Date: 6 February 2019

Dear Sir/Madam

Planning Committee Agenda - 14 February 2019

Notice is hereby given that a meeting of the Planning Committee will be held at 9.30 am on Thursday, 14 February 2019 at the Council Chamber, Town Hall, Penrith.

1 Apologies for Absence

2 Minutes

To sign the minutes Pla/129/1/19 to Pla/144/1/19 of the meeting of this Committee held on 17 January 2019 as a correct record of those proceedings (copies previously circulated).

3 Declarations of Interest

To receive any declarations of the existence and nature of any private interests, both disclosable pecuniary and any other registrable interests, in any matter to be considered or being considered.

4 Planning Issues (Pages 5 - 14)

To note the attached lists of the Deputy Director Technical Services.
   a) Applications determined under office delegated powers for the month of January 2019.
   b) Reasons for refusal on delegated decisions for the month of January 2019.

5 Planning Issues - Applications for Debate (Green Papers) (Pages 15 - 98)

To consider the reports of the Deputy Director Technical Services on the following applications:

<table>
<thead>
<tr>
<th>Item No</th>
<th>Application Details</th>
<th>Officer Recommendation</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Planning Application No: 18/0913 Demolition of Former Care Home and Erection of 54 Apartments for Assisted Living with Ancillary Communal Rooms</td>
<td>Recommended to: APPROVE Subject to Conditions</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Planning Application No: 18/0966</td>
<td>Recommended to:</td>
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<tr>
<td>2</td>
<td>Residential development with all matters reserved</td>
<td>REFUSE With Reasons</td>
<td></td>
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<tr>
<td></td>
<td>Land south of Coach House, Morland</td>
<td></td>
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<td></td>
<td>Mr R Makinson</td>
<td></td>
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<tr>
<th></th>
<th>Planning Application No: 18/1013</th>
<th>Recommended to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Listed building consent for dismantling and rebuilding chimney</td>
<td>APPROVE Subject to Conditions</td>
</tr>
<tr>
<td></td>
<td>Church Mews, Duke Street, Penrith</td>
<td></td>
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<td></td>
<td>Mr P Wilkinson – Impact Housing</td>
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<tr>
<th></th>
<th>Planning Application No: 18/0879</th>
<th>Recommended to:</th>
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<tbody>
<tr>
<td>4</td>
<td>Outline application for two residential dwellings (Local Occupancy) with all matters reserved</td>
<td>REFUSE With Reasons</td>
</tr>
<tr>
<td></td>
<td>Land adjacent to Oakfields, Yanwath, Penrith</td>
<td></td>
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<td></td>
<td>Mr A Jackson</td>
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<tr>
<th></th>
<th>Planning Application No: 18/0967</th>
<th>Recommendation to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Variation of condition 3 (visibility splays) attached to approval 16/1027</td>
<td>APPROVE Subject to Conditions</td>
</tr>
<tr>
<td></td>
<td>14 Carleton Road, Penrith</td>
<td></td>
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<td></td>
<td>Mr J Lynch</td>
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</tbody>
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<tr>
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<th>Planning Application No: 18/0943</th>
<th>Recommended to:</th>
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<tr>
<td>6</td>
<td>Variation of condition 2 (operational length) and condition 3 (solar farm decommissioning) to extend from 30 to 40 years attached to appeal approval APP/H0928/W/16/3147860</td>
<td>APPROVE Subject to Conditions</td>
</tr>
<tr>
<td></td>
<td>Land to the south of Graham Wood, Great Strickland</td>
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<tr>
<td>7</td>
<td><strong>Planning Application No: 18/0945</strong></td>
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</tr>
<tr>
<td></td>
<td>Variation of condition 2 (operational length) and condition 3 (solar farm decommissioning) to extend from 30 to 40 years attached to appeal approval APP/H0928/W/16/3147861</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Land south of Dallan Bank Wood, Newby</td>
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<td>Lightsource SPV 179 Ltd</td>
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<td>Recommended to:</td>
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<td></td>
<td>APPROVE</td>
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<td></td>
<td>Subject to Conditions</td>
<td></td>
</tr>
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<td></td>
<td>87</td>
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</tr>
</tbody>
</table>

6 **Confirmation of Site Visits (if any)**

To confirm the date and location of any site visits that may have been agreed.

7 **Any Other Items which the Chairman decides are urgent**

8 **Date of Next Meeting**

The date of the next scheduled meeting be confirmed as 14 March 2019.

Yours faithfully

M Neal
Deputy Chief Executive (Monitoring Officer)

Democratic Services Contact: Vivien Little

Encs

For Attention
All members of the Council

Chairman – Councillor J G Thompson (Conservative Group)
Vice Chairman – Councillor W Patterson (Independent Group)

Councillors
A Armstrong, Conservative Group  V Kendall, Conservative Group
I Chambers, Conservative Group  J C Lynch, Conservative Group
M Clark, Independent Group  R Sealby, Conservative Group
M Eyles, Liberal Democrat Group
D Holden, Liberal Democrat Group
H Sawrey-Cookson, Independent Group

Standing Deputies
D Banks, Independent Group
A Hogg, Conservative Group
M Smith, Independent Group
J Raine, Conservative Group
V Taylor, Liberal Democrat Group
M Rudhall, Liberal Democrat Group

Please Note:
1. Access to the internet in the Council Chamber and Committee room is available via the guest wi-fi – no password is required
2. Under the Openness of Local Government Bodies Regulations 2014 this meeting has been advertised as a public meeting (unless stated otherwise) and as such could be filmed or recorded by the media or members of the public
# PLANNING COMMITTEE

## APPLICATIONS DETERMINED UNDER OFFICER DELEGATED POWERS FOR THE MONTH OF JANUARY 2019

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<tr>
<th>App No</th>
<th>App Type</th>
<th>Parish</th>
<th>Description</th>
<th>Location</th>
<th>Applicant</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/0814</td>
<td>Listed Building</td>
<td>Appleby</td>
<td>Listed building consent for chimney replacement.</td>
<td>42 BOROUGHGATE, APPLEBY-IN-WESTMORLAND, CA16 6XG</td>
<td>Mr G Coward - Royal British Legion Club</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0835</td>
<td>Full Application</td>
<td>Hesket</td>
<td>Change of use of agricultural land to five pitch caravan/motorhome site, siting of three pods and addition of camping facilities building.</td>
<td>SCAR FOOT, PLUMPTON, PENRITH, CA11 9PF</td>
<td>Mr M Atkinson</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0858</td>
<td>Full Application</td>
<td>Catterlen</td>
<td>Retrospective application for the erection of a surface mounted 6 metre pole and antenna to provide broadband.</td>
<td>LAND TO THE EAST OF MAPLE HOUSE, NEWTON REIGNY, PENRITH, CA11 0AY</td>
<td>Mrs M Mounsey</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0870</td>
<td>Change of Use</td>
<td>Ainstable</td>
<td>Conversion of agricultural building to 3no dwelling houses.</td>
<td>BUILDINGS AT HOLME HOUSE FARM, THE DALE, AINSTABLE, CARLISLE, CA4 9RH</td>
<td>Mr &amp; Mrs Ryder</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0884</td>
<td>Outline Application</td>
<td>Long Marton</td>
<td>Outline application for residential development with all matters reserved.</td>
<td>OLD STATION YARD, KIRKBY THORE, PENRITH, CA10 1UZ</td>
<td>Mr T Cooney</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0892</td>
<td>Full Application</td>
<td>Skelton</td>
<td>Erection of a residential dwelling.</td>
<td>SITE ADJACENT MAPLE CROFT, SKELTON, PENRITH,</td>
<td>Mr &amp; Mrs Wilson</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0894</td>
<td>Outline Application</td>
<td>Clifton</td>
<td>Demolition of garages and replacement 1.5 storey dwelling.</td>
<td>FORMER GARAGES CROOKLANDS VIEW, CLIFTON, PENRITH, CA10 2EQ</td>
<td>Mr Cowperthwaite - Eden Housing Association</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0895</td>
<td>Change of Use</td>
<td>Sockbridge &amp; Tirril</td>
<td>Change of use of agricultural building to dwelling.</td>
<td>BARN AT CELLERON FARM, CELLERON, PENRITH, CA10 2LS</td>
<td>Lowther Estate Trust - Mr D Bliss</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0898</td>
<td>Full Application</td>
<td>Penrith</td>
<td>Erection of two storey side extension and front porch.</td>
<td>73 PENNY HILL PARK, PENRITH, CA11 9JW</td>
<td>Mrs E Swann</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0899</td>
<td>Full Application</td>
<td>Alston</td>
<td>Alterations to roof to increase internal room layout.</td>
<td>18 HILLERSDON TERRACE, NENTHEAD, ALSTON, CA9 3PG</td>
<td>Mr &amp; Mrs S &amp; J Peart</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0900</td>
<td>Full Application</td>
<td>Alston</td>
<td>Alterations to roof to increase internal room layout.</td>
<td>17 HILLERSDON TERRACE, NENTHEAD, ALSTON, CA9 3PG</td>
<td>Mr K Peart</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0903</td>
<td>Full Application</td>
<td>Alston</td>
<td>Construction of detached dwelling. Revision of approval 13/0757.</td>
<td>GATEFOOT FARM, GARRIGILL, ALSTON, CA9 3D</td>
<td>Mr &amp; Mrs A Bell</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0904</td>
<td>Full Application</td>
<td>Musgrave</td>
<td>Concreting existing yard.</td>
<td>VILLA FARM, GREAT MUSGRAVE, KIRKBY STEPHEN, CA17 4DP</td>
<td>Messrs E &amp; MA Procter &amp; Son - Mr Procter</td>
<td>APPROVED</td>
</tr>
<tr>
<td>App No</td>
<td>App Type</td>
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<tr>
<td>18/0905</td>
<td>Full Application</td>
<td>Greystoke</td>
<td>Change of use of part of dwelling to ancillary annex/holiday let.</td>
<td>LAUREL BANK, MOTHERBY, PENRITH, CA11 0R6</td>
<td>Mr &amp; Mrs Braithwaite</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0906</td>
<td>Reserved by Cond</td>
<td>Bandleyside</td>
<td>Discharge of condition 5 (layby parking) attached to approval 14/0769.</td>
<td>OLD METHODIST CHAPEL, GREAT ASBY, APPLEBY-IN-WESTMORLAND, CA16 6ES</td>
<td>Mr G Jenkinson</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0907</td>
<td>Full Application</td>
<td>Dacre</td>
<td>Variation of condition 2 (plans compliance) comprising revised design of basement level attached to approval 17/1037.</td>
<td>EAMONT CROFT, STAINTON, PENRITH, CA11 0DQ</td>
<td>Mr D Brass - D.J. &amp; H. Brass Farms</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0909</td>
<td>Full Application</td>
<td>Ousby</td>
<td>Erection of a pre-fabricated timber stable building for sui generis use in the temporary housing of animals and provision of feed store.</td>
<td>THE COACH HOUSE, MELMERBY, PENRITH, CA10 1HB</td>
<td>Ms Mary Walker</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0912</td>
<td>Listed Building</td>
<td>Long Marton</td>
<td>Listed Building consent for installation of radiators, oil fired boiler and flue in outbuilding, and demolition of outhouse.</td>
<td>TOWN END FARM, BRAMPTON, APPLEBY-IN-WESTMORLAND, CA16 6JS</td>
<td>Mrs A Richardson</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0914</td>
<td>Cert. of Lawful</td>
<td>Clifton</td>
<td>Certificate of Lawfulness for the continued use of land for the stationing of caravans or tents for all year round occupation.</td>
<td>LOWTHER HOLIDAY PARK, LOWTHER, PENRITH, CA10 2JB</td>
<td>Lowther Holiday Park Ltd</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0915</td>
<td>Advertisement</td>
<td>Penrith</td>
<td>Advertisement consent for 10 non illuminated signs.</td>
<td>1 COMMON GARDEN SQUARE, PENRITH NEW SQUARES, PENRITH, CA11 7FG</td>
<td>Sainsbury's Supermarket Limited</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0916</td>
<td>Full Application</td>
<td>Hesket</td>
<td>Proposed demolition of barn and erection of annex to provide additional living accomodation.</td>
<td>SCEUGH DYKE HOUSE, CALTHWAITE, PENRITH, CA11 9QY</td>
<td>Mrs Tinkler</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0919</td>
<td>Full Application</td>
<td>Bandleyside</td>
<td>Variation of condition 2 (plans compliance) to amend window and railings and remove gable attached to approval 14/0769.</td>
<td>FORMER METHODIST CHAPEL, GREAT ASBY, APPLEBY-IN-WESTMORLAND, CA16 6ES</td>
<td>Mr G Jenkinson</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0920</td>
<td>Full Application</td>
<td>Langwathby</td>
<td>Two storey side extension.</td>
<td>15 SALKELD ROAD, LANGWATHBY, PENRITH, CA10 1ND</td>
<td>Mr E Teasdale</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0922</td>
<td>Full Application</td>
<td>Kirkby Stephen</td>
<td>Proposed single garage.</td>
<td>19A QUARRY CLOSE, KIRKBY STEPHEN, CA17 4SS</td>
<td>Mr &amp; Mrs A McWhirter</td>
<td>APPROVED</td>
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<tr>
<td>18/0929</td>
<td>Full Application</td>
<td>Appleby</td>
<td>Retrospective application for an extension of residential accommodation into domestic storage space on ground floor.</td>
<td>TUDOR HOUSE, DOOMGATE, APPLEBY-IN-WESTMORLAND, CA16 6RB</td>
<td>Mr P Lowden</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0930</td>
<td>Full Application</td>
<td>Great Salkeld</td>
<td>Proposed general purpose agricultural store.</td>
<td>LAND TO THE SOUTH OF THREE TREES FARM, SALKELD DYKES, PENRITH, CA11 9LJ</td>
<td>Mr M Noble</td>
<td>REFUSED</td>
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<tr>
<td>App No</td>
<td>App Type</td>
<td>Parish</td>
<td>Description</td>
<td>Location</td>
<td>Applicant</td>
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<td>18/0935</td>
<td>Full Application</td>
<td>Penrith</td>
<td>Change of use from business offices/distribution and storage (B1/B8) to Kickboxing Studio (D2).</td>
<td>UNIT 2A, HAWESWATER ROAD, PENRITH, CA11 9EH</td>
<td>North Lakes Kickboxing - Mr Perris</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0937</td>
<td>Full Application</td>
<td>Penrith</td>
<td>Front single storey extension, raising of roof over existing hobby room and erection of garage.</td>
<td>BRUNDOHME, FRIARS TERRACE, PENRITH, CA11 8DD</td>
<td>Mr &amp; Mrs P Turner</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0938</td>
<td>Full Application</td>
<td>Penrith</td>
<td>Proposed alterations and extension.</td>
<td>2 HUNTELEY AVENUE, PENRITH, CA11 8NS</td>
<td>Mr &amp; Mrs Chirnside</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0939</td>
<td>Full Application</td>
<td>Kirkby Stephen</td>
<td>Proposed creation of parking area and erection of shed.</td>
<td>BOLLAM COTTAGE, NATEBY ROAD, KIRKBY STEPHEN, CA17 4JN</td>
<td>Mr P Davenport</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0941</td>
<td>Full Application</td>
<td>Dufton</td>
<td>Alterations to front steps forming balustrade and landing to front of property.</td>
<td>5 THE RIDE, DUFTON, APPLEBY-IN-WESTMORLAND, CA16 6DB</td>
<td>Mr S Pulford &amp; Mrs K Butler</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0947</td>
<td>Full Application</td>
<td>Skelton</td>
<td>Change of use of agricultural land to tourism and the erection of three glamping pods to create a small glamping site.</td>
<td>HARDRIGG HALL, ELLONBY, PENRITH, CA11 9SN</td>
<td>Mr &amp; Mrs A Wilson</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0949</td>
<td>Full Application</td>
<td>Ousby</td>
<td>Proposed extension.</td>
<td>ALOCIN COTTAGE, MELMERBY, PENRITH, CA10 1HE</td>
<td>Mr S Green</td>
<td>APPROVED</td>
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<tr>
<td>18/0950</td>
<td>Listed Building</td>
<td>Alston</td>
<td>Listed Building consent for installation of 4no. roof lights.</td>
<td>CHURCH GATES, ALSTON, CA9 3HU</td>
<td>Mr &amp; Mrs I Walton - Ian Walton Designer</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0952</td>
<td>Full Application</td>
<td>Penrith</td>
<td>Gas powered standby electricity generation facility and associated infrastructure.</td>
<td>LAND AT MANNELLI HOUSE, GILWILLY INDUSTRIAL ESTATE, PENRITH, CA11 9BN</td>
<td>SWB Limited - Mr P Thompson</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0954</td>
<td>Reserved by Cond</td>
<td>Kaber</td>
<td>Discharge of condition 3 (Historic England level 2 survey) attached to approval 18/0277.</td>
<td>NELSON HOUSE, KABER, KIRKBY STEPHEN, CA17 4EF</td>
<td>Ms Adhern</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0956</td>
<td>Full Application</td>
<td>Penrith</td>
<td>Erection of single storey rear extension.</td>
<td>62 WORDSWORTH STREET, PENRITH, CA11 7QY</td>
<td>Mr C Reay</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0958</td>
<td>Notice of Intention</td>
<td>Skelton</td>
<td>Feed and machinery store with adjacent field shelter.</td>
<td>THE HOUSE, SKELTON ROAD ENDS, SKELTON, PENRITH, CA11 9TZ</td>
<td>Mr D Hutton</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0960</td>
<td>Listed Building</td>
<td>Long Marton</td>
<td>Listed building consent for creation of ensuite bathroom and installation of new external extractor and soil pipe.</td>
<td>SAUNDER HOUSE, LONG MARTON, APPLEBY, CA16 6BN</td>
<td>Mr &amp; Mrs Lake</td>
<td>APPROVED</td>
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</tbody>
</table>
18/0962  Tree Works (TPO)  Appleby  Group 1 of TPO; Lime tree T1: Reduce crown height of tree by 3-4m and the crown radius by 1-2m, with a maximum branch wound diameter of 100mm and removal of dead branches greater than 25mm diameter; To reduce the risk of branches failing and causing farm or damage; Lime tree T2: Reduce the crown height of tree by 4-5m and the crown radius by 2-3m, with a maximum branch wound diameter of 200mm to reduce the risk of branches failing and causing harm or damage to the adjacent house; Horse Chestnut T3: Fell tree due to its declining health to improve the likelihood of failure; Sycamore T4: Fell tree due to its proximity to the house and its overbearing nature, and because of the concern it causes; T1 of TPO - Wellingtonia (T5 on tree work application): Reduce the height of tree by 6-8m to reduce the unbalanced, oppressive nature of the crown; Tree Preservation Order No 66, 1995, Bongate Hall, Appleby.

DOUGLAS HOUSE, BONGATE, APPLEBY IN WESTMORLAND, CA16 8HW  Mr Tony Hill  APPROVED

18/0964  Reserved by Cond  Alston  Discharge of condition 3 (window sample) attached to approval 18/0742.

THE OLD POLICE STATION, TOWNHEAD, ALSTON, CA9 3SL  Mr & Mrs Johnson  APPROVED

18/0965  Tree Works (TPO)  Penrith  T1 Lime: a) Reduce the crown back to appropriate pruning points to a level as indicated by the red line on the photo supplied; b) Annually remove basal / stem epicormic growth; Tree Preservation Order No 63, 1995, Barcohill, Penrith; Reason: Sound arboricultural practice.

2 BARCO HILL GROVE, PENRITH, CA11 8NF  Mr Andrew Nicol - ARBMaP Ltd  APPROVED

18/0968  Tree Works (TPO)  Penrith  T2 Lime: Crown reduce back to appropriate pruning points as marked with the red line on the photograph supplied; Annually remove basal and stem epicormal growth; Tree Preservation Order No 63, 1995, Barcohill, Penrith (T2 of TPO); Reasons: To manage crown spread and for good arboricultural practice.

3 BARCO HILL GROVE, PENRITH, CA11 8NF  Mr Andrew Nicol - ARBMaP Ltd  APPROVED

18/0969  Tree Works (TPO)  Penrith  T3 Hornbeam: Crown reduce down to appropriate pruning points as indicated by the red line on photograph supplied; Tree Preservation Order No 63, 1995, Barcohill, Penrith (T1 on TPO); Reasons: To manage crown spread and for good arboricultural practice.

4 BARCO HILL GROVE, PENRITH, CA11 8NF  Mr Andrew Nicol - ARBMaP Ltd  APPROVED

18/0971  Notice of Intention  Long Marton  Agricultural building.

KELD SYKE FIELD, CROFT ENDS, APPLEBY;  Mr J A Bellas  APPROVED

18/0972  Full Application  Great Salkeld  Alterations and extension.

HELM VIEW, GREAT SALKELD, PENRITH, CA11 9NA  Mr & Mrs Patrick  APPROVED
<table>
<thead>
<tr>
<th>App No</th>
<th>App Type</th>
<th>Parish</th>
<th>Description</th>
<th>Location</th>
<th>Applicant</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/0974</td>
<td>Full Application</td>
<td>Shap</td>
<td>2 storey side extension and single storey rear extension.</td>
<td>18 CROFT AVENUE, SHAP, PENRITH, CA10 3NR</td>
<td>Mrs K Lightburn</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0983</td>
<td>Full Application</td>
<td>Lowther</td>
<td>Double garage.</td>
<td>THE HERMITAGE, HACKTHORPE, PENRITH, CA10 2HX</td>
<td>Mr P Baker</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0985</td>
<td>Outline Application</td>
<td>Langwathby</td>
<td>Outline application for erection of a dwelling with all matters reserved.</td>
<td>LAND NORTH EAST OF EAST LODGE, EDENHALL, PENRITH, CA11 8SX</td>
<td>Dr Anderson and Dr Parratt</td>
<td>REFUSED</td>
</tr>
<tr>
<td>18/0986</td>
<td>Non-Material Amend</td>
<td>Skelton</td>
<td>Non Material Amendment comprising of new drive layout, front boundary structure and public footpath access route attached to approval 15/0230.</td>
<td>18 CROFT AVENUE, SHAP, PENRITH, CA10 3NR</td>
<td>Mr J Wilson</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0987</td>
<td>Notice of Intention</td>
<td>Penrith</td>
<td>Demolition of former care home.</td>
<td>FORMER CARE HOME, BEACON EDGE, PENRITH, CA11 8BN</td>
<td>Atkinson Homes Ltd - Mr R Thorburn</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0990</td>
<td>Reserved by Cond</td>
<td>Dacre</td>
<td>Discharge of condition 3 (landscaping) attached to approval 18/0392.</td>
<td>FLUSCO WOOD, FLUSCO, PENRITH, CA11 0JB</td>
<td>Mr C Chamberlain - Lyon Leisure</td>
<td>APPROVED</td>
</tr>
<tr>
<td>18/0991</td>
<td>Notice of Intention</td>
<td>Lowther</td>
<td>Proposed agricultural building.</td>
<td>LOWTHER LOW MOOR, LOWTHER, PENRITH, CA10 2HH</td>
<td>Mr A Errington</td>
<td>APPROVED</td>
</tr>
</tbody>
</table>
Notice of Decision

To: Alastair Davis
Old Hall Farmhouse
Bongate
Appleby
Cumbria
CA16 6HW

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) Order 2015

Application No: 18/0930
On Behalf Of: Mr M Noble

In pursuance of their powers under the above Act and Order, Eden District Council, as local planning authority, hereby REFUSE full planning permission for the development described in your application and on the plans and drawings attached thereto, viz:

Application Type: Full Application
Proposal: Proposed general purpose agricultural store.
Location: LAND TO THE SOUTH OF THREE TREES FARM  SALKELD DYKES  PENRITH  CA11 9LJ

The reason(s) for this decision are:

1) The proposed development has a detrimental landscape impact, conflicting with Policy ENV2 and RUR2 of the Eden Local Plan and Chapter 12 of the NPPF.

2) The proposed development has a detrimental impact on the form and character of the district’s built environment, conflicting with Policy DEV5 and RUR2 of the Local Development Plan.

Where necessary the local planning authority has worked with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the planning application and to implement the requirements of the NPPF and the adopted development plan.

Date of Decision: 14 January 2019

Signed:

[Signature]
Jane Langston
Deputy Director Technical Services

www.eden.gov.uk  Jane Langston BEng (Hons) CEng MICE
Deputy Director Technical Services
Notice of Decision

To: Addis Town Planning Ltd - Mr D Addis
Greengage House
Little Salkeld
Penrith
CA10 1NN

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) Order 2015

Application No: 18/0985
On Behalf Of: Dr Anderson and Dr Parratt

In pursuance of their powers under the above Act and Order, Eden District Council, as local planning authority, hereby REFUSE outline planning permission for the development described in your application and on the plans and drawings attached thereto, viz:

Application Type: Outline Application
Proposal: Outline application for erection of a dwelling with all matters reserved.
Location: LAND NORTH EAST OF EAST LODGE    EDENHALL    PENRITH    CA11 8SX

The reasons for this decision are:

1) The proposed development is not considered to be infill or rounding off, conflicting with Policies LS1 and HS2 of the Local Development Plan.

2) The proposed development is considered to be outside of the existing settlement conflicting with Policy LS1 of the Local Development Plan.

3) The proposed development would have an unacceptable impact on the character of the built environment conflicting with Chapter 12 of the NPPF and Policies DEV5 and ENV2 of the Local Development Plan.

4) The proposed development would have an unacceptable landscape impact conflicting with Chapters 12 and 15 of the NPPF and Policies DEV5 and ENV2 of the Local Development Plan.

Where necessary the local planning authority has worked with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the planning application and to implement the requirements of the NPPF and the adopted development plan.

Date of Decision: 31 January 2019

Signed:

Jane Langston BEng (Hons) CEng MICE
Deputy Director Technical Services
Jane Langston
Deputy Director Technical Services
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## Agenda Item 5

### Eden District Council

#### Planning Committee Agenda

**Committee Date:** 14 February 2019

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### INDEX

<table>
<thead>
<tr>
<th>Item No</th>
<th>Application Details</th>
<th>Officer Recommendation</th>
</tr>
</thead>
</table>
| 1       | **Planning Application No: 18/0913**  
Demolition of Former Care Home and Erection of 54 Apartments for Assisted Living with Ancillary Communal Rooms  
Newton House, Newton Road, Penrith  
Atkinson Builders and Housing Care 21  | Recommended to:  
APPROVE  
Subject to Conditions |
| 2       | **Planning Application No: 18/0966**  
Residential development with all matters reserved  
Land south of Coach House, Morland  
Mr R Makinson  | Recommended to:  
REFUSE  
With Reasons |
| 3       | **Planning Application No: 18/1013**  
Listed building consent for dismantling and rebuilding chimney  
Church Mews, Duke Street, Penrith  
Mr P Wilkinson – Impact Housing  | Recommended to:  
APPROVE  
Subject to Conditions |
| 4       | **Planning Application No: 18/0879**  
Outline application for two residential dwellings (Local Occupancy) with all matters reserved  
Land adjacent to Oakfields, Yanwath, Penrith  
Mr A Jackson  | Recommended to:  
REFUSE  
With Reasons |
| 5       | **Planning Application No: 18/0967**  
Variation of condition 3 (visibility splays) attached to approval 16/1027  
14 Carleton Road, Penrith  
Mr J Lynch  | Recommended to:  
APPROVE  
Subject to Conditions |
<table>
<thead>
<tr>
<th>Item No</th>
<th>Application Details</th>
<th>Officer Recommendation</th>
</tr>
</thead>
</table>
| 6       | **Planning Application No: 18/0943**  
Variation of condition 2 (operational length) and condition 3 (solar farm decommissioning) to extend from 30 to 40 years attached to appeal approval APP/H0928/W/16/3147860  
Land to the south of Graham Wood, Great Strickland  
Lightsource SPV 179 Ltd | Recommended to:  
APPROVE  
Subject to Conditions |
| 7       | **Planning Application No: 18/0945**  
Variation of condition 2 (operational length) and condition 3 (solar farm decommissioning) to extend from 30 to 40 years attached to appeal approval APP/H0928/W/16/3147861  
Land south of Dallan Bank Wood, Newby  
Lightsource SPV 179 Ltd | Recommended to:  
APPROVE  
Subject to Conditions |
Agenda Item 1
REPORTS FOR DEBATE

Date of Committee: 14 February 2019
Planning Application No: 18/0913  Date Received: 12 November 2018
OS Grid Ref: 350477 530050  Expiry Date: 15 February 2019
Parish: Penrith  Ward: Penrith West
Application Type: Full
Proposal: Demolition of Former Care Home and Erection of 54 Apartments for Assisted Living with Ancillary Communal Rooms
Location: Newton House, Newton Road, Penrith
Applicant: Atkinson Builders and Housing Care 21
Agent: Green Swallow North Limited
Case Officer: Mr Nick Atkinson
Reason for Referral: This is a major planning application
1. **Recommendation**

It is recommended that planning permission be approved and delegated power be given to the Deputy Director Technical Services to enter into a Section 106 Agreement being entered into to the absolute satisfaction of the Deputy Chief Executive and the Deputy Director Technical Services requiring the provision of 100% affordable Houses and the Council’s reasonable costs being paid in relation to that Section 106 Agreement. Planning permission is also granted subject to the following conditions:

1. The development hereby permitted shall commence before the expiration of three years from the date of this permission.
   **Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out strictly in accordance with the following plans and documents hereby approved:
   - Application Form (revised wording 14 January 2019) dated 07 November 2018;
   - Site Plan, received 12 November 2018;
   - Block Plan, received 12 November 2018;
   - Proposed Site Plan (ref: DWg No 02 – Rev.F) dated 14 January 2019, received 14 January 2019;
   - Proposed GF Plan (ref: Dwg No 07 – Rev.A) dated 05 November 2018, received 12 November 2018;
   - Proposed FF Plan (ref: Dwg No 08 – Rev.A) dated 05 November 2018, received 12 November 2018;
   - Proposed SF Floor Plans (ref: Dwg No 09 – Rev.A) dated 05 November 2018, received 12 November 2018;
   - Proposed Elevations (ref: Dwg No 04) dated 24 October 2018, received 12 November 2018;
   - Proposed Elevations (ref: Dwg No 05 – Rev.D) dated 05 November 2018, received 12 November 2018;
   - Proposed Elevations (ref: Dwg No 06 – Rev.A) dated 05 November 2018, received 12 November 2018;
   - Green Travel Plan (ref: September 2018/v1) dated 12 November 2018;
   - Openspace Tree Survey, dated June 2018, received 12 November 2018;
   - Openspace Addendum to Tree Survey Report (ref: OP-Newton House Addendum – 18/TRE11v1) dated 07 November 2018, received 12 November 2018;
• Air Quality Assessment (ref: 7284.2 – Rev.A) dated 20 December 2018;

**Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

3. No demolition or construction works shall take place except between the following hours:
   Monday to Friday: 08:00-18:00hrs
   Saturday: 09:00-13:00hrs
   And at no times on Sundays or Bank (or Public) holidays.

**Reason:** In the interest of protecting local residential amenity.

**Prior to Commencement**

4. Prior to the commencement of any construction work, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. No surface water shall discharge to the public sewerage system either directly or indirectly.

The pass forward flow rate to the public surface water sewer must be restricted to Greenfield runoff rate for a storm event of 1-100 plus 40% climate change.

Thereafter, the development shall be developed in accordance with the approved scheme.

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

5. No development shall commence until a construction surface water management plan has been agreed in writing with the Local Planning Authority. Thereafter, the development shall be developed in accordance with the approved scheme.

**Reason:** To safeguard against flooding to surrounding sites and to safeguard against pollution of receiving surface water systems or watercourses downstream of the site.

6. Prior to the commencement of any demolition or construction works, a scaled Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the exact details of the ground protection measures. Thereafter, the approved measures shall be installed at the site prior to the commencement of any demolition or construction works and retain on site until approval is given by the Local Planning Authority for their removal.

**Reason:** To ensure the trees to be retained are afforded suitable protection in the interests of protecting local amenity.
### Agenda Item 1

**REPORTS FOR DEBATE**

#### 7. No construction works shall commence until a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:
- hours of construction;
- measures to control noise, vibrations and dust;
- details and specification of any external lighting;
- 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.

**Reason:** In the interest of protecting local residential amenity and in the interest of highway safety.

#### Prior to Occupation

8. The use of the development hereby approved 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 from its occupation and shall not be removed or altered.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use.

9. Prior to the occupation of the development hereby approved, a fully detailed Landscaping Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the tree/shrub species, sizes, protection measures and a method statement of successful implementation and future management. Thereafter the development shall be undertaken in accordance with the approved scheme, within the next available planting season. 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 the establishment of suitable planting to help integrate the development into the local landscape, in the interests of protecting local amenity.

10. Prior to the occupation of the development hereby approved, details of a 1.8 metre high noise barrier, as detailed within the 'Noise Impact Assessment (ref: 7284.1 – Rev.A) dated 20 December 2018’, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved barrier shall be constructed on site prior to the occupation of any part of the development and maintain in perpetuity.

**Reason:** To protect the residential amenity of future residents of the development.
Agenda Item 1
REPORTS FOR DEBATE

Ongoing Conditions

11. The development shall be undertaken in accordance with the tree protection measures as detailed within the Tree Method Statement (ref: OP-Newton House – 18/TRE13v1) dated January 2019, throughout the demolition and construction works.

**Reason:** To ensure the trees to be retained are afforded suitable protection in the interests of protecting local amenity.

12. No external lighting shall be installed at the site until full details, including the location and specification of the lighting have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of protecting local amenity.

13. All glazing to be used for the bedrooms and living rooms for the development hereby approved are to meet a minimum standard of 25dB $R_w^t + C_tr$.

**Reason:** In the interests of protecting the amenity of future residents of the development.

14. The development hereby approved shall be used solely for the provision of an extra care residential facility which shall be used for no other purpose and for no other use within the Town and Country Planning (Use Classes) Order 1987.

**Reason:** To ensure that the building is secured for extra care residential purposes in accordance with the terms of the application determined.

Informative

1. The applicant should contact United Utilities regarding a potential water supply or connection to public sewers.

2. Proposal and Site Description

2.1 Proposal

2.1.1 The application seeks full planning permission for the demolition of the existing former care home and the erection of 54 apartments for Extra Care Assisted Living on land at Newton House, Newton Road, Penrith.

2.1.2 The Extra Care development provides specialist housing and assisted living designed for older people, which combines housing accommodation with care and support services for additional care needs. The Extra Care scheme will provide an independent living for future residents as an alternative to a care home.

2.1.3 Once constructed, the proposed Extra Care Scheme would be managed by Housing Care 21, a national provider of retirement housing and care services for older people. As a result, each of the 54 apartments/units to be created would be 100% affordable, to enable this care service to be offered to all. The affordable nature of the proposal, makes this scheme distinct from other private schemes that have been developed within Penrith, and in doing so offers significant social benefits to the district.

2.1.4 The proposed new building would be horse shoe shaped covering a total floor area of approximately 1800 square metres. The building will be 3 storeys in height and of a modern and relatively contemporary design, reaching 11 metres in height at its highest point. The building would be located further north within the site towards the boundary.
of the site with Newton Road than the existing former care home building which currently occupies the site.

2.1.5 In addition to the 54 residential apartments/units, the proposed extra care building would include treatment rooms, a restaurant, a communal lounge, a hair dressing salon, an activity room, communal gardens and communal facilities. Due to the facilities included within the building and the care provision provided by Housing Care 21, the proposal would be a largely self-contained facility for future residents.

2.1.6 The development would require the demolition of the existing former care home building, which is in a deteriorating condition and has reached the end of its useful or practical life. An existing area of amenity grass land located to the front (north) of the existing former care home building would be developed to facilitate the proposed new building, with two replacement areas of private outdoor communal gardens created within the central area of the building and to the south.

2.1.7 Vehicular access to the site would be obtained via the existing access arrangements off Newton Road to the North West of the site, which serviced the former care home and continues to provide access to the housing located to the west of the site at Cookson House and Cookson Court. The proposed/existing access point would also provide pedestrian access to the site with a pavement providing a link from the site to the shops, services and facilities within Penrith Town Centre without the need to rely on the use of a car. The application proposes 29 off street parking spaces located to the south of the site, with an additional 2 disabled parking spaces to the west of the building, creating 31 parking spaces in total. The proposal also includes provision for a buggy store within the building itself for future residents which would be located on the ground floor.

2.1.8 The development would include landscaping works throughout the site to create a green space for future residents to utilise and benefit from. The landscaping of the site would also involve the planting of a number of trees along the northern and eastern boundaries of the site, to both reduce the visual impact/massing of the building, and strengthen these boundaries. The exact details and location of the proposed new planting is not known at this stage, but will be secured through the imposition of a condition should planning permission be granted.

2.1.9 It is noted that a Tree Preservation Order (No 191, 2018) was placed on the trees forming the northern and eastern boundaries of the site in 2018 following felling works undertaken by the applicant prior to the submission of this planning application. Whilst no trees are proposed to be felled as part of the development of the site, tree protection measures have been provided by the applicant to ensure the health of the protected trees is not adversely affected.

2.1.10 The final drainage details for foul and surface water have not yet been designed. However, the final drainage scheme for the site will be engineered so that both foul and surface water utilise the adjacent public sewer, with both drainage on separate systems. The application’s site is located within a Flood Zone 1 and has no previous history of flooding or flood events.

2.2 Site Description

2.2.1 The application site is located towards the edge of the town of Penrith, located in a predominantly built up residential area. The site, which covers an area of approximately 0.5 hectares, is a parcel of brownfield land which is occupied by the
former and now derelict, Newton Road Care Home. The exact date that the former care home closed is not known.

2.2.2 In the near vicinity to the north and North West of the site is the Gilwilly Industrial Estate at a distance of approximately 104 metres, with the Penrith Industrial Estate located approximately 100 metres to the south and south west.

2.2.3 The nearest residential properties to the application site are located in the following locations:

- to the immediate south on Greystoke Close, the nearest of which shares its boundary with the application site;

- to the east of the site the nearest residential property is No 23 Newton Road, approximately 12 metres from the application site boundary although the garden boundary is closer;

- to the south east of the site, Nos 30, 32, 34 and 36 Greystoke Road are located approximately 20 metres from the site boundary.

2.2.4 The site is bordered to the north by Newton Road, off which access to the site is currently achieved via a single point of access. The M6 Motorway is located approximately 155 metres to the west of the application site.

2.2.5 There are a number of trees located along the northern boundary of the site with Newton Road which are protected by a Tree Preservation Order (TPO) ref: TPO191-A1.

2.2.6 The site is located within a Flood Zone 1, which is land at the lowest risk of flood risk or vulnerability, and has no known history of flooding.

2.2.7 There are no other constraints applicable to the determination of this planning application.

3. Statutory Consultees

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Authority – Cumbria County Council</td>
<td>Initially responded raising an objection to the proposal on the grounds of a lack of off-street parking provision. Following a revision to the site layout a further response was received on the 15 January 2019 raising no objection to the proposal. It was recommended that a condition be attached to any decision notice as may be issued requiring the access and parking provision has been laid out in accordance with the plans submitted prior to the commencement of the use of the development.</td>
</tr>
<tr>
<td>Lead Local Flood Authority – Cumbria County Council</td>
<td>Initially responded raising concerns to the proposal due to the lack of supporting drainage information that had been provided. Following the submission of additional details a further response was received on the 15 January 2019 raising no objection to the proposal. It was noted that further information would be required with regards to the final drainage proposals for the site, including</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultee</td>
<td>invasive site investigations, trial pits and infiltration tests to ascertain if soil conditions are suitable to enable a feasible means of drainage. It was requested that conditions be attached to any decision notice as may be issued relating to:</td>
</tr>
<tr>
<td></td>
<td>- submission of a surface water drainage scheme;</td>
</tr>
<tr>
<td></td>
<td>- restrictions to the Greenfield runoff rate;</td>
</tr>
<tr>
<td></td>
<td>- submission of a construction surface water management plan.</td>
</tr>
<tr>
<td>Housing Manager - Eden District Council</td>
<td>Responded on the 27 November 2018 confirming support for the proposal. It was noted that the scheme would be 100% affordable and that there is a need for extra care housing within Penrith.</td>
</tr>
<tr>
<td>United Utilities</td>
<td>Responded on the 08 January 2019 raising no objection to the proposal. It was requested that conditions be attached to any decision notice as may be issued relating to:</td>
</tr>
<tr>
<td></td>
<td>- the submission of a surface water drainage and management scheme;</td>
</tr>
<tr>
<td></td>
<td>- foul and surface water to be drained on separate system.</td>
</tr>
<tr>
<td>Arboricultural Officer – Eden District Council</td>
<td>Responded on the 30 November 2018 raising concerns at the detrimental impact associated with the loss of one of the trees protected by the Tree Preservation Order (TPO) band to the front of the site adjacent to Newton Road. It was also noted that a Tree Protection Plan needed to be submitted or an Arboricultural Method Statement to ensure that a workable solution can be achieved to protect the health of the existing TPO protected trees. Following the submission of a Tree Method Statement, a further response was received on the 25 January 2019 noting that the report covers the necessary matters. It was noted that the tree protection drawing is not to scale and should be submitted through the imposition of a condition. In addition, the remedial landscape planting is not detailed on a plan which should also be secured through the imposition of condition.</td>
</tr>
</tbody>
</table>
### Agenda Item 1

#### REPORTS FOR DEBATE

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Health Officer - Eden District Council</td>
<td>Responded on the 23 November 2018 requesting the submission of a noise and air quality assessment. This information was subsequently provided by the applicant. A further response was received on the 24 January 2019, confirming agreement with the methodology and findings of the noise and air quality assessments. On the basis that the mitigation measures recommended within both reports are secured through the imposition of conditions, in addition to a Construction Management Plan and the erection of a noise attenuating barrier, should approval be granted, the scheme is supported.</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>Responded on the 21 November 2018 raising no comments to the proposal.</td>
</tr>
</tbody>
</table>

### 4. Parish Council Response

Please Tick as Appropriate

<table>
<thead>
<tr>
<th>Parish Council</th>
<th>Object</th>
<th>Support</th>
<th>No Objection</th>
<th>No View Expressed</th>
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</thead>
<tbody>
<tr>
<td>Penrith Town Council</td>
<td></td>
<td>✔️</td>
<td></td>
<td></td>
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</tbody>
</table>

4.1 Penrith Town Council responded on the 04 December 2018 raising no objection to the proposal but raised concerns about the removal of trees from the site and requested that replacement trees be planted for those felled and care be taken of those that are retained.

4.2 It is noted that no trees are to be felled as a result of this proposal, with further consideration given to the Tree Preservation Order protected trees within Section 8.6 of this report.

### 5. Representations

5.1 The application was advertised by means of a site notice posted on 27 November 2018 and a press notice advertised in the Cumberland and Westmorland Herald on 01 December 2018 and the following neighbour notifications:

<table>
<thead>
<tr>
<th>No of Neighbours Consulted</th>
<th>62</th>
<th>No of letters of support</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of objection letters</td>
<td>4</td>
<td>No of letters with comments</td>
<td>0</td>
</tr>
</tbody>
</table>

5.2 The following summarises the basis of the objections received:

- the size of the proposal is excessive in height for a development in this location;
- the close proximity of the boundaries for the site will have an un-mitigatable effect on neighbouring properties;
- there are inaccuracies in the Planning Statement with regards to the impact that this has on the appropriateness of the design;
• Cookson House adjacent to the site is a two storey and not a three storey building as the applicant suggests;
• The building would be significantly higher than any other buildings in the area;
• Existing trees will only partially screen the new building;
• Private gardens in neighbouring properties would become significantly overlooked;
• There is no need for this type of development due to other retirement developments within Penrith;
• The development will dominate the area;
• The development will overshadow neighbouring properties on the eastern side of the site;
• External lighting may impact upon neighbouring amenity;
• There are insufficient off-street parking spaces provided within the development for the number of units and future residents. The proposed provision is inadequate;
• Vehicular access to the site is unlikely to be sufficient for the number of cars proposed;
• The application makes an over optimistic view of the available public transport;
• The development will overlook and overshadow the properties on the eastern side of the development, most significantly in summer evenings.

6. Relevant Planning History

7.0 Policy Context
7.1 Development Plan
Eden Local Plan (2014-2032)
• LS1 - Locational Strategy
• PEN1 - A Town Plan for Penrith
• DEV1 - General Approach to New Development
• DEV3 - Transport, Accessibility and Rights of Way
• DEV5 - Design of New Development
• HS1 - Affordable Housing
• HS5 - Accessible and Adaptable Homes
• COM3 - Provision of New Open Space
Supplementary Planning Documents:

7.1.1 Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG) supporting the Saved Policies of the Eden Local Plan December 1996 and the Core Strategy 2010, remain a ‘material consideration’ in respect of decision making, with the weight that can be attached to them depending on their degree of conformity with both the Eden Local Plan 2014-2032 and the National Planning Policy Framework (July 2018). The SPD most relevant to the determination of the current application is:

- Housing (2010)

7.2 Other Material Considerations

National Planning Policy Framework:

- Achieving sustainable development
- Decision-making
- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Making effective use of land
- Achieving well-designed places

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- Design and Scale
- Landscape and Visual Impact
- Amenity Impacts
- Protected Trees
- Flooding and Environmental Impacts
- Infrastructure
- Affordable Housing

8.2 Principle

8.2.1 In terms of the principle of housing development, consideration is given to the Development Plan. This consists of the adopted Eden Local Plan (2014-2032) and the policies which it contains.

8.2.2 The proposed development seeks the erection of 54 Extra Care apartments/units on land at Newton House, Newton Road. The application site is well located within the town of Penrith, being positioned towards the western edge of the town. The site occupies an area of previously developed brownfield land within the town, having previously been the location of a former care home, now disused.

8.2.3 Within the Eden Local Plan, Policy LS1 sets out the Development Plan’s Locational Strategy for the District. This policy details the settlement hierarchy where development should be focused, being those locations considered to be the most sustainable. The most sustainable location within Eden is the town of Penrith which sits at the top of the hierarchy. In relation to development within Penrith, Policy LS1 notes that ‘Penrith will
benefit from sustained development appropriate to that of a larger town’, which amongst other things includes the ‘…provision of large scale new housing development…’ It is clear that Policy LS1 seeks to focus larger developments towards the town of Penrith.

8.2.4 Within Policy HS5 of the Eden Local Plan, support is given for development specifically aimed at older people of groups who require supported housing. This is in light of the acknowledgement of Eden District’s ageing population. This development recognises the need for supported housing through the development of an Extra Care Scheme which is 100% affordable, making the scheme different from existing private, open market residential developments within Penrith. The development of such a scheme within Penrith complies with HS5 in providing significant social benefits to the district’s ageing population.

8.2.5 Within the NPPF, there is a general support for the re-use of brownfield land, such as the application site. This support is set out within paragraphs 63, 118 and 137 which advise that the development and re-use of suitable brownfield land for the provision of housing should be generally supported in decision making.

8.2.6 In assessing whether or not a proposal can be considered as a truly sustainable development, consideration must be given to the economic, social and environmental impacts or gains of the development. The proposal would provide economic and environmental gains through the appropriate re-use of previously developed land within Penrith and through the creation of a marque housing development. The proposal also offers significant social gains through the development of a 100% affordable Extra Care and supported living development for older people unique to Penrith, and as such fulfils a considerable social need. Within the Eden Local Plan and the NPPF, there is a general support for sustainable development such as the current proposal, which should be supported unless material considerations dictate otherwise.

8.2.7 For the reasons detailed above, the principle of residential development in this location is considered to be appropriate and acceptable. It is considered that the development would represent an appropriate use of land within Penrith and considered to be an appropriate location for residential development. The development is considered to be in-compliance with the locational criteria of the Development Plan, which focusses on large and sustainable developments within Penrith.

8.3 Design and Scale

8.3.1 The design of the proposed building is considered to be high quality, modern and contemporary in its appearance. The building would be constructed using a modern palate of complementary materials, including large areas of glazing, painted timber cladding which would provide a strong visual appearance.

8.3.2 The contemporary design and external appearance of the building, set with its scale and size has the potential to create a marque development. In doing so, the proposal would help to create a strong entrance to Penrith, which is not currently present in this area of the town. For this reason, the development is considered to be in accordance with paragraph 131 of the NPPF which notes that ‘…great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings.’ In the case of the current proposal, this is considered to be the case due to the contemporary design and appearance of the proposed building.
8.3.3 The use of a slightly overhanging and multiple pitched roofs, sections of the building being offset and stepped back, helps to break the visual massing and appearance of the building, creating an exemplar design, relatively unique to Penrith. To this effect the design of the building is considered to demonstrate considerable architectural merit. Furthermore, the high quality design of the building is considered to be in accordance with the requirements of the NPPF and the requirements of Policy DEV5 of the Local Plan.

8.3.4 Whilst it is noted that the new building would add to the visual massing of the area, and would impact upon the skyline of the locality, increasing it due to its size, scale and three storey height, this is not considered to result in any significantly adverse effects upon the appearance of the locality, or result in a degree of harm that could be reasonably considered to be significant adversely harmful to the area.

8.3.5 In terms of the scale of the proposed building, it is noted that objections to the proposal have raised concerns about the inappropriate scale of a three storey building in this location. To this effect it is acknowledged that there is not a strong presence of any three storey buildings within the immediate locality, which is predominantly occupied by two or single storey dwellings. However, consideration must be given to the context of the wider area of Penrith in which the site is located, being adjacent to both Gilwilly and Penrith Industrial Estates. In the case of both of these industrial areas, there is a presence of larger buildings, many of which are visually prominent from locations within the town and also the adjacent M6 Motorway. The pre-existence of these larger buildings would ensure that the proposed building is not entirely at odds with the built environment within the locality.

8.3.6 Furthermore, due to the high quality design and appearance of the building, and the use of quality and contemporary construction materials proposed for its external finish, the visual impact of a three storey building in this location is considered unlikely to result in any adverse visual impacts upon the character or amenity of the area.

8.3.7 Therefore, whilst it is noted that the proposed development is of a scale, size and height which is larger in all respects than the surrounding residential built environment to the south, east and west of the site; due to the context of the wider built environment consisting of the Penrith and Gilwilly Industrial Estates, balanced with the proposed high quality design and appearance, in this instance the design and scale of the proposed building is considered to be acceptable.

8.4 Visual Impact

8.4.1 A significant consideration in the determination of this planning application is the extent of the visual impact of the proposed development upon the character of the area and surrounding built environment.

8.4.2 The application site is currently the site of a former and disused care home, the condition of which is in a deteriorating state resulting in an increasingly adverse visual impact upon the character of the area. This is made more significant due to the site representing a gateway entrance into the town of Penrith. Furthermore, it is considered that there is limited architectural merit to a significant proportion of the surrounding built environment, much of which is industrial in appearance and use. When consideration is given to the surrounding built environment, it is evident that there is no strong single design style, character or appearance to the area. As such, a contemporary development in this location would not appear incongruous in the context of its surroundings.
In assessing the visual impact of the proposed dwelling, consideration should be given to Paragraph 124 of the NPPF which advises ‘the creation of high quality buildings and places is fundamental to what the planning development process should achieve’. In addition, further consideration is given to paragraph 127 of the NPPF which confirms that ‘Planning Policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience’.

Due to the improvement that the new building will make to the visual appearance of the area, it is considered that the proposed development would result in a positive impact upon the character and appearance of the area, in-line with the requirements of the Development Plan. The existing former care home building does not positively preserve or contribute to the character or the appearance of the area. As such, it is considered that its demolition and development of a high quality designed replacement building would result in a positive contribution to the character of the area, whilst providing a functional and socially beneficial development.

Although the scale, form, size and massing of the proposed building cannot be said to reflect the existing street scene on which it would be located; the proposal optimises the potential use of the site; has the potential to enhance the appearance of the area and displays a high quality design utilising contemporary materials and finishes. For this reason it is considered that the proposed development is sufficiently in-compliance with Policy DEV5 of the Eden Local Plan for support to be given in this instance.

Whilst the development would result in an alteration to the character of the area by virtue of its three storey height, size and scale; when consideration is given to the high quality design, the proposed building would not appear as an incongruous development when considered against the context of the wider surrounding locality and built environment. Where the development fails to comply with elements of DEV5, the benefits of the scheme and the high quality design are considered to significantly outweigh any visual harm that would be caused.

For the reasons detailed above, the proposed development would not have a significantly adverse impact upon the character of the area and offers an opportunity to
enhance the current appearance of the locality and create a marque development on a gateway site into the town of Penrith.

8.4.8 Notwithstanding the above, in order to provide further mitigation to soften the visual impact of the proposed development, it is considered prudent and reasonable to secure a scheme of landscape planting through the imposition of a planning condition should permission be granted.

8.5 Amenity Impacts

8.5.1 The main consideration in the determination of this planning application is the likely impact of the proposal upon local residential amenity. The application site is located on the edge of a built up residential area on the edge of Penrith, with existing housing located to the south, east and west of the site.

8.5.2 Within the Eden Local Plan, Policy DEV5 Plan requires that development protect the amenity of existing residents and provides an acceptable amenity for future occupiers of any potential development. It is noted that the impact of the proposed development upon neighbouring residential dwellings has been raised as a significant concern by objectors to the application.

8.5.3 The properties most affected by the proposal will be those located to the east of the site on Newton Road, to the south on Greystoke Close and to the south east on Greystoke Road, as detailed in paragraph 2.2.3 of this report.

8.5.4 In relation to the properties to the east and south east of the site, it is noted that concerns and objections have been raised to the proposal with regards to the impact of the development upon their properties. It is undoubtedly the case that the proposed new building would result in an impact upon the amenity a number of existing properties and as such a degree of harm would be caused. However, it is considered that the degree of harm and the extent of the impact would not be so significantly adverse to warrant the refusal of this planning application. However, it is important to note that this matter is finely balanced in the consideration of this proposal.

8.5.5 The proposed building would partially comply with the Council’s separation distances as outlined within the Housing SPD guidance. This document suggests a separation distance of 21 metres to direct facing windows and 13 metres from the main face of a building to a gable end. In the case of the current proposal, the alignment of the new building would maintain an approximate 26 metre separation distance to the nearest properties to the east of the development site, which on balance is considered just about appropriate to reduce the impact of the development to an acceptable level. It is acknowledged that due to the three storey nature of the proposed building, a greater separation distance should be maintained to protect the amenity of the neighbouring properties.

8.5.6 Some mitigation to the impacts of the development is offered by the existence of a number of mature trees located along the path/track that exists between the boundary of the application site and the residential dwellings to the east of the application site. Whilst the number of trees has been reduced by thinning and felling works undertaken by the applicant prior to the submission of this application, which reduces the screening benefits they offer, the remaining mature trees do still offer a degree of intermittent screening and reduce the overall degree of overlooking that would exist. However, it is noted that the extent of this screening is significantly reduced in the winter months.
8.5.7 In relation to the impact of the proposal upon the garden areas of the properties to the east, it is again noted that there would be an impact upon the occupier’s enjoyment of their garden areas. This is due to the closer proximity of the garden spaces to the application site. However, the garden areas similarly benefit from some partial screening offered by the existing mature trees. Where this tree coverage ends, the proposed new building would be positioned at a slightly more oblique angle to these spaces, so as to slightly reduce the impact of direct over-looking and loss of privacy.

8.5.8 In relation to the impact of the development upon the residential properties on Greystoke Close, it is noted that the position of the proposed new building, having been brought further forward in the site towards Newton Road than the existing former care home, provides a separation distance of approximately 23 metres. In addition, the design and layout of the building means that there will be limited elevations and higher level window openings facing towards these properties. Due to the separation distances that would exist, and due to the design and layout of the proposed building, it is considered that there will be limited over-looking and no loss of privacy. This distance will ensure that the development does not result in any loss of light or appear over-bearing to the existing residents. As such, the proposal is considered unlikely to result in any significant or adverse impacts upon the residential amenity of any of these properties.

8.5.9 The proposal is considered to be finely balanced in terms of impacts upon the amenity of existing neighbouring residential properties. However, when site specific considerations are taken into account, it is considered that whilst the proposed development would result in a degree of harm to the amenity of existing neighbouring properties residents, the extent would not be so significantly adverse so as to warrant the refusal of this planning application, which accordingly ‘tips’ the planning balance in favour of the proposal.

8.5.10 Notwithstanding the above considerations, it is acknowledged that during any demolition or construction works have the potential to adversely affect local amenity. Any such works can result in noise and emissions which can impact upon local residents. However this impact is to be expected for a temporary period until the development is completed. The inclusion of appropriate controls and mitigation secured through the imposition of conditions, deal with such matters satisfactorily.

8.5.11 With regards to the impact of the noise or air quality affecting the future residents of the site, predominantly arising from the proximity of the site to the M6 Motorway, the applicant has provided a Noise Assessment and Air Quality Assessment in support of the proposal. Both documents acknowledge the potential for noise and air quality impacts to affect future residents, and recommends mitigation measures which will ensure that the amenity of future residents is not adversely affected. Both documents have been assessed by the Environmental Health Officer who raises no comments or concerns in relation to the proposal. As such, it is considered that there is no reason to suggest that a development could not be constructed upon this site which ensures appropriate amenity levels are achieved for any occupants.

8.5.12 In conclusion, it is noted that the proposed development has the potential to result in harm to the amenity of neighbouring residential dwellings, particularly to the east and south of the site. However, for the reasons detailed above, it is considered that whilst finely balanced, the impact of the proposed development would not be so significantly harmful or adverse so as to warrant the refusal of this application. Therefore, the
proposed development can be, on balance, considered sufficiently in-compliance with Policy DEV5 of the Local Plan and the NPPF.

8.6 Protected Trees

8.6.1 A group of trees are located on the northern boundary of the site, which are protected by a Tree Preservation Order (No191, 2018). The Tree Preservation Order (TPO) was placed on the trees in 2018 following works undertaken by the applicant to fell and thin a number of existing trees around the site. There are no trees proposed to be felled or removed as a result of this proposal.

8.6.2 The position of the new building within the site has been brought forward closer to Newton Road and the TPO protected trees, than the current location of the existing former care home building, which is set further back into the site. This decision was made by the applicant on the advice from Planning Services, to ensure that a greater separation distance exists from the proposed new building to the existing residential dwellings located to the south on Greystoke Close. This increased separation distance will offer greater protection to the amenity of the residents of these dwellings, which is of particular importance due to the three storey height of the new building.

8.6.3 However, whilst there are no trees to be felled as a result of this proposal, it is noted that in positioning the proposed building further forward in the site closer towards Newton Road, there is a likely risk that the development will affect the tree roots of one existing tree currently protected by the TPO. The applicant has provided tree protection measures to be employed at the site during demolition and construction works to reduce the risk of any adverse impacts to the existing trees. These measures have been considered by the Council’s Arboricultural Officer who is satisfied with the measures proposed, which will be secured through the imposition of a condition should planning permission be granted. Furthermore, it is noted that the risk of damage to the trees is further reduced by the orientation of the building which would not be entirely parallel with the boundary of the site.

8.6.4 Any loss of or harm to any of the TPO protected trees along the frontage of the site would be regrettable and likely would result in an adverse impact upon the visual amenity of the site and the area. However, in this instance, it is considered that the tree protection measures proposed should ensure that the risk of any harm is significantly reduced. Furthermore, the considerable social benefits that the scheme will deliver, through the provision of 54 Extra Care Apartments, would significantly outweigh any harm that would be caused to the health or loss of any of the TPO protected trees in this specific instance.

8.6.5 In addition, further mitigation is offered through the requirement for a scheme of replacement landscape planting for the site, to further soften to visual impact of the development. The exact details of the new planting is not yet known at this stage, but this requirement would be secured through the imposition of a condition should planning permission be granted and required to be implemented on site.

8.6.6 Therefore, whilst the proposal does pose a risk to the health and well-being of a band of TPO protected trees, the protection measures proposed means that this impact would not be significantly or demonstrably adverse. In addition, the requirement for a scheme of replacement planting, and consideration of the benefits of the scheme, means that the impact of the development upon the protected trees is acceptable and does not represent sufficient justification for the refusal of this planning application.
8.7 Flooding and Environmental Impacts

8.7.1 The application site is located within a Flood Zone 1 which is a location that has a low probability of flooding (less than 1 in 1000 chance annually). The site is a generally flat brownfield site. However, due to the increase in the size and scale of the proposed new building compared to the existing former care home building, a larger built area and hardstanding will be created, much of which will be located on an existing area of private amenity grass land within the site.

8.7.2 The applicant has not provided full drainage details for foul and surface water at this stage, however have indicatively suggested that surface water will be discharged from the site into the United Utilities Network as is the case for the current drainage regime. Neither United Utilities or Cumbria County Council as the Lead Local Flood Authority have raised any concerns or objections to the proposal on the basis that the submission of further details for foul and surface water drainage are secured through the imposition of a condition should planning permission be granted, prior to the commencement of any works at the site. The inclusion of the requested conditions are considered to be reasonable and necessary.

8.7.3 Due to the development being a brownfield site, which is not within an area of increased risk of flood vulnerability and with no history of flooding, the development is considered to be in accordance with the requirements of the NPPF in relation to flooding as outlined within Paragraph 150 of the Framework which states that, ‘new development should be planned for in ways that:

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaption measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards’.

8.7.4 In consideration of the indicative details provided by the applicant, and the lack of objection from United Utilities and Cumbria County Council, it is considered reasonable to suggest that an appropriate foul and surface water scheme could be designed and engineered for the site so as to ensure that the development would not result in any adverse impacts of flooding to the locality.

8.7.5 In this instance it is therefore considered that the development could proceed without undue or significant harm relative to flood risk and is unlikely to result in flood events on site or elsewhere in accordance with the Development Plan and the requirements of the National Planning Policy Framework.

8.8 Infrastructure

8.8.1 In consultation with Cumbria County Council in its role as the Highway Authority, concerns were raised to the initial site layout with regards to the amount of off-street parking provision originally proposed, which was considered to be inadequate. In response to this concern, the applicant responded by revising the proposed site layout plans to provide an additional 6 parking spaces, taking the total number to 29, with an additional 2 disabled parking spaces. The internal plans for the building also provide provision for a buggy store for the sole use of future residents.
8.8.2 The revised parking provision has been considered by Cumbria County Council as the Highway Authority which now raises no objections to the proposal. The Council has assessed the revised site plans, proposed access arrangements and assessed the Travel Plan submitted in support of the proposal and concluded that there is no objection to the development subject to the inclusion of a condition requiring that the proposed provision be implemented on site to mitigate the impact of the development.

8.8.3 Further consideration is given to the location of the application site which is positioned on Newton Road which is serviced by a bus route taking passengers into Penrith Town Centre to access the available shops and services, and a surfaced pavement link exists from the site leading into the town centre. The nearest bus stop is located immediately adjacent to the application site, providing a sustainable and realistic means of access which would significantly reduce the reliance on car movements by the future residents of the proposal. Whilst there can be no guarantees provided that future residents will utilise this service, this is a material consideration in the determination of this planning application. Furthermore, the proposed development includes provision for a salon, restaurant, laundry service activities area and a private communal garden, all of which are likely to reduce the need for future residents to travel into the town centre.

8.8.4 It is noted that an objector to the proposal has questioned the suitability of the existing access to facilitate the likely levels of vehicular use associated with 54 units, in addition to concerns relating to a lack of adequate parking provision. However, in light of there being no objection to the proposal from Cumbria County Council, the proposal is considered unlikely to result in any adverse or severe impacts upon the surrounding highway network from both a highway safety or capacity perspective, in compliance with paragraph 109 of the NPPF which confirms that ‘Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’

8.8.5 Therefore, for the reasons detailed above, the proposal is considered to be in accordance with Policy DEV3 of the Eden Local Plan and the requirements of the National Planning Policy Framework in relation to sustainable transport and impacts upon the highway network which further supports the principle of the development.

8.9 Affordable Housing Contribution

8.9.1 The Eden Local Plan confirms the requirements for affordable housing contributions. Policy HS1, entitled, ‘Affordable Housing’ confirms that ‘the council will seek to secure the provision of 30% of all new housing as affordable homes on schemes with 11 or more units where the on-site contribution does not equate precisely to a whole number of units, the contribution will be rounded down to the nearest unit’.

8.9.2 The current proposal is for the development of 54 apartments/units, which if approved would have only a minimum requirement for 16 affordable units under the requirements of Policy HS1. However, in this instance the applicant is proposing a 100% affordable scheme, meaning that all 54 units would be affordable.

8.9.3 To this regard, it is considered that the proposal well-exceeds the Council’s minimum requirements for affordable housing and in doing so, offers significant social and public gains and benefits. The proposed Extra Care Scheme would make a significant contribution to the provision of affordable and social accommodation within the district.
which offers considerable planning gains. The provision of a 100% affordable scheme will be secured through the completion of a Section 106 Legal Agreement.

8.10 Provision of Open Space

8.10.1 Under the requirements of the Eden Local Plan, new major housing developments are required to provide sufficient open space provision in any new development. Policy COM3 of the Eden Local Plan entitled ‘Provision of New Open Space’, would require the provision of appropriate levels of open space for future residents to enjoy.

8.10.2 Whilst the proposal would result in the loss of an area of private amenity grassland currently located towards the front of the site adjacent to Newton Road, the proposal provides 2 new areas of communal garden space located to the rear (south) of the building, and also a central area within the footprint of the building itself. To this effect, the proposed layout, and use of the site as an Extra Care scheme satisfactorily accords with the requirements of Policy COM3 in this effect.

9. New Homes Bonus

9.1 The prospect of receiving a Bonus is, in principle, capable of being taken into account as a ‘material consideration’ in determining a planning application. Whether potential Bonus payments are in fact a material consideration in relation to a particular application will depend on whether those payments would be used in a way which is connected to the application and to the use and development of land. For example, potential Bonus payments could be a material consideration if they were to be used to mitigate impacts resulting from development. But if the use to which the payments are to be put is unclear or is for purposes unrelated to the development concerned a decision maker would not be entitled to take them into account when making a decision on a planning application. In this particular case, there are no plans to use the New Homes Bonus arising from this application in connection with this development.

10. Implications

10.1 Equality and Diversity

10.1.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

10.2 Environment

10.2.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

10.3 Crime and Disorder

10.3.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

10.4 Human Rights

10.4.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.
11. **Conclusion**

11.1 The proposal would result in the Development of a 54 unit/apartment Extra Care Scheme located on an area of previously developed brownfield land within the town of Penrith. The proposal would deliver a 100% affordable development with considerable social benefits, unique from any existing private and market assisted living development currently existing within Penrith.

11.2 The principle of the development of a large scale residential development within Penrith is in-accordance with the Locational Strategy detailed within Policy LS1 of the Eden Local Plan. Furthermore, the proposal is considered to represent a substantial development appropriate to the Main Town of Penrith within the Eden Local Plan, providing a significant scale of social housing which seeks to address the needs of Penrith and the wider Eden District.

11.3 Whilst it is acknowledged that the proposed building is large in size, scale and height, the development is considered to be of a high-quality, modern and contemporary design with the potential to result in the creation of a marquee in a gateway location and entrance into Penrith. Furthermore, the scale, design and form of the building takes into account the capacity of essential infrastructure necessary to serve the development proposed and indeed the number of apartments that would comprise the development. The scale, layout form and character of the development is therefore, considered appropriate for a residential development close to the urban fringe of Penrith, providing a high quality, development consistent with Policy DEV of the Eden Local Plan.

11.4 The proposal is considered to be finely balanced in terms of impacts upon the amenity of existing neighbouring residential properties. However, when site specific considerations are taken into account, it is considered that whilst the proposed development would result in a degree of harm to the amenity of existing neighbouring properties residents, the extent would not be so significantly adverse so as to warrant the refusal of this planning application.

11.5 Whilst it is finely balanced in terms of the impact of the proposal upon local residential amenity, although a degree of harm would be caused to existing local amenity, this is not considered to be sufficiently adverse so as to warrant the refusal of this application. Particularly when the considerable benefits of the scheme are taken into account, it is considered in this instance, that these significant benefits outweigh the degree of harm that would be caused.

11.6 Accordingly, the proposal is recommended for approval.

Jane Langston  
Deputy Director Technical Services

Background Papers: Planning File 18/0913
Agenda Item 2
REPORTS FOR DEBATE

Date of Committee: 14 February 2019
Planning Application No: 18/0966
Date Received: 30 November 2018
OS Grid Ref: 6000 2228
Expiry Date: 1 February 2019
Extension of time agreed to 18 February 2019

Parish: Morland
Ward: Morland
Application Type: Outline
Proposal: Residential development with all matters reserved
Location: Land south of Coach House, Morland
Applicant: Mr R Makinson
Agent: Daniel Addis, Addis Town Planning
Case Officer: Mat Wilson
Reason for Referral: The Officer recommendation is contrary to the view of the Parish Council
Agenda Item 2
REPORTS FOR DEBATE
1. **Recommendation**

It is recommended that planning permission be refused for the following reasons:

1. The proposed development would result in backland development which would not be in keeping with the character of built development in the vicinity of the application site, contrary to the requirements of Policies LS1 and HS2 of the emerging Local Plan.

   Notwithstanding the planning merits of the application, which would result in a small-scale local occupancy housing scheme, there is an obvious alternative opportunity to re-develop a vacant commercial premises which would have greater merit in planning terms. It has not been demonstrated why this site cannot be developed instead and so, to allow development of a greenfield site which is backland development at odds to the built grain of the locality would be contrary to the Local Plan housing policies.

2. **Proposal and Site Description**

2.1 **Proposal**

2.1.1 The scheme proposes a residential development on a greenfield site at Morland.

2.1.2 The application is in outline with all matters reserved. A layout plan is provided showing two detached dwellings which are suggested in the supporting statement as single-storey, although this is only indicative.

2.1.3 Foul drainage is proposed to the mains sewer. Soakaways are proposed for surface water drainage. Vehicular access will be via the existing access to the workshop to the south.

2.2 **Site Description**

2.2.1 The dwellings would be sited on the easternmost of three fields within the applicant’s ownership at the southern end of Morland village. This field extends north to the applicant’s current home at Coach House and is grazed by sheep. The topography of the land slopes up away from the road. Low stone walls enclose the field from housing fronting Water Street to the east; the applicant’s own dwelling is to the north; commercial buildings border the site to the south. The application site measures around 25m by 75m.

2.2.2 Entry to the site is gained from the existing access to a large garage and former bus depot, within the applicant’s ownership, and a detached workshop set back behind the bus depot, south of the application site, which is within separate ownership.

2.2.3 Morland is designated a Smaller Village and Hamlet in the locational policy in the Local Plan. In terms of planning constraints the very edge of the site falls within Flood Zone 3. The site is not within a Conservation Area although it is within the County Council safeguarding area for mineral extraction.
3. Consultees

3.1 Statutory Consultees

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| Highway Authority                | The red line boundary is some distance from the highway and does not include visibility splays, this will be an intensification of the current access. For 30mph limits our normal rule is that if an application is not supported by a speed survey then we will require 60m splays.  
   The Highway Authority therefore recommends refusal of the application for the following reason:  
   Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:  
   a) access  
   b) visibility splays  
   c) surface water drainage                                                                                                                                                     |
| Local Lead Flood Authority       | The Lead Local Flood Authority (LLFA) surface water map shows no flooding to the site.  
   No drainage has been identified; the surface water drainage should not be greater than the already existing. If installing a soakaway we would advise not to be positioned in close proximity to the highway – which should be at least 5m away from the highway and property. |
| Environment Agency               | No objections                                                                                                                                 |

3.2 Discretionary Consultees

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
</table>
| United Utilities                 | No objections; conditions relating to foul and surface water should be attached to any subsequent grant of planning permission.  
   Surface water drainage scheme, with evidence of an assessment of the site conditions, should be approved by the Local Planning Authority prior to development commencing. |
| Environmental Health             | No comments                                                                                                                                 |


Consultee | Response
---|---
Cumbria Minerals & Waste | The proposed development is right on the edge of the settlement so mineral extraction on or close to the application site would therefore not be environmentally acceptable. The safeguarding area extends across a significant area of surrounding open land so the proposal will not prevent access to this mineral resource for extraction in the future.

Cumbria County Council as minerals planning authority therefore does not object to this application.

### 4. Parish Council/Meeting Response

<table>
<thead>
<tr>
<th>Parish Council/Meeting</th>
<th>Object</th>
<th>Support</th>
<th>No Response</th>
<th>No View Expressed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morland Parish Council</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.1 The Parish Council response is set in full as follows:

Morland Parish Councillors have examined the plans and know the site well and wish to offer their full support and approval for this planning application. The previous application ref 18/0572 was also fully supported by the Parish Council. The application and the plans were very clear and expertly drawn up allowing us to gain a comprehensive understanding of the proposal.

Morland Parish Council are developing the Morland neighbourhood development plan in consultation with the community and Eden District Council. Planning proposal 18/0966 aligns with these key aims of the plan:

1) All new housing is expected to be within the village boundary, including both greenfield and previously developed land. The proposed site for this development is well within the village boundary as defined in the neighbourhood development plan and has negligible visual impact.

   The planning development is small scale and sensitive and is a windfall site where infilling and rounding off is ideal.

2) New developments, through their design and use of materials respect and enhance the traditional character of the village.

   The plans show that the development will be made using local materials and will be in keeping with the heritage centre of the village, further enhancing the character of Morland.

3) Where the site is greenfield land then all the houses must be restricted to local people.

   This application form has been submitted by a local resident of Morland who has a long history in Morland with strong family connections to the village.
4) To protect and encourage employment opportunities that exist in Morland in order to help provide further employment opportunities for local residents.

One of the outcomes of this application is the development and growth of a rural business and in due course to provide employment for other local people.

5) Retaining younger people, Morland has a population of 375 people with a slightly larger cohort of older people (24%) than Cumbria (20%) or England as a whole (16%).

This application which is of an appropriate scale for the location within the village directly supports a young local person and their growing business which will in turn support other aspects of the village community.

These are just some of the ways that this planning proposal directly supports of the aims of the Morland Neighbourhood Development Plan.

We hope that this letter will be given due consideration and will be reflected in any future planning decisions regarding this application, which the Parish Council of Morland fully supports.

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 6 April 2018.

<table>
<thead>
<tr>
<th>No of Neighbours Consulted</th>
<th>6</th>
<th>No of letters of support</th>
<th>0</th>
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<tbody>
<tr>
<td>No of Representations Received</td>
<td>3</td>
<td>No of neutral representations</td>
<td>3</td>
</tr>
<tr>
<td>No of objection letters</td>
<td>0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5.2 Residents from two local properties have written to state they have no objections to the proposal.

6. Relevant Planning History

18/0572 – Outline application for construction of one dwelling and an agricultural building: Refused on 4 September 2018 for the following reasons

1) New housing in the Smaller Villages and Hamlets listed in Policy LS1 of the emerging Eden Local Plan is restricted to infill sites, rounding off, or the reuse of traditional rural buildings. The proposal is not considered to fall within any of these categories, and must therefore be assessed as being located within Other Rural Areas, where affordable housing only is permitted. The proposal is for a single market dwelling and is therefore contrary to this policy.

2) Dwellings in the countryside may be permitted where an exceptional need to support an agricultural or rural business is demonstrated in accordance with Policy HS3 of the emerging Eden Local Plan. The need for a dwelling in this particular location has not been adequately substantiated, and as such to grant permission would be contrary to Policy HS3 of the emerging Local Plan and saved Policy HS7 of the 1996 Local Plan.
7. **Policy Context**

7.1 **Development Plan**

Local Plan 2014-2032

- LS1 Locational Strategy
- LS2 Housing Targets and Distribution
- DEV1 General Approach to New Development
- DEV5 Design of New Development
- HS2 Housing in the Smaller Villages and Hamlets
- HS4 Housing Type and Mix
- ENV2 Protection and Enhancements of Landscapes and Trees

**Supplementary Planning Documents:**

- Housing SPD incorporating Residential Development Guidelines.

7.2 **Other Material Considerations**

**National Planning Policy Framework:**

- Presumption in favour of sustainable development
- Delivering a wide choice of high quality homes
- Conserving and enhancing the historic environment
- Requiring good design
- Meeting the challenge of climate change and flooding

The policies detailed above are the most relevant policies relating to this application.

8. **Planning Assessment**

8.1 **Key/Main Planning Issues**

- Housing policies
- Impact on character of the area
- Residential amenity
- Highway implications
- Drainage

8.2 **Principle**

8.2.1 The District’s locational strategy for development is defined at Policy LS1 of the Eden Local Plan which sets out the hierarchy of settlements where development should be focused in the most sustainable locations, being the Market Towns and Key Hubs. Settlements offering a lower provision of services and facilities are termed as Smaller Villages and Hamlets, where the Policy states that development ‘will be restricted to infill sites, which fill a modest gap between existing buildings within the settlement; or rounding off, which provides a modest extension beyond the limit of the settlement to a logical, defensible boundary; existing development and the reuse of traditional rural buildings and structures.’
8.2.2 Policy HS2 of the Eden Local Plan further restricts development to housing ‘of an appropriate scale, which reflects the built form of adjoining and neighbouring development to the site and the service function of the settlement, where it meets all of the following criteria (inter alia):

- Where development is restricted to infilling and rounding off of the current village settlement pattern, in accordance with Policy LS1.
- The building does not contain more than 150m\(^2\) internal floorspace (gross).

Development in the Smaller Villages and Hamlets will be permitted were it meets the criteria set out in Policies LS1 and HS2.

8.2.3 The development must therefore constitute either infill or rounding off, in a manner which reflects the pattern of development in the locality, in order to comply with the housing policies. In terms of rounding off, the site is not constrained by a logical, defensible boundary, preventing further development beyond the west edge of the site. The landform does rise beyond the plateau of the proposal site, but the topography would not preclude further development. Without a physical feature at the edge of the site providing a barrier to developing the rest of the field, the proposal could not be considered as rounding off.

8.2.4 The scheme would more logically fall as infill development, and it is on this basis that the agent asserts the proposal should be considered acceptable. The proposal would fill a gap between buildings and would provide two dwellings, making for a more efficient use of land than the previous submission wherein the applicant had applied for a single dwelling and an agricultural contractor’s building. Furthermore, the agent contends that the proposal meets the Council’s aspiration set out in the explanatory text to Policy HS2 in the Local Plan: “The Council wishes to support those in rural areas who wish to build or commission their own home where they have a strong local connection, as this can help meet local housing aspirations and sustain villages.” The applicant would meet this expectation. The supporting statement further confirms that a local occupancy clause on both properties would be acceptable to the applicant and that the dwellings would not exceed 150 m\(^2\).

8.2.5 The planning merits of the application are acknowledged and the Parish Council’s support for the development is recognised. In order to fully meet the requirements of the housing policies however, the proposal must ‘reflect the built form of adjoining and neighbouring development to the site.’ Morland has developed over time, from its historic core around the Church, along spur roads to the east, west and south. Later housing developments have linked the spur roads, creating a radiated village pattern. Water Street however essentially remained as a linear form of development, the physical constraints of Morland Beck on the east and the rising landform on the west limiting further development. The exceptions are the Thwaites workshop behind the bus depot, and Coach House, built in 1981 and which by coincidence is the applicant’s current dwelling. These buildings, set behind the established building line on the west side of Water Street, create a gap which it is acknowledged may be viewed logically as an infill opportunity. This would however constitute backland development at odds with the established form of development on Water Street (Coach House and the workshop being exceptions to the rule), and therefore would not fully reflect the built form of neighbouring development.

8.2.6 Moreover, the former bus depot is within the applicant’s ownership which is a prime opportunity for redevelopment, both to meet his own accommodation needs and to
Agenda Item 2
REPORTS FOR DEBATE

enhance the built environment. Building on a greenfield site, when the applicant has access to previously-developed land, does not represent a sustainable pattern of development.

8.2.7 The application does attract support from the local Parish Council wishing to see a local resident given the opportunity to build local occupancy housing in order to stay in their community. The planning balance however is considered to fall against the proposal for the reasons stated above.

8.3 Built Environment

8.3.1 The application site does not affect a Conservation Area or any Heritage Asset.

8.3.2 Although the proposal is in outline only, the indicative plan shows the intention is to develop two dwellings. It is considered that a pair of dwellings in this location, suitably designed, would not visually affect the streetscene as they would be behind existing properties. However, this backland development would adversely affect the linear character and form of the settlement and the built environment.

8.4 Residential Amenity

8.4.1 The indicative plans show that a layout of two dwellings could be developed on the site without unduly impacting on the nearby properties. Should outline permission be granted then the scale, layout, and landscaping would be determined as part of the reserved matters and the impact of the development on the neighbour’s privacy and amenity would be considered in full at this stage.

8.5 Landscape Impact/Natural Environment

8.5.1 The application site runs on into the open countryside and from the adjacent properties the development would be seen to compromise the rural character of the area. The proposal would have only limited landscape impact however, and would not be prominently seen in public view. Whilst there are concerns that the proposal would extend the built form of the village in a manner not in keeping with the linear pattern of development, impact on the rural character of the area would be limited.

8.5.2 There are no trees onsite. Were permission granted, a landscaping scheme would be agreed through the reserved matters submission.

8.6 Infrastructure

8.6.1 The Highway Authority recommends refusal in the absence of a plan demonstrating visibility splays meeting their standards. The application is made in outline however with access being one of the matters reserved for subsequent determination; furthermore, the site has an existing access and a wide frontage onto the road. It is very likely that adequate visibility splays can be provided.

8.6.2 The eastern fringe of the application site falls within Flood Zones 2 and 3, signifying that the site is potentially vulnerable to flooding. A Flood Risk Assessment has been submitted with the application and following consultation with the Environment Agency, the flood risk impact has been deemed acceptable. The areas of land within the Flood Zones would be soft landscaped and the proposal will not therefore increase risk of flooding either on the site itself or to adjacent properties.
9. **New Homes Bonus**

9.1 The prospect of receiving a Bonus is, in principle, capable of being taken into account as a ‘material consideration’ in determining a planning application. Whether potential Bonus payments are in fact a material consideration in relation to a particular application will depend on whether those payments would be used in a way which is connected to the application and to the use and development of land. For example, potential Bonus payments could be a material consideration if they were to be used to mitigate impacts resulting from development. But if the use to which the payments are to be put is unclear or is for purposes unrelated to the development concerned a decision maker would not be entitled to take them into account when making a decision on a planning application. In this particular case, there are no plans to use the New Homes Bonus arising from this application in connection with this development.

10. **Implications**

10.1 **Legal Implications**

10.1.1 The following matters have been considered but no issues are judged to arise.

10.2 **Equality and Diversity**

10.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

10.3 **Environment**

10.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

10.4 **Crime and Disorder**

10.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

10.5 **Children**

10.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

10.6 **Human Rights**

10.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

11. **Conclusion**

11.1 The proposed development would result in backland development which would not be in keeping with the character of built development in the vicinity of the application site, contrary to the requirements of Policies LS1 and HS2 of the emerging Local Plan.

11.2 Notwithstanding the planning merits of the application, which would result in a small-scale local occupancy housing scheme, there is an obvious alternative opportunity to re-develop a vacant commercial premises which would have greater merit in planning terms. It has not been demonstrated why this site cannot be developed instead and so, to allow development of a greenfield site which is backland development at odds to the built grain of the locality would be contrary to the Local Plan housing policies.
11.3 It is therefore recommended for refusal.

Jane Langston  
Deputy Director Technical Services

<table>
<thead>
<tr>
<th>Checked by or on behalf of the Monitoring Officer</th>
<th>✓</th>
</tr>
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</table>

**Background Papers:** Planning File
**Agenda Item 3**

**REPORTS FOR DEBATE**

- **Date of Committee:** 14 February 2019
- **Planning Application No:** 18/1013
  - **Date Received:** 21 December 2018
- **OS Grid Ref:** NY 351350, 530402
  - **Expiry Date:** 16 February 2019
- **Parish:** Penrith
  - **Ward:** Penrith West
- **Application Type:** Listed Building
- **Proposal:** Listed building consent for dismantling and rebuilding chimney
- **Location:** Church Mews, Duke Street, Penrith
- **Applicant:** Mr P Wilkinson – Impact Housing
- **Agent:** Mr Andrew Poole, Tweddell and Slater
- **Case Officer:** Caroline Brier
- **Reason for Referral:** The recommendation is contrary to that of the Penrith Town Council
Agenda Item 3
REPORTS FOR DEBATE
1. **Recommendation**

   It is recommended that Listed Building consent be granted subject to the following conditions:

### Time Limit for Commencement

1. The development permitted shall be begun before the expiration of three years from the date of this consent.

   **Reason:** In order to comply with the provisions of the Planning (Listed Building and Conservation Areas) Act 1990.

### Approved Plans

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:

   i) Location Plan (Drawing No: 6278-01) received 21 December 2018

   ii) Chimney Details (Drawing No: 6278/200) received 21 December 2018

   iii) Heritage Statement received 21 December 2018

   **Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

2. **Proposal and Site Description**

2.1 **Proposal**

2.1.1 This listed building consent application seeks consent to dismantle the existing chimney to make it safe, and then re-build it at a reduced height using the resalvaged stones.

2.1.2 Works have commenced and the chimney has been dismantled following notification from Building Control that the structure was dangerous due to its very pronounced lean in a southerly direction.

2.1.3 Prior to the submission of this listed building consent application discussions took place with the Council’s Conservation Officer. It was agreed that a sensible way forward would be to re-build the chimney at a reduced height (from 3 metres to 1.5 metres) as due to the slender nature of the structure, the full reinstatement to the original height would involve internal and external support which would be an additional feature separate to the listed nature of the structure.

2.2 **Site Description**

2.2.1 The building is grade II listed and located within the Penrith conservation area to the north of the town centre on Duke Street. A former church, the building is now eleven flats.

2.2.2 The Historic England register states ‘Now apartments. 1865. Coursed red sandstone rubble with slate roofs. Decorated style. Big gable to street with large geometric traceried window over double doorway. Two stage tower surmounted by belfry stage and small broach spire. Two storey wing to right with tripled window feature on each floor. Prominent building in this part of Penrith’.
Agenda Item 3
REPORTS FOR DEBATE

3. Consultees

3.1 Statutory Consultees

3.1.1 There are no Statutory Consultees required to be consulted on this type of application.

3.2 Discretionary Consultees

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation Officer</td>
<td>‘The chimney stack on the south elevation of the building is structurally unsafe and poses a risk to pedestrians should it collapse. The proposal to take down the chimney to its plinth level and to rebuild a stack using the salvaged sandstone and chimney pots but to a reduced height of 1.5m is considered to be an acceptable alteration provided that an appropriate mortar is used. The reuse of the original fabric will help to mitigate the minor impact of its demolition and altered size. The alteration is not considered to be highly visible to the untrained eye and will not lead to a significant change to the roofscape. Thus the proposal is considered to be in accordance with policies in the Planning Act 1990 and NPPF 2018 for the conservation of listed buildings and their features’.</td>
</tr>
</tbody>
</table>

4. Town Council Response

<table>
<thead>
<tr>
<th>Town Council</th>
<th>Object</th>
<th>Support</th>
<th>No Response</th>
<th>No View Expressed</th>
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<tbody>
<tr>
<td>Penrith Town Council</td>
<td>✔</td>
<td></td>
<td></td>
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</tbody>
</table>

4.1 ‘This is a grade II listed building in a prominent location. PTC would like to see the chimney reinstated using as much of the original materials as possible to its full height employing modern techniques (inside the chimney)’.

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 9 January 2019.

<table>
<thead>
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<th>No of Neighbours Consulted</th>
<th>24</th>
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<tr>
<td>No of Representations Received</td>
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<td>No of neutral representations</td>
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<tr>
<td>No of objection letters</td>
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6. Relevant Planning History

<table>
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<tr>
<th>Application No</th>
<th>Description</th>
<th>Outcome</th>
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<tr>
<td>06/0515</td>
<td>Interior refit to change building use from accommodation with shared amenities to 3 No supported flat units</td>
<td>FA 07/08/06</td>
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</tbody>
</table>

7. Policy Context

7.1 Development Plan

Eden Local Plan 2014 - 2032
- DEV5 – Design of New Development
- ENV10 – The Historic Environment

Supplementary Planning Documents:
- Management of Conservation Areas (2011)

7.2 Other Material Considerations

National Planning Policy Framework:
- Achieving well-designed places
- Conserving and enhancing the historic environment

National Planning Practice Guidance

The Planning (Listed Buildings and Conservation Areas) Act 1990

7.3 The policies detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Key/Main Planning Issues
- Principle
- Historic Environment

8.2 Principle

8.2.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 s 66(1) requires a decision-maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to 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.

8.2.2 Paragraph 193 of the NPPF, 2018 states ‘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. This is irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’

8.2.3 Policy DEV5 of the Eden Local Plan looks for developments to use quality materials which complement or enhance local surroundings and also protect features and characteristics of local importance.
8.2.4 Policy ENV10 states that the Council will require all proposals for development to conserve and where appropriate, enhance with significance of Eden’s heritage assets and their settings.

8.2.5 Works have commenced to make the chimney safe due to it being classed as a dangerous structure as it had a very pronounced lean in a southerly direction. Due to the slender nature of the structure, the full reinstatement to the original height would involve internal and external support which would be an additional feature separate to the listed nature of the structure which is considered to be harmful to the listed building.

8.2.6 The re-building of the chimney to the same dimensions but at a reduced height using the original stones is considered to be acceptable in principle.

8.3 Landscape and Visual Impacts

8.3.1 The chimney is to be re-built to the same dimensions as was originally there, however there is to be a 1.5 metre reduction in its height. The main features of the building are the big gable to street with large geometric traceries window over double doorway and two stage tower surmounted by belfry stage and small broach spire. Given the built up location, whilst the building as a whole is a prominent feature in the landscape, it is not considered that the reduction of the chimney would detract from the main features of this listed building or adversely affect the landscape of the surrounding conservation area.

8.4 Historic Environment

8.4.1 The Conservation Officer’s response states – ‘the building is a mid –late 19th century former United Reformed Church that has been converted into residential use. The main elevation (east) fronts onto Duke Street- an historic road linking Portland Place, Brunswick Road and Stricklandgate - and comprises of three bays with a symmetrical gothic design. The main bay (nave) features a large 6 light window with sandstone mullions and tracery above a double entrance with sexfoil lobe shaped window and tracery under a hood mould. Two windows flank the entrance with matching design. The central bay forms the bell tower with spire and the ground floor entrance is now blocked. The northern bay has three symmetrical windows at both ground and first floor – the central being a double light with quatrefoil lobe. This elevation also features 5 buttresses. There are no openings in the north elevation but there is an entrance through the adjoining boundary wall to the rear. The south elevation abuts the adjoining residential dwelling but the steep pitch of the roof of the nave is clear in views when approaching from the south; it features modern skylights and a tall, slim sandstone twin flue chimney stack with chimney pots. The size and scale of the building is dominant in the streetscape towering over residential dwellings which indicates its status as an ecclesiastical building.

The 1861 OS Town Plan depicts a chapel named Ebenezer Chapel with grave yard and a school to its rear in the location of the current Church Mews. The 1900 OS map shows a larger building marked as a Congregational Church which is assumed to have replaced the earlier chapel. The building remained in ecclesiastical use until the early 21st century when it was converted into residential flats.

The building is designated as a grade II listed building for its historical value as an ecclesiastical building in the town and for its architectural value with its gothic revival design. It is also located within Penrith conservation area that covers the historic market town. A key characteristic of the town is its organic development with interrelated areas and their micro characters. The conservation area has an interesting
streetscape, roofscape and contains many traditional materials and features. Duke Street and the former church contribute to this character. The chimney stack on the south elevation of the building is structurally unsafe and poses a risk to pedestrians should it collapse. The proposal to take down the chimney to its plinth level and to rebuild a stack using the salvaged sandstone and chimney pots but to a reduced height of 1.5m is considered to be an acceptable alteration provided that an appropriate mortar is used. The reuse of the original fabric will help to mitigate the minor impact of its demolition and altered size. The alteration is not considered to be highly visible to the untrained eye and will not lead to a significant change to the roofscape. Thus the proposal is considered to be in accordance with policies in the Planning Act 1990 and NPPF 2018 for the conservation of listed buildings and their features.

8.4.2 Details of the mortar have been confirmed as a lime based mortar - NHL 5.0 (eminently hydraulic) at a ratio of 1:3 (1 part NHL5:3 parts well graded sharp sand) which is considered to be appropriate and acceptable.

8.4.3 It is considered that a less than substantial harm would be caused to the special appearance, setting and character of the listed building. The reduction in height of the chimney is a minimal harm, outweighed by the benefits of securing the future use of the building and sustaining the significance of the heritage asset in accordance with paragraph 196 in the NPPF. Whereas to re-build the chimney to its original height would involve internal and external support which would be an additional feature separate to the listed nature of the structure.

8.4.4 It is acknowledged that the Penrith Town Council object to the application as they wish to see the chimney restored to its original height of 3 metres. However given the Conservation Officer's detailed comments and the justification provided with the application supporting the reduction in height, it would be considered unreasonable to refuse this application and require the chimney to be re-built taller than is proposed.

8.5 Other

8.5.1 A householder planning application has been requested to be submitted to the Council as the proposed works do not constitute a like for like repair and as such planning permission is required.

9. Implications

9.1 Legal Implications

9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.
9.5 Children

9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 Human Rights

9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

10.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by material considerations:

The proposal to dismantle and re-build the chimney on the grade II listed building known as Church Mews at a reduced height of 1.5 metres is considered to be appropriate in terms of scale and design and in accordance with policies in the Planning Act (Listed Buildings & Conservation Areas) 1990, NPPF 2018 for the conservation of listed buildings and policies DEV5 and ENV10 in the Eden Local Plan.

Jane Langston
Deputy Director Technical Services

Checked by or on behalf of the Monitoring Officer ✓

Background Papers: Planning File
Date of Committee: 14 February 2019
Planning Application No: 18/0879  Date Received: 26 October 2018
OS Grid Ref: 51136 27441  Expiry Date: 28 December 2018
Parish: Yanwath and Eamont Bridge  Ward: Eamont
Application Type: Outline
Proposal: Outline application for two residential dwellings (Local Occupancy) with all matters reserved.
Location: Land adjacent to Oakfields, Yanwath, Penrith
Applicant: Mr A Jackson
Agent: Katie Towner, Hyde Harrington Ltd
Case Officer: D Cox
Reason for Referral: An objector has requested the application be considered by Members and the Officer recommendation is contrary to the view of the Parish Council.
Agenda Item 4

REPORTS FOR DEBATE
1. Recommendation

That the application is refused for the following reasons:

1) The proposed development by virtue of its location, scale and siting would have significant and adverse impact on the character and visual amenity of the hamlet and thereby does not accord with Policies LS1 and HS2 of the adopted Eden Local Plan (2014-2032).

2) In the absence of overriding justification otherwise, the site and potential scale of resulting proposed residential development would have an unacceptable and demonstrably harmful impact on the character and amenity of both the local landscape, and the associated small residential cluster and its setting, contrary to the aims and criteria concerns of adopted Policies HS2, DEV5 and ENV2 of the adopted Eden Local Plan (2014-2032).

2. Proposal and Site Description

2.1 Proposal

2.1.1 The proposal seeks outline permission for the principle of two residential dwellings (local occupancy) with all matters reserved. Illustrative plans accompanying the submission show for the possible creation of two detached dwellings (with detached garaging) on an oblong plot of land (approx 937 sq m (0.231 acres).

2.1.2 The proposal relates to part of an agricultural grazing field on the south side of a private drive, and is bounded by Oakfields, a detached dwelling to the west, and the development of five houses known as Moorside to the east.

2.1.3 Though relating to Yanwath, as a small village and hamlet, and designated as such in the adopted Eden Local Plan under Policy LS1, the site is not on land with any specific planning policy designation otherwise, nor subject to any particular planning constraints or designation.

2.2 Site Description

2.2.1 The proposal relates to part of an agricultural grazing field on the south side of a private drive, and is bounded by Oakfields, a detached dwelling to the west, and the development of five houses known as Moorside to the east.

2.2.2 Boundaries to the site comprise an existing low dry stone wall and field access gateway (to the north) fronting onto the existing adjacent shared private driveway, a mixed rail fence and sporadic tree shrub planting, separating the site from the garden curtilage of Oakfields (to the west) and the unfenced balance of the larger associated grazing field (to the south and east).

3. Consultees

3.1 Statutory Consultees

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Authority</td>
<td>No objection.</td>
</tr>
</tbody>
</table>
3.2 Discretionary Consultees

<table>
<thead>
<tr>
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<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Lead Flood Authority</td>
<td>No objection subject to condition.</td>
</tr>
<tr>
<td>United Utilities</td>
<td>No objection subject to condition.</td>
</tr>
</tbody>
</table>

4. Parish Council/Meeting Response

<table>
<thead>
<tr>
<th>Parish Council/Meeting</th>
<th>Object</th>
<th>Support</th>
<th>No Response</th>
<th>No View Expressed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yanwath and Eamont Bridge</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.1 The Parish Council responded as follows:
The Parish Council have considered these plans and can find no objections.

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 30 November 2018.

<table>
<thead>
<tr>
<th>No of Neighbours Consulted</th>
<th>9</th>
<th>No of letters of support</th>
<th>0</th>
</tr>
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<tbody>
<tr>
<td>No of Representations Received</td>
<td>4</td>
<td>No of neutral representations</td>
<td>0</td>
</tr>
<tr>
<td>No of objection letters</td>
<td>4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5.2 Local residents submitted letters of objection raising the following concerns, summarised as follows:

- The proposed means of access is via a privately owned lane serving Moorside Cottages.
- The site is not an infill and lies beyond the confines of the settlement proper.
- Would affect neighbouring view and result in possible overlooking.
- Connection to existing neighbouring micro drainage plant would be likely to be resisted by neighbouring owners.
- Increased possibility of adverse increase in traffic levels and corresponding safety impact in the area including within the neighbouring vicinity of the school and the respective various road junctions.
- Adversely affect the visual amenity of the area and character of the surrounding landscape and surrounding open countryside, and would result in an incongruous intrusion into the open countryside outside and unrelated to the village core.
- The proposed site is within 25m of a similar residential development refused under application Ref No 14/0819.
- If the principle were to be accepted (on this small site), it would invariably open up the possibility of more similar development in the vicinity.
6. **Relevant Planning History**

14/0819 – outline planning application for 3 dwelling houses, with all matters reserved.

7. **Policy Context**

7.1 **Development Plan**

**Eden Local Plan 2014-2032**
- Policy LS1 – Locational Strategy
- Policy LS2 – Housing Targets and Distribution
- Policy HS2 – Housing in the Smaller Villages and Hamlets
- Policy DEV1 – General Approach to New Development
- Policy DEV5 – Design of New Development
- Policy ENV2 – Protection and Enhancements of Landscapes and Trees

**Supplementary Planning Documents:**
- Housing (2010)

7.2 **Other Material Considerations**

**National Planning Policy Framework:**
- Presumption in favour of sustainable development
- Demonstrating a deliverable 5-year housing land supply
- Delivering a wide choice of high quality homes
- Requiring good design
- Meeting the challenge of climate change and flooding

The policies detailed above are the most relevant policies relating to this application.

8. **Planning Assessment**

8.1 **Key/Main Planning Issues**
- Housing policies
- Impact on character of the area
- Residential amenity
- Highway implications
- Drainage

8.2 **Principle**

8.2.1 The Eden Local Plan has now been adopted, and its policies are now accorded the relevant weight. Under Policies LS1 and HS2 of the Plan, Yanwath is designated as being a Smaller Village and Hamlet. Policy HS2 states that, within the Smaller Villages and Hamlets listed in policy LS1, permission will be given for housing of an appropriate scale, which reflect the built form of adjoining and neighbouring development to the site and the service function of the settlement, where it meets all of the following criteria:

- Where development is restricted to infilling and rounding off of the current village settlement pattern, in accordance with Policy LS1.
The building does not contain more than 150m² internal floorspace (gross).

In the case of greenfield sites a condition or legal agreement restricting occupancy to only those meeting local connection criteria, defined in Appendix 6, will be applied.

8.2.2 Such villages have been identified in the adopted plan (but without any identified defining boundaries) on the basis that they contain a coherent and close knit group of ten or more dwellings, which are well related and in close proximity to each other, or clustered around a central element or feature, as opposed to areas of scattered and poorly related development.

8.2.3 The main body of the settlement of Yanwath is located to the north of the application site, being separated from it, and the main form of the hamlet by a combination of intervening distance, the B5320 (Eamont Bridge-Pooley Bridge) Rd, and, perhaps more importantly, the main west coast London to Glasgow railway line. It is considered that the application site relates to a particularly “peripheral” and detached “element” of Yanwath, which is somewhat of a dispersed and disjointed entity in this case sitting, in terms of what would traditionally be viewed as “outside” the village or hamlet, uneasily in relation to either the identifiable centre, focal point or cluster of any appreciable scale or numerical size.

8.2.4 As a greenfield site, any new dwellings in this locality would be required under Policy to be for local occupancy only. The applicant’s supporting information confirms compliance with this aspect of adopted policy requirement.

8.2.5 However, fundamental in consideration remains the fact that the site (and such dwellings which might subsequently be built, on the relatively large, 937 sq m (0.231 acres) plot) would, by reason of the scale in terms of plot size in comparison to the associated adjacent cluster, significant degree of physical and peripheral separation and relative isolation, and lacking any significant defensible boundary (to the south and east), be located on a plot of land which cannot be considered to be one that:

“.. reasonably fits or fills the definition of a modest gap between existing buildings”, nor is it relatively “well related” or given the sparse and sporadic nature of Yanwath “in close proximity” as such.

8.2.6 The proposed development site, considered as neither “modest” in terms of size, or fully “defensible” in terms of boundary, therefore conflicts with proposed Policy LS1 because the application site cannot therefore be construed to be a reasonable infill development, as the development, being required by adopted Plan Policies LS1 and HS2, would not have either the required strong defensible boundaries nor fill a modest gap within or given the peripheral nature of this location to the settlement of Yanwath as a whole.

8.2.7 The Council’s position (supported at Appeal elsewhere in recent decision) is that such defensible boundaries should and would be landscape features such as a road, wood, river, railway line or a significant rise or fall in the topography, which would prevent the further extension of development.

8.2.8 Whilst acknowledging the presence of the immediately neighbouring residential development of Oakfields (to the west), the more distant Moorside dwellings (to the east) and the highway and Primary School (C3043) even further to the west, it is
considered that, particularly with regard to the neighbouring agricultural land, to the south and immediate east, that effectively the site, (other than a small drystone wall (fronting the lane) and shared fence boundary with Oakfields) overall significantly lacks the required strong and defensible boundary to the remainder and within the larger associated existing agricultural field. The absence of such a comprehensive and effective requirement as this is considered significantly prejudicial to the success of the proposal and its inability to comply with relevant adopted Plan Policy LS1 “infill” criteria concerns.

8.2.9 In consideration of the proposal, the extended nature of the Yanwath cluster, and absence of strong central focal point, in this peripheral location, and existing limited residential dwelling numbers (11 units) lead to a not unreasonable conclusion (in line with previous application decision outcomes) that the application site is neither located centrally within the hamlet of Yanwath, comfortably even within it in peripheral in terms, or (with an anticipated scale of development of possibly 2 units) of a modest scale (representing a possible 22% increase on the above existing figure) of a practical application of the considerations and criteria concerns of the above adopted Eden Local Plan LS1 and HS2 policies.

8.2.10 In addition, and having that regard to the particular “oblong” shaped plot location, reference and consideration in light of the above, is also made not only to the large degree absence of surrounding boundaries, but fundamentally the nature and use of the agricultural land beyond and to whether, in the absence of such strong boundary in these directions (to the south and east) given this, that the site can practically be viewed as representing an reasonable and practicable “infill” or “extension” even in the context of this peripheral cluster, without compromise to Yanwath’s overall character, or its setting in such relationship to the surrounding open countryside. It is noted that the applicants, in their submission have argued that permission should be forthcoming on the basis of an assumed housing shortfall within the District. Members are to be reminded here that, with the recent adoption of the Eden Local Plan (2014-2032) the following applies, that:

- reference to Policy LS2 “Housing Targets and Distribution”, confirms that in terms of Villages and Hamlets within the District provision (ie need) is currently running at -20 per annum for locations such as this (ie that there is a reasonably healthy surplus housing land provision in such designated settlements for the time being), and

- whilst such housing targets are not a cap, they do clearly emphasise how important (acceptable otherwise in terms of location, scale and boundary provision) a proposal needs to be to reasonably comply with the aims of the Council’s own adopted core “Locational” Plan Policy LS1.

8.2.11 For the reasons and considerations site specific and general above, the proposed site is not considered to be a reasonable or practicable infill site for the purposes of the adopted Eden Local Plan and the specific aims and criteria concerns of Policies LS1, LS2 and HS2.

8.2.12 The fundamental issue however remains that of the unacceptability of the site as a modest or reasonable infill site, and the significant and demonstrable harm, in the absence of criteria requirement, compatibility and overriding justification, that would result to the character and setting of the hamlet/cluster of Yanwath were it to be otherwise seen as such.
8.3 Built Environment

8.3.1 Indicative detail accompanying the submission shows for the possible creation of two dwellings on the plot. As considered above, this could represent a potential 22% increase above the small number (11) of existing dwellings in this immediate cluster. In principle, and accepting that Yanwath as such is a designated settlement under Policy LS1, such might be argued to complement both the density and character of nearby main body of residential development as found in the locality, as well as the criteria design concerns (in particular scale) of that relevant proposed Plan Policy. However as case officer, and in this aspect, I would agree to differ. A 22% increase in relation to any settlement is both a significant and unacceptable figure in terms of the expansion of built form, especially in regard to such a peripheral and somewhat detached location. And whilst actual density, appearance, scale and landscaping are reserved for further consideration, indicative number submitted with the proposal (2 units) are considered unacceptable in the light of the relevant adopted Eden Local Plan Policy Criteria concerns relating to LS1, HS2 and DEV5.

8.3.2 It is to be noted that the Applicant, via their agent has stated that “.the application should be assessed in the context where there is a shortfall of (housing) land provision.”

With the adoption of the Eden Local Plan 2014-32, and in light of housing land allocation and commitments identified and made, Members are advised that there is presently no such housing land provision shortfall.

There are no objections to the proposal in terms of the Highway and Lead Local Flood Authority, subject to conditions and advisory notes.

8.3.3 It is however noted that these aspects (and in particular access and drainage provision), are in the nature of their generality, the basis for much of the observation and objection received by the Local Authority. Many of the issues, and their relevant detail, are however of private concern and outwith the consideration of the Local Planning Authority.

8.4 Residential Amenity

8.4.1 The application is in outline only, with all matters otherwise reserved. The application site is considered to be located peripheral to the hamlet of Yanwath, and notwithstanding the above, it is considered that separation distances as such (in relation to both Oakfields and dwellings at Moorside) could, in this aspect reasonably be designed to meet and comply with both requisite “Housing” SPD and adopted Eden Local Plan Policy (DEV5) concerns and requirements. This ultimately may depend on the number of residential units that might be put forward at a reserved matters stage, notwithstanding the present “suggested” figure of two.

8.5 Natural Environment

8.5.1 The proposal is in outline (with considered detail relating to access and layout only). No designations affect the site, and it is considered that a development of the type proposed will not have any significant unreasonable impact in this particular aspect.
9. **New Homes Bonus**

9.1 The prospect of receiving a Bonus is, in principle, capable of being taken into account as a ‘material consideration’ in determining a planning application. Whether potential Bonus payments are in fact a material consideration in relation to a particular application will depend on whether those payments would be used in a way which is connected to the application and to the use and development of land. For example, potential Bonus payments could be a material consideration if they were to be used to mitigate impacts resulting from development. But if the use to which the payments are to be put is unclear or is for purposes unrelated to the development concerned a decision maker would not be entitled to take them into account when making a decision on a planning application. In this particular case, there are no plans to use the New Homes Bonus arising from this application in connection with this development.

10. **Implications**

10.1 **Legal Implications**

10.1.1 The following matters have been considered but no issues are judged to arise.

10.2 **Equality and Diversity**

10.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

10.3 **Environment**

10.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

10.4 **Crime and Disorder**

10.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

10.5 **Children**

10.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

10.6 **Human Rights**

10.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

11. **Conclusion**

11.1 The proposed development by virtue of its location, scale and siting would have significant and adverse impact on the character and visual amenity of the hamlet and thereby does not accord with Policies LS1 and HS2 of the adopted Eden Local Plan (2014-2032).
11.2 In the absence of overriding justification otherwise, the site and potential scale of resulting proposed residential development would have an unacceptable and demonstrably harmful impact on the character and amenity of both the local landscape, and the associated small residential cluster and its setting, contrary to the aims and criteria concerns of adopted Policies HS2, DEV5 and ENV2 of the adopted Eden Local Plan (2014-2032).

11.3 The proposed development is considered to not be in accordance with the development plan which is not outweighed by material considerations and therefore the application is recommended for refusal.

Jane Langston
Deputy Director Technical Services

Background Papers: Planning File.
Agenda Item 5
REPORTS FOR DEBATE

Date of Committee: 14 February 2019
Planning Application No: 18/0967  Date Received: 3 December 2018
OS Grid Ref: NY 352090, 529886  Expiry Date: 1 February 2019
Parish: Penrith  Ward: Penrith East
Application Type: Variation of Condition
Proposal: Variation of condition 3 (visibility splays) attached to approval 16/1027
Location: 14 Carleton Road, Penrith
Applicant: Mr J Lynch
Agent: Mr D Addis
Case Officer: Nicholas Unwin
Reason for Referral: The applicant is the Council Member for Penrith East and also a member of the Planning Committee.
1. **Recommendation**

   It is recommended that planning permission be granted subject to the following conditions:

**Time Limit for Commencement**

1. The development permitted shall be begun before 17 February 2020.

   **Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Approved Plans**

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:

   i. Application Form dated 21 November 2016.
   
   ii. Design and Access Statement (ref: 115-175) received 22 November 2016.


   **Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

**Prior to Commencement**

3. Prior to the commencement of development visibility splays providing clear visibility of 45.76m from the North-West and 30m from the South-East measured 2 metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway.

   **Reason:** In the interest of highway safety.

**Ongoing Conditions**

4. 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 interest of highway safety.
2. **Proposal and Site Description**

2.1 **Proposal**

2.1.1 This proposal seeks to vary Condition 3 (visibility splays) attached to approval 16/1027 through the reduction of the visibility splays to the North-West and South-East from 46 metres to 45.76 metres.

2.1.2 Application 16/1027 was for a proposed single dwelling and garage and was approved by Planning Committee on 16 February 2017.

2.1.3 Condition 3 attached to approval 16/1027 states “Prior to the commencement of the development, clear visibility splays shall be provided of 46m measures 2 metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access with the county highway. The visibility splay shall be constructed before the general development of the site commences so that construction traffic is safeguarded”. The condition was in the interest of highway safety.

2.2 **Site Description**

2.2.1 The application site is currently an underused area of land forming part of the garden servicing No 14 Carleton Road. The application site is circa 425 square metres and currently has a covering of trees, shrubs and other vegetation.

2.2.2 The application site is positioned at the end of a row semi-detached residential properties of simple architectural merit, and adjacent to a large, attractive property known as Victoria Cottage which is set in large, walled grounds. Although forming part of the garden of No 14 Carleton Road, the property would be accessed via a new highway access onto Folly Lane, which is a 30mph public highway. The proposed dwelling would be sited directly opposite the property known as Barco Lodge.

2.2.3 A prominent and mature ash tree was located to the immediate east of the application site, within the boundary of Victoria Cottage, which has previously been subject of a Tree Preservation Order (TPO19-T1). However this tree has since been removed under tree works application 18/0318 due to signs of significant decline.

2.2.4 The application site has no landscape designation nor is it affected by any planning constraints which would be considered relevant to the determination of this planning application.

3. **Consultees**

3.1 **Statutory Consultees**

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Authority</td>
<td>Response received 7 January 2019: “Cumbria County Council as Highway authority has reassessed the speed data information provided in connection with the original application No 16/1027 and drawing No 115-175-06 Rev C. This information was supported by calculation summary produced RG Parkins, this information was correct in calculating the North West Visibility splay but did not accurately cover the South East Visibility splay.</td>
</tr>
</tbody>
</table>
On re-evaluating the visibility splays in the current variation of condition application it is noted that the 85th percentile speed data for the south splay can be reduced to 30m”.

Response received 28 January 2019:
“Cumbria County Council as highways authority has assessed the speed information provided and the trip generation for traffic use on Folly Lane, taking into account the small scale development and that the application is in a residential area along with the small reduction of the Northern visibility splay by 24cm to 45.76m, Cumbria County Council would have no objection with variation of condition 3”.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Utilities</td>
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<td>Environmental Health</td>
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4. Parish Council

Please Tick as Appropriate

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<tr>
<th>Parish Council</th>
<th>Object</th>
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<th>No View Expressed</th>
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<tr>
<td>Penrith Town Council</td>
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<td></td>
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5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 18 October 2018.

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<tr>
<th>No of Neighbours Consulted</th>
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<tbody>
<tr>
<td>No of Representations Received</td>
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<td>No of neutral representations</td>
<td>0</td>
</tr>
<tr>
<td>No of objection letters</td>
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</table>
6. Relevant Planning History

<table>
<thead>
<tr>
<th>Application No</th>
<th>Description</th>
<th>Outcome</th>
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<tr>
<td>16/0286</td>
<td>Proposed Residential Dwelling.</td>
<td>Withdrawn</td>
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<tr>
<td>16/0327</td>
<td>Removal of Ash Tree T1 showing signs of significant decline.</td>
<td>Approved 20 May 2016</td>
</tr>
<tr>
<td>16/1027</td>
<td>Proposed dwelling with garage.</td>
<td>Approved 17 February 2017</td>
</tr>
<tr>
<td>18/0318</td>
<td>Renewal of application 16/0327 for the removal of Ash Tree T1 showing signs</td>
<td>Approved 25 May 2018</td>
</tr>
</tbody>
</table>

7. Policy Context

7.1 Development Plan

Eden Local Plan 2014-2032:
- DEV3 Transport, Accessibility and Rights of Way

7.2 Other Material Considerations

National Planning Policy Framework:
- Chapter 9 Promoting sustainable transport

7.3 The policies detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Key/Main Planning Issues
- Highways Impacts

8.2 Principle

8.2.1 Paragraph 13 of Flexible options for planning permissions published on 6 March 2014 states that “An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied”.

8.2.2 Based on the above the principle of the application to vary Condition 3 (visibility splays) attached to approval 16/1027 is considered acceptable subject to further consideration of highway network impacts.

8.3 Highways

8.3.1 Chapter 9 Promoting sustainable transport of the NPPF states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety”. This is supported by Policy DEV3 of the Local Development Plan which states that “development will be refused if it will result in a severe impact in terms of road safety and increased traffic congestion”.

8.3.2 Condition 3 attached to approval 18/0967 requires visibility splays of 46 metres to be provided to the South-East and North-West of the proposed access. Following further analysis of the site it was discovered that it would not be possible to meet these
visibility splays. The applicant submitted the current application to vary these visibility splays to 45.76 metres (24 centimetres short of the required visibility splays).

8.3.3 The Highways Authority were consulted on this application and following a re-evaluation of the initial speed survey data submitted with application 16/1027, concluded that the visibility splay to the South-East could be reduced to 30 metres.

8.3.4 In an email received on 28 January 2019 the Highways Authority confirmed that they had no objection to the visibility splay to the North-West being reduced to 45.76 metres. Such a minor reduction of 24 centimetres is considered to have a negligible impact on highway safety and is therefore acceptable.

9. Implications

9.1 Legal Implications

9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Human Rights

9.5.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

9.6 New Homes Bonus

9.6.1 The prospect of receiving a Bonus is, in principle, capable of being taken into account as a ‘material consideration’ in determining a planning application. Whether potential Bonus payments are in fact a material consideration in relation to a particular application will depend on whether those payments would be used in a way which is connected to the application and to the use and development of land. For example, potential Bonus payments could be a material consideration if they were to be used to mitigate impacts resulting from development. But if the use to which the payments are to be put is unclear or is for purposes unrelated to the development concerned a decision maker would not be entitled to take them into account when making a decision on a planning application. In this particular case, there are no plans to use the New Homes Bonus arising from this application in connection with this development.

10. Conclusion

10.1 The Highway Authority has no objection to the reduction in visibility splays to the South-East and North-West. The proposed variation of condition 3 attached to approval 16/1027 is not considered to have an unacceptable impact on highway safety and therefore the application is recommended for approval.
Agenda Item 5
REPORTS FOR DEBATE

Jane Langston
Deputy Director Technical Services

Background Papers: Planning File 18/0967
Date of Committee: 14 February 2019
Planning Application No: 18/0943 Date Received: 23 November 2019
OS Grid Ref: 357699 522564 Expiry Date: 1 March 2019
Parish: Great Strickland Ward: Morland
Application Type: Variation of Condition
Proposal: Variation of condition 2 (operational length) and condition 3 (solar farm decommissioning) to extend from 30 to 40 years attached to appeal approval APP/H0928/W/16/3147860.
Location: Land to the south of Graham Wood, Great Strickland
Applicant: Lightsource SPV 179 Ltd
Agent: Mr Owen Horrell – Pegasus Group
Case Officer: Mr Ian Irwin
Reason for Referral: The proposal is a major planning application
1. **Recommendation**

That planning permission be granted subject to the following conditions;

1. The development hereby permitted shall be implemented by 25 January 2020.
   
   **Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. The permission hereby granted shall expire after 40 years following the date when electrical power is first exported (‘first export date’) from the development to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the local planning authority no later than one calendar month after the event.
   
   **Reason:** To avoid any ambiguity as to the duration of the approved development.

3. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 40 years and 6 months following the first export date, whichever is the sooner, all infrastructure associated with the development shall be removed from the site and the site restored to its original condition in accordance with the submitted Construction, Decommissioning and Traffic Management Method Statement dated July 2015.
   
   **Reason:** To ensure the site is restored once the development is complete and in the interests of the amenity of the area.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
   
   Site Location Plan drawing DLW_02  
   Preliminary Layout drawing DLW_01_Rev3  
   Communications Building Details drawing CB_01  
   Client Side Substation Details drawing CSR_01  
   Storage Building Details drawing SB_01  
   Toilet Cabinet drawing TC_01  
   Typical Panels Elevation 4 Landscape drawing TYP_P_E  
   Side/Aux Transformer drawing AT_01  
   CCTV Pole Details drawing CCTV_01  
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   **Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.
5. Notwithstanding the details shown on drawing DNO_01, no development shall take place until full details of the design and external appearance of the DNO building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of the visual amenity of the area.

6. No fixed lighting shall be installed on the site unless details have first been approved in writing by the local planning authority.

**Reason:** In the interests of the amenity of the area.

7. The development hereby permitted shall be carried out, and the site subsequently monitored and managed, in accordance with the submitted Biodiversity Management Plan by Avian Ecology dated 14 August 2015.

**Reason:** In the interests of the biodiversity of the area.

8. Notwithstanding the details shown on drawing L.0367.012A, no development shall take place until a scheme of landscape mitigation measures has been submitted to and approved in writing by the local planning authority. The approved landscape mitigation measures shall be implemented in the first planting season following completion of the development or the first export date, whichever is the sooner, and shall be maintained thereafter for a period of not less than 5 years. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies within that period. The replacement tree or shrub shall be of the same species and of similar size to that originally planted.

**Reason:** In the interests of the visual amenity of the area.

9. No development shall take place until a detailed Traffic Management (Construction and Operation) Plan, indicating routes and sizes and types of vehicles and including analysis of known or possible route issues with mitigation measures where necessary, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan.

**Reason:** In the interest of protecting local residential amenity and in the interest of highway safety.

10. The development hereby permitted shall be carried out in accordance with the Construction Specific Information outlined in the submitted Construction, Decommissioning and Traffic Management Method Statement dated July 2015.

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2. Proposal and Site Description

2.1 Proposal

2.1.1 The application seeks to vary two elements of an existing permission. This was granted under appeal (ref APP/H0928/W/16/3147860) for a Solar Farm on land to the South of Graham Wood, Great Strickland. This appeal was approved following refusal by Planning Committee in October 2015.

2.1.2 The specific element to be determined under this application is the duration of the development, which the applicant wishes to see extended by 10 years – from 30 to 40 years of operational development. As a consequence of that, the variation of an additional condition related to the decommissioning of the site is also required in order to ensure that the operational development and restoration are aligned in terms of timescales.

2.1.3 Given that the principle of developing this site as a Solar Farm is established by the granting of permission via the previously referred to appeal, the specifics of this application relate only to the duration of the proposed development and the sites restoration and decommissioning.

2.1.4 Accordingly, it is in relation to these matters that the determination of this application will focus upon.

2.2 Site Description

2.2.1 The site is noted to be located in the open countryside and made up of 4 fields which combine to a total area of 9.44 hectares. These fields are located to the immediate north of the farm house and other farm buildings that combine to make Dallan Bank Farm. The Great Strickland to Morland road is approximately 200 metres from the north of the site.

2.2.2 The site is bordered to the north east by the Glebemire and Jubilee plantation and to the north west by Graham’s Wood. The land is noted to slope gently, rising toward the south east.

2.2.3 The boundary of the Lake District National Park lies approximately 2.1 km to the west of the application site.

3. Consultees

3.1 Statutory Consultees

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5.2 The response confirmed that ‘I object to this kind of development in Eden 30 or 40 years, it is not suitable for this area’.

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The Eden Local Plan 2014 - 2032 was accepted by the Government's Planning Inspectorate in September 2018 and was adopted at the full Council meeting on 11 October 2018. The plan replaces the previous Development Plan documents, these being the saved policies from the Eden Local Plan (1996) and the Core Strategy (2010) and is now the formal Development Plan for Eden District Council. This means that the Eden Local Plan 2014 - 2032 now carries full weight in the planning decision process and that the Council is now able to demonstrate a five-year housing land supply.

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7.2 Other Material Considerations

National Planning Policy Framework July 2018:

- Achieving sustainable development
- Decision-making
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

The policies detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle of development
- Character and appearance of the settlement and locality
- Landscape and Visual Impacts
- Residential Amenity

8.2 Principle

8.2.1 This proposal now seeks to increase the operational life of the approved Solar Farm for a period of 40 years, rather than the 30 years currently allowed as well as extend the period within which the decommissioning and restoration of the site will take place. At appeal, the Inspector noted that the proposal would be capable of ‘exporting the power equivalent to the energy consumption of 1349 average households’. The total energy production was confirmed to be 4.9MW (megawatts). It was further noted by the Inspector that, ‘although the proposal would not be large in solar farm terms, these are
very significant benefits, entirely in accordance with national and local policy objectives’.

8.2.2 It is acknowledged that the principle of the Solar Farm was established and whilst refused by Planning Committee, granted permission by the Planning Inspectorate at appeal.

8.2.3 The Inspector concluded by stating that ‘the NPPF advises that planning for reduction in greenhouse gas emissions and the delivery of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development. I give substantial weight to the proposal’s renewable energy benefits’.

8.2.4 It is acknowledged that the above, previous analysis was in relation to the both the old policies comprising the then District Core Strategy and the original version of the NPPF, both of which have been superseded by the Eden Local Plan and a new version of the National Planning Policy Framework.

8.2.5 The Eden Local Plan still includes Policy ENV6 entitled, ‘Renewable energy’. This Policy confirms the Council’s position in relation to renewable energy proposals and the support they will be afforded in appropriate circumstances. In this instance, that support is considered to remain given that the site has already been granted planning permission for a Solar Farm.

8.2.6 It is also noted that within the Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis contained within the Eden Local Plan, Climate Change is considered a threat to the district. Furthermore, objective 13 of the Local Plan confirms the intention to ‘encourage the harnessing of renewable energy sources wherever they have the prospects of being economically viable and environmentally and socially acceptable, and promoting a low carbon economy’.

8.2.7 In terms of the NPPF, the aims and desires to meet the challenge of Climate change, remain. Section 14 of the NPPF, entitled ‘Meeting the challenge of climate change, flood and coastal change’.

8.2.8 Paragraph 154 says that ‘When determining planning applications for renewable and low carbon development, local planning authorities should, (a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions’.

8.2.9 In this instance, the principle of the development is noted to already be established by the appeal decision ref APP/H0928/W/16/3147860. Accordingly, the principle of the development is considered acceptable, notwithstanding all other material considerations.

8.3 Landscape and Visual Impacts

8.3.1 A significant consideration in relation to this application is the Landscape and Visual Impact of the proposal. The permission, granted by appeal has already allowed the Solar Farm to exist on site for a 30 year period. The question is now whether the development being retained on site for a further 10 year period, would this result in a significantly harmful impact if it were approved?

8.3.2 Policy DEV5 of the Eden Local Plan states ‘New development will be required to demonstrate that it meets each of the following criteria:'
Agenda Item 6
REPORTS FOR DEBATE

- Shows a clear understanding of the form and character of the district’s built and natural environment, complementing and enhancing the existing area.
- Protects and where possible enhances the district’s distinctive rural landscape, natural environment and biodiversity.
- Reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials.
- Optimises the potential use of the site and avoids overlooking.
- Protects the amenity of the existing residents and business occupiers and provides an acceptable amenity for future occupiers.
- Use quality materials which complement or enhance local surroundings.
- Protects features and characteristics of local importance.
- Provides adequate space for the storage, collection and recycling of waste.
- Can be easily accessed and used by all, regardless of age and disability’.

8.3.3 At the time of the appeal, the Inspector considered the site to be Landscape Character Type ‘6’ as per the Cumbria Landscape Character Guidance and Toolkit. Such landscape is considered to be ‘Intermediate farmland’.

8.3.4 The Inspector further considered that the topography of the area, including blocks of woodland, which ‘are common in the vicinity of the site’ allow the site to be relatively ‘well contained’ without expansive views into and out of the site ‘but with a backdrop of distant fells’. It was also noted that the proposal would include ecological benefits which were considered to be ‘modest’ given the proposed ecological enhancements which included planting proposals – which remain requirements of the extant permission.

8.3.5 In addition, the Inspector considered that the area offered an ‘attractive rural landscape’ which although clearly appreciated by local people, benefited from no formal designation. The site remains absent from any formal landscape designation. The Inspector also considered that the site was not particularly ‘rare’ in terms of its landscape type and that because of this it would have a medium to low sensitivity were it subject to change. Indeed the original application confirmed that the agricultural land subject of the Solar Farm development was Grade 4. This equates to land of a poorer quality.

8.3.6 This change has been accepted and the lack of formal landscape designation, relatively enclosed by the neighbouring woodland and topography also remains unchanged. The duration of the approved Solar Farm is established for 30 years. However, there is no clear, significant or demonstrable impact that seems likely were this increase for a further 10 year period and for the restoration and decommissioning to take place once this operational life expires.

8.3.7 Accordingly, given the established, approved principle of the development of the site, the landscape impact is acknowledged to have been already considered. The harm that a further 10 year period of operation would bring is considered minimal given the overarching planning permission that applies to the site and the renewable energy scheme that comprises it. On the basis that there is no evidence of any significant and demonstrable harm by retaining the approved Solar Farm on site for an additional 10 year period, it is considered the proposal should be supported.
8.4 **Natural Environment**

8.4.1 The application has been subject to consultation with Natural England who have confirmed no comments upon the proposal. It is not therefore considered that there would be any significant natural environment impacts as a consequence of this planning application being permitted.

8.5 **Cumulative Impacts**

8.5.1 It is noted that the appeal considered whether or not this development would have any ‘cumulative impacts’ given the neighbouring site (determined under planning application 18/0945) and other sites in the area.

8.5.2 The conclusion upon these sites was that there would be a negligible adverse cumulative effect upon landscape character in the vicinity of Dallan Bank Farm. Because of this negligible impact, the inspector had no reason to disagree with that assessment and did not consider that the proposal required any further assessment in relation to such matters.

8.5.3 The additional 10 years that comprise this proposal in terms of operational development are not considered to increase any cumulative impact beyond that previously considered by the inspectorate. Accordingly, the proposal can be supported.

9. **Implications**

9.1 **Legal Implications**

9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 **Equality and Diversity**

9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 **Environment**

9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 **Crime and Disorder**

9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 **Children**

9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 **Human Rights**

9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

10. **Conclusion**

10.1 The desire to tackle Climate change has been long articulated by Central Government Policy. In order to make such sound-bites and hard policies a reality, proposals like these need to be supported.
10.2 In this instance, the site has already benefited from planning permission – granted by an Inspector following an appeal against a decision made by this Council. Given that there is an extant planning permission in place, the only consideration, is whether or not the proposed further 10 years of operation on site and then subsequent restoration of the site taking place once this additional 10 year period of operations expires, would be significantly or demonstrably harmful.

10.3 Whilst it is noted that there is a single objection made by a member of the public, the concerns raised relate to that belief that solar farm proposal are not suitable for the district of Eden. Whilst this view is respected, the potentially significant impacts of Climate change will and have already been felt by the district. It is therefore considered appropriate that the District contributes to challenge climate change. Approval of such allows the area to make its own contributions to tackle this issue. Furthermore, the concerns raised have already been addressed by the grant of the original permission at appeal. Effectively, this issue has already been dealt with by the grant of approval – a solar farm is permitted for this site and this application only has the additional 10 year operational life-span to consider.

10.4 In this case this would be by allowing an already permitted Solar Farm to operate for longer than originally approved. This development is noted to be relatively small in Solar Farm terms, but the Inspector’s comments at appeal are still considered as relevant now as they were then. The Inspector emphasised the ‘very significant’ benefits and contribution the proposal could make in terms of energy provision. The applicants confirmed a total capacity of 4.9MW in terms of power and it is noted that the Local Plan considered the Cumbria Renewable Energy Study (2011) when it was written.

10.5 Indeed paragraph 4.29.4 of the plan refers to the potential contribution of combined renewable energy sources by 2030 could be as much as 71MW. In that context, a contribution of 4.9MW from this one site is welcome and if it is permitted to continue to contribute to what will be inevitably greater national renewable energy production targets, it seemingly makes obvious sense to permit this site to produce for a further 10 year period.

10.6 It is also reiterated that within the Local Plan, the Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis, considers Climate Change a threat to the district. Furthermore, objective 13 of the Local Plan confirms the intention to ‘encourage the harnessing of renewable energy sources wherever they have the prospects of being economically viable and environmentally and socially acceptable, and promoting a low carbon economy’.

10.7 Accordingly, given that there is no evidence of any significant or demonstrable harm were this proposal approved and the site already permitted to be developed into a Solar Farm, this application is recommended for approval.

Jane Langston
Deputy Director Technical Services

Checked by or on behalf of the Monitoring Officer

Background Papers: Planning File 18/0943
Agenda Item 7
REPORTS FOR DEBATE

Date of Committee: 14 February 2019
Planning Application No: 18/0945
Date Received: 23 November 2019
OS Grid Ref: 357699 522564
Expiry Date: 1 March 2019
Parish: Great Strickland
Ward: Morland

Application Type: Variation of Condition
Proposal: Variation of condition 2 (operational length) and condition 3 (solar farm decommissioning) to extend from 30 to 40 years attached to appeal approval APP/H0928/W/16/3147861.
Location: Land south of Dallan Bank Wood, Newby
Applicant: Lightsource SPV 179 Ltd
Agent: Mr Owen Horrell – Pegasus Group
Case Officer: Mr Ian Irwin
Reason for Referral: The proposal is a major planning application
1. **Recommendation**

That planning permission be granted subject to the following conditions;

1. The development hereby permitted shall be implemented by 25 January 2020.  
   **Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall expire after 40 years following the date when electrical power is first exported (‘first export date’) from the development to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the local planning authority no later than one calendar month after the event.  
   **Reason:** To avoid any ambiguity as to the duration of the approved development.

3. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 40 years and 6 months following the first export date, whichever is the sooner, all infrastructure associated with the development shall be removed from the site and the site restored to its original condition in accordance with the submitted Construction, Decommissioning and Traffic Management Method Statement dated July 2015.  
   **Reason:** To ensure the site is restored once the development is complete and in the interests of the amenity of the area.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
   - Site Location Plan drawing
   - Preliminary Layout drawing DAL_02_Rev2
   - Communications Building Details drawing CB_01
   - Client Side Substation Details drawing CSR_01
   - Storage Building Details drawing SB_01
   - Toilet Cabinet drawing TC_01
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**Reason:** In the interests of the visual amenity of the area.

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2.1.4 Accordingly, it is in relation to these matters that the determination of this application will focus upon.

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2.2.1 The site is noted to be located in the open countryside and made up of 2 large fields which combine to a total area of 9.74 hectares. These fields are adjacent to the access road to Dallan Bank Farm. Dallan Bank Farm itself is approximately 350 metres to the south.

2.2.2 The public highway from Great Strickland to Morland passes to the north of the site and is separated from it by a block of coniferous woodland. This woodland extends round to the second field too. The land is predominately flat with a very gentle slope off to the south.

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Agenda Item 7
REPORTS FOR DEBATE

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8.2 Principle
8.2.1 This proposal now seeks to increase the operational life of the approved Solar Farm for a period of 40 years, rather than the 30 years currently allowed as well as extend the period within which the decommissioning and restoration of the site will take place. At appeal, the Inspector noted that the proposal would be capable of 'exporting the power equivalent to the energy consumption of 1349 average households'. The total energy production was confirmed to be 4.9MW (megawatts). It was further noted by the Inspector that, 'although the proposal would not be large in solar farm terms, these are very significant benefits, entirely in accordance with national and local policy objectives'.

8.2.2 It is acknowledged that the principle of the Solar Farm was established and whilst refused by Planning Committee, granted permission by the Planning Inspectorate at appeal.

8.2.3 The Inspector concluded by stating that 'the NPPF advises that planning for reduction in greenhouse gas emissions and the delivery of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development. I give substantial weight to the proposal’s renewable energy benefits’.

8.2.4 It is acknowledged that the above, previous analysis was in relation to the both the old policies comprising the then Council's Core Strategy and the original version of the NPPF, both of which have been superseded by the Eden Local Plan and a new version of the National Planning Policy Framework.
8.2.5 The Eden Local Plan includes Policy ENV6 entitled, ‘Renewable energy’. This Policy confirms the Council’s position in relation to renewable energy proposals and the support they will be afforded in appropriate circumstances. In this instance, that support is considered to remain given that the site has already been granted planning permission for a Solar Farm.

8.2.6 It is also noted that within the Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis contained within the Eden Local Plan, Climate Change is considered a threat to the district. Furthermore, objective 13 of the Local Plan confirms the intention to ‘encourage the harnessing of renewable energy sources wherever they have the prospects of being economically viable and environmentally and socially acceptable, and promoting a low carbon economy’.

8.2.7 In terms of the NPPF, the aims and desires to meet the challenge of Climate change, remain. Section 14 of the NPPF, entitled ‘Meeting the challenge of climate change, flood and coastal change’.

8.2.8 Paragraph 154 says that ‘When determining planning applications for renewable and low carbon development, local planning authorities should, (a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions’.

8.2.9 In this instance, the principle of the development is noted to already be established by the appeal decision ref APP/H0928/W/16/3147861. Accordingly, the principle of the development is considered acceptable, notwithstanding all other material considerations.

8.3 Landscape and Visual Impacts

8.3.1 A significant consideration in relation to this application is the Landscape and Visual Impact of the proposal. The permission, granted by appeal has already allowed the Solar Farm to exist on site for a 30 year period – the question is now whether the development being retained on site for a further 10 year period – would this result in a significantly harmful impact if it were approved?

8.3.2 Policy DEV5 of the Eden Local Plan states ‘New development will be required to demonstrate that it meets each of the following criteria:

- **Shows a clear understanding of the form and character of the district’s built and natural environment, complementing and enhancing the existing area.**

- **Protects and where possible enhances the district’s distinctive rural landscape, natural environment and biodiversity.**

- **Reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials.**

- **Optimises the potential use of the site and avoids overlooking.**

- **Protects the amenity of the existing residents and business occupiers and provides an acceptable amenity for future occupiers.**

- **Use quality materials which complement or enhance local surroundings.**

- **Protects features and characteristics of local importance.**

- **Provides adequate space for the storage, collection and recycling of waste.**
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- "Can be easily accessed and used by all, regardless of age and disability'.

8.3.3 At the time of the appeal, the Inspector considered the site to be Landscape Character Type ‘6’ as per the Cumbria Landscape Character Guidance and Toolkit. Such landscape is considered to be 'Intermediate farmland'.

8.3.4 The Inspector further considered the site to be relatively ‘well contained’ without expansive views into and out of the site ‘but with a backdrop of distant fells’. The inspector concluded that ‘I accept the finding of the Landscape Visual Impact Assessment (LVIA) and the Council’s review that there would be only a minor adverse effect on the wider landscape……because of the distances involved and the limited intervisibility’.

8.3.5 The original application confirmed that the agricultural land subject of the Solar Farm development was Grade 4. This equates to land of a poorer quality.

8.3.6 This landscape assessment remains the same now as it did during the appeal. Essentially, it is not considered that operating this site for a further 10 year period would result in any significant or detrimentally harmful impact.

8.3.7 Accordingly, in its own right, this application would have no landscape or visual impacts contrary to the Eden Local Plan or NPPF. On the basis that there is no evidence of any significant and demonstrable harm by retaining the approved Solar Farm on site for an additional 10 year period, it is considered the proposal should be supported.

8.4 Natural Environment

8.4.1 The application has been subject to consultation with Natural England who have confirmed no comments upon the proposal. It is not therefore considered that there would be any significant natural environment impacts as a consequence of this planning application being permitted.

8.5 Cumulative Impacts

8.5.1 It is noted that the appeal considered whether or not this development would have any ‘cumulative impacts’ given the neighbouring site (determined under planning application 18/0943) and other sites in the area.

8.5.2 The conclusion upon these sites was that there would be a negligible adverse cumulative effect upon landscape character in the vicinity of Dallan Bank Farm. Because of this negligible impact, the inspector had no reason to disagree with that assessment and did not consider that the proposal required any further assessment in relation to such matters.

8.5.3 The additional 10 years that comprise this proposal in terms of operational development are not considered to increase any cumulative impact beyond that previously considered by the inspectorate. Accordingly, the proposal can be supported.

9. Implications

9.1 Legal Implications

9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.
9.3 Environment
9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder
9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Children
9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 Human Rights
9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion
10.1 This application seeks only to vary the period within which restoration and decommissioning of the site is to take place. It is necessary for the applicant to seek this variation as the operational development of the site is also sought to be increased from 30 to 40 years as well as the period within which the site would be restored and decommissioned.

10.2 At the time of the appeal the inspector imposed conditions that limited both the operational development and restoration to 30 years. Accordingly, if the operational development of the site is sought to be increased, the period within which restoration is to take place on this site must also be increased to ensure the conditions applicable to this specific site remain consistent. Given that there is an extant planning permission in place, the only consideration, is whether or not the proposed further 10 years of operation on site and then subsequent restoration of the site taking place once this additional 10 year period of operations expires, would be significantly or demonstrably harmful.

10.3 This development is noted to be relatively small in Solar Farm terms, but the Inspector’s comments at appeal are still considered as relevant now as they were then. The inspector emphasised the ‘very significant’ benefits and contribution the proposal could make in terms of energy provision. The applicants confirmed a total capacity of 4.9MW in terms of power and it is noted that the Local Plan considered the Cumbria Renewable Energy Study (2011) when it was written.

10.4 Indeed paragraph 4.29.4 of the plan refers to the potential contribution of combined renewable energy sources by 2030 could be as much as 71MW. In that context, a contribution of 4.9MW from this one site would be welcome and if it is permitted to continue to contribute to what will be inevitably greater renewable energy production targets, it seemingly makes obvious sense to permit this site to produce for a further 10 year period.
10.5 It is also reiterated that within the Local Plan, the Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis, considers Climate Change a threat to the district. Furthermore, objective 13 of the Local Plan confirms the intention to ‘encourage the harnessing of renewable energy sources wherever they have the prospects of being economically viable and environmentally and socially acceptable, and promoting a low carbon economy’.

10.6 Accordingly, given that there is no evidence of any significant or demonstrable harm were this proposal approved, this application is recommended for approval.

Jane Langston
Deputy Director Technical Services

Background Papers: Planning File 18/0945
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