

# AGENDA

## Development Control Committee

**Friday, 13 May 2022 AT 10:00**

**In the Cathedral Room, Civic Centre, Carlisle, CA3 8QG**

### **APOLOGIES FOR ABSENCE**

To receive apologies for absence and notification of substitutions.

### **DECLARATIONS OF INTEREST**

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any items on the agenda at this stage.

### **PUBLIC AND PRESS**

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

### **MINUTES OF PREVIOUS MEETINGS**

**5 - 14**

To note that Council, at its meeting of 26 April 2022, received and adopted the minutes of the meetings held on 23 February (site visits) and 25 February 2022. The Chair will sign the minutes  
[Copy minutes in Minute Book 48(6)].

To approve the minutes of the meetings held on 8 April and 11 May (sit visits) 2022.

## PART A

To be considered when the Public and Press are present

### A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

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

	<u>Explanatory Notes</u>	15 - 20
1.	<u>Application - 21/0744 - Land at Currock Yard, Off South Western Terrace, Carlisle, CA2 4AY</u>	21 - 84
2.	<u>Application - 21/0507 - Land to the west of Castletown Farm, Redhills, Rockcliffe, Carlisle, CA6 4BL</u>	85 - 108
3.	<u>Application - 22/0078 - Bridge End Inn, Bridge End, Dalston, Carlisle, CA5 7BH</u>	109 - 130
4.	<u>Application - 22/0093 - Croft Villa, Wetheral, Carlisle, CA4 8JQ</u>	131 - 138
5.	<u>Application - 22/0223 - Noble Garth, Hayton, Brampton, CA8 9HR</u>	139 - 154
6.	<u>Application - 20/0525 - Burgh House, Burgh by Sands, Carlisle, CA5 6AN</u>	155 - 166
7.	<u>Application - 20/0526 - Burgh House, Burgh by Sands, Carlisle, CA5 6AN</u>	167 - 172

8.	<b><u>Application - 21/0981 - Gateway 44 Retail Park, Parkhouse Road, Carlisle</u></b>	<b>173 - 222</b>
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	<b><u>Schedule B - Applications determined by other authorities</u></b>	<b>223 - 246</b>
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## **PART B**

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

**-NIL-**

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

**Conservative** – Mrs Bowman, Christian, Collier, Mrs Finlayson, Meller, Morton, Shepherd, Lishman (sub), McKerrell (sub), Mrs Mitchell (sub)

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

**Independent** - Tinnion

Enquiries, requests for reports, background papers etc to:  
committeeservices@carlisle.gov.uk

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





## **Development Control Committee**

**Date:** Friday, 08 April 2022

**Time:** 10:00

**Venue:** Cathedral Room

**Present:** Councillor Mrs Marilyn Bowman, Councillor Lisa Brown, Councillor Nigel Christian, Councillor John Collier, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Keith Meller, Councillor David Morton, Councillor David Shepherd, Councillor Christopher Southward, Councillor Raymond Tinnion

**Also Present:** Councillor J Mallinson (in his capacity as Ward Member), attended the meeting having registered a Right to Speak in respect of application 21/1137 - Rose Lodge, Laversdale Lane End, Irthington, Carlisle, CA6 4PS.

**Officers:** Corporate Director Economic Development  
Head of Development Management  
Head of Legal and Democratic Services  
Principal Planning Officer  
Planning Officer x 2  
  
Mr Allan, Cumbria County Council

### **DC.26/22 APOLOGIES FOR ABSENCE**

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

### **DC.27/22 DECLARATIONS OF INTEREST**

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

Councillor Christian declared an interest in respect of the following applications:  
21/1161 – Scotby Acres, Broomfallen Road, Scotby, Carlisle, CA4 8DE. The interest related to objectors being known to him;  
21/0893 – Mannory, Broomfallen Road, Scotby, Carlisle, CA4 8DE. The interest related to objectors being known to him;  
21/1117 – Scotby Oaks, Broomfallen Road, Scotby, Carlisle, CA4 8DE. The interest related to objectors being known to him.

Councillor Tinnion declared an interest in respect of application 21/0014 – Land to north of Tarn Lodge Farm, Heads Nook, Brampton. The interest related to objectors being known to him.

Councillor Shepherd advised that he had not participated in the site visit in respect of application 21/0014 - Land to north of Tarn Lodge Farm, Heads Nook, Brampton and therefore would not take part in the discussion nor determination of the application.

## **DC.28/22 PUBLIC AND PRESS**

RESOLVED - It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

## **DC.29/22 MINUTES OF PREVIOUS MEETINGS**

RESOLVED 1) – That the Chair sign the minutes of the meetings held on: 1 December (site visits) and 3 December 2021; and, 12 January (site visits) and 14 January 2022.

2) That the minutes of the meetings held on 25 February and 6 April (site visits) 2022 be approved

## **DC.30/22 PUBLIC REPRESENTATION IN RESPECT OF PLANNING APPLICATIONS**

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

## **DC.31/22 CONTROL OF DEVELOPMENT AND ADVERTISING**

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

### **1. Application - 19/0244 - Land at field 3486, Monkhill Road, Moorhouse, Carlisle Proposal: Erection of 14no. dwellings (Outline)**

The Chair advised that the application had been withdrawn from discussion.

RESOLVED: That the application had been withdrawn from discussion.

### **2. Application - 21/1154 - Former KSS Factory Site, Constable Street, Carlisle, CA2 6AQ**

**Proposal: Variation of Condition 2 (Approved Documents) and removal of Condition 13 (Emergency Vehicle Access) of previously approved application 18/0215 (Erection of 43no. dwellings) to amend the site layout to allow units 12 – 31 inclusive to use the adopted highway east of the site (Retrospective Application).**

The Planning Officer submitted the report on the application which had been deferred by the Committee at its meeting of 25 February 2022 in order for a site visit to be undertaken. Slides were displayed on screen showing: site location plan; site plan; proposed site access and visibility splays; and, photographs of the site, an explanation of which was provided for the benefit of Members.

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

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- Residents from the development, when exiting via vehicular means were required to travel over a section of Leicester Street, which was unadopted to access Blunt Street;
- Leicester Street was unadopted, responsibility for the maintenance of the road lay with those whose properties abutted the road. Residents of the development subject of the application were not responsible for maintaining the road;
- It was for the applicant to secure a right of access over the unadopted road for residents in the development, which was a civil matter;
- In assessing the proposal the Highway Authority had identified a number of improvements to Blunt Street, which the applicant had agreed to implement, on that basis the Authority had not objected to the proposal.

A number of Members expressed significant concerns in relation to the application regarding: the higher level of residential parking on Blunt Street compared to Constable Street; the conclusion of an earlier Independent Highways Assessment that Constable Street was a more appropriate means of access/egress to the site; the impact on the residents of Blunt Street.

A Member considered that the proposal was not in accord with Local Plan policy SP 6 – Securing Good Design which required development to have no adverse impact on amenity. Nor was it compliant with Local Plan policy IP 2 – Transport and Development, as road / street safety requirements would not be met. On that basis, he indicated he was not able to support the proposal.

The Planning Officer sought clarification that the reference to policies made by the Member were the same as those the Committee cited at its earlier refusal of the proposal.

A Member that the application be refused on the grounds that it did not comply with Local Plan policies SP 6 and IP 2. The proposal was seconded and following voting it was:

RESOLVED: That the application be refused for the reasons indicated in the Schedule of Decisions attached to these minutes.

### **3. Application - 21/0014 - Land to north of Tarn Lodge Farm, Heads Nook, Brampton**

**Proposal: Siting of 4no. Holiday Lodges and 2no. pods together with landscaping, newt ponds, a sealed foul drainage system, access track and parking (Revised Application).**

Councillor Shepherd took no part in the discussion nor determination of the application.

The Head of Development Management submitted the report on the application which had been subject of a site visit by the Committee on 6 April 2022. Members' attention was drawn to page 149 of the Main Schedule which set out the reasons for refusing the application. The sentence "such splays cannot be achieved due to the undulations in the road to the north" should read "such splays cannot be achieved due to the undulation in the road to the *south for north-bound vehicles and the splays crossing third party land which consists of hedgerows*". Paragraph 6.35 of the report referred to undulation to the north which should also read south.

Slides were displayed on screen showing: red line boundary and AONB boundary plan; site layout plan; proposed lodges and pods plan; elevation plans; visibility plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Head of Development Management recommended that the application be refused for the reasons set out in the report.

Ms Meynell (Castle Carrock Parish Council) objected to the application in the following terms: no ecological survey data had been submitted with the previous applications for planning permission until requested by a Statutory Consultee; baseline assessment of the ecology of the site had been carried out and without which the Committee was not able to know the full extent of the ecology at the site; paragraph 99 of ODPM circular 06/2005 stipulated baseline surveys were not to be secured by planning condition, in the event of an application being submitted without the requisite data, it was to be refused; approving the proposal would impact the ability of the existing wildlife to function which was contrary to Local Plan policy GI 1 – Landscapes; the Woodland Trust and Cumbria Wildlife Trust had raised concerns and objections in relation to the proposal principally in relation to the impact on the site's significant population of mature, noble and veteran trees; the proposal would create new levels of disturbance affecting the trees wildlife and ground fauna, including protected bluebells, as such the scheme was not in line with Local Plan policy GI 3 – Biodiversity and Geodiversity; the proposals for a cess pit, laying of accesses, emergency vehicle access would cut through the root protection zone of veteran trees, which was contrary to Paragraph 180 of the National Planning Policy Framework (NPPF); the Highway Authority maintained its objection to the scheme and noted potential errors in the detail relating to the road junction; the proposed development was not sustainable and no overwhelming need for it had been identified; the 1994 Consent was not relevant to the current scheme as in the elapsed time understanding of ecological issues had evolved, and the context of national and local planning policy was significantly altered; eight Statutory Consultees including the Highway Authority had objected to the proposal; the scheme would provide few jobs and contribute little to the local economy.

Ms Cray (Agent) responded in the following terms: the only technical grounds for refusing the application related to concerns raised by the Highway Authority; the site utilised an existing access, was adjacent to an existing junction and had 3 approaches (North, East and South-West); the Highway Authority had identified a concern relating to the visibility of Light Goods Vehicles (LGVs) approach from the South-West; slides were displayed on screen showing: excerpts from Cumbria Design Guide demonstrating factors affecting visibility and visibility requirements relative to speed; plans showing the visibility of the site access for a variety of vehicles including LGVs illustrating that the required visibility splays were able to be met or exceeded; the Highway Authority, due to unusual issues relating to LGV visibility had to deviate from standard measuring methods to DRMB derived data which applied to trunk roads, the road abutting the access was a minor road; the use of DRMB data had required a visibility splay for a vehicle travelling at 60mph, yet traffic speed survey data demonstrated a lower average speed of 51.9mph which required a lesser visibility splay of 170.5m which was achievable.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- Parking provision was for 6 vehicles, the number of vehicles parking at the site would be dependent on the level of occupation;
- All types of tree identified at the site were listed in the submitted tree report, no cut leaf horn beams had been identified;
- No assessment of the access track had been carried out as it was an existing feature at the site, a standard condition regarding the surfacing of vehicular accesses required the first 10m to be made of a bonded material.

A number of Members expressed concerns about the proposed scheme's impact on the existing ecology of the site and indicated their support for the Officer's recommendation. With reference to Biodiversity Net Gain a Member noted that means to support it needed to be identified.

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

RESOLVED: That the application be refused for the reasons indicated in the Schedule of Decisions attached to these minutes.

#### **4. Application - 21/1137 - Rose Cottage, Laversdale Lane End, Irthington, Carlisle, CA6 4PS**

##### **Proposal: Change of Use of self contained annexe to a dwelling.**

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

The Principal Planning Officer recommended that the application be refused for the reasons set out in the report.

Councillor J Mallinson (Ward Member) addressed the Committee in the following terms: the construction of the annexe had originally been for the purpose of housing a family member; the number of industrial units and residential properties in the vicinity of the building made the Officer's assertion the site was in open countryside unreasonable, a description of the area as a small hamlet would be more appropriate; vehicular egress from the site would be via Laversdale Lane, note the B6071; refusing the application would likely mean a useable building remaining empty or being demolished.

Mr Greig (Agent) addressed the Committee in the following terms: Paragraph 79D of the updated National Planning Policy Framework (NPPF) stated that in rural areas, isolated homes should be avoided subject to a series of exceptions, one of which was the subdivision of an existing dwelling; the NPPF had been updated following a High Court ruling in relation to ancillary buildings and whether they may be subdivided into a separate dwelling; the presiding High Court Judge stated that the words of the NPPF had to be read as written, and because the Framework specifically referred a 'residential dwelling', the former version of the NPPF did not include ancillary buildings; following an update in 2021, the relevant section of the NPPF was amended to refer to 'residential building', thus the scope of the policy had been expanded to include a residential annexe; the Officer's report emphasised the High Court Judge's assessment, however, that pertained to the older version of the NPPF, rather than the revised, therefore the Officer's context of the Officer's assessment of the application was outdated; Members should consider what was meant by a residential building and how that differed to a residential dwelling; the comparison of the scheme to the dwelling 'Farndale' was not directly relevant; a Committee was able to determine approval of an application against an Officer recommendation if it deemed material considerations justified a deviation from policy; as the building already existed approving the application would not generate an additional impact on the landscape; the annexe was not an unsustainable form of development; slides were displayed on screen showing section, floor and elevation plans, and the site plan; the accommodation provided at the annexe was described and Members were advised that it was sited within its own curtilage, independent of the main dwelling – effectively it operated as a separate dwelling; the current position created a situation where the family residing in the main dwelling was not related to the occupants of the annexe which was no more sustainable than the annexe being independently occupied as a separate dwelling; the Council's concern that approving the application would set a precedent was unlikely to be realised given the annexe's scale and physical detachment from the main dwelling; the Officer's recommendation created a

situation where the applicant was required to either sell the property as a whole or allow the annexe to become vacant; the lack of material harm arising from the scheme was sufficient for the Committee to justify approval of the scheme.

Following an invitation from the Chair to respond to matters made in the verbal representations. The Principal Planning Officer made the following points: the structure was originally constructed as an annexe and was tied to the main dwelling; other uses of the annexe were permitted, for example holiday let; the site was not in a location where a new dwelling would be permitted; the High Court Judgement provided a narrow definition of a residential building as a means of restricting development in the countryside.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- Rental use of the annexe would require Change of Use permission;
- Local and national planning policy were very restrictive regarding proposed development in the countryside;
- Assessments of planning applications considered land use not the structures;
- Consideration needed to be given as to the potential for setting a precedent if the application were to be approved;
- The Council Tax liability of an annexe related to whether the dwelling contained a kitchen;
- Other family members were permitted to occupy the annexe.

A Member was sympathetic to the proposal which he considered operated as separate to the main dwelling and was not ancillary. It was in existing use and it did not appear rational that the Officer had recommended refusal when the annexe could be changed into a holiday let which would have a greater impact than the currently proposed scheme.

The Principal Planning Officer stated that the annexe was not a separate building rather it was tied to the main dwelling.

A Member proposed that determination of the application be deferred in order for the Committee to undertake a site visit. The proposal was seconded.

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

The proposals were put to the ballot in the order they were received and following voting it was:

RESOLVED: That the application be refused for the reasons indicated in the Schedule of Decisions attached to these minutes.

*The meeting adjourned at 11:35am and reconvened at 11:48am.*

## **5. Application - 21/0768 - 24 Hendersons Croft, Crosby on Eden, Carlisle, CA6 4QU**

### **Erection of first floor balcony to rear elevation (Retrospective).**

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 6 April 2022. Slides were displayed on screen showing: site location plan; existing and proposed block, elevation, ground and first floor plans and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be refused for the reasons set out in the report.

Ms Cray (On behalf of the applicant) addressed the Committee in the following terms: the balcony was essentially a homeowner improvement; elevation plans and photographs of the balcony were displayed on screen – Members' attention was drawn to the frosted glass incorporated on the aspect where overlooking of a neighbouring property was most likely; adjacent dwellings were already overlooked by pedestrians; weather conditions were likely to restrict the use of the balcony; the view from the balcony was little different from that of the former window.

The Committee then gave consideration to the application.

Members expressed strong support for the Officer recommendation and noted that approving the scheme would have a significant impact on the privacy and amenity of the occupiers of adjacent dwellings.

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

RESOLVED: That the application be refused for the reasons indicated in the Schedule of Decisions attached to these minutes.

## **6. Application - 21/1143 - Land adjacent to Meadow Cottage, Tarraby, Carlisle, CA3 0JS**

### **Proposal: Erection of 4no. dwellings and associated works**

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

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

Mr Nicholson (Stanwix Rural Parish Council) objected to the application in the following terms: a significant proportion of the application site, including Meadow Cottage were within the Tarraby Conservation Area which was defined by Historic England as "an area of special architectural and historic interest, the character and appearance of which it was desirable to preserve or enhance."; the proposed scheme would not preserve, maintain nor enhance the Conservation Area and as such was not compliant with Local Plan policy HE 7 – Conservation Areas; approval would generate a significant increase of vehicular movements within the Conservation Area; the weekday average vehicle movements contained in the submitted Speed Survey, Supporting Information and Traffic count did not appear to be correct; the data in the Drainage Report regarding the drainage of the site was incorrect in relation to the point of discharge into the River Eden; no formal land drainage infrastructure was present at the site and there was an existing problem of localised flooding in the vicinity of the site entrance; condition 4 imposed in respect of permission 20/0692 (a nearby development site) limited the number of dwellings permitted to two in order "... to avoid a cramped form of development and its impact on the local highway network – permitting four dwellings sought by the current application would be in conflict with the earlier permission; condition 5 of permission 20/0692 required the installation of passing places prior to the commencement of development; application 18/0928 sought permission for two dwellings and was refused consent, yet the current application was

recommended for approval, it was important that the Council was consistent and fair in its decision making.

Mr Nicholson requested that the Committee refuse the application, were Members minded to approve it, he requested a site visit be undertaken prior to determination.

Ms Lightfoot (Agent) responded in the following terms: there was extant permission at the site for the delivery of two dwellings which had commenced; the additional two properties proposed were of a smaller scale than those already approved and would provide for a better mix of housing at the site; in addition to the submitted drainage scheme further information was submitted, in the form of CCTV surveys, to the Lead Local Flood Authority (LLFA); the camera surveys demonstrated the significant improvement the development would provide, if approved, to the existing drainage / flooding issues; the applicant had agreed to undertake remedial works to the existing drainage infrastructure which was subject of a planning condition; three of the four proposed dwellings provided ground floor bedrooms which accorded with the Council's policies of providing a range of dwellings; the site already contained a level of permitted development and the current proposal reflected the Conservation Area appropriately; a bin storage area was provided along with a turning head for emergency and larger vehicles, the Highway Authority had not objected to the proposal; a condition was included in the report requiring the submission of a Construction Management Plan to the Local Planning Authority for approval; the scheme would ensure a better land use, offer a range of dwellings, have a neutral impact on the Conservation Area, and provide a betterment of the existing drainage.

The Committee then gave consideration to the application.

A Member was surprised that the Highway Authority had not commented on the application particularly given its requirement for the provision of two passing places in relation to permission 20/0692 which was situated on the same lane as the current application site. Moreover, he was concerned that the scheme did not take sufficient account of the Conservation Area, and moved refusal on the grounds that the application did not comply with Local Plan policy SP 6 – Securing Good Design.

Mr Allan responded that the Highway Authority had considered the application and had not raised any objection to the proposals.

Another Member felt that the proposal amounted to overdevelopment, he seconded the proposal to refuse the application.

The Chair stated that he had concerns regarding the validity of the data in the submitted traffic survey and was not confident with the information provided. He asked Members to consider deferring determination of the application in order to allow further information to be submitted on the traffic report. A Member seconded the proposal and the Committee indicated its assent.

*Councillor Shepherd left the meeting.*

RESOLVED: That determination of the application be deferred in order to allow further information to be submitted on the traffic report.

## **7. Application - 21/1161 - Scotby Acres, Broomfallen Road, Scotby, Carlisle, CA4 8DE**

**Proposal: Variation of Condition 5 of previously approved appeal decisions APP/E0915/W/15/3127903 (Siting of 2no. residential Gypsies/Travellers pitches with utility/day room; 2no. static caravans and 2no further toilet/shower rooms (Part Retrospective) to allow an additional 8no. touring caravans and storage shed.**



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

The Planning Officer recommended that the application be refused for the reasons set out in the report.

The Committee then gave consideration to the application.

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

RESOLVED: That the application be refused for the reasons indicated in the Schedule of Decisions attached to these minutes.

#### **8. Application - 21/0893 - Mannory, Broomfallen Road, Scotby, Carlisle, CA4 8DE**

**Proposal: Change of Use of land from agricultural use to 1no. Gypsy pitch comprising the siting of 4no. mobile homes, 1no. utility block, 2no. toilet blocks & 2no. touring caravans together with the formation of an area of hardstanding & installation of a treatment plant (Part Retrospective)**

The Head of Development Management submitted the report on the application. Slides were displayed on screen showing: location plan; block plan; floor and elevations plan; entrance gates plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Head of Development Management recommended that the application be refused for the reasons set out in the report.

The Committee then gave consideration to the application.

In response to a Member's concern regarding Highways England not responding to the application and its potential to create light pollution on the motorway, the Head of Development Management advised that the organisation was aware of the proposal.

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

RESOLVED: That the application be refused for the reasons indicated in the Schedule of Decisions attached to these minutes.

#### **9. Application - 21/1117 - Scotby Oaks, Broomfallen Road, Scotby, Carlisle, CA4 8DE**

**Proposal: Change of Use of land residential for a single family group comprising of 4no. plots each containing 1no. amenity building; 1no. static caravan; 1no. storage shed & 2no. touring caravans together with the formation of an area of hardstanding & installation of a treatment plant (Part Retrospective)**

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

The Head of Development Management recommended that the application be refused for the reasons set out in the report.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- The minimum distance of permissible development adjacent to a motorway was dependent on the nature of the development;
- A public bridleway existed between the application site and the motorway;
- The applicant owned the site;
- The process for establishing need for a Gypsy/Traveller site. As part of the review process for the existing Carlisle District Local Plan 2015-30, consideration would be given to other potential sites.

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

RESOLVED: That the application be refused for the reasons indicated in the Schedule of Decisions attached to these minutes.

## **DC.32/22 SCHEDULE B - DECISIONS TAKEN BY OTHER AUTHORITIES**

RESOLVED - That the content of the report be noted.

## **DC.33/22 PUBLIC AND PRESS**

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph numbers (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act.

## **DC.34/22 TPO 317 LAND AT DEER PARK, KINGSTOWN ROAD, CARLISLE**

(Public and Press Paragraph 5)

The Principal Planning Officer submitted report ED.08/22 which considered the confirmation of Tree Preservation Order TPO 317 Land at Deer Park, Kingstown Road, Carlisle following the receipt of representations to the making of the Order. Photographs of the trees, subject of the Order were displayed on screen.

The Principal Planning Officer recommended that the Order be confirmed with the following modification: that tree 'T2' be excluded.

The Committee gave consideration to the Order. A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED – That Tree Preservation Order 317 Land at Deer Park, Kingstown Road, Carlisle, be confirmed subject to the following modification: that tree 'T2' be excluded.

The Meeting ended at: 13:09

# **Development Control Committee Main Schedule**

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

13<sup>th</sup> May 2022

## The Schedule of Applications

This schedule is set out in five parts:

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

<http://www.legislation.gov.uk/ukpga/2004/5/contents> unless material considerations indicate otherwise.

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

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

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

Condition 2 of each application details the relevant application documents; except the following where the associated documents are located at –

20/0525 - [20/0525 | Erection Of Two Storey Side Extension To Provide Living Room On Ground Floor With En-Suite Bedroom Above | Burgh House, Burgh by Sands, Carlisle, CA5 6AN](#)

20/0526 - [20/0526 | Erection Of Two Storey Side Extension To Provide Living Room On Ground Floor With En-Suite Bedroom Above \(LBC\) | Burgh House, Burgh by Sands, Carlisle, CA5 6AN](#)

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

The officer recommendations made in respect of applications included in the Schedule are intended to focus debate and discussions on the planning issues

engendered and to guide Members to a decision based on the relevant planning considerations. The recommendations should not therefore be interpreted as an intention to restrict the Committee's discretion to attach greater weight to any planning issue when formulating their decision or observations on a proposal.

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

This Schedule of Applications contains reports produced by the Department up to the 28/04/2022 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 13/05/2022.

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

## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	21/0744 A	Land at Currock Yard, Off South Western Terrace, Carlisle, CA2 4AY	SD
02.	21/0507 A	Land to the west of Castletown Farm, Redhills, Rockcliffe, Carlisle, CA6 4BL	BP
03.	22/0078 A	Bridge End Inn, Bridge End, Dalston, Carlisle, CA5 7BH	SD
04.	22/0093 A	Croft Villa, Wetheral, Carlisle, CA4 8JQ	KT
05.	22/0223 A	Noble Garth, Hayton, Brampton, CA8 9HR	RJM
06.	20/0525 A	Burgh House, Burgh by Sands, Carlisle, CA5 6AN	SD
07.	20/0526 A	Burgh House, Burgh by Sands, Carlisle, CA5 6AN	SD
08.	21/0981 A	Gateway 44 Retail Park, Parkhouse Road, Carlisle	CH
09.	21/0702 B	Crown Street Car Park, Botchergate, Carlisle, CA1 5AB	BP
10.	21/9106 B	Land between Junction 42 of M6 & Newby West Roundabout (Junction of A595 & A689 CNDR) to South of Brisco, Durdar & Cummersdale Villages, Carlisle	CH
11.	21/9108 B	Land between Junction 42 of M6 & Newby West Roundabout (Junction of A595 & A689 CNDR) to South of Brisco, Durdar & Cummersdale Villages, Carlisle	CH
12.	21/9110 B	Land between Junction 42 of M6 & Newby West Roundabout (Junction of A595 & A689 CNDR) to South of Brisco, Durdar & Cummersdale Villages, Carlisle	CH

## SCHEDULE A

Applications to be  
determined by the  
City Council.

SCHEDULE A



## SCHEDULE A: Applications with Recommendation

21/0744

Item No: 01

Date of Committee: 13/05/2022

**Appn Ref No:**  
21/0744

**Applicant:**  
Currock Avenue Limited

**Parish:**  
Carlisle

**Agent:**  
Peterloo Estates Limited

**Ward:**  
Multiple Wards

**Location:** Land at Currock Yard, Off South Western Terrace, Carlisle, CA2 4AY

**Proposal:** Residential Development & Associated Infrastructure Comprising 92no. Dwellings, New Public Open Space, Communal Car Park & New Access Into The Site

**Date of Receipt:**  
04/08/2021

**Statutory Expiry Date**  
04/11/2021

**26 Week Determination**

### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

1.1 It is recommended that authority to issue approval with conditions is given to the Corporate Director of Economic Development, subject to the completion of a S106 agreement to secure:

- a) the provision of 18 of the units as affordable;
- b) the provision of 4 bungalows on the site;
- c) an off-site open space contribution of £34,511 for the upgrading and maintenance of open space at Jubilee Road;
- d) a financial contribution of £19,593 to support the off-site improvement of existing sports pitches;
- e) the maintenance of the informal open space and play area within the site by the developer;
- f) a financial contribution of £403,024 to Cumbria County Council towards secondary school places;
- g) a financial contribution of £6,600 to Cumbria County Council for the monitoring of the Travel Plan;
- h) the management arrangements of the proposed parking area;
- i) any financial contributions/management/maintenance that might be required to deal with the issue of nutrient neutrality.

If the legal agreement is not signed, authority be given to the Corporate

Director of Economic Development to refuse the application.

## **2. Main Issues**

- 2.1 Whether The Proposal Would Be Acceptable In Principle
- 2.2 Layout, Scale And Design
- 2.3 Impact On Residential Amenity
- 2.4 Access and Transport Impacts
- 2.5 Drainage Matters
- 2.6 Effect on Nature Conservation/Biodiversity
- 2.7 Impact on Heritage
- 2.8 Affordable Housing
- 2.9 Open Space
- 2.10 Education
- 2.11 Contamination
- 2.12 Air Quality
- 2.13 Noise
- 2.14 Crime Prevention
- 2.15 Impact On The Railway Line
- 2.16 Nutrient Neutrality

## **3. Application Details**

### **The Site**

- 3.1 The application site is a crescent shaped parcel of land, extending to 3.1 hectares in area, situated just off Currock Road. It lies to the west of where South Western Terrace, Redbank Terrace, Redbank Square and Adelphi Terrace all terminate and also extends from the rear [west] boundaries of dwellings on the odd-numbered side of Lund Crescent, up to the application site's western boundary with the Cumbria Coast Train Line. While at its greatest it is 130 metres wide, broadly from Adelphi Terrace across to the western site boundary, that width progressively diminishes towards both its northern and southern fringes with the land tapering to a narrow neck where it abuts, respectively, the rear of dwellings at Currock Bank Court and retained operational railway land.
- 3.2 Although now derelict and unkempt, the use of Currock Yard by the railway industry dates from sometime between 1870-1900 when its development followed the construction of the Carlisle to Maryport railway line. It changed little from those early years, with only minor building additions being undertaken in the 20th Century. Following nationalisation of the railway industry the site was used by British Rail, then by DB Schenker following their acquisition of the site in 1996, as a depot for the maintenance of traction and rolling stock. That use has progressively declined from broadly 1970 onwards, with both the levels of stock and staff employed at the depot reducing markedly over the years. Final cessation of the use occurred in 2007 when all activities were re-located to Kingmoor Yard, the main rail freight facility serving Carlisle. The land has been unused since that time

with the remaining buildings (with the exception of the pump house) being demolished and much of the land has become overgrown.

## **Background**

- 3.3 A previous application on this site was submitted and approved at Committee in 2011, however, as the Section 106 Agreement was never signed the Council finally disposed of the application in 2018.
- 3.4 The application was supported by an indicative site layout plan that showed how the site could be developed to accommodate circa 99 residential units. The indicative layout was modified to show the retention of the former Pump House (to be converted to 2 no apartments). The application proposed the retention (with modifications) of the existing access via South Western Terrace for the proposed development.
- 3.5 Members deferred the application at the initial committee meeting, when it was considered, so that highway issues could be given further consideration. The proposal was intending to use South Western Terrace as the only vehicular access to the site and Members were keen to explore alternative access arrangements.

## **The Proposal**

- 3.6 A mix of 2, 3 and 4 bed dwellings (92 in total) are proposed across the 3.1 hectare site. This equates to around 30 properties per hectare which would be an acceptable density and a low density for an urban area.
- 3.7 The previous planning application had mostly north facing gardens, with a large number of them facing onto the railway. In order to maximise solar gain for the living spaces, as well as the gardens and to buffer the homes from the railway line, the main entrance road has been situated to the north boundary of the site, alongside the railway. Not only does this provide some separation from the houses and their gardens from the railway line, it also gives greater opportunity for south facing gardens. This has the environmental advantage of increasing solar gain into the main living spaces which decreases the need for heating.
- 3.8 Although developed as one site, the proposed layout treats each area as distinct, creating groups of buildings with different landscaping treatments used for each area. To the north, as the site is entered from South Western Terrace, the landscaping and treatments are fairly reflective of the Victorian terrace, with brick and railing boundary walls and two-storey buildings. As you move closer to the centre of the site, taller three-storey buildings are proposed, giving a greater variety to the frontages as well as responding to the rise in levels to the east of the site. While to the south end of the site, a softer landscaping approach has been made, with more boundary hedges and greater landscaping to reflect the more rural land and the River Caldw to the south.
- 3.9 A mix of housing sizes has been proposed, with seven house types being

used across the site, with a variety of treatments and orientations. The dwellings would include a range of design features to add visual interest including two and three storey flat roof projecting gables; two-storey pitched roof projecting gables; the use of varying roof heights; flat roof dormer windows at eaves level; the use of red bricks with contrasting buff bricks; and areas of cement fibre weather board cladding. The housing mix consists of: 8 two-storey two-bedroom dwellings; 14 two-storey three-bedroom dwellings; 3 two-storey four bedroom dwellings with garages; 21 three-storey four bedroom dwellings; 16 three-bedroom dwellings with integral garages; 26 three-storey four bedroom dwellings with integral garages; and 4 bungalows. The site would include detached and semi-detached properties and terraces of between 3 and 8 dwellings.

- 3.10 Landscaping would be provided around the periphery of the site to provide a buffer to the railway line as well as the surrounding residential development. Landscaping would also be provided within the open spaces that would be provided towards the western end of the site (near to the Adelphi Terrace) to create biodiversity and a more pleasant living environment.
- 3.11 The main approach from the site is from South Western Terrace, which is the main vehicular and pedestrian access. A new footpath link to Adelphi Terrace would be created to improve the porosity of the site. This would have external lighting installed to make it more accessible. An emergency vehicle access (EVA) would also be provided via Adelphi Terrace. Initially a link at the south of the site to Lund Crescent was looked at, however, the public footpath that previously existed between 91 and 93 Lund Crescent has been removed.
- 3.12 Across the site a total of 183 in-curtilage parking spaces, 41 garages and 23 visitor parking spaces would be provided. This is a total of 247 spaces for the 92 dwellings. Every house has been allocated at least one car parking space, with the majority having at least two external parking spaces, with separate visitor parking provided.
- 3.13 Each property would have front and rear garden space which is defined through a variety of boundary treatments, including brick walls, native species hedges, fencing and walls with railings above. All entrances are overlooked and footpaths are generally very visible and adjacent to vehicular access. External hard landscaping for garden patios and paths would be mainly permeable paving to allow for ease of access as well as good surface water run-off. There are also some areas of gravel towards the south of the site to compliment the softer landscaping.
- 3.14 Currently there are only 23 homes fronting South Western Terrace. These are arranged in a short terrace of 7 dwellings on the north side of the road with a longer terrace of 15 dwellings on the southern side of the carriageway. At the moment, the residents have no off-street parking facilities but rely upon kerbside parking on both sides with resultant narrowing of the effective carriageway to about 3m.
- 3.15 The applicants thus propose to provide, close to the northern site boundary

and to the west of the smaller terrace on the north side of South Western Terrace, an off-street parking area. It is intended to provide a secure resident's parking area for 15 vehicles, the intention being that these would be for the occupiers of homes on the street. In addition, as part of the access works illustrated within the Transport Assessment, it is envisaged that the kerb lines to both sides of South Western Terrace would be partly set back to create at the eastern end of the street two indented lay-bys for limited resident parking parallel to the road.

- 3.16 This would be achieved by altering the current carriageway and existing footways to provide a future footway width of 1.8m, plus 2m wide parking bays to each side and a through carriageway of 4.8m. This is sufficient width to enable vehicles to pass each other but would reinforce the current 20mph speed limit that applies. A further area of kerbside parking would be provided adjacent to the western end of the southern terrace i.e. from broadly nos 13-25 South Western Terrace.

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

- 4.1 This application has been advertised by means of a press notice, the displaying of 3 site notices as well as notification letters sent to 178 neighbouring properties. In response 54 letters of objection have been received, together with a petition against the proposed development which has been signed by 13 people from 9 households.

- 4.2 The letters of objection raise the following concerns:

##### **Highway Matters**

- South Western Terrace cannot take the volume of traffic on such a tiny cobbled street;
- to use this already over crowded road as an access to this site is ridiculous;
- South Western Terrace is very narrow and steep and in the winter time the road is very slippery and access and egress is not only difficult but dangerous;
- if the cobbled road was covered in tarmac that would be an absolute crime;
- there are cars parked everywhere now and getting in and out of the street is already little short of a nightmare;
- cars are parked on both sides of Currock Road and this obscures visibility coming out of the junction of South Western Terrace - the volume of traffic with another 92 houses would impact considerably on an already difficult junction to exit;
- extra traffic including works vehicles and delivery wagons will potentially cause damage to vehicles parked and also to the cobbled setts on the road which are not designed for modern vehicles and the volume of traffic that this site will generate;
- there are already a large number of car accidents on Currock Road especially along from Beaconsfield Street onto Currock Road. Extra traffic will increase risk to drivers and pedestrians;
- there would be not enough room for 2 cars going each way to pass - often wait for a long time trying to exit the street because of the volume of traffic

on Currock Road and the close proximity and sheer volume of cars turning right out of Beaconsfield Street;

- another 92 houses with at least 92 cars would make this situation worse and would be a danger to pedestrians trying to cross the road;
- regardless if there is multiple access points, the surrounding area doesn't have enough space to house all those people and their cars;
- there isn't enough parking for the current residents on the street, and adding more traffic and noise to what is a small, quiet terrace is unsustainable;
- car parking is an issue and a communal car space for this number of houses is unlikely to be large enough;
- already people have to juggle cars around when the bin men come, and turning around on the street is a difficult task;
- adding more traffic won't make it any easier to get out of the junction at the top;
- the road was never designed to be a through road for another estate, and cannot support the traffic;
- the access from South Western Terrace onto Currock Road is dangerous as it is - South Western Terrace was never designed to be a through road;
- the access via South Western Terrace cannot be acceptable due to poor access onto Currock Road and the increased volume of traffic on an already busy road - additionally, it would increase traffic onto Beaconsfield Street, which is also already busy and relatively narrow (with parked cars);
- the average UK home has 1.21 cars. That's another 110+ cars, coming up a road to a junction that is already nigh on impossible to get out of;
- South Western Terrace is steep, and in winter when it ices over can't be driven out of - 3 cars were damaged last winter alone due to the poor surface conditions, and that is just from the residents of the street;
- there is no room to turn around on the street already, and during the morning and evenings cars turning around already causes congestion;
- there are several disabled residents on South Western Terrace who require their cars to be parked outside their houses due to mobility issues - this should also be a consideration;
- disabled residents won't be able to park in the car park at the bottom of the street;
- access for large trucks and emergency services will be problematic due to the narrowness of the road and the presence of parked cars;
- a few small children live on the street nowadays and these children are used to it being a dead end street - would fear for their safety;
- narrowing the pavements to accommodate local residents parking in order to accommodate the heavy flow of traffic for the proposed development does not make sense as the paths will be narrowed and less accessible for pedestrians and especially those with mobility access difficulties;
- pedestrians are already running a gauntlet crossing the road, in part due to the lack of footways on both sides of the road until past the petrol station on Currock Road;
- trying to cross Currock Road is already difficult, the volume of traffic and the speed at which it travels is a concern and bringing more traffic to the area will only increase this problem;
- believe part of the plan is to build a small car park for the residents of the street, but we feel this would be used by other streets due to the lack of

parking that they also suffer from;

- the Transport Assessment is wholly inadequate in answering or articulating the potential impact of such a development. Section 7 'Traffic Impact Analysis' relies on the previous 2010 applications figures for its assessment which is from over a decade ago. For example, how traffic levels have changed since then is not assessed and there is no consideration of any relevant changes (such as other housing developments across the locality) since the previous 2010 application. Need an accurate, up to date assessment of traffic impact be undertaken by an independent assessor before any decisions are considered on this development;
- see nothing but problems with a path leading on to Adelphi Terrace by the way of congregating youths and unsociable behaviour - will be used as a scooter, motorbike thoroughfare, hence making the new estate and Adelphi Terrace a rat run;
- since South Western Terrace is built on a hill, local children drive bikes, skateboards and electric scooters and motorbikes down the hill at speed - fear that if more children are in the area this would become more of an issue especially if traffic increases the likelihood of an accident;
- many years ago a pedestrian crossing was proposed but was never seen through;
- presume there would have to be traffic lights on South Western Terrace, Beaconsfield and Currock Road in order to prevent accidents. However if you added traffic lights you will then reduce available parking space for the existing houses nearby, and cause even more parking issues further up the road;
- there have been a number of road traffic accidents at this junction including a cyclist being knocked off their bicycle;

### **Ecology/ Trees**

- Currock Yard is the only wild area left in the centre of Carlisle;
- access to Currock Yard is restricted at the moment so any wildlife or birds or insects have not been disturbed for a long time;
- the wildlife in Carlisle is already at a minimum, there are no hedgerows and wild spaces. The sides of the train line and the rewilded areas have a huge amount of life in them, surely a better use of the land would be to turn it into a park and have the additional green space for the local community;
- there is also a significant amount of hedgerow wildlife living in the wild area next to the train line - birds and small mammals all have a home in there;
- this was refused once before, as that land is a conservation area for rare newts - what's happened to them?;
- this land was previously identified as a habitat of newts and natterjack - toads, a EPS-European protected species - has a survey of this development area been carried out by a suitably qualified surveyor e.g. a qualified ecologist;
- there is bat activity on the site and great crested newts live on the site;
- due to the previous use of the yard, we are concerned that there is potential for the contamination of the natural waterways;
- there is a diverse wildlife habit down there with foxes and a regular female sparrow hawk;
- a number of large trees will be lost;
- the site is a much needed haven for wildlife - it's one of the only places in

town where my family and I have seen urban foxes, badgers and rabbits galore - these creatures use our railway system as their urban highway and travel along it to breed, live and be happy;

- the area gets laden with butterflies and insects on the wildflowers, which in turn feed birds;
- the railway land at the bottom of South Western Terrace is a diverse habitat for wildlife - seen lizards and sparrow hawks both of these species are in decline due to habitat loss. Sparrow hawks are a protected species by law and they could be nesting on the land;

### **Impact On Residential Amenity**

- air pollution from increased traffic is of concern as air quality is poor along Currock Road - how will the planning decision take account of the health impact on residents along Currock Road due to the inevitable increase in petrol/diesel fumes pollution;
- existing residents would have a loss of privacy due to the proximity of the footpath and the amount of people and vehicles going past;
- dust and debris will no doubt affect our air quality and environment and in turn affect our health;
- concerned about noise from the building works as many local residents work from home;
- the increase in road traffic will increase the levels of both air and noise pollution in the area. The junction of Currock Road and Beaconsfield Street, adjacent to the planned development, is already congested and likely has high levels of nitrogen dioxide from vehicle emissions. High levels of nitrogen dioxide are associated with an increased risk of lung disease;
- would like to see a survey of the air quality at the proposed entrance i.e the junction of South Western Terrace and Currock Road and the adjacent already congested junction of Currock Road and Beaconsfield Street, which should include peak times, to establish the levels of nitrogen dioxide and to calculate the impact of the additional traffic emissions on those levels;
- DB Schenker already wake the whole of Currock up at 4.30/5.30/6.30 every morning running ridiculously loud trains - plans would build another 92 houses, even closer;

### **Infrastructure**

- due to the construction and building of the new southern link road and the building of St Cuthberts Garden Village of 10,000 houses, does this area really need the 92 that are planned for this location? This area of Carlisle is also heavily congested and cannot sustain more homes without the requisite infrastructure;
- regardless of this particular site specifics, why are there plans to build yet more houses? The infrastructure in this city is just not there to support more residents. We have new houses all over Carlisle already. The town centre is slowly deteriorating, there's high unemployment and a total lack of vision as to the future;
- to put 92 new homes in this area it will put excess strain on all local resources including local primary schools which are already over subscribed and local doctors which are already hard to get an appointment for;
- how many new children will require nursery, pre-school, primary and secondary places - 92 homes could easily equate to over 100 children at



any one point in time in the future. What impact will this have on the local schools places?;

### **Other**

- with increasing climate change, is it wise to put so many new homes near to a river in a flood risk city;
- the site floods due to runoff from the neighbouring land - there was a land slide years ago where our back fence ended up on the railway;
- concerned about flooding due to the location of this new estate;
- will the council make a requirement that a % of these homes be ring fenced for locals on the housing waiting list?;
- building dwellings on the site would be unsafe due to movement in the ground - the land was originally swamp land and when you start digging could start movement on Coney St and surrounding terraced streets;
- this area should be a conservation area - a beautiful quaint street a reminder of Carlisle' s railway history;
- this area would be better used as extra green space for an already growing city;
- with this being an industrial site question whether it is suitable for residential buildings as it may be contaminated ground;
- the site is contaminated from heavy oils and diesels;
- believe the rail building with the flat roof is listed and would make a great 2-storey studio apartments - see from the proposed development it seems to have disappeared?;
- a proposed designated parking area at the end of South Western Terrace, instead of trees, shrubs and wildlife, and 92 houses with over 92 cars would obliterate the only glimpse of countryside that can seen from nearby properties;

#### **4.3 The petition which has been signed by 13 residents from 9 households raises the following concerns:**

- application fails to consider the needs of disabled residents - the TA should be updated to cover this issue;
- the provision of parking spaces for South Western Terrace is inadequate - more parking spaces are required;
- new traffic volume figures should be collected for the TA - traffic volumes referred to in the TA are woefully outdated and considered to be void;
- the impacts of the development on highway safety have not been analysed;
- walking distances to services/ shops/ schools are too far and involve crossing busy roads;
- local cycling infrastructure is poor;
- the nearest bus stop (250m) serves one bus a day. The nearest bus stop with a regular bus service is over the 400m recommended distance;
- the only way to improve accessibility would be to re-route existing bus routes or make them more frequent - need a more frequent bus service via

James Street and Victoria Viaduct without this the development is very inaccessible;

- the TA fails to address the difficulties vehicles have exiting Red Bank Square, Red Bank Terrace and Adelphi Terrace;
- need an agreed traffic management system for Currock Junction;
- South Western Terrace is steep and becomes icy in cold periods and snow/ ice make it impossible to exit - need a regular gritting plan in place;
- the TA doesn't take account of increased traffic from the south due to the development of the southern bypass;
- a new traffic management system should be agreed with all local residents;
- local schools are over subscribed;
- the land is contaminated - contamination worsens over time;
- there are several protected species within the site;
- recreational areas would encourage youngsters to congregate;
- substances hazardous to health have been used on the site - a lot of these were not disposed of correctly and will have polluted the site - it is not suitable for residential use. Developing the site will be harmful to for residents moving into the site and pose potential health risks to the surrounding area;

4.5 Following a re-consultation 7 further letters of objection have been received. These make the following points:

- the amended plans show an emergency vehicle access (EVA) - have to assume that South Western Terrace is the main and only access road to the new estate - the problems and objections raised prior to the amended plans still stand;
- the proposal should involve a one way system with traffic calming measures and traffic should be subject to a number of traffic light systems to slow traffic;
- a permit system should be put in place for residents;
- the EVA is not going to stop undesirable people gathering around the area between the new estate and Adelphi Terrace. It's going to create an ideal situation for trouble and an additional route for dog walkers and an area for the non-existent police not to patrol;
- if access from Adelphi Terrace is needed in an emergency, where are existing people living at the bottom of Adelphi Terrace, which is a private road, supposed to park, whilst allowing enough room for emergency vehicle access;
- bollards are an open invitation for kids with electric scooters and motor bikes to use as a rat run, with no consideration given at all to the aging population in the area;
- why is an emergency access deemed essential - there are no emergency

accesses for other streets around the immediate area - it just appears the plans are to appease the builders and future owners , with no consideration to others who live in Adelphi Terrace whom it will affect;

- South Western Terrace is only 12.1m wide between houses at the top part of the road which is not enough for the planned path ways and parking space along with a 4.8 m wide road;

- after poor drainage was blamed for the 2020 Stoneheaven rail accident, causing the death of three people, the United Utilities comments about drainage on this site is worrying. The railway line not only takes passenger traffic, but is used to transport nuclear material to and from Sellafield;

- since Carlisle has over-delivered on its housing objectives, a better use for the site would be as a park.

## 5. Summary of Consultation Responses

**Network Rail - LNW (North):** - no objections in principle subject to conditions/ informative - various requirements must be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary - therefore the agreement and supervision of Network Rail is required;

**Natural England:** - the proposed development is within close proximity to the River Eden SAC and River Eden & Tributaries SSSI, therefore, a Habitat Regulation Assessment is required to assess the impact on the River Eden SAC. A Construction Environmental Management Plan is required;

**Local Environment, Waste Services:** - no objections in principle;

**Health & Wellbeing:** - there is already a deficiency of open space in the local area and it would be preferable that this is provided on site. If this is not feasible then a contribution of £27,990 should be made to upgrade open space that is accessible from the development at Lund Crescent and the River Caldew Corridor; there is no play provision on site so a contribution to upgrade and maintain the play facilities at Jubilee Road should be made of £34,511; a contribution of £19,593 should be made to local grass pitch provision or district wide artificial pitch provision; the developer will be required to ensure appropriate measures are put in place for the management of any new open space provided through this development. Subsequently agreed the play area could be provided on site and no play contribution would, therefore, be required;

**Local Environment - Environmental Protection:** - requested the submission of a full BS4142 noise assessment. Noise Management Plan would also be useful as part of a wider Construction Management Plan. Suitable restrictions on hours of operation should be imposed in order to protect the amenity of nearby residents, including vehicle movements. Need a condition requiring noise level measurements to be undertaken in a representative number of units in the development to verify that the noise from the railway and industrial units does not result in the internal and

external noise levels exceeding World Health Organisation guidelines. Need conditions to ensure area adjacent to the railway line is landscaped and to require electric charging points to be installed at each property. Also requested conditions that require a remediation strategy to be agreed with the local planning authority and implemented;

**Cumbria County Council - (Highway Authority - Footpaths):** - Public footpath 109322 follows an alignment to the south of the proposed development area and must not be altered or obstructed before or after the development has been completed;

**Cumbria Fire & Rescue Service:** - no comments received;

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to conditions (details of the proposed highway works and links; construction details of the proposed roads/ footways; timing of highway works; submission of Construction Traffic Management Plan; submission of a Travel Plan; an report reviewing the effectiveness of the Travel Plan; submission of surface water drainage scheme);

**Environment Agency:** - no objections;

**Cumbria Wildlife Trust:** - no comments received;

**Cumbria County Council - Development Management:** - there is a requirement for 22 primary school places from this development; currently there are 21 places available in Bishop Harvey Goodwin which is the catchment school. There are many spaces available with the other primary schools located in the 2 miles threshold from this development. An education contribution would not, therefore, be required for primary school places. A contribution for all 16 secondary places that the development would generate would be required as the September 2021 intake level at St John Henry Newman's cannot be sustained given the new school capacity. A contribution for £403,024 (16 x £25,189) would, therefore, be required for secondary education and this would need to be secured through a Section 106 Agreement;

**Cumbria Constabulary:** - although the majority of dwellings are orientated to overlook the access roads, there are various places where natural surveillance opportunities are compromised. Several communal spaces are not directly addressed, being placed to the rear of buildings or present blank gables towards them. Would not be in favour of an additional footpath link towards Lund Crescent. The Block and Site Plan drawings depict strong definition and demarcation of space by the formation of front curtilages to many of the dwellings - this should be replicated to all dwellings. Provided advice on security gates, door and windows. The choice and location of planting must be carefully considered to ensure it does not obstruct views or create hiding places as they mature;

**Cumbria County Council - (Archaeological Services):** - the application proposes the demolition of the former two-storey brick pump house that

survives on the site. The pump house has the potential to fulfil the criteria of a locally important heritage asset and, if so, then policy HE6 states that the presumption should be to retain it. In the event planning consent is granted and the pump house is considered not to be a locally important heritage asset, it should be recorded prior to demolition;

**United Utilities:** - no objections subject to conditions (submission of Construction Risk Assessment Method Statement; details of foul and surface water drainage; submission of sustainable drainage management and maintenance plan).

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP2, SP6, SP7, SP8, SP9, HO2, HO4, IP1, IP2, IP3, IP4, IP6, IP8, CC3, CC4, CC5, CM4, CM5, HE2, HE6, GI3, GI4 and GI6 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Documents Achieving Well Designed Housing, Affordable and Specialist Housing, Trees and Development and Designing Out Crime are also a material planning considerations.
- 6.3 The planning issues raised by the proposals are as follows:
1. Whether The Proposal Would Be Acceptable In Principle
- 6.4 Para 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.5 Policy SP1 (Sustainable Development) of the adopted Local Plan states that when considering development proposals Carlisle City Council will take a

positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

- 6.6 Criterion 1 of Policy SP2 (Strategic Growth and Distribution) states that sufficient land will be identified to accommodate 9,606 net new homes between 2013 and 2030 including a minimum annualised average of: 478 new homes between 2013 and 2020 and 626 net new homes between 2020 and 2030 (adjusted to have regard to delivery in 2013-2020 period). Criteria 6 of Policy SP2 states where possible and appropriate, the re-use and redevelopment of previously developed land will be encouraged across the District. Within the urban area of Carlisle the reuse and redevelopment of underused, vacant and derelict land will be supported in order to secure the continued regeneration of the City.
- 6.7 The site was identified as part of the Strategic Housing Land Availability Assessment (SHLAA) in 2012 as a site that could be delivered within 0-5 years after the Local Plan adoption, however, it is still vacant. Whilst not an allocated site within the adopted Local Plan, the site falls into the category of "windfall". Its location within the urban core and status as "previously developed" land are positive attributes and its immediate proximity to extensive housing areas suggest that this is the most suitable alternative use for it (re-use for other forms of employment use would be likely to result in inappropriate and unacceptable environmental impacts). In addition, the proposed redevelopment for housing would extend the range and choice of housing available in the Currock area which is presently dominated by small terraced and semi-detached houses. It could, therefore, create "step-up" housing for families that are settled in the area but would prefer larger and/or more spacious accommodation or those wanting to move to bungalows. This, in turn, would release smaller homes onto the housing market.
- 6.8 In light of the above, the proposal would be acceptable in principle.

## 2. Layout, Scale And Design

- 6.9 A mix of 2, 3 and 4 bed dwellings are proposed across the 3.1 hectare site. This equates to around 30 properties per hectare which would be an acceptable density and low density for an urban area.
- 6.10 The previous planning application had mostly north facing gardens, with a large number of them facing onto the railway. In order to maximise solar gain for the living spaces as well as the gardens and to buffer the homes from the railway line, the main entrance road has been situated to the north boundary of the site, alongside the railway. Not only does this provide some separation from the houses and their gardens from the railway line, it also gives greater opportunity for south facing gardens. This has the environmental advantage of increasing solar gain into the main living spaces which decreases the need for heating.
- 6.11 Although developed as one site, the proposed layout treats each area as distinct, creating groups of buildings with different landscaping treatments

used for each area. To the north as the site is entered from South Western Terrace, the landscaping and treatments are fairly reflective of the Victorian terrace, with brick and railing boundary walls and two storey buildings. As you move closer to the centre of the site, taller three-storey buildings are proposed, giving a greater variety to the frontages as well as responding to the rise in level to the east of the site. While to the south end of the site, a softer landscaping approach has been made, with more boundary hedges and greater landscaping to reflect its more rural character.

- 6.12 A mix of housing sizes has been proposed, with seven house types being used across the site, with a variety of treatments and orientations. The dwellings would include a range of design features to add visual interest including two and three storey flat roof projecting gables; two-storey pitched roof projecting gables; the use of varying roof heights; flat roof dormer windows at eaves level; the use of red bricks with contrasting buff bricks; and areas of cement fibre weather board cladding. The housing mix consists of: 8 two-storey two-bedroom dwellings; 14 two-storey three-bedroom dwellings; 3 two-storey four bedroom dwellings with garages; 21 three-storey four bedroom dwellings; 16 three-bedroom dwellings with integral garages; 26 three-storey four bedroom dwellings with integral garages; and 4 bungalows. The site would include detached and semi-detached properties and terraces of between 3 and 8 dwellings.
- 6.13 As a flat, vacant site, with the housing to the west at a much higher level, the mix of bungalows and two and three-storey dwellings has been carefully thought out to reflect the different areas within the site. As entering from South Western Terrace, which has two-storey Victorian terrace buildings, the proposed homes are also of two-storey, with some bungalows set back behind the two-storey properties. While as you move further into the site, where the higher level buildings along Lund Crescent are more apparent, then the three-storey house types are more prevalent.
- 6.14 As the development is accessed from South Western Terrace, a row of 19th Century, Victorian railway terrace houses, the proposed scheme looks at a contemporary approach that still respects the aesthetics of these terraces. Brick is used to complement that used on adjacent sites, however, the red brick has been complemented with buff brick on projecting bays that echo the contrasting brick on Lund Crescent, but with a modern application. Large windows, with a mix of smaller openings are used, as evidenced in the railway cottages. The scheme proposed is fitting for the 21st century, with pitched roofs complemented with pitched and flat projecting bays. These projecting bays allow for prominent entrance areas, as well as providing a rhythm to the massing of the site. The overriding design has been driven by a progression from existing Victorian terrace style housing on the road entering the site, but with a contemporary approach that meets the modern needs and desires of families today.
- 6.15 Landscaping would be provided around the periphery of the site to provide a buffer to the railway line as well as the surrounding residential development. Landscaping would also be provided within the open spaces which would be provided towards the western end (near to the Adelphi Terrace) to create

biodiversity and a more pleasant living environment.

- 6.16 The main approach from the site is from South Western Terrace, which is the main vehicular and pedestrian access. A new footpath link to Adelphi Terrace would be created to improve the porosity of the site. This would have external lighting installed to make it more accessible. An emergency vehicle access would also be provided via Adelphi Terrace. Initially a link at the south of the site to Lund Crescent was looked at, however, the public footpath between 91 and 93 Lund Crescent has been removed.
- 6.17 Across the site a total of 183 in curtilage parking spaces would be provided together with 23 visitor parking spaces. This is a total of 206 for the 92 dwellings. There are a further 41 garages of 3m by 5m. Every house has been allocated at least one car parking space, with the majority having at least two external parking spaces, with separate visitor parking space allowance.
- 6.18 Each property is provided with front and rear garden space which is defined through a variety of boundary treatments, including brick walls, native species hedges, fencing and walls with railings above. All entrances are overlooked and footpaths are generally very visible and adjacent to vehicular accesses. External hard landscaping for garden patios and paths would be mainly permeable paving to allow for ease of access as well as good surface water run off. There are also some areas of gravel towards the south of the site to compliment the softer landscaping.
- 6.19 The Council's Heritage Officer/ Urban Design Officer has been consulted on the application and considers that it should be refused in its current form. Contrary to advice and the indications of the outline application, the pump house does not seem to have been positively addressed by the applicant and is proposed for demolition. Similarly, the railway heritage of the site, including surviving capstans and a weighbridge is not addressed. The pump house should be retained and positively integrated into the scheme. It constitutes an undesignated heritage asset to which the provisions of Local Plan Policy HE6 - 'Locally Important Heritage Assets' applies. Local Plan Policies SP6 (Securing Good Design) and Policy SP7 (Valuing our Heritage and Cultural Identity) also support its retention. The County Archaeologist also considers the pump house has the potential to fulfil the criteria of a locally important heritage asset and, if so, then policy HE6 states that the presumption should be to retain it. This issue is discussed in Section 7 (Impact on Heritage) below.
- 6.20 In relation to the layout, the Council's Heritage Officer/ Urban Design Officer has raised concerns about: the orientation of the scheme, whose access road abuts the railway to the west, with new dwellings facing the railway; the poor connectivity to the open space and wildlife areas; the lack of integration into the scheme of existing mature and semi-mature trees which formed part of the railway landscaping scheme; and the lack of street trees and meaningful private planting; the poor integration with the existing highway/ pedestrian network - Red Bank Terrace remains disconnected and possible routes to the south of the site (where there was a public footpath) appear to



have been dismissed. It should be noted that the present historic basalt setted surface of South Western Terrace is specifically identified within the Council's adopted Urban Design SPD as assets meriting retention. Any works to these streets should give full credence to this.

- 6.21 Whilst the Council's Heritage Officer/ Urban Design Officer comments are noted, the provision of the primary access road adjacent to the railway line seems a good solution for this site as it provides a buffer between the dwellings and railway line, which could be landscaped. Having dwellings facing the railway line on the opposite side of the road is considered to be preferable to having rear gardens adjoining it. There are two footpaths that cross the open space and provide links to Adelphi Terrace. The mature trees around the periphery of the site are being retained and the majority of the trees that are being removed are self-seeded trees and of low amenity value. A condition has been added to the permission which requires details of new landscaping to be agreed with the local planning authority. Whilst there is no footpath connection to Redbank Terrace there are footpath connections to South Western Terrace and Adelphi Terrace. The former footpath to the south that linked the site to Lund Crescent has been removed and the land has been incorporated into the garden of a residential property. The Highways Authority has confirmed that the basalt setts can be retained (with the exception of the first 10m which would need to be tarmac) if the development is approved and the traffic levels increase on South Western Terrace.
- 6.22 In light of the above, the layout, scale and design of the proposed development are considered to be acceptable.

### 3. Impact On Residential Amenity

- 6.23 The existing dwellings on South Western Terrace, Red Bank Terrace and Adelphi Terrace have gable elevations facing the site. Whilst the dwellings on Lund Crescent have rear elevations facing the site, these sit at a significantly higher level than the site and are separated from the site by a landscaped embankment. The separation distances between the existing and proposed dwellings would largely exceed the separation distances advised in the Council's SPD Achieving Well Designed Housing (21m primary window to primary window and 12m primary window to a blank gable).
- 6.24 While it is contended that there would be a loss of privacy to existing residents from passing traffic and pedestrians, this is no more than happens with any new development, since every new home owner in every new estate, regardless where it is built, has to drive, cycle or walk past somebody's existing house to get there.
- 6.25 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of neighbouring residential properties through loss of light, loss of privacy or over-dominance.

### 4. Access and Transport Impacts

- 6.26 Objectors consider that South Western Terrace is inadequate in width and, due to its gradient and surfacing (setts), is not suitable to access the development. They also consider it has poor junction design where it meets Currock Road.
- 6.27 The provision of an additional access from Adelphi Terrace or Red Bank Terrace was explored during the previous application and was ruled out by the Highways Authority. The creation of a new access into the site was also explored. One option would be to create a new access from Lund Crescent but this would require the acquisition and demolition of two to three existing dwellings and is, therefore, unlikely to be a realistic option. A further option, would be to erect a road bridge, which would be accessed via Bousteads Grassing but this was ruled out for environmental reasons and in any event, would be likely to be cost prohibitive.
- 6.28 The previously approved application proposed to use South Western Terrace as the only access to the site which was acceptable in highway terms. This road was built by the Glasgow & South Western Railway Company and was used as the only access for the site when it operated as a rail goods yard. The Highways Authority has confirmed that this is acceptable but has also requested the provision of an EVA which would be via Adelphi Terrace.
- 6.29 The physical dimensions of South Western Terrace i.e. from front wall to front wall, are actually quite generous and the gradient of the street is not so severe as to conflict with good road design. The applicants propose to re-engineer the road to remove the existing, continuous kerbside parking that occurs on both sides of the carriageway and replace it with a combination of indented, parallel parking, reduced footway widths and a new area of secure, off-street parking for use by residents. The modified "through" carriageway would be designed to safeguard the existing 20 mph speed limit but would enable access for the largest vehicles that normally use residential streets, such as furniture removal and delivery wagons, refuse collection vehicles and appliances used by the emergency services.
- 6.30 The applicant's proposals for parking for the existing residents of South Western Terrace embrace a combination of limited, roadside parking within indented parallel bays, together with the proposed dedicated, secure off-street parking area just to the west of the access lane leading to the rear of Currock Bank Court. These proposals would create about 29 parking spaces in total which compares favourably with the number of existing dwellings (23). Precise arrangements for the formation of the off-street parking area, the assignment of its spaces, the mechanism for managing access to it, and arrangements for its future maintenance would need to be agreed.
- 6.31 Concerns have been raised about parking for people who are registered disabled and need to be able to park close to their home. That is precisely the sort of detail that would need to be carefully addressed but, as there would be "parallel" parking spaces provided on South Western Terrace, it

should be possible to ensure one is specifically allocated for people with disabilities.

- 6.32 The Highways Authority has been consulted on the application. It is illustrated within the block plans submitted that the development has two access points; the main vehicular access via South Western Terrace onto Currock Road and an Emergency Vehicle Access (EVA) onto Adelphi Terrace. It is also noted that in the previous response to this application the Highways Authority scrutinised the Transport Assessment and car parking requirements which were proven to be acceptable.
- 6.33 A detailed survey has been undertaken of South Western Terrace to create a new design for the highway. As an indicative plan drawing number 3422-F03 Revision C is acceptable subject to the normal s278 process and its safety audits. As noted previously the first 10m of South Western Terrace from Currock Road is to be surfaced in tarmac and additional grit bins are to be provided as requested.
- 6.34 The visibility splays associated with the proposed access onto South Western Terrace / Currock Road are to be 2.4m x 60m in line with the requirements of the Cumbria Development Design Guide. The applicant has demonstrated within the Transport Assessment Addendum that visibility splays of 2.4m x 60m are achievable for the access from South Western Terrace onto Currock Road. In addition, the applicant has demonstrated that visibility splays of 2m x 2m are achievable for the Emergency Vehicle Access and this is acceptable to the Highways Authority.
- 6.35 The proposed development is to incorporate a 20mph speed limit throughout to match the existing speed limits on South Western Terrace. As such the site is to be designed to meet the requirements of a 20mph zone with speed restraint being achieved by changes to the horizontal or vertical alignment; these should blend in and form part of the design of the highway layout. The developer would also be required to fund the Traffic Regulation Order for the site and amend the layout of the development taking into consideration the speed limit.
- 6.36 A swept path analysis has been undertaken for the loop road to demonstrate that refuse vehicles and similar can travel around the bends. The Highways Authority have reviewed the drawings submitted and the road widths are sufficient to be able to accommodate refuse vehicles.
- 6.37 The previous response noted an issue with the footway provision serving plots 34 to 41. In the most recent layout plan a footway is now provided serving plots 34 to 41 which is 2m in width. This provision is now acceptable to the Highways Authority.
- 6.38 The Highways Authority has stated that the applicant and local planning authority should note a potential conflict between the planning application currently under consideration and the potential of a busway that is being explored to link St Cuthbert's Garden Village to and from Carlisle Station and the city centre. The busway proposal affects the southern end of the site

with a potential bus only bridge being explored over the railway in this location. This has the potential to impact upon the access arrangements associated with the development and, therefore, the applicant is to work with the local planning authority and Highways Authority as details regarding the busway become available.

- 6.39 At present there are no details of the proposed busway, no plans of the potential route have been produced and no public consultation has taken place on the proposals. At this stage, therefore, the applicant cannot take this busway into account and this issue should not be given any weight.
- 6.40 In light of the above, the proposed highway impacts of the proposal would be acceptable subject to the imposition of conditions; the payment of £6,600 for Travel Plan monitoring (to be secured through a S106 Agreement); and details of the management arrangements for the proposed new parking area (to be agreed through the S106).

## 5. Drainage Matters

- 6.41 A revised drainage schematic has been submitted that proposes to discharge surface water into the combined sewer network at 5l/s, which is below the 9.2l/s greenfield runoff rate calculated for this site. The applicant has worked through the hierarchy of drainage options, as stated within the Cumbria Development Design Guide, to determine that the only possible surface water discharge point is into the combined sewer. It is agreed that infiltration is not a viable method of disposal due to the contaminated nature of the soils; however this does not preclude the use of permeable paving and other SuDS features to be used for the attenuation of surface water. Therefore, the discharge rate and method is acceptable to the Lead Local Flood Authority (LLFA) subject to agreement with United Utilities.
- 6.42 The applicant should note that attenuation is required on site to accommodate a 1 in 100 year plus 40% to account for climate change storm event. Initial calculations have been submitted to the LLFA with the applicant stating that a full suite of Micro Drainage calculations would be provided at a later stage of the planning process. The LLFA has no objections with regards to this information being provided at a later date and secured through the use of a planning condition (submission of surface water drainage scheme). It is also noted that the permeable paving provides sufficient treatment for a residential development in accordance with page 568 of the SuDS manual (table 26.2).
- 6.43 United Utilities has confirmed that it has no objections to the proposals subject to the imposition of conditions (submission of: surface water and foul water drainage schemes; a Sustainable Drainage Management and Maintenance Plan; and a Construction Risk Assessment Method Statement).

## 6. Effect on Nature Conservation/Biodiversity

- 6.44 Through, effectively, abandonment for several years, parts of the site have

the potential to have become wildlife habitats used by a variety of species including bats, amphibians and reptiles, and perhaps by some that are protected species.

- 6.45 A baseline ecological survey of the site has been undertaken. A desk study and Preliminary Ecological Appraisal (PEA) were undertaken in April 2021, including searches using the Multi Agency Geographic Information Centre (MAGIC) and the Cumbria Biodiversity Data Centre. The PEA provides an assessment of potential ecological impacts associated with the development of the site.
- 6.46 The site has a mosaic of hardstanding, tall ruderal, semi-improved grassland, ephemeral / short perennial vegetation and scrub. Other habitats present on site include a small stand of woodland, scattered mixed trees, a building and a pond. The site boundaries are a mixture of brick walls and high security fencing. The results of the survey, combined with the results of the desk study, highlighted the requirement for further work in relation to reptiles and bats. Mitigation measures were suggested to ensure that the development does not have an adverse impact on breeding birds and hedgehogs. Some invasive species are present on site and these would need to be subjected to control measures as part of any development and should be eradicated from the site through chemical treatment or mechanical excavation.
- 6.47 The PEA also suggests mitigation measures that should be implemented during the construction phase of the development to reduce the potential for the proposed development to adversely impact nearby designated sites as a result of increased pollution to ground water or surface water. These measures should be set out by the contractors prior to the commencement of works and will need to be agreed with the local planning authority and other statutory consultees.
- 6.48 The PEA recognises that the development presents an opportunity to improve the habitats on site for wildlife, such as bats and birds. The inclusion of nest boxes and bat boxes would provide suitable nesting and roosting features in the long-term.
- 6.49 No records of Great Crested Newts were returned from within 2km of the proposed development site. The PEA report previously prepared for the site by WYG in March 2010 makes reference to anecdotal evidence of GCNs previously being present within the pond on site. However this claim was never substantiated and there are no records or survey information available to confirm its validity. The PEA report prepared by WYG makes reference to several common frogs being observed on site during the walkover survey in 2010. No records of any amphibians were observed on site during the walkover survey, despite a search in numerous potential locations.
- 6.50 There is a single pond on site, located within the small area of broadleaved semi-natural woodland within the eastern section of the site. The pond was subject to an assessment of its suitability to support breeding GCNs. This assessment found the pond to have a score of 0.45, which is classified as

'poor' suitability. The key factors contributing to the low score and poor suitability classification include the ponds small size, the ponds tendency to dry up most years, the lack of other ponds within the local area and the high level of shade afforded to the pond by the surrounding woodland.

- 6.51 The terrestrial habitats within the development footprint are broadly suitable for GCNs. The areas of grassland, woodland and scrub provide sheltered commuting and foraging opportunities, whilst there are also hibernation opportunities in the rotting timber within the woodland and the numerous rubble piles present across the site. As part of the walkover survey, an eDNA survey was undertaken of the onsite pond, the results of which came back negative, indicating that GCNs are not present within this pond. As such, it is considered that GCNs are not present on site or within the immediate vicinity of the site.
- 6.52 A further survey for bats was undertaken. The building and habitats within the development boundary provide low quality habitat for foraging and commuting bats, however the site is situated in an area which provides moderate quality habitat for bats. The quality of roosting habitat within the building on site was initially assessed as moderate. However, the assessment was precautionary as internal access was not permitted in April 2021. Following an updated external inspection and internal inspection in September 2021, the quality of roosting habitat within the building was reassessed as low. No evidence of roosting bats was recorded during the inspections. However, two presence / absence surveys were undertaken to account for the time of year limitation. No bats were found to be using the building on site to roost during the presence / absence surveys, despite the favourable conditions. Furthermore, no field signs of bats, such as droppings, were found during the internal inspection, suggesting no historic or present use by roosting bats. Therefore, no further mitigation or compensation measures are required with regards to bats.
- 6.53 Natural England has been consulted on the application. The proposed development is within close proximity to the River Eden SAC and River Eden & Tributaries SSSI and a Habitat Regulation Assessment is, therefore, required to assess the impact on the River Eden SAC. A Construction Environmental Management Plan is required to ensure appropriate pollution prevention guideline measures are incorporated and this should include materials and machinery storage, biosecurity, the control and management of noise and fugitive dust, surface water runoff and waste to protect any surface water drains and the SAC from sediment and pollutants such as fuel and cement.
- 6.54 A Shadow Habitats Regulations Assessment (sHRA) of the proposed residential development has now been undertaken following the response by Natural England. Pollution of the River Caldw section of the River Eden SAC during site clearance and the construction phase of the development has been identified as the only impact pathway that could have a potential significant adverse impact upon the River Eden SAC. Without mitigation, the proposed development could adversely affect the designation features and contravene the conservation objectives.

- 6.55 The report sets out a series of mitigation measures which aim to ensure that any impact from the proposed development would be avoided or fully mitigated. Provided these measures are implemented, it is considered that the proposed development would have no adverse effect on the integrity of the River Eden SAC, its designation features or its conservation objectives, through either direct or indirect impact pathways. It is concluded that the proposals would have no adverse effect on the integrity of the River Eden SAC or any other designated sites, either alone or in-combination with other plans and projects. Natural England has confirmed that it agrees with the conclusions reached in the Shadow Habitats Regulations Assessment.
- 6.56 In light of the above, subject to conditions and suitable mitigation the proposal would not have an adverse impact on nature conservation/ biodiversity.

## 7. Impact on Heritage

- 6.57 The application proposes the demolition of the former two-storey brick pump house that survives on the site. The pump house dates from the late 19th century when the site was used as a railway service and maintenance depot for the Glasgow and South Western Railway Company. It is the last remaining structure from the railway depot and, despite having been a victim of vandalism and neglect, the pump house retains functional and decorative architectural features of note. Given its architectural interest and its historical association with the railway, which was so important to the later 19th century development of Carlisle, the Council's Heritage Officer and the County Archaeologist consider that it should be retained.
- 6.58 The developer notes that the building is in a very poor state of repair and that it is an isolated, incongruous, industrial building with no contextual setting and it adds nothing to the sense of place that the developer is seeking to create with the new housing development. Most importantly, the building is incapable of being redeveloped because part of the building accommodates the site's electrical substation. To move the substation would make the whole project unviable. To leave the building as it is would detract from the new streetscape and be unsightly. If the building is left it is unclear who would be responsible for its security and maintenance. Squatters were evicted from the building in December 2021.
- 6.59 The pump house is currently in a poor state of repair and its re-use would be difficult given that it currently contains an electricity sub-station, which prevents the first floor from being converted into residential use. The cost of retaining and converting the building into residential use (which require the relocation of the sub-station) would be very expensive and would have an impact on the viability of scheme. Whilst the building could be retained with the electricity sub-station within it, this would detract from the proposed scheme and would not provide an end use for the building which would help to ensure its future maintenance. With no end use the building would continue to deteriorate and would detract from the development.

- 6.60 Whilst the loss of the building is regrettable, with no viable end use the future maintenance of the building is an issue. It is, therefore, considered that the loss of the building is acceptable in this case and a condition has been added to ensure that the building is recorded prior to its demolition. This recording should be in accordance with a Level 2 Survey as described by Historic England in Understanding Historic Buildings A Guide to Good Recording Practice, 2016.

## 8. Affordable Housing

- 6.61 The site adjoins existing residential areas and is in good proximity to local shops and services, employment and public transport. The location is, therefore, considered suitable for both market and affordable housing.
- 6.62 The application site falls within Affordable Housing Zone B, which requires a 20% affordable housing contribution. Local Plan Policy HO4: Affordable Housing stipulates that the affordable housing provision should be 50% affordable/ social rent (usually through a Housing Association) and 50% intermediate housing (usually discounted sale at a 30% discount from market value through the Council's Low Cost Housing Register or shared ownership through a Housing Association).
- 6.63 Based on this 92 unit application, 18 affordable units (equating to 20% rounded down to the nearest whole unit) would be required (9 for affordable or social rent and 9 for intermediate low cost home ownership).
- 6.64 The Council's Affordable and Specialist Housing Supplementary Planning Document (SPD) recommends that on sites of between 50 and 99 units 5% of the dwellings provided should be bungalows or other accommodation suitable for older persons which applies to both the open market and affordable sectors. This reflects the housing need identified in the SHMA due to the ageing population, which is supported by POPPI (Projecting Older People Population Information Systems) data, which projects a 33.5% increase in the population aged 65 or over in Carlisle between 2020 and 2040 (including a 68.8% increase in people aged 85 and over).
- 6.65 In the case of the application site, 92 units x 5% would equate to 4 bungalows (rounded down to the nearest whole unit) or other adaptable unit types suitable for older persons (across the market and affordable sectors).
- 6.66 Local Plan Policy HO4 stipulates that "the siting of affordable housing within a development also needs careful thought to ensure that it is not concentrated within one area of the site, but is integrated throughout the development. This approach will ensure greater opportunities for community cohesion." Housing Associations are generally amenable to small clusters of rental units, from a housing management perspective, as long as they are not all in the same area of the site; however, the intermediate units should be "pepper-potted" across the site in accordance with mixed sustainable communities principles.
- 6.67 The Council's expected space standards for affordable homes are set out in



the Affordable and Specialist Housing Supplementary Planning Document (SPD). The space standard by GIA (gross internal area) for the property types recommended as affordable units as part of this application are:-

2-bed/ 3 person bungalow – 60 m<sup>2</sup>

2-bed/ 3 person house – 65 m<sup>2</sup>

3-bed/ 4 person house – 80 m<sup>2</sup>.

- 6.68 The Council's Housing Officer has been consulted on the application. He has confirmed that the proposals meet with the requirements of Local Plan Policy HO4 Affordable Housing and the Affordable and Specialist Housing Supplementary Planning Document. The 18 affordable properties included in the application represents 20% of the 92 units in the development (complying with the target for Affordable Housing Zone B) provided on a 50/50 basis between affordable homes to rent and low cost home ownership. The unit mix proposed is reflective of the need by property type stipulated in the Council's most recent Strategic Housing Market Assessment (affordable/ social rent: 9 units (4 no. 2 bed houses / 3 no. 3 bed houses / 2 no. 2 bed bungalows); low cost home ownership: 9 units (4 no. 2 bed houses / 5 no. 3 bed houses).
- 6.69 The affordable units are reasonably distributed across the site, reflecting mixed sustainable communities principles. Whilst there is one cluster of several rental units, Housing Associations tend to prefer small groupings of affordable units for management purposes and this is a relatively small grouping, bordered on each side by market housing, so is considered acceptable.
- 6.70 The gross internal area (GIA) for each of the affordable units (2 bed bungalow - 60 m<sup>2</sup>; 2 bed house – 70 m<sup>2</sup>; 3 bed house - 80 m<sup>2</sup>) is compliant with the minimum recommended affordable unit sizes, stipulated in the Council's Affordable and Specialist Housing SPD.
- 6.71 The four bungalows provided (including two affordable bungalows) are compliant with the 5% target for bungalows (or other adaptable accommodation) on sites of between 50 and 99 units, set out in the Affordable and Specialist Housing SPD.
- 6.72 The provision of the affordable housing on the site would need to be secured through a Section 106 Agreement.

## 9. Open Space

- 6.73 The Health and Well Being Team has been consulted on this application. The Local Plan target is for 3.6Ha/000 population which equates to 1.1 Ha of open space based on an occupancy of 311 (estimated). There is already a deficiency of open space in the local area and it would be preferable for this to be provided on site. If this is not feasible, then a contribution of £27,990 should be made to upgrade open space that is accessible from the development at Lund Crescent and the River Caldey Corridor.

- 6.74 The access is generally good with pedestrian/cycle access to Currock through Adelphi Terrace. There is no play provision on site. A contribution of £34,511 to upgrade and maintain the play facilities at Jubilee Road is, therefore, required. The site is too small to provide sports pitches, but a contribution of £19,593 should be made to local grass pitch provision or district wide artificial pitch provision.
- 6.75 The developer would be required to ensure appropriate measures are put in place for the management of any new open space provided through this development.
- 6.76 The applicant has confirmed that they are happy to agree to a contribution of £27,990 to upgrade Lund Crescent and the River Caldew Corridor and to pay a contribution of £19,593 towards local grass pitches or district artificial pitches. The applicant is also happy to ensure that the open space is properly managed as it is essential to ensure it remains a high quality and desirable place to live.
- 6.77 In relation to play provision, the applicant is intending to accommodate play provision on site and does not, therefore, wish to contribute to upgrading/ maintaining existing play facilities away from the development. The Health and Well Being Team has confirmed that it is happy for a children's play area to be provided on the site. A condition would need to be added to the permission which would require the location and design of the play area to be agreed with the local planning authority and this play area would need to be maintained by a management company.
- 6.78 Financial contributions towards amenity open space and sports pitches and the maintenance of the open space/ play area within the site would need to be secured through a Section 106 Agreement.

## 10. Education

- 6.79 A dwelling-led model has been applied and theoretically estimates a yield of 38 children: 22 primary and 16 secondary pupils for the schools. The catchment schools for this development are Bishop Harvey Goodwin (0.6 miles measured from approximate centre of the development site) and Central Academy for secondary education (1.3 miles). There are 7 other primary schools within the distance threshold of 2 miles. The next nearest secondary schools are Trinity School (1.5 miles) and St John Henry Newman Catholic School (1.5 miles) which is an RC school and faith schools have no specific catchment area, as they take children from a larger undefined area.
- 6.80 The pupil yield model, used to calculate how many children a development is likely to produce, works on the average number of children in dwellings across Cumbria. This methodology provides a best estimation for determining pupil yields for the purpose of planning for school places and has been agreed within the Cumbria County Council Planning Obligation Policy. The methodology for calculating available spaces in schools first considers developments with planning approval, before assessing which

schools the developments will impact and what spaces remain for the most recently proposed development. Currently there are four developments affecting the primary schools used for this assessment and twenty developments for Carlisle's secondary schools.

- 6.81 There is a requirement for 22 primary school places from this development; currently there are 21 places available in Bishop Harvey Goodwin which is the catchment school. There are many spaces available with the other primary schools located in the 2 miles threshold from this development. An education contribution would not, therefore, be required for primary school places.
- 6.82 A contribution for all 16 secondary places that the development would generate would be required as the September 2021 intake level at St John Henry Newman's cannot be sustained given the new school capacity. A contribution for £403,024 (16 x £25,189) would, therefore, be required for secondary education and this would need be secured through a Section 106 Agreement.

## 11. Contamination

- 6.83 The application is accompanied by a Phase 1 Desk Study and Preliminary Risk Assessment. This recommends that an intrusive contaminated land investigation is undertaken to determine the actual pollution linkages and to quantify the risk to the receptors, as well as a geotechnical investigation in order to provide data for design and construction of suitable foundations.
- 6.84 A Site Investigation (SI) has also been submitted with the application. The SI was undertaken as a result of recommendations made in the Phase 1 Desktop Study and Risk Assessment Report for the site. Out of the twenty samples tested, four samples returned exceedances for lead and arsenic. Statistically this level of contamination is low with no other exceedances noted for PAH or TPH or any other contaminants. The previous historical industrial nature which was developed across the vast majority of the site, has resulted in little or no topsoil being present on the site which could be re-used.
- 6.85 For the areas beneath the proposed buildings, the hardstanding base of the proposed structures would break the linkage between the pollutants in the subsoil and future receptors. It may also be possible to re-use some of the non-contaminated soils in the development, however suitable testing and screening should be undertaken in order that their suitability for use can be proved during the works. It is recommended that where the ground level is to be maintained in gardens and landscaped areas, soils are removed to a depth of 0.60mbgl and replaced by clean materials, which may include the importing of clean off-site materials, as well as the re-use of site clean soils. This could also be achieved by the addition of 0.60m of clean soils. The removal and replacement of this shallow subsoil from across the site and replacement with clean soils would be sufficient to mitigate the risks posed by the limited contamination encountered during the site investigation, given that exceedances were limited to depths of 0.20m, 0.30m and 0.40m.

- 6.86 If any locally contaminated areas are encountered during the works then the removal and replacement of these soils should be considered along with a physical barrier such as geotextile or gravel layer. A delineation exercise should also be undertaken to reveal the extent of any local contamination. As construction workers may come into contact with contaminated soils during the removal of the soil and subsequent groundworks, safe working practices should be implemented and appropriate PPE should be used to mitigate the risks of contact with contaminated soils. It is recommended that an appropriate number of soil samples are taken from the base of the excavation and submitted to an accredited laboratory for the purposes of validating that none of the contamination remains insitu.
- 6.87 The report contains a number of recommendations which would need to be followed. It also states that a remediation strategy should be agreed with the relevant local planning authority prior to such works commencing and/or the production of a validation report.
- 6.88 The Environment Agency has reviewed the Phase 1 Desk Study and Preliminary Risk Assessment and Site Investigation. The original steam shed at this location was disused by 1924 and the existence of Kerosene storage sheds to this time is possible. The railway companies of that time were known to excavate hand dug wells in order to abstract water for the locomotives and there could still be such a well on the site. The depot stored old diesel engines on this site prior to closure and servicing of these units may have taken place. The applicant should be aware of the above when further working on the site. Only one groundwater sample found TPH's and this was below the limits for domestic construction. The lower aquifer is a principle aquifer and a watch briefing is necessary to ensure that no larger contamination issues exist on the site. The EA agrees in principle with the reports recommendations and looks forward to being consulted on the remediation strategy.
- 6.89 The Council's Environmental Health Team has been consulted on the application. It notes that the phase 2 report concludes that there are some risks to human health receptors. As suggested within the report, a remediation strategy should be agreed prior to commencing works on site and a validation report would be required. This should be produced in line with the Environment Agency Land Contamination Risk Management (LCRM) guidance. Conditions have been added to the permission which require the submission of a remediation scheme and its implementation.

## 12. Air Quality

- 6.90 An Air Quality Assessment has been submitted in support of the application. During the construction phase of the proposed development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. These were assessed in accordance with the IAQM methodology. Assuming good practice dust control measures are implemented, the residual potential air quality impacts from dust generated by construction, earthworks and trackout activities are predicted to be not significant.

- 6.91 A review of GC monitoring data at representative locations indicated that monitored annual mean NO<sub>2</sub> concentrations are below the relevant AQOs at roadside locations. A further review of the DEFRA pollutant background maps indicated that the annual mean NO<sub>2</sub> and PM concentrations are expected to be below the relevant AQOs across the proposed development. When assessing the existing background levels in the vicinity of the site and distance to specific monitoring locations, it is considered that future site users would not be exposed to unacceptable NO<sub>2</sub> or PM concentrations.
- 6.92 Predicted impacts on annual mean NO<sub>2</sub> concentrations as a result of operational phase exhaust emissions using 2019 emission factors were predicted to be moderate at three sensitive receptor locations and negligible at all remaining sensitive receptors. Critically, there were no new exceedances due to the operation of the proposed development and all moderate impacts were restricted to the ground floor level. This analysis is worst-case as it does not account for vehicle fleet and emission improvements in line with current future predictions. As such, predicted impacts for this scenario are assumed to over estimations of actual impacts.
- 6.93 Predicted impacts on annual mean PM concentrations using 2019 emissions factors were predicted to be negligible at all sensitive receptor locations. A more realistic scenario utilising 2022 emission factors was undertaken. This indicated predicted impacts on annual mean NO<sub>2</sub> and PM concentrations as a result of operational phase exhaust emissions would be negligible at all sensitive receptor locations within the vicinity of the site. The overall significance of potential impacts was determined to be not significant in accordance with the EPUK and IAQM guidance. The use of robust assumptions, in the form of worse-case road vehicle emission factors, was considered to provide sufficient results confidence for an assessment of this nature. It should be noted that the implementation of mitigation measures ensures operational phase impacts associated with the development would be minimised and this supports the findings of the 2022 emission factor analysis.
- 6.94 Based on the results of the Air Quality Assessment, the site is considered to be suitable for the proposed end use.
- 6.95 Officers in Environmental Health have been consulted on the Air Quality Assessment. The proposed development would have some moderate adverse impacts on local pollution levels in an Air Quality Management Area (AQMA) on Currock Road. National and local policies seek to ensure that any development does not have an adverse on air quality within AQMAs. However, any development on this site, or the re-use of site for its previous use, would lead to an increase traffic levels on Currock Road which would have an adverse impact on air quality. It is considered that the benefits of developing a brownfield site in a sustainable location would over ride the moderate adverse impact on the AQMA. It should be noted that air quality has improved in the last two years due to less people travelling to work due to Covid restrictions. It is likely that a number of people will continue to work from home for at-least part of the week which should lead to improvements

in air quality throughout the city. The increased use of electric vehicles will also reduce vehicle emissions in the future.

- 6.96 The residents nearest to the railway line would also have some exposure to exhaust fumes from diesel trains as this is a non-electrified trainline. Green screening is, therefore, important which is mentioned in the air quality report and this can be secured through the landscaping condition. A condition has also been added to the permission which requires electric vehicle charging points to be provided within the development.

### 13. Noise

- 6.97 A detailed environmental noise survey has been undertaken in order to establish the prevailing noise climate at the development site. The assessment indicates that acceptable internal noise levels should be readily achievable through the appropriate specification of double glazing and ventilation solutions. This would likely take the form of conventional thermal double glazing in conjunction with trickle ventilators within the building envelope. Noise emission limits have been set for new items of fixed plant related to the development.
- 6.98 Officers in Environmental Heath have been consulted on the noise report. In line with Environmental Heath's comments, conditions have been added to the permission which requires the applicant: to submit a BS4142 Noise Assessment prior to work commencing on site and this would need to include details of any mitigation that would be required (this must include the impact from the adjacent railway line and the neighbouring industrial site); submit a Construction Management Plan for approval by the local planing authority; and to take noise level measurements in a number of units in the development to verify that the noise from the railway line and industrial units do not result in the internal and external noise levels within the dwellings exceeding WHO guidelines during the daytime and night time. With these conditions in place the proposal would be acceptable in relation to noise impacts.

### 14. Crime Prevention

- 6.99 The Crime Prevention Officer has been consulted on the application. Although the majority of dwellings are orientated to overlook the access roads, there are various places where natural surveillance opportunities are compromised. Several communal spaces are not directly addressed, being placed to the rear of buildings or present blank gables towards them, e.g. POS to the rear of Plots 2, 11, 12, 13–16, 33, 42, 70–83. The block closest to the footpath link to Adelphi Terrace presents staircase landing windows towards this feature.
- 6.100 The Block and Site Plan drawings depict strong definition and demarcation of space by the formation of front curtilages for a number of the dwellings. This measure should be replicated to all dwellings. Formation of curtilages with low-level planting would be sufficient for this purpose. This issue can be addressed through the discharge of the boundary treatment and landscaping

conditions.

- 6.101 The gates securing access to rear gardens (e.g. plots 32, 34/57, 41/50, 64) must be full-height lockable examples to deter intrusion. The dwellings should incorporate exterior doors and ground floor windows with products specified to PAS 24:2016. Garage doors should be specified to LPS 1175 or STS 202 to resist forced entry. The applicant has been made aware of these requirements.
- 6.102 The Design and Access Statement makes reference to the importance of the landscaping scheme, for screening purposes and for the creation of wildlife habitat. The choice and location of plant species must be carefully considered to ensure they do not obstruct views or create hiding places as they mature. This issue can be addressed when the applicant submit details of the proposed landscaping scheme for approval through a discharge of conditions application.
- 6.103 Plots 34 to 41 face on to part of the open space, with the rear elevations of plots 31 to 33 also facing onto some of open space. In response to the Crime Prevention Officer's comments, an additional living room and bedroom window have been added to the gable of Plot 33 at first and second floor level and these would overlook part of the open space. There are also two footpaths that run through the open space which would provide surveillance.
- 6.104 In light of the above, the proposal would not have an adverse impact on crime prevention.

#### 15. Impact On The Railway Line

- 6.105 The site would lie in close proximity to a railway line and Network Rail has been consulted on the application. It has confirmed that it has no objections in principle to the proposal, subject to the imposition of a series of conditions and informatives which would require: the submission (directly to Network Rail) of a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway and this is in addition to any planning consent; the provision, at the applicant's own expense (if not already in place), of a suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land; the applicant to provide details of any scaffolding works within 10m of the railway; the submission of a risk assessment and method statement prior to any vibro-impact works taking place on site; the submission of a demolition methodology statement prior to any demolition works taking place; full details of the disposal of both surface and foul water; full details of ground levels, earthworks and excavations to be carried out near to the railway boundary; a minimum 3m easement to be provided between structures on site and the railway boundary; details of appropriate vehicle safety protection measures along the boundary with the railway; and a BAPA (Basic Asset Protection Agreement) would need to be agreed between the developer and Network Rail.

#### 16. Nutrient Neutrality

- 6.106 Alongside other local planning authorities, Carlisle City Council has received a letter dated 16th March 2022 from Natural England about nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). The letter advised that new development within the catchment of these habitats comprising overnight accommodation (which includes new dwellings) can cause adverse impacts to nutrient pollution.
- 6.107 Local authorities have been advised that planning applications and plans in affected areas should be carefully considered and mitigation should be used to ensure there are no adverse effects to meet the requirements of the Conservation of Species and Habitats Regulations 2017. Whilst the council assesses the implications of these matters, it cannot lawfully conclude that development within the catchment of the River Eden SAC will not have an adverse effect. Therefore, until these matters are resolved, the council will not be able to grant planning permission for developments comprising overnight accommodation (including new dwellings) within the affected catchments. This application cannot, therefore, be approved until this issue is resolved.

## **Conclusion**

- 6.108 The application site is located in a very sustainable location, near to the city centre and in an established residential area of the city. It can add to the stock of affordable housing in Carlisle and will bring about the re-use of previously developed land, a key objective of national and local planning policy.
- 6.109 The layout, scale and design of the proposed development are acceptable. The proposed access and parking arrangements (including for residents of South Western Terrace) would be acceptable. The proposal would not have an unacceptable adverse impact on residential amenity, on biodiversity, on heritage assets, on crime prevention or on the adjacent railway line. Affordable housing and bungalows would be provided on the site in line with policy requirements, with a children's play area also being provided on site. The issues of air quality, drainage, noise and contamination can be addressed through the discharge of conditions. Contributions would be made to improving open space in the area and to providing additional school places.
- 6.110 The proposal is, therefore, recommended for approval subject to the completion of a S106 Agreement.
- 6.111 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a S106 agreement to secure:
- a) the provision of 18 of the units as affordable;
  - b) the provision of 4 bungalows on the site;
  - c) an off-site open space contribution of £34,511 for the upgrading and maintenance of open space at Jubilee Road;



- d) a financial contribution of £19,593 to support the off-site improvement of existing sports pitches;
- e) the maintenance of the informal open space and play area within the site by the developer;
- f) a financial contribution of £403,024 to Cumbria County Council towards secondary school places;
- g) a financial contribution of £6,600 to Cumbria County Council for the monitoring of the Travel Plan;
- h) the management arrangements of the proposed parking area;
- i) any financial contributions/management/maintenance that might be required to deal with the issue of nutrient neutrality.

If the S106 is not completed, the Corporate Director for Economic Development be given authority to refuse the application.

## **7. Planning History**

- 7.1 Application 10/0656 which was an outline application for proposed residential development including alterations to the public highway on South Western Terrace to form vehicle access was approved at committee in November 2011 subject to the completion of a S106 legal agreement. The S106 was never signed and the application was finally disposed of in June 2018.

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

- 1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.  
  
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  - 1. submitted planning application form received 26th July 2021;
  - 2. Site Location Plan (drawing ref 20064-40 Rev A) received 18th August 2021;
  - 3. Proposed Block Plan (dwg ref 20064-12 Rev J) received 14th April 2022;
  - 4. Site Plan 1 of 3 (dwg ref 20064-13 Rev G) received 22nd March 2022;
  - 5. Site Plan 2 of 3 (dwg ref 20064-14 Rev G) received 14th April 2022;
  - 6. Site Plan 3 of 3 (dwg ref 20064-15 Rev F) received 22nd March

2022;

7. House Types 1, 2 and 2G Plans and Elevations (drawing ref 20064-04 Rev A) received 26<sup>th</sup> July 2021;
8. House Types 3 and 4 Plans and Elevations (drawing ref 20064-05 Rev A) received 26<sup>th</sup> July 2021;
9. House Type 5 Plans and Elevations (drawing ref 20064-26 Rev A) received 10<sup>th</sup> March 2022;
10. Elevations Plots 1 – 10 (drawing ref 20064-16 Rev A) received 26<sup>th</sup> July 2021;
11. Elevations Plots 11 – 22 (drawing ref 20064-17 Rev B) received 10<sup>th</sup> March 2022;
12. Elevations Plots 23 – 33 (drawing ref 20064-18 Rev A) received 26<sup>th</sup> July 2021;
13. Elevations Plots 34 – 43 (drawing ref 20064-19 Rev A) received 26<sup>th</sup> July 2021;
14. Elevations Plots 44 – 53 (drawing ref 20064-20 Rev A) received 26<sup>th</sup> July 2021;
15. Elevations Plots 54 – 62 (drawing ref 20064-21 Rev A) received 26<sup>th</sup> July 2021;
16. Elevations Plots 63 – 71 (drawing ref 20064-22 Rev A) received 26<sup>th</sup> July 2021;
17. Elevations Plots 72 – 79 (drawing ref 20064-23 Rev A) received 26<sup>th</sup> July 2021;
18. Elevations Plots 80 – 86 (drawing ref 20064-24 Rev A) received 26<sup>th</sup> July 2021;
19. Elevations Plots 87 – 92 (drawing ref 20064-25 Rev A) received 26<sup>th</sup> July 2021;
20. 3D View of site from north (drawing ref 20064-35 Rev A) received 26<sup>th</sup> July 2021;
21. Proposed 3D Views (drawing ref 20064-36 Rev A) received 26<sup>th</sup> July 2021;
22. Proposed 3D Views 3 (drawing ref 20064-37 Rev A) received 26<sup>th</sup> July 2021;
23. Proposed 3D Views 3 (drawing ref 20064-38 Rev A) received 26<sup>th</sup> July 2021;
24. Proposed 3D Views 4 (drawing ref 20064-39 Rev A) received 26<sup>th</sup>

July 2021;

25. Site Sections 1 of 5 (drawing ref 20064-43 Rev A) received 26<sup>th</sup> July 2021;
26. Site Sections 2 of 5 (drawing ref 20064-44 Rev A) received 26<sup>th</sup> July 2021;
27. Site Sections 3 of 5 (drawing ref 20064-45 Rev A) received 26<sup>th</sup> July 2021;
28. Site Sections 4 of 5 (drawing ref 20064-46 Rev A) received 26<sup>th</sup> July 2021;
29. Site Sections 5 of 5 (drawing ref 20064-47 Rev A) received 26<sup>th</sup> July 2021;
30. Transfer Plan (drawing ref 12044-WMS-ZZ-XX-DR-C-15903-S2-Rev P3) received 9<sup>th</sup> August 2021;
31. Concept Drainage Layout (drawing ref ELL/21021/PE/L/1000 Rev B) received 1<sup>st</sup> February 2022;
32. Air Quality Assessment (ref. AQ45559 02/07/2021) received 26<sup>th</sup> July 2021;
33. Design & Access Statement (July 2021) received 26<sup>th</sup> July 2021;
34. Desktop Study & Preliminary Risk Assessment report (Report Number: GES 1007-20, September 2020) received 26<sup>th</sup> July 2021;
35. Factual Report on a Ground Investigation (Report No. GES 1007-20, January 2020) received 26 July 2021;
36. Noise Impact Assessment Report (ref. 28853/NIA1 21/06/2021) received 26<sup>th</sup> July 2021;
37. Planning Statement (July 2021) received 26<sup>th</sup> July 2021;
38. Flood Risk Assessment (ref. AQ45559 02/07/2021) received 26<sup>th</sup> July 2021;
39. Rain Induced Vibration Report 28853/TIV1 (21 June 2021) received 26<sup>th</sup> July 2021;
40. Preliminary Ecological Appraisal (17<sup>th</sup> May 2021) received 26<sup>th</sup> July 2021;
41. Draft Heads of Terms received 9<sup>th</sup> August 2021;
42. Transport Assessment (June 2021) received 16<sup>th</sup> August 2021;
43. Transport Assessment Addendum (December 2021) received 8<sup>th</sup> December 2021;
44. Shadow habitats Regulations Assessment (sHRA) received 8<sup>th</sup> December 2021;
45. Service Strips (Dwg 20064-49 Rev B) received 22<sup>nd</sup> March 2022;
46. Proposed Site Access Plan (Dwg 3422-F03 Rev C) received 22<sup>nd</sup> March 2022;

47. Swept Path Analysis (Dwg 3422-SP01 Rev C) received 22nd March 2022;
48. Concept Drainage Layout (Dwg ELL/21021/PE/L/1000 Rev C) received 22nd March 2022;
49. Quick Storage Estimate, received 22nd March 2022;
50. Surface Water Drainage Calculations, received 20th April 2022;
51. Parking Plan (Dwg 20064) received 8th February 2022;
52. the Notice of Decision;
53. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Samples or full details of all materials to be used on the exterior of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before their first use on site. The development shall then be undertaken in strict accordance with these details.

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

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

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

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

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

6. No development shall take place until a Construction Risk Assessment Method Statement (RAMS) for construction of the proposed development, is submitted to and approved in writing by the Local Planning Authority. The statement shall outline the potential impacts from all construction activities

on infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to this infrastructure. The development shall be undertaken in accordance with the approved RAMS.

**Reason:** To ensure a satisfactory form of development and to afford appropriate protection of infrastructure that crosses the site.

7. Prior to the commencement of development (excluding demolition) details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions, the potential for infiltration of surface water in accordance with BRE365;
  - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
  - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
  - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge; and
  - (v) Foul and surface water shall drain on separate systems within the site.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

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

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

**Reason:** To ensure that management arrangements are in place for the

sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

9. No development shall take place until a Construction Risk Assessment Method Statement (RAMS) for construction of the proposed development, is submitted to and approved in writing by the Local Planning Authority. The statement shall outline the potential impacts from all construction activities on infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to this infrastructure. The development shall be undertaken in accordance with the approved RAMS.

**Reason:** To ensure a satisfactory form of development and to afford appropriate protection of infrastructure that crosses the site.

10. Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to the Local Planning Authority for approval. This shall include appropriate pollution prevention guideline measures, including materials and machinery storage, biosecurity, and the control and management of noise, fugitive dust, surface water runoff and waste to protect any surface water drains and the SAC from sediment, and pollutants such as fuel and cement.

**Reason:** In order to protect the River Eden SAC and River Eden & Tributaries SSSI.

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

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

12. Prior to the commencement of development, tree protection fencing shall be installed in accordance with details to be agreed in writing by the Local Planning Authority. The tree protection fencing shall be retained in place at all times until the construction works have been completed.

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

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

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

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

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

15. Prior to the occupation of any dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for any dwelling shall be implemented on site before that unit is first brought into use and retained thereafter for the lifetime of the development.

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

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

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

17. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

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

Site investigations should follow the guidance in BS10175.

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

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

19. Prior to the commencement of development, a full noise impact assessment in accordance with British Standard BS4142, using the one-third octave method shall be submitted to the Local Planning Authority for approval. The assessment should cover all stages of a BS4142 and provide an explanation of each step, so that is clearly understandable. It must clearly demonstrate the noise levels in a concluding table of noise values. Details shall also be provided of any proposed mitigation measures and these shall be implemented prior to the occupation of any of the dwellings in accordance with a timetable to be agreed in writing with the Local Planning Authority.

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

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

The noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. Daytime noise levels are to be measured in living rooms and the night time levels to be measured in bedrooms. Measurements must be taken at plots which are



considered to be a worst case scenario, in terms of noise exposure. The rooms chosen must be orientated towards the noise sources.

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

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

21. Prior to the commencement of the development (including demolition works), a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development and demolition works shall then be undertaken in strict accordance with the Construction Management Plan.

**Reason:** To ensure the that the proposed demolition works do not have an adverse impact on the occupiers of any neighbouring properties, in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

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

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

23. Prior to the installation of the children's play area, details of the location and equipment to be installed shall be submitted for approval in writing by the Local Planning Authority. The play area shall then be installed in strict accordance with these details.

**Reason:** To ensure that suitable play equipment is provided on site in accordance with Policy GI4 of the Carlisle District Local Plan 2015-2030.

24. Prior to its demolition as part of the approved development, the existing former pump house shall be recorded in accordance with a Level 2 Survey as described by Historic England's document Understanding Historic Buildings A Guide to Good Recording Practice, 2016. Within 2 months of the commencement of construction works a digital copy of the resultant Level 2 Survey report shall be furnished to the Local Planning Authority.

**Reason:** To ensure that a permanent record is made of the building of architectural and historical interest prior to its demolition as part of the development.

25. A method statement and risk assessment must be submitted to the Local

Planning Authority and Network Rail for review and agreement prior to works commencing on site. The development shall then be carried out in strict accordance with the method statement and risk assessment

**Reason:** To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

26. Prior to occupation of the site, the developer is to provide a suitable trespass proof fence adjacent to the boundary with the railway; the fencing details to be submitted to the local planning authority and Network Rail for agreement.

**Reason:** To protect the adjacent railway from unauthorised access

27. Details of scaffolding works within 10m of the railway boundary shall be submitted to the Local Planning Authority and Network Rail for agreement.

**Reason:** In the interests of protecting the railway and its boundary from over-sailing scaffolding.

28. Prior to any vibro-impact works taking place on site, a risk assessment and method statement shall be submitted to the Local Planning Authority and Network Rail for approval.

**Reason:** To prevent any piling works and vibration from de-stabilising or impacting the railway.

29. No demolition works shall be undertaken until a demolition methodology statement (including mitigation measures) has been submitted to the Local Planning Authority and issued to Network Rail. The demolition methodology statement strategy shall be implemented in full throughout the demolition period.

**Reason:** To safeguard the railway and its boundary from demolition machinery and dust and debris

30. Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail for approval.

**Reason:** To protect the adjacent railway and its boundary.

31. Details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to the Local Planning Authority (in consultation with Network Rail) for approval.

**Reason:** To prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion.

32. Details of the proposed highway works and links (as indicatively show on the submitted drawings) shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and no dwelling hereby permitted shall be occupied until the improvements have been constructed and complete.

**Reason:** To ensure a suitable standard of accessibility for pedestrians, cyclists and vehicles and to support Local Transport Plan Policies LD5, LD7 and LD8. For the avoidance of doubt this includes the works on South Western Terrace , Currock Road, parking access and the EVA to Adelphi Terrace.

33. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority (to an adoptable standard) and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

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

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

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

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

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;

- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

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

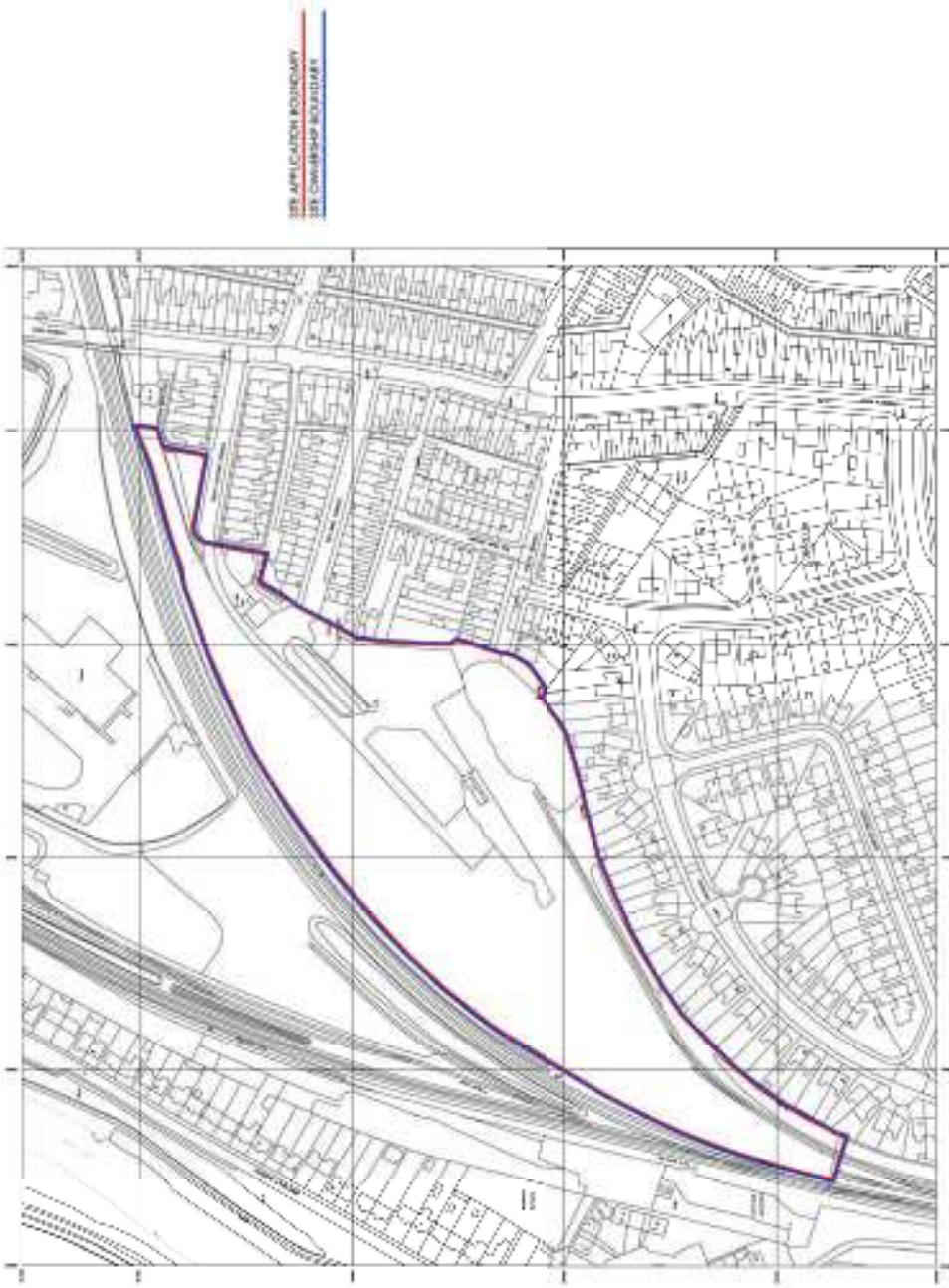
36. Within 6 months of the development (or any part thereof) becoming occupied, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes.

**Reason:** To aid in the delivery of sustainable transport objectives to support Local Transport Plan Policies WS1, LD4 and Structure Plan Policy T31.

37. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

**Reason:** To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies WS3, LD4 and Structure Plan Policy T31.

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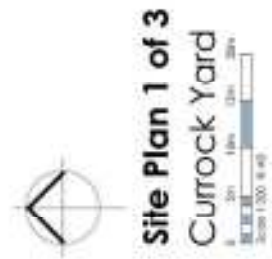


# Site Location Plan Currock Yard

















**Site Plan 3 of 3**  
**Currock Yard**  
 Scale: 1:500 0' 10' 20'







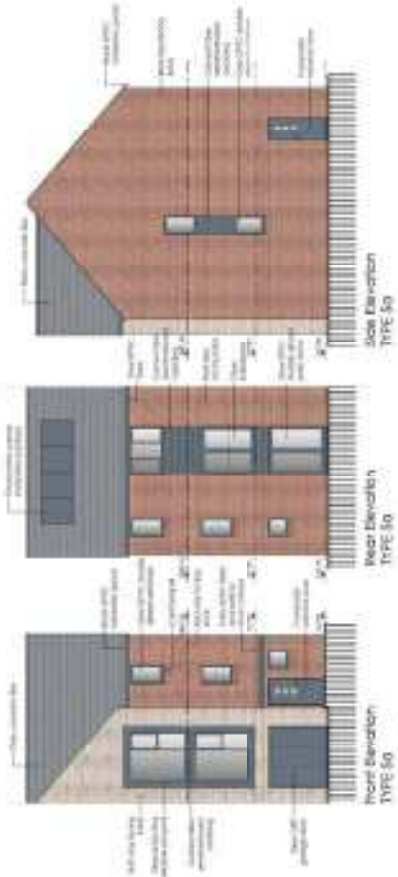




# House Types 3 and 4 Currock Yard

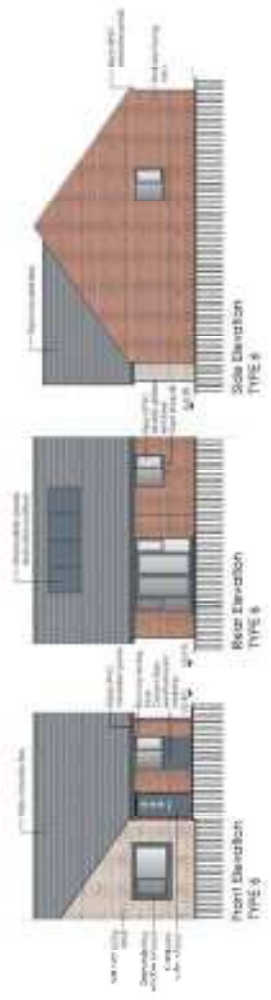


**NOTES**  
 1. All drawings to be printed on A3 paper, unless otherwise stated.  
 2. All drawings to be printed on A3 paper, unless otherwise stated.  
 3. All drawings to be printed on A3 paper, unless otherwise stated.



# House Type 5 Currock Yard

0m 3m 6m 9m 12m  
 Scale 1:100 @ A1

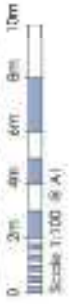


**ARCHITECTS PLUS**  
 3-Planning Planning Submission  
 Proposed Residential Development  
 Currock Yard, Corbie  
 Currock Avenue Limited  
 House Type 6  
 Plans and Elevations  
 B15 20.10.2020  
 1:100  
 20064.26  
 A



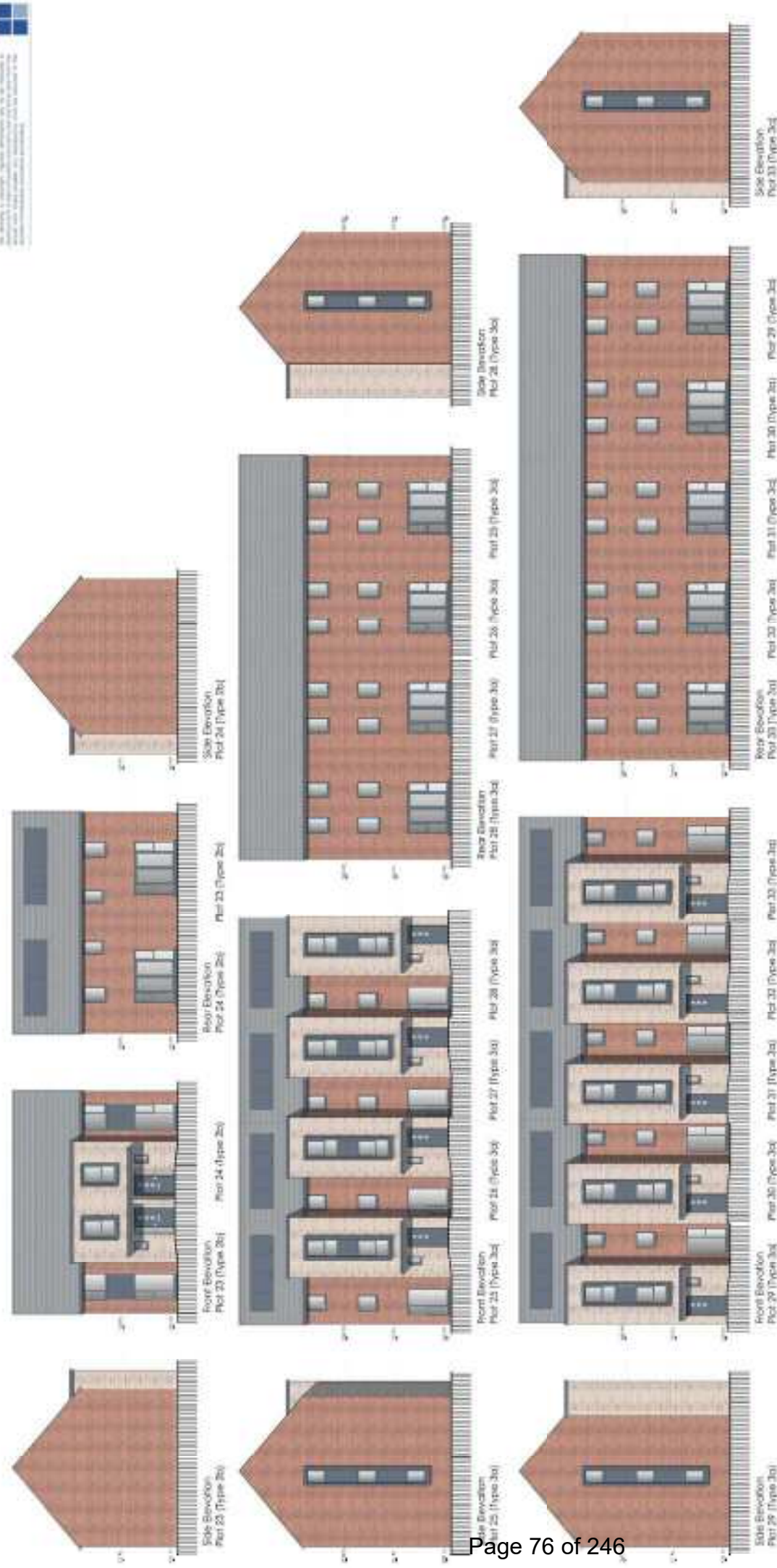
**NOTES**  
 1. All drawings are to be read in conjunction with the Planning Application Form and the Planning Committee's decision.

# Elevations Plots 1 - 10 Currock Yard









The information contained in this drawing is for the use of the client only and is not to be used for any other purpose. The client is responsible for ensuring that all drawings are up to date and that all necessary permissions are obtained.





Plot 34 (Type 4) Plot 35 (Type 4) Plot 36 (Type 4) Plot 37 (Type 4) Plot 38 (Type 4) Plot 39 (Type 4) Plot 40 (Type 4) Plot 41 (Type 4)



Plot 35 (Type 4) Plot 36 (Type 4) Plot 37 (Type 4) Plot 38 (Type 4) Plot 39 (Type 4) Plot 40 (Type 4) Plot 41 (Type 4)



Plot 43 (Type 3b) Plot 44 (Type 3b) Plot 45 (Type 3b) Plot 46 (Type 3b) Plot 47 (Type 3b) Plot 48 (Type 3b) Plot 49 (Type 3b)

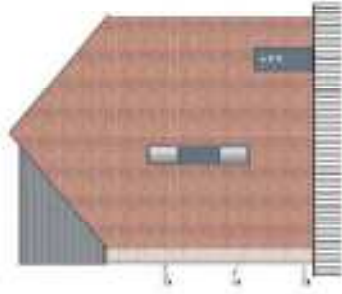
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# Elevations Plots 34 - 43 Currock Yard

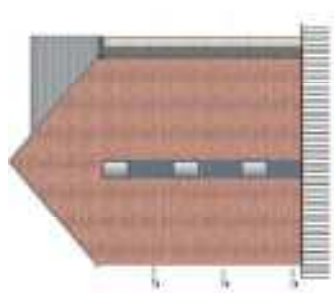
0 2m 4m 6m 8m 10m  
 Scale 1:100 (6 A)

Side Elevation  
Plot 44 Treston SoilFront elevation  
Plot as (Type 5a)

Water Elevation  
Plot all (Type 5a)

Side Elevation  
Sheet 46 (Turn 50)Seite 14 von 14  
Print als PDF-DateiPrint Edition  
 Print 44 (June 2001)

Book Reviews  
 Flat as a Pancake

Side Elevation  
 11/11/11 11:11 AMSide: Clavation  
Post: 53, 71, 90, 94

at 85 (Type 3b)

West: Elizabeth  
Plot 50 (Type 1)

Side Bar:
Not so (Type 1)





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# Elevations Plots 54 - 62 Currock Yard



Side Elevations:  
 Part 43 (Tympani)

Table 66 (Type A)

Recent Derivation  
 Plot: 43 (Cycas 4)

Part 66 (Topic 4)

Power Electronics  
 Part 45 (Topic 4)

Fact Ads (Types 4)

Side (Devotion):  
 Plot 25 (Tyrone 4)Under Evaluation  
Page 67 (Type 4)

John B. Fendley

Book Reviews

100

**Table 1**

[illegible]





**NOTES**  
 1. The drawings are to be used for the purpose of the planning application only. They are not to be used for any other purpose without the written consent of the architect.  
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 10. The drawings are to be used for the purpose of the planning application only. They are not to be used for any other purpose without the written consent of the architect.

# Elevations Plots 72 - 79 Currock Yard

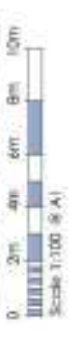
0 2m 4m 6m 8m 10m  
 Scale 1:100 (A)


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# Elevations Plots 80 - 86

## Currock Yard





# NOTES

THIS IS NOT A CONSTRUCTION DRAWING AND IS FOR INDICATIVE PURPOSES ONLY.  
THE DRAWING WILL BE SUBJECT TO CHANGE FOLLOWING LOCAL AUTHORITY REVIEW AND CONFIRMATION OF PUBLIC HIGHWAY AND THIRD PARTY LAND BOUNDARIES.

- INDICATIVE SITE BOUNDARY
- DEMOTES NEW KERBS
- LOCAL AUTHORITY: CUMBRIA COUNCIL
- TOTAL AREA OF SITE: 3.14Ha



SITE LAYOUT NTS

REV	DETAILS	DATE	BY	CHECKED	DATE
1	SITE LAYOUT NTS	18/08/2023	JC	JC	18/08/2023
2	WIDENING IN THE NORTH CORNER	18/08/2023	JC	JC	18/08/2023
3	WIDENING IN THE SOUTH CORNER	18/08/2023	JC	JC	18/08/2023

## CURROCK AVENUE LIMITED

CURROCK YARD,  
CARLISLE

PROJECT

## PROPOSED SITE ACCESS PLAN

SCALE

1:500 @ A3

REV	DATE	BY	CHECKED	DATE
1	18/08/2023	JC	JC	18/08/2023

Craft Transport Planning & Design  
140 Dearington  
Huddersfield  
HD4 4LY

Email: info@craftplanning.co.uk  
Tel: 0161 817 7300  
Web: www.eddisons.com/services/transport-planning

PROJECT NO	3422-F03	REVISED	C
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**Eddisons** | Incorporating  
| Craft



NORTH SOUTH AERIAL VIEW



VISIBILITY FROM EMERGENCY ACCESS  
SCALE: 1:1000 @ A3





## SCHEDULE A: Applications with Recommendation

21/0507

Item No: 02

Date of Committee: 13/05/2022

**Appn Ref No:**  
21/0507

**Applicant:**  
Castletown Estate

**Parish:**  
Rockcliffe

**Agent:**

**Ward:**  
Longtown & the Border

**Location:** Land to the west of Castletown Farm, Redhills, Rockcliffe, Carlisle, CA6 4BL

**Proposal:** Change Of Use Of Land For The Siting Of 5no. Pods And 6no. Cabins

**Date of Receipt:**  
09/06/2021

**Statutory Expiry Date**  
04/08/2021

**26 Week Determination**  
16/05/2022

### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the landscape character of the area
- 2.3 Scale and design of the proposal
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Proposed drainage methods
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on biodiversity and ecology
- 2.8 Impact of the proposal on existing trees
- 2.9 Other matters

#### 3. Application Details

##### The Site

- 3.1 The application site, equating to approximately 10280 square metres, is a parcel of woodland located immediately to the west of Castletown Farm at

Redhills. The northern and western boundaries of the site are delineated by agricultural land with Castletown House located to the north west. The River Eden is adjacent to the southern boundary of the elevated site. The western periphery of Rockcliffe is located approximately 550 metres south west of the application site.

- 3.2 Vehicular access to the application site would be along the U1068 which adjoins the C1016 county highway. National Cycle Route 7 (Sunderland to Inverness) which forms part of the Coast to Coast cycle route, also runs along the U1068 county highway.

## **The Proposal**

- 3.3 The application seeks full planning permission for the change of use of land for the siting of 5no. pods and 6no. cabins. The submitted drawings illustrate the pods and cabins arranged along a central access track within the woodland with parking provision to serve the proposed development provided within the existing farm yard of Castletown Farm. The submitted Design and Access Statement detailing that there would be a raised path, nearest to the parking area, to afford ease of access to the pods/cabins providing accommodation for disabled persons. The remaining paths, which will be formed to run with the root systems, would be surfaced with bark/woodchip.
- 3.4 The submitted drawings illustrate that the 5no. pods set back within the application site, located along the northern and western boundaries, would be 7 metres long by 3.66 metres wide with the 'barreled' roof having a maximum height of 3 metres and be finished in grey and timber effect lightweight steel. The accommodation would consist of an open-plan living/kitchen and bedroom with 1no. double bed and sofa bed and a separate shower room/w.c. The 6no. cabins would provide the same accommodation, albeit with a larger floor space, with the cabins having a maximum length of 7.9 metres by 3.66 metre wide with a ridge height of 3.75 metres. Arranged along the southern boundary of the site they would be finished in horizontal weatherboarding with a cedar shingle roof. Both the pods and cabins would be set on sleepers or concrete panels to avoid construction of foundations.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of two neighbouring properties and the posting of a site notice. In response, twenty-seven representations of objection and one of support have been received.
- 4.2 The representations of objection have been reproduced in full for Members, however, in summary the issues raised are:
1. increase in vehicle movements through Rockcliffe;
  2. lack of parking already in the village;

3. increase in traffic along access road;
4. potential damage to highway from construction traffic;
5. impact on public footpath
6. increase in noise and disturbance;
7. potential increase in litter;
8. adequacy / method for disposal of foul drainage;
9. site should be left to develop naturally;
10. accommodation should be sited elsewhere;
11. impact on biodiversity;
12. visual impact on Solway Coast AONB and from other public viewpoints;
13. impact on SSSI;
14. displacement of horses from stables;
15. other applications within the vicinity have been refused;
16. demolition of heritage asset;
17. ground conditions are unsuitable for development;
18. raises concern in respect of Rockcliffe Parish Council consultation response;
19. 3no. representations did not outline reasons for objection.

4.3 The representation of support have been reproduced in full for Members, however, in summary the issue raised is:

1. could afford the local community so many opportunities.

## 5. Summary of Consultation Responses

**Rockcliffe Parish Council:** - the council has looked at this application in great detail including a site visit to better understand the proposal. There were several issues raised by the councillors reflecting concerns around increased traffic through the village, visual impact from the adjacent Public Footpath, removal of trees and potential for the development having an adverse effect on the local area due to several factors. Much of this was based on there being 11 units installed. These concerns have been listened to by the applicant and several measures put in place to mitigate the concerns raised perhaps the most significant one being a commitment to scale the size of the development down in the first instance to a maximum of 5 units with a continual ongoing assessment of the impact caused as these 5 units are phased in and in any event not proceeding beyond 5 units without express agreement with the Parish Council at a point in the future. There are also agreements in place to introduce several areas of native tree planted screening to lessen the visual impact caused along with strategic placement of the units, traffic routing and litter control etc. With all of these mitigating measures in place the initial concerns raised are answered for the majority of the Parish Council;

**Natural England - relating to protected species, biodiversity & landscape:** - no further objections subject to the imposition of conditions ensuring the submission of a construction environmental management plan and an invasive species management plan. An informative is also suggested ensuring that the applicant is aware of their obligations under Environment Agency legislation;

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

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

**Cumbria Constabulary - North Area Community Safety Unit:** - no comments or observations to offer;

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to the imposition of a condition requiring: the implementation of visibility splays as illustrated on the submitted drawing; and no use shall commence until the access and parking requirements have been constructed. An informative is also requested drawing the applicants attention to obtain the appropriate permits from the Environment Agency and LLFA for any works or connections to the River Eden or ordinary watercourse;

**Solway Coast AONB:** - do not have any objections to this development on the basis of the impact on the Solway Coast AONB.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, EC9, EC10, EC11, IP2, IP3, IP6, CC4, CC5, CM4, CM5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The City Council's Supplementary Planning Document 'Trees and Development' is also material planning consideration. The Solway Coast AONB 2020-2025 Management Plan, Solway Coast AONB Landscape and Seascape Character Assessment and The Cumbria Landscape Character Guidance and Toolkit (March 2011) are further material considerations.
- 6.3 The proposal raises the following planning issues:

#### **1. Principle of Development**

- 6.4 Paragraph 7 of the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 8 and 9 explaining that achieving sustainable development means that the planning systems has three overarching objectives: economic, social and environmental. All of which are interdependent and need to be pursued in mutually supportive ways. Economic growth can secure higher social and environmental standards with planning decisions playing an active role in guiding development towards solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.5 To support a prosperous rural economy, paragraph 84 outlines 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 Paragraph 85 recognises 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 The aims of the NPPF are reiterated in Policies EC9, EC10 and EC11 of the local plan all of which seek to support sustainable rural tourism and leisure developments where they respect the character of the countryside and where identified needs are not met by existing facilities in rural services centres. Specifically, in relation to caravan, camping and chalet sites, Policy EC10 of the local plan highlights that proposals for the development of caravan sites and the extension of caravan sites will be supported subject to compliance with the criteria identified within the policy.
- 6.8 The application seeks full planning permission for the change of use of land for the siting of 5no. pods and 6no. cabins on land to the west of Castletown Farm, Redhills which forms part of the Castletown Estate. The submitted Design and Access Statement outlining that: *"the Castletown Cabins site, is looking to support ... more tourism outside of the Lake District in Cumbria ... in an area that is well travelled but with less bed nights. This site is perfectly sited to capitalise on people using the Sustrans cycle route, the Hadrian's Wall route is nearby and the planned Coastal Path, running the entire way round the countries coastline is directly adjacent. This at the same time as being on a major footpath, which is widely used by the local community ... This site will have people who are passing through the area, but ideally will want to stay in the area and will be using the local area's amenities (village pub etc). The site will be run by the Castletown Estate team, with the cleaning provided in house, managing the bookings and visitors and any issues that happens ... This is a self-sufficient development, in an area well suited for tourism and very well connected to the tourist routes in the area"*.
- 6.9 Access to the application site would be off the unclassified U1068 with parking provision located to the east of the application site adjacent to existing farm buildings. The Design and Access Statement outlining that: *"15% of the pods/ cabins will be disabled access available"*.

- 6.10 The proposal would form part of a rural diversification scheme helping an existing rural business to sustain its long-term viability. Conditions are also recommended which would ensure that the pods and cabins are for holiday use only and that a register be maintained by the applicant detailing the home addresses of the occupiers of the holiday units. Accordingly, the principle of development accords with the objectives of the NPPF and relevant local plan policies.
- 6.11 The impact of the proposal on the remaining issues is discussed in the following paragraphs.

## **2. Impact Of The Proposal On The Landscape Character Of The Area**

- 6.12 The Cumbria Landscape Character Guidance and Toolkit (March 2011) (CLCGT) describes the character of different landscape types across the county and provides guidance to help maintain their distinctiveness. The CLCGT identifies that the application site falls within the Cumbria Landscape Character Sub-Type 2c "Coastal Plain". The toolkit advises that key characteristics of this landscape are: flat and slightly undulating coastal plain; long and narrow fields in undulating areas with larger fields in flat areas; intersected by shallow rivers and watercourses; hedges form main field boundaries; scarce tree cover; predominantly pasture with some arable in drier areas; frontiers of the Roman Empire - Hadrian's Wall World Heritage Site is a significant archaeological feature in the Solway; and historic field pattern strongly linked to settlements.
- 6.13 The supporting guidance in respect of access and recreational development outlines that: *"support the roll out of coastal access and encourage sensitively sited coastal access and recreational infrastructure. Coastal access footpaths, areas and facilities should be improved and developed to be compatible with the undeveloped and natural character of this sub type"*.
- 6.14 The application site is also located within the Solway Coast Area of Outstanding Natural Beauty (AONB) which seeks to conserve and enhance an area's natural beauty. In respect of the Solway Coast AONB, development proposals that are in line with or actively working towards delivering the objectives and outcomes of the Solway Coast AONB Management Plan will be considered favourably. The Solway Coast AONB Landscape and Seascape Character Assessment should also be used to further assess the potential landscape impact of a development proposal.
- 6.15 The submitted documents illustrate the siting of 5no. pods and 6no. cabins within a woodland area of semi-natural broad-leaved and mixed plantation trees. The proposed holiday units would be sensitively sited within the woodland. Car parking would be provided within the yard of the adjacent Castletown Farm with access to the pods and cabins via footways within the woodland. The topography of the land, existing and proposed landscaping together with the scale and design of the pods / cabins would mitigate for any perceived visual impact of the development from public viewpoints.

6.16 In respect of the impact on the AONB, The Solway Coast AONB Partnership has been consulted and outlines that: *"although the application site is located in a "flat and open landscape... relatively unsettled", raise no objections to the development in terms of impact on the AONB"*. The consultation response goes on to provide the following assessment for its decision:

- the scale of the development is appropriate to the landscape - this is a small site with a small number of pods and cabins (and consequently a reasonable number of visitors at any one time, therefore, the impact on tranquillity from the development is minimal;
- although in a raised position overlooking the River Eden, the site is in a wooded location with a retaining wall and well screened by existing vegetation and shrubbery. The pods and cabins are of a reasonably small size and the retention of the existing woodland setting will ensure that impact on views from afar is minimal;
- this particular landscape character type differs from other, more open parts of the AONB in that it is "is more wooded than many of the other areas within this type and includes coniferous plantation woodland as well as deciduous wet woodland". In this case, welcome the retention of the woodland setting and the inclusion of a tree survey as well as a plan which includes the retention of the majority of the trees in the wood with some additional planting will serve to ensure this element of the character of this part of the AONB is retained;
- as well as the conservation and enhancement of the natural beauty of the Solway Coast, the AONB 5 year Management Plan also serves to encourage people to better explore, enjoy and understand the landscape and in doing so support a nature and culture based economy. (Action EE1, page 57, Solway Coast AONB Management Plan 2020-25). The provision of carefully considered small holiday accommodation facilities can help to encourage visitors to explore quieter parts of the AONB at an appropriate scale.

6.17 The application site is also located within the Buffer Zone for Hadrian's Wall World Heritage Site. Paragraph 189 of the NPPF outlines that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

6.18 This aim is reiterated in Policies SP7 and HE1 of the local plan which seek to ensure that planning decisions protect and enhance the character, appearance, archaeological and historic value of the District's heritage assets and their setting. Specifically, in respect of Hadrian's Wall World Heritage Site and its buffer zone, Policy HE1 outlines that proposed development in the buffer zone should be assessed for its impact on the site's Outstanding Universal Value and particularly on key views both into and out of it. Development that would result in substantial harm should be refused.

6.19 The proposed pods and cabins would be located within a woodland area of

semi-natural broad-leaved and mixed plantation trees. The scale and design of the holiday units would be commensurate with the size of the application site with the proposed design and materials together with existing and proposed landscaping helping to settle the pods within the landscape. Accordingly, the proposal would not have a significant detrimental impact on the buffer zone for the World Heritage Site. Furthermore, Historic England has been consulted on the application and do not wish to offer any comments.

- 6.20 In overall terms, given the scale of the development, the topography of the land together with existing and proposed landscaping, the development would not have a detrimental impact on the landscape character of the area. To further safeguard the landscape character of the area, a condition is recommended that would ensure that further details of any external lighting, if proposed, within the application site be submitted prior to installation.

### **3. Scale and Design Of The Proposal**

- 6.21 Achieving well-designed places is a key aim of the NPPF. Paragraph 126 outlining that: *"the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.
- 6.22 High quality design is also a key thrust of the local plans policies. In respect of tourism proposals, Policies EC9, EC10 and EC11 of the local plan supports proposals for tourism proposals subject to satisfying relevant criteria including: the siting, scale and appearance of tourism sites do not have an unacceptable adverse impact on the character of the local landscape; and that the site is contained within existing landscape features and if necessary, and appropriate is supplemented with additional landscaping; and adequate access and appropriate parking arrangements are provided.
- 6.23 The application seeks permission for the siting of 5no. pods and 6no. cabins within a woodland area of semi-natural broad-leaved and mixed plantation trees. The scale and design of the holiday units would be commensurate with the size of the application site with the proposed design and materials together with existing and proposed landscaping helping to settle the pods within the landscape. Furthermore, the proposal would utilise an existing farmyard to provide parking provision for the proposed development.

### **4. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.24 Concerns have been raised by third parties, which have been reproduced in full for Members. In summary, the issues raised centre on the potential increase in noise and disturbance arising from the proposed use of the site together with littering. The nearest residential properties, numbers 1 and 2 Old Hall Cottages, are approximately over 57 metres and 80 metres north east of the proposed car park and nearest holiday unit respectively,



separated by intervening large farm buildings currently used as livery stables. The application form detailing that each of the holiday units would have their own bins and recycling facilities which would be aggregated into a central bin store during servicing of the units.

- 6.25 The concerns of the objectors are noted, and it is recognised that the development might have the potential to increase noise and disturbance given the relative isolation of the application site. In mitigation, the development is relatively small scale, the current use of the site as a livery stable together with the orientation of the pods and cabins, the proposal would not have such a significant impact on the living conditions of the occupiers of neighbouring properties through loss of privacy or intensification of noise and disturbance. The implementation of a waste disposal system during servicing of the units would also prevent litter arising from the units. Furthermore, the development would also be owned and managed by the applicant who resides within the immediate vicinity. Should any increase in noise, disturbance and littering occur from the development this would be subject of Environmental Health Legislation.

## **5. Proposed Drainage Methods**

- 6.26 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that enough capacity exists prior to commencement of any development and that development proposal do not have an adverse impact on the environment. The submitted Drainage Strategy illustrating that foul drainage from the proposed development would be to a package treatment plant prior to its discharge entering an existing surface water system that has an outfall to the River Eden. Surface water from the roof areas of the proposed pods and cabins discharging direct to ground infiltration in line with the objectives of the hierarchy of surface water drainage outlined in the PPG (paragraph 080 Reference ID: 7-080-20150323).
- 6.27 Concerns have been raised by third parties as to the adequacy of the proposed drainage methods together with the suitability of the ground conditions for the siting of the pods and cabins. Natural England also originally expressed concerns in respect of the potential for phosphates entering the River Eden from the proposed direct discharge of the outfall from the package treatment plant.
- 6.28 The council has engaged the services of an independent drainage consultant who has assessed the proposed Drainage Strategy and following the receipt of amended details are now content that the development would be served by an appropriate drainage strategy. The amended Drainage Strategy illustrates foul water from the development would enter a package treatment plant which would be fitted with a tertiary treatment system which utilises the filtration properties of peat and uses no chemical additives. To further improve the water quality from the outfall, a third tertiary system would also be installed. Natural England has been consulted on the revised Drainage Strategy and raise no objections subject to compliance with the Drainage Strategy and that the necessary permits be obtained from the Environment

Agency.

- 6.29 Accordingly, should Members approve the application, a condition is recommended that would ensure that foul and surface water drainage systems for the development be undertaken in strict accordance with the submitted Drainage Strategy. An informative is also recommended drawing the applicants attention to the requirement to gain the necessary permits from the Environment Agency under its legislation.

## **6. Impact Of The Proposal On Highway Safety**

- 6.30 Policies EC10 and EC11 of the local plan seek to ensure that development proposals should normally be accessible by public transport, walking and cycling. However, for some developments in the rural area this may not be possible. In these cases, new development should be able to demonstrate that adequate access/parking is available and that proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.
- 6.31 As outlined earlier in the report, vehicular access to the application site would be along the U1068 which adjoins the C1016 county highway. National Cycle Route 7 (Sunderland to Inverness) which forms part of the Coast-to-Coast cycle route, also runs along the U1068 county highway. Parking provision to serve the proposed development, utilising an existing vehicular access, would be provided within the farmyard of Castletown Farm immediately to the east of the application site. Third parties have raised objections to the proposal which have been reproduced in full for Members; however, in summary the highway issues centre on: increase in vehicular movements through Rockcliffe; lack of parking within Rockcliffe; potential damage to the highway arising from construction traffic; and impact on public footpaths.
- 6.32 Cumbria County Council, as Highway Authority, has been consulted and requested additional information in respect of the visibility splays at the existing vehicular access onto the U1068 arising from the slight intensification of use of this access by vehicles using the proposed development. The Highway Authority also recommended that a speed survey be undertaken to inform the required visibility distances from the existing vehicular access.
- 6.33 The applicant has subsequently submitted an Access Appraisal which included details of a speed survey. The speed survey recorded average 24-hour 85th percentile speeds along the U1068 as 16 mph northbound and southbound which as detailed within the Manual for Streets recommend visibility splays from a 2.4 metre set-back distance of 16.4 metres northbound and southbound. The visibility splays achievable are; however, 52 metres northbound and 27 metres southbound, in excess of the Manual for Streets recommendations. The Access Appraisal expands by detailing that there was an average of 51 northbound vehicles and 47 southbound vehicles a day which gives an daily average two-way total of 98 vehicles. TRICS, a database of trip rates for developments using for transport planning purposes, calculates that the development would be expected to generate 1 trip in each network peak hour and given the scale of each holiday unit it is

expected that there would be no more than 11-15 cars per day (assuming all pods and cabins were changing over on the same day).

- 6.34 Cumbria County Council has been consulted on the additional information contained within the Access Appraisal and raise no objections to the proposed development subject to the imposition of two conditions. These conditions require: the visibility splays to be in accordance with the submitted drawing and that there be no obstruction of the visibility splays; and that the use of the development shall not commence until the access and parking requirements have been constructed in accordance with the approved details.
- 6.35 It is inevitable that there would be some increase in traffic to and from the development along the existing highway network; however, given the views of the Highway Authority it would be difficult to substantiate a refusal of the application on highway safety grounds. In respect of the potential impact of the proposal on public footpaths, there are several within the vicinity; however, given the relationship of the application site with the public footpaths, the development would not have a detrimental impact on the public footpaths. Furthermore, Cumbria County Council, as Highway Authority, has not raised this as an issue in its consultation response.

## **7. Impact Of The Proposal On Biodiversity and Ecology**

- 6.36 One of the overarching objectives of the NPPF is the conservation and enhancement of the natural, built and historic environment. In respect of conserving and enhancing the natural environment, paragraph 174 outlining a series of measures in which planning policies and decisions should contribute to and enhance the natural and local environment. These being: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 6.37 The aims of the NPPF are reiterated in Policy GI3 of the local plan which aims to promote the preservation, restoration and recreation of priority habitats, ecological networks and the recovery of priority species populations. This policy sets out a clear hierarchy for the protection of important wildlife

and nature conservation designations, which have also been identified on the Policies Map.

- 6.38 The application site is adjacent to: the Upper Solway Marshes Special Protection Area (SPA) / Ramsar site; Solway Firth Special Area of Conservation (SAC) and SPA; and the River Eden SAC. The application was accompanied by a Habitats Regulations Assessment (HRA); Preliminary Ecological Appraisal; Great Crested Newt and Other Amphibian Survey Report; Aerial Tree Inspection & Bat Activity Surveys; and Ground Level Tree Assessment to inform the local planning authority and statutory consultees if the proposal is likely to have a significant effect on internationally designated sites, habitats, or species.
- 6.39 The HRA concludes that using a precautionary approach and subject to the imposition of two conditions, the Likely Significant Effects on qualifying interest features associated with the internationally designated sites are not anticipated, either alone or in combination with other plans and projects during the construction or operational phase. The recommended pre-commencement conditions would require: the submission of a Construction Environmental Management Plan (CEMP) to avoid and minimise the risk of pollution event that could potentially affect the River Eden channel which is directly adjacent to the site; and the implementation of an Invasive Species Management Plan (ISMP) for the site to control and eradicate Rhododendron which the River Eden SAC lists as an invasive species as one of the main pressures / threats for the site. A further condition is also recommended ensuring compliance with the mitigation and enhancement measures as outlined in Sections 5.2 and 5.3 of the Great Crested Newt and Other Amphibian Survey Report. Informatives are also recommended drawing the applicant's attention to their obligations under the Wildlife and Countryside Act other wildlife legislation together with the requirement to obtain the relevant protected species licences from Natural England.
- 6.40 Natural England has also been consulted on the application and raise no objections to the proposal subject to the imposition of the recommended conditions in respect of the submission of a CEMP and ISMP.

## **8. Impact Of The Proposal On Existing Trees**

- 6.41 Policy GI6 of the local plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees. This aim is further reiterated in Policy SP6 of the local plan which requires all developments to consider important landscape features and ensure the enhancement and retention of existing landscaping.
- 6.42 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas

alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.

- 6.43 As outlined earlier in the report, the application seeks full planning permission for the siting of 5no. pods and 6no. cabins within a woodland area of semi-natural broad-leaved and mixed plantation trees. The proposed holiday units would be sensitively sited within the woodland. Car parking would be provided within the yard of the adjacent Castletown Farm with access to the pods and cabins via footways within the woodland. The application was accompanied by a Tree Survey Planning Report which identified the tree removal required to facilitate the development and separately re-assessed the trees initially identified for removal and retention as part of the development proposal.
- 6.44 The report details that the development of the site would result in the loss of 36 trees; however, most of these trees are identified as Category U trees which have structural defects and pose a risk. Arboricultural works to the retained trees include crown reduction and crown thinning in keeping with good arboricultural practice. This will ensure the retained trees remain in relatively good health and in a safer condition. These trees will continue to grow in an optimal fashion in keeping with each species expected growth patterns. To mitigate for the loss of the lower value trees the report details a number of self-sown Oak and Beech trees would be transplanted within the development area and will form part of an emerging woodland management strategy.
- 6.45 In overall terms, the removal of the Category U trees would allow space for the retained trees to grow and remain in good health with their loss further mitigated through the transplantation of Oak and Beech trees in more appropriate locations within the development site. Should Members approve the application, conditions are recommended which would afford protection of the retained trees. These conditions would require: the submission of a Detailed Method Statement prior to commencement of works for all works within the root protection areas of the retained trees; and the erection of protected fences around the retained trees prior to commencement of development and retained in-situ during development works.

## **9. Other Matters**

- 6.46 Third parties have also raised objections citing the displacement of horses from the adjacent livery stables, the development should be site elsewhere and other applications within the vicinity have been refused. As Members are aware each application is dealt with on its own planning merits against current planning policies. Members have to consider the application site before them and not alternative sites. In respect of the displacement of horses from the adjacent livery stables, this is not a material planning

consideration.

- 6.47 Rockcliffe Parish Council in its consultation response makes reference to what appears to be an agreement made between the parish council and the applicant in order to mitigate the parish council's concerns. In its consultation response the parish council details: "*... concerns have been listened to by the applicant and several measures put in place to mitigate the concerns raised perhaps the most significant one being a commitment to scale the size of the development down in the first instance to a maximum of 5 units with a continual ongoing assessment of the impact caused as these 5 units are phased in and in any event not proceeding beyond 5 units without express agreement with the Parish Council at a point in the future. There are also agreements in place to introduce several areas of native tree planted screening to lessen the visual impact caused along with strategic placement of the units, traffic routing and litter control etc*". The application before Members is for the siting of 5no pods and 6no. cabins and should be determined as such, irrespective of any agreement made between the applicant and parish council.
- 6.48 A further objection centred on the comments of Rockcliffe Parish Council; however, these third party concerns about the parish council's response should be raised directly with the parish council.

## **Conclusion**

- 6.49 In overall terms, the principle of development is acceptable. The location, scale and design of the development is appropriate and would afford adequate access and parking provision. As such, the proposal would not have a significant detrimental impact on the landscape character of the area.
- 6.50 The proposal would not have a detrimental impact on the living conditions of the occupiers of neighbouring residents. Compliance with recommended conditions would ensure that the development is served by an adequate foul and surface water drainage system, visibility splays and parking provision. Further conditions would ensure that biodiversity, ecology and retained trees remain protected during the construction phase and operational phases of the development with enhanced mitigation measures for protected species.
- 6.51 Accordingly, the proposals accord with the objectives of the NPPF, PPG and relevant local plan policies and the application is recommended for approval.

## **7. Planning History**

- 7.1 There is no relevant planning history.

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

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

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

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

1. the submitted planning application form received 21st May 2021;
2. the Access Appraisal received 29th July 2021;
3. the Preliminary Ecological Appraisal received 9th June 2021;
4. the Great Crested Newt And Other Amphibian Survey Report received 12th November 2021;
5. the Habitats Regulations Assessment received 10th November 2021;
6. the BS5837:2012 Tree Survey Planning Report 21st May 2021;
7. the Aerial Tree Inspection & Bat Activity Surveys received 12th November 2021;
8. the Ground Level Tree Assessment received 12th November 2021;
9. the Drainage Strategy dated 13th April 2022 received 25th April 2022;
10. the general layout (cabin) received 9th June 2021 (Drawing No. 2021-101);
11. the general layout (pod) received 9th June 2021 (Drawing No. 2021-101);
12. the overall layout received 21st May 2021 (Drawing No. 2021-101-03);
13. the block plan received 21st May 2021 (Drawing No. 2021-101-05);
14. the location plan received 21st May 2021 (Drawing No. 2021-101-06);
15. the Notice of Decision;
16. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.

The CEMP shall include (but not be limited to):

- appropriate control of substances hazardous to health and fuel storage facilities (bundled)
- appropriate storage and processing of construction materials
- robust spillage storage procedures and sufficient clean up equipment available on site to promptly address any spillages
- the use of biodegradable oils in plant working near water
- measures to prevent silt run-off into the river channel (e.g. use of silt traps or silt lagoons wherever appropriate)

Measures for Environmental Good Practice outlined in the Net Regs Guidance for Pollution Prevention (GPPs), including GGP5 *Works and maintenance in or near water* will be adopted to minimise any risk of

spillages and leakages from the construction site reaching any watercourse.

**Reason:** To avoid and / or minimise the risk of pollution even that could potentially affect the River Eden channel which is directly adjacent to the site to accord with the objectives of the NPPF and Policies CM5 and GI3 of the Carlisle District Local Plan 2015-2030.

4. Prior to commencement of development an Invasive Species Management Plan (ISMP) shall be submitted to and approved in writing by the local planning authority.

The measures within the ISMP shall include (but not be limited to):

- prioritising clearance areas on site
- choosing appropriate control treatments
- identifying constraining factors and choosing appropriate time of year for the management operations
- revision of the treatment and deciding on follow-up control treatments
- implementing appropriate biosecurity measures in order to prevent spread of invasive species into the adjacent Natura 2000 site

**Reason:** to control and eradicate invasive species present on the site in accord with the NPPF and Policies CM5 and GI3 of the Carlisle District Local Plan 2015-2030.

5. No development shall be commenced on site, including site work of any description, until a Detailed Method Statement has been submitted to, and approved in writing, by the local planning authority. The approved Statement shall be adhered to throughout the construction process. The Statement shall provide for:

- i. the method of construction for all works in the root protection area of the retained trees.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies GI3 of the Carlisle District Local Plan 2015-2030.

6. Prior to the installation of any external lighting within the application site full details of the proposed external lighting shall be submitted to and approved in writing by the local planning authority.

**Reason:** To safeguard the character of the area in accordance with Policies SP6, CM5, GI1 and GI3 of the Carlisle District Local Plan 2015-2030.

7. The development hereby approved shall not be carried out otherwise than in complete accordance with the mitigation and enhancement measures contained within Sections 5.2 and 5.3 of the Great Crested Newt and Other Amphibian Survey Report prepared by SAP Ecology & Environmental Ltd



(reference CAT101/004/002).

**Reason:** In order to ensure no adverse impact on a European Protected Species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

8. The visibility splays providing clear visibility as illustrated on Drawing No TTE-00-XX-DR-0-C001 shall be maintained in perpetuity unless otherwise agreed in writing by the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.

**Reason:** In the interests of highway safety to accord with the objectives of Policy IP2 of the Carlisle District Local Plan 2015-2030.

9. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the local planning authority.

**Reason:** To ensure a minimum standard of access and parking provision when the development is brought into use in accordance with Policy IP3 of the Carlisle District Local Plan 2015-2030.

10. The holiday accommodation hereby approved shall not be occupied until the foul and surface water drainage systems have been completed in strict accordance with the details contained within the Drainage Strategy dated 13th April 2022.

**Reason:** To ensure that adequate drainage facilities are available to serve the development to accord with Policies IP6, CC5 and CM5 of the Carlisle District Local Plan 2015-2030.

11. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies CP3

and CP5 of the Carlisle District Local Plan 2001-2016.

12. The total number of holiday units to be sited within the application site at any one time shall not exceed 5no. pods and 6no. cabins.

**Reason:** For the avoidance of doubt.

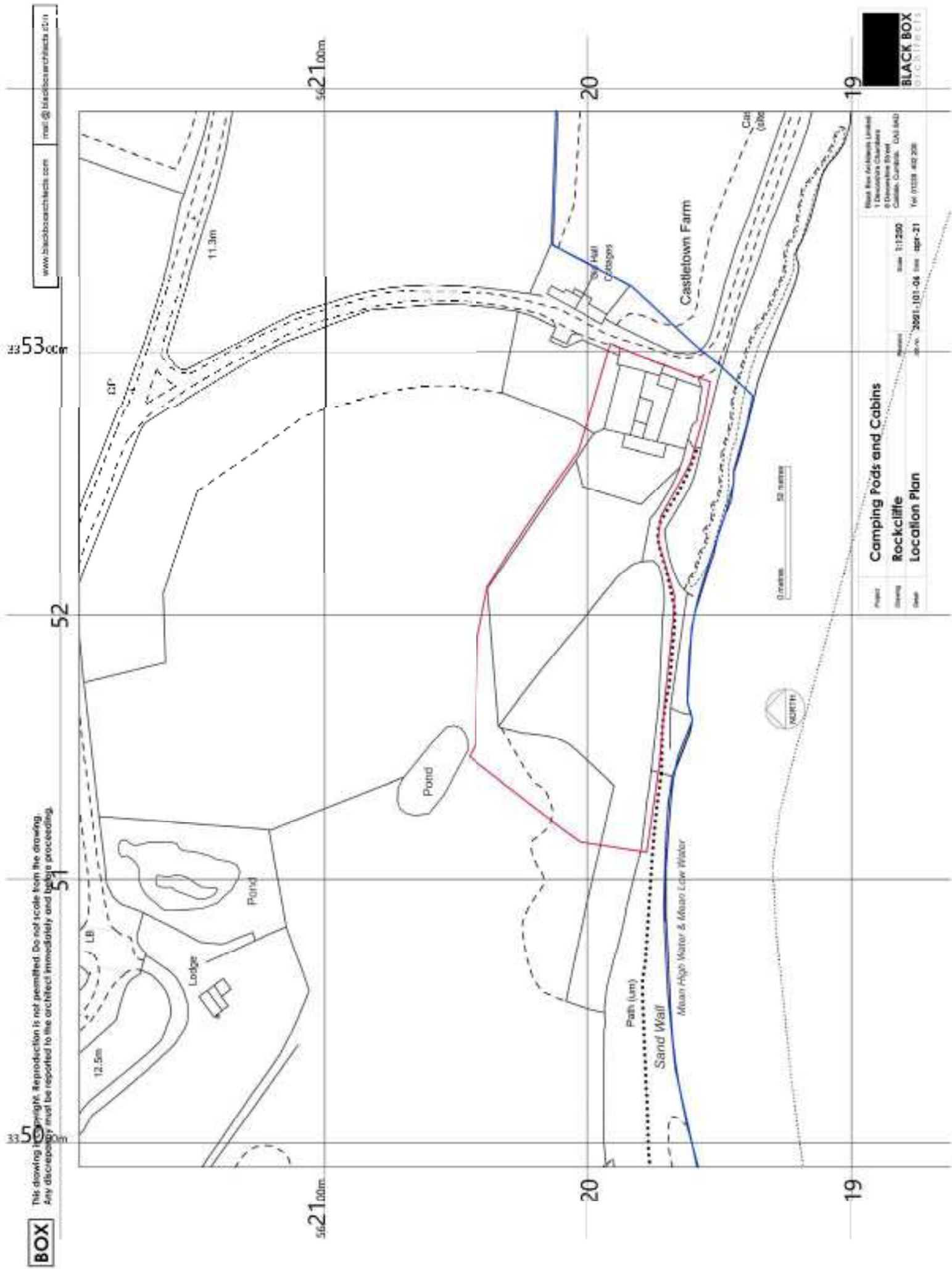
13. The pods and cabins shall be used solely for holiday use and shall not be occupied as permanent accommodation.

**Reason:** To ensure that the approved pods and cabins are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

14. The site manager/owner shall keep a register to monitor the occupation of the pods and cabins subject of this approval. Any such register shall be available for inspection by the local planning authority at any time when so requested and shall contain details of those persons occupying the units, their name, normal permanent address and the period of occupation.

**Reason:** To ensure that the approved pods and cabins are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

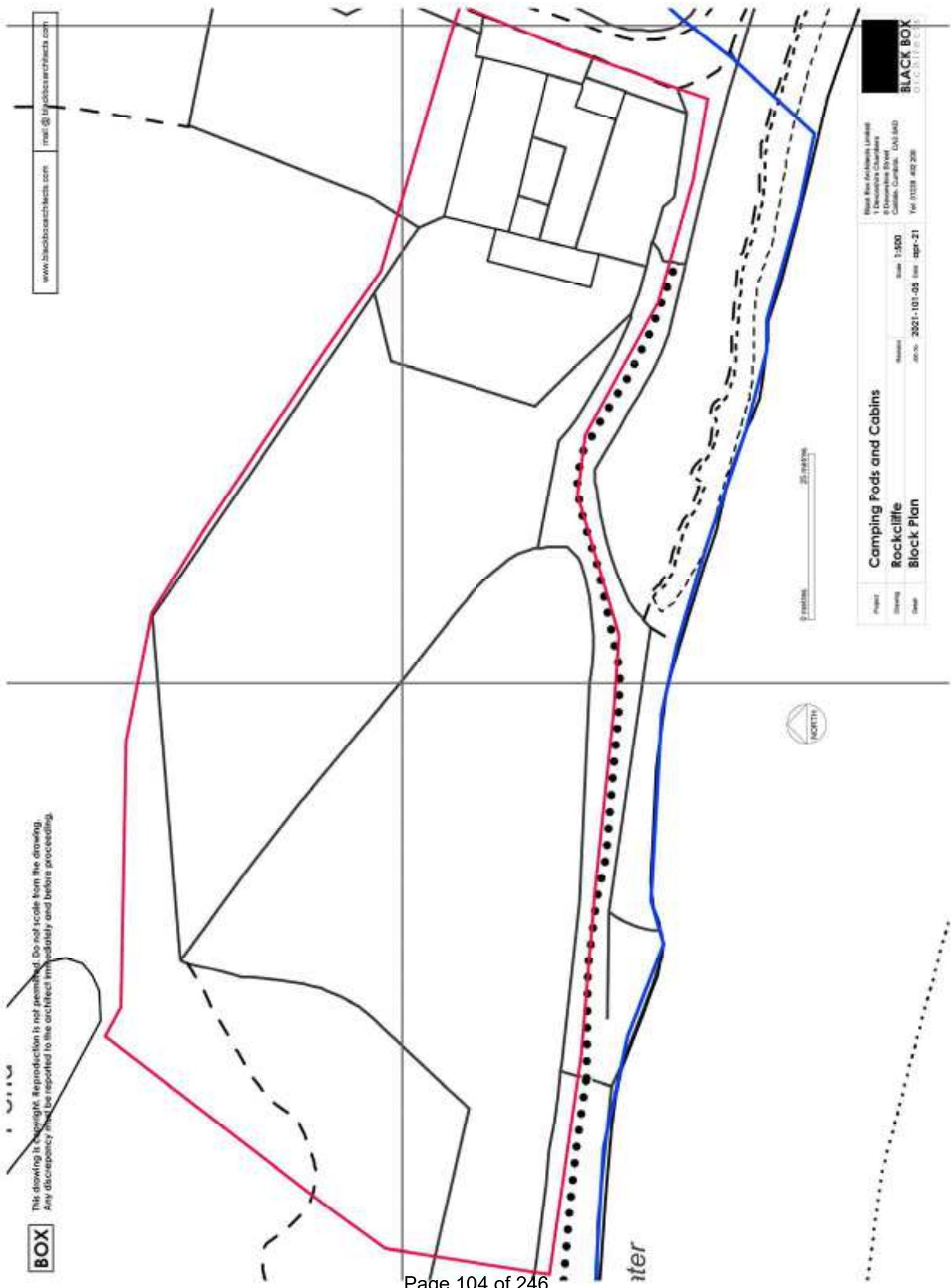
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Any discrepancy shall be reported to the architect immediately and before proceeding.

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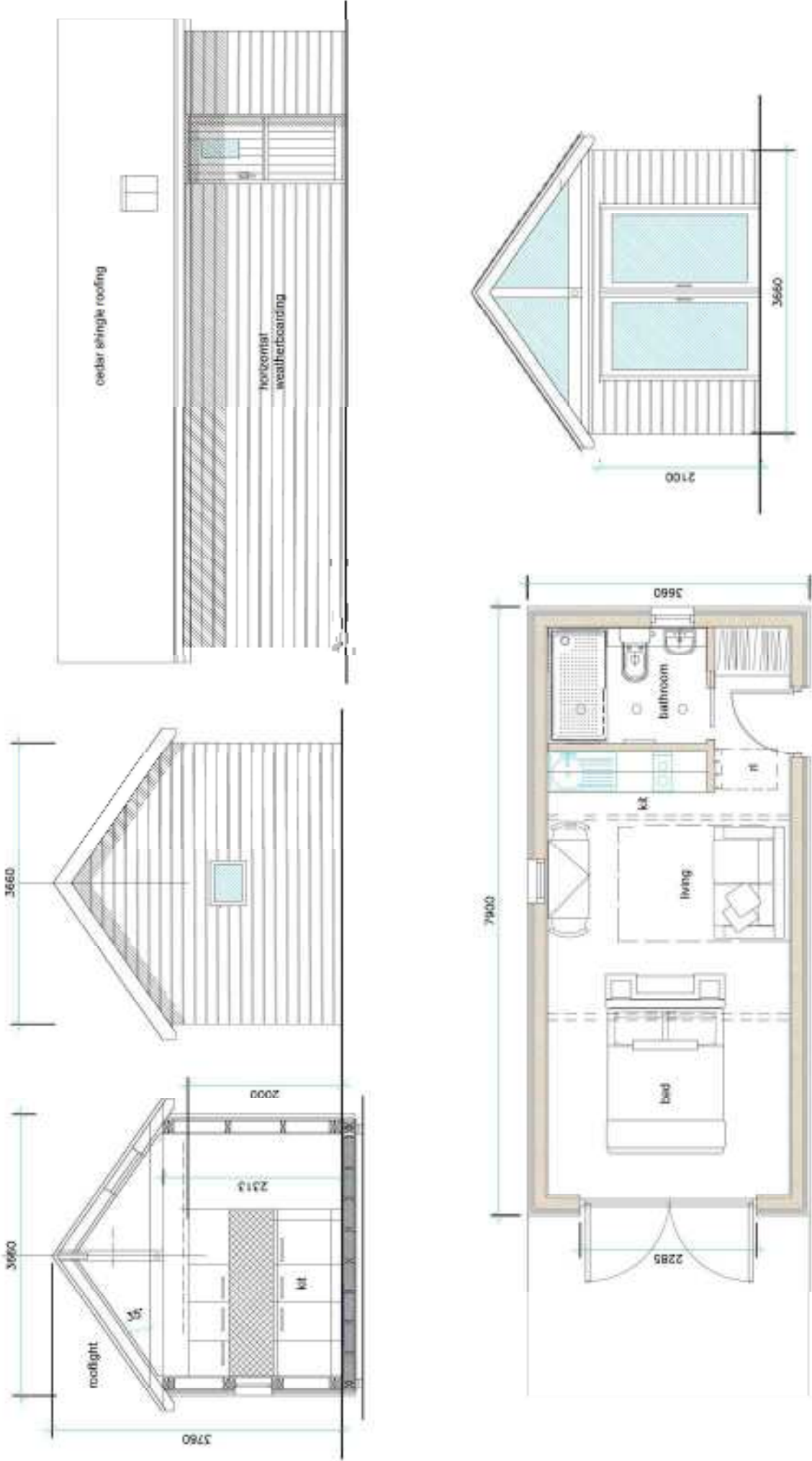
www.blackboxarchitects.com mail@blackboxarchitects.com

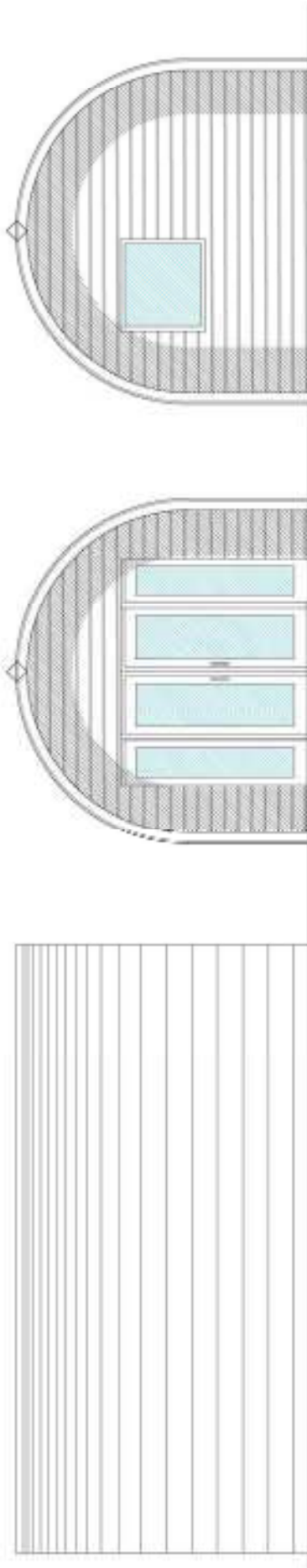


Project			
Camping Pods and Cabins			
Rockcliffe			
Block Plan			
Project	Location	Scale	Date
Rockcliffe	Rockcliffe	1:500	2021-10-03
2021-10-03	2021-10-03	2021-10-03	2021-10-03
Black Box Architects Limited 1 Devonshire Court 8 Devonshire Street Cambridge, Cambridgeshire CB2 3RQ Tel: 01223 403 200			
BLACK BOX ARCHITECTS			









Project	Pod Unit Rockcliffe					
Drawing	General Layout					
3.8 wide barrel vault						
	Revision	2023-10-03	Scale	1:50	Black Box Architects Limited 1 Deception Gardens 8 Darnley Road Glasgow, G4 7LH Tel: 01238 402 200	
					BLACK BOX 01238 402 200	





## SCHEDULE A: Applications with Recommendation

22/0078

Item No: 03

Date of Committee: 13/05/2022

**Appn Ref No:**  
22/0078

**Applicant:**  
Mr Brown

**Parish:**  
Dalston

**Agent:**  
Sam Greig Planning Ltd

**Ward:**  
Dalston & Burgh

**Location:** Bridge End Inn, Bridge End, Dalston, Carlisle, CA5 7BH

**Proposal:** Change Of Use Of Garage To Dual Use Consisting Of Staff Accommodation & Holiday Let To Be Used In Association With The Bridge End Public House (Revised Application)

**Date of Receipt:**  
07/02/2022

**Statutory Expiry Date**  
04/04/2022

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

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

#### 3. Application Details

##### The Site

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

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

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

## **Background**

- 3.4 In February 2015 full planning permission and Listed Building Consent were granted for the change of use of part of the beer garden attached to the Bridge End Inn to a car parking area for management and staff together with the erection of a detached domestic garage (application references 15/0008 and 15/0009). The garage was to have a width of 9.5 metres, a length of 6.05 metres, an eaves height of 2.5 metres and a ridge height of 4.25 metres. The garage was to be constructed from smooth rendered walls with stone quoins and sills under a slate roof. All windows and doors were to be constructed from timber with rain water goods consisting of cast aluminium. Timber lintels were also proposed above the garage doors.
- 3.5 Under applications 15/1086 and 15/1087 planning permission and Listed Building Consent were refused for a revised garage design. In comparison to applications 15/0008 and 15/0009, the revised garage had a larger footprint than previously approved (74.52m<sup>2</sup> compared to 57.47m<sup>2</sup>) and the eaves and ridge height have also significantly increased (by 1.1 metres and 1.74 metres respectively) in order to accommodate a room within the roof space. The materials used in the windows, doors and rainwater goods were proposed to be PVCu as opposed to timber; the main garage doors were proposed to be roller shutters with the timber lintels originally approved removed.
- 3.6 In August 2016 a revised application was approved (application references 16/0448 and 16/0449). The revised design to the garage incorporated a first floor storage deck with the external finishes including: cast aluminium gutters; stone heads and sills; vertical boarded timber facing doors; timber windows; off white roughcast render; stone quoins; and natural grey slates on the roof.

## **The Proposal**

- 3.7 The proposal is seeking planning permission to change the use of the garage to a dual use consisting of staff accommodation and a holiday let both of which would be associated with the adjacent Bridge End Public House.

## **4. Summary of Representations**

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

- the existing building is not built in accordance with the previous permission granted for a single residential garage - it exceeds the size permitted and contains windows and doors which were not approved;
- 2 windows and doors abut the boundary of a neighbouring property;
- no enforcement action has been taken in respect of the flagrant breach;
- the structure and intended use overshadow the neighbouring property and overlook the garden and dwelling and have an adverse impact on privacy;
- the plot is unsuitable for a domestic dwelling/ residential occupation whether as a home, staff accommodation or a holiday let;
- the trees in the neighbouring property have already been devastated by the development;
- long established trees have been destroyed and replaced with a low quality fence;
- concerned that any resident might want the remaining long established trees and hedge to be removed;
- planning would not consent previously to 3 windows in the rear of the building - 2 windows and a door have been installed in the rear of the building in breach of the permission;
- there has been an application to reduce the size of a sycamore tree in order to make the plot more suitable for the intended use;
- the garden to the rear is home to a host of wildlife;
- the turn into the new development is an extremely dangerous one at the base of a hill and on a blind bend - astounded that there has not been an objection from Highways;
- the highway being a double bend corner and a busy junction is dangerous enough for people who know it, but for people on holiday it will be precarious, especially when EVs & bicycles and silent travel is taken into account;
- in 2006 the law was changed to include 'light nuisance' as a statutory nuisance under the Environmental Protection Act 1990 - security lights should provide the minimum level of illumination necessary to light a property, without causing neighbours or passers by a nuisance.
- re-location of the car sales at the garage opposite the pub led to the unauthorised floodlights (which are a genuine problem and abuse of the above) being off for the past few nights;
- both the pub and the garage at Bridge End are below the windows of

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

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

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

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

The original application 16/0448 was for a garage for vehicles associated with the adjoining public house and the drawings showed pedestrian access and minimum windows appropriate to a private building for such purpose. As the building neared completion, it became obvious that what had been built bore little resemblance and the garage incorporated more windows than those which had been approved in the original application. There was also a question that the overall dimensions and height had been exceeded thus creating a much higher loft space than was required for a garage. Several complaints were made to the Planning Department who, following an inspection, confirmed that the building was not in accordance with the approved drawings. A second application 21/0245 was then submitted in May 2021 for the conversion of the garage to 1no. dwelling, the Parish Council strongly objected to this application, and it was subsequently withdrawn leading to the above application 22/0078 being submitted.

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

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

immediately to the south of the entrance of the garage, exit visibility is nil and getting onto the road is highly dangerous. An accident occurred here 4 years ago, a vehicle travelling too fast down the hill crashed into another car, luckily it was not fatal. The car was so badly damaged that it was written off. Cumbria County Council as the Local Highway Authority have also stated that the access is located very close to a sharp bend which has limited visibility.

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

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

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections to the proposed development as it is considered that the proposal will not have a material affect on existing highway conditions nor does it increase the flood Risk on the site or elsewhere;

**Local Environment - Environmental Protection:** - no objections;

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

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Policies HO2, SP6, HE3, HE7, IP3, IP6 and CC5 of the Carlisle District Local Plan 2015-2030 and the Dalston Neighbourhood Plan 2015-2030 (DNP). The Supplementary Planning Document Achieving Well Designed Housing is also a material planning consideration as are Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.3 The proposal raises the following planning issues:
  1. Whether The Proposal Would Be Acceptable In Principle

- 6.4 Given the location of the garage, the conversion of the building into ancillary residential accommodation for use by staff from the adjacent public house or to holiday accommodation would be acceptable in principle.
- 6.5 The garage is located within Bridge End and this area lies outside the Defined Development Boundary for Dalston, as identified in the Dalston Neighbourhood Plan. Whilst the proposal to create a new dwelling in this location would be contrary to Policy DNP-H1 of the Dalston Neighbourhood Plan, the conversion of the building into ancillary accommodation for pub staff or holiday accommodation would be acceptable in principle.

## 2. Impact Of The Proposal On Listed Buildings

- 6.6 The garage lies within the curtilage of the Grade II Listed Bridge End Inn. The Listing details for the Bridge End Inn are as follows:

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

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

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

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

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

- 6.9 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.
- 6.10 The Council's Heritage Officer has been consulted on the application. The development of the present garage building is within the setting of the listed building and has a history of non-compliance with its planning permissions – this includes deviation in the scale of the building from the approved drawings, variation in materials for the prominent garage doors, and variation in materials from timber to PVCu in the doors and windows

installed.

- 6.11 This current scheme seeks to change of use of the building to either staff or holiday let accommodation, with alterations to the frontage to remove the garage doors and replace these with a pair of tripartite windows. A number of rooflights not present on the approved 16/0049 scheme are proposed, facing the street, with the PVCu windows and doors presently installed – in breach of 15/009 and 16/0049 approvals – retained.
- 6.12 The Heritage Officer considers that the materials palette installed and proposed for retention is not acceptable and fails to preserve the setting of the Bridge End Inn listed building, or neighbouring listed buildings. Should revised plans be procured, the four rooflights on the road elevation should be reduced to two rooflights.
- 6.13 The Heritage Officer considers that the application should be refused and that enforcement action be taken against the present breaches of planning and listed building control on the site. If the application is approved, all permitted development rights regarding extensions or other alterations to the exterior of the building should be withdrawn in order to prevent further harm arising to the setting of the listed building.
- 6.14 The garage is located in the southern portion of the curtilage associated with the Bridge End Inn and to the south of an existing electricity sub-station. When granting approval for the garage, the scale, height and massing of the building were considered to be ancillary to the Inn. Whilst the building has not been built in accordance with the approved plans the eaves height is only 10cm higher, the ridge height 5cm higher, whilst the width and depth are 2cm and 5cm larger respectively. It is considered that these measures are negligible and do not alter the previous conclusion that the building is ancillary to the adjacent Inn.
- 6.15 Discussions are ongoing with the applicant about reducing the number of rooflights in the front elevation to two and conditions have been added to the permission which require all new windows and the existing windows to be timber. A condition has also been added to the permission to remove permitted development rights for extensions and fences/walls.
- 6.16 Caldew Bank lies to the south of the garage on the opposite side of the B5299 and sits at a significantly higher level. The proposals would not have an adverse impact on the setting of this dwelling.
- 6.17 Subject to the imposition of conditions, the proposal would not have an adverse impact on the setting of any adjacent listed buildings.

### 3. Impact Of The Proposal On The Dalston Conservation Area

- 6.18 The application site lies within the Dalston Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The



aforementioned section states that:

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

- 6.19 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.20 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.21 The Council's Heritage Officer has been consulted on the application. He considers that the materials palette installed and proposed for retention is not acceptable and fails to preserve the Conservation Area.
- 6.22 Conditions have been added to the permission which require all new windows and the existing windows to be timber. A condition has also been added to the permission to remove permitted development rights for extensions and fences/walls. Subject to the imposition of conditions, the proposal would not have an adverse impact on the conservation area.

#### 4. Impact Upon The Occupiers Of Surrounding Residential Properties

- 6.23 A residential property (Martindale) lies to the rear of the building. Two windows and a door in the rear elevation of the building face the end of the garden of Martindale. There is a solid timber fence on the rear boundary with Martindale and some trees within the garden of Martindale which reduce overlooking. The majority of the garden (which is approximately 60m long) would be unaffected and the dwelling, which is 50m away from the proposed garage would be not impacted.
- 6.24 The dwelling Caldew Bank lies to the south of the garage on the opposite side of the B5299 and sits at a significantly higher level. Smithy Cottage lies to the east of the garage on the opposite side of the B5299, is screened by existing vegetation and does not face the garage.
- 6.25 Given the location of the proposed development in relation to the nearest residential properties it is not considered that the proposal would have an adverse impact upon the living conditions of the occupiers of any residential properties in terms of overlooking, loss of light or over dominance.

#### 5. Highway Matters

- 6.26 The Parish Council and objectors have raised concerns about the sight lines at this junction which are very poor, making exiting from the proposed dwelling very dangerous. The garage does, however, currently have an

access onto the adjacent highway and the Highway Authority has confirmed that it has no objections to the proposal.

## **6. Drainage Issues**

- 6.27 The Lead Local Flood Authority has confirmed that it has no objections to the proposal. The foul drainage would be picked up through the Building Control process.

## **7. Nutrient Neutrality**

- 6.28 Alongside other local planning authorities, Carlisle City Council has received a letter dated 16th March 2022 from Natural England about nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). The letter advised that new development within the catchment of these habitats comprising overnight accommodation (which includes holiday accommodation and ancillary residential accommodation) can cause adverse impacts to nutrient pollution.
- 6.29 Local authorities have been advised that planning applications and plans in affected areas should be carefully considered and mitigation should be used to ensure there are no adverse effects to meet the requirements of the Conservation of Species and Habitats Regulations 2017. Whilst the council assesses the implications of these matters, it cannot lawfully conclude that development within the catchment of the River Eden SAC will not have an adverse effect. Therefore, until these matters are resolved, the council will not be able to grant planning permission for developments comprising overnight accommodation within the affected catchments. If Members are minded to approve this application a decision cannot be issued until this matter is resolved.

## **Conclusion**

- 6.30 In conclusion, the change of use of the garage to a dual use consisting of staff accommodation and holiday let to be used in association with the Bridge End Public House would be acceptable in principle. The proposal would not have an adverse impact on the setting of the adjacent listed buildings or the conservation area, subject to the imposition of conditions, or on the living conditions of the occupiers of any neighbouring properties. The proposed access and drainage would be acceptable. In all aspects, the proposal is considered to be compliant with the relevant policies in the adopted Local Plan.
- 6.31 The recommendation is authority to issue approval subject to conditions and a satisfactory solution to deal with nutrient neutrality.

## **7. Planning History**

- 7.1 In February 2015, full planning permission and Listed Building Consent were granted for the change of use of part beer garden to car parking area

for management and staff; erection of detached domestic garage (revised/part retrospective applications) (15/0008 and 15/0009);

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

**8. Recommendation: Grant Subject to Satisfactory Nutrient Neutrality Resolution**

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

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

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

1. the submitted planning application form, received 7th February 2022;
2. Site Location Plan (Dwg IB/DWELL/SLP1 Rev B), received 7th February 2022;
3. Proposed Site Block Plan (Dwg IB/DWELL/SBP2 Rev B), received 7th February 2022;
4. Proposed Ground Floor Plan (Dwg IB/DWELL/FP3 Rev B), received 7th February 2022;
5. Proposed First Floor Plan (Dwg IB/DWELL/FP4 Rev B), received 7th February 2022;
6. Proposed Elevations (Dwg IB/DWELL/ELEV2 Rev B), received 7th February 2022;
7. Supporting Statement & Heritage Statement, received 7th February 2022;
8. the Notice of Decision;
9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

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

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

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

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

5. Notwithstanding the details submitted with the application, prior to the occupation of the building that is the subject of this application, details of the proposed windows and rooflights to be installed (including details of new timber windows to replace the existing upvc windows) shall be submitted to the local planning authority for approval. The windows shall then be installed in strict accordance with these details prior to the building being brought into use.

**Reason:** To ensure that the building does not have an adverse impact on the adjacent listed buildings and the conservation area, in accordance with policies HE3 and HE7 of the Carlisle District Local Plan 2015-2030.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) the following forms of development within the provisions of Part 1 to Schedule 2 of the Order shall not be undertaken without the express permission in writing of the council:

1. Extension or enlargement
2. Additions or alterations to roofs
3. Detached outbuildings
4. Porches
5. Chimneys and flues

**Reason:** The further extension or alteration of this building requires detailed consideration to safeguard the amenities of the surrounding area, to accord with Policies SP6, HE3 and HE7 of the Carlisle District Local Plan 2015-2030.

7. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) (England) Order 2015 (as amended) (or any other Order revoking and re-enacting that Order), no walls, fences or other means of enclosure shall be erected within any part of the site without the permission in writing of the local planning authority.

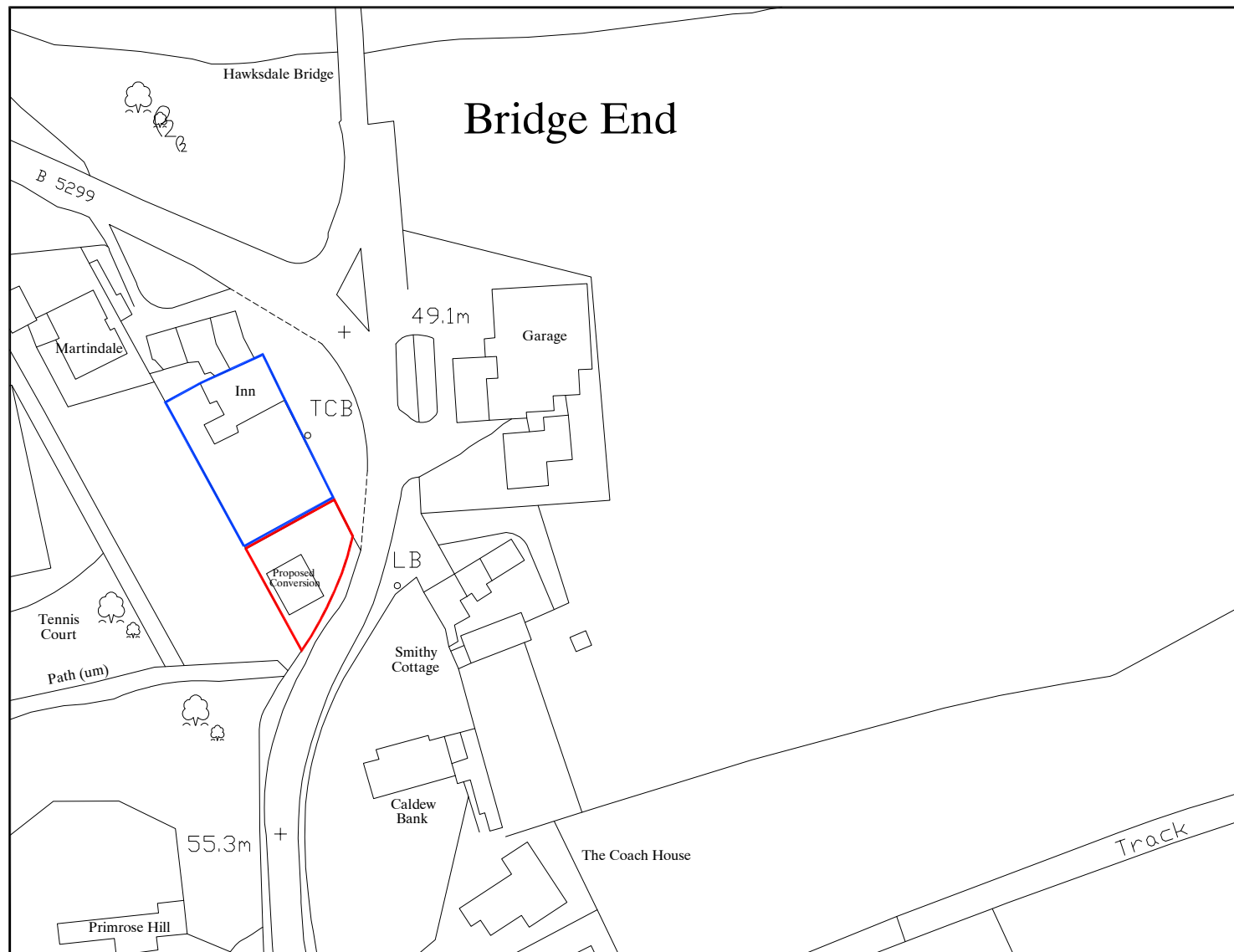
**Reason:** To protect the character of the area in accordance with Policies HE3 and HE7 of the Carlisle District Local Plan 2015-2030.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) no windows, other than those shown on the approved plans shall at any time be placed in the rear (west) elevation of the building without the grant of a separate planning permission from the local planning authority.

**Reason:** To safeguard the amenities of the adjoining premises from overlooking and loss of privacy, to accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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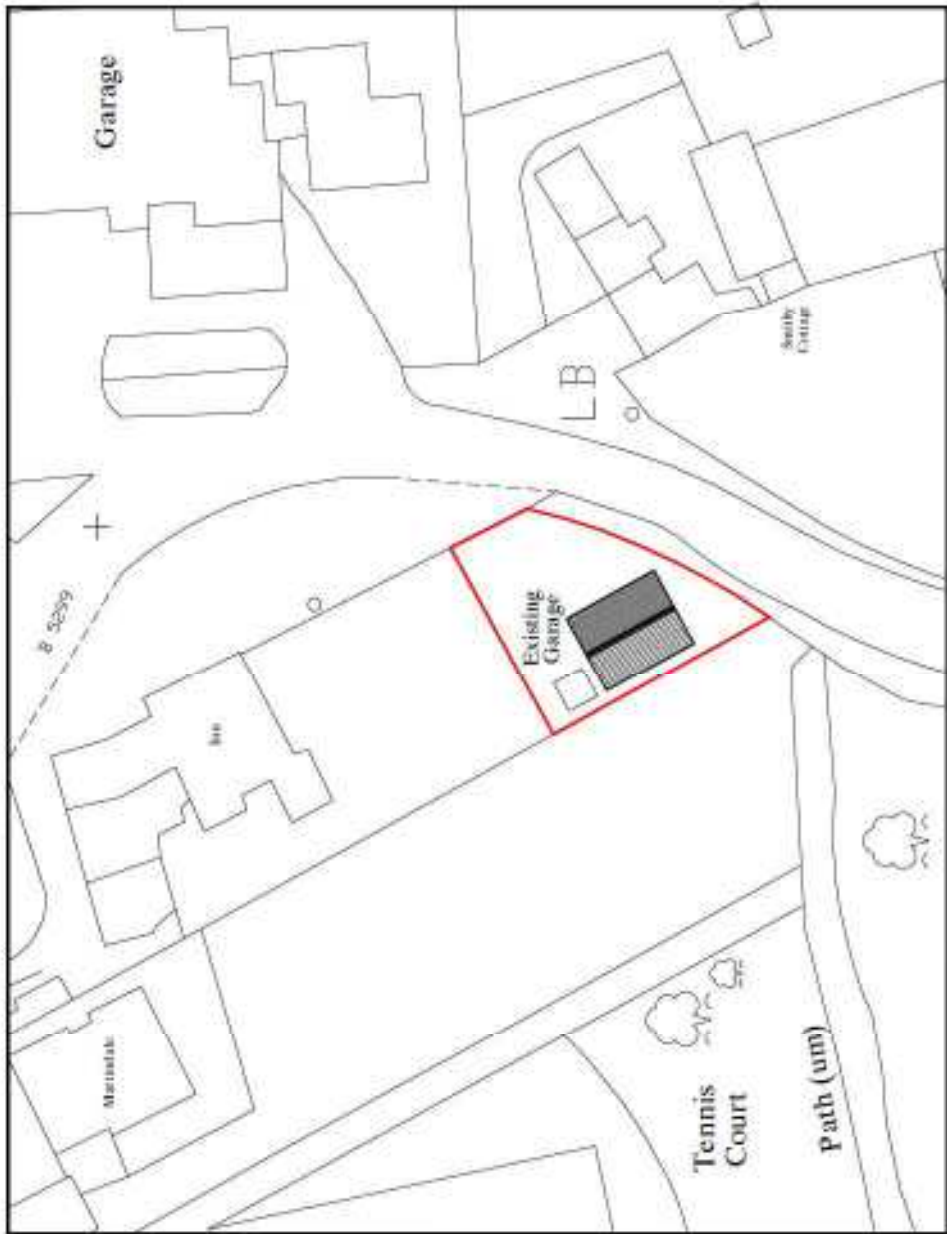
SITE LOCATION PLAN

Rev.	Date	Description
B	19 / 01 / 22	Amended
A	01 / 02 / 21	Original Issue

Proposed Conversion of Existing Garage on Land Adjacent to  
" The Bridge End Inn ", Dalston, Carlisle, Cumbria CA5 7BH.

	G.Tyler
Scale	1:1250 A4
Date	1st February 2021
Drawing No	IB / DWELL / SLP1 Rev B

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EXISTING SITE BLOCK PLAN

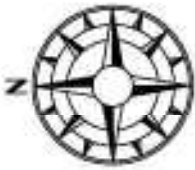
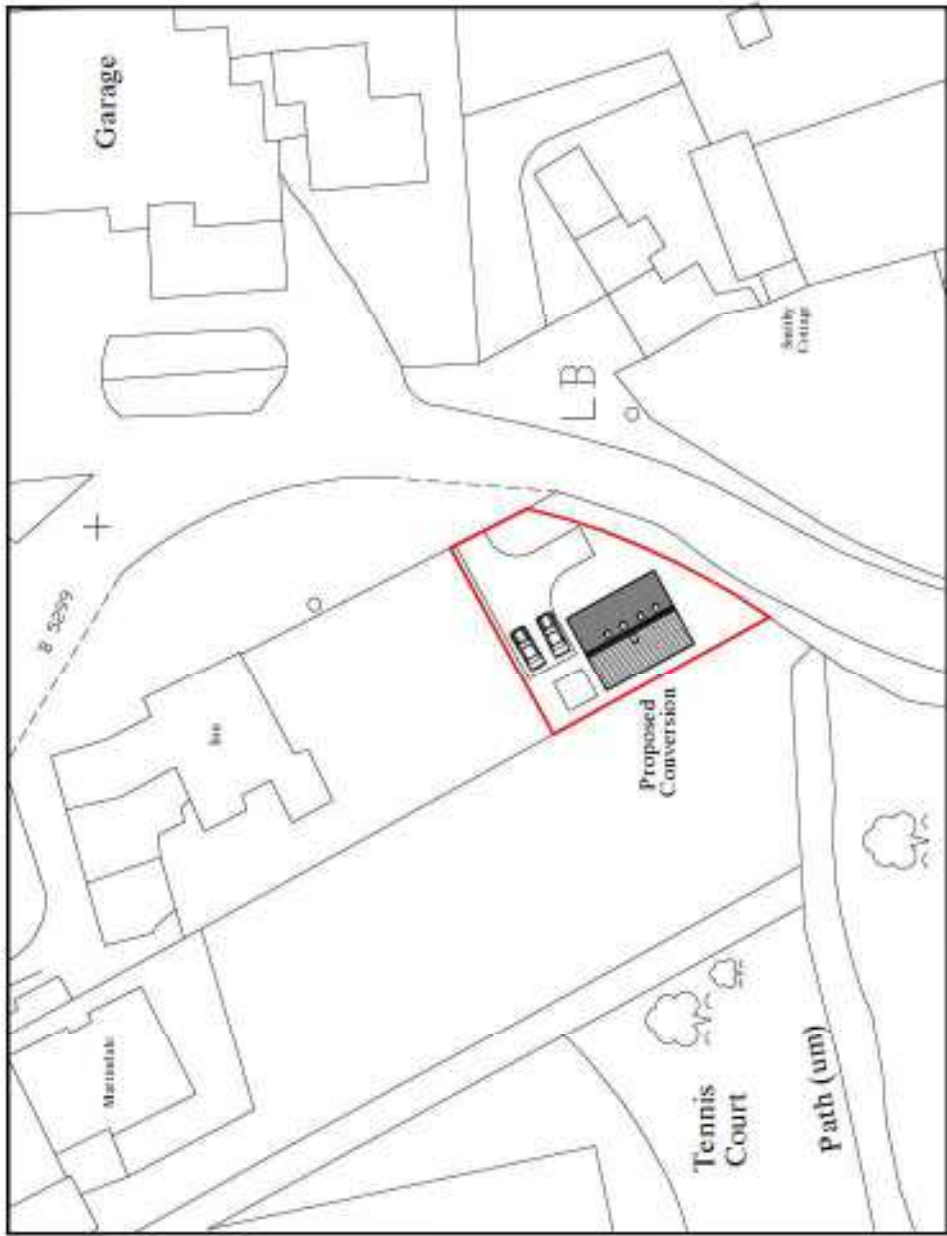
Proposed Conversion of Existing Garage on Land Adjacent to  
 "The Bridge End Inn", Dalston, Carlisle, Cumbria CA5 7BH.

Scale	G.Tyler
Drawn	1:200 A3
Drawing No	IB / DWELL / SBP1
Rev B	Rev B

Rev.	Date	Description
B	19 / 01 / 22	Amended
A	01 / 02 / 21	Original Issue



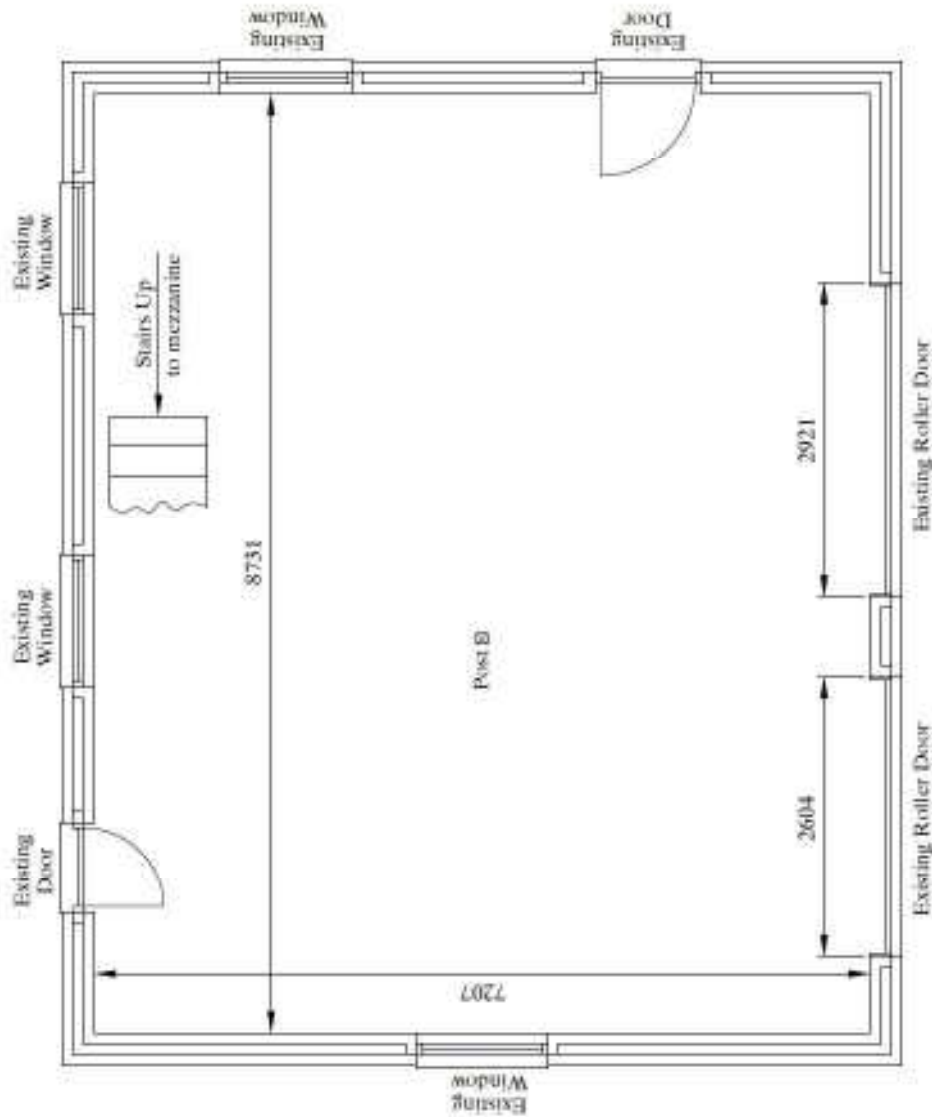
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PROPOSED SITE BLOCK PLAN

<div>Proposed Conversion of Existing Garage on Land Adjacent to " The Bridge End Inn ", Dalston, Carlisle, Cumbria CA5 7BH.</div>		Drawing No		IB / DWELL / SBP2		Rev B	
		Scale		G.Tyler			
		Date		1:200 A3		1st February 2023	
B	19 / 01 / 22	Amended					
A	01 / 02 / 21	Original Issue					
Rev.	Date	Description					

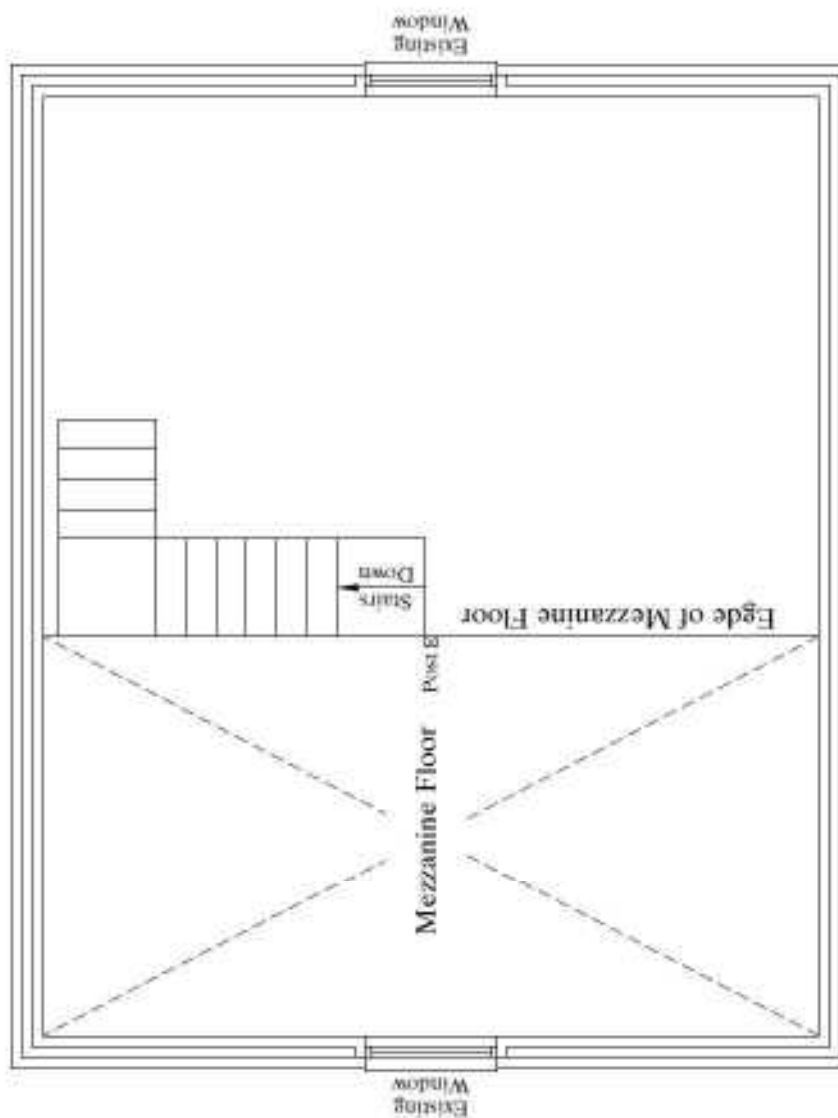
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Existing Ground Floor Plan

Rev:	B	19/01/22	Amended	Drawing No	Drawn By	G. Tyler	Rev B
	A	09/03/21	Original Issue		Scale	1:50 @ A3	
			Description		Date	9th March 2021	
<div> <div> Proposed Conversion of Existing Garage on Land Adjacent to  "The Bridge End Inn ", Dalston, Carlisle, Cumbria CA5 7BH. </div> </div>				IB / DWELL / FPI			

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Existing First Floor Plan

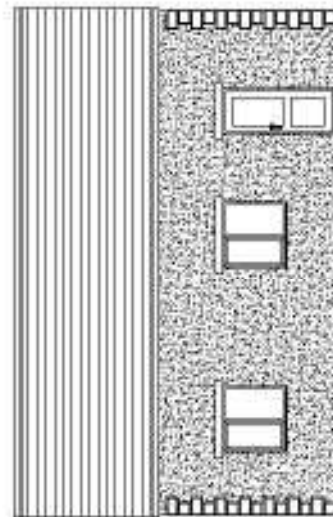
B	19/01/22	Amended	
A	09/03/21	Original Issue	
Rev.	Date	Description	

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South East Elevation

North East Elevation



South West Elevation

North West Elevation

EXISTING ELEVATIONS

Proposed Conversion of Existing Garage on Land Adjacent to " The Bridge End Inn ", Dalston, Carlisle, Cumbria CA5 7BH.		Drawn By	G.Tyler
		Scale	1:100 or A3
		Date	9th March 2021
		Drawing No	IB / DWELL / ELEV1 Rev B
B	19/01/22	Amended	
A	09/03/21	Original Issue	
Rev:	Date	Description	

The floor plan shows a rectangular house layout. At the top is the **Living Room**, which contains a large sofa and a fireplace. A bay window on the right side is labeled **New Window**. To the left of the living room is the **Kitchen**, featuring a sink, a four-burner stove, and a refrigerator. A bay window on the left side is labeled **Existing Window**. A door labeled **Existing Door** is located on the left wall of the kitchen. To the right of the kitchen is a **Dining** area with a table and chairs. A bay window on the right side is labeled **New Window**. To the right of the dining area is a **WC** (toilet) and a **Bath**. A door labeled **Existing Door** is located on the right wall of the bathroom. A **Utility** room is located between the kitchen and the bathroom. A staircase labeled **Existing** is located in the center of the house. A **Capboard** is located in the top right corner. A **Existing Window** is located on the top wall of the house.

Proposed Ground Floor Plan

			<div style="border: 1px solid black; padding: 10px; text-align: center;"> <b>Proposed Conversion of Existing Garage on Land Adjacent to "The Bridge End Inn", Dalston, Carlisle, Cumbria CA5 7BH.</b> </div>		
B	19/01/22	Amended			
A	09/03/21	Original Issue			
Rev.	Date	Description			



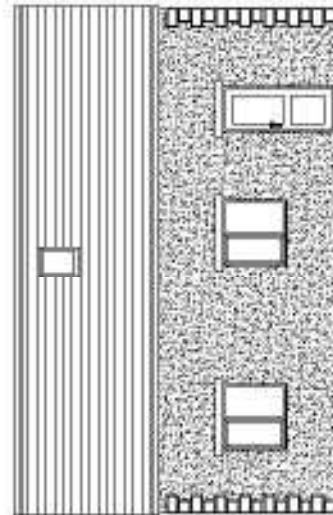


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South East Elevation

North East Elevation



South West Elevation

North West Elevation

PROPOSED ELEVATIONS

Rev:	B	19/01/22	Amended	<div>Proposed Conversion of Existing Garage to a Dwelling on Land Adjacent to " The Bridge End Inn ", Dalston, Carlisle, Cumbria CA5 7BH.</div>				Drawn By	G.Tyler
	A	09/03/21	Original Issue					Scale	1:100 or A3
		Date	Description					Date	9th March 2021
				Drawing No	IB / DWELL / ELEV2 Rev B				





## SCHEDULE A: Applications with Recommendation

22/0093

Item No: 04

Date of Committee: 13/05/2022

**Appn Ref No:**  
22/0093

**Applicant:**  
Mr & Mrs Quinn

**Parish:**  
Wetheral

**Agent:**  
Concept A & D Services

**Ward:**  
Wetheral & Corby

**Location:** Croft Villa, Wetheral, Carlisle, CA4 8JQ

**Proposal:** Erection Of Single Storey Detached Garage/Gym Building

**Date of Receipt:**  
11/02/2022

**Statutory Expiry Date**  
08/04/2022

**26 Week Determination**

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### REPORT

**Case Officer:** Katie Towner

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 The impact of the proposal on the living conditions of neighbouring residents  
2.2 Whether the proposal is appropriate to the dwelling.

#### 3. Application Details

##### The Site

- 3.1 The proposed development relates to a detached property, Croft Villa. The existing dwelling is constructed from brick with some timber cladding and black double glazing to the rear. The proposal will be constructed with a brick plinth, ship lap timber to the upper walls and clay pan tiles to the roof, with black double glazed windows.
- 3.2 The rear garden of Croft Villa extends along the back boundaries of properties on Goose Garth. The ground on the Croft Villa side is lower than the gardens at Goose Garth and a hedge or wall runs along the boundary.

## **Background**

- 3.3 It should be noted that prior to the redevelopment at Croft Villa, there were pig sheds running along the boundary with Goose Garth and the roof of these ran from the boundary up to a ridge. They were much smaller than the proposed building but were built up to the boundary. Until recently the rear garden of Croft Villa has had several tall trees on it.

## **The Proposal**

- 3.4 Planning permission is sought for a single storey double garage and gym to the rear of the house. The building measures 6.7m deep and 17.9m long. The revised scheme is 4.78m to the ridge and 2.6m to the eaves. The boundary wall height against the proposal measures 3.37m.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of notification letters sent to seven neighbouring properties.
- 4.2 During the consultation period there have been four representations made. The representations objected to the proposals and made the following issues:
- loss of light to properties on Goose garth
  - shade onto garden and house
  - close proximity overshadows and dominates main windows
  - position of garage affects whole garden
  - if proposed height similar to existing orangery it would not be such an issue
  - need hedge to have light to grow
  - Croft Villa has a large garden and the building could be located elsewhere
  - block out natural light
  - roof and gable end will be intrusive
  - previous extensions to Croft Villa already overshadow garden
  - new building much bulkier than what was previously on the site.
  - overbearing
  - potential for further development in the future sets concerning precedent
- 4.3 Following the revised proposal submission two objectors made additional comments to confirm that their objections remained.

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

**Wetheral Parish Council:** - Observations – There are less intrusive parts of the site where this building could be situated in order to minimise impact on neighbouring properties. A flat roof would be more in keeping with other buildings and would be more acceptable to neighbours. Request a site visit prior to any decision.

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

### **Assessment**

- 6.1 Section 70 (2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP6, HO8 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. The 'Achieving Well Designed Housing' Supplementary Planning Document, adopted by the Council, is also a material planning consideration.
- 6.3 The proposals raise the following planning issues:

#### **1. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.4 The proposed building is alongside the boundary to the rear gardens of Nos 11, 12 and 13 Goose Garth. The rear gardens are relatively short with ground floor living space close to the boundary hedge. The impact of the proposal on the rear garden space and rear living accommodation has been carefully assessed.
- 6.5 The original proposal has been revised in the following ways in order to address concerns regarding the impact on neighbouring amenity:
1. The original proposal had a steeper pitch and a ridge height of 5.29m. This has been reduced to 4.78m.
  2. The original proposal was closer to the boundary hedge. The gap was originally 1m at its narrowest point and this has been increased to a 1.7m gap at its narrowest point.
- 6.6 The proposed building is on land that is lower than the land within the gardens at Goose Garth. Therefore, the revised ridge height would only protrude 1.41m above the hedge height. This height would not be on the boundary due to the gap between the garage and the hedge, and also because the roof slopes away from the boundary. The proposed eaves are lower than the existing hedge and the proposed ridge is set back by a distance of 3.37m from the side elevation to the ridge. Therefore, while the proposed building is higher than the hedge, this point of maximum height is a significant distance from the hedge and neighbouring gardens.
- 6.7 Prior to the redevelopment work, it is noted that the site included a number of tall trees, and pig sheds protruded above the hedge/wall height.

- 6.8 There will be a change in view from the properties on Goosegarth but this is not a material planning consideration. In considering whether the building would dominate the rear gardens or appear cumbersome, it is noted that the maximum height of the ridge is set away from the boundary and the roof slopes away from neighbouring properties. Whilst the roof will be clearly seen, it is not considered that it will be overbearing. The distance is sufficient to ensure that daylight and sunlight levels are not materially affected.
- 6.9 There are no windows facing the gardens from the proposed building and there will be a reduction in overlooking between properties.
- 6.10 On balance it is considered that the revised proposal will not have a detrimental impact on the living conditions of adjoining occupiers on the basis of loss of light, overlooking or over dominance.

## **2. Whether The Proposal Is Appropriate To The Dwelling**

- 6.11 The applicant has added the dotted outline of the buildings next to it within the garden to establish the relative height and scale of the proposal in comparison to the existing. This clarifies that the ridge will appear 0.65m below the eaves of the 2 storey barn. This will appear appropriate in views of the property from the new residential road to the south.
- 6.12 The outbuilding would follow the colour and types of material already allowed on the main dwelling. The rear entrance has redbrick pillars and a black gate, and the rear of the house has a mix of red brick and timber cladding, with black upvc windows. Whilst the proposed materials are not typically cumbrian, they can be tied to alterations already made on the existing buildings. Therefore, overall it is considered that the proposals would complement the existing dwelling in terms of design and materials to be used.

## **Conclusion**

- 6.13 In overall terms the proposals do not adversely affect the living conditions of adjacent properties by poor design, overbearing impact or unreasonable loss of daylight or sunlight. The scale and design of the proposed building are acceptable in relation to the dwelling.
- 6.14 In all aspects the proposals are compliant with the objectives of the relevant development plan policies and the application is recommended for approval with conditions.

## **7. Planning History**

- 7.1 There is a long planning history relating to the site and land immediately south, where a small housing development has recently been constructed.
- 7.2 Outline planning permission was granted in 2018 for 7no. 4 bed detached dwellings (18/0337). Reserved matters were granted for 6no. dwellings and two bungalows in 2019 (19/0346).

- 7.3 In relation to Croft Villa itself, planning permission was granted in 2017 for the erection of a two storey rear extension to provide living and dining room on ground floor with ensuite bedroom above together with single storey link to existing outbuilding and erection of orangery (17/0953). In addition, application 20/0010 is yet to be determined which seeks permission for the retention of the existing access, erection of boundary walls together with vehicular access to the rear (20/0010).

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

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

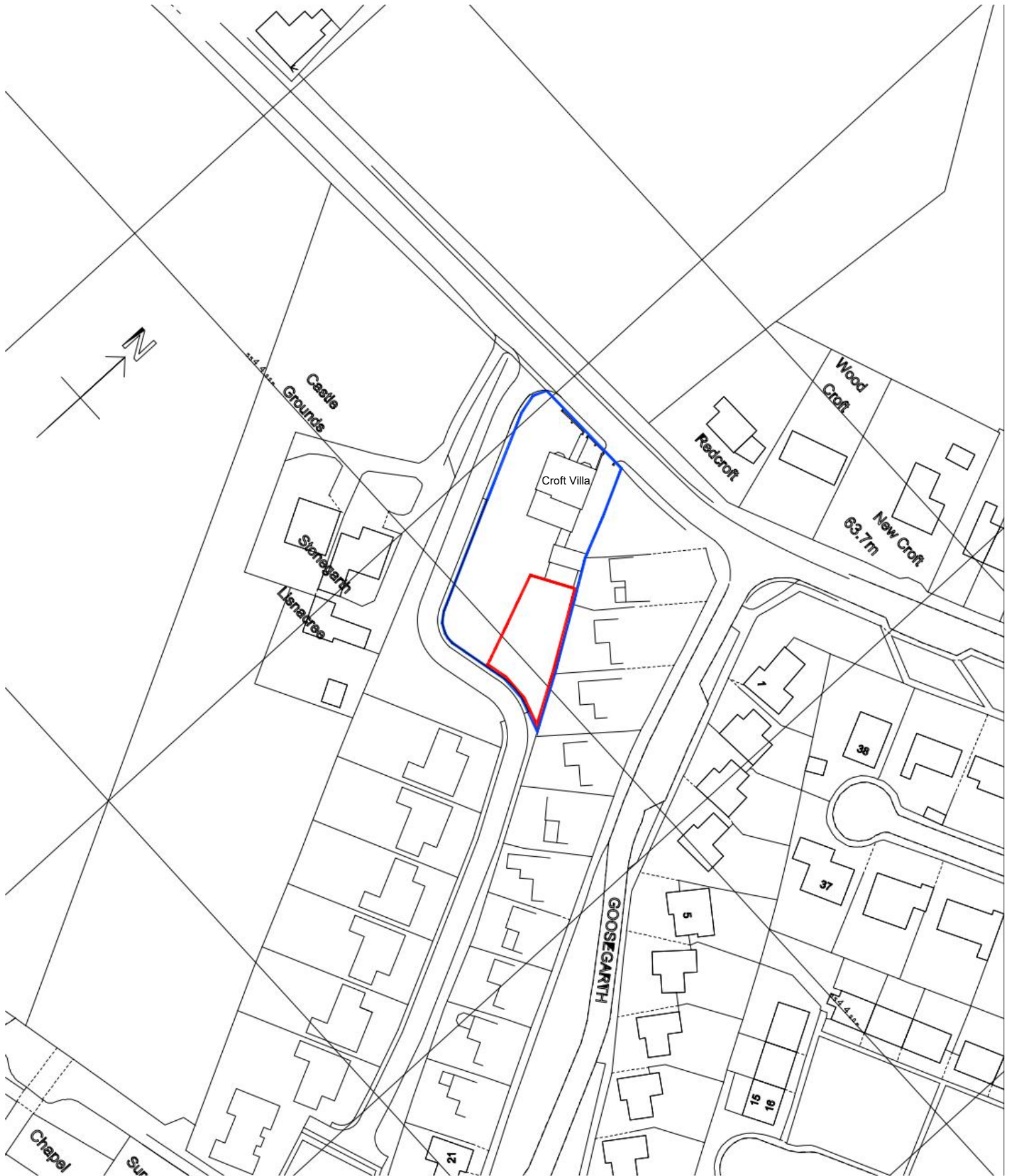
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

1. the submitted planning application form;
2. the Site Location Plan received on 9th February 2022 (ref 22-06-02);
3. the 'As Proposed Plans, Elevations and section received on 28th March 2022 (ref 22-06-01 Rev B );
4. Notice of Decision;
5. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

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**concept**

Architectural & Design Services

Tel: 01228 400000 Fax: 01228 400001

Project	Proposed Detached Garage/Gym Building. Croft Villa, Wetheral, Carlisle, Cumbria. CA4 8JQ.				
Drawing	Location Plan.				
Dwg No.	22-06-02	Scale	1:1250 @ A4	Date	Feb '22
Rev.	-				
This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the Designer immediately.					



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Side (North-West) Elevation



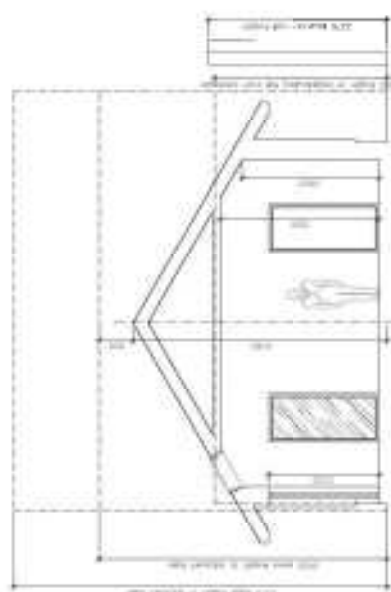
Front (South West) elevation



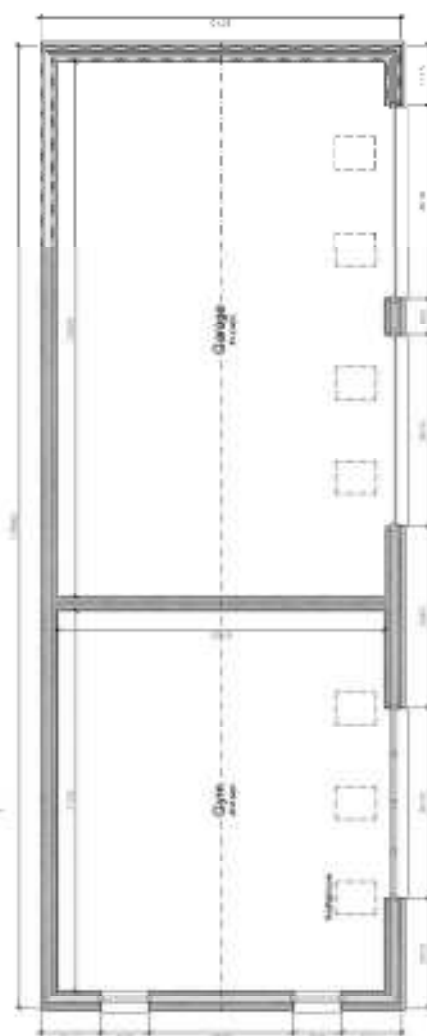
Road (North East) Elevation



Side (South East) Elevation



Section A-A



Ground Floor Plan



Site (Block) Plan



## SCHEDULE A: Applications with Recommendation

22/0223

Item No: 05

Date of Committee: 13/05/2022

**Appn Ref No:**  
22/0223

**Applicant:**  
Mr C Holmes

**Parish:**  
Hayton

**Agent:**

**Ward:**  
Brampton & Fellside

**Location:** Noble Garth, Hayton, Brampton, CA8 9HR

**Proposal:** Change Of Use Of Property From Dwelling To Holiday Let

**Date of Receipt:**  
30/03/2022

**Statutory Expiry Date**  
25/05/2022

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle Of Development
- 2.2 Impact Of The Proposal On The Living Conditions Of Neighbouring Properties
- 2.3 Impact Of The Proposal On Highway Safety
- 2.4 Other Matters

#### 3. Application Details

##### The Site

- 3.1 Noble Garth, Hayton is a detached property located within Hayton around a courtyard of properties. The dwelling comprises of both two and single storey elements that is predominately constructed from stone with an element of render, under a slate roof. There is a small outdoor area adjacent to the southern gable of the property which is accessed from a pair of double doors.

- 3.2 The property is accessed from the main road through Hayton via a single width access which leads past the adjacent property to the north, Chestnut Cottage. Noble Garth is located on the east side of the access and to the south and the head of the access is Blacksmiths Cottage. A building converted to three garages occupies a position in the south-west corner of the access, adjacent to which and to the west of the access is Friars Garth.

## **Background**

- 3.3 Planning permission was approved in 1990 of the conversion of redundant barns to 2no. dwellings. The permission was subject to eight planning conditions, of which condition number 7 reads:

*“The proposed development shall be used solely for private, domestic purposes by the occupants and no trade or business shall be carried out therein or therefrom.”*

- 3.4 Earlier this year, Members of the Development Control Committee granted planning permission for the removal of the restrictive condition to allow the unfettered use of the dwelling that would allow the applicant to rent the property for holiday use on a short-term basis.

## **The Proposal**

- 3.5 The proposal seeks permission for the change of use of the dwelling to allow the property to be used as a holiday let.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of four properties. In response, five representations have been received objecting to the application. The representations have been reproduced in full separately for Members, however, the main issues raised are summarised as follows:
1. the driveway is in separate ownership and the owners allow conditional access for private and domestic use only for both the owners of the other two properties;
  2. the driveway entrance is narrow adjacent to which cars park illegally on double yellow lines which obscures the views of drivers which is enhanced due to the boundary walls;
  3. pedestrians must cross the entrance of the driveway hoping that there are no vehicles exiting at the time;
  4. newcomers visiting the property struggle to navigate the very narrow driveway to park;
  5. the parking space is somewhat undersized and access to it would breach covenants;
  6. visitors are likely to end up parking on the street which is already heavily congested;
  7. large number of cyclists passed through the village and the additional

- traffic generated by people staying at the premises being unaware of the daily hazards is likely to pose a threat to them;
8. the views of the highway authority should be sought;
  9. the proposal is unsuitable and inappropriate in this location;
  10. consideration needs to be taken about the obvious privacy aspects of people already living in close proximity within the small courtyard;
  11. the applicant has declared on the form that they own all the land on which permission is sought however this doesn't relate to the access and the council should take legal advice on this matter;
  12. there is no reference to the term of letting for which planning permission is being sought;
  13. the location plan does not depict the access and the driveway which should be identified for validation purposes;
  14. the use would diminish the privacy of neighbouring properties;
  15. the city council has a duty of care to address the concerns raised about the effect on those who live in the area;
  16. the increase usage of the yard over and above that which would reasonably be expected by a long term tenant would restrict the use of ventilation to habitable rooms of neighbouring properties resulting in significant loss of enjoyment;
  17. concern for children and elderly residents for additional visitors into the village;
  18. clarification should be provided as to what government policies are in place in association with holiday lets to cover possible wrongdoings by the very nature people using them under the personal safety of those living nearby;
  19. is understood that there are official procedures and legislation in place to protect residents where the installation of a hot tub is being considered which will be enforced should the need arise.
- 4.2 In addition, three representations have been received which support the application and the issues raised are summarised as follows:
1. the accommodation will provide valuable accommodation for cyclists visiting the area;
  2. the holiday use will support local businesses and amenities.

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

**Local Environment - Environmental Protection:** - no objection;

**Hayton Parish Council:** - no comment;

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - comments awaited;

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of

the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies SP2, SP6, EC9, IP3 and CM5 of the Carlisle District Local Plan 2015-2030. The proposal raises the following planning issues.

### 1. Principle Of Development

- 6.3 Paragraph 7 of the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 8 and 9 explaining that achieving sustainable development means that the planning systems has three overarching objectives: economic, social and environmental. All of which are interdependent and need to be pursued in mutually supportive ways. Economic growth can secure higher social and environmental standards with planning decisions playing an active role in guiding development towards solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 6.4 Paragraph 10 of the NPPF 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 11 requires that for decision-taking this means:

*“c) approving development proposals that accord with an up-to-date development plan without delay”*

- 6.6 To support a prosperous rural economy, paragraph 84 outlines 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”.*

- 6.7 Paragraph 85 recognises 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".*

- 6.8 Policy EC9 of the local plan highlights that the tourism sector is vitality important to Carlisle as generators of economic prosperity. Outlining that proposals will be supported where they contribute towards the development and/or protection of the arts, cultural, tourism and leisure offer of the District and support the economy of the area subject to satisfying three criteria. The NPPF and the local plan recognising that tourism development is a main town centre use and, as such, the Council will encourage this type of development within a recognised centre (i.e. the City Centre, District Centres or Local Centres).
- 6.9 Hayton is close to Brampton and accessible by a range of transportation modes including National Cycle Network Route 72 'Hadrian's Cycleway' which passes through the village and in principle, holiday accommodation accords with the objectives of the NPPF and local plan.

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

- 6.10 Policies within the local plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. Policies SP6 and CM5 seeking to ensure that the development proposals do not have an adverse impact on the living conditions of the occupiers of adjacent residential properties which cannot be satisfactorily mitigated within the development proposal or by means of compliance with planning conditions.
- 6.11 As outlined earlier in the report, the proposal seeks planning permission for the change of use from a dwelling to a holiday let. The transient nature of people coming together for a short period of time are unlikely to live in the same way that a single household would with a normal daily or weekly routine. Groups staying at the property may lead to an increase in noise and disturbance during arrival and departure times and through the use of the external areas of the property including the use of the hot tub and external seating areas.
- 6.12 The increase in noise and disturbance especially late at night or in the early hours of the morning are issues cited by third parties in their representations of objection. Members will note that for similar proposals, applications are often supported by a Management Plan which details measures to be undertaken to mitigate for any potential noise nuisance to neighbouring properties arising from the use of the property as a holiday let.
- 6.13 A representation makes repeated reference to the siting of a hot tub within the yard and concerns about the resulting noise and disturbance. The applicant hasn't confirmed whether or not this is the case which in any event, the siting of a hot tub isn't considered to constitute development and



therefore doesn't require planning permission; however, the submitted Management Plan and Noise Policy make reference to the limitation of its use, should one be installed, together with limited use of the outdoor space and restrictions on playing music.

- 6.14 Accordingly, in line with objectives of Policies SP6 and CM5 Members have to make a judgement as to whether the change of use of the dwelling results in a significant adverse impact on the living conditions of the occupiers of adjacent residential properties. The views of the Environmental Health Section has been sought on this matter and has confirmed no objection is raised against the application.
- 6.15 In support of the proposal, the applicant has submitted a Management Plan, a Noise Policy and a copy of the Terms and Conditions. These are reproduced in full in the schedule and seek to control minimise and mitigate the potential for noise and disturbance as well as more general matters. The salient points to note are:
- bookings will be taken directly or through online platforms and online listing on each platform will state that Noble Garth Online throughout each platform will state that Noble Garth is only suitable for a maximum of 4 people and is not suitable for Stag or Hen parties or multiple couples;
  - up to two small dogs or one large dog which will be approved prior to the booking, guests are always fully responsible for their dog;
  - no bookings accepted under the age of 21;
  - no single sex groups unless they are a couple;
  - no loud music to be played outside and no music outside past 10pm;
  - any loud music inside of the property must be limited so it cannot be heard outside;
  - fireworks are strictly forbidden;
  - Should a hot tub be installed no Bluetooth music system or TV will be installed to reduce the impact of noise inside the courtyard of Noble Garth and may only be used between 7am and 10pm;
  - guests will be requested to only bring 1 vehicle;
  - a parking space camera will be installed to ensure that the parking rules are always adhered to.
- 6.16 Whilst it's noted that the dwelling is located within a village adjacent to residential properties, the size of the building is small and by its nature, physically constrains the number of persons who can stay there. That said, that's not to say that those patrons wouldn't potentially create a noise issue; however, on balance, the details contained within these submitted documents are acceptable. Furthermore, to safeguard the living conditions of neighbouring residents from unacceptable noise and disturbance, it is recommended that a planning condition be imposed which would require the operation of the premises to be in strict accordance with the Management Plan, Noise Policy and Terms and Conditions of the Letting Agent. Should such a nuisance occur through the use as a holiday let it is considered that this should be investigated and enforced through separate legislation.

### **3. Impact Of The Proposal On Highway Safety**

- 6.17 Access to the property is via a single width narrow drive that is shared with the neighbouring property. The parking arrangements were agreed under the previous permission and remain unaltered. In the representations, there is significant concern expressed in relation to highway, parking and traffic safety issues.
- 6.18 At present, the property can legitimately be used as a dwelling with the associated vehicle movements which that may entail. Concern is expressed that non-local residents wouldn't appreciate or take account of local circumstances such as children playing or the traffic and parking issues in the village, particularly in and around drop-off/ collection times for the school. The narrow width of the access and the stone walls either side when exiting the drive, naturally cause any driver to approach with caution at a slow speed.
- 6.19 The scale and nature of the application doesn't fall within the relevant parameters agreed with the Cumbria County Council that requires a formal consultation as the Local Highways Authority. Officers have previously discussed the principle of the holiday use with them. In response, they advised that the use of a property as a holiday let generates half the number of vehicle movements as a dwellinghouse and that in this instance, they do not wish to be consulted or raise any concerns. The views of the objectors are respected, however; in light of the foregoing together with the views of the Highway Authority it would be difficult to substantiate a refusal on highway safety grounds; nevertheless, a formal consultation has been sent to the county council to confirm the highway position and an update will be provided to Members.

#### **4. Other Matters**

- 6.20 Reference is made in the representations that clarification should be provided as to what government policies are in place in association with holiday lets to cover possible wrongdoings by the very nature people using them under the personal safety of those living nearby. Its unclear what is meant or implied by 'possible wrongdoings'; however, the planning system is not a 'catch all' process and can only deal with land use planning related issues. In the event that there is some illegal or inappropriate behaviour, this would be dealt with separately and consideration of such, doesn't form part of the planning process.
- 6.21 The representations also query why the access isn't included in the red line site area or that Certificate B on the Planning Application Form should have been signed requiring the applicant to serve notice on the owner.
- 6.22 On gov.uk paragraph: 024 reference ID: 14-024-20140306 (revision date: 06 03 2014) states:

***"What information should be included on a location plan?"***

*A location plan should be based on an up-to-date map. The scale should typically be 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 size paper. A location plan should identify sufficient*

*roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.*

*The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.”*

6.23 In this instance, the existing dwelling that is served by an existing access taken from the county highway. The purpose of Certificate B is that the owner is aware that an application has been submitted who may not reside adjacent to the site and therefore, wouldn't receive notification from the council. In this instance, the application has been advertised by means of a site notice and direct notification to the occupiers of six properties. Officers understand that one of these properties is the owner of the access road.

## **Conclusion**

- 6.24 The proposal seeks planning permission for the change of use of a residential property into holiday accommodation, the scale of which is compatible with the character of the surrounding area. The property is located within Hayton which itself has a range of services is accessible by a range of transportation modes including National Cycle Network Route 72 'Hadrian's Cycleway' which is adjacent to the village. As such, the principle of holiday accommodation is acceptable.
- 6.25 Policies SP6 and CM5 seeks to ensure that development proposals do not have a significant adverse impact on the living conditions of the occupiers of adjacent residential properties which cannot be satisfactorily mitigated within the development proposal or by means of compliance with planning condition. On balance, the imposition of the recommended planning condition requiring the operation of the premises to be in strict accordance with the Management Plan, Noise Policy and Terms and Conditions would safeguard the living conditions of neighbouring residents from unacceptable noise and disturbance. Furthermore, should a statutory noise nuisance occur this would also be subject to investigation and potential enforcement through separate legislation.
- 6.26 In overall terms, the principle of development accords with the objectives of the NPPF and local plan policies. The proposal would not have a detrimental impact on highway safety and as such, the proposal is recommended for approval.

## **7. Planning History**

- 7.1 Planning permission was granted in 1989 for the conversion of redundant farm buildings to two dwellings.

- 7.2 In 1990, planning permission was granted for the conversion of redundant farm buildings to two dwellings.
- 7.3 Planning permission was granted earlier this year for the removal of condition 7 (residential/ non commercial restriction) of the previously approved permission 90/0011 (conversion of redundant barns to 2no. dwellings) to allow short term letting for Noble Garth.

## **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 21st March 2022;
  2. the Site Location Plan received 24th March 2022;
  3. the Floor Plans submitted 28th March 2022;
  4. the Management Plan received 28th April 2022;
  5. the Noise Policy received 28th April 2022;
  6. the Terms and Conditions received 28th April 2022;
  7. the Notice of Decision;
  8. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

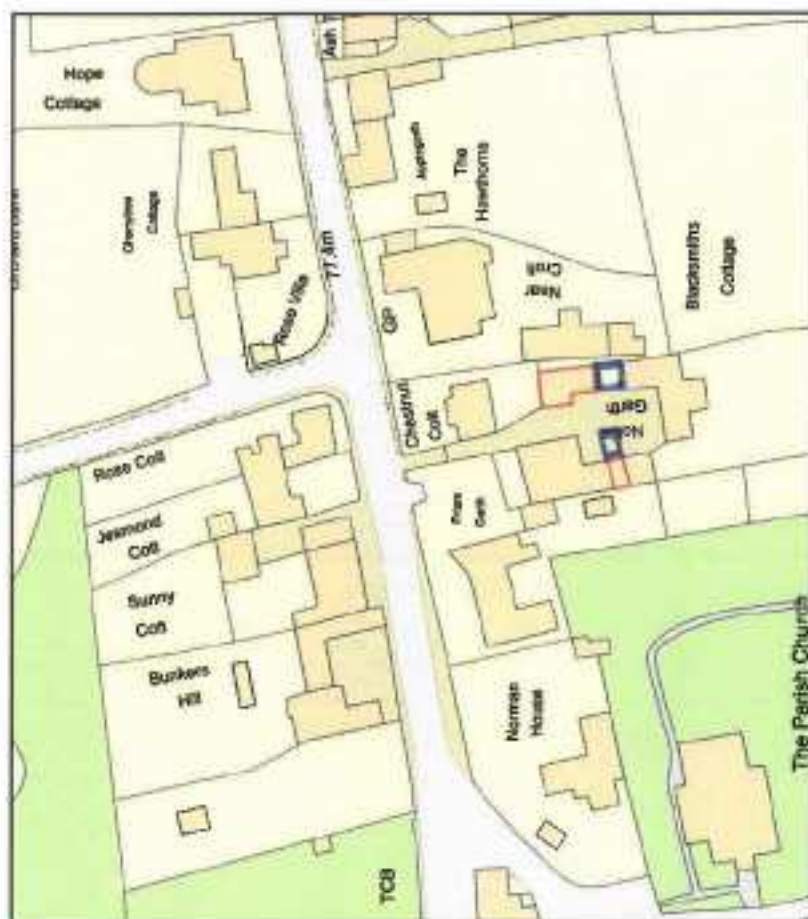
3. The holiday use hereby approved shall be undertaken in strict accordance with the Management Plan; Noise Policy; and the Terms and Conditions all received on 28th April 2022;

**Reason:** To safeguard the amenity of the occupiers of neighbouring residential properties in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

4. Garaging and car parking shall be provided and retained in accordance with the details approved as part of application 90/0011.

**Reason:** To ensure that adequate parking is retained for the property in accordance with Policy IP3 of the Carlisle District Local Plan 2015-2030.

# Noble Garth 2021



0 50  
Metres



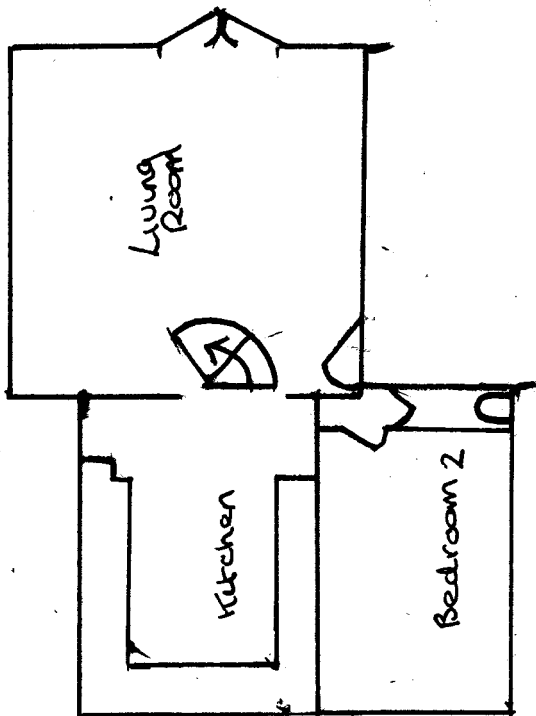
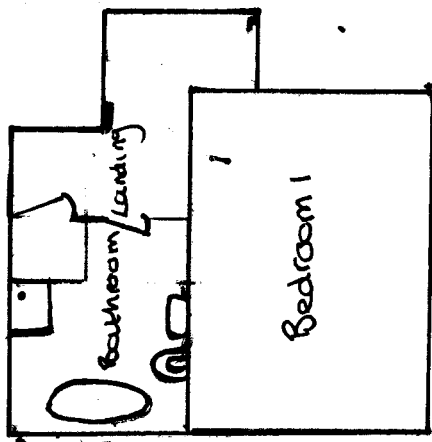
Plan Produced for: Carisle Council

Data Produced: 23 Nov 2021

Plan Reference Number: TOROM21327105927946

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Scale 1:100.

## **Management Plan Noble Garth, Hayton, CA8 9HR**

Please find below detailed information on how Noble Garth will be managed in which any concerns over nuisance or noise will be mitigated.

### **Bookings**

We will be taking bookings both direct to ourselves and through online platforms such as Cottages.com, Booking.com etc. Noble Garth Online listing throughout each platform will state that Noble Garth is only suitable for a maximum of 4 people and is not suitable for Stag or Hen parties or multiple couples. This helps ensure that the type of booking will not give rise to louder, more excitable groups. Noble Garth target audience is for Families or Couples who are looking to enjoy the countryside of the local area. Pennines, Hadrian's wall, Scottish borders etc. Once a booking is made, ID is taken, and the online guest arrival instructions which include T&C's and Noise Policy are shared, which are detailed below in this management plan.

We will also accept up to two small dogs or one large dog which will be approved prior to the booking, guests are always fully responsible for their dog.

### **Group bookings and age**

We don't accept any bookings under the age of 21, no single sex groups unless they are a couple.

### **Troublesome guests**

T&C's will be communicated when a booking is made. If a customer does not agree with the T&Cs at this stage the booking can be cancelled by the customer. Guests are not to behave in an anti-social manner breach the peace or otherwise act in a way which may disrupt or affect the enjoyment of others.

Unauthorised guests are not allowed. Any guest staying at Noble Garth must be on the booking. We reserve the right to ask anyone to leave who breaks these rules.

Cottages.com T&Cs attached.

### **Pets**

Regarding dogs staying at Noble Garth there are strict guidelines that the owners must adhere to. Up to two dogs will be allowed to stay at Noble Garth.

1. Dogs must be always under strict control while at or in the property.
2. Any fouling must be cleaned up without delay.
3. Dogs must not be left alone in or at the property or elsewhere at any time.

Should any of these rules be broken the booking may be cancelled.

### **Maintenance.**

Gas boiler is checked/serviced by a Gas Safe registered engineer on an annual basis as per current legislation.

Electrical work has been checked by a competent electrician and a EICR is in place.

PAT Testing will be conducted on an annual basis by a qualified Electrician.

The Courtyard is very low maintenance and will be always maintained by the cleaner and owner.



### **Health and Safety (Fire and Risk Assessment).**

Fire safety assessment will be carried out and will be available to all guests in the guest house book. A Fire blanket and AFFF (Aqueous Film Forming Foams) Foam fire extinguisher is readily available in the kitchen. Operational instructions will be communicated in the guest house book and on the side of the extinguisher/Fire Blanket.

A risk assessment has been carried out and will be reassessed annually. The guest house book will contain all the important safety information needed. Smoke alarms and carbon monoxide alarms are fitted and tested regularly.

A first aid kit will be available, this will be inspected during each clean to ensure all contents are present. Any items which are not present will be replaced.

### **Noise Policy**

A noise policy is in place, guests will be sent a copy of our noise policy as part of the arrival instructions. We expect guests to always show consideration to surrounding neighbours, the noise policy will also be available in and clearly stated in the guest house book, so that guests are reminded when they arrive at Noble Garth.

The following noise restrictions apply: -

1. Do not play loud music outside and no music outside past 10pm.
2. Show consideration for the neighbours of the surrounding properties in the early mornings and late evenings.
3. You must limit any loud music inside of the property so it cannot be heard outside
4. Fireworks are strictly forbidden.

### **Hot Tub**

Note: - Should a hot tub be installed it will be specifically designed for the use in a Holiday let setting (HSG282 Compliant (Control of legionella and other infectious agents in spa-pool systems)). It will have additional insulation, silent pumps and be placed on rubber matting. No Bluetooth music system or TV will be installed to reduce the impact of noise inside the courtyard of Noble Garth.

1. Hot tub hours of use 7am-10pm

### **Guest Arrival**

1. Guests are asked to establish contact with us before arrival and reminded to read the online guest pack and noise policy.
2. Clear signage will indicate parking and clear instructions not to block any path or driveway will be provided.
3. We ask guests to only bring 1 vehicle, if another is unavoidable then they are asked to find a suitable space on the public highway.
4. We will provide clear instructions including a map and pictures to enable guests to find Noble Garth easily.
5. Guest will be made aware of the parking constraints in the village and to take care leaving and entering the driveway especially during school drop off and pick up times.
6. When guests arrive at Noble Garth a guest house book will be present inside of the property, example attached. This is a A-Z style guide which runs through each aspect of the property, from how too's, safety information, local places of interest and local amenities such as shops pubs and restaurants etc. Within the guest house book the Noise policy and Risk assessments will be present.

### **Guest management**

We have our property manager who lives locally will deal with any issues should they arise.

We will install a parking space camera so we can confirm that Parking rules are always adhered to.

## Noise Policy

### Noble Garth, Hayton, CA8 9HR

The following noise restrictions apply: -

- Do not play loud music outside and no music outside past 10pm.
- Show consideration for the neighbours of the property in the early mornings and late evenings.
- You must limit any loud music inside of the property so it cannot be heard outside
- Fireworks are strictly forbidden.
- Dogs must not be left outside to bark
- Hot tub use is restricted to the hours of 7am-10pm
- Please treat areas outside the property as quiet areas past 10pm.

**HOT TUB HOURS ARE FROM 7AM-10PM**, after which the lid must be replaced, and the Hot Tub closed. Please keep noise levels to a minimum when using the tub out of respect to our neighbours.

## Your property

The owner has set the following conditions on your stay at the property: Arrival and departure- You can arrive at your property at any time after 4pm (unless we tell you otherwise, for example on your confirmation) on the start date of your rental period. You must leave by 10am on the e last day. If your arrival will be delayed beyond 8pm on the start date of your rental period, you must contact the person whose details are given in the location guide. If you fail to do so, you may not be able to get into the property. If you fail to arrive by 12 noon on the day after the start date of your rental period and you do not let the person whose details are given on the location guide know you are arriving late, we on behalf of the owner may treat your booking as having been cancelled by you. In this situation, we will not refund any money you have paid.

Security deposits - Some owners require payment of a security deposit. If this applies to your chosen property, this is a direct arrangement between you and the owner, which we may or may not administer on behalf of the owner. The amount and details of how the payment should be made and how and when it will be returned (less any costs for breakages, damages etc. if applicable) will be provided at the time of booking. Behaviour –

You and all members of your party agree:

- to keep the property clean and tidy;
- to leave the property in a similar condition as you found it when you arrived;
- to behave in a way at all times while at the property which does not break any law;
- not to use the property for any illegal or commercial purpose;
- not to sublet the property or any part thereof or otherwise allow anyone to stay in it who we have not previously accepted on behalf of the owner as a member of your party;
- Not to behave in anti-social manner, breach the peace or otherwise act in a way which may disrupt or affect the enjoyment of others.

Maximum occupancy - You also must not allow more people than the brochure states to stay overnight in the property. You cannot arrange for visitors to the property without the advance consent of the owner. You cannot significantly change the number of adults or children during your stay. (For example, if you book for two adults and two children, you cannot arrive with four adults and no children.) You must not hold events (such as parties, celebrations or meetings) at the property without the advance consent of the owner.

If you do any of these things, the owner can refuse to hand over the property to you or can repossess it. If the owner does this, we will treat this as you are cancelling the booking. In these situations, you will not receive a refund of any money you have paid for your booking. And we or the owner will not be legally responsible to you as a result of this situation. (This will include, for example, any costs or expenses you have to pay due to not being able to stay in the property, such as the cost of finding other accommodation.) Neither we nor the owner are under any obligation to find any alternative accommodation for you.

Pets - Pets are not allowed unless we say so in the brochure/website. If you take a pet with you, it is not allowed upstairs, on beds or furniture, or in any shared facilities, such as swimming pools or

shops. You must not leave any pets unattended in the property, including any garden, and you must keep dogs on a lead within the boundaries of a property (including the garden). Registered assistance dogs are allowed in most properties featured in this brochure even if the property description says that pets are not allowed. NB: if you are travelling to France or Italy with a registered assistance dog, please contact us before making your booking. If you or any member of the party has a pet allergy, we cannot guarantee that dogs, or other pets, have not stayed in your chosen property, even if the owner does not allow pets, nor can we accept any responsibility for any subsequent health reaction. It is your responsibility to make specific enquiries before booking as some property owners may take their own pets to a property. You should also read the information on taking pets on holiday included in our brochure or on our website. If there is a charge for taking a pet, you will be told at the time of booking.

No Smoking - most properties are no smoking (including E-cigarettes), if you require a smoking property then please contact us Under 1 hour to airport feature -This is a guide only, calculated on the airport being up to 40 miles from the area that you are booking 15 Damage You are responsible for and agree to reimburse to the owner and us all costs incurred by the owner and/or us as a result of any breakage or damage in or to the property which is caused by you or any members of your party or any other persons invited into the property by you. The owner and/or we can ask for an extra payment from you to cover any such costs.

The owner expects the accommodation to be left in a reasonable state on departure. If in the owner's or caretaker's opinion, additional cleaning is required, you will be liable to the owner for the cost of this cleaning. You may need to check and sign an inventory of the property and its contents on arrival at the property. If you discover that anything is missing or damaged on arrival, please notify the owner/key holder immediately. 16 Right of Entry The owner is allowed to enter the property (without letting you know first if this is not practical or possible) if special circumstances or emergencies happen (for example if repairs need to be carried out) or if you break any of these booking conditions, the owner's own terms and conditions or any other terms that apply to your booking and/or the property.

The owner or its representative also is allowed to enter the property to inspect it (including but not limited to where you have complained about the property). If this happens, you will be given reasonable notice first. You agree to allow the owner or their representative (including workmen) access to the property as required by this clause. 17 Unreasonable behaviour The owners of all properties can refuse to hand over their property if the unreasonable behaviour of anyone in your party is likely to cause offence to other guests, to members of staff or to neighbours, or if the owner has reasonable cause to believe you or any member of your party will cause damage or loss to the property, its services or facilities. If this happens, the contract between you and the owner will end and you will not receive any refund and neither we nor the owner will have any further responsibility to you. The owners of all properties can end a stay after the keys have been handed over, if the unreasonable behaviour of anyone in your party (including anyone invited into the property by you) is likely to spoil the enjoyment, comfort or health of other guests, residents, neighbours or members of staff or where you or any member of your party (or anyone invited into the property by you) has broken or is likely to break any of these booking conditions, the Owner's terms and conditions or any other terms and conditions applicable to the property which you have been told about. If this happens, you will have to leave the property immediately and no refund will be given. You may also be responsible for any costs the owner has as a result of your behaviour as set out in clause

## SCHEDULE A: Applications with Recommendation

20/0525

Item No: 06

Date of Committee: 13/05/2022

**Appn Ref No:**  
20/0525

**Applicant:**  
Mr Miller

**Parish:**  
Burgh-by-Sands

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Dalston & Burgh

**Location:** Burgh House, Burgh by Sands, Carlisle, CA5 6AN

**Proposal:** Erection Of Two Storey Side Extension To Provide Living Room On Ground Floor With En-Suite Bedroom Above

**Date of Receipt:**  
04/08/2020 23:00:59

**Statutory Expiry Date**  
29/09/2020 23:00:59

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

- 1.1 It is recommended that this application is refused.

#### 2. Main Issues

- 2.1 Impact Of The Proposal On The Listed Building
- 2.2 Impact Of The Proposal On The Burgh by Sands Conservation Area
- 2.3 Impact Of The Proposal On The Hadrian's Wall World Heritage Site Buffer Zone
- 2.4 Highway Matters
- 2.5 Drainage Matters

#### 3. Application Details

##### The Site

- 3.1 Burgh House is a Grade II Listed property which lies on the north side of the main street in Burgh by Sands. The property dates from approximately 1769 and is built in rubble stone with cement render to all walls. The building is two-storeys under a slate roof with chimneys set on a broadly rectangular

plan form with pitch front facing gables. Originally one house, Burgh House has been divided into two residential properties. The appearance of the property is typically Georgian with a symmetrical appearance, use of stone corner quoins, timber sash windows with stone surrounds and a stone plinth.

- 3.2 The building lies within the Burgh by Sands Conservation Area, the Hadrian's Wall World Heritage Site Buffer Zone and the Solway Coast AONB.

### **The Proposal**

- 3.3 The application is seeking planning permission for the construction of a two-storey side extension, which would be located on the existing blank side elevation of the dwelling. The layout of the proposed extension utilises a vacant area of yard to the right of the primary elevation as viewed from the main road.
- 3.4 The ground floor would contain a large open plan living area, with windows facing in three directions. This would be accessed via the kitchen through a small opening in the existing side wall of Burgh House. The first floor of the extension would provide an additional master bedroom with dressing area and en-suite bathroom to the rear. This would be accessed via a new corridor formed through the existing rear bedroom. This mirrors the current layout to the opposite side of the main staircase where a corridor serves a bedroom and main bathroom at the other end of the dwelling.
- 3.5 The proposed extension would be set back from the primary elevation to distinguish the addition from the original facade and building mass. To maintain geometry and relate to the existing proportions, the proposed windows to the front would relate to those to the front of Burgh House.
- 3.6 Materials would match the existing, with new windows and doors to be bespoke timber units, walls to be rendered blockwork with stone detailing and roof coverings to match and be tied in with existing where required. Existing drainage would be utilised as part of the development with rainwater/foul water goods being either located internally or to the rear of the proposed extension. There are currently obsolete drainage pipes on this elevation which would be removed.
- 3.7 The application is accompanied by a Heritage Statement. The key points of this are summarised below:

- whilst the works will enlarge the property, the actual impact upon the original built fabric is minimal, albeit the original plan form is altered and the level of harm is low, and is considered to be less than substantial.

- the works proposed are logical and modest in their scale in terms of provision of an extension and involve a new build addition to the existing building. The new build is to be built in a manner that recognises and provides for a distinct understanding between 'old and new' whilst

respecting key design principles of scale, function, form, mass and material use. The new extension will be subservient in size to the existing. Overall in weighting the less than substantial impact against the benefit of the proposal, its careful design and appearance, the level of harm is therefore modulated to neutral/benign.

- the new proposed extension, whilst having a neutral impact upon the existing building, has the public benefit of adopting a design which will fit seamlessly to the existing, providing a sense of homogeneity that will also abide with local design principles in both Carlisle Local Plan and Burgh by Sands Parish Plan Design Guide.

- the proposals strike a balance between the architectural and historic interest of the structure, its contribution to the significance of the conservation area and its relationship with other adjacent buildings. The proposal would preserve and enhance the character and appearance of the conservation area, not impact the setting of the listed building and the proposed extension will result in a readable, distinct extension with subtle blend to the existing.

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

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to two neighbouring properties. No verbal or written representations have been made during the consultation period.

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

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections;

**Burgh-by-Sands Parish Council:** - this is a Grade II listed building and a prestigious building in the parish. The extension is to be built in the same style as the original house, however, concern is that the addition of the extension on the side of the house will compromise the look of the building, making it asymmetrical. There is concern that this will put a further strain on an the existing antiquated drainage system.

Further comments: the Parish Council stand by the observations they made originally and make the following observations: The suggestion that it should be a single-story extension would spoil the look of this Grade II listed building and feel that the original application would be a more preferable option. The drainage comment refers to the mains sewerage through the village and not specifically to this application.

**Historic England - North West Office:** - no objections on heritage grounds subject to conditions;

**Solway Coast AONB Unit:** - no comments received;

**Cumbria County Council - (Archaeological Services):** - no objections subject to



conditions.

## 6. Officer's Report

### Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP6, SP7, HO8, HE1, HE3, HE7, CC5, IP3 and IP6 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Document the Burgh by Sands Parish Design Statement is also a material consideration.
- 6.3 The proposal raises the following planning issues.
1. Impact Of The Proposal On The Listed Building
- 6.4 Burgh House is a Grade II listed building and the list description is reproduced below:

*13/35 Burgh House and Fulwood House with 1/6/57 adjoining former barn Originally one house divided into 2. Dated 1769 with initials W. & E.H. over side entrance. Cement rendered walls on chamfered plinth with raised V-jointed painted quoins; painted moulded cornice, end bays with triangular moulded pediments. Hipped greenslate roof, cement rendered chimney stacks. Fulwood House: 2 storeys, 4 bays, with adjoining 3-bay outbuilding, formerly barn. Burgh House: 5 bays under common roof. Burgh House: 6-panel door and radial fanlight in pilastered surround with moulded impost blocks and moulded round arch. Sash windows with glazing bars in stone architraves. Fulwood House: C19 prostyle Ionic porch to 6-panel door. Windows of same details as Burgh House. Courtyard entrance with quoined surround and dated keystone, unifies house with former barn. Barn has blocked slit vents on 2 levels, replaced by C19 casement windows to form meeting house, now with corrugated asbestos roof.*

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

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

- 6.6 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.
- 6.7 The Council's Heritage Officer has been consulted on the application. He notes that the application site is located within the Burgh by Sands Conservation Area. It occupies the eastern half of the pair of mid C18 houses now known as Burgh House and Fulwood House. Listed in 1957, the polite Georgian gentleman's residence is dated to 1769. The building is of considerable significance and both Burgh House and Fulwood House enjoy a high degree of external and internal preservation.
- 6.8 The Heritage Officer provided advice in relation to applications 18/0851 & 18/0852 (LBC) in March 2019 in relation to the proposed erection of two single-storey orangeries, including ground floor internal alterations and the erection of a detached car port. In this instance concern was expressed over the volume of intervention and loss of fabric arising from a single-storey orangery to the rear, and a similar structure to the east gable. After discussion, the application was reduced to the single storey extension to the rear. While still resulting in some loss of fabric, this was felt to be an acceptable compromise.
- 6.9 The current application is for a two-storey extension to the east. The Heritage Officer considers that the building is a significant Georgian property characterised by the visual harmony of its main facade, bookended by two pedimented gables. The two-storey extension as proposed would interfere substantially with this symmetry and would cause harm to the appearance of the building.
- 6.10 Carlisle Local Plan states in Policy HE3 'Listed Buildings' that *"Listed buildings and their settings will be preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the harm"*. Proposals for listed buildings must have regard to *"5 the preservation of the physical proportions, character and detailing (both internally and externally) and of any windows and doorways"*.
- 6.11 Paragraph 199 of the NPPF requires that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". Significance can be harmed or lost through alterations or destruction of the heritage asset. Paragraph 200 indicates that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification". Paragraph 202 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

- 6.12 Section 66 of the Planning (Listed Buildings and Conservations) Act, 1990, states *that “a local authority shall have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses”*.
- 6.13 The Heritage Officer considers that the extension to the side would constitute less than substantial harm to the fabric of the listed building, not outweighed by public benefit and the application should, therefore, be refused.
- 6.14 The Parish Council has noted that Burgh House is a Grade II listed building and a prestigious building in the parish. The extension is to be built in the same style as the original house, however, the Parish Council is concerned that the addition of the extension on the side of the house would compromise the look of the building, making it asymmetrical.
- 6.15 The current application is for a two-storey extension to the east. The building is a significant Georgian property characterised by the visual harmony of its main facade, bookended by two pedimented gables. The two-storey extension as proposed would interfere substantially with this symmetry and would cause harm to the appearance of the building. In light of the above, the proposal would be contrary to the NPPF (Paras 199 to 202) and Policy HE3 of the Carlisle District Local Plan 2015-2030.

## 2. Impact On The Proposal On The Burgh by Sands Conservation Area

- 6.16 The application site lies within the Burgh by Sands Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:
- “special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area”*.
- 6.17 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.18 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.19 Burgh House is a prominent listed building that lies within the conservation area and makes a positive contribution to its character. The proposed two-storey extension would have an adverse impact on the Listed Building and given its prominent location within the conservation area, would have an

adverse impact on the conservation area, contrary to Policy HE7 of the Carlisle District Local Plan 2015-2030.

### 3. Impact Of The Proposal On The Hadrian's Wall World Heritage Site Buffer Zone

- 6.20 Historic England has been consulted on the application. The proposed development site is in an area of archaeological sensitivity because of its position inside the World Heritage Site Buffer Zone and it is immediately adjacent to the World Heritage Site Property Boundary and legally protected scheduled monument. For these reasons, the proposals need scrutiny of their potential for impacts on both the nationally important designated and non-designated heritage assets.
- 6.21 It would be justified to require the applicant to commission a programme of archaeological works to monitor any excavations associated with the proposed development. Historic England's assessment of the potential impact of the proposal is that it would be sufficiently unlikely to negatively affect nationally important archaeological remains or their settings such that any visibility between the proposed development and the Wall could not be classified as harmful to the Outstanding Universal Value of the World Heritage Site. If planning permission is granted an appropriate level of archaeological monitoring should be secured by an appropriate condition.
- 6.22 In terms of potential setting impacts, the proposed development may have some minor impact on the setting of the designated asset by intruding on views to and from the Wall. However, the proposed extension would be attached to an existing dwelling, be the same height or less than the existing dwelling, be within an existing garden plot, and be amongst a linear stretch of dwelling houses. This means that it would not cause significant harm to the overall setting of Hadrian's Wall as it will still be possible to enjoy the current views that the Wall and Vallum have in this part of Burgh-By-Sands. In short, there would be a negligible change to the current setting of Hadrian's Wall in this location.

### 4. Highway Matters

- 6.23 The Highways Authority has been consulted on the application. It has no objections to the proposals as it would have no impact on the highway and there would be no reduction in parking provision.

### 5. Drainage Matters

- 6.24 The Lead Local Flood Authority (LLFA) has been consulted on the application. It has no objections to the proposed as the drainage would connect to the existing. The proposed drainage would require Building Regs approval.

## Conclusion

- 6.25 The proposed two-storey extension would cause harm to the Listed Building,

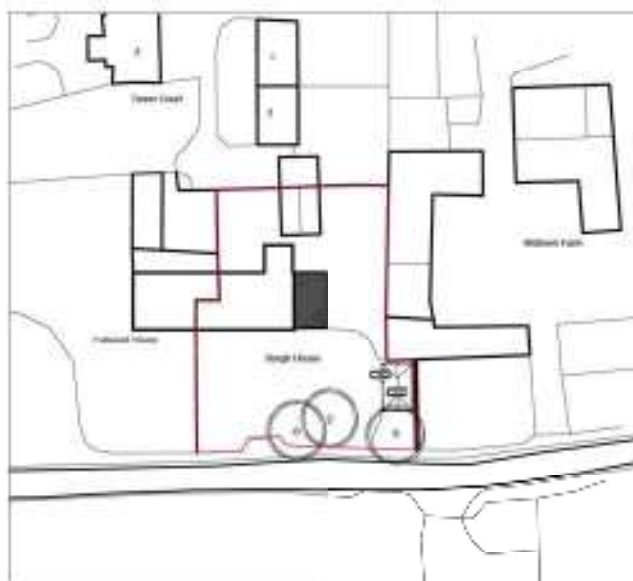
which would not be outweighed by any public benefits and the application is therefore contrary to the NPPF (Paras 199 to 202) and Policy HE3 of the Carlisle District Local Plan. Given the prominent location of Burgh House within the conservation area, the proposal would also have an adverse impact on the conservation area, contrary to Policy HE7 of the Carlisle District Local Plan 2015-2030.

## **7. Planning History**

- 7.1 In September 2019, planning permission and Listed Building Consent were granted for the erection of a single-storey rear extension to form orangery and erection of detached car port (18/0851 and 18/0852).
- 7.2 In August 2009, Listed Building Consent was granted for internal alterations including additional en-suite bathrooms and partial demolition of garden wall (09/0520).
- 7.3 The erection of a single garage was given planning permission in May 1990 with the Listed Building Consent already granted in April 1989.

## **8. Recommendation: Refuse Permission**

- 1. **Reason:** The building is a significant Georgian property characterised by the visual harmony of its main facade, bookended by two pedimented gables. The two-storey extension as proposed would interfere substantially with this symmetry and would cause harm to the appearance of the building. The proposal would, therefore, be contrary to the NPPF (Paras 199 to 202) and Policy HE3 of the Carlisle District Local Plan 2015-2030.
  - 2. **Reason:** Burgh House is a prominent listed building that lies within the conservation area and makes a positive contribution to its character. The proposed two-storey extension would cause harm to the Listed Building and given its prominent location within the conservation area, would have an adverse impact on the conservation area, contrary to the NPPF (Paras 199 to 202) and Policy HE7 of the Carlisle District Local Plan 2015-2030.
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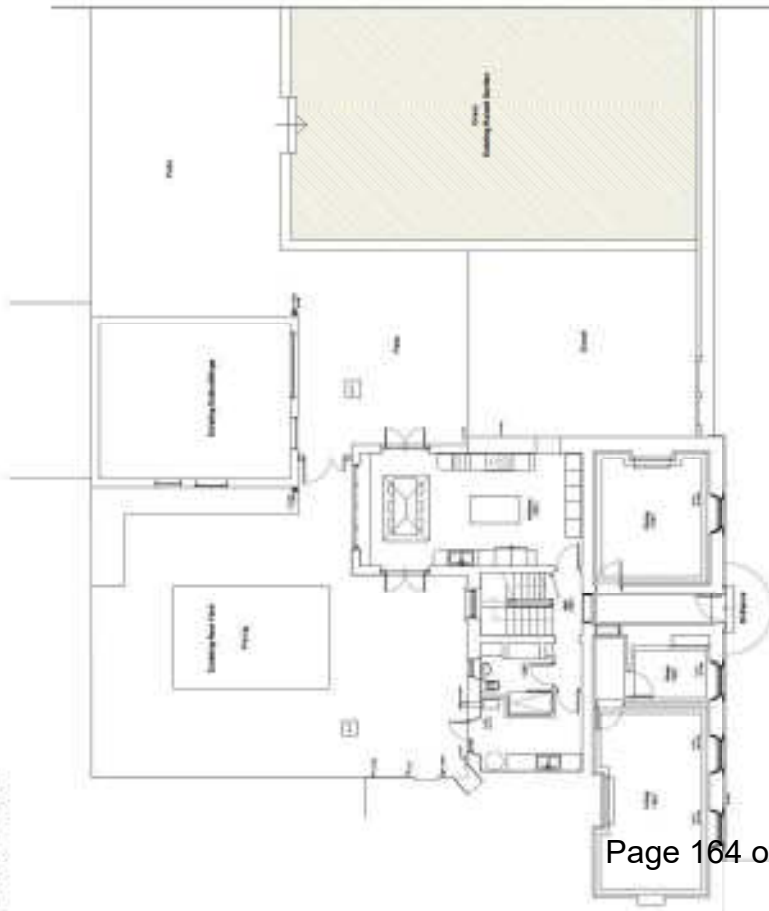


**Block Plan 1:500**

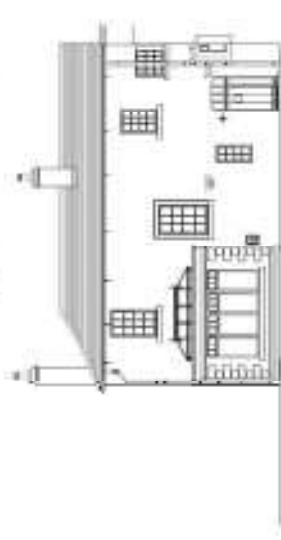
Status

**PLANNING ISSUE**

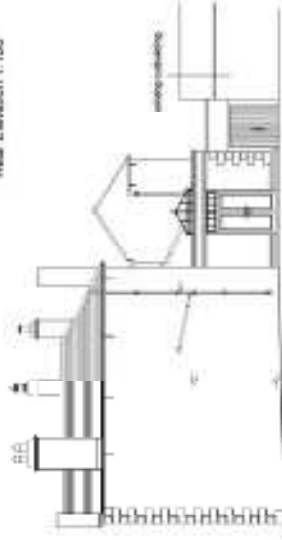
Project	<b>Burgh House</b>			Black Box Architects Limited, 1 Devonshire Chambers, 8 Devonshire Street, Carlisle, Cumbria, CA3 8AD		
Drawing	<b>Proposed Extension</b>			Scale	Shown	
Detail	<b>Block/Location Plan</b>			Revision	July-20	



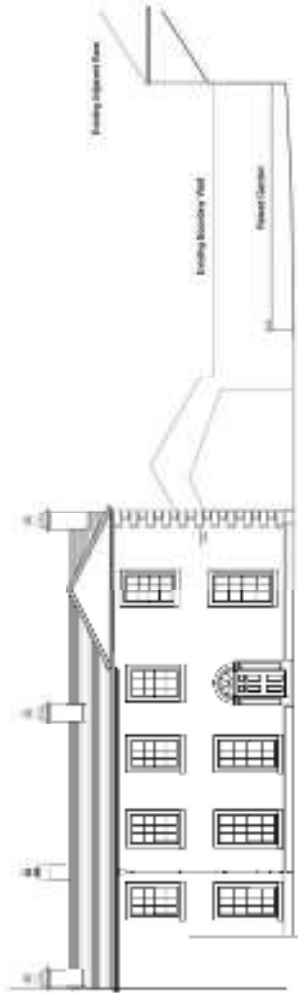
First Floor Plan 1:100



Rear Elevation 1:100



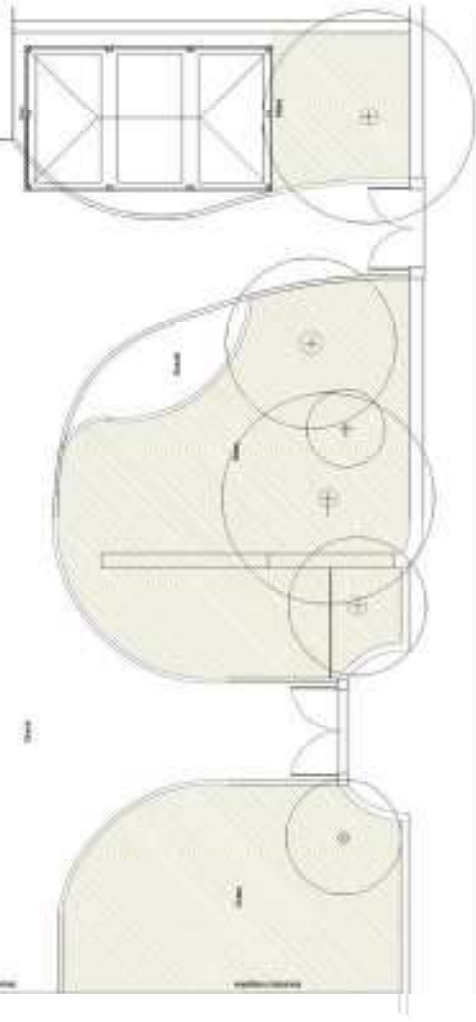
Side Elevation 1:100



Front Elevation 1:100



Front Elevation (including front boundary wall) 1:100

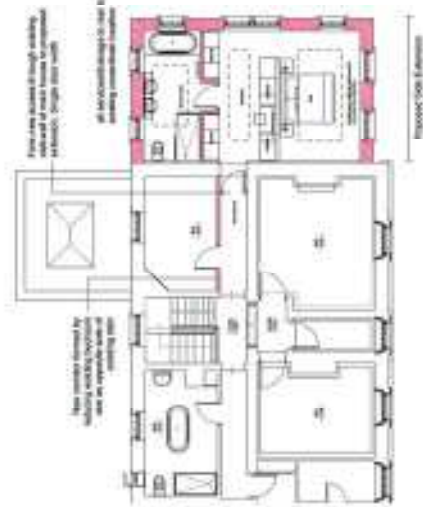
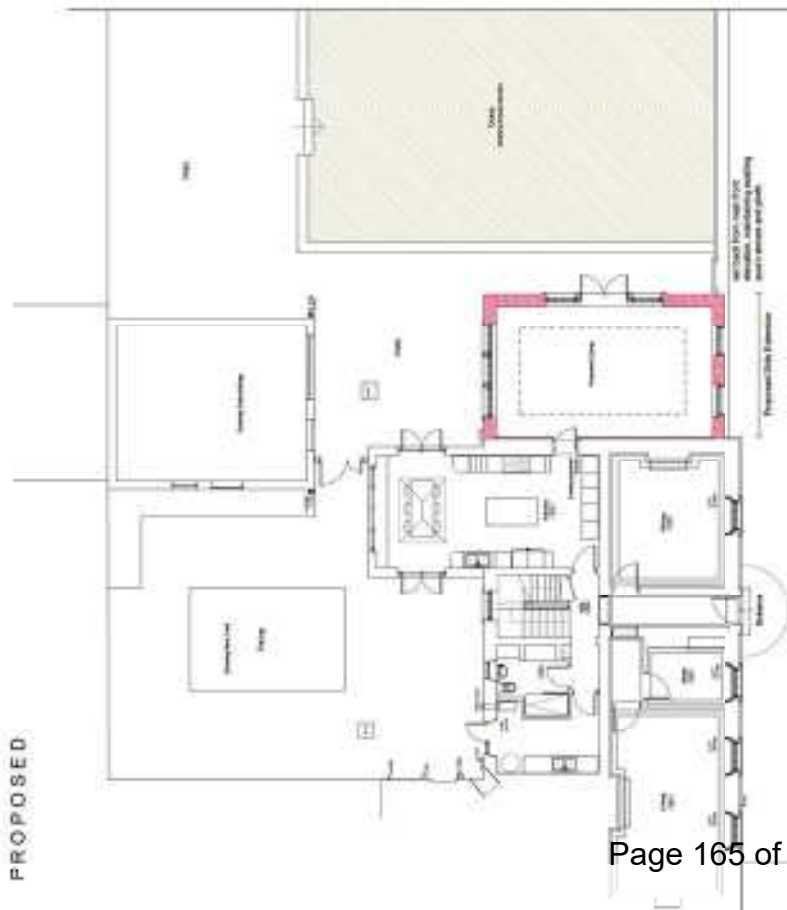


Site/Ground Floor Plan 1:100

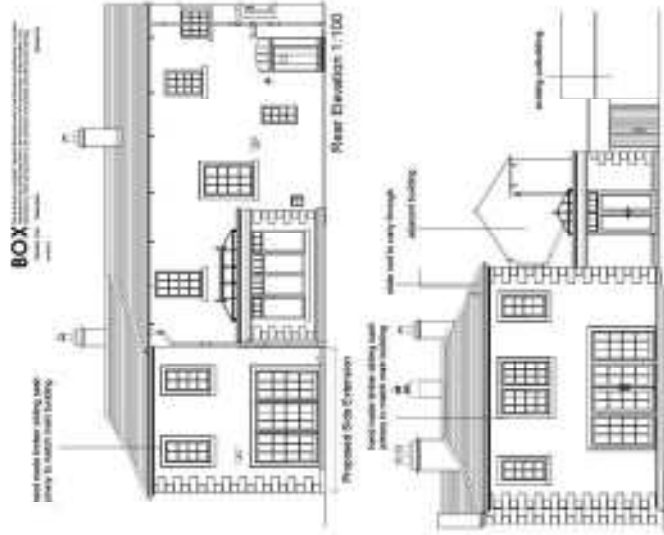
PLANNING GUIDE	
Project Name	Black Box
Client Name	Black Box
Project Address	100 Main St, New York, NY 10001
Project Description	Residential
Project Status	Completed
Project Date	10/10/20
Project Author	10/10/20
Project Reviewer	10/10/20
Project Date	10/10/20
Project Reviewer	10/10/20



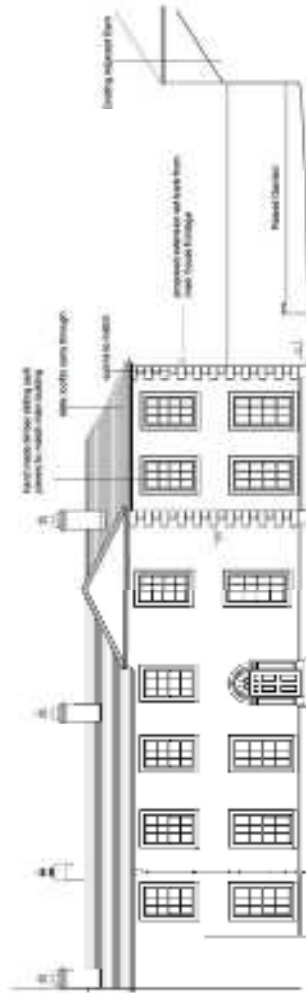
PROPOSED



First Floor Plan 1:100



Side Elevation 1:100



Front Elevation 1:100



Side/Ground Floor Plan 1:100

PLANNING GUIDE	
Project Name	BLACK BOX
Project Address	100 Main Street, New York, NY 10001
Project Owner	ABC Company
Project Manager	John Doe
Project Architect	XYZ Architects
Project Engineer	ABC Engineers
Project Designer	DEF Designers
Project Contractor	GHI Contractors
Project Date	10/15/2020
Project Status	In Progress
Project Budget	\$1,000,000
Project Risk	Low
Project Notes	See attached documents for more details.





## SCHEDULE A: Applications with Recommendation

20/0526

Item No: 07

Date of Committee: 13/05/2022

**Appn Ref No:**  
20/0526

**Applicant:**  
Mr Miller

**Parish:**  
Burgh-by-Sands

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Dalston & Burgh

**Location:** Burgh House, Burgh by Sands, Carlisle, CA5 6AN

**Proposal:** Erection Of Two Storey Side Extension To Provide Living Room On Ground Floor With En-Suite Bedroom Above (LBC)

**Date of Receipt:**  
04/08/2020 23:00:59

**Statutory Expiry Date**  
29/09/2020 23:00:59

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

- 1.1 It is recommended that this application is refused.

#### 2. Main Issues

- 2.1 Impact Of The Proposal On The Listed Building

#### 3. Application Details

##### The Site

- 3.1 Burgh House is a Grade II Listed property which lies on the north side of the main street in Burgh by Sands. The property dates from approximately 1769 and is built in rubble stone with cement render to all walls. The building is two-storeys under a slate roof with chimneys set on a broadly rectangular plan form with pitch front facing gables. Originally one house, Burgh House has been divided into two residential properties. The appearance of the property is typically Georgian with a symmetrical appearance, use of stone corner quoins, timber sash windows with stone surrounds and a stone plinth.

- 3.2 The building lies within the Burgh by Sands Conservation Area, the Hadrian's Wall World Heritage Site Buffer Zone and the Solway Coast AONB.

### **The Proposal**

- 3.3 The application is seeking Listed Building Consent for the construction of a two-storey side extension, which would be located on the existing blank side elevation of the dwelling. The layout of the proposed extension utilises a vacant area of yard to the right of the primary elevation as viewed from the main road.
- 3.4 The ground floor would contain a large open plan living area, with windows facing in three directions. This would be accessed via the kitchen through a small opening in the existing side wall of Burgh House. The first floor of the extension would provide an additional master bedroom with dressing area and en-suite bathroom to the rear. This would be accessed via a new corridor formed through the existing rear bedroom. This mirrors the current layout to the opposite side of the main staircase where a corridor serves a bedroom and main bathroom at the other end of the dwelling.
- 3.5 The proposed extension would be set back from the primary elevation to distinguish the addition from the original facade and building mass. To maintain geometry and relate to the existing proportions, the proposed windows to the front would relate to those to the front of Burgh House.
- 3.6 Materials would match the existing, with new windows and doors to be bespoke timber units, walls to be rendered blockwork with stone detailing and roof coverings to match and be tied in with existing where required. Existing drainage would be utilised as part of the development with rainwater/foul water goods being either located internally or to the rear of the proposed extension. There are currently obsolete drainage pipes on this elevation which would be removed.
- 3.7 The application is accompanied by a Heritage Statement. The key points of this are summarised below:
- whilst the works will enlarge the property, the actual impact upon the original built fabric is minimal, albeit the original plan form is altered and the level of harm is low, and is considered to be less than substantial.
  - the works proposed are logical and modest in their scale in terms of provision of an extension and involve a new build addition to the existing building. The new build is to be built in a manner that recognises and provides for a distinct understanding between 'old and new' whilst respecting key design principles of scale, function, form, mass and material use. The new extension will be subservient in size to the existing. Overall in weighting the less than substantial impact against the benefit of the proposal, its careful design and appearance, the level of harm is therefore modulated to neutral/benign.

- the new proposed extension, whilst having a neutral impact upon the existing building, has the public benefit of adopting a design which will fit seamlessly to the existing, providing a sense of homogeneity that will also abide with local design principles in both Carlisle Local Plan and Burgh by Sands Parish Plan Design Guide.
- the proposals strike a balance between the architectural and historic interest of the structure, its contribution to the significance of the conservation area and its relationship with other adjacent buildings. The proposal would preserve and enhance the character and appearance of the conservation area, not impact the setting of the listed building and the proposed extension will result in a readable, distinct extension with subtle blend to the existing.

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

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to two neighbouring properties. No verbal or written representations have been made during the consultation period.

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

**Burgh-by-Sands Parish Council:** - this is a Grade II listed building and a prestigious building in the parish. The extension is to be built in the same style as the original house, however, concern is that the addition of the extension on the side of the house will compromise the look of the building, making it asymmetrical. There is concern that this will put a further strain on an the existing antiquated drainage system.

Further comments: the Parish Council stand by the observations they made originally and make the following observations: The suggestion that it should be a single-story extension would spoil the look of this Grade II listed building and feel that the original application would be a more preferable option. The drainage comment refers to the mains sewerage through the village and not specifically to this application;

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

**Solway Coast AONB Unit:** - no comments received;

**Cumbria County Council - (Archaeological Services):** - no objections.

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

##### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the

provisions of the Development Plan unless material considerations indicate otherwise.

- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies HE3 and SP6 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Document the Burgh by Sands Parish Design Statement is also a material consideration.

- 6.3 The proposal raises the following issues.

1. Impact Of The Proposal On The Listed Building

- 6.4 Burgh House is a Grade II listed building and the list description is reproduced below:

*13/35 Burgh House and Fulwood House with 1/6/57 adjoining former barn Originally one house divided into 2. Dated 1769 with initials W. & E.H. over side entrance. Cement rendered walls on chamfered plinth with raised V-jointed painted quoins; painted moulded cornice, end bays with triangular moulded pediments. Hipped greenslate roof, cement rendered chimney stacks. Fulwood House: 2 storeys, 4 bays, with adjoining 3-bay outbuilding, formerly barn. Burgh House: 5 bays under common roof. Burgh House: 6-panel door and radial fanlight in pilastered surround with moulded impost blocks and moulded round arch. Sash windows with glazing bars in stone architraves. Fulwood House: C19 prostyle Ionic porch to 6-panel door. Windows of same details as Burgh House. Courtyard entrance with quoined surround and dated keystone, unifies house with former barn. Barn has blocked slit vents on 2 levels, replaced by C19 casement windows to form meeting house, now with corrugated asbestos roof.*

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

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

- 6.6 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.

- 6.7 The Council's Heritage Officer has been consulted on the application. He notes that the application site is located within the Burgh by Sands Conservation Area. It occupies the eastern half of the pair of mid C18 houses now known as Burgh House and Fulwood House. Listed in 1957, the polite Georgian gentleman's residence is dated to 1769. The building is of considerable significance and both Burgh House and Fulwood House enjoy

a high degree of external and internal preservation.

- 6.8 The Heritage Officer provided advice in relation to applications 18/0851 & 18/0852 (LBC) in March 2019 in relation to the proposed erection of two single-storey orangeries, including ground floor internal alterations and the erection of a detached car port. In this instance concern was expressed over the volume of intervention and loss of fabric arising from a single-storey orangery to the rear, and a similar structure to the east gable. After discussion, the application was reduced to the single storey extension to the rear. While still resulting in some loss of fabric, this was felt to be an acceptable compromise.
- 6.9 The current application is for a two-storey extension to the east. The Heritage Officer considers that the building is a significant Georgian property characterised by the visual harmony of its main facade, bookended by two pedimented gables. The two-storey extension as proposed would interfere substantially with this symmetry and would cause harm to the appearance of the building.
- 6.10 Carlisle Local Plan states in Policy HE3 'Listed Buildings' that *"Listed buildings and their settings will be preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the harm"*. Proposals for listed buildings must have regard to *"5 the preservation of the physical proportions, character and detailing (both internally and externally) and of any windows and doorways"*.
- 6.11 Paragraph 199 of the NPPF requires that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". Significance can be harmed or lost through alterations or destruction of the heritage asset. Paragraph 200 indicates that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification". Paragraph 202 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 6.12 Section 66 of the Planning (Listed Buildings and Conservations) Act, 1990, states that *"a local authority shall have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses"*.
- 6.13 The Heritage Officer considers that the extension to the side would constitute less than substantial harm to the fabric of the listed building, not outweighed by public benefit and the application should, therefore, be refused.

- 6.14 The Parish Council has noted that Burgh House is a Grade II listed building and a prestigious building in the parish. The extension is to be built in the same style as the original house, however, the Parish Council is concerned that the addition of the extension on the side of the house would compromise the look of the building, making it asymmetrical.
- 6.15 The current application is for a two-storey extension to the east. The building is a significant Georgian property characterised by the visual harmony of its main facade, bookended by two pedimented gables. The two-storey extension as proposed would interfere substantially with this symmetry and would cause harm to the appearance of the building. In light of the above, the proposal would be contrary to the NPPF (Paras 199 to 202) and Policy HE3 of the Carlisle District Local Plan 2015-2030.

## **Conclusion**

- 6.16 The proposed two-storey extension would cause harm to the Listed Building, which would not be outweighed by any public benefits and the application is therefore contrary to the NPPF (Paras 199 to 202) and Policy HE3 of the Carlisle District Local Plan.

## **7. Planning History**

- 7.1 In September 2019, planning permission and Listed Building Consent were granted for the erection of a single-storey rear extension to form orangery and erection of detached car port (18/0851 and 18/0852).
- 7.2 In August 2009, Listed Building Consent was granted for internal alterations including additional en-suite bathrooms and partial demolition of garden wall (09/0520).
- 7.3 The erection of a single garage was given planning permission in May 1990 with the Listed Building Consent already granted in April 1989.

## **8. Recommendation: Refuse Permission**

1. **Reason:** The building is a significant Georgian property characterised by the visual harmony of its main facade, bookended by two pedimented gables. The two-storey extension as proposed would interfere substantially with this symmetry and would cause harm to the appearance of the building. The proposal would, therefore, be contrary to the NPPF (Paras 199 to 202) and Policy HE3 of the Carlisle District Local Plan 2015-2030.
-

## SCHEDULE A: Applications with Recommendation

21/0981

Item No: 08

Date of Committee: 13/05/2022

**Appn Ref No:**  
21/0981

**Applicant:**  
Carlisle City Council

**Parish:**  
Kingmoor

**Agent:**  
Savills (UK) Limited

**Ward:**  
Belah & Kingmoor

**Location:** Gateway 44 Retail Park, Parkhouse Road, Carlisle

**Proposal:** Variation Of Conditions 2 (Approved Documents); 4 (Amalgamation Of Units) & 5 (A1 Retail Restrictions) Of Previously Approved Permission 18/0693 (Erection Of Retail Floorspace (A1) And Drive Thru (A3/A5); Associated Works Including Access/Highways Works, Provision Of Parking Spaces And Landscaping) To Amalgamate Units 3, 4 & 5 To Form A Single Retail Unit & To Enable The Sale Of Any Non Food Retail Goods And A Maximum 30% Retail Sale Of Food And Drinks (Revised Application)

**Date of Receipt:**  
18/10/2021 23:00:11

**Statutory Expiry Date**  
13/12/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Christopher Hardman

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 The Principle of Development
- 2.2 Sequential Test and Retail Impact
- 2.3 Whether the Scale and Design of the Proposal is Acceptable
- 2.4 Highways Impact
- 2.5 Other Matters

#### 3. Application Details

##### The Site



- 3.1 The application site relates to units 3, 4 and 5 of the newly constructed Gateway 44 retail development which lies approximately 2.5 miles to the north of the city centre within the Parkhouse area on the outskirts of the City. The site is bordered by Bristol Street Motors Vauxhall dealership immediately to the north (and other car dealerships), Parkhouse Road to the west, M6 to the north east with Junction 44 east of the site and the A689 to the south with Kingstown/Greymoorhill retail park to the south. The surrounding area to the west is largely in mixed employment use comprising Kingstown Industrial Estate, Parkhouse and Kingmoor Park with the exception of the nearby Asda superstore. Other units have recently been occupied by Connection Flooring, Wren Kitchens and a Costa Drive-Thru.

## **Background**

- 3.2 Full planning permission was granted under application 18/0693 and permission was given for the retailing of bulky good uses for 6 units of varying sizes ranging from 232sqm to 1393sqm and the coffee shop of 167sqm. The units were development following the discharge of the relevant planning conditions. Unit 7, Costa opened initially with other units following however the units subject to this application have remained empty. This application seeks to change the bulky goods conditions imposed on the original planning permission to allow the trading of smaller convenience/comparison items sold by discount retailers.
- 3.3 Application 21/0244 which was similar to this proposal was granted permission under delegated powers however the decision was challenged through the Courts by Carlisle Shopping Centre Limited on four grounds:  
*Ground 1: the Council has misinterpreted and/or failed to correctly apply the sequential test and applicable policy*  
*Ground 2: the Council has misinterpreted and/or failed to apply the correct approach to its assessment of impact*  
*Ground 3: the Council has failed to adequately reason the Decision and/or its reasons given for the Decision are irrational*  
*Ground 4: the Council has failed to properly follow its internal procedures and, as such, the Decision is a result of procedural impropriety*
- 3.4 The Courts granted the challenger permission to proceed with the challenge and the local planning authority consented to judgment on the sole ground that there had been a failure to properly apply the sequential test in the delegated report. It was therefore agreed that the decision on the original application 21/0244 would be quashed and the application remains undetermined. Whilst the challenge through the courts process was ongoing, this revised application 21/0981 was submitted for determination.

## **The Proposal**

- 3.5 The application seeks to vary the planning conditions 2, 4 and 5 of previously approved permission 18/0693 to amalgamate units 3, 4 & 5 to form a single retail unit & to enable the sale of any non food retail goods and a maximum 30% retail sale of food and drinks. The application documents have been revised since application 21/0244 particularly in relation to the application of

sequential and impact tests clarifying the type of operation proposed.

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

- 4.1 In accordance with the provisions of the General Development Management Procedure Order 2015, 19 notification letters were sent to neighbouring properties as well as the posting of a site notice and press notice.
- 4.2 One letter of objection has been received which raises the following objections:  
This application is a resubmission and is identical to application 21/0244  
They objected to that application and applied to the High Court following the granting of permission on the basis of an incorrect application of the sequential test and impact test and permission was granted to proceed with the Judicial Review  
The central concerns of the previous objection still apply  
References have been changed to a discount retailer rather than Home Bargains  
Sequential test on behalf of any discount retailer/discount variety retailer  
The unit could still be used by a variety of retailers such as clothing, beauty, etc  
The sequential test must be carried out in respect of all possible types of retailers and should have a much wider catchment including Carlisle City Centre  
Should liaise with the applicant to ensure a sequential test with the correct parameters  
Application should be refused as sequential test incorrect, if it was correctly applied should still be refused as the sequential test would not be satisfied due to the availability of alternative sites  
The Courts found arguable that the earlier decision was unlawful  
If granted we would seek an application for judicial review
- 4.3 The original objection to application 21/0244 can be summarised as:  
Would compromise the development plan and a strategy for economic recovery of the city centre  
Would create a largely unrestricted non-food anchor unit within a brand new out of centre shopping destination  
The mezzanine would not be restricted on the range of goods as the proposed conditions are contradictory  
Strongly object as this would undermine the ongoing recovery of the city centre  
Contrary to the requirements of the NPPF  
Contradict the key strategic objective of the CDLP  
Would provide an even more attractive retail destination in its own right comparable to and in competition with other identified city and commercial centres  
The sequential test is limited in its area and should include the city centre and edge of city centre  
The client references are only a prospective tenant  
The methodology and parameters of the sequential assessment

pre-determine the outcome

The type and format of development could operate in a sequentially preferable location and they have no demonstrated flexibility

The proposals have not appropriately considered potentially sequentially preferable sites within Carlisle city centre - the apex of the regional retail hierarchy. The proposals should therefore be refused.

The proposals fail to meet the requirements of the sequential approach as set out within NPPF and the adopted CDLP. The proposals should therefore be refused.

The proposals would have a negative impact on the vitality and viability of Carlisle city centre - the apex of the regional retail hierarchy. The proposals should therefore be refused.

The proposals would compromise the deliverability of sites already allocated to deliver comparison retail development across the plan period. The proposals should therefore be refused.

The proposed amalgamation of units and introduction of largely unrestricted non-food retail floorspace within an anchor unit of the site would strengthen and diversify the retail offer of the local and wider retail park, wholly to the detriment of Carlisle city centre. The proposals should therefore be refused. If approved, the proposals would contribute to providing for an even more attractive retail destination in an out of centre location, increase the critical mass and further elevate retail related development what would be more appropriately located within a town centre location. The proposals should therefore be refused.

Approval would weaken and undermine investor confidence within Carlisle city centre at a time of continued structural changes in retail and digital shopping platforms, and well-documented threats and recent closures to a number of key retail anchors within the city. It is essential that Carlisle City Council continue to support the principles of the development plan and maintain investor confidence for the delivery of investment in Carlisle city centre and refuse the application.

The proposals overall are wholly contrary to the site allocation within the adopted development plan. The proposals should therefore be refused.

Approval of additional unrestricted non-food class A1 retail consent in an out-of-town retail development (and without adequate consideration of retail-related planning policy) would lead to increased pressure to approve further similar proposals in future. The proposals should therefore be refused.

No weight can be attached to the potential identity of a particular retailer or its operational practices. Self-imposed limitations by an applicant, such as inflexible operational requirements or any preference not to compete with its own existing stores cannot be used to exclude potentially preferable sites from the scope of the sequential assessment. The proposals should be refused.

The development as a whole was approved as recently as 2019 principally as a 'bulky goods retail warehouse park'. The Council's support was justified on the grounds that sufficient controls would be applied to the delivery of the new retail units (e.g. unit size restrictions and the range of goods permitted) to avoid direct competition with the city centre. Approval would remove these controls to the detriment of Carlisle city centre. The proposals should be refused.

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

**Kingmoor Parish Council:** - This proposed development will bring increased traffic onto Parkhouse Road and the roundabout leading to the CNDR and Junction 44 of the M6, traffic backlogs are quite common on Parkhouse Road between 5-5.45 pm Monday to Friday. It's already difficult to get out of the junction from Costa onto the roundabout and is likely to be a bottleneck and potential accident black spot if a high volume retailer was on the site without major changes to the access and exit point. Additionally, cars are more likely to try and use the road linking the car dealerships next to the site, making them dangerous for customers on the forecourts. Kingmoor Parish Council would like to request that further study of the traffic impact is undertaken prior to any permission being granted.

**Planning - Access Officer:** - No objections;

**Highways England:** - No objections;

**Cumbria County Council:** -

**Local Highway Authority response:**

This planning application under consideration to vary conditions 2, 4 & 5 of the planning approval 18/0693 in order to amalgamate the current Units 3, 4 & 5 to create a single retail unit measuring 1,925 square metres. The application also seeks permission to allow the sale of non-food products, as well as the ancillary sale of food and drink products. The amalgamated store will comprise 70% (1,347 square metres) of floor space dedicated to the sale and display of non-food products, with the remaining 30% (578 square metres) being for the sale and display of ancillary food and drink products.

Transport Statement

The applicant as part of this variations of condition application has submitted a Transport Statement (TS) to assess the impacts of the amendments on the estimated trip generation of the development and on parking at the Gateway 44 retail park. The TS reviewed the TRICS data for sites that include a discount retailer and these produced lower trip rates than those adopted in the Transport Assessment (TA) submitted as part of the planning approval 18/0693. Therefore, the TS concluded that discount retailers have no material impact on peak hour vehicle trip rates. As it has been demonstrated within the TS that discount retailers have no material impact on peak hour vehicle trip rates, no changes to the permitted parking provision are required to accommodate the proposed development. The Highways Authority have assessed the conclusion of the TS and agree that the introduction of a discount retailer will have no material impact on the peak hour vehicle trip rates associated with Gateway 44 retail park. As such no objections are raised with regards to the approval of planning permission as the impacts on the highway network of the proposed amendments is negligible.

**Lead Local Flood Authority response:**

The Lead Local Flood Authority has no objection to the proposed variation of conditions 2, 4 and 5 as it is considered that the proposal does amend the drainage network as approved as part of the planning approval 18/0693.

**Conclusion:**

The Highways Authority and LLFA have no objections with regards to the

approval of planning permission.

**Cumbria Constabulary:** - I refer to my consultation response in respect of application 18/0693 (copied below). I have no further comments to offer at this time.

I wish to make the following observations, which I have considered from a crime prevention perspective. The reference to compliance with Policy CM 4 of the Local Plan (P13 Design and Access Statement) is welcomed. The comments in Item 6.0 (Access and Security) are noted. I concur that the site is laid out to maximise surveillance opportunities towards the front elevations of the retail units and across the car park. The DAS also advises that the proposed landscaping scheme will be designed to maintain surveillance opportunities and to deter unauthorised access to other areas. I also note the reference to the lighting scheme, to enhance surveillance after dark, yet avoiding pollution.

However, with regard to protecting shop frontages from motivated vehicle impact (ram-raid) and the provision of (unsightly) roller shutters, more discreet measures could be implemented:

The applicant should also consider the following measures to reduce the opportunities for crime: formation of secure compound to the rear of the units, utilising welded mesh or extruded metal fencing with matching gates; internal layout to optimise supervision of customer/retail space; secure cash handling facilities to minimise storage of cash on premises; robust separation of retail spaces from private offices/storerooms/staff areas; careful siting and supervision of customer toilets and changing rooms, if provided; provision of secure storage for staff personal belongings; Bin storage (Item 6.4 – refuse storage and collection - comments noted and welcomed); and, presence and configuration of CCTV (image standard and Data Protection compliance issues).

The comments in Item 6.5 (Out of hours access and management) are also noted. The provision of late evening refreshment is more likely to attract motor vehicle nuisance, as experienced at fast food retail outlets. It is therefore essential to prevent unauthorised vehicle access to the wider site. No specific conditions are proposed as many elements are dealt with through internal fitting out and store layout.

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

### **Assessment**

- 6.1 This proposal is seeking a variation of conditions 2 (approved documents); 4 (amalgamation of units) & 5 (A1 retail restrictions) of previously approved permission 18/0693 which was for the erection of retail floorspace (A1) and drive thru (A3/A5); associated works including access/highways works, provision of parking spaces and landscaping) in order to amalgamate units 3, 4 & 5 to form a single retail unit & to enable the sale of any non-food retail goods and a maximum 30% retail sale of food and drinks.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies EC2, EC6, SP6, IP2, IP3, IP6, CC5,

## **1. The Principle of Development**

- 6.3 The application site covers units 3, 4 and 5 of the recently constructed Gateway 44 retail park, 2.5 miles to the north of the city centre within the Parkhouse area on the outskirts of the City. The site is bordered by Bristol Street Motors Vauxhall dealership immediately to the north (and other car dealerships), Parkhouse Road to the west, M6 to the north east with Junction 44 east of the site and the A689 to the south along with the Kingstown/Greymoorhill retail park. The surrounding area to the west is largely in mixed employment use comprising Kingstown Industrial Estate, Parkhouse and Kingmoor Park with the exception of the nearby Asda superstore.
- 6.4 Retail uses were established under planning consent 18/0693, however, other than the Costa Drive Thru, were restricted to bulky uses on the basis of the submitted information at that time and that any additional impacts needed to be carefully considered. Impacts were considered in the context of Local Plan Policy EC6 and the principle of development was accepted however as the proposed uses were Town Centre uses it was subject to the sequential test for the proposed use being satisfied. It is noted that the changes requested as part of this application diverge from the bulky uses previously granted and therefore the impacts in relation to sequential test will need to be given further consideration in relation to this application. This application seeks to amend the original planning conditions for the three units specified and is therefore in need of further assessment on the changes of retail proposed to that which has already been consented.

## **2. Sequential Test and Retail Impact**

- 6.5 In considering retail proposals the NPPF advises in paragraph 86 that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation by:
- defining a network and hierarchy of town centres and promote their long-term vitality and viability;
  - defining the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations;
  - retaining and enhancing existing markets and, where appropriate, re-introduce or create new ones;
  - allocating a range of suitable sites in town centres to meet the scale and type of development likely to be needed;
  - where suitable and viable town centre sites are not available for main town centre uses, allocating appropriate edge of centre sites that are well connected to the town centre; and
  - recognising that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 6.6 The NPPF continues at paragraph 87 to state that local planning authorities

should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

- 6.7 The NPPF continues at paragraph 88 that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 6.8 In considering this application a Planning and Retail Statement has been submitted which considers the sequential test required by the NPPF. The application makes changes to the previous consideration of bulky goods by amalgamating three of the approved units.
- 6.9 In considering the sequential test aspects of the NPPF the main centre for any retail development should be Carlisle City Centre and this approach is contained in Local Plan policy EC6 which states that proposals for new retail uses should be directed towards the defined Primary Shopping Areas which are indicated as Carlisle, Brampton and Longtown.
- 6.10 The correct application of the sequential test contained in the NPPF has been considered in a number of court judgments. In Warners Retail (Moreton) limited v Cotswold District Council [2016] EWCA Civ 606 the Court of Appeal considered the requirement for flexibility contained in the NPPF and the guidance in the PPG. The following passages of the judgment of Lindblom LJ are of particular relevance:

*"[29] Under paragraph 24 of the NPPF both applicants and local planning authorities are expected to "demonstrate flexibility on issues such as format and scale". What bounds can reasonably be set on an applicant's preference and intentions as to "format and scale" in any individual case will always, and necessarily, depend on the facts and circumstances of that particular case. The policy in paragraph 24 of the NPPF should not be seen as prescriptive in this respect. It plainly is not."*

"Flexibility" was specifically considered, in the context of PPG guidance, at paragraph 31:

*"Flexibility was also called for under the practice guidance, in somewhat more elaborate terms. It is very clear from paragraphs 6.42 and 6.45 that the identification of a relevant "need" or "need/demand" for the purposes of the sequential approach was not intended to be merely a self-serving exercise on the part of the developer himself. As paragraph 6.45 made plain, sites were not to be rejected on the strength of the "self imposed requirements or preferences of a single operator ... ". Otherwise, the sequential approach would likely become a merely self-fulfilling activity, divorced from the public*

*interest. It is also clear, however, that the authors of the practice guidance regarded the developer's own intentions as generally having some bearing on the application of the sequential test. One sees this, for example, in paragraph 6.37 - in the reference to "the need or demand which the proposal is intended to meet"; in paragraph 6.42 - in the concept of "what aspect(s) of the need are intended to be met by the site(s)", the recognition that a more central site does not have to be able to "accommodate precisely the scale and form of development being proposed", and the need to consider what contribution such a site might make to "meeting the same requirements"; in paragraph 6.45 - in the reference to the "need/demand [the applicant's] proposal is intended to serve"; and also in paragraph 6.46- in the reference to "the scale/form of town centre uses proposed ... "*

- 6.11 The correct approach to the sequential test was considered in Aldergate v Mansfield [2016] EWHC 1670 (Admin) where Ousley J determined:

*"35. .... In my judgment, "suitable" and "available" generally mean "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content..."*

- 6.12 It is clear from these decisions that the requirement for flexibility is not open ended. An applicant cannot be required to consider any site under the sequential test devoid of the commercial realities of the actual development they are applying for. As identified by Ousley J it is suitability for the "broad type of development" proposed that has to be considered. Further, the sequential test should be applied on an occupier blind basis rather than being dictated by the operational preferences and competitive desires of a particular operator.
- 6.13 The basis upon which the sequential test has been carried out by the Applicant is explained at Chapter 3 of the Planning and Retail Statement. The catchment area that has been considered for the sequential test is a five minute drive isochrone from the application site. The justification for this given at 3.13-3.15 of the Planning and Retail statement is that the nature of the goods that will be sold are a mix of convenience and comparison goods for which customers are only willing to travel a short distance, considering a wider catchment area would mean considering sites in areas beyond those which the development is intended to serve. When looking at the potential catchment it is clear that for this type of operation throughout the City it is focussed on a local demand for the type of store. Discount operators work in local areas around the City with shopping catchments focussed around each part of the city rather than the City as a whole. Sequential tests should be appropriate to the nature of the proposal and therefore it is acceptable to relate the information to the area of the catchment and a 5 minute drive time search area is satisfactory and accords with Paragraph 90 of the NPPF.



- 6.14 The Objector's suggest that the sequential test has been carried out on the basis of the market requirements of the proposed occupier, Home Bargains. The Planning and Retail Statement is clear that this is not correct, the extent of the catchment area has not been governed on the basis of any particular operator but on the basis of the operation of any discount retailer. Furthermore, paragraph 4.21 of the Planning and Retail Statement refers to a proposed discount retail operation and that Home Bargains has been used as a worst case scenario for that type of operation as it is the highest of sales densities in that type. Whilst acknowledging the reference to Home Bargains, it is used as an example in this instance.
- 6.15 The objectors have pointed out that even if the sequential test has been done on the basis of any discount retailer, then that is still not sufficient to restrict an end user to a discount retailer. If the application is granted then a wide range of different retailers, retailing different products could operate from the store. The Planning and Retail Statement sets out at paragraph 2.7 proposed planning condition to replace those on the previous consent. The proposed conditions do not give a blanket retail use as there are restrictions however a number of operators could potentially adapt their retail model to follow the same format. The application documents have only assessed a discount retailer operation and therefore, if approved may not fully restrict the operation to a discount retailer. To ensure that this is the case it would be appropriate to impose a planning condition which is personal to the intended operator as referred to in the documents.
- 6.16 Considering the sequential approach further, the supporting planning and retail statement has therefore excluded the City Centre as not being appropriate for the nature of the proposal. That does not mean, however, that there are no other sequentially preferable locations which may be appropriate. The Carlisle District Local Plan 2015-2030 has a number of smaller centres which may be considered a preferable location sequentially than out-of-town and slightly further away from residential properties. The sequential test should therefore still consider those other locations.
- 6.17 Having established an area for catchment which relates to the sequential test for a discount operator the areas of Kingstown and Scotland Road (Stanwix) there are only a small number of vacant units at the time of this application and the centres are small with no vacant sites that could be developed. The proposed floorspace could not be accommodated in those centres and therefore no sequentially preferable location is available.
- 6.18 Once the sequential test is passed the NPPF states at paragraph 90 that an impact assessment is required if the development is over a proportionate, locally set floorspace threshold (or default is 2,500sqm) to consider the impact on planned investment in Carlisle City Centre and the overall impact on vitality and viability. Planning Practice Guidance states that the impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy). Paragraph 91 of the NPPF continues that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or

more of the considerations in paragraph 90, it should be refused.

- 6.19 Policy EC6 of the local plan echoes the National Planning Policy Guidance and requires the submission of an impact assessment where the threshold would be breached.
- 6.20 The purpose of the impact test is to ensure that the impact over time of out of centre and edge of centre proposals on existing town centres is not significantly adverse. The test relates to retail, office and leisure development (not all main town centre uses) which are not in accordance with an up-to-date Local Plan and outside of existing town centres.
- 6.21 As a guiding principle, impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities.
- 6.22 The applicant has undertaken an impact test however this has not included the limited food and drink offer by Home Bargains which is proposed within the store. The proposed use limits the amount of floorspace for specific sales for food and drink to 30% of the ground floor. This is to reflect the discount retail operator form of trading. As the analysis of impact is based on this model, any approval should limit, by condition, the amount of floorspace for convenience goods to reflect the proposed 30%. In addition, the application also specifies that the assessment is based on ground floor use only. It is not intended to occupy the permitted mezzanine floor and if this was to be constructed it would remain as the original consent, for bulky goods as it would not be covered by the proposed changed conditions.
- 6.23 The guidance refers to whether or not the adverse impact will be a significant impact on Town Centre's and the application documents have therefore considered the impact on the City Centre. It does note that there are extant retail permissions in the City Centre however these are not sufficiently progressed as to be able to be currently deliverable. The assessment also considers other relevant centres. There is only one District Centre in the Local Plan at Morton, (which has been considered in other impact assessments) however this has no planning permission in place at this moment in time although applications for additional residential development are under consideration associated with that centre, it is still not currently deliverable.
- 6.24 The impact assessment acknowledges that there will be some trade diversion from the city centre as anticipated, but this remains low and is not significant in terms of planning policy. The greater impacts will be the trade diversion from other out-of-town locations including other stores nearby and whilst this is a concern should it lead to store closures and vacant units, it is not a policy consideration as competition between out-of-town retailers cannot be a reason to refuse the application. The level of impact on the City Centre is not of a magnitude to warrant refusal of this application.

- 6.26 Members will be aware that the Covid pandemic restrictions had an impact on City Centre trading and those impacts are still being felt as the City Centre opens up post restrictions. Larger stores such as Debenhams no longer have a high street presence in most cities as the department store format is struggling to be sustained. This reflects the position that many clothing retailers have increased their on-line sales and comparison shopping has moved a larger proportion of their sales on line. As mentioned previously in this report, the impact on the City Centre has been assessed by the applicant using the sales densities of Home Bargains to illustrate the potential impacts on the City Centre of a discount retail operator.
- 6.27 Even if all the trade from the proposed operation were to be diverted from the City Centre (which is not a reasonable or robust assumption), it would represent an impact of only 1.5%. Under any reasonable assessment, the level of trade diversion cannot result in any significant adverse impacts on the vitality and viability of Carlisle City Centre. The level of impact is not significant and therefore the proposed development passes the impact test.

### **3. Whether the Scale and Design of the Proposal is Acceptable**

- 6.28 The amalgamation of the retail units will create minimal alteration to the exterior of the building with the only changes required for entrances to the store. The changes in design terms are acceptable.

### **4. Highways Impact**

- 6.29 The Local Highway Authority has been consulted on the proposed changes and have stated that they have no objection to the proposals as the potential traffic increase would not have a serious detrimental impact on the operation of the highway network. Furthermore, Highways England have been consulted due to the proximity of the major road network and have also raised no objection to this proposed change. It should be noted that Kingmoor Parish Council has raised concerns about the potential impact on the roundabout junction and local road network as a result of these changes however on the basis that those impacts were considered at the initial full planning permission stage and again for this proposed change to units by the local highway authority, the proposal is acceptable in highway terms.

### **5. Other Matters**

- 6.30 The original application considered matters of drainage, landscaping, crime and disorder which are not impacted by this proposal.
- 6.31 This application has been submitted under section 73 of the Town and Country Planning Act 1990 to vary conditions associated with a planning permission.

Paragraph: 015 Reference ID: 17a-015-20140306 Revision date: 06 03 2014 of the Planning Policy Guidance states:

*“Where an application under section 73 is granted, the effect is the issue of a*

*new planning permission, sitting alongside the original permission, which remains intact and unamended.*

*A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the guidance for use of planning conditions.*

*As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation."*

- 6.32 Some conditions of the original planning permission granted under reference 18/0693 remain relevant to the developed scheme and therefore in addition to any new or varied conditions they should also be imposed as part of this approval.
- 6.33 The legal challenge to application 21/0244 included a fourth ground which referred to not following the correct internal procedures. For Members benefit, the allegation was that by determining the application under delegated powers we had not complied with the scheme of delegation. Whilst it is considered that it was an incorrect interpretation of the scheme of delegation on behalf of the objector, this matter has been addressed by the reporting of this application to the Development Control Committee.

## **Conclusion**

- 6.34 The principle of this proposal is acceptable and the relevant tests have been passed however this is on the basis of the model of an intended operator and therefore appropriate planning conditions should be in place to ensure this remains the case and further analysis would be required for a different operator/format of store. Whilst personal consents should usually be resisted, in this case the passing of the sequential test and impact test are specific to the circumstances of the proposed operator. It would therefore be appropriate to impose planning conditions relating to sales of specific goods provided for the format of store required and the named operator.
- 6.35 Other material considerations such as scale, design, layout, and highway impacts are acceptable.
- 6.36 When making a balanced judgement on these factors the application is recommended for approval.

## **7. Planning History**

- 7.1 Prior to 2000 the planning history for the site relates to the wider development of Acorn and Parkhouse Business Parks and the retail and showroom development which currently exists and over time a number of advertisement applications have been made for signage on the adjacent site.

- 7.2 In 2000 part of the site was within the boundaries of the application for the Northern Development Route in order to provide for the link from the Parkhouse Road to the M6/A689/A7 junction.
- 7.3 In 2001 permission was granted for the erection of 6 no. temporary site marketing panels (01/0770)
- 7.4 In 2004 an application for the erection of 96 no. bed hotel to 4\* standard with associated restaurant, lounge bar and bistro, function rooms and meeting rooms, health, beauty and fitness suite, car parking and landscaping was refused (04/1530)
- 7.5 Application 18/0693 for the erection of retail floorspace (A1) and drive thru (A3/A5); associated works including access/highways works, provision of parking spaces and landscaping granted subject to legal agreement 17 May 2019.
- 7.6 Application 19/0641 for the discharge of conditions 11 (link between roundabout); 12 (carriageways, footways, footpaths & cycleway); 15 (ramps); 16 (surface water drainage system maintenance schedule); 18 (surface water discharge); 20 (construction parking) & 21 (construction phase traffic management plan) of previously approved permission 18/0693 was granted 30th September 2019.
- 7.7 Application 19/0505 for the display of 2no. internally illuminated totem signs. This application was granted conditionally on 28th October 2019.
- 7.8 Application 20/0342 for the display of 1no. internally illuminated digital fascia sign. This application was approved on 21st July 2020.
- 7.9 Application 20/0624 for the display of 2no. internally illuminated digital fascia signs (revised application). This application was approved in November 2020.
- 7.10 Application 21/0047 for the display of 4no. internally illuminated fascia signs & 2no. sets of non illuminated glazing graphics was approved in March 2021
- 7.11 Application 20/0307 for a non material amendment of previously approved permission 18/0693 to move an internal wall within approved units 1 And 2 was approved in June 2020
- 7.12 Application 21/0417 for advertisement consent for the continuation of display of 5no. internally illuminated boxes; 1no. set of six digitally printed face applied glazing vinyls; 2no. set of digitally printed face applied glazing vinyls to left and right of entrance is currently undetermined.
- 7.13 Application 20/0421 for advertisement consent for the erection of totem and stand-alone structures to facilitate signage associated with previously approved Costa "drive-thru" unit was granted permission in October 2020

- 7.14 Application 20/0422 for advertisement consent for the display of 3no. parking signs; 2no. banner frames; 1no. waiting bay sign; 1no. exit sign; menu signs; 1no. chevron pole sign and 2no. key seller signs associated with previously approved Costa "drive-thru" unit (non illuminated and internally illuminated) was granted permission in October 2020
- 7.15 Application 21/1113 for advertisement consent for the display of 6no. internally illuminated fascia signs; 2no. internally illuminated double sided totem signs & window vinyls was granted February 2022
- 7.16 Application 21/0244 for the variation of conditions 2 (approved documents); 4 (amalgamation of units) & 5 (a1 retail restrictions) of previously approved permission 18/0693 (erection of retail floorspace (a1) and drive thru (a3/a5); associated works including access/highways works, provision of parking spaces and landscaping) to amalgamate units 3, 4 & 5 to form a single retail unit & to enable the sale of any non food retail goods and a maximum 30% retail sale of food and drinks was granted permission under delegated powers however was subject of a judicial challenge and the decision was rescinded in order to reconsider the application. This application is therefore currently undetermined.

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

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form received 30th July 2018 and 18th October 2021;
  2. the Boundary Plan (drawing ref 18005\_PL11) received 30th July 2018;
  3. the Existing Site Plan (drawing ref 18005 PL00 rev E) received 10th April 2019;
  4. the Proposed Site Plan (drawing ref 18005 PL01 rev M) received 18th October 2021;
  5. the Proposed Ground Floor GA (drawing ref 18005 PL02 rev E) received 18th October 2021;
  6. the Proposed Costa GA Plan (drawing ref 18005 PL03 rev D) received 1st November 2018;
  7. the Proposed Costa Elevations (drawing ref 18005 PL04 rev E) received 1st November 2018;
  8. the Proposed Costa GA Roof Plan (drawing ref 18005 PL05 rev F) received 1st November 2018;
  9. the Proposed Roof Plan (drawing ref 18005 PL06 rev A) received 30th July 2018;
  10. the Existing Site Sections (drawing ref 18005 PL07 rev B) received 30th July 2018;
  11. the Proposed Elevations (drawing ref 18005 PL08 rev F) received 18th October 2021;
  12. the Proposed Sections (drawing ref 18005 PL09 rev C) received 1st November 2018;
  13. the Proposed First Floor GA (drawing ref 18005 PL10 rev E) received

- 30th July 2018;
14. the Planting Plan (drawing ref 201 rev C) received 1st November 2018;
  15. the Landscape Layout (drawing ref 103 rev F) received 30th October 2018;
  16. the Tree Retention Removal Plan (drawing ref 102 rev A) received 30th July 2018;
  17. the Swept path Analysis: Rigid HGV (drawing ref 1602/SP/03) received 1st November 2018;
  18. the Planning Statement received 30th July 2018 as updated by the Planning and Retail Statement received 18th October 2021;
  19. the Design and Access Statement (rev D) received 1st November 2018;
  20. the Retail Statement received 23rd August 2018 as updated by the Planning and Retail Statement received 18th October 2021;
  21. the Marketing Overview received 30th July 2018;
  22. the Transport Assessment received 30th July 2018;
  23. the Transport Assessment (Technical Note 2) received 4th September 2018;
  24. the Travel Plan received 30th July 2018;
  25. the Transport Statement ref 1602/4 received 18th October 2021;
  26. the Tree Survey Report received 30th July 2018;
  27. the Energy and Sustainability Statement received 30th July 2018;
  28. the Ground Investigation Report received 30th July 2018;
  29. the Air Quality Assessment received 30th July 2018;
  30. the Extended Phase 1 Habitat Survey received 30th July 2018;
  31. the Flood Risk Assessment received 30th July 2018;
  32. the Desk Based Phase I Environmental Site Assessment received 30th July 2018;
  33. the Phase II Intrusive Environmental Investigation received 30th July 2018;
  34. the Notice of Decision; and
  35. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

2. Trees and hedgerows shall be maintained in accordance with the details submitted in the approved landscape layout, tree retention and planting plan.

**Reason:** The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

3. There shall be no amalgamation of the approved floorspace without the prior written consent of the Local Planning Authority.

**Reason:** In order to protect the viability and vitality of the City Centre in accordance with the NPPF and Policy SP2 of the Carlisle District Local Plan 2015-2030.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the retail floorspace with the exception of the ground floor of Units 3 - 5 shown on Drawing Reference 18005-PL-01-M hereby approved shall not be used for the sale of goods other than those within the following categories: DIY and/or garden centre goods and associated equipment; furniture and furnishings; kitchens; carpets; floor coverings and tiles and associated equipment; camping; boating and caravanning goods; motor vehicle and cycle goods and associated equipment; and electrical goods. Goods falling outside this range may be sold only where they form an ancillary part of the operation of any of the proposed stores and shall be limited to no more than 10% of the internal floorspace.

**Reason:** In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with the NPPF and Policy EC6 of the Carlisle District Local Plan 2015-2030.

5. The retail floorspace at ground floor within Units 3 - 5 may be used for the sale of any non-food retail goods, and a maximum of 30% (578 sq. m) of the ground floorspace may be used for the retail sale of food and drinks. Any floorspace at mezzanine level within Units 3-5 is limited to the sale of goods set out at Condition 4 above.

**Reason:** In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with the NPPF and Policy EC6 of the Carlisle District Local Plan 2015-2030.

6. The occupation of Units 3-5 shall be limited to Home Bargains discount retailer and shall not transfer to any other retailer (discount or otherwise) without written consent of the local planning authority.

**Reason:** To ensure that appropriate consideration is given to the retail sequential test and impact test of any other operator as the circumstances of this permission have been based on the specified operator in the submitted Planning and Retail Statement. To accord with the NPPF and Policy EC6 of the Carlisle District Local Plan 2015-2030.

7. Unit 7 shall be used as a coffee shop/cafe/restaurant facility and for no other retail purpose.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policy EC6 of the Carlisle District Local Plan 2015-2030.

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



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

9. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the local planning authority.

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

10. The surface water drainage system (incorporating SUDs features as far as practicable) shall be maintained in accordance with the details submitted and discharged under application 19/0641.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

11. Access gates, if provided, shall be hung to open inwards only away from the highway.

**Reason:** In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

12. Measures to prevent surface water discharging onto or off the highway shall be maintained operational in accordance with details submitted under application 19/0641.

**Reason:** In the interests of highway safety and environmental management. To support Local Transport Plan Policies: LD7, LD8.

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All site dimensions shall be verified by the Contractor on site prior to commencing any work.  
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**SCHEDULE OF ACCOMMODATION**

Unit 1:	Non Food Retail	351 sqm (3,714 sqft) G/A
	Non Food Retail	388 sqm (4,176 sqft) G/A
Unit 2:	Non Food Retail	113 sqm (1,216 sqft) G/A
	Non Food Retail	125 sqm (1,349 sqft) G/A
Units 3,4,5:	Retail	1,925 sqm (20,720 sqft) G/A
	Mezzanine	1,481 sqm (15,900 sqft) G/A
	Retail	2,019 sqm (21,736 sqft) G/A
	Mezzanine	1,575 sqm (16,962 sqft) G/A
Unit 6:	Non Food Retail	1,393 sqm (15,000 sqft) G/A
	Non Food Retail	1,444 sqm (15,543 sqft) G/A
Unit 7:	Coffee Shop	187 sqm (2,020 sqft) G/A
	Coffee Shop	197 sqm (2,129 sqft) G/A

**PARKING**

Total:	178 (incl. 18 accessible and 2 charging points)
Motorcycle:	10
Bicycle:	20

Site Area in Hectares and Acres:  
1.41 Hectares  
3.48 Acres



M	Units 3,4,5 combined 2 parking spaces	11.03.21	NP
L	Units 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55,56,57,58,59,60,61,62,63,64,65,66,67,68,69,70,71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87,88,89,90,91,92,93,94,95,96,97,98,99,100,101,102,103,104,105,106,107,108,109,110,111,112,113,114,115,116,117,118,119,120,121,122,123,124,125,126,127,128,129,130,131,132,133,134,135,136,137,138,139,140,141,142,143,144,145,146,147,148,149,150,151,152,153,154,155,156,157,158,159,160,161,162,163,164,165,166,167,168,169,170,171,172,173,174,175,176,177,178,179,180,181,182,183,184,185,186,187,188,189,190,191,192,193,194,195,196,197,198,199,200,201,202,203,204,205,206,207,208,209,210,211,212,213,214,215,216,217,218,219,220,221,222,223,224,225,226,227,228,229,230,231,232,233,234,235,236,237,238,239,240,241,242,243,244,245,246,247,248,249,250,251,252,253,254,255,256,257,258,259,260,261,262,263,264,265,266,267,268,269,270,271,272,273,274,275,276,277,278,279,280,281,282,283,284,285,286,287,288,289,290,291,292,293,294,295,296,297,298,299,300,301,302,303,304,305,306,307,308,309,310,311,312,313,314,315,316,317,318,319,320,321,322,323,324,325,326,327,328,329,330,331,332,333,334,335,336,337,338,339,340,341,342,343,344,345,346,347,348,349,350,351,352,353,354,355,356,357,358,359,360,361,362,363,364,365,366,367,368,369,370,371,372,373,374,375,376,377,378,379,380,381,382,383,384,385,386,387,388,389,390,391,392,393,394,395,396,397,398,399,400,401,402,403,404,405,406,407,408,409,410,411,412,413,414,415,416,417,418,419,420,421,422,423,424,425,426,427,428,429,430,431,432,433,434,435,436,437,438,439,440,441,442,443,444,445,446,447,448,449,450,451,452,453,454,455,456,457,458,459,460,461,462,463,464,465,466,467,468,469,470,471,472,473,474,475,476,477,478,479,480,481,482,483,484,485,486,487,488,489,490,491,492,493,494,495,496,497,498,499,500,501,502,503,504,505,506,507,508,509,510,511,512,513,514,515,516,517,518,519,520,521,522,523,524,525,526,527,528,529,530,531,532,533,534,535,536,537,538,539,540,541,542,543,544,545,546,547,548,549,550,551,552,553,554,555,556,557,558,559,560,561,562,563,564,565,566,567,568,569,570,571,572,573,574,575,576,577,578,579,580,581,582,583,584,585,586,587,588,589,590,591,592,593,594,595,596,597,598,599,600,601,602,603,604,605,606,607,608,609,610,611,612,613,614,615,616,617,618,619,620,621,622,623,624,625,626,627,628,629,630,631,632,633,634,635,636,637,638,639,640,641,642,643,644,645,646,647,648,649,650,651,652,653,654,655,656,657,658,659,660,661,662,663,664,665,666,667,668,669,670,671,672,673,674,675,676,677,678,679,680,681,682,683,684,685,686,687,688,689,690,691,692,693,694,695,696,697,698,699,700,701,702,703,704,705,706,707,708,709,710,711,712,713,714,715,716,717,718,719,720,721,722,723,724,725,726,727,728,729,730,731,732,733,734,735,736,737,738,739,740,741,742,743,744,745,746,747,748,749,750,751,752,753,754,755,756,757,758,759,760,761,762,763,764,765,766,767,768,769,770,771,772,773,774,775,776,777,778,779,780,781,782,783,784,785,786,787,788,789,790,791,792,793,794,795,796,797,798,799,800,801,802,803,804,805,806,807,808,809,810,811,812,813,814,815,816,817,818,819,820,821,822,823,824,825,826,827,828,829,830,831,832,833,834,835,836,837,838,839,840,841,842,843,844,845,846,847,848,849,850,851,852,853,854,855,856,857,858,859,860,861,862,863,864,865,866,867,868,869,870,871,872,873,874,875,876,877,878,879,880,881,882,883,884,885,886,887,888,889,890,891,892,893,894,895,896,897,898,899,900,901,902,903,904,905,906,907,908,909,910,911,912,913,914,915,916,917,918,919,920,921,922,923,924,925,926,927,928,929,930,931,932,933,934,935,936,937,938,939,940,941,942,943,944,945,946,947,948,949,950,951,952,953,954,955,956,957,958,959,960,961,962,963,964,965,966,967,968,969,970,971,972,973,974,975,976,977,978,979,980,981,982,983,984,985,986,987,988,989,990,991,992,993,994,995,996,997,998,999,1000,1001,1002,1003,1004,1005,1006,1007,1008,1009,1010,1011,1012,1013,1014,1015,1016,1017,1018,1019,1020,1021,1022,1023,1024,1025,1026,1027,1028,1029,1030,1031,1032,1033,1034,1035,1036,1037,1038,1039,1040,1041,1042,1043,1044,1045,1046,1047,1048,1049,1050,1051,1052,1053,1054,1055,1056,1057,1058,1059,1060,1061,1062,1063,1064,1065,1066,1067,1068,1069,1070,1071,1072,1073,1074,1075,1076,1077,1078,1079,1080,1081,1082,1083,1084,1085,1086,1087,1088,1089,1090,1091,1092,1093,1094,1095,1096,1097,1098,1099,1100,1101,1102,1103,1104,1105,1106,1107,1108,1109,1110,1111,1112,1113,1114,1115,1116,1117,1118,1119,1120,1121,1122,1123,1124,1125,1126,1127,1128,1129,1130,1131,1132,1133,1134,1135,1136,1137,1138,1139,1140,1141,1142,1143,1144,1145,1146,1147,1148,1149,1150,1151,1152,1153,1154,1155,1156,1157,1158,1159,1160,1161,1162,1163,1164,1165,1166,1167,1168,1169,1170,1171,1172,1173,1174,1175,1176,1177,1178,1179,1180,1181,1182,1183,1184,1185,1186,1187,1188,1189,1190,1191,1192,1193,1194,1195,1196,1197,1198,1199,1200,1201,1202,1203,1204,1205,1206,1207,1208,1209,1210,1211,1212,1213,1214,1215,1216,1217,1218,1219,1220,1221,12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All side dimensions shall be verified by the Contractor on site prior to commencing any works.

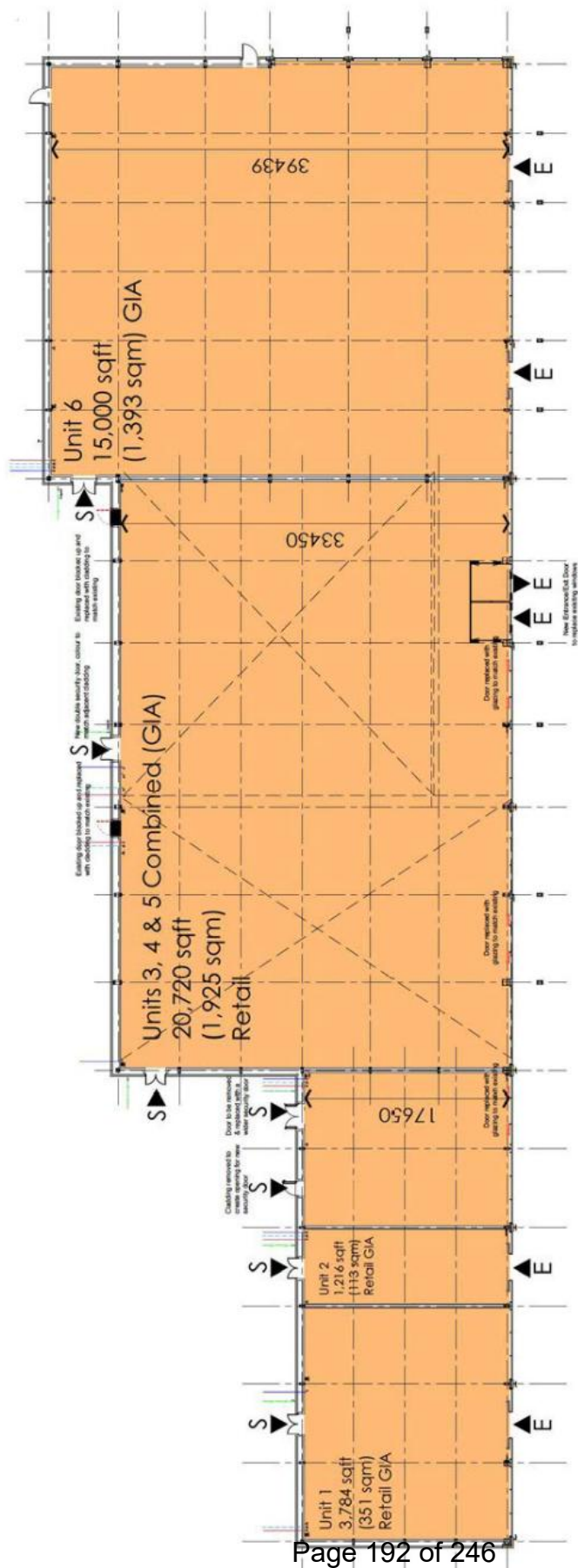
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#### SCHEDULE OF ACCOMMODATION

	Unit 1	Unit 2	Units 3, 4&5	Unit 6
Non Food Retail	351 sqm (3,764 sqft) G/A	113 sqm (1,216 sqft) G/A	1,925 sqm (20,720 sqft) G/A	3,393 sqm (36,500 sqft) G/A
Non Food Retail	308 sqm (4,176 sqft) G/A	125 sqm (1,345 sqft) G/A	1,496 sqm (16,200 sqft) G/A	1,444 sqm (15,545 sqft) G/A
			Mezzanine	
			Retail	
			2,019 sqm (21,736 sqft) G/A	
			1,575 sqm (16,962 sqft) G/A	
			Mezzanine	
			Non Food Retail	
			Non Food Retail	



Revision		11.03.21	NP
A	Q14 and QEA updated with key	20.03.18	EO
B		21.06.18	EO
C	Indicative services added	06.09.19	EO
D	Units 142 layout amended	07.05.20	AT
E	Units 3, 4 & 5 coordinated	11.03.21	NP

Scale	1:200 @ A1
Status	PL
Drawn by	EG
Date	01.05.18
Client	

Client  
Carlisle City Council

Project  
Gateway 44, Parkhouse Industrial Estate

Drawing Description

Drawing No. 18005 PL02 Rev. E

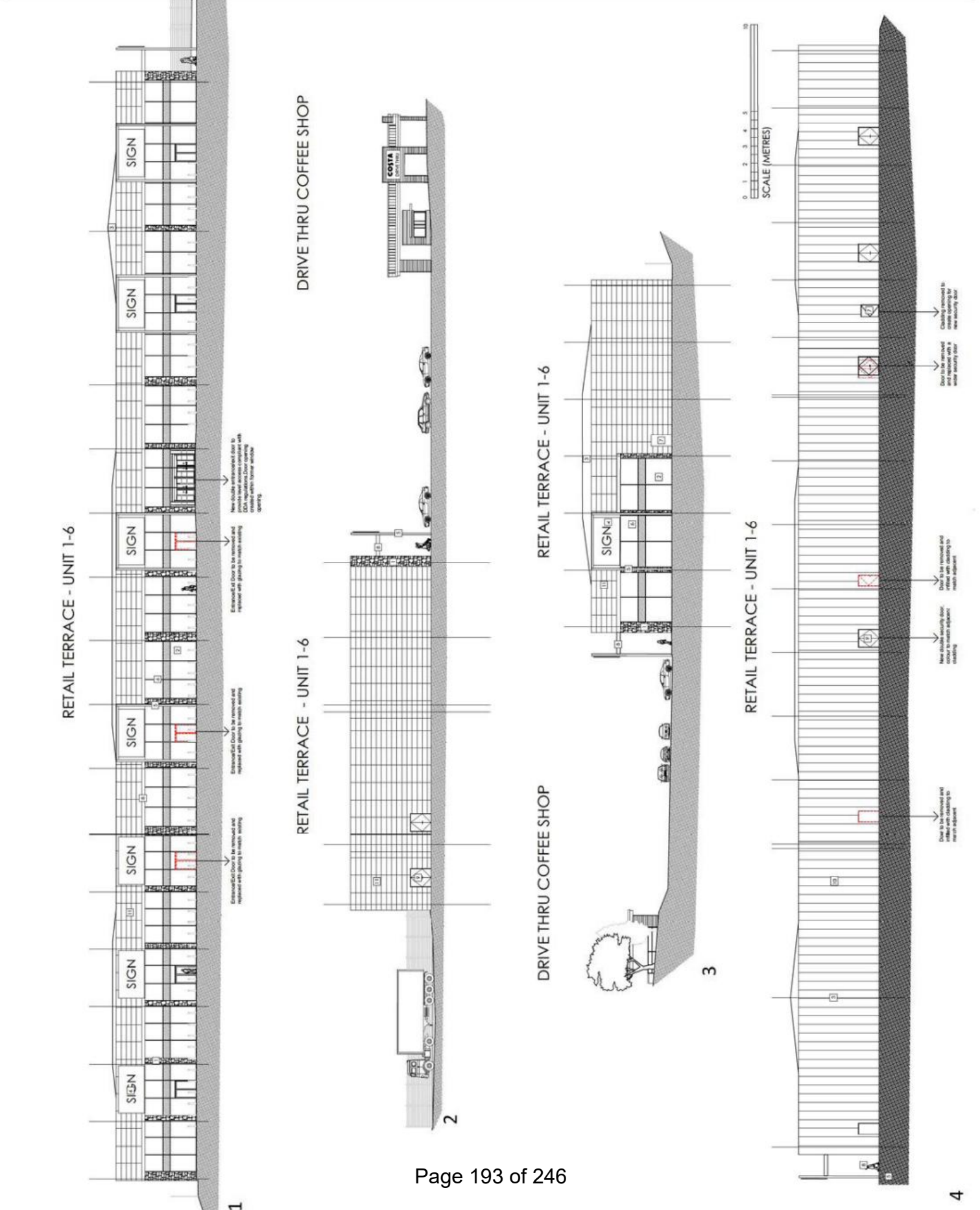
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# Planning & Retail Statement

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Gateway 44 Retail Park, Parkhouse, Carlisle

**Planning Application for the Variation of  
Conditions 2, 4 & 5 of Planning Permission:  
18/0693**

**Application by  
Carlisle City Council**

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## Appendices

Appendix 1	Map detailing the Primary Catchment Area of the Proposal
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## 1. Introduction

### Background

- 1.1 This Statement has been prepared by Savills (UK) Limited on behalf Carlisle City Council (the '**Applicant**') (as advised by Chancerygate Ltd) in respect of a planning application in respect of land known as Gateway 44 Retail Park, at Parkhouse in Carlisle (the '**Site**') to enable the occupation of vacant floorspace at the Site. The Site is located within the administrative boundary of Carlisle City Council (the '**Council**').
- 1.2 On 17 May 2019, the Council granted planning permission at the Site for the erection of retail floorspace and drive-thru, associated works including access/ highway works, provision of parking spaces and landscaping (App Ref: 18/0693) (the '**2019 Permission**'). The 2019 Permission was then implemented in accordance with its terms and the development was subsequently completed in October 2020.
- 1.3 The 2019 Permission was granted subject to 21 conditions of approval. Insofar as relevant to this application, Conditions 4 & 5 state:
4. *There shall be no amalgamation of units 4, 5 or 6 inclusive with any other unit in the development without approval of the local planning authority.*
5. *Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the permitted Class A1 retail floorspace in Units 1-6 shall not be used for the sale of goods other than those within the following categories: DIY and/or garden centre goods and associated equipment; furniture and furnishings; kitchens; carpets; floor coverings and tiles and associated equipment; camping; boating and caravanning goods; motor vehicle and cycle goods and associated equipment and electrical goods. Goods falling outside this range may be sold only where they form an ancillary part of the operation of any of the proposed stores and shall be limited to no more than 10% of the internal floorspace.*

- 1.4 Also of relevance is Condition 2, which contains a list of the approved plans which the development is required to be in accordance with.

### The Site & Surroundings

- 1.5 As provided above, Gateway 44 Retail Park is a newly developed commercial location for retail and service uses to the north of Carlisle. At present, the floorspace at the Site is configured as follows:

Unit	Occupier	Total Size (GIA)
Unit 1	Connection Flooring	351 sq. m
Unit 2	Vacant	113 sq. m
Unit 3	Vacant	232 sq. m
Unit 4	Vacant	728 sq. m
Unit 5	Vacant	929 sq. m
Unit 6	Wren Kitchens	1,393 sq. m
Unit 7	Costa Coffee	167 sq. m

**Table 1.1 – Floorspace Configuration**

- 1.6 The Retail Park is located to the north of the urban area of Carlisle in an employment area known as Parkhouse. It is situated on Parkhouse Road with frontage to the A689(w). The A689(w) provides the site with direct access to the M6 motorway via Junction 44. The A689(w) connects the M6 on the north side of Carlisle to the A595 trunk route west to Workington, Whitehaven and West Cumbria, resulting in this area of Parkhouse becoming a key gateway location, with motorway access north and south and A Road access east and west. The Site is within easy pedestrian reach from both residential areas and businesses, as well as in close proximity to bus stops that serve the wider area.
- 1.7 The surrounding Parkhouse area is now a well-established motor trade location with a number of main franchise car showroom operators having a presence including Lexus, Toyota, Vauxhall and Volvo, as well as being home to an extensive number of office occupiers on Parkhouse Business Park.
- 1.8 The Site is a short distance from Kingstown Retail Park and the Kingstown Industrial Estate to the south.



The former is a well-established out of centre retail destination with occupiers including B&M Bargains, Marks & Spencer Simply Food, Next Home, Hobbycraft and Argos with Homebase and PC World to the rear. Kingstown Retail Park is located within a wider commercial area including an Asda and Premier Inn hotel.

- 1.9 It follows that the application site forms part of the urban area of Carlisle and the surrounding land uses are characterised by commercial development including retail, leisure and employment development. It is considered that the application site is well connected to and easily accessible to users of the surrounding area and has good transport links that connect the site to the wider City and surrounding areas.

### Structure of this Statement

- 1.10 In order to comprehensively assess the proposed development against the relevant planning policies, the remaining sections of this Statement are structured as follows:

<b>Section 2.0</b>	The Proposal
<b>Section 3.0</b>	The Sequential Test
<b>Section 4.0</b>	The Impact Test
<b>Section 5.0</b>	Other Development Management Considerations

- 1.11 We set out in **Section 6.0** our Summary and Conclusions that the proposed development accords with the development plan and all other material considerations.

## 2. The Proposal

- 2.1 This application seeks planning permission for the variation of Conditions 2, 4 & 5 of the 2019 Permission, in order to amalgamate the current Units 3, 4 & 5 to create a single retail unit measuring 1,925 sq. m at ground floor level<sup>1</sup>. The application also seeks permission to allow the sale of an increased range of non-food products, as well as the ancillary sale of food and drink products.
- 2.2 The proposal is made in order to facilitate occupation of the amalgamated unit by a national multiple discount retailer, Home Bargains. The proposed revised layout of the floorspace at the Site is shown on Drawing Reference: 18005-PL-01-M – ‘Proposed Site Plan’.
- 2.3 In line with the proposed retailer’s successful approach to trading this store format in other locations, the new store at Junction 44 will comprise approximately 70% (i.e. 1,347 sq. m) of floorspace dedicated to the sale and display of non-food products, with the remaining 30% (i.e. 578 sq. m) being for the sale and display of ancillary food and drink products.
- 2.4 The application also proposes to vary the following conditions of approval on the 2019 Permission:
- Condition 2 – to revise the location and number of entrance doors to the amalgamated unit according to the tenant’s requirements.
  - Condition 4 – to allow the amalgamation of the approved floorspace to provide a unit with a sufficient footprint to meet the proposed occupier’s requirements
  - Condition 5 – to enable the sale of the proposed occupier’s full product range from the ground floor of the enlarged unit.
- 2.5 Given that the Local Planning Authority’s reasons for including Conditions 4 & 5 on the 2019 Permission relate to the need to protect town centres from the impacts of inappropriate out of centre development, this Statement reassesses the proposal in relation to the two national retail policy tests; being the Sequential and

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<sup>1</sup> Home Bargains do not require the approved mezzanine floorspace, which will remain extant.

Impact Tests. The proposed assessment is undertaken on the basis of the proposed range of goods that will be sold from the Site.

2.6 Due to the proposed change in the nature of the retail goods which can be sold from the Retail Park, we have also updated the Transport Assessment submitted as part of the application for the 2019 Permission, in order to account for any changes in vehicular trip rates to the Site. As there have been no other significant changes to the adopted development plan since the grant of the 2019 Permission, it follows that all other elements of the proposal remain acceptable.

2.7 We request that the following replacement conditions be imposed on any forthcoming decision notice, in order to ensure that the sale of goods from the Site remains appropriately restricted and the impact upon Carlisle City Centre is managed appropriately:

*“i) There shall be no amalgamation of the floorspace hereby approved by the application without the prior written consent of the Local Planning Authority.*

*ii) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the retail floorspace with the exception of Units 3 - 5 shown on Drawing Reference 18005-PL-01-M hereby approved shall not be used for the sale of goods other than those within the following categories: DIY and/or garden centre goods and associated equipment; furniture and furnishings; kitchens; carpets; floor coverings and tiles and associated equipment; camping; boating and caravanning goods; motor vehicle and cycle goods and associated equipment; and electrical goods. Goods falling outside this range may be sold only where they form an ancillary part of the operation of any of the proposed stores and shall be limited to no more than 10% of the internal floorspace.*

*iii) The retail floorspace at ground floor within Units 3-5 shown on Drawing Reference 18005-PL-01-M hereby approved may be used for the sale of any non-food retail goods and a maximum of up to 30% (578 sq. m) of the ground floorspace may be used for the retail sale of food and drinks.*

*iv) Any floorspace at mezzanine level within Units 3-5 shall be limited to the sale of goods set out at Condition ii) above.”*

# Planning & Retail Statement

Gateway 44 Retail Park, Parkhouse, Carlisle

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## 3. The Sequential Test

### Introduction

- 3.1 The statutory requirement at s38(6) of the Planning and Compulsory Purchase Act 2004 (the '**Act**'), requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 The starting point for the consideration of a proposal is an assessment against the development plan. If a development accords with the plan, and it is up-to-date, then the decision should be to grant planning permission unless material considerations indicate otherwise. The National Planning Policy Framework (the '**NPPF**') is a material consideration, but it does not change the statutory basis on which planning decisions are made.
- 3.3 Paragraph 86 of the NPPF and Policy EC6 of the Local Plan requires the application of the sequential test to planning applications for main town centres that are not in an existing centre or are not in accordance with an up to date development plan. The objective of the sequential test is to ensure that relevant town centre and then edge of centre sites are assessed in terms of their availability and suitability, before concluding whether a development proposal on an out of centre site satisfies the sequential test.

### Methodology of the Sequential Test

- 3.4 Paragraph 87 of the NPPF requires Applicants and Local Planning Authorities to demonstrate flexibility in terms of format and scale of proposed developments. This is explained at Paragraph 010 of the Planning Practice Guidance ('**PPG**') entitled 'Retail and Town Centres', as follows:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered?
  - Is there scope for flexibility in the format and / or scale of the proposal?
  - If there are no suitable sequentially preferable locations, the sequential test is passed.

3.5 If there are no available sites in a relevant centre which are suitable to accommodate the development proposed, then alternative sites (i.e. edge and out of centre sites) can be considered. Suitable sites must be sites which are available at the time of the assessment and which are appropriate for the given proposal. Appropriate sites include available sites that can accommodate the proposal with regard to the need to demonstrate a flexible approach to the proposed development concerned.

3.6 Paragraph 011 and 012 of The Guidance provide local planning authorities with guidance on the commercial realities of applying the sequential test and state:

*'Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.'*

*'The sequential test seeks to deliver the Government's "town centre first" policy. However as promoting new development on town centre locations can be more expensive and complicated than building elsewhere local planning authorities need to be realistic and flexible in terms of their expectations.'* (Savills' emphasis)

3.7 There have been a series of recent decisions which provide binding authority and guidance on the correct application of the sequential test, including the matters of how flexibility and commercial realities should be approached. The key points arising from the decisions are that:

1. The purpose of the exercise is directed to what an applicant is proposing; not to some reduced or reinvented proposal which the Local Planning Authority might seek to substitute for it which is for something less than that sought by the applicant.
2. There is no requirement in policy to disaggregate elements of a proposal.
3. Applying the suitability element of the sequential test means asking whether an alternative site is suitable for the development proposed by the applicant. The relevant question is whether there is

a site that is suitable within or on the edge of a relevant town centre that could accommodate the proposal for which the developer seeks planning permission.

- 3.8 As the application site is in an 'out-of-centre' location, we have undertaken an assessment of relevant centres to ascertain whether they contain any sites which are available and suitable for the proposed development.

### Scope of the Assessment

- 3.9 This proposal seeks permission for the variation of conditions on the 2019 Permission, in order to allow the sale of an increased range of goods from a new unit (measuring 1,925 sq. m) created by the amalgamation of existing floorspace at the Retail Park to enable occupation by a discount variety retailer. In this case, the unit will be occupied by Home Bargains.

- 3.10 As the proposal is being led by demand from a discount variety retailer seeking additional representation in the Carlisle, which sells both food and non-food goods – the physical and operational requirements of the retailers are of significance and must be taken into account when applying the sequential test. It is not viable to exclude any of the core products from being sold at the retail unit as this would fail to provide the full offer which customers have come to know and expect and therefore preclude the retailer from successfully operating the required business model. It would also constitute 'disaggregation' which is not a process that can be undertaken when policies are applied to a proposal.

- 3.11 From the above, the operational requirements include the following fundamental characteristics:

1. The ability to offer for sale its entire product range of bulky and non-bulky comparison goods, in addition to ancillary food and drink products;
2. A store with access to designated customer car parking immediately adjacent to the unit, allowing for ease of transport of goods to customer vehicles;
3. A store with a sales area located entirely at ground floor level, given the demonstrably inefficient nature of multi-level store formats; and

4. Dedicated servicing arrangements, typically via a rear service yard, which allows access for HGVs to load and unload goods at the site without disruption or interference.

3.12 The above are standard operational requirements of a national multiple discount variety retailer. Without these components, the proposed operation would not be able to operate as a viable business. It follows that any alternative site would need to meet the above requirements in order to be considered suitable to accommodate the proposal, noting the requirement to consider flexibility.

### Principal Catchment Area

3.13 As provided above, this application arises as a result of the proposed retailer's requirement for a new store in Carlisle. The majority of products sold by a discount retailer do not lend themselves to an operation that will draw from a wide catchment area – whilst the store offers a mix of convenience and comparison goods items for sale, it primarily serves a type of shopping trip that is based on 'convenience'- for which customers will only travel a short distance. It is now well-established that customers typically shop at their closest retail locations for the type of goods that would be sold under the proposed operation; particularly in urban areas like Carlisle and the residential areas that the proposed retail operation would principally serve.

3.14 The objective of the sequential test is to ensure that a 'town centre first' approach to retail development is taken, by requiring that applicants first assess whether relevant town centre sites (and edge of centre sites) are available and suitable to accommodate the proposal. A centre can only be considered 'relevant' if it meets the same market requirements that the proposal is intended to meet, and in this case will serve the same catchment area which the proposal is intended to serve. Providing a store outside of the identified catchment area would not meet the intended market requirement. In large urban areas like Carlisle, it is common for retailers to have multiple store portfolios serving different catchment areas. This in itself is evidenced by discount variety store retailers in the City, including B&M, which has a portfolio of stores serving the central, northern, southern and western areas of the City; and Poundland, which has multiple stores serving the central and southern areas of the City. Those operations exist in a



complementary fashion to meet the shopping requirements of residents in Carlisle. The proposal is no different than that well-established retail provision within the City.

- 3.15 Based the nature of the proposal as described above and the existing retail offer in the immediate vicinity, the primary catchment for the proposal has been based on a five minute drive-time isochrone from the Site. A plan showing the extent of the anticipated primary catchment is contained at **Appendix 1**. Although an element of sales from 'linked trips' would occur from customers of the adjacent 'bulky goods' operations, the principal catchment of the proposed operation would be drawn from a more local area.
- 3.16 It follows that adopted centres which fall outside the proposal's principal catchment area cannot be considered to be suitable alternative sites, as such a centre would not meet the same market requirement as the proposal is intended to meet to serve residential areas to the north of Carlisle. Within that catchment area, the only are:
1. Kingstown Road Local Centre; and
  2. Scotland Road Local Centre.
- 3.17 The above Local Centres in the principal catchment each provide a small-scale shopping and service function, with small units typically ranging in size between 20 – 150 sq. m. They serve immediate local catchments and typically contain small convenience stores, off licenses, laundrettes, betting shops and hot food takeaways. Whilst there are vacant units available to be occupied, there is no prospect that proposed development could be accommodated within such a small amount of floorspace, even if multiple units were combined.
- 3.18 Accordingly, these centres are not of a sufficient scale to accommodate the proposed development, and on that basis there are no available sites within them which could be considered suitable to accommodate the proposal. Available sites within Carlisle City Centre are not suitable to accommodate the proposal, given that they are unable to meet the identified need for a discount variety retailer within the catchment area.

### Conclusions

- 3.19 The assessment undertaken to inform this Statement demonstrates that there are no available sites in relevant centres that are suitable for the proposed development. The assessment has been undertaken in a proportionate and appropriate way which reflects the scale of the retail operation proposed and the market that it will serve.
- 3.20 The application site is easily accessible by a range of modes of transport and forms part of an existing and established location for retailing in Carlisle and is accessible to users of adjacent commercial areas. It is therefore well placed to attract trade from the existing shopping locations in close proximity to the site and promote sustainable and linked trips with surrounding residential and commercial areas.
- 3.21 The proposal offers genuine opportunities for sustainable and linked shopping trips to take place as well as linked trips with surrounding residential and commercial land uses (e.g. a trip between home and work or on a lunch-break).
- 3.22 In light of the above, we conclude that there are no suitable and available alternative sites which could accommodate the proposal, which therefore complies with Policy EC6 of the Local Plan and Paragraph 86 of the NPPF.

## 4. The Impact Test

### Introduction

- 4.1 The Paragraph 89 of the NPPF states that planning applications for town centre developments that exceed 2,500 sq. m, or any proportionate, locally set floorspace threshold, which are not in an existing centre and not in accordance with an up to date development plan, are to be accompanied by an assessment of the potential impact of the development. Policy EC6 of the Local Plan confirms that the local impact threshold for retail uses in Carlisle's administrative area is 500 sq. m for comparison floorspace and 1,000 sq. m for convenience floorspace.
- 4.2 As this application proposes the sale of an increased range of goods from the approved floorspace, an update to the impact assessment undertaken as part of the application for the 2019 Permission has been undertaken. This assessment is extremely robust, given that it takes into account the impact of the proposal on top of the already accounted for 'bulky goods' impact of the floorspace (both ground and mezzanine floor levels) and therefore effectively double counts impact from the two types of retail operations that could be accommodated at the floorspace. This also means that, if the mezzanine floorspace were to subsequently be constructed and used for the sale of bulky goods, that impact has already been taken into account.
- 4.3 It should be noted that no account has been made of the proposed sale of food and drinks from the floorspace, given that this will occur from a limited amount of the floorspace within the amalgamated unit (i.e. 578 sq. m) which falls below the impact threshold for convenience goods contained at Policy EC6. In any event, and given the scale of floorspace proposed and the locations of the main convenience goods retailers in the City and in particular the north of the City, any impacts would be imperceptible.
- 4.4 As detailed in the application for the 2019 Permission, there have been a series of recent planning permissions for residential development granted in respect of land located within the vicinity of the site, which are at various stages of progression. These include:

1. Outline planning permission granted in January 2017 for the erection of up to 300 dwellings on land at Harker Industrial Estate, Kingmoor Park, circa 250m to the north of the site (Application Reference 15/0812);
2. Reserved matters permission granted in March 2019 for the redevelopment of land at Greymoorhill for 190 dwellings, circa 250m to the south of the site (Application Reference: 19/0245 & 19/0247).

- 4.5 The proposed development will meet some of this additional demand for retail facilities and will therefore, not exclusively divert expenditure currently flowing to defined centres in the area or existing operators.
- 4.6 Irrespective of the locationally specific demand of the proposal, we have undertaken a comprehensive assessment of impact on nearby defined centres to ensure that any significant adverse impacts are properly considered.

### Methodology

- 4.7 Paragraph 90 of the NPPF sets out that a proposal should only be refused where a proposal has a significant adverse impact on centres. Paragraph 017 of the PPG requires that:

*“The impact test will need to be undertaken in a **proportionate and locally appropriate way, drawing on existing information where possible.**” (Savills’ emphasis)*

- 4.8 Built within the application of the impact assessment is an understanding that the scale and format of a development proposal will result in different levels of impact in in different areas, based on a number of factors. The question is not whether there will be an impact, but whether that impact is likely to be significant.
- 4.9 When assessing the economic impact of a proposed development, it is now well established that ‘like affects like’. Paragraph 015 of the PPG states:

*'As a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities.'*

4.10 The key impacts for consideration are set out at Paragraph 89 of the Framework and are as follows:

1. The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
2. The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

4.11 Whilst the previous Section undertook the sequential assessment on the basis of a limited catchment area owing to the characteristics of the particular type of retailing proposed, the requirements of the impact test are different. Given that the assessment of impact relates to the effect of the proposed development upon existing stores, there exists potential for impact to occur upon centres outside the catchment area for the proposal.

4.12 As a result, we have considered the impact of the proposal upon Carlisle City Centre as part of our assessment. Given the location and trading characteristics of the adopted District and Local Centres in the retail hierarchy, the proposal does not have the potential to impact upon the existing pattern of trade in these areas.

4.13 In the remainder of this Section we assess the impact of the development in respect of each of the separate criteria listed above.

### **Impact on Existing, Committed and Planned Public and Private Sector Investment**

4.14 In terms of the potential for the development to result in an adverse impact upon existing, committed or planned investment in Carlisle's adopted centres, the application for the 2019 Permission included an assessment of two sites, namely:

1. Lowther Street Car Park site; and
2. The Morton site, which is allocated for a new District Centre.

4.15 The Lowther Street Car Park site is planned and allocated for a future expansion of the Primary Shopping Area ('**PSA**') of Carlisle City Centre, for which planning permission was granted in 2014 (Ref: 14/0849) and remains extant. Paragraph 3.26 of the Local Plan states that 'the planned expansion will accommodate an additional 18,700 sq. m net Class A1 comparison (non-food) retail floor space over the period to 2030'. Notwithstanding the above, the Car Park site is not located within the PSA of Carlisle City Centre and there is therefore no policy protection afforded to it in impact terms under the terms of the adopted Local Plan or the NPPF. The proposal cannot be objected to on grounds of resulting in an impact on the Lowther Street Car Park commitment.

4.16 In terms of the site Morton that is allocated for a District Centre, the Guidance outlines three key considerations at Paragraph: 016, namely:

1. The policy status of the investment (i.e. whether it is outlined in the development plan);
2. The progress made towards securing the investment (for example if contracts are established); and
3. The extent to which an application is likely to undermine planned developments or investments based on the effects on current/ forecast turnovers, operator demand and investor confidence.

4.17 The planned investment is outlined in the Local Plan at Policy EC4. However, the application proposal cannot be considered to have a significant adverse impact on this investment as:

1. No progress has yet been made to securing the investment. The investment is required to be secured in order to support residential and employment development as part of an urban extension to Carlisle. That development that the District Centre will support does not exist.

2. Further, there is no extant permission for the development and no secured or tendered agreement with a developer to deliver the proposal.
3. The retail schemes in each location will not compete with each other, with Morton serving the south of Carlisle and the proposed operation at Gateway 44 serving the northern areas of the City. They will fulfil materially different roles, with Morton District Centre providing a convenience goods retail offer to serve the urban extension to the south of Carlisle.

4.18 We are not aware of any other planned investment in retail floorspace within centres in the catchment area that the proposal could have any effect on, let alone an impact that is significant. The modest nature of the proposal is not of a scale that could have any significant adverse impacts on planned investment. We therefore conclude that the impact on the first impact criterion cannot be considered to be significantly adverse.

### **Impact of the Proposal on Town Centre Vitality and Viability**

4.19 With regard to the methodology outlined above, the assessment undertaken as part of the application for the 2019 Permission accounted for consumer expenditure on all non-food retail goods – not just ‘bulky goods’. As a result, the tables used in that application are able to be reapplied to assist with the assessment of this proposal, once account is made for:

- a) the turnover of the proposed operation; and
- b) the change in the pattern trade diversion that will occur as a result of the proposed operation (i.e. the result of the floorspace being used for the sale of all non-food goods, rather than ‘bulky goods’ as per the previous assessment).

### ***Turnover of the Proposal***

4.20 In order to assess the level of impact on existing retail facilities, an assessment of the likely level of turnover of the proposed discount retail operation is required. Details of this are set out in Table 4.1 below:

4.21 Table 4.1 demonstrates that the comparison goods turnover of the proposed discount retail operation will be approximately £7.97m in 2023. We have utilised Home Bargains' average sales density figures published by Mintel as that is the highest of all of the discount variety retailers' sales densities meaning the assessment of turnover and consequential impact is robust. The turnover of the proposed store is contrasted with the turnover of Carlisle City Centre at 2023 which, as provided below, is estimated at £524m. The proposed operation therefore represents just 1.6% of the total turnover of retailers in Carlisle City Centre.

Gross Internal Area (sq. m)	Net Internal Area (sq. m)	Net Comp Sales Area (sq. m)	Sales Density (£/ sq. m)	Turnover
1,925	1,540	1,078	7,391	£7.97m

**Table 4.1 – Turnover of the Proposal**

### Notes

Net Internal Area calculated as 80% of Gross External Area

Net Comparison Sales Area calculated as 70% of Net Internal Area

Sales Density is taken from Mintel Retail Rankings (April 2020)

Turnover growth rate of 2.8 % from Experian Retail Planner Briefing Note (Feb 2020)

### *Pattern of Trade Diversion*

4.22 The starting point for the assessment of trade diversion is the adjusted turnover of selected stores within the vicinity of the site, taken from Table 14b of the assessment undertaken as part of the application for the 2019 Permission. For ease of reference, these figures are duplicated and consolidated at Table 4.2 below:

Location	Turnover
Carlisle City Centre	£524.31m
Other Kingstown RP stores	£99.25m
St Nicholas Gate RP	£22.12m
Other Retail Park stores	£53.87m

**Table 4.2 – Turnover of Retail Locations**



4.23 Given that the former Homebase unit at Kingstown Retail Park has now been converted into a B&M Bargains store (with Garden Centre), the above figures have been adjusted at Table 4.3 to take account of that change, in accordance with the assessment undertaken as part of that permission (Ref: 19/0447) (the '**B&M Permission**').

4.24 Given the similarities between the business models and trading characteristics of B&M Bargains and the proposed operation, our assessment of the impact of this proposal duplicates the pattern of trade diversion which the Local Planning Authority accepted was robust for the B&M Permission. It follows that our assessment is entirely based upon reliable existing information (as encouraged by the PPG) and the Local Planning Authority's own pattern of decision-making for recent, similar proposals in the vicinity of the site.

Location	Trade Diverted		Residual Turnover
Carlisle City Centre	20%	£1.35m	£522.96m
Other Kingstown RP stores	30%	£2.03m	£97.22m
St Nicholas Gate RP	15%	£1.02m	£21.09m
Other Retail Park stores	25%	£1.69m	£52.18m
Other	10%	£0.68m	
<b>Total</b>	<b>100%</b>	<b>£6.77m</b>	

**Table 4.3 – Trade Diversion of B&M Bargains**

4.25 Our assessment, contained at Table 4.4 below, details that the greatest impact of the proposal will be upon other out of centre Retail Park locations in the vicinity of the site, which include retailers which offer the sale of similar produce such as B&M Bargains, Asda, Morrisons, Aldi and Poundland. Given that none of those locations are contained within a defined centre, they are not afforded any policy protection as part of the sequential test and so the trading impact of the proposed operation is not a relevant consideration. The impact upon Carlisle City Centre will be imperceptible at only 0.3%.

Location	Existing Turnover	Trade Diverted		Residual Turnover	Impact
Carlisle City Centre	£522.96m	20%	£1.59m	£521.37m	-0.3%
Other Kingstown RP stores	£97.22m	30%	£2.39m	£94.83m	-2.5%

St Nicholas Gate RP	£21.09m	15%	£1.20m	£19.89m	-5.7%
Other Retail Park stores	£52.18m	25%	£1.99m	£50.19m	-3.8%
Other		10%	£0.80m		
		<b>100%</b>	<b>£7.97m</b>		

**Table 4.4 – Impact of the Proposal**

- 4.26 The figures provided in Table 4.2 provide a simple, comparative assessment of the trading impact of the proposed operation, which demonstrates that it will have no bearing upon the vitality and viability of Carlisle City Centre. We have not accounted for any circumstantial changes which may have occurred in the interim period since the grant of the 2019 Permission and the B&M Permission (e.g. sales density, turnover, expenditure etc), given that these are minor elements which will not affect the outcome of the assessment.
- 4.27 On the basis of the assessment provided above, it is clear that the proposal is of a type and scale which will not have any impact upon the vitality and viability of any adopted centres in Carlisle. Even if all of the trade from the proposed operation were to be diverted from Carlisle City Centre (which is not reasonable or robust assumption), it would represent an impact of only 1.5%. Under any reasonable assessment, that level of trade diversion cannot result in any significant adverse impacts on the vitality and viability of Carlisle City Centre.

### Summary and Conclusion

- 4.28 Given the scale and nature of the proposed development, we conclude the following in terms of the potential impact:
- the proposal will not have any negative impact on any planned public or private sector investment within Carlisle;
  - due to the location and nature of the proposed operation, the proposal does not have the potential to divert trade away from adopted Local or District Centres and therefore will have no impact upon the vitality and viability of these areas; and
  - under any reasonable assessment, it is clear that the proposed development will not result in any significant adverse impacts on the vitality and viability of Carlisle City Centre.

- 4.29 On that basis, we conclude that the proposal will not result in any significant adverse impacts upon any adopted centres within Carlisle. As a result, the proposal complies with Policy EC 6 of the Local Plan and Paragraph 89 of the NPPF.

## 5. Other Development Management Considerations

- 5.1 This section considers all other relevant development management considerations with regard to the acceptability of the proposed development.

### Transport and Accessibility

- 5.2 As demonstrated in Section 2 above, the application site is highly accessible. It forms part of an existing and established retail and commercial destination which is well related to surrounding residential areas easily accessible by footpaths and cycleways and public and sustainable modes of transport. As the application site forms part of a wider, established commercial destination that provides employment, retail and community floorspace, it provides genuine opportunities for linked trips to occur between the existing and proposed operations.
- 5.3 The propensity for linked trips is higher when existing shopping patterns are taken into account. The area is an established location for both comparison and convenience shopping. Locating the proposal in close proximity to other stores provides an opportunity for customers to combine food and non-food shopping trips, which is to the benefit of consumer choice.
- 5.4 In terms of the transport impacts of the proposal, a Highways Technical Note has been undertaken by AshleyHelme transport consultants as part of this application, which updates the assessment provided as part of the 2019 Permission. The updated assessment provided in the Highways Technical Note demonstrates that:
1. The presence of a single discount variety retailer at a Retail Park has no perceptible impact upon trip generation.
  2. The permitted car parking provision is suitable to accommodate demand based on non-bulky goods occupiers of the units. Given that it is demonstrated that discount retailers have no material impact on peak hour vehicle trip rates, no changes to the permitted parking provision are required to accommodate the proposed development.

3. The proposal is therefore acceptable in line with Policy IP 2 of the Local Plan and Paragraph 109 of the NPPF.

### Securing Sustainable Economic Development

- 5.5 The proposal seeks permission to accommodate a new discount variety retail operation within existing floorspace at the Retail Park which has been vacant since the completion of development in 2020. The benefits of securing a tenant for the space reinforces the benefits of job provisions and wage generation which were outlined in the application for the 2019 Permission. The level of employment provided at the site will in fact increase as a result of this application, on the basis that the proposed operation will typically employ more staff than traditional 'bulky goods' retail operators.
- 5.6 The number of jobs created by the proposal is a material benefit which demonstrates that the site will meet objectives in the NPPF to provide a significant contribution to local employment. A range of jobs will be provided from management and supervisor staff level to clerical, administrative and service positions. Retail jobs are socially inclusive by providing the range of jobs in both full and part-time positions. Reducing barriers of entry to employment positions is a key part of the enabling social progress, which is encompassed within the economic and social roles that the planning system performs.
- 5.7 The proposed development is positive economic investment in Carlisle that will secure sustainable economic growth by providing economically beneficial retail facilities that enhance consumer choice and create employment positions and wage generation on both a local and national level. The proposal therefore accords with the overarching objectives of the NPPF to support proposals that secure sustainable economic growth.

## 6. Summary and Conclusions

6.1 This Statement has been prepared by Savills (UK) Limited on behalf Carlisle City Council in respect of an application to vary conditions on an existing planning permission, which are required in order to facilitate occupation of the vacant floorspace at Gateway 44 Retail Park, in Carlisle, by a discount variety retailer.

Permission is sought to vary the following conditions:

- Condition 2 – to revise the location and number of entrance doors to the amalgamated unit according to the tenant's requirements.
- Condition 4 – to allow the amalgamation of the approved floorspace to provide a unit with a sufficient footprint to meet the intended retailer, Home Bargains', requirements
- Condition 5 – to enable the sale of Home Bargains' – i.e. a discount variety retail operations' – full product range from the ground floor of the enlarged unit.

6.2 Given that the Local Planning Authority's reasons for including Conditions 4 & 5 on the 2019 Permission related to the need to protect town centres from the impacts of inappropriate out of centre development, this Statement assesses the proposal in relation to the two national retail policy tests; being the Sequential and Impact Tests. As there have been no significant changes to the adopted development plan since the grant of the 2019 Permission it follows that all other elements of the proposal remain acceptable.

6.3 Our conclusions are that the proposal:

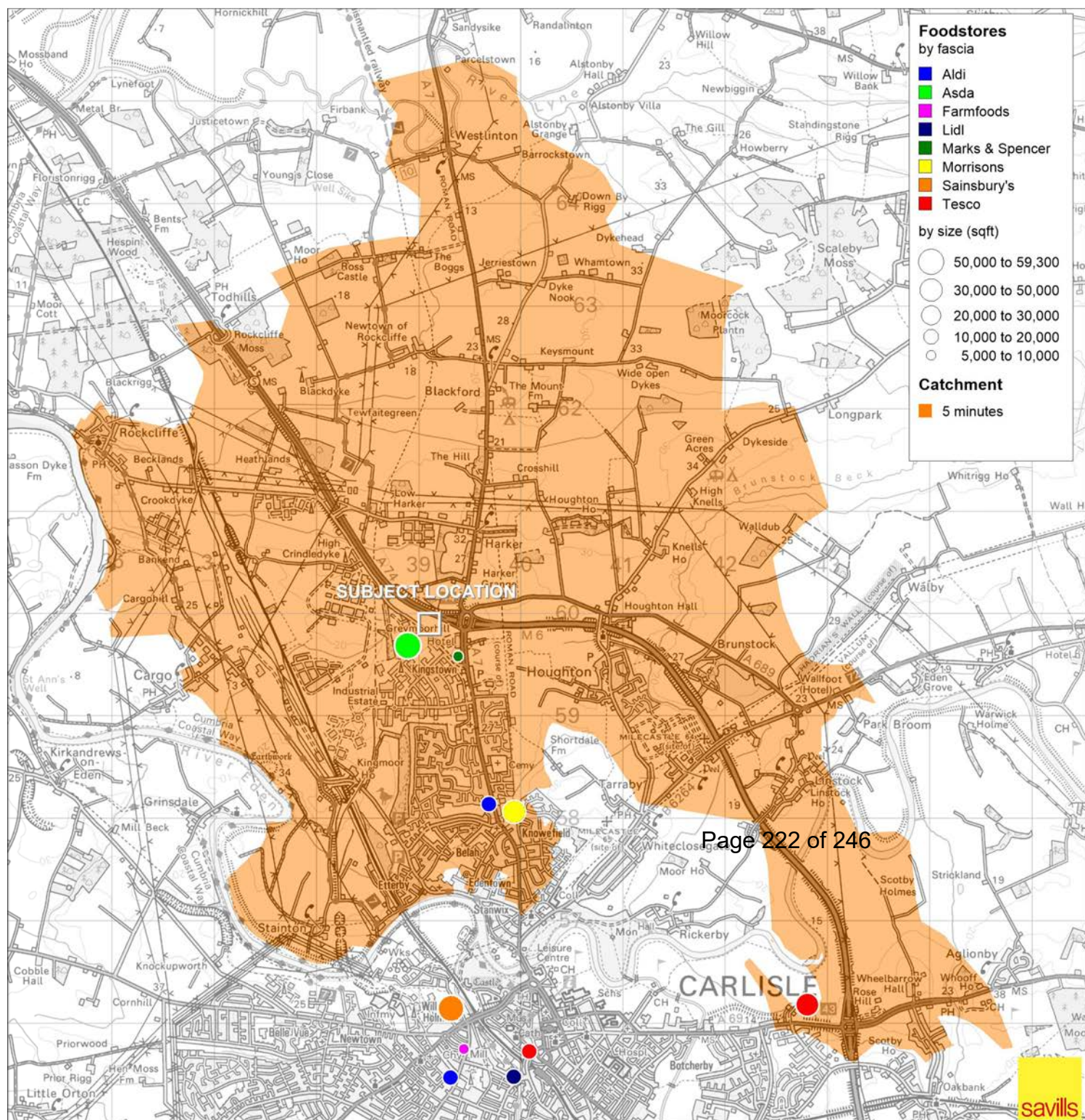
1. Complies with the sequential test, as there are no sites located in sequentially preferable locations which are both suitable and available to accommodate the proposal.
2. Complies with the impact test, as the proposal would not result in a significant adverse impact upon any centre in Carlisle.

3. The proposal will enhance consumer choice by providing modern retail facilities that will serve a specific catchment area in Carlisle, and in particular the residential and commercial areas to the north of the city.
4. Provides safe and suitable access to the site by sustainable modes of transport. The proposal does not result in any adverse impacts upon the safe operation of the highway network or customer parking at the site.

6.4 We conclude that the evidence submitted with the application demonstrates that full planning permission should be granted in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the presumption in favour of sustainable development outlined in the NPPF to enable the beneficial sustainable economic regeneration of a vacant site.

## Appendix 1





# SCHEDULE B

**Applications  
determined by other  
authorities.**

SCHEDULE B

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**Item No: 09**

Between 27/03/2022 and 29/04/2022

**Appn Ref No:**  
21/0702**Applicant:**  
Alight Media**Parish:**  
Carlisle**Date of Receipt:**  
09/07/2021 16:00:56**Agent:**  
Mr Chris Thomas**Ward:**  
Cathedral & Castle**Location:**  
Crown Street Car Park, Botchergate, Carlisle, CA1  
5AB**Grid Reference:**  
340451 555439

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**Proposal:** Display Of 1no. Freestanding Internally Illuminated Single Sided 48  
Sheet Digital LED Display Sign

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**REPORT****Case Officer:** Barbara Percival**Decision on Appeals:****Appeal Against:** Against Advert Decision**Type of Appeal:** Written Representations**Report:** A copy of the Notice of the decision of the Determining Authority is  
printed following the report**Appeal Decision:** Appeal Dismissed**Date:** 28/03/2022

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## Appeal Decision

Site visit made on 18 January 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28<sup>th</sup> March 2022

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Appeal Ref: APP/E0915/Z/21/3284701

Crown Street Car Park, Botchergate, Carlisle CA1 5AB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Graeme Hughes (Alight Media) against the decision of Carlisle City Council.
  - The application Ref 21/0702, dated 7 July 2021, was refused by notice dated 11 October 2021.
  - **The advertisement proposed is described on the application form as 'The erection and display of a freestanding 48-sheet digital advertisement display'.**
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The relevant Regulations regarding advertisements stipulate that control may **only be exercised in the interests of 'amenity' and 'public safety'.** In **determining the appeal, the Council's development plan policies (and Conservation Appraisal and Management Plan)** are not determinative, but I have taken them into account as a material consideration.
3. In accordance with the statutory duty set out in section 72(1) of the Planning **(Listed Building and Conservation Areas) Act 1990 ('The Act')** I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Botchergate Conservation Area (CA).
4. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given special regard to the desirability of preserving the listed buildings on Tait Street or their settings or any features of special architectural or historic interest which they possess.

### Main Issue

5. The main issue is the effect of the proposed advertisement on visual amenity.

### Reasons

6. The appeal site comprises a car park which fronts onto Botchergate and given its location I consider the appeal site to be in a visually prominent location. The site is also located within the CA and is directly opposite Tait Street which contains rows of Grade II listed two storey terraced dwellings.



7. The Botchergate Conservation Appraisal and Management Plan (BCAMP) states that Botchergate was originally a linear development on the approach to the walled city of Carlisle and it became increasingly urban and commercial in character during the nineteenth century. It also described the current character of the CA as being urban. The appeal site is within character area 2 as identified by the CAMP which states that this area has less grandeur than character area 1 and that the parts of it fronting Botchergate are commercial in character.
8. It also goes on to highlight that this part of the CA has suffered significantly from a decline and change in retail patterns as evidenced by the neglected state of many of its buildings **and the clearance of housing in the 1960's**. That being said it does highlight the surviving and well-preserved Tait Street and its Grade II listed buildings as being a stark positive contrast to this decline. In addition, according to the historical maps contained within the BCAMP, it would appear that the appeal site formerly had a building or buildings which fronted onto Botchergate, complementing its linear development pattern. On my visit, I observed that Botchergate still has a relatively linear development pattern with buildings fronting onto it.
9. It is proposed to erect a digital LED sign that would have an overall height of approximately 5.7 metres, a width of approximately 6.4 metres and a depth of approximately 0.6 metres. The sign would be internally illuminated and would display static advertisements with images changing no more than every 10 seconds. The proposal would align with the existing street frontage meaning that it would be directly opposite the middle point of Tait Street and face the oncoming traffic at its junction with Botchergate.
10. Given its visually prominent location and its orientation the proposal would not obstruct any views along Botchergate particularly those towards the Citadel as highlighted as important ones in the BCAMP. It would however be fully visible from Tait Street.
11. Electronic signs are designed to change display at regular intervals which could also reasonably be an added potential distraction as the eye would be naturally drawn to a changing scenario. Furthermore, even though the proposed advertisement/information images would be static they would change intermittently meaning that the proposed screen would introduce a new element to the visual field of passers by and persons viewing it from certain vantage points such as Tait Street. As a result, I consider that the proposal would represent a new and highly conspicuous feature would be added to the street scene.
12. It therefore seems valid to conclude that given its location and orientation that the proposal would visually interfere with the setting of the CA and the nearby listed buildings. Consequently, given its nature, scale and design I find the proposal to be neither sympathetic nor appropriate when considered within the historical context of its surroundings. It would therefore fail to preserve or enhance the character of the CA as a whole thereby having a negative effect on the significance of a designated heritage asset resulting in less than substantial harm. For similar reasons, the proposal would also cause less than substantial harm the settings of the nearby listed buildings nos. 1-21, 10-30, 25-29 and 32-36 Tait Street.

13. Accordingly, the proposal would neither preserve nor enhance the character or appearance of the CA. Likewise, as it would be clearly visible from Tait Street, given its size and location, I also consider that in accordance with the clear expectations of the Planning (Listed Buildings & Conservation Areas) Act 1990, anticipating the development permitted, the setting of the listed buildings on Tait Street would also not be preserved.
14. Having regard to paragraph 202 of the *National Planning Policy Framework* (the Framework), given its scale, the proposed advertisement would provide limited economic benefits. However, these benefits would not be of sufficient weight to outweigh the harm to the CA and listed buildings to which I must attach great weight.
15. I note that many of the buildings fronting onto Botchergate have a commercial or retail element on their ground floor with some of them also having advertising signage on their respective frontages. However, none of these signs are as large as the proposal would be nor do they display static interchanging **images that are as large as the proposal's would be.**
16. I also note that Botchergate is classed as an A-road in a major city conurbation and that it is partially a commercial area. However, just because the appeal site is next to an A-road, in a conurbation and in a partially commercial area does not necessarily mean that it would be a suitable location for the proposal.
17. Therefore, I conclude that the proposal would have a harmful effect on visual amenity. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant. Policies SP6, HE3 and HE7 of the adopted Carlisle District Local Plan seek to protect visual amenity and so are relevant in this case. As I have concluded that the proposed advertisement would harm visual amenity, it would consequently also conflict with these policies.
18. For similar reasons the proposal would conflict with paragraph 199 of the Framework, which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting and conflict with paragraphs 200 and 202 of the Framework which seek to conserve and enhance the historic environment. It would also conflict with paragraph 136 of the Framework.

## Conclusion

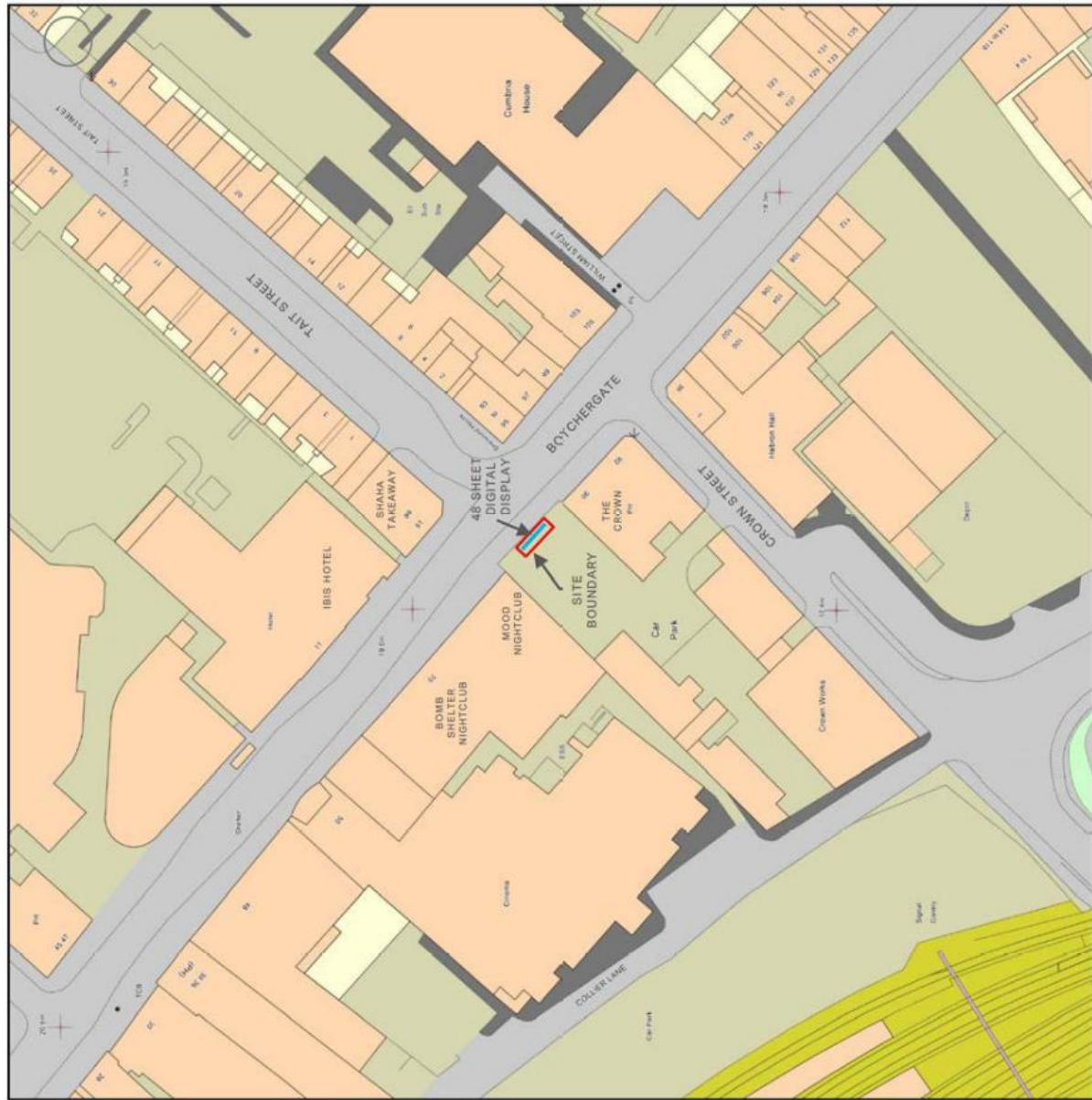
19. For the reasons given above and bearing in mind paragraph 79 of the Planning Practice Guidance and paragraph 81 of the Framework, I conclude that the appeal should be dismissed.

*C Coyne*

INSPECTOR



Crown Copyright 2021 Ordnance Survey



36 Soho Square  
London  
W1D 3QY  
[www.alightmedia.com](http://www.alightmedia.com)

#### SITE LOCATION

Crown Street Car Park  
Botchergate  
Carlisle  
CA1 5AB

#### DRAWING NAME

CSCPB2 Location Plan

#### DRAWING SCALE

1:1250 @ A4

#### DATE

7th July 2021

#### ALIGHT MEDIA REFERENCE

8784

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**Item No: 10****Appn Ref No:**

21/9106

**Applicant:**

Cumbria County Council

**Parish:**

Multiple Parishes

**Date of Receipt:**

28/10/2021

**Agent:**Cumbria County Council -  
Economy & Planning**Ward:**

Multiple Wards

**Location:**Land between Junction 42 of M6 & Newby West  
Roundabout (Junction of A595 & A689 CNDR) to  
South of Brisco, Durdar & Cummersdale Villages,  
Carlisle**Grid Reference:**

337346 553615

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**Proposal:** Discharge Of Conditions 3 (Advance Enabling Works - Tree & Hedgerow Removal & Fencing Establishment); 7 (Hedgerow, Tree And Woodland Protection; 9 (Protection Of European Protected Species \*\*9(a) - Partial Submission Relating To Bats Only\*\*); 10 (Protection Of Badgers) & 11 (Breeding Bird Mitigation) Of Previously Approved Permission 19/9012/CTY**REPORT****Case Officer:**

Christopher Hardman

**Decision of:** Cumbria County Council**Decision Type:** Grant Permission for Conditions 3 and 10  
only.**Date:** 22/03/2022

A copy of the Notices of the decisions of the Determining Authority are printed following the report.

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Development Control  
County Offices • Busher Walk • Kendal • LA9 4RQ  
T: 01539 713 424 • E: [developmentcontrol@cumbria.gov.uk](mailto:developmentcontrol@cumbria.gov.uk)

Ms Julie Diamond  
Capita  
Englishgate Plaza  
Carlisle  
CA1 1RP

Date: 11 February 2022  
Reference: 1/19/9012-C03-#3-AEW-THR-P1-Reg1

Dear Ms Diamond,

## DECISION NOTIFICATION

### Planning Permission Reference No. 1/19/9012

#### **Condition No. 03 – Advanced Enabling Works (AEW) – Tree and Hedgerow Removal, fencing provision and associated ecological mitigation**

**Development:** Creation of Carlisle Southern Link Road (CSLR). Comprising of the construction of 8.1km of new two way single carriageway road (with 2.2km of climbing lanes) that incorporates 3 new road bridges; a combined cycleway/footway on the northern side of the road with 4 shared-use overbridges; 7 new or modified road junctions; 2 overbridges; an underpass; related links and modifications to existing highway, cycleway, footpaths and agricultural access tracks; plus creation of drainage infrastructure (including balancing ponds), landscaping and lighting; and associated engineering and ancillary operations (including the associated demolition of 2 dwellinghouses - Station House and Newbiggin View).

**Location:** Corridor of land between Junction 42 of the M6 and the Newby West Roundabout (junction of the A595 and A689 CNDR) to the south of Brisco, Durdar and Cummersdale villages, Carlisle.

I write to advise you that the revised details you have submitted in connection with condition 3 of the above permission concerning tree and hedgerow removal works and fencing provision (and directly related ecological mitigation works) proposed to take place as advanced enabling works, have been reviewed and that the above works proposed to take place in Region 1 have now been found to be acceptable. Tree and hedgerow removal works and fencing provision (including directly related ecological mitigation works) may now take place across the full extent of Region 1 as advance enabling works.

For the avoidance of doubt, the documents and plans submitted and now approved are:

- The written commentary text of the Planning Condition 3 Cover Sheet – dated 12 October 2021 in so far as it relates to Region 1;
- Document No. A689-CAP-LPN-ZZZ-RP-YX-0009 – Updated Cover Sheet concerning Bats (CSLR PC09a) – received 2022-02-11 in so far as measures relate to Region 1;

- Environmental Management Plan (EMP) for AEW: Project Execution Plan (PEP) – Part 1 for Stage 1 and Enabling Works - Rev.2 (Report Ref. A689-MSI-GEN-ZZZ-PL-WM-0003) received 2021-12-14 in so far as measures relate to Region 1;
- Procedure – Tree Protection – Rev.2 – dated 10 February 2022 (Document Ref. A689-MSI-HSC-ZZZ-PR-WM-0001);
- Ecological Mitigation Sheet 1 of 6 – Chainage 100 to 1410 - Drawing No. A689-CAP-EBD-R10-DR-CH-3001-Rev.P04;
- Ecological Mitigation Sheet 2 of 6 – Chainage 1410 to 2915 - Drawing No. A689-CAP-EBD-R10-DR-CH-3002-Rev.P04;
- Vegetation Site Clearance Sheet 1: Chainage 100 to 445, CNDR - Drawing No. A689-CAP-HSC-R10-DR-CH-3001-Rev.P09;
- Vegetation Site Clearance Sheet 2: Chainage 445 to 790, A595 Rbt - Drawing No. A689-CAP-HSC-R10-DR-CH-3002-Rev.P09;
- Vegetation Site Clearance Sheet 3: Chainage 790 to 1125, Peter Lane - Drawing No. A689-CAP-HSC-R10-DR-CH-3003-Rev.P09;
- Vegetation Site Clearance Sheet 4: Chainage 1125 to 1410 - Drawing No. A689-CAP-HSC-R10-DR-CH-3004-Rev.P09;
- Vegetation Site Clearance Sheet 5: Chainage 1410 to 1750, Cummersdale - Drawing No. A689-CAP-HSC-R10-DR-CH-3005-Rev.P09;
- Vegetation Site Clearance Sheet 6: Chainage 1750 to 2060 - Drawing No. A689-CAP-HSC-R10-DR-CH-3006-Rev.P09;
- Vegetation Site Clearance Sheet 7: Chainage 2060 to 2340 - Drawing No. A689-CAP-HSC-R10-DR-CH-3007-Rev.P09;
- Vegetation Site Clearance Sheet 8: Chainage 2340 to 2665 - Drawing No. A689-CAP-HSC-R10-DR-CH-3008-Rev.P09;
- Vegetation Site Clearance Sheet 9: Chainage 2770 to 2915 - Drawing No. A689-CAP-HSC-R10-DR-CH-3009-Rev.P10;
- Vegetation Site Clearance Sheet 29: A595, West - Drawing No. A689-CAP-HSC-R10-DR-CH-3029-Rev.P09;
- Vegetation Site Clearance Sheet 30: A595, East - Drawing No. A689-CAP-HSC-R10-DR-CH-3030-Rev.P09;
- Vegetation Site Clearance Sheet 31: B5299, East - Drawing No. A689-CAP-HSC-R10-DR-CH-3031-Rev.P09;
- Vegetation Site Clearance Sheet 32: Grace Lane - Drawing No. A689-CAP-HSC-R10-DR-CH-3032-Rev.P09;
- Vegetation Site Clearance Sheet 33: Cummersdale Cycle Path - Drawing No. A689-CAP-HSC-R10-DR-CH-3033-Rev.P10;
- Vegetation Site Clearance Sheet 34: Cummersdale Cycle Path - Drawing No. A689-CAP-HSC-R10-DR-CH-3034-Rev.P10.

These above approved documents now form part of the planning permission and should be kept alongside the original decision notice and other approved planning documents/drawings.

Yours sincerely

Paul Haggin,  
Manager Development Control and Sustainable Development



Development Control • County Offices • Busher Walk • Kendal • LA9 4RQ

E: [developmentcontrol@cumbria.gov.uk](mailto:developmentcontrol@cumbria.gov.uk)

Ms Julie Diamond  
Capita  
Englishgate Plaza  
Carlisle  
CA1 1RP

Date: 22 March 2022  
Reference: 1/19/9012-C03-#5-AEW-THR-P4-S9-Rev.P11

Dear Ms Diamond,

## DECISION NOTIFICATION

### **Planning Permission Reference No. 1/19/9012**

#### **Condition No. 03 – Advanced Enabling Works (AEW) - Tree and Hedgerow Removal and fencing establishment [Sheet 9 – Rev.P11]**

**Development:** Creation of the Carlisle Southern Link Road (CSLR).

**Location:** Corridor of land between Junction 42 of the M6 and the Newby West Roundabout (junction of the A595 and A689 CNDR) to the south of Brisco, Durdar and Cummersdale villages, Carlisle.

I write to advise you that the revised details you have submitted in connection with condition 3 of the above permission concerning tree and hedgerow removal works and fencing provision proposed to take place as advanced enabling works, have been reviewed and that the works proposed to take place as shown on Vegetation Site Clearance Plan Sheet 9 Revision P11 has been found to be acceptable. Tree and hedgerow removal works and fencing provision may now take place within the areas shown on the revised plan as advanced enabling works. For the avoidance of doubt, the plan and documents submitted and now approved are:

- Vegetation Site Clearance Plan Sheet 9: Chainage 2770 to 2960 - Drawing No. A689-CAP-HSC-R10-DR-CH-3009-Rev.P11
- The written commentary text of the Planning Condition 3 Cover Sheet – dated 12 October 2021 in so far as it relates to the spatial area covered by Sheet 9 Revision P11;
- Procedure – Tree Protection – Rev.2 – dated 10 February 2022 (Document Ref. A689-MSI-HSC-ZZZ-PR-WM-0001)
- Environmental Management Plan (EMP) for AEW: Project Execution Plan (PEP) – Part 1 for Stage 1 and Enabling Works - Rev.2 (Report Ref. A689-MSI-GEN-ZZZ-PL-WM-0003) received 2021-12-14 in so far as it relates to the spatial area covered by Sheet 9 Revision P11;

These above listed documents now form part of the planning permission and should be kept alongside the original decision notice and other approved planning documents/drawings.

It is noted that the previously submitted and approved *Vegetation Site Clearance Plan Sheet 9: Chainage 2770 to 2915 (Drawing No. A689-CAP-HSC-R10-DR-CH-3009-Rev.P10)* is now superseded.

Yours sincerely

Mr Richard Cryer,  
Lead Officer Development Control



Development Control  
County Offices • Busher Walk • Kendal • LA9 4RQ  
T: 01539 713 424 • E: [developmentcontrol@cumbria.gov.uk](mailto:developmentcontrol@cumbria.gov.uk)

Ms Julie Diamond  
Capita  
Englishgate Plaza  
Carlisle  
CA1 1RP

Date: 28 March 2022  
Reference: 1/19/9012-C10

Dear Ms Diamond

## DECISION NOTIFICATION

### Planning Permission Reference No. 1/19/9012

#### Condition No. 10 – Protection of Badgers

**Development:** Creation of Carlisle Southern Link Road (**CSLR**). Comprising of the construction of 8.1km of new two way single carriageway road (with 2.2km of climbing lanes) that incorporates 3 new road bridges; a combined cycleway/footway on the northern side of the road with 4 shared-use overbridges; 7 new or modified road junctions; 2 overbridges; an underpass; related links and modifications to existing highway, cycleway, footpaths and agricultural access tracks; plus creation of drainage infrastructure (including balancing ponds), landscaping and lighting; and associated engineering and ancillary operations (including demolition).

**Location:** Corridor of land between Junction 42 of the M6 and the Newby West Roundabout (junction of the A595 and A689 CNDR) to the south of Brisco, Durdar and Cummersdale villages, Carlisle.

I write to advise you that the revised details submitted in connection with condition 10 of Planning Permission Reference No. 1/19/9012 are acceptable and are hereby approved as of 28 March 2022. I can therefore confirm that the pre-commencement of development element of condition 10 is thus hereby discharged.

For the avoidance of doubt, the documents submitted and now approved are:

- C10.01: Updated Cover Sheet – Condition 10 – Protection of Badgers (*Document Reference No. A689-CAP-LPN-ZZZ-RP-YX-0010*) – Issue: JTD 25-03-22;
- C10.02: Proposed Fencing Standard Design Sheet 1 - *Drawing No. A689-CAP-HFE-ZZZ-DR-CH-2001-Rev.P03*
- C10.03: Proposed Fencing Standard Design Sheet 2 - *Drawing No. A689-CAP-HFE-ZZZ-DR-CH-2002-Rev.P04*
- C10.04: Proposed Fencing Sheet 10 - Chainage 2915 to 3155, Caldew Bridge - *Drawing No. A689-CAP-HFE-R20-DR-CH-1010-Rev.C02*

- C10.05: Proposed Fencing Sheet 11 - Chainage 3155 to 3455 - *Drawing No. A689-CAP-HFE-R20-DR-CH-1011-Rev.C02*
- C10.06: Proposed Fencing Sheet 12 - Chainage 3455 to 3800 *Drawing No. A689-CAP-HFE-R20-DR-CH-1012-Rev.P05*
- C10.07: Proposed Fencing Sheet 13 - Chainage 3800 to 4130 - *Drawing No. A689-CAP-HFE-R20-DR-CH-1013-Rev.P05*
- C10.08: Proposed Fencing Sheet 14 - Chainage 4130 to 4470 - *Drawing No. A689-CAP-HFE-R20-DR-CH-1014-Rev.P03*
- C10.09: Proposed Fencing Sheet 15 - Chainage 4470 to 4805 - *Drawing No. A689-CAP-HFE-R20-DR-CH-1015-Rev.P03*
- C10.10: Proposed Fencing Sheet 16 - Chainage 4805 to 5165, Durdar Bridge - *Drawing No. A689-CAP-HFE-R20-DR-CH-1016-Rev.P05*
- C10.11: Proposed Fencing Sheet 17 - Chainage 5165 to 5500 - *Drawing No. A689-CAP-HFE-R20-DR-CH-1017-Rev.P03*
- C10.12: Proposed Fencing Sheet 18 - Chainage 5500 to 5800 - *Drawing No. A689-CAP-HFE-R20-DR-CH-1018-Rev.P03*
- C10.13: Proposed Fencing Sheet 19 - Chainage 5800 to 6120, Redcat Rbt - *Drawing No. A689-CAP-HFE-R30-DR-CH-1019-Rev.P03*
- C10.14: Proposed Fencing Sheet 20 - Chainage 6120 to 6455 - *Drawing No. A689-CAP-HFE-R30-DR-CH-1020-Rev.P03*
- C10.15: Proposed Fencing Sheet 21 - Chainage 6455 to 6790 - *Drawing No. A689-CAP-HFE-R30-DR-CH-1021-Rev.P03*
- C10.16: Proposed Fencing Sheet 22 - Chainage 6790 to 7130 - *Drawing No. A689-CAP-HFE-R30-DR-CH-1022-Rev.P03*
- C10.17: Proposed Fencing Sheet 23 - Chainage 7130 to 7490, Brisco Rbt - *Drawing No. A689-CAP-HFE-R30-DR-CH-1023-Rev.P03*
- C10.18: Proposed Fencing Sheet 36 - Durdar, West - *Drawing No. A689-CAP-HFE-R30-DR-CH-1036-Rev.P03*
- C10.19: Proposed Fencing Sheet 37 - Durdar Link - *Drawing No. A689-CAP-HFE-R30-DR-CH-1037-Rev.P03*
- C10.20: Proposed Fencing Sheet 39 - Durdar Footway, South - *Drawing No. A689-CAP-HFE-R20-DR-CH-1039-Rev.P05*
- C10.21: Proposed Fencing Sheet 41 - Scalegate, South - *Drawing No. A689-CAP-HFE-R30-DR-CH-1041-Rev.P03*
- C10.22: Proposed Fencing Sheet 42 - Scalegate, North - *Drawing No. A689-CAP-HFE-R30-DR-CH-1042-Rev.P03*

- C10.23: Proposed Fencing Sheet 45 - Newbiggin/Brisco Road - *Drawing No. A689-CAP-HFE-R30-DR-CH-1045-Rev.P03*
- C10.24: Figure E3 - Specification for Mitigation /Compensation - Sheet 3 of 6 - Chainage 2915 to 4470 - *Drawing No. A689-CAP-EBD-R10-DR-CH-3003-Rev.P06*
- C10.25: Figure E3 - Specification for Mitigation /Compensation - Sheet 4 of 6 - Chainage 4470 to 5800 - *Drawing No. A689-CAP-EBD-R10-DR-CH-3004-Rev.P06*
- C10.26: Figure E3 - Specification for Mitigation /Compensation - Sheet 5 of 6 - Chainage 5800 to 7490 - *Drawing No. A689-CAP-EBD-R10-DR-CH-3005-Rev.P06*
- C10.27: Appendix 30/12 of the Highway Specification - Landscape and Ecology (Appendix 30) (*Document Reference No. A689-CAP-ELS-ZZZ-SP-CE-0001-RevP05*) - dated 18 February 2022

The above listed approved documents now form part of the planning permission and should be kept alongside the original decision notice and other approved planning documents/drawings.

You are reminded that it remains the developer's responsibility to undertake the development in accordance with the above approved details for the above conditions to be discharged in full.

Yours sincerely

Richard Cryer,  
Lead Officer Development Control







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**Item No: 11****Appn Ref No:**

21/9108

**Applicant:**

Cumbria County Council

**Parish:**

Multiple Parishes

**Date of Receipt:**

25/11/2021

**Agent:**Cumbria County Council -  
Economy & Planning**Ward:**

Multiple Wards

**Location:**Land between Junction 42 of M6 & Newby West  
Roundabout (Junction of A595 & A689 CNDR) to  
South of Brisco, Durdar & Cummersdale Villages,  
Carlisle**Grid Reference:**

337346 553615

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**Proposal:** Discharge Of Conditions 15 (Construction Traffic Management Plan); 18  
(Soil & Earth Material Management Plan); 21 (Protection Of Utility  
Infrastructure) & 22 (Archaeology) Of Previously Approved Permission  
19/9012/CTY**REPORT****Case Officer:**

Christopher Hardman

**Decision of:** Cumbria County Council**Decision Type:** Grant Permission for Condition 22 only**Date:** 22/12/2021

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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Development Control  
County Offices • Busher Walk • Kendal • LA9 4RQ  
T: 01539 713 424 • E: [developmentcontrol@cumbria.gov.uk](mailto:developmentcontrol@cumbria.gov.uk)

Ms Julie Diamond  
Capita  
Englishgate Plaza  
Carlisle  
CA1 1RP

Date: 22 December 2021  
Reference: 1/19/9012-C22

Dear Ms Diamond,

## **DECISION NOTIFICATION**

### **Planning Permission Reference No. 1/19/9012**

#### **Condition No. 22 – Archaeological Works**

**Development:** Creation of Carlisle Southern Link Road (**CSLR**). Comprising of the construction of 8.1km of new two way single carriageway road (with 2.2km of climbing lanes) that incorporates 3 new road bridges; a combined cycleway/footway on the northern side of the road with 4 shared-use overbridges; 7 new or modified road junctions; 2 overbridges; an underpass; related links and modifications to existing highway, cycleway, footpaths and agricultural access tracks; plus creation of drainage infrastructure (including balancing ponds), landscaping and lighting; and associated engineering and ancillary operations (including the associated demolition of 2 dwellinghouses - Station House and Newbiggin View).

**Location:** Corridor of land between Junction 42 of the M6 and the Newby West Roundabout (junction of the A595 and A689 CNDR) to the south of Brisco, Durdar and Cummersdale villages, Carlisle.

I write to advise you that the details you have submitted in connection with condition 22 of Planning Permission Reference No. 1/19/9012 have been found to be acceptable and are hereby approved as of 22 December 2021. In light of this it is considered that the pre-commencement of development element of the condition is duly discharged.

For the avoidance of doubt, the documents submitted and now approved that become part of the approved scheme going forward are:

- C22.1 - Scheme Wide Written Scheme of Investigation (WSI) for Archaeological Mitigation Works - V002 - September 2021
- C22.2 - Written Scheme of Investigation (WSI) for an Archaeological Watching Brief at Compound 7 (Trenches 3, 4 & 10) - November 2021;
- C22.3 - Written Scheme of Investigation (WSI) for Additional Watching Brief Areas - V0.1 - dated December 2021.

These above approved documents now form part of the planning permission and should be kept alongside the original decision notice and other approved planning documents/drawings.

You are reminded that it remains the developer's responsibility to undertake earthworks and hedgerow removal in accordance with the written schemes of investigation.

It is noted that submissions have been made in recent months in connection with conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17, 18, 21, 23, 24, 25, 26, 27, 30, 31 and 32. The Council is in the process of reviewing these submissions and will respond in respect of them in due course.

It is noted that full submissions are required to be made in connection with the following conditions (and approved in writing) before any development (outside of the advanced enabling works) can take place: 12, 16, 19 and 20. Full submissions under the following conditions are required to be made and approved in writing prior to the provision of specific elements or undertaking of specific actions: 28 and 29

Conditions 38 and 39 require submissions to be made and approved in writing prior to the commencement of use of any element of the development.

Yours sincerely

Paul Haggin,  
Manager Development Control and Sustainable Development





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**Item No: 12****Appn Ref No:**

21/9110

**Applicant:**

Cumbria County Council

**Parish:**

Multiple Parishes

**Date of Receipt:**

23/12/2021

**Agent:**Cumbria County Council -  
Economy & Planning**Ward:**

Multiple Wards

**Location:**Land between Junction 42 of M6 & Newby West  
Roundabout (Junction of A595 & A689 CNDR) to  
South of Brisco, Durdar & Cummersdale Villages,  
Carlisle**Grid Reference:**

337346 553615

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**Proposal:** Discharge Of Conditions 4 (Detailed Scheme Design); Condition 9[b] (Protection Of European Protected Species - Otters); 13 (Detailed Construction Environmental Management Plan); 14 (Temporary Construction Compound & Bridge Construction Area Plans); 17 (Management Of Agricultural Interests During The Construction Phase); 27 (Peastree Stream Woodland Clough Ground Flora Translocation Methodology & Plan & Further NVC Survey) & 32 (Private Roads & Access Tracks) Of Previously Approved Permission 19/9012/CTY**REPORT****Case Officer:**

Christopher Hardman

**Decision of:** Cumbria County Council**Decision Type:** Grant Permission for Condition 27 only**Date:** 28/03/2022

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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Development Control  
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Ms Julie Diamond  
Capita  
Englishgate Plaza  
Carlisle  
CA1 1RP

Date: 28 March 2022  
Reference: 1/19/9012-C27

Dear Ms Diamond

## DECISION NOTIFICATION

### Planning Permission Reference No. 1/19/9012

#### **Condition No. 27 – Peastree Stream Woodland Clough Ground Flora Translocation Methodology and Plan and Further NVC Survey**

**Development:** Creation of Carlisle Southern Link Road (CSLR). Comprising of the construction of 8.1km of new two way single carriageway road (with 2.2km of climbing lanes) that incorporates 3 new road bridges; a combined cycleway/footway on the northern side of the road with 4 shared-use overbridges; 7 new or modified road junctions; 2 overbridges; an underpass; related links and modifications to existing highway, cycleway, footpaths and agricultural access tracks; plus creation of drainage infrastructure (including balancing ponds), landscaping and lighting; and associated engineering and ancillary operations (including demolition).

**Location:** Corridor of land between Junction 42 of the M6 and the Newby West Roundabout (junction of the A595 and A689 CNDR) to the south of Brisco, Durdar and Cummersdale villages, Carlisle.

I write to advise you that the details submitted in connection with condition 27 of planning permission reference No. 1/19/9012 are acceptable and are hereby approved as of 28 March 2022. I can therefore confirm that the pre-commencement of development element of condition 27 is thus hereby discharged.

For the avoidance of doubt, the documents submitted and now approved are:

- C27.01: Cover Sheet – Condition 27 – Peastree Stream Woodland Clough Ground Flora Translocation Methodology and Plan and Further NVC Survey - *Document Reference No. A689-CAP-LPN-ZZZ-RP-YX-0027*
- C27.02: Sections 4 and 5 of Appendix 30/12 - Highway Specification - Landscape and Ecology – *Document Reference No. A689-CAP-ELS-ZZZ-SP-CE-0001-Rev.P05* - dated 18 February 2022
- C27.03: Translocation Methodology for the Peastree Stream Woodland Clough Ground Flora – dated 24 November 2021 (*as supplemented by Appendix 30/12-Rev.P05 above*)

- C27.04: Peastree Clough Woodland Location Plan – *Drawing No. A689-CAP-HSC-ZZZ-DR-CH-1052-Rev.P01*
- C27.05: Tree Removal Plan at Peastree Clough Woodland – *Drawing No. A689-CAP-HSC-ZZZ-DR-CH-1050-Rev.P01*
- C27.06: Peastree Clough Woodland Indicative Woodland Soils Translocation Plan - *Drawing No. A689-CAP-HSC-ZZZ-DR-CH-1051-Rev.P01*
- C27.07: Vegetation Site Clearance - Sheet 11 - Chainage 3155 to 3455 - *Drawing No. A689-CAP-HSC-R20-DR-CH-3011-Rev.C02*
- C27.08: Vegetation Site Clearance - Sheet 12 - Chainage 3455 to 3800 - *Drawing No. A689-CAP-HSC-R20-DR-CH-3012-Rev.C02*
- C27.09: Vegetation Site Clearance - Sheet 13 - Chainage 3800 to 4130 - *Drawing No. A689-CAP-HSC-R20-DR-CH-3013-Rev.C01*
- C27.10: National Vegetation Classification Report – *Document Reference No. A689-CAP-EBD-ZZZ-RP-LE-0002-Rev.P01*

The above listed approved documents now form part of the planning permission and should be kept alongside the original decision notice and other approved planning documents/drawings.

You are reminded that it remains the developer's responsibility to undertake the development in accordance with the above approved details for the above conditions to be discharged in full.

Yours sincerely

Richard Cryer,  
Lead Officer Development Control







