

SCHEDULE A: Applications with Recommendation

19/0869

Item No: 02

Date of Committee: 14/08/2020

Appn Ref No:
19/0869

Applicant:
Cumbria Wildflowers Ltd

Parish:
Orton

Agent:
WYG

Ward:
Dalston & Burgh

Location: Cumbria Wildflowers, The Stables, Great Orton, Carlisle, CA5 6NA

Proposal: Use Of Former Stable Building And Erection Of Extension To Provide Storage Facilities; Reconfiguration Of Staff And Visitor Parking Facilities; Retention And Extension Of Administration Building; Siting Of Polytunnel; Erection Of Potting Shed; Erection Of Tray Filling Building; Change Of Use Of Land From Meadow To Hardstanding; Installation Of Standalone Solar Panels; Erection Of Additional Greenhouse (Part Retrospective)

Date of Receipt:
25/11/2019

Statutory Expiry Date
20/01/2020

26 Week Determination
24/04/2020

REPORT

Case Officer: Richard Maunsell

ADDENDUM REPORT

The application was presented to Members of the Development Control Committee on the 19th June 2020 with a recommendation that the application was approved subject to the imposition of eight conditions.

Conditions 1 and 2 are standard conditions relating to the timescale for implementation and the list of approve documents. No issues were raised in the discussions about these conditions.

The agent has submitted a Management Plan and associated documents which are reproduced following this report.

Condition 3

"Within 6 months from the date of this permission, details of the means of siting and construction details within the application site of means to prevent plant and machinery breaching the boundary with the neighbouring property 'Stonerigg' shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be completed in accordance with the approved details and

retained thereafter.”

Members may recall that this condition was recommended to protect the boundary from machinery as a result of the questions that were raised regarding the structural integrity of the horizontal telegraph installed by the applicant. Through further discussions, the applicant has confirmed that the imposition of this condition is acceptable.

Condition 4

“No plant or machinery shall be operated on any part of the application site between the gable of the Seed Store and the north-east boundary of the 'Existing Meadow enhanced by wildflower planting' shown on the Site Plan As Proposed (Drawing no. 6NA 06) received 20th November 2019 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).”

Through discussions with the applicant, he has highlighted that this condition is too onerous. In terms of imposing a planning condition, Paragraph: 003 Reference ID: 21a-003-20190723 Revision date: 23 07 2019 of the NPPG states:

“What approach should be taken to using conditions?”

What should a local planning authority do to ensure that the tests in national policy have been met?

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

- 1. necessary;*
- 2. relevant to planning;*
- 3. relevant to the development to be permitted;*
- 4. enforceable;*
- 5. precise; and*
- 6. reasonable in all other respects.*

These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply.”

The applicant has raised concerns about the imposition of such a condition in its original form. It is stated that the adjacent meadow is used by sheep which graze the land and during period when the meadow is not being cultivated for seed. When it is, the plants on the land are allowed to grow and machines are used to harvest the seeds.

The Management Plan suggests a revision to the wording of the condition which reads:

“All ancillary plant or machinery, other than those to be stored within the proposed leanto store, shall be parked on the north-western boundary of the site or within the temporary drop-off point as shown on Figures 3 and 5 of the Management Plan

submitted with this application dated 22nd July 2020, and shall be used in association with the maintenance of the land and buildings contained within the land outlined in red on Site Plan CA5 6NA 12 JR Proposed 16-11/19 as submitted on the 20th November 2019, or as part of the operation of Cumbria Wildflowers Ltd.”

The revised wording is specific insofar as it only allows machinery in this area which would be used in association with the maintenance of the land thereby addressing the concerns aired during the previous meeting about the storage of large plant and machinery such as excavators etc.

It is also highlighted that this area would be used as a temporary drop-off area for equipment of materials/ compost.

It states in paragraph 3.1.1. of the Management Plan that:

“To ensure the safe management of machinery and implements there has to be a workable area where tractors or trailers can reverse safely (Figure 5). Equipment sometimes has to be picked up and dropped off in the area as part of the working day. It means occasionally equipment if left in the rear area until is needed. The area design allows for safe working and the safe area to reverse and pick up implements.”

Condition 5

“No waste shall be burned on any part of the application site between the north-east gable of the Seed Store and the north-east boundary of the 'Existing Meadow enhanced by wildflower planting' shown on the Site Plan As Proposed (Drawing no. 6NA 06) received 20th November 2019.”

The applicant has stated that some waste was historically burnt on the site when it was first purchased and he was in the process of clearing waste from the site. He has also confirmed that this practice no longer takes place and that he accepts the imposition of the condition.

Condition 6

“No chipping of timber or wood products shall take place on any part of the application site between the north-east gable of the Seed Store and the north-east boundary of the 'Existing Meadow enhanced by wildflower planting' shown on the Site Plan As Proposed (Drawing no. 6NA 06) received 20th November 2019.”

The submitted Management Plan suggests a revision to the wording of the condition which would read as follows:

“The chipping of timber or wood products for use in the biomass boiler shall take place in accordance with the Management Plan submitted with this application dated 22nd July 2020, and shall be restricted to the north western part of the site as shown on Figure 3 and 4 of the Management Plan”.

The Management Plan identifies:

1. an area where the timber would be stored;
2. chipping would only take place on a dry day following 2 previous dry days;
3. chipping will be undertaken on a low wind day and will ensure the wind direction south west or southerly direction to ensure there is no chance of any dust moving towards the neighbouring property;
4. chipping would be undertaken during work hours in a workweek the start time being after 8:30 am and all chipping will be completed by 3:00 pm on the same day;
5. the maximum number of chipping events in anyone calendar year is 3 but more likely to chipping events;
6. wood chipping will be undertaken using biomass specified wood chipper which has a number of dust and chip protection measures within the machine;
7. the chipper will be orientated with the chipper shoot placed next to a sheeted tractor trailer and once full loaded into the large barn.

Condition 7

“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).”

The wording of this is standard across construction sites across the district and includes working times that are normal practice. The applicant has confirmed that he accepts the imposition of the condition.

Condition 8

“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.”

This is a standard condition where there is the potential for contamination on a site and is recommended by Environmental Health Officers. The applicant has confirmed that he accepts the imposition of the condition.

Conclusion

Through discussions with Officers, the applicant has agreed to the imposition of six

of the eight conditions without review or amendment. This process has further served to highlight the operational needs of the applicant's business which is a material consideration in the determination of this application.

Central to the Officer's report and the debate at the previous Development Control Committee meeting was the potential impact on the occupiers of the neighbouring property and this still remains the case. Planning policies are robust in advising that where proposals would have a demonstrable negative impact on the occupiers of the neighbouring properties, planning applications should be refused. The advice in the NPPG is that *"a condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development."* It is evident from the objections received that the issues and concerns profoundly detailed against the application that the activities generating noise and disturbance etc. already take place.

Through the retained original six conditions and the variation of the remaining two conditions in respect of the chipping of wood and the storage of machinery as detailed in the foregoing paragraphs, it is considered that the proposal would achieve this objective and that the residential amenity would be adequately protected whilst simultaneously allowing the applicant to conduct his business in accordance with the relevant development plan policies.

If Members are content with the proposal subject to the revised wording for these conditions, it is recommended that the application is approved with the amended conditions and the inclusion of the Management Plan and associated documents within the list of approved documents in condition 2.

COMMITTEE REPORT FOR 19th JUNE 2020 MEETING

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Proposal Is Appropriate To The Rural Area
- 2.2 Scale, Design And Impact On The Character And Appearance Of The Area
- 2.3 The Impact On Amenity Of The Occupiers Of The Neighbouring Property
- 2.4 Highway And Parking
- 2.5 Foul and Surface Water Drainage
- 2.6 Biodiversity

3. Application Details

The Site

- 3.1 The application site is located between Moorhouse and Great Orton and is approximately 1.4 kilometres (0.87 miles) south of Moorhouse and approximately 1.26 kilometres (0.78 miles) north of Great Orton.

- 3.2 Bluebell House is the applicant's dwelling and is situated close to the entrance of the site but the majority of the 2.59 hectare site is set back from the county highway. An access road leads from the C1021 road. Bluebell House is on the left of this access road. An open area exists on the opposite side of the access road at which there is then a storage building which at its closest point, is approximately 48 metres from the county highway. A single greenhouse encroaches in this open area between the storage building and the highway.
- 3.3 The road sweeps in front of the storage building to the rear of the structure which provides some parking facilities and is also where the administrative building is located. In this locality can also be found the existing polytunnel and set out area for plants.

Background

- 3.4 Members will note from the planning history, that planning permission was granted in 2014 for the change of use of land and buildings from a riding centre to a horticultural use; erection of administrative building, one greenhouse and two polytunnels; associated landscaping and parking.
- 3.5 Following on from this certain elements of the development were not implemented in accordance with planning permission and additional works on the site have been undertaken which has resulted in the current application.

The Proposal

- 3.6 The current proposal comprises a number of different elements and the following are retrospective:
1. use of former stable building to provide storage facilities;
 2. reconfiguration of staff and visitor parking facilities;
 3. retention of administration building;
 4. erection of potting shed;
 5. demolition of a building;
 6. installation of standalone solar panels;
 7. change of use of land from meadow to hardstanding;
- 3.7 The following elements of the application are proposed:
1. erection of extension to former stable building to provide additional storage facilities;
 2. extension of administration building
 3. siting of polytunnel;
 4. erection of tray filling building;
 5. erection of additional greenhouse.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct

notification to the occupiers of three of the neighbouring properties. In response 16 letters of objection has been received. The main issues raised are summarised as follows:

Application details

1. there are numerous inconsistencies and contradictions within the planning application documents and the presented in the plans is selective – relevant information has been omitted or brushed over;
2. the plans give the impression that some features have always been there, when in fact they haven't which is very misleading;
3. the plans have been submitted by Mr Jonathan Rook under company name Cumbria Wildflowers Ltd. which is a horticultural business growing and selling wildflowers. However, Mr Rook also operates a second and very different business from the same site – Open Space Cumbria Ltd. There is no mention of Open Space Cumbria Ltd in this planning application;
4. the operation of Open Space Cumbria Ltd next to neighbouring properties imposes a threat to residential amenity and safety and cannot be properly examined in the planning application as it has been omitted. Cumbria Wildflowers Ltd. is used as a smoke screen to hide the true activities.

Change of use of land from meadow to hardstanding

5. an area of previous green field meadow has been encroached into in multiple phases by the owner. This encroached green field land has been converted into industrial hard standing directly behind the neighbouring property. This land is used to operate Open Space Cumbria Ltd, not Cumbria Wildflowers Ltd and includes the storing, loading and use of dangerous heavy plant machinery and industrial processes associated with the business (e.g. wood chipping, chain sawing, grinding, burning waste);
6. the undertaking of activities associated with Open Space Cumbria Ltd in such close proximity to neighbouring properties incurs major safety issues, and stress. Also, the scale of the operation in a relatively small parcel of land, particularly in such close proximity to a residential property is completely inappropriate;
7. apart from the description referring to the change of use of the land and shown on the existing site plan, there is no further reference of this change of land use at all in the planning documents. The failure to mention this illustrates that Mr Rook recognises that this activity is inappropriate, contentious and dangerous to us and the surrounding area, and it would risk the passing of these plans;
8. the fence line (between the 'meadow' and 'outside storage area') shown on the Existing Site Plan drawing (04 6na 06 site plan 25112019) inaccurately shows the fence line in its current position, rather than its original position which is very misleading;
9. the change of use of this land and how it is used (by Open Space Cumbria Ltd) significantly affects how the garden of the neighbouring property can be used;
10. there are a number of references included within the background paper which are inaccurate in relation to the actual operations undertaken on this site and the impact on the countryside;

11. the land was previously an area of unspoilt tranquil countryside which has changed with no respect for the character of the countryside and surrounding area nor neighbouring properties;
12. numerous large diggers and heavy plant machinery are stored on this hardstanding area which is not at all respectful or in keeping with the character of the countryside and it has indeed been spoilt. This business should be sited on a suitable brown field site / industrial estate where the potential for contamination from diesel and oils spills, for example, would be less damaging;
13. industrial processes are also carried out on this hard-standing area, this includes the chipping of logs causing significant noise along with substantial dust pollution. Lignin in wood is carcinogenic and that wood operations require stringent extraction and operating procedures;
14. the applicant portrays his business values that he is an environmental, ecological, habitat, and conservation company - in reality this is not always the case;
15. the operation of dangerous plant machinery and industrial processes are done so with absolutely no regard for safety of users of the adjacent property.

Erection of extension to provide storage facilities

16. the proposal includes the erection of a new lean-to store. The building of this store commenced in June 2019. The plans describe the poles as 'existing' - this is misleading;
17. the site is already overdeveloped with buildings, there are currently more than sufficient sheds to operate a horticultural business - why are more needed?
18. the background papers imply that the new shed will be used for storing wood and other materials. However, as the shed is on the compound used by Open Space Cumbria Ltd, in reality it is more likely to be used to store equipment and machines resulting in heavy machinery manoeuvring with safety concerns;
19. the location of the proposed store sits on the top of a raised area of land and the poles which have already been erected stand proud and already have a visual impact to the countryside;
20. without the green field meadow encroachment and illegitimate operation of Open Space Cumbria Ltd on this land, this new shed would not be viable as its requirement would be negated and access to the 3 bays impossible;
21. the size and location of the proposed new store will be visually intrusive which will be wider than the existing shed and will have a detrimental impact on the neighbouring property creating overshadowing, blocking out sunlight and reduction of the amenity value of being able to sit in the garden and enjoyment of the beautiful rural countryside would be further spoilt.

Proposed Hours of Opening

22. if workers were tending to flowers at the proposed start times, this would not be an issue; however, more often than not all the noise created on these weekday early starts are to load and transport heavy machinery associated with Open Space Cumbria Ltd.

Burning of Commercial Waste

23. rubbish from both businesses is often burned on a green field meadow area close to the neighbouring property. This is mounted up and when substantial enough, it is burnt. This can include plastic flower trays and other commercial waste. On burning this rubbish, black putrid smoke plummets into the sky. The burning of such commercial waste contaminates the ground and also creates environmental health issues to residents;

Siting of Polytunnel

24. the background papers state that four new polytunnels are proposed yet there are two polytunnels on site with one new polytunnel shown on the proposed site plan;

Other Concerns

25. the applicant lives in Blue Bell House which is a private dwelling but not declared on the planning application and the site plans makes it look like it's separate and not associated with the application;
26. a flag pole is shown on the proposed plan but here is no information about it in the supporting documentation;
27. the background paper states that the existing timber fence will be replaced with a new hedge but this is new and shouldn't be replaced;
28. both the current and original (13/0914) planning applications were submitted under Cumbria Wildflowers. The background papers state that Mr and Mrs Rook own most of the land and Cumbria Wildflowers own only a small amount. Does the application sit with Cumbria Wildflowers or Mr Rook, and what happens if the company name is changed to accommodate Open Space Cumbria Ltd operations?;
29. the application does nothing to mitigate and reduce potential adverse impacts resulting from new development or avoid noise giving rise to significant adverse impacts on health and the quality of life;

Conclusion

30. the planning documents of poor quality as they do not clearly and honestly describe the development proposal. There are inconsistencies and some key details have been omitted. They are ambiguous and misleading;
31. the applicant has failed to comply with the original planning permission hence the need to submit this part-retrospective application which questions whether there would be future breaches if permission is granted;
32. an objection is made to the running of Open Space Cumbria Ltd from this site and the industrial processes associated with it. This is not included in this planning application but is in fact occurring and affecting neighbouring occupiers;
33. it is insisted that the original boundary fence line (separating the green field meadow from the hard standing area) is re-instated and the illegitimately claimed green field land (as hard standing) returned to its original status of green field meadow and in keeping with the surrounding area;

34. it is requested that any subsequent approvals place conditions/ restrictions to prevent further inappropriate use of the land behind the neighbouring property to save further wastage of council and associate's time and unnecessary stress for neighbours, the following should be considered:

- reinstatement of the land and fences behind the neighbouring property to green field/ wildflower meadow, in accordance with the original approval;
- a condition prohibiting any activity other than wildflower planting and cultivation in this meadow in accordance with the original approval;
- no operation of Open Space Cumbria Ltd (and associated industrial processes including chipping) on land beyond the original fence line and behind the neighbouring property;
- no further wood chipping in any location close to our property that would have a detrimental effect on the neighbouring environment and safety.

4.2 In addition, four letters of support have been received and the issues raised are summarised as follows:

1. the application and the work undertaken by Cumbria Wildflowers and its aims especially the opportunity offered for local people with employment should be supported;
2. the company has extensive knowledge and is essential in protecting the Cumbrian countryside in a wide range of diverse projects in the nature conservation field;
3. the promotion of Cumbrian Wildflowers for Cumbria and the specialised work on peat bogs is essential to protect the landscape is essential;
4. the improvements by the applicant to the site and adjoining has removed localised flooding issues; undertaken by the owner in the adjoining field have removed it;
5. the view to the whole site approaching from Great Orton when looking at the buildings has been greatly improved;
6. the proposals submitted seem small and hopefully this will enable them to further expand the business and add more awards and praise for the work they have done in Cumbria and the Scottish Borders;
7. a small unobtrusive expansion would not only improve local job prospects but would increase the capacity for the production of plants from a peat free site that are actually contributing to pollination, carbon absorption and reclaiming the countryside for future generations.

4.3 Following the receipt of the objection, the applicant submitted a further document addressing each of the points raised. Three other supporting documents including images and diagrams were also submitted. The main points raised are summarised as follows:

Boundary A the line agreed with the occupiers of the neighbouring property

1. the current line where the stock fence is positioned was installed on a line which was agreed with the occupiers of the neighbouring property;
2. the wooden fence between the application site and neighbouring property was a replacement of a gable wall that was dangerous and since this wall

- was along a boundary was within the legal duty of the occupiers of the neighbouring property, the applicant offered to pay for and install the fence in lieu of slightly moving the fence line which was agreed;
3. the applicant also agreed to plant a new hedge with some trees along this boundary and has planted a native, species rich hedge with the hedge border being about 2m wide to encourage wildlife. The current stock fence is very close to a line of a previous temporary fence confirmed by the previous owner of the land.

Danger to children playing in the garden/ play area

4. there is no risk of any of the applicant's machinery making contact with the play area or persons using this for the following reasons:
 - the applicant has been using the rear area for the purpose to manage land for over 4 years and in the short term to store construction equipment and to date there has not even been any incident which could even be counted as a near miss. A telegraph pole has been placed on the ground near the fence to act as a visual barrier to allow machine operators to put down the implement a good 1.5m before the fence and provides a safety buffer.
 - in the course of the year the hay cutting implements are only moved for 7 - 8 times this means for the vast majority of the year they are left in place, causing no issue or danger. This means the frequency of use of this area is very low.
 - tractors with hay cutting equipment are undertaken mainly in weekdays (usually when children are at school) and therefore the play area is not being used. This greatly reduces the risk level.
 - before the new telegraph pole was installed if a tractor wheel would have touched the telegraph pole before hitting the fence and the only way to break through the fence would be for a tractor to purposely drive at the fence at speed (which is unlikely since most of the operations here are reversing). The fence is reasonable robust and the concrete posts offer some protection, but again this is so unlikely;
5. it was the applicant who was proactive in removing an unstable shed, whereby the gable end was actually leaning over the play area;
6. the applicant has fixed a telegraph pole to some concreted posts at a height of 600mm which will act as a more robust barrier, which means any implements will be stored up to 1.5m away from the fence boundary.

Damaging a Wild flower meadow

7. the area which is partly hardstand and also hedgerow was an area used by the previous owner for her horse riding business and was never a 'wildflower meadow' but a mix of rubble, horse manure, some grass (species poor grass) and fences;
8. the field in question up until 2013 was grazed by horses and would be considered low species diverse grassland. On purchasing the land the applicant has been undertaking a programme of habitat recreation to change the meadow from a grass dominated meadow to a species diverse meadow;
9. good access is required for seed harvesting and hay making equipment and the gateway has been improved both in terms of drainage and access levels.

Equipment being seen and a scrap yard/ hire company site?

10. the comments relating to equipment being stored in the rear area mostly relate to the construction period where the rear hardstand was used for storing construction equipment and materials. The hedge planted by the applicant will screen this rear area and in another 2 years will be higher and denser;
11. the purpose of the proposed lean-to building is to allow under cover storage of the hay making and grass cutting equipment which will further remove equipment from the rear boundary and the issue of equipment being seen from the main road or the neighbour's property will be reduced greatly. The 4 poles in currently in place for the building will actually be 4 feet lower than shown as they need cut down. The visual impact of the lean to will be minimal.

Waste Management

12. Cumbria Wildflowers are a responsible business and operate high environmental standards with aim being to minimise the impact on the environment from our business activities which includes using renewable energy (solar power and biomass boiler), rainwater harvesting, using roof water to water our plants, built in bio-digester (effluent plant) which discharges in to a reedbed, use of biological control (no pesticides), using plant based fertilisers and are a fully peat free nursery;
13. the business re-uses about 80% of our plastic pots and trays as re-using is part of our sustainable aims. Where plastic has to be removed, there is an arrangement in place with local companies.

Sparks flying

14. any welding that is required, which is rarely, has been undertaken by a mobile plant fitter and has always been done in the large barn under cover;
15. the barn is being used for a number of horticultural operations and includes a general mix of activities associated with the business. Part of the reason for the application is that more space is needed for the compost tray filling operation as there is not much workable space.

Use of OpenSpace equipment

16. during the construction of the nursery there were two activities which were considered suitable for OpenSpace to undertake. These were demolition and groundwork's (which includes drainage, access, underground tanks, soil move, landscaping and boundary work). To reduce construction costs using OpenSpace machinery allowed saved funds to be deployed into other areas of the build. During the construction phase diggers, tractors and other equipment were stored around the site with some being left in the rear hardstand for a few weeks;
17. in 2017 Mr & Mrs Rook commenced work on their private house which is on land adjacent to the nursery. The Principal Contractor chose to use OpenSpace diggers to perform the ground strip, drainage, dig trenches and landscaping (soil move). This created a situation of having two OpenSpace diggers on site from April 2017 to November 2017 and then again in summer 2018. Often the diggers were stored in the rear area;

18. OpenSpace equipment has also been used from time to time when a digger has been required. In the last few years there have been drainage issues which has required a digger to investigate and repair;
19. one of the points in the objection infers a digger has been incorrectly used. This is totally incorrect as the broken boom was due to a hidden fault in the boom and not operator mistreatment and has now returned to the base at Kirkbride Airfield;
20. the applicant is aware of the use of the rear area for storage of construction machinery and some materials increased the activity in this area but these are almost entirely during weekdays and between 8am and 5pm. There was no night-time operations and Saturday working was minimal, with no Sunday working;
21. the nursery operations are very much less intrusive than the previous business use of a riding stables where customers would come to site 7 days a week and on weekdays up to 9pm resulting in increased lighting and noise.

General point relating to the nursery site and OpenSpace

22. the site at the stables is owned by the Mr & Mrs Rook who have a formal and legal lease in place with Cumbria Wildflowers to operate the buildings and 3 fields as part of a horticultural business. The lease gives Cumbria Wildflowers sole ownership of the site and from this Cumbria Wildflowers are able to undertake their activities on site to run the nursery and other horticultural activities;
23. the use of OpenSpace equipment during both construction phases has given the impression OpenSpace operate our conservation contracting activities from the Stables. OpenSpace currently operate our OpenSpace conservation contracting company from a business unit on Kirkbride Airfield. Mr Rook has an office in his private home which he uses for some OpenSpace contracting activities. OpenSpace's registered address for the Limited Company is Bluebell House.

4.4 Following the submission by the applicant, this information was made publicly available and a further objection has been received which is summarised as follows:

1. this further response from the applicant contains contradictory statements when compared to the submitted planning application which are a misrepresentation of the truth;
2. it would appear the applicant is trying to support the addition of an extensive area of hardstanding, the storage of machinery and associated new fence line that the applicant appears to have created new but is trying to pass it off as existing which is not the case;
3. there is photographic evidence which shows that the grass extends close to the stables which contradicts the applicant's statement that the grass never extended up to the stables up to September 2013 when horses were grazing;
4. the applicant states that the area subject to the hardstanding was contained by a post and rail fence but then in 1995/ 96 was cleared and leftover hardcore laid. This is a substantially smaller area than now being applied/installed for and is of a materially different nature. There is no

- justification for the size of hardstanding proposed, that can be drawn from its previous use and believe that this should be dismissed entirely from consideration as justification;
5. historically there was a clear divide between grazed and ungrazed grass which is the line of one of the temporary fences which took the form of portable electric fences, moved as required to protect grass or other access routes. This is not justification for covering the area with hardcore and storing heavy machinery and is materially different nature to anything that existed previously;
 6. the objector has been reasonable and accommodating allowing the applicant to develop his site. This is despite their misgivings and whilst the applicant's responses may also seem reasonable they have not been borne out by his actions or personal interactions with them. Additionally, they feel their goodwill has been exploited, their concerns only really paid lip service to and the implementation of the applicant's wider development objectives masked from both them and the planning department and council;
 7. the applicant provides many assertions regarding actions by the himself which it is assumed are provided to demonstrate his reasonableness and all-around good character but objectors maintain through evidence submitted that this is not the case;
 8. on the basis of the authors of the report's own professional interaction with the applicant's ecological consulting company, OpenSpace (Cumbria) Ltd, the objector highlight that at least one assertion could be interpreted as an outright lie – that being the presence of OpenSpace (Cumbria) Ltd on the application site. The applicant's own website up until our first report in December 2019 listed OpenSpace's address as the application site, and its employees continue to post photographs and comment on social media further proving this. If so basic and checkable a fact can be easily dismissed as a falsification, how much else in the applicant's applications and responses could therefore be considered as reliable?;
 9. regardless of what may or may not have been discussed, the temporary fence was not included on the original application, which remains the only planning approval on the site. The temporary fence was to allow the management of horses and grazing not as a hardstanding that has been used for the storage of large machinery and industrial processes;
 10. the objectors have little to do with Cumbria Wildflowers but are concerned with OpenSpace (Cumbria) Ltd and its operation of heavy plant and machinery on the site which has been stored on and moved on the hardstanding. This plant then miraculously was cleared out of the way when the planning officer visited intrigues the authors of this report greatly and may bear greater investigation on the part of the council;
 11. despite claims that there have been no near misses, the objectors claim that a wall has been damaged, immediately adjacent a garden and children's play area;
 12. the telegraph pole has appeared and been mounted on posts from January 2020 and it could be speculated that it is solely in response to the objection and should be recorded as such;
 13. a timber barrier has questionable protection against heavy plant and machinery and there is no evidence that it has been structurally designed.

- Will the Planning Department subsequently take responsibility for the safety of our the occupiers of neighbouring property and the property;
14. these features and operations are underplayed in the current application, there is not enough detail to fairly assess the risk and there is also not enough detail for the planning officers to fairly assess the scale and nature of development;
 15. there is evidence of a tractor, with forks raised, moving at a noticeable speed in forward gear in this area;
 16. the need for the removal of the building that is claimed to have been dangerous is questioned and a structural engineer's report is requested as the building only become unstable when other structural elements were removed by the applicant. It is a recognised tactic to get rid of inconvenient buildings by carrying out works to elements of their fabric that result in destabilisation of the remaining structure;
 17. the barrier is claimed to be robust by the applicant is not a qualified engineer. If it is decorative and a placatory measure it serves no purpose;
 18. the objections are not against the use of the field as a wildflower meadow but that this is a significant part being turned into a vehicle hardstanding and is entirely contradictory;
 19. the applicant claims that the machinery was only ever a temporary measure but then argues that a hedge has been planted to screen the site which is contradictory as it should never have been there;
 20. the applicant states that the use of equipment in the rear area will reduce greatly with only horticultural implements being stored which is a written admission that there is and will still be other plant and machinery. There was no mention of this in the original planning application;
 21. a drawing should be presented that accurately dimensions this proposed building that relates to the telegraph poles, for the avoidance of doubt and suspicion? If the information and descriptions of the development and processes included with a planning application do not accurately describe what the development will actually entail, the planning authority, planning officers, planning committee, statutory consultees and the public cannot accurately assess the impact of the development, whether it will have negative effects on neighbours, the wider community and infrastructure and fairly determine whether it should receive approval;
 22. there is a lengthy statement regarding waste management and recycling activities. The applicant does provide evidence of the agreement with a local company for the removal of plastic waste; however, there is also evidence of waste material being burned on the site. A formal method statement be submitted to support the application;
 23. there is video evidence of a grinder in use with sparks flying and portable petrol welding kits with sufficient power are readily available for such works on site;
 24. the objector maintains that chipped wood is stored in the barn and following correspondence with the applicant, the objector was under the impression the applicant was agreeing with them to restrict chipping operations to within the barn and only certain times; regardless of the applicant's statement about agreeing working regarding chipping in the barn, this issue of this has been conveniently ignored in subsequent evidence;
 25. the applicant submits paragraphs in his response that are set up to deny

- that OpenSpace (Cumbria) Ltd have ever had an operational presence on the Great Orton site which is a false assertion;
26. the assertion that the existing activities are less intrusive is disputed. The noise, disruption, danger and pollution they have faced from the operation of the site by Cumbria Wildflowers and OpenSpace is of an entirely different scale and because the applicant continues to mask the presence and operations of OpenSpace from the planners, statutory consultees and the public generally by this inadequate application there seems no method to control this threat to the neighbour's ability to enjoy their property safely;
 27. the applicant states that "the use of OpenSpace equipment during both construction phases has given the impression OpenSpace operate our conservation contracting activities from the stables." The companies house listing for OpenSpace gave their registered address as The Stables, Great Orton as recently as December 2019. Evidence gathered indicates that OpenSpace operated from The Stables, Great Orton from 2014 to January 2020. The move to Kirkbride Airfield only seems to have happened following publication of the objection highlighting their presence at The Stables, Great Orton and may be a 'paper' exercise as continues smaller scale operations by OpenSpace on the application site continue to be recorded and documented;
 28. OpenSpace (Cumbria) Ltd is a materially different company to Cumbria Wildflowers. If it was always the intention of the applicant to operate this company from this location, the original application was misleading and did not give the planners fair opportunity to assess the impact of the proposals;
 29. the applicant maintains that works have been undertaken on the area of hardstanding to address drainage issues. The original area of hardstanding covers an area of approximately 88m² with the new area being approximately 454m² - 500% its original size which is overdevelopment carried out without planning approval and on the basis of the most tenuous justification;
 30. if Cumbria Wildflowers/ OpenSpace require an area so large, representing such an increase over any original size they need to state the precise square meterage to allow fair consideration and to demonstrate that the 'turning circle' is really necessary and cannot be placed;
 31. images provided by the applicant demonstrates that a fixed axle lorry can turn within the existing concrete yard making a mockery of the suggestion that the hardstanding area is required unless of course the applicant has larger, more industrial articulated vehicles that need to access the area for other purposes, such as those owned and operated by OpenSpace?;
 32. a direct admission by the applicant that wood chipping is ongoing on the site and an attempt to pass it off as not a problem and something that has been agreed with the objector. Wood chipping is an industrial process which creates dust and noise pollution and was not mentioned on either of the two planning applications so cannot be scrutinized, objected to or conditioned. This is a crucial omission due to the potential impact on the health and wellbeing residents. A solution would be to restrict this process to another location on the applicant's land perhaps nearer the house and polytunnels the chips are to serve;

33. the applicant states that forty tonnes of wood are required quarterly, then logically 160 tonnes is needed annually. The wood needs to dry for twelve months after felling, where is this felled wood being stored – is it all on the hardstanding area? If forty tonnes is chipped and lasts for three months, the next forty tonnes must have been drying for nine months, the forty after for six months, the forty after that for three months, and so on at that point in time. The applicant needs to explain where this drying takes place;
34. the applicant has presented a photographic timeline in a clear attempt to justify the application and present the situation from a very one-sided view. The photographs are mostly irrelevant in respect of responding the objections submitted; however, there are some factual errors:
- the applicant did not buy, nor has ever owned Stonerigg – they bought the stables and associated house ‘The Bungalow’ which they demolished to build their home, Bluebell House. The applicant has either inadvertently or deliberately misrepresented himself as the owner of Stonerigg which causes the occupiers problems with obtaining services and has created confusion in previous planning applications.
 - an extended construction period is referred to – there is a route for the planners through conditions to limit any negative effects upon our the occupiers of neighbouring properties by, for example, restricting the storage of construction machinery to a location other than adjacent to their garden, given the noise and danger highlighted;
 - the unstable gable wall is mentioned without suitable context or history;
 - asbestos removal is mentioned; this is acknowledged but this is related to the protection of their own workforce not neighbouring residents. There is still apparently further asbestos that hasn’t been removed and it is unclear whether the applicant expects to be applauded for this or what relevance it actually has to the planning application?
35. the applicant has operated a second business, OpenSpace (Cumbria) Ltd, from the application site was a charge levelled in the original objection this report and evidence has been presented that strongly indicates this to be the case. That the applicant has attempted to distance themselves from this and has attempted to deny it raises the question as to why? It is suggested that the reason might be that OpenSpace (Cumbria) Ltd is an unsuitable business to operate from this site and were the true extent and nature of its operations (in the context of the residential setting) presented for consideration by the planning officer and statutory consultees, both at the time of the original application for Cumbria Wildflowers and now, it would struggle to find support and approval;
36. the continued denial by the applicant that they have ever been here is proved untrue by the evidence presented. Indeed, the city council planners are invited to search their records for any ecological reports prepared by OpenSpace and check the address listed on any that were issued between 2014 and 2020, or any emails, if it is felt insufficient evidence has been presented;
37. if OpenSpace has genuinely withdrawn from the application site (and

there is little evidence currently to suggest this), the planning officers are requested to consider what measures are open to them to prevent any of their harmful operations returning to the site or preventing the gross inconvenience and disruption which neighbours have suffered over the previous six years being repeated regardless of which company operates there.

4.5 Representation has also been received from Cllr Allison as the city and county councillor for Orton Parish. The issues raised are summarised as follows:

1. during the consultation process detailed submissions have been made which reflects the concerns relating to the current activity at the site;
2. the filed accounts of the two companies (both family owned) have been assessed and it is noted that the machinery operation paid £16,000 to the flower company for the storage of machinery on their site. Earlier accounts show a substantial capital investment in machines and equipment which gives an indication of the scale of the operation;
3. there is no objection to the application itself and it should be considered on its merits from the planning perspective but it should be refused if, as a retrospective application, it simply consolidates the development and activity at the location where it is currently taking place, adjacent to the garden of the neighbouring property. Intrusion into open countryside is also a consideration;
4. there is particular concern at the serious risk to health of their neighbours from the smoke and particularly wood dust emanating from the site which has been well documented. The noise and unsocial hours with the machinery operation is also unacceptable. The area which has been levelled and consolidated should be returned to grass or horticultural use such as polytunnels. Any alternative site in the vicinity should be professionally evaluated for its suitability;
5. this application should not simply be passed subject to conditions and should not be considered until agreement has been reached on an alternative location for the machinery operation and separately for the chipping of the tons of timber.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no response received;

Orton Parish Council: - the following response has been received:

Orton Parish Council has no objections to the new proposals, as submitted. However, it does feel that the area of hard-standing towards the rear of Stonerigg should be returned to pasture land.

In addition, the council feels strongly that the location of any part of the development should not cause distress, loss of amenity, or health risk to the occupants of nearby Stonerigg, especially activities involving heavy machinery or timber processing.

The location is crucial to achieving this and should be assessed and identified in the permission document;

Local Environment - Environmental Protection: - the following comments have been received:

the following conditions are recommended to prevent the activities on site from causing a statutory nuisance, particularly in terms of noise and dust:

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. Perhaps working hours could be limited to between 8am and 6pm. Any other appropriate noise mitigation measures should be considered, for example, the use of noise attenuation barriers, the storage/unloading of materials 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 construction works and operational phases of the development.

A condition should be added to restrict where very noisy activities can take place on site. In particular, wood chipping must not take place in close proximity to neighbouring properties and should be restricted to a location which is furthest away from neighbouring residential properties.

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. During construction works, 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.

A condition which restricts where the wood chipping activity can take place should be included. This should aim to minimise the risk of a nuisance being caused by the dust and airborne wood fragments, which can be generated, when undertaking this particular activity.

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.

Burning

The burning of waste on the site should not be permitted at any time.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are Policies SP1, SP2, SP6, IP2, IP3, IP6, CC5, CM5 and GI3 of The Carlisle District Local Plan 2015-2030. The proposal raises the following planning issues.

1. Whether The Proposal Is Appropriate To The Rural Area

- 6.3 Within the NPPF there is a presumption in favour of sustainable development. Paragraph 7 requires that:

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

- 6.4 Paragraph 8 continues and identifies that to achieve sustainable development there are three overarching objectives. Paragraph 10 states “so that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).”

- 6.5 Paragraph 83 of the NPPF states that:

“Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based*

- rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

6.6 The Framework continues in paragraph 84 that:

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

6.7 Policy SP2 of the local plan requires that development proposals will be assessed against their ability to promote sustainable development. Policy EC11 of the local plan states that any new buildings within the rural area should be well related to an existing group of buildings to minimise their impact and ensure they blend satisfactorily into the landscape through suitable materials, design and siting and these matters are considered in the following paragraphs of this report.

6.8 The principle of the use of the site has been established for several years following the grant of planning permission and it is clearly established on the site. There is policy support at both national and local level for the further expansion of the business and the principle of development is therefore acceptable. The remaining planning issues raised by this application are discussed in the following paragraphs.

2. Scale, Design And Impact On The Character And Appearance Of The Area

6.9 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.”*

6.10 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).”

- 6.11 Policies require that development is appropriate, in terms of quality, to that of the surrounding area. Proposals should, therefore, incorporate high standards of design including care in relation to siting, scale, use of materials and landscaping that respects and, where possible, enhances the distinctive character of townscape and landscape. This is reflected 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 making use of appropriate materials and detailing.
- 6.12 The site is set back from the county highway. The site already comprises a number of former equestrian buildings that have been reused together with horticultural buildings and structures.
- 6.13 The former single storey stable building is located in the north -east corner of the site, close to the rear boundary with Stonerigg. It is proposed that this building is extended on the north-east elevation with a single storey structure. This building would be constructed from telegraph poles which have already been installed.
- 6.14 The administrative building is located to the rear of the large storage building, adjacent to the north-west boundary. This was initially used as the site office but was retained and has subsequently been used as office accommodation. The building presently has a small covered entrance in its south-east corner and it is proposed that this is enclosed and incorporate within the building to provide additional accommodation.

- 6.15 Adjacent to the gable of the office building is an area of visitor parking and beyond which to the south, is an existing potting shed. Between the potting shed and a polytunnel again, further to the south, it is proposed to site a smaller polytunnel. This would be flanked to the east by the proposed 'Tray Filling Building' which would be a single storey building constructed from concrete panels, vertical red cedar cladding, metal sheeted and sedum roof. This building would replace the administrative building that was approved a part of the extant planning permission.
- 6.16 To the south of this building and between the existing polytunnel and Bluebell House to the east, it is proposed to site the solar panels.
- 6.17 Close to the east elevation of the large building and adjacent to the access road through the site, is an existing greenhouse. It is proposed that this is extended on the north-east elevation.
- 6.18 In addition to the physical structures, it is further proposed to extend an area of hardstanding on the north-east boundary of the site. This extension is retrospective and involves the repositioning of the fence line into the adjacent meadow so instead of forming a continuous linear boundary that would have taken the same line and form as that which passes Stonerigg, it now curves onto the adjacent land before connecting with the north-west boundary. The extended area has been planted with native hedgerow species.
- 6.19 When approaching from Moorhouse, the road rises up on the approach to the site and the adjoining fields and meadow are bounded by a hedgerow. Whilst there may be views across the land of the extended area, these are glimpsed views and the enlarged hardstanding is not detrimental to the character or appearance of the area.
- 6.20 The scale, design and use of materials of the proposed buildings is considered to be appropriate in the context of the site, its surroundings and overall character of the area and is acceptable in this regard.

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

- 6.21 Paragraph 127(f) of the NPPF highlights that developments and decisions should:
- “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 6.22 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate to its location taking into account the likely affect (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so

they should a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 6.23 Paragraph 182 of the NPPF goes on to state that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 6.24 Moreover, Policies SP6 and HO8 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 and that development should not be inappropriate in scale or visually intrusive.
- 6.25 The site is generally surrounded by open countryside but Stonerigg and its curtilage are immediately adjacent to the north-east corner of the application site. The retention of the buildings and with the proposed siting of the new development would not affect the amenity of the occupier of the neighbouring property through their siting nor would they result in a loss of privacy, overshadowing or through poor design.
- 6.26 Members will note in the detailed objections that have been received, that the principle area of concern relates to overall impact on the amenity of occupiers of residential properties primarily from the nature and level from the use of the extended hardstanding and associated intensification of its use, including the proposed extension to the storage building. This manifests itself in all aspects of amenity including from increased noise, disturbance, concerns over their safety, pollution.
- 6.27 Planning control is the process of managing the development of land and buildings. The system exists to ensure that development is in the public interest, weighing up its economic, environmental and social benefits and drawbacks.
- 6.28 The physical changes to the land, as already detailed earlier in this report, are considered to be acceptable. The objectors make reference to the use of this land which are described as anti-social and which have affected the amenity of neighbouring residents.
- 6.29 The description for the extant permission for the site granted under application 13/0914 reads:

“Change of use of land and buildings from riding centre to horticultural use; erection of administrative building, 1no. greenhouse and 2no. polytunnels; associated landscaping and parking.”

- 6.30 The conditions associated with permission include the standard time limit for implementation; a list of the approved documents; a requirement for the submission of sample materials; details of tree hedgerow protection measures; and a condition prohibiting work within the protected tree and hedgerow areas. Of relevance is the fact that no condition was imposed limiting the nature of the use of the land or any condition which made the permission personal or limited who could use the land.
- 6.31 Paragraph: 014 Reference ID: 21a-015-20140306 Revision Date: 06 03 2014 of the NPPG provides further commentary on this issue and states:

“Is it appropriate to use conditions to limit the benefits of the planning permission to a particular person or group of people?”

Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need.

A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.”

- 6.32 It is not disputed that certain operations have taken place on the land which is evidenced in the objections, such as the storing and chipping of tonnes of timber for the applicant's biomass boiler or the burning of waste and that both of these activities may have had an impact on the occupiers of the neighbouring property. If Members are minded to approve the application, it would be appropriate to impose a condition prohibiting such activities to safeguard the amenity of the residents. This would, in fact, be a betterment to the existing situation whereby no condition currently exists on the applicant will be at liberty in planning terms to carry out such activities on the area of hard standing that does benefit from the extent planning permission.
- 6.33 The applicant states the some of the machinery currently store on the hardstanding would be stored in the building that is proposed to be extended. Accordingly, it is reasonable to assume that there would be some movement of machinery on this land to manoeuvre the equipment and implements into the building. The objectors state that when machinery does operate on the land there have been occasions when they have been driven recklessly to the point where the forks of tractors have overhung the boundary and the objects have been in fear of machines breaking through boundary fence.

- 6.34 The obvious concerns of the residents are accepted; however, the planning system must deal with the land use planning issues. Under the extant planning permission machinery can already operate in this area and the extension of the hardstanding would not change this. Whether a building or object over sails a boundary onto neighbouring land is a civil matter as it may be an issue of trespass.
- 6.35 Again, as a betterment, Members may wish to consider that the imposition of a condition limiting the hours during which machinery can operate on the land to be appropriate.
- 6.36 It is noted that waste can be burned on land; however, there are certain conditions and criteria that must be adhered to, including the fact that the bonfire must not cause a nuisance. For clarity and certainty in the interests of residential amenity, it would be appropriate to impose a condition prohibiting the burning of any waste within the application site. If the applicant burns waste outwith this area, including material that ought not to be burned, then this would delegate as an issue for Environmental Health Officers to investigate and enforce under their relevant legislation.
- 6.37 Members will note that the council's Environmental Health Officer has raised no objection to the application but has instead recommended a series of conditions. With the exception of the issue of dust, these have been incorporated within the suggested conditions. With regard to the issue of dust, the response advises that this is necessary due to the proximity of the site and neighbouring residents, being in a residential area. The neighbours immediately affected by any development or activity are adjacent a portion of the eastern boundary of the site. The majority of the development proposed would occur on the opposite side of the site, away from the neighbours and therefore, the occupiers of this property would not be affected by this potential issue.

4. Highway And Parking

- 6.38 Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway and provide adequate parking facilities.
- 6.39 No response has been received from Cumbria County Council as the Local Highway Authority; however, the development would utilise the existing access. It is not considered that approval of the application would result in a significant number of additional vehicles to the site. The proposal would continue to provide parking facilities within the site and on this basis, on this basis the proposal does not raise any highway issues and is acceptable.

5. Foul and Surface Water Drainage

- 6.40 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application documents, submitted as

part of the application, outlines that the soakaway water would discharge into a watercourse.

- 6.41 The application form details that both the foul and surface water would be connected into the respective systems. Given the scale of the development and potential relative low increased level of flow, it is considered this is acceptable and that no issues are raised in respect of the drainage arrangements.

6. Biodiversity

- 6.42 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.
- 6.43 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. Given the scale and nature of the development, it is not considered that the development would harm a protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

Conclusion

- 6.44 In overall terms, the development will continue to sustain a rural-based and the building is of a scale and design that is appropriate. The buildings and development proposed as part of this application are well-related to the existing form of the site and several of the buildings would replace buildings granted by the extant planning permission. As such, the principle of development is acceptable and the building is of an appropriate scale and design which is not detrimental to the character or setting of the area.
- 6.45 The development does not raise any highway, drainage or biodiversity issues.
- 6.46 A number of objections have been received that are detailed in their response to the application and it is evident that the operations conducted on the land have an impact on the amenity of the occupiers of the neighbouring property and that approval of this application may exacerbate any existing issues. In addition to the standard planning conditions, two further conditions are recommended to protect the amenity of the neighbouring residents which is a betterment to the existing situation where there are no such restrictions.

- 6.47 In all aspects the proposals are considered to be compliant with the objectives of the relevant local plan policies and the application is therefore recommended for approval.

7. Planning History

- 7.1 There is a brief planning history in relation to the site and its' previous use under separate ownership.
- 7.2 In 2013 a certificate of existing lawfulness was granted for the occupation of a dwelling house without agricultural restriction.
- 7.3 Planning permission was granted in 2014 for the change of use of land and buildings from a riding centre to a horticultural use; erection of administrative building, one greenhouse and two polytunnels; associated landscaping and parking.
- 7.4 In 2014, an application was approved for the discharge of condition 4 (scheme of tree and hedge protection) of the previously approved permission.
- 7.5 Also in 2014, planning permission was granted for the erection of a replacement dwelling.
- 7.6 In 2015, an application was approved to discharge condition 3 (materials) of previously relating to the replacement dwelling.
- 7.7 Later in 2015, a non-material amendment of previously approved application for the replacement dwelling was approved.
- 7.8 In 2017, an application was approved to discharge condition 4 (surface water drainage) relating to the replacement dwelling.

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 November 2019;
 2. the Location Plan As Proposed received 20th November 2019 (Drawing no. 6NA:12);
 3. the Site Plan As Proposed received 20th November 2019 (Drawing no.

- 6NA:06);
4. the CWF Admin Building As Proposed Plans & Elevations received 12th November 2019 (Drawing no. 6NA:02);
 5. the Tray Filling Building As Proposed received 12th November 2019 (Drawing no. 6NA:05);
 6. the CWF Lean-To Store As Proposed received 12th November 2019 (Drawing no. 6NA:04);
 7. the Polytunnel Plan & Elevations received 25th November 2019 (Drawing no. 6NA:13);
 8. the Greenhouse Plan & Elevations received 20th November 2019 (Drawing no. 6NA:09);
 9. the Potting Shed Plan & Elevations received 20th November 2019 (Drawing no. 6NA:08);
 10. the Solar Panels Plan & Elevations received 20th November 2019 (Drawing no. 6NA:10);
 11. the Supporting Statement by WYG dated 4th November 2019 received 12th November 2019;
 12. the Notice of Decision;
 13. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. Within 6 months from the date of this permission, details of the means of siting and construction details within the application site of means to prevent plant and machinery breaching the boundary with the neighbouring property 'Stonerigg' shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be completed in accordance with the approved details and retained thereafter.

Reason: To ensure that the safety of the occupiers of the neighbouring property are not adversely affected as a result of vehicle movements on the site in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

4. No plant or machinery shall be operated on any part of the application site between the gable of the Seed Store and the north-east boundary of the 'Existing Meadow enhanced by wildflower planting' shown on the Site Plan As Proposed (Drawing no. 6NA 06) received 20th November 2019 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.

5. No waste shall be burned on any part of the application site between the north-east gable of the Seed Store and the north-east boundary of the 'Existing Meadow enhanced by wildflower planting' shown on the Site Plan As Proposed (Drawing no. 6NA 06) received 20th November 2019.

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

6. No chipping of timber or wood products shall take place on any part of the application site between the north-east gable of the Seed Store and the north-east boundary of the 'Existing Meadow enhanced by wildflower planting' shown on the Site Plan As Proposed (Drawing no. 6NA 06) received 20th November 2019.

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

7. 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.

8. 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."

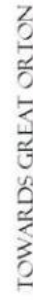
Site investigations should follow the guidance in *BS10175:2011 (or updated version) "Investigation of Potentially Contaminated Sites.- Code of Practice "*.

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 in accordance with Policy of the Carlisle District CM5 Local Plan 2016-2030.

SITE BOUNDARY

□ SITE BOUNDARY

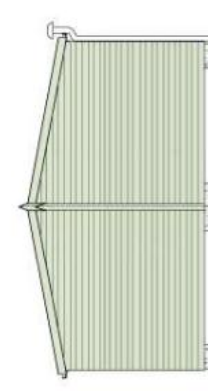
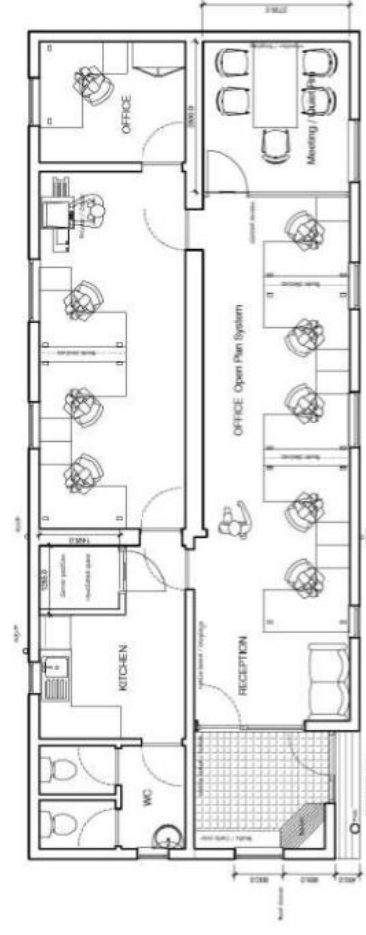


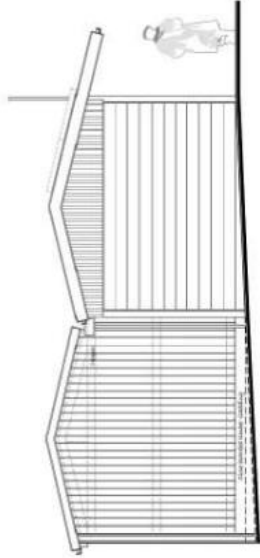
LOCATION PLAN

CONCEPT SUPPORT PROJECT DEVELOPMENT

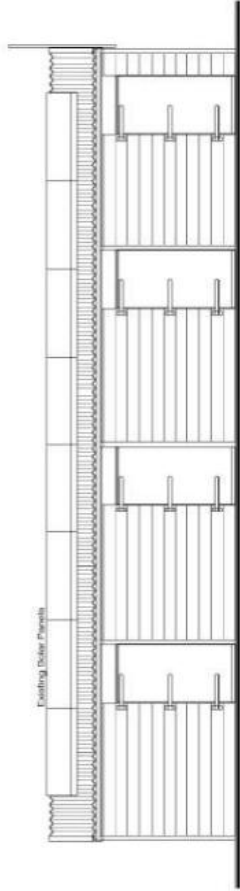
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As a result of the 1991 election, the National Council of the Provinces (the Senate) was replaced by the National Council of Traditional Leaders (the Senate) and the National Council of the Provinces (the Senate) was replaced by the National Council of Traditional Leaders (the Senate).

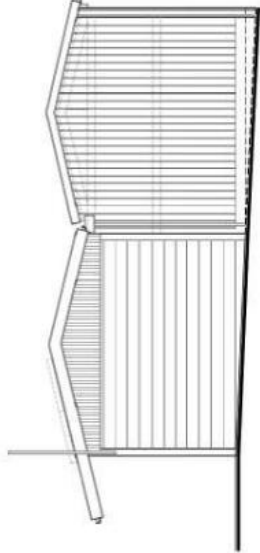




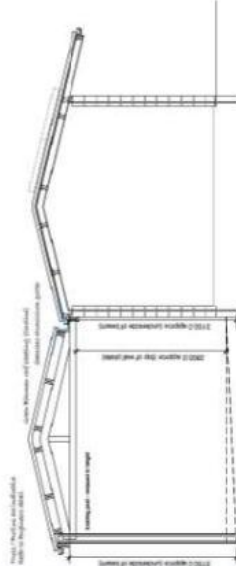
WEST ELEVATION



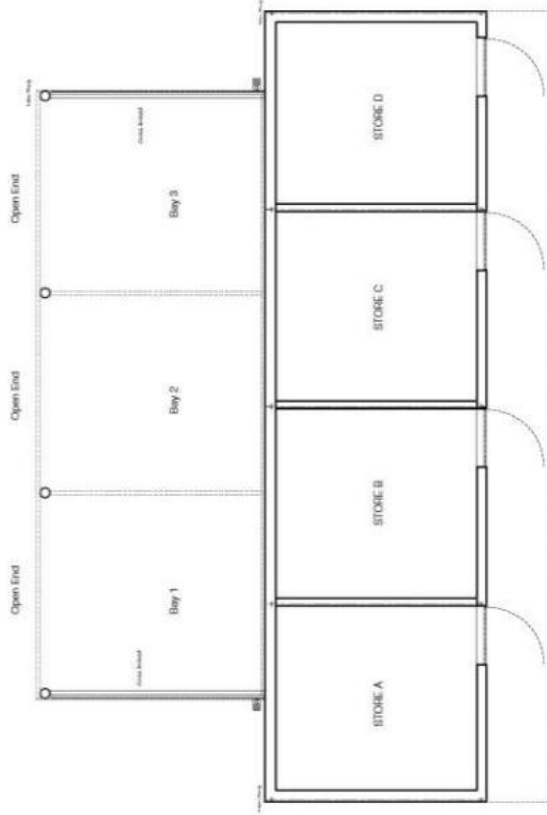
FRONT ELEVATION (FACING SOUTH)



EAST ELEVATION



TYPICAL SECTION (THROUGH A)
INDICATIVE



REAR ELEVATION (FACING NORTH)





**CUMBRIA
WILDFLOWERS**

3 - CWF LEAN-TO STORE
AS PROPOSED

PLAN & ELEVATIONS

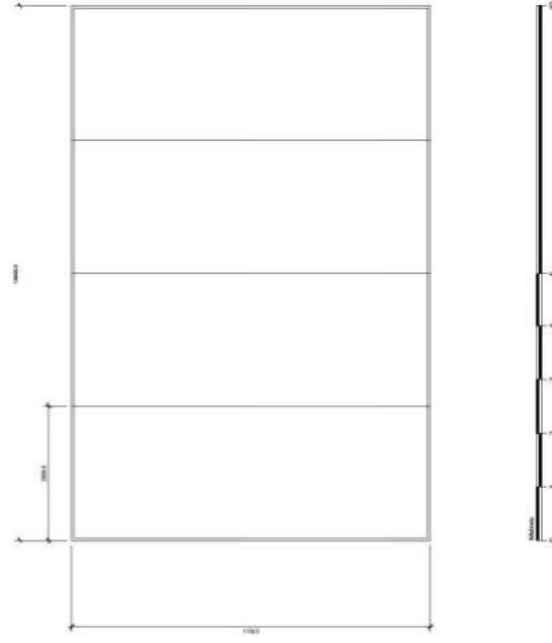
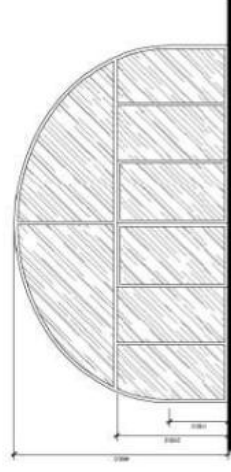
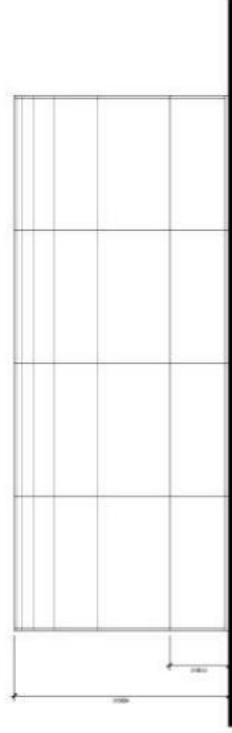
CUMBRIA WILDFLOWERS LTD
THE STABLES
GREAT ORTON, CARLISLE CA5 6NA
PLANNING DWG

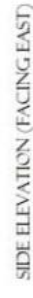
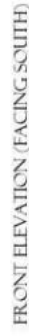
CONCEPT SUPPORT LTD PROJECT DEVELOPMENT
DRAWN BY: 1. Alexander Ford
CHECKED BY: 2. Alexander Ford
DATE: 01/01/2024
SCALE: 1:50

FILE: CWF-3-STORE-01.dwg
DATE: 01/01/2024
SCALE: 1:50

Drawn by: Alex Ford
Checked by: Alex Ford
Date: 01/01/2024
Scale: 1:50

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ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.
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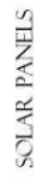




REAR ELEVATION (FACING NORTH)

Figure 1 is a schematic diagram of a multi-story building showing the layout of a fire alarm system. The building is represented by a series of vertical lines for columns and horizontal lines for floors. Labels indicate the 'Main alarm station' at the top, 'Electric lines with steel of wires' on the left side, 'Ground cable - Area covered with galvanic anodes' at the bottom left, 'Electric cable back to battery' and 'Electric cable connected to depth of 70mm' on the right side, and 'Steel frame bonded to ground ANODES' at the bottom right.

Diagram of a rectangular arena with a wooden floor and a grassy area. The arena is divided into two sections by a central aisle. The left section is labeled "Grass Area" and the right section is labeled "Grass Area". The central aisle is labeled "Grass Area".



PLAN & ELEVATIONS

CLIMBRIA WILDFLOWERS LTD
THE STABLES
GREAT ORTON, CARLISLE CA5 6NA
PLANNING DWG

CONCEPT SUPPORT LTD PROJECT DEVELOPMENT

Edenburgh
1 Milestone Field
Hawthorn Road, Croydon

TEL: 044 402 6000

File: C:\WP\Bulet\Finans CAS 2004.DOC
Date: 5/11/2004

Two theories of asset valuation are particularly well suited to the requirements of a risk-based regulatory approach. The first is the expected utility theory, which states that the value of an asset is the expected utility of the asset, given the probability of its being lost. The second is the expected value theory, which states that the value of an asset is the expected value of the asset, given the probability of its being lost.

Our Ref: A114347

Mr Richard Maunsell
Planning Officer (Development Management)
Economic Development
Carlisle City Council
Civic Centre
Carlisle
Cumbria
CA3 8QG

22nd July 2020

Dear Richard,

PLANNING APPLICATION 19/0869

CUMBRIA WILDFLOWERS LTD

LAND AT THE STABLES, GREAT ORTON, CARLISLE, CA5 6NA

Further to our meeting held on the 13th July 2020 to discuss the outcome of the Planning Committee meeting on the 19th June, please find attached the proposed Management Plan that Mr Rook is volunteering for the rear yard area of the site. The Management Plan aims to provide assurance to the occupier of the adjoining property and Council Members as to how the area will be managed responsibly.

The Management Plan provides the necessary detail, but it also ensures that Mr Rook is able to operate his business and his land without unnecessary impediment. It also enables the site to be operated in accordance with the existing planning permission (reference 13/0914) and the lawful use of the land as a horticultural business where no restrictions currently apply to this area and noting the historic use of the site and surrounding land as a horse riding centre, and previously as a farm enterprise.

I would make the point that the only change of use that is sought is for the very small extension involving:

"the repositioning of the fence line into the adjacent meadow so instead of forming a continuous linear boundary that would have taken the same line and form as that which passes Stonerigg, it now curves onto the adjacent land before connecting with the north-west boundary" (see your Planning Committee report paragraph 6.18).

As you will know, a planning condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development (see <https://www.tfwm.org.uk/media/1468/wcce-e2-4-use-of-planning-conditions.pdf>). Furthermore, any planning condition must meet the 6 tests as set out in the NPPF and the NPPG:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

I would reaffirm the point in paragraph 83 of the NPPF, which states that Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

I would also draw your attention to paragraph 182 of the NPPF, which states in relation to 'agents of change':

"Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."(my underlining)

Furthermore, paragraph 183 goes onto state:

"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a

planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”(my underling)

Whilst the ‘agent of change’ is not directly aligned with the circumstances at The Stables, the principle applies nonetheless. It would therefore be unreasonable to place additional unnecessary burdens on the lawful horticultural activities at The Stables, given the historic use of the premises.

I attach with this submission evidence to demonstrate the condition of the premises when Mr Rook purchased the site and what its appearance is today. You will see that the area at the rear of the site was used as a traditional yard where manure, materials and machinery were stored.

The previous owner of the riding stables would have moved horses from field to field on a daily basis and used the access gate at the northern end of the yard to gain access to the adjoining meadow. Hence historically there was a regular movement of livestock between the stable area to the fields. In addition, the former owner would have moved heavy agricultural equipment to carry out regular rural land management activities of the adjoining fields and would have used the yard at the rear to store heavy machinery including tractors, mowers and other agricultural equipment.

The intention is that the area, which is subject to the Management Plan, would not alter significantly from that historic use in real terms. However, the Management Plan provides assurance that Mr Rook takes his obligations as a good neighbour seriously in order to carry out his lawful rural land management activities.

With this in mind, I have recrafted the proposed planning conditions no’s 4 and 6 as follows. The new **Condition no: 4** should therefore read:

"All ancillary plant or machinery, other than those to be stored within the proposed lean-to store, shall be parked on the north-western boundary of the site or within the temporary drop-off point as shown on Figures 3 and 5 of the Management Plan submitted with this application dated 22nd July 2020, and shall be used in association with the maintenance of the land and buildings contained within the land outlined in red on Site Plan CA5 6NA 12 JR Proposed 16-11/19 as submitted on the 20th November 2019, or as part of the operation of Cumbria Wildflowers Ltd."

The revised proposed **Condition no: 6** relating to the wood chipping should now read as follows:

"The chipping of timber or wood products for use in the biomass boiler shall take place in accordance with the Management Plan submitted with this application dated 22nd July 2020, and shall be restricted to the north western part of the site as shown on Figure 3 and 4 of the Management Plan"

In addition to the Management Plan and the revised planning conditions, I enclose the photographic evidence of the previous use of the area of the rear of the site, together with documentary evidence relating to the current lease that Mr Rook has at Kirkbride Airfield for Open Space Ltd. I also attach for information rates paid to Allerdale Borough Council for the site at Kirkbride Airfield relating to OpenSpace Ltd (redacted for confidentiality reasons). **I would grateful if these documents are seen by Officers only and shall not be placed on the public file.**

Mr Rook feels he has to unfairly justify the position relating to his Open Space Ltd operation even though it has nothing to do with the current planning application proposals, but there have been unreasonable accusations made by representations at the Planning Committee on the 19th June, which have to be refuted.

I provide a brief history relating to Open Space operations below.

History of OpenSpace Premises

- Formed in March 2003. Operated from Mr Rook's home of 37 Norfolk Road for 2 years.
- April 2005 – Dec 2019 - Agreed a rental agreement with Mr George Pattinson to store equipment in two barns and an area of hardstand within his farm at The Flatts. This agreement ceased in 2019 when Mr Rook took ownership of Kirkbride Airfield but they still have 2-3 items at his farm. Mr Rook operated part of the business from their dwelling 9 Carvoran Way for about 1 year.
- 2008 to 2016 – OpenSpace and Cumbria wildflowers rented greenhouse space, hardstand and 2 office spaces from Westwood Nurseries.
- In 2014-2015 Mr Rook moved CWF over to The Stables but maintained the OpenSpace office and hardstand for a further year at Westwood Nurseries.
- OpenSpace temporarily set up at The Stables when they managed the Construction Phase of The Stables development. This started in 2014 and the main items were completed in 2018.
- Please note there were some cross overs in the above dates.

In addition to the above, I include examples of time lapse videos showing how the current Cumbria Wildflower Ltd operates, which gives a representation of current activities. Should the Council require further evidence, we can provide it if necessary. I would like these videos played at the Planning Committee to ensure that Members understand the correct planning position.

You will see the vast change and improvement over the previous position when the site was used as a stable yard and therefore despite the accusations made by third parties, a significant improvement in local amenities has been achieved through hard work and determination to improve the site.



I trust the above provide all the necessary information to grant planning permission for the developments.

Yours sincerely

Graham Hale
Associate Planner
WYG Environment Planning Transport Limited

Management Plan

To support planning application 19/0869

Proposed Use of the working and storage area (Rear Area) at The Stables, Great Orton, Carlisle, Cumbria, CA5 6NA.

22nd July 2020



Figure 1 - Area which the Management Plan relates to.

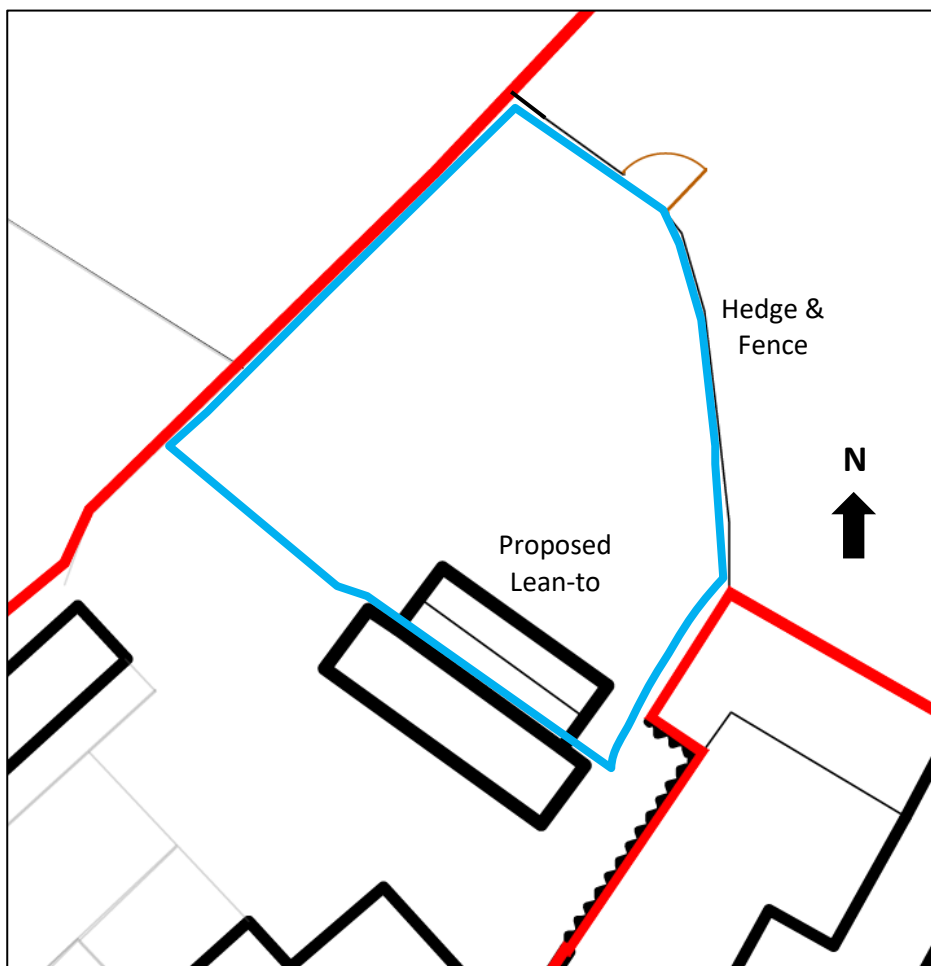


1 Introduction

1.1 This management plan is submitted to support the planning application 19/0869 and solely relates to the area marked blue in Figure 2. The management plan is proposed to support the unrestricted operations on site working for the use of horticultural activities under an approved planning application (No:13/0914). This was granted in January 2014 for the change of use of land and buildings at The Stables from a horse riding centre to horticultural use, erection of administrative building, greenhouse, polytunnels and associated landscaping and parking.

1.2 Since 2014 the site has been operating as a wildflower nursery with associated farm fields. The fields form part of the business operation and are managed throughout the year. As with all horticultural businesses the activity requires a high level of personal management to manage plant health and keep plants alive. Activities include watering plants, management of pests, plant inspection and general inspection of the site. These activities are undertaken within the greenhouse and polytunnels and are undertaken on foot and are quiet in nature. By their nature these plant management is required 7 days a week and is very dependent or controlled on the weather. To facilitate the requirement for 24/7 cover the applicants live on site with their family with the nursery and fields being both business and private interactions. Living on site assists with watering over the weekend but also inspecting the fields and other structures on site.

Figure 2 - Location of area subject to the management plan (blue section)



2 Wood chipping Management

2.1 Wood chipping methodology

2.1.1 There is a requirement to supply woodchips to feed a Frolin Biomass Boiler (110kw) which has been installed to supply the nursery and other buildings with sustainable produced heat. The heat assists with creating the right conditions to grow plants, particularly in the winter. The annual requirement of wood is between 60 to 80 tonnes per year which is in part dependant on how cold the winter period is. The timber will be air dried and seasoned for a few months before being delivered to The Stables. **The delivery of timber to feed the biomass boiler is not directly related to the proposals submitted within the planning application 19/0869. Therefore, this activity is not controllable by the Planning Acts.**

2.1.2 The timber is taken from sustainable grown forests or is the product of conservation projects, benefiting wildlife and biodiversity. CWF manage a woodland nearby and about 50% of the timber comes from this woodland which is only 2 miles away. The timber will be delivered to site via timber wagon. The wagon carries about 20 to 30 tonnes of cut timber. Delivery of the timber will be by an timber wagon haulage operator working under the Road Haulage of Round Timber Code of Practice (2012), Timber Transport Forum (4th Edition) – www.timbertransportforum.co.uk

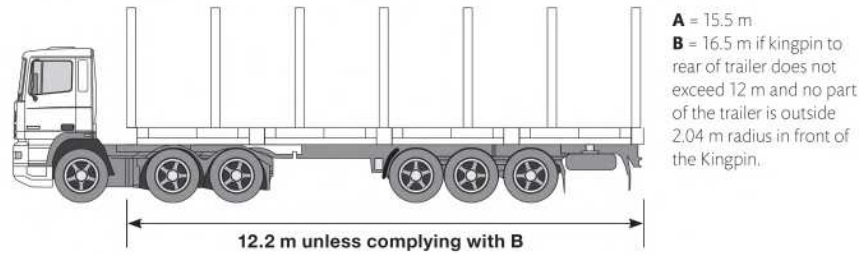
2.1.3 The timber wagon is about 12 to 18m depending if it has a trailer. It will access the rear area to off-load the timber in the agreed stacking area as shown in Figure 3. The rear area needs to be large enough to take the timber wagon to access. The timber wagon crane will off-load the timber and stack in a correct method. The timber stack per wagon load will be about 15m long by about 2m high.



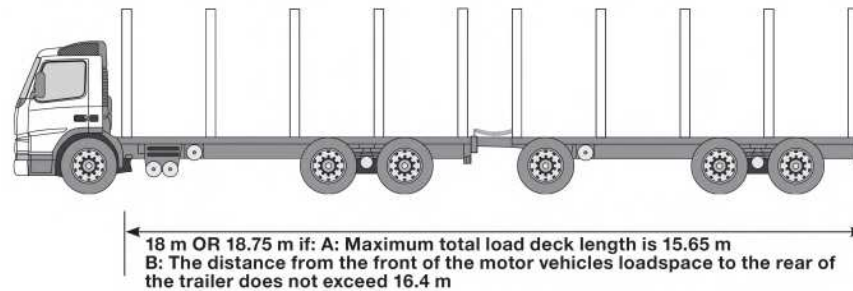
Picture showing a standard timber wagon

A1.3 Maximum overall lengths

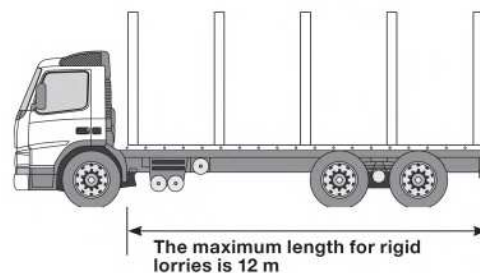
Overall length for artics



Overall length for drawbar



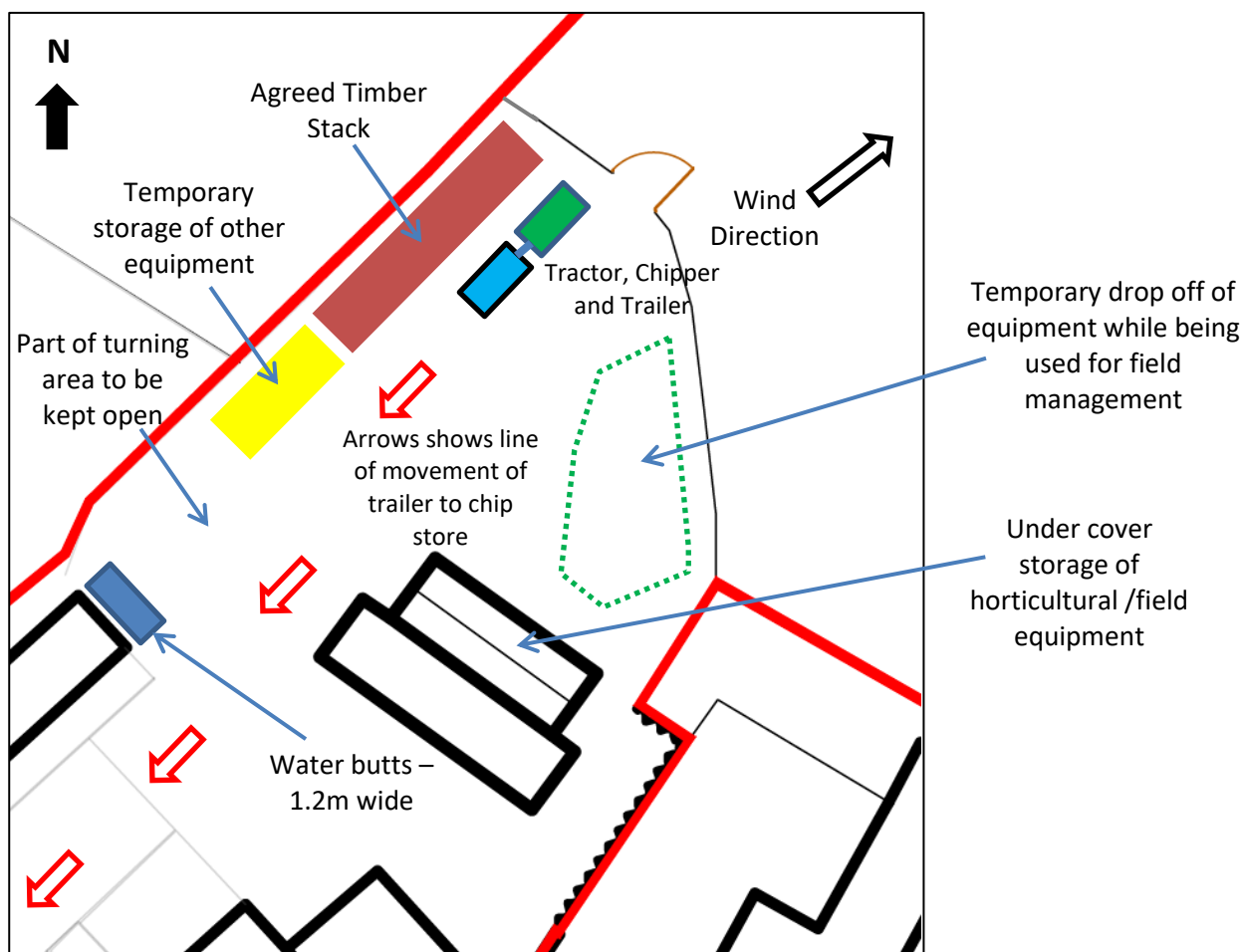
Overall length for rigid lorries



Drawing showing dimensions of timber wagons accessing the site

2.1.4 The timber will be stored/stacked in the agreed timber area until it is ready for chipping. The chipping will be undertaken on a dry day following 2 previous dry days to ensure the timber surface is dry. The chipping will be undertaken on a low wind day and will ensure the wind direction is south-west or southerly to ensure there is no chance of any dust (the chipping method below stops any dust) moving back towards The Stables or neighbours property.

Figure 3 - Location of timber stack, wood chipping & equipment storage



2.2 Chipping duration

2.2.1 The activity of chipping the woodchips takes about 1.5 hours to chip 20 tonnes of timber. The average chipping will be between 40-60 tonnes of timber with the maximum time being between 4 to 5 hours. This means the chipping is undertaken during work hours and on a week day. The start time for chipping would be after 8.30am to allow time for the contractor to get to site. All the chipping will be completed by 3pm on the same day. As stated before the maximum number of chipping events in any one calendar year is three but more likely two chipping events.

2.3 Wood chipping Method

2.3.1 The wood chipping will be undertaken using a biomass specified wood chipper as shown below. The biomass chipper has a number of dust and chip protection measures in the machine with a series of grills managing the chipping process. This creates a chipping process which is virtually dust free. Currently this activity is contracted out to a specialist woodchip timber contractor.



Picture of the biomass chipper to be used at The Stables

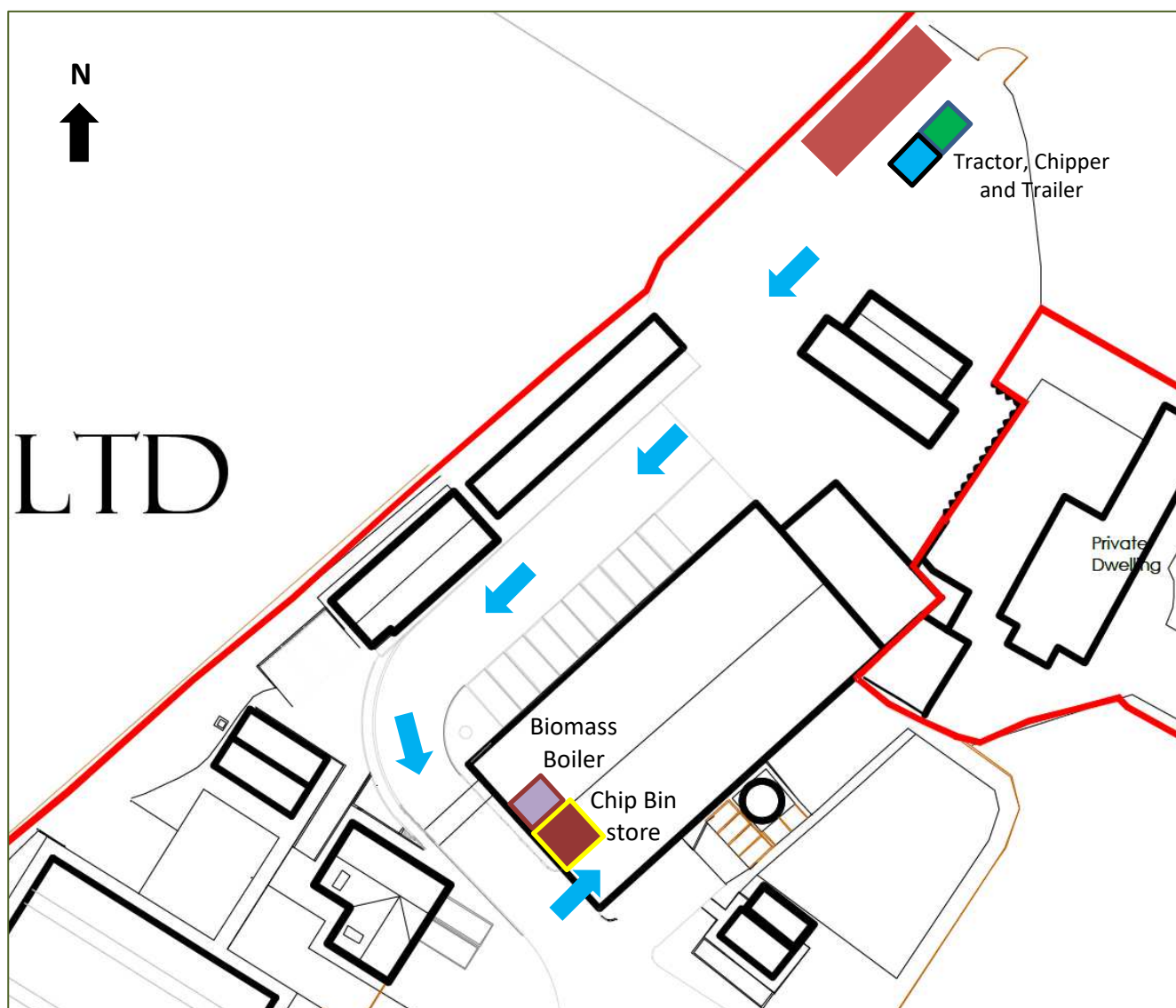
2.3.2 The biomass chipper will be powered by a 160Hp tractor. The tractor will be set up parallel to the timber and a timber crane on the back of the tractor will feed the biomass chipper. The chipper will be orientated with the chipper chute placed next to a sheeted tractor trailer. The trailer has a heavy duty sheet over to stop any chips or dust getting out (similar to below but smaller).



Picture of tractor with trailer and sheet cover

2.3.3 Once the trailer is full it will be driven round to the large barn and tipped inside ready for loading in to the biomass chip bin. The chip bin is inside the large barn as shown in the plan below (Figure 4). On completion of the chipping all the loose wood/bark is raked up and placed in to a compost area near the polytunnels. The site is left clean and tidy following the chipping operation.

Figure 4 showing the location of the biomass boiler and chip store



3 Management of horticultural equipment and temporary use of other equipment

3.1 Cumbria Wildflowers Ltd own and use a range of equipment as part of their day to day operations as part of the existing planning permission for horticultural use of the site (Planning Approval No:13/0914). The current permission places no obligations or restrictions to the reasonable management or use of the site for horticultural purposes.

3.2 The plant and equipment owned by CWF is for the use on site and within the 3 fields, which are being managed as species rich grasslands/meadows. The meadows are cut for hay, grazed by sheep in the Autumn and Spring and are subject to seed harvesting before the hay cut. As with all fields there are a number of activities throughout the year including mowing, seeding, harrowing and general land management to ensure the field are kept in good order. There are other land maintenance items which occur occasionally or ad hoc which may include spot spraying, fence repair, hedgerow management, tree management, gates repair, culvert/ditch management and ensuring land drains are functioning. CWF has a number of legal obligations on our land which include taking

highways road water across our land, management of 2 bio-digester systems (one owned by the owner of Stonerigg), powerline wayleaves, management of public right of way, shared access with neighbour farmer and ditch responsibilities by taking adjacent farmers water. The property is located next to a main road and the access points from our land require maintenance to ensure safe visible sightlines.

3.3 To ensure we maintain our legal obligations, manage our land correctly and maintain the site so we can take a crop there is a requirement to access all the fields and site throughout the year. All our equipment is owned for the purpose to manage and maintain our site and fields. Equipment such as the tractor has front forks to allow the safe un-loading of delivered compost or seed trays. To achieve this there has to be a workable area to off-load in a safe manner. The rear area shows an area where compost/seed trays will temporarily off-loaded before being moved in the barn/polytunnels. The delivered to the rear area requiring off-loading accounts for between 8-14 deliveries per year.

3.4 To ensure the maintenance of the equipment some items are stored in the big barn but others are currently stored outside. These are getting rusty with increase maintenance and repair costs to ensure they are working correctly. The outside lean-to will allow the safe and dry storage of most of the field implements. Occasionally there may be a need to store a trailer or implement outside during times of seed harvesting or mowing while other work is being done. This will be of a temporary nature.

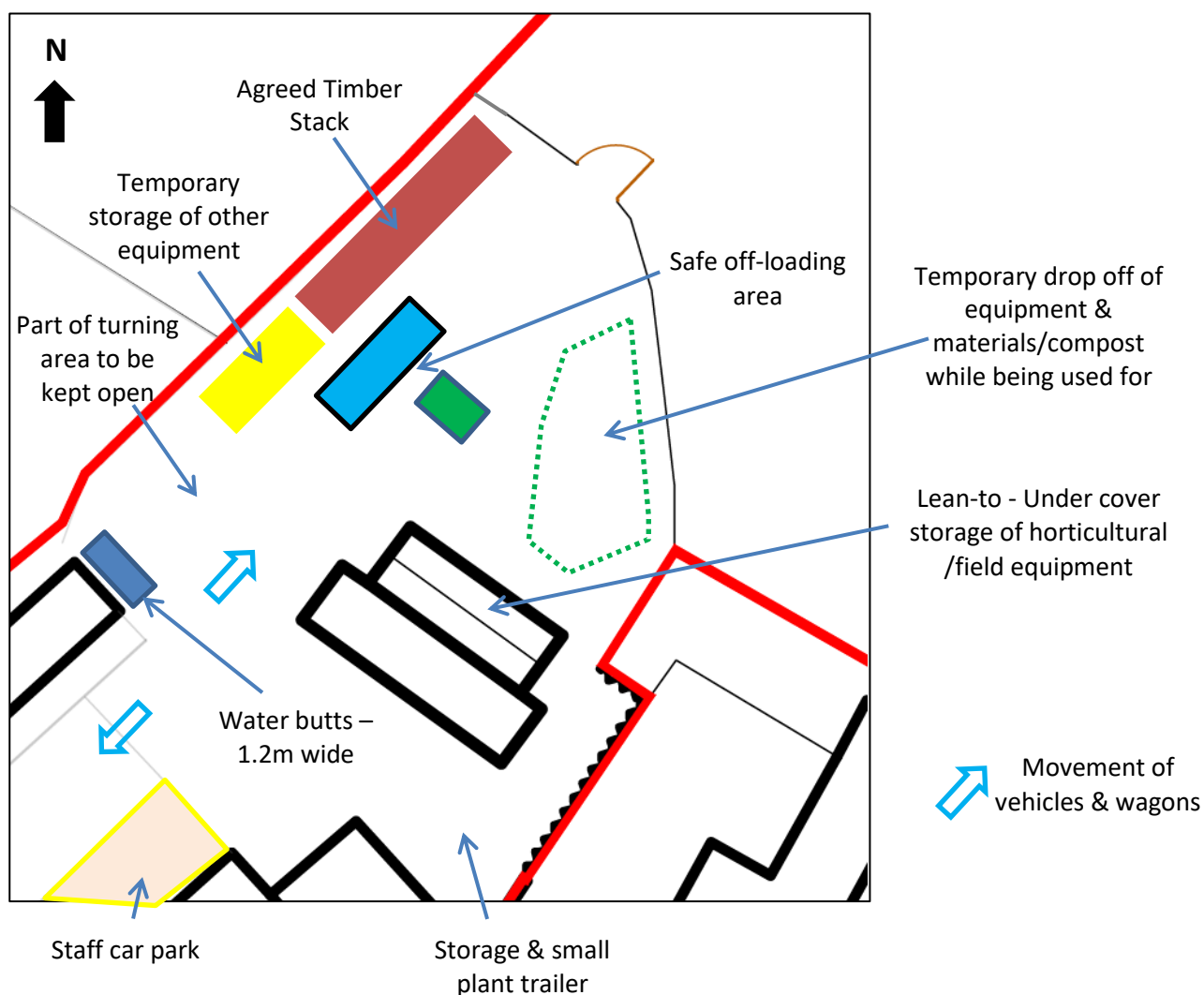
3.1 Use of rear area including temporary use

3.1.1 To ensure the safe management of machinery and implements there has to be a workable area where tractors or trailers can reverse safely (Figure 5). Equipment sometimes has to be picked up and dropped off in the area as part of the working day. It means occasionally equipment if left in the rear area until is needed. The area design allows for safe working and the safe area to reverse and pick up implements.

3.1.2 The rear area also allows for the safe delivery of materials for the nursery and the space has been determined to allow wagons to turn and maintain a workable area for machinery. This also has to allow for the few times there may be timber on site before it is chipped. The rear area is also divided by the access route to the field which must be maintained for most of the year. The space also has to allow safe off-loading of materials using the tractor and space to temporarily store/drop down compost or seed trays (on pallets) before these are moved once the wagon has left the site. All these different activities have to be managed by CWF and the space around the rear and to the side has been measured and designed to provide a safe and workable area.

3.1.3 The activities in the rear area are of a temporary and infrequent nature. Most are undertaken within general work hours and are consistent with the horticultural use of the site.

Figure 5 – Set up of rear area for equipment storage, wagons turning, safe off-load of materials and temporary storage of field equipment



3.2 Types of Equipment on site

The equipment will be stored mainly in the lean-to and this will be of a more permanent nature. Other equipment will require temporary storage and movement in the rear area to ensure the activities in the fields is undertaken safely and of a workable method. The green dashed area in Figure 5 shows this temporary area. Below are examples of the equipment stored on site that will be used in the rear area.

3.2.1 Equipment to be stored within the Lean-to



Mower



Rotovator



Hay Turner



Seed Spreader



Plough

3.2.2 Items temporarily stored in the rear area for a short period of work (green dashed area above)

Items such as mowers and pin harrows will be occasionally taken off and other implements put on while in the course of a work activity.

The pictures below show other equipment that will require temporary use of the rear area.



Pin Harrows in temporary area



Chains Harrows/mower under sheet



16 foot flatbed trailer



(seed building).

Tractor usually stored in the big barn