

Eden District Council

Planning Committee Agenda
Committee Date: 13 February 2020

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Item No	Application Details	Officer Recommendation
1	Planning Application No: 19/0719 Erection of one local occupancy dwelling Land north of Cornerstone Cottage, Great Strickland, CA10 3DG Mr P Hussy	Recommended to: APPROVE Subject to Conditions
2	Planning Application No: 19/0433 Change of use of agricultural building to Class B8 (storage or distribution) and addition of new access Cattle Shed, Hartley Fold, Hartley The John Strutt Conservation Fund	Recommended to: APPROVE Subject to Conditions
3	Planning Application No: 19/0759 Installation of conservation velux roof lights, French doors, steps, renew guard/handrail to existing roof terrace, alter hipped roof to gable end and install triangular picture window Osborne House, Front Street, Alston Mrs G Williams	Recommended to: APPROVE Subject to Conditions
4	Planning Application No: 19/0793 Additional holiday lodges at Moss Bank Lodge Park, Great Salkeld and erection of a replacement shed Moss Bank Lodge Park, Great Salkeld, Penrith Mr Beard	Recommended to: APPROVE Subject to Conditions

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Date of Committee:	13 February 2020		
Planning Application No:	19/0719	Date Received:	1 October 2019
OS Grid Ref:	355663 522897	Expiry Date:	17 February 2020
Parish:	Great Strickland	Ward:	Morland
Application Type:	Full Application		
Proposal:	Erection of one local occupancy dwelling		
Location:	Land north of Cornerstone Cottage, Great Strickland, CA10 3DG		
Applicant:	Mr P Hussy		
Agent:	Addis Town Planning Ltd		
Case Officer:	Miss G Heron		
Reason for Referral:	The officer recommendation is contrary to that of the Parish Council and there is a request from objectors to present their concerns to Planning Committee.		



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1. Recommendation

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

Time Limit for Commencement

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 drawings hereby approved:
 - i. Application Form received by the Local Planning Authority on 22 January 2020
 - ii. Location Plan, Drawing Number: 114-129-01-Rev C, received by the Local Planning Authority on 28 November 2019
 - iii. As Proposed Site Plan, Drawing Number: 114-129-03-Rev B received by the Local Planning Authority on 28 November 2019
 - iv. As Proposed Plan and Elevations, Drawing Number: 114-129-04 received by the Local Planning Authority on 1 October 2019
 - v. As Proposed Plan and Elevations, Drawing Number: 114-129-05 received by the Local Planning Authority on 1 October 2019
 - vi. As Proposed Plan and Elevations, Drawing Number: 114-129-06 received by 1 October 2019

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

Pre-Occupancy or Other Stage Conditions

3. Prior to the construction of the dwelling, full details of a native species hedgerow to the full north west boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the species, size of plants, the planting preparation and a maintenance scheme. These works shall be carried as approved prior to the occupation of the dwelling.

Reason: To ensure that the development is landscaped in the interest of the visual character and appearance of the area.

Ongoing Conditions

4. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that the development is landscaped in the interest of the visual character and appearance of the area.

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

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Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no development permitted by Class A (enlargement, improvement or other alteration of a dwellinghouse), Class B (additions etc to the roof of a dwellinghouse) and Class E (buildings etc incidental to the enjoyment of a dwellinghouse) inclusive of Part 1 Schedule 2 of that Order shall be carried out without express permission of the Council in writing.

Reason: To enable the Local Planning Authority to regulate and control the development of land having regard to Policy HS2 of the Eden Local Plan.

6. The occupation of the dwelling shall be limited to a person with a local connection to the locality, or a widow or widower of such a person, or any resident dependants.

Locality refers to the parish and surrounding parishes in the first instance. If a property has been actively marketed for at least 6 months and an occupier cannot be found then the definition of locality will be extended out to include the County of Cumbria.

A person with a local connection means a person who meets one of the following criteria:

- The person lives in the locality and has done for a continuous period of at least three years.
- The person works permanently in the locality for a minimum of 16 hours per week. Where a person is employed in an established business that operates in multiple locations, their employment activities should take place predominantly inside the locality.
- The person has a firm offer of permanent employment, for a minimum of 16 hours per week in an already established business within the locality.
- The person has moved away but has a strong established and continuous links with the locality by reason of birth or long term immediate family connections.
- The person needs to live in the locality because they need substantial care from a relative who has lived in the locality for at least three years, or needs to provide substantial care to a relative who has lived in the locality for at least three years. Substantial care means that identified as required by a medical doctor or relevant statutory support agency.

Reason: To provide housing to meet local needs.

Note to Developer

1. The advice in the Rowan Tree Survey Report received by the Local Planning Authority on 18 November 2019 should be understood and taken into consideration during the construction phase of the development.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The proposal seeks full planning permission for the erection of one local occupancy dwelling, a detached garage and car port.

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- 2.1.2 Access to the site will be via the existing courtyard before extending to create a new access road for the dwelling between the two existing residential properties. The access will be constructed from compact stone chippings and permeable paving blocks.
- 2.1.3 The proposed dwelling is two storey and would approximately measure 13 metres by 7 metres, with a dual pitched roof standing to approximately 4.5 metres to the eaves and 6.8 metres to the ridge. The proposal will be constructed from natural slate with limestone walls with timber casement windows. There will be a canopy to the front and rear of the property with openings to the north east, south west and south east elevations.
- 2.1.4 The proposal includes a detached garage and car port. This will measure approximately 7 metres by 7 metres and will have a dual pitched roof which will stand to approximately 2.6 metres to the eaves and 4.8 metres to the ridge. It will be constructed from natural slate and limestone walls to be in keeping with the proposed dwelling.

2.2 Site Description

- 2.2.1 The site is part of a parcel of greenfield agricultural land located to the north of Cornerstone Cottage and to the north east of School Farm and School Farm Cottage in Great Strickland.
- 2.2.2 In terms of planning constraints, the site is located within Flood Zone 1, within an Area of Special Advertisement Control and an area of Mineral Consultation. There is a Tree Preservation Order (TPO) to the north west of the application site which is TPO 106-1. The nearest listed building is Taylor's Farmhouse and adjoining barn which is Grade II located to the south of the application site.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Cumbria CC - Local Highway Authority and Lead Local Flood Authority	Responded on 12 December 2019: No objection.

The following are detailed responses as outlined above:

3.1.1 Local Highways Authority and Lead Local Flood Authority:

'The private shared driveway/courtyard area where the residents will access the dwelling is already quite highly populated but to a good enough standard that it will be able to accommodate the intensification should permission be granted. The plans show that surface water soakaways will be installed for each dwelling and that there will be a refuse bin collection area on the site. I can confirm that the Highways Authority and Lead Local Flood Authority have no objections to this proposal.'

3.2 Discretionary Consultees

Consultee	Response
United Utilities	Responded on 3 December 2019 with no objection.
Arboricultural Officer	Responded on 12 December 2019 with no objection subject to conditions.

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Consultee	Response
Housing Officer	Responded on 25 October 2019 stating: 'Provided the development site is considered to be inside the settlement of Great Strickland, I can confirm that there is no affordable housing requirement. Whether or not the proposal constitutes infill or rounding off is a planning matter that falls outside of my remit.'
Cumbria County Council as Minerals and Waste Planning Authority	Responded on 15 October 2019 with no objection.

The following are detailed responses as outlined above:

3.2.1 Arboricultural Officer:

'The revised application does not impact upon the protected tree, however, the applicant should still heed the advice in the Rowan Tree Report regarding protection of the RPA in order that the protected tree is not adversely affected at any time in the future. In respect of landscaping my previous comments regarding a hedgerow along the western boundary of the site still apply.'

3.2.2 Previous comments from the Arboricultural Officer of 22 November 2019:

'The tree report prepared by Rowan Tree Surveys is an accurate assessment of the trees and hedgerows. It includes a Tree Protection Plan (TPP) with suitable proposals for ensuring retained trees and hedgerows are not damaged and if consent is to be granted the report and TPP should be referenced as approved documents to be fully complied with. Protection measures will need to be installed prior to commencement of any development. My previous comments in respect of landscaping still apply.'

3.2.3 Previous comments from the Arboricultural Officer of 8 November 2019 in respect of landscaping:

'There is very limited information about landscaping and in my view the new northern boundary next to the paddock should be planted up with a hedgerow of similar species to the existing roadside hedgerow.'

4. Parish Council/Meeting Response

Parish Council/Meeting	Object	Support	No Response	No View Expressed
Great Strickland Parish Council	x			

4.1 'The planning application has been amended from two to one local occupancy dwelling, but much of the information still refers to two dwellings. Following detailed discussion, it was agreed that some of the issues raised about the earlier application still apply:

- The site is not infill, and is believed to not be rounding off. EDC planning had been asked for clarification of this, but have not responded.
- Still confusion of materials to be used – limestone or sandstone.
- The proposed development still leaves a 'stranded' paddock.

- Neighbouring properties will be adversely affected by lack of privacy.
- The site is very close to an existing stable, and the two different uses could cause conflict (development noises could upset the horses, stable smells could upset anyone living close by).
- Still concerns with road safety issues and additional traffic joining the C3050 from Airygill Lane.

Because of these concerns, the Parish Council recommends refusal of this application.'

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 29 November 2019.

No of Neighbours Consulted	17	No of letters of support	0
No of Representations Received	22	No of neutral representations	0
No of objection letters	22		

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

- **Access and Highways**
 - Number of cars using the entrance.
 - Increased traffic should not be encouraged onto Airygill Lane and the junction from the main street onto Airygill Lane.
 - Entrance to the site from Taylor's Farm is inappropriate and would cause considerable harm to the whole layout, safety and balance of the site.
 - The existing junction from Taylor's Farm to Airygill Lane is dangerous.
- **Principle of development**
 - The site cannot be considered to be 'infill' or 'rounding off', conflicting with Policies LS1 and HS2 of the Local Development Plan.
 - The proposed development is considered to be outside of the existing settlement conflicting with Policy LS1 of the Local Development Plan.
 - It is an encroachment into the open countryside.
 - The site is unsuitable for any housing as it is greenfield and land within the open countryside.
 - The proposal is backland development and outside the ribbon-development of the village.
 - The lack of evidence and justification for the proposal based on identifying local housing need.
 - The proposal does not provide a modest extension to a logical, defensible boundary and would create an incongruous boundary which would not be in keeping with its surroundings.
 - The plans show a dwelling and a car port/garage which increases the floor area beyond the 150 square metres.

- **Residential Amenity**

- The proposal by virtue of its proximity to School Farm and School Farm Cottage will cause an overbearing impact and overshadow these properties.
- The proposal will cause overlooking issues for School Farm and School Farm Cottage.
- The proposal will result in the loss of privacy and amenity to all the surrounding neighbouring properties.
- The height of the dwelling and prominence against the sunken lane and impact on neighbouring properties.
- Access and road being located immediately adjacent the front and back of School Farm Cottage.
- The proposal would cause noise nuisance and disturbance.
- The impact of the proposal upon the surrounding agricultural fields.
- The proposed development would have an unacceptable impact on the residential amenity of School Farm and School Farm Cottage and other neighbouring properties which will cause adverse harm to their residential amenity, contrary to Policy DEV5.

- **Visual Amenity**

- The property will not be in keeping with The Old School, The Chapel, Taylors Farm and School Farm.

- **Impact on the character of the area**

- Airygirl Lane displays an immediate appreciable rurality by reason of its mature hedges, narrowness, and lack of modern highways intervention. Development beyond the defensible boundary at Taylor's Farm will cause significant harm to the open countryside and the character and setting of this area of Great Strickland.
- The proposal will ruin this historic area of the village and impact upon the Airygirl Lane as a sunken narrow lane which was the late-medieval way to Penrith.
- Impact of the proposal upon the Grade II Listed Taylor's Farmhouse and barn adjoining.
- The proposal will cause significant damage to the balance between open space and the amenity of this historic area.
- The proposed development would have an unacceptable impact on the character of the built environment conflicting with Chapter 12 of the NPPF and Policies DEV5 and ENV2 of the Local Development Plan.

- **Impact on the natural environment**

- New housing increases the level of disturbance to wildlife through noise, light and human activity in the countryside.
- The impact of the proposal upon the special hedgerow and TPO tree (TPO 106).

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- The proposal will cause considerable damage to the open countryside and surrounding area.
- Impact of the proposal upon biodiversity and climate change.
- Light pollution and impact on the countryside.
- The field and lane should be respected and protected for future generations.
- The proposed development would have an unacceptable landscape impact conflicting with Chapters 12 and 15 of the NPPF and Policies DEV5 and ENV2 of the Local Development Plan.
- **Previous Planning Applications**
 - Feedback from the Planning Department in relation to planning applications 01/0246 and 01/0613 for the creation of an access from Airygill Lane stated it would cause significant harm to the appearance and character of the lane and its hedge. At the time, the Planners felt that the site was not part of the village but open countryside and any change to its appearance and character would be dealt with on that basis.

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

- Ongoing amendments to the application and historic planning applications at Taylor's Farm by the same applicant.
- This application would set a precedent for proposals of a similar nature behind the village street on both sides of the village which the Local Planning Authority would find difficult to refuse.
- All neighbours are people who have lived in the village for many years and contribute to the community of Great Strickland and why would you allow a developer to ruin all the neighbours' homes who strongly object to this proposal.
- The impact of development on the welfare and health of the horses in the adjacent stables to the east of the application site.
- Too much development has already taken place at the Taylor's Farm site and in this area of the village.
- The proposal would ruin villagers' enjoyment of walking along Airygill Lane.
- Impact on the children's playing field.
- Considerable development taking place at Hackthorpe, Morland and neighbouring villages.
- The developer is not considering using a local contractor.
- The applicant sending a letter through the door of local residents on the evening of the Parish Council meeting.
- Impact of development on someone's health and enjoyment of their family home.
- The application site was put forward in 2008 under the Eden Local Development Framework Housing DPD as Site Number: LGST-2: Land at Taylors Farm, Great Strickland and was not included.

5.3.1 It is important to outline that the above considerations, which are concerns of local residents, are not material planning considerations and therefore do not form part of

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the consideration and assessment of this planning application by the Local Planning Authority and therefore, are afforded no weight in the determination of this application.

6. Relevant Planning History

Application No	Description	Outcome
94/0345	Siting of caravan as amended by information received on 7 June 1994	Full Approval – 15/06/94
99/0025	Proposed stable and store and land for horse grazing as amended by information received on 15 March 1999	Full Approval – 15/04/99
01/0246	Field entrance with gate – agricultural entrance into field	Full Refusal – 17/05/01
01/0613	Agricultural field entrance with gate into 1 acre field as amended by revised plans dated 14/09/01	Full Refusal – 18/10/01

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-2032):

- 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 HS2: Housing in the Smaller Villages and Hamlets
- Policy ENV1: Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity
- Policy ENV2: Protection and Enhancement of Landscapes and Trees
- Policy ENV10: The Historic Environment

Supplementary Planning Documents:

- Housing (2010)

7.2 Other Material Considerations

National Planning Policy Framework:

- Chapter 2: Achieving sustainable development
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 12: Achieving well-designed places
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic 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

- Principle of development

- Landscape and Visual Impacts
- Residential Amenity
- Access and Highways
- Natural Environment
- Built Environment
- Other Matters

8.2 Principle

- 8.2.1 Firstly, it is important to establish that each planning application is determined on its own merits and on the basis of current planning policy. Officers are aware of the previous refusals of planning applications on the site. However, there has been a material change in planning policy since these applications were determined as the Council has adopted the Eden Local Plan 2014-32. Therefore, the principle of development on the site needs to be re-assessed and considered in light of current planning policy.
- 8.2.2 Policy LS1 of the Eden Local Plan 2014-32 sets out the locational strategy for the Eden District. The site is located to the edge of the settlement of Great Strickland which is identified under Policy LS1 as a 'Smaller Village and Hamlet'. Policy LS1 states: *'All development must be of a high quality design and will be restricted to infill sites, which fill a modest gap between existing buildings within the settlement; rounding off, which provides a modest extension beyond the limit of the settlement to a logical, defensible boundary; and the reuse of traditional rural buildings and structures, subject to the criteria set out in Policy RUR3. Villages have been identified on the basis that they contain a coherent and close knit group of ten or more dwellings, which are well related and in close proximity to each other, or clustered around a central element or feature, as opposed to areas of scattered and poorly related development.'*
- 8.2.3 In addition to this, Policy HS2 relates to housing in Smaller Villages and Hamlets and states: *'permission will be given for housing of an appropriate scale, which reflects the built form of adjoining and neighbouring development to the site and the service function of the settlement, (including sub-division of existing housing) where it meets all of the following criteria:*
- *Where the development is restricted to infilling and rounding off of the current village settlement pattern, in accordance with Policy LS1.*
 - *The resultant dwelling does not contain more than 150m² gross internal floorspace.*
 - *In the case of greenfield sites a condition or legal agreement restricting occupancy to only those meeting local connection criteria, defined in Appendix 6, will be applied.*
- Local occupancy restrictions will not be applied where suitable housing comes forward on previously developed land. This is in recognition of the higher costs involved in developing such sites and the opportunities they may bring to help improve the character and appearance of the villages and to support local services.'*
- 8.2.4 In considering the above, the application site is not considered to meet the definition of 'rounding off' as required by Policy LS1. The application site is an open, flat parcel of agricultural land and as such, there are no logical, defensible boundaries to the north and north west. Therefore, the proposal cannot be considered as rounding off and conflicts with Policy LS1 in this regard.

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- 8.2.5 However, it is officers' opinion that whilst finely balanced, the application site can be considered to be infill under Policy LS1. Policy LS1 states an infill to be a 'modest gap between existing buildings'. The site is bounded on three sides by existing buildings. To the immediate east of the site is an existing stable block building which is located close to the boundary of the application site. To the west of the application site, there is the residential property and building within the curtilage of School Farm. To the south of the application site is the residential property Cornerstone Cottage. There is no requirement for the site to be entirely enclosed by existing buildings, nor for the existing buildings to be residential and there is no requirement for infill development to be in a linear form, with existing examples of backland development already in existence within Great Strickland. In considering this, on balance, it is considered that the application site fulfils the infill requirement of Policy LS1; the site is located between existing buildings, that of the stable building to the east and the building at School Farm to the west. Also, the site is considered to be modest in this case as the distance between the building at School Farm and the stable building is approximately 37 metres between the two buildings. In considering this, on balance the site can be considered to be modest.
- 8.2.6 In relation to Policy HS2, there is a requirement that the resultant dwelling does not contain more than 150m² gross internal floorspace. As shown on the submitted plans, the resultant dwelling will have a gross internal floorspace within the 150m² requirement. Concerns have been raised that the detached garage takes the gross internal floorspace over the 150m² requirement. The detached garage is not included in the gross internal floorspace calculation for the site, as is the case with all such planning applications. Overall, the application complies with the gross internal floor space requirement of Policy HS2.
- 8.2.7 The application site is a parcel of greenfield land and as such, Policy HS2 requires a local occupancy restriction to be applied to any grant of planning consent. This would be secured through the imposition of a condition which is included in the Officer's recommendation to Planning Committee. Subject to a local occupancy condition the application will comply with the local connection requirements of Policy HS2.
- 8.2.8 Overall, on balance, given the above, the principle of the proposed development is considered to be acceptable in planning terms and would accord with Policy LS1 and Policy HS2 of the Eden Local Plan 2014-32.

8.3 Landscape and Visual Impacts

- 8.3.1 Policy DEV5 of the Eden Local Plan sets out that the Council will support high quality design which reflects local distinctiveness.
- 8.3.2 The proposal would be constructed from materials to be in-keeping with the site and the surrounding area, utilising natural slate for the roof and limestone for the walls, with timber casement windows. The dwelling would be of a similar design, scale and size to those properties to the south of the application site, and throughout the settlement. It is considered that the proposal reflects the existing street scene and local built environment through its design, use of materials and its size and scale.
- 8.3.3 In relation to the detached garage and car port, whilst it can be considered to be of a larger size and scale, its design and positioning respects the existing development in the near vicinity, being constructed of the same materials as the proposed dwelling. On balance, the car port and garage does are not considered to cause harm to the visual amenity of the site or the surrounding area.

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- 8.3.4 Concerns have been raised in relation to the impact of the proposal upon the historic character of Great Strickland and its impact upon the character of the natural environment.
- 8.3.5 It is appreciated that there is a difference in levels between Airygill Lane to the west and the application site which is topographically higher. From Airygill Lane to the north west, the application site is visible from this vantage point. Fundamentally, this application will change the appearance of this parcel of land. However, from this vantage point, the application site will be seen within the backdrop of the existing residential properties in Great Strickland and an existing hedgerow to the north west of the application site. Also, a condition is attached to this recommendation which requires the details of a native hedgerow to be planted along the north west boundary of the application site to be submitted to the Local Planning Authority for approval. This will offer further mitigation by means of softening the visual impact of the development. In considering this, although a residential property will be somewhat visible over the existing and proposed hedgerows, it will appear in the context of the built environment of Great Strickland and neighbouring properties. From the south, the application site will be seen within the context of the courtyard development. It is considered that although there will be an impact upon the character of the settlement and natural environment, it is not considered to be significantly harmful or warrant the refusal of this planning application.
- 8.3.6 Therefore, overall, the landscape and visual impacts resulting from the development would be acceptable and therefore, the proposal is considered to comply with Policy DEV5 of the Eden Local Plan 2014-32.

8.4 Residential Amenity

- 8.4.1 Policy DEV5 of the Eden Local Plan sets out the requirement to protect the amenity of the existing residents and business occupiers and proposals should provide an acceptable amenity for future occupiers.
- 8.4.2 A wide range of neighbouring residents have expressed concerns about the impact of the proposal upon their residential amenity. To the south of the application site is Cornerstone Cottage, to the south east of the site is School Farm and School Farm Cottage, to the wider west of the application site is Chapel House where Airygill Lane is located between this neighbouring property and the application site and there are no residential properties to the north of the application site.
- 8.4.3 The Housing SPD 2010 sets out separation distances and states that '*principal windows on a new or extended property should not be less than 21 metres from any directly facing windows in another property, in order to ensure reasonable privacy is provided for both the new house or extended house and neighbours. A distance of 13 metres should be maintained from the main face of a dwelling to a blank gable wall.*'
- 8.4.4 In relation to Chapel House, Airygill Lane is located directly between the application site and this dwelling, as well as TPO106 and an existing hedgerow being located to the north west of the application site. The proposed dwelling will be located approximately 30 metres away from the footprint of Chapel House. As such, the proposal is not considered to cause any impacts in relation to overlooking, overshadowing or an overbearing impact and does not cause harm to the residential amenity of Chapel House.
- 8.4.5 To the south and south west of the application site is Cornerstone Cottage. The submitted plans for the application outline there will be a separation distance of

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approximately 26 metres between the rear elevation of Cornerstone Cottage and the gable of the proposed dwelling. The detached garage and car port will be located in between the proposed dwelling and Cornerstone Cottage. There is one first floor window proposed in the south east elevation which faces towards Cornerstone Cottage which serves a bedroom. However, there is a separation distance of approximately 26 metres and the intervening garage and car port between the properties, neither of which are habitable buildings. Therefore, given that the separation distances comply with the Housing SPD requirements and the intervening siting of the single storey detached garage and car port, the proposal is not considered to cause any issues in relation to overlooking, an overbearing impact or overshadowing to Cornerstone Cottage.

- 8.4.6 To the south east of the application site is School Farm and School Farm Cottage. Concerns have also been raised about the impact of the proposal upon the residential properties amenity of these properties. In relation to concerns about overlooking, the south west elevation proposes three first floor windows and a three ground floor windows of varying sizes. These windows will have an outlook over the proposed access drive for the dwelling and then towards the rear amenity area of School Farm and School Farm Cottage. The ground floor windows will not cause any issues in relation to overlooking as there is existing boundary treatment along the boundary of School Farm and School Farm Cottage. In terms of the first floor windows, one will service the bathroom, one will service the en-suite bathroom and the other will be located over the staircase. Each of these are non-habitable areas of the proposed dwelling. As such, there will be no adverse impacts or issues likely to arise in relation to overlooking. The windows to the north east elevation will have an outlook over the stable building and consequent agricultural fields, causing no issues in terms of overlooking.
- 8.4.7 In relation to the consideration of an overbearing impact and overshadowing upon School Farm and School Farm Cottage, the proposed dwelling is located an acceptable separation distance from these residential properties to ensure there are no issues in this regard. There will be an approximate separation distance of 22 metres between the footprint of the proposed dwelling and the neighbouring dwelling as shown on the submitted site plan. There will also be an approximate separation distance between the southern corner of the gable end of the proposed dwelling and the most northern corner of these neighbouring properties of approximately 14 metres which complies with the Housing Supplementary Housing Document (SPD).
- 8.4.8 Concerns have been raised about the impact of the access track upon the residential amenity of neighbouring properties, especially School Farm and School Farm Cottage. In considering this, the development would be accessed via the existing courtyard which provides vehicle access to a number of residential properties, allowing vehicles to be in the immediate vicinity of these properties. The addition of an access track to serve one additional property is not considered to be such a significant intensification to the existing arrangement to warrant concerns about the residential amenity of School Farm and School Farm Cottage.
- 8.4.9 Overall, in considering the above, the proposal would not result in any adverse or harmful impacts upon neighbouring amenity and as such accords with Policy DEV5 of the Eden Local Plan 2014-32 in relation to the residential amenity.

8.5 Infrastructure

- 8.5.1 Concerns have been raised about the suitability of the access for the application and the impact of the proposal upon traffic. Cumbria County Council as Local Highways Authority has raised no objections to the proposal and has not recommended any conditions.
- 8.5.2 Therefore, given the Local Highways Authority response, the access and parking arrangements are acceptable and comply with Policy DEV3 of the Eden Local Plan 2014-32.

8.6 Natural Environment

- 8.6.1 To the north west of the application site is TPO 106 and an existing hedgerow. A Tree Survey has been submitted as part of the original application and the Council's Arboricultural Officer has been consulted.
- 8.6.2 The Council's Arboricultural Officer states that the proposal does not impact upon the protected tree (TPO106), although the applicant should heed the advice of the submitted Tree Survey which has been submitted. The TPO 106 is located outside of the red line of the application site and as such, the comments of the Arboricultural Officer will be included as an informative for the applicant.
- 8.6.3 However, the Arboricultural Officer has requested additional landscaping to the north west boundary of the application site. As such, this will be dealt with as a planning condition in the Officer's recommendation which will require the submission of the proposed landscaping to this boundary for approval prior to the commencement of development.
- 8.6.4 Concerns have been raised about the impact of the development on biodiversity and wildlife on the site. The parcel of land is agricultural land of low-ecological value. The proposal does not involve the removal of any existing hedgerows or planting or trees. As outlined above, the Arboricultural Officer has requested additional planting to the north west boundary of the site and as such this will be included as a condition. This will increase potential for species on the site through the planting of an additional native hedgerow.
- 8.6.5 Overall, it is considered that the application does not cause significant harm to the natural environment and is in accordance with Policy ENV1 and Policy ENV2 of the Eden Local Plan 2014-32.

8.7 Built Environment

- 8.7.1 The site is not located in a Conservation Area and the nearest listed building is Grade II Taylor's Farmhouse and adjoining barn located approximately 65 metres to the south of the application site. There are a number of residential properties surrounding this Listed Building as well as intervening residential properties to the north, located between the heritage asset and the application site. It is considered that the proposal will not cause any harm to the setting, character or appearance of the listed buildings, due to the residential nature of the development, the separation distances that would exist and the presence of intervening buildings which limits direct views.
- 8.7.2 Overall, the proposal is considered to be acceptable under Policy ENV10 of the Eden Local Plan 2014-32.

8.8 Other Matters

- 8.8.1 Concerns have been raised by local residents on the impact of the proposal upon the health and welfare of the horses in the adjacent agricultural field to the east of the application site. However, as previously highlighted, this is not a material consideration which needs to be considered as part of the determination of this application.
- 8.8.2 Also, the applicant has submitted many other planning applications over the years for the surrounding site which is commonly referred to as 'Taylor's Farm' by local residents. Concerns have been raised about the number of amendments by the applicant made to these applications over the years and that it is possible this would happen to this application if an approval was granted. However, the planning system allows for amendments and subsequent planning applications to be made and an applicant is within their rights to apply for planning permission. Therefore, the number of applications submitted to the Local Planning Authority by the same applicant over the years for neighbouring development is not a material planning consideration which is pertinent to the determination of this planning application.
- 8.8.3 Concerns have also been raised about the possible precedent the approval of this application would make and that the Local Planning Authority would be unable to refuse any other applications of a similar nature. In response to this, the NPPF 2019 Paragraph 47 states that 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.' As such, each application is assessed and determined on a case by case basis on the merits, in accordance with Paragraph 47 of NPPF. It would be up to the Local Planning Authority to make a site specific assessment and determine any possible future planning applications in accordance with the development plan unless material considerations indicate otherwise. Therefore, the concern about the creation of a precedent is not relevant, as each application is determined on the merits.

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. Each application is determined on the merits.

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 and Protection of Fundamental Freedoms 1950, 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 Overall, on balance, the proposal is considered to fulfil the requirements of 'infill' development under Policy LS1 and Policy HS2 of the Eden Local Plan and as such is acceptable in principle. The proposal is not considered to cause harm to the visual or landscape amenity of the site or the surrounding area with the design and use of materials commensurate of the surrounding area. The proposal is not considered to cause harm to the residential amenity of the site or the surrounding area. Therefore, the proposal is considered to accord with Policy DEV5 and Policy ENV1 and Policy ENV2. The proposal will not cause harm to the setting of the Grade II Listed building to the south of the site and as such, it is considered to comply with Policy ENV10 of the Eden Local Plan.

11.3 The proposal is considered to comply with Policy LS1, Policy HS2, Policy DEV5, Policy ENV1, Policy ENV2 and Policy ENV10 of the Eden Local Plan 2014-32. As such, the application is acceptable in planning terms and is accordingly recommended for approval, according to the conditions set out herein.

Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning File 19/0719

Agenda Item 2
REPORTS FOR DEBATE

Date of Committee: 13 February 2020

Planning Application No: 19/0433

Date Received: 19 June 2019

OS Grid Ref: NY 355453,
526282

Expiry Date: 14 February 2020

Parish: Hartley

Ward: Kirkby Stephen

Application Type: Full

Proposal: Change of use of agricultural building to Class B8 (storage or distribution) and addition of new access

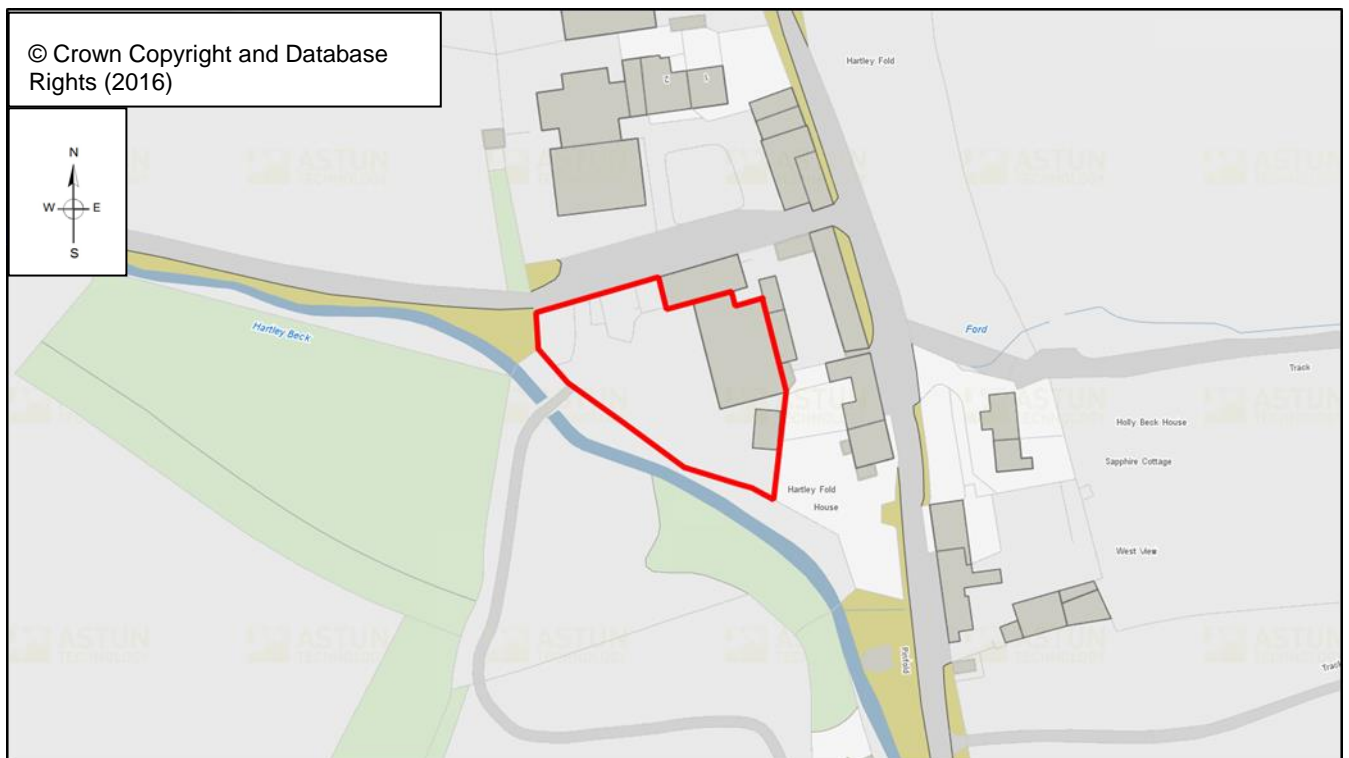
Location: Cattle Shed, Hartley Fold, Hartley

Applicant: The John Strutt Conservation Fund

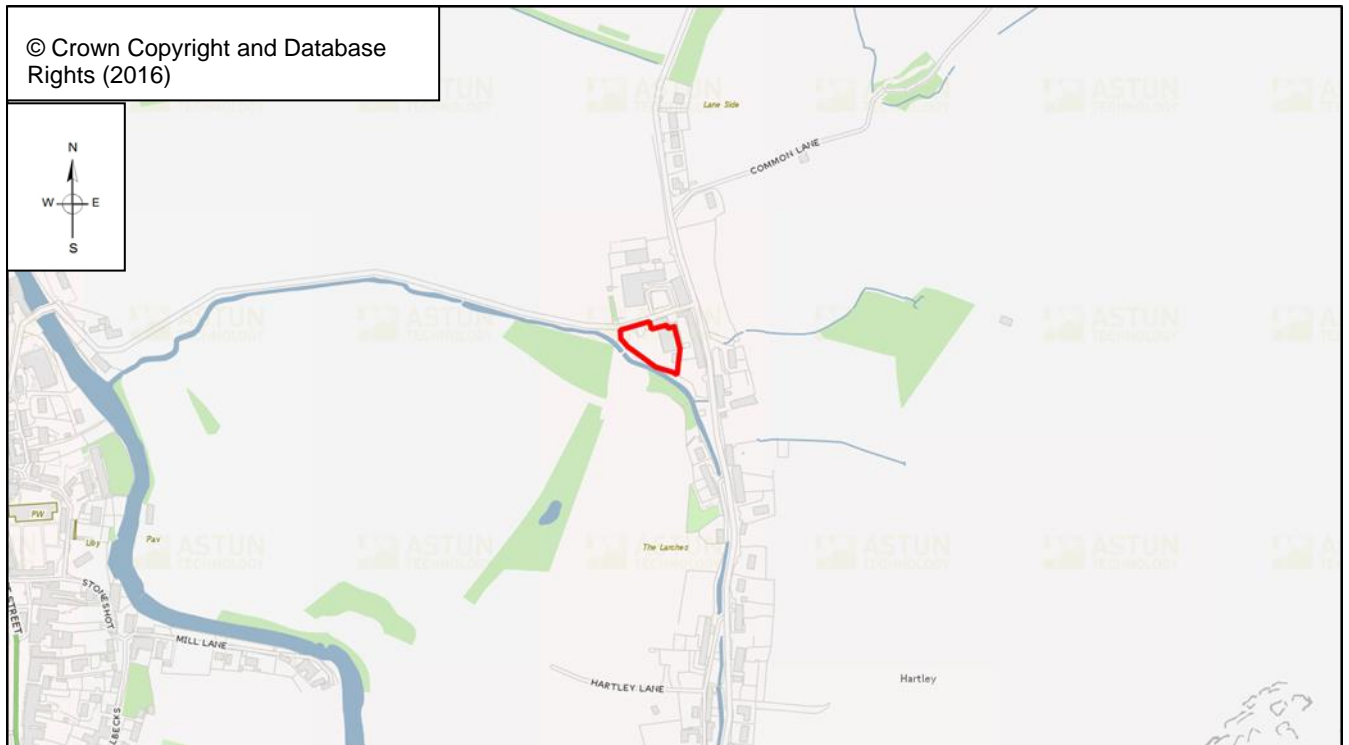
Agent: Mr R deRobeck

Case Officer: Mr N Unwin

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



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1. Recommendation

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

Time Limit for Commencement

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 documents and drawings hereby approved:
 - i. Application Form, dated 18 June 2019;
 - ii. Road Safety Audit, dated 4 December 2019;
 - iii. Technical Note, dated 18 December 2019;
 - iv. Access and Internals Fig 1, dated 17 December 2019;
 - v. Access and Internals Fig 2, dated 17 December 2019;
 - vi. Access and Internals Fig 3, dated 17 December 2019;
 - vii. HGV Crossover Revised, dated September 2019;
 - viii. Proposed Elevations Revised, September 2019;
 - ix. Proposed Floor Plan, dated December 2018;
 - x. Location Plan, February 2019;
 - xi. Flood Risk Assessment; dated 3 June 2019;
 - xii. Proposed Yard and Drainage Plan, dated June 2019;
 - xiii. Arboricultural Impact Assessment, dated 12 December 2019;
 - xiv. Email specifying operational hours and vehicle movements, dated 7 August 2019.

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

Prior to commencement:

3. Prior to the commencement of development a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented so that planting is carried out in the first planting season following approval. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

Reason: To protect the amenity of the area and to offset the loss of the three ash

trees.

Ongoing conditions:

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety.

5. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to and approved by the Local Planning Authority and shall not be raised to a height exceeding 1.05m thereafter.

Reason: In the interests of highway safety.

6. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority.

Reason: In the interests of highway safety.

7. All oils and other materials shall be stored within the building hereby approved as detailed on the plan, 'Proposed Floor Plan, dated December 2018'. There shall be no external storage of any materials associated with the development hereby approved, within the red line boundary of the hereby approved document 'Location Plan, February 2019'.

Reason: In the interest of amenity.

8. No waste materials other than waste cooking oils shall be stored on site.

Reason: In the interest of residential amenity.

9. No processing of waste oil shall take place on site.

Reason: In the interest of residential amenity.

10. The operational hours shall be restricted to 9:00am – 5:00pm Monday - Friday.

Reason: In the interest of residential amenity.

11. HGV and Van movements to and from the site shall be restricted to 10 HGV movements per week and 8 van movements per day.

Reason: In the interest of highway safety and residential amenity.

12. Excluding times of vehicles entering and exiting the building, the roller shutters shall remain closed at all times.

Reason: In the interest of residential amenity.

2. Proposal and Site Description

2.1 Proposal

REPORTS FOR DEBATE

- 2.1.1 The proposal is for full planning permission for the change of use of an agricultural building to Class B8 (storage or distribution) and formation of new access.
- 2.1.2 The proposal would involve an existing business relocating to the proposed site. The existing business is seeking a larger premises to facilitate their storage and distribution business of cooking oil. The business would import cooking oil to the proposed site via Heavy Goods Vehicles (HGVs). Vans will then be used to transport this cooking oil to local businesses and remove the used cooking oil stored in sealed drums returning it to the proposed site which will then be removed from site via HGVs. The development would not involve any recycling or processing of any material on the site, and as such this is not a waste operation.
- 2.1.3 The proposal would involve a new access to the site to the C3079 103 approximately 100 metres to the North of the existing cattle shed. The entrance to the proposed access will be concrete, as will the Western corner as the access connects to the existing access to the West in accordance with the recommendations of the submitted Road Safety Audit. The remainder of the track will be constructed of a permeable CELLPAVE ecogrid system permitting grass to grow through the surface. The proposed access track will be approximately 5.5 metres in width adjoining existing hard standing and agricultural buildings to the South. The proposed access will require the removal of three ash trees adjacent to the proposed access entrance. A crossover is additionally proposed for the HGV's to gain access from the new entrance. The crossover involves the C3079 102 connecting the site to Kirkby Stephen to the West.
- 2.1.4 A single vehicle movement is defined as a vehicle entering or exiting the site, therefore a single HGV entering and leaving the site is defined as two vehicle movements. The proposed HGV movements will be 10 per week which will comprise three HGV's delivering new cooking oil and two HGV's removing the used cooking oil from the site to be recycled. The proposed van movements will be eight per day which will comprise four vans delivering new cooking oil to local businesses and returning the used cooking oil to the site.
- 2.1.5 The proposal additionally involves the renovation of the existing cattle shed with the existing timber panelled walls to be stained green to match a similar conversion of an agricultural building to B8 use (approval 00/0930) approximately 20 metres North of the proposed site. The roof is to be dove grey coated profiled steel with roof lights. There are to be four large steel roller shutters painted green to the warehouse and a single door to reception in the front elevation.

2.2 Site Description

- 2.2.1 The proposed site is located within the South-Western extent of Hartley Fold, which forms the Northern extent of the settlement of Hartley. Hartley Fold is accessed via the C3079 102 running through the centre of the settlement. The C3079 102 connects to Kirkby Stephen (access not permitted for HGVs) approximately 500 metres to the West and the C3079 103 road connecting to Hartley to the South and the A685 approximately 1.6km to the North.
- 2.2.2 Hartley Fold is comprised of a number of residential and agricultural buildings, many of these agricultural buildings have been converted to commercial uses. These uses include storage and light industry (99/0644), storage and distribution (00/0930), workshops (92/0868), and offices and art studio (88/0400).
- 2.2.3 The proposed site is currently comprised of a large cattle shed with timber boarding walls, large openings in the front (West) elevation and a corrugated metal roof. There is

REPORTS FOR DEBATE

a large area of concrete hard standing to the South and West adjoining the C3079 102 road to the North. This area of hard standing was part of approval 99/0644 for storage and light industry.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Cumbria County Council - Highway and LLF Authority	No objection subject to conditions.

3.2 Discretionary Consultees

Consultee	Response
Cumbria County Council - Minerals and Waste	No objection subject to conditions.
Environmental Health	No objection subject to conditions.
Environment Agency	No objection.
Arboriculturist	No objection subject to conditions.

4. Parish Council

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

4.1 The Parish Council response is as follows:

Hartley Parish Council – Object

The primary objections relate to:

- The nature of the business and the activity to be carried out at the fold.
- The proposed new access, necessitated by the use of agricultural lorries.
- The traffic implications.

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on the 16 July 2019.

No of Neighbours Consulted	2	No of letters of support	0
No of Representations Received	20	No of neutral representations	0
No of objection letters	20		

5.2 The following material planning objections were raised by the public:

- Impact on Highway safety
- Impact on the landscape
- Impact on the character of the area
- Impact on amenity

- Impact on biodiversity/the environment
- Impact on the historic environment

6. Relevant Planning History

Application No	Description	Outcome
88/0400	Conversion of byre into art studio and office.	Approved - 19 May 1988.
92/0868	Workshops and toilet block.	Approved – 21 January 1993.
95/0031	Storage and processing of timber.	Refused – 16 March 1995.
99/0644	Change of use to storage and light industry.	Approved – 21 October 1999.
00/0930	Change of use of agricultural building to B8 (storage and distribution).	Approved – 15 June 2001.

7. Policy Context

7.1 Development Plan

Eden Local Plan 2014-2032

- LS1 “Locational Strategy”
- DEV1 “General Approach to New Development”
- DEV3 “Transport, Accessibility and Rights of Way”
- DEV5 “Design of New Development”
- EC3 “Employment Development in Existing Settlements”
- ENV1 “Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity”
- ENV2 “Protection and Enhancement of Landscapes and Trees”

7.2 Other Material Considerations

National Planning Policy Framework:

- Chapter 2 Achieving sustainable development
- Chapter 6 Building a strong, competitive economy
- Chapter 12 Achieving well-designed places
- Chapter 15 Conserving and enhancing the natural environment

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
- Amenity Impact
- Highways impact

8.2 Principle

8.2.1 Policy EC3 of the Local Development Plan states that:

“Employment development within and adjacent to existing settlements, including proposals outside of the employment allocations listed in the Town Plans, will be permitted where all of the following criteria can be met:

- *Development is of a scale, type and design sympathetic to the location within which it is proposed.*
- *Development would not have an unacceptable impact on highways or other forms of infrastructure.*
- *Development would not cause harm to local amenity, landscape, ecology, historic environment or other environmental and cultural heritage considerations.*
- *The development is capable of achieving appropriate standards of access, servicing, parking and amenity space.*

Where development does not meet all of the above criteria, development may still be acceptable when assessed against the wider employment/economic benefits of the scheme”.

8.2.2 The proposal utilises the existing cattle shed with minimal changes proposed to its external appearance. The proposal will improve the condition of the existing structure giving it a similar appearance to that of the commercial building approximately 20 metres to the North of the site which gained approval for storage and distribution use under approval 00/0930, helping the proposal to better harmonise visually with its surroundings.

8.2.3 The proposal has a large area of existing hard standing which will permit the turning of HGVs and parking of vans and staff vehicles safely off the public highway. The proposed development would introduce a new access adjacent to the North of Hartley Fold permitting HGV access. The proposal is supported by an in-depth road safety audit and traffic surveys which have been reviewed by the Highways Authority who raised no objection to the proposal. Furthermore the proposal would involve eight HGV movements per week and eight van movements per day which is considered to result in a negligible impact on the existing highway.

8.2.4 A mixture of commercial, agricultural and residential uses comprise Hartley Fold, therefore it is important to consider any potential amenity impact. All cooking oil will be stored in sealed drums with no processing to take place on site. Environmental Health were consulted on the proposal and raised no objections. The proposed HGV movements will be 10 per week. The proposed van movements will be eight per day. The operational hours of the proposed development are 9am to 5pm Monday to Friday. Based on the minimal vehicle movements, lack of any processing at the site and 9-5 operational hours, the proposed development is not considered to harm local amenity.

8.2.5 The proposed new access would require the removal of three ash trees and a 390sqm section of agricultural grass land to be covered by an ecogrid track. The use of an ecogrid track reduces the loss of the agricultural grass land (with a fairly low biodiversity) and the Arboriculturist raised no objections to the removal of the ash trees but recommends a condition for landscaping be attached to ensure additional planting to offset this loss as mitigation.

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REPORTS FOR DEBATE

- 8.2.6 Based on the above the proposed development is considered to comply with Policy EC3 of the Local Development Plan.
- 8.2.7 Paragraph 80 of the NPPF states that:
“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.
- 8.2.8 Paragraph 83 of the NPPF states that:
“Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”.
- 8.2.9 Hartley Fold has a variety of commercial uses including storage and distribution (00/0930), meaning that the proposal would represent a complementary and appropriate land use for the locality and would not appear as an incongruous development. The hard standing section of the proposed site was previously approved for storage and light industry under approval 99/0644.
- 8.2.10 Given the existing use of part of the proposed site, surrounding uses, economic benefits to the rural economy and compliance with Policy EC3 of the Local Development Plan, the principle of the proposed development is considered acceptable.
- 8.3 Amenity Impact**
- 8.3.1 Policy DEV5 of the Local Development Plan requires new development to *“Protect the amenity of existing residents and business occupiers and provide an acceptable amenity for future occupiers”.*
- 8.3.2 Paragraph 127 of the NPPF states that planning decisions should ensure *“a high standard of amenity for existing and future users”.*
- 8.3.3 A mixture of commercial, agricultural and residential uses comprise Hartley Fold, therefore it is important to consider any potential amenity impact on the residential dwellings. The closest dwelling to the proposed development is The Both approximately 12 metres to the East.
- 8.3.4 All cooking oil will be stored in sealed drums with no processing to take place on site. Environmental Health were consulted on the proposal and raised no objections. The proposed HGV movements will be eight per week with eight van movements per day. The operational hours of the proposed development are 9am to 5pm Monday to Friday.
- 8.3.5 The proposal would replace a cattle shed. Given the nature of the proposed development purely being storage and distribution with no processing on the site, it is considered to produce substantially less noise than if the shed was used for the storage of cattle. Therefore with respect to noise impact, the proposal is considered to be an improvement to the existing and lawful agricultural use of the building.
- 8.3.6 The proposal is considered to result in minimal vehicle movements, lack of any processing at the site and 9-5 operational hours Monday to Friday. The use of the shed is currently for the housing of cattle which are likely to produce a higher level of noise compared to the proposed development. The proposal is therefore considered to have a negligible impact on local amenity.

8.4 Highways Impact

8.4.1 Policy DEV3 of the Local Development Plan states that:

“Development will be refused if it will result in a severe impact in terms of road safety and increased traffic congestion”.

8.4.2 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”.

8.4.3 Both the Parish Council and residents raised concerns over the proposal's impact on highway safety, particularly in relation to the proposed crossover.

8.4.4 The proposed development involves the construction of a new access adjoining the Northern extent of Hartley Fold. Current access to Hartley fold is to the West via the C3079 102 road which is unsuitable for HGVs. The access to the East where the C3079 102 road meets the C3079 103 is flanked by two storey traditional barns which impair visibility and access. The new access has drastically improved visibility compared to the Eastern access.

8.4.5 Traffic and speed surveys were conducted at the proposed crossover and where the proposed new access joins the C3079 103 road. These surveys were conducted to the satisfaction of the Highways Authority. The average number of cars passing the proposed crossover is 311 per day giving an average of 13 per hour. The average speed of these cars was 22.2 mph.

8.4.6 The proposal will result in ten HGV movements per week and eight van movements per day (a recommended condition would ensure these levels are not exceeded). These vehicle movements are considered to be relatively minor and similar to that of an agricultural use. Therefore the proposal is not considered to represent an intensification of the lawful and unrestricted current use of the building.

8.4.7 In conclusion a full traffic survey and road safety audit were submitted in support of the application. The proposed entrance onto the C3079 103 road is considered to be a vast improvement to the existing access via the C3079 102 road. The proposed vehicle movements are considered minimal and similar to that of an agricultural use. The speed and traffic surveys show a low number of vehicles passing the proposed crossover (average 13 per hour) at relatively low speeds (average 22.2 mph). The Highways Authority have reviewed the application and have no objections.

8.4.8 The NPPF is clear in that proposals can only be refused on Highways grounds if there would be an unacceptable impact on highway safety. The above information categorically proves that the proposal's impacts on the highway would be negligible and would therefore comply with Policy DEV3 of the Local Development Plan and Paragraph 109 of 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 planning application is considered on the 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 Human Rights

- 9.5.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights and Fundamental Freedoms 1950, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

- 10.1 The proposed development would facilitate the growth and expansion of an existing rural business which is given significant weight by Paragraph 80 of the NPPF. The proposal is considered to comply with Policy EC3 of the Local Development Plan governing employment developments within existing settlements.
- 10.2 Part of the proposed site is already designated for light industry and storage and distribution (approval 99/0644) with other storage and distribution (approval 00/0930) and commercial uses present throughout Hartley Fold, which the proposed development would be in-keeping with and complement.
- 10.3 The proposal will result in minimal physical changes to the proposed site. The minor landscape and character impact of a new access adjacent to the Northern extent of Hartley Fold is considered to be mitigated through its positioning adjacent to the existing farm complex, use of stone wall adjacent to the road and an ecogrid track. Further landscape impact mitigation will be achieved through a landscaping scheme secured through condition. The proposal would renovate the existing cattle shed which is considered to improve its current appearance.
- 10.4 The proposed vehicle movements are minimal and similar to an agricultural use with eight HGV movements per week and eight van movements per day (three 40 foot HGVs and two 30 foot HGVs per week visiting the site and four vans per day visiting the site). The vehicle movements are therefore considered in-keeping with the existing character of the area. The proposed operational hours are 9am – 5pm. The Highways Authority raised no objections to the application.
- 10.5 The economic benefits of the proposal given significant weight by Paragraph 80 of the NPPF and its compliance with Policy EC3 of the Local Development Plan, are considered to outweigh the fairly minimal increase in traffic movement and negligible amenity impact on neighbouring residents.
- 10.6 For the above reasons, the application is considered acceptable in planning terms and is recommended to be approved.

Agenda Item 2
REPORTS FOR DEBATE

Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning Files 19/0433

Agenda Item 3
REPORTS FOR DEBATE

Date of Committee: 13 February 2020

Planning Application No: 19/0759 **Date Received:** 14 November 2019

OS Grid Ref: NY 371946,
546334 **Expiry Date:** 10 January 2020
(Time ext agreed to
14 February 2020)

Parish: Alston Moor CP **Ward:** Alston Moor

Application Type: Householder

Proposal: Installation of conservation velux roof lights, French doors, steps, renew guard/handrail to existing roof terrace, alter hipped roof to gable end and install triangular picture window.

Location: Osborne House, Front Street, Alston

Applicant: Mrs G Williams

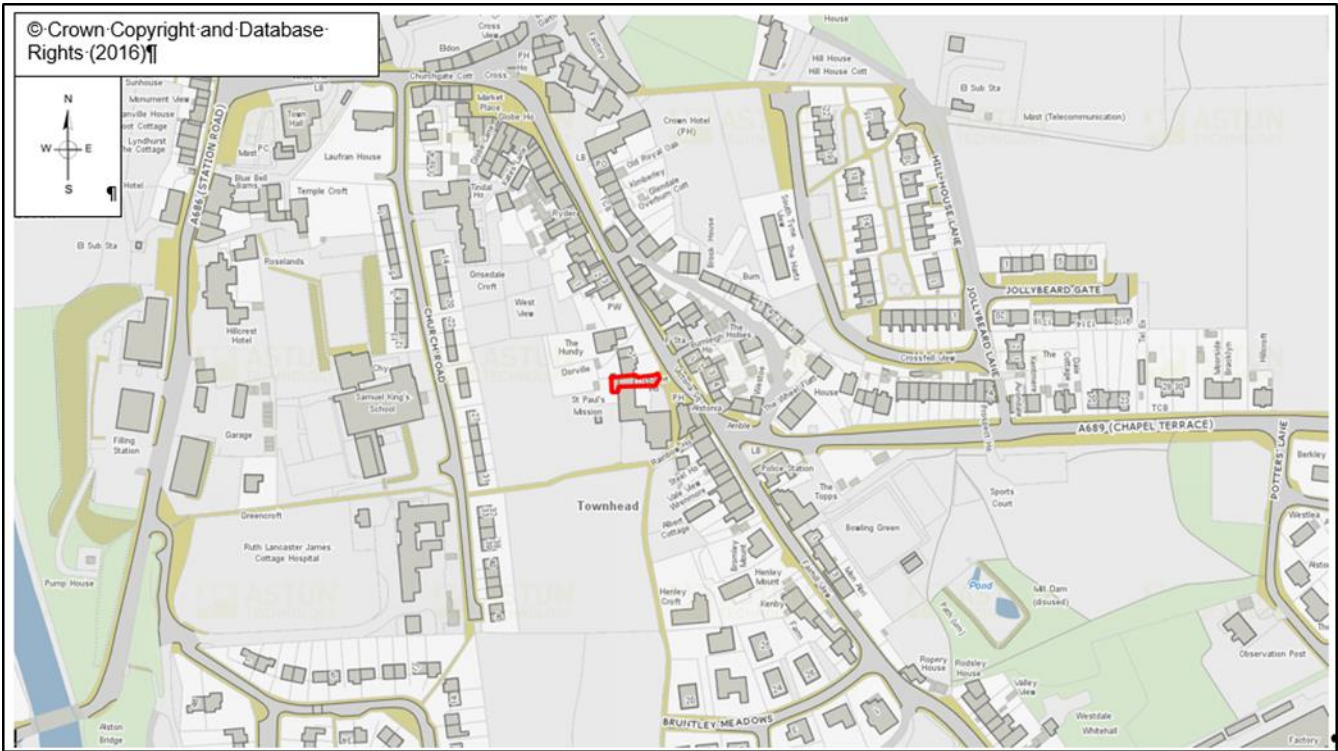
Agent: None

Case Officer: Caroline Brier

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

Time Limit for Commencement

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 drawings hereby approved:

- i) Application Form received 21 October 2019
- ii) Site Location Plan received 14 November 2019
- iii) Proposed Plans and Elevations (Dwg No 2) received 21 October 2019
- iv) The Conservation Roof light (CR_CRSS_LS_D) received 13 November 2019
- v) Heritage Statement received 13 November 2019

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

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This proposal seeks to install 2 No. conservation velux roof lights to the east facing roof slope. Install double French doors and steps down to an existing roof terrace and renew the guard/handrail to comply with building regulations. It also seeks to alter the hipped roof to a gable end, installing a vertical fully glazed triangular picture window, and install 1 No. conservation velux roof light to the north facing roof slope and 1 No. conservation velux roof light to the south facing roof slope.
- 2.1.2 The plans also show the erection of a new Victoria style iron fence to a height of 1.8 metres. This is classed as a permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 2, Class A – gates, fences, walls etc, as the proposed fence is under 2 metres in height and as such does not require planning permission. It is also in accordance with the Article 4(2) direction, part vii, as the fence would not front a relevant location.
- 2.1.3 The installation of solar panels is also classed as a permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 14, Class A – installation or alteration etc of solar equipment on domestic premises. Whilst in a conservation area, the proposed solar panels would not be installed on a wall which fronts a highway and as such do not require planning permission. It is also in accordance with the Article 4(2) direction, which refers to the front of buildings.

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2.1.4 The application provides details on the proposal to paint the rear of the property in a pastel colour. The Article 4(2) direction refers to the front elevation of buildings only in this regard. The painting of the rear elevation would not affect the street scape of the conservation area. As such, these works are considered to be permitted development and would not require planning permission.

2.1.5 It is only the elements described in point 2.1.1 that are to be considered under this planning application.

2.2 Site Description

2.2.1 Osbourne House is a 4 bedroom terrace house built over 3 floors and is advised to have been formally the caretaker's house of the St Pauls Methodist Church. The principal elevation is stone faced and the rear elevation rendered, under a slate roof.

2.2.2 It is located on the edge of the town centre of Alston, to the west of the A689 road and Victoria Square, close to the Nenthead road at the top of the town.

2.2.3 There are no listed buildings that would be effected by this proposal. The site is within a flood zone 1, the Alston conservation area and Article 4 direction and is also within the North Pennines Area of Outstanding Natural Beauty.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Cumbria County Council - Highway Authority	A response was received on the 29 November 2019 advising of no objections to the proposed development.
Cumbria County Council - Lead Local Flood Authority	A response was received on the 29 November 2019 advising of no objections to the proposed development.

3.2 Discretionary Consultees

Consultee	Response
Ministry of Defence	A response was received on the 6 December 2019 advising of no safeguarding objections to this proposal.
Conservation Officer	A response was received on the 10 December 2019 advising ' <i>The proposals are overall considered to have potential to result in less than substantial harm to the significance of the conservation area</i> '. See 8.6 – Historic Environment for full appraisal.

4. Parish Council

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

4.1 The Alston Moor Parish Council responded on the 11 December 2019 advising '*recommended for approval subject to there only being velux windows on the back of*

REPORTS FOR DEBATE

the building. This recommendation was made to encourage consistency of planning decision within the conservation area, following a request that the former HSBC building should not have velux windows visible from the front.

- 4.2 Discussions took place with the applicant regarding the Parish Council's comments and they confirmed that they wished to retain the proposal in its current form with the 2 No. conservation velux roof lights to the east facing roof slope.
- 4.3 The Alston Moor Parish Council confirmed on the 17 December 2019 that '*their view remains that in the interests of consistency and fairness to applicants living in the town centre (this in their opinion is from top to bottom of the main street through the town), velux windows should not be visible from the street. There are no objections to velux windows on the back of the building. This is in line with the recommendation made for the former HSBC building*'.

5. Representations

- 5.1 Neighbour notification letters were sent out on the 18 November 2019 and a site notice was posted on 21 November 2019.
- 5.2 There were no letters/e-mails of response received to this proposal.

6. Relevant Planning History

- 6.1 None.

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-2032):

- DEV5 – Design of New Development
- ENV3 – The North Pennines Area of Outstanding Natural Beauty
- ENV10 – The Historic Environment

7.2 Other Material Considerations

National Planning Policy Framework:

- Chapter 4 – Decision Making
- Chapter 12 - Achieving well-designed places
- Chapter 16 - Conserving and enhancing the historic environment

Supplementary Planning Documents

- Management of Conservation Areas (2011)
- North Pennines AONB Planning Guidelines (July 2011)
- North Pennines AONB Building Design Guide (2011)

- 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
- Landscape and Visual Impacts
- Scale and Design

- Residential Amenity
- Historic Environment

8.2 Principle

- 8.2.1 Policy DEV5 'Design of New Development' looks (inter alia) for proposals 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 requires proposals to reflect the existing street scene and protect the amenity of existing and future residents.
- 8.2.2 Policy ENV3 'The North Pennines Area of Outstanding Natural Beauty' requires each of the following criteria to be met:
- 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.
- 8.2.3 Policy ENV10 'The Historic Environment' says 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.
- 8.2.4 The proposal seeks to install 2 No. conservation velux roof lights to the east facing roof slope, install double French doors and steps down to an existing roof terrace and renew the guard/handrail to comply with building regulations. The proposal also seeks to alter the hipped roof to a gable end, installing a vertical fully glazed triangular picture window, and install 1 No. conservation velux roof light to the north facing roof slope and 1 No. conservation velux roof light to the south facing roof slope. The works are considered to be sympathetic to the existing dwelling, complementing and enhancing the existing area, without creating an adverse impact on the neighbouring amenity.
- 8.2.5 As such, in principle this proposal is considered to be acceptable and in accordance with the Development Plan, subject to further considerations on landscape and visual impacts and the historic environment.

8.3 Landscape and Visual Impacts

- 8.3.1 Osborne House is a stone faced terraced property set back within its curtilage and approximately 20 metres to the east of the A689 road.
- 8.3.2 To the immediate north of the site is a property known as Dorville, which sees a two storey element of its principal elevation forward of the host property. It is also slightly taller, meaning that when travelling up the street in a south easterly direction, the host property is only visible when immediately passing it.
- 8.3.3 To the immediate south of the site is the former church hall which gained planning permission to be converted into two dwellings in 2014. Adjacent to this is former St Pauls Methodist Chapel which sits to the south east of the host property. Again, due to the built up nature of this area, the host property is only visible when immediately passing it in a north westerly direction.

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- 8.3.4 To the west of the host property is open land, some of which may be garden land, however it is in a unkempt state and slopes away in a westerly direction to terraced and semi-detached properties on Church Road approximately 70 metres away.
- 8.3.5 It is duly noted that the Parish Council do not consider that velux windows should be visible from the street and as such do not support the application. It is not disputed that this type of development has the potential to cause visual impacts on the area, however each application is considered on its own merits. Whilst this type of development in a prominent town centre location may not be supportable, Osborne House is considered to be on the edge of the town centre, in a residential area, set back from the street scene in a more discreet location. Other examples of velux windows on the principal roof slope are also noted to the south east of the site and within the conservation area.
- 8.3.6 The 2 No. conservation velux roof lights which are subject to the Parish Council's concerns would provide additional light into a room in the roof space.
- 8.3.7 The adverse impacts of the 2 No. conservation velux roof lights, on balance are not considered to outweigh the benefits of providing a usable habitable space within an existing dwelling.
- 8.3.8 Overall the proposed works to the property are minor in scale and considered to be in accordance with policy DEV5 'Design of New Development', as they show a clear understanding of the form and character of the area and to reflect the existing street scene through use of appropriate scale, mass, form, layout and use of materials.
- 8.3.9 The proposal is also considered to accord with policy ENV3 'The North Pennines Area of Outstanding Natural Beauty' as it does not lessen or cause harm to the distinctive character of the area, the historic environment, heritage assets or their setting. As such, for the reasons stated above, this proposal is considered to be acceptable in terms of landscape and visual impacts.

8.4 Scale and Design

- 8.4.1 The proposed works include the installation of 2 No. conservation velux roof lights to the east facing roof slope, install double French doors and steps down to an existing roof terrace and renew the guard/handrail to comply with building regulations, alter the hipped roof to a gable end, installing a vertical fully glazed triangular picture window, and install 1 No. conservation velux roof light to the north facing roof slope and 1 No. conservation velux roof light to the south facing roof slope.
- 8.4.2 The proposed conservation velux windows measure approximately 60x90mm and are of a standard size and construction.
- 8.4.3 The proposed French doors would replace an existing window and provide access to the existing balcony area. It is also proposed to replace the existing guard/handrail to comply with building regulations.
- 8.4.4 The alteration to the rear hipped roof, to create a gable end would see the roof extended by approximately 1.8 metres to be in line with the elevations. The proposed triangular picture window is considered to add an interesting element that would improve the appearance of this rear elevation.
- 8.4.5 The proposed works are considered to be minor in scale and to enhance the building in terms of design in accordance with policy DEV5 'Design of New Development'. The works would result in a limited impact upon the character and appearance of the host

building, and not to an extent that would result in a degree of harm that would warrant the refusal of this planning application.

8.5 Residential Amenity

- 8.5.1 In terms of the potential impacts this development may have on the residential amenity, the former church hall attached to the south of Osbourne House is the only building with a potential of being effected. Planning permission was granted in March 2015 under application 14/1119 to convert the redundant church hall to two dwellings (one at ground floor level and one at first floor level). However, Building Control suggest that the church hall conversion has not taken place and that the planning permission may have lapsed.
- 8.5.2 The location of the proposed French doors to the existing roof terrace would replace an existing window. This is on the south facing side elevation which sits forward of the church hall immediately to the south east. It would appear that there may have been a door in this location previously. The altering of a window to French doors is not considered to create an additional impact on the residential amenity in the area.
- 8.5.3 It is duly noted that the roof terrace is existing, and therefore has an established use which is not required to be assessed as part of this application. The proposal seeks to renew the guard/handrail to comply with building regulations with wrought iron with glass infill which is considered to be an improvement on the existing handrail.
- 8.5.4 It is acknowledged that there is a potential for overlooking from the roof terrace into the church hall, which sees four large windows on its rear elevation. However, given the existing use of the roof terrace, this proposal does not pose any additional or new overlooking.
- 8.5.5 As such, it is not considered that this proposal would alter the amenity of existing residents, and is in accordance with policy DEV5 'Design of New Development'.

8.6 Historic Environment

- 8.6.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 says local planning authorities should pay special attention to preserving or enhancing the character or appearance of conservation areas.
- 8.6.2 Paragraph 193 of the NPPF, 2019 states '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*'.
- 8.6.3 Paragraph 196 of the NPPF states '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'.
- 8.6.4 The Conservation Officer comments that '*roof lights are not a traditional feature of historic buildings and where they have been installed on buildings within the town they are generally retained to the rear facing roof slopes. However there are examples within the Townfoot area where roof lights have been added to the front facing slopes and these collectively have a minor impact on the roofscape of the conservation area. The installation of roof lights on the front (east) roof slope of Osbourne House will impact on the roofscape of the conservation area. As such the proposals do not fully conserve or enhance the character and appearance of the conservation area.*

REPORTS FOR DEBATE

The alterations to the roof pitch and new openings change the appearance of the rear of the property that overlooks fields to the south of the town but there will be no impact on the aesthetic heritage value of the conservation area’.

- 8.6.5 It is considered that the 2 No. conservation velux roof lights to the east facing roof slope are the only element of this proposal with the potential to impact the historic environment.
- 8.6.6 It is acknowledged that the addition of conservation velux roof lights would alter the roofscape and therefore this would create an impact on the conservation area. However, the extent of this impact is not considered to be significantly adverse or harmful to the overall appearance and setting of the conservation area.
- 8.6.7 On balance, given the location of the property on the edge of the town centre, in a residential area, set back from the street scene in a discreet location. Also, the other examples of velux windows on the principal roof slopes within the vicinity and the Conservation Officers comments that *‘the proposals are overall considered to have potential to result in less than substantial harm to the significance of the conservation area’*. The proposal is considered to be acceptable in that it would not result in any unacceptable impacts or adverse harm upon the appearance or setting of the Alston conservation area in accordance with policy ENV10 of the Eden 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 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 works to this dwellinghouse are minor in scale. The planning merits have been weighed against the potential threat to the landscape, visual amenity and historic environment. On balance the 2 No. conservation velux roof lights to the east facing roof slope are considered to result in a less than substantial harm to the significance of the conservation area. The other elements of the proposal are considered to be acceptable.
- 10.3 The proposal is considered to be compliant with policies DEV5 'Design of New Development', ENV3 'The North Pennines Area of Outstanding Natural Beauty' and ENV10 'The Historic Environment' of the Local Plan, is in accordance with the National Planning Policy Framework and is therefore recommended for approval subject to the conditions set out in this report.

Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning File 19/0759

Agenda Item 4
REPORTS FOR DEBATE

Date of Committee: 13 February 2020

Planning Application No: 19/0793

Date Received: 4 November 2019

OS Grid Ref: NY 355191,
527065

Expiry Date: 31 December 2019

Parish: Great Salkeld

Ward: Lazonby

Application Type: Full

Proposal: Additional holiday lodges at Moss Bank Lodge Park, Great Salkeld and erection of a replacement shed

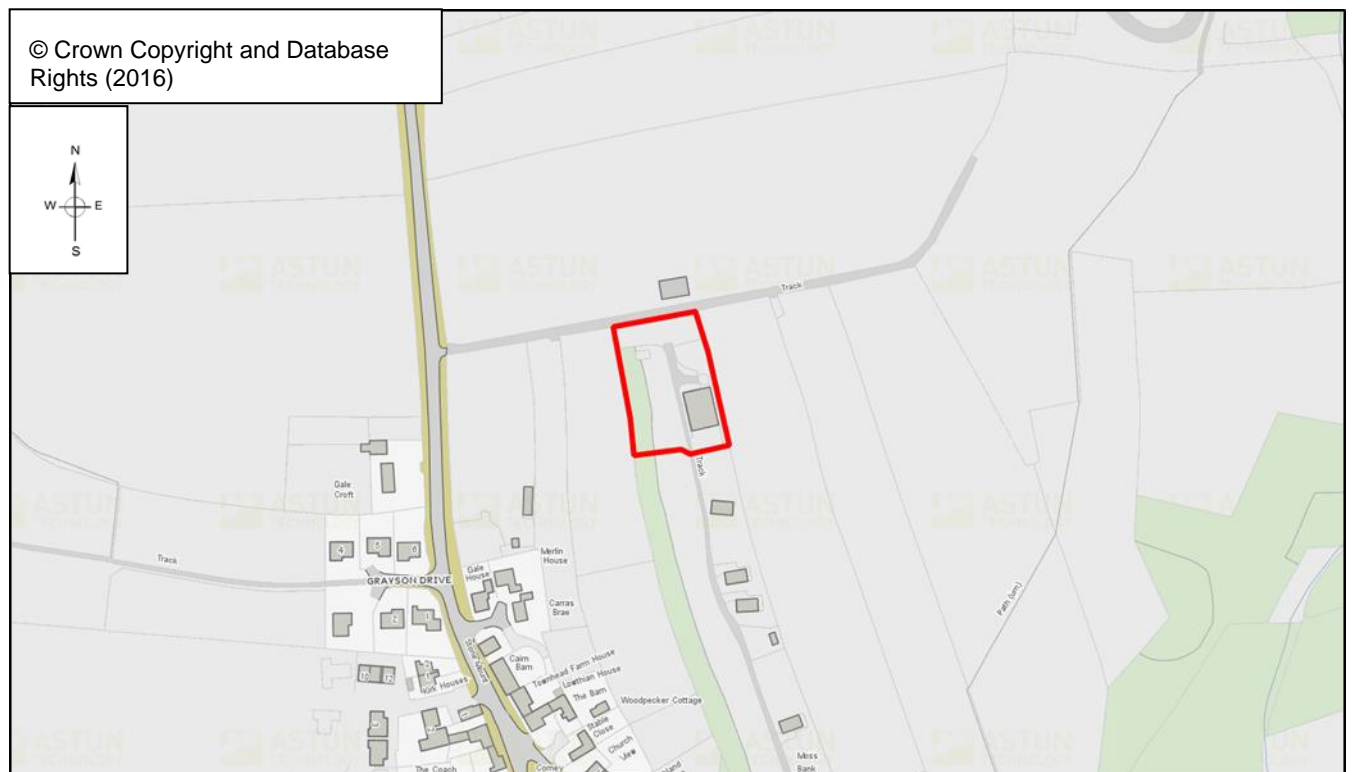
Location: Moss Bank Lodge Park, Great Salkeld, Penrith

Applicant: Mr Beard

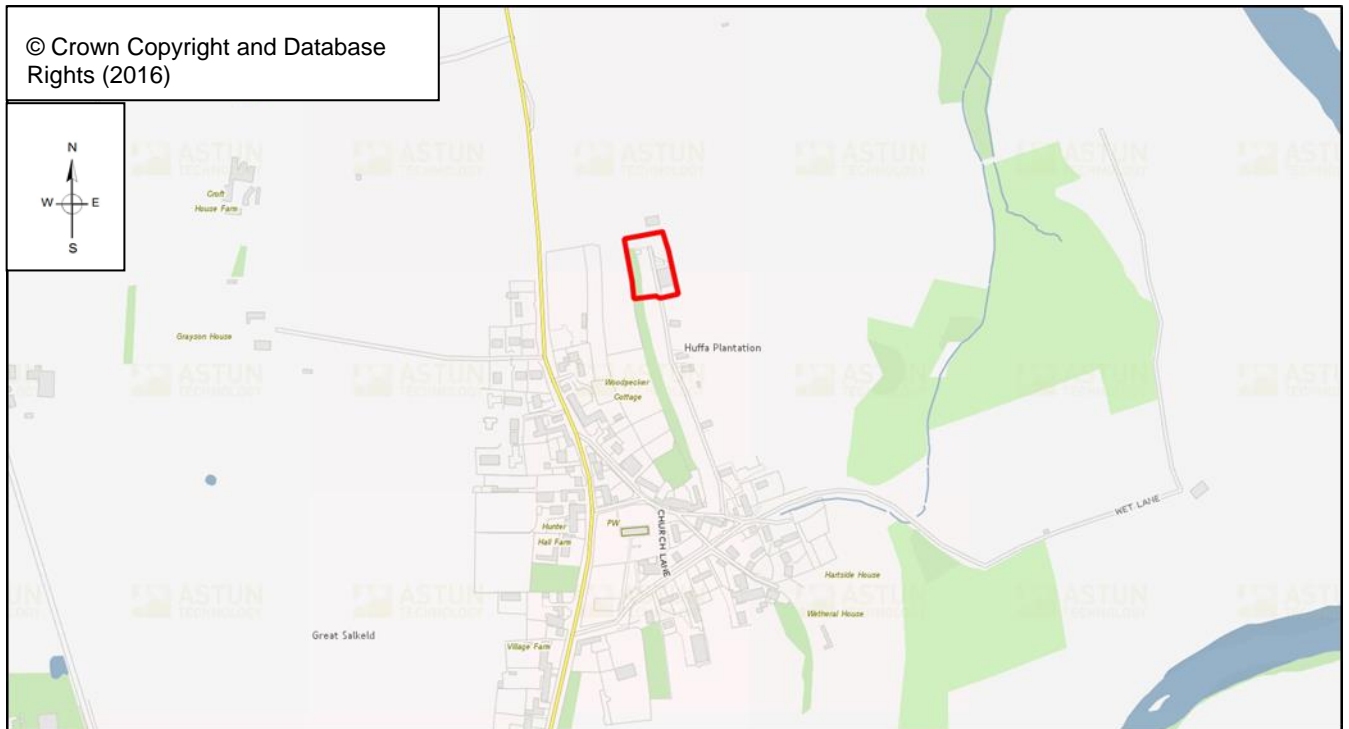
Agent: Addis Town Planning Ltd

Case Officer: Mr N Unwin

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



Agenda Item 4
REPORTS FOR DEBATE



1. Recommendation

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

Time Limit for Commencement

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 documents and drawings hereby approved:

- i. Application Form, dated 1 November 2019;
- ii. D&A Statement, dated November 2019;
- iii. Landscaping (MBL/GS/JB/7ALP/02), dated 7 October 2019;
- iv. Indicative Elevations (TGR E15-6-7), dated 3 October 2017;
- v. Location Plan (MBL/GS/JB/7ALP/01), dated 7 October 2019;
- vi. Proposed Full Site Plan (MBL/GS/JB/7ALP/03), dated 7 October 2019;
- vii. Proposed Site Plan (MBL/GS/JB/7ALP/04), dated 7 October 2019;
- viii. Storage Shed (MBL/GS/JB/7ALP/05), 7 October 2019;
- iv. CanExel Lap Boarding Brochure.

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

Prior to commencement:

3. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. No surface water shall discharge to the public sewerage system either directly or indirectly.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

Ongoing Conditions

4. Not more than 7 caravans shall be sited at any one time on the land edged red on the submitted plan and they shall only be sited as shown on the hereby approved document 'Proposed Site Plan (MBL/GS/JB/7ALP/04), dated 7 October

2019'.

Reason: For the avoidance of doubt and to safeguard the amenities of the area.

5. The 7 holiday caravans hereby approved shall be used for holiday use only and shall not be used as a sole or principal residence by any person.

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

6. No later than the first planting season from the first occupancy of any of the new holiday caravans hereby approved, landscaping of the site shall be undertaken in accordance with the hereby approved document 'Landscaping (MBL/GS/JB/7ALP/02), dated 7 October 2019'. Any trees or plants which, within a period of 5 years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the amenities of the area.

7. There shall be no touring caravans stored or stationed within the application site as outlined in red on the hereby approved document 'Proposed Site Plan (MBL/GS/JB/7ALP/04), dated 7 October 2019'.

Reason: To protect the character and amenity of the local landscape.

8. The 7 caravans shall conform to the indicative elevations shown in the hereby approved document 'Indicative Elevations (TGR E15-6-7), dated 3 October 2017' however:

- The width and length may vary with a maximum length of 46 feet and a maximum width of 22.3 feet.
- The position of window and door openings may vary.

Reason: To protect the character and amenity of the local landscape.

9. The approved colours of the CanExel Lap Boarding are:

- River Rock
- Sierra
- Walnut
- Granite

Reason: To protect the character and amenity of the local landscape.

10. The approved skirting materials of the caravans are:

- Limestone
- Sandstone
- Darlstone walling in buff brown
- A continuation of the cladding that is used on the caravan

Reason: To protect the character and amenity of the local landscape.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The proposal is for full planning permission for the sitting of 7 additional holiday lodges at Moss Bank Lodge Park, Great Salkeld and erection of a replacement shed.
- 2.1.2 The application comprises an additional 7 holiday lodges and storage shed with associated works to create the pitches, parking and turning areas, drainage and landscaping.

2.2 Site Description

- 2.2.1 Moss Bank Holiday Park is located on the Eastern side of the village of Great Salkeld. The site extends to the North within the boundaries of the historic field pattern and is approximately 1.6 hectares in area.
- 2.2.2 The proposed site is within the red line boundary of approval 17/1021 for the use of land for siting of 25 holiday lodges, managers accommodation and associated infrastructure. Planning application 17/1021 was approved at Committee on 15 February 2018.
- 2.2.3 To the North of the proposed site is a hard surface access track with a drystone wall and rise in land to the North of this on which a modern agricultural building is sited. To the West of the proposed site is a mature hedgerow and trees adjacent to agricultural land. The Eastern boundary is bordered by a mature hedgerow separating the site from open agricultural land. To the South are existing holiday lodges approved by Committee under planning approval 17/1021.
- 2.2.4 The proposed site is primarily comprised of grass and gravel, and has an access track running North-South through the centre. There is a large shed currently on the site with a footprint of approximately 15 x 22 metres and a ridge height of approximately 2.5 metres. The shed has timber walls and a corrugated metal roof. The site is primarily used for the storage of equipment and materials associated with Moss Bank Lodge Park.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Cumbria CC - Highway and LLF Authority	No objection subject to conditions.

3.2 Discretionary Consultees

Consultee	Response
Conservation Officer	The overall proposal to increase the number of lodges on the site is not considered to be sympathetic to or enhance the significance of the Conservation Area.
Cumbria CC - Minerals and Waste	No objection.

4. Parish Council

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

4.1 The Parish Council response is as follows:

Great Salkeld Parish Council – Object

‘After discussion and consideration of the documentation, Councillors resolved to object to the application based upon the following reasons:

- *The existing roads to the lodge park are narrow back lanes which are not constructed for the proposed volume of traffic. Increasing the quantity of units’ places further safety risks on pedestrians and other road users. The safety impact of the current approved scheme is not determined at this stage as only a small number of the units are in occupation.*
- *This application takes the total number of lodges on the site to in excess of the 26 stated in the Decision Notice of the original application, and this increased scale proposal will result in the over development of the site, is disproportionate to the size of the village and sets a precedent for future expansion.*
- *The planning application for holiday lodges on this site was first approved before the village became a conservation area in 2008. The extension of this development has a significant impact on the conservation of the village with the further loss of strip fields which are a key feature of the settlements heritage.*
- *There are existing issues with infrastructure capacity in this part of the village. Additional development will increase infrastructure problems.*
- *The loss of the strips field to the North has a negative impact on the view of the village when approaching from Lazonby with the proposed lodges being highly visible on rising terrain.*
- *Councillors do not believe that the proposed new lodges add any value to the village and in fact are reducing sustainability by increasing traffic to quiet country lanes.*
- *Councillors confirm that if the Planning Officers are of a mind to approve the application that the following are considered as part of any conditions:*
 - *the impact on the landscape and adjacent properties*
 - *that the ‘holiday use’ condition be adhered to*
 - *Landscaping conditions incorporated to adequately screen the proposed development including the existing park from neighbouring residences following the removal of a number of trees as part of the original development.’*

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on the 25 November 2019.

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

No of objection letters	0
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6. Relevant Planning History

Application No	Description	Outcome
05/0991	14 Holiday chalets and 1 cabin for use as a reception/ office and shop for the site and wider village.	Approved – 19 January 2006.
17/0862	Change of use of reception/office (approved under 05/0991) to reception/office and owners/managers residential accommodation.	Approved - 29 November 2017.
17/0863	Use of land for the siting of 14 holiday chalets (caravans) and 1 cabin (caravan) for use as a reception/office and shop, without compliance with condition 3 (external finishes) imposed on planning permission ref 05/0991.	Approved – 20 November 2017.
17/1021	Use of land for siting of 25 holiday lodges, managers accommodation and associated infrastructure.	Approved – 26 February 2018.
18/0323	Variation of Condition 2 (Plans Compliance) to allow various options of appearance and size of holiday lodges attached to approval 17/1021.	Approved – 22 June 2018.

7. Policy Context

7.1 Development Plan

Eden Local Plan 2014-2032

- LS1 “Locational Strategy”
- DEV1 “General Approach to New Development”
- DEV3 “Transport, Accessibility and Rights of Way”
- DEV5 “Design of New Development”
- EC4 “Tourism Accommodation and Facilities”
- ENV1 “Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity”
- ENV2 “Protection and Enhancement of Landscapes and Trees”
- ENV10 “The Historic Environment”

7.2 Other Material Considerations

National Planning Policy Framework:

- Chapter 2 Achieving sustainable development
- Chapter 6 Building a strong, competitive economy
- Chapter 12 Achieving well-designed places

- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

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
- Impact on the Historic Environment
- Landscape impact
- Highways impact
- Planning Balance

8.2 Principle

8.2.1 The proposed site is part of existing approval 17/1021 for 25 holiday lodges and the lawful use of the proposed site is for tourism accommodation. The principle for the use of the site for tourism accommodation has therefore previously been established subject to further considerations relating to landscape, historic environment and highways.

8.2.2 The proposal does not result in physical extension of the existing site onto any surrounding land as covered by Policy EC4, instead it simply represents a reconfiguration of the site which would result in the development of an additional seven holiday lodges and replacement storage shed. For this reason Policy EC4 of the Local Development Plan is not considered to apply in this instance.

8.3 Impact on the Historic Environment

8.3.1 Policy ENV10 of the Local Development 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 Council will require all proposals for development to conserve and where appropriate, enhance the significance of Eden’s heritage assets and their setting. The Council will support proposals that would better reveal the significance of the asset, in particular those heritage assets identified as being most at risk. Opportunities for promotion, interpretation and increasing understanding should also be explored.

Development proposals that would result in substantial harm to or total loss of significance of a designated heritage asset or its setting will only be permitted where it can be clearly demonstrated that the public benefits of the proposal would outweigh the harm or loss, and that the harm or loss is necessary to achieve those benefits.

The Council will require proposals to protect and where appropriate, enhance the significance and setting of Eden’s non-designated heritage assets, including buildings, archaeological sites, parks, landscapes and gardens. Where the harm is outweighed by the public benefits of the proposals, the Council will require an appropriate level of survey and recording, the results of which should be deposited with the Cumbria Historic Environment Record.

Where a development proposal affecting an archaeological site is acceptable in principle, the Council will ensure preservation of the remains in situ as a preferred

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solution. Where in situ preservation is not justified, the development will be required to make adequate provision for excavation and recording before or during development.

All development proposals affecting the historic environment, heritage assets and their settings (including where there is the potential of unknown archaeological assets) will need to be accompanied by an assessment of the significance of the asset and its setting and how it will be affected by the proposed development.

The level of information required will be proportionate to the significance of the asset and to the scale of impact of the proposal. For archaeological assets, this may where necessary include archaeological desk based assessment and field evaluation.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

8.3.2 Paragraph 195 of the NPPF states that:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss”.

8.3.3 Paragraph 196 of the NPPF states that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

8.3.4 Paragraph 201 of the NPPF states that:

“Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole”.

8.3.5 The proposed site is within and adjacent to the Northern boundary of Great Salkeld Conservation Area.

8.3.6 The Conservation Officer has raised concerns regarding the application stating that *“the proposals to further increase the number of lodges on the site (an additional 7) plus construct a new storage shed are not considered to be sympathetic to or an enhancement to the significance of the conservation area”.*

8.3.7 The proposed site is part of approval 17/1021. The proposal would result in the addition of seven lodges on the proposed site, this is considered a modest increase to the 25 lodges and single manager’s accommodation on site. The lodges would be subject to the same restrictions regarding size, design and materials as approval 17/1021 through condition.

8.3.8 The proposed site has an area of approximately 0.35ha with the remainder of the site approved under 17/1021 being 1.79ha.

REPORTS FOR DEBATE

- 8.3.9 The proposed storage shed would have a footprint of approximately 12.9 x 8.3 metres with a height to the ridge of four metres. Although taller, the footprint is substantially smaller than that of the existing shed on the site. The proposed storage shed would utilise black larch boarding for the walls and black corrugated metal sheeting for the roof.
- 8.3.10 The main view points of the proposed site are from the B6412 road approximately 100 metres to the West of the proposed site and a public footpath approximately 180 metres to the East. The view of the proposed site from the B6412 is relatively well screened through the drystone wall adjacent to the road, low topography of the proposed site and mature trees and hedgerow along the Western elevation of the proposed site. The view from the public footpath to the East is not as well screened, however the nature of a footpath means that its use will be less intense than the B6412 road and therefore the view will be limited to a lower number of people.
- 8.3.11 Outline approval 17/0848 was for five dwellings located on the field directly west of the proposed site, adjacent to the B6412 road. Although an outline permission and therefore the layout and scale of the dwellings has yet to be established, once these are construction they will provide additional screening of the proposed site from the B6412 road.
- 8.3.12 Based on the above the proposal is considered to have a neutral impact on the Conservation Area, particularly when viewed in the context of the existing holiday lodges to the South.
- 8.3.13 It is acknowledged that the Conservation Officer does not deem the proposal to be *“sympathetic to or an enhancement to the significance of the conservation area”*. Policy ENV10 of the Local Development Plan requires proposals to *“conserve and where appropriate, enhance the significance of Eden’s heritage assets”*. The views of the Conservation Officer in relation to their interpretation of Policy ENV10 are duly noted. However, Policy ENV10 is explicit in that proposals are not necessarily required to enhance the significance of heritage assets, where a development would conserve them. Although the proposal cannot be said to enhance the Conservation Area, it is considered to have a neutral impact. By its definition a neutral impact would conserve the significance of the Conservation Area in compliance with the requirements of Policy ENV10.
- 8.3.14 In accordance with Paragraph 196 of the NPPF the neutral impact of the proposal on Great Salkeld Conservation Area must be weighed against the contribution the proposal will make to the growth of an existing rural business. Paragraph 80 of the NPPF places significant weight on the need to support economic growth with Paragraph 83 requiring planning decisions to enable sustainable rural tourism and leisure developments. The economic benefits of the proposal are considered to outweigh the neutral impact upon Great Salkeld Conservation Area.

8.4 Landscape Impact

- 8.4.1 Policy ENV2 of the Local Development Plan states 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:

- *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.*
- *Any visually sensitive skylines or hill and valley sides.*
- *The tranquillity of the open countryside.*

The impact of potential new development will be assessed against the criteria within the Cumbrian Landscape Assessment Toolkit (or successor documents) with regard to the particular Character Area's key characteristics, local distinctiveness and capacity for change.

Development should contribute to landscape enhancement including the provision of new trees and hedgerows of appropriate species and in suitable locations. Loss of ancient woodland and significant/veteran trees will not be permitted unless it can be demonstrated that there is an overriding need for the development which outweighs their loss".

8.4.2 Paragraph 170 of the NPPF states that:

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

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

8.4.3 The proposed site is part of approval 17/1021 and currently used for the storage of materials used on Moss Bank Lodge Park. Therefore, the application site is not considered to be an incongruous development within the countryside. The proposed site is relatively small in size particularly when compared to the remainder of Moss Bank Lodge Park. The site will be viewed in the context of the more numerous holiday lodges to the immediate south.

8.4.4 The proposed site is considered to comprise a relatively minor part of the landscape and its setting, with the site relatively well screened from public view points through its topography and existing vegetation. This further reduces the proposal's impact on the landscape.

8.4.5 Although the East and West boundaries denote a linear field pattern as you approach the settlement from the North via the B6412 road, the site is relatively well screened from this view point. Therefore the proposed site is not considered to form part of a particularly distinctive landscape element. The development is contained within this existing field pattern with the row of mature trees and hedgerow to the West and hedgerow to the East retained, preserving this field pattern.

8.4.6 Outline approval 17/0848 is for five dwellings and located on the field directly west of the proposed site, adjacent to the B6412 road. Although an outline permission and therefore the layout and scale of the dwellings has yet to be established, once these are construction they will provide additional screening of the proposed site from the B6412 road.

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- 8.4.7 Based on the size of the proposed site, its existing use, proximity to the more numerous lodges to the South and existing screening through topography and vegetation the proposed development is considered to have a limited landscape impact.

8.5 Highways Impact

- 8.5.1 Policy DEV3 of the Local Development Plan states that:

“Development will be refused if it will result in a severe impact in terms of road safety and increased traffic congestion”.

- 8.5.2 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”.

- 8.5.3 The proposed seven lodges is considered to result in a nominal increase in vehicle movements in comparison to that generated by approval 17/1021. The existing access is considered sufficient to accommodate this increase. The Highways Authority were consulted on the application and raised no objections.
- 8.5.4 Given the negligible increase in vehicle movements generated by the proposal and lack of objection by the Highways Authority, the proposed development is considered to have a severely limited highways impact resulting in no capacity or safety concerns.

8.6 Planning Balance

- 8.6.1 The proposed development would result in an additional seven holiday lodges to be sited at Moss Bank Lodge Park. These additional seven units would provide an additional economic benefit to an existing rural business which is given significant weight by Paragraph 80 of the NPPF.
- 8.6.2 The economic benefits of the proposal must be weighed against the impact of the proposal on the Conservation Area which is considered to be neutral, the impact on the landscape which is considered to be limited and the impact on the highway network which is considered to be severely limited.
- 8.6.3 On balance, the economic benefits to a rural business are considered to outweigh the proposal's neutral impact on the conservation area, limited landscape impact and severely limited highways impact.

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 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 Human Rights

- 9.5.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights and Fundamental Freedoms 1950, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

- 10.1 The proposed development would facilitate the growth and expansion of an existing rural business which is given significant weight by Paragraph 80 of the NPPF.
- 10.2 The proposed site is viewed in the context of the remainder of the much larger site with 25 existing lodges and manager's accommodation. The proposed site is well screened from existing public view points and is considered to have a neutral impact on the Conservation Area. Therefore the impact on the landscape is limited and the impact on the Conservation Area is neutral.
- 10.3 The economic benefits of the proposal are considered to outweigh the limited landscape impact and neutral impact on the Conservation Area of the proposal.
- 10.4 For the above reasons the application is recommended to be approved.

Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning Files 19/0973