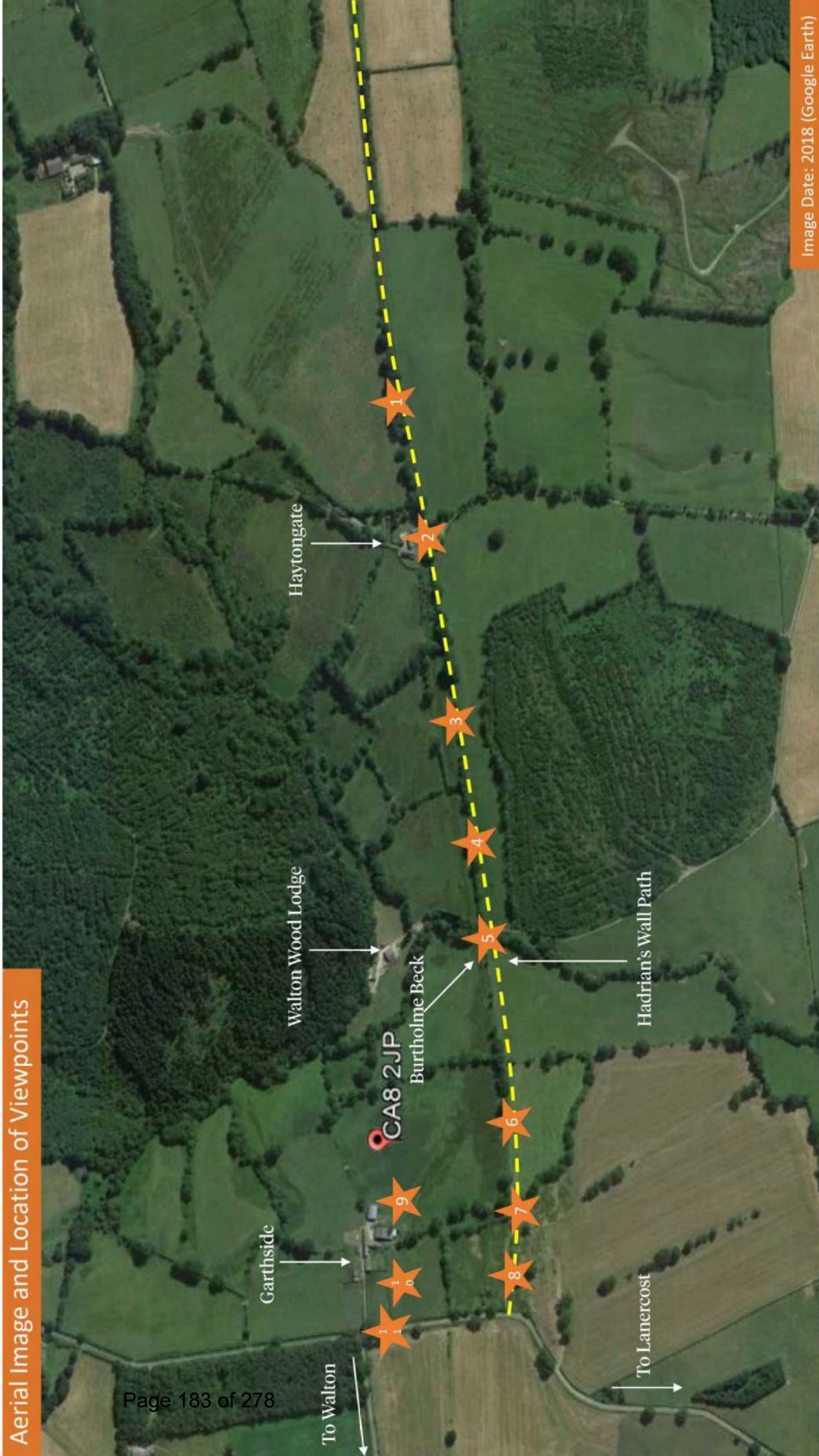
# Introduction

The purpose of this landscape analysis is to provide a series of annotated photographs to illustrate the local landscape character around Garthside, and to assist understanding and assessment of the impact of the proposed development on the landscape character of the area.

We have provided a series of photographs taken at eleven different viewpoints between Haytongate and Garthside, the photographs are represented in order as if you were to walk in a westerly direction along the Wall Path. In an easterly direction, views are only available if you actively turn to the West as the opportunities to catch a glimpse of Garthside is only possible from behind the direction of travel.

**PFK**

Aerial Image and Location of Viewpoints





# View Point 1

This first viewpoint is taken from the Wall Path looking down the hill towards Haytongate, which is part of the PROW which links Banks to the Hadrian's Wall Path.

Garthside is not visible but is located in the distance, beyond established tree line. As shown on the aerial images, mature belts of trees such as the one shown on the image are notable landscape features commonly found along traditional stone boundary walls which divide agricultural fields.

PFK

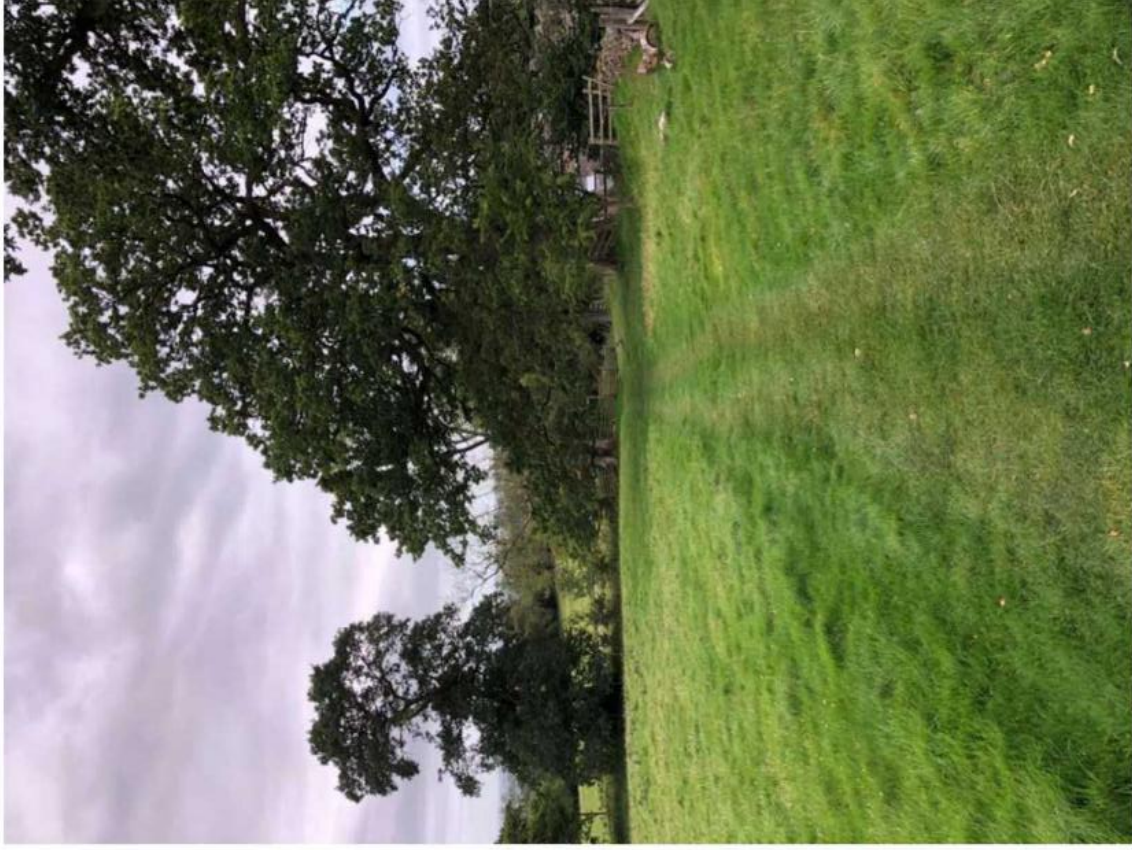


## View Point 2

This viewpoint is taken as you approach the gate at Haytongate Barn and from the Hadrian's Wall Path.

Garthside is not visible but is located in the distance, to the West.

The smaller photograph indicates the relationship of the dense woodland and vegetation which enclose the Wall Path, limiting views beyond and towards Garthside.



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## View Point 3

This viewpoint is taken in between Haytongate and Burtholme Beck. At this location there is a short gap of approximately 20 metres in the tree line, and it is possible, to catch a view of Garthside from the position.

This viewpoint is an oblique view, and although visible, Garthside is not easily identifiable in the landscape. Further landscape planting, as proposed by the application, will further minimise the visibility of Garthside in the landscape from wider view points such as this.

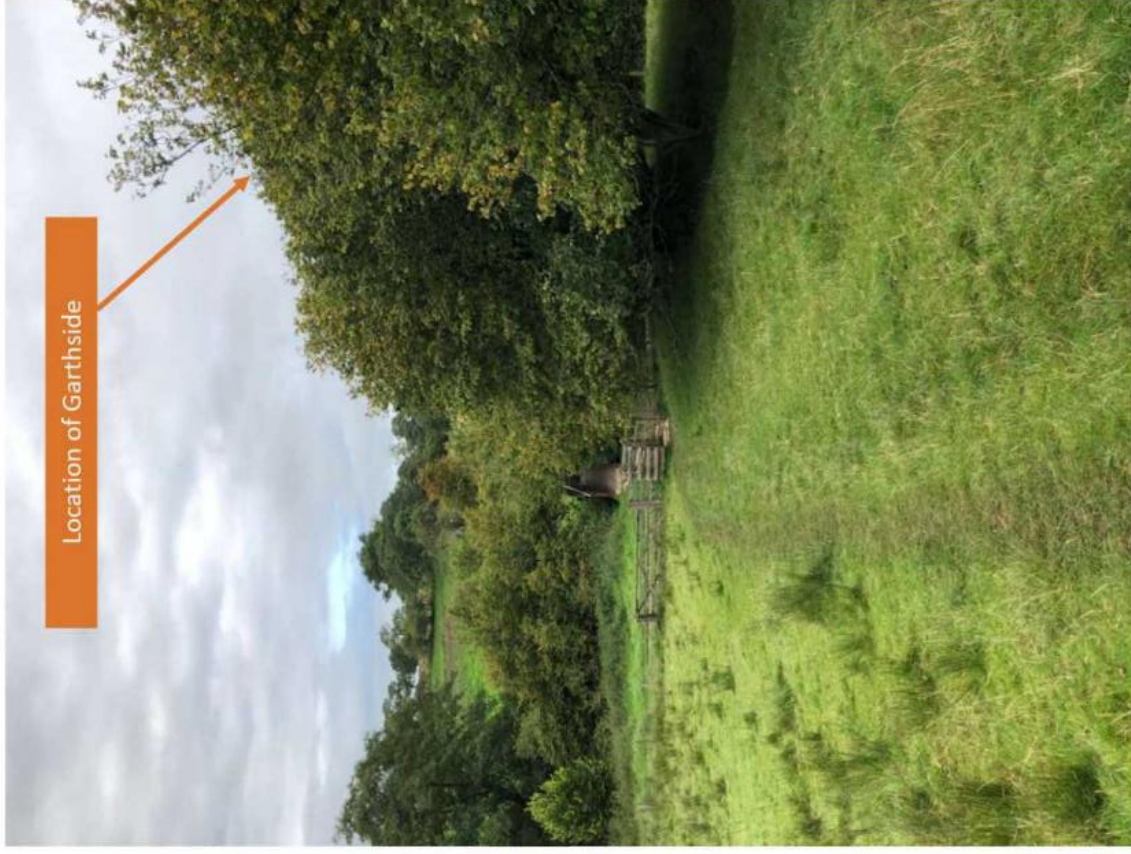
Beyond this point, the dense treeline and woodland continues and views towards Garthside are no longer possible.



## View Point 4

This viewpoint is taken slightly further along, on the approach to Burtholme Beck, from this section there are no views of Garthside, which is hidden from view behind the mature tree belt.

Burtholme Beck lies approximately 600 metres to the South/South East of Garthside Farm.





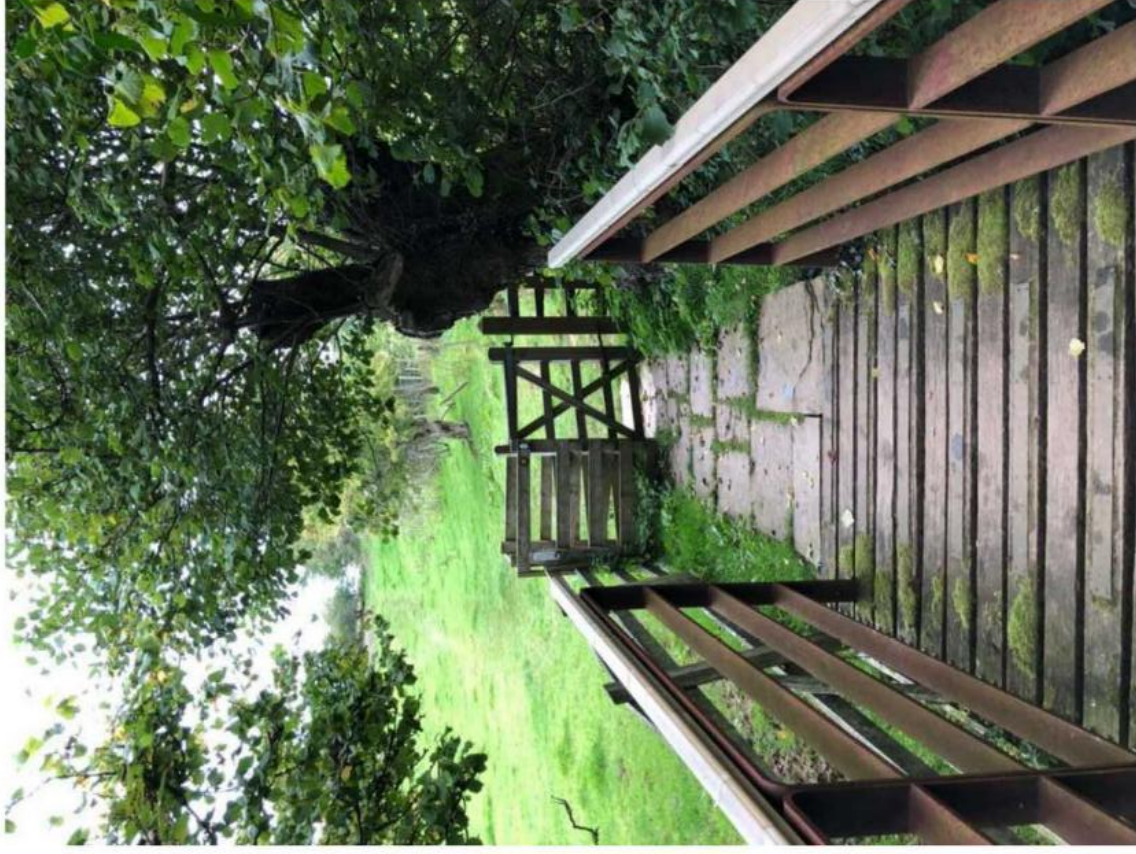
## View Point 5

This image is taken on the bridge which crosses Burtholme Beck, it is once you cross the beck that further glimpses of Garthside become possible. These locations are found where gaps exist between existing trees and mature hedgerows. In these further glimpses, Garthside are visible but not dominant in the landscape.

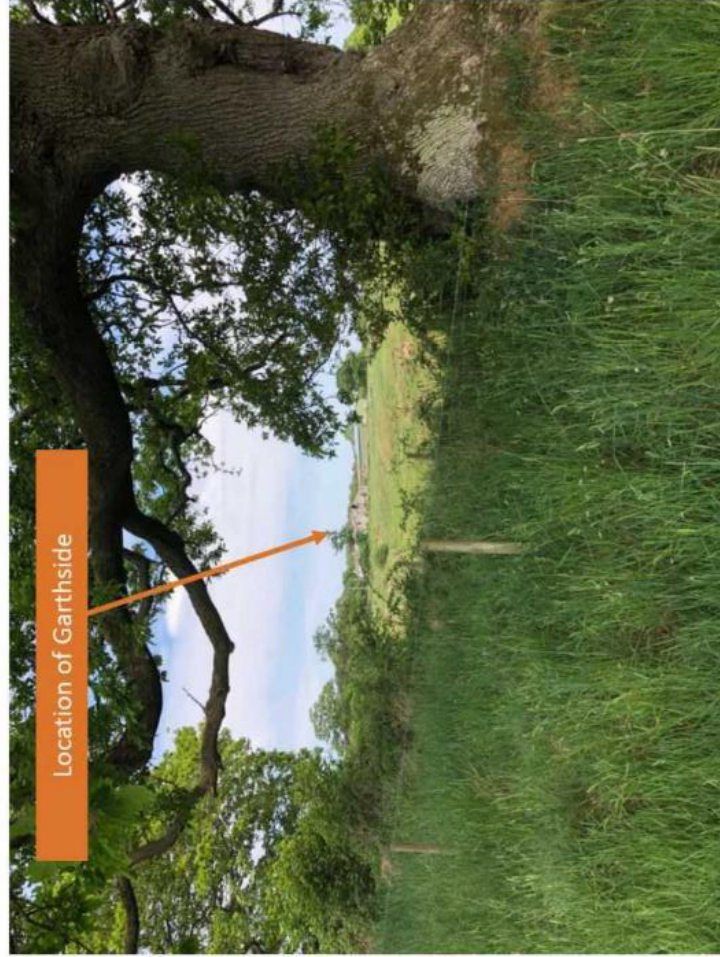
The proposed development by virtue of additional planting, and the reduction in size of the agricultural building on the eastern boundary, the overall landscape appearance will be enhanced. The proposed camping pods, will be viewed against the backdrop of the traditional farm buildings, and newly planted hedgerows and therefore are not considered to result in adverse landscape impact.

This location is approximately 400 metres to the South East of Garthside.

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## View Point 6



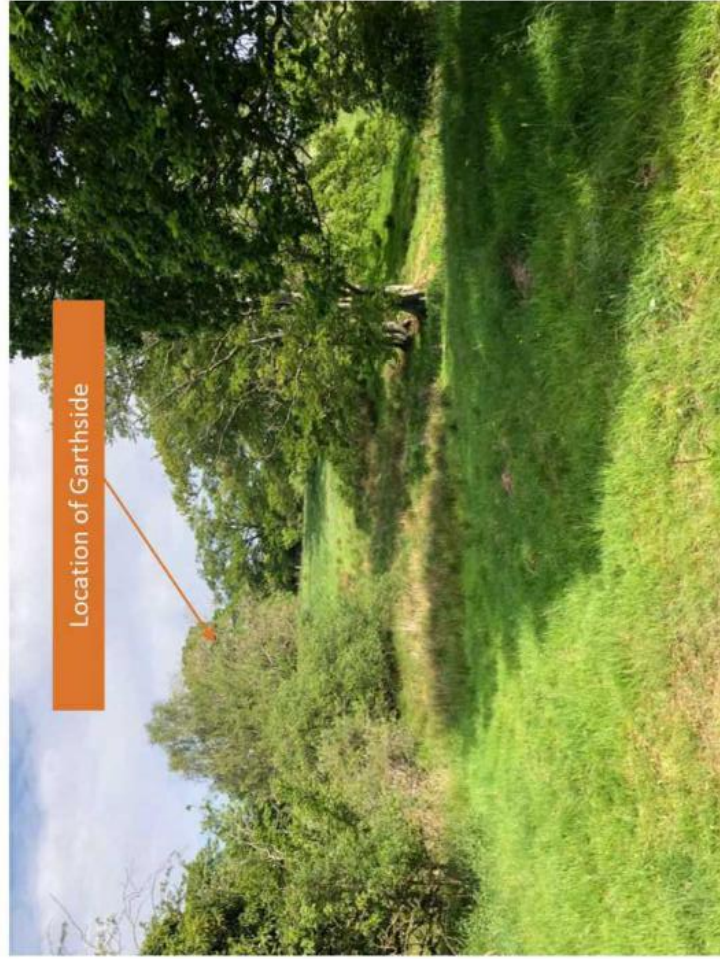
PFK

Between Burtholme Beck and the gate at Garthside, the first views of Garthside can be captured. If you look inbetween trees and hedgerows it is possible to see across, where the modern agricultural buildings are visible.

The large building visible in the foreground was considered to be a dominating feature in the immediate landscape due to its scale and appearance. The removal of this building, allows the farmhouse and attractive traditional barns to become visible at a small number of gaps in the screening. The introduction of camping pods in this location, will be viewed against this backdrop and the associated hedgerow planting that is proposed. By virtue of their relationship to these existing buildings and also landscape features, whilst the pods will be visible, the will not be a dominant or harmful feature within the landscape.



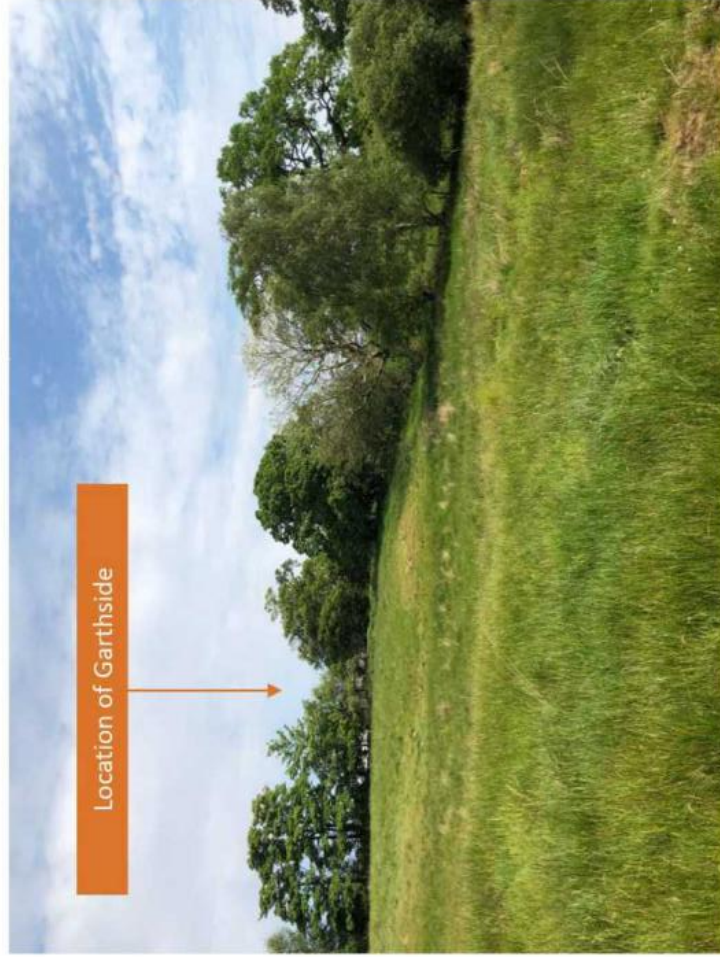
## View Point 7



This viewpoint is taken approximately 200 metres due south of Garthside, where the presence of trees and hedgerows is clearly visible. From this viewpoint, Garthside is not visible. As such, there is not considered to be any landscape impact arising in this location.

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## View Point 8

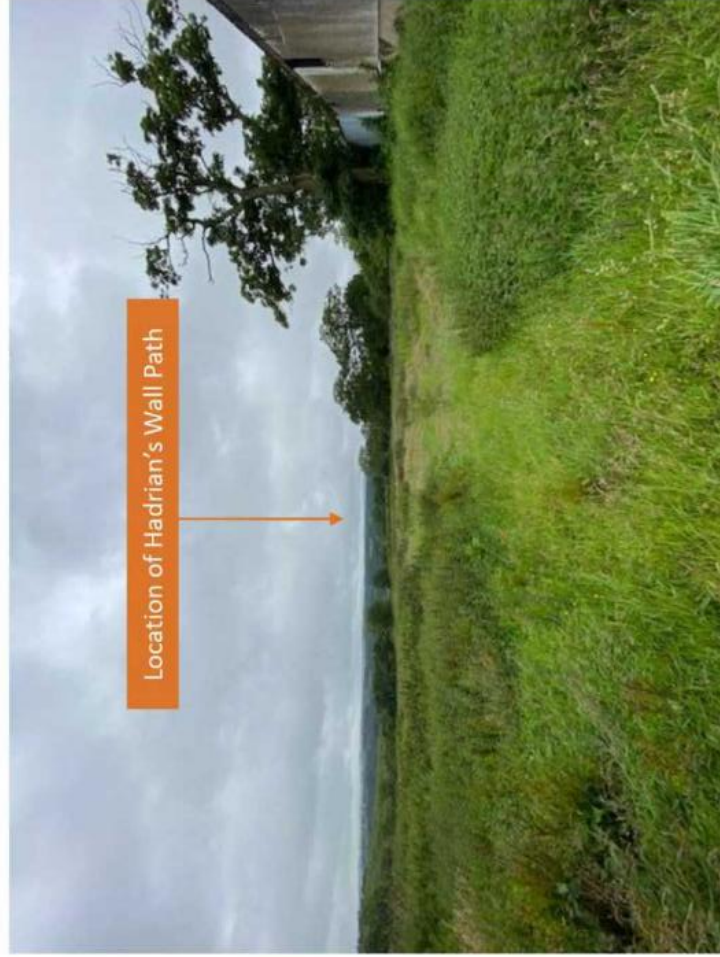


As you approach the final section of the wall path at Gathside, the application site is hidden from view. Previous glimpses of Garthside present along earlier sections of the wall part are no longer found, as the tree belt provides extensive screening.

As such, there is not considered to be any landscape or visual impact arising in this location.

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## View Point 9



This view point is taken from within the site looking in a southerly direction towards the wall path (located immediately beyond the line of trees).

From this point, the relationship of the Wall Path, which is the closest public view point, is evident. The presence of a strong belt of trees immediately adjacent to the path, provides very limited opportunities for views across to Garthside. Any views were until recently dominated by a large agricultural shed which was visible, and acknowledge as a dominant feature in the landscape setting.

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## View Point 10

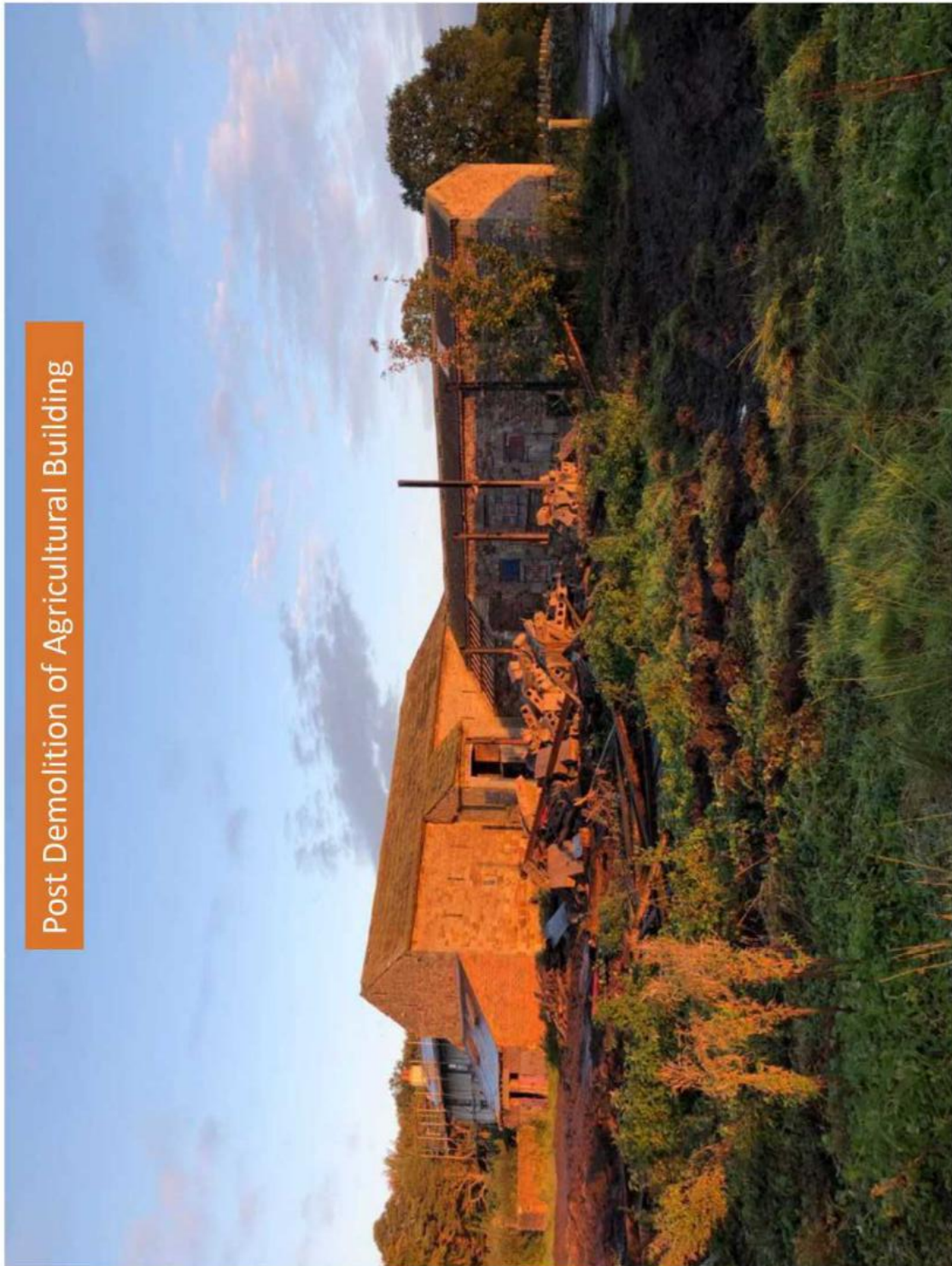


This viewpoint is taken from the agricultural field associated with Garthside, looking in a north easterly direction back towards the farmhouse and traditional range of barns.

As shown, the farmhouse and barns are closely related, with a compact layout to the yard area. More recent additions are notable features of the landscape as they, perhaps to a lesser extent from this position, dominate the landscape and setting of the farmhouse.

The large agricultural building has now been demolished, and the traditional barns are now exposed and further enhance the attractive setting of the site and the surrounding landscape.

PFK



Post Demolition of Agricultural Building



## View Point 11



*(Please note that this photograph was taken prior to the demolition of the large agricultural building)*

Finally, this viewpoint is taken from the adopted highway looking towards Garthside and associated buildings. This photograph again illustrates the compact form of the site and close relationship of the existing buildings. The proposed camping pods would be located within this complex and be well-related to existing visible features within the landscape.

The existing landscape features provide existing natural screening to the site, and the outward appearance of the farmhouse and barns will be further enhanced when renovation works are complete. Overall, the proposed development will contribute positively to the landscape setting, particularly from this viewpoint. Additional landscaping is also proposed which will further enhance the appearance of the site.

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# Planning Policy Assessment

Policies EC9, EC10 and EC11 seek to ensure that proposals for tourism and caravan sites do not have an adverse impact upon the character of the landscape, and, that the scale and design should be compatible with the character of the surrounding area. Policy SP6 of the CDLP also reiterates this by seeking to ensure that proposals respond to local context and the form of surrounding buildings, respecting local landscape character.

The siting, scale and appearance of the proposed development has been carefully considered and due to the presence of existing established screening, will not result in any adverse harm to the character of the local landscape. The site is considered to be well-contained by existing landscape features. The proposed conversion and sensitive reuse of the traditional buildings within the site will improve the immediate character of the area and the removal of the large, dilapidated agricultural building visible from the nearby Hadrian's Wall path, will greatly improve the outward appearance of the site.

The camping pods have a very low ridge height and are well screened by the hedgerows which delineate the field boundaries and as such any landscape impact is very localised. Where views are afforded the development will be seen in the context of the existing trees and field hedgerows that surround the site. Given the relatively low height of the development, coupled with the existing landscaping along field boundaries it is not considered that the proposed development would cause a significant landscape impact. The scale, siting and design of the development is considered to be appropriate, to the rural setting and the development is not considered to be detrimental to the appearance of the area, achieving an enhancement of the immediate landscape setting.

**PFK**

# Summary and Conclusion

The purpose of this landscape analysis is to provide a series of annotated photographs to illustrate the local landscape character around Garthside, and to assist understanding and assessment of the impact of the proposed development on the landscape character of the area.

The proposed development is not considered to be prominent or visually obtrusive in local or wider landscape setting. Due to the natural topography of the site and presence of extensive and mature screening, the proposed development would not adversely affect the local landscape character or setting of the World Heritage Site.

Notwithstanding the relative sensitivity of the landscape to change, the proposal would have no long term adverse effects. Whilst it is noted there may be some transitory, albeit limited, visual impact when viewed whilst walking in a Westerly direction along the Hadrian's Wall Path, the relationship between the proposed development and the existing buildings at Garthside minimises this and the planting to be introduced to the site will soften any potential impact further still.

**PFK**



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## SCHEDULE A: Applications with Recommendation

20/0669

Item No: 05

Date of Committee: 04/12/2020

**Appn Ref No:**  
20/0669

**Applicant:**  
Mr Neil Monkhouse

**Parish:**  
Stanwix Rural

**Agent:**

**Ward:**  
Stanwix & Houghton

**Location:** 25 Whiteclosegate, Carlisle, CA3 0JA

**Proposal:** Change Of Use Of Agricultural Land To Garden (Retrospective/Revised Application)

**Date of Receipt:**  
02/10/2020

**Statutory Expiry Date**  
27/11/2020

**26 Week Determination**  
07/12/2020

---

### REPORT

**Case Officer:** Alanzon Chan

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Principle Of The Proposal, And The Impact Of The Proposal Upon The Character and Appearance of The Area Are Acceptable
- 2.2 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.3 The Impact Of The Proposal On Highways Safety
- 2.4 The Impact Of The Proposal On Hadrian's Wall Vallum

#### 3. Application Details

##### The Site and Background Information

- 3.1 This application relates to a small rectangular parcel of agricultural land which is approximately 60m<sup>2</sup> in area, adjoining the rear garden of 25 Whiteclosegate, Carlisle.
- 3.2 Planning permissions were previously granted for eight other garden

extensions along this side of Whiteclosegate. All aforementioned garden extensions were approved on the grounds that they were all modest in scale (5m in depth) and were enclosed by either a 1.2m high post and rail fence or a 1.2m high post and wire fence, both of which are low height, agricultural style fences.

- 3.3 On 30 July 2019, the Council received a retrospective application (19/0588) to regularise the change the use of this section of an agricultural land at the rear of 25 Whiteclosegate to a residential garden. At the time the application was assessed, although the scale of the proposed garden extension was considered acceptable, planning permission was refused as the applicant insisted to enclose the garden extension area with non-agricultural style fencing varying in height up to 1.8m, which was considered inappropriate and intrusive to the open countryside and the semi-rural character of the area.
- 3.4 The applicant made an appeal against the refusal under Section 78 of the Town and Country Planning Act 1990 in May 2020 and the appeal was dismissed on 28 July 2020. The inspector considered the change of use and its enclosure to be unduly conspicuous and would have an adverse effect on the character and appearance of the area.

## **The Proposal**

- 3.5 This is a revised application submitted by the applicant for the same proposal, however, the applicant has revised the style and height of the proposed enclosure to match those of the previously approved garden extensions along Whiteclosegate.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of notification letters sent to two neighbouring properties. No verbal or written representations have been made during the advertisement period.

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

**Historic England - North West Office:** No objection in principle but the proposed works would require Scheduled Monument Consent from Historic England

**Cumbria County Council - (Highways & Lead Local Flood Authority):** No objection

**Stanwix Rural Parish Council:** recommends that determination be in accordance with national and local planning policy and guidance

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of

the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), and Policies SP6, HE1, HE2, GI1 and GI3 of the Carlisle District Local Plan (CDLP) (2015-2030).

The proposal raises the following planning issues:

1. Whether The Principle Of The Proposal, And The Impact Of The Proposal Upon The Character and Appearance of The Area Are Acceptable

- 6.3 Section 12 of the NPPF relates to the creation of well-designed places. Paragraph 127 of the NPPF states that planning decisions should ensure that developments 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. In addition, decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and that the development will be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.4 In addition, paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 6.5 Section 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 6.6 Policy SP6 of the CDLP 2015-2030 states planning proposals should respond to local context and respect local character. The design of the proposal should respond to the characteristics of the specific site, as well as the distinctiveness of the wider setting. Meanwhile, Policy GI1 of the CDLP 2015-2030 states that all landscapes are valued for their intrinsic character and will be protected from excessive, harmful or inappropriate development.
- 6.7 Although the extension of garden land into the open countryside is normally resisted, it is considered that a modest extension of a garden area may, in certain circumstances, be deemed acceptable as long as the overall proposal does not adversely impact the rural character and appearance of the surrounding area. In this instance, although the Inspector was not keen on garden extensions at this location, it is noted that 40% of the gardens along this side of Whiteclosegate has already been extended.

- 6.8 It is noted that the currently garden extensions along Whiteclosegate are visible from the public footpath that connects Brampton Road with Tarraby Lane. However, it is noted that the gap between the garden extension area and the footpath would be approximately 160m. Given that that each approved garden extension is enclosed by 1.2m high agricultural style fencing, it is considered that the style of enclosure will be in keeping with the rural character of the area. Furthermore, there was a condition within all approved garden extension applications to restrict the erection of outbuildings within the garden extensions. Thus, it was concluded that all the previously approved garden extensions would not have a detrimental visual impact upon the surrounding area.
- 6.9 In addition to this, the Council has recently received a vast interest of residents along Brampton Road, which adjoins Whiteclosegate, wishing to extend their gardens in the same manner as those along Whiteclosegate. This suggests that garden extensions of this nature at this stretch of road is popular amongst the residents. Although garden extensions at this location are sporadic in nature at the moment, it is envisaged that there will be more residents put forward proposals to extend their gardens in the near future. Consequently, the sporadic nature of the garden extensions at this location would lessen overtime. In light of this, the principle of a modest garden extension at this location is considered acceptable.
- 6.10 Since not every household along Whiteclosegate currently proposes to have their gardens extended, in order to minimise the impact of modest garden extensions upon the intrinsic character of a semi-rural landscape, any boundary treatments enclosing this type of garden extension in this area would need to be of a low height and be of an agricultural style, in order to ensure that the garden extension would not result in an unacceptable intrusion into open countryside.
- 6.11 In this case, it is considered that the proposed garden extension is modest in scale. As such, whether or not the development will be considered acceptable will depend on the effect of the boundary treatment upon the rural character and appearance of the surrounding area. The applicant now proposes to revise the boundary treatment from domestic timber fencing of various height (from about 1.2m to about 1.8m) to 1.2m high timber post and rail fencing with wire mesh to match those of the approved garden extensions in the same neighbourhood.
- 6.12 The proposed fencing is considered to be low impact due to its height and it being an agricultural style fence. In light of the aforementioned and to ensure consistency in our approach towards all garden extensions at this location, the revised proposal is considered acceptable in principle, scale and design. It is not considered that the proposal would have a detrimental impact upon the semi-rural character of the area, to an extent which would be significant enough to warrant refusal to this application.

## 2. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.13 Given the nature of the proposal, it is not considered that the proposal would have an adverse impact on the living conditions of any occupiers of neighbouring properties through loss of light, loss of privacy or over-dominance.

### 3. The Impact Of The Proposal On Highways Safety

- 6.14 Taking into consideration the nature of the development, the proposal would not have a material effect on the existing highway conditions. The Highway Authority were consulted and have raised no objection to the proposal.

### 4. The Impact Of The Proposal On Hadrian's Wall Vallum

- 6.15 The line of the Hadrian's Wall Vallum runs across some domestic gardens along Whiteclosegate. Taking into consideration that the Hadrian's Wall Vallum is a scheduled monument and World Heritage Site, careful consideration for the potential impact of the proposal on these heritage assets is therefore required during the assessment of this application. Given the nature of the proposal, it is not felt that the use of this land as a domestic garden would detrimentally affect any historical significance or the setting of the Vallum.
- 6.16 Historic England were consulted on this application and have raised no objection to this proposal. Meanwhile, an informative note has been included within the decision notice to remind the applicant of the need to obtain scheduled monument consent for the proposed fencing within the garden extension area, which will remain a protected scheduled monument.

## Conclusion

- 6.17 In overall terms, the principle of the development is considered acceptable. It is not envisaged that the proposal would have any detrimental impact on the living conditions of any neighbouring residents, the character of the area. Highway safety nor any historical significance or the setting of the Vallum. In all aspects, the proposal is considered to be compliant with the objectives of the relevant policies. The application is recommended to be approved with conditions.

## 7. Planning History

- 7.1 The following applications are considered to be relevant to the assessment of this application:

(18/0504) Change Of Use Of Agricultural Land To Garden (29 Whiteclosegate). This application was approved conditionally in 2018.

(18/0505) Change Of Use Of Agricultural Land To Garden (33 Whiteclosegate). This application was approved conditionally in 2018.

(19/0588) Change Of Use Of Agricultural Land To Garden (Retrospective)

(25 Whiteclosegate). This application was refused in 2019, and the relevant appeal application was dismissed by Planning Inspectorate in 2020.

(19/0682) Change Of Use Of Agricultural Land To Garden (7,9 and 15 Whiteclosegate). This application was approved conditionally in 2019.

(20/0236) Change Of Use Of Agricultural Land To Residential (36, 41 and 43 Whiteclosegate); Together With Erection Of Single Storey Side And Rear Extension To Provide Dining Room. This application was approved conditionally in 2019.

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

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

1. the submitted planning application form, received 05 October 2020 ;
2. the Location Plan, received 05 October 2020;
3. the Block Plan, received 05 October 2020;
4. the Fencing Details, received 05 October 2020;
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order), no building, garage, shed or other structure shall be erected within the rear garden extension hereby permitted, without the prior 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 character, integrity and appearance of the building and its setting in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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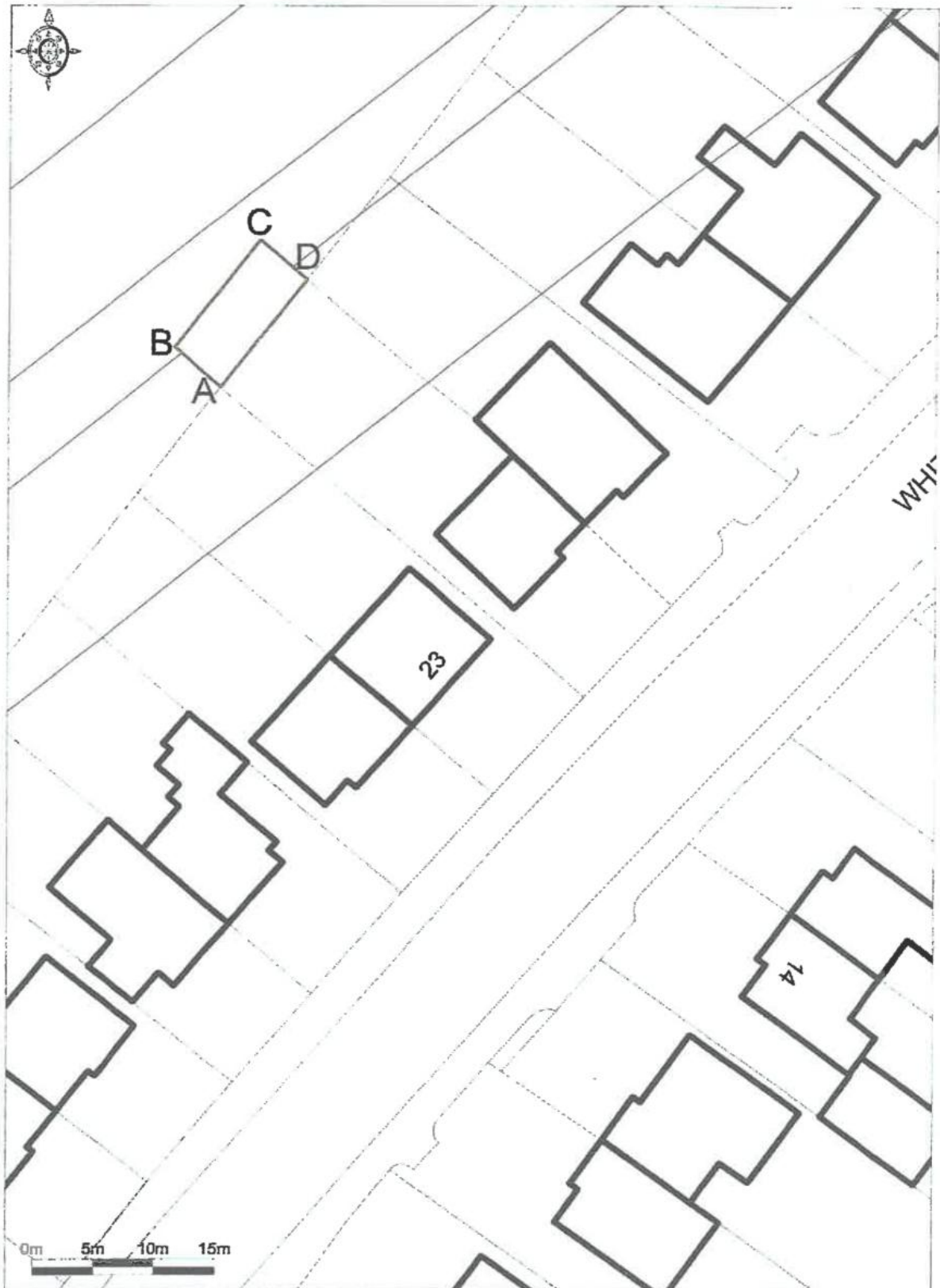




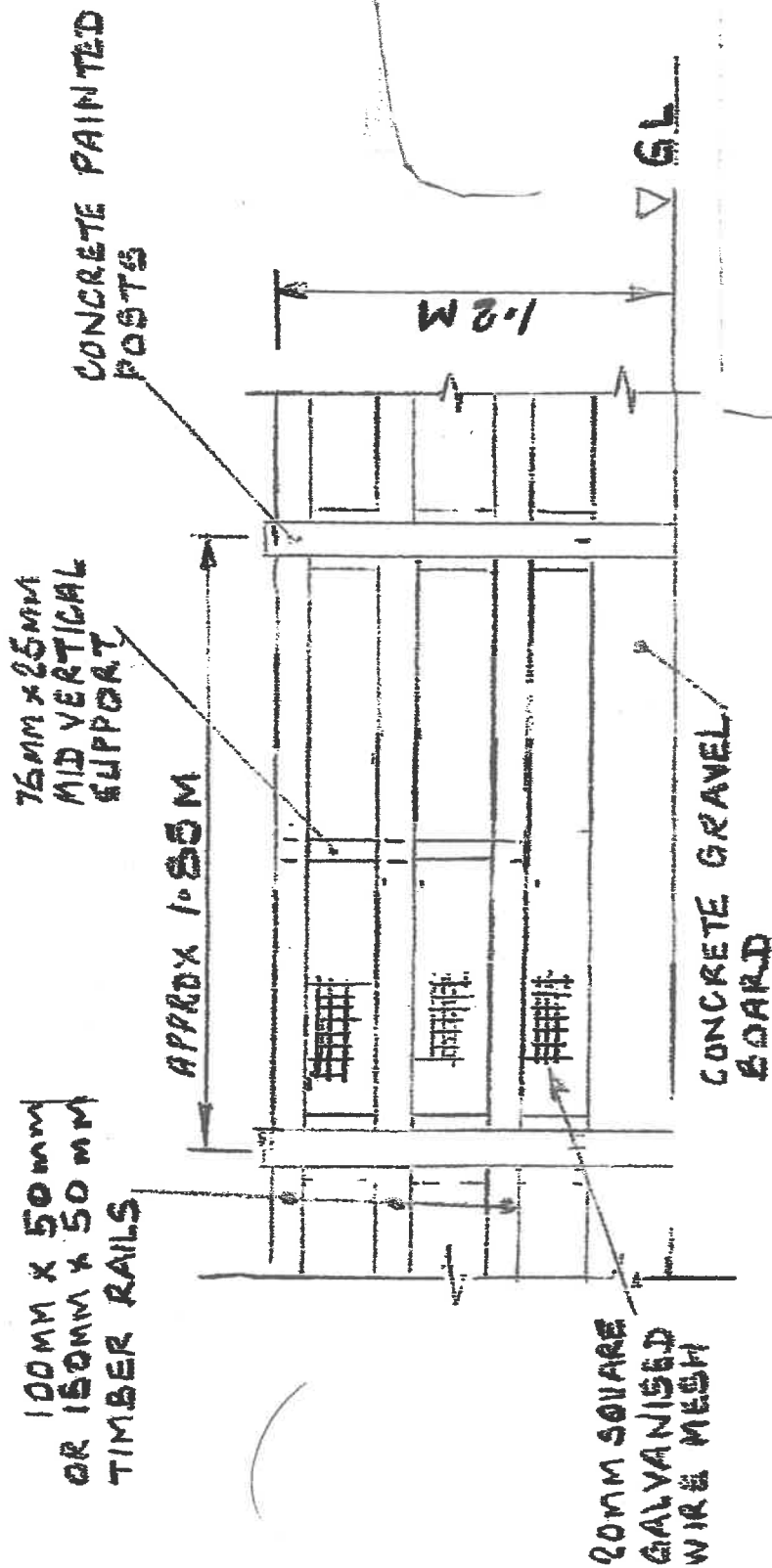
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GARDEN LAND SALE AREA TO MR MONKHOUSE, 25 WHITECLOSEGATE,  
TARRABY, CARLISLE



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ML N MONKHOUSE  
25 WHITECLOSE GATE  
CARUSE  
CUNSLIA  
CA3 OJA

REF-19/0588

*N. Miller*

27-09-2020

SCALE 1:20



# Report to Development Control Committee

Agenda  
Item:  
**A.2**

Meeting Date: 4 December 2020  
Portfolio: Economy, Enterprise and Housing  
Key Decision: No  
Policy and Budget Framework: No  
Public / Private: Public  
Title: MODIFICATION OF S106 PLANNING OBLIGATION – AFFORDABLE HOUSING CONTRIBUTION – LAND AT CARLISLE ROAD, BRAMPTON  
Report of: Corporate Director of Economic Development  
Report Number: ED 46/20

## Purpose / Summary:

This report sets out the position regarding S106 contributions relating to affordable housing following an independent viability assessment of the site.

## Recommendations:

It is recommended that the S106 Agreements be modified for delivery of 22 affordable units (20.75% of the overall scheme) incorporating:  
a tenure mix of 12 discounted sale units – 6 no. 2 bed Bailey houses (plots 26-29 & 43-44) and 6 no. 3 bed Fraser houses (plots 24-25; 41-42 & 53-54) and 10 no. affordable rent units - 6 no. 2 bed Bailey houses (plots 49-52 & 68-69) and 4 no. 3 bed Fraser houses (plots 45-48). Discounted sale units will be sold at 70% of market value to customers on the Council's Low-Cost Home Ownership register. Affordable/ social rent units will transfer to a Registered Provider/ Social Landlord based on 50% of market value

## Tracking

Executive:	
Scrutiny:	
Council:	

## **1. BACKGROUND**

- 1.1 Planning application 17/0869 – land at Carlisle Road, Brampton for the erection of 91 dwellings was granted on 25th April 2018 following the signing of a S106 Legal Agreement as authorised by the Development Control Committee at its meeting on the 5th January 2018.
- 1.2 Members of the Committee resolved: That authority be given to the Director (Economic Development) to issue approval for the proposal subject to the completion of a satisfactory S106 legal agreement.
- 1.3 The S106 Agreement included:
  1. the provision of affordable housing (13 affordable rent and 14 low cost home ownership);
  2. the payment of £150,668 towards off-site play space;
  3. the management/maintenance of open space;
  4. the payment of £272,820 towards secondary education;
  5. the payment of £6,600 for monitoring of the Travel Plan.
- 1.5 Following this, an application for a non-material amendment of the previously approved 17/0869 was granted in 2019 (19/0340) which broadly granted consent for
  1. revisions to the layout of the site;
  2. substitution of house types;
  3. alterations to the landscaping scheme and boundary treatment layout;
  4. revision to the parking arrangements.
- 1.6 Planning permission was also later granted in 2019 for erection of 78 dwellings (part revision of previously approved permission 17/0869 to increase the number of dwellings from 63 to 78) under 19/0380. As a consequence of this application together with the non-material amendment, the total number of dwellings increased on the site to 106.
- 1.7 A subsequent Deed of Variation as a result of the revised application, amended the following sections of the original S106 Agreement:
  1. the provision of affordable housing (15 affordable rent and 16 intermediate dwellings);
  2. the payment of £165,569 towards off-site play space;
  3. the payment of £441,972 towards secondary education.

## **2. UPDATE**

- 2.1 Following the resolution by Development Control Committee and subsequent applications, the applicant has held extensive discussions with officers and the



independent viability consultant regarding the viability of the site's development and the ability to provide the affordable housing contribution. Story's advised in a supporting letter to their viability appraisal, dated 17 July 2020, that they were struggling to meet the 30% affordable housing requirement for sites in Affordable Housing Zone C on the application site for the following reasons:

- a reduced demand for larger 4 & 5-bedroom houses since construction of the site in September 2019, which had been further exacerbated since COVID-19, with many of these larger homes falling within the first sales release.
- Economic uncertainty surrounding COVID-19.
- Forecast increased construction BCIS construction costs, partly linked to supply chain challenges linked to COVID-19.

- 2.2 Members will be aware that if sites are struggling due to financial viability the Government has indicated that contributions can be revisited to ensure sites are delivered and address barriers to any site's development. This primarily relates to affordable housing contributions and the site's financial viability will be the main factor in determining any reconsideration of the legal agreement.
- 2.3 On raising the matter of viability the Council's Development Manager, Planning Officer and Housing Development Officer have taken independent advice from an experienced Chartered Surveyor, who specialises in site-based viability work on the development costs of the site and any specific abnormal costs relating to this development which need to be taken into account. Those detailed costs remain confidential and are not set out in this report. Members are referred to the Part B report for this confidential information and are advised to move into private session at the meeting if this information is to be discussed.
- 2.4 Lengthy negotiations have taken place that would result in some affordable housing being provided on the site however the contribution is less than the Development Control Committee had given authority for under their decisions set out in Section 1 of this report.
- 2.5 The applicant has therefore requested that both legal agreements are revised, and a new agreement is put in place covering the contribution for both parts of this site.
- 2.6 The independent assessment concluded that:
- whilst it could be argued the above should lead to a slight reduction in land value, the previous 'without prejudice' concession on land value (proposed minimum acceptable landowner receipt / actual purchase price increased to £1.1M - £350k per net acre) has been retained. It is recommended that there should be some resultant degree of 'flex' on developer profit of up to 0.25% below the target rate of 17% (equating to circa £25k);

- the updated conclusion would be that that the proposed scheme is viably capable of making an affordable housing contribution of 14% of total units (six affordable dwellings) which accords with the Applicant's headline offer.
- viability appraisals illustrating the following options:
  - OPTION 1 - adopting a developer profit of 17% of Gross Development Value (GDV) as the residual 'target' to constitute a viable scheme, the appraisal at *Appendix 2 – v2* shows that a developer profit of 17.00% of GDV can be achieved with an on-site contribution of 20.75% affordable housing (22 affordable units – 12 discounted sale and 10 affordable rent) and a full S106 contribution of £661,538.
  - OPTION 2 - Planning Committee Members may decide to proportionally reduce both the s106 contribution and the on-site affordable housing. I have therefore produced an appraisal to model this scenario (see *Appendix 3 – v2*). The *Appendix 3 – v2* appraisal shows that a developer profit of 16.89% of GDV (considered to be close enough to 17% for a developer to proceed with the scheme) can be achieved with an on-site contribution of 23.58% affordable housing (25 affordable units – 12 discounted sale and 13 affordable rent) and a pro-rata reduction to 77.42% of the full s106 contribution, equating to £512,163.

2.7 In terms of the impact were other contribution requirements reduced, the views of stakeholders were sought. Brampton Parish Council has confirmed that the off-site open space contribution has been allocated in the form of a new play area at Elmfield Drying Green, a new play area at St. Martin's Estate and improvements to Irthing Park play area.

2.8 Cumbria County Council has provided a response which reads:

*“As a general point in relation to secondary provision in Carlisle, as with primary, the county council has sought contributions to mitigate the cumulative impact of a number of long-term developments. Three schools - Morton Academy, Caldew, in Dalston, and William Howard in Brampton – have been identified as having the potential for expansion. To date, no further discussion has taken place as to the detail of what that expansion might entail but, as yet, the issue is not pressing. Pressure on places will result as housing developments progress and grow, but the county council expects to be able to accommodate admissions for at least the next two intakes (in September 2021 and 2022) within the existing capacity. It should however be noted that by the time the development is built out it is projected there will be no capacity. Further work will be undertaken in the meantime to ensure that firm plans are in place to provide additional accommodation at the appropriate time to meet new demand. The approach taken in relation to seeking contributions for secondary provision has been accepted by a Planning Inspector as part of an appeal decision for a development in North Carlisle – Land at Harker Industrial Estate, Low Harker Carlisle (15/0812) & (App/E0915/W/3179674).*

*The contribution from this development will be used towards adding capacity at William Howard and is considered essential to mitigate the impact of the scheme, any reduction in the secondary education contribution would result in an objection from the County Council.”*

- 2.9 It is clear from the applicant’s submissions and the council’s independent consultant, that there are viability issues with the development scheme. There appears to be little concession to reduce the financial contributions required for open space and secondary education provision. In discussions with the Council’s Housing Development Officer the provision of Option 1 to provide 22 units has been accepted as the most pragmatic solution for the affordable housing need.
- 2.10 In arriving at this assessment of viability the appraisal has had to take into account all the contributions required and under the previous applications.

### **3. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 3.1 Since planning permission has been granted on the site, viability information has been assessed which concludes that the site is not sufficiently viable to be able to provide all the contributions requested by the local planning authority.
- 3.2 It is recommended that the S106 legal agreements for applications 17/0869 and 19/0340 should be revised for the following contribution:
- for delivery of 22 affordable units (20.75% of the overall scheme):
    - a tenure mix of 12 discounted sale units – 6 no. 2 bed Bailey houses (plots 26-29 & 43-44) and 6 no. 3 bed Fraser houses (plots 24-25; 41-42 & 53-54) and 10 no. affordable rent units - 6 no. 2 bed Bailey houses (plots 49-52 & 68-69) and 4 no. 3 bed Fraser houses (plots 45-48). Discounted sale units will be sold at 70% of market value to customers on the Council’s Low-Cost Home Ownership register. Affordable/ social rent units will transfer to a Registered Provider/ Social Landlord based on 50% of market value.

### **4. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 4.1 The site will still contribute towards future housing needs

**Contact Officer: Richard Maunsell**

**Ext: 7174**

**Appendices**  
**attached to report:**

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:**

- **None**

**CORPORATE IMPLICATIONS:**

**LEGAL –** Applications to modify developer obligations under s106 Agreements are a part of the planning process and regard must be had to viability of a development. The report outlines the viability issues and provides Members with a solution which is considered by officers to best meet local needs.

**PROPERTY SERVICES – n/a**

**FINANCE – n/a**

**EQUALITY – n/a**

**INFORMATION GOVERNANCE – n/a**

## SCHEDULE A: Applications with Recommendation

20/0279

Item No: 06

Date of Committee: 04/12/2020

**Appn Ref No:**  
20/0279

**Applicant:**  
Gladmans

**Parish:**  
Wetheral

**Agent:**

**Ward:**  
Wetheral & Corby

**Location:** Land at Rookery Park (South of Alders Edge), Scotby, Carlisle CA4 8EH

**Proposal:** Erection Of Up To 90no. Dwellings, Public Open Space, Landscaping And Sustainable Drainage System (SuDS) And Vehicular Access Point From The Scotby To Wetheral Road (Outline/Revised Application)

**Date of Receipt:**  
30/04/2020 15:01:24

**Statutory Expiry Date**  
03/08/2020

**26 Week Determination**

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### REPORT

**Case Officer:** Christopher Hardman

#### 1. Recommendation

1.1 It is recommended that this application is refused.

#### 2. Main Issues

- 2.1 The Principle Of Development
- 2.2 The Layout, Scale, Appearance And Landscaping
- 2.3 Impact On Landscape
- 2.4 Whether The Proposal Would Adversely Affect The Amenity Of The Occupiers Of Neighbouring Properties
- 2.5 Highway Issues And Accessibility
- 2.6 Flood Risk And Foul and Surface Water Drainage
- 2.7 Archaeology
- 2.8 Affordable Housing, Education and Recreation Provision
- 2.9 The Effect Of The Proposal On Nature Conservation Interests
- 2.10 Other Matters

#### 3. Application Details

**The Site**

- 3.1 This application relates to 5.41 hectares of an agricultural field on the edge of Scotby village. The northern boundary fronts onto the Scotby-Wetheral Road with the recently developer Alders Edge housing fronting the roadside. Residential properties adjoin the site to the west with part of the village green to the north-western corner of the site and a copse of trees to the south western corner. To the east are residential properties separating the site from Pow Maughan beck. To the south is a continuation of this and other agricultural fields leading to a strong treelines and hedgerow boundaries.
- 3.2 The land fronting the road to the north is relatively flat with a gentle slope downwards to the east. The land rises suddenly to the south part way through the site with just over 11metres difference between the lowest and highest points of the site.

### **The Proposal**

- 3.3 This application is seeking outline planning permission including access for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from the unnamed Scotby to Wetheral road. Matters such as appearance, landscaping, layout and scale are reserved for a later application. A development framework for the site has been submitted which indicates that the housing development will form the north-eastern and south-western parts of the site with a central green swathe. The net area to be developed is 2.64 hectares. The submitted layout is summarised in the Design & Access Statement which highlights:
- the scheme has been developed embracing the twelve Building For Life criteria developed by CABI and the HBF;
  - the site is located on the eastern edge of Scotby close to the centre of the village;
  - the development will provide for a broad mix of dwellings and house types, ranging from 1-5 bed units offering a mix from first time homes to larger family homes;
  - Green infrastructure (2.7ha) will create linked corridors of open space including natural and semi-natural greenspace creating a range of wildlife habitats;
  - Local equipped children's play area within an area of open space;
  - An attenuation basin will be provided within the green infrastructure;
  - A simple street hierarchy for legibility of the site;
  - A main street provides the primary route through the site ensuring connectivity to the village. There will be secondary streets and private drives;
  - There will be two key character areas to create a sense of place and legibility of the site, a main street and a broad swathe of green space lined with avenue trees between the residential parcels of south and north with landscape buffers;
  - Landmark features and focal buildings will enhance the layout and increase legibility;
  - Detailed block and street layout will be arranged to comprise a series of attractive views and vistas;



- Traditional building materials will be used to reflect local reference examples and relate to local character.

3.4 In addition to the submitted plans, the application is accompanied by:

- an Archaeology and Built Heritage Assessment;
- an Arboricultural Assessment;
- an Affordable Housing Statement;
- a Design and Access Statement;
- a Landscape and Visual Assessment;
- an Ecological Appraisal;
- a Flood Risk Assessment;
- a Foul Drainage Analysis;
- a Soakaway Test Report;
- a Landscape and Visual Impact Assessment;
- a Transport Assessment;
- a Travel Plan;
- a Planning Statement;
- a Noise Assessment;
- an Air Quality Assessment;
- a Statement of Community Involvement;
- a Socio-economic Sustainability Statement.

## Background

3.5 In June 2019 application 18/1044 which contained similar proposals to this application was refused for the following reasons:

1. **Reason:** *Policy HO2 (Windfall Housing Development) of the Carlisle District Local Plan 2015-2030 seeks to ensure that the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement. The scale of the proposed development would not be appropriate to the scale and character of Scotby. At present the majority of housing is located in a linear form and this development would extend the historic core to the east. In addition, the policy seeks to ensure that sites are well contained within existing landscape features, physically connected to and integrate with the settlement, and does not lead to an unacceptable intrusion into the open countryside. The perception of this site is one of open countryside and not well contained or integrated into the village. The proposal would, therefore, be contrary to Criteria 1, and 3 of Policy HO2 (Windfall Housing Development) of the Carlisle District Local Plan 2015-2030.*
2. **Reason:** *Criterion 8 of Policy SP2 (Strategic Growth and Distribution) states that within the open countryside development will be assessed against the need to be in the location specified. The applicant has failed to demonstrate an overriding need for the additional housing to be sited in this location.*

3. **Reason:** *The application site has been considered throughout the Local Plan process, including the Strategic Housing Land Availability Assessment process, from the inception of the Local Plan. It has been considered against alternative sites and against the Sustainability Appraisal principles. This culminated in the site being omitted from the Local Plan. The site was specifically excluded due to its landscape impact. Policy GI1 of the Local Plan seeks to ensure that development should be appropriate to its surroundings and suitably accommodated within the landscape. When viewing the site from the central section of the village the landscape is typical of the Landscape Character Guidance sub-type 5b. The open nature of this landscape would be eroded by the development and would be harmful contrary to Policy GI1 (Landscape) of Carlisle District Local Plan 2015-2030.*

3.6 Since refusal of the above application, the agent has amended their proposals to try to overcome the reasons for that refusal, resulting in this application before members.

#### 4. Summary of Representations

- 4.1 Notification of this application was sent to 231 neighbouring properties and previous correspondents regarding this site, along with the posting of a site notice and press notice. In response 130 letters of objection, a petition of objection and 1 letter of support have been submitted raising the following points:

##### Objections

###### Principle/Housing

The land in question was not included in the local plan for development, so what's the point of producing a local plan after due consultation if it is not followed.

There are currently 4 developments in and around Scotby, with houses that do not appear to be selling quickly, where is the evidence that there is demand for or need for more?

The site is not part of the Carlisle CC Local Plan and is "discounted" for housing development because of the landscape impact. It is unnecessary over-development in an area with sufficient housing already earmarked and would be totally out of scale with the village.

As this application has previously been declined I am surprised to see it being submitted again. The village of Scotby should be left as that, building here will not only spoil the natural beauty but will also encroach on the green belt.

In the 3 mile radius of Scotby there are numerous new builds - Botcherby, Durrhill, Wetheral and one in Scotby itself so justifying another 90 houses in a small rural village is not feasible.

Why spoil a lovely village by flooding it with housing estates, there has been a number of developments in recent years without any investment in the village school and the village does not need the extra traffic.

Inappropriate for the size of the village

Too large to be considered 'windfall' development.

(Windfall development is loosely defined as land becoming available unexpectedly

and usually on a site being vacated and generally less than 1 hectare)  
 It would have a detrimental effect on the character of the village;  
 Scotby is a village of low density housing and to place an estate of 90 properties at high density directly in front of the village green will adversely affect the character and visual aspect of the centre of the village both from the village green and the approach from Wetheral.  
 This land is not on the approved Local Plan for residential development.  
 With other existing projects in place, including St Cuthberts Garden Village there is no need for this development.  
 Scotby and the surrounding villages have been inundated with new housing in the last few years. I live in Cumwhinton and there are 13 plus new developments within a mile of my house. We do not need any more housing in these villages spoiling what is such a beautiful rural area.  
 Not needed in the village, there are already enough new developments going on in the village. Story site on Broomfallen Road, Lambley Bank numerous houses going up & only not long ago The Ridings being built (another Story's site directly across from this proposed land).  
 This village has to be careful not to become a town, hence so many unhappy people & signatures on the petition against this pointless development on what is agricultural land (not to be built on).  
 No need no demand  
 I don't quite understand how an area that the planners can class as "an unacceptable landscape impact" back in 2015 can now be built on. Scotby is a village of low density housing and an additional estate of 90 properties within the visual aspect of the centre village is completely inappropriate.  
 I also presume the council still has its garden village plan for building new residential builds etc. I seem to recall that houses being built in Scotby were not part of this plan. I assume this will it have changed this year?  
 Scotby is a village; there is no evidence of more family housing being needed as there are several houses/developments already which are not selling.  
 Yet again we find ourselves having to compile a list of reasons why this proposed development within the small, rural village of Scotby should not go ahead, despite this having been specifically turned down both at a Parish and City level not more than 12 months ago. No amount of smooth talking 'persuasion' by the planners can alter the following facts:  
 I emphasise the words 'small' and 'rural' as that is what Scotby was designed to be, despite that fact that both large and small plots of land have already been developed recently within the village and more on the way, all of which will put a strain on the existing village area and facilities.  
 We do not need another building site in the village! Already too many going on and they are unfinished! Scotby must stay a village!!!  
 That land must remain as it is forever!  
 Please don't approve anymore planning application in our village! Enough is enough!  
 This proposal would have significant adverse impact upon the open landscape in regard to the scale, form, function & character & result in the loss of amenity for Scotby Village.  
 Under Section 54A of the Town & Country Planning Act 1990, all planning applications have to be determined in accordance with the Development Plan; for Carlisle it is the Carlisle District Local Plan 2015/2030.  
 As part of the examination process for the Development Plan sites were considered & assessed by a SHLAA (Strategic Housing Land Availability Assessment) process. The City Council planners currently discount this site SC14 from housing development on grounds of  
 "the landscape impact of development here would be unacceptable.  
 The site is therefore not considered suitable for development.  
 The site is so prominent that it would be highly unlikely that a design could be put

forward that would reduce its impact to acceptable levels.

Also, despite its close proximity to Scotby, the site is in an area that has a distinctly rural & out of village feel that further renders it unsuitable for development."

<https://www.carlisle.gov.uk/Portals/24/Documents/SHLAA/SHLAA%202014%20Cons>  
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To diverge from the Local Plan strategy without adequate justification would be to undermine its aims.

This proposal is contrary to & would prejudice the deliverability of the policies contained in the Carlisle District Local Plan 2015/2030.

Under policy HO1 Housing Strategy & Delivery, it can be demonstrated that there is a supply of specific deliverable sites sufficient to provide a five year housing land supply within Scotby Village & Wetheral Parish.

This proposal can neither be considered as a windfall site. Policy HO2 Windfall Housing Development. Ref: Page 98. " the development must not prejudice the delivery of the spatial strategy of the Local Plan"

3/ "does not lead to an unacceptable intrusion into the open countryside"

5.10/ "does not adversely impact on wider views into or out of a village.

The development will also irreversibly and negatively alter the character of Scotby as a village. Unlike Durranshill and Garden Village, Scotby stands alone from Carlisle, separated by the M6. This has allowed Scotby to retain a village character, with recent developments being small and "infill" in nature. This would be neither and would significantly increase the village footprint.

It is incumbent on the council to stand by its earlier decision on this unnecessary and intrusive development. It makes a mockery of local plans and the authority of the council.

We do not need or want anymore development in our village. Surely the City Council will look back at the objections from the last time these bullies tried this. Nothing has changed, we want to remain a village not a suburb of Carlisle.

This site was considered as unsuitable in the 2015 city plan

This plan was adopted in November 2016 and as such is very much current.

The plan allocates sites within the Wetheral Parish that includes Scotby. These sites were chosen as preferred sites for development in the village, taking into account the amount of development that has occurred recently, the capacity of local services and infrastructure and the form and layout of the village. The local plan and the site allocations contained within it are considered by an independent planning inspector who was satisfied that they were the right site allocations for the village, that the correct process had been followed and that no additional or alternative sites were required.

The land in question is referred to by Carlisle City Council as SC14

The Council discounts this site due to its landscape impact and the potential for the development of the open area to adversely affect the setting and character of this part of the village. this is a large, open area onto open countryside. It is deemed an unacceptable intrusion into open countryside which is something policies in the Local Plan seek to resist. The aforementioned points are precisely why the case officer refused Outline Planning previously. Furthermore this one of the main reasons the site was discounted from the Strategic Housing Land Availability Assessment (SHLAA) in 2014 and therefore why it was subsequently not considered for allocation in the Local Plan

To diverge from the Local Plan strategy without adequate justification would be to undermine its aim.

Gladman's aggressive approach, threatening to undermine the councils strategy and following on very swiftly from a unanimous rejection of a previous, very similar plan is the cause of grave concern

Any development of this scale is inappropriate for a village of this size. It is double the size of Alders Edge ,the largest single development in Scotby to date. There are already a number of approvals for significant housing developments elsewhere in

Scotby that have either not been started or have slowed down for what ever reason. In any event Scotby's contribution to meeting future housing needs exceeds that which should reasonably be demanded from a village of this size. Clearly this proposal would have a detrimental effect on the character of the village.

This application makes a mockery of the city council's plans. The proposed site was rejected just last year as the site is not designated for housing and is on a landscape that is enjoyed by the whole village of Scotby. There is no housing need as the council's planning for housing need is well met and Carlisle also plans a garden village which we were promised would stop the blight of endless housing on local villages which are already over developed. This application is based on pure greed. Easy bucks to be made from destroying a greenfield site rather than actually enhancing brownfield sites that are available

Planning Statement: In section 1.6.3 the previous reason for refusal was "The applicant has failed to demonstrate an overriding need for the additional housing to be sited in this location as required by Policy SP2". In section 1.7.3 Gladman have still failed to clearly respond and state that there is a need for additional affordable housing in Scotby.

In section 1.6.3 the reason for refusal was stated as "The scale of the proposed development would not be appropriate to the scale and character of Scotby, contrary to Policy HO2". Gladman have replied in section 1.7.2 stating "This Statement sets out clearly that 90 dwellings at Scotby is appropriate at this settlement". This is all they have quoted. There is no justification, no reasoning or logical explanation. Policy HO2 refers to access to services in the location or immediately neighbouring villages. Scotby primary school is currently cutting its capacity by 25% which will already impact on existing residents. Primary health care and Dental are located in Wetheral and already running at capacity

There are several other active building projects under construction in the village - what evidence is there that another 90 are required

"The Council has already confirmed at August 2018 that it can demonstrate a 5 year housing land supply and has also recently won Government support to go ahead with a "garden village" development of 10,000 houses only 10 minutes or so from Scotby. This suggests that there are ample opportunities to meet identified needs without requiring Scotby to accommodate further significant development amounting to 100% more than that allocated to it in the Local Plan. as mentioned previously"

A very similar application was rejected by the authorities last year and I feel that nothing has materially changed since then, that would be reason to overturn that decision.

The Carlisle area has a plan to develop a Garden Village on the outskirts of the city and I was led to believe that all new major housing construction would take place in that area, the Gladman proposal goes against that plan.

Scotby is a village, it's residents have no wish to have it turned into a small town and I therefore ask that the Gladman plans be refused

Unnecessary development on inappropriate and unsuitable land

In the Strategic Housing Land Availability Assessment (SHLAA) 28 July - 1

September 2014 Representations, Council Officer responses to two comments were:

1. "Despite the presence of housing opposite, this site has a distinctly open setting and feels very much like it is no longer within the village of Scotby. This side of the road has not been developed, and even the housing opposite, it could be argued, it also separate from the village. As such is considered to be part of the open countryside, and is therefore not considered suitable for housing development. Site status remains unchanged" (page 72).

2. "... this site is so prominent that it would be highly unlikely that a design could be put forward that would reduce its impact to acceptable levels. Also, despite its close proximity to Scotby, the site is in an area that has a distinctly rural, and out-of-village

feel that further renders it unsuitable for development. No change in SHLAA status." (page 73).

The Strategic Housing Land Availability Assessment (SHLAA) December 2014 Update discounted this site for development because of the 'unacceptable landscape impact' that would result. In the Local Plan, Policy HO1 (Housing Strategy and Delivery) identifies a number of sites for development (one of which is of a size to accommodate a similar number of houses to those in this application) which demonstrates that there is sufficient housing land allocated for development in, and on the outskirts of, the village.

In addition, allowing the proposal to proceed could prevent the delivery of the Local Plan and contribute to piecemeal development rather than support developments already identified including the Garden Village proposal (page 37). Policy HO1 (Housing Strategy and Deliver) states that: 'Any unallocated sites which come forward for development and which would prejudice the delivery of this strategy will be resisted' (page 92, point 1 of Local Plan).

It runs contrary to city council housing policy which states that this location is to be "discounted" for housing because of the unacceptable landscape impact, as detailed in the Local Plan 2015-2030.

The developer has failed to demonstrate an overriding housing need. Indeed, nothing has changed since the development control committee unanimously rejected a similar outline scheme by the same company less than one year ago.

Scotby has several sites designated for housing by the city council to serve the area in the long term, and careful consideration must be given to avoid the growing urbanisation of this small, essentially rural village.

You have a clear long term council policy that points developers to certain preferred, designated housing locations; and this is not one of them!

There are hundreds of developments already play built all over the outskirts of the city turning villages into suburbs and merging villages into one. Schools and medical services are going to struggle to cope with the influx of people into these areas, let alone the roads.

Please consider the environment, the village and the residents and stop this ridiculous building regime

This development is far too big for a village the size of Scotby, and could lead to over-development of the village as there are 2 sizable sites being built on Broomfallen Road

Currently there is already an excess of housing in the village demonstrated by the number of unsold houses for sale.

This development is unnecessary since there are a number of sites with permission or more appropriate for development within the area

The development of this site has now been omitted from The Local Plan - specifically excluded due to its landscape impact. Policy GI1 of The Local Plan.

The size of this development is totally inappropriate for the village of Scotby. There has already been many small developments such as Alders edge and Kinmont rise plus Taylor Wimpey are building in excess of 100 houses at the end of Park Road. The school is too small to support multiple admissions and the access to the proposed development is in a very bad place.

The village needs to remain a village not another suburb of Carlisle

As a considerable number of local new dwellings have either recently been completed or are under construction, there is no housing need in the vicinity

This development would be detrimental to the village and add no value. It takes away open green space and creates many issues in additional traffic and would add as was raised before issues regarding the capacity of the local school which would not be able to support further numbers. Carlisle has a new garden village proposed and this and other developments already commenced would clearly meet any other housing requirements. I would like to turn the question and ask the council planners to ask themselves "Why this site"? Why is this site so important to Gladman? Why



this site when there are countless others that would be more suitable and not have the devastating impact on the village character that the choice of this site would? I understand that all building sites were once greenfields but this is not just a green field is it. It's so very much more than that to this village Given the original refusal of the planning permission and the decision that this was not a suitable site to delegate for building upon, what difference does a few more trees make to this particular application? How are we to be protected from their desire to simply wear us down We already have Story's being built in the village with only approx 1/3 being sold! We already have an unfinished building site on Scotby Road from Robinson Dixon with only the first phase of the site being complete and the remaining second phase with only foundations being built and this has been this way for 2 years if not more! We have a new house being built on Broomfallen Road and three new houses to be built at the back of this also. We have the new Garden Village being built with thousands of houses. If we are not careful in giving companies planning permission, we will no longer have nice rural villages they will merely just blend into one and become an extension of Carlisle City!

There already has been significant development in Scotby. The extra housing is unnecessary in this area and the garden village planned by the council is supposed to stop the over-development of local villages.

As far as I can see the elderly, the children, families and the environment will suffer if this development is allowed to go ahead and the developer will have made a mockery of the council and its planning.

There are already other housing estates being development in Scotby & there is not enough room in the village for more properties for the size of the school. In addition this development does not fit into the plan of housing development & the garden village so I do not agree with this proposal at all & completely object to this Should this proposal go ahead it has the potential to undermine the case for the Garden Village, which is a flagship development for Carlisle and much more important for the future prosperity of the City. This proposal should be roundly rejected again.

Such a large construction proposal would be totally out of keeping with the neighbouring properties, which are mainly smaller cottage style houses, private detached dwellings single story buildings.

There are already multiple new housing developments underway within the parish that exceed the District Local Plan 2015-2030

This piece of land has not been included in the Carlisle and District Local Plan for Development 2015 - 2030, this alone should preclude planning permission from being granted. Little point in the local council making planning decisions if they are going to be ignored.

The population of Carlisle & District has only increased by 6452 people since 2001 (101,940 in 2001 & an estimated 108,400 in 2010).

This works out at 370 people per year on average.

At present there are over 20 housing projects being built around Carlisle City.

These account for thousands of houses, some of which have been built Clover Fields 800+; Kingmoor 1000+; The Coppice Estate 189; Durranhill extension 198; to name but four totalling over 2000.

There are proposals for

480 houses between Wigton Road & Orton Road; 81 in North Scotby,

As the average household contains 2.5 persons this would require the population to increase by 2500 per 1000 houses built.

All these projects, existing or proposed are well over 3000 houses which would require a population growth of 7000 to 10,000 in the next few years.

There is no precedent for this as the population has only grown by 900 since the 2011 census.

Housing development in rural villages can have many effects, some positive & some negative.

In the case of Scotby, large scale developments would merely lead to it becoming an outer suburb of Carlisle & losing its character.

It lies far too close to the existing city boundary.

The housing developments at the Garlands & Durranhill are pushing the boundary ever closer to the M6 & to the village of Scotby itself.

So much so that the new 'Meadowbrook' estate has come under the Parish Ward. It was always planning policy to try & avoid this scenario until regulations became more "relaxed".

There are multiple 'brownfield' sites available between Carlisle, Scotby & surrounding area that must be considered by the council prior to destruction of rural village based greenfield sites.

The scale of the proposed development would not be appropriate to the scale and character of Scotby..

The existing Local Plan specifically excludes this site from development because of the impact on the landscape. The proposal will increase the "urbanisation" of Scotby and in no way reflects the current linear nature of the village. Any development will undoubtedly have a detrimental effect on the setting and character of the area. Refusal Reason 2 related to Criterion 8 of Policy SP2 for strategic growth and distribution, which states that 'within open countryside development will be assessed against the need to be in the location specified'. Again Gladman have failed, with this new proposal, to demonstrate an overriding need for additional housing to be sited in this specific location. Especially as there is adequate land available for housing that has been allocated within the Carlisle District Local Plan 2015- 2030 and there have been significant housing developments and a number of smaller developments already locally. The need for housing, including affordable housing, can and should be met within existing developments and land already identified by the Council as deliverable. Locally, in Scotby, there is already a significant housing development at one end of the village and also land identified as deliverable at the other end of the village near the A69. The Taylor Wimpey Meadowbrook development, on the outskirts of Scotby and within the Wetheral Parish, is currently advertising it will bring 198 new homes, of which 31 plots are classed as affordable.

There are already small new developments being built in the village. Surely we don't need any more? There is new construction going on round the area. Scotby is almost joined now to Carlisle. We need to preserve village life, not simply make it just another area of a larger town that also has excess housing capacity at present..

Scotby has suffered considerable development in recent times, to the south of the Village at Broomfallen Road (28 dwellings) and Alders Edge (45 dwellings). In addition to these developments there is also the land off Scotby Road ("The Plains"), which is partially been developed for 42 dwellings. Planning permission has also been granted for numerous other residential sites within Scotby that include a further 18 applications off Broomfallen Road, 12 off Lambley Bank, 4 on Parkett Hill, 4 on Ghyll Road, 4 on Scotby Road, 2 on Park Road and 1 in Wellgate.

I understand the Plan allocates a further site in Scotby for residential development. to the north (referred to as being "off Hillhead" but actually land within the junction of Scotby Road and the A 69 trunk road) went through extensive assessment and consultation and is now subject to an Option to Purchase in favour of a significant developer. The Local Plan identifies a "yield" of 90 houses at this site. This sites were chosen by the City Council as the preferred site for development in the village, taking into account the amount of development that has occurred here recently, the capacity of local services and infrastructure, the form and layout of the Village, and comments received during the consultation process

We do not need any more houses in Scotby! It would totally alter the structure of the village

The planning application seeks only outline planning permission with all matters (apart from in relation to the access) being left to the Reserved Matters stage. As such, this new application is essentially identical to that submitted by the same

applicant in 2018 (18/1044), which was unanimously refused by the Council's Development Control Committee as recently as June last year.

Nothing has changed. In particular, none of the planning policies of the Council has been in any way amended. That being so, it follows that the new application should be refused for the same reasons as that previous application was refused.

In summary, the new application is contrary to the policies contained in the Carlisle District Local Plan 2015-2030 particularly the following:

Policy GI1 (Landscape) for which reason it was specifically excluded from the Local Plan following the SHLAA process due to its landscape impact.

Policy SP2 (Strategic Growth and Distribution) to the effect that development in rural settlements must be of "an appropriate scale and nature", "commensurate with their setting" and "enable rural communities to thrive", and by reference to criterion 8 there is no overriding need for the additional housing to be sited in this location.

Policy HO2 (Windfall Housing Development) in that the scale of the proposed development is inappropriate to the scale, form, function and character of Scotby; it is not necessary to enhance or maintain the vitality of the rural community; it is on the edge of the existing settlement but is not well contained within existing landscape features, physically connected or integrated with Scotby and it does lead to an unacceptable intrusion into open countryside; although there are services in the village they have been stretched to breaking point by existing developments and those proposed on allocated land; it is certainly not compatible with adjacent land users

These houses are not needed because the council already has plans to provide adequate house building in the area.

The proposal would give rise to significant overdevelopment. Land to accommodate some 800 new dwellings has been allocated/permissions granted in East Carlisle, 350 in Wetheral Parish and approximately 215 in Scotby

This proposed development is inappropriate in size (90 dwellings and possible future mission creep), nature and scale for this historic village. Already there has been an increase of 350 plus dwellings and proposed dwellings in a village of a mere 500 dwellings. It is clear to all who live here that the village infrastructure is failing to cope with this increased demand.

Since the first application for this site was roundly defeated at Development Control committee in June last year, an attempt has been made, by means of cosmetic enhancements, to make the second application more palatable. None of these enhancements, however, come close to overriding the reasons for the refusal of permission last year.

Scotby has, by any reasonable judgement, undergone its share of residential development since the inception of the current Local Plan. Criterion 8 of Policy SP2 (Strategic Growth and Distribution) states that development in open countryside will be assessed against the need for it to be in the specified location. Nowhere does the application succeed in demonstrating an overriding need for additional housing in this location. Further, this Policy states that developments must be of 'an appropriate scale and nature' and 'commensurate with their setting' and must 'enable rural communities to thrive'. It is difficult to see how this development, bringing almost 100 houses and more than 2,000 vehicle movements a week can be of an appropriate scale. Nor, by putting such additional strain on already overburdened infrastructure - roads, health facilities, drains, schools - can it enable the community to thrive. A development which severs a valued village green's physical and visual connectivity with the countryside beyond is not commensurate with the setting of the village. Again, by the damage it would do to the sense of community, place and history, it would fail to enable the community to thrive.

Policy HO2 (Windfall Housing Development) of the Local Plan seeks to ensure that the scale and design of proposed developments are appropriate to the scale, form, function and character of the existing settlement. Scotby is primarily a settlement of linear form. Further, proposed developments must be well contained within existing

landscape features and physically connected to the settlement and must integrate with it. They must not intrude unacceptably into open countryside. Development on this site would be neither well contained nor integrated and it would intrude into open countryside, contrary to criteria 1 and 3 of Policy HO2.

Policy GI1 (Landscape) of the Local Plan seeks to ensure that development will be appropriate to its surroundings and suitably accommodated within the landscape, and that landscapes 'will be protected from excessive, harmful or inappropriate development'. Following the Strategic Housing Land Availability Assessment, this site was specifically excluded from the Local Plan, as the open nature of the landscape would be eroded and harmed by development, contrary to Policy GI1

It is contrary to policies contained in the Local Plan 2015-2030, which was adopted in November 2016 and is therefore still very current. Additionally, the Plan and the allocations contained in it were considered by an independent planning inspector who was satisfied that they were the right allocations for Scotby Village and that no additional or alternative sites were required.

This is important because the National Planning Policy Framework makes clear that the presumption in favour of sustainable development it contains "does not change the status of the development plan as a starting point for decision-making". It continues that the Local Plan can be departed from "only if material considerations in a particular case indicate that the plan should not be followed".

In accordance with the Plan, permission has been granted for residential development recently built or currently in progress within Scotby at Alders Edge (45), The Plains (8), Kinmont Rise (28) and for numerous other smaller sites including, according to my researches, a further 18 applications on Broomfallen Road, 8 on Lambley Bank, 6 on Parkett Hill, 3 on Ghyll Road, 6 on Scotby Road, 2 on Park Road and 1 in Wellholme Lea. There is also the major development known as Meadowbrook (213) which although on the far side of the M6 is within Wetheral Parish. A grand total of 338 dwellings in all. Additionally, the land known as "off Hillhead" (R15), is identified as having a yield of 90 homes and the land now known as The Plains is identified as having yield of 40 homes (of which 8 have been built as indicated above). These are the sites that were chosen by the City Council as the preferred sites for development in the Village taking into account recent development, the capacity of local services and infrastructure, the form and layout of the Village and comments received during the consultation process.

The principle of 'windfall' development is acknowledged but the Council's policy (HO2) includes that windfall development must not prejudice the delivery of the spatial strategy of the Local Plan and, therefore, the viability of sites, such as are referred to above, that have been allocated as part of the Local Plan's strategy. This proposal for 90 dwellings is contrary to that policy.

More particularly, the proposed development offends against the criteria detailed in that policy HO2 as follows: its scale and design is not appropriate to the scale, form, function and character of Scotby; the scale and nature of the development will not enhance or maintain the vitality of Scotby; it is on the edge of Scotby but is not well contained within the existing landscape features, is not physically connected and integrated with the settlement, and will lead to an unacceptable intrusion in the open countryside and adversely impact on wider views into or out of Scotby Village.

Two matters arise in respect of the second criterion. The first is that in his report in respect of the previous identical application (18/1044), the Planning Officer states, "this further application will not enhance or maintain the vitality of the village but add to existing pressures"; the second is that in the letter of objection submitted by the CPRE to that previous application it was stated,

"To thrive, communities of all kinds require many aspects to be taken into account beyond economic gains; health and well-being, and a sense of community, place and history are all important. By compromising ..... the village green that plays a key role in these factors, this proposal will not enable Scotby to thrive in these ways."

Additionally, referring to Policy SP2, the applicant has not shown any overriding need for additional housing on this site. Further, the open nature of the landscape, which would be despoiled by this development, would be contrary to Policy GI1.

An important consideration in this connection is that this proposed site has not been simply overlooked in previous assessments of land suitable for development in the area. On the contrary, it was specifically considered in the Strategic Housing Land Availability Assessment (SHLAA) as recently as 2014. During the public consultation on the SHLAA, the Council was “urged” to reclassify it as deliverable. The Planning Officer’s rebuttal of that representation was stark, “Disagree – this site is so prominent that it would be highly unlikely that a design could be put forward that would reduce its impact to acceptable levels”. This is important given that it is said of the SHLAA that, “It aims to identify all suitable sites with the potential to meet housing requirements up to and beyond the 15 year plan period”.

More generally, there is an abundant supply of housing land within Carlisle District. As is apparent from its up-to-date Local Plan and as required by National planning policy, the City Council can demonstrate a five-year supply of housing land comprising both a number of deliverable allocations and a wide range of planning approvals. This has been confirmed fairly recently in the Council’s “Five Year Housing Land Supply Position Statement” of April 2019. In the documents it has submitted with this application the applicant has sought to cast doubt on this by stating, for example, “Carlisle claim a 5.27 housing land supply”, “Gladman’s view is that the council supply position is under five years” and “Gladman’s consider that there is a shortfall in housing land supply in Carlisle”. Indeed, in paragraph 4.6.2 of the submitted Planning Statement, this has evolved into a very firm statement that “Gladman consider that due to the lack five year supply, policies that are most important for determining the application are not up-to-date”. Despite this ‘sniping’ the applicant has not advanced any empirical evidence that I have been able to identify in support of these contentions.

In any event, as was stated in the report of the Planning Officer in respect of the previous application (18/1044), even if a less than five-year supply were to be proven, this “does not provide for granting permission on sites that are considered to be unsustainable due to their impacts”. All in all, therefore, there is no pressure or obligation upon the Council to consider sites such as this, which would not be in conformity with the Local Plan.

Are more house really necessary in the village. who is going to live in them?  
I expect that they will be too expensive for the people who really need better housing.

When covid 19 ends there could be many unoccupied houses.

This really is the ultimate infill of the centre of the village.

We think we have enough new houses now in Scotby.

I feel that the provision of 90 houses will have an unacceptable impact on the village. Little thought has been given to the mix of properties. The Introduction document provided by Gladman’s remains sufficiently vague in its description the proposal: “A residential development of 90 new homes of varying sizes, types and tenures, including affordable housing.”

I think that any development of this number of dwellings, should take into account the needs of the village and not that of the profits of the developer. The further provision of more 4/5 bed Executive homes, while perhaps producing the greater return for the developer fails to guarantee the sustainability and continuity of the village community.

Carlisle City Council has plans for the Garden Development when the southern ring road is built. Who the heck is going to be wanting to buy houses in this area - what industry and jobs are likely to come into our area in the current climate.

I prefer to look at the green fields rather than another massive new estate in Scotby. Scotby is a village not a town and is quite large enough without any more properties being built

This development of 90 houses will overwhelm the current balance and wellbeing of this small village. It is not needed and the village will not be able to cope with the influx of more residents. This development also flies in the face of Carlisle city council's plans for the urban village to be developed just south of the city and only a few miles from Scotby village. An additional 90 properties in this small village is not sustainable in my opinion.

In 2018 Gladman Developments Ltd. submitted their first planning application for 90 houses Ref. 18/1044. You recommended refusal and the D. C. Committee agreed unanimously to reject this application.

We are now faced with a second application purportedly different from the first. In my opinion the only alteration is an avenue with trees. In essence no significant difference whatsoever. Therefore our original observations still apply:-

- a) The loss of visibility from the centre of the village to the open landscape towards the North Pennine AONB
- b) Over development- In the Carlisle District Local Development Plan 2015/30 three areas in Scotby had allocated permission totalling some 328 properties and there has also been some 115 windfall applications. Therefore, Scotby has fulfilled its allocation
- c) The access and egress to and from the site, with possibly 180 vehicles per day, is on an incline, with restricted visibility both ways.
- d) The Village School of which I am the Chair of Health and Safety is lowering its intake of year 1 pupils. In the new Autumn term numbers will be dropped to 30 pupils per class and the total number of pupils within a few years will drop from 264 to 210.
- e) It is my considered opinion that a development of this magnitude be refused. The whole ethos of the Council's Garden Village is to stop over development in villages.

This is a beautiful part of this small village which has plenty of other developments ongoing. the aspect from the village green would be ruined for local people. The council has already objected to this money making company's proposal with very good justification in doing so. Please don't make a mockery of the whole system in letting them try again.

Gladman's make a case for 300,000 houses to be built each year, this is actually the Governments target for the mid 2020's. Gladmans, who to my knowledge have never built a house, would seem quite happy if all 300,000 were built in Scotby. Would that solve the nation's housing needs I think not. Carlisle City Council do have to ensure sufficient houses are in the pipeline, however again that does not mean all the houses have to be built in one locality. Scotby is already "full" or it will be when the houses already planned are built. The proposed site is not in the City's housing plan, it has already been refused. Nothing has changed as far as the public know. The application should be refused for the same reasons as before

### Affordable Housing

Affordable Housing Document: Carlisle City Council's latest Strategic Housing Market Assessment July 2019 states "Overall, in the period from 2013 to 2030 a net deficit of 5,011 affordable homes is identified (295 per annum)."

vi. The Local Plan identifies a need for a total of 9,606 homes across that period, meaning the identified affordable need is 52% of the total need, significantly higher than the policy requirement.

The Garden Village being built in the south of Carlisle is 10,000 homes. Mute point. Scotby development is therefore NOT needed. Please see this website:

[www.stcuthbertsgv.co.uk](http://www.stcuthbertsgv.co.uk)

Please also note that the development in Scotby Plains has not completed its development and has been at a standstill for 3 years+ and has not sold all houses that have been completed.



Please also note that the Story Development at Kinmont Rise is not yet complete and as part of the development is already providing affordable housing for Scotby. The application makes reference to the provision of affordable housing. Once more, however, this is only an outline application and there is no reference in the draft Heads of Terms for the section 106 Agreement to the provision of 27 affordable homes. In this regard, although affordable housing provision is important, such affordable housing has been provided within Scotby in the developments at Kinmont Rise (7) and Meadowbrook (34) while the applications in respect of The Plains and the land off Hill Head respectively gave provision for 10 and 24 affordable homes.

#### Landscape/Countryside/Village character

Scotby is a beautiful English country village, the aspect to the Pennines from the village centre really makes the village, without it the village will become nothing more than an extension of Carlisle, another urbanisation rather than village. We cannot just allow villages that are quintessentially English to be destroyed, there are plenty of brown field sites to develop.

This is a greenfield site - there are plenty of other brownfield sites which are crying out for planning applications.

It would destroy the areas beauty.

Consideration should also be taken to loss of trees.

I object to this planning due to it being in a conservation area. Carlisle has a lots of areas of natural beauty that are declining due to houses being built. There are plenty of new houses available we don't need another conservation area being destroyed to build more.

This is an unnecessary development of the green belt land within our village boundaries. Which will destroy the look of and from the village green

The area in question was discounted by the city planners when making their local plan for Scotby in 2015 as "Unacceptable landscape impact" People may be concerned that "Loss of view" is cited as something not to be taken into account.

This might simply mean loss of individual view i.e. from a private residence.

However, a valid objection is "amenity" (i.e. loss of landscape, green space etc for the community as a whole via the view from the village centre & green) as is "conservation" (of landscape?), as is "appearance of the development" (i.e. blight on the landscape).

This development would ruin the rural village character of this village.

Not only that but this application would take away from the beautiful landscape of our village in Scotby, you only have to go to the village green to take photos of the views/landscape it would eat up.

Not only that but this application would take away from the beautiful landscape of our village in Scotby, you only have to go to the green to take photos of the views/landscape it would eat up.

We feel this would take away from the peaceful environment that we have lived in for 14 years.

To even consider an estate on that land and the impact it would have with the loss of landscape and green space for the whole community would be a complete disregard to all the Scotby residences

Scotby is a lovely idyllic village & the development will totally ruin the appearance of the village.

This is green belt/agricultural land giving a scenic vista from the village centre for all to enjoy.

The proposed development would put a large visual 'scar' on the central aspect of the village, being just off the village green, and completely ruin it's rural appearance, the countryside and wildlife contained within it.

To allow a further 90 properties to be built right in the heart of the 'village' would, without a doubt, create traffic problems with an outflow of at least 2/3 vehicles per

household x 90 coming onto a small, narrow rural road, pollution would increase, both in the air and dark skies, the already overstrained local school would not be able to cope, our Doctor's surgeries are already under pressure to cope with existing numbers and the bottom line is that the entire heart and soul of the village would be utterly ruined.

There is already a huge development of 190 properties just outside the village at Meadowbrook. Why do we need another 90 right in the heart of this village? The very virtue of why these people want to build here, i.e. the peaceful, rural setting, would be utterly ruined by the development! It would be the end of the very British-ness of rural England, most particularly Cumbria, known for its beautiful countryside and should not be tolerated.

This build should not go ahead: not only does the village not have the capacity in terms of roads and amenities to support extra housing, but Scotby is an area of natural beauty home to many wildlife species that should not be disrupted.

The proposal would have a detrimental effect on the character of the village. Scotby is a village of low density housing and to place an estate of 90 properties at high density directly in front of the village green will adversely affect the character and visual aspect of the centre of the village both from the village green and the approach from Wetheral.

If you wish to destroy the character and 'village' of Scotby then this is the place to build 90 more houses.

Adverse impact this development would have on the very essence of the village of Scotby. A major community asset is the stunning open view from the heart of the village looking out towards the south east fells. This lovely view is often remarked on by visitors to Scotby and instils a feeling of wellbeing amongst the community. Any development on this site would destroy irrevocably the sense of Scotby being a village.

Indeed, the area in question was identified as offering important and significant views out of the village in the City Planners Scotby Appraisal plan in January 1983.

This planning document is now defunct but the issue remains valid with the local plan for Scotby in 2015 where the City Planners state that this site should be discounted for development because of its "unacceptable landscape impact"

The whole character of this rural village would be destroyed

This development is a large site in a picturesque part of the village and is poorly related to the linear character of the village. It encroaches into open countryside and is a prominent site that would detract from the open character of this part of Scotby. Such a development would have unacceptable impacts on the landscape character and settlement character, including the setting of Scotby and clearly conflict with relevant local plans

A housing development on this greenfield site, however carefully designed would destroy the striking panoramic views across the land to the north Pennines. It would also adversely impact on the character of the village as a whole. Design of the houses, site layout, sight lines and landscape buffering/tree planting around the development would not mitigate the siting problem

This beautiful village has already changed beyond recognition since I was a child! It's already over developed, & losing its character! The amenities & roads will be overstretched, & there is already more new houses going up as I write! Plus the new 'Garden Village' (not wanted either!) on the outskirts of town, destroying more green belt land!

I strongly object to this plan which would totally destroy the rural character of Scotby. The scale of development is totally out of scale with the village and would destroy a much cherished open countryside view from the village green.

It clearly would not integrate with the village

Please stop these relentless companies determined to build in beautiful village settings ruining the views and the village layout, it is disproportionate and very unwelcome.

Remember the main reason the plan was rejected last time was because the site had been officially "discounted" for housing because of the landscape impact

The only material difference in the new application compared with the old is that the applicant has submitted an indicative drawing showing open space through the middle of the housing development. In the Statement of Community Involvement it states, "Public open space would be created through the centre of the Proposed Development, maintaining a connection from the village green, through the site and to the wider countryside beyond". Similarly, in the Landscape and Visual Appraisal document it is stated as follows:

"A broad swathe of public open space is proposed through the centre of the site. It would effectively extend open space from the village green, thereby maintaining key views from the village, across the site and to the wider countryside beyond.

"Gateway avenue tree planting will frame views along the open space proposed within the site, celebrating long distance views from the village towards the North Pennines AONB."

The above statements are more or less repeated in the Design and Access Statement and a similar point is made in the Planning Statement,

"Retention of a vista through the site to the open countryside beyond the site from the village green"

Two obvious points arise from the above. First, and importantly, apart from in relation to the access, the planning application seeks only outline planning permission with all matters such as the final housing layout being left to the Reserved Matters stage. As such, the indicative drawing and the above statements are meaningless. It is notable that there is no reference whatsoever to the provision of the "broad swathe of public open space" in the draft Heads of Terms proposed for the section 106 Agreement.

Secondly, the provision of such a corridor through a development of 90 houses comprising 2 storey and 2.5 storey dwellings is little more than 'smoke and mirrors' deliberately designed to 'con' the easily misled. It will readily be apparent that no amount of public open space within a substantial housing estate can come close to the present unadulterated agricultural landscape beyond which the "long distance views from the village towards the North Pennines AONB" referred to can indeed be celebrated; to adopt the applicant's word.

This point is actually made for me by the applicant in the submitted Landscape and Visual Assessment document in which it is acknowledged as follows:

"the site does provide a connection to the wider countryside notably with key views from the village green."

"The Proposed Development will alter the character of the site from agricultural land to residential" and will have "adverse" landscape effect.

The development breaches the development line and is out of character and of a scale which would adversely impact the village.

The scale and design of the proposal is not appropriate to the character of the existing settlement. The proposal would be an unacceptable intrusion into the open countryside. Policy HO2 of The Local Plan.

The plan for up to 90 dwellings will ruin the landscape of the village. It is far to grand in scale and design and, sitting within sight of the village green, will spoil the aspect of the village for hundreds of residents and visitors.

The centre of Scotby is tranquil and relatively unspoiled - the addition of 90 new houses on what is an unspoiled beautiful view across to the Pennines would frankly be an eyesore

The planning committee made it perfectly clear the reasons why planning was last refused. The striking view from the centre of the village should be cherished for all residents and visitors to enjoy, rather than destroyed forever as this opportunist application sets out to do

I am all for change and strategic growth but not for wantless destruction of one of the best , in fact arguably the best view of the village

The view of the open landscape from Scotby green is one enjoyed by all residents, especially the elderly, and is important for maintaining the quality of life and the village atmosphere which I'm sure most of us deliberately moved here to enjoy. The scale of the development would not be appropriate to the scale and character of Scotby village and there would be unacceptable intrusion into the open countryside. Building on the area would change the entire picturesque landscape of the village, not to mention ruin the habitat for birds of prey which I have seen on the proposed land.

The proposal to construct up to 90 dwellings will overlook multiple properties; this will lead to a loss of privacy and will certainly impact on the peaceful enjoyment of many Scotby residents, homes and gardens.

90 new houses could significantly change the nature of the village.

The land in question has a verity of wild birds, some of which are nesting on the ground and rare like lapwings and skylarks. I often visit my relatives in the village and love the surrounding view. I would politely ask the planners to have a look at how much housing has already been built in the village in recent years and take this into account when making your decision. When the land is gone it's gone and you'll never get the rich diverse wildlife back for future generations to enjoy.

The building proposal will be visually overbearing. It is an inappropriate design for this part of the village, and is unacceptable intrusion into the open countryside.

The Carlisle District Masterplanning document of January 2013 has the following to say about Scotby

"The architectural character of the ancient core is strong & fairly cohesive."

This has been largely maintained as the more recent Alder's Edge is tucked away behind Scotby Steadings & trees.

However the proposed development of "Rookery Park" would totally destroy this character as it is on rising ground & would totally overshadow this ancient core to the detriment of the settlement.

Scotby is very much a linear village in 3 parts.

The core within the railway lines, the South along Broomfallen Road & the North along Scotby Road & Park Road.

Historically suburbanisation has occurred largely to the North leaving the core & the South largely intact.

This proposal would totally destroy this well managed policy.

Refusal Reason 1 The scale and design of this new development is similar in size and scope to the previous development plans. Although this time Gladman have accommodated a view, through the development, in their redesigned proposal, this view is impoverished compared to the panoramic views currently enjoyed from the centre of the village. The fact remains that the density and 'scale of the proposed development is not appropriate to the scale and character of Scotby.' This site is 'one of open countryside and is not well contained or integrated into the village.' The Policy HO2 seeks to 'ensure that sites are well contained within existing landscape features, physically connected to and integrate into the settlement, and does not lead to an unacceptable intrusion into open countryside.' Clearly this new proposal fails to meet this Policy criteria.

Reason 3 This site has been considered and omitted from the Local Plan, 'specifically excluded due to its landscape impact. Policy GI1 of the Local plan seeks to ensure that any development should be appropriate to its surroundings and suitably accommodated within the landscape.' Again even with amended proposals the open nature of this landscape would be eroded by this new development and harmful to Policy GI1 of the Carlisle District Local Plan 2015- 2030.

My object is to leave the land as it is. This is a lovely village, it would spoil the landscape. Too much greenbelt is been developed. I sold some land a few years ago, and bee keeps are on this land now, no houses just wild life.

The dwellings would completely destroy the views from the popular village green.

The view of the open landscape from Scotby green is one enjoyed by all residents,

especially the elderly, and is important for maintaining the quality of life and the village atmosphere. The striking views through this open land from the very heart of the village are the foundation of Scotby village's unique character which must be preserved for all residents and visitors to enjoy, rather than being destroyed forever as this opportunist application sets out to do.

A housing development on this greenfield site, however carefully designed would destroy the village's landscape setting of striking panoramic views across the land to the North Pennines and in so doing adversely impact on the character of the village as a whole. Design of the houses, site layout, sight lines and landscape buffering/tree planting around the development, however much the proposer attempts to tweak and adjust them will not mitigate the inappropriate use of this particular area of land for built development.

This is a green belt site and I was under the impression that they were "sacred" Building so many dwellings on this site will bring detrimental change the character of the village and destroy an iconic view to the fells from the village centre.

The proposed development would have an unacceptable impact on the landscape. Even the applicant accepts that in that it notes that the site, as it stands presently, does provide "a connection to the wider countryside notably with key views from the village green", and that "The Proposed Development will alter the character of the site from agricultural land to residential" and will have "adverse" landscape effect Do not allow this to go ahead and ruin such a beautiful and healthy village

This proposed development is inappropriate in size (90 dwellings and possible future mission creep), nature and scale for this historic village

I think it is really important that our green places are protected.

Green spaces across the UK need to be protected

I believe this will take away from the rural village. Keep the green space green!

The site is open farmland across which there are far reaching views to the north Pennines AONB; the view is much cherished locally and is the only publicly available viewpoint in the village which is also a central hub position. It is not possible to develop this land and retain its existing character which is why this land is correctly designated within the Local Plan.

The scale of the development is inappropriate for the village and cannot be carried out without changing its essential character

Far too many green spaces are being lost all over England

The area is at risk of becoming spoiled due to sprawling identikit housing that is surplus to requirements. I grew up in the area and know the special character of Scotby/Wetheral would be lost if this were to go ahead.

The site is a greenfield site and I object to the development of greenfield sites and the change in land use from agriculture. The use of greenfield sites damages the natural environment and reduces biodiversity and is unjustified since there are plenty of alternative brownfield sites in the Carlisle area that could be developed instead. Greenfield sites should be protected for our children not eaten up by relentless and unnecessary development.

This application has already been rejected once and for good reason - It is a totally Unacceptable intrusion into the countryside

### Traffic/Transport/Highways

Traffic around the school during drop off and pick up is already at dangerous levels, adding more traffic during these times from parents or residents through traffic will present an increased risk to the children.

The traffic through the village could not cope with another potential 90 cars.

This will also cause increased traffic which is already at peak. This project will cause reduce in highway safety and will generate additional traffic.

The roads cannot cope with existing traffic, additional pressure on the A69 turning into village.

The access point from the Wetheral Road to the proposed site is narrow and without good sight lines, it is currently far too narrow for cars to proceed & be able to pass safely.

All Highways access in the village is problematic. Roads are narrow & winding, & struggle to cope with existing traffic.

The turn from the main A69 into the village is also not fit for purpose & dangerous. There are also two railway bridges on the access roads to Scotby, during the last winter there were 3 occasions when flooding made it impossible to use these roads. If as suggested children are to walk to school from the site then two roads have to be crossed without any controlled crossings.

The school is already oversubscribed and the roads become highly congested at school times. It could already be considered dangerous and adding another big influx of traffic will make this worse. If the suggestion is the additional children walk to and from school then they would have to cross two main roads without any controlled crossing which is totally unacceptable. The highways into the village are already problematic, the roads cannot cope with the existing traffic never mind the additional the additional traffic of up to 90 new homes. The access point out of the Wetheral road is also very narrow and is without good sight lines and a higher volume of traffic coming out of here can only be bad news.

I object to the proposed development due to the extra traffic in the village which is dangerous to pedestrians & drivers & particularly to children going to & from school & crossing 2 roads with no safety measures in place. The access point for the development the road is very narrow & further traffic is a safety issue.

School drop off & pick up are currently very hazardous due to traffic congestion. If as suggested children are to walk to school from the site; two roads need to be crossed & a railway bridge negotiated (extremely narrow & unsuitable for pedestrians if vehicles wish to use the road) without any controlled crossings.

This narrow village road is the main way into Carlisle from the school it is currently difficult if not down right dangerous for emergency vehicles and pedestrians. The possibility of additional 90/180 vehicles from this proposed development is unthinkable.

This new estate, both in construction and use will cause increased noise disturbance to the village. Its location proximal to the village centre means that construction traffic will be obliged to use narrow country roads to access the site. This will cause a significant increase in pollution and traffic along roads, many of which do not have pavements for pedestrians. Once completed, the estate will have up to 90 houses. Given the paucity of public transport in the area, it is likely that most of these residents will have cars. In houses with multiple adults, it is not unreasonable to assume over 100 additional vehicles. This will lead to unsupportable pressure on narrow roads in the area.

90 houses would mean at least 90 vehicles, but most households have 2 cars our roads are not built for this amount of traffic especially when we have flooding under the railway bridges.

The access to the site is on a difficult hill without good site lines and extra traffic generated could well cause safety issues

The Wetheral to Scotby road does not offer a suitable access for this site. The carriageway fronting this proposed development was narrowed to allow for a footway when the Alders Edge development took place. At that time in response to members raising road safety concerns the view offered by the developer to the planning committee was that vehicles would not park on the carriageway. This assertion has been proven to be incorrect. Vehicles are frequently parked during the day and overnight causing difficulties for normal traffic flow. Traffic flows off the proposed development would exacerbate this situation. Please also note that horses, cyclists and walkers frequently exercise on this route.

Proposed Access Strategy Document: Following highway code and Carlisle Council advice there needs to be a 5.5m width in road for up to 20 metres near a T junction.

There are multiple incorrect facts on this document:

- a) Where the proposed T junction is, the road is currently 4.5 metres for at least 20 metres, not 5.5.
- b) The speed limit at that junction is 30mph and extends to the last house on the road towards Wetheral. You have stated that it is national speed limit at this area - that is incorrect. All your calculations are therefore incorrect and invalid as you have based the speed limits on 33.4mph and 37.7mph, when in fact they should be slower.
- c) Your proposed T Junction area is actually on the bend of the road which is the thinnest patch.
- d) A fact you have failed to mention yet I have found on this document is that you are going to cut back all of the vegetation between the field and the road in order to ensure a visibility splay. Therefore increasing visibility of the building site and noise of the building site to the houses directly opposite it. This also means the foul drainage pumping station opposite houses 2 and 3 will have no noise reduction barrier and the station will be highly visible.
- e) What is also not taken into account is that the proposed T Junction is at a start of an incline slope with reduced visibility.

When were the automatic Traffic Count surveys performed? How often? Interesting that they were performed but Gladman yet still don't know the speed limit of the area. Statistics show that on average there are 1.3 cars per household, therefore this would mean that there would be a substantial increase in traffic through the village centre and along Scotby Road to the A69 and nearby M6. This would have a significantly detrimental impact on the village and the quality of life of the residents. In addition, there would be a significant increase in the traffic along Park Road, particularly to and from the school. Traffic is already highly congested during school drop off and pick up times which makes it dangerous, and particularly with the number of cars that park along the road during these times.

There is also widespread concern that housing on this scale would increase already severe traffic issues in the Park Road area at peak school pick-up times.

There may be a hazard created with the increase in road traffic on a relatively narrow road and the situation is compounded by the development at Alders Edge already on that section of road, because there are often cars parked by visitors to these properties.

The narrow roads are already overcrowded.

The Scotby/Wetheral road is not suitable for more traffic. It is a dangerous road with cars going too fast and little space for pedestrians or cyclists. 90 extra houses will add a lot of cars.

My objections to the above proposed new housing development are in the main about the increase in traffic in the centre of Scotby and more importantly on Park Road where there are so many children around the school. Scotby will be soon saturated with new properties in and around the village and no more are needed. The road into Scotby from Wetheral is already very busy with traffic and very narrow leading up to the junction and through the village.

I drive most days through Scotby and Wetheral, and I'm finding the beautiful views that once were there are now being spoiled by more houses. That's not to mention the constant disruption from the lorry's, the constant road closures from the builders, the bad driving from the merchant that deliver supplies which have nearly written my car off twice and the constant mess from all the mud all over the road. I feel sorry for the people that live in Scotby that have to put up with Story homes building on Broomfallen road.

Traffic from the site onto the Scotby/Wetheral road and through the village will be substantially increased.

The parking proposal indicates just one place per property which is significantly less than modern households require and doesn't allow for visitor parking. This will cause noise, pollution and dust at all times of the day and night.



Wetheral Road is already a busy rural road; this additional concentration of traffic and inevitable roadside parking will cause traffic problems and create a safety hazard for pedestrians and other motorists.

Scotby village highway infrastructure is not designed or suitable for the inevitable increase in traffic. Furthermore; the location of both railway lines, existing properties and narrow roads does not allow for realistic expansion

The traffic in Scotby and surrounding areas is already pretty heavy and 90 new homes isn't going to help that. Plus the added pressure on local amenities and the destruction of green land to build this is not acceptable

At present traffic flows through Scotby are extremely high.

Many residents of Wetheral & Cumwhinton, who commute to Carlisle drive through Scotby to avoid 11 sets of traffic lights on the London Road axis.

By driving through Scotby & using the Park Road "rat run" they can emerge on Warwick Road via Botcherby & have only 4 sets of lights to encounter.

More houses mean more traffic along a narrow road where the local Primary School is located.

This proposal would add up to an additional 180 vehicles.

The proposed estate would have its access on the North side adjacent to Alder's Edge.

This road is too narrow as it stands & roadside parked vehicles already inhibit traffic flows along the Wetheral road axis

Scotby is a small village and the extra 90 proposed houses, with all the accompanying extra traffic exiting onto a very narrow road is an accident just waiting to happen. Most households now have at least two cars, plus the exit from the Wetheral Road also joins onto Scotby Road at a very hard to manoeuvre T Junction as the village shop attracts many customers, some of whom are very elderly and there are always pedestrians crossing the road at the junction

I wish to draw your attention to the already existing dangerous road situation which is further compounded by recent developments. These exist in 3 locations in the village. Scotby village to Wetheral The development at Alders edge has already narrowed this road creating a pinch point which causes difficulty when meeting anything larger than a car from the other direction. Also residents of Alders Edge park on the road, in effect reducing it to a single lane road. Additional traffic entering this road from the proposed Gladman application would greatly increase the dangerous aspect of this area. Park Road by the school Already a controversial area with regard to safety, which will be further compounded with the proposed Gladman development. Accidents are a frequent occurrence here due to impatient drivers, and the severity and frequency of these can only increase. Scotby road end and A69 This junction is already a very dangerous area to be driving through. When turning right out of Scotby road, or turning right into Scotby road, or turning right from Stone Eden Nursery School, it is unclear where to position your vehicle to avoid an accident. Sooner probably than later there will be a serious if not fatal accident at this junction. I do hope that you will refuse permission and not add to the already overloaded infrastructure within Scotby

The narrow road between the site and Alders Edge and leading to a difficult T-Junction in the village centre would not be adequate to take the Wetheral commuting traffic and school traffic to Park Road if 90 houses (possibly an extra 180 cars) are added to the equation.

The village has absorbed much development in recent years combined with similar expansion in surrounding villages (also threatened by over development) such that locally generated traffic funnelled through Scotby has increased noticeably and is now near constant at peak times. This increases danger levels locally and the proposed site entrance is positioned close to an already difficult junction

Too much effort is put into new housing, whilst ignoring the associated infrastructure required to support such a development. As a regular user of the Wetheral/Scotby Road the width of road where access to the new housing is anticipated, is far from

adequate. The recent addition of the 40 plus houses at Alders Edge has already resulted in the narrowing the road to accommodate a footpath, and overflow parking to the estate. I believe this presents additional pressures on the existing highway and increased safety concerns. The Highways Authority must also make a serious assessment of the situation before considering a ruling.

The T-junction in the centre of the village is already dangerous and the entrance/exit of this proposed development is almost beside this so another 180 plus cars using this junction is only going to make matters worse. Children are crossing here either walking or cycling to school and also many elderly residents in the village accessing the local post office and shop. Incidentally, this shop has been a lifeline for many during the current pandemic and I feel that local villagers will continue to support it long after the lifting of lockdown restrictions, thus even more foot and vehicular traffic around this junction

There will be a significant impact on the environment, from a large number of wagons driving through the village.

### Flooding/Drainage

During the last winter there were 3 occasions when we could not leave the village underneath either of the railway bridges due to flooding, a number of cars were written off from driving into the flood water.

The Wetheral road is already susceptible to flooding and the increase of properties on this field will increase the flooding risk to the roads and existing properties.

Drainage report indicates site unsuitable for "Infiltration based drainage" Mains drainage is already over capacity and at times of heavy rain flooding of foul water has been reported.

Sewers are at capacity in Scotby

Mains drainage is already over capacity.

Scotby Village urgently needs considerable updates to its infrastructure, the sewage system & run off cannot cope. Pow Maughan Beck is prone to flooding.

At times of heavy rain flooding of foul water has been reported (during the last winter there were 3 occasions when flooding at the railway bridges made it impassable to pedestrians & vehicles)

The proposed site drainage report indicates the site to be unsuitable for "Infiltration based drainage"

There is also the drainage and flooding issue during episodes of not particularly heavy rain the road is often running with water towards the beck the road regularly floods by the bridge over the beck the drains on road often overflow, During the floods of 2015 and again in 2020 the beck came within inches of being overwhelmed with the result that my property and others in Pow Maughan Court would have flooded. The piece of land in question acts as flood area for water if these properties are built with the roads hard standing and other facilities are built our houses will be in even bigger danger of flooding as excess run off of water into the beck would overwhelm it

Please note that land drainage is a definite issue on this site. When Alders Edge was built, I commented to the site supervisor that I was surprised that the house foundations were frequently under water. He advised me not to worry because the vapour barrier would prevent any damp problems arising from standing water under occupied houses. The developers report does recognise that infiltration based drainage is unsuitable for this site and to my knowledge the mains drainage infrastructure will not cope with the additional burden of run off from this site. Risk of flooding from the river Pow Maughan and over capacity in the mains drainage system as the drainage report has highlighted that the site is unsuitable for infiltration based drainage

The Foul Drainage pumping station is going to be situated directly opposite. I will go from having an amazing view of green fields and the Pennines to having a foul

drainage pumping station. I note that Gladman have politely stated that "individual property value is not a material matter in the planning application". Apologies I beg to differ. When part of the planning design is that a foul drainage pumping station will be built directly opposite, I would suggest that it becomes a "material matter".

This will significantly impact on my house value and resale

The proposed estate of 90 houses would be located on rising ground which slopes down to the Wetheral road which is very low lying at this point.

The green field as it stands can easily absorb current rainfall but the vastly increased runoff from such a large development would greatly increase the threat of flooding to the houses in the lower part of Alder's Edge.

A major item of national news on the BBC outlined the greatly increased levels of rainfall facilitated by higher global temperatures.

There is no way of knowing if the proposed "water basins" will be able to contain this.

The much vaunted Carlisle flood defences constructed after the first major floods of this century proved to be totally inadequate for the second inundation.

#### Services/Infrastructure/School

Scotby Village is a rural community served by a small local school which does not have capacity to take additional children from 90 homes aimed at families.

Additional housing without considerable updates to the infrastructure of the village will expedite issues.

The infrastructure of the village is already at breaking point with its current population - schools, road, public transport, utilities.

Scotby school is already a over subscribed school

Erection of another 90 properties in Scotby means that School will be overwhelmed with possible amount of pupils. School is not suitable for so many residents and Scotby has seen 3 major developments already.

School already oversubscribed and traffic already highly congested at school times making it difficult if not dangerous for emergency vehicles and pedestrians.

The size of this development would overwhelm the existing infrastructure and amenities of the village.

The school is also taking on 8-10 less pupils from next year as it's already over capacity.

The school is taking on less pupils from next year as it's already over capacity.

No school places

Scotby is a small village with a primary school that is already oversubscribed, and will be even more so when the current new builds in the village are completed and finally sold.

The school cannot take any more pupils having been extended several times with dangerous levels of traffic on Park Road. 90 houses could mean another 180 cars in the village, please refuse this planning application.

Current services in Scotby such as the school are already over-subscribed. This would result in many primary school age pupils having to travel further from their homes, increasing transport usage, pollution, and decreasing child welfare.

We already have 'building sites' on both sides of the village, how is the school going to cope with the increase of pupils, other village schools have closed, hence Scotby and Cumwhinton are now at capacity, the traffic around these schools is horrendous.

The medical practices are also at capacity.

There is insufficient local infrastructure the local school is heavily oversubscribed and already causes traffic congestion and delay during the start and finish of the school day

Scotby School is at capacity and over the years has expanded to meet growth in pupil numbers. It seems unlikely that the school can expand any further

Scotby has grown substantially over the years, with new housing being built, mainly

as infill development. This has to a certain extent been beneficial to the village, helping to sustain the village, shop, pub, etc. This proposed development of 90 units on a greenfield site, on the outskirts of the village, is neither desirable nor needed. Is there sufficient capacity in the local school bearing in mind the additional families who will occupy the properties still under construction?

The school over-subscribed with little scope to expand.

Scotby does not have the infrastructure to accommodate another 90 households - there is not the transport links, the shops or the road network to deal with the additional footfall and traffic this would bring to Scotby

The school is already over-subscribed. I believe that the pupils already at the school would be disadvantaged by over-crowded classrooms if appeals for admission are granted, as I believe they often are. Those families who move in will have the stress of finding an alternative school for their children, dis-advantaging them as it is often more difficult to make local friends. This will also lead to an increase in car journeys, something we should all be trying to reduce.

The local school does not have capacity to take additional children, either does Cumwhinton or Wetherall!

The infrastructure in our village does not have the capacity to accommodate any more buildings, bus, no rail, narrow roads. The traffic coming through the village and by the school would be a danger!

There are already a number of houses under construction in the village and the erection of up to 90 more dwellings would place a further and unacceptable burden on many aspects of Scotby infrastructure

The development will further increase the burden on Council services.

The local primary school is already oversubscribed and could not support additional children that would come from this development

There is no Doctor's surgery in the village. The nearest surgery is in Wetherall or Corby Hill and is run by the Brampton Surgery. This is an extremely busy practice at the moment, without having to look after a possible 180 - 300 extra patients, given that many of these proposed houses will be family houses.

There are already many housing developments in Scotby and surrounding villages, and this major new project would place a great burden on the local infrastructure, for example increased traffic through the village, lack of capacity at Scotby primary school and increased burden on Council services

In a development of the size planned, there is likely to be a lot of children, Scotby School is struggling to cope with the numbers already. It is already very busy in the morning and at going home times, particularly with vehicular traffic, and the pavements are very narrow.

Scotby School is already full to capacity, as are the surrounding village schools.

Where are any future pupils supposed to go to school?

There is no doubt that the size of the proposed development will have a significant adverse impact on Scotby with increased pressure on the local infrastructure, including larger volumes of traffic on rural roads and pressure on the village school

At present Scotby Junior & Infant School has a capacity of 266 pupils & has an actual total of 270.

It has been operating at well over this for years.

At present it has 270 on roll but in 2012 it had 279.

At present there are 480 children aged 0-17 years old in the village but significantly 314 of these are 0-9 years old.

Gladman Land's vague promise of "some financial assistance where needed" does not even begin to address this.

A major development of 90 houses can only greatly increase pressure on the school.

The present population of the village is an estimated 2371 & the 480 children aged 0-17 years old constitute approximately 20% of this.

By the same proportions 90 houses would produce 225 people with 45 being

between the ages of 0-17 years old 30 of which would be in the 0-9 age group. The school could not possibly cope with this & the result would be over large classes in overcrowded conditions, much to the detriment of every child within the school. we just haven't got the facilities to support more families ie: schools, doctors and roads to name but a few.

Scotby School is already oversubscribed and the traffic chaos on Park Road at school times is unacceptable already without the extra traffic this development would cause

I feel this size of development is totally unsuitable for Scotby. There is no room at the village primary school, parents taking their children to and from school already cause an enormous problem with parking on a relatively narrow road. All parking space on Park Road is already taken At school times with many near misses as traffic enters the village from the Carlisle end. This size of development will drastically change the feel and shape of the village

Where are the children going to be educated Scotby school is already at saturation point. The entrance and exiting from the said housing estate onto the Scotby to Wetheral road is extremely narrow and is visually impaired. The beautiful view from the village green over to the Pennine Fells would be gone forever. Therefore the village as we see it now would no longer exist as a true looking village just another housing estate .No way!

This proposed plan would ruin the peaceful character of the village and take from precious farming and wildlife space.

Having grown up in Wetheral and had many friends in Scotby, I believe so many houses on this plot would be a detriment to children growing up in the idyllic area Scotby and Wetheral are overwhelmed with new housing. The infrastructure of services, roads, schools, drainage, shops, parking, medical, traffic and all areas of community support are already stretched beyond the capacity of a small village. There is no way we need 90 more local homes.

The school on Park Road is oversubscribed so where are children to be educated? Also increased traffic along Park Road at school times will only add to the already unacceptable and dangerous levels of congestion

Of paramount importance should be access to suitable schooling. I believe Scotby School cannot continue to be extended on such an add hoc basis, as the village housing stock is increases. I feel the County Council urgently needs to audit available Primary School places in the area. Current and future development either planned or in the pipeline must be considered as a priority when determining the need for school places.

### Open Space

A further concern I have is regarding the legal status of the play park and trim trail in the proposed public open space to the south side of the proposed development. The layout of the secondary roads terminating at this public open space appears to me to lend themselves to offering mission creep. By this I mean that once this development is complete and a few years pass could there be an application to develop additional housing on this open space? The legal status of the proposed public open space needs to be made clear.

Design and Access Statement: We already have a more than adequate playing fields and playground in Scotby. Your design is very small and will not be usable for the whole village and barely for the amount of children in a 90 house development This is an application for outline planning permission. That being so, the majority of the submitted documents including the indicative drawing, the Planning Statement, the Affordable Housing Statement and the Landscape and Visual Appraisal contain material that is not especially relevant. A particular example is that the applicant has asserted that a broad swathe of public open space would be created through the centre of the proposed development so as to retain a vista through the site to the

open countryside beyond. There is no commitment to that in an application for outline planning permission. Thus, although the applicant has stated that it has submitted a second application to address the reasons for refusal of the previous application, it has not. In short, this continues to be an application for up to 90 dwellings.

The proposal provides a playground and nature walk neither of which is needed. Scotby has a huge, well run and organised playground and sports area in the centre of the village and many nature trails which are accessible for all.

#### Statement of Community Involvement

I would like to add that no communication from the developer to the community has been received.

The last time Gladman made this application, they leafleted nearby residents but refused point blank to meet the community. This time, they have not even bothered to send out leaflet but have submitted a totally misleading "Statement of Community Involvement". Under Government and planning guidelines, engagement with the local community is required. There has been none.

They have not engaged or consulted with the community at all at anytime with either applications & it is offensive for them to intimate that they have.

It is utterly disingenuous for the developer to suggest that there has been community engagement from them. On the contrary, the community has engaged against the developer previously to clearly and publicly oppose a similar application - to my mind nothing has changed in substance from the previous application which was understandably and appropriately declined.

It is standard practice, and indeed the Council's standing advice for people seeking to build a case ahead of a planning application to seek to gather local support by talking to the local community. Last time round Gladman did leaflet drop Scotby but they refused point blank to meet the community. This time Gladman has not even bothered to send out information to residents, yet it has submitted a misleading "statement of community involvement" to the council. The company claims to have "completed a comprehensive programme of community engagement" but clearly there has been nothing of the sort.

Gladman have not, as they suggest in their covering letter submitted with the second application, made any attempt to engage with the community. I have read the Statement of community involvement and all the documentation refers to the original very limited, lazy and inadequate consultation they undertook. The covering letter of this application suggests that they received some favourable comments, examination of App. E fails to show any support whatsoever.

Gladman claim to have consulted with parish councillors and the local MP. The consultation letters were sent out to those persons in mid March when the corona virus pandemic was already the single most important matter to be considered nationwide.

Gladman claim to have gained public opinion in 2018. However, no attempt was made to speak to the people of the village. There appears to have been a meeting with Wetheral Parish Council (no minutes submitted). Again this was performed in 2018 - it is now 2020. There has been NO attempt to engage recently. I refer to Statement of Community Involvement 2.1.4 This is in fact a false statement. In fact it has been a shock to the community to see this has once again been submitted.

On reviewing the letter written on 11th March 2020 to Wetheral Parish Council, it appears to have been sent at a very convenient time around COVID-19 self isolation. It was written and sent on the 11th and Wetheral Parish Council closed due to Coronavirus on 17th March. There is also a Scotby Village Community Hall, no correspondence seems to have been sent there.

Most of all I feel highly aggrieved at the false statements and pure lack of consultation to the public and village members of Scotby. Consultation with Wetheral

Parish Council via a letter 3-5 days before lockdown during a pandemic, is actually insulting

It is said that Gladman have consulted with the local populace, they have not been in contact with me

The applicant has issued a totally misleading statement of community involvement. They have always refused to meet Scotby residents and, during the current pandemic crisis, have not sought or shared any information with residents living near the site or the wider community

There has also been no public consultation or engagement from Gladman regarding this latest proposal and it is clear there is opposition to the plan.

Contrary to the developer's assertion, this revised application has not been the subject of any public consultation with local residents and its submission has come as a complete surprise to everyone

I also note that Gladman have not engaged with any public consultation regarding this 'new' application, which I had understood to be an obligation, even though they have claimed to have done so.

The applicant asserts that it has "completed a comprehensive programme of community engagement" and has "therefore re-engaged with the community prior to the submission of this second application". It has not. Further, the exercise undertaken in respect of the previous application was purely 'box ticking'. Apart from three neutral comments every comment was one of opposition, which the applicant has totally ignored. In respect of this current application the applicant has wrongly asserted that some of the previous comments were supportive in nature. They were not

In the Statement of Community Involvement that the applicant has submitted it has stated that it "has sought to submit a second application that address the reasons refusal". It has not. The new application does nothing to address the reasons for refusal. This is clear from the fact that the Planning Statement submitted in respect of the new application repeats virtually word-for-word the Planning Statement submitted in respect of the previous application

In the Statement of Community Involvement the applicant has stated that it has "completed a comprehensive programme of community engagement" and has "therefore re-engaged with the community prior to the submission of this second application". That is simply not true. Although the Parish Council and a few local councillors may have been written to directly there has been absolutely no engagement with the local community as such. Neither is it true (again so far as I have been able to identify) that the previous consultations produced "some level of support" as the applicant asserts.

In this regard, the applicant has purported to rely upon the community involvement it undertook in relation to the 2018 application (18/1044) notwithstanding that there was no genuine community involvement, such as a public meeting, at that stage and written comments submitted to the applicant were simply ignored.

That said, as the applicant has sought to rely upon that previous exercise, it is reasonable for me, in similar vein, to rely upon the open letter in the form of a petition that I and others gathered from residents in Scotby opposing the previous application, which was eventually signed by 234 individuals; I still have the signatures if they are required. The applicant's submission of the present application during the period of the current Coronavirus 'lockdown' regime (some would say deliberately and cynically so) has made it impossible to collect signatures in support of a petition on this occasion but there is no reason to think that an equivalent number of residents, if not more, would not sign such a petition in respect of this identical application if it had been possible to make one available. Indeed, this is borne out by the fact that in only a few days over 700 people have signed the online E-petition objecting to the new application



### Other issues raised

The request was rightly dismissed in June 2019, the tactics being taken by this speculative developer are disgraceful. Trying to reapply multiple applications with misleading information attached and no change to submission after the community and council rejected it less than 12 months ago. This only adds to the stress and cost to our community and council at this difficult time. A disgraceful practise, an utterly disgraceful tactic and should be quickly rejected without further harm being caused.

Contrary to the dismissive submissions of the applicant, the land is of archaeological importance

This application appears to simply be a resubmission of the one which was refused last year. One can't help but think that the developer is trying to take advantage of the terrible situation that we are all trying our best to deal with, presented by the pandemic.

I strongly suggest a site visit by the planning committee should be done in conjunction with Scotby residents to discuss the environment and social impact such a proposal has that verifies that these objections are valid.

It is an absolute disgrace that this developer has chosen this time of crisis to re-submit a planning application which was thrown out by Carlisle CC unanimously. There is no need for a further 90 houses to be built in a small village. It is simply greed on the part of the developer, yet again.

One Councillor condemned Gladman's last proposal for Scotby as being "speculation of the most mercenary sort.". Let's hope the Planning Committee once again see this application for exactly what it is.

This development has previously been refused after vociferous opposition from the community.

It is very similar to the last application they put in for 80 houses which was rightly rejected straight away 11-0 in December '19 and all they have changed is an extra 10 houses with a bit of green in the middle?

We have been told that this is agricultural land (not to be built on) so we feel as a community that this Gladman company who has recently changed their name slightly after being unsuccessful last time are just trying their luck, by all accounts they do this with several sites even if rejected.

I am completely appalled that Gladman have submitted this application again especially at this time of major crisis in the country. How could they be so devious?

I objected to this planning application last time as did plenty of other villagers.

Thankfully it was rejected in June 2019 and if the council has any sense it will reject it in 2020.

How low will these developers stoop. Trying to sneak virtually the same application through in a time of national emergency.

The original plan was unanimously defeated and there is no good reason to change such decision.

This is a cynical ploy at the worst of times, for financial gain , nothing more. We totally oppose such scheme and demand it is thrown out again.

These 'land grabbers' should not be allowed to bring their 'bully boy' tactics to bear and I rely on the strong wills of the Cumbrian people to reject this proposal once and for all!

Awful to see a re-attempt to gain planning permission in Scotby once again.

Especially in this climate where Covid-19 is dominating our lives and many are suffering loss. I strongly believe this would negatively impact the village and applying for planning that is widely unwanted by the village will only cause more stress on the community in this trying time. It is disgusting that people are using the distraction of the Coronavirus to make some money.

It is unbelievable that Gladman after unanimous rejection of their previous application 18/1044 (in which they did not even attend the planning meeting or submit an appeal); should have the audacity to once again submit this "new"

proposal.

Gladman are not a local company, let them build on their own doorstep.

It looks as though they are using the lockdown to ride roughshod over objections.

The Council rejected them the last time, let's hope they see sense and do it again.

I hope we can count on Mr John Stevenson again.

If ever we needed proof of underhanded, money grabbing, profiteering tactics this re-application of planning by Gladman at Scotby has to be it.

The timing of this application alone shows the very depths that Gladman are willing to stoop to in a quest to make a quick Buck.

The Country is on its knee's due to the worst Pandemic in 100 years with social distancing a must, which in turn makes knocking doors and interaction between the residents of Scotby all the more difficult.

Because of this the ability of the village residents to come together a cement there appeal is severely compromised.

The fact that Gladman would see this as an opportunity to sneak through another application is nothing short of disgraceful.

I find it disgraceful that Gladman would re-apply for planning permission at Scotby after losing 11 votes to 0 the last time, but doing so under the present desperate and dangerous times the whole of the country is going through is nothing short of unbelievable

Gladman are nothing but a money making machine with no thought at all for the good people of Scotby.

Gladman appear to have deliberately timed the submission of this application to this period of time when the local community and indeed councillors are not able to respond in a well coordinated and informed way.

I trust that the Gladman plea that they have had not had a response to date from the parish councillors is ignored as a cynical tactic on their part.

In this current pandemic climate it is disgraceful how this is being pushed through.

Many of us that live in Scotby and particularly in Alders Edge are emergency workers currently working long hard shifts on the front line during COVID-19. To now have the added stress of potentially bringing home a lethal virus to our families, working during this time when more than half the population are staying at home and having to deal with an influx of workers building an estate opposite where we live whilst trying to work shifts, is actually a disgrace. Have we lost the ability to have any moral compass anymore?.

Noise Assessment Document: At no point has it been noted what the disturbance and noise level will do to the local community and those that live opposite the building works will do to their quality of lives, families and sleep patterns. As previously stated most of us are Emergency workers that do shifts

Gladman are taking advantage of the villagers / whole country undergoing the extreme difficulties of a national pandemic whereby the community is unable to convene meetings or conduct door to door leafleting for discussions with the residents and are trying to get through Planning in a devious manner

To resubmit an application in the present crisis seems to be one of hoping to get through planning as there can be no social contacting , meetings arranged by residents , as well as any communication by Gladman.

Many residents may not be aware of the renewed application and many will still be self isolating

As the proposal is contrary to the Local Plan, I feel the developer has cynically exploited the current Covid pandemic to try and push their application through without proper local consultation.

I am appalled that Gladman are using this time of national crisis as an opportunity to try and push through their plans. A time when it is difficult for local villagers to mount opposition and when Councils and their staff are stretched with trying to cope under the pressure of dealing with the effects of the health crisis

The residents of Scotby have been subjected to the inconveniences of construction

work relentlessly in recent years. We are fed up with noise, filthy roads, road closures, temporary traffic lights and heavy goods traffic. Enough is enough. Planning authorities do not take into account the emotional views of people but it has been recognised by the national government that during and after this pandemic which may last for years, essential workers, many of whom live in Scotby and have objected to this proposal, will be traumatised by what they have experienced. Their health and well being should be of paramount importance in the rejection of this proposal by Gladman but in this culture of greed, money seems to be more important than the health and well being of people.

4.2 The letter of support raises the following point:  
No objection.

4.3 In addition the local MP John Stevenson has raised the following points:

The reapplication is unhelpful and a distraction from The Garden Village development, which is an exciting project for Carlisle. Developers such as Gladman's should be encouraged to use their resources to plan housing developments within the local plan, which has been consulted on and democratically passed by the council.

## 5. Summary of Consultation Responses

### **Cumbria County Council:**

#### ***Local Highway Authority (LHA) response:***

The outline / revised planning application under consideration is for the erection of 90 dwellings with all matters reserved except for the main vehicular access. The site proposed has a complex planning history whereby in 2018 an outline application (18/1044) was rejected by the planning authority and it should also be noted that the land is not allocated within the Carlisle Local Plan.

As part of the Highways Authority response to the planning application 18/1044 it was stated that although no objections were raised in principle to the development, a secondary emergency vehicle access was to be added. It was also stated that details demonstrating the visibility splays for the emergency vehicle and main accesses were to be submitted for comment to the Highways Authority.

Following on from the initial Highways Authority response to this application dated 26 May 2020 the applicant has been in detailed discussions regarding the Emergency Vehicle Access (EVA)

and visibility splays associated with the proposed access into the development. The applicant submitted revised plans illustrating the location of the 30mph zone and demonstrated that visibility splays of 2.4m x 60m can be achieved for the main access and EVA in accordance with the Cumbria Development Design Guide. The applicant has proposed that an emergency access will share the western footway of the main access into the development from the C1038. The Western footway is proposed to be 3.7m in width and removable bollards are to be present to prevent misuse. This provision in principle is acceptable to the Highways Authority; however the applicant is to confirm that the EVA serves the entirety of the 90 dwellings proposed. It is deemed that this information can be provided at a later stage.

of the planning process and secured through the use of an appropriate planning condition which is stated at the end of this response. It is also considered that the details of the internal layout can be appropriately conditioned and should be in line with the Cumbria Development Design Guide. Parking details will also be a requirement of any reserved matters application.

With regards to the Transport Assessment submitted by the applicant; this document was previously commented upon in 2018 as part of the planning application 18/1044 and was found to be acceptable by the Highways Authority. Therefore no further comments are to be made with regards to this document. The applicants Travel Plan is considered to be appropriate and has identified that a s106 contribution for monitoring etc. is likely to be required. Cumbria County Council will therefore be seeking contribution for the following item associated with highways as follows: –

Travel Plan Monitoring - £6600

Therefore to conclude the comments above, the Highways Authority have no objections with regards to the approval of planning permission subject to the conditions stated at the end of this response being applied to any consent you may wish to grant.

**LLFA response:**

As stated previously, the planning application currently under consideration is for access only with all other matters reserved. As such the drainage arrangement are to be conditioned as part of this application to be discharged through a later reserved matters application. However, comment will be made on the Flood Risk Assessment (FRA) and infiltration test results submitted. As stated within the previous response to the planning application 18/1044, although the Environment Agency mapping does not indicate a flood risk from fluvial sources and limited risk

from surface water, it is noted that the FRA identifies water ponding along the north east boundary of the proposed development site. It was concluded that the ponded water is seeping under the track to appear as surface water flow to Pow Maughan (Main River) within the boundary of the Escott House garden. As stated, there may therefore be a blocked outfall from the site across third party land. A second 150mm pipe enters nearby from a different direction, with water flowing. It is considered that further investigation of these culverts should be carried out and potential monitoring of water levels should be undertaken to determine what impact this may have on the development. As part of the FRA the consultant has provided some details regarding a potential surface water drainage scheme. It is noted from the information on the soakaway tests that infiltration is not to be considered as a method of surface water disposal due to poor infiltration rates. The LLFA have reviewed the infiltration test results submitted by the applicant and find it acceptable that infiltration is not a viable method of surface water disposal on this site. As such, and in accordance with the drainage hierarchy stated within the Cumbria Development Design Guide, surface water discharge is to be via an attenuation basin to Pow Maughan. In principle, subject to suitable design this may be an adequate means of surface water disposal. However, it is noted that the discharge pipe from the development site will need to cross 3rd party land and this connection is not included within the red line boundary of

the site plan. Therefore, confirmation that an agreement has been made with the adjoining landowner and a revised red line boundary should be provided prior to planning permission being submitted.

As stated within the Cumbria Development Design Guide, attenuation is to be provided on site to accommodate a 1 in 100 year plus 40% to account for climate change storm event. The applicant at a later stage of the planning process is to submit detailed calculations stating how the drainage network is accommodating this attenuation and also that the discharge rate from the site is controlled through a hydro brake to the green field runoff rate. The green field runoff rate has been calculated within the FRA at 14.2l/s. The LLFA has no objections with regards to this figure being the green field runoff rate and with the total discharge from the site into Pow Maughan being equal to 14.2l/s. It should be noted by the applicant that the attenuation that is to be provided is to be through a series of rain gardens, permeable paving, attenuation ponds and swales. It is the preference of the LLFA that drainage features are not piped but surface features which are easily maintainable and provide additional biodiversity benefits.

Therefore to conclude the Lead Local Flood Authority have no objections in principal with regards to the approval of planning permission as the current application considers the access only.

However, further information is required regarding the drainage network and flood risk on site. As such the conditions stated at the end of this response are to be applied to any consent you may wish to grant.

***Education response:***

As outlined in the County Council's Planning Obligation Policy a population-led model has been used as no dwelling mix has been provided at this stage it estimated to yield 31 children: 18 primary and 13 secondary pupils for the schools.

The site is in the catchment areas of Scotby CE School (0.65 mile) for primary education and Central Academy (2.71 miles) for secondary education. The next nearest primary school to the proposed development is St Cuthbert's Catholic School (2.12 miles) but is not within the statutory walking distance. The next nearest secondary school is Newman Catholic School (2.71 miles) which is currently relocated to another site in Carlisle due to flood damage, and Trinity School (2.98 miles).

Currently there is one development affecting the primary catchment school used for this assessment and there are thirty seven for the secondary schools.

**Primary**

There are 5 spaces available in the catchment school of Scotby CE School. However, after other developments in the area are taken in to consideration there are insufficient spaces to accommodate the pupil yield of 18 from this development. It is considered that taking into account existing loyalty trends the next school that parents are likely to send their children to is

Cumwhinton Primary School, and a scheme has been identified for expansion at the school. This is considered the best solution to provide capacity in the east of Carlisle as this is where the impact will be from developments in Cumwhinton, Scotby and Wetheral will be.

Therefore, an education contribution of £292,644 (18 x £16,258) is required. A multiplier of £16,258 has been used which is the £12,051 multiplier identified in the County Council Planning Obligations Policy (2018) index linked using the BCIS All in Tender Price Indexation.

#### Secondary

When considering the effect on pupil numbers from known levels of housing development across Carlisle, it is considered that there will be insufficient places available in Central Academy to accommodate the secondary pupil yield from this development.

The approach to seeking contributions for secondary school provision has been accepted at the recent planning appeal APP/E0915/W/17/3179674: Land at Harker Industrial Estate, CA6 4RF.

Therefore an education contribution of £324,090 (13 x £24,930) is required. A multiplier of £24,930 has been used which is the £18,188 multiplier identified in the County Council Planning Obligations Policy (2018) index linked using the BCIS All in Tender Price Indexation.

#### School Transport

Primary - Taking into account there are no primary school within the statutory walking distance of 2 miles along a safe route a contribution is required.

We have priced for a suitable vehicle based at £140 per day. For primary school, a ten-year contribution is required.

Based on a 190 day school year, the calculation is therefore: £140 x 190 days x 10 years = £266,000

Secondary - Subject to the contribution being provided for secondary school capacity no contribution will be sought for secondary school transport.

#### **Public Rights of Way comments:**

There are no recorded public rights of way in the vicinity of the proposed development area. Therefore, no objections are raised with regards to the proposals from a Public Rights of Way perspective.

#### **Conclusion:**

No objections are raised with regards to the approval of planning permission subject to the following conditions being applied to any consent you may wish to grant:

*The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption; Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines; 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 road with the county highway and for the emergency vehicular access; Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway; Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway; Details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site; Submission of a Travel Plan; A Construction Traffic Management Plan; A surface water drainage scheme; A construction surface water management plan; A condition and capacity survey of the*

*culverted watercourses (or piped drainage system) within the development site*

**Northern Gas Networks:** - No objections

**Wetheral Parish Council:** -

Objection - On 7th June 2019, application 18/1044 by Gladman Development Limited of the land at Rookery Park (South of Alders Edge), for the erection of up to 90 dwellings, open spaces, landscaping and Sustainable Drainage System (SuDS) and vehicle access point from the Scotby to Wetheral Road (outline), was unanimously rejected by the Development Control Committee of Carlisle City Council, confirming the views of the Senior Case Officer, Chris Hardman. An attempt has been made, by means of cosmetic enhancements, to make the second application more palatable. None of these enhancements, however, come close to overriding the reasons for the refusal of permission last year. The reasons being:-

- a. Failure to meet the Criteria 1 & 3 of Policy HO 2 (Windfall Development) of the Carlisle District Local Development Plan 2015 -2030. "The scale of the development would not be appropriate to the scale and character of Scotby".
- b. Failure to adhere to Criteria 8 of Policy SP 2 (Strategic Growth) of the Carlisle District Local Development Plan 2015 – 2030. "The application failed to demonstrate the overriding need for additional housing at this location".
- c. Contrary to Policy GI 1 (Landscape) of the Carlisle District Local Development Plan 2015 - 2030. "The open nature of this landscape would be eroded".

There had been 765 objections via e-mail and some 195 letters of objection, together with objections by Wetheral Parish Council.

This new application 20/0279 by Gladman Development Limited, for the same site and for the erection of up to 90 dwellings, open spaces, landscaping, Sustainable Drainage System (SUDS) and vehicle access point from the Scotby to Wetheral Road (outline), is almost the same apart from a wide tree-lined avenue diagonally across the site from the access point.

"Public open space would be created through the centre of the proposed development maintaining a connection from the Village Green through the site and to the wider countryside beyond". However, the Landscape & Visual Assessment document states:- "The site does provide a connection to the wider countryside, notably with key views from the village green," and that, "The proposed development will alter the character of the site from agricultural land to residential," which the document states will have an ADVERSE effect upon the site.

1. Policy HO 2 (Windfall Development) Criteria 1 & 3 states: "On the edge of settlements it must be well contained within the existing landscape features, physically connected and integrated with the settlement and not lead to unacceptable intrusion into open countryside". This development is not appropriate to Scale, Form, Function & Character of the existing settlement. It does not enhance or maintain the vitality of the rural community. It is not contained within the existing landscape features and does not integrate with the settlement but does lead to an unacceptable intrusion into open countryside.

2. Criterion 8 of Policy SP 2 (Strategic Growth and Distribution) states that development in open countryside will be assessed against the need for it to



be in the specified location. Nowhere does the application succeed in demonstrating an overriding need for additional housing in this location. Scotby has, by any reasonable judgement, undergone its share of residential development since the inception of the current Local Plan.

Windfall Sites Approved:- Alders Edge (45), The Plains (42), Broomfallen Road (12) 6 being Gypsy Pitches, Lambley Bank (9), Parkett Hill (6) and Wellgate (1).

Allocated Sites:- Carlisle District Local Development Plan 2015- 2030 - Meadowbrook (213), Kinmont Rise (28) in the process of being built and Scotby Road/Hill Head (84) house type and layout not yet approved.

Total approximately 400. Further, this Policy states that developments must be of 'an appropriate scale and nature' and 'commensurate with their setting' and must 'enable rural communities to thrive'. It is difficult to see how this development, bringing almost 100 houses and more than 2,000 vehicle movements a week, can be of an appropriate scale. Nor, by putting such additional strain on already overburdened infrastructure – roads, health facilities, drains, schools – can it enable the community to thrive. The local bus service has been stopped due to COVID-19 but may not be reinstated. Scotby Junior School is in the process of reducing the numbers of pupils, for financial reasons, to 7 classes of 30 pupils, e.g. 210 as opposed to 264 currently. A development which severs a valued village green's physical and visual connectivity with the countryside beyond is not commensurate with the setting of the village. By the damage it would do to the sense of community, place and history, it would fail to enable the community to thrive.

3. Policy HE 2. The site lies within an area of high archaeological potential as stated by Historic England. There is not, as stated in the planning application, merely a moderate amount of evidence.

4. Policy HO 1. The application is contrary to this policy in that Carlisle City Council can demonstrate a 5-year supply of deliverable housing, therefore, there is no obligation to consider the development.

5. Policy GI 1 (Landscape) of the Local Plan seeks to ensure that development will be appropriate to its surroundings and suitably accommodated within the landscape, and that landscapes 'will be protected from excessive, harmful or inappropriate development'. Following the Strategic Housing Land Availability Assessment, this site was specifically excluded from the Local Plan, as the open nature of the landscape would be eroded and harmed by development, contrary to Policy GI 1.

6. Access - The width of the Scotby/Wetheral road at the access is only 5 metres, due to the addition of a footpath on the north side as part of the Alders Edge development. The access is on an incline up to the village centre and in winter conditions is hazardous due to icing. Finally, the proposed access is on a bend with poor visibility and there will be up to 200 vehicle movements each day to and from the development. Visibility could be improved if the access were moved to a safer site further to the east, near Escott House.

This application should be refused as before, as there is little difference to that which was refused in 2019.

**Local Environment, Waste Services:** - As this is an outline only application, I await the detailed reserved matters showing the road layout and access for our waste collection vehicles.

## **Cumbria County Council - (Archaeological Services): -**

The applicant has helpfully commissioned a geophysical survey of the site. The results show a small number of geophysical anomalies of potential archaeological interest on the site. Furthermore, there is the potential for buried archaeological assets of a similar nature to the Iron Age remains in the adjacent field to survive on the site that would not necessarily be identified by the geophysical survey. Also, remains of a small complex of buildings shown on early historic maps and which have disappeared by the mid-19th century may also survive on site. Any assets that do survive are considered to be of local significance and will be disturbed by the construction of the proposed development.

In the event planning consent is granted, the site is subject to further archaeological investigation and recording in advance of development. This work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition in any planning consent.

## **Local Environment - Environmental Protection: -**

### **Noise & vibration**

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

### **Dust**

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

### **Contamination.**

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

Site investigations should follow the guidance in *BS10175:2011 (or updated version) "Investigation of Potentially Contaminated Sites.- Code of Practice "*. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

#### **Air Quality and Transport**

Measures that encourage the use of zero-emission modes of transport should be included in the development proposal. The aim is to minimise future impacts on air quality. It is recommended that the developer provides at least one electric vehicle charging point per dwelling, with off street parking. The use of rapid charging points in communal parking areas should also be implemented. This recommendation is supported by the following:

#### **Institute of Air Quality Management (IAQM)**

The provision of charging points is in line with current IAQM 'Land-Use Planning & Development Control: Planning for Air Quality' guidance (2017).

Section 5 states:

"The provision of at least 1 Electric Vehicle (EV) "fast charge" point per 10 residential dwellings and/or 1000m2 of commercial floorspace. Where on-site parking is provided for residential dwellings, EV charging points for each parking space should be made".

#### **The National Planning Policy Framework (NPPF)**

This was updated in February 2019 and concisely sets out national policies and principles on land use planning. Paragraph 105 states:

"If setting local parking standards for residential and non-residential development, policies should take into account: ...e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles".

Paragraph 103 of the NPPF states:

".... 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...".

#### **The Carlisle District Local Plan 2015-2030**

Carlisle City Council (CCC) adopted the Carlisle District Local Plan 2015-2030 in November 2016

Policy IP2 - Transport and Development:

*"Sustainable Vehicle Technology: Developers will be encouraged to include sustainable vehicle technology such as electric vehicle charging points within proposals".*

Paragraph 6.13 states: *".... consideration should be afforded to increasing electric charging provision wherever appropriate and possible".*

Policy CM5 – Environment and Amenity Protection:

*"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".*

#### **Natural England - relating to protected species, biodiversity &**

**landscape:** - Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use

to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

**Planning - Access Officer:** - I would advise the trim trail/ nature track is of a suitably firm and level surface for wheelchair users and the ambulant disabled to access. There are no objections to the above application at this time.

**Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention):** -

Item 4.4.20 of the submitted Planning Statement refers to Policy CM 4 of the Local Plan, but states that crime prevention issues will be addressed at Reserved Matters stage. The comments in the published Design and Access Statement (Design and Safety: Creating Safer Places) are also noted. Of particular interest are the intentions to enhance natural surveillance of streets and open spaces, avoidance of blank walls and the incorporation of windows in corner elevations and gables.

In the event of this application receiving consent and an application relating to reserved matters being submitted, I shall particularly wish to establish how the design shall address definition of public and private space, car parking, lighting schemes and the protection of buildings against forced entry.

**Council for Protection of Rural England/Friends of the Lake District:** -

Friends of the Lake District (FLD) welcomes the opportunity to comment on the above application. We are the only charity wholly dedicated to protecting the landscape and natural environment of Cumbria and the Lake District.

FLD objected to an earlier iteration of this proposal (18/1044). Whilst we recognise that some amendments have been made to the application, including the proposal to route the main road through the site such that a visual corridor across the site will be created, **our objections, which largely related to the principle of development, still stand.** I have attached our response to 18/1044, which should be taken into account and taken as part of our response to 20/0279 along with the following further comments.

The previous application was refused unanimously by Carlisle City Council's Planning Committee and all three of the strongly-stated reasons for refusal apply equally to this application.

The Officer's report, with which the Committee unanimously agreed, concluded that the field is *"integral to linking the village directly to the surrounding countryside and significant views out of the settlement"* and that it would be *"difficult to justify describing the site as being well-contained within existing landscape features"*. It also made clear that permitting the application would:

- constitute “a departure from the Plan-led approach” (para. 6.22);
- be “significant in terms of scale” (para. 6.22);
- “put significant pressure on the community” (para. 6.23);
- be “an unacceptable intrusion into the countryside” (para. 6.25).

These factors all led the Officer and the committee to unanimously conclude that the proposal was contrary to Local Plan policy and to state the reasons for refusal. The reasons for refusal and these statements in the Officer’s report relate to the principle and scale of development at this site and are not matters that can be addressed through the amendments put forward in this new application.

The reasons for refusal were:

- Conflict with Carlisle Local Plan Policy HO2 (Windfall Housing Development) on the grounds that the proposed development would not be appropriate to the scale and character of Scotby and is in an area perceived as open countryside and not well contained or integrated into the village
- Conflict with Criterion 8 of Carlisle Local Plan Policy SP2 (Strategic Growth and Distribution) due to a failure to demonstrate an overriding need for the additional housing in this location
- Conflict with Carlisle Local Plan Policy GI1 (Landscape) on grounds that the development would erode the characteristics of and be harmful to this landscape type and due to the fact that this site was specifically excluded from the Local Plan on landscape grounds having been thoroughly assessed for landscape impact in its own right and against other alternatives.

Furthermore, the Officer’s report (para. 6.31) highlighted that whilst the Council does have a 5-year supply of housing land, even if it did not, this would not allow for permitting otherwise unsustainable or inappropriate development. This point is supported by evidence detailed in a recent letter from the Sussex branch of the Campaign to Protect Rural England (CPRE) to Chichester District Council. The letter, dated 5th May 2020, sought to draw the Council’s attention to “recent court cases which emphasise the primacy of the plan-led system, even in the face of a lack of a 5-year supply of housing land”. In doing so, it stated:

*“...in March of this year, Mr Justice Holgate dismissed land promoter Gladman Developments’ bid to overturn two appeal decisions blocking plans to build 240 homes in the Essex district of Uttlesford and another 120 near Corby in Northamptonshire. Given shortfalls in both authorities’ five-year supply, the claimants argued that this rendered the most important relevant development plan policies out of date and the “tilted balance” in favour of sustainable development set out in paragraph 11(d) of the National Planning Policy Framework (NPPF) should therefore have been decisive in determining the appeals (DCS Numbers 200-008-785 and 200-008-716). Holgate’s verdict was grounded in the legal principle, set out in section 38(6) of the Planning and Compulsory Purchase Act 2004, that decisions on planning applications are governed by the development plan “read as a whole, unless other material considerations indicate otherwise”. He ruled that NPPF policies, including the tilted balance, do not have the same “force of statute” and “have to be understood in the context of the development plan-led system”. “The NPPF cannot and does not purport to displace or distort the primacy given by the presumption in section 38(6) to the statutory development plan,” he concluded.*

*This decision makes it clear that a lack of five-year supply does not reduce the weight of policies. Applicants will now need to argue why plan policies should be given reduced weight in the tilted balance. In short, the lack of a five-year housing land supply should not ‘open the door’ to inappropriate and speculative development”.*

As such, even if the Council’s position regarding housing land were to have changed since the previous decision, leaving it without a 5-year supply, this would and should not result in a different decision now, given the firmly established conflicts with Local Plan policy.

In addition to the above and in supplementing our earlier comments, we also wish to highlight that:

- Regarding our point about overdevelopment and in relation to the 2013-2020 delivery figures set out in SP2, we do recognise that there is a separate figure for 2020-2030 that indicates further development. However, the plan will be up for review before 2030 and policy SP2 itself makes clear that the figure for 2020-2030 must be adjusted to account for under- or over-delivery in the 2013-2020 period. The requirement to recalibrate the figures in the second phase to account for previous under or over delivery would serve no purpose if the delivery figures planned for were not, at the very least, meant to be indicative and/or if the prospect of excessive under- or over-delivery was considered to be of no consequence.
  - Over-development of a settlement does not relate only to strain on its infrastructure capacity but also to the capacity of the environment to accommodate development and change, including change to the area’s character and to the settlement’s character.
  - Whilst Scotby has some services and facilities, people living there have to travel to Carlisle for higher level services, this will include children travelling for school given the evidence that the local primary does not have capacity for the additional pupils that expected as a result of the proposed development and that they will need to travel to school elsewhere. This therefore also brings into question the sustainability of locating large numbers of new houses in the village as it will not reduce the need to travel.
- On grounds of the above, in conjunction with our earlier comments, which should be taken as part of our response, **this application should be refused.**

#### **United Utilities: -**

##### ***Drainage***

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Following our review of the submitted Flood Risk Assessment, ref: 6259/R2 revision B dated April 2020, proposing surface water discharging into the local watercourse, Pow Maughan, we can confirm we have no objection to the proposed development in principle. Should planning permission be granted, we would request a drainage condition is attached to any subsequent Decision Notice.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

### ***Management and Maintenance of Sustainable Drainage Systems***

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. We recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

### ***Water Supply***

Our water mains may need extending to serve any development on this site and the applicant may be required to pay a contribution.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. We recommend the developer contacts United Utilities for advice on identifying the exact location of the water main.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

### ***United Utilities' Property, Assets and Infrastructure***

The applicant should be aware of water mains in the vicinity of the proposed development site. Whilst this infrastructure is located outside the applicant's proposed red line boundary, the applicant must comply with our '*Standard Conditions for Works Adjacent to Pipelines*'. We provide this information to support the applicant in identifying the potential impacts from all construction



activities on United Utilities infrastructure and to identify mitigation measures to protect and prevent any damage to this infrastructure both during and after construction. This includes advice regarding landscaping in the vicinity of pipelines.

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

## **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 Policies SP1, SP2, SP6, SP8, SP9, HO1, HO2, HO4, IP1, IP2, IP3, IP4, IP5, IP6, IP8, CC3, CC4, CC5, CM2, CM4, CM5, GI1, GI3, GI4 and GI6 of The Carlisle District Local Plan 2015-2030 and the council's Supplementary Planning Documents (SPD) "Achieving Well Design Housing" and "Trees and Development" are also material planning considerations.
- 6.3 The requirements of the public sector equality duty under Section 149 of the Equality Act 2010; and the "Guidelines for Public Transport In Developments" (1999) and "Reducing Mobility Handicaps" (1991) both prepared by the Chartered Institution of Highways & Transport CIHT) are also material considerations. Section 149(1) of the Equality Act 2010 establishes a duty to have due regard to three identified needs in the delivery of public services and the exercise of public powers, namely:
  - a) to eliminate discrimination, harassment, victimisation etc;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.4 The relevant protected characteristics include age, gender, disability and race.
- 6.5 At a national level, other material considerations include the National Planning Policy Framework, February 2019 (the Framework/NPPF), Planning Practice Guidance (April 2014 as updated), the Community Infrastructure Levy Regulations 2010 (as amended), and the Natural Environment and Rural Communities Act (2006).
- 6.6 The NPPF identifies 3 objectives for the planning system to perform under sustainable development, namely, an economic role, a social role and an environmental role.

6.7 Paragraph 11 of the NPPF highlights the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan; or where there are no relevant development plan policies or the policies are out of date, grant permission unless:

- the policies of the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

6.8 Section 40 of the Natural Environment and Rural Communities Act (2006) 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. This is reflected in paragraph 175 of The NPPF that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused.

6.9 The proposal raises the following planning issues:

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

6.10 Paragraph 12 of the NPPF states:

*“The presumption in favour of sustainable development does not change the status of the development plan as a starting point for decision making..... Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*

6.11 Carlisle District Local Plan 2015-30 was adopted by the City Council on the 8<sup>th</sup> November 2016 and whilst there have been two updates of the National Planning Policy Framework since that time it remains an up-to-date Development Plan for the purposes of making planning decisions.

6.12 Policy SP1 (Sustainable Development) follows the principles established in the NPPF and forms the basis for which sustainable development is then interpreted through the Local Plan policies.

6.13 Policy SP2 (Strategic Growth and Distribution), states that sufficient land will be identified to accommodate 9,606 net new homes between 2013 and 2030 including a minimum annualised average of:

- 478 net new homes between 2013 and 2020; and
- 626 net new homes between 2020 and 2030 (adjusted to have regard to delivery in the 2013-2020 period).

It goes on to state that approximately 70% of the growth will be focussed on

the urban area of Carlisle, with approximately 30% in the rural area. Specific sites have been identified within the Plan, alongside an allowance for windfall developments, to accommodate the majority of growth required. Strategic Policy SP2 (8) states that within the open countryside development will be assessed against the need to be in the location specified.

- 6.14 The site of this application is not an allocated site for residential development under Policy HO1 in the local plan. It is however worth noting that other sites have been allocated within the village of Scotby to help deliver the Local Plan targets above namely:  
R15 – Land north of Hill Head, east of Scotby Road (indicative yield 90)  
R16 – Land at Broomfallen Road (currently under construction)
- 6.15 In determining which sites to bring forward to allocations within the Local Plan an exercise was undertaken known as the Strategic Housing Land Availability Assessment (SHLAA). This process considered a number of sites throughout the district in order to formulate a deliverable Local Plan strategy by assessing the potential constraints to development and impacts on infrastructure. This assessment led to a number of sites being allocated for housing alongside the significant strategy to development south of Carlisle in what is now referred to as the St Cuthbert's Garden Village area.
- 6.16 Specifically in relation to this proposed site the SHLAA process considered a larger area under reference SC14 – Land at Townhead Farm. The December 2014 update of the assessment determined that the site should be discounted due to the unacceptable landscape impact and the site was therefore not allocated. The non-allocation of a site in a Local Plan does not prevent applications from being made on that site and each application has to be treated on its merits. It provides a contextual reference and as the site is not allocated it now falls to consideration under separate policy in the Local Plan namely, HO2 (Windfall Housing Development).
- 6.17 Policy HO2 states that:  
*"New housing development on sites other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown and villages within the rural area provided that the development will not prejudice the delivery of the spatial strategy of the Local Plan and:*  
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 village where the housing is being proposed, or there is good access to one or more villages with services, or to the larger settlements of Carlisle, Brampton or Longtown; and*  
5 *the proposal is compliant with adjacent land users.*

*Within rural settlements applicants will be expected to demonstrate how the proposed development will enhance or maintain the vitality of rural communities.*

*Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.”*

- 6.18 With regards to Policy HO2, the location of the site on the edge of Scotby conforms to the general intent of the policy however it must conform to the overall spatial strategy and satisfy the criteria within the policy.
- 6.19 In terms of the spatial strategy, Policy HO1 makes provision for allocations of housing development within Scotby. Members will be aware that Site R15 had a previous planning application which was deferred by Development Control Committee and has subsequently been withdrawn by the applicant. Site R16 has planning permission and work has commenced on site. It is therefore early in the plan process and the release of this site may prejudice the delivery of Site R15 but would not prejudice the delivery of Site R16. The spatial strategy of the plan did however allow for windfall sites to come forward with an overall allowance in the region of 100 dwellings per annum. This application is less than the envisaged windfall level for the district however other sites have also come forward in recent years within Scotby and other villages in the parish, providing further windfall permissions. Many of the objectors to the application raise concerns that with the other applications, Scotby has had more than its fair share of housing and the subsequent impacts on infrastructure.
- 6.20 In reviewing that position and the impact on the spatial strategy, a large site coming forward may have a significant impact but it is unlikely to be sufficient to prejudice the overall spatial strategy of the plan provided that the development is limited. Policy HO2 does not have a limit on the scale of individual or cumulative windfall sites however in the case of Scotby and some other settlements surrounding Carlisle it is clear to see that the pressure for development puts an uneven strain on infrastructure.

*1 the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement;*

- 6.21 Scotby is a linear village which historically grew up around the two railway lines and has expanded both northwards towards the A69 and south along Broomfallen Road. This site expands the historic central part of Scotby extending the village eastwards. The scale of the expansion is contained and mirrors that of the frontage for the Alders Edge development however such a large scale expansion into a field can be considered to be counter to the natural linear evolution of the settlement.
- 6.22 Criterion 1 of the policy is concerned with the scale and design of the proposed development being appropriate to the scale, form, function and character of the existing settlement. Whilst HO2 does not prescribe a size threshold for windfall, the addition of up to 90 dwellings is significant in terms of scale for this central section of the village. In addition, a windfall

development of this size is in essence a departure from the 'Plan led' approach, and undermines confidence in the Local Plan as being the document which gives the public and developers certainty about what development is going to happen and where. Indeed, national guidance states that the Local Plan should make clear what is intended to happen in the area over the life of the plan, where and when this will occur, and how it will be delivered.

*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;*

- 6.23 The scale of this application is similar to allocation of site R15 and therefore it could be argued that the scale of such a site has an established context for the village. It should be noted, however, that this application is additional to those existing allocations for housing and therefore will increase the village by a further 90 houses. This scale combined with other developments in the village is considered to be out-of-scale with the settlement and will put significant pressure on the rural community it seeks to integrate with. For services such as a village shop, any increase in housing would help to maintain the viability and it is therefore difficult to determine that such development would be detrimental to the community it serves. In this instance, however, it is clear that there is no additional capacity at the primary school. The other housing sites and allocations already progressing will put pressure on the local school but have been accepted as part of the Local Plan process and measures are in place to deal with the infrastructure. Members will also be aware that there have been a number of developments at Cumwhinton which impact on services in the parish including the other school within parish boundaries. The overall catchment, including from development on allocated sites on the edge of Carlisle, means that this further application will not enhance or maintain the vitality of the village but add to existing pressures.

*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;*

- 6.24 This application site is on the edge of Scotby but well related by being close to the centre of the village. The site is part of a larger field and the proposal therefore includes landscaping which would contain the development. It is physically connected by its siting on the Wetheral-Scotby road opposite the recent Alders Edge development and a short walk to local services. Many objectors consider that the location of this proposal, close to the area used as the village green removes one of the only opportunities to link directly to the surrounding countryside from within the centre of the village. The agricultural field is integral to linking the village directly to the surrounding countryside and significant views out of the settlement.
- 6.25 For sites on the edge of villages, criterion 3 of the policy requires that sites are well contained within existing landscape features, physically connected to

and integrate with the settlement, and do not lead to an unacceptable intrusion into the open countryside. The perception of the site is, as outlined above, that of open countryside, and there are no landscape features which would lead to the site being described as integrating with the village. The open views across the site to the North Pennines also make it difficult to justify describing the site as being well contained within existing landscape features. The agent has sought to address this concern by proposing an indicative layout that would allow for a swathe of green landscape through the centre of the site to link directly towards the views to neighbouring fields. This is discussed further in the Landscape section of this report however the development of this site would nevertheless result in housing extending either side of this swathe and poses an unacceptable intrusion into the countryside.

*4 in the rural area there are either services in the village where the housing is being proposed, or there is good access to one or more villages with services, or to the larger settlements of Carlisle, Brampton or Longtown; and*

- 6.26 Scotby has a number of services including a school, a church, a village hall and a shop. This level of services would suggest that there are sufficient services where the housing is proposed. Concerns have been raised regarding the ability of those services to accommodate the development, particularly in relation to the primary school. This latter point is discussed further in the Education section of this report. Scotby is also close to Carlisle and therefore a higher level of services can be accessed. In principle this criterion of the policy can be achieved subject to details regarding education provision.

*5 the proposal is compliant with adjacent land users*

- 6.27 Adjacent land uses are residential in nature or open countryside. Whilst further details of design and layout will be required, the ability to site residential development adjacent to those other uses does not compromise the occupiers of that land. Concerns have been raised regarding property prices and individual views however these are not planning matters as long as the distances with the Council's SPD can be achieved. Concerns have also been raised about the impact of the development on traffic particularly in relation to the Wetheral-Scotby road and the parking of vehicles in relation to Alders Edge development. This latter point is discussed further in the highways/ access section of this report.

*Within rural settlements applicants will be expected to demonstrate how the proposed development will enhance or maintain the vitality of rural communities.*

- 6.28 This has been considered in paragraph 6.23 above.

*Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community."*

- 6.29 Prior to the application being submitted the agents had carried out a re-consultation with local residents and attempted to engage with the Parish Council since their initial application. The response of local people has remained opposed to this development and therefore it has not been possible to fully engage in this process. The responses to consultation on this application have also indicated strong opposition to the development with little, if any, constructive responses as to how the design of the development may evolve. There have also been very few comments on the proposed change to the framework plan as people are opposed to the principle of development. This part of Policy HO2 should however not be used as a reason for refusing this application due to the endeavours of the applicants to engage prior to an application being submitted.
- 6.30 The application site is located in a sustainable location where there are a range of services accessible from the site however the development of this site will put pressure on existing services/ infrastructure and the form and scale of such a proposal will not enhance the settlement with which it seeks to integrate.
- 6.31 The applicant refers in their planning statement to the potential for the Council not to be able to provide a five-year supply of housing given that the supply is not significantly higher than 5 years. The Council maintains that it does have a sufficient supply of housing coming forward and therefore this application should be considered on its own merits. Measures are also being taken to continue to deliver the plan strategy with further consultation ongoing at the time of preparing this report, in relation to the St Cuthbert's Garden Village broad location for growth. Nevertheless, even if it were to be proven that there was not a five year supply of housing this does not provide for granting permission on sites that are considered to be unsustainable due to their impacts.
- 6.32 In the context of Policy HO2, the principle of housing on this site is deemed not to be acceptable and permission should be refused.

## **2. The Layout, Scale, Appearance And Landscaping**

- 6.33 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 street scape 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 could have a significant impact on the character of the area unless it is sympathetically designed.
- 6.34 This application is an Outline application with all matters reserved except access. The application is accompanied by a design and access statement as well as an indicative masterplan. Both these documents indicate the potential layout of housing and the design influences which could be



incorporated at the reserved matters stage. As all these matters are reserved for a later application the requirements to comply with policies could be conditioned to ensure that the final scheme would be of a high quality and integrate well with the local context.

### **3. Impact On Landscape**

- 6.35 The application is accompanied by a Design and Access Statement which incorporates a section regarding landscape character and a response to the context of the landscape in evolving the development framework plan for the site.
- 6.36 It is noted that the landscape around Scotby is not within a designated landscape nevertheless the local landscape is important in determining whether or not development proposals can be assimilated into existing areas particularly where these seek to develop around the edge of settlements. Many concerns have been raised by the public in connection to this site and the context of the SHLAA when the site was discounted for development due to the impact on the landscape. Members of the public also noted that there are clear views across this site towards the North Pennines AONB.
- 6.37 It is therefore important to consider this context when assessing the potential landscape impact of this development. In the adopted Local Plan Policy GI1 – Landscapes - seeks to value all landscapes for their intrinsic character and protect them from excessive, harmful or inappropriate development. The core principle of the policy is that all landscapes matter, not just those that form part of national designations. The policy requires proposals for development to be assessed against the criteria presented within the Cumbria Landscape Character Guidance and Toolkit with regard to the particular area's key characteristics, local distinctiveness and capacity for change. The site lies within landscape sub type 5b, low farmland. The key characteristics include:
- Undulating and rolling topography;
  - Patchy areas of woodland;
  - Large rectangular fields;
  - Hedges, hedgerow trees and fences bound fields and criss-cross up and over the rolling landscape.
- 6.38 Sensitive characteristics or features include the traditional feel of villages being sensitive to unsympathetic village expansion, whilst the character is described as large scale and open, with wide and long-distance views to the fells.
- 6.39 Whilst Policy GI1 does not mean that development which incurs changes to landscapes should be resisted; rather that new development should be appropriate to its surroundings and be suitably accommodated within the landscape.
- 6.40 This site lies outside the build edge of the settlement of Scotby, although it is physically connected to it along its western and northern boundaries. When viewing the site from the T junction of the road to Wetheral with the main road

through Scotby, there are wide views across the whole site to the trees around the Pow Maughan beck and beyond as far as the North Pennines AONB. This is typical of landscape sub-type 5b. The roadside hedge reinforces the sense of leaving the village and moving into the open countryside. This open aspect is also visible from along the Scotby Road, across the small green area and through the gaps between and around the properties named as Holly Bush and Greenside.

- 6.41 The impact on the local landscape was identified as a reason to refuse the earlier application on this site. The agent has redesigned the proposed development framework to take account of this reason and propose a scheme which they consider addresses those concerns. The Development Framework Plan proposes a green swathe of land which would remain open across the centre of the site which would be visible and in a direct line from the bench on the green open space in the centre of the village. The submitted Landscape and Visual Assessment considers that the enhanced green infrastructure provided on the site enhances Scotby's connectivity to the wider countryside. The landscape enhancements would offset the loss of agricultural land. Whilst this provides connectivity to the surrounding landscape, the open nature of this site means that the housing development either side of the open space would still have a visual impact and impose in the general foreground on views of the surrounding area.
- 6.42 The proposed access which forms part of this proposal would also mean that from the view of the observer in the village the green swathe would have the main access road for the development along one side with its attendant street lighting (as it would have to be an adopted highway) and combined with housing, present a harder development edge than the current open nature of the site enclosing one side of the space. Whilst the use of a visual link to the surrounding countryside may work in some instances, development of the scale proposed on this site would still erode this open nature, and be harmful to the landscape, contrary to Policy GI1 and it is considered that the application should be refused on this basis.

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

- 6.43 When considering proposals for development it is important to consider the impacts that any development may have on existing occupiers of neighbouring properties. Planning does not protect the right to a view, it does however ensure that privacy remains important.
- 6.44 The city council's SPD "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)

- 6.45 Moreover, criterion 7 of Policy SP6 of the local plan requires that proposals ensure that there is no adverse effect on residential amenity or result in unacceptable conditions for future users and occupiers of the development.
- 6.46 As such, it is considered that the main issues revolve around the impacts on the occupiers of the proposed dwellings as well as the existing neighbours concerning not only potential losses in privacy but also such matters as whether any element would be oppressive; cause losses in daylight/visible sky; and/or cause overshadowing/losses in sunlight.
- 6.47 This application is in outline form with matters relating to layout and scale reserved for a future application. These will primarily impact on neighbouring properties and therefore at this stage, providing that conditions are used to ensure compliance with the relevant policies there would be no conflict in relation to residential amenity.

## **5. Highway Issues and Accessibility**

- 6.48 It should be noted that although this application is Outline with some matters reserved, access is not a reserved matter and therefore approving this application will also approve the proposed access arrangement for the site. The land currently has a farm access gate at the north western corner of the site on the Wetheral-Scotby road.
- 6.49 The application submitted a transport assessment (TA) and travel plan as part of the application. It is proposed to continue to provide access to the main road through the development at the north western corner of the site with footways and visibility splays being able to be provided from land within the ownership of the applicant. The access road will be 5.5m wide with a 2m footway either side. This complies with the required highway standards. The main road will form the highest element of a hierarchy of road provision within the site.
- 6.50 The County Council as highway authority considered the proposed access and initially raised concerns due to the lack of provision of an emergency access. Following further discussions with the applicant, the highway authority has considered that any such requirement, which will be dependent upon the detailed layout and numbers of dwellings confirmed at a Reserved Matters stage, can be dealt with by way of planning conditions.
- 6.51 The highway authority therefore recommends that a number of conditions should be attached to any permission if granted (covering standard of highway works, visibility splays, sub-base construction, lowering of kerbs, travel plan monitoring, construction management plan, emergency vehicle access and a contribution of £6,600 towards travel plan monitoring).
- 6.52 In accordance with Paragraph 109 of the NPPF the development will not have

a “severe” impact or result in an unacceptable impact on highway safety and should not therefore be refused on transport grounds.

## **6. Flood Risk And Foul and Surface Water Drainage**

- 6.53 The submitted Flood Risk Assessment (FRA) concludes that there is low risk of flooding from fluvial sources with a probability of 1 in 1000 in any one year (<0.1%). The proposed development is classified as ‘more vulnerable’ and is located within Flood Zone 1, therefore, the development is suitable within this flood zone in accordance with the NPPF. There are no water bodies or watercourse systems which present a source of risk to the development with the site being elevated above the adjacent watercourse, Pow Maughan.
- 6.54 Ground conditions will not be suitable for surface water infiltration based drainage. It is therefore proposed to connect surface water drainage to Pow Maughan to the north east. The proposed piped drainage system will be designed to contain flows from a minimum of 1:30 year event and will discharge into an attenuation basin located within the north east boundary of the site via a flow control structure.
- 6.55 The overall drainage system will be put forwards for adoption via a Section 104 agreement with United Utilities. United Utilities has not raised any objections subject to the imposition of conditions on detailed drainage. They have noted that they have some assets in the area however any potential conflicts could be resolved at the detailed layout stage.
- 6.56 The County Council as Lead Local Flood Authority (LLFA) note that from the information on soakaway tests, infiltration is not to be considered as a method of surface water disposal due to poor infiltration rates. Surface water discharge is to be via an attenuation basin to Pow Maughan. In principle, subject to suitable design this may be an adequate means of surface water disposal. However, it is noted that the discharge pipe will need to cross 3rd party land and this connection is not included within the red line boundary of the site plan. Therefore, confirmation that an agreement has been made with the adjoining landowner and a revised red line boundary should be provided prior to planning permission being granted.
- 6.57 The LLFA further comments that it has no objection to the greenfield runoff rate and total discharge from the site into Pow Maughan Beck being equal to 14.2l/s. It should also be noted that this would be provided by a series of rain gardens, permeable paving, attenuation ponds and swales. The preference of the LLFA is for surface features which are easily maintainable and provide additional biodiversity benefits.
- 6.58 The County Council (LLFA) has updated their response and whilst some information is still required relating to third party land, drainage network and flood risk on site, they suggest conditions should be imposed should permission be granted (surface water drainage scheme, construction surface water management plan, capacity survey of culverted watercourses).

## **7. Archaeology**

- 6.59 The applicant has submitted an archaeology and built heritage assessment as part of the planning application. The report concludes that overall there is a moderate amount of evidence for earlier prehistoric activity in the wider study area, including the cropmarks of a Neolithic cursus-like feature and Bronze Age ring ditches. A Bronze Age cemetery was also recorded to the north of the site. There is no recorded evidence of earlier prehistoric activity within or in close proximity to the site, and the potential for unrecorded remains of this date is considered to be low.
- 6.60 Numerous cropmarks of potential Iron Age or Roman date have been recorded in the study area, and although the overall spread of cropmarks suggest that the activity was focused away from the site, a couple of linear cropmarks potentially extend in a northern direction towards the site. Other cropmarks have been identified in the study area which have been interpreted as Iron Age and Romano-British date, including roundhouses and a temporary camp. The potential for unrecorded remains of Iron Age or Roman date within the southeastern area of the site is considered to be moderate, although there is no current evidence to suggest such remains are of a significance to preclude development. The potential for significant unrecorded remains of Iron Age or Roman date within the remainder of the site is considered to be low. There is no evidence for medieval settlement features or finds within the site, and there is scarce evidence for finds and features of medieval date within the study area, aside from the Anglo-Saxon coin hoard. A potential field system within the site of probably medieval date was identified during an aerial photograph review of the site. Ridge and furrow earthworks of possible medieval date are recorded on the LiDAR imagery within the site, in a broadly north-east to south-west orientation. The potential for remains of archaeological significance of medieval date within the site is considered to be moderate, although there is no current evidence to suggest that such remains are of a significance to preclude development.
- 6.61 The land within the site was utilised at the time of the Tithe Apportionment Map of 1842 as a mixture of arable land, meadow, waste land and orchard. The former fields of the site were then consolidated as an area of parkland associated with Rookery Park during the latter half of the 19th century, before again reverting to agricultural land in the early to mid-20th century, which has continued into the 21st century. A former building within the site, illustrated on the Tithe Map and described as *Croft and Tan Yard*, was demolished in the late 19th century. Any potential below-ground remains of this building are not considered to be of heritage interest.
- 6.62 Numerous buildings and railways were constructed in the post-medieval to modern landscape at Scotby. The potential for significant post-medieval and modern archaeological remains within the site is considered to be low. The report also considers the setting of heritage assets and concludes that for the listed buildings within Scotby there is either less than substantial or no harm to the setting of those assets and the proposal would result in minor harm to the setting of the non-designated Acorn Grove.
- 6.63 The County Council's Historic Environment Officer noted that the applicant

has commissioned a geophysical survey of the site. The results show a small number of geophysical anomalies of potential archaeological interest on the site. Furthermore, there is the potential for buried archaeological assets of a similar nature to the Iron Age remains in the adjacent field to survive on the site that would not necessarily be identified by the geophysical survey. Also, remains of a small complex of buildings shown on early historic maps and which have disappeared by the mid-19th century may also survive on site. Any assets that do survive are considered to be of local significance and will be disturbed by the construction of the proposed development.

- 6.64 He recommends that the site is subject to further archaeological investigation and recording in advance of development. This work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition in any planning consent.
- 6.65 On that basis, archaeological matters can be dealt with by way of a planning condition should the application be approved.

## **8. Affordable Housing, Education And Recreational Provision**

- 6.66 On the matter of planning obligations, Policy IP8 of the local plan makes clear that new development will be expected to provide infrastructure improvements which are directly related to and necessary to make the development acceptable.
- 6.67 In relation to affordable housing, the council's Housing Development Officer has confirmed that a 30% affordable housing contribution would be required in accordance with Policy HO4 of the local plan. The applicant has confirmed that the proposed housing will comply with the policy albeit that the details of such provision are reserved for a later application. The submitted Affordable Housing Statement identifies that 27 units of affordable housing would be provided where there is a significant affordable housing need and significant weight should be given to this matter. It is acknowledged that the proposed development has the ability to provide policy compliant affordable housing but this needs to be balanced against other planning policy provisions to ensure the development is sustainable. However, it would be essential that should the application be approved, a legal agreement (S106) is drawn up to ensure that provision.
- 6.68 Policy CM2 (Educational Needs) explains that to assist in the delivery of additional school places, where required, to meet the needs of development, contributions will be sought. In terms of primary school provision, Cumbria County Council has advised that there are limited places available in the catchment of Scotby Primary School which is therefore effectively full and that an education contribution of £292,644 is required to provide capacity which is likely to be at Cumwhinton school where capacity can be provided to mitigate the impact of the proposed development.
- 6.69 In terms of secondary school provision, Cumbria County Council has advised that it is considered that there will be insufficient places available in Central Academy to accommodate the secondary pupil yield from this development,

therefore an education contribution of £324,090 is required to mitigate the impact of the development.

- 6.70 In terms of school transport provision, subject to the above contribution being provided, there are no primary schools within the statutory walking distance of 2 miles along a safe route a contribution is required of £266,000. No contribution is sought in relation to secondary school transport.
- 6.71 These contributions towards education would have to be provided by S106 agreement should the application be approved.
- 6.72 Policy GI4 states that new housing 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. On smaller housing sites, where on site provision is not appropriate the developer may be required to make commuted payments towards the upgrade of open space provision in the locality, especially if a deficit has been identified.
- 6.73 The applicant proposes a new play area and trim trail/ nature track as part of this development alongside a number of landscape enhancements. These areas will all require provision and maintenance and further details will be required as part of a Reserved Matters application. Whilst acceptable in principle they will require a S106 legal agreement to put in place the necessary measures to make them acceptable and continue through to reserved matters stage.

## **9. The Effect Of The Proposed On Nature Conservation Interests**

- 6.74 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.
- 6.75 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.
- 6.76 Policy GI3 of the local plan seeks to ensure the protection and, where possible, enhancement of biodiversity assets across the District. These



policies are consistent with Section 15 of the Framework.

6.77 The Ecological Assessment provided the following summary:

- It is unlikely that the proposals will result in any significant impacts to sites designated for their nature conservation interest.
- The site is of limited botanical and ecological value, owing to the predominance of poor semi improved grassland and marshy grassland for which any loss can be more than compensated for by the creation of species-rich grassland.
- The hedgerow bordering the site qualifies as a Habitat of Principal Importance of value at a local scale and whilst there will be some loss for the access construction this would be compensated for by the provision of greenspace within the site.
- Badgers, reptiles and great crested newts were not recorded and were considered not to be a constraint to development.
- Red squirrel may be present adjacent to the site. The proposed woodland belts and landscape buffer planting will provide foraging and commuting opportunities for this species which are not currently available.
- Bat activity surveys were undertaken in spring, summer and autumn 2018 comprising static bat detectors and transect surveys. Overall the bat activity was concentrated along the boundaries and adjacent off-site gardens. It is expected that the newly created greenspace outlined in the proposals will enhance the site's suitability for bats.
- The report identifies a number of potential ecological enhancements

6.78 Based on this information, the Assessment includes the following enhancements:

- *The site is currently of limited botanical and ecological value, owing to the predominance of poor semi-improved grassland and marshy grassland (mainly soft rush), with some tall ruderal (mainly nettles) also present.*
- *The proposed Green Infrastructure, woodland belt planting, and provision of a SUDS attenuation basin will result in greater biodiversity on site than is currently present and provide enhanced foraging, commuting and breeding opportunities for various groups of species, including bats, red squirrels, and birds.*
- *In line with the NPPF (2018), it is recommended that the development of the site results in a gain in value for wildlife by incorporating biodiversity in and around the development via the use of ecological enhancement measures. In addition to the recommendations with respect to individual species and habitats outlined above, opportunities exist within the scheme for general biodiversity enhancements to be undertaken. The following are recommended for this specific site:*
  - *Areas of informal grassland should seek to use a herb-rich mix suitable for the local area, with any more formal areas using a flowering lawn mix as an alternative to a standard rye grass mix. New habitat creation proposals should aim to increase the diversity of habitats present and provide structural diversity, with scrub, woodland and grassland areas. Any garden planting proposed at the outset should also use native species of value to wildlife. Suitable small tree species for inclusion in garden planting schemes include field maple, silver birch and holly. All informal areas of planting should use native*

*species and be subject to sympathetic management and a management plan to promote their conservation value.*

- Soft landscaping using native and ecologically valuable species would enhance the site, avoid using non-native species with overly complex flower structure or those of an invasive nature such as cotoneasters.*
- An ecological management plan should be devised and adhered to for all retained and created habitats in order for them to maintain existing value and/or realise enhanced value, making sure that management is appropriate and ongoing for the life of the development.*
- Creating dark corridors along retained boundary features will be important to maintain and enhance value for bats as sources for invertebrate prey and commuting and dispersal routes through the landscape. Care should be taken to avoid artificially lighting these habitats or any newly planted hedgerows.*
- Small gaps could be left under or in the corners of garden fences to permit access for wildlife such as hedgehog;*
- A variety of types of bat and bird boxes could be installed on new buildings adjacent to retained and created open space and on retained trees to increase availability of roosting and nesting sites.*
- Deadwood piles could be created in areas of retained open space to provide a habitat niche for amphibians and small mammals as well as deadwood for invertebrates such as saproxylic beetles; and*
- Sustainable drainage should be designed to provide optimal habitat for wildlife as well as serving drainage functions, for example attenuation and storage ponds designed to hold water all year round and to have edge habitat with marginal vegetation.*

6.79 In response, Natural England has not raised any objections. Although a number of local residents have referred to wildlife species being present, the detailed survey work has evaluated a range of species. On the basis of the foregoing, it is considered that the proposal is consistent with Policy GI3 of the local plan subject to the imposition of conditions that include a requirement to provide the identified enhancements as identified above.

## **10. Other Matters**

6.80 With regard to waste disposal, on the basis that the detailed layout is yet to be provided Waste Services have not objected at this stage.

6.81 Some members of the public have raised concerns about the impact on residential values however these are not a planning matter and cannot be taken into account when considering planning applications.

6.82 The timing of the application during the lockdown period of the Covid-19 pandemic was raised by some objectors. It should however be noted that the planning system was one of the services which had to continue during these difficult times and whilst the Government made provisions to deal with some of the challenges to the development industry for additional measures to be implemented, they did not stop the planning application or determination process and the agent was not prevented from submitting their application during the pandemic which had to be duly considered.

## Conclusion

- 6.83 This is an outline application to establish the principle of development. Access is included at this stage however appearance, landscaping, layout and scale are reserved for a later application.
- 6.84 Policy HO2 seeks to ensure that the scale and design of any windfall development is appropriate to the scale, form, function and character of the existing settlement. Following the Officer's assessment of the submitted application against the Local Plan and any other material considerations, the current application site represents an intrusion into the open countryside contrary to Policy HO2 of the Local Plan and is out of character with the form of Scotby village. The proposed development therefore conflicts with the principle of windfall development as defined by the Local Plan. As this conflicts with the principle of windfall development and intrudes into open countryside Policy SP8 requires justification for the proposal however despite the reference to the need to provide affordable housing, no overriding need has been demonstrated to indicate why this development should take place in this location. This is contrary to Strategic Policy SP8 of the Local Plan. Furthermore, development proposed in this location has a negative impact on the open nature of the local landscape character and whilst proposals have been amended to try to address the visual impact and integration with the surrounding landscape, it remains contrary to Policy GI1 of the Local Plan.
- 6.85 On other matters such as highways, access, drainage, biodiversity, archaeology, affordable housing, education and recreation, any outstanding policy concerns can be dealt with through planning conditions or through the provisions within a S106 legal agreement to make them acceptable.
- 6.86 When considering the planning balance of the issues above, there are fundamental concerns about the principle of development which override the detailed elements that can be dealt with through reserved matters and therefore the recommendation is to refuse the application.

## 7. Planning History

- 7.1 Planning application 18/1044 for the erection of up to 90no. dwellings, public open space, landscaping and sustainable drainage system (suds) and vehicular access point from the Scotby to Wetheral road (outline) was refused permission on the 7th June 2019.

## 8. Recommendation: Refuse Permission

1. **Reason:** Policy HO2 (Windfall Housing Development) of the Carlisle District Local Plan 2015-2030 seeks to ensure that the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement. The scale of the proposed development would not be

appropriate to the scale and character of Scotby. At present the majority of housing is located in a linear form and this development would extend the historic core to the east. In addition, the policy seeks to ensure that sites are well contained within existing landscape features, physically connected to and integrate with the settlement, and does not lead to an unacceptable intrusion into the open countryside. The perception of this site is one of open countryside and not well contained or integrated into the village. The proposal would, therefore, be contrary to Criteria 1, and 3 of Policy HO2 (Windfall Housing Development) of the Carlisle District Local Plan 2015-2030.

2. **Reason:** Criterion 8 of Policy SP2 (Strategic Growth and Distribution) states that within the open countryside development will be assessed against the need to be in the location specified. The applicant has failed to demonstrate an overriding need for the additional housing to be sited in this location.
  3. **Reason:** The application site has been considered throughout the Local Plan process, including the Strategic Housing Land Availability Assessment process, from the inception of the Local Plan. It has been considered against alternative sites and against the Sustainability Appraisal principles. This culminated in the site being omitted from the Local Plan. The site was specifically excluded due to its landscape impact. Policy GI1 of the Local Plan seeks to ensure that development should be appropriate to its surroundings and suitably accommodated within the landscape. When viewing the site from the central section of the village the landscape is typical of the Landscape Character Guidance sub-type 5b. The open nature of this landscape would be eroded by the development and would be harmful contrary to Policy GI1 (Landscape) of Carlisle District Local Plan 2015-2030.
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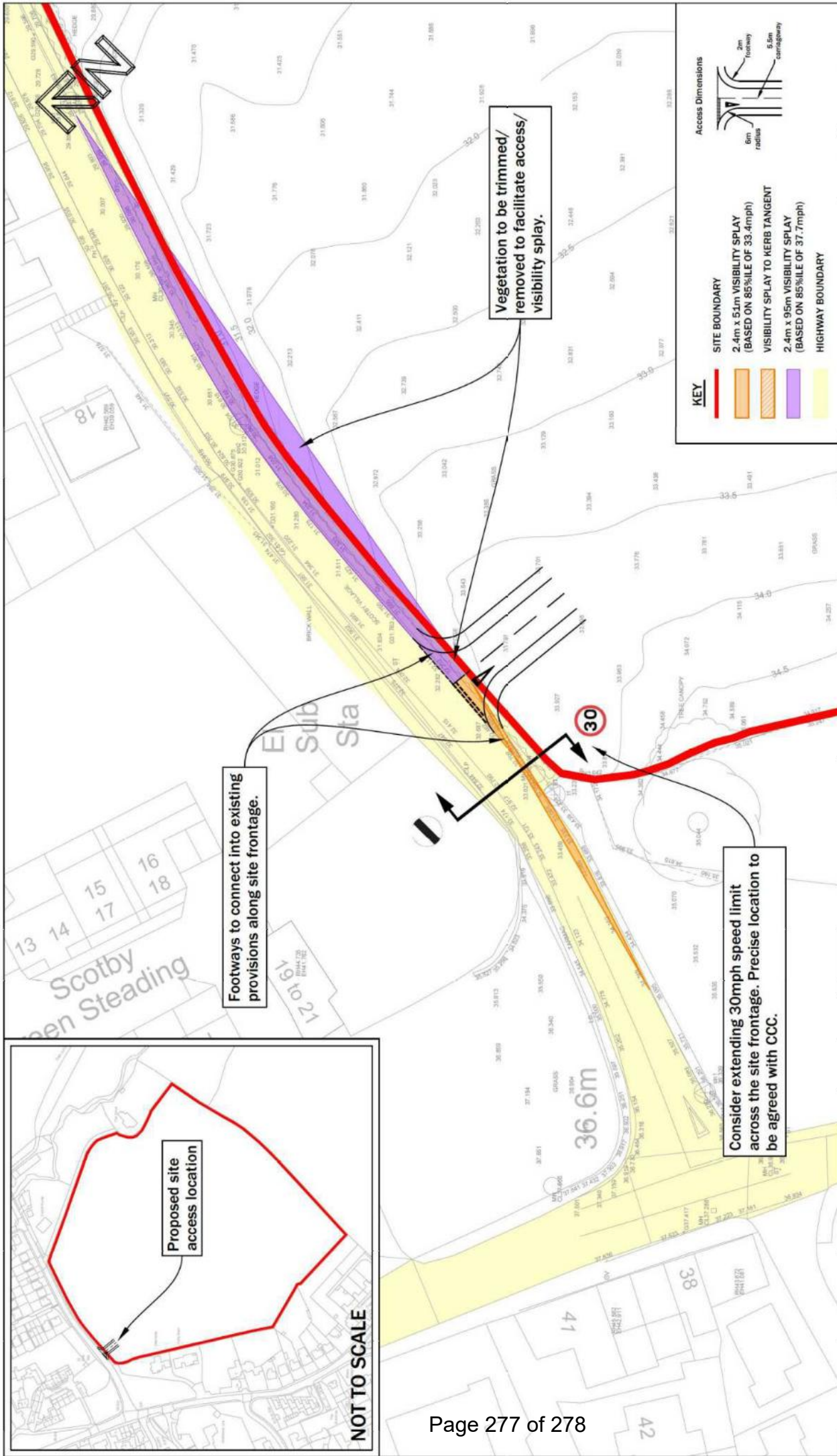


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**KEY**

- SITE BOUNDARY**
- 2.4m x 51m VISIBILITY SPLAY (BASED ON 85%ILE OF 33.4mph)**
- VISIBILITY SPLAY TO KERB TANGENT**
- 2.4m x 95m VISIBILITY SPLAY (BASED ON 85%ILE OF 37.7mph)**
- HIGHWAY BOUNDARY**

**Access Dimensions**

6m radius  
2m footway  
5.5m carriageway

Project				Land at Rookery Park, Scotby, Carlisle				Drawn by VB	Issue date 25 APR 2018
FOR INFORMATION				PROPOSED ACCESS STRATEGY				Scale(s)	1:500 @A3
Title				Title				Drawing No P18036-001A	
Status				Revision notes					
A	02.07.18	VB	TOPO ADDED & VISIBILITY UPDATED TO SPEED SURVEYS						
Rev	Date	By	Revision notes						



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