

Date: 13 May 2020



District Council

Town Hall, Penrith, Cumbria CA11 7QF

Tel: 01768 817817

Email: cttee.admin@eden.gov.uk

Dear Sir/Madam

Planning Committee Agenda - 21 May 2020

Notice is hereby given that a meeting of the Planning Committee will be held at 9.30 am on Thursday, 21 May 2020. This meeting is a virtual meeting and therefore will not take place in a physical location.

[To view this meeting 21 June follow this link](#)

[To view this meeting 22 June follow this link](#)

Please note a meeting will only take place on the 22 June should the meeting on the 21 June be adjourned.

1 Apologies for Absence

2 Minutes

To sign the minutes Pla/145/03/20 to Pla/163/03/20 of the meeting of this Committee held on 19 March 2020 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 - Applications for Debate (Green Papers) (Pages 7 - 122)

To consider the reports of the Assistant Director Planning and Economic Development on the following applications:

Item No	Application Details	Officer Recommendation	Page Number
1	Planning Application No: 20/0109 Replacement porch and construction of	Recommended to: APPROVE	9

	garage/store Abeto House, Fell Lane, Penrith Mr M Jones	Subject to Conditions	
2	Planning Application No: 18/1009 Reserved matters application for access, appearance, landscaping, layout and scale attached to approval 15/0974 Land north of Pennine Close, Hackthorpe Willan Trading Ltd	Recommended to: APPROVE Subject to Conditions	18
3	Planning Application No: 20/0130 Reserved Matters application for appearance, landscaping, layout and scale attached to approval 17/0887 Land adjacent Harberry, Renwick Mr and Mrs Bousfield	Recommended to: APPROVE Subject to Conditions	36
4	Planning Application No: 20/0126 Variation of Condition 8 (Landscaping) attached to approval 18/0669 Nord Vue, Armathwaite Mr C Lowther	Recommended to: APPROVE Subject to Conditions	47
5	Planning Application No: 20/0098 Reserved Matters application for access, appearance, landscaping, layout and scale attached to approval 17/0661 Land between Manatee & Beacon View, Little Salkeld CJP Northwest	Recommended to: APPROVE Subject to Conditions	57
6	Planning Application No: 19/0159 Erection of 4 local occupancy dwellings Churnside Farm Sheds, Melmerby, Penrith Messrs Awde	Recommended to: REFUSE With Reasons	72
7	Planning Application No: 19/0900 Conversion of community and commercial premises into 3 -bed apartment, erection of new detached 4 bed dwelling, and refurbishment of existing 3 bed apartment. (As amended)	Recommended to: APPROVE Subject to Conditions	92

	The Bridge, Wordsworth Street, Penrith The Bridge Youth Cafe		
8	Planning Application No: 20/0014 Variation of condition 2 (plans compliance) to include a reduction in the number of units from 5 no. apartments to 3 no. townhouses attached to approval 16/0035 3 Lowther Street, Penrith Mr G Lewis	Recommended to: APPROVE Subject to Conditions	108

5 Appeal Decision Letters (Pages 123 - 132)

To receive report PP19/20 from the Assistant Director Planning and Economic Development which is attached and which lists decision letters from the Planning Inspectorate received since the last meeting:

Application No.	Applicant/Appeal	Appeal Decision
19/0101	Mr and Ms Maurice & Young (Wanderlusts) Nutwood, Melmerby, Cumbria CA101HF The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission. The development proposed is change of use from agriculture to mixed use of agriculture and sustainable tourism, comprising grazing and the use for up to 3 No. horse-drawn caravans solely for the purpose of tourism.	The appeal is allowed and planning permission granted, subject to conditions.
	Mr and Ms Maurice & Young (Wanderlusts) Nutwood, Melmerby, Cumbria CA101HF The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).	The award of costs is refused.

	The appeal was against the refusal of planning permission for the change of use from agriculture to mixed use of agriculture and sustainable tourism, comprising grazing and the use for up to 3 No. horse-drawn caravans solely for the purpose of tourism.	
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6 Planning Issues *(Pages 133 - 148)*

To note the attached lists of the Assistant Director Planning and Economic Development.

- a) Applications determined under office delegated powers for the month of March 2020 and April 2020
- b) Reasons for refusal on delegated decisions for the months of March 2020 and April 2020

7 Confirmation of Site Visits (if any)

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

8 Any Other Items which the Chairman decides are urgent

9 Date of Next Meeting

The date of the next scheduled meeting be confirmed as 18 June 2020.

Yours faithfully



R Rouse
Chief Executive

Democratic Services Contact: Claire Watters

Encs

For Attention

All members of the Council

Chairman – Councillor W Patterson (Independent Group)

Vice Chairman – Councillor I Chambers (Conservative Group)

Councillors

M Clark, Independent Group
M Eyles, Liberal Democrat Group

H Sawrey-Cookson, Independent Group
G Simpkins, Liberal Democrat Group

D Holden, Liberal Democrat Group
J C Lynch, Conservative Group
A Ross, Green Group

J G Thompson, Conservative Group
D Wicks, Conservative Group

Standing Deputies

P G Baker, Liberal Democrat Group
D Banks, Independent Group
L Harker, Liberal Democrat Group
S Lancaster, Independent Group
D Lawson, Green Group

A Meadowcroft, Conservative Group
G Nicolson OBE, Conservative Group
D Ryland, Independent Group
D Smith, Liberal Democrat Group

Please Note:

- 1. Section 78 of the Coronavirus Act 2020 and the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales) Regulations 2020 mean that this meeting of Eden District Council is classed as a virtual meeting.**
- 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**

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Eden District Council
Planning Committee Agenda
Committee Date: 21 May 2020

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Item No	Application Details	Officer Recommendation
1	Planning Application No: 20/0109 Replacement porch and construction of garage/store Abeto House, Fell Lane, Penrith Mr M Jones	Recommended to: APPROVE Subject to Conditions
2	Planning Application No: 18/1009 Reserved matters application for access, appearance, landscaping, layout and scale attached to approval 15/0974 Land north of Pennine Close, Hackthorpe Willan Trading Ltd	Recommended to: APPROVE Subject to Conditions
3	Planning Application No: 20/0130 Reserved Matters application for appearance, landscaping, layout and scale attached to approval 17/0887 Land adjacent Harberry, Renwick Mr and Mrs Bousfield	Recommended to: APPROVE Subject to Conditions
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6	Planning Application No: 19/0159 Erection of 4 local occupancy dwellings Churnside Farm Sheds, Melmerby, Penrith Messrs Awde	Recommended to: REFUSE With Reasons

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7	<p>Planning Application No: 19/0900</p> <p>Conversion of community and commercial premises into 3 - bed apartment, erection of new detached 4 bed dwelling, and refurbishment of existing 3 bed apartment. (As amended)</p> <p>The Bridge, Wordsworth Street, Penrith</p> <p>The Bridge Youth Cafe</p>	<p>Recommended to:</p> <p style="text-align: center;">APPROVE</p> <p>Subject to Conditions</p>
8	<p>Planning Application No: 20/0014</p> <p>Variation of condition 2 (plans compliance) to include a reduction in the number of units from 5 no. apartments to 3 no. townhouses attached to approval 16/0035</p> <p>3 Lowther Street, Penrith</p> <p>Mr G Lewis</p>	<p>Recommended to:</p> <p style="text-align: center;">APPROVE</p> <p>Subject to Conditions</p>

Agenda Item 1
REPORTS FOR DEBATE

Date of Committee: 21 May 2020

Planning Application No: 20/0109

Date Received: 14/2/20

OS Grid Ref: 5214 3080

Expiry Date: 16/4/20

Extension of time
agreed to 22/6/20

Parish: Penrith

Ward: Penrith East

Application Type: Householder

Proposal: Replacement porch and construction of garage/store

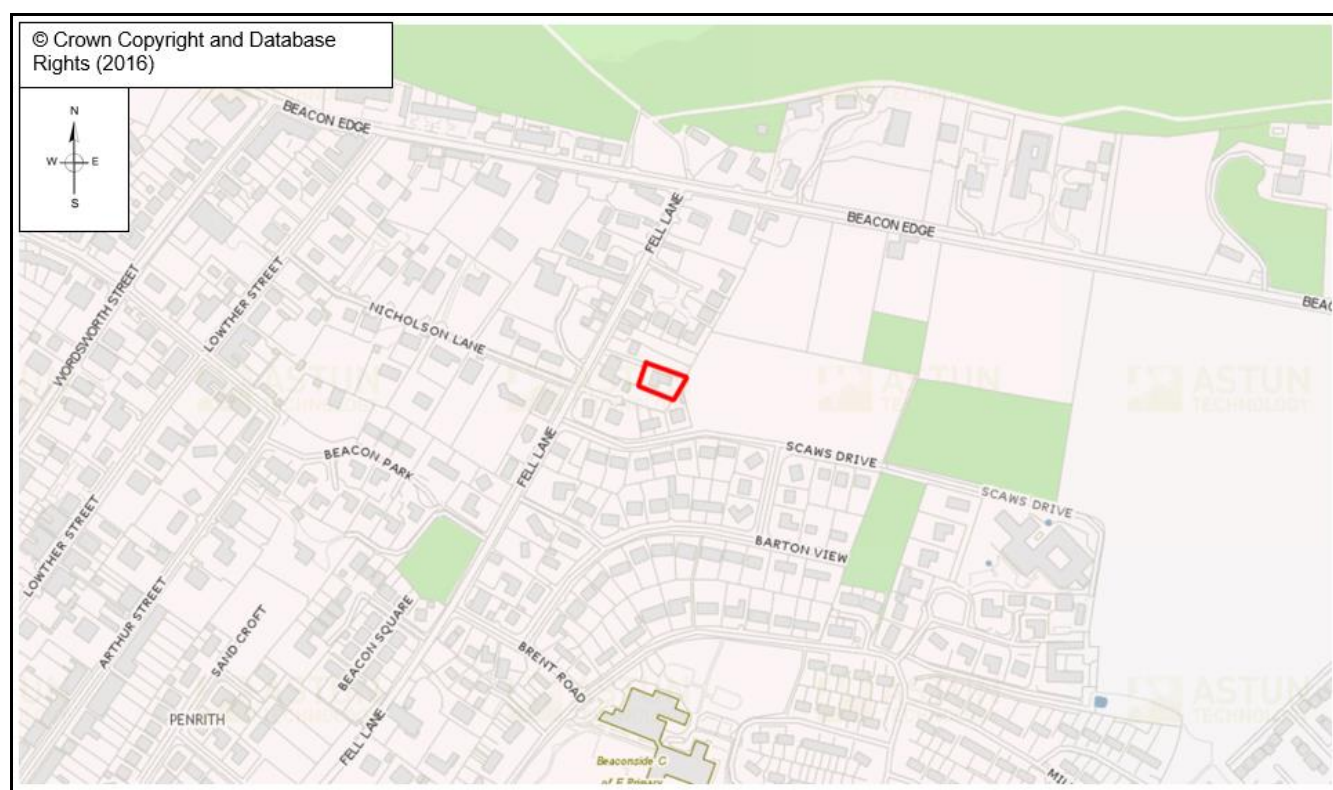
Location: Abeto House, Fell Lane, Penrith

Applicant: Mr M Jones

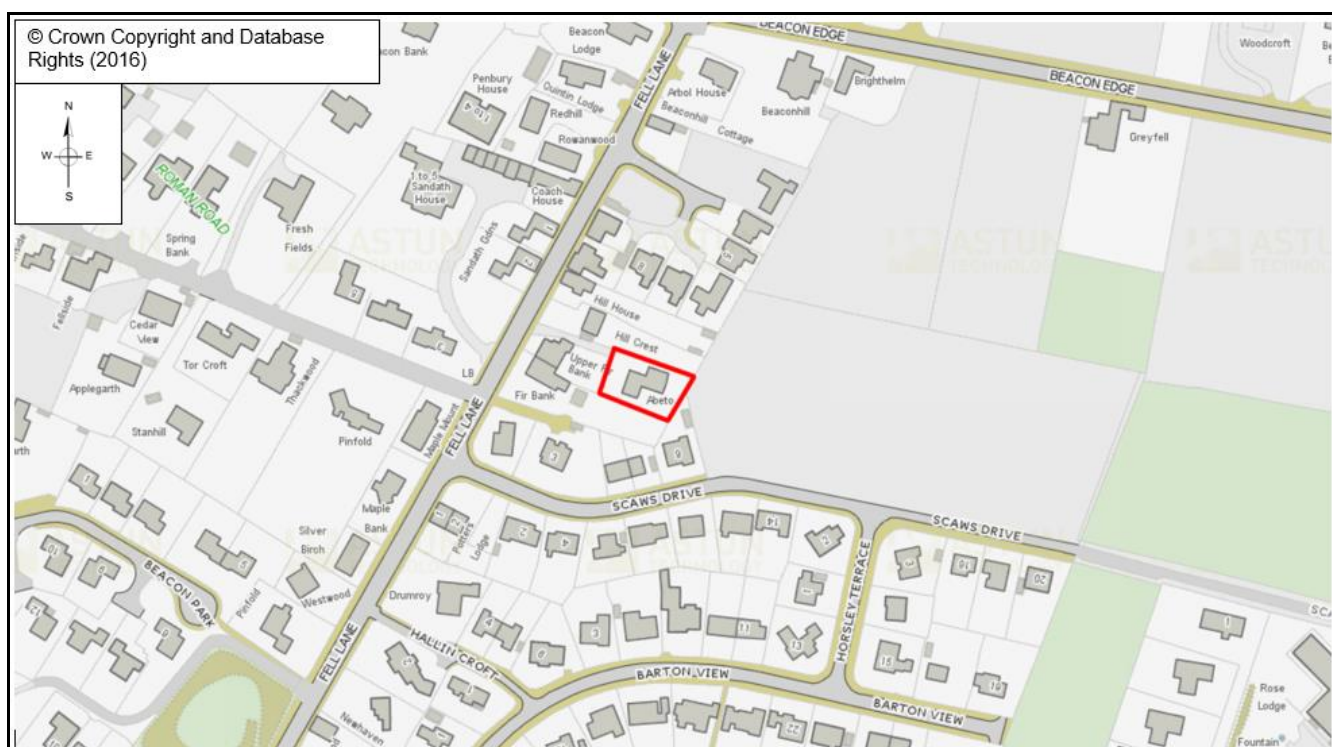
Agent: Neil Withington - NWAD

Case Officer: Mat Wilson

Reason for Referral: An objector wishes to speak against the application at Planning Committee



Agenda Item 1
REPORTS FOR DEBATE



1. Recommendation

That planning permission be granted subject to the following conditions:

1. The development permitted shall be begun 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 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 application form and drawings hereby approved:

- i. Location plan ref 19-185-01 date-stamped 14 Jan 2020
- ii. Block plan ref 19-185-02 dated February 2020
- iii. Proposed plan and elevations ref 19-185-08C dated 23/03/20

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

Ongoing Conditions

3. All external materials to be used in the development shall match the appearance of those of the existing house, in size, type, colour and texture.

Reason: To ensure that the materials harmonise with the surroundings.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The application seeks to replace a glazed porch with a new porch, and to construct a new detached garage and store to the front of Abeto House on Fell Lane, Penrith. The new smaller porch will incorporate a timber-framed canopy over the main door, with the garage to be sited to the front and side of the property and built onto the downslope of the drive, its footprint 8.5m x 6m with the ridge 4m high at the front. Both the porch and the garage are to be built in brick with slate to the roof, to match the house.
- 2.1.2 The plans have been twice revised in order to address issues raised during the course of the application of scale, design and appearance.
- 2.1.3 The application is accompanied by a Heritage Statement and Impact Assessment.

2.2 Site Description

- 2.2.1 Abeto House is a detached property built in 2010 behind the dwellings fronting the east side of Fell Lane. The garage is proposed to the front and side of the property, at the southwest corner of the plot immediately adjacent the rear gardens of Fir Bank to the south and Upper Fir Bank to the west.
- 2.2.2 In terms of constraints the site is located within the New Streets Conservation Area but does not affect any listed buildings.

3. Consultees

3.1 Statutory Consultees

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Consultee	Response
Highway Authority	It can be confirmed that the Highway Authority has no objection to the proposed development as it is considered that the proposal does not affect the highway.
Local Lead Flood Authority	The Lead Local Flood Authority (LLFA) surface water maps show that the site is very close to an area of flooding and indicates that a 0.1% (1 in 1000) chance of flooding occurring close to the site each year. The LLFA has no objection to the proposed development as it does not increase the flood risk on the site or elsewhere.

3.2 Discretionary Consultees

Consultee	Response
Conservation Officer	No objections to the proposals and does not wish to offer any further comments or recommendations

4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Support	No Response	No Objection
Penrith Town Council				✓

4.1 The Town Council responded as follows:

'RESOLVED THAT a response on NO OBJECTION be returned to EDC.'

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 24 January 2020.

No of Neighbours Consulted	8	No of letters of support	0
No of Representations Received	4	No of neutral representations	0
No of objection letters	4		

5.2 Letters of objection were submitted by two neighbouring properties raising the following concerns:

- The proposal significantly increases the built-up nature of this space and has a massively detrimental impact on the quality of this our only green space.
- The size and height of the garage in such close proximity to the shared boundary will be visually overbearing.
- The garage will overlook and overshadow neighbouring spaces.
- The garage blocks our main aspect.
- The garage is out of character - others in the area are significantly lower.

- The density of buildings is unrepresentative of the uncluttered layout of the locality.
- Having recently removed over-large laburnum trees to improve light levels, the proposals will again leave neighbours with reduced light levels.
- The revisions to the plan have not changed the garage footprint or ridge height, which remains dominant over the adjacent shared boundary.

6. Relevant Planning History

10/0057 - Demolition of existing garage and erection of two-storey dwelling accessed from Fell Lane. Granted 9/3/10.

10/0058 – Conservation Area Consent for demolition of existing garage and erection of two-storey dwelling accessed from Fell Lane. Granted 9/3/10.

7. Policy Context

7.1 Development Plan

Local Plan 2014-2032

Relevant Policies

- LS1 Locational Strategy
- DEV1 General Approach to New Development
- DEV5 Design of New Development
- ENV10 The Historic Environment

Supplementary Planning Documents:

- Management of Conservation Areas (2011)
- Housing (2020)

7.2 Other Material Considerations

National Planning Policy Framework:

- Chapter 2 - Achieving sustainable development;
- Chapter 12 - Achieving well designed places;
- Chapter 16 - Conserving and enhancing the historic environment.

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

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- Streetscene/Landscape Impact
- Residential amenity
- Infrastructure/Flood Risk/Drainage
- Natural Environment
- Built Environment

8.2 Principle

- 8.2.1 The principle of residential extensions are acceptable providing they comply with the aims and objectives of Policy DEV5 – Design of New Development - which supports high quality design that reflects local distinctiveness and shows a clear understanding

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of the form and character of the district's building environment. Such extensions to residential properties are expected to reflect the existing street scene through the use of appropriate scale, mass, form, layout, high quality architectural design and use of materials.

- 8.2.2 Furthermore, under Policy DEV5, the Council tends to support any scheme that protects the amenity of existing residents and business occupiers and provide an acceptable amenity for future occupiers.
- 8.2.3 Overall, the principle of extending residential properties in this area, and on this type of property is considered acceptable.

8.3 Streetscene/Landscape Impact

- 8.3.1 Local Plan Policy DEV5 requires that development reflects the existing streetscene through its scale, form, layout and materials. The site is in a discrete setting within the main town of Penrith and so any visual impact is limited to the immediate surrounding properties. The porch and garage will be seen in the context of the residential dwelling. Revisions were considered necessary however to the design of the garage which, whilst reflecting the main dwelling in terms of materials and detailing, was out of proportion. The building incorporates a store to the east side and is broader than a standard double garage. The initial proposal to span the whole width of the building in a simple dual pitch roof was considered to result in a disproportionate roof out of character with the locality.
- 8.3.2 Officers sought revisions to the proposals during the course of the application to address issues identified with the garage design. The suggested revisions were agreed, and the plans have duly been amended with the main roof span of the garage reduced to a more conventional 6m, retaining the garden store and an equivalent space on the opposite side of the garage as lean-to elements, each set back from the principal elevation to better articulate the proportions of the outbuilding.
- 8.3.3 Picking up on design cues from the host property, the proposal incorporates brick soldier courses at eaves level, with doors in timber and slates to the roof. The porch and projecting timber-framed canopy will enhance the dwelling through replacing a glazed porch. The scheme as amended is for a development that integrates well with the host property.
- 8.3.4 The scheme as revised is considered to achieve the aims of Policy DEV5, which requires that development shows a clear understanding of the form and character of the district's built environment, through its appropriate design, its scale, and use of materials, and is therefore acceptable in this respect.

8.4 Residential Amenity

- 8.4.1 Policy DEV5 of the Eden Local Plan supports schemes that protect the amenity of existing residents and provides an acceptable amenity for future occupiers.
- 8.4.2 Significant concerns were raised by neighbouring residents over the potential impact of the proposed garage on their amenity, in terms of dominance, overshadowing, overlooking, and visual impact on their main aspect. These concerns were recognised and in order to address the most harmful impacts on neighbours, officers sought changes to the scheme. The applicant has agreed to vary the garage design to reduce its impact, introducing a hip at the back of the roof pitch and substituting a window in the rear elevation for a roof light.

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- 8.4.3 Following re-consultation with neighbours on the revised plans, objections were reiterated as regards over-dominance, the garage's overall height, and its proximity to shared boundaries resulting in an overbearing visual impact.
- 8.4.4 The two properties affected are Fir Bank and Upper Fir Bank, adjoining dwellings due west of the application site. Abeto House itself was developed from the eastern half of the garden of Upper Fir Bank, whose now truncated garden still provides almost 20m separation distance to the shared boundary. The unaltered garden of Fir Bank extends to the south of Abeto House.
- 8.4.5 The garage will be close to the garden of Upper Fir Bank but the shared boundary is protected by a 2m high close-boarded fence and with the site of the proposed garage sloping down away from their garden, the garage will be set at a lower level. This neighbour will only see the slope of the garage roof slanting away from their garden and as such the impact on Upper Fir Bank is not considered to be harmful.
- 8.4.6 It is accepted that the proposal will have a more immediate impact on Upper Fir Bank since this property is extended at the rear toward the application site, its garden is lower, and will be more directly affected by the development. Outlook from the windows in the rear elevation of Upper Fir Bank is not considered to be unduly compromised, with a gap of 14m to the blank side elevation of the garage maintaining an adequate level of amenity. It will certainly be very prominent and highly visible from the garden, set just 0.5m in from the boundary wall, a sandstone wall approximately 1.5m high. The neighbour will not however be faced with the full height of the rear gable wall as originally proposed, the revised scheme now incorporating a hip to the roof to reduce the massing of the building. As the garage will be north of the garden, it will never overshadow this neighbour's land, and with the window in the rear wall now revised to a skylight, overlooking is addressed. A new building of this scale at this proximity to a neighbour's garden will unavoidably have a bearing on that neighbour's amenity. The garage will have an impact but the extent to which it directly impacts on the neighbour's amenity is considered to be moderate rather than significant or causing adverse harm. The neighbour's objections to the garage's prominence and immediacy are appreciated but they should not be overstated; the garage after all is only 4m nearer the garden than the house itself, which is a far more dominant and impactful structure.
- 8.4.7 Policy DEV5 of the Local Plan requires that development protects the amenity of existing residents. Whilst it is accepted that the proposal will impact on the adjacent neighbouring gardens, it is considered that the development as revised maintains an appropriate level of amenity for the neighbouring residents, and is therefore acceptable in respect of residential amenity.

8.5 Infrastructure/Flood Risk/Drainage

- 8.5.1 The development will have no material effect on highway conditions, the property retaining substantial parking and manoeuvring space on its drive. The Highway Authority raises no objections.
- 8.5.2 The Lead Local Flood Authority's comment that the site is very close to an area of flooding is noted, but it is more relevant to take into account the very small area of the proposed development, the existing impermeable surface on which it will be built, the Flood Zone 1 designation of this part of Penrith reflecting the lowest level of flood vulnerability, and the conclusion of the Lead Local Flood Authority to raise no objection to the proposed development as it does not increase the flood risk on the site or

elsewhere. It is therefore considered the proposal is acceptable in terms of infrastructure.

8.6 Natural Environment

- 8.6.1 No harm is likely to arise to protected species or habitat. The proposal will build off a hard-surfaced drive in a residential plot with no loss of habitat for protected species.

8.7 Built Environment

- 8.7.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is had to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest. Local Plan Policy ENV10 is clear that development should preserve or enhance conservation areas and designated heritage assets.
- 8.7.2 Abeto House is discretely sited within the New Streets Conservation Area. The dwelling was built out of the garden of Upper Fir Bank and whilst it is visible from this and other surrounding properties, it is essentially a backland development and has little visual bearing on the Conservation Area.
- 8.7.3 Policy ENV10 of the Local Plan states that the Council will attach great weight to the conservation and enhancement of the historic environment, heritage assets and their setting, which help to make Eden a distinctive place. The garage and porch proposed at Abeto House will be seen in the context of the host residential property, built in matching materials, without compromising the wider setting of the New Streets. Therefore, the proposal will have a neutral impact upon the local built environment and the wider Conservation Area.

9. Implications

9.1 Legal Implications

- 9.1.1 The following matters have been considered but no issues are judged to arise. Each application is determined on the planning merits.

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

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- 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.
- 10.2 The proposed extensions are considered to be appropriate in terms of scale and design with no harm arising to the character of the New Streets Conservation Area. In terms of residential amenity the development will affect adjoining neighbouring gardens, but the level of impact arising on their amenity is not considered to be so adverse as to warrant refusal of the application. As such it is recommended that the proposal be granted.

Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	02.05.2020
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Background Papers: Planning File 20/0109

Agenda Item 2
REPORTS FOR DEBATE

Date of Committee: 21 May 2020

Planning Application No: 18/1009 **Date Received:** 20 December 2018

OS Grid Ref: 353802 523761 **Expiry Date:** 23 March 2019
extension of time
agreed until 8 June
2020

Parish: Lowther **Ward:** Askham

Application Type: Reserved Matters

Proposal: Reserved matters application for access, appearance, landscaping, layout and scale attached to approval 15/0974

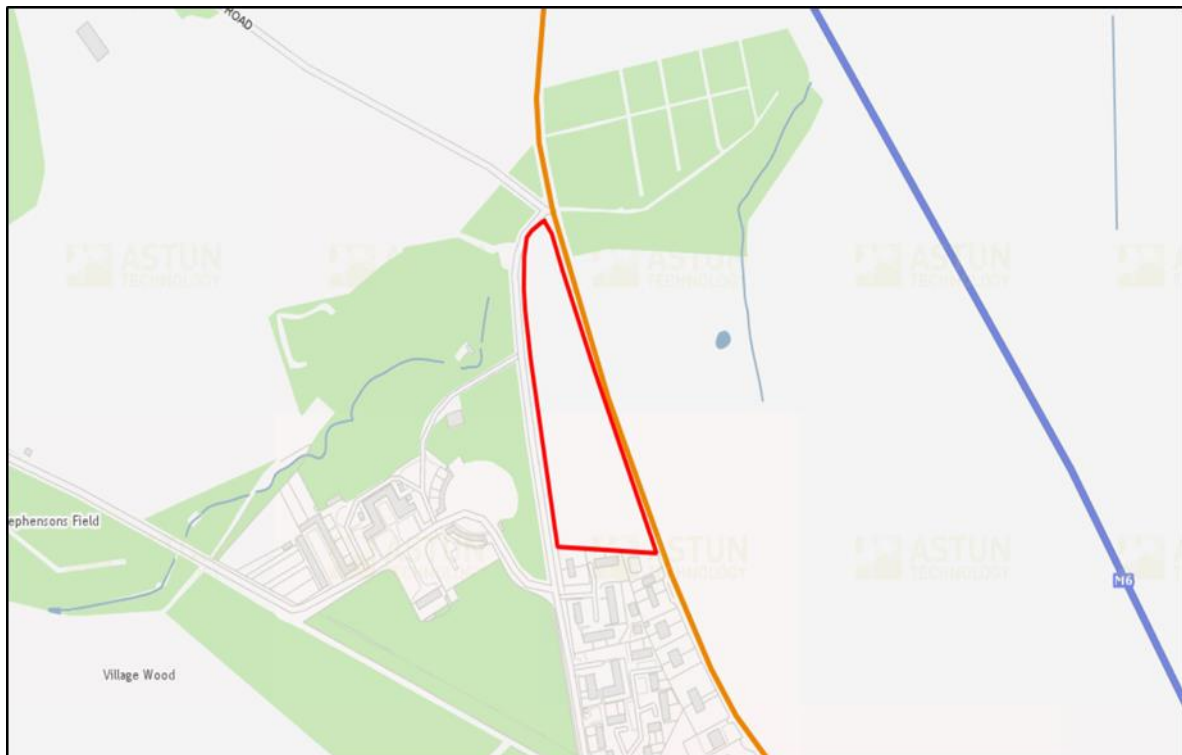
Location: Land north of Pennine Close, Hackthorpe

Applicant: Willan Trading Ltd

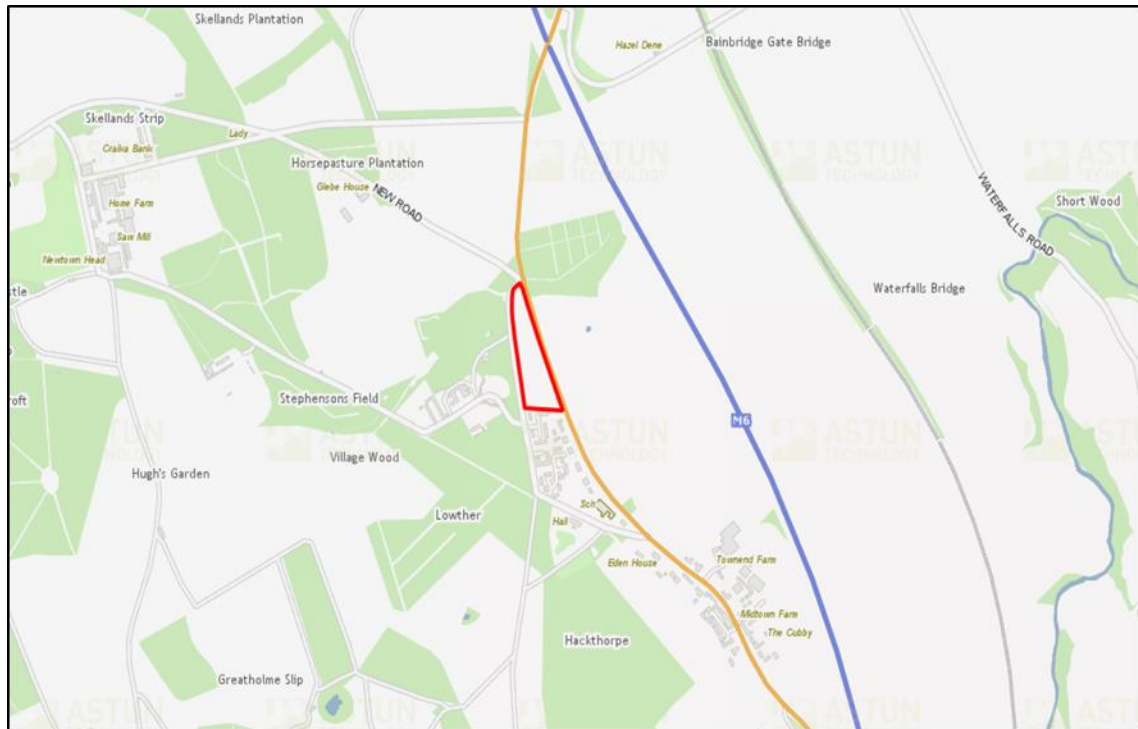
Agent: Mr Daniel Addis

Case Officer: Mr Ian Irwin

Reason for Referral: The recommendation is contrary to that of the Parish Council



Agenda Item 2
REPORTS FOR DEBATE



1. Recommendation

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

Approved Plans

1. The development hereby granted shall be carried out strictly in accordance with the application form dated 20 December 2018 and the following details and plans hereby approved;
 - i. Proposed Site Plan, ref 118-132-02 Rev. L, dated 10.10.18;
 - ii. Existing Site and Location Plan, ref 118-138-01, dated 11.10.18;
 - iii. Proposed Plans and Elevations, ref 118-138-03 Rev. C, dated 11.10.18;
 - iv. Proposed Plans and Elevations, ref 118-138-04 Rev. C, dated 11.10.18;
 - v. Proposed Plans and Elevations, ref 118-138-05 Rev. B, dated 11.10.18;
 - vi. Proposed site plan showing materials, ref 118-138-06 Rev. E, dated 24.10.18;
 - vii. Drainage Design, ref. 19-157r002_C, dated 19 October 2019;
 - viii. Proposed Foul and Surface water diversions for UU infrastructure, ref. 19-157-DWG001, Rev. A, dated August 2019;
 - ix. Foul and Surface Water System – Northern, ref. 19-157-DWG004, Rev. D, dated August 2019;
 - x. Foul and Surface Water System – Southern, ref. 19-157-DWG003, Rev. C, dated August 2019;
 - xi. Overall Foul and Surface Water System, ref. 19-157-DWG002, Rev. B, dated August 2019;
 - xii. Foul and Surface Water Drainage System – Annotated Northern Plan “Northern Outfall detail”, Rev. A, dated August 2019.

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

Prior to commencement

2. The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road on to the U3180 and 120 metres measured 2.4 metres down the centre of the access road onto the A6 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 interests of highway safety.

3. No development shall commence until a detailed scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include appropriate aftercare and management plans. Thereafter, the development shall be undertaken in accordance with the approved scheme, with all planting undertaken within the first available planting season. Any trees or other plants which die or are removed within the first five years following the implementation of the approved scheme shall be replaced during the next planting season.

Reason: In the interests of protecting the visual character and appearance of the area.

4. Prior to the commencement of the development of any of the hereby approved dwellings, samples of external finishes for walls, roofs, windows, doors and hard surfaces shall be submitted to the Local Planning Authority for written approval. Once approved, these materials shall be utilised in the construction of the site.

Reason: In the interests of the character and amenity of the area.

On-going conditions

5. No demolition or construction works shall take place outside the hours of:
07:30-18:00 Monday to Friday;
08:30-13:00 Saturday; and
No Activity on Sundays or Bank Holidays

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

6. Foul and Surface water shall be drained on separate systems.

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

Note to developer:

1. Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email: LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This application is related to an earlier grant of planning permission for this site, ref. 15/0974. That permission granted outline planning approval for a residential development. Indicative plans provided by the applicant at the time suggested 30 houses would be constructed upon the site.
- 2.1.2 As part of the development, the applicant proposed 9 of these houses to be affordable units with access envisaged to be primarily from the adjacent A6. Given that the principle of developing this site for housing is established by the granting of permission via the previously referred to permission, the specifics of this application relate only to the reserved matters that form the application. Namely, access, appearance, landscaping, layout and scale.
- 2.1.3 The applicant is proposing to access the site from two points off the adjacent A6 and would involve the construction of 30 homes, in line with the outline planning permission. An area of the site to the north would be turned into amenity space for the area, have a footpath around it, trees planted as well as benches for people to sit. The total amount of amenity space being proposed by the applicant is 2,929 metres sq.
- 2.1.4 To complement this amenity space, the applicant has also proposed a footway that will be predominately lined by trees and other amenity space to allow residents to navigate

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through the site to this main amenity area. This footway would mainly run to the west of the most western properties proposed on site.

- 2.1.5 The composition of the properties proposed by this development are brick, render and stone. Boundary treatments would involve drystone walls, hedgerow as well as both close board and post and rail wooden fencing.
- 2.1.6 The 30 houses proposed would comprise 2 x 2 bed detached bungalows, 10 x 3 bed semi-detached houses, 2 x 3 bed semi-detached bungalows, 11 x 3 bed detached bungalows and 5 x 4 bed detached chalet bungalows. Each property is to be provided with 2 car parking spaces.
- 2.1.7 Landscaping on the site would comprise silver birch, beech, yew, rowan, English alder, hawthorn, white beam along with dogwood, guilder rose, hazel and scarlet haw.

2.2 Site Description

- 2.2.1 The application site is an agricultural field of approximately 1.71 hectares. It is located to the north of Pennine Close. Hackthorpe is a settlement of approximately 133 dwellings that has been defined by the Eden Local Plan as a 'Smaller Village and Hamlet'. Access to the site is gained from the west by an agricultural gate from the U3180.
- 2.2.2 The site is bordered to the east by the A6 and to the south by existing residential dwellings of Pennine Close. To the west, beyond the U3180, is a forested area. To the north is further agricultural land beyond a highway junction which is part of the wider public highway network.
- 2.2.3 The site is not located in an area subject to any 'special' designation in terms of landscape or heritage zones. There are no other constraints considered relevant to the determination of this application.

3. Consultees

3.1 Consultees

Consultee	Response
Cumbria County Council - Local Highway Authority	<p>Responded on the 18 January 2019 and confirmed that as the reserved matters proposal hadn't demonstrated a safe access onto the U3180 they would object to the proposal.</p> <p>The applicant subsequently discussed alternative access arrangements and on the 16 April 2019 the Highway Authority confirmed that they would have 'no objection' to the proposed access points on to the public highway. They requested that a condition preventing commencement of the development until visibility splays of appropriate scale (60 and 120 metres) be created on site prior to any commencement of development.</p> <p>It is noted that during discussions the applicant has subsequently provided technical details that provide this information (and are included in the list of approved plans) and as such, no pre-commencement conditions are now required.</p>

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Cumbria County Council - Lead Local Flood Authority	<p>Responded on the 16 April 2019 and confirmed that further details would be required in relation to how the development would deal with surface water runoff.</p> <p>The applicants have been in lengthy discussion with the Lead Local Flood Authority (LLFA) and these concluded with the submission of a drainage strategy. The LLFA provided a final response on the 6 April 2020 which confirmed that based on the data provided and the proposed drainage design, the LLFA would have no objection to the proposal.</p>
Environment Agency	No response has been received.
Natural England	Responded on the 10 January 2019 and confirmed no comments upon the reserved matters application.
United Utilities	<p>Responded on the 11 February 2019 and confirmed that drainage should be in accordance with the NPPF. United Utilities added that due to the location of public sewers in the area there would be no building permitted over it. It was confirmed that as standard, access strips would be required to allow the utilities operator to gain entry to the sewer as necessary. It was suggested that as a consequence of this, the layout proposed could require alteration in order to ensure this was achievable.</p> <p>The applicant considered these comments and confirmed that the layout was now altered to take account of these concerns raised.</p> <p>The altered layout was submitted to United Utilities for further comment. This updated layout demonstrated a 12 metre easement which they confirmed was acceptable in principle to them.</p>
Environmental Health	<p>Responded on the 8 January 2019 and they confirmed they could not comment upon the proposal until conditions 4 and 5 were discharged.</p> <p>The applicant responded and confirmed that noise and gas assessments were being undertaken but that these would not detrimentally impact the layout.</p> <p>The case officer informed the EHO that whilst their concerns were noted, the risk lay with the applicant and if they benefited from a layout that was acceptable in planning terms but were then unable to discharge conditions related to the issues raised, they would need to re-consider the layout. However, the discharge of these matters does not prevent the planning authority from determining the application based upon the layout sought.</p>
Housing	Responded on the 4 June 2019 and confirmed that in light of the <i>'identified viability constraints and based on</i>

	<i>the professional opinion of the council's external valuation agent being that the proposed scheme is capable of viably providing two affordable units in the form of 2 x three-bedroomed semi-detached two storey houses to be sold as discounted sale affordable housing, I have no objection to the affordable offer as proposed'.</i>
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4. Parish Council/Meeting Response

Parish Council/Meeting	Object	Support	No Response	Comments
Lowther	✓			

4.1 The Parish Council responded on the 21 January 2019 as follows:

'Lowther Parish Council have the following reservations about this application:

- 1 This development will access onto Sandy Lane which is single lane and can't cope with additional traffic.*
- 2 The northern access from Sandy Lane to the A6 is shared with another road and has poor visibility. This junction requires extensive modification.*
- 3 5 houses are located near existing properties. Bungalows would be better in this location.*
- 4 Extensive survey required due to sinkholes on the site.*
- 5 Are the developers aware that a stream runs underground running across the site at the northern end of the field'?*

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on site on the 8 January 2019. A press notice was also published in the Herald on the 12 January 2019.

No of Neighbours Consulted	25	No of letters of support	0
No of Representations Received	0	No of neutral representations	0
No of objection letters	2		

5.2 The objectors have raised the following concerns in relation to the proposed details;

- Scale of the development is overbearing,
- the proposed access site directly opposite a private roadway,
- the proposal may impact red squirrels,
- increase in traffic in the area,
- increase in noise in the area,
- the proposal would result in overshadowing/overlooking,
- the proposal is out of character with the area.

6. Relevant Planning History

Application No	Description	Outcome
15/0974	Outline application for residential development with all matters reserved	Approved

7. Policy Context

7.1 Development Plan

Eden Local Plan 2014-2032:

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 the 11 October 2018. 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.

The specific policies considered relevant in the determination of this particular application are as follows;

- Policy LS1: Locational Strategy;
- Policy DEV1: General Approach to New Development;
- Policy DEV2: Water Management and Flood Risk;
- Policy DEV3: Transport, Accessibility and Rights of Way;
- Policy DEV5: Design of New Development;
- Policy ENV1: Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity;
- ENV5: Environmentally Sustainable design;
- Policy HS5: Accessible and Adaptable Homes;
- Policy COM3: Provision of New Open Space.

7.2 Other Material Considerations

National Planning Policy Framework February 2019:

- Achieving sustainable development
- Decision-making
- Delivering a sufficient supply of homes
- Making effective use of land
- Achieving well designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

7.2.1 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
- Landscape and Visual Impacts
- Character and appearance of the settlement and locality
- Residential Amenity
- Highway Safety
- Flooding and the Natural Environment

- Provision of Open Space
- Historic Environment

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 This proposal seeks approval for reserved matter, specifically for access, appearance, landscaping, layout and scale attached to approval 15/0974. That permission granted outline approval for a residential development. At the time of that permission it was suggested that 30 dwellings would be constructed on site.
- 8.2.3 Accordingly, the principle of development has been established for this site and housing is approved to be constructed upon it. This application has been subject to two objections from members of the public. One of which has raised the 'principle' of development as part of their objection. However, this cannot be considered in relation to this proposal for the reasons given above – the principle of 30 dwellings being constructed on this site is already accepted and was approved by the Planning Authority via Planning Committee.
- 8.2.4 Therefore, the principle of the residential development of this site has been established and is not under consideration in this application. The sole considerations of this application relate to the appropriateness of the specific reserved matters sought to be approved, which include access, appearance, landscaping, layout and scale of the dwellings themselves.

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. Although the principle of permission is established, this reserved matters application allows the actual details of how the physical development will look in relation to the locality.
- 8.3.2 Policy DEV5 of the Eden Local Plan, entitled 'Design of New Development' 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.*
 - *Can be easily accessed and used by all, regardless of age and disability'.*

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- 8.3.3 In assessing of 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’.*
- 8.3.4 The applicant has provided a layout plan which illustrates how the site will appear once the development is completed. The layout plan provided confirms the intention to construct 30 dwellings on the site. In addition, there would be various planting to landscape the site which would ‘soften’ its impact to some degree.
- 8.3.5 Hackthorpe is noted to be a village which has varying architectural styles. The applicant has advised of its intended materials which would be brick, stone and render. These are considered consistent with the types of material already prevalent in the village and accordingly would be acceptable for use in this instance.
- 8.3.6 It is acknowledged that the site is located in a ‘gateway’ location in the village, at its effective entrance when travelling north to south. This means the site is prominent and any development upon it would have a visual impact on the immediate area. However, at the time that outline planning permission was granted for the site to be developed, committee members at the time appreciated that and took such into consideration in their decision making.
- 8.3.7 The layout proposed is considered appropriate for its location and whilst any undeveloped plot of land will look different if 30 houses were constructed upon it, the proposed design and layout are considered acceptable and of sufficiently high quality to not result in any adverse harm to the character and appearance of the settlement and surrounding area and so merit support.
- 8.3.8 Accordingly, the proposal is considered to merit support and is compliant with Policy DEV5 of the Eden Local Plan as well as the NPPF.

8.4 Character and appearance of the settlement and locality

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- 8.4.1 Policy DEV5 as referred to in section 8.3 also applies to this aspect of consideration. The policy specifically requires development proposals to *'reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials.'*
- 8.4.2 Chapter 12 of the NPPF, entitled 'Achieving well-designed places' states that, *'good design is a key aspect of sustainable development'*. Paragraph 127 states 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 terms but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate an effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.*
- 8.4.3 Paragraph 130 says that *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.*
- 8.4.4 Paragraph 131 states that *'in determining applications, 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 in with the overall form and layout of their surroundings'.*
- 8.4.5 It is also noted that Policy ENV5 of the Eden Local Plan, entitled, 'Environmentally Sustainable Design' states that proposals for *'commercial development and for major residential development...should demonstrate, where it is practical for them to do so, that they have considered each of the following criteria'.*
- 8.4.6 This proposal is such a major residential development. Policy ENV5 has several criterion, and in terms of sustainable urban design systems, the applicant is proposing such, which is supported by the Lead Local Flood Authority. The applicant has confirmed that they have endeavoured to ensure that a minimum of construction waste will be generated on site and that the amenity space, and footpath that permeates throughout the site, encourages sustainable transport methods, such as walking and cycling.
- 8.4.7 The applicant has also noted that due to the significant abnormal costs in delivering the site (which is the reason why there is a significant reduction in the anticipated affordable homes the site would yield) no other elements of the policy are to be

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complied with in this case. Given the policy confirms that such will only be anticipated where it is 'practical' it is considered acceptable in this case and accordingly, the proposal complies with Policy ENV5.

- 8.4.8 The design of the proposed houses is noted and has been discussed to some degree in the previous section of this report (8.3). As previously noted, the village is subject to varying architectural styles but as is sought by policy, a high quality design is necessary.
- 8.4.9 The proposed houses would have a rather traditional appearance, with materials such as stone, brick and render being employed on various elevations of each of the dwellings proposed, this would be considered suitable for the village. The precise variety of brick, stone and render to be incorporated on site remain unknown at this stage and as such, whilst the principle of these materials is considered acceptable, it is considered necessary that samples of the final materials are submitted to the LPA prior to works commencing on site. As such, the principle of these types of materials being utilised on site is considered agreeable, albeit the precise details will need to be agreed at a later stage.
- 8.4.10 Furthermore, it is noted that the applicant has included amenity space to the north and elsewhere within the site. This is complemented by a footway to the west of the proposed dwellings to allow people to walk to the main amenity space to the north of the site. This is a very welcome addition and ensures that the site retains permeability for not just car or bicycle users, but those on foot also. Furthermore, the amenity space proposed, and the appropriateness of the layout helps the development to achieve an acceptable design which is largely in-keeping with the outline approval.
- 8.4.11 Accordingly, due the considerations above, these proposals are considered compliant with the NPPF, Policy DEV5 and ENV5 and are worthy of support.

8.5 Residential Amenity

- 8.5.1 The proposal is subject to two objections from members of the public as well as the Parish Council whom all raise concerns related to amenity. It is accepted that the Local Plan seeks to avoid development that creates 'overlooking' but it should also be noted that this does not mean that any dwellings constructed should be unable to see one another. The consideration would and should relate to whether amenity was being affected in a significantly detrimental way that would merit the refusal of the proposal.
- 8.5.2 Within the Eden Local Plan, through Policy DEV5, it is noted that the Policy requires development protect the amenity of existing residents and provides an acceptable amenity for future occupiers of any potential development.
- 8.5.3 It is noted that both objectors consider the proposal to be overbearing and would result in a loss of privacy which cannot be rectified with higher fencing etc. due to '*planning restrictions*'. Officers are not clear on what specific 'restrictions' are being referred to but it is assumed that it relates to permitted development rights preventing the erection of fencing without permission. This means that whilst a restriction would be in place, it does not prevent an application being made for, for example, fencing to be considered by the Planning Authority if indeed it were made.
- 8.5.4 As is noted, the proposals would result in a housing development being constructed upon what is currently a vacant site. However, outline planning permission has already been approved, establishing the principle of residential development on this site. As such, the principle of the change to the locality was understood at that stage.

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- 8.5.5 The layout plan indicates that the proposed dwellings would all be beyond 21 metres be from the existing properties on Pennine Close. The only exception is unit 1 which would be approximately 16.728 metres away but this particular property would be backing onto a blank gable end. Accordingly, such separation distances would be considered acceptable and not result in an unacceptable detrimental impact upon amenity of either existing residents in the area or future occupants of the proposed dwellings contrary to Policy DEV5.
- 8.5.6 It is recognised that the Environmental Health Officer (EHO) felt they were unable to comment on the proposed layout and confirm their agreement to it in terms of amenity because conditions related to amenity have yet to be formally discharged (these discussions are ongoing as an application to do such has been submitted). However, this is not considered reasonable. The EHO is considered capable of determining whether, in principle, the layout proposed is acceptable in amenity terms.
- 8.5.7 It is not acceptable or appropriate for the Council to delay the determination of this reserved matters application because of such an issue, as matters relating to the discharge of conditions attached to an outline approval do not represent a material consideration for a Reserved Matters application. The applicant is ultimately the one taking the 'risk' in relation to this matter. If it were subsequently considered that the proposals related to the discharge of condition application were not acceptable and that the layout agreed needed to be amended, then the applicant would need to re-apply to vary this permission in the future. However, it is not appropriate to delay the determination of this application in these circumstances. Therefore, whilst the comments of the EHO are noted, they are not considered reasonable in this case and the determination of the application should not be delayed any further or refused on these grounds.
- 8.5.8 The properties proposed for the south of the site are noted to be 8.213 metres high. These are not unusually tall structures for dwellings of this type and style and are considered to be in keeping with the character of the area. This, coupled with separation distances being considered acceptable, means that the proposal is considered acceptable in terms of residential amenity (overlooking/overshadowing) and is compliant with Policy DEV5 and should be supported.

8.6 Highway Safety

- 8.6.1 The applicant initially proposed several access roads of the nearby unclassified road to access the site. The Highway Authority had concerns over the safety of this and how traffic from the site would interact with a nearby junction onto the A6. At outline stage, the proposed access had been suggested to be off the A6, which at that stage the Highway Authority supported. Notwithstanding, this was an indicative outline plan and did not compel the applicant to have to propose that same design solution at the reserved matters stage.
- 8.6.2 However, it is also true, that any alternative to what was shown at outline stage would still need to be supported by the Highway Authority. The applicant has worked with the Highway Authority in order to seek a resolution which is satisfactory. The Highway Authority has now considered updated proposals.
- 8.6.3 The Highways Authority have confirmed that the amended plan is appropriate and they offer no objection upon the proposal in Highway safety or capacity terms. Accordingly, the proposed access is considered acceptable and the development, in a Highway context should be supported.

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- 8.6.4 Policy DEV3 of the Eden Local Plan, entitled 'Transport, Accessibility and Rights of Way' states that *'development will be refused if it will result in a severe impact in terms of road safety and increased traffic congestion. Development should provide safe and convenient access for pedestrians, cyclists and disabled people'*.
- 8.6.5 Paragraph 109 of the NPPF affirms that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 8.6.6 Whilst concerns of the objectors and Parish Council in relation to the highway network are noted, the comments from the Highway Authority are clear. No such unacceptable or severe impacts in terms of highway safety or capacity are considered to apply in this case, contrary to Policy DEV3 and the NPPF.
- 8.6.7 Accordingly, on the basis of the Highway Authority response it is considered that the proposed accesses onto the site is acceptable (subject to the inclusion of a condition requested on any subsequent grant of planning permission) and the proposal is compliant with Policy DEV3 and the NPPF and merits support.

8.7 Flooding and the Natural Environment

- 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).
- 8.7.2 Policy DEV2 of the Local Plan, entitled 'Water Management and Flood Risk' confirms that *'new development' should 'meet the sequential approach to development in flood risk areas'*.

The Policy confirms that *'new development must incorporate sustainable drainage systems (SUDs), where practicable, to manage surface water run-off. All applications for major development, defined in Appendix 2, will be subject to review by the Lead Local Flood Authority. Surface water should be discharged in the following order of priority:*

1. *To an adequate soakaway or some other form of infiltration system.*
2. *By an attenuated discharge to a watercourse.*
3. *By an attenuated discharge to a public surface water sewer.*
4. *By an attenuated discharge to a public combined sewer.*

Applicants will need to submit clear evidence demonstrating why there is no alternative option but to discharge surface water to the public sewerage system and that the additional discharge can be accommodated. The presumption will be against the discharge of surface water to the public sewerage network'.

- 8.7.3 Paragraph 165 states that, *'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*
- a) *take account of advice from the lead local flood authority;*
 - b) *have appropriate proposed minimum operational standards;*
 - c) *have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
 - d) *where possible, provide multifunctional benefits'.*

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- 8.7.4 The Lead Local Flood Authority (LLFA) sought additional information to confirm that drainage could be achieved on the site. Accordingly, the applicant submitted a full drainage strategy for the LLFA to review and consider.
- 8.7.5 United Utilities (UU) added that due to the location of public sewers in the area there would be no building permitted over it. It was confirmed that as standard, access strips would be required to allow the utilities operator to gain entry to the sewer as necessary. The applicant has amended the layout which has been made available to United Utilities. This demonstrated a 12 metre easement which United Utilities have confirmed is *'acceptable to us in principle'*.
- 8.7.6 Subsequently, the LLFA have completed their assessment of the drainage strategy. The strategy relies upon utilising attenuation ponds for storage of surface water which would discharge into local surface water culverts.
- 8.7.7 In terms of foul water drainage, the applicant proposes to utilise gravity fed systems, to two separate connection points constructed upon site. These would lead to the combined sewer. As part of the proposal, the public sewers referred to by United Utilities would require diversion. This would be arranged with United Utilities subsequently, were this application approved directly between the applicant and UU.
- 8.7.8 It is noted that an objector has raised that red squirrels are in the area. This is noted. Red Squirrels are a protected species and such already protected by law through the Wildlife & Countryside Act 1981. It would be for anyone to ensure that no harm came to such a protected species, regardless of whether they were involved in implementing a planning permission or otherwise, with failure to do so representing a criminal act which may be subject to prosecution by the Police. However, in respect of this particular planning application, this is not a material planning consideration, given the proposal is at the reserved matters stage.
- 8.7.9 In terms of drainage then, the response of the LLFA and UU are noted. Neither of these consultees is offering objection to the proposed drainage plans and as such the Local Planning Authority considers the proposals acceptable in this respect.
- 8.7.10 Accordingly, the proposals are considered compliant with Policy DEV2 of the Local Plan and the NPPF and are thus recommended for approval.

8.8 Provision of Open Space

- 8.8.1 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.
- 8.8.2 The applicant has advised that they would provide a total of 2,929 sq. metres of amenity space were this application approved. They have used a benchmark of the old local plan which did require a minimum of 15 sq. metres per proposed dwelling. Such a calculation, based upon old requirements would mean there would be a need for 450 sq. metres of amenity space. Under the new Local Plan, Policy COM3, as previously referred to, is the Policy to consider. In considering this Policy, were every bed occupied at all times (a total of 174 people) would occupy the site. Policy COM3 would require a minimum provision of 0.19 ha (hectares) of amenity space for the site. The applicant is proposing 2,929 sq. metres of amenity space (0.2929 hectares) so the proposal is considered to comfortably comply with the requirements of Policy COM3 in this instance.

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- 8.8.3 It would be preferable if a centralised amenity area was also included, not only for an area of play, but to enhance the feel and appearance of the site. It is noted the site, in this instance, as a windfall development, is constrained, to some degree, by its geography. As such, an element of pragmatism must apply given to seek such a centralised area would reduce the number of dwellings the site could deliver. In addition, a greater centralised area of green space would result in a reduction of dwellings being proposed, which would ultimately result in fewer affordable houses being developed. On balance, due to the provision of amenity space being provided, which is already in excess of the requirements of Policy COM3, the securing of higher housing numbers and affordable houses as proposed is considered to be acceptable.
- 8.8.4 In this instance, the applicant has proposed that an area to the north would be the main feature point within the site, which incorporates one of the areas for attenuation. At certain times of the year this would act as a water feature and would be a potentially pleasant feature to walk around and enjoy. Officers would be reluctant to support an area of amenity space (if it were the only one) that incorporated such a drainage area. However, that is not the case here, with a large part of the site being proposed to incorporate footpaths, lined with trees (particularly on the western boundary).
- 8.8.5 This footpath feature links the properties proposed on the southern boundary which assures permeability throughout the site and also gives people the ability to exercise within the confines of the site. This idea is readily supported and is welcomed by officers. As such, this proposed method of delivering the amenity space on site, is considered acceptable.
- 8.8.6 It is therefore considered that the proposal complies with the requirements of Policy COM3 in this instance and merits support.

8.9 Historic Environment

- 8.9.1 It is noted that one objector raises that the proposal should be refused as it sits adjacent to a '*Grade II* listed village and conservation area*'. Officers must again confirm that this is not an opportunity to consider the principle of a residential development upon this site. It has already been accepted that a housing development, of appropriate scale, could be constructed on this site by Planning Committee at the earlier, outline stage. As such, this particular issue, at the now Reserved Matters stage, is not a material planning consideration.
- 8.9.2 Notwithstanding this, Officers are unclear as to what a '*Grade II* village*' actually is as this is not a formal designation. It is assumed by officers that this is a reference to a village that contains Grade II* properties within it. However, to reiterate, and be clear, the principle of development has already been established and this reserved matters application cannot re-consider this established principle because in itself it is not an application for planning 'permission', just the approval of the specific reserved matters sought which include access, appearance, landscaping, layout and scale.
- 8.9.3 As part of the original application, Historic England were consulted. They raised no objections. However, in order to provide final clarity, the Conservation Officer confirmed that the proposal would have no significant, detrimental impacts upon the designated Conservation Area or any other designated heritage asset were these details approved.
- 8.9.4 Accordingly, there are no concerns with regard to this proposal in relation to the historic environment.

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 This, as a reserved matters application, seeks the approval for the details of the development, rather than the development itself. This residential development these details relate to was approved at the outline stage under planning permission ref. 15/0974.
- 11.2 The layout, scale and design of the development are reserved matters and as such have been assessed. The layout is considered acceptable as is the scale in terms of the numbers of dwellings being proposed for the site.
- 11.3 The design proposed by the applicants is also considered acceptable. The materials proposed are noted to comprise brick, render and stone. These materials, in principle are considered acceptable. Boundary treatments would involve drystone walls,

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hedgerow as well as both close board and post and rail wooden fencing. Precise details of the finishes are not known at this stage, but a condition requiring the submission of the exact variety of brick, render and stone (along with fencing and hedgerow) to be utilised on site are required by condition, as listed in the draft conditions attached to this report.

- 11.4 The details submitted as a whole are, for the reasons articulated throughout this report acceptable and merit support. Accordingly, the proposal is recommended for approval.

Oliver Shimell

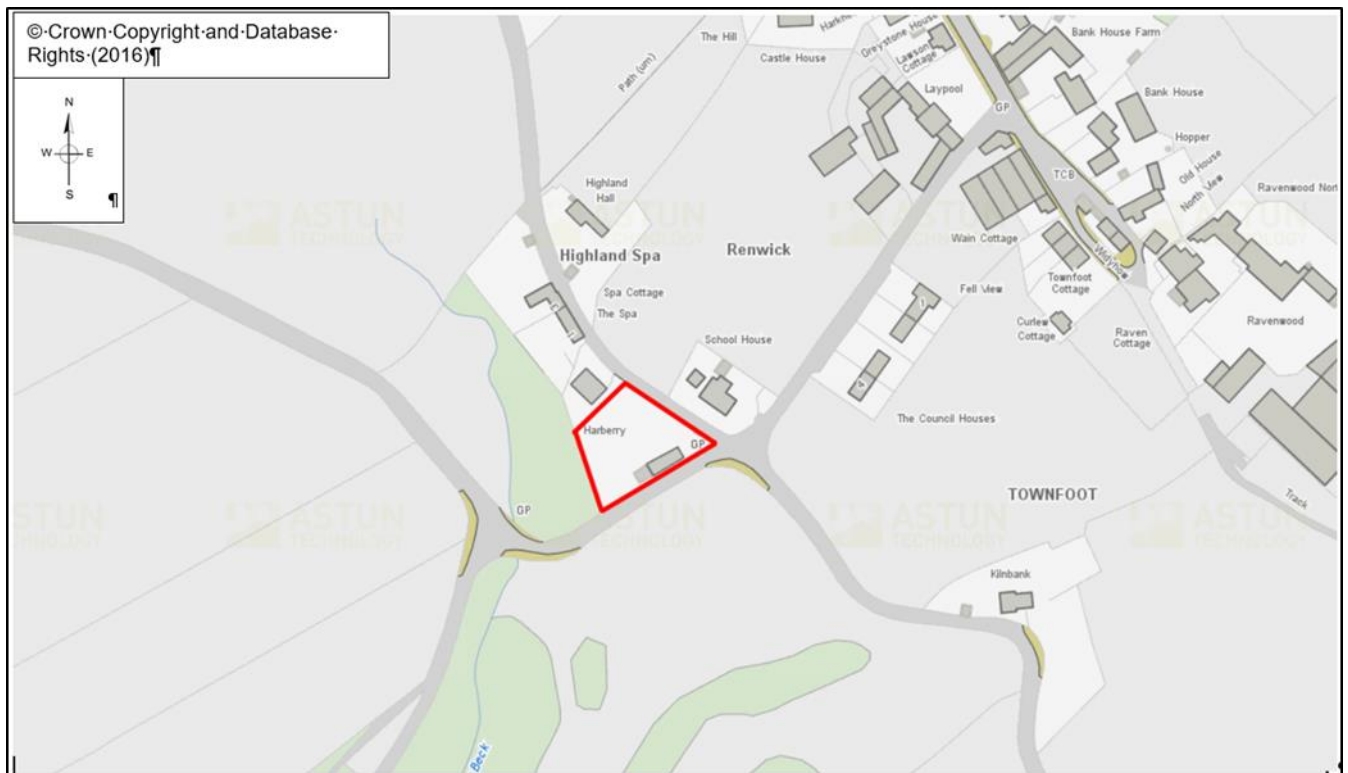
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	02.05.2020
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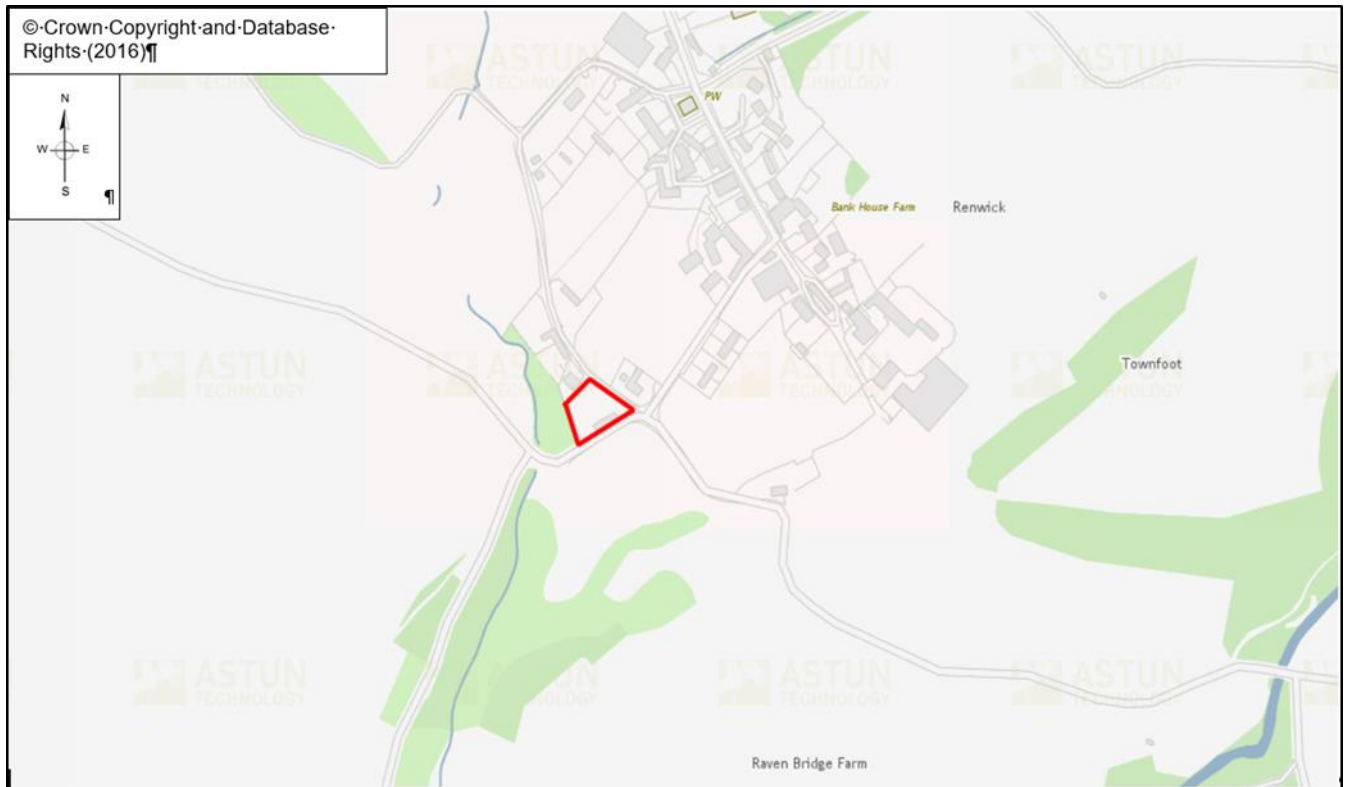
Background Papers: Planning File 18/1009

Agenda Item 3
REPORTS FOR DEBATE

Date of Committee:	21 May 2020		
Planning Application No:	20/0130	Date Received:	20 February 2020
OS Grid Ref:	NY 359580 543331	Expiry Date:	21 April 2020 (time extension agreed to the 29 May 2020)
Parish:	Kirkoswald	Ward:	Kirkoswald
Application Type:	Reserved Matters		
Proposal:	Reserved Matters application for appearance, landscaping, layout and scale attached to approval 17/0887		
Location:	Land adjacent Harberry, Renwick		
Applicant:	Mr and Mrs Bousfield		
Agent:	Graham K Norman (Architect) Ltd		
Case Officer:	Caroline Brier		
Reason for Referral:	Proposal has been called in on material planning grounds by the Parish Council		



Agenda Item 3
REPORTS FOR DEBATE



1. Recommendation

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

Approved Plans

1. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
 - i. Application Form received 20 February 2020
 - ii. Location Plan (116-111B-01) received 20 February 2020
 - iii. As Proposed Site Plan (116-111B-02B) received 20 February 2020
 - iv. As Proposed Plan and Elevations (116-111B-03) received 20 February 2020
 - v. As Proposed Plan and Elevations (116-111B-04A) received 29 April 2020

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

Pre-Occupancy or Other Stage Conditions

2. The approved landscaping scheme shall be carried out in strict accordance with the details on 'As Proposed Site Plan (116-111B-02B) received 20 February 2020. Within 6 months of the date of the first occupation of any building or completion of the development whichever is the sooner; any trees or plants/grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planning season with others of similar size and species and quality, unless the local planning authority gives written consent to any variation.

Reason: To ensure the satisfactory appearance of the site in the interests of visual amenity.

Note to Developer:

- This permission is to be read in conjunction with outline approval 17/0887 and the conditions attached which are required to be discharged accordingly.
- A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
- The applicant must not commence works, or allow any person to perform works, on any part of the highway until in receipt of an appropriate permit allowing such works. They will need to contact Streetworks East streetworks.east@cumbria.gov.uk for the appropriate permit.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This proposal is a reserved matters application relating to appearance, landscaping, layout and scale following the approval of outline application 17/0887 for a single residential dwelling.
- 2.1.2 The access was approved under the outline application and is not for consideration under this application. This is to the south eastern boundary of the site and includes the existing hedge being removed and replaced with a natural drystone wall.
- 2.1.3 The proposed dwelling is to be two storey with a floorspace of approximately 172m² and a height of 7.5 metres.
- 2.1.4 The proposed materials include vertical Cedral weatherboard in a grey/buff colour to the elevations. Natural slate in a blue/grey colour to the roof and proprietary aluminium/timber casement windows, glazed doors and screens with a powder coated finish in a grey/green colour. The doors are to be purpose made in timber and finished to match the windows.
- 2.1.5 The proposed landscaping includes the perimeters to be planted with ornamental shrubs and trees, namely, silver birch, rowan, English alder, hawthorn and white beam. A new double staggered hedgerow is to be planted to the south and west boundaries.

2.2 Site Description

- 2.2.1 The site is located to the south western edge of the village of Renwick. The site is known locally as the 'Stackyard' and is currently used for agricultural purposes. There is some mature tree planting to the northern boundary, with the residential property 'Harberry' immediately behind.
- 2.2.2 There is an established hedge along the south eastern boundary with the road. To the north eastern boundary the site is enclosed by a dry stone wall and there is an existing field gate from Spa Lane. Opposite this is the residential property 'School House'. To the south west the site is enclosed by a field fence, with open fields beyond and to the north west of the site is 'Harberry', a detached residential property. The site is approximately 0.16 hectares in area.
- 2.2.3 The proposal site does not affect any listed buildings or conservation areas. It is in a Flood Zone 1 and the North Pennines Area of Outstanding Natural Beauty.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority	A response was received on the 1 May 2020 which advised of no objection and requested a 'note to developer' be included (see recommendation). The details regarding surface water discharging on to or off the highway are still to be discharged prior to the development being completed.
Lead Local Flood Authority	A response was received on the 1 May 2020 which advised of no objections and that a soak away is considered acceptable for this proposal.

3.2 Discretionary Consultees

Consultee	Response
United Utilities	A response was received on the 3 March 2020 raising no objection to the proposal, however a 'note to developer' has been included with regards to a public sewer that crosses the site (see recommendation).
MWLP (Minerals & Waste)	Consulted on the 27 February 2020, no response received, however it is noted that no objections were made to the previous Reserved Matters application that was withdrawn (19/0417).
AONB (North Pennines Area of Outstanding Natural Beauty)	Consulted on the 27 February 2020, no response received.
Environmental Health - Protection	Consulted on the 27 February 2020, no response received, however it is noted that no objections or recommendations were made to the previous Reserved Matters application that was withdrawn (19/0417).

4. Parish Council Response

Parish Council	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Kirkoswald	✓			

- 4.1 A response was received on the 3 April 2020 advising '*after discussion, councillors objected to the finish of the property, feeling that it didn't fit with the vernacular i.e. sandstone fronted properties*'.

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours on the 27 February 2020 and a site notice was posted on 4 March 2020.

No of Neighbours Consulted	3	No of letters of support	0
No of Representations Received	0	No of neutral representations	0
No of objection letters	0		

- 5.2 No letters/emails of response have been received.

6. Relevant Planning History

Application No	Description	Outcome
16/0575	Outline application for proposed residential development (three dwellings)	Outline Refusal 17/11/16
17/0887	Proposed residential development (re-submission of application no 16/0575)	Outline Approval 18/12/17
19/0417	Reserved Matters application for appearance, landscaping, layout and scale attached to approval 17/0887	Withdrawn

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-32)

- LS1 - Locational Strategy
- DEV1 - General Approach to New Development
- DEV5 - Design of New Development
- HS2 - Housing in the Smaller Villages and Hamlets
- ENV3 - The North Pennines Area of Outstanding Natural Beauty

Supplementary Planning Documents:

- Housing (2010)

7.2 Other Material Considerations

National Planning Policy Framework:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 11 - Making effective use of land
- Chapter 12 - Achieving well-designed places

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
- Landscape and Visual Impacts
- Residential Amenity
- Scale and Design

8.2 Principle

- 8.2.1 The principle of developing this site for residential development has already been established by the granting of outline planning permission ref 17/0887. This application seeks to deal with the 'reserved matters' associated with that permission solely relating to appearance, landscaping, layout and scale.
- 8.2.2 Policy LS1 and HS2 sets out specific requirements relating to floorspace and occupancy restrictions for new housing developments in 'Smaller Village and Hamlets'. The proposed dwelling measures approximately 172m². This is larger than the 150m² gross internal floorspace outlined in policy HS2, however it is duly noted that a condition was not attached to the outline approval specifying floorspace as the current Eden Local Plan was not adopted at the time of the outline approval. A local occupancy condition was attached to the outline approval.
- 8.2.3 Policy DEV1 – 'General Approach to New Development' advises that the Council will always work proactively with applicants to find solutions which mean the proposals can

be approved wherever possible, and to secure developments that improves economic, social and environmental conditions in the area.

- 8.2.4 Policy DEV5 – ‘Design of New Development’ requires developments to show a clear understanding of the form and character of the District’s built and natural environment, complementing and enhancing the existing area. It also looks for proposals to protect the amenity of the existing residents and provide an acceptable amenity for future occupiers.
- 8.2.5 Paragraph 131, Chapter 12 ‘Achieving well-designed places’ of the NPPF advises that *‘in determining applications, 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 in with the overall form and layout of their surroundings’*.
- 8.2.6 Policy ENV3 ‘The North Pennines Area of Outstanding Natural Beauty’ requires proposals to meet the following criteria:
- Individually or cumulatively it will not have a significant or adverse impact upon the special qualities or statutory purpose of the AONB.
 - It does not lessen or cause harm to the distinctive character of the area, the historic environment, heritage assets and their setting.
 - It adheres to any formally adopted design guides or planning policies, including the North Pennines Management Plan, the North Pennines AONB Planning Guidelines and the North Pennines AONB Building Design Guide.
- 8.2.7 Following the outline approval, the principle of residential development at this site and access to it is considered acceptable. As such the impact on the North Pennines Area of Outstanding Natural Beauty was not considered to be detrimental or contrary to policy ENV3.
- 8.2.8 The aims and requirements of policies DEV5 and ENV3 are considered to be met through the understanding of the form and character of the area, without lessening or causing harm to the distinctive character of the area in terms of the appearance, landscaping and layout. It is noted that the proposed scale of the proposal is larger than specified in policy HS2.
- 8.2.9 In principle this reserved matters application is considered to meet the aims and requirements of the above mentioned policies. The design aspect of the proposal is subject to further consideration on the impact on the visual amenity, neighbouring amenities and the scale and design which are discussed in the following sections of this report.

8.3 Landscape and Visual Impacts

- 8.3.1 The site is just inside the boundary of the North Pennines Area of Outstanding Natural Beauty. Policy ENV3 specifies three criteria which must be met to comply with this policy. It shall not have a significant or adverse impact upon the special qualities or statutory purpose of the AONB, either individually or cumulatively. It should not lessen or cause harm to the distinctive character of the area, the historic environment, heritage assets and their settings. It must adhere to any of the formally adopted design guides or planning policies.
- 8.3.2 The North Pennines AONB Planning Guidelines seeks for proposals to avoid prominent locations and novelty in design or materials. Retain and protect mature

traditional features like hedges, walls and field trees and use native species or species characteristic of the locality.

- 8.3.3 Policy DEV5 looks for proposals to show a clear understanding of the form and character of the district's built and natural environment.
- 8.3.4 The principle of the application site being developed has already been established through the outline approval, it is therefore accepted that the landscape will alter. The impacts of the design and layout on the landscape are for assessment under this application. The removal of the hedgerow and replacement with a natural drystone wall to match the northern boundary to create the access is also already established through the approval of the outline application.
- 8.3.5 The site currently has an agricultural building on it, close to the south east boundary. The proposed dwelling has been designed to have an agricultural appearance, albeit closer to the centre of the site.
- 8.3.6 The proposed landscaping includes the perimeters to be planted with ornamental shrubs and trees, namely, silver birch, rowan, English alder, hawthorn and white beam. A new double staggered hedgerow is to be planted to the south and west boundaries.
- 8.3.7 The site will be visible from the roads approaching the village from the north west and from the east. The whole village of Renwick is within the AONB and the site is well related to the settlement, and physically would not be overly prominent given natural partial screening and the existing built environment around the site.
- 8.3.8 It is not considered that there is a notable distinctive building theme within this area. To the north west of the site sits Harberry, a detached white rendered dwelling and beyond that are semi-detached properties. Directly to the north west of the site is a detached stone faced property (School House) and further to the north east is two sets of semi-detached rendered properties.
- 8.3.9 The proposed design and use of materials is considered to be contemporary. Whilst the new feature of a dwellinghouse would be being introduced to the landscape, given its close proximity to other residential properties and no dominating style or material in the locality, it is not considered to be harmful to the landscape or have adverse impacts on the visual amenity.
- 8.3.10 It is duly noted that the North Pennines AONB were consulted on this application, however did not provide a response or register any objections to the proposal.
- 8.3.11 Policy is not prescriptive in relation to types of materials to be used, as such a contemporary design does not mean it is not high quality, nor does mean it detracts from the character of the area. The proposal is considered to show a clear understanding of the form and character of the area, which sees properties with large curtilages, without causing harm to the distinctive character of the area. It also reflects the existing street scene through its use of appropriate scale, mass form and layout. It would be introducing a new elevational material to the vicinity, however it is considered to be of a high quality that would complement the area.
- 8.3.12 Therefore, whilst the comments and concerns of the Parish Council relating to design are duly noted, the contemporary design and appearance of the building is of a sufficiently high quality so as to make a positive contribution to the character and appearance of the area and merit support in this instance. As such the proposal is considered to meet the aims and requirements of policies DEV5 and ENV3 in terms of impacts on the landscape and visual amenity.

8.4 Residential Amenity

- 8.4.1 Policy DEV5 requires that (inter alia) development shall protect the amenity of existing residents and provide an acceptable amenity for future occupiers.
- 8.4.2 To the north east of the site, on the other side of Spa Lane is School House which is approximately 26 metres away from the side elevation of the proposed dwelling. The neighbouring property is sited on land higher than the proposal site. The proposed elevation facing the School House would have two slit windows at ground floor level. It is not considered that there would be any overlooking issues to either site.
- 8.4.3 To the north west of the site is neighbouring property Harberry. There is a distance of approximately 21 metres between the proposal and side elevation of Harberry, which is considered to be an acceptable and appropriate separation distance to the nearest residential dwelling. The north west principle elevation of the proposal would see the front door and three slit windows at ground floor level and three slit windows and a floor to ceiling window at first floor level.
- 8.4.4 The floor to ceiling window is at the top of the stairs, not a habitable room. The side elevation of Harberry is a blank gable. It is noted that an existing high hedge sits between Harberry and proposal site. The rear windows of Harberry look out in a south westerly direction and is not considered that there would be any overlooking issues to either site.
- 8.4.5 It is noted that no public objections have been received to this proposal.
- 8.4.6 The proposed development is considered to have been designed in a way to make the best use of land available, whilst protecting neighbouring amenities. It is not considered that the proposed development would cause any overlooking, overbearing or overshadowing to any neighbouring properties due to the well-considered design, layout and orientation of the building; in addition to the separation distances that are achieved to the nearest neighbouring dwellings. It would protect the amenity of existing and future occupiers and as such meets the aims and requirements of policy DEV5.

8.5 Scale and Design

- 8.5.1 Paragraph 131, Chapter 12 'Achieving well-designed places' of the NPPF advises that *'in determining applications, 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 in with the overall form and layout of their surroundings'*. Policy ENV3 states that proposals shall not have a significant or adverse impact upon the special qualities or statutory purpose of the AONB.
- 8.5.2 The National Design Guide, paragraph 29, advises that *'materials should be practical, durable, affordable and attractive'*.
- 8.5.3 Policy DEV5 requires developments to show a clear understanding of the form and character of the District's built and natural environment, complementing and enhancing the existing area. This policy does not stipulate exact materials or designs, this is assessed on a case by case basis. Some locations, such as this are considered to be appropriate for a modern contemporary design rather than a more traditional proposal.
- 8.5.4 The proposed dwelling is to be two storey with a floorspace of approximately 172m² and a height of 7.5 metres. Whilst larger than the 150m² specified in policy HS2, it is considered to be of a modest scale, in-keeping with other nearby properties and their settings within large curtilages.

REPORTS FOR DEBATE

- 8.5.5 Due to the site specifics and surrounding properties, which are larger in scale set within big curtilages, the proposed floorspace of 172m² is considered to be a minor increase and acceptable in this specific instance which would see the proposal tied into the existing built environment. It is also noted that the outline application was approved before the adoption of the current Eden Local Plan at a time before floorspace was specified in policy for new dwellings in this location and as such a condition was not attached in this regard.
- 8.5.6 The proposed materials include vertical Cedar weatherboard in a grey/buff colour to the elevations. Natural slate in a blue/grey colour to the roof and proprietary aluminium/timber casement windows, glazed doors and screens with a powder coated finish in a grey/green colour. The doors are to be purpose made in timber and finished to match the windows.
- 8.5.7 It is noted that the Parish Council object to the proposal on the grounds that the finish of the property doesn't fit with the vernacular i.e. sandstone fronted properties.
- 8.5.8 There is considered to be a mix of design and materials of properties within the vicinity, with no specific theme or style being noted. To the north west of the site sits Harberry, a detached white rendered dwelling and beyond that are semi-detached properties. Directly to the north west of the site is a detached stone faced property (School House) and further to the north east is two sets of semi-detached rendered properties.
- 8.5.9 The proposal is considered to introduce an innovative and contemporary design that meets the aims and requirements of paragraph 131 of the NPPF and policies DEV5 and ENV3. Whilst concerns have been raised in relation to the appearance of the building, a high quality and contemporary design such as is proposed, is considered to be acceptable and appropriate in this specific location. It is considered that the proposal will raise the standard of design in the area, whilst also showing a clear understanding of the form and character of the area, through its agricultural feel. Therefore, the scale and design of the proposed dwelling is considered to be acceptable.

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

REPORTS FOR DEBATE

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

11.2 The proposed appearance, landscaping, layout and scale have been carefully considered and are concluded to be acceptable. The design is contemporary and high quality. It is considered that a positive impact would be introduced to the character of the area on the basis that there is no specific design style or characteristic in this location. It is not considered that any unacceptable adverse impacts would be created to the residential amenity.

11.3 The proposal for a single residential dwelling is considered to be compliant with policies LS1, DEV1, DEV5, HS2 and ENV3 and as such, on balance is considered to be supportable.

Oliver Shimell

Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	02/05/2020
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Background Papers: Planning File 20/0130

Agenda Item 4
REPORTS FOR DEBATE

Date of Committee: 21 May 2020

Planning Application No: 20/0126 **Date Received:** 19 February 2020

OS Grid Ref: NY 349631, 544064 **Expiry Date:** 16 April 2020

Parish: Lazonby **Ward:** Lazonby

Application Type: Full

Proposal: Variation of Condition 8 (Landscaping) attached to approval 18/0669

Location: Nord Vue, Armathwaite

Applicant: Mr C Lowther

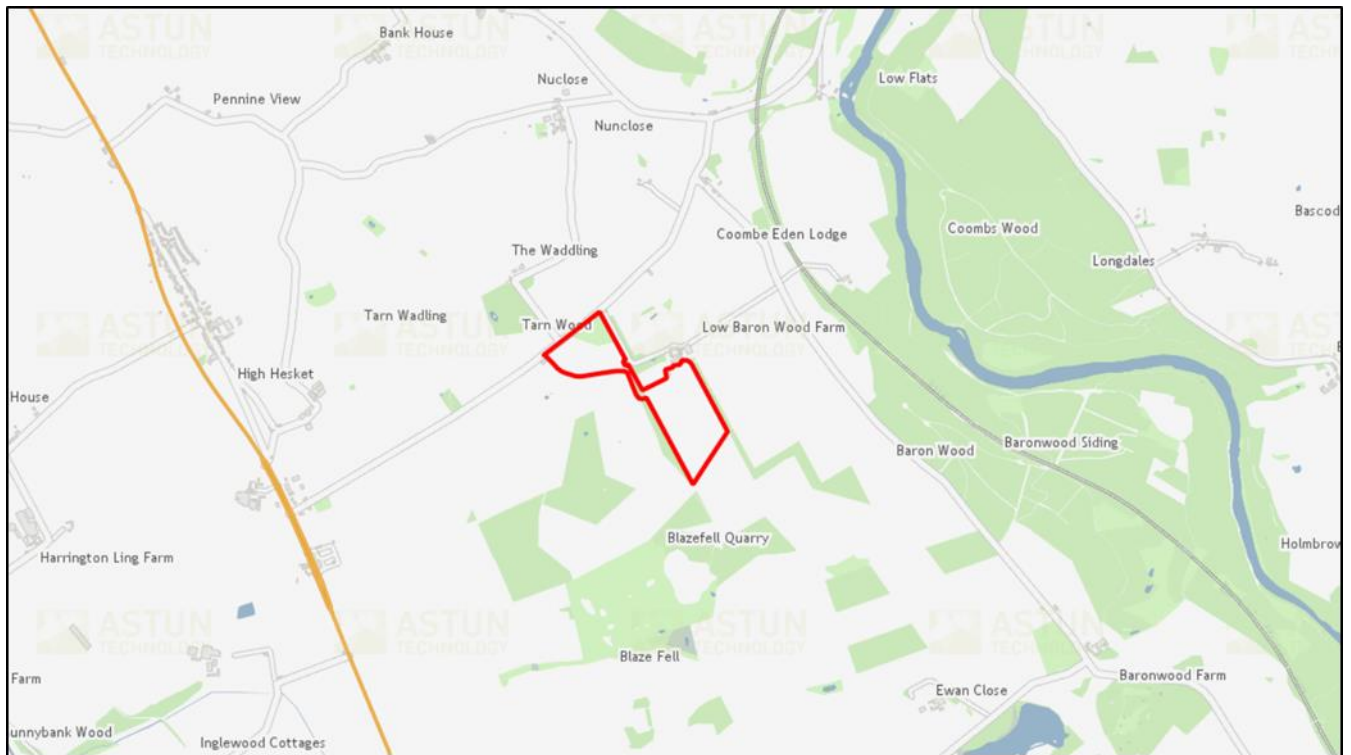
Agent: Andrew Wilison-Holt

Case Officer: Nicholas Unwin

Reason for Referral: The condition was requested by Committee



Agenda Item 4
REPORTS FOR DEBATE



1. Recommendation

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

Time Limit for Commencement

1. The development permitted shall be begun before the 21 March 2022.

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 9 August 2018.
- ii. Design and Access Statement. Dated August 2018.
- iii. Site Location Plan (1807-PL-101 A). Dated June 2017.
- iv. Proposed Plans (1807-PL-301 B). Dated May 2018.
- v. Proposed elevations (1807-PL-501 B). Dated May 2018.
- vi. Location Plan (1807-PL-100 A). Dated June 2017.
- vii. Foul Drainage Strategy. Dated 30 July 2018.
- viii. Treatment Plant details. Dated 19 January 2012.
- ix. Location Site Plan (1807-PL-102 A). Dated June 2017.
- x. Nord Vue Access Road Details (1807-PL-100 B). Dated June 2017.
- xi. Site Plan (1807-PL-200 L). Dated April 2018.
- xii. Proposed Site Sections (1807-PL-400 E). Dated April 2018.
- xiii. Additional Statement. Dated January 2019.

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

Prior to Commencement

3. Notwithstanding the submitted plans, prior to the commencement of any development, a surface water drainage scheme informed by evidence of an assessment of the site conditions 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 development shall then be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. The condition is considered necessary to be complied with pre-commencement as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.

4. Prior to the commencement of development, full details of the scale, appearance and materials of the proposed 'caravans' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development is to be

undertaken in accordance with the approved plans.

Reason: To safeguard the amenity of the area.

Ongoing

5. No more than 20 'caravans' as defined with the Caravan Sites Act 1968 or any subsequent replacement legislation, shall be sited at any one time on land edged red on the submitted 'Location Plan' (1807-PL-102 A), dated June 2017' and shall only be sited as shown on the submitted 'Site Plan' (1807-PL-200 L), dated April 2018.

Reason: To safeguard the amenity of the area.

6. The 20 'caravans' hereby approved shall be used for holiday use only and shall not be used as the sole or principal residence by any one person.

Reason: The site is one which does not accord with the Council's regional or national guidance in respect of the spatial distribution of residential accommodation for housing.

7. The 'illuminated bollards' within the submitted 'Site Plan' (1807-PL-200 L), dated April 2018 shall be limited to:

- Less than 60w bulbs
- Less than 600 lumens
- Within the 3000-4000 Kelvin range (light 'colour')
- A Maximum height of light source of less than 1200mm on non-reflective surfaces.

Reason: To safeguard the amenity of the area.

Prior to Occupation

8. None of the 'caravans' shall be sited before the expiry of a period of four (4) years after the implementation of the approved landscaping scheme detailed within the submitted 'Woodland Creation Map' (1807-PL-101 B), dated June 2017 and 'Site Plan' (1807-PL-200 L), dated April 2018. Written confirmation of the completion of landscape planting should be provided to the Local Planning Authority within seven (7) days of the completion of the works. Any trees or other plants which die or are removed within the first 5 years following the completion of the siting of all 20 'caravans' shall be replaced during the next planting season. Written confirmation of the completion of the siting of all 20 'caravans' should be provided to the Local Planning Authority within seven (7) days of the completion of the works.

Reason: To safeguard the amenity of the area.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The proposal is for the variation of Condition 8 (Landscaping) attached to approval 18/0669.
- 2.1.2 Approval 18/0669 was for the change of use of land to holiday lodge park with conversion of shed to ancillary visitor administration hub.
- 2.1.3 Condition 8 (Landscaping states that:

"Neither the 'caravans', associated infrastructure (excluding the Visitor Administration Hub) nor access tracks (excluding the proposed passing places within the submitted

REPORTS FOR DEBATE

'Nord Vue Access Road Details' (1807-PL-100 B). Dated June 2017) hereby approved shall be sited or constructed until four (4) years after the implementation of the approved landscaping scheme detailed within the submitted 'Woodland Creation Map' (1807-PL-101 B), dated June 2017 and 'Site Plan' (1807-PL-200 L), dated April 2018. Written confirmation of the completion of landscape planting should be provided to the Local Planning Authority within seven (7) days of the completion of the works. Any trees or other plants which die or are removed within the first 5 years following the implementation of the landscaping scheme shall be replaced during the next planting season".

- 2.1.4 Within the Planning Statement it references Condition 8, stating that *"we at no time were entirely comfortable with this arrangement. The 4-year period to allow the managed-establishment of new planting is itself an extraordinary measure, nonetheless offered by the applicant"*.
- 2.1.5 Condition 8 was not recommended by Officers as it was not felt it met the six tests. A variation of the condition was offered by the applicant which was considered necessary to include in the decision notice by the Members of the Planning Committee. Members approved the application but requested that the condition was attached (against officer recommendation).
- 2.1.6 Having consulted with their own arboriculturist, the applicant discovered that the access tracks are required to be constructed prior to planting to avoid damaging trees. The applicant therefore wishes to amend the condition to allow for the construction of the access tracks prior to planting. The suggested amended condition:

"None of the 'caravans' shall be sited before the expiry of a period of four (4) years after the implementation of the approved landscaping scheme detailed within the submitted 'Woodland Creation Map' (1807-PL-101 B), dated June 2017 and 'Site Plan' (1807-PL-200 L), dated April 2018. Written confirmation of the completion of landscape planting should be provided to the Local Planning Authority within seven (7) days of the completion of the works. Any trees or other plants which die or are removed within the first 5 years following the implementation of the landscaping scheme shall be replaced during the next planting season".
- 2.1.7 This then forms the basis of the matters for consideration before Members and because the condition was imposed by Members originally, Officers have brought this matter back before Members to allow consideration as to whether the proposed change to the condition is acceptable.

2.2 Site Description

- 2.2.1 The proposed site is approximately 16ha and forms two sections connected by a narrow strip of land approximately 20 metres in width. The North-West section is adjacent to the C3027 road to the North-West and access for Nord Vue Farm (and row of mature trees) to the North-East. The North-West section extends approximately 270 metres South-East from the C3027 road and comprises open agricultural land. The South-East section of the proposed site is adjacent to Nord Vue Farm to the North and currently comprised open agricultural land which slopes upwards to the South.
- 2.2.2 The North-West section of the proposed site is adjacent to the C3027 road to the North-West, separated by a drystone wall and grass verge. The Eastern North-West site boundary is adjacent to the access road for Nord Vue Farm, separated by a drystone wall and row of large mature trees. The South and West boundaries of the North-West section are bordered by open agricultural land.

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- 2.2.3 The South-East section of the proposed site is adjacent to Nord Vue Farm to the North and open agricultural land to the East, South and West. The Eastern boundary of the South-East section of the site is bordered by a mature hedgerow and mature trees. The Southern boundary is bordered by sporadic mature trees and the Eastern boundary is bordered by a continuous row of dense mature trees.
- 2.2.4 The closest dwelling to the proposed site is Nord Vue lodge, adjacent to the North-East site boundary and the C3027 road. The next closest dwelling is Eden Hill approximately 260 metres to the East of the proposed site and then a cluster of three dwellings approximately 340 metres to the North. The proposed site is approximately 1.35km South-East of High Hesket and 1.6km South-West of Armathwaite. The proposed site is approximately 1.28km east of the A6.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Cumbria County Council – Highway and Lead Local Flood Authority	Responded on the 25 March 2020 raising no objection to the proposal.

3.2 Discretionary Consultees

Consultee	Response
Natural England	Responded on the 26 February 2020 raising no objection to the proposal.
Shell	Responded on the 25 February 2020 raising no objection to the proposal.
Conservation Officer	Responded on the 16 March 2020 raising no objection to the proposal.
Arboriculturist	Responded on the 2 April 2020 raising no objection to the proposal. However the following request was made: <i>“The intention to put in the access road before the planting is undertaken makes good sense and I support the proposed condition wording that the applicant has included with one potential tweak. Replacement planting for any losses is proposed as 5 years following implementation of the landscaping scheme and that will only overlap with the placing of the chalets/caravans by one year, perhaps the replacement of losses condition could be extended to ten years to ensure any losses during siting of chalets/caravans could then be covered?”</i>

4. Parish Council

Parish Council	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed

	Please Tick as Appropriate			
Lazonby				✓

5. Representations

- 5.1 Neighbour notification letters were sent out and a site notice was posted.
- 5.2 There was one letter/e-mail of objection received to this proposal raising the following material planning considerations:
- Landscape Impact
 - Highways Impact
 - Environmental Impact

6. Relevant Planning History

- 6.1 18/0669 - change of use of land to holiday lodge park with conversion of shed to ancillary visitor administration hub. Approved.

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-2032):

- ENV2 – Protection and Enhancement of Landscapes and Trees

7.2 Other Material Considerations

National Planning Policy Framework:

- Chapter 15 – Conserving and enhancing the natural environment

- 7.3 The policies and documents detailed above are the most relevant policies relating to the determination of this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Landscape Impact
- Impact on the Natural Environment

8.2 Landscape Impact

- 8.2.1 Policy ENV2 requires proposals to take into account natural elements such as hedgerows, woodland and local topography in addition to visually sensitive skylines.
- 8.2.2 Chapter 15 of the NPPF entitled 'Conserving and enhancing the natural environment' states that planning decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside.
- 8.2.3 The proposed development's landscape impact was assessed within Committee Report 18/0669 concluding that it had a relatively limited landscape impact due to existing topography and screening, a lack of public view points and dwellings to the North. These impacts would remain limited, in the view of officers as the proposal would result in a relatively low density of caravans, and additional, proposed landscape planting.

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- 8.2.4 The application was recommended for approval with the following standard landscaping condition used on similar developments throughout the District, deemed sufficient to mitigate this impact:

“Prior to the occupation of any of the ‘caravans’ hereby approved, the landscaping detailed within the submitted ‘Site Plan’ (1807-PL-200 L), dated April 2018 shall be implemented in full and maintained. Any trees or other plants which die or are removed within the first 5 years following the implementation of the landscaping scheme shall be replaced during the next planting season”.

- 8.2.5 The above condition would have permitted the approved development to proceed (including access tracks and the siting of caravans) prior to the landscaping being implemented.
- 8.2.6 It is acknowledged that the construction of the access tracks prior to planting will likely result in a landscape impact in itself. However, for the reasons stated above, this impact is considered limited and temporary (until the proposed landscaping matures). In addition, such impact would have been accepted as agreeable given the overall holiday park proposal was permitted.
- 8.2.7 There are no new material reasons from officers’ initial assessment of the proposals landscape impact that change this view, were this amendment to the condition approved by Members. Therefore the proposed alteration to permit the construction of access tracks prior to the implementation of the approved planting scheme is considered acceptable.
- 8.2.8 As such, the proposed variation to the condition is not considered to result in any significant, detrimental landscape impacts contrary to Policy ENV2 and it is recommended that the proposed change is supported.

8.3 Impact on the Natural Environment

- 8.3.1 Condition 8 as it stands would result in the planting scheme being implemented prior to the construction of the access tracks. The applicant’s Arboriculturist has advised that the construction of the access track following the implementation of the planting scheme would result in damage to these trees. Accordingly, it would seem counterintuitive to retain a condition that could harm the landscaping scheme that the applicant, officers and Members wish to see planted on site.
- 8.3.2 The Council’s Arboriculturist was consulted on the application and was supportive, stating that the proposed rewording *“makes good sense and I support the proposed condition wording that the applicant has included”*. The proposal would therefore avoid harm to the approved planting scheme, having a positive impact on the natural environment and ensuring that the scheme is not affected by works to create access tracks, necessary for the holiday park to function.
- 8.3.3 The Arboriculturist is noted to additionally raise concerns regarding the suggested condition from the applicants. The suggested condition requires any plants that are removed or die within the first five years of the implementation of the planting scheme to be replaced. However, the caravans are not to be sited until at least four years following the implementation of the planting scheme. The caravans could be sited after this five year period and their siting result in the death or removal of trees. Officers agree that it is important that this element of the condition retains the ability for any planting that does die, is replaced, ensuring the integrity of the landscaping scheme. The suggested wording of the condition as is, would mean that those dead or removed trees would not have to be replaced.

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8.3.4 Therefore it is considered reasonable to amend the wording as follows:

*“None of the ‘caravans’ shall be sited before the expiry of a period of four (4) years after the implementation of the approved landscaping scheme detailed within the submitted ‘Woodland Creation Map’ (1807-PL-101 B), dated June 2017 and ‘Site Plan’ (1807-PL-200 L), dated April 2018. Written confirmation of the completion of landscape planting should be provided to the Local Planning Authority within seven (7) days of the completion of the works. **Any trees or other plants which die or are removed within the first 5 years following the completion of the siting of all 20 ‘caravans’ shall be replaced during the next planting season. Written confirmation of the completion of the siting of all 20 ‘caravans’ should be provided to the Local Planning Authority within seven (7) days of the completion of the works”.***

8.3.5 The imposition of this re-worded condition maintains the intent of Members wishes from when they originally approved this scheme previously. But ensures that the landscaping that Members also sought to see be incorporated into this development is not undermined by further works undertaken in association with the development. As such, it is considered reasonable and appropriate to make this change to the condition to allow both these additional works and the landscaping to be completed in a more harmonious way and ensuring that any planting undertaken is not lost subsequently by works to create said access tracks.

9. Implications

9.1 Legal Implications

9.1.1 The following matters have been considered but no issues are judged to arise. Each application is considered on the particular planning merits.

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 for the Protection of Human Rights and Fundamental Freedoms 1950, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

- 10.1 Although the construction of the access tracks prior to the implementation of the planting scheme will result in a temporary landscape impact, this impact is considered to be limited. It must also be considered in the context of the overall development, approved by Members, which was for a holiday park. Thus the landscape impact of the overall development was considered acceptable and as such, the creation of access tracks alone, as part of that overall scheme could not reasonably be considered to be unacceptable.
- 10.2 The proposed amendment to Condition 8, imposed upon that original permission would protect the trees planted as part of the landscaping scheme from damage sustained through the construction of the access track, protecting the natural environment. To not amend the condition would be, in the view of officers, counterintuitive and potentially undermine the landscaping planting works which were deemed appropriate in association with the wider holiday park development.
- 10.3 Accordingly, for the above reasons the proposed amendment to Condition 8 is recommended for approval.

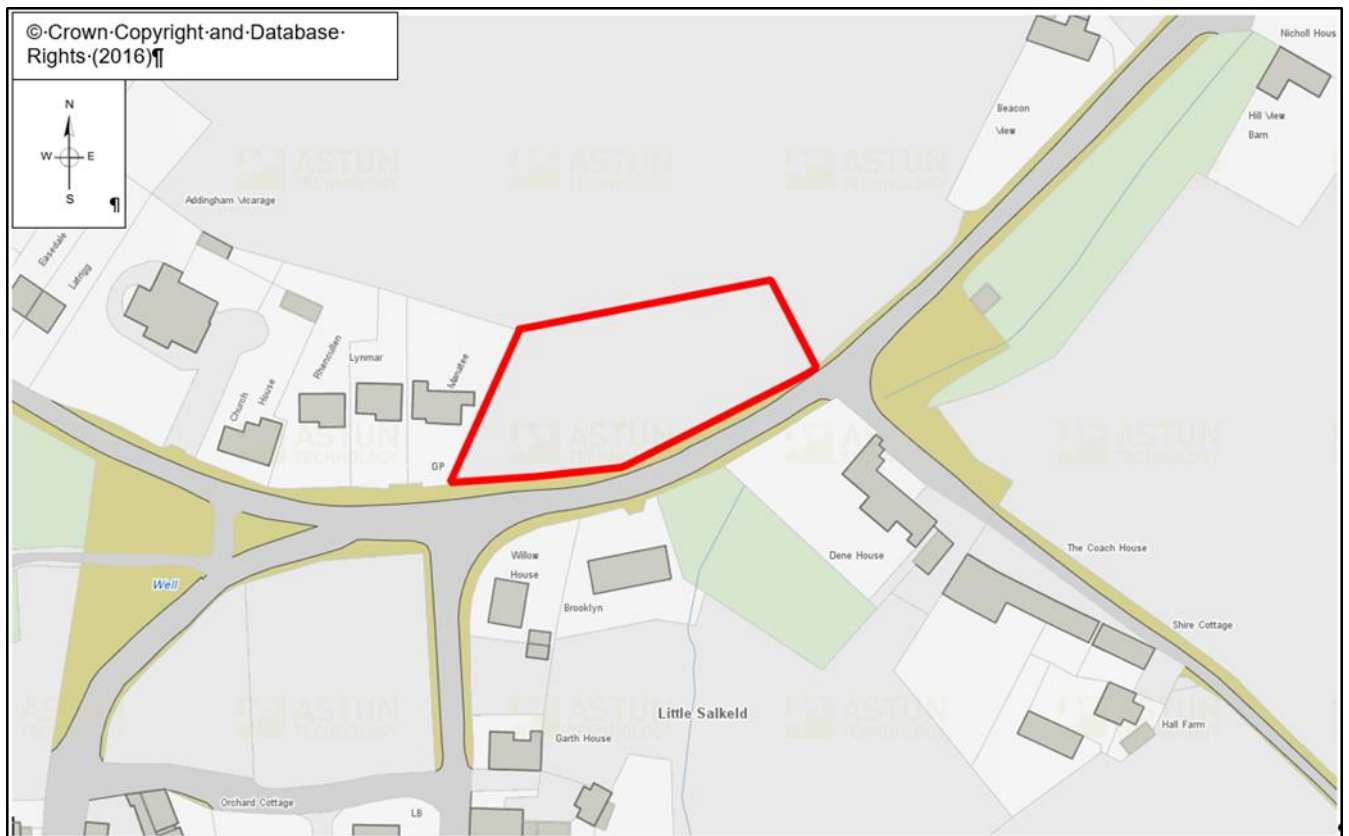
Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	02.05.2020
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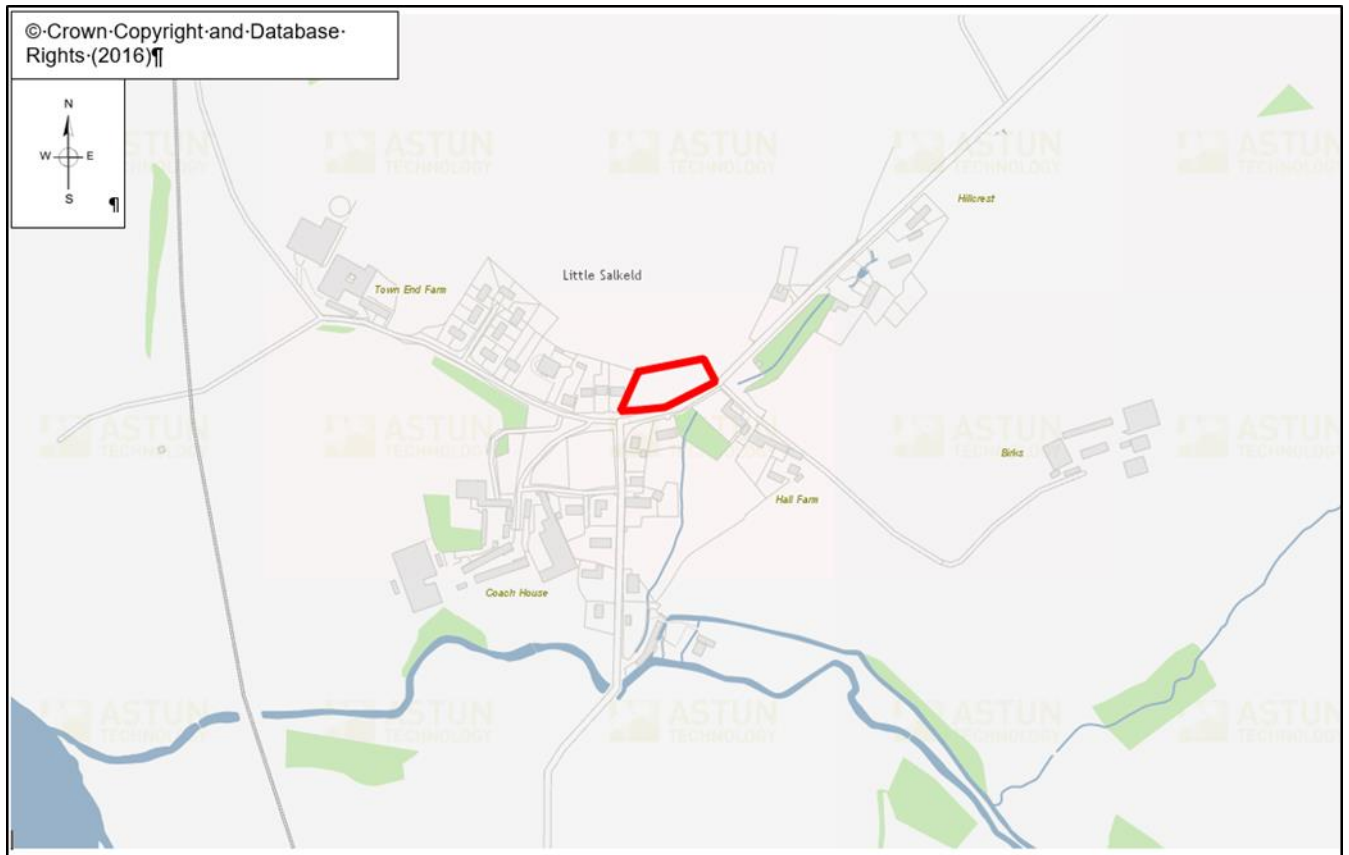
Background Papers: Planning File 20/0126

Agenda Item 5
REPORTS FOR DEBATE

Date of Committee:	21 May 2020		
Planning Application No:	20/0098	Date Received:	11 February 2020
OS Grid Ref:	NY 356687 536220	Expiry Date:	8 April 2020 (time extension agreed to the 22 May 2020)
Parish:	Hunsonby	Ward:	Langwathby
Application Type:	Reserved Matters		
Proposal:	Reserved Matters application for access, appearance, landscaping, layout and scale attached to approval 17/0661		
Location:	Land between Manatee & Beacon View, Little Salkeld		
Applicant:	CJP Northwest		
Agent:	Ashwood Design Associates		
Case Officer:	Caroline Brier		
Reason for Referral:	Proposal has been called in on material planning grounds by the Parish Council and an objector		



Agenda Item 5
REPORTS FOR DEBATE



1. Recommendation

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

Approved Plans

1. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
 - i. Application Form received 11 February 2020
 - ii. Location Plan (1836-002) received 11 February 2020
 - iii. Site Layout (1836-001) received 11 February 2020
 - iv. Proposed Plot 1 & 4 (1836-100 Rev a) received 14 February 2020
 - v. Proposed Plot 2 & 3 (1836-101 Rev a) received 14 February 2020
 - vi. Site Section (1836-004) received 11 February 2020
 - vii. Hard Surfaces (1836-003) received 11 February 2020
 - viii. Drainage Design received 9 March 2020
 - ix. Proposed Drainage Layout Overall site (19-210-DWG001 Rev C) received 9 March 2020
 - x. Proposed Levels Sketch GA and Longsection (19-210-DWG002 Rev A) received 11 February 2020
 - xi. Proposed Levels Sketch Road Longsections (19-210-DWG003 Rev A) received 11 February 2020
 - xii. Proposed Levels Sketch Unit Sections (19-210-DWG004 Rev A) received 11 February 2020
 - xiii. Planning Statement received 11 February 2020
 - xiv. Tree Report received 5 March 2020
 - xv. Tree Protection Plan (1836-005) received 4 May 2020

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

Pre-Occupancy or Other Stage Conditions

2. The approved landscaping scheme shall be carried out in strict accordance with the details in the Tree Report received 5 March 2020, Tree Protection Plan (1836-005) received 4 May 2020 and the Planning Statement received 11 February 2020. The tree protection hoardings shall remain in place until all works are completed on site. Within 6 months of the date of the first occupation of any building or completion of the development whichever is the sooner; any trees or plants/grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planning season with others of similar size and species and quality, unless the local planning authority gives written consent to any variation.

Reason: To prevent damage to the trees in the interest of the visual character and to ensure the satisfactory appearance of the site in the interests of visual amenity.

Note to Developer:

- This permission is to be read in conjunction with outline approval 17/0661 and the conditions attached which are required to be discharged accordingly.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This proposal is a reserved matters application relating to access, appearance, landscaping, layout and scale following the approval of outline application 17/0661 for a residential development.
- 2.1.2 The outline planning permission 17/0661 was approved under delegated powers on 23 October 2017.
- 2.1.3 The proposal is for 4. No two storey dwellings. Plots 1 and 4 would have an approximate internal floor area of 210m². Plots 2 and 3 would have an approximate internal floor area of 193m². All dwellings would be approximately 8 metres in height.
- 2.1.4 The proposed dwellings would be finished in red sandstone with rough cast render to the walls and slate to the roof. The windows and doors would be grey UPVC.
- 2.1.5 The boundaries of the site are to be formed by hawthorn hedging to the north and east boundaries, supported by post and wire stock fencing. The existing hedgerow to the south of the site is to remain and the dwellings are to be separated by 1.8m high close boarded fencing.
- 2.1.6 Any pre-commencement conditions attached to the outline approval 17/0661 are still required to be discharged and all other conditions complied with.

2.2 Site Description

- 2.2.1 The site is located close to the centre of the village of Little Salkeld. It is accessed from the main road through the village.
- 2.2.2 The site is adjacent to Manatee and is the continuation of a row of three 'modern' detached houses which were once part of the application field to the west. The boundary fronting the site, to the south, comprises of part post and rail fence and part hedgerow with some small trees and the road beyond that. To the north and east is agricultural land.
- 2.2.3 The site measures approximately 65 metres wide by 35 metres and raises across the site in a north and easterly direction. The site does not affect the setting of any listed buildings. It is not within a conservation area and it is within a flood zone 1.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority	A response was received on the 25 March 2020 advising ' <i>Cumbria County Council as Local Highway Authority have assessed the application and the proposed access arrangement, Drawing No. 001 demonstrates the location of the visibility splays, there are no distances on the plan to indicate length of the visibility splays. The approved application 17/0661 a speed survey had been undertaken to support the visibility splays required and it was agreed that 43m splays would be required. Utilising the scale on Drawing No 001 Site Layout the splays are acceptable it is also understood that the development will not be</i>

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	<i>put forward for adoption and as such in conjunction with the proposed access and Layout details CCC would have no objection'.</i>
Lead Local Flood Authority	<p>A response was received on the 25 March 2020 advising <i>'the applicants has commissioned Kingmoor Consulting to undertake a full drainage assessment for the application site. The drainage proposal is supported with a "Proposed Drainage Layout Overall Site" Drawing No 19-210-DWG001 Rev C and A Drainage Design Report dated 9th Feb 2020 this report has been amended and includes invasive ground investigation results. The drainage results indicate that infiltration techniques could be utilised on the site. As such the Design indicates the utilisation of soakaways to deal with highway surface water into a private maintained network. The foul drainage will be drained separately and connected to an existing United Utilities network off of the site. CCC would need to see clarification with regards to the individual plot attenuations tanks, should these tanks not be classed as soakaways based on the ground conditions and CCC would need to see clarification as to the distance the soakaways are from properties and the highways. As such CCC would need to see clarification with regards to the term "Attenuation" on Drawing No 19-210-DWG001 Rev C.</i></p> <p><i>The calculations which have been supplied have been based on the invasive ground investigation result undertaken on the 20/09/19, the results provided indicate that good infiltration rates and support the utilisation of soakaways. The design has demonstrate that the soakaway will be sized to accommodate the 1-100 plus 40% for climate change. Despite the terminology used on the drainage plans CCC as LLFA would have no objection to the proposed drainage design as the design principles have been set and the drainage design based on the information provided should not result in need to alert the layout'.</i></p> <p>It is confirmed a separate discharge of condition application is required with regards to this drainage detail.</p>

3.2 Discretionary Consultees

Consultee	Response
United Utilities	A response was received on the 16 March 2020 advising <i>'further to our review of the submitted Proposed Drainage Layout Overall Site, ref: 19-210-DWG001 Revision C dated Feb 2020, proposing</i>

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	<i>surface water discharging into soakaways, the plans are acceptable in principle to United Utilities’.</i>
MWLP (Minerals & Waste)	A response received on the 18 February 2020 advising of ‘no comment to make on this application’.
Arboriculturist	<p>A response was received on the 16 April 2020 stating ‘the current application includes a Tree Report that has provided information in respect of the Root Protection Areas and these have been included on the proposed site layout plan. The most significant tree is T1 as referenced in the tree report and provided that suitable protection measures are put in place to protect the identified RPA prior to construction activity, and remain in place until all works are completed, then the tree should not be adversely affected. For this to take place a Tree Protection Plan based upon the site layout plan 1836/001 provided will be required from the applicant and should include measures for the trees within the roadside banking’.</p> <p>Tree Protection Plan (1836-005) received on the 4 May 2020 provides details of the tree protection hoardings to be installed in accordance with the Arboriculturist’s comments (see recommendation for associated condition).</p>
Environmental Health - Protection	A response was received on the 3 March 2020 advising of no objection, however requesting that the standard condition regarding working hours be applied (see recommendation).

4. Parish Council Response

	Please Tick as Appropriate			
Parish Council	Object	Support	No Response	No View Expressed
Hunsonby	✓			

- 4.1 ‘We refer to our previous objection submitted on 21 November in response to the erection of 4 dwellings in Little Salkeld.

We note that a revised application has been submitted under the above (20/0098) reference.

We wish to note our objection once again as a Parish Council. We do not believe that any of the points in our below objection have been addressed and we therefore stand by the below and wish to re-assert our objection on the same grounds.

In addition we believe that the photomontage submitted is misleading and does not accurately reflect the proposed development - particularly the land to the south of the dwellings.

We confirm that we also wish to send a representative to speak at committee.

We have the following concerns regarding the application and should be grateful if your office could log these on the file and draw them to the attention of the case officer.

Should this application be recommended for approval we understand that our objection will trigger a referral to the planning committee and we are happy that the application would be heard on a larger platform in this case.

We object on the following basis:

1. *The layout is cramped, overcrowded and suburban.*
2. *The design of the dwellings is out of character - not in keeping with the rural village. We accept that the village contains mixed housing stock - but the designs proposed are wholly out of character and more suited to a housing estate.*
3. *The site is elevated and the houses proposed are two story town houses which would dominate the centre of the village. There is no indication of floor levels or how the houses would sit on the site.*
4. *The site is in a prominent location at the heart of the village and the houses proposed would have a detrimental effect to the character of the village and views out to the open countryside.*
5. *The houses are too close to the site boundary.*

You will be aware that we did not object to the outline application submitted on this site. We are not adverse to development in our area and were pleased to see that more new houses would be added to the village of Little Salkeld - but not at any cost. The developer/landowner needs to rethink the whole scheme. It seems that the developers want to get as many houses on the site as possible with little regard to the area. We would suggest two, single-story properties, would be more appropriate on this site'.

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours on the 14 February 2020 and a site notice was posted on 26 February 2020.

No of Neighbours Consulted	13	No of letters of support	0
No of Representations Received	5	No of neutral representations	0
No of objection letters	5		

- 5.2 Letters of objection raised the following material considerations to the application:

- Will have a huge detrimental effect on village as a whole.
- Dene House will be complete overlooked, both house and garden will suffer, proposal would be overbearing to both.
- Scheme shows very dense housing with limited gardens and surrounding space.
- Plans are not in keeping with local area or surroundings.
- Existing street scene not reflected and local distinctiveness is in no way evident.
- Elevation of land makes proposal prominent and overpowering.
- Water runoff is a huge problem in this immediate area.
- No reference to stream that runs parallel to the site on the opposite side of road which becomes full and frequently floods.
- Highway safety for road and pedestrian users.
- Requests current hedge and trees to be protected as frequently see barn owls, tawny owls, and red squirrels in area.
- 4 houses of this size, built in this field, will look overbearing for a village of this size.
- No in keeping with architecture and style of rest of village.

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- Do not feel the site is suitable for 2 storey dwellings as they will dominate the village.
- Proposed density is inappropriate and will spoil the rural feel of the village.
- The style of housing does not reflect the existing street scene.
- Concerned the proposed access is on a bend and is dangerous.
- Express concern over noise and disturbance from this or any other development, request construction hours condition be included.
- Insufficient parking on site for 2/3 cars per house, will lead to cars parking on the roadside.
- Potential increase to at least 50 more cars a day in the village.
- The current drainage of the proposed site is insufficient, the extra hard surfaces and roofed areas will make the problem worse.
- Position of plot 4 too close to main thoroughfare and occupies a much more elevated position. Will create a sense of massing that is not in keeping with rural village environment and will result in significant loss of privacy to Dene House.
- Could plot 4 be placed much further back, away from road?
- Cramped elevated site.
- Houses would be extremely negative and overbearing to the properties opposite on the lower side of the road.
- Concerned water running off site will add further problems for speeding traffic, as seen during recent storms.
- Little sympathy with the surrounding countryside as it destroys several metres of hedgerow.
- Does not show local identity, uses brick and re-constituted stone materials.

5.3 Letters of objection raised the following non-material considerations:

- Dene House garden has been completely private for over 150 years.
- Fail to understand why all houses are facing towards the road and Dene House. Would impact less if facing other way.
- Two or three smaller houses at the bottom, south aspect of the plot would make much more sense as rounding off. Road Access would be safer to the side street and not the main road and the rural field and outlook of the village would be maintained.
- Site not infill.
- Village roads are too narrow to accommodate both the heavy machinery used in the building work and also the extra traffic load which would follow.
- No amenities in village.
- No School in village so this would impact on Langwathby and Penrith Schools and transport to these schools, which are believed to be close to full capacity.
- Does not provide affordable housing for young people, only builder's profit.
- High speed traffic down the hill is a big problem.
- No clarification as to who will have responsibility for the upkeep of the hedge and Chestnut trees on the roadside.
- Would be using good agricultural land and is not infill.
- Little Salkeld is not a service centre.

6. Relevant Planning History

Application No	Description	Outcome
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17/0661	Outline application for residential development with all matters reserved	Outline Approval 23 October 2017
19/0738	Residential Development for 4 no. Dwellings	Withdrawn

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-32)

- LS1 - Locational Strategy
- DEV1 - General Approach to New Development
- DEV3 - Transport, Accessibility and Rights of Way
- DEV5 - Design of New Development
- HS2 - Housing in the Smaller Villages and Hamlets
- ENV2 - Protection and Enhancement of Landscapes and Trees

Supplementary Planning Documents:

- Housing (2010)

7.2 Other Material Considerations

National Planning Policy Framework:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 11 - Making effective use of land
- Chapter 12 - Achieving well-designed places

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
- Landscape and Visual Impacts
- Residential Amenity
- Scale and Design
- Other

8.2 Principle

8.2.1 The principle of developing this site for a residential use has already been established by the granting of outline planning permission ref 17/0661. This application seeks to deal solely with the 'reserved matters' associated with that permission.

8.2.2 Policies LS1 and HS2 sets out specific requirements relating to floor space and occupancy restrictions for new housing developments in 'Smaller Village and Hamlets' (of which Little Salkeld is designated). However, it is duly noted that conditions were not attached to the outline approval in this regard as it was determined before the

current Eden Local Plan was adopted. Notwithstanding this, whilst a local occupancy condition cannot be imposed on the reserved matter application, the scale of the development is still to be considered.

- 8.2.3 Policy DEV1 – ‘General Approach to New Development’ advises that the Council will always work proactively with applicants to find solutions which mean the proposals can be approved wherever possible, and to secure developments that improves economic, social and environmental conditions in the area.
- 8.2.4 Policy DEV3 – ‘Transport, Accessibility and Rights of Way’ states that proposals will be expected to adhere to guidance and standards issues by the Highway Authority on the number of parking spaces to be provided. It also states that developments likely to generate severe adverse travel impacts will not be permitted where they are isolated or difficult to access locations unless an overwhelming environmental, social or economic need can be demonstrated.
- 8.2.5 Policy DEV5 – ‘Design of New Development’ requires developments to show a clear understanding of the form and character of the districts built and natural environment, complementing and enhancing the existing area. It also looks for proposals to protect the amenity of the existing residents and provide an acceptable amenity for future occupiers.
- 8.2.6 Policy ENV2 – ‘Protection and Enhancement of Landscapes and Trees’ advises that new development will only be permitted where it conserves and enhances distinctive elements of landscape character and function. Proposals should take account of and complement (inter alia):
- The distribution and form of settlements and buildings within their landscape setting.
 - Local styles and materials of buildings within the settlement.
 - Natural elements such as hedgerows, woodland and local topography within the settlement.
- 8.2.7 The proposal is considered to meet the aims and requirements of policy DEV3 in terms of the proposed access. This is supported by the consultation response of Cumbria County Council as Local Highway Authority confirming that in conjunction with the proposed access and layout details there is no objection.
- 8.2.8 The aims and requirements of policies DEV5 and ENV2 are considered to be met through the understanding of the form and character of the area, distribution of buildings, including proposed use of materials in terms of the appearance, landscaping, layout and scale of the proposal.
- 8.2.9 As such, the proposal is considered to be acceptable in principle. The design aspect of the proposal is subject to further considerations on landscape and visual impacts, residential amenity and the scale and design which are discussed in the following sections of this report.

8.3 Landscape and Visual Impacts

- 8.3.1 Policy DEV5 requires that proposed development demonstrates that it shows clear understanding of the form and character of the District’s built environment, complementing and enhancing the existing area.

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- 8.3.2 Policy ENV2 advises that new development will only be permitted where it conserves and enhances distinctive elements of landscape character and function and includes three specific areas that should be taken into account.
- 8.3.3 The site is located in a prominent location in the centre village. The principle of the application site being developed has already been established through the outline approval, it is therefore accepted that the landscape will alter. The impacts of the design and layout on the landscape are for assessment under this application. It is noted that this area is not a protected landscape.
- 8.3.4 A row of three 'modern' detached rendered dwellings are located to the west of the site and this proposal would see the continuation of a further four detached dwellings of a similar size.
- 8.3.5 Opposite the site, to the south and on the other side of the road, is a newly built red sandstone dwelling, a rendered bungalow and rendered/sandstone dwelling. To the north and east is agricultural land.
- 8.3.6 The Parish Council and objectors have raised concern that the proposed layout is cramped, overcrowded and suburban, which is not considered to be in keeping with the local area or surroundings.
- 8.3.7 The layout of the proposal is considered to follow the form of the adjacent three properties to the west, with very similar distances between side elevations.
- 8.3.8 A common feature of Little Salkeld is dwellings close to the main road through the village, albeit with individual accesses to each property. However, in this location, for road safety individual driveways would not be acceptable.
- 8.3.9 The Parish Council comment on the '*detrimental effect on the character of the village and views out to the open countryside*'. The approval of the outline application has already established that the development of the site is acceptable, therefore the character of the village and views from the village outwards will alter. The design of the dwellings is considered to be high quality and the layout is similar to the dwellings to the west of the site. Whilst it is fully acknowledged that this proposal would introduce a new feature to the locality, altering the visual amenity, it is not considered to be detrimental as it follows the form of existing amenity. As previously noted, this area is not a protected landscape and loss of views is not a material planning consideration.
- 8.3.10 This site is well related to the village and the manner in which the four detached dwellings are proposed is not considered to adversely affect the character of the settlement as a whole. It would follow the natural topography in accordance with the other dwellings in the village.
- 8.3.11 Therefore, whilst the comments and concerns of the Parish Council and objectors relating to character of the village are duly noted, the proposal is considered to show a clear understanding of the form and character of the area. It takes into account the distribution and form of the settlements buildings within their landscape setting. As such it is considered to be in accordance with policies DEV5 and ENV2 of the development plan.

8.4 Residential Amenity

- 8.4.1 Policy DEV5 requires that (inter alia) development shall protect the amenity of existing residents and provides an acceptable amenity for future occupiers.

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- 8.4.2 In terms of neighbouring amenity, the site is alongside Manatee which has secondary windows in its gable end at ground and first floor (side extension). Plot 1 would be sited approximately 10 metres to the east of this property. Plot 1 proposes 2 x first floor windows facing Manatee, both of which would be obscure glazed and to en-suites.
- 8.4.3 Opposite Plots 1 and 2 is Brooklyn (a bungalow) which faces the application site from the opposite side of the road on slightly lower land. Plot 1 would be approximately 20 metres away and plot 2 approximately 25 metres away.
- 8.4.4 To the west of Brooklyn and approximately 22 metres from Plot 1, is a newly built property known as Willow House. The side elevation of Willow House would face Plot 1.
- 8.4.5 Plot 3 is not opposite any existing residential properties.
- 8.4.6 Opposite Plot 4 and approximately 18 metres away is Dene House, which is set back and has conservatory on its rear/side elevation.
- 8.4.7 To the north east of plot 4, the closest property is Beacon View which is approximately 58 metres away.
- 8.4.8 There have been objections raised with regards to the potential impacts on the residential amenity. Concern is raised regarding overlooking, overbearing and significant loss of privacy to the house and garden at Dene House. Also that the proposed houses would have an extremely negative and overbearing impact on the properties on the opposite lower side of the road.
- 8.4.9 It is fully acknowledged that the proposed development would create a new impact to neighbouring properties. It is to be assessed whether this impact would be detrimental, causing unacceptable living conditions to the nearby residential properties.
- 8.4.10 It is considered that the proposed dwellings have been sited and orientated to provide the least impact to nearby dwellings on the land available and shape of the site. It also provides appropriate separation distances to the nearest dwellings so as to protect their amenity.
- 8.4.11 The amenity and living conditions to Manatee are considered to be protected as Plot 1 does not pose any habitable room windows in its side elevation and there would be a 10 metre separation distance which includes an access track to the agricultural field behind the properties.
- 8.4.12 Plot 1 would not be in direct line with the side elevation of Willow House, providing similar distances to Manatee from Willow House.
- 8.4.13 Whilst Plot 1 is sited slightly forward on the site, the closest part of the property would face the gap between Willow House and Brooklyn and be approximately 20 metres from Brooklyn. There would be no window to window overlooking created.
- 8.4.14 Plot 2 is sited further back in its plot and the forward element of the principal elevation would face the eastern corner of Brooklyn with a separation distances of approximately 25 metres and the main road that runs through the village between the two. The distances are considered to avoid any adverse impacts on the living conditions and amenity to Brooklyn.
- 8.4.15 In terms of Plot 4, it would be orientated so that no windows would face Dene House. Dene House has a large garden area, with dense vegetation along its boundary. There is the main road between the two and existing trees that are to be retained between the two. As such it is not considered that there would be any clear views into either

property, therefore overlooking would not be created. Also given the separation distances between the two it is not considered that Plot 4 would be overbearing or create a loss of privacy.

- 8.4.16 Whilst it is appreciated that this proposal would introduce a development that would pose new impacts on the residential amenity of existing dwellings, the principle of this was established through the grant of the outline consent. Due to the design, layout and orientation of the dwellings, on balance, this impact is not considered to be unacceptable. Within the site, the 4 No. proposed dwellings are orientated to avoid any overlooking and the distances are not considered to create any overbearing impacts or loss of privacy.
- 8.4.17 Concern has been raised regarding noise and disturbance through the construction phase. A condition was attached to the outline approval in this regard, and as such remains applicable should approval be granted for this application.
- 8.4.18 It is considered that the application site is large enough and far enough away from nearby properties, that adequate distances between facing habitable room windows are demonstrated and achieved. Existing and proposed landscaping is considered to soften impacts further. As such, this proposal is considered to be acceptable and in accordance with policy DEV5 as it would not cause an unacceptable adverse effect on the neighbouring amenity.

8.5 Scale and Design

- 8.5.1 Chapter 12 of the NPPF and DEV5 of the Eden Local Plan require the design of new development to be to high standard, reflecting the form and character of the locality.
- 8.5.2 The proposal is for 4. No two storey dwellings. Plots 1 and 4 would have an approximate internal floor area of 210m². Plots 2 and 3 would have an approximate internal floor area of 193m². All dwellings would be approximately 8 metres in height. Policy HS2 requires developments in Smaller Village and Hamlets to contain no more than 150m² internal floor space (gross). The proposed dwellings are not in accordance with this policy.
- 8.5.3 It is duly noted that the outline approval did not put a restriction on floor space and that the current Eden Local Plan had not been adopted at the time of its approval. Notwithstanding this, the proposed scale of the dwellings is a departure from the Local Plan. Each application is assessed on its own merits, taking into consideration its locality and surroundings.
- 8.5.4 The proposed materials are red sandstone and white rough cast render to the elevations, with slate roofs and grey UPVC windows and doors. The boundaries to the site are proposed to be formed by hawthorn hedging to the north and east boundaries, supported by post and wire stock fencing. The existing hedgerow is to remain to the south boundary and the dwellings are to be separated by 1.8 metre high close boarded fencing.
- 8.5.5 The Parish Council and objectors raise concerns with regards to the scale and design of the proposal, considering it to be cramped, overcrowded and suburban with the houses being too close to the site boundary with limited gardens.
- 8.5.6 In looking at the existing properties running along this top side of the village, specifically the three to the west of the site, the proposal is considered to continue the theme of close properties with small gaps between side elevations. The single access and road within the site, reducing garden areas.

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- 8.5.7 Concerns have also been raised that the design of the dwellings are out of character and not in keeping with the rural village. As such, not reflecting the street scene, local distinctiveness or architecture style of the rest of the village.
- 8.5.8 There is a wide mix of different property styles, sizes and finishes within the village of Little Salkeld. Opposite the site are two new build, red sandstone, two storey dwellings. To the west are two storey rendered properties. The proposed materials include a mix of both and are not considered to introduce a wholly new style of building that would look out of character in this location.
- 8.5.9 Given the mix of design and materials of properties within the vicinity, this proposal is considered to reflect the existing street scene through use of appropriate scale, mass, form, layout and use of materials in accordance with policy DEV5.
- 8.5.10 Whilst a departure from policy HS2, in this instance it is considered that the proposal for dwellings larger than 150m² ties in with the street scene and harmonises with the existing built environment of the area, due to the size of the plot and scale of the properties in the vicinity.

8.6 Other

- 8.6.1 Objectors have raised concerns regarding water runoff and that no reference has been made to the stream that runs parallel to the site on the opposite side of the road which floods frequently. The stream in question is approximately 230 metres to the south of the proposal site, and does not raise any concern to flooding, due to it being on land much lower. Cumbria County Council as Lead Local Flood Authority have confirmed that they have no objection to the proposed drainage methods to be implemented on the site should approval be granted. Furthermore, drainage does not form one of the reserved matters of this application. A condition was attached to the outline approval which is required to be discharged to the satisfaction of the Lead Local Flood Authority prior to the commencement of the development.
- 8.6.2 Concerns have also been raised with regards to highway safety for road and pedestrian users due to the proposed access being on a dangerous bend. It is suggested there is insufficient parking which will lead to cars parking on the roadside and that there could be potentially another 50 cars in the village each day. Cumbria County Council as the Highway Authority have assessed the proposal and conclude that it is in accordance with their legislation and guidance, raising no objections.
- 8.6.3 A request is made that the current hedge and trees be protected as barn owls, tawny owls and red squirrels have been seen in the area. The protection of these animals is dealt with under a separate legislation such as Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. The Arboriculturist is satisfied with the measures proposed within the Tree Report with regards to the protection of the trees on site.

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

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

11.2 The proposed access, appearance, landscaping, layout and scale have been carefully considered and are concluded to be acceptable. The access meets Highways standards. The appearance, layout and scale of the proposed dwellings, along with landscaping is considered to be in-keeping with the local vernacular, which will not adversely affect the character of the settlement or create an unacceptable adverse impact to the residential amenity.

11.3 The proposal for a 4 No. residential dwellings is considered to be compliant with policies DEV5 and ENV2 and as such, on balance is considered to be supportable.

Oliver Shimell

Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	05/05/2020
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Background Papers: Planning File 20/0098

Agenda Item 6
REPORTS FOR DEBATE

Date of Committee: 21 May 2020

Planning Application No: 19/0159 **Date Received:** 28 February 2019

OS Grid Ref: NY 361641, 537364 **Expiry Date:** 17 April 2020

Parish: Melmerby **Ward:** Hartside

Application Type: Full

Proposal: Erection of 4 local occupancy dwellings

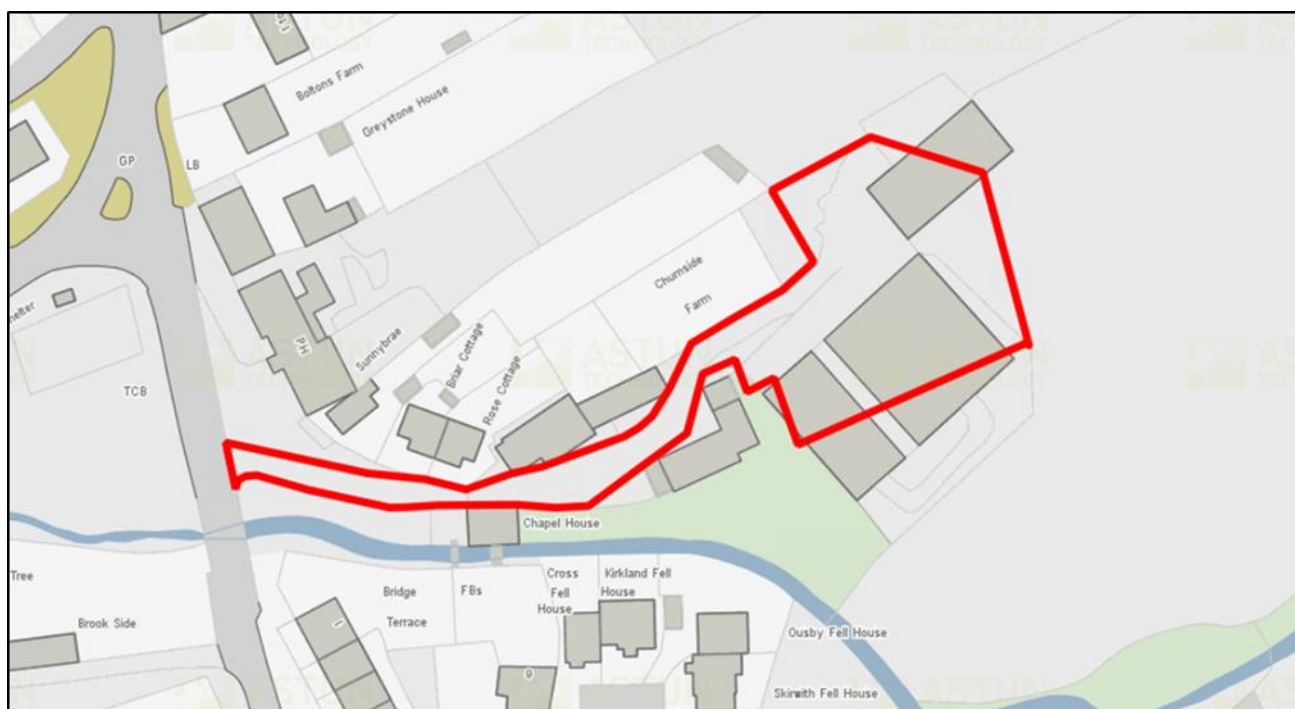
Location: Churnside Farm Sheds, Melmerby, Penrith

Applicant: Messrs Awde

Agent: Andrew Wilison-Holt

Case Officer: Nicholas Unwin

Reason for Referral: The recommendation is contrary to the view expressed by the Parish Council





1. Recommendation

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

The proposed development does not constitute an infill or rounding off development and therefore does not comply with Local Development Plan Policies LS1 and HS2. The scheme is also considered to be contrary to Policies DEV2 in that it has not been demonstrated how the proposal would achieve an appropriate drainage scheme and Policy DEV5 due to being an underdevelopment of the site and being out of character by developing a site that was beyond modest in scale in a designated smaller village and hamlet.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The proposal is for the Erection of 4 local occupancy dwellings at Churnside Farm Sheds, Melmerby, Penrith.
- 2.1.2 The proposed dwellings are to be constructed in a traditional farm stead cluster style with two, two storey elongated attached dwellings along the South-East and a covered passage linking to a third two storey elongated dwelling to the North-East with a two car, car port adjoining the North-West gable.
- 2.1.3 The three dwellings are designed to resemble traditional barns creating a courtyard area. The openings vary in size and shape with large openings on the ground floor designed to resemble traditional barn openings.
- 2.1.4 There is a two storey detached dwelling to the North-West which resembles a traditional farm house with a detached double garage to the North-West of this. The mock farm house utilises minimal windows on the front elevation, replicating the design and features of a traditional farm house with a greater number of openings to the rear elevation (screened from public view) to permit more light for future residents.
- 2.1.5 The materials used for the dwellings, car ports and garages are traditional salvaged sandstone masonry for the walls, sandstone block lintels and cills, timber casement windows and a grey slate to resemble the building materials and design features of traditional farm steads. Modern interventions have been successfully incorporated into the design such as roof lights and black metallic flues.

2.2 Site Description

- 2.2.1 The proposed site is located on, but within the Eastern boundary of the settlement of Melmerby within the North Pennines AONB.
- 2.2.2 The existing site is comprised of three large modern agricultural sheds currently in poor condition and central hard standing area.
- 2.2.3 The proposed site is adjacent to traditional dwellings to the South-West such as Churnside House and approval 19/0121 which was for the conversion of a redundant barn on 10 April 2019. The North, East and South elevations are adjoining open agricultural land.
- 2.2.4 The proposed site is accessed by an existing access connecting to the C3004 road to the South-West of the proposed site. The proposed site is well screened from this direction and public view by existing mature trees and buildings.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Cumbria County Council – Highway and Lead Local Flood Authority	<p>A response was received on the 7 November 2019 requesting the red line boundary be extended to the C3004 road and visibility splays of 60 metres in both directions be provided.</p> <p>On 29 January 2020 new plans were submitted extending the red line boundary to the C3004 road and illustrated visibility splays of 90 metres in both directions could be achieved.</p> <p>CCC were re-consulted on this new information but no response has been provided. A belated response was received on the 1 May 2020 which confirmed that from a Lead Local Flood Authority (LLFA) perspective, the proposal lacked detailed drainage information including calculations to demonstrate that the proposed development would not increase the risk of flooding both off and on the site.</p> <p>Furthermore, the LLFA confirmed, <i>'Drawing No 117-127A-02 Rev C does not show how or where the impermeable surface will discharge too, the information section indicates that roof water will be taken to soakaways situated in the gardens, however there is no demonstration to show where they will be located I.e. 5m from any properties, there is no invasive or even desk top evaluation to demonstrate that soakaways would be suitable solution in this area. There is no demonstration/calculations to show the size of soakaways required to accommodate the impermeable roof, patio and driveway surfaces feeding the private soakaways.</i></p> <p><i>There is also no detail in relation to the highway drainage for the impermeable surface to the properties. Drawing No 117-127A-02 Rev C and the updated layout design 117-127B-02 Rev A provided does not show locations of the required surface water drainage network, The plans seems to indicate that the highway surface will be block paved but it is not clear if the intention is to use permeable block paving as a drainage option, again should permeable paving be the intended option more evaluation should been undertaken to demonstrate that the ground conditions would support infiltration techniques along with an evaluation of the design specifications based on the gradient of the site'.</i></p>

Consultee	Response
	<p>A final response on the 7 May 2020 from the LLFA was provided in response to final comments from the applicant in relation to drainage. This stated that, <i>'Cumbria County Council as Lead Local Flood Authority would not be in a position to support the application as the details with regards to the various drainage points have no detail evaluation to support soakaways and or permeable paving, the drainage design/layout does not say if it is permeable paving this was a question I have asked based on the lack of technical detail and that drawing No 117-127A-02 Rev C indicates block paving/permeable paving.</i></p> <p><i>Permeable paving would needs detailed evaluation to demonstrate that it will work taking into consideration permeability of the ground and also the gradient on the site.</i></p> <p><i>It is appreciated the comments made by the applicants agent with regards the potential betterment based on a reduction in impermeable surfaces on the site, however more detail should be provided there is nothing on the application at all to suggest how the site has or will be drained. It is clear that the building footprints will be reduced however does that figure include the patio, driveway and highway areas.</i></p> <p><i>It is also appreciated that the site currently has barns and in planning terms would not be classified as greenfield, however in drainage terms the site would be as it is to be demolished and stripped, the proposed properties rebuilt from the ground up and as such would be a blank canvas and in effect a greenfield. Under sections 3 and 5 of the Non-Statutory Standards for drainage it is clear that on previously developed sites the applicant should discharge surface water as close to greenfield run off as reasonably possible.</i></p> <p><i>CCC would support the statement "What we are content to do is provide more details on the choice/specs and extent of permeable surfacing, and the location of soakaways, but anything more would be unreasonable." However this detail would need to be support with invasive ground investigation, as failure to do so would result in drainage asset failure and potentially flood properties both on and off site. The applicant should be made fully aware that failure to undertake invasive ground investigation to BRE365 standards would be against the LLFA</i></p>

Consultee	Response
	<i>advice</i> .

3.2 Discretionary Consultees

Consultee	Response
United Utilities	A response was received on the 11 November 2019 advising of no objections to this proposal.
Planning Policy	<p>A response was received on the 14 May 2019 stating the following:</p> <p><i>“The policy back drop is quite clear in that new development in small villages and hamlets are limited to modest infilling and rounding off. The current proposal is neither and therefore cannot be supported on current policy grounds. As background to this, the issue of the redevelopment of redundant farm groups was never a consideration in the formulation of Policy LS1 and HS2, although the local plan is considered to be a pro-growth document.</i></p> <p><i>I can appreciate that the proposal relates to the redevelopment of a former farm group, which although not ‘brownfield’ is a building group partially ‘within’ or in part ‘relates well’ to the village and there may be merit in seeing its redevelopment for modest residential purposes, without creating a harm to the village. If this approach can be supported as a pragmatic way of dealing with a proposal not considered in the formation of the policy this could be dealt with as an exception to policy. In such a situation the issue would seem to turn on whether the scale, form and design of the proposal would appear acceptable in this location and it would be for you to be clear on what would be expected within the proposal”.</i></p>
North Pennines AONB	No response received.

4. Parish Council

Parish Council	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Melmerby		✓		

- 4.1 Melmerby Parish Council responded on the 26 January 2020 in support of the proposal with the following comments:

“The Parish Council believe that the above application represents a ‘rounding off’ development in the village and is therefore compliant with LS1 and HS2 planning regulations.

This development would provide a very positive benefit for the village, in that it will provide four local occupancy properties, initially for staff employed by a large, thriving, village farm business, which currently, is much needed.

Should, however, at a later stage, these properties were to be sold, they would provide affordable housing stock, within the village, at the lower end of the market, ideal for first time buyers; thus, providing a very positive housing benefit for the local community.

The design of the development is attractive and in keeping with the area.

The Parish Council reiterates its full and unreserved support for this development”.

5. Representations

- 5.1 Neighbour notification letters were sent out and a site notice was posted. Following the submission of amended plans, all consultees and interested parties were re-consulted on the application.
- 5.2 There were two letters/e-mails of objection received to this proposal raising the following material planning considerations:
- Overlooking
 - Non-compliance with Policy LS1 and HS2
- 5.3 There were two letters/e-mails of support received to this proposal raising non-material planning considerations.

6. Relevant Planning History

- 6.1 None.

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-2032):

- LS1 – Locational Strategy
- HS2 – Housing in the Smaller Villages and Hamlets
- DEV1 – General Approach to New Development
- DEV5 – Design of New Development
- ENV2 – Protection and Enhancement of Landscapes and Trees
- ENV3 – The North Pennines Area of Outstanding Natural Beauty

7.2 Other Material Considerations

National Design Guide (2019)

AONB Design Guide

Housing SPD

National Planning Policy Framework:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision Making

- Chapter 12 – Achieving Well-designed Places

7.3 The policies and documents detailed above are the most relevant policies relating to the determination of this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- Scale and Design
- Landscape and Character of the area
- Residential amenity
- Drainage
- Highways
- Ecology
- Historic Environment

8.2 Principle

8.2.1 The proposal involves the erection of four local occupancy dwellings on at Churnside Farm Sheds, Melmerby. Melmerby is defined as a 'Smaller Village and Hamlet' under Policy LS1 of the Local Development Plan 2014-32. Policy LS1 Locational Strategy states that:

"Development of an appropriate scale, which reflects the existing built form of the settlement and adjoining and neighbouring development to the site and the service function of the settlement, will be permitted within Smaller Villages and Hamlets, to support the development of diverse and sustainable communities. Development in these locations will be permitted in the following circumstances:

- *Where it reuses previously-developed land (PDL) defined in Appendix 2.*
- *Where it delivers new housing on greenfield sites only, in accordance with the local connection criteria defined in Appendix 6."*

8.2.2 Although much of the proposed site is primarily comprised of the existing built environment of Melmerby, the site is comprised of agricultural development. Within the NPPF (Feb 2019), previously developed land is defined and excludes "*land that is or was last occupied by agricultural or forestry buildings*". The majority of the proposed site is therefore considered green field. The proposed dwellings are to be local occupancy restricted, complying with this element of Policy LS1.

8.2.3 Policy LS1 goes on to say that development should be restricted to infill sites (which fill a modest gap between existing buildings), rounding off (which provides a modest extension beyond the limit of the settlement to a logical, defensible boundary) and the reuse of traditional buildings and structures. This is further supported by Policy HS2 Housing in the Smaller Villages and Hamlets which states that development will be restricted to "*infilling and rounding off of the current village settlement pattern*".

8.2.4 Within the Planning Statement it argues that the proposed site is part of the existing built form of Melmerby and therefore within the existing 'defensible limits'.

8.2.5 Although it is acknowledges that the proposed site forms part of the existing built environment of Melmerby, Policy LS1 and HS2 of the Local Development Plan are clear in that development within 'Smaller Villages and Hamlets' shall be restricted to infill sites and rounding-off of the settlement to a logical defensible boundary.

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- 8.2.6 This approach is further supported by appeal decision APP/H0928/W/18/3214337 where the Inspector acknowledged that the field site is part of the garden curtilage of Old Pond House (and therefore forms a brownfield site within the settlement of Little Musgrave). The inspector states that the proposal “*would fail to meet all requirements (of Policy LS1 and HS2) as it is neither infilling nor rounding off development. The policy does not therefore support the proposed development*”.
- 8.2.7 Based on appeal decision APP/H0928/W/18/3214337, it is clear that even though a proposed site is within the existing settlement, it must meet the infill and rounding-off criteria set out within Policy LS1 and HS2 of the Local Development Plan. If it does not fulfil or meet this criteria, by definition, it is not compliant with these policies.
- 8.2.8 Within a further appeal, APP/H0928/W/10/3194233 the Inspector stated that “*a defensible boundary would be a landscape feature 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*”. No such recognised defensible boundary exists in this case, with the proposed site adjacent to agricultural land on three sides. It is therefore not considered to possess the necessary logical defensible boundaries to be considered a rounding-off site and as such fails to comply with Policies LS1 and HS2.
- 8.2.9 In terms of being considered an ‘infill site’ the site is not located in between buildings and again, as such, cannot be construed as able to comply with this aspect of Policy LS1 or HS2 either. Finally, the site is submitted by the applicants as 0.38 hectares in size. Policy LS1 and HS2 also require infill and rounding-off sites to be ‘modest’ in scale. It is not considered that a site of this size would represent such a modest site and again, as this is the case, it cannot be considered to comply with the requirements of Policies LS1 and HS2.
- 8.2.10 The proposed site is, additionally, agricultural and therefore does not meet the NPPF’s definition of previously developed land and accordingly does not benefit from the substantial weight afforded such through paragraph 118 of the NPPF. Even if it did, the site would still be expected to comply with the requirements of Policies LS1 and HS2 by being modest in scale and representing an infill or rounding-off site. It has been established that this is not so, in this particular case.
- 8.2.11 The Council is also currently able to demonstrate a 5 year housing land supply (this stands at 6.4 years presently). Policy LS2 entitled ‘Housing Targets and Distribution’ sets an annual housing requirement within ‘Smaller Villages and Hamlets’ of -20 per annum. The figure is at a negative value because of the collective over-supply achieved through the granting of numerous planning permissions during the period where the Council was unable to demonstrate a five year housing land supply. The proposal, in this instance, does not supply evidence as to a need for local occupancy dwellings within the settlement of Melmerby. Based on the above, the benefit of four local occupancy dwellings within the settlement of Melmerby is considered to be limited in the context of the existing housing land supply available and the consideration of Policy LS2 in relation to this proposal.
- 8.2.12 Although it is noted that the Policy Officer consultation response suggests that the proposal could be considered an ‘exception’ this seemingly is at odds with extant Planning Policy. Policy LS1 provides the ability for exceptions to the policy to be applied (where sites are located ‘outside these areas’ identified as settlements within the plan). Such exceptions allow for the sensitive re-use of existing agricultural buildings, essential agricultural workers dwellings and for exceptional 100% affordable housing schemes.

REPORTS FOR DEBATE

- 8.2.13 In this particular case, the site is not located outside of an identified settlement so none of these exceptions can apply. Whilst the Local Planning Authority will always seek to be 'pragmatic' where it is considered appropriate, this must not be at the detriment of the Local Plan, which must be remembered, is seeking to achieve a wide array of aims. One of which is preserving the character of the form of settlements and part of that is to ensure that these settlements are not subject to over-development over the life of the development plan. Hence why Policy LS2 exists and why Policy LS1 sets out a locational strategy which determines where the majority of development should go within the district.
- 8.2.14 In this case, for such a pragmatic approach to be taken to support this particular proposal, the planning balance would have to be significantly in favour of the scheme. Accordingly, the scheme would be considered a 'departure' from the development plan. Such 'departures' can be considered and indeed approved where an overriding set of benefits are considered to exist. In this particular case, that is not considered to be the case. The proposal is for 4-dwellings, in a location that is not compliant with Policy LS1 or HS2 because it is neither an infill or rounding off site nor is it of a modest scale in terms of the size of the plot.
- 8.2.15 The offer of four local occupancy dwellings is not considered sufficient to meet or tip the planning balance in favour of support in these circumstances. As has been established, there is a limited need for housing in the collective smaller villages and hamlets, given Policy LS2 confirming that there is an annual requirement of -20 per year. Despite this, the Local Planning Authority will continue to support development in these locations. This will be predicated on sites being brought forward that comply with the requirements of the aforementioned Policies LS1 and HS2. It is noted that the applicants have offered local occupancy restricted dwellings but this would be a requirement in any event as a necessity in order to comply with the extant development plan.
- 8.2.16 The application is supported by a 'supporting statement' which considers extant policy to be '*absurd*' and concludes that '*failure to conform with an absurdity can hardly be characterised as a harm*'. Whilst it may not be to the applicant's preference that Planning Policy does not support the scheme, the proposal within the Planning Application is unable to adequately demonstrate how it conforms with the agreed Local Development Plan.
- 8.2.17 The Town and Country Planning Act 1990 and the National Planning Policy Framework (NPPF) are both clear in that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The applicant has not provided any overriding material considerations as to why this application should be approved contrary to the Development Plan and the applicant's personal views on the wording of the policies contained within the Local Plan are not a material consideration. Whilst they may be of the view that the policy is 'absurd' this cannot be considered a significantly material reason to support this proposal contrary to the development plan.
- 8.2.18 Based on the above, although the proposed development is considered to be part of the existing built environment of Melmerby, it is still required to meet the infill and rounding-off criteria stipulated within Policies LS1 and HS2. This is further supported by appeal decision APP/H0928/W/18/3214337. As the proposed scheme does not meet the infill and rounding-off requirements of these policies, the principle of the proposed development is not considered acceptable and should not be supported.

8.3 Scale and Design

- 8.3.1 Policy DEV5 of the Local Development Plan 2014-32 which states that new development should show a clear understanding of the form and character of the District's built and natural environment. This is supported by Chapter 12, Achieving well-designed places of the NPPF which states that good design is a key aspect of sustainable development, going on to say that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 8.3.2 Policy ENV3 of the Local Development Plan states that development will only be permitted where "*individually or cumulatively it will not have a significant or adverse impact upon the special qualities or statutory purpose of the AONB*" and "*It adheres to any formally adopted design guides or planning policies, including the North Pennines Management Plan, the North Pennines AONB Planning Guidelines and the North Pennines AONB Building Design Guide*".
- 8.3.3 The North Pennines AONB Building Design Guide states that "*new building in the AONB should relate to the established character of the area in which it is to be located*". The Design Guide goes on to say that "*sites available for housing will need to relate to historic land holding patterns*" and conform to the "*compact layout of settlements*".
- 8.3.4 The National Design Guide (2019) states that well designed places are based around an understanding of the features of the site and the surrounding context, integrating into the surroundings.
- 8.3.5 The initial proposal comprised four separate barn style dwellings laid out in a cul-de-sac style with a significantly lower density than the surrounding built environment. The layout was not considered reflective of the barn style of the dwellings and the low density of the site was considered to be an underdevelopment.
- 8.3.6 The amended proposal reduced the red line boundary to prevent underdevelopment and create an appropriate density, in the view of the applicants, for the site. The revised design and layout of the proposal is far more reflective of a traditional farm holding with adjoining barns and adjacent farm house. The revised dwellings utilise traditional features, materials, form and scale in a harmonious manner. The resulting development could therefore be considered acceptable in terms of design.
- 8.3.7 However, the site is noted to be 0.36 hectares in size and a development of 4 dwellings upon it is not considered to be an efficient use of land. The scale of the proposed development is such, that it would still represent an underuse of the site and thus fail to comply with Policy DEV5 which requires sites to 'optimise' the potential for sites. Unfortunately, proposing to increase the number of dwellings located on site to address this would only result in a development that would be too large to be considered acceptable (not modest) for this type of settlement (smaller village and hamlet) within the district.
- 8.3.8 The proposed development is considered to comply with Policy ENV3 of the Local Development Plan, Chapter 12 of the NPPF, The North Pennines AONB Building Design Guide and The National Design Guide in terms of design.
- 8.3.9 However, it is considered to fail to comply with Policy DEV5 in that it would result in a development that fails to optimise its use and would result in an underdevelopment of the site.

8.4 Landscape and Character of the Area

- 8.4.1 Policy DEV5 entitled 'Design of New Development' of the Local Plan requires development to demonstrate a clear understanding of the form and character of the District's built and natural environment.
- 8.4.2 The Policy 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.*
 - *Can be easily accessed and used by all, regardless of age and disability'.*
- 8.4.3 Policy ENV2 entitled 'Protection and Enhancements of Landscapes and Trees' confirms that new development will only be permitted where it conserves and enhances distinctive elements of landscape character and function.
- 8.4.4 Paragraph 127 of the NPPF states that, *'Planning policies and decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.*

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- 8.4.5 As has been established the site is recognised to be located within the settlement of Melmerby. As such, residential dwellings located within such a settlement would not be considered to be 'out of character' were the site to be considered a modest infill or rounding-off site.
- 8.4.6 In this particular instance, the site is noted to be to the rear of the pattern and form of development in this particular part of the village. Existing dwellings to the north-west follow a rather linear pattern. Nevertheless, were this scheme considered to represent an infill or rounding-off compliant with Policy LS1 and HS2 it would be potentially supportable.
- 8.4.7 The supporting statement refers to the existing agricultural arrangement on site as an 'eye-sore' but given its backland location it is not considered to be visually prominent in the public realm due to being screened by mature trees to the south and west. Whilst there would be a likely improvement in the visual amenity of the site were this scheme approved, the benefits are very localised to the site itself and not considered particularly significant given its particular location. Even if the benefit were considered greater, the lack of policy compliance elsewhere, remains a challenge that this in itself, in this particular case is not considered sufficient to achieve or tip the planning balance in favour of approval, or to justify the proposal's support.
- 8.4.8 Nevertheless, in generic terms, a housing proposal in a settlement would not, at first glance, be considered to be significantly harmful. As such, in principle, housing schemes in appropriate locations elsewhere within the settlement could, in principle be supportable, subject to the consideration of the specifics of extant policy. In the case of the current application, those considerations have been undertaken in section 8.2 of this report above, and the site found lacking in relation to compliance with the Local Plan.
- 8.4.9 The aforementioned mature tree planting means that the site is not considered to have a significant landscape impact. Thus, whilst any proposed development may not have a significant landscape impact in itself, it follows that the existing development upon site would not have a significant landscape impact. As such, the benefits from a landscape perspective are considered rather limited.
- 8.4.10 In this instance the site is not considered to represent an efficient use of land and in addition, would be located upon a site that does not represent either an infill or rounding off to the settlement. In such circumstances, development of the site would therefore be considered harmful and contrary to this particular aspect of Policies LS1 and DEV5 of the Eden Local Plan.

8.5 Residential Amenity

- 8.5.1 Policy DEV5 of the Local Plan, entitled 'Design of New Development' (referred to above) specifically seeks to ensure that development proposals '*Protects the amenity of the existing residents and business occupiers and provides an acceptable amenity for future occupiers*'.
- 8.5.2 Paragraph 127 of the NPPF (also referred to above) includes various considerations and requirements in relation to Chapter 12 of the NPPF entitled 'Achieving well-designed places'. Criterion 'f' states that, planning policies and decision should ensure that developments '*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*'.

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- 8.5.3 The Housing SPD (2010) recommends that there is a separation distance of 21 metres between principal windows and 13 metres between a main elevation and a blank gable wall. These are noted to be recommendations but if achieved, should help protect the amenity of existing occupants of dwellings as well as future occupiers of any development.
- 8.5.4 The nearest residential dwellings to the site are Chapel House, Rose Cottage and Briar Cottage which are all located adjacent to the proposed access and would all be located beyond the 21 metre separation distance recommended by the Housing SPD.
- 8.5.5 In this particular set of circumstances it is considered that the development, if approved and subsequently implemented, would not have a significantly detrimental impact upon residential amenity contrary to Policy DEV5 and would be supported.

8.6 Drainage

- 8.6.1 An important aim of the Local Plan is to ensure that flood risk is not exacerbated as well as protecting the natural environment. 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), with no evidence of historical flooding even during recent storm events.
- 8.6.2 Policy DEV2 of the Local Plan, entitled 'Water Management and Flood Risk' confirms that '*new development*' should '*meet the sequential approach to development in flood risk areas*'.

The Policy confirms that '*new development must incorporate sustainable drainage systems (SUDs), where practicable, to manage surface water run-off. All applications for major development, defined in Appendix 2, will be subject to review by the Lead Local Flood Authority. Surface water should be discharged in the following order of priority:*

1. *To an adequate soakaway or some other form of infiltration system.*
2. *By an attenuated discharge to a watercourse.*
3. *By an attenuated discharge to a public surface water sewer.*
4. *By an attenuated discharge to a public combined sewer.*

Applicants will need to submit clear evidence demonstrating why there is no alternative option but to discharge surface water to the public sewerage system and that the additional discharge can be accommodated. The presumption will be against the discharge of surface water to the public sewerage network'.

- 8.6.3 Paragraph 158 of the NPPF states that, '*The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding*'.
- 8.6.4 Paragraph 163 states that, '*When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of*

this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan'.*

8.6.5 Having reviewed the responses provided by the Lead Local Flood Authority (LLFA) it is noted that they have not made specific comments upon drainage proposals for the site. The applicants have confirmed on their proposed site plan that surface water would be 'taken to soakaways located within gardens' and that 'new foul drainage to discharge into existing village network' would be created.

8.6.6 It is noted that the County Council response suggested that unless updated plans were provided (in relation to access) they would have no choice but to object to the proposal. It is also recognised that a further, belated response has been received from the LLFA. It is noted that this response has been made a number of weeks after the consultation period closed. It is further recognised that this has left the applicant with limited time to respond. Officers would also like to acknowledge the lateness of this response from the County Council in this particular case and the difficulty for the applicant to deal with said comments in tight timescales. Nevertheless, a response was provided which effectively considered that the proposed development would *'not simply avoid increasing the likelihood of flooding on site and elsewhere, it will naturally REDUCE it. If we proposed no drainage provision whatsoever, we'd still effect an improvement. What we are content to do is provide more details on the choice/specs and extent of permeable surfacing, and the location of soakaways, but anything more would be unreasonable'*.

8.6.7 Whilst the applicant's position is noted, it is not acceptable to submit a full planning application with no drainage design detail or calculations and then suggest that the development will be acceptable in terms of drainage. Whilst this may be the case, this should be backed by empirical data. Indeed whilst the applicants are entitled to consider the request of the LLFA to be unreasonable, this lack of information is in itself, considered to not be reasonable enough to allow for the LLFA and LPA to appropriately consider whether the objectives of the Local Plan and the NPPF can be achieved. The final LLFA response confirmed that they supported the applicants suggestion that they would provide some details but added, *'The applicant should be made fully aware that failure to undertake invasive ground investigation to BRE365 standards would be against the LLFA advice'*.

8.6.8 So whilst it is acknowledged that the applicant would be willing to provide some additional information, this would be well short of the invasive ground investigation detail required in order to ensure that the Local Planning Authority could be assured that drainage issues would be appropriately mitigated.

8.6.9 Despite the late response, the LLFA have raised concerns regarding the lack of detailed drainage information provided in support of the application. It is clear from the

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aforementioned response from the applicant, no such further information will be provided beyond the location of and specification of proposed soakaways. As a full planning application, it is anticipated that sufficient detail is provided for appropriate consideration. Where such detail is not available or provided, it cannot be said with any conviction or authority, that the objectives of Policy DEV2 and the NPPF have been met.

8.6.10 Given the concerns raised by the LLFA and the lack of detailed drainage design and calculation information, the Local Planning Authority cannot, with any conviction, assume the proposal is compliant with Policy DEV2.

8.6.11 Accordingly, the scheme is considered to be contrary to Policy DEV2 and the NPPF and cannot be supported in terms of drainage.

8.7 Highways

8.7.1 Policy DEV3 of the Eden Local Plan, entitled 'Transport, Accessibility and Rights of Way' states that *'development will be refused if it will result in a severe impact in terms of road safety and increased traffic congestion. Development should provide safe and convenient access for pedestrians, cyclists and disabled people'*.

8.7.2 Chapter 9 of the NPPF is entitled 'Promoting sustainable transport'. Paragraph 103 states that *'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'*.

8.7.3 Paragraph 109 of the NPPF states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

8.7.4 It is clear from the consultation process that the Highway Authority sought updated plans to show visibility splays for the proposed site access. It should be noted that such has not been provided. It is also noted that one of the responses provided by Highways suggested that if such updated plans were not supplied they would object to the proposal. As such, it is considered that the Highway Authority object to the scheme.

8.7.5 However, such should not be necessary in this particular instance. The site is currently an agricultural holding and as such can be frequented by a myriad of vehicle types associated with agricultural operations without any restriction. This is the sites lawful use and this is despite the aforementioned visibility splay details not being provided.

8.7.6 In this particular case, the balance is considered to be whether it is reasonable to seek such updated plans at this stage given this existing lawful use on site. Whilst there would be a change in the use of the site were this proposal approved if it were not, the agricultural use could continue in perpetuity without these details ever being provided.

8.7.7 In the view of officers it is considered a more dangerous access when used by agricultural vehicles as opposed to potential future residents in their own vehicles. Accordingly, given the lawful use on site, it is not considered reasonable to require these details at this stage from the applicant. It should be noted that the access is already a private access used by several of the residential dwellings in the area.

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8.7.8 As such, these requirements of the Highway Authority, whilst noted, are not considered to be reasonably necessary in these specific circumstances. Access details could, in these particular circumstances be therefore conditioned.

8.7.9 It is therefore considered that the development proposed would not have a significantly detrimental impact on the highway network contrary to Policy DEV3 of the Local Plan and could be supported.

8.8 Ecology

8.8.1 Policy ENV1 of the Local Plan, entitled 'Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity' confirms that *'new development will be required to avoid any net loss of biodiversity, and where possible enhance existing assets. Should emerging proposals identify potential impacts upon designated sites, regard should be given to the objectives for each of the hierarchy of sites'*.

8.8.2 Section 15 of the National Planning Policy Framework (NPPF) entitled 'Conserving and enhancing the natural environment' confirms the national guidance on such matters. Paragraph 170 states that,

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

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

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

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

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

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

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

8.8.3 Paragraph 175 states, *'When determining planning applications, local planning authorities should apply the following principles:*

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

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other

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developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and

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

- 8.8.4 In this instance, it is noted that the application site is not located within a designated landscape nor a site designated by any ecological or habitat designation.
- 8.8.5 However, the site does have existing agricultural buildings located upon it and helpfully, the applicant has provided a survey of these structures for bats, barn owls and breeding birds.
- 8.8.6 This survey concludes that there was no evidence of barn owls roosting on site although swallow, jackdaw and pigeon nesting activity was observed. There were some signs of bat activity within one of the barns and trees and barns in the area were being used as foraging areas. It was also noted that there was some potential areas inaccessible to the survey that could accommodate bats. As such, were these buildings demolished, extreme care would be needed in any of those works.
- 8.8.7 Mitigation was recommended by the inclusion of bat roosts within each proposed dwelling and external lighting being restricted in some areas upon site.
- 8.8.8 It is recognised that the site is not subject to any formal ecological designation. However, equally, that bats and birds utilise the area for foraging, nesting/roosting and shelter. Were these proposals supported, mitigation proposals appear a reasonable way to balance between the proposal and ensuring no net ecological loss of the site.
- 8.8.9 On that basis, it is considered that the site would be able to comply with Policy ENV1 of the Local Plan and could therefore be supported.

8.9 Historic Environment

- 8.9.1 Within Policy ENV10 of the Eden Local Plan, it is noted that development should protect and enhance the District’s Heritage Assets, and great weight given to proposals that would result in an enhancement to the historic environment.

- 8.9.2 This is further supported by paragraph 192 of the National Planning Policy Framework which notes that, *‘In determining applications, local planning authorities should take account of:*

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.’

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- 8.9.3 The site is not located within a designated Conservation Area, nor is it in the setting or curtilage of any Listed Buildings.
- 8.9.4 On this basis the proposal is not, therefore able, to have any significant, detrimental impacts on the historic environment and as such is therefore considered to be compliant with both Policy ENV10 of the Local Plan and the NPPF.

9. Implications

9.1 Legal Implications

- 9.1.1 The following matters have been considered but no issues are judged to arise. Each application is considered on the particular planning merits.

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 for the Protection of Human Rights and Fundamental Freedoms 1950, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

- 10.1 The proposed development is part of the existing built environment of Melmerby however the site cannot be considered infill nor rounding off and therefore does not comply with Policies LS1 and HS2.
- 10.2 Given that the site does not comply with these policies, the principle of development is unacceptable. Whilst the applicant has confirmed that the dwellings would be for local occupancy, such would be a necessity to comply with policy in any event. Whilst it would still be recognised as a benefit of the scheme, it is not above and beyond the minimum policy requirements the scheme would be expected to deliver.
- 10.3 Notwithstanding, this, in itself, is not considered a reason to support the proposal. The scheme fails to meet the basic requirements necessary in order to justify support (which is to represent an infill or rounding off site).
- 10.4 The applicant also considers the proposal would improve the visual appearance of the site. However, it is considered to be well-screened with limited landscape impact as is. As such, because it is not particularly visible (given it is to the rear of the existing

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pattern of development in the area) the benefits of 'improving' this 'eyesore', as set down in the supporting statement from the applicant, are considered limited.

- 10.5 The site fails to accord with the Local Plan and as such must be resisted. It is not sufficient to support a proposal that 'feels' acceptable. It must be based upon material planning reasons, namely, in this instance, compliance with the Local Plan.
- 10.6 Furthermore, whilst received very late in the process, the concerns of the LLFA cannot be ignored. Whilst the applicant has advised they'd provide some further detail, this is considered to be well short of the detailed information in relation to drainage that is required in order to allow the LPA be satisfied that the scheme is compliant with Policy DEV2. The LLFA have made it clear that they feel they would require invasive ground investigation works to be carried out in order to underpin the applicants assertions that there would be no drainage issues in relation to the scheme.
- 10.7 The LLFA consider that the scheme proposed lacks detailed drainage design and calculation information and accordingly, without such detail, cannot be considered to have met the requirements. As such, their concerns remain and without further data to the contrary the Local Plan Policy requirements remain difficult to reconcile.
- 10.8 As such, it is considered that there are no overriding material considerations which tip the planning balance in favour of warranting the approval of this departure from the development plan. The scheme is not considered to accord with Policies LS1, HS2, DEV2 and DEV5 of the Local Plan and as such it is recommended for refusal.

Oliver Shimell

Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	02.05.2020
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Background Papers: Planning File 19/0159

Agenda Item 7

REPORTS FOR DEBATE

Date of Committee: 21 May 2020

Planning Application No: 19/0900 **Date Received:** 16 December 2019

OS Grid Ref: 351529 530577 **Expiry Date:** 11 February 2020

Parish: Penrith **Ward:** Penrith

Application Type: Full

Proposal: Conversion of community and commercial premises into 3 - bed apartment, erection of new detached 4 bed dwelling, and refurbishment of existing 3 bed apartment. (As amended)

Location: The Bridge, Wordsworth Street, Penrith

Applicant: The Bridge Youth Cafe

Agent: Manning Elliott Partnership Ltd

Case Officer: Mr D R Cox

Reason for Referral: The recommendation contrary to the view of the Town Council, a neighbouring objector and the Highway Authority



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1. Recommendation

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

1. The development permitted shall be begun within three years starting with the date of this approval.

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 submitted Application form, plans, drawings and details (as revised and amended) and hereby approved:
 - Site Location Plan, Drawing Ref No 1859 EX 100 Rev A as dated received by the Local Planning Authority on the 16 December 2019.
 - Proposed Block Plan (as amended), Drawing Ref No 1859-PL200 Rev B as dated received by the Local Planning Authority on the 20 February 2020.
 - Proposed elevations (as amended), Drawing Ref No 1859 PL 501 Rev B as dated received by the Local Planning Authority on the 28 February 2020.
 - Proposed elevations (as amended), Drawing Ref No 1859 PL 502 Rev B as dated received by the Local Planning Authority on the 28 February 2020.
 - Proposed floorplans (as amended), Drawing Ref No 1859 PL 302 Rev B as dated received by the Local Planning Authority on the 28 February 2020.
 - Proposed Floor Plans (The Bridge), Drawing Ref No 1859 PL 300 Rev A as dated received by the Local Planning Authority on the 16 December 2019.
 - Proposed Floor Plans (The Bridge), Drawing Ref No 1859 PL 301 Rev A as dated received by the Local Planning Authority on the 16 December 2019.
 - Proposed Floor Plans (The Bridge), Drawing Ref No 1859 PL 3012 Rev A as dated received by the Local Planning Authority on the 16 December 2019.
 - Proposed elevations (The Bridge), Drawing Ref No 1859 PL 500 Rev A as dated received by the Local Planning Authority on the 16 December 2019.

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

3. The finished sandstone cladding, quoins, cills, lintels and steps shall be of the Penrith red sandstone variety in colour and appearance, and the natural slate to be used on the roof of the new dwelling to be constructed shall be of the Westmorland Blue/Grey variety in colour and appearance.

Reason: For the avoidance of doubt and in order to secure a satisfactory form of development in this sensitive location.

4. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning

Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

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

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

Note to applicant

The applicant/developer are reminded of the need, during construction and thereafter, to take and make suitable provision for the ongoing well-being and to protect Trees in and around the site, in particular the existing mature Yew on the boundary between the application site and the dwelling known as Fairfield, to the north-east.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The Bridge is a four storey end terraced Victorian Town House, and attached to No 72, is located within the Penrith New Streets Conservation Area (designated 20 August 1992), and is to be found at the lower (South West) end of Wordsworth Street, in a predominantly residential area peripheral to and within easy walking distance of the Town Centre. The application site is located opposite the Methodist Church, and set down from and below (with intervening car parking provision) from the large, semi-detached Victorian neighbouring town house “Fairfield” (to the North E). To the rear (and South East), the site backs onto the grounds of the Catholic Church on the nearby Lowther Street.
- 2.1.2 The full detail proposal (as amended) is for the conversion of a community and commercial café premises (formerly “The Bridge”, located on the ground floor within the building, and used as a former A3 Use Classes Order undertaking and operation) into:
 - a new 3 - bed apartment, including (as part) the existing lower ground floor/basement, together with;
 - the refurbishment of the existing (first and second floor) 3 bed apartment, both within the same existing end terraced building, and
 - the erection of a new two storey, detached 4 bed dwelling and associated (single bay) garage on the site of the existing adjacent car park. This facility was formerly used in connection with the above community and commercial premises, existing

flat and, though occasionally and informally, by individuals and groups visiting and the Methodist Church opposite.

- 2.1.3 The existing garden at the rear of the Bridge is to be subdivided in order to provide a garden for each residential unit, with the gardens bordered with sandstone walls in order to harmonise with the local materials.
- 2.1.4 In relation to the proposed new detached dwelling, on site/curtilage parking provision, for 4 vehicular parking spaces, including the garage space, with direct access via and onto the adjacent highway (Wordsworth Street) accompanies the amended submission.
- 2.1.5 The applicant/Agent submitting the following argument in support of non-provision parking shortfall identified by the Highway Authority, identifies that:
- the existing three bed flats (to be re-furbished and created) already and can/do benefit further from a relevant parking permit issued by the Highway Authority, and if not;
 - that there are already more than adequate alternative safe car parking spaces located within easy and reasonable walking distance in this central, Town Centre part of Penrith.
- 2.1.6 In terms of the existing “Bridge” Town House, the conversion works and refurbishment proposed includes for the removal of an existing, more recent and rendered (C20th) stepped down extension on the north-east gable end elevation, the intention being to return the building and non-designated heritage asset back to its original character. The rest of the building is to remain largely unaltered, retaining the character of the existing. Access to the upper (refurbished) apartment is to remain via the existing main front door (To the Bridge as at present), with a new front door access to the new (ground and lower) ground floor apartment via a new, pedestrian access and set of external steps on the north-west (front/principal) main elevation of the building as well as via a separate back door in the lower ground floor, to the rear.
- 2.1.7 As with the existing 3 bed flat, the intention in relation to the new 3 bed flat is that parking provision will again be via permit on the adjacent controlled parking zone on the adjacent Wordsworth Street.
- 2.1.8 The proposed new detached two storey house and garage, to be located on the current car park of the Bridge (and between it and Fairfield) is again intended to be of a high quality and design, in order to respect and complement the surrounding character of the designated and non-designated assets within the New Streets Conservation Area. In keeping with established existing design, theme character and cladding materials colour and texture, the proposed dwelling proposed is to be finished and dressed in locally sourced sandstone (to the principal, street facing elevation), with other elevations (flank and rear) finished in white painted render. The roof is to be pitched and finished with natural slate tiles. The windows are to be timber sash with double glazing. The external front and rear doors are to be timber and the bifolding doors on the rear elevation are to be glazed with a grey coloured frame. The gutters and rainwater pipes are to be black to match the rainwater goods of the surrounding buildings.
- 2.1.9 In relation to the proposed new detached dwelling, new on site/curtilage parking provision, for 4 vehicular parking spaces in total (including the single bay integral

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garage space), with direct access via and onto the adjacent highway (Wordsworth Street) accompanies the amended submission.

- 2.1.10 The footprint of the proposed new detached dwelling has been amended to ensure the suitable protection of the spread, canopy and well-being of a nearby mature Yew Tree, located within the garden curtilage of the adjacent property Fairfield, and alongside part of its shared and elevated walled boundary with the Bridge.

2.2 Site Description

- 2.2.1 The Bridge, is an imposing four storey sandstone end terrace Victorian Town House, located on the lower end of Wordsworth Street, and within the designated Penrith New Streets Conservation Area. It has historically been used for residential, hotel and most recently/presently a ground floor café (A3 Use Class) with existing first and second floor 3 bedroom apartment, used generally in association with the nearby Methodist Church (opposite).
- 2.2.2 The property, one of many similar such buildings, faces principally across Wordsworth Street towards the Methodist Church, is attached to and stepped up from, No 72, and separated (by existing associated and intervening car park) being set down from another semi-detached town House “Fairfield” to the (North East) and backs onto the grounds and premises of the (Catholic) Church Lowther Street. The front and rear elevation are faced in Penrith red sandstone and lie under a pitched natural blue/grey slate roof. The property has architectural detailing consisting of sandstone cills, quoins, chimney stacks and decorative corbels at eaves level. The windows are a mixture of sliding sash windows, originally in timber but now with some UPVC replacements. There is a more recent small two/three storey rendered and painted (part flat roof/part projecting gable ended) extension, with an associated range of glazing detail) on the north-west gable end of the original body of the main building.
- 2.2.3 The principal pedestrian access to the property is from Wordsworth Street, and is via a set of external steps on the North West elevation. The rear garden is on the lower ground floor level which is accessed via a set of external steps within the existing car park. The garden is enclosed by a sandstone boundary wall that separates the garden of No. 72 to the South West and the grounds of the Catholic Church to the South East.
- 2.2.4 The surrounding area is largely characterised by the 19th and 20th century housing ranging from tightly packed terraces to larger semi-detached and detached villas. There are stand alone and prominent buildings nearby, not least the Penrith Methodist Church (Opposite) and Penrith Catholic Church (to the rear). The houses are mostly constructed from red sandstone, with some rendered and painted flanks, under pitched natural slate roofs and often retain architectural detailing such as arched doorways, bay windows, stone mullions, large stone chimney stacks and decorative eaves, enclosed by a variety of sandstone boundary walls. The layout, architectural design and the mature gardens contribute to an attractive environment and a visual record of the historic and social development of Penrith.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway & LLF Authority	Object – The County Council (Highways and LLFA response being as follows: Cumbria County Council as the Highways Authority

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	<p>and the Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.</p> <p>Highways response:</p> <p>The proposal states that the total amount of bedrooms would be 10, in relation to our design guide a requirement of 8 parking spaces will be needed. The amended plan shows that for 4 parking spaces, inadequate information has been provided in respect of (the overall) 8 parking spaces.</p> <p>LLFA response:</p> <p>The LLFA surface water maps show that the site is very close to an area of flooding and indicates that a 0.1% (1 in 1000) chance of flooding occurring close to the site each year.</p>
United Utilities	No objection - subject to condition.

3.2 Discretionary Consultees

Consultee	Response
Arboriculturalist	No objection - based on revised plans and details as submitted. Should planning permission (for the development proposed) the Council would seek to protect the (Yew) tree with a TPO in the longer term amenity interest.
Conservation Officer	No objection - In summary, the Conservation Officer States that: "Overall the proposed developments are considered to be sympathetic to the character of the Penrith New Streets conservation area and thus is in accordance with conservation policies outlined above within the Planning (LBCA) Act 1990, Eden Local Plan ENV10 and NPPF 2019."

4. Town Council/Meeting Response

	Please Tick as Appropriate			
Town Council/Meeting	Object	Support	No Response	No View Expressed
Penrith Town Council	✓			

4.1 Penrith Town Council

Object on the following grounds:

1. The Council remains concerned about the additional traffic generation and highways safety issues arising from the development. At the present time, those using The Bridge have the facility of off street parking as do the present tenants of the flat. This development takes away all off street parking thereby ensuring the

REPORTS FOR DEBATE

possibility of up to 3 cars per flat plus potentially 4 vehicles for the house necessitating on street parking in an already congested road. Moving any facilities from The Bridge across to the Methodist Church does not reduce traffic from this area.

2. The revised parking for the new build does not reduce the problem of parking on the site. Although four spaces have been created in addition to the garage, the parking arrangements will necessitate a lot of car movements in and out on a busy road to enable cars parked behind others to be used.
3. Creation of a new 3 bedroomed flat should necessitate the requirement for a minimum of 2 off street parking places in line with Cumbria County Council guidelines on parking for residential developments.
4. Loss of a building conducive to youth work and community facilities such as the Child Bereavement Service causes a deficiency in social facilities as it is not appropriate to move them into a religious building thereby excluding some who may wish to use them.

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on the 13 January 2020.

No of Neighbours Consulted	10	No of letters of support	-
No of Representations Received	6	No of neutral representations	1
No of objection letters	5		

- 5.2 The following are a summary of the objections, concerns and comments as received:

- Additional residential accommodation and new dwellings will result in additional demand for on street parking provision and exacerbate an already existing localised parking problem.
- that a better, and perhaps more realistically planned scheme could ensure better and more appropriate on-site parking provision, again limiting the possibility for further adverse impact on the adjacent existing and already problematic on street parking provision.
- Noting the provision of four on-site parking spaces (for the new dwelling), the absence of the required 2 x 2 dedicated on-site parking spaces (for the two flats) is considered both unacceptable and inappropriate in the circumstance and is argued as being tantamount to an overdevelopment of the site.
- All elevations, including gable ends of both the Bridge and proposed new dwelling, should be clad in sandstone, more befitting the areas traditional approach and the aims of the Conservation Area designation.
- The development would remove and lead to the loss of overflow parking provision for visitors to the nearby Methodist Church.
- The period of building will cause localised disruption.
- Conversion would result in the loss of an existing community facility.

6. Relevant Planning History

- 6.1 Application Ref No 06/0391 – Change of Use of the ground floor of the “Bridge”, Penrith Methodist Church premises, to use class A3, restaurant and café – use for the sale of food for consumption on the premises – Approved.

7. Policy Context

7.1 Development Plan

Eden Local Plan 2014-2032:

- Policy LS1 – “Locational Strategy”
- Policy DEV1 – “General Approach to New Development”
- Policy DEV3 – “Transport, Accessibility and Rights of Way
- Policy DEV5 – “Design of New Development”
- Policy ENV10 – “The Historic Environment”
- Policy HS4 – “Housing Type and Mix”
- Policy EC7 – “Town Centres and Retailing”
- Policy COM1 – “Principles for Services and Facilities”

Supplementary Planning Documents:

- Housing (2020)
- Management of Conservation Areas (2011)

7.2 Other Material Considerations

National Planning Policy Framework:

- Ensuring the vitality of town centres
- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring good design
- Conserving and enhancing the historic environment

8. Planning Assessment

8.1 Key/Main Planning Issues

- Parking Provision
- Character and visual amenity of Conservation Area
- Loss of Community Service
- Design detail

8.2 Principle

- 8.2.1 The application site is located centrally within the main town of Penrith and to and within the southern periphery of the designated New Streets Conservation Area, again of Penrith. Adopted Eden Local Plan Policy LS1 “Locational Strategy” identifies it (The Town) as a location which will benefit from sustained development appropriate to that of a larger town. Such provision can include that of residential development through new build, or re-development, and through conversion.

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- 8.2.2 The above broad based principle of support for such type of development is however qualified within the criteria based concerns of other relevant adopted Policies within the same adopted Plan. These include:
- Policy LS1 – “Locational Strategy”
 - Policy DEV1 – “General Approach to New Development”
 - Policy DEV3 – “Transport, Accessibility and Rights of Way”
 - Policy DEV5 – “Design of New Development”
 - Policy ENV10 – “The Historic Environment”
 - Policy COM1 – “Principles for Services and Facilities”
- 8.2.3 Acknowledging the fact that there is presently no housing shortfall, the Plan, as outlined under Policy DEV1 accepts and outlines that such broad based approach to development is to be tempered and qualified where “any adverse impacts of granting permission would significantly outweigh the benefits”.
- 8.2.4 Policy DEV3 outlines the fact that development will be refused if it will result in a **severe** impact in terms of road safety (parking) and possible increased traffic congestion.
- 8.2.5 Policy DEV5 stipulates that new development will be required, amongst others to “Protect the amenity of existing residents and business occupiers and provide an acceptable amenity for future occupiers” and, given its’ relatively central location within the Town, and the close peripheral nature of the New Streets Conservation Area to the above at that point, and that under Policy ENV10, “the Council will attach great weight to the conservation and enhancement of the historic environment, including “the setting of its non-designated heritage assets.
- 8.2.6 Policy EC7 seeks to maintain and enhance the vitality and viability of the town centres (To which the site, though outside does nevertheless closely relate). Whilst it mainly concerns protecting the retail provision of the town centres, it does mandate that developments shall not compromise the functional operation of existing town centre uses.
- 8.2.7 The application, which would involve the creation (through conversion) of two new dwellings (1 four bed detached house, 1 new 3 bed flat) as well as 1 “refurbished” but existing 3 bed flat, peripheral to the Town Centre of Penrith. The present “Bridge” A3 cafe and associated flat use have benefit of both parking provision of their own (the present adjacent car park) but also rely to a degree on the existing on street permit and nearby general public parking regime, as well as and including other non car born means of transport and accessibility. The absence of suitable private parking provision on site overall, as a result of cumulative elements of the new residential development proposed, has been objected too by both the Town Council and the (CCC) Highways Authority.
- 8.2.8 The applicants, in contesting the above argue that the overall residential use proposed will only have the same traffic/highways impact (for the new dwelling, with its four on-site parking spaces), and the refurbished flat, with its existing “permit” arrangement) as the existing café/residential use, and in those aspects should be seen therefore as Policy neutral.

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- 8.2.9 In addition, the argument is also put that the two additional spaces effectively required by the County Council (Highways), in relation to the creation of the new flat, are not a severe parking addition which would not likely result in any significant adverse highway safety or capacity issues given the town centre location of the application site. Acknowledging that parking in the area of the New Streets in general can be challenging, as certain received concerns have outlined, this overall “and on balance of scale” viewpoint is not considered sufficient ground to refuse in this case, and in this location.
- 8.2.10 Objectors have expressed concern that the loss of the present car park will present difficulty in terms of parking provision for the adjacent Methodist Church. In response, the applicant/agent have confirmed that such “provision” as might have conveniently existed was only “informal” and by agreement of the owners of the site, rather than having any legal standing. Therefore, that such being the case should not form part of consideration restricting suitable alternative use of the site for residential purpose, being otherwise typical of such use found in the area. Again, and on balance of consideration, this view is again supported and this private matter does not represent justification for the refusal of this planning application.
- 8.2.11 However, following additional re-consultation, and the re-confirming their objection, the CCC Highways Authority have maintained that in their opinion:
- “The proposal states that the total amount of bedrooms would be 10, in relation to our design guide a requirement of 8 parking spaces will be needed. The amended plan shows that for 4 parking spaces, inadequate information has been provided in respect of (the overall) 8 parking spaces.”*
- 8.2.12 This therefore represents an outstanding objection to the application.
- 8.2.13 It is also to be noted that the Penrith Town Councils’ further response to the revised details as submitted is again qualified along the lines of shared similar parking concerns as outlined by the Highways Authority, again being as follows:
- “PTC remains concerned about the additional traffic generation and highways safety issues arising from the development. At the present time, those using The Bridge have the facility of off street parking as do the present tenants of the flat. This development takes away all off street parking thereby ensuring the possibility of up to 3 cars per flat plus potentially 4 vehicles for the house necessitating on street parking in an already congested road. Moving any facilities from The Bridge across to the Methodist Church does not reduce traffic from this area.*
- The revised parking for the new build does not reduce the problem of parking on the site. Although four spaces have been created in addition to the garage, the parking arrangements will necessitate a lot of car movements in and out on a busy road to enable cars parked behind others to be used.*
- Creation of a new 3 bedroomed flat should necessitate the requirement for a minimum of 2 off street parking places in line with Cumbria County Council guidelines on parking for residential developments.”*
- 8.2.14 The issue of parking, or more specifically the absence of adequate parking provision, as a sustainable issue, is increasingly to the fore in terms of New Streets amenity and that of adjacent town centre development. Individually the argument has been that towns and their existing parking provision could “absorb” additional on street parking resulting from new development without significant or unreasonable compromise to amenity or the practical “operation” of the existing highways network. This often has

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taken the form of the issuing to new residents of on-street parking permits for such new sites (without their own adequate on site parking) as and when they have materialised.

8.2.15 Noting then specifically the nature of the Highways, Town Councils and certain Neighbours objections, as reflected in the comments received, and given the application sites sensitive and generally central location within the Town and designated Conservation Area, then the absence of such parking provision, as is argued to be required by the Highway Authority, could be considered contrary to the aims of the above relevant adopted Plan Policies, in that the adverse impacts (lack of suitable overall parking provision) of the scheme as proposed would not be outweighed by the numerical benefits of the small numbers of **new** dwellings (1 house and 1 flat) proposed. In addition, the loss of the cafe facility could be argued to marginally diminish the vitality of the nearby town centre. As the proposed new dwelling is to have and make provision for four new off street parking spaces, the only significant shortfall in new housing development parking provision, is therefore the absence of two spaces only for the **one new flat to be created**, and the harm to be assessed is made on that effectively limited basis only.

8.2.16 Relevant Eden Local Plan Policy COM1 “Principles for Services and Facilities” encourages the protection and enhancement of community facilities throughout Eden, but accepts that it is not always possible to prevent closure of facilities when it is uneconomic for their use to continue.

In terms of the loss of the café, the Applicant/Agent have submitted the following further argument and justification for consideration in support of the proposal:

“We carried out research on the existing facility as part of an options appraisal early on in our engagement with Penrith Methodist Church. This found that the facilities were only used 14% of the available time and was therefore vacant 86% of the time (note that this refers to the non-residential elements).

The low occupancy of the facility is somewhat indicative of its fitness for purpose. The significant (prohibitive) cost required to bring the building up to date and to make it a suitable, flexible, safe and accessible environment to host more community groups has led to the decision to instead convert back to its original use – as a residential building. The planning authority has no place to determine whether this property is disposed of and therefore any comment on the loss of a private facility used by community groups is not relevant in planning terms.

Our proposal adequately provides for parking for the new build house and allows for on street parking for the 1no. new flat generated through refurbishment. We also feel the need to point out that the new build house does not have space for ‘4 stationary cars’ as such but the drawing shows a driveway along one side that could accommodate 3 spaces and a driveway sized to allow for these cars to reverse and come out in a forward gear onto the highway.

The tenant of the existing residential unit previously had a parking disc that he could use for this address so presumably a new resident could apply on the same basis.

On review of the Parking Guidelines, there is no mention of provision of ‘off street parking’ in relation to minor developments such as this.”

The above comments are to be noted in the overall balanced and reasonable consideration of the revised detail development as proposed, and, in relation to the aims of Policy COM1 (where the emphasis is more toward the protection and enhancement support for more rural facility, and where no reasonable and practicable

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alternative provision exists) it is considered that, with this effective central location, within the main Town in the District, that broadly similar such alternative (youth/café) provision exists within relatively easy walking distance, and that as such, and given the applicants justification above, the proposal as submitted and in this location is considered to reasonably accord with the aims and concerns of this policy.

- 8.2.17 In addition there are no contamination issues or risks identified with the site or the nature of the proposed residential conversion, and (accepting that the site is located within a mixed use, but predominantly residential area) there are unlikely to be any issues with the proposal in that aspect, or to the proposal subject to standard noise/sound insulation conditions in terms of the new flat.
- 8.2.18 On balance of consideration and argument put therefore, it is considered that both reasonable and adequate alternative parking provision exists in the vicinity (such as car parks at Sandgate, Meeting House Lane and the unrestricted on street parking on the upper reaches of the New Streets, only a couple of hundred metres away, and therefore considered within easy walking distance.) as does (in terms of character and amenity) the existence of other town centre flats and new small scale residential re-development. Though not specifically applicable in this application, it remains pertinent to point out that the Government's own applicable legislation, under Part O of the GPDO specifically encourages the use of certain office sites and in town centre locations for residential re-use, accepting the principle as foregone in the absence of significant overriding concern.
- 8.2.19 The former and nature of the "unofficial" use of the car park by members of the public attending or visiting the Methodist Church is noted. Loss of such "convenience" is not however considered sufficient material ground in itself to justify refusal in this particular case.
- 8.2.20 Against the backdrop of the above, and on balance of such broad based considerations and, notwithstanding the parking concerns raised by the Highway Authority, Town Council and Neighbours, the proposed numerically relatively small scale and locational sensitive development, and lack of severity of the parking shortfall "issue" identified in this case, will therefore enable the revised scheme proposed to be considered to thereby reasonably comply with the relevant requirements of Policies LS1, DEV3, DEV5 and ENV10. The development is therefore considered to be acceptable in principle.

8.3 Built Environment

- 8.3.1 Local and national policy is clear that development should preserve or enhance Conservation Areas and both designated and non-designated heritage assets. Limited and generally sympathetic additions and alterations are proposed to the exterior of the existing traditional "The Bridge" town house building. New floor/stud walls are proposed to divide and separate the respect separate flat/apartments but essentially the scheme involves a minor degree of intervention. The character of the building, particularly its external appearance, will be preserved, and with the removal of the gable end (C20th) more recent extension, revert back to its more original earlier (Victorian) appearance, dimension and proportion.
- 8.3.2 The proposed development, including the new detached dwelling, in light of the design, detail and traditional form of cladding (all found in the immediate area of the New Streets and adjacent Penrith Town Centre Conservation Areas) are considered to respect the heritage value of those surrounding Conservation Areas and (in terms of

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the Bridge) its conversion to an additional and continued residential flat use, in line with its historical residential use, will provide the building overall with a viable long term use, preserving a non designated heritage asset without detracting from its original form and function.

- 8.3.3 The ground floor cafe conversion will result in an increase in residential use within the building, but only to two 3 bed flat units, being an increase in only 1 new additional flat. Other than with the additional two space parking requirement as consideration, which is not considered severe in itself, the overall development is unlikely to produce any significant or subtle detriment to the significant balance neighbouring amenity interest, given the nature of the existing and surrounding residential development, character, design detail, material separation and suitable precaution to protect other amenity interests, such as the protection of specific (Yew) tree/s of interest.
- 8.3.4 Other than the introduction of a new sympathetically designed and detailed front door into the front (principal elevation) of the Bridge, being generally in keeping with the area, and other new small scale and suitably glazed openings (within the relevant gable ends) very limited new openings otherwise are proposed and the development (as a whole) is considered to be not significantly harmful to the privacy or amenity of any other neighbouring dwellings/flats in the vicinity, with suitable separation distances both matching and reflecting those already evident as part of the areas existing design layout and character. The development is considered thereby to reasonably accord with the aims of the relevant "Housing" SPD. The development, though numerically small will result in relatively high density housing, but this is reflective of both the lower New Streets and neighbouring town centre environment and existing character. The extant use as a former café (and associated flat) is arguably just as likely to have had more of an impact on neighbouring amenity than the proposed one house and 1 new additional flat.

8.4 Streetscene/Landscape Impact

- 8.4.1 The proposals seek not only to preserve the character of the existing building, The Bridge, but also to improve and enhance it, through the removal of a more recent gable end extension which thereby takes it back to its more original design and proportion. Whilst the loss of the cafe use (and by coincidence the associated car park) itself is, to an albeit limited degree arguably, a loss to the vitality of the streetscene, an empty or underused building and car park, continuing to stand empty, would equally be harmful to the character of the area. Sympathetically converting the ground floor to provide a further flat, and removing an unsympathetic more recent extension, does give this building overall a viable continued residential use, in keeping with its historical usage, in a predominantly residential area and thereby ensures the best way of maintaining a prominent non-designated heritage assets such as this, in an area designated for its noted heritage value.
- 8.4.2 Therefore, the proposed development is considered to result in an acceptable impact upon the visual appearance of the existing street scene and the character of the area in accordance with the requirements of Policies DEV5 and ENV10 of the Eden Local Plan.

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

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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 It is considered that the proposal, on balance of consideration, accords with the Development Plan for the following reasons which are not outweighed by material considerations:

11.2 The proposal will result in the unfortunate, but nevertheless justifiable loss, of the existing café use of part of the building (but where reasonable and practicable alternative and accessible provision exists within the adjacent Town Centre), notable as a former residential Town House, but which will not diminish the character, visual amenity and appeal of the surrounding predominantly residential street, as part of the designated New Streets Conservation Area. It is considered that in this location that the aims and concerns of Policy COM1 are thereby not unreasonably compromised. In addition this is also balanced by the sympathetic preservation and effective small scale and suitable re-use of the prominently placed non designated heritage asset, in the designated Conservation Area which will be given a viable new residential use. The development proposal in this aspect is considered to reasonably comply with the aims and concerns of adopted Plan Policy ENV10.

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- 11.3 The development, both in terms of the new build and conversion, will enhance, preserve and promote the visual appeal of the site through retaining and enhancement of the existing building's characteristic features and very limited, but sympathetic intervention into and on the external fabric of the building.
- 11.4 The limited nature of additional parking for the proposed new flat element is significant, but not, as such considered, a severe factor, given the site and location's central location within the Town and the practicable and reasonable alternative provision available within relatively short, and therefore easy walking distance. On balance, this element alone, should not be the determining factor given the sites relative close peripheral town centre location, which would be unlikely to result in any adverse impacts upon highway safety or the capacity of the surrounding highway network to absorb the likely levels of additional traffic movements which would be generated.
- 11.5 The scheme is, on balance and notwithstanding the concerns raised by the Highway Authority, Town Council and Neighbour, therefore considered acceptable in terms of proposed use, scale, appearance and detail, finished materials and is deemed satisfactory as regards its impact on neighbouring amenity. In the absence of any otherwise overriding material adverse impact otherwise the proposal is considered on balance to be in accordance with the NPPF and the development plan.

Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	04.05.2020
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Background Papers: Planning File Ref No 19/0900

Agenda Item 8
REPORTS FOR DEBATE

Date of Committee: 21 May 2020

Planning Application No: 20/0014

Date Received: 10/01/20

OS Grid Ref: 5155 3053

Expiry Date: 10/03/20

Extension of time
agreed to 30/6/20

Parish: Penrith

Ward: Penrith North

Application Type: Full

Proposal: Variation of condition 2 (plans compliance) to include a reduction in the number of units from 5 no. apartments to 3 no. townhouses attached to approval 16/0035

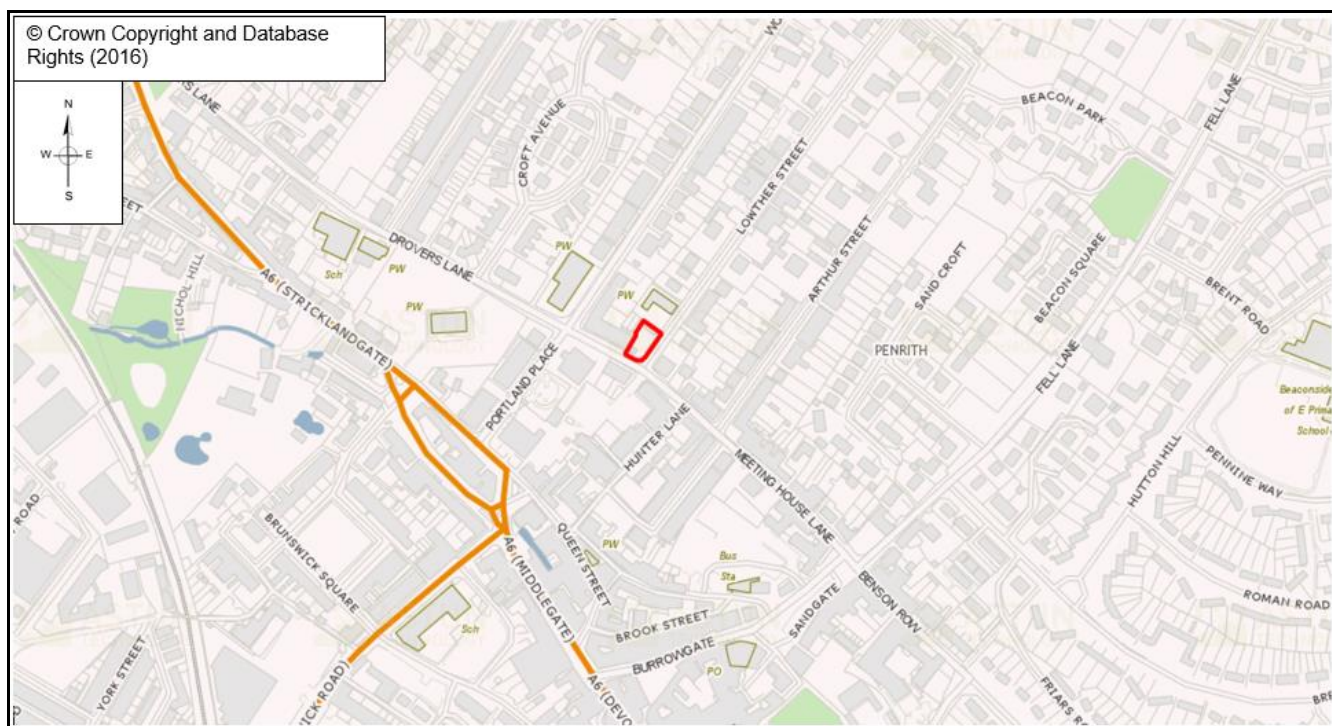
Location: 3 Lowther Street, Penrith

Applicant: Mr G Lewis

Agent: David Swarbrick - Swarbrick Associates LTD

Case Officer: Mat Wilson

Reason for Referral: An objector wishes to speak against the application at Planning Committee





1. Recommendation

That planning permission be granted subject to the following conditions:

Approved Plans

1. The development hereby granted shall be carried out in accordance with the application form and drawings hereby approved:
 - i. Location and block plans ref 1779.p.01 rev O dated 30.10.19
 - ii. Floor plans ref 1779.p.03 rev O dated 30.10.19
 - iii. Elevations plan ref 1779.p.04 rev A dated 28.01.20
 - iv. Street elevations plan ref 1779.p.05 rev A dated 28.01.20

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

Before development above DPC level

2. Samples of all external walling and roofing materials proposed for the development shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site. The development shall then be completed in accordance with the approved scheme.

Reason: To ensure that the materials are acceptable and executed to the highest standard in keeping with this sensitive location in the conservation area. The condition is considered necessary to be complied with prior to occupation as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.

Ongoing Conditions

3. Foul and surface water shall be drained on separate systems and maintained as such in perpetuity

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

4. Windows and doors shall be timber-framed and shall be retained as such thereafter.

Reason: To ensure that the materials are acceptable and executed to the highest standard in keeping with this sensitive location in the conservation area.

Note to Developer:

This approval must be read in conjunction with planning permission refs. 16/0035 and 19/0454.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The application seeks to vary a previously approved scheme for a residential development on Lowther Street, Penrith. In 2016 permission was granted for a two and three storey terrace comprising five apartments, the terrace attaching onto the south end of 3 Lowther Street. The proposal is to vary the approved plan to reduce the

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number of dwellings to three townhouses, and to separate the building off from 3 Lowther Street.

- 2.1.2 The new scheme would provide one townhouse facing south orientated with the adjacent terrace fronting Meeting House Lane, and two dwellings facing east and stepping up with the rising ground of Lowther Street. The terrace would be finished in sandstone to the street-facing elevations, the gables and rear elevation being render, with full stone surrounds to all openings including 'brow' detailing to the windows, and traditionally proportioned timber conservation windows all under a slate roof. The development would be enclosed by a planted border behind a sandstone wall with cast iron railings. There is no parking provision with the application.
- 2.1.3 Revised plans were submitted in January 2020 to change the facing material of the units fronting Lowther Street from render to sandstone, and to add cornices above the window units.
- 2.1.4 The application is accompanied by a Heritage Statement and Impact Assessment.

2.2 Site Description

- 2.2.1 The site forms part of a residential garden at the corner of Lowther Street and Meeting House Lane and contains a number of trees, a conservatory attached to the adjoining property No 3 Lowther Street, a detached single storey garage and other domestic paraphernalia.
- 2.2.2 In terms of constraints the site is located within the New Streets Conservation Area and it is adjacent to numbers 1-8 Wordsworth Terrace, a Grade II listed terrace of houses fronting Meeting House Lane to the south.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority	<p>Notes the site history with previous applications 16/0035 and 15/0078.</p> <p>The layout details shown on the submitted plan are considered satisfactory from a highway perspective. It can therefore be confirmed that the Highway Authority has no objection to the proposed development and our previous recommendations to both 15/0078 and 16/0035 remain.</p> <p><i>1st Response to 16/0035:</i></p> <p>The application is a re-submission of previously withdrawn application 15/0078.</p> <p>The comments previously provided to application 15/0078 would largely apply to this planning application.</p> <p><i>2nd Response to 16/0035:</i></p> <p>Taking into account the property's central location and existing use, it is considered that the proposal will be unlikely to have a material effect on existing</p>

REPORTS FOR DEBATE

	<p>highway conditions. It can therefore be confirmed that the Highway Authority has no objection to the proposal.</p> <p><i>Response to 15/0078:</i></p> <p>The minimum suggested parking provision for this development is one space per residential unit. It should be noted that on-street parking is severely limited in this area.</p> <p>The applicant needs to demonstrate that parking has been considered and that there are proposals to provide off street parking on site or through contract parking or similar.</p>
Local Lead Flood Authority	<p>The Lead Local Flood Authority (LLFA) have records of minor surface water flooding to the site which indicate a 0.1 percent (1 in 1000) chance of occurring each year and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk.</p> <p>The drainage details have been provided for proposals for foul and surface water. This is a minor development which is below the Lead Local Flood Authority (LLFA) threshold, for below 5 dwellings will be picked up by building control, 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.</p>

3.2 Discretionary Consultees

Consultee	Response
Trees Officer	I have no objections to the proposal.
Conservation Officer	<p>It is considered that the proposed amended development is appropriately sited within the plot so it will respect the form and pattern of development within the conservation area and the setting of the neighbouring listed buildings of Wordsworth Terrace. It is considered to be sympathetic to the scale, mass, depth and design of the neighbouring buildings using complimentary high quality materials and architectural features such as the round arched stone doorways. Important views within the conservation area will also be retained.</p> <p>Overall the proposed amended development is considered to be of a high quality reinforcing the character of the conservation area. Thus it is in</p>

	accordance with conservation policies outlined above within the Planning (LBCA) Act 1990, Eden Local Plan ENV10 and NPPF 2019.
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4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Support	No Response	No Objection
Penrith Town Council				✓

4.1 The Town Council responded as follows:

‘This site already has extant planning permission for 5 x 2 bed apartments. This proposal reduces the development to 2 x 2 bed houses and 1 x 3 bed house. The amendment reduces the scale and mass and fits in well with the street scene and vernacular in this area. Would wish them to retain existing small stone walls.’

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 24 January 2020.

No of Neighbours Consulted	8	No of letters of support	0
No of Representations Received	7	No of neutral representations	1
No of objection letters	6		

5.2 One resident has submitted two letters of objection raising the following concerns:

- Exacerbation of already oversubscribed on-street residents parking
- Impact on highway safety
- Development not in keeping with the area or neighbouring properties
- Impact on natural environment
- Carbon footprint of the development
- Increased pressure on local parking
- The design is out of keeping with the area and out of scale with the garden area
- Drainage concerns
- There are trees of value on the site
- Impact on privacy of adjoining properties
- Increase in noise levels due to more residents
- Loss of light and outlook to neighbouring property and impact on “right to light”
- Conservation Area concerns
- Loss of one of few remaining garden spaces characteristic of the New Streets
- Previous refusals in the locality should guide decision-making for preservation of New Streets
- Disturbance and inconvenience to neighbours
- The application is submitted incorrectly since no material start was commenced on the previous approval before its expiry date
- Impact on wildlife – bees, frogs, loss of pond
- Increased run-off

- Loss of garden as 'carbon sink'
- Resultant loss of all garden for No.3 Lowther Street

6. Relevant Planning History

15/0078 - Erection of nine flats. Withdrawn 4/3/15

16/0035 – Erection of five apartments. Granted 22/8/16

19/0454 – Approval of details of 16/0035 required by condition. Approved 9/9/19

Officer note:

Condition 6 of 16/0035 requiring approval of materials remains outstanding

7. Policy Context

7.1 Development Plan

Local Plan 2014-2032

Relevant Policies

- LS1 Locational Strategy
- DEV1 General Approach to New Development
- DEV5 Design of New Development
- ENV10 The Historic Environment
- DEV3 Transport, Accessibility and Rights of Way

Supplementary Planning Documents:

- Management of Conservation Areas (2011)
- Housing (2020)

7.2 Other Material Considerations

National Planning Policy Framework:

- Chapter 2 - Achieving sustainable development;
- Chapter 5 - Delivering a sufficient supply of homes;
- Chapter 11 - Making effective use of land;
- Chapter 12 - Achieving well designed places;
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change;
- Chapter 15 - Conserving and enhancing the natural environment.
- Chapter 16 - Conserving and enhancing the historic environment.

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

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- Built Environment
- Residential amenity
- Streetscene/Landscape Impact
- Infrastructure/Flood Risk/Drainage
- Natural Environment

8.2 Principle

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- 8.2.1 The Local Plan directs development to the more sustainable locations in the District, and to Penrith in particular. New housing development in Penrith is therefore acceptable in principle.
- 8.2.2 The permission previously granted on this site was for a development of 5 apartments. The permission is considered to be extant since drainage works comprising a material commencement of the permission were observed by the Council's Building Control and works are stated by the applicant to have commenced on 15/8/19, ie 7 days prior to the expiry of the permission. As such, the principle of the residential development of this site has been established through the prior grant of the extant planning permission which represents a fall-back for the site. Therefore, this application only seeks to consider the elements of the scheme being varied and the acceptability of those changes sought. The proposal is to vary the approved plans, the impacts of which are considered in following sections of this report; however the principle of development is considered acceptable.
- 8.2.3 Whilst this report considers the potential impact of the proposal in respect of the built environment, residential amenity, the streetscene, infrastructure requirements and the natural environment, it should be stated that the previously approved and extant planning permission represents a fall-back position that exists and endures, and which could be developed. The proposal under consideration here seeks an amendment to the extant approved scheme which was previously considered acceptable.

8.3 Built Environment

- 8.3.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is had to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest. Local Plan Policy ENV10 is clear that development should preserve or enhance conservation areas and designated heritage assets.
- 8.3.2 The previously approved and extant planning permission was considered acceptable in respect of the impact of that scheme on the character and appearance of the Conservation Area and adjacent listed building. The application now under consideration seeks an amendment to the scheme in respect of the number of dwellings and the scale and appearance of the proposed building. It must be considered therefore whether the proposed revisions have any greater or unacceptable impacts on the designated heritage assets which characterise the local built environment.
- 8.3.3 Reference is made by objectors to previous planning refusals to develop gardens on Lowther Street in the New Streets Conservation Area which, objectors argue, should influence the determination of the scheme proposed here. Applications for housing in the gardens of Beech Grove (10/0092) and Low Fell (10/0014) were each refused permission as it was deemed that the use of gardens for housing development would erode the character of the Conservation Area. In each case the gardens formed important open spaces between villas at the upper end of Lowther Street.
- 8.3.4 The same considerations cannot be reasonably applied to the garden of 3 Lowther Street. This is at the bottom end of the street where the urban grain is of a much higher density, this part of the Conservation Area being characterised by Victorian sandstone terraces and large houses built close to the street and set behind stone boundary walls. The Conservation Area was designated in 1992 in recognition of the loss of large gardens to incongruous and inappropriate infill housing developments. In evaluating

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the character of Penrith New Streets, the Management of Conservation Areas Supplementary Planning Document describes that the properties and their garden settings make a very positive contribution to the Conservation Area and that development within gardens should be resisted unless it can be demonstrated that it would materially enhance the Conservation Area's significance.

- 8.3.5 The value of 3 Lowther Street's side garden to the character of New Streets is not considered to be of particular importance. The fact that it was not developed during the Victorian period should not be construed as being part of the vision of the New Streets. The space doesn't serve a purpose beyond providing an amenity area for the residents of No.3. A number of trees within the plot do have some visual appeal, but they are small garden trees and their wider public amenity value is not considered to be significant. The development of the plot with an appropriate scheme would be reflective of the built vernacular of the immediate locality, particularly the corner plot on the opposite side of Lowther Street. This view is supported by the Council's Conservation Officer who commented that the proposed amended development is appropriately sited within the plot so it will respect the form and pattern of development within the conservation area and the setting of the neighbouring listed buildings of Wordsworth Terrace.
- 8.3.6 Whilst the objections are noted, there is an extant approval on this site for a building of two and three storeys comprising five apartments. The impact of that scheme on the Conservation Area through loss of the garden space and through its visual massing was given due consideration and was deemed to be acceptable, and could indeed still be developed even if permission for the variations proposed should be approved. It would not be appropriate therefore to determine the current application, to vary the approved scheme, on the basis of the loss of the open garden space and the impact of that on the character of the Conservation Area, since this impact has already been assessed and considered acceptable by the Council in granting the previous and still extant scheme.
- 8.3.7 The scheme now proposed may not have quite the visual appeal of the approved development, the key feature of which was a three-storey octagonal corner tower. Nevertheless, the proposed revision to that plan is considered to be of high quality and entirely appropriate for this plot in its scale and design. The massing of the two storey development, its double active frontages to both Meeting House Lane and Lowther Street, and its form with the terrace stepping up with the incline of Lowther Street, are all key to integrating the development into this space. Its detailing (stone window surrounds incorporating brows; fanlight windows over the doors; iron railings set on sandstone boundary walls) further reflects the local vernacular and as such, the revised proposal is considered to be an enhancement of the Conservation Area. It will replace a concrete garage and drive currently used for caravan storage with a bespoke scheme providing the space with a terrace of 3 townhouses in keeping with the tightly-knit grain of development of this part of New Streets.
- 8.3.8 No harm is considered to arise to the setting, character or appearance of the listed building of Wordsworth Terrace. The revised proposals are respectful of the setting of this Victorian terrace and echo its form and function through its massing and detailing.
- 8.3.9 The previous, extant approval was considered to have an acceptable impact on the Conservation Area and on the adjacent listed building. The proposed variation to the approved scheme reduces the scale and massing of the development and, whilst it may not retain the corner feature octagonal bay, overall the revisions are considered to

represent an improved scheme that will provide an enhancement to the built environment.

- 8.3.10 Policy ENV10 of the Local Plan states that the Council will attach great weight to the conservation and enhancement of the historic environment, heritage assets and their setting, which help to make Eden a distinctive place. The development of this corner garden space to provide 3 townhouses has been conceived with the aim of enhancing the visual appeal of this plot, which it achieves. Therefore, the proposal will have a positive impact upon the local built environment and the wider Conservation Area.

8.4 Residential Amenity

- 8.4.1 Policy DEV5 of the Eden Local Plan supports schemes that protect the amenity of existing residents and provides an acceptable amenity for future occupiers. Paragraph 127 of the National Planning Policy Framework requires that planning decisions on development should ensure a high standard of amenity for existing and future users.
- 8.4.2 No significant additional adverse impact is considered likely to affect the amenity of neighbouring residents beyond the level of impact imparted by the extant approved scheme. The two properties most directly affected are 3 Lowther Street and 1 Wordsworth Terrace. The scheme previously approved would adjoin the development onto the end of 3 Lowther Street. The proposed variation would detach the development off the existing property leaving a 1m gap to the gable end. Clearly those windows in the gable end of No.3 will be substantially impacted, but they were to have been eliminated altogether should the extant approval be built out, and all the windows are secondary to the main outlook windows in the front and rear elevations of that property. Therefore, whilst only slight, the proposal would result in an improved impact upon neighbouring amenity for this property from the previously approved scheme.
- 8.4.3 To the northwest is the end-terrace property of 1 Wordsworth Terrace. This presents a blank east gable to the application site and extends back into its plot with a two-storey element stepping down to single-storey. Its garden is protected by a wall of approximately 1.8m in height screening the ground floor windows of the proposed development, but the garden will unavoidably be somewhat overlooked by the proposed bedroom windows in the rear elevation. It is acknowledged that these windows will adversely affect the privacy and amenity of 1 Wordsworth Terrace and indeed its adjoining neighbours. Balanced against this however is that the garden is already overlooked from the existing property at 3 Lowther Street; furthermore the proposed townhouses are 2.5m lower at eaves level than the existing adjacent property. Finally, the extant approved scheme could still be implemented by the applicant and would equally affect the neighbour's amenity in terms of overlooking and loss of light, a position which was deemed within tolerable limits in the consideration of the extant approval.
- 8.4.4 Taking the above into account, the proposal represents an improvement on the previously approved and extant scheme, and is considered to reasonably respect the amenity of existing residents and to provide an acceptable amenity for future occupiers, and is therefore in accordance with Policy DEV5.

8.5 Streetscene/Landscape Impact

- 8.5.1 Local Plan Policy DEV5 requires that development reflects the existing streetscene through its scale, form, layout and materials. The site is well contained within the main town of Penrith and so any visual impact would be localised. Whilst the site provides a small area of garden ground which does add to the amenity of the Conservation Area it

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is considered that its loss would be outweighed by the benefits of the scheme, providing a bespoke development of three dwellings in a sustainable location and which is considered to enhance its surroundings.

- 8.5.2 The concerns raised by objectors as regards the impact of the proposal on the character of the area are noted, but it must be stressed that the planning history of the site is an important material consideration in the determination of this application, which has already established the loss of this garden space for residential development as being acceptable. The amendments sought under this variation application do not materially affect this position or result in changes that warrant the loss of the open garden space, already established through the earlier approval, being called back into question or re-considered.
- 8.5.3 Officers sought revisions to the proposals during the course of the application to ensure that the frontages of the development facing the roads were finished in sandstone, as opposed to the rendered front elevation to Lowther Street initially proposed, and to add decorative stone surrounds. The scheme as amended shows a development which will integrate successfully into the local building vernacular.
- 8.5.4 The requirement that development shall be in keeping with the local streetscene, through appropriate design as set out in Policy DEV5 is considered to be met in this proposal which, as amended, represents an improvement to the previously approved scheme, resulting in a more visually appropriate and sensitive development and an improved impact upon the local streetscene.

8.6 Infrastructure/Flood Risk/Drainage

- 8.6.1 Policy DEV2 of the Local Plan states that new development should avoid compromising flood defences, should incorporate Sustainable Drainage Systems (SuDS) where practicable, and should discharge surface water in accordance with the hierarchy of sustainable drainage. The National Planning Policy Framework advises that, when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (Paragraph 163). Highway impacts of new developments are addressed under Policy DEV3, stating that proposals will be refused where they would result in a severe impact in terms of road safety and increased traffic congestion.
- 8.6.2 The Highway Authority in responding on the initial proposal for 9 apartments on this site (15/0078) had requested the applicant to demonstrate that parking had been considered through proposals to provide off street parking on site, or through contract parking or similar. That scheme was withdrawn and a lower provision of 5 apartments was proposed in the application that gained permission in 2016, without any allocation of parking. On responding to this scheme (16/0035), the Highway Authority had initially referred to their previous comments but then submitted a 'no objection' response, acknowledging the town-centre location and advising the proposal was unlikely to have a material effect on existing highway conditions.
- 8.6.3 The variation to the approved scheme now sought further reduces the dwelling numbers to 3, again without any parking allocation. The Highway Authority commented that the layout details shown on the submitted plan are considered satisfactory from a highway perspective, and they raise no objections to the proposed development.
- 8.6.4 The absence of parking is a material planning consideration and should be afforded due weight in the planning balance. Of greater significance however is the fact that the site has an extant approval for 5 apartments which could yet be implemented. The

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proposed variation would reduce the number of dwellings and in so doing reduces the likely parking demand and impact upon the surrounding highway network. Further taking into consideration the town centre location, with accessible public transport links and services, facilities, retail and employment opportunities within walking distance of the site, it is accepted that this represents a sustainable development that offsets the harm of increasing the parking demand within Penrith. Furthermore, the NPPF at Paragraph 109 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, or the residual cumulative impacts on the road network would be severe. The basis for rejecting developments due to highway impact is therefore to demonstrate that a significant adverse impact would arise. The level of impact on the local highway when the original scheme was submitted was deemed acceptable for five dwellings; the impact is likely to be reduced through the variation of the scheme to provide three dwellings and as such it is considered that, whilst the matter is finely balanced, the absence of parking for this particular scheme is acceptable.

- 8.6.5 Drainage will be dealt with by the public drainage system – for both the foul water and surface water. A condition was required by United Utilities on the previous application 16/0035 for prior approval of a drainage scheme with evidence of an assessment of the site conditions. However there is no space within the development for a sustainable urban drainage system and no feasible means of discharging surface water to a water course. Connection to the local public drainage is in this instance appropriate. There would be no increased risk of flooding elsewhere as a result of the development, and no objections are raised by the Lead Local Flood Authority.
- 8.6.6 It is considered the proposal accords with the requirements of Policies DEV2 and DEV3 and the relevant paragraphs of the NPPF in terms of highway safety, flood risk and drainage, and is therefore acceptable in respect of infrastructure.

8.7 Natural Environment

- 8.7.1 Impacts on the natural environment are addressed under Policy ENV1 of the Local Plan, which requires that new development shall avoid any net loss of biodiversity and geodiversity, and where possible enhance existing assets.
- 8.7.2 The loss of this parcel of land and the impact this would have upon the natural environment has been established through consideration of the previous application as being acceptable. The variation to the approved scheme is not materially different in respect of its impact on the natural environment; a similar built footprint is proposed, with landscaped borders of mixed shrubs and the cedar tree in the southeast corner retained. The felling of the remaining trees on the site was considered in the tree survey accompanying the previous approved application to have a moderate impact on visual landscape amenity in the short term, with low impact on tree resource since most of the trees are of low quality. No additional harm beyond that previously accepted is likely to arise to protected species or habitat. The development would result in loss of part of a residential garden with a range of trees and shrubs but there are no grounds to refuse permission on this basis. The development could displace unprotected species however they would not be directly harmed as a result of the application.
- 8.7.3 The proposed variation in scale and design from the previously approved scheme has no greater impact than the approved development on the natural environment and therefore the proposal is considered to be in accordance with Policy ENV1.

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

The proposal seeks to vary an approved scheme of 5 apartments to instead provide 3 townhouses on this prominent corner plot in the Penrith New Streets Conservation Area. The principle of the residential development of this site is already established through the prior grant of planning permission, which remains extant. The revised design proposed through this current application, is considered to positively integrate into the grain of development in this part of Penrith, and through its massing, detailing and use of materials will be seen as an appropriate development in keeping with the

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local vernacular, to a greater degree than the previously approved plans. Its impact on neighbouring amenity will be no greater than the extant approved scheme, on balance it will be marginally better. The lack of parking is noted but does not tip the balance in favour of refusing permission, given the town centre location and especially the extant approval for a greater number of dwellings. As such, it is recommended that the plans compliance condition 2 of the extant approval 16/0035 be varied, to allow the substitution of new plans and elevations for the development of 3 townhouses in lieu of the approved scheme of 5 apartments.

Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	02.05.2020
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Background Papers: Planning File 20/0014

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Report No: PP19/20

Eden District Council**Planning Committee
21 May 2020****Appeal Decision Letters****Report of the Assistant Director Planning
and Economic Development**

Attached for Members' information is a list of Decision Letters received since the last meeting:

Application Number(s)	Applicant	Appeal Decision
19/0101	<p>Mr and Ms Maurice & Young (Wanderlusts) Nutwood, Melmerby, Cumbria CA101HF</p> <p>The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.</p> <p>The development proposed is change of use from agriculture to mixed use of agriculture and sustainable tourism, comprising grazing and the use for up to 3 No. horse-drawn caravans solely for the purpose of tourism.</p>	<p>The appeal is allowed and planning permission granted, subject to conditions.</p>
	<p>Mr and Ms Maurice & Young (Wanderlusts) Nutwood, Melmerby, Cumbria CA101HF</p> <p>The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).</p> <p>The appeal was against the refusal of planning permission for the change of use from agriculture to mixed use of agriculture and sustainable tourism, comprising grazing and the use for up to 3 No. horse-drawn caravans solely for the purpose of tourism.</p>	<p>The award of costs is refused.</p>

Oliver Shimell
Assistant Director Planning and Economic Development



Appeal Decision

Site visit made on 5 February 2020

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2020

Appeal Ref: APP/H0928/W/19/3239535

Nutwood, Melmerby, Cumbria CA10 1HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Ms Maurice & Young (Wanderlusts) against the decision of Eden District Council.
 - The undated application, Ref 19/0101, was refused by notice dated 18 April 2019.
 - The development proposed is change of use from agriculture to mixed use of agriculture and sustainable tourism, comprising grazing and the use for up to 3 No. horse-drawn caravans solely for the purpose of tourism.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from agriculture to mixed use of agriculture and sustainable tourism, comprising grazing and the use for up to 3 No. horse-drawn caravans solely for the purpose of tourism at Nutwood, Melmerby, Cumbria CA10 1HF in accordance with the terms of the application, Ref 19/0101, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The appellants currently reside on land adjacent to the appeal site. Planning permission was granted by the Council for the retention of two horse drawn caravans, ancillary cabin, solar panels, landscape planting, animal feed store, compost toilet, washroom as "off grid" residential unit for one gypsy/traveller family on a temporary and personal basis in 2018 (Ref 18/0421). In granting permission, the Council appear to have accepted that the appellants have traveller status. In reaching my decision I have had regard to this and to the planning history of the site and adjacent land only insofar as it is relevant to the determination of the proposal.

Application for costs

3. An application for costs was made by Mr & Ms Maurice & Young (Wanderlusts) against Eden District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:

- the effect of the proposal on the North Pennines Area of Outstanding Natural Beauty (NPAONB);
- whether the access and parking arrangements proposed are acceptable.

Reasons

Effect on NPAONB

5. The appeal site comprises a parcel of land positioned in a countryside location between the small settlements of Melmerby and Gamblesby. The land comprises reasonably flat grassy areas together with more undulating land and areas of woodland. Access to the site is via an unmade track known locally as **a "lonning" that runs** between Melmerby and Gamblesby and which is positioned at a lower ground level relative to the site. In the main, the site is separated from the lonning by an agricultural field and at the time of my visit I noted that the boundary between the lonning and the field was marked by a wall and that some planting had taken place within the field adjacent to the wall. The land surrounding the site and nearby is generally open and agricultural in character offering far reaching views towards the surrounding landscape.
6. The site is within the NPAONB, much of which is remote, wild countryside. The Cumbria Landscape Character Guidance and Toolkit states that it falls within landscape sub-type 11a (Foothills) one of the key characteristics of which is rolling, hilly or plateau farmland and moorland. Settlements are generally dispersed and sparse. At the time of my visit I noted that the site and surrounding area has a peaceful and tranquil character.
7. Local and national planning policy seeks to protect and enhance valued landscapes and paragraph 172 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. Policy ENV3 of the Eden Local Plan 2014-2032 (LP) relates specifically to the NPAONB and states that development will not be permitted unless it complies with the listed criteria.
8. In determining the application, the Council acknowledged that the site is well screened by existing topography and vegetation and that this has been augmented by further planting that has taken place following the residential permission granted in 2018. However, it is nevertheless concerned about the effect of a permanent business use on the site on the NPAONB, noting that AONBs are not designated for recreational use and that rather the intent is to conserve the quietness, isolation and natural beauty of the area. In reaching my decision I also note and have had regard to the objection received from the North Pennines AONB Partnership.
9. The proposal is for the change of use of the land from agriculture to a mixed use comprising agriculture and the use for up to 3 No. horse-drawn caravans solely for the purpose of tourism. The appellants operate '**Wanderlusts**', described by them as a low impact, low tech, sustainable tourism business. It offers horse-drawn and stationary Gypsy caravan holidays in and around the Eden Valley and Cumbria. It appears from the evidence that the proposal was altered after submission from one for a permanent camp to effectively comprise a '**temporary stopping place**' for horse drawn caravans travelling in

the course of holiday tours in connection with the appellants existing tourism business and would, it is stated, provide for up to a maximum of two groups comprising a maximum of 12 guests accommodated in up to 3 horse drawn wagons. Guests would not bring cars to the site and would be encouraged to travel to the area by public transport. If they do travel by car then their cars would be parked off site and they would be transported to site by horse and wagon.

10. As the Council acknowledge, the nature of the site and the scale of the proposal is such that the positioning of 3 horse drawn caravans and associated development would not be visually prominent and, subject to the imposition of suitably worded conditions controlling the scale and management of the use, I consider that the proposal would protect and conserve the landscape and scenic beauty of the NPAONB. Although the proposal would increase the level of activity at the site and has the potential to reduce the tranquillity of the area, having regard to the nature of the holiday offer, its limited scale and restrictions on guest numbers and vehicular access, I consider that any reduction in tranquillity is unlikely to be significant or harmful to the NPAONB.
11. Taking the above matters into consideration, I conclude that the proposal would not have a harmful effect on the North Pennines Area of Outstanding Natural Beauty. It therefore accords with policies DEV1, DEV5, ENV2 and ENV3 of the LP and paragraphs 170 and 172 of the Framework. These policies seek, amongst other things, to ensure that development reflects local distinctiveness and protects and conserves landscape character including not having a significant or adverse impact upon the special qualities or statutory purpose of the NPAONB.

Access and Parking

12. As stated above, guests would arrive by horse drawn caravan or on foot and therefore no vehicular access or parking arrangements are proposed. The proposal appears to have been amended since a previous application was refused which related to a residential and tourism use (Ref 17/0883). As set **out in the appellants' statement of case, the proposal now** seeks permission for the site to be used effectively as a temporary stopping place for wagons travelling in the course of holiday tours, rather than for the siting of permanent tourism accommodation.
13. Access to the site would either be by horse or on foot via the lonning located to the west and which links the site to Melmerby and Gamblesby. At my visit I noted that the lonning is a narrow, unsurfaced and undulating track which appears to be used by vehicles as well as by pedestrians and horses. Gill Beck, a watercourse to the north of the site crosses the lonning near to the site and at the time of my visit, water levels were low at the crossing point. It appears from the evidence that the Council has previously accepted the lonning to be an unadopted right of way, the use of which by the public is unrestricted and I have seen no substantive evidence to suggest otherwise.
14. Whilst I acknowledge that the proposal would increase the use of the lonning by horses and pedestrians, having regard to the modest scale of the proposal and the likely number of guests at the site, I do not consider that any increase in its use would be harmful to the NPAONB or would be likely to give rise to frequent conflict with other users of the lonning including agricultural vehicles. Though access along the lonning may be more difficult in inclement weather,

there is no substantive evidence that such difficulties would be frequent, particularly given that visits to the site are most likely to occur at times of the year when the weather is less likely to be inclement.

15. With regard to parking, it seems to me that none is required given that the appellants propose that the site be used as a stopping place for guests as part of a holiday tour operated by them as part of their existing business. It appears that the appellants have existing agreements in place to accommodate parking for their guests should they choose not to travel by public transport. Whilst I note the concerns raised about the apparent lack of control over these existing parking arrangements, there is no substantive evidence before me to suggest that they will not remain in place. In any event, in the apparent unlikely event that guests were to require parking near to the site, given the likely small number of vehicles involved, it seems that any such parking could take place nearby including in the settlements of Gamblesby and Melmerby without detriment to either highway safety or to the amenity of those settlements and the living conditions of their residents. I note that no objections were raised to the proposal by the Highway Authority.
16. Taking the above matters into consideration, I conclude that the access and parking arrangements proposed are acceptable. The proposal therefore accords with Policy EC4 of the LP which requires, amongst other things, that suitable access and car parking arrangements are defined.

Other Matters

17. In reaching my decision I have had regard to a number of other matters raised in relation to the proposal. Firstly, in determining this appeal there is no requirement for me to consider whether there are any other, more suitable locations available, particularly given my findings that the proposal is acceptable. I note the concerns raised about the ability of guests with mobility problems or the young to access to the site as well as emergency services. As stated, the intention is that guests would be transported to site by horse drawn wagons and vehicular access along the lonning, though restricted due to its nature and width, is nevertheless available and the site is also reasonably close to the road that runs between Melmerby and Gamblesby. I am therefore satisfied that the site location and access arrangements are adequate and enable sufficient access to the site.
18. There is no evidence that use of the site by a relatively small number of guests would lead to harm to wildlife or to the natural environment and I note that no objections were raised to the proposal by Natural England. Only a small section of the appeal site adjoins the lonning and consequently I consider it unlikely that the proposed use of the site and any associated noise and disturbance would be likely to materially affect the enjoyment of recreational users of it. There is no evidence that the proposal would significantly increase the number of horses at the site or consequently increase the amount of development and movement to/from the site in connection with the keeping of horses.
19. Though I note the site history and the conditions attached to the previous planning permission (Ref 18/0421), there is no substantive evidence to suggest that allowing the proposal would result in a breach of any conditions attached to the appellants' residential consent. Additionally some concerns have been raised about the lack of clarity and detail from the appellants about where their

other sites and parking areas are and about the ability to formalise and control such arrangements. However, it appears from the evidence that the appellants have successfully operated their business using their existing model for a number of years and whilst I accept that there is limited information regarding the arrangements that are in place and the security of such arrangements, I do not consider that this means that the proposal is unacceptable. I am satisfied that any permission granted could be the subject of appropriately worded conditions meaning that if circumstances on other sites were to change in the future, this would not mean that the impact of the proposal on the site and the surrounding area would significantly change.

Conditions

20. I have had regard to the conditions suggested by the Council and to the **appellants' comments on conditions**. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed conditions restricting the type, use and maximum number of caravans on site to 3; restricting the amount and type of shelters/tents on site; restricting the number of guests to 12 and restricting lighting. This is having regard to the location of the site in the countryside and the NPAONB and in order to control the scale of development. Though I note the appellants' comments in respect of the enforceability of restricting the number of guests, I consider that such a condition does meet the tests for conditions as set out in paragraph 55 of the Framework and that it would be enforceable.
21. I have not imposed the suggested conditions regarding buildings or structures (condition 4), restricting the types of caravan and wagon (condition 5) and regarding landscaping (condition 8) as I do not consider these conditions to be necessary having regard to what is proposed as part of the application.
22. However, I do consider that some amendments are required to a number of suggested conditions in the interests of clarity and to ensure sufficient control over the proposed development. I also consider that conditions are necessary restricting vehicular access onto the site and restricting the number of compost toilets to be provided. The main parties have been consulted regarding the additional conditions and regarding any significant amendments to the suggested conditions and in reaching my decision I have had regard to the comments made.
23. Though I note that only 2 compost toilets are shown on the submitted site plan, one to serve each camp is referred to elsewhere in the submission and I therefore consider a condition restricting the number to no more than 3 to be reasonable. It also seems clear to me from the submission that temporary canvas shelters serving the caravans are also proposed and that the erection of such structures ought to be addressed by a suitably worded condition. With regard to access, **I note the Council's comments with regard to enforceability** and have therefore slightly amended the wording of the suggested condition to refer to guest access onto the site. Although a visitor book is not required by the conditions, I consider that should vehicular access and parking by guests occur in breach of the condition, it would be possible for the Council to ascertain whether this was in fact the case.
24. In responding to the suggested conditions, the appellants raised a number of queries regarding restrictions on the use of the site including for agricultural and educational purposes. As stated, the proposal is for the mixed use of the

site for agriculture and sustainable tourism and permission is granted subject to the stated conditions. The proposed description of development makes no reference to the use of the site for educational purposes and I have determined the appeal as such.

Conclusion

25. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: Nutwood Site Plan and Site Block Plan.
- 3) No more than 3 horse drawn caravans shall be stationed on the site at any one time.
- 4) No more than 12 guests shall occupy the site at any one time.
- 5) The caravans hereby approved shall be used for holiday purposes only and shall not at any time be occupied as a permanent or sole residence.
- 6) No floodlighting, security lighting or other external lighting shall be installed or operated at the site.
- 7) No tents or other shelters shall be erected on site other than for purposes ancillary to the tourism use of the 3 horse drawn caravans. Such tents and shelters shall be removed from site when not in use.
- 8) No more than 3 compost toilets shall be provided on site.
- 9) There shall be no vehicular access onto the site by guests.



Costs Decision

Site visit made on 5 February 2020

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2020

Costs application in relation to Appeal Ref: APP/H0928/W/19/3239535
Nutwood, Melmerby, Cumbria CA10 1HF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Ms Maurice & Young (Wanderlusts) for a full award of costs against Eden District Council.
 - The appeal was against the refusal of planning permission for change of use from agriculture to mixed use of agriculture and sustainable tourism, comprising grazing and the use for up to 3 No. horse-drawn caravans solely for the purpose of tourism.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Paragraph 030 of the National Planning Practice Guidance (NPPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraphs 046 to 049 set out the circumstances when the behaviour of a local planning authority might lead to an award of costs. These can either be procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. Examples of unreasonable behaviour by a local planning authority includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; lack of co-operation with the other party; delay in providing information or other failure to adhere to deadlines and providing information that is shown to be manifestly inaccurate or untrue.
4. The case for the appellants is essentially that in determining the application, Councillors appeared to be unaware of all of the supporting information and that one Committee member who read out a statement appeared to be hard of hearing and to have pre-determined the case. The appellants also claim that the Council has behaved unreasonably in misrepresenting the proposal; being unwilling to negotiate; presenting evidence in a misleading manner; failing to carry out its administrative duties promptly and in opening an unsubstantiated enforcement case.
5. I have been provided with a copy of the minutes of the Planning Committee meeting at which the application was determined. However, these are very

brief and do not provide any substantive details regarding the committee proceedings. The appellants have made reference to an audio recording of the meeting and to comments made during the meeting by Officers and Councillors. Allegations about one particular Councillor have been disputed by the Council and Officers advise that a legal advisor was present at the meeting and would have intervened had Councillors behaved inappropriately. Reference is also made to the fact that the appellants did not subsequently make any complaints to the Council about the conduct of committee members.

6. Though I note the concerns raised by the appellants, having considered the evidence before me, I am satisfied that members of the Planning Committee made a sound decision based on their judgement, something that they were entitled to do. Although the committee reached a different decision to me, this does not in itself mean that they behaved unreasonably and even if the allegations against a particular Councillor were founded, there is no evidence that the committee would have made a different decision.
7. With regard to the conduct of the Council, although I note that the proposal appears to be different to that previously submitted and that the appellants appear to have sought to negotiate with the Council and to provide additional information where necessary, I do not consider that the evidence suggests that the Council materially misrepresented the proposal, were unwilling to negotiate where appropriate or has presented evidence in an intentionally misleading manner.
8. Although I acknowledge that the Council failed to emphasise the changes that have been made to the proposal in response to previous concerns and were reluctant to enter into ongoing dialogue with the appellants, I do not consider that this amounted to unreasonable behaviour under the circumstances. It is clear from the evidence that Council Officers have an in principle objection to the proposal and consequently did not consider that further amendment or negotiation would result in resolution and approval of the proposal. Although I disagree with the Council, I consider that it has produced sufficient evidence to substantiate the reasons for refusal and to demonstrate that further discussions are unlikely to have resulted in an Officer recommendation of approval to committee or that there is evidence to suggest that the committee would have made a different decision even if further discussions had taken place.
9. Whilst there was a delay in the Council providing the appeal questionnaire and copies, this was not significant and does not appear to have resulted in the appellants incurring unnecessary or wasted expense. The allegations made in respect of enforcement action undertaken by the Council though noted, are not directly relevant to the appeal before me.
10. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all matters raised, an award of costs is not justified.

Beverley Wilders

INSPECTOR

PLANNING COMMITTEE

Agenda Item No.

APPLICATIONS DETERMINED UNDER OFFICER DELEGATED POWERS FOR THE MONTH OF MARCH 2020

App No	App Type	Parish	Description	Location	Applicant	Decision
19/0222	Full Application	Langwathby	Residential development for 25 homes, associated roads and infrastructure. Demolition of two existing buildings.	LAND AT LANGWATHBY HALL FARM, LANGWATHBY, PENRITH, CA10 1LW	Willan Homes and Developments - Mr J Willan	APPROVED
19/0626	Reserved by Cond	Penrith	Discharge of conditions 3 (contamination), 4 (parking), 5 (surface water drainage), 6 (construction demolition statement) and 9 (landscaping) attached to approval 18/0970.	THE DEPOT, OLD LONDON ROAD, PENRITH, CA11 8GU	Eden District Council - Mr O Shimell	APPROVED
19/0668	Reserved by Cond	Tebay	Discharge of condition 6 (surface and foul drainage) attached to outline approval 18/0760.	LAND ADJOINING CHURCH RISE, TEBAY, PENRITH, CA10 3SL	Messrs H & J Lewis	APPROVED
19/0762	Listed Building	Dacre	Variation of condition 2 (plans compliance) to include renovation to outbuilding attached to Listed Building Consent 17/0719.	SWALLOW BARN, STANTON, PENRITH, CA11 0ES	Mrs A Blackwell	APPROVED
19/0764	Full Application	Dacre	Variation of condition 2 (plans compliance) to include renovations to outbuilding attached to approval 17/0705.	SWALLOW BARN, STANTON, PENRITH, CA11 0ES	Mrs A Blackwell	APPROVED
19/0798	Outline Application	Great Salkeld	Outline application for one dwelling with approval sought for access.	LAND ADJ TO DENBY, NORTH DYKES, GREAT SALKELD, PENRITH, CA11 9ND	Mr & Mrs Yates	APPROVED
19/0812	Outline Application	Langwathby	Outline application for A1 use with approval sought for access.	HIGH MILL, LANGWATHBY, PENRITH, CA10 1NB	Mr G Monkhouse	APPROVED
19/0828	Listed Building	Warcop	Listed Building Consent for retention of part demolition, alterations and rear extension.	CHAMLEY ARMS, WARCOP, APPLEBY-IN-WESTMORLAND, CA16 6NX	Mr H Evans	APPROVED
19/0830	Reserved Matters	Crackenthorpe	Reserved Matters Application for access, appearance, landscaping, layout and scale attached to outline approval 17/0299.	LAND ADJ GARTH HOUSE, CRACKENTHORPE, APPLEBY-IN-WESTMORLAND, CA16 6AH	Mr Armstrong	APPROVED
19/0876	Full Application	Warcop	Proposed demolition, alterations and rear extension. Part retrospective.	CHAMLEY ARMS, WARCOP, APPLEBY-IN-WESTMORLAND, CA16 6NX	Mr H Evans	APPROVED
19/0878	Full Application	Appleby	Change of use from coach depot to vehicle garage and sales forecourt.	STATION ROAD GARAGE, STATION ROAD, APPLEBY-IN-WESTMORLAND, CA16 6TX	Mr & Mrs M Lees (Sammy Lees Motors Ltd)	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
19/0880	Full Application	Culgaith	Removal of condition 2 (holiday let restriction) attached to approval 04/0711.	HAYRIGGS, SKIRWITH, PENRITH, CA10 1RH	Mrs E Ramsden	APPROVED
19/0885	Reserved by Cond	Penrith	Discharge of condition 10 (soft landscaping) attached to approval 19/0297.	ARMSTRONG & FLEMING LTD, GARAGE ROPER STREET, PENRITH, CA11 8HT	Churchill Retirement Living	APPROVED
19/0890	Full Application	Penrith	Replacement rear door and frame and rear windows.	14 SANDGATE, PENRITH, CA11 7TN	Mrs E Bessant	APPROVED
19/0896	Listed Building	Penrith	Listed building consent for replacement rear door and frame and rear windows.	14 SANDGATE, PENRITH, CA11 7TN	Mrs E Bessant	APPROVED
19/0898	Outline Application	Cliburn	Outline application for one dwelling with all matters reserved, resubmission of 19/0430.	HIGHWAYS, STATION ROAD, CLIBURN, PENRITH, CA10 3AE	Mr P Terry	REFUSED
20/0003	Full Application	Crosby Ravensworth	Proposed agricultural building.	WINTER TARN, NEWBY, PENRITH, CA10 3EW	Mr M Stephenson	APPROVED
20/0004	Full Application	Penrith	Rear and side single storey extension.	6 ASPEN GARDENS, PENRITH, CA11 8UL	Mr & Mrs Ellery	APPROVED
20/0006	Full Application	Lazonby	Retrospective change of use of agricultural land to domestic curtilage and proposed erection of detached garage. Re-submission of 19/0166.	2 HOLMEGARTH, LAZONBY, PENRITH, CA10 1AQ	Mr S Phillipson	APPROVED
20/0010	Full Application	Hesket	Garage link and addition of dormer to annex.	1 MILL BROW, ARMATHWAITE, CARLISLE, CA4 9PJ	Mr & Mrs Plevin	APPROVED
20/0013	Screening Opinion	Appleby	Request for screening opinion for 100 dwellings at Station Road, Appleby.	LAND AT STATION ROAD, APPLEBY,	Heyford Developments Ltd	APPROVED
20/0016	Full Application	Alston	Construction of a porch and steps, a carport, re-render and associated works to dwelling.	BRAMBLE HOUSE, ALSTON, CA9 3DD	Mr D Walters	APPROVED
20/0017	Full Application	Kirkoswald	Two storey rear extension.	MOUNT EDEN, 2 SANDHILL TOP, KIRKOSWALD, PENRITH, CA10 1EW	Mr M Armstrong	APPROVED
20/0022	Full Application	Lazonby	Proposed installation of air source heat pump.	5 SEAT HILL, LAZONBY, PENRITH, CA10 1BD	Mr R Lambert	APPROVED
20/0023	Full Application	Penrith	Extension above garage, with additional 2 storey side and single storey rear extension.	6 PARKLANDS WAY, PENRITH, CA11 8SD	Mr & Mrs A Davidson	APPROVED
20/0024	Full Application	Sockbridge & Tirril	Proposed upper floor front extension.	11 THORPEFIELD, SOCKBRIDGE, PENRITH, CA10 2JN	Mr J Jackson	APPROVED
20/0025	Full Application	Castle Sowerby	Extension and alterations to dwelling and construction of garage/car port.	LIME RIGG, HESKET NEWMARKET, WIGTON, CA7 8JB	Mr C Reay	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
20/0026	Full Application	Long Marton	Proposed alterations and extension.	BRANTON, BRAMPTON, APPLEBY-IN-WESTMORLAND, CA16 6JS	Mr & Mrs Howard	APPROVED
20/0028	Full Application	Sleagill	Proposed Agricultural Building.	WHITESTONE FARM, NEWBY, PENRITH, CA10 3HB	Mr R Drake	APPROVED
20/0029	Full Application	Penrith	Replacement of garage 2 and conservatory with extension.	1 RIGGSIDE, PENRITH, CA11 8LQ	Mr & Mrs Davidson	APPROVED
20/0033	Full Application	Cliburn	Proposed Demolition of Existing House and Garage & Erection of New Eco Passivhaus Replacement Dwelling & Garage.	GREENSIDE, CLIBURN, PENRITH, CA10 3AL	Mr & Mrs Stigant	APPROVED
20/0035	Full Application	Lazonby	Erection of single storey extension to front elevation.	RECTORY BARN, LAZONBY, PENRITH, CA10 1BL	Mr & Mrs J Campbell Flynn	APPROVED
20/0036	Full Application	Lazonby	Retrospective application for erection of 2 no storage sheds with side covered area.	BRACKENBANK BOARDING KENNELS, LAZONBY, PENRITH, CA10 1AX	Mr Tim Mitchell - Dogs Trust Leeds	APPROVED
20/0037	Full Application	Penrith	Install wooden summerhouse to back garden.	25 MANOR PARK, CARLETON, PENRITH, CA11 8AL	Mr R Taplin	APPROVED
20/0038	Full Application	Culgaith	Part Retrospective Change Of Use of land alongside the formation of a lunging arena and a dressage arena, formation of an access track and erection of a stable block and hardstanding.	HELMWINDS, CULGAITH, PENRITH, CA10 1QT	Mr & Mrs N Pallister	APPROVED
20/0040	Full Application	Kirkoswald	Retrospective variation of Condition 2 (plans compliance) attached to approval 19/0240.	LAND OPPOSITE BUSK RIGG FARM, BUSK, RENWICK, PENRITH, CA10 1LA	Mr G Brooks	APPROVED
20/0041	Full Application	Glassonby	Four-bay garage.	HONEYSUCKLE HOUSE, GAMBLESBY, PENRITH, CA10 1JA	Mr M Chapelhow	APPROVED
20/0046	Listed Building	Warcop	Retrospective Listed Building Consent for re-roofing of dwelling house roof.	2 EDEN GATE, WARCOP, APPLEBY-IN-WESTMORLAND, CA16 6PL	Mr S Moules	APPROVED
20/0047	Full Application	Kirkoswald	Change of use of agricultural barn to domestic use and associated works.	HIGH HOUSE, SCALEHOUSES, RENWICK, PENRITH, CA10 1JY	Mrs C Heathfield	APPROVED
20/0048	Listed Building	Penrith	Listed Building Consent to enable change of use from restaurant kitchen to 2 bedroom ground floor flat.	19 KING STREET, PENRITH, CA11 7AJ	Atkinson Building Contractors - Ms A Turner	APPROVED
20/0049	Full Application	Skelton	Retrospective application for extension to agricultural shed.	ARNOLD HOUSE, IVEGILL, CARLISLE, CA4 0PW	Mr S Wood	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
20/0050	Full Application	Penrith	Change of use from restaurant kitchen to 2 bedroom ground floor flat.	19 KING STREET, PENRITH, CA11 7AJ	Atkinson Building Contractors - Miss A Turner	APPROVED
20/0052	Full Application	Hesket	Conversion of mill building to dwelling.	3 BARROW MILL COTTAGES, SOUTHWAIT, CARLISLE, CA4 0LX	Mr P Glouchkow	APPROVED
20/0053	Full Application	Alston	Replacement windows to front and rear elevations.	Cumbrian Pantry, RANDAL HOUSE, FRONT STREET, ALSTON, CA9 3HU	Mr Ian Pullen	APPROVED
20/0054	Full Application	Penrith	Two storey side extension and front porch.	19 FOLLY LANE, PENRITH, CA11 8BT	Mr L Dixon	APPROVED
20/0056	Full Application	Penrith	Two bedroom dwelling on land to the side of 45 Folly Lane, Penrith.	45 FOLLY LANE, PENRITH, CA11 8BU	Mrs Rigby	APPROVED
20/0057	Notice of Intention	Hesket	Proposed agricultural building.	SCAR FOOT, PLUMPTON, PENRITH, CA11 9PF	Messrs Atkinson - Mr B Atkinson	APPROVED
20/0059	Full Application	Musgrave	Retrospective provision of log cabin for additional ancillary residential accommodation (as amended).	THE GARTH, GRASSGILL, APPLEBY-IN-WESTMORLAND, CA16 6QB	Mr K Denby	APPROVED
20/0061	Full Application	Murton	Proposed extension to agricultural building.	CROSS KEYS, HILTON, APPLEBY-IN-WESTMORLAND, CA16 6LU	Mr N Frith	APPROVED
20/0063	Full Application	Shap	Addition of porch, garage and rear extension. Re-submission of 19/0531.	15 CROFT AVENUE, SHAP, PENRITH, CA10 3NR	Mr & Mrs B C Holder	APPROVED
20/0064	Full Application	Brough	Change of use of garage/store to holiday accommodation and replacement storage shed.	ASH GARTH, BROUGH, KIRKBY STEPHEN, CA17 4EJ	Mr & Mrs S Wilkinson	APPROVED
20/0066	Full Application	Greystoke	Change of use of first floor of cycle barn to allow mixed use as part B1 (craft workshops), part C3 (ancillary living accommodation).	POPLIN DUB, JOHNBY, GREYSTOKE, CA11 0UT	Mrs A Swarbrick	APPROVED
20/0067	Listed Building	Kirkoswald	Listed Building Consent for installation of 2 no. Air vents and a kitchen extractor kit.	HOLLY BANK HOUSE, RENWICK, PENRITH, CA10 1JT	Mr L Ryan	APPROVED
20/0069	Full Application	Great Salkeld	Change of use of agricultural land to form additional residential garden to allow single storey extension to existing dwelling.	WRAYSIDE, SALKELD ROAD, GREAT SALKELD, CA11 9NF	Mr H Blake	APPROVED
20/0070	Full Application	Sleagill	Proposed lean-to roof over existing sheep yard.	OLD MILL FLAT FARM, NEWBY, PENRITH, CA10 3HG	Mr S Ellwood & Son	APPROVED
20/0071	Listed Building	Appleby	Listed Building Consent for works associated with change of use of outbuildings to form ancillary residential accommodation.	PARKIN HILL FARM, APPLEBY-IN-WESTMORLAND, CA16 6EA	Mr & Mrs R Atkinson	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
20/0073	Full Application	Castle Sowerby	Proposed installation of a replacement septic tank.	SOWERBY HALL, HUTTON ROOF, PENRITH, CA11 0XY	Mr P Foote	APPROVED
20/0076	Listed Building	Kirkoswald	Retrospective application for variation of condition 2 (plans compliance) to make internal amendments attached to Listed Building Consent approval 19/0402.	BARN ADJ SADDLE HOUSE, BUSK, RENWICK, PENRITH, CA10 1LA	Mr G Brooks	APPROVED
20/0081	Tree Works (TPO)	Appleby	T1 Beech - Remove lowest branch on west side at approx. 7m height above ground. Agreed in site meeting with Council Arboriculturist. Branch to be removed highlighted in yellow on photographs provided. Reason: Branch overhangs garden. Tree Preservation Order No 199, 2019, Land adjacent to 11 Battlebarrow, Appleby.	11 BATTLEBARROW, APPLEBY-IN-WESTMORLAND, CA16 6XS	Mrs S Jowett	APPROVED
20/0082	Tree Works (CA)	Langwathby	Remove 3 x Birch; Repollard Birch to previous cutting point; Limes 1 and 2 Crown raise to 3m above ground; Remaining Limes repollard and remove selected side shoots; Sycamore group, maintain at 2.5m height annually; Yews 1, 2, 3 prune (as discussed on site with Arboriculturist); Remove Willow; Pear 1 and 2 prune to previous level, approx. 3m; Hazel to coppice to ground level; All trees/work as shown on plan provided and agreed on site with Arboriculturist 31/1/2020; Edenhall Conservation Area.	EDEN HOUSE, EDENHALL, PENRITH, CA11 8SX	Mr Trevor Jackson	APPROVED
20/0085	Full Application	Warcop	Conversion of garage to provide additional ancillary accommodation.	SYCAMORE HOUSE TOWER COURT, WARCOP, APPLEBY-IN-WESTMORLAND, CA16 6NL	Mr B Bell	APPROVED
20/0089	Full Application	Penrith	Change of use from A1 (shop) to C3 (dwellinghouse).	THE ARCHES, 1 VICTORIA ROAD, PENRITH, CA11 8HR	Mr T Oliver	APPROVED
20/0096	Non-Material Amend	Penrith	Non Material Amendment to replace approved brick types, mortar and block paviors, attached to approval 19/0426.	LAND OFF CARLETON ROAD, PENRITH,	Mrs J Taylor - Story Homes	APPROVED
20/0107	Tree Works (CA)	Penrith	Holly T1 - Reduce height and spread to level shown on marked photograph provided; Penrith New Streets Conservation Area.	112 LOWTHER STREET, PENRITH, CA11 7UW	Mrs Christine McNaughton	APPROVED
20/0119	Tree Works (CA)	Kirkby Stephen	Remove Acacia tree from courtyard at rear of property as it has become too big, is too close to house and wall and causing ground heave; Kirkby Stephen Conservation Area.	35 MARKET SQUARE, KIRKBY STEPHEN, CA17 4QT	Alison Gerke	APPROVED
20/0121	Tree Works (CA)	Brough	Remove 3 x decayed Willow adjacent to riverbank; Church Brough Conservation Area.	ASH GARTH, BROUGH, KIRKBY STEPHEN, CA17 4EJ	Brough Parish Council	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
20/0124	Notice of Intention	Alston	Proposed lean-to extension to agricultural building.	LAND AT GHYLL HOUSE, ALSTON, CA9 3BL	Mr D Watson	APPROVED
20/0128	Tree Works (CA)	Alston	Remove T1 and T2 Pollarded Poplars; Reduce T3 Beech to 12ft; Reduce T4 overgrown hedges (to be agreed on-site with Rob Sim); Reduce T5 Hornbeam to height shown on photograph provided; Garrigill Conservation Area.	1 (ROWAN TREE), GATEHEAD, GARRIGILL, ALSTON, CA9 3EB	Mr Tim Haldon	APPROVED
20/0138	Notice of Intention	Castle Sowerby	Proposed roofing over livestock handling area.	WELL HOUSE, HESKET NEWMARKET, WIGTON, CA7 8HT	Mr Dennis Strong - Messrs DH & ER Strong	APPROVED
20/0139	Notice of Intention	Soulby	Proposed agricultural building.	GRASSGILL LODGE, SOULBY, KIRKBY STEPHEN, CA17 4PT	Mr P Chester	APPROVED
20/0164	Notice of Intention	Glassonby	Proposed agricultural building.	MAUGHANBY FARM, LITTLE SALKELD, PENRITH, CA10 1NP	Mr G Rowley	APPROVED

In relation to each application it was considered whether the proposal was appropriate having regard to the Development Plan, the representations which were received including those from consultees and all other material considerations. In cases where the application was approved the proposal was considered to be acceptable in planning terms having regard to the material considerations. In cases where the application was refused the proposal was not considered to be acceptable having regard to the material and relevant considerations. In all cases it was considered whether the application should be approved or refused and what conditions, if any, should be imposed to secure an acceptable form of development.

PLANNING COMMITTEE

Agenda Item No.

APPLICATIONS DETERMINED UNDER OFFICER DELEGATED POWERS FOR THE MONTH OF APRIL 2020

App No	App Type	Parish	Description	Location	Applicant	Decision
19/0491	Reserved by Cond	Lowther	Discharge of conditions: 3 (surface water discharge), 4 (external finishes), 5 (access), 6 (footways), 7 (hard and soft landscaping), 8 (tree and root protection measures), 12 (external finishes), 13 (construction fencing), 14 (surface water drainage scheme), 15 (surface water management plan), 16 (future maintenance and operation of surface water system), 17 (carriageways), 18 (construction method statement), 19 (construction phase traffic management plan) attached to approval 17/0527.	LAND TO THE NORTH OF HACKTHORPE HALL, HACKTHORPE, PENRITH, CA10 2HW	Genesis Homes	APPROVED
19/0494	Full Application	Lowther	Variation of condition 2 (plans compliance) in relation to site layout, streetscapes, boundary treatments and house plans attached to approval 17/0527.	LAND NORTH OF HACKTHORPE HALL, HACKTHORPE, PENRITH, CA10 2HW	Genesis Homes	APPROVED
19/0714	Full Application	Brougham	Conversion of buildings to create a Crematorium with associated access, parking and burial ground.	ASH HILL FARM, TEMPLE SOWERBY, PENRITH, CA10 2AG	Fishwicks Ltd - Mr Fishwick	APPROVED
19/0781	Full Application	Penrith	Variation of condition 2 (plans compliance), condition 3 (surface water drainage scheme) and condition 4 (surface water management plan) attached to approval 18/1008.	FORMER CARE HOME, BEACON EDGE, PENRITH, CA11 8BN	Atkinson Homes Ltd - Mr R Cowperthwaite	APPROVED
19/0847	Advertisement	Great Salkeld	Retention of 1no. roadside advertisement sign.	LAND SOUTHEAST OF B6412/LANE JUNCTION, GREAT SALKELD, PENRITH,	Mr J Beard	APPROVED
19/0894	Listed Building	Kirkby Stephen	Listed building consent for change of use of existing rear courtyard area into new external drinking area.	THE BLACK BULL, MARKET STREET, KIRKBY STEPHEN, CA17 4QW	Mr W Hunt- Punch Limited	APPROVED
19/0895	Full Application	Kirkby Stephen	Change of use of existing rear courtyard area into new external drinking area.	THE BLACK BULL, MARKET STREET, KIRKBY STEPHEN, CA17 4QW	Mr W Hunt- Punch Limited	APPROVED
19/0912	Advertisement	Penrith	Advertisement consent to replace 1no. existing external ATM sign with 1no. new external ATM sign.	HSBC, 16 MARKET SQUARE, PENRITH, CA11 7SN	Mr Ben French- HSBC Corporate Real Estate	APPROVED
20/0005	Full Application	Skelton	Change of use of barn from domestic storage to holiday accommodation.	CHURCH HOUSE, SKELTON, PENRITH, CA11 9TE	Mrs J Fisher	APPROVED
20/0011	Reserved by Cond	Penrith	Discharge of condition 3 (surface water drainage) attached to approval 19/0579.	HIGHWAYS DEPOT AREA 13, REDHILLS, PENRITH, CA11 0FF	Highways England	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
20/0020	Full Application	Culgaith	Internal alterations and refurbishments to enlarge dwelling into attached barn.	ROSE WALK, CULGAITH, PENRITH, CA10 1QL	Mr & Mrs Marie & Michael Addison	APPROVED
20/0030	Full Application	Culgaith	Variation of condition 2 (plans compliance) for the re-siting of a dwelling, attached to approval 19/0197.	LAND ADJACENT TO B6412, CULGAITH, PENRITH, CA10 1QT	Mr Paul Lowthian	APPROVED
20/0032	Full Application	Penrith	Subdivision of existing business park to create five business units including associated changes of use (part retrospective).	MYERS LANE BUSINESS PARK, MYERS LANE, PENRITH, CA11 9DP	Willan Trading Ltd	APPROVED
20/0034	Full Application	Sockbridge & Tirril	Demolition and re-build of existing barn to form dwelling.	LAND ADJ EAST VIEW, TIRRIL, PENRITH, CA10 2JE	Mr & Mrs I and E Cleasby	APPROVED
20/0044	Full Application	Kirkoswald	Retrospective change of use of agricultural barn to allow mixed use as part of B1 (craft workshop), part C3 (holiday accommodation).	THE BARN MIDLAND HOUSE, RENWICK, PENRITH, CA10 1JL	Mr L Barrett	APPROVED
20/0072	Full Application	Appleby	Change of use of outbuilding to form ancillary residential accommodation.	PARKIN HILL FARM, APPLEBY-IN-WESTMORLAND, CA16 6EA	Mr & Mrs R Atkinson	APPROVED
20/0075	Full Application	Penrith	Change of Use Class from A1 (shops) to A5 (hot food takeaway).	37 MIDDLEGATE, PENRITH, CA11 7PT	Freehold Ventures Ltd	APPROVED
20/0079	Full Application	Penrith	Creation of new road access off the B5305.	LAND AT THE JUNCTION OF A6 AND B5305, NR. PENRITH,	PFK	APPROVED
20/0083	Listed Building	Brougham	Listed Building Consent to enable change of use of barn.	BARN ADJ CROSS FELL COTTAGE, CLIFTON DYKES, PENRITH, CA10 2DG	Ms C Beckett	APPROVED
20/0084	Full Application	Skelton	Change of use of agricultural buildings to stables and workshop/storage.	CROFT HEAD FARM, IVEGILL, CARLISLE, CA4 0QE	P.D. & J.S. Fearon	APPROVED
20/0086	Change of Use PD/PN	Skelton	Change of Use of agricultural building to dwelling house.	BARN WEST OF INTACK HOUSE, IVEGILL, CARLISLE, CA4 0QF	Mr & Mrs Vane	APPROVED
20/0090	Cert. of Lawful	Skelton	Certificate of Lawful development for continued use of Byeways, Skelton as an independent residence.	BYEWAYS, SKELTON, PENRITH, CA11 9UB		APPROVED
20/0093	Full Application	Lowther	Proposed rear flat roof extension and window alterations to rear.	12 HACKTHORPE GARDENS, HACKTHORPE, PENRITH, CA10 2HW	Mr S Niner	APPROVED
20/0095	Full Application	Hesket	Extension to existing livestock buildings.	ROMANWAY FARM, PLUMPTON, PENRITH, CA11 9NS	Mr A Turnbull - Turnbull Farming Ltd	APPROVED
20/0097	Full Application	Yanwath & Eamont Bridge	Proposed first floor rear extension.	PADUA, RAILWAY TERRACE, YANWATH, PENRITH, CA10 2LE	Mr & Mrs C & V Wilson	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
20/0101	Full Application	Brougham	Change of use of barn to domestic studio.	BARN ADJ CROSSFELL COTTAGE, CLIFTON DYKES, PENRITH, CA10 2DG	Ms C Beckett	APPROVED
20/0103	Full Application	Skelton	Proposed creation of a 1 No. animal shelter and 1 No. storage building.	BROUGHTON HOUSE, SKELTON, PENRITH, CA11 9SQ	Mr D Wilson	APPROVED
20/0105	Full Application	Clifton	Alterations to existing garage to include first floor living accommodation and external car port.	LOW CLIFTON DYKES BARN, CLIFTON DYKES, PENRITH, CA10 2DH	Mr I Harfield	APPROVED
20/0108	Full Application	Great Strickland	Erection of 2 No. self-build / custom-build dwellings. Resubmission of 19/0719.	LAND NORTH OF CORNERSTONE COTTAGE, GREAT STRICKLAND, PENRITH, CA10 3DG	Mr P Hussey	REFUSED
20/0110	Full Application	Hartley	Proposed first floor rear extension with link to garden.	HARCLA WATH, HARTLEY, KIRKBY STEPHEN, CA17 4JH	Mr & Mrs S Silvester	APPROVED
20/0111	Full Application	Warcop	Replacement agricultural building.	HIGH GREEN, WARCOP, APPLEBY, CA16 6NX	Defence Infrastructure Organisation - Holden	APPROVED
20/0112	Full Application	Penrith	Garden store to side elevation.	9 SYCAMORE DRIVE, PENRITH, CA11 8UG	Mr & Mrs N Henderson	APPROVED
20/0114	Full Application	Hunsonby	Proposed extension and alterations.	ROSE COTTAGE, WINSKILL, PENRITH, CA10 1PD	Mr & Mrs Watson	APPROVED
20/0115	Listed Building	Castle Sowerby	Listed building consent for installation of conservation rooflight to single storey byre.	THE ASHES, RAUGHTON HEAD, CARLISLE, CA5 7DT	Mr R Arkell	APPROVED
20/0116	Listed Building	Castle Sowerby	Listed building consent for installation of velux light tube/sun tunnel to roof of west elevation.	THE ASHES, RAUGHTON HEAD, CARLISLE, CA5 7DT	Mr R Arkell	APPROVED
20/0117	Full Application	Castle Sowerby	Demolition of existing open-sided outbuilding. Construction of new replacement outbuilding and extension of existing yard area.	LAND AT LIME RIGG, HESKET NEWMARKET, WIGTON, CA7 8JB	Mr C Reay	APPROVED
20/0120	Full Application	Hesket	Variation of condition 2 (plans compliance) to re-position the silage clamp, attached to approval 19/0800.	CAUSEWAY HOUSE, CARLETON, CARLISLE, CA4 0DA	Mr Harrison - HH Building Ltd	APPROVED
20/0123	Full Application	Alston	Extension to existing equine arena.	LAND ADJACENT TO GHYLL HOUSE, ALSTON, CA9 3BL	Mr D Watson	APPROVED
20/0125	Advertisement	Penrith	Advertisement consent for 3no. information board signs, and 6no. flags and poles.	LAND OFF CARLETON ROAD, PENRITH,	Story Homes - Mrs J Taylor	APPROVED
20/0141	Full Application	Penrith	Siting of temporary sales cabin.	LAND OFF CARLETON ROAD, PENRITH,	Story Homes - Mrs J Taylor	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
20/0142	Listed Building	Penrith	Listed Building Consent for demolition of flat roofed extension, erection of replacement linked building, re-instate door opening, increase garden curtilage, erect new boundary wall and formation of hardstanding.	THE LODGE, MAIDENHILL, SALKELD ROAD, PENRITH, CA11 8SQ	HH Building Ltd - Mr Harrison	APPROVED
20/0145	Full Application	Hesket	Proposed single and two storey extension.	THACKWOOD FARMHOUSE, SOUTHWAIT, CARLISLE, CA4 0PZ	Mr & Mrs Wilson	APPROVED
20/0146	Full Application	Penrith	Demolition of flat roofed extension, erection of replacement linked building, re-instate door opening, increase garden curtilage, erect new boundary wall and formation of hardstanding.	THE LODGE, MAIDENHILL, SALKELD ROAD, PENRITH, CA11 8SQ	HH Building Ltd - Mr Harrison	APPROVED
20/0148	Full Application	Glassonby	Retrospective application for new access.	HONEYSUCKLE HOUSE, GAMBLESBY, PENRITH, CA10 1JA	Mr M Chapelhow	APPROVED
20/0153	Full Application	Kirkby Stephen	Side extension to provide additional residential accommodation.	ORCHARD HOUSE, THE GREEN, KIRKBY STEPHEN, CA17 4RG	Mr & Mrs R Coleman	APPROVED
20/0158	Full Application	Warcop	Change of use from retail unit (A1) and domestic garage to place of worship (D1).	COMMERCIAL UNIT ADJACENT TO SANDALE, COUPLAND BECK, APPLEBY, CA16 6LN	Mr O Thoburn	APPROVED
20/0161	Full Application	Culgaith	Two storey side extension.	3 CROSSFELL VIEW, CULGAITH, PENRITH, CA10 1QJ	McCulloch	APPROVED
20/0162	Listed Building	Kirkoswald	Listed Building Consent for works to electricity apparatus supporting Busk Rigg Farm, Saddle House and Sky Barn, Busk, Renwick, Penrith.	BUSKRIGG, RENWICK, PENRITH, CA10 1LA	Mrs Purdham - Electricity North West Limited	APPROVED
20/0169	Tree Works (CA)	Langwathby	1. Yew trees T1 and T2: reduce the overhang over the boundary wall towards the road to a vertical line 1m to the east of the road edge and then reduce the overall crown shape by up to 1m to leave a more compact and formal shape to both trees. 2. Yew tree T3: reduce the overhang towards the lane to a vertical line 1m distant from the outer edge of the wall and crown reduce by up to 1m to leave a more compact and formal shape.	THE OLD VICARAGE, EDENHALL, PENRITH, CA11 8SX	Mr Stewart Dixon	APPROVED
20/0190	Notice of Intention	Stainmore	Proposed agricultural building.	BLUE GRASS, NORTH STAINMORE, KIRKBY STEPHEN, CA17 4DY	Blue Grass Trust - Mrs P Alexander	APPROVED
20/0196	Tree Works (CA)	Penrith	Various tree pruning works.	46 WORDSWORTH STREET, PENRITH, CA11 7QY	Anita Broadbent	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
20/0204	Non-Material Amend	Warcop	Non Material Amendment to change the wall cladding material from corrugated steel to vertical board on board larch wood, attached to approval 18/0888.	CARPOOL HOUSE, MASK ROAD, BLEATARN, APPLEBY-IN-WESTMORLAND, CA16 6PX	Mrs A Joynson	APPROVED
20/0205	Notice of Intention	Dacre	Proposed extension to existing straw and machinery storage building.	TOWN HEAD FARM, BLENCOW, PENRITH, CA11 0DB	Messrs J Sisson & Sons - Mr J Sisson	APPROVED
20/0207	Tree Works (CA)	Milburn	T1 ash: remove lowest branch back to main stem; G1 sycamore, ash, elder: remove trees to facilitate wall rebuilding and G2 elm and elder: prune branches overhanging lane to allow access.	4 COBBLE COURTYARD, MILBURN, PENRITH, CA10 1DA	Mr B Murphy	APPROVED

In relation to each application it was considered whether the proposal was appropriate having regard to the Development Plan, the representations which were received including those from consultees and all other material considerations. In cases where the application was approved the proposal was considered to be acceptable in planning terms having regard to the material considerations. In cases where the application was refused the proposal was not considered to be acceptable having regard to the material and relevant considerations. In all cases it was considered whether the application should be approved or refused and what conditions, if any, should be imposed to secure an acceptable form of development.

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Notice of Decision



To: Mr P Terry
3 WOODVILLE TERRACE
SHAP
PENRITH
CA10 3PL

Mansion House, Penrith, Cumbria CA11 7YG
Tel: 01768 817817

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

Application No: 19/0898
On Behalf Of: Mr P Terry

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 one dwelling with all matters reserved,
resubmission of 19/0430.
Location: HIGHWAYS STATION ROAD CLIBURN PENRITH CA10 3AE

The reasons for this decision are:

1) The application site is considered to stand apart from the village of Cliburn, and the proposal is therefore for new residential development in the countryside. New dwellings in the countryside (in the Rural Areas outside the Key Hubs and Villages and Hamlets) are permitted by Eden Local Plan Policy LS1 only where they involve the conversion of an existing building, or where affordable housing is proposed as an exception to policy, or where the proposal accords with other policies in the Local Plan. The dwelling would not meet the criteria of this or any other policy in the Local Plan, or the exceptions set out in Paragraph 79 of the National Planning Policy Framework, which might justify on an exceptional basis a new dwelling in the countryside. The application does not justify why the needs of the applicant's family could not reasonably be provided in an existing settlement, and therefore the proposal is contrary to Policy LS1 of the Local Plan and Paragraph 79 of the National Planning Policy Framework.

2) The development of a single dwelling would make only a very limited contribution to the Council's statutory obligations with regard to self and custom build development. As such, the benefits of the proposed self-build development cannot reasonably be said to outweigh the harm resulting from the development of a dwelling in such an unsustainable location.

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: 13 March 2020

Signed:

A handwritten signature in black ink, appearing to read 'O Shimell', is positioned above the printed name.

Oliver Shimell LLB
Assistant Director Planning and Economic Development

Notice of Decision



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

Mansion House, Penrith, Cumbria CA11 7YG
Tel: 01768 817817

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

Application No: 20/0108
On Behalf Of: Mr P Hussey

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: Erection of 2 No. self-build / custom-build dwellings. Resubmission of 19/0719.
Location: LAND NORTH OF CORNERSTONE COTTAGE GREAT STRICKLAND PENRITH CA10 3DG

The reason(s) for this decision are:

1) The proposal is located adjacent to a 'Smaller Village and Hamlet' and is not considered to be either infill or rounding off. Therefore, the application fails to accord with Policy LS1 and Policy HS2 of the Eden Local Plan 2014-32.

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: 15 April 2020

Signed:

A handwritten signature in black ink, appearing to read "O Shimell", written over a light blue rectangular background.

Oliver Shimell LLB
Assistant Director Planning and Economic Development

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