

Eden District Council

Planning Committee Agenda
Committee Date: 18 June 2020

INDEX

Item No	Application Details	Officer Recommendation
1	Planning Application No: 20/0133 Construction of live/work unit comprising 2 storey dwelling, single storey link and work unit with remote secure storage Land adj. to Fernbank, Great Strickland Applegarth Foods – Mrs K. Twentyman	Recommended to: APPROVE Subject to Conditions
2	Planning Application No: 20/0223 Demolition of existing shed and erection of a replacement shed Banks Gate, North Stainmore, Kirkby Stephen, CA17 4EX Mr F Allison	Recommended to: REFUSE With Reasons
3	Planning Application No: 20/0210 Erection of garage carport with first floor store room and exterior staircase and erection of general purpose agricultural building Sefton Villa, Sleagill Mr and Mrs A Rouse	Recommended to: APPROVE Subject to Conditions
4	Planning Application No: 19/0598 Erection of two dwellings Land to the rear of 22a and 22b Market Square, Kirkby Stephen, CA17 4QT Bank House Homes Ltd	Recommended to: APPROVE Subject to Conditions

Agenda Index
REPORTS FOR DEBATE

Agenda Item 1
REPORTS FOR DEBATE

Date of Committee: 18 June 2020

Planning Application No: 20/0133 **Date Received:** 20/02/20

OS Grid Ref: 3566 5228 **Expiry Date:** 17/04/20

Parish: Great Strickland **Ward:** Morland

Application Type: Full

Proposal: Construction of live/work unit comprising 2 storey dwelling, single storey link and work unit with remote secure storage

Location: Land adj. to Fernbank, Great Strickland

Applicant: Applegarth Foods – Mrs K. Twentyman

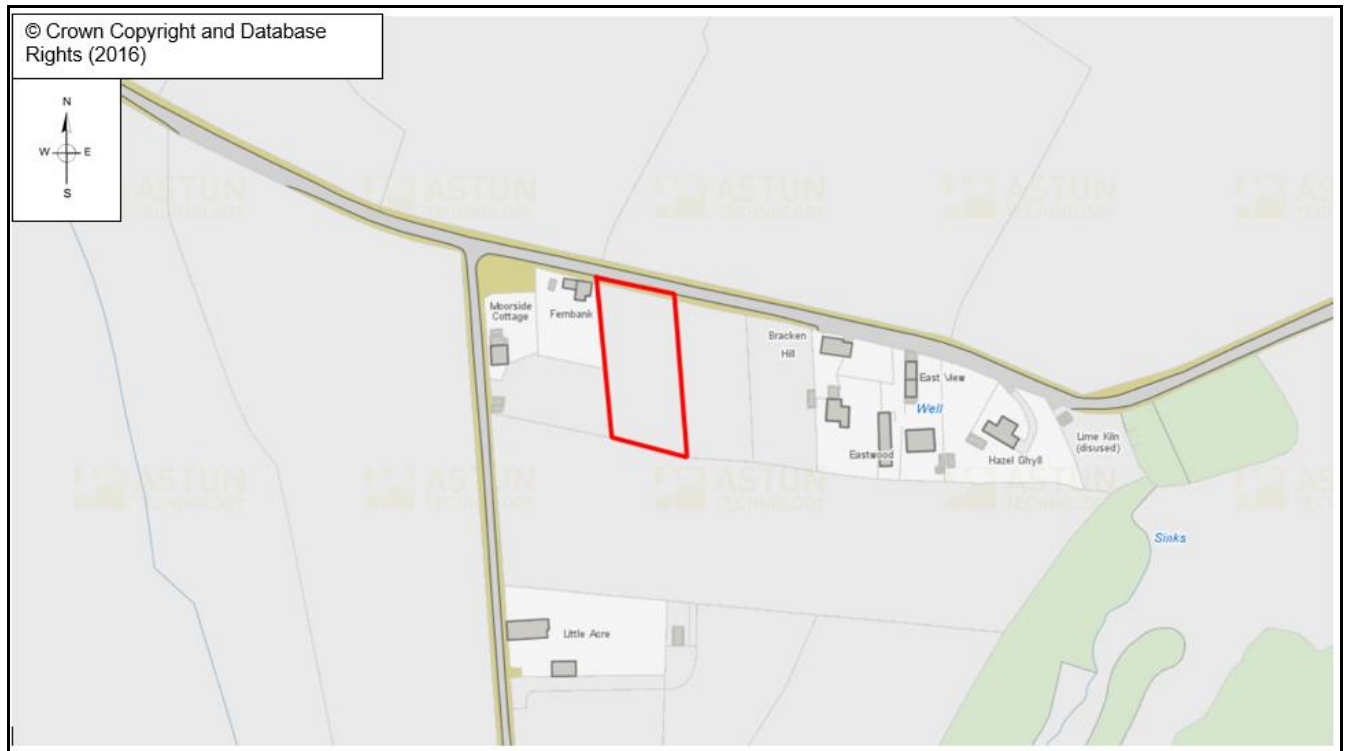
Agent: Ian Carrick Designs

Case Officer: Mat Wilson

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



Agenda Item 1
REPORTS FOR DEBATE



1. Recommendation

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

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

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

- 2) The development hereby granted shall be carried out strictly in accordance with the application form and following details and plans hereby approved:

- Proposed location plan Rev V5 01 dated 12 12 2019
- Proposed site plan Rev V5 01 dated 12 12 2019
- Ground floor plan rev V5.1 Rev04 dated 10 2 2020
- Dwelling first floor and elevations rev V5.1 Rev04 dated 10 2 2020
- Work unit elevations rev V5.1 Rev04 dated 10 2 2020
- Garage and timber shed rev V5.1 Rev04 dated 10 2 2020
- Design and Access Statement date-stamped 20 Feb 2020
- Business Plan May 2020

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

Prior to Construction

- 3) Prior to any other development commencing, 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 shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include a plan which demonstrates how the development will achieve a neutral or positive impact in permeability of surface water drainage. The approved surface water drainage scheme shall then be implemented in full before the occupation of the development.

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.

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

- 4) Before any other operations are commenced, a plan demonstrating visibility splays for each access shall be submitted to and approved in writing by the Local Planning Authority. The visibility splays shall then be implemented in accordance with the approved plan, and shall be retained for their intended use thereafter free of any obstruction exceeding 1m in height. 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. The condition is considered necessary to be complied with prior to development as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.

Before construction works above foundation level commence

- 5) Samples or full details of all external materials proposed for the development shall be submitted to and approved by the Local Planning Authority in writing prior to their use on site. Development shall be carried out in accordance with the approved details.

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

- 6) Prior to construction commencing above foundations level, a landscaping plan including boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate all hedges and trees to be retained together with enhancement of the west boundary to ensure the gap in the hedge is sealed. The approved scheme shall then be implemented in full and shall be retained as such thereafter.

Reason: In the interests of the privacy and amenity of neighbouring occupiers.

Before the first use or occupation of the development

- 7) The live/work unit shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and have been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter.

Reason: In the interests of highway safety.

- 8) Any vehicular access gates installed shall open inwards only.

Reason: In the interests of highway safety.

Ongoing Conditions

- 9) Construction works shall be carried out only between 0800 – 1800 hours Mondays – Fridays; 0900 – 1300 hours on Saturdays and there shall be no building operations on Sundays and Bank Holidays.

Reason: In the interests of the amenity of neighbouring occupiers.

- 10) No deliveries to the site in connection with the catering business shall take place outside the hours of 0800 – 1800 hours on any day of the week, except on up to 10 occasions per year, when deliveries may take place between 0700 and 0800. A register shall be kept and made available to the Local Planning Authority on request detailing each occasion on which deliveries are made before 0800.

Reason: In the interests of the amenity of neighbouring occupiers and providing for the infrequent occasions when deliveries are required slightly earlier than

usual.

- 11) The business floorspace of the live/work unit hereby approved shall not be used for any purpose other than in connection with the catering business, or in any provision equivalent to its Class set out in the Town and Country Planning (Use Classes) Order 1987 (or any order revoking, re-enacting or modifying that Order with or without modification).

Reason: To ensure the work element of the proposal is maintained ensuring that the development cannot become an unrestricted dwelling in the countryside which would otherwise be contrary to policy.

- 12) The work element floorspace of the live/work unit hereby permitted shall be occupied within three months of the residential element being occupied, and shall continue to be used only as a workspace. The balance of living area and working floor space shall be maintained in accordance with that shown on the approved plans. The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of the associated unit, a widow or widower of such a person, or any resident dependants.

Reason: To ensure the live/work unit operates as a cohesive development and so that either the live or work elements are not occupied independently of one another which would otherwise be contrary to policy.

- 13) There shall be no internal alterations which would lead to a reduction in the area of the building allocated on approved plans as being used for employment purposes.

Reason: To ensure the work element of the proposal is maintained ensuring that the development cannot become an unrestricted dwelling in the countryside which would otherwise be contrary to policy.

Informative

1. This decision notice grants planning permission only. It **does not** override any existing legal agreement, covenant or ownership arrangement.

It is the applicant's responsibility to ensure all necessary agreements are in place prior to the commencement of development.
2. The live/work unit hereby granted is a mixed use development and as such the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification) do not apply to this site.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The application is for full planning permission for the construction of a two-storey dwelling and a linked agricultural-style building to serve as the new premises for an established catering business, which will relocate from the applicant's existing property in Great Strickland. The proposal is submitted as a live/work unit and is a revised application following the refusal of planning permission for the original scheme 18/0917 in September 2019 by the Planning Committee.

REPORTS FOR DEBATE

- 2.1.2 The dwelling would have a broad frontage of 13.6m with twin gables projecting back from the main body of the building, extending to 9.3m front to rear at two storeys, with a single detached garage along the west boundary. The house would be rendered to all elevations except the stone frontage, with the roof finished in slate.
- 2.1.3 A dual-purpose sunroom/staff room off the rear elevation connects to a single-storey link wing accommodating an office, staff WC, pantry and plant room and food preparation area. The link provides access to the catering facility, incorporating kitchens and food preparation, storage of food and equipment, and space for one vehicle. Clad in Yorkshire boarding under a profiled roof cladding, the building would be 10m x 15m, 6m high. A secure storage shed for the catering trailer is also proposed at the rear of the site, finished in timber boarding, measuring 9.5m x 4.3m, 3m high.
- 2.1.4 For comparison, the previous scheme refused permission in September 2019 was for a dwelling 16.8m wide, 13.3m deep, with a single attached garage and a sunroom to the rear, and for a catering facility detached from and set behind the dwelling, 10m x 24.7m in footprint, with a timber field shelter also proposed at the rear of the site. It was considered that that scheme was unacceptable for the following reason:

Eden Local Plan Policy RUR4 allows for live/work units of an appropriate scale in rural areas provided they meet certain criteria, including that they should be of a scale and type sympathetic to the area within which they are proposed, and respect and reinforce local landscape character. All development must meet the criteria of Eden Local Plan Policy DEV5, which include the requirement for development to protect the district's distinctive rural landscape, and to reflect the existing streetscene through use of appropriate scale and mass.

The proposed development would result in a new live/work unit of a size and scale that is considered inappropriate in this tranquil rural setting. The benefits to the rural economy, of allowing a local business to grow and to continue to support local suppliers, are in this case more than outweighed by the policy contradictions inherent in the proposal, in respect of the scale of both the dwelling and of the work unit, and the commercial appearance of the food production unit. The proposal would detract from the quiet and open character of the local rural area, and is therefore considered to be contrary to Policies RUR4 and DEV5 of the Eden Local Plan.

- 2.1.5 The existing catering business was established by the applicant in 2005, supplying catering for corporate events and private functions. The business provides buffet lunches and specific bespoke menus for private parties and wedding functions. No commercial baking for retail sale is undertaken.
- 2.1.6 The business currently operates from the applicant's home in Great Strickland, with off-site storage in a lock-up garage nearby.
- 2.1.7 In a typical week the business would cater for 1-2 funerals, 2-3 business lunches and possibly a weekend wedding. The applicant has one or two staff members to assist in food preparation.
- 2.1.8 Larger functions require more staff, and up to 5 people will assist the applicant in catering for events of up to 200 guests.
- 2.1.9 Deliveries will typically number 2-3 per week, from local suppliers. Additional linen deliveries take place in the summer. On rare occasions when providing early morning funeral teas (before 11.00am), deliveries would need to be on site by 7.30/7.45 am to enable staff labours to commence food prep at 8am. The applicant states this is not a

REPORTS FOR DEBATE

regular practice and the likelihood and indeed history of such deliveries would not be before 7.30am.

- 2.1.10 On days when functions are held, up to 4 additional staff vehicles attend the business. The applicant states that no customers visit the business except for returning borrowed items or prospective brides discussing wedding catering plans.
- 2.1.11 In order to sustain the existing business, it is proposed to create a live/work unit with onsite storage, coalescing all the storage requirements into one location. Whereas previously it was intended to offer a facility for customers to host private dinner parties, and to provide onsite workshops and cookery demonstrations as well as the potential to offer residential accommodation to customers, the business plan of the revised scheme focusses on the extant catering business.

2.2 Site Description

- 2.2.1 The application relates to a field of approximately 2,300sq.m. to the south of the road into Great Strickland. The field is grazing land bounded to all sides by hedgerow. A gate provides access into the west side of the field. The two-storey property Fernbank fronts onto the road immediately to the west of the application site. To the south and east are separate fields. The application site is 400m east of St Barnabas Church on the edge of Great Strickland.
- 2.2.2 The site is open countryside and in terms of the Local Plan spatial strategy policy, it falls within the classification of Other Rural Areas outside the Key Hubs and Smaller Villages and Hamlets. The site has no other specific designation in terms of planning policies, i.e. it is not within a Conservation Area, an area at risk of flooding, etc.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority	<p>The access [proposed is] from the C3050, a Highway maintainable at public expense, to the private site. The details provided have shown no visibility splays, however the previous application 18/0917 had a speed survey carried out and splays conditioned.</p> <p>Conditions are recommended addressing provision of access, surfacing, and providing parking and turning areas.</p>

3.2 Discretionary Consultees

Consultee	Response
Lead Local Flood Authority	<p>The Lead Local Flood Authority (LLFA) surface water map show no flooding to the site and the Environment Agency (EA) surface water maps do not indicate that the site is of in an area of risk.</p> <p>This is a minor development which is below the Lead Local Flood Authority (LLFA) threshold, for below 5 dwellings will be picked up by building control, the surface water drainage should not be greater than the</p>

REPORTS FOR DEBATE

	<p>already existing. If installing a soakaway we would advise not to be positioned in close proximity to the highway – which should be at least 5m away from the highway and property</p> <p>Drainage details should be provided for both foul and surface water drainage. The developer should demonstrate how they will deal with surface water discharge from the potential development site and measures taken to prevent surface water discharging onto the highway, public highway or onto neighbouring developments. The surface water drainage should not be greater than the already existing, if installing a soakaway we would advise should be at least 5m away from the highway and property.</p>
County Council Minerals and Waste	Cumbria County Council as minerals planning authority does not object to this application.
National Grid	National Grid has No Objection to the above proposal which is in close proximity to a High-Pressure Gas Pipeline – Feeder.
Housing	As this application relates to a live/work unit and there is no associated affordable housing requirement, I can confirm I have no comments to make.

4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Qualified Support	No Response	No View Expressed
Great Strickland Parish Council		✓		

4.1 The Parish Council responded as follows:

The Parish Council has in line with many other public bodies been unable to meet to discuss the application, and the opinions given have been gathered from those councillors eligible to comment.

The Parish Council has consistently supported applications for the small fields on The Moor which are no longer viable for agricultural purposes. They also support the employment opportunities the application offers. The previous application was refused on grounds that the scale and size were considered inappropriate in a tranquil and rural setting. Whilst steps have been taken to reduce the size of the development, it will still significantly fill the site and will have a huge impact on the neighbouring property.

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice publicising the application was posted at the site on 20 March 2020.

No of Neighbours Consulted	10	No of letters of support	7
-----------------------------------	----	---------------------------------	---

Agenda Item 1
REPORTS FOR DEBATE

No of Representations Received	11	No of neutral representations	0
No of objection letters	6		

5.1.1 Seven letters in favour of the proposal raised the following material issues:

- The business is well-established, supports local suppliers and would generate local employment.
- The current premises - the applicant's existing home – are no longer able to accommodate the business needs.
- The business needs purpose-built premises designed to meet the current and future needs.
- Eden should be supporting small local businesses in rural areas which keep the villages alive, rather than simply becoming bases for holidaymakers.
- It would continue to provide employment opportunities in the community.
- It is a business that serves its local community.

5.1.2 Six letters of objection have been submitted from local residents, raising the following material considerations:

Landscape harm

- This is clearly an industrial workshop and business on a green field site, an alien feature in the locality.
- The proposal would dominate the landscape, having a greater landscape impact than the previous refusal for two dwellings on the adjacent site.
- This is beautiful open countryside and always has been.
- The proposal damages the distinct local character.
- A proposal for two dwellings on the adjacent site was refused planning permission last year for a number of reasons, including that it was perceived to cause unacceptable landscape harm with a significant detrimental impact on the rural character. This application would have a much greater landscape impact than the previous refusal and surely the same considerations should apply to this site.
- There is little material difference between this and the previously refused scheme so the Planning Department must be consistent in refusing this application.

Impact on neighbouring amenity

- The trade vehicles and employee cars entering and exiting the site would completely disturb the tranquil setting and diminish our quality of life.
- The needs of the business should not come at the expense of those living near the application site. There is no fairness in allowing an industrial kitchen to impose on the neighbour's environment of clean air and peaceful surroundings.
- We live outside of the village because we like the peace and quiet. Doesn't our quality of life count for anything here?

Inappropriate location

- It would have a detrimental impact on an existing holiday cottage next to the site and would threaten its viability.

Agenda Item 1
REPORTS FOR DEBATE

- The commercial aspects of the development would better to be sited in a more accessible location not in a rural area setting affecting those living nearby.
- The proposal remains a commercial unit which belongs on a business park.
- We should not be sacrificing open countryside in a peaceful rural environment. It cannot be right that we should lose that and have noise, smells and traffic from someone's business affecting our lives.

Highways Impact

- Major impact on traffic and road safety on what is a National Cycle route.
- Traffic will still need to travel through Great Strickland village; the re-siting of the business will not relieve existing traffic problems experienced by the village.
- The large delivery lorries are likely to block the road or at least inconvenience other road users due to the narrowness of the road.
- Significant concern is raised over the volume and type of traffic that will visit the site, where the road is narrower than the centre of Great Strickland. The approaches to the site include a blind crest and a sharp bend.
- The carriageway is used by pedestrians, cyclists and horse-riders. Concerns that more traffic on this road puts their safety at risk.

Scale and design

- The revised plan to join the dwelling and the work unit together just creates an enormous development that will dwarf everything else in the hamlet.
- The change to the scheme to join the house to the industrial kitchen makes the structure look forbidding.
- Despite re-design the work unit is still not fit for the open countryside and a building like this is one that should be seen on an industrial estate in Penrith.
- The development would not be in keeping with the area; Yorkshire boarding and an industrial-scale roll-top shutter are not common features of this part of Eden.
- The building is squashed into a small field and would be an eyesore.

Policy conflict

- The application contravenes the criteria for policy RUR4:
 - It does not involve the re-use of existing redundant buildings
 - It does not help to diversify the rural economy
 - There will be a significant transport impact
 - The development will not be of scale and sympathetic to the area proposed

Other matters

- The work unit could be sectioned off and therefore sold at a future date should the need or desire arise.

6. Relevant Planning History

- 18/09717 Construction of live/work unit and field shelter - refused 20/9/19.
- On the adjacent field: Outline application 18/0291 two dwellings - refused 14/6/18.

7. Policy Context

7.1 Development Plan

Local Plan 2014-2032

Relevant Policies

- LS1 Locational Strategy
- LS2 Housing Targets and Distribution
- DEV1 General Approach to New Development
- DEV5 Design of New Development
- RUR4 Employment Development and Farm Diversification in Rural Areas
- ENV2 Protection and Enhancements of Landscapes and Trees

Supplementary Planning Documents:

- Housing (2020)

7.2 Other Material Considerations

National Planning Policy Framework:

- Paragraph 11: Presumption in favour of sustainable development
- Chapter 14: Meeting the challenge of climate change and flooding
- Paragraph 81: Policies should accommodate flexible working practices (eg live-work units)

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

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- Scale and Design
- Built Environment/Heritage Assets
- Residential Amenity
- Streetscene/Landscape character
- Infrastructure: Highways/Drainage
- Natural Environment

8.2 Principle

8.2.1 The District's locational strategy for development is defined at Policy LS1 of the Eden Local Plan which sets out the hierarchy of settlements where development should be focused in the most sustainable locations.

8.2.2 This application relates to a grazing field which, although not entirely isolated from other housing development, is definitively rural in character. Great Strickland village is 400m distant. In terms of spatial planning policy therefore, the site is considered to fall within the Other Rural Area outside the key hubs, villages and hamlets.

8.2.3 Development shall only be permitted outside the towns, villages and hamlets (termed the Other Rural Areas) where it involves the re-use of traditional buildings, the

REPORTS FOR DEBATE

provision of affordable housing as an exception to policy only, or where proposals accord with other policies in the Local Plan.

- 8.2.4 The application is submitted as a live/work unit. The relevant policy of the Local Plan is RUR4 although this is now qualified by the detailed guidance provided in the Housing Supplementary Planning Document adopted in April 2020. Policy RUR4 itself states that proposals for employment developments of an appropriate scale (including new build and live/work units) will be supported in rural areas where they meet the following criteria:
- Wherever possible they involve the re-use of suitable redundant traditional rural buildings.
 - Help towards the diversification of the rural economy.
 - Do not have a significant transport impact.
 - Are of a scale and type sympathetic to the area within which they are proposed.
 - Would respect and reinforce local landscape character, the historic environment and not cause harm to the natural environment, through the use of good design.
- 8.2.5 The National Planning Policy Framework is largely silent on live/work development. It simply states (at paragraph 81) that Planning Authorities should adopt policies that are flexible enough to accommodate needs not anticipated in the plan, and allow for new and flexible working practices (such as live/work accommodation).
- 8.2.6 In 2020 the Council has revised its Housing Supplementary Planning Document (SPD) which provides detailed guidance on the interpretation of housing policies in the adopted Local Plan. This sets out that, whilst Policy RUR4 seeks to support employment development in rural areas, there is a balance to be struck between supporting the economic sustainability of local communities and preventing inappropriate development in rural areas which may be contrary to other social and environmental objectives of the Local Plan. The SPD states that in determining applications the location of the live/work unit will be taken into account. New build live/work units sited outside of existing settlements are unlikely to be considered acceptable. Proposals for new live/work units should relate well in their form and context to an existing settlement or building group. Such a proposal should not have to depend on additional screening and landscaping to make the proposal acceptable, but should be seen as complementary to the immediate and existing built and natural environment. A proposed live/work unit outside an existing settlement or group of existing buildings should be justified.
- 8.2.7 The Housing SPD explains that live/work units are a means of meeting the employment needs of people in rural areas by way of accommodating a combination of employment and residential space in a single building. Combining living and employment space can provide a more affordable option for people living in rural areas and can stimulate entrepreneurial growth, which has the added benefit of reducing commuting over relatively long distances to the nearest town.
- 8.2.8 Live/work units are defined as a property that is specifically designed for dual use combining both residential and employment space, providing both the place of main residence of the person (and their family) and their workspace in the employment part of the unit. The live/work unit is 'sui generis' – in a class of their own - and thus different from a mixed-use development consisting of separate employment and residential elements which would respectively fall within Use Classes B and C3 within the Use Classes Order. The live/work unit also differs from a dwelling with ancillary

REPORTS FOR DEBATE

office space where a person can 'work from home' either full time or part time, which is deemed to fall as a dwelling within class C3.

- 8.2.9 The live/work unit should comprise a dedicated employment element which is functionally separate but linked internally with the residential element and operated together. Both the employment and residential elements will also have separate independent accesses. The SPD goes on to describe a typical live/work unit as such: *'The employment element will also include a small kitchenette and toilet facilities. Typically, the employment element is on ground level and faces the street with the residential element above. However residential element may also be alongside the employment element or behind it'.*
- 8.2.10 A live/work unit is intended for use by one or more members of the resident household. Thus the business occupying the employment element should be owned and operated by a person whose main residence is the residential element of the live/work unit.
- 8.2.11 The employment element should be occupied within three months of the residential element being occupied and continued to be thus occupied. Expansion of the residential element into the employment space or the change of use of a live/work unit into wholly residential will not be acceptable and contrary to the purpose of the policy to encourage employment in rural areas. A temporary cessation of the use of the employment element may be appropriate for a limited period to allow for the sale of owner-occupied live/work units where a business has failed.
- 8.2.12 Finally, the Housing SPD states that proposals for live/work units should be supported and justified by a business plan, which should demonstrate the future viability of the business operation. The ratio between the employment and residential element should be at least 50:50.
- 8.2.13 It is recognised that the intention of the policy is to sustainably strengthen the rural economic base. The proposal will allow an existing local business to expand, continuing to provide services to local clients and to work with other local businesses; the proposal will thereby help towards the diversification of the rural economy. The application is considered to meet the definition of live/work units set out in the Housing SPD, being a genuine dual-use scheme were the live and the work elements are mutually dependant, and are physically linked but have separate independent access; the work element will be owned and operated by the applicant occupying the resident household; the proposal is supported by a business plan; and the ratio between the employment and residential elements is roughly equal.
- 8.2.14 The business plan sets out the need for the new premises and the reasons why this site is proposed rather than within an existing settlement. The plan states that the sustainability of the business is no longer viable at the current location. It has simply outgrown the existing space over 14 years. The business is cramped, it impacts on the day to day lives of the applicant and her family by sharing the living areas of the dwelling and incurs unnecessary time and movement of equipment between storage and base. It is not feasible to build on the existing site as there is limited space to both front and rear of the dwelling, furthermore the applicant owns the proposed location site which is approximately 0.5 miles away.
- 8.2.15 An alternative, a unit on an industrial estate, has been considered and found not to fit with the current business model on three fronts. The business portrays itself as a cottage industry, offering a personal service with attention to detail in a more relaxing environment. The working hours extend beyond the normal working day and as a

REPORTS FOR DEBATE

single mother of two, the needs of the family still need to be addressed. Thirdly, the business is very much focussed on serving local clients within the Eden Valley. A location on an industrial estate would take it well outside the operating area and incur significant additional travel times and costs for both the business and for employees.

- 8.2.16 The rationale of this business operating as a cottage industry is accepted; however officers consider that grounds for the business to be located rurally substantiated on the needs of the family and travel time are less compelling, and should be given little weight in the planning balance. Officers are also mindful that existing dwellings in the district could perhaps provide the accommodation and ancillary work space requirements, without requiring the development of a greenfield site in the countryside with a large new house and workspace; that said, there is no sequential test required under Policy RUR4, and the Housing SPD requires only that live/work units in the rural area should be justified, and does not expect that other options should be considered first. The crux of the matter is, does the proposal justify the development of a new, substantial house and a workspace structure in this rural location?
- 8.2.17 The business plan asserts that the viability of the business can be best achieved with a purpose built live/work unit with on-site storage for ancillary equipment. The move to purpose-built premises is designed to consolidate and amalgamate the current business and its offsite equipment store rather than to expand the activity. The live/work proposal comprises a dedicated single storey work and storage unit which is functionally separate but linked internally with the two storey residential dwelling. The employment and residential elements both have separate independent accesses not only to the site but to their respective building entrance. They each have independent kitchen and toilet facilities and, the business plan asserts, show scale and type sympathetic to the area in which it is being proposed as per Policy RUR4. In keeping with the local architecture, the residential element is at the front of the live/work unit, with the employment element located behind. This proposal would enable the business to operate on one single site, become more efficient through time management, and would provide greater sustainability. Furthermore, the larger storage capacity of the proposed scheme will reduce the frequency of the delivery of materials, and eliminate the current need for travelling between the applicant's home and the off-site storage.
- 8.2.18 The proposal does not meet the criteria of a 'typical' live/work unit as set out in the Housing SPD, which describes the typical premises as comprising the employment element on ground level, facing the street, with the residential element above, alongside or behind it, within a single building. The SPD describes a number of scenarios but it does not rule out other configurations. In this case the applicant contends there are good reasons why the work unit is behind the residential element. The dwelling has been designed in a traditional style, reflecting the vernacular style of the adjacent Fernbank. The applicant asserts that the development will make a positive contribution to the streetscene; that the work unit is not in itself unattractive, and it will be sympathetic to the character of the area. Notwithstanding the typical scenario for live/work units envisaged by the Housing SPD, the applicant considers this a better solution to have a dwelling providing continuity in the road frontage sitting alongside Fernbank, with the agricultural-styled work unit behind.
- 8.2.19 It is conceded that the proposal does not meet the configuration of live/work units described in the Housing SPD. Officers agree however with the applicant's assertion that the SPD is only pointing to 'typical' configurations, it does not rule out others; and that there are justified reasons for the layout provided. The dwelling to the front of the site provides a visual association with the adjacent property Fernbank, and the

REPORTS FOR DEBATE

workspace in a linked building behind the dwelling is indicative of farm developments, although it is accepted that the 'live' and the 'work' spaces are ostensibly separate functional spaces and not as cohesive or integrated as the typical live/work unit described by the SPD. It should also be recognised that the SPD is for guidance only and does not replace policy. That the configuration is not one that is specifically mentioned in the SPD does not make it a fundamentally different type of development and does not mean that it would necessarily be unsympathetic to the area.

- 8.2.20 The scale of a live/work unit must be sympathetic to the area in which it is proposed and should be 'of an appropriate scale in the rural area', but the scale is not quantified or prescribed, and it falls therefore that the size of a proposed live/work unit should be assessed in the context of its particular location. This proposal relates to a small enclosed pasture and the revised scheme, whilst certainly not dominating the space or amounting to overdevelopment as the previous scheme was deemed to, must still be recognised as a relatively substantial building group in the countryside. In terms of the context of the site however, the proportions of the residential element of the proposal are broadly similar to that of Fernbank, the adjacent property, albeit this property having been converted from a pair of cottages into one, with later single and two-storey extensions. Furthermore, the rear link and workspace element of the proposal relate to the backland development for what would have been buildings for ancillary uses of Bracken Hill and East View, on similar size plots to the east of this site. The workspace proposed as part of this scheme is not however ancillary, it is integral to the function of the live/work unit, albeit its size, reduced though it is from the previous scheme, is still significant. The Housing SPD describes that live/work units typically are used by professionals including accountants; architects; artists and designers; consultants; designers; hair stylists; one-on-one instructors; photographers and similar occupations. Such uses would require a much smaller workspace than that proposed here. Given the site context and how it would relate to surrounding development, the proposal is, very marginally, considered to be of a scale which is appropriate to its surroundings, although officers accept that the size is a significant factor.
- 8.2.21 In terms of location, the SPD states that new build live/work units sited outside of existing settlements are unlikely to be considered acceptable, although it does provide that proposed live/work units outside an existing settlement or group of existing buildings should be justified; that live/work units should relate well in their form and context to an existing settlement or building group, and should be of a scale and type sympathetic to the area within which it is proposed. As such, the SPD is clear that there are circumstances where a live/work unit can be granted permission outside an existing settlement. The applicant contends that in this case the live/work unit relates well to an existing building group, and that it does not require additional screen landscaping for it to be acceptable. It should also be noted the particular reasons for this development not to be located on a business park: that it would not suit the business model of this catering company, which trades on welcoming customers in to a cottage-industry type premises; and the business would be less efficient, less effective and would incur greater costs and more journeys for staff and customers on an industrial park.
- 8.2.22 The justification for a live/work unit is accepted; the need for it to be in this location is more finely balanced. Aside from offering prospective customers a hospitable home environment in which to sample buffet options, and to trade on the cottage-industry ethos, the business could equally operate from a place of business in a more sustainable urban location. The mooted gains arising from the reduction in trips for

REPORTS FOR DEBATE

staff, customers and deliveries are of little material consequence, for whilst the applicant's need to travel for work would of course be substantially diminished, they will still need to drive to other areas to access services and facilities; their customers and delivery drivers would still need to drive to the premises. That said, the development would relate well to an existing building group, being immediately adjacent to Fernbank in a self-contained parcel of land; the design has been substantially improved to reflect the building traditions of the area, and although the overall scale is a subjective and nuanced consideration, whilst accepting that the total volume of built mass proposed cannot necessarily be sympathetic to its area, its impact overall is not considered to be unduly harmful, the vernacular appearance of the buildings relating well to the built form of residential and agricultural development in the locality.

8.2.23 Matters of scale, transport impact and landscape impact are considered in subsequent paragraphs, but the principle of a rural live/work unit as a new-build development is supported by Policy RUR4 and that there is justification for this development in light of the recently adopted guidance set out in the Housing SPD.

8.3 Scale and Design

8.3.1 The proposal as previously submitted was refused permission as it was considered that the development would have resulted in a new live/work unit of a size and scale inappropriate in this tranquil rural setting. The benefits to the rural economy, of allowing a local business to grow and to continue to support local suppliers, were deemed to be more than outweighed by the policy contradictions inherent in the proposal, in respect of the scale of both the dwelling and of the work unit, and the commercial appearance of the food production unit. The proposal was deemed to detract from the quiet and open character of the local rural area.

8.3.2 Following the determination of the original scheme, the Council has worked with the applicant and agent to amend the proposal so that it might address the reasons for refusal. The proposals have gone through several design iterations to improve its scale and design, influenced by a simplified business case which focuses on the core catering business rather than allowing for hosting dinner parties and future expansion to cater for residential guests. This allows the scale of the dwelling element of the live/work unit to be pared back, and although it is still undeniably a considerably-sized dwelling it is substantially smaller than that previously proposed. Whereas that took the form of a terrace of cottages all amalgamated into one, the scheme is now designed in the simple form of a farmhouse. The triple-gable rear projection on the dwelling refused permission is significantly reduced, almost halved in depth, whilst the main element fronting the road is more appropriately proportioned for rural dwellings in the locality, its narrower gable and steeper roof pitch demonstrating an understanding of local vernacular.

8.3.3 The employment element of the live/work unit has similarly been comprehensively reduced in scale, with a new link unit accommodating staff facilities and the vehicle storage split between the main unit, a separate secure shed and outside parking. The building is taller but it will have the appearance of a farm barn typically found in the District, with Yorkshire boarding and profiled roof cladding. Only the roller-shutter access door gives away the commercial nature of the building, the applicant stipulating that the roller-shutter is necessary as opposed to sliding or opening barn doors as suggested for reasons of security and safety.

REPORTS FOR DEBATE

8.3.4 Notwithstanding the negotiated changes to both the residential and employment elements of the proposals, it is acknowledged that overall scale is still a concern and a significant consideration in the planning balance. Neither Policy RUR4 nor the revised guidance set out in the Housing SPD give an absolute size limit for live/work units; instead they require that schemes should be of a scale and type sympathetic to the area within which they are proposed. It is the officer's view that changing direction on the design of the scheme to one more influenced by farm-related development gives the proposal a more appropriate, rural appearance and the capacity to allow larger buildings one would readily associate with agricultural steadings. The scale and appearance of the workspace building of the previous scheme, its substantial proportions and commercial appearance, and the outsized proportions of the residential space, was clearly an inappropriate development in the countryside for which no amount of support for rural employment live/work units would have justified the proposal. The revisions to the scheme have reduced the scale of the residential element to equate broadly to the proportions of the adjacent property Fernbank, and further afield to the pair of cottages now amalgamated to form East View in the cluster of dwellings to the east, set perpendicular to the road. The residential space is undeniably still a substantial building, but it relates well with its immediate neighbour in its scale and design; taken with the revised size and appearance of the work element, the scheme can be seen to respect its rural setting. It is considered that the more modest farm-style development proposed to provide the live/work unit is of a scale and design that could be more readily accepted in this rural location.

8.3.5 Proposed developments are judged against the Development Plan as a whole. Proposals should conform with all the relevant policies in the Local Plan, so the proposal must meet the requirements of both Policy RUR4 and the general design considerations expected of new development set out in policy DEV5. This requires, amongst other things, that development shall show a clear understanding of the form and character of the District's built and natural environment; that it shall protect or enhance the District's distinctive rural environment; and shall reflect the existing streetscene through use of appropriate scale, mass form and design. Whilst by no means suggesting that all development in the rural area should be granted regardless of size and use provided it replicated local building traditions, it is officer's view that in this instance the proposal can marginally be considered to meet the requirements of policies RUR4 and DEV5, although it is finely balanced in this case due to the scale of the buildings. The development will be perceived in the manner of an agricultural development which respects local built vernacular in its scale and its overall appearance and critically it is permitted through RUR4 for rural employment developments, accepting that the proposal in a rural area is justified and has benefits which outweigh the harm.

8.4 Built Environment/Heritage Assets

8.4.1 The application site does not affect a Conservation Area or any Heritage Asset. The impact on the built historic environment is neutral.

8.5 Residential Amenity

8.5.1 Policy DEV5 requires that development shall protect the amenity of existing residents. There is one dwelling which would be directly impact by the proposal, this being Fernbank located immediately to the west of the application site. It provides an outlook over the site from a ground-floor side window, the side boundary at this part of the site being relatively open; this is however a secondary window, the main outlook from the

REPORTS FOR DEBATE

room being into the back garden of the property. In the interests of the amenity both of the neighbour at Fernbank and for the applicant, boundary planting to fill the gap in the hedgerow would be required, since the residential element of the live/work unit proposes lounge windows facing the neighbour at 13m.

- 8.5.2 The hedge along the shared boundary becomes more substantial, interspersed with trees, further into the plot away from the road, and is considered to provide an adequate level of privacy for the neighbour and to screen the domestic garage proposed alongside the boundary, and the work unit and its associated comings and goings. All traffic to the catering unit would use the new additional entrance on the far side of the plot away from the neighbour. The applicant has requested that on a small number of occasions, deliveries before 8am be permitted, to allow for morning funeral buffets to be prepared, and it is considered reasonable to grant deliveries between 7am and 8am on up to 10 occasions per year. Together with the enhancement of the boundary hedge, restricting hours for deliveries to the site as a condition of approval would further protect the neighbour's amenity to ensure deliveries do not occur at unsociable hours.
- 8.5.3 It is acknowledged that the proposal, if granted, would have an impact on the amenity of the immediate neighbour, particularly in view of the quiet, undeveloped and rural nature of the setting, which would clearly be affected through the proposal. What should be taken into account however, is that the commercial element of the proposal is essentially the preparation of buffets by the applicant and occasional assistance, with deliveries only made by Luton-sized vans since the business changed from being centred on baking for retail sale, to catering. The objector's photos of HGVs delivering to site have not been relevant to the business for at least 4 years. At the new site, vans will enter and exit on the far side of the application site from the neighbour. As such it is considered that residential amenity is not significantly compromised and that the proposal meets the requirements of Policy DEV5 in respect of amenity.

8.6 Streetscene/Landscape Impact

- 8.6.1 The Housing SPD advises that in determining applications, the location of the live/work unit will be taken into account. New build developments sited outside of existing settlements are unlikely to be considered acceptable. Proposals for new live/work units should relate well in their form and context to an existing settlement or building group. Such a proposal should not have to depend on additional screening and landscaping to make the proposal acceptable, but should be seen as complementary to the immediate and existing built and natural environment. Proposed live/work units outside an existing settlement or group of existing buildings should be justified. It must be of a scale and type sympathetic to the area within which it is proposed. Policy RUR4 requires that development shall respect and reinforce local landscape character through the use of good design.
- 8.6.2 The adoption of the Housing SPD since the previous scheme was determined now provides context for the assessment of rural live/work unit schemes considered under Policy RUR4. The SPD now advises that such developments situated outside existing settlements may, exceptionally, be considered where they are well-related to building groups. The location is some distance from Great Strickland but is not isolated from other development, and it would be seen in the context of the sporadic housing in the locality, most obviously the adjacent Fernbank to which it would relate closely in terms of its scale and appearance, to Moorside Cottage behind Fernbank, and to the cluster of dwellings along the road between 60 and 100m to the west. The location would not

REPORTS FOR DEBATE

be considered appropriate for market housing development but the surrounding dwellings provide a built environment context in which the proposal would be seen as a progression of the extant piecemeal rural development.

- 8.6.3 The design changes and the physical reduction in the proposals in terms of scaling back both the residential and the work elements of the live/work unit from the previously refused scheme have to a large degree addressed the landscape impact reasons for rejecting the initial proposal. The enclosed field would no longer have the sense of overdevelopment that would have resulted under the earlier proposal, with the coalescence of the larger, separate elements into a smaller linked design substantially reducing the built footprint of the proposal. The buildings, whilst admittedly still large, are now much more closely aligned to the built tradition of the local vernacular through their design. Whilst the open nature of the landscape will inescapably be compromised by development of this field, the loss of openness and impact on landscape character, on which the previous scheme failed, is here mitigated by the quality of the design which now pays much greater respect to its surroundings, by the layout changes to create a more compact unit, leaving a much greater part of the field open, and by the reduction in the scale of the buildings, which are significantly less imposing on the landscape.
- 8.6.4 The field is relatively well screened such that, even as the ground levels rise toward the back of the site, the existing hedge to the front boundary, and trees to the side boundaries, screen much of the field from public view. The work unit is to be discretely sited behind the dwelling unit, further up the field such that the existing trees and hedges on the field perimeter are likely to screen the development in summer, and break up the massing of the buildings after the leaves fall in winter. The landscape impact is not considered to be unduly significant.

8.7 Infrastructure: Highways/Drainage

- 8.7.1 The application proposes to create a new access at the east side of the plot for business-unit traffic, retaining the existing field access toward the west of the site for residential use. A speed survey conducted at the site and submitted with the previous scheme satisfied the County Council Highway Authority that reduced visibility splays of 62m in either direction are acceptable. It is appreciated that several residents have expressed concern over highway safety; however it has been demonstrated that average vehicle speeds are relatively low, and no further issues are raised by the Highway Officer at the County Council. Should permission be granted, it is appropriate to require a plan demonstrating the visibility splays as a condition of approval.
- 8.7.2 Foul water drainage is to be disposed of via the mains, with soakaways proposed for surface water. Since the site slopes down to the highway it is appropriate to include a prior-approval condition requiring approval of a drainage scheme, informed by onsite investigations, so as to ensure that the proposed method of drainage is appropriate.
- 8.7.3 In view of the above, it is not considered the proposal would result in any significant harm arising in respect of highway safety or drainage.

8.8 Natural Environment

- 8.8.1 Impacts on the natural environment are addressed under Policy ENV1 of the Local Plan, which requires that new development shall avoid any net loss of biodiversity and geodiversity, and where possible enhance existing assets.
- 8.8.2 Although the field itself is likely to be of a limited biodiversity value, the trees and hedgerows around its perimeter may provide habitat or roosting opportunities for

REPORTS FOR DEBATE

protected species. A landscaping/boundary treatment plan should be agreed as a condition of approval, in order to demonstrate those trees and hedgerows to be retained and areas of additional planting, including enhancing the west hedgerow which has gaps. Should any significant felling be required (although it is not expected that any trees or hedgerows will need to be removed, other than across the site frontage) then approval of the landscaping scheme shall be dependent on an ecology survey conducted prior to development commencing, to ensure appropriate mitigation is factored-in.

9. New Homes Bonus

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

10. Implications

10.1 Legal Implications

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

10.2 Equality and Diversity

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

10.3 Environment

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

10.4 Crime and Disorder

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

10.5 Children

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

10.6 Human Rights

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

11. Conclusion

- 11.1 The principle of live/work unit development is supported by Local Plan Policy RUR4. The scheme as amended proposes a new live/work unit which it is conceded is of a large scale aggregating a not-inconsiderable new residential space with a catering unit

REPORTS FOR DEBATE

and associated vehicle storage. The scheme has been designed such however that its appearance is respectful of its rural setting through appropriate design and finished materials reflective of agricultural development recognisable in the rural locality.

- 11.2 The recently adopted Housing SPD states that, whilst Policy RUR4 seeks to support employment development in rural areas, there is a balance to be struck between supporting the economic sustainability of local communities and preventing inappropriate development in rural areas which may be contrary to other social and environmental objectives of the Local Plan. With this scheme, the matters are considered to be very finely balanced.
- 11.3 The development would benefit the rural economy, allowing a local business to grow and to continue to support local suppliers. With the further benefits of efficiencies in reducing vehicle movements, removing the need for off-site storage, uniting the storage in one place, and with a larger storage capacity reducing the frequency of deliveries, it is considered that, very marginally, the scale of the business forming the work element of the proposal can in this instance be justified. The proposal has been substantially redesigned since it was previously assessed and through changes to the scale, proportions, materials, layout and to the business plan itself, its impact on landscape character has been reduced to an extent whereby it can be considered that the consequences of developing this greenfield site, with the scheme as now proposed, do not result in substantial adverse harm to the character of the local rural area.
- 11.4 The applicant has provided a business case describing an existing, viable home-run enterprise which has outgrown its surroundings, and which trades on a cottage-industry, 'made-at-home' ethos which would not be attained on a commercial business estate. The Housing SPD describes live/work units as *a way of meeting the employment needs of people in rural areas by way of accommodating a combination of employment and residential space in a single building. Combining living and employment space in a single building can provide a more affordable option for people living in rural areas and can stimulate entrepreneurial growth.* The justification for the live/work unit to be in this rural location is not wholly compelling, but it is acknowledged that Policy RUR4 allows, exceptionally, for such development in the rural area and it is considered that, on this occasion, the benefits to the rural economy together with the design changes to reduce the scale and massing, to reflect local built traditions, and to provide a scheme which respects the character of the area, have marginally tipped the planning balance in favour of the proposal.
- 11.5 Local Plan Policy RUR4 allows the development of live/work units where they can be justified, are of a scale and type sympathetic to their locality, and where they respect the local landscape character. The scheme is furthermore considered acceptable in respect of neighbouring amenity, highway safety, and the natural environment.
- 11.6 The inherent challenge in deliberating the acceptance of development in the countryside is not undertaken without due very careful consideration. The benefits of sustaining the rural economy must be balanced against the impact of development on the open landscape, on the loss of openness and tranquillity, and the remoteness of this location from the services, shops and facilities of urban areas, access to which relies on private cars, all of which are acknowledged to weigh against the proposal. However, Policy RUR4 specifically accommodates for new build live/work units in rural areas and, though the matter is very finely balanced, it is considered that the proposal as revised has some justification for being located in the rural area, is appropriately

REPORTS FOR DEBATE

designed to respect its surroundings, and mitigates its landscape impact through its appearance, layout, and vernacular materials, and as such meets the criteria set out in this Policy, and complies with the guidance set out in the Housing SPD. It is conceded however that there are significant reservations with this scale of development in this rural location. A compelling argument could be made for rejecting the scheme; however for the reasons stated above the planning balance is considered to tip, and very closely, in favour of the scheme. The proposal is otherwise considered to comply with Policies LS1, DEV1, and DEV5 of the Eden Local Plan, and the NPPF 2019. As such the application is recommended for approval.

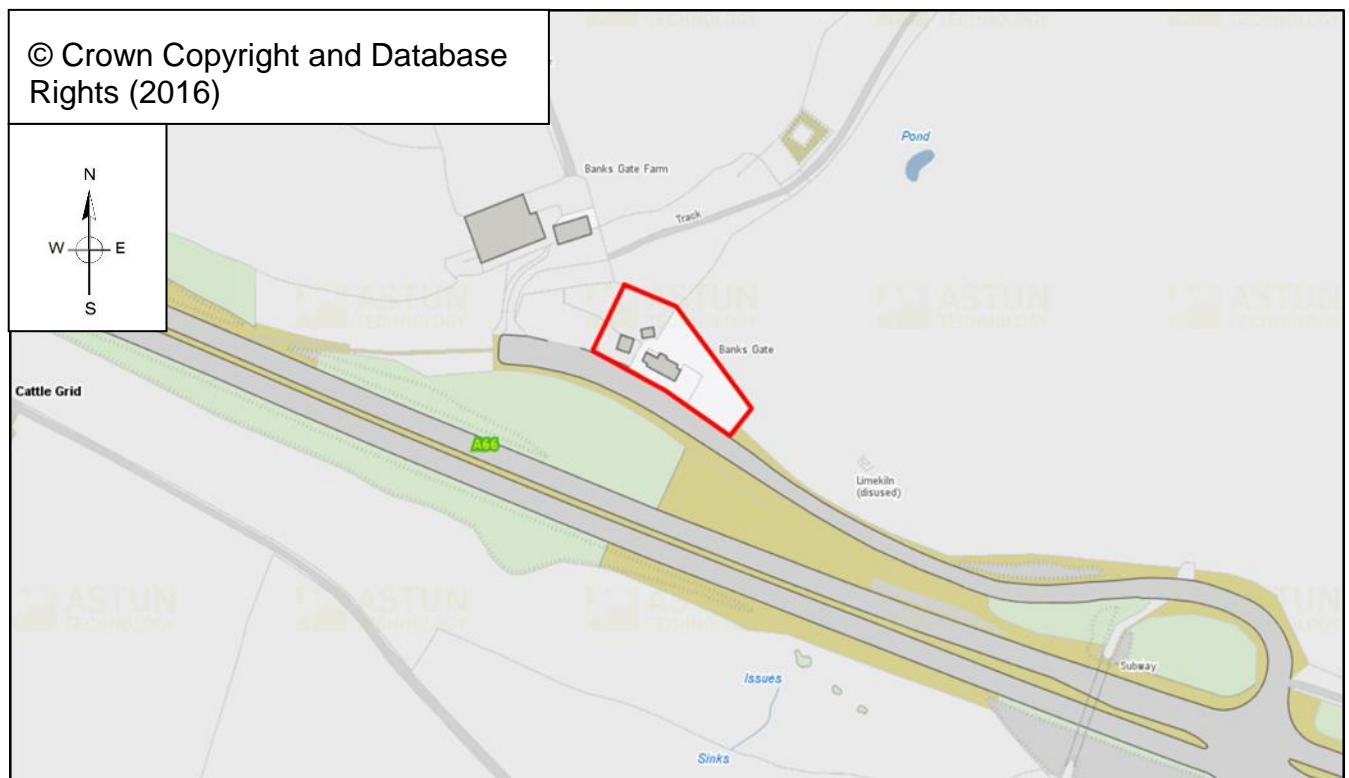
Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	✓
---	---

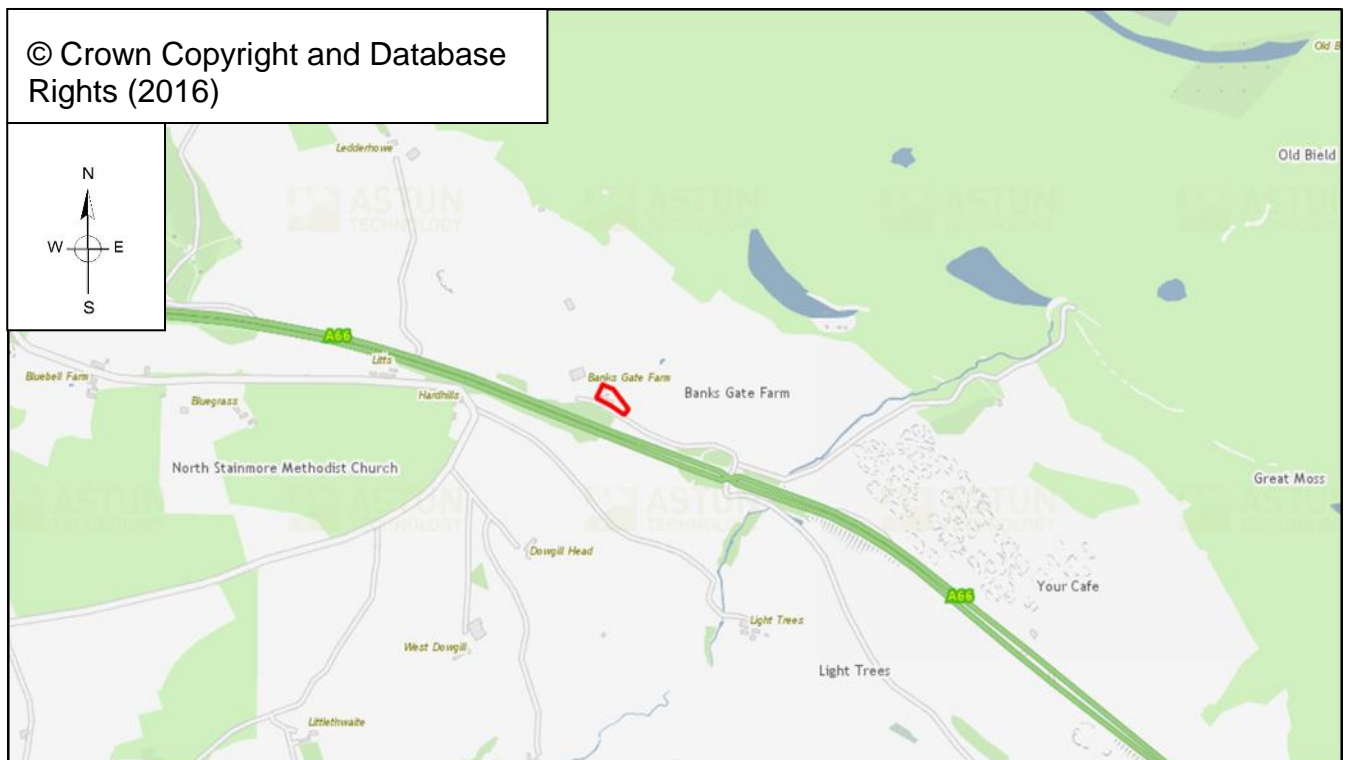
Background Papers: Planning File 20/0133

Agenda Item 2
REPORTS FOR DEBATE

Date of Committee:	18 June 2020		
Planning Application No:	20/0223	Date Received:	3 April 2020
OS Grid Ref:	384546 514831	Expiry Date:	30 May 2020
Parish:	Stainmore	Ward:	Brough
Application Type:	Full		
Proposal:	Demolition of existing shed and erection of a replacement shed		
Location:	Banks Gate, North Stainmore, Kirkby Stephen, CA17 4EX		
Applicant:	Mr F Allison		
Agent:	Addis Town Planning		
Case Officer:	Miss G Heron		
Reason for Referral:	The recommendation is contrary to that of the Parish Council and there has been a request for the application to be heard at Planning Committee by Councillor Simpkins based on material planning grounds		



Agenda Item 2
REPORTS FOR DEBATE



1. Recommendation

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

1. The proposal is of a scale, size and design which causes unacceptable harm to the residential character and setting of the site and surrounding area. Therefore, the development is contrary to Policy DEV5 of the Eden Local Plan 2014-32 and Paragraph 130 of the NPPF 2019.
2. The proposal is of a scale, size and design which causes harm to the North Pennines Area of Outstanding Natural Beauty designation contrary to Policy ENV2 and Policy ENV3 of the Eden Local Plan 2014-32.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The proposal seeks full planning permission for the erection of a replacement shed to be used for domestic purposes. The garage will measure approximately 15 metres by 10 metres, standing to 5 metres to the eaves. It shall be constructed from plasticol coated composite panels with a section of stone facing to the south elevation.

2.2 Site Description

- 2.2.1 The site relates to an existing garage/shed building directly adjacent to the residential property, Banks Gate. It is located in a considerably elevated position to the north of A66 at North Stainmore, being accessed via an existing junction off the A66 onto an unclassified road to the site.
- 2.2.2 The site is located within the North Pennines Area of Outstanding Natural Beauty, Upper Eden Neighbourhood Plan area and in an area of Minerals Safeguarding. There is a Public Bridleway (366062) to the west of the site.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Local Highway Authority	Responded on 23 April 2020 with no objection as the proposal will not have a material effect on existing highway conditions.
Lead Local Flood Authority	Responded on 23 April 2020 with no objection.

3.2 Discretionary Consultees

Consultee	Response
Cumbria County Council – Minerals and Waste	Responded on 27 April 2020 with no objection.
Highways England	Responded on 30 April 2020 with no objection.
North Pennines Area of Outstanding Natural Beauty Partnership	No response received.

4. Parish Council/Meeting Response

Parish Council/Meeting	Object	Support	No Response	No View Expressed
Stainmore Parish Council		x		

4.1 *'Stainmore Parish Council have examined the plans and know the site very well. We would like to offer support to the proposal, for the reasons outlined below:*

- *The site is immediately adjoining the applicant's house and the size has been justified.*
- *The use of the shed will be restricted to the applicant/adjoining house.*
- *The use proposed is not commercial.*
- *The application will see the removal of the old garage which is an eyesore.*
- *The new shed is in keeping with other agricultural buildings in the area.*
- *The site is well contained in the wider landscape and cannot be seen from the A66.'*

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 22 April 2020.

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

5.2 One letter of support has been received by Councillor Simpkins:

'I have reviewed planning application reference 20/0223 including the plans and the covering letter and I wish to call it into planning committee. I am calling it because I believe that:

- *The size of the shed has been clearly justified.*
- *The shed is well-contained in the wider landscape.*
- *The shed would tidy up the area replacing derelict old garage with a modern, smart building.'*

6. Relevant Planning History

Application No	Description	Outcome
96/0213	Extension to the rear and side of the property to provide additional utility space and a double garage as amended by information in respect of the domestic curtilage boundary of the site as received on 31/05/96	Full Approval 31/05/96
18/0918	Proposed replacement garage	Withdrawn 04/01/19
19/0068	Proposed replacement garage	Full Refusal 27/03/19

Application No	Description	Outcome
19/0591	Proposed replacement garage – resubmission of 19/0068	Full Approval 24/10/19

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-2032):

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

Supplementary Planning Documents:

- North Pennines AONB Planning Guidelines (July 2011)
- North Pennines AONB Building Design Guide (2011)

7.2 Other Material Considerations

National Planning Policy Framework:

- Chapter 12: Achieving well-designed places

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

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- Scale and Design
- Landscape and Visual Impacts
- Site History
- Infrastructure
- Natural Environment
- Built Environment

8.2 Principle

8.2.1 The principle of residential extensions and outbuildings are acceptable providing they comply with Policy DEV5 of the Eden Local Plan which supports high quality design that reflects local distinctiveness and shows a clear understanding of the form and character of the district's built environment.

8.2.2 It is considered that an outbuilding to be used in a residential setting, in association with a main domestic property, is acceptable in principle, subject to other material planning considerations.

8.3 Scale and Design

REPORTS FOR DEBATE

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

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

8.3.2 Paragraph 130 of the NPPF states *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid.'*

8.3.3 The application is for a garage to be used for domestic purposes as stated in the additional information submitted by the applicant. Information has been supplied as a justification for the size and scale of the proposal. This relates to the applicant wishing to continue his passion and hobby of restoring and converting old buses into motorhomes and restoring classic trucks, which at the current time they are able to do at their business Grand Prix Garage in Brough. However, they would like to continue this into retirement and have a building which would allow for this at their residential property. They also wish to have the capacity to store classic vehicles in the building. The agent for the application confirms that the building would be operated on an ancillary basis to the residential property Banks Gate and would not be used commercially. Therefore, the application shall be assessed in accordance with its proposed domestic use.

8.3.4 Firstly, the proposal is not considered to be of an acceptable size and scale when considering the application site, its proposed use and surroundings. Typically although not restricted through Local Plan Policy, a domestic garage to be used in association with a dwellinghouse would be used as an ancillary building to the main house and therefore, would typically be expected to be subservient in size in order to achieve good or high quality design. There is an existing double garage to the east of the main house, which is single storey and subservient in size compared to the main house. In considering this, the proposal seeks a domestic garage which would approximately measure 15 metres by 10 metres, standing to 5 metres to the eaves. The garage would have a total ground area of 150m². As outlined above, a domestic garage is considered to be an ancillary structure to the main dwelling. However, the proposal will not appear ancillary, overbearing the residential property and the plot of land of which it is situated. The scale is commensurate with that of a commercial or agricultural building which is not considered to be appropriate as a domestic garage.

REPORTS FOR DEBATE

- 8.3.5 To provide further context on the scale and size of the proposal, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2 Part 1 Class E allows for buildings incidental to the enjoyment of a dwellinghouse, subject to the criteria. The maximum height allowed under this provision is 4 metres for a dual-pitched roof with a maximum eaves height of 2.5 metres. Also, the legislation places greater restrictions on Article 2(3) land, of which the site is on due to its designation in the North Pennines AONB. It restricts development under this provision to the side of the dwellinghouse and places a restriction of 10 square metres on the total area of ground covered by development under Class E. This proposal seeks a domestic building which has a total ground area of 150 square metres in comparison.
- 8.3.6 Also, there is an existing disused outbuilding on the application site which is rundown and derelict, and is not of significant architectural merit. In considering Paragraph 130 of the NPPF, this application could have taken the opportunity to improve the character and quality of the area. However, the proposal raises significant concerns in relation to its size and scale, being approximately four times larger than the existing in terms of ground floor area which is not considered to be acceptable.
- 8.3.7 In addition to this, it is important to consider there is an extant planning permission on the site for a replacement garage under planning application 19/0591. This extant permission will have a ground floor space of approximately 63 metres squared, which is considered to be of an acceptable size, scale and design to the Council. To compare this directly with the application before Members, there is a difference of approximately 87 metres squared between the extant planning permission (19/0591) and this current proposal.
- 8.3.8 In terms of the materials proposed, the building would be built from plasticol coated composite panels and stone facing to the south elevation. Whilst the use of stone facing in this location is perhaps considered acceptable, the use of plasticol coated composite panels are typical of an agricultural or commercial building and does not relate to the local surroundings, especially given its proposed domestic use.
- 8.3.9 The agent for the application includes reference to another planning application recently determined by the Council, planning reference 19/0504 at 4 Kells Spring, Clickham in which the applicant sought to maintain and keep vintage tractors. However, it is important to acknowledge that every application is determined on its own merits and its individual site specific circumstances and context. Therefore, the approval granted under planning permission 19/0504 does not represent a material consideration in the determination of this planning application.
- 8.3.10 As outlined in the above paragraph 8.3.3, the applicant has submitted information to justify the size and scale of the proposal. However, it is considered by Officers that this does not provide a significant justification to outweigh Officers' concerns with its size, scale and use of materials.
- 8.3.11 Overall, the proposal is not considered to reflect the character of the area due to its size and scale, and does not use quality materials which complement or enhance local surroundings. It is considered the size of the building is not commensurate of its proposed domestic use, being an overbearing and dominant structure in comparison to the main residential property, Banks Gate. It is considered to cause harm to the residential character of the site and surrounding area. Therefore, it is considered that the application fails to accord with Policy DEV5 of the Eden Local Plan 2014-32 and Paragraph 130 of NPPF.

8.4 Landscape and Visual Impacts

- 8.4.1 Policy DEV5 states development which “*protects and where possible enhances the district’s distinctive rural landscape, natural environment and biodiversity*” can be supported.
- 8.4.2 Policy ENV2 concerns the protection and enhancement of landscapes. It states “*new development will only be permitted where it conserves and enhances distinctive elements of the landscape character and function*”.
- 8.4.3 The site is located within the North Pennines Area of Outstanding Natural Beauty and therefore, Policy ENV3 of the Eden Local Plan applies. Policy ENV3 of the Eden Local Plan states ‘*Development within or affecting the North Pennines Area of Outstanding Natural Beauty (AONB) will only be permitted where each of the following criteria apply:*
- *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’.*
- 8.4.4 The North Pennines AONB Building Design Guide 2011 under LC9 states ‘*Look to the local landscape for design inspiration. Pay particular attention to the scale, mass, form and detailing of local buildings, local vegetation patterns and local styles of wall, hedges, fencing, gates and paving materials.* Under this guide, LC10 states ‘*use natural materials in construction where possible and particularly local stone and timber’.*
- 8.4.5 According to the Cumbria Landscape Character Guidance, the site is designated as Sub type 13a, Scarps which characterises the landscape as open, expansive and undeveloped in character which gives a sense of remoteness.
- 8.4.6 The proposal is situated adjacent to a residential property, of which it is associated, and an existing small farm complex to the north west. In the wider context, it is surrounded by open countryside with views over the wider valley across the A66 and the North Pennines AONB. The site and surrounding area is especially rural in nature, surrounded by agricultural fields which contribute to its open and undeveloped character.
- 8.4.7 Whilst it is acknowledged that the North Pennines AONB Partnership have offered no response on the application, it is considered that the introduction of a large scale garage to be used for domestic purposes is not characteristic of the immediate residential setting of the site and wider landscape area. The proposal will appear at odds with the wider landscape context due to its size and scale, and does not conserve or enhance distinctive elements of the landscape character. It will appear as an overbearing feature alongside a residential property due to its size and scale which is not considered to be acceptable in this location, or for domestic purposes.
- 8.4.8 The proposal will cause adverse harm to the sensitive landscape designation, compromising the character and visual amenity of the site and surrounding area. The proposal due to its size, scale, siting and design does not conserve or enhance the landscape character or function of the site or surrounding area, or the North Pennines

REPORTS FOR DEBATE

AONB designation. Therefore, the proposal is considered to be contrary to Policy DEV5, Policy ENV2 and Policy ENV3 of the Eden Local Plan 2014-32.

8.5 Site History

- 8.5.1 It is important to consider the previous planning history of the site; of which there is one refusal for a replacement garage (19/0068) and one approval for a replacement garage (19/0591) on the site. Firstly, the 19/0068 application was for a domestic garage on the site which would approximately measure 15 metres by 10 metres, standing to 3.6 metres to the eaves to be finished in render blockwork to match the main house. In considering this, Officers expressed concerns in relation to the size, scale and of the proposal, especially given its domestic use. This resulted in the application being refused for the following reasons:
- i. The proposal is of a scale, size and design which causes unacceptable harm to the residential character and setting of the site and surrounding area. Therefore, the development is contrary to Policy DEV5 of the Eden Local Plan 2014-32 and Paragraph 130 of the NPPF 2019.
 - ii. The proposal is of a scale, size and design which causes harm to the North Pennines Area of Outstanding Natural Beauty designation contrary to Policy ENV2 and Policy ENV3 of the Eden Local Plan 2014-32.
- 8.5.2 In considering the differences between the current application before Planning Committee (20/0223) and the previously refused application (19/0068) on the site, there are two material differences. In terms of the 20/0223 application, the walls are to be constructed of plasticol coated composite panels whereas under 19/0068, these would have been constructed of rendered blockwork to match the main dwelling. Also, the eaves height of the 20/0023 application is greater than the eaves height of 19/0068 application by approximately 1.4 metres. The size and scale of the two different proposals are the same in terms of ground floor area; each measuring 15 metres by 10 metres. It is considered that the current application does not address the concerns by Officers which formed the reasons for refusal of the 19/0068 application, especially in relation to the size and scale of the proposal.
- 8.5.3 Also, there has been a subsequent application for a replacement shed on the site under planning application 19/0591 which was approved under delegated powers. This is an extant permission and is ultimately the fall back position of the applicant. This application had a considerable reduction in the overall size of the building, being reduced from 150 square metres ground floor space under the 19/0068 application, to 63 square metres under the 19/0591 application. The 19/0591 proposal would approximately measure 9 metres by 7 metres. Whilst it was considered to be relatively larger than a typical domestic garage, the existing garage on the site approximately measures 6.5 metres by 6.5 metres to give a total ground area of approximately 42.25 square metres. Officers appreciate there is an increase in the footprint of the approved 19/0591 building compared to the existing outbuilding on the site, but in this context it was considered to be acceptable, especially given the significant reductions in size and scale since the 19/0068 application.
- 8.5.4 In discussing the site history in relation to the proposal, it is in the Officers' opinion that this current application 20/0223 presents the same issues and concerns of the 20/0068 application in relation to its size, scale and design which led to the refusal of the previously application. As outlined above, there are two material differences between the 19/0068 application and the current application before Members; the materials for

REPORTS FOR DEBATE

the walls and the eaves height of the building. Therefore, it is considered that the reason for the refusal of the 19/0068 application still stands. It is considered that the extant permission on the site for a replacement shed (19/0591) provides an acceptable compromise in terms of size and scale for the site, being larger than the existing garage/outbuilding on the site, yet still respecting the residential use and character of the area.

8.6 Residential Amenity

- 8.6.1 Policy DEV5 of the Eden Local Plan 2014-32 states that development should “protect the amenity of existing residents” and provide an “acceptable amenity for future occupiers”.
- 8.6.2 The application site is located in a relatively isolated position with only one neighbouring property located approximately 45 metres to the north west of the site in an elevated position. It is considered that due to this separation distance between the two, the proposal will not cause any issues in relation to overshadowing, providing an overbearing impact or overlooking.
- 8.6.3 The proposal is considered to accord with Policy DEV5 of the Eden Local Plan 2014-32 in regards to the residential amenity.

8.7 Infrastructure

- 8.7.1 The development will have no material impact on highway conditions, replacing an existing outbuilding on the site.
- 8.7.2 Cumbria County Council as the Local Highways and Lead Local Flood Authority have been consulted as part of the application and offer no objections. Therefore, the proposal is considered to be acceptable in terms of infrastructure.

8.8 Natural Environment

- 8.8.1 The proposal is located on an existing area of hardstanding and would be in place of an existing garage on the site. It is considered that due to this, no harm is likely to arise to protected species or habitats.

8.9 Built Environment

- 8.9.1 The site is not located in a Conservation Area and there are no listed buildings within the vicinity of the application site which need to be considered as part of this application.

9. Implications

9.1 Legal Implications

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

9.2 Equality and Diversity

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

9.3 Environment

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

9.4 Crime and Disorder

REPORTS FOR DEBATE

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

9.5 Children

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

9.6 Human Rights

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

10. Conclusion

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

The proposal is not considered to reflect the character of the area due to its size and scale and does not use high quality materials which complement or enhance local surroundings. The size and scale of the building is not commensurate of its proposed use, being a dominant, overbearing structure compared to the main residential property. It is considered to cause harm to the sensitive landscape designation of the North Pennines AONB which compromises the character and visual amenity of the site and surrounding area. It is considered that the justification for the building provided by the applicant does not override these concerns. The proposal is considered to fail to accord with Policy DEV5, Policy ENV2 and Policy ENV3 of the Eden Local Plan as well as Paragraph 130 of the NPPF. Therefore, the application is recommended for refusal for the reason outlined in Section 1 of this report.

Oliver Shimell

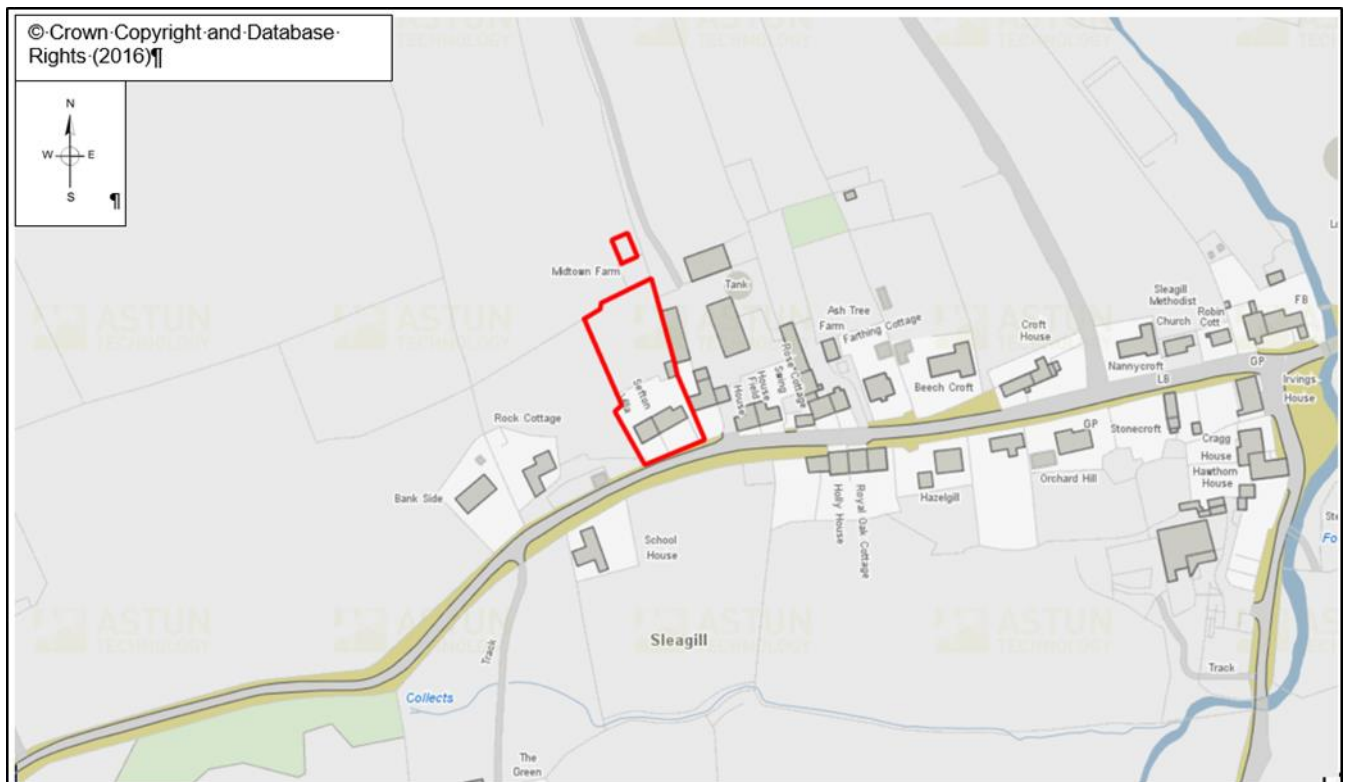
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	02.06.2020
---	------------

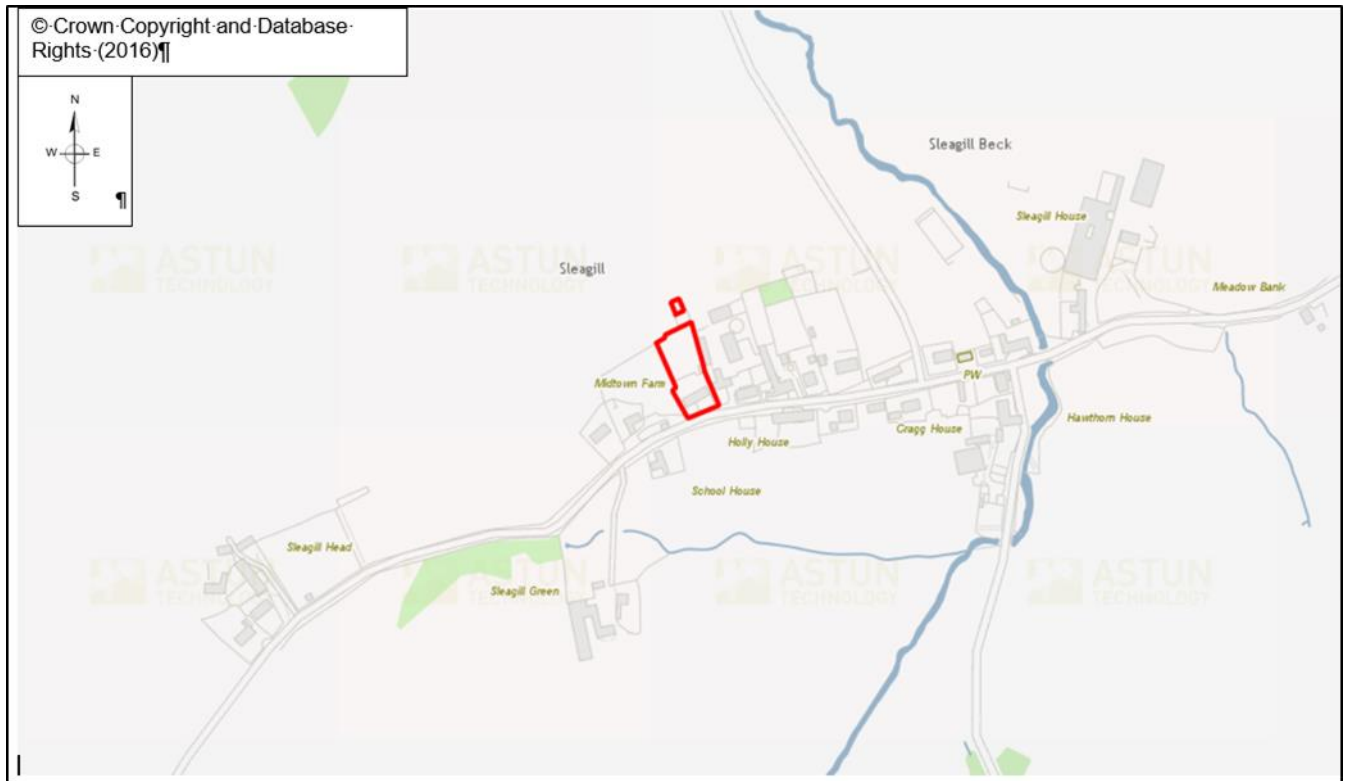
Background Papers: Planning File 20/0223

Agenda Item 3
REPORTS FOR DEBATE

Date of Committee:	18 June 2020		
Planning Application No:	20/0210	Date Received:	1 April 2020
OS Grid Ref:	NY 359430, 519201	Expiry Date:	28 May 2020 (time extension agreed to the 19 June 2020)
Parish:	Sleagill	Ward:	Morland
Application Type:	Full Application		
Proposal:	Erection of garage carport with first floor store room and exterior staircase and erection of general purpose agricultural building		
Location:	Sefton Villa, Sleagill		
Applicant:	Mr and Mrs A Rouse		
Agent:	Mr A Davis		
Case Officer:	Caroline Brier		
Reason for Referral:	The applicant is a Chief Officer of the 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 27 March 2020
 - ii. Site Plan and Location Plan (L4/20/2403) received 27 March 2020
 - iii. Proposed Elevations (L3/20/2303) received 27 March 2020
 - iv. Proposed Floor Plans/Section (L2/20/2203) received 27 March 2020
 - v. General Purpose Agricultural Building (L1/20/2103) received 27 March 2020
 - vi. Planning Statement received 1 June 2020

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 is a full planning application for the erection of a car port with first floor store room, an exterior staircase and the erection of a general purpose agricultural building.
- 2.1.2 The proposed car port would measure approximately 9.2 metres by 7.2 metres and be 6.3 metres in height. It would be constructed of a stone wall at the lower level with horizontal composite wood grain eurocell weatherboards above and a natural slate roof. All windows and doors are to be high performance UPVC in an anthracite grey colour.
- 2.1.3 The proposed car port would be located to the rear of the dwellinghouse on an existing garden area, close to the eastern boundary of the properties curtilage.
- 2.1.4 The proposed general purpose agricultural building would measure approximately 13.7 metres by 9.2 metres and be 4.5 metres in height. It would be constructed of box profile sheeting to the elevations and roof in a juniper green colour.
- 2.1.5 The proposed general purpose agricultural building would be located on a field to the north of the proposed car port, also close to the eastern boundary. The Planning Statement confirms that the building is for hobby farming, to be used by the household of Sefton Villa for livestock purposes, such as lambing if the weather is severe or

Agenda Item 3
REPORTS FOR DEBATE

hospital housing of sheep. It would mainly be used for animal food storage and equipment.

2.2 Site Description

- 2.2.1 The site is located to the northern side of the main road through the village of Sleagill on land to the rear of the host property, Sefton Villa.
- 2.2.2 The areas of land which would site the proposed car port and agricultural building is relatively flat, with a slight incline in a westerly direction. The garden area is bound by stone walls and the agricultural field by post and wire fencing. There are several mature trees on and around the site.
- 2.2.3 The proposal site is not and does not affect any listed buildings or conservation areas and is in a Flood Zone 1. There are no planning constraints affecting the site which are relevant to the determination of this planning application.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority	A response was received on the 20 April 2020 which advised of no objection as it is not considered that the proposal would affect the highway.
Lead Local Flood Authority	A response was received on the 20 April 2020 which advised of no objection as it is not considered that the proposal would increase the flood risk on the site or elsewhere.

3.2 Discretionary Consultees

Consultee	Response
United Utilities	A response was received on the 4 May 2020 raising no objection to the proposal.
Environmental Health	<p>A response was received on the 1 June 2020 raising no objections to the proposal, however suggesting that a condition be attached requiring that any maintenance of machinery that involves power tools or other noisy activities be limited to the part of the agricultural building that is enclosed by doors, and that any doors and windows to the area be closed except for access or egress when noisy work is taking place. It is also suggested that an hours of use restriction on the use of power tools within the proposed building be applied.</p> <p>These comments have been fully considered. Given the proposed 'hobby farm use' explained in the Planning Statement, mainly for storage and the occasional housing of sheep, it is not considered reasonable or necessary to impose such conditions to any approval granted. Such conditions have not been applied to other similar agricultural buildings within the District and it is duly noted that the building would be located next to an</p>

Agenda Item 3
REPORTS FOR DEBATE

	<p>existing farm of which the closest neighbouring property is located.</p> <p>For these reasons, the maintenance of machinery that involves power tools or other noisy activities is not considered to be a material planning consideration for this application and no further considerations are given to this within the report.</p>
--	--

4. Parish Council Response

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

- 4.1 The Parish Council were consulted on the 7 April 2020 however have not provided a response.

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours on the 9 April 2020 and a site notice was posted on 9 April 2020.

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

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

6. Relevant Planning History

Application No	Description	Outcome
08/0253	Additional ancillary domestic accommodation	Approved 15/05/08

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-32)

- RUR2 – New Agricultural Buildings
- DEV5 - Design of New Development
- ENV10 – The Historic Environment

7.2 Other Material Considerations

National Planning Policy Framework:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 12 - Achieving well-designed places

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

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- Landscape and Visual Impacts
- Residential Amenity
- Historic Environment
- Scale and Design

8.2 Principle

- 8.2.1 This proposal seeks approval for the erection of a car port with first floor store room within the existing garden area. It also seeks approval for a general purpose agricultural building in the field behind the property and within the same ownership.
- 8.2.2 Policy RUR2 – ‘New Agricultural Buildings’ advises that new agricultural buildings should be integrated into the existing farm complex wherever possible to reflect the traditional clustering of rural buildings. Where there is justification for a new farm building to be built in isolation from existing buildings, permission will be granted where the following criteria have been met:
- The proposal carefully considers topography and landform and how the building can be sited to minimise its visual and landscape impact.
 - Opportunities have been taken to retain existing planting and introduce new native tree planting to help screen new buildings where necessary.
 - The proposal utilises subdued colours to reduce the visual prominence of the new building.
- 8.2.3 The proposed general purpose agricultural building is to be in association with hobby farming, as opposed to an agricultural enterprise in which policy RUR2 would normally be applied. However, the principles of how such agricultural buildings would normally be assessed are still relevant and appropriate to use in the consideration and determination of this application.
- 8.2.4 Policy DEV5 – ‘Design of New Development’ requires developments (inter alia) to show a clear understanding of the form and character of the Districts built and natural environment, complementing and enhancing the existing area. It also looks for proposals to protect the amenity of the existing residents and provide an acceptable amenity for future occupiers.
- 8.2.5 It is considered that these proposals meet the aims and requirements of the above mentioned policies in principle. The location of the car port is on an existing garden area in-keeping with the built environment. The proposed agricultural building, whilst for hobby farming as opposed to a farming enterprise, is close to neighbouring agricultural buildings and is considered to comply with the site and proposal specific assessments that would otherwise be made. Further consideration on the impact on the landscape, neighbouring amenities and the scale and design are discussed in the following sections of this report.
- ### **8.3 Landscape and Visual Impacts**
- 8.3.1 Policy DEV5 looks for proposals to show a clear understanding of the form and character of the District’s built and natural environment.

REPORTS FOR DEBATE

- 8.3.2 The host property faces the main road through the village with a narrow access track to the east which leads to the rear of the property. Visible from the road, at the end of the access track, is a small stone built building, approximately 33 metres into the site. The proposed car port with first floor store room would be sited beyond that to the north, with the main body of the building being behind the dwellinghouse.
- 8.3.3 To the east of the proposed car port is a large agricultural building which forms part of the neighbouring Midtown Farm. To the north and west, a field within the applicants' ownership (and the proposed location of the general purpose agricultural building).
- 8.3.4 In terms of visual impact, the proposed car port would be fleetingly visible from the public realm when passing from the road. For this reason, and due to the appropriateness of its design, the car port would be viewed entirely within the context of the existing dwelling and result in no adverse visual impacts upon the character of the area.
- 8.3.5 The proposed general purpose agricultural building would be located on land in the south east corner of the field, approximately 11 metres from the boundary of the field with the residential curtilage of Sefton Villa and 35 metres from the proposed car port building.
- 8.3.6 It would be surrounded by agricultural land to its north, east and west, with the host property to the south. The agricultural buildings of the neighbouring Midtown Farm would be in close proximity to the proposed building (within 20 metres to the south east) and as such, the proposal would be seen within the context of other agricultural buildings within the surrounding agricultural landscape, albeit in a different ownership on a separate parcel of land.
- 8.3.7 The proposed agricultural building would be slightly lower than the proposed car port and unlikely to be visible from the public realm. Given the flat nature of the topography, landform and subdued juniper green colour, it is considered that the proposed building would be sited to minimise its visual and landscape impact.
- 8.3.8 The proposals are considered to show a clear understanding of the form and character of the area, without causing harm to the distinctive character of the area. They also reflect the existing street scene through the use of appropriate scale, mass form and layout. As such the proposal is considered to meet the aims and requirements of policies RUR2 and DEV5 in terms of impacts on the landscape and visual amenity.

8.4 Residential Amenity

- 8.4.1 Policy DEV5 requires that (inter alia) development shall protect the amenity of existing residents and provide an acceptable amenity for future occupiers.
- 8.4.2 The closest neighbouring property is Midtown Farmhouse which is a grade II listed building (discussed further at 8.5 – Historic Environment). It is located approximately 22 metres to the south east of the proposed car port. There are no proposed windows that would create overlooking to this neighbouring property. Given the distance, orientation and stone building between the two, it is not considered that there would be any adverse impacts on the residential amenity.
- 8.4.3 The proposed agricultural building would be sited approximately 65 metres away from Midtown Farmhouse and does not raise concerns to any adverse impacts on the residential amenity of this neighbouring property given the separation distance, the existing farm buildings between the two and also the small scale and limited intensity of the use of the proposed building being for a hobby farm.

REPORTS FOR DEBATE

- 8.4.4 To the south west of the proposals is Rose Cottage. The proposed car port would be approximately 60 metres away and the proposed agricultural building would be approximately 90 metres away. The distances and existing landscaping between the two is considered to be significant and no adverse impacts have been identified.
- 8.4.5 The proposed developments are considered to have been designed and located to protect neighbouring amenities. It is not considered that the proposed developments would cause any overlooking, overbearing or overshadowing to any neighbouring properties, neither would they introduce an incongruous use type to the area. They would protect the amenity of existing and future occupiers and as such meets the aims and requirements of policy DEV5 of the Eden Local Plan.

8.5 Historic Environment

- 8.5.1 Policy ENV10 advises 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.
- 8.5.2 Whilst the proposal site is not listed or within a conservation area, the neighbouring property, Midtown Farmhouse is a grade II listed building. As such the impacts on this building are a material planning consideration.
- 8.5.3 Midtown Farmhouse is located approximately 22 metres to the south east of the proposed car port. A stone building is sited between the two.
- 8.5.4 The proposed agricultural building is approximately 65 metres away. Due to the relatively small scale and limited intensive use of the proposed agricultural building, and also the existence of agricultural buildings, the proposed car port and a stone building between the two, it ensures that there is no direct line of sight to Midtown Farmhouse which preserves its appearance, setting and character.
- 8.5.5 Due to the separation distances between both elements of this proposal and the existing buildings between them, it is not considered that there would be any adverse impact caused to the character, setting or historic significance of the grade II listed building. As such the proposal is in accordance with policy ENV10 of the Eden Local Plan.

8.6 Scale and Design

- 8.6.1 Policy DEV5 requires developments to reflect the existing street scene through the use of appropriate scale, mass, form, layout, high quality architectural design and use of material.
- 8.6.2 The proposed car port would measure approximately 9.2 metres by 7.2 metres and be 6.3 metres in height. It would be constructed of a stone wall at the lower level with horizontal composite wood grain eurocell weatherboards above and a natural slate roof. All windows and doors are to be high performance UPVC in an anthracite grey colour.
- 8.6.3 The proposed car port with first floor store room is considered to be proportionate in scale for its use, which is subordinate to and does not over dominate the host building. The car port has been designed in a modern style with a green oak external stairway to access the first floor, which although slightly contemporary in its appearance, is of a sufficiently high quality to complement and tie in with the host building through utilising some traditional materials which help to preserve the visual appearance of the site.

REPORTS FOR DEBATE

- 8.6.4 The proposed general purpose agricultural building would measure approximately 13.7 metres by 9.2 metres and be 4.5 metres in height. It would be constructed of box profile sheeting to the elevations and roof in a juniper green colour. This is considered to be a standard scale and design for this type of building and appropriate for the agricultural nature of the site and acreage of field it would serve (approximately 5.5 acres).
- 8.6.5 The proposals are considered to meet the aims and requirements policy DEV5 of the Eden Local Plan as they show a clear understanding of the form and character of the area and reflect the existing street scene through their scale, mass, form, layout, design and use of materials.

9. Implications

9.1 Legal Implications

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

9.2 Equality and Diversity

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

9.3 Environment

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

9.4 Crime and Disorder

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

9.5 Children

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

9.6 Human Rights

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

10. Conclusion

- 10.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by material considerations:
- 10.2 The proposal for the erection of a car port with first floor store room and exterior staircase within a residential curtilage has been designed and located to make the best use of the land available without impacting on any neighbouring properties.
- 10.3 The proposed agricultural building is of a standard and appropriate scale and design and located in the corner of the field, close to other agricultural buildings.
- 10.4 The proposal would result in no adverse impacts upon the adjacent listed building Midtown Farmhouse; no adverse impacts upon the character or appearance of the area or upon neighbouring residential amenity.

REPORTS FOR DEBATE

- 10.5 Therefore, it is concluded that the proposals are acceptable and largely compliant with policies RUR2 and DEV5 of the Eden Local Plan and as such is considered to be supportable.

Oliver Shimell
Assistant Director Planning and Economic Development

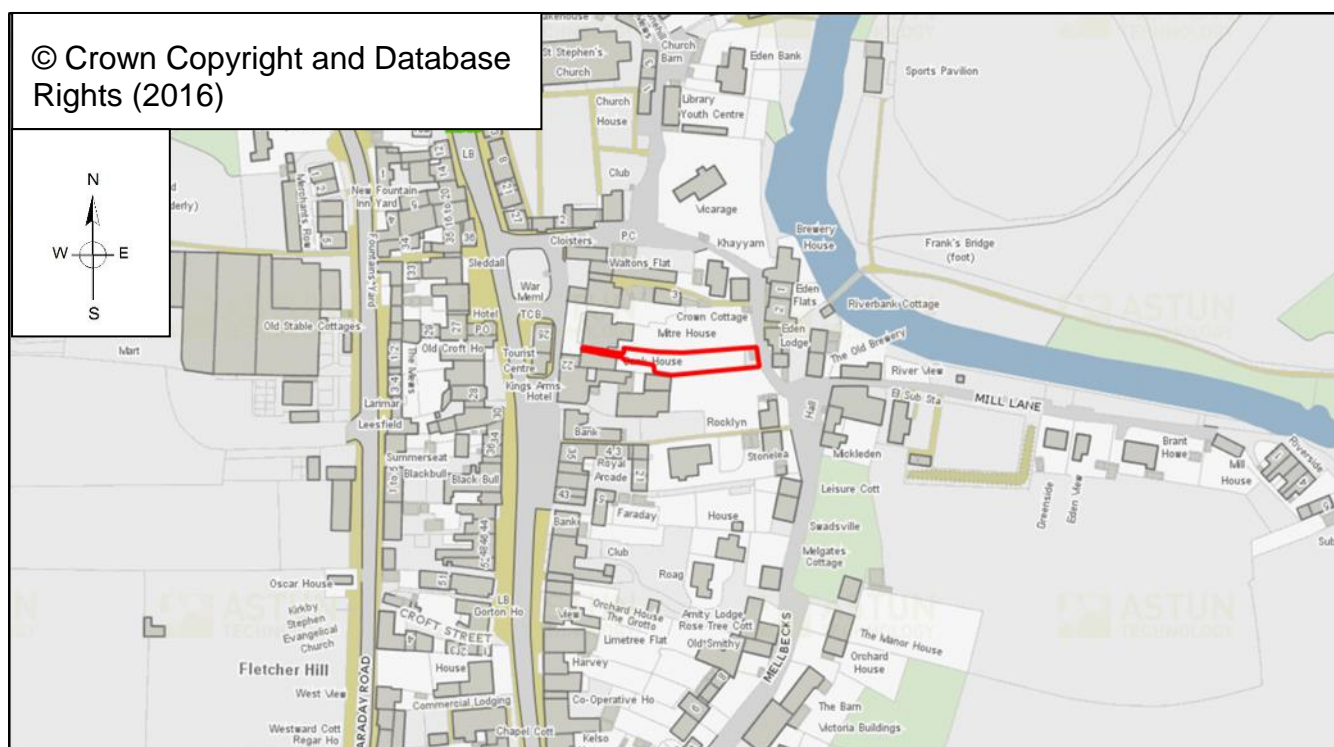
Checked by or on behalf of the Monitoring Officer	02.06.2020
---	------------

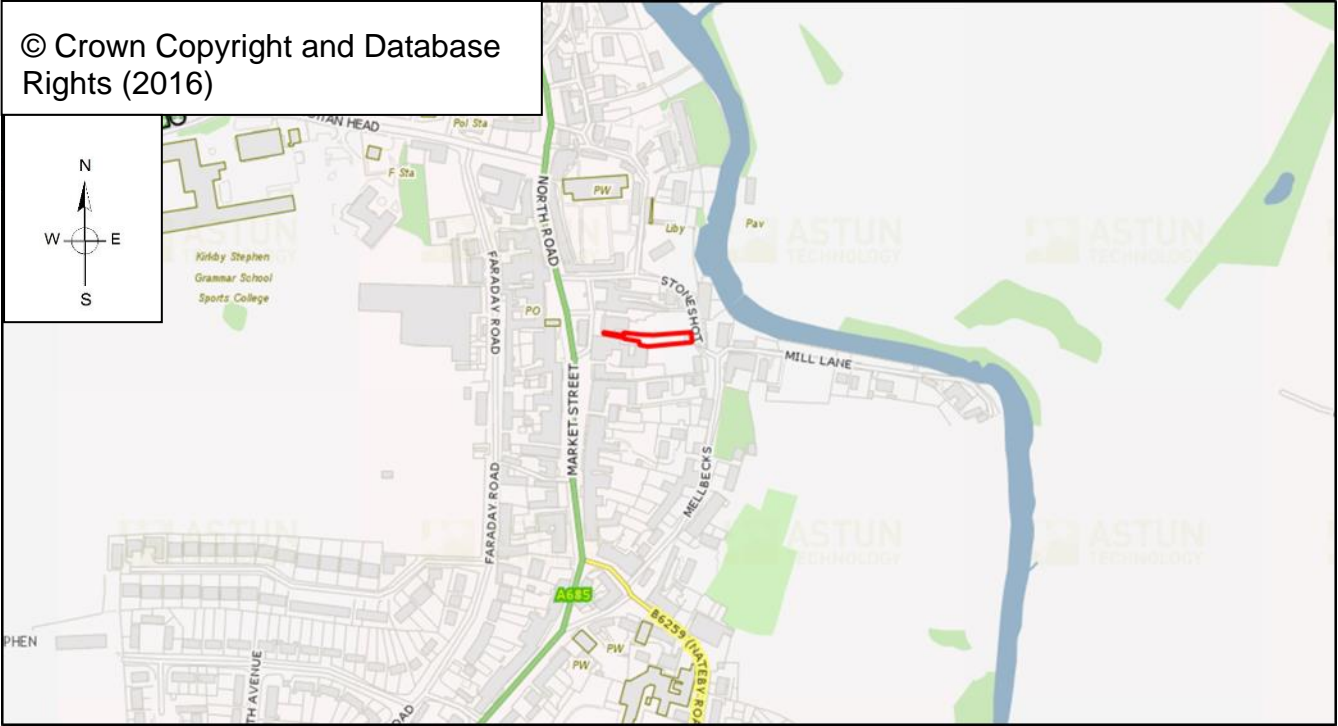
Background Papers: Planning File 20/0210

Agenda Item 4

REPORTS FOR DEBATE

Date of Committee:	18 June 2020		
Planning Application No:	19/0598	Date Received:	13 August 2019
OS Grid Ref:	377533 508693	Expiry Date:	22 June 2020
Parish:	Kirkby Stephen	Ward:	Kirkby Stephen
Application Type:	Full Application		
Proposal:	Erection of two dwellings		
Location:	Land to the rear of 22a and 22b Market Square, Kirkby Stephen, CA17 4QT		
Applicant:	Bank House Homes Ltd		
Agent:	PFK – Miss K Lancaster		
Case Officer:	Miss G Heron		
Reason for Referral:	The recommendation is contrary to the view of Cumbria County Council as Local Highways Authority and Kirkby Stephen Town Council		





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 dated 5 March 2020.
- ii) Location Plan, Drawing Number: 118-111-01-Rev C received by Local Planning Authority on 6 March 2020.
- iii) As Proposed Site Plan, Drawing Number: 118-111-02-Rev C received by the Local Planning Authority on 6 March 2020.
- iv) As Proposed Plan and Elevation, Drawing Number: 118-111-03-Rev C received by the Local Planning Authority on 6 March 2020.
- v) As Proposed Plan and Elevation, Drawing Number: 118-111-04-Rev B received by the Local Planning Authority on 6 March 2020.
- vi) Addendum to Planning Statement, February 2019, received by the Local Planning Authority on 6 March 2020.
- vii) 'Pre-development Arboricultural Report' by Treescapes Consultancy Ltd. Received by the Local Planning Authority on 14 August 2019.
- viii) Topographical Survey received by the Local Planning Authority on 14 August 2019.

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

Before the Development is Commenced

3. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the approved details.

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

4. Prior to the commencement of development, a plan shall be submitted to and approved in writing by the Local Planning Authority reserving adequate land for the storage of materials associated with the development hereby approved. The plan should indicate how delivery vehicles will access the site, how the material

storage area shall be used and it shall be kept available for these purposes at all times until the completion of the construction works.

Reason: In the interests of Highway Safety.

5. Prior to the commencement of development, samples of the materials to be used for the roof and walls of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with these approved details.

Reason: In the interest of the visual amenity of the area.

6. Prior to the commencement of development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

7. Prior to the commencement of development, the tree protection measures as shown on Plan 3: Tree Protection Plan and Section 6: Recommendations of the 'Pre-development Arboricultural Report' by Treescapes Consultancy Ltd. shall be fully implemented on the site until the completion of the development.

Reason: To prevent damage to the trees in the interest of the visual character and appearance of the area.

Ongoing Conditions

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

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

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The proposal seeks full planning permission for the erection of two semi-detached, two storey dwellings on the application site.
- 2.1.2 It is important to acknowledge that the original plans for the application sought permission for three terraced dwellings on the site of a traditional design. These dwellings were to be constructed of natural slate roofs and masonry cut sandstone to the south and east elevation, with roughcast wet dash render to north and west elevations. The original plans were of a traditional form and nature. However, a number of concerns were outlined by the Case Officer at the time, particularly in relation to the amenity of the future occupiers of the dwellings due to natural light restrictions as a result of the high boundary wall and minimal window openings and the overall design of the proposal. Consequently, amended plans were submitted as now proposed.
- 2.1.3 The amended plans seek planning permission for two semi-detached, two storey dwellings on the site. Each dwelling will approximately measure 11.8 metres by 7.2 metres at their widest point, standing to approximately 4.8 metres to the eaves and 7 metres to the ridge. Each dwelling will have a footprint of approximately 80 metres

REPORTS FOR DEBATE

squared. They will be constructed from vertical cedar click weatherboard in grey/buff with proprietary colour coated warm roofing system in grey with solar panels to the roof and two heat pumps. The windows will be constructed of proprietary aluminium or timber composite casement windows. The proposal is of a contemporary design, including large panels of floor to ceiling glazing to the west, south and east elevations. No glazing or openings are proposed on the north elevations in order to protect the residential amenity. Each dwelling will have garden space, one to the east of the site and one to the west of the site.

- 2.1.4 No vehicle access or on-site parking spaces are proposed. One dwelling will be accessed via the existing archway which leads onto Market Street and the other will be accessed by re-instating the existing door into the high boundary wall onto Stoneshot.

2.2 Site Description

- 2.2.1 22 Market Street is located within the town centre of Kirkby Stephen and is a terraced two storey property with dormer windows in the roof. The front elevation is comprised of stone block with white painted timber sliding sash windows. The rear of the property is comprised of unpainted render with a grey slate roof.
- 2.2.2 To the rear of 22 Market Street is a long narrow garden area accessed by an archway leading to Market Street. The garden is approximately 10 metres wide (north to south) and 60 metres long (east to west). The garden is surrounded by a high traditional wall constructed of irregular sized blocks. The site is adjacent to a pedestrian way known as Stoneshot to the east, accessed via a small wooden door through the large stone wall. This wall runs along the entirety of Stoneshot and significantly contributes to the character of the area which is to be retained as part of the proposal. The application site is currently overgrown with vegetation containing multiple mature trees.
- 2.2.3 The building adjacent the application site to the north is Mitre House, a Grade II Listed 2.5 storey building dated to 1663. The building adjacent to the site to the south is The King's Arms Hotel which is a Grade II Listed three storey hotel dated to the 18th Century. As such, the application site is located within the setting of listed buildings and within the Kirkby Stephen Conservation Area.
- 2.2.4 The site is accessed via an existing archway from Market Street and a small wooden door through the large stone wall onto Stoneshot to the west of the site.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Local Highway Authority	Responded on 23 September 2019 in relation to original plans for three dwellings with the following: <i>'I note the previous history with the site and the Highways Authority response to the pre-app. As the proposal is for the erection of three two bedroom dwellings, we would generally require one parking space for each property and we would request that the applicant demonstrates suitable off highway parking to accommodate construction traffic and material storage associated with the development, as there is no off street parking available for any of the properties, we would have no alternative but to recommend refusal</i>

Agenda Item 4
REPORTS FOR DEBATE

Consultee	Response
	<p>due to:</p> <ul style="list-style-type: none"> • <i>Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:</i> <ul style="list-style-type: none"> a) <i>Access</i> b) <i>Off-street parking</i> c) <i>Construction activity and parking</i> <p>Responded on 24 March 2020 in relation to the amended plans for two dwellings with the following:</p> <p><i>'As a vehicular access cannot be provided to the site and as such only a pedestrian access will be available, Cumbria County Council would not be in a position to support the application.</i></p> <p><i>As the proposal is for the erection of 2 two bedroom dwellings, we would require one parking space for each property and we would request that the applicant demonstrates suitable off highway parking to accommodate both residential and construction traffic and material storage associated with the development, as there is no off street parking available for any of the properties we would have no alternative but to recommend refusal to:</i></p> <p><i>Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:</i></p> <ul style="list-style-type: none"> a) <i>Access</i> b) <i>Visibility splays</i> c) <i>Off-street parking</i> d) <i>Construction activity and parking</i> e) <i>Surface water drainage</i> f) <i>On site turning facilities</i> <p><i>To support Local Transport Plan Policy: LD7 LD8</i></p> <p><i>If the application were to be approved without the required access and parking details, we would need to see details with regards to the construction activities associated with the development, how will materials be delivered to the site etc. With this in mind, Cumbria County Council would request the inclusion of the following condition:</i></p> <p><i>Before any development takes place, a plan shall be submitted for the prior approval of the Local Planning Authority reserving adequate land for the storage of materials associated with the development hereby approved. The plan should also indicate how delivery vehicular will access the site, the material storage area</i></p>

Agenda Item 4
REPORTS FOR DEBATE

Consultee	Response
	<p><i>shall be used for and be kept available for these purposes at all times until completion of construction works.</i></p> <p>Reason: <i>The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.</i></p>
Lead Local Flood Authority	<p>Responded on 24 March 2020 in relation to the amended plans for two dwellings with the following:</p> <p><i>'The Lead Local Flood Authority (LLFA) have records of minor surface water flooding to the U3423 road which leads to the site which indicate a 0.1 percent (1 in 1000) chance of occurring each year and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk. Flood Zone 2 & 3 are 5m east of the site you may wish to contact the Environment Agency in relation to Flood Risk Assessment.</i></p> <p><i>The plans do detail surface water would be taken to soakaways within the garden area but not shown. Our previous response remains.</i></p> <p><i>As such we would request the inclusion of the following condition:</i></p> <p><i>Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.</i></p> <p>Reason: <i>To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.</i></p>

3.2 Discretionary Consultees

Consultee	Response
United Utilities	<p>Responded on 24 September 2019 in relation to original plans for three dwellings with the following:</p> <p><i>'In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be</i></p>

Agenda Item 4
REPORTS FOR DEBATE

Consultee	Response
	<p><i>drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.</i></p> <p><i>The NPPG clearly outlined the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order or priority:</i></p> <ol style="list-style-type: none"> <i>1. Into the ground (infiltration)</i> <i>2. To a surface water body</i> <i>3. To a surface water sewer, highway drain or another drainage system</i> <i>4. To a combined sewer</i>
Conservation Officer	<p>Responded on 17 March 2020 to amended plans with following:</p> <p><i>The proposed development comprises of two semi-detached houses within the garden site, utilising the existing access from Market Square and the door in the wall leading to Stoneshot. The proposed height and scale of the dwellings is considered to be appropriate to its location which features tall two and three storey buildings towering above the high stone walls which characterise the area. The proposed building occupy a footprint set back from the eastern boundary wall to Stoneshot and existing large trees will be retained to provide screening of the new development. As such, the contribution of the wall to the streetscene and character of the area will be preserved.</i></p> <p><i>The design of the proposed buildings is a contemporary contrast to the historic buildings within the surrounding area utilising a large amount of glazing and modern sustainable materials and featuring renewable energy technologies. It is considered that the contemporary scheme is appropriate for the site, sensitively complementing the historic character of the area.</i></p> <p><i>As such, the proposed development is not considered to have potential to result in significant harm to the conservation area or the setting of the listed buildings. The development is considered to meet conservation policies in the Planning Act 1990, NPPF 2019 and Eden Local Plan ENV10, as outlined above.</i></p>
Council's Arboriculturalist	Responded with the following:

Consultee	Response
	<i>'The trees in the western end of the site would not merit protection with a TPO. The trees at the eastern end of the garden, beside Stoneshot, have a presence in the public landscape and I understand from the planning statement that most of them are to be retained. This is confirmed within the Treescapes Tree Report that also includes a Tree Protection Plan and other details that will help ensure this is achieved. If the application is acceptable in other planning terms and you are going to grant approval, then the Tree Report should be referenced as an approved document, I would also add a condition specifically referencing tree protection measures to be implemented prior to the construction commencing in accordance with Plan 3 Tree Protection Plan and all of Section 6 Recommendations in the Treescapes Report.'</i>

4. Parish Council/Meeting Response

Parish Council/Meeting	Object	Support	No Response	No View Expressed
Kirkby Stephen Town Council	✓			

4.1 Responded on 2 October 2019 to the original plans for three dwellings on the site with the following:

'A member of the public neighbouring the proposed development site spoke opposing the development. The following issues were raised:

- *Change of character from green space to developed townscape within the conservation area.*
- *Loss of a mature established tree lined boundary.*
- *Overpowering neighbour's garden space to rear of adjacent property.*
- *Loss of light arising from linear development adjacent to and along the southern boundary of the neighbouring property.*
- *Loss of habitat for Bats, Squirrels and Owls.*
- *Exceptional difficulties arising from the absence of parking arrangements for residents. The existing parking arrangements were difficult. It was anticipated that in addition to the parking required for cars connected to the eventual occupants of the proposed development. Existing parking arrangements would need to be altered to facilitate emergency access from the congested market place area displacing more vehicles that were currently habitually parked at the access to the site.*
- *The arrangements for the delivery of materials to site given the restricted access would require careful management.*

Councillors had previously responded to a pre application consultation on the 4th June and the minute 19/032 from that meeting read: 'Councillors agreed that the development as proposed would not overlook anyone and was well designed.

REPORTS FOR DEBATE

However, there was no parking included with the scheme and it was feared that up to six residents' vehicles could be looking for parking in the public areas of the town and contribute to town centre congestion. It was noted that the site could be made accessible to vehicles from the direction of Mellbecks/Stoneshot. For new houses there was generally a requirement for parking as follows: 2 cars for 2 bedrooms. 1.5 cars for 1 bedroom. It was agreed that the council would only support the scheme were parking for at least one car per house included.' It was noted that these previously expressed concerns had not been addressed. Councillors accepted that there were further grounds for objection based on the loss light and overbearing impact on the neighbouring property which they had not previously considered.

Councillors OBJECT to the proposed development on the grounds of:

Loss of Light/Overlooking and Highways and Access Concerns. In addition, it was agreed that the trees on site were of value and that loss of habitat was an issue of concern. It was agreed that the clerk would contact Eden DC Planning to enquire as to the arrangement of a site visit including access to the neighbouring property.'

- 4.2 The application has since been amended to be for two dwellings on the site, as opposed to the original three dwellings. Kirkby Stephen Town Council were re-consulted on this and no further response has been received by the Local Planning Authority.

5. Representations

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

No of Neighbours Consulted	27	No of letters of support	0
No of Representations Received	3	No of neutral representations	2
No of objection letters	1		

- 5.2 Letters of comment raised the following as summarised below:

- Tradition of living in backyards in Kirkby Stephen and this development could be advantageous for older people requiring closeness to the town centre and easy access but not necessarily requiring parking facilities, although vehicle access is a requirement.
- Could substitute one house for parking.
- Clarification on the time for the building and potential disruption to the local business and Market Square during construction.

- 5.3 Letters of objection raised the following considerations to the originally submitted scheme for three dwellings as summarised below:

- No parking allocated for the proposal when parking in Kirkby Stephen is already recognised as a problem, particularly in the immediate vicinity of Market Square and along Melbecks.
- Building on the site would be irreversible and would distort the symmetry of the two houses and would be a shame of 22 Market Street relinquished all possibility of it being reverted back to a family home without appropriate office space should it cease to be an office at some stage.

REPORTS FOR DEBATE

- Development is of a scale and appearance that is out of keeping with the integrity of the area and it is difficult to see how it would enhance the neighbourhood in anyway.
- The garden and private space and the bedroom of Mitre House would be overlooked.
- Severe loss of natural sunlight for Mitre House.
- Disturbance throughout construction and to local wildlife.
- No outside space for refuse or recycling collection.
- Difficult to see how such a relatively small space could situate three dwellings.
- Difficult to see how the Emergency Services would access the site.
- Proposal is out of character with the surrounding Conservation Area in relation to design, finish and size.
- Concern about the existing boundary wall during construction work.

5.4 However, since the submission of the comments outlined above, an amended scheme has been submitted to reduce the number of proposed dwellings to two, with a re-design of the scheme. Therefore, all neighbouring properties were re-consulted on the amended plans for two dwellings, the scheme before Members of Planning Committee, and no further neighbour responses were received.

6. Relevant Planning History

6.1 There are no previous planning applications on the site which are relevant to the determination of this application.

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-2032):

- LS1 – Locational Strategy
- KS1 – A Town Plan for Kirkby Stephen
- DEV1 – General Approach to New Development
- DEV3 – Transport, Accessibility and Rights of Way
- DEV5 – Design of New Development
- ENV1 - Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity
- ENV2 – Protection and Enhancement of Landscapes and Trees
- ENV5 – Environmentally Sustainable Design
- ENV10 – The Historic Environment

Supplementary Planning Documents:

- Management of Conservation Areas (2011)

7.2 Other Material Considerations

National Planning Policy Framework:

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

Planning (Listed Buildings and Conservation Areas) Act 1990

- Section 66
- Section 72

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
- Residential Amenity
- Infrastructure
- Natural Environment
- Built Environment

8.2 Principle

8.2.1 Policy LS1 of the Eden Local Plan 2014-32 sets out the locational strategy for the Eden District. The application site is within Kirkby Stephen which is allocated as a 'Market Town' under Policy LS1. It states: *'Market towns will be the focus for moderate development appropriate to the scale of the town, including new housing, the provision of new employment and improvements to accessibility.'*

8.2.2 The application site located within Kirkby Stephen town centre and proposes two new dwellings on the site. In considering Policy LS1, the provision of two dwellings in a market town is considered to be acceptable in principle.

8.2.3 The proposal is considered to be acceptable in principle under Policy LS1 of the Eden Local Plan 2014-32, subject to further considerations on landscape and visual impacts, design, amenity, infrastructure and the historic environment.

8.3 Design, Landscape and Visual Impacts

8.3.1 Policy DEV5 of the Eden Local Plan states development which "shows a clear understanding of the form and character of the District's built and natural environment, complementing and enhancing the existing area" could be supported. Policy ENV5 seeks to promote environmentally sustainable design within proposals with Paragraph 148 of the NPPF 2019 seeking to support renewable and low carbon energy.

8.3.2 The application site is a well-contained narrow area, located to the rear of 22 Market Street and is bound by a high stone wall in each direction. The site is not visually prominent from wider public views, being screened via the existing high stone boundary wall, which would be retained. This provides an opportunity for a contemporary, innovative design to be used in historic area of Kirkby Stephen. The proposal is considered to be a contemporary, modern design which proposes modern materials. The design is considered to be innovative, designed in a way to overcome the constraints of the site whilst being considered to be high quality. However,

REPORTS FOR DEBATE

notwithstanding the materials which have been indicated for the walls and roof in the submitted information, it is considered that a condition requiring a samples of materials for the roof and walls for the proposal for approval, prior to the commencement of the development, to be reasonable and necessary in this instance. This is such as the proposal introduces a contemporary design with modern materials into the Conservation Area and within the setting of Listed Buildings.

- 8.3.3 In addition to this, the proposal incorporates renewable energy into its design with the inclusion of solar panels to the roof slopes and heat pumps. Whilst there is no requirement in such a scheme of this scale to comply with Policy ENV5, officers always encourage renewable energy additions to any scheme. In this case, the additions of solar panels and heat pumps are very welcome and enhance the environmental sustainability of the scheme and thus is afforded weight by officers in the planning balance.
- 8.3.4 In terms of the landscape impacts, the application site is located within the town of Kirkby Stephen, surrounded by existing buildings that form part of the built environment of the town due to its backland/yard location. The site is not considered to be visually prominent which reduces the impact of the development on the character of the area. The proposal is not considered to cause harm to the landscape or the visual character of the surrounding area.
- 8.3.5 It is considered that the proposal could be enhanced by the inclusion of additional landscaping to the garden areas, it would further screen the development from wider public views and enhance the biodiversity options on the site. Therefore, a landscaping condition is included in the Officer's recommendation to Members.
- 8.3.6 Overall, the proposal will not cause any significant harm to the visual amenity of the site or surrounding area, being well-contained within the limits of the existing high stone wall. The design of the dwellings is considered to be high quality, utilising renewable energy techniques. Therefore, the proposal is considered to comply with Policy DEV5 and Policy ENV5 of the Eden Local Plan 2014-32.

8.4 Residential Amenity

- 8.4.1 In relation to the residential amenity, the application site is located to the rear of 22 Market Street which is currently used as an office, to the north of the site is Mitre House and associated garden area, to the south of the site is the Kings Arms Hotel and a high boundary wall which would be retained, and which for context, reaches the eaves of 22 Market Street.
- 8.4.2 In considering the impact of the proposal upon the Kings Arms Hotel public house to the south, there will be panels of glazing located to the south elevation which will have an outlook in the direction of the Hotel. However, there is an existing high stone boundary wall along the south boundary of the site which separates the two sites and would also be retained. Therefore, the glazing on the south elevation will have an outlook over towards this high stone boundary wall. This ensures there will be no issues in relation to overlooking. Also, due to the siting of the high boundary stone wall between the two sites, the proposal is not considered to cause any issues in relation to an overbearing impact or overshadowing and is acceptable in this regard.
- 8.4.3 Concerns had been raised in relation to the impact of three terraced dwellings upon the residential amenity of Mitre House and its associated garden space. However, since this concerns were raised, the proposal has been amended in terms of design and there has been a reduction in the number of houses proposed to two semi-detached

REPORTS FOR DEBATE

dwellings. No neighbouring property consultation responses were received from the re-consultation process of the application.

- 8.4.4 In regard to the residential amenity of Mitre House to the north of the site, this property adjoins 22 Market Street. There is a first floor window to the rear of Mitre House which has an outlook into their rear garden amenity space. In terms of the proposal, there are no windows proposed in the north elevation of the dwellings facing towards Mitre House or its private garden area. Therefore, there are no issues on this elevation which would cause any issues in relation to overlooking. There is glazing proposed to the first floor and ground floor west elevation to the dwelling. The windows in the ground floor will not cause any issues in relation to overlooking. The glazing to the first floor will see an off-set balcony recessed into the property which will have a glass balustrade which is nearest to the neighbouring property to the north. However, this will be located approximately 18 metres from the closest point of Mitre House, with high boundary trees retained on the site which will provide screening between the two. In addition to this, the windows will be recessed and off-set into the dwelling which will restrict the outlook from these windows to directly face straight ahead and not directly into the first floor window of Mitre House. It is considered that the proposal will not cause significant harm in relation to overlooking Mitre House. In relation to overshadowing and an overbearing impact, the nearest dwelling will be located approximately 18 metres from the closest point of Mitre House. It is considered that the proposal will not cause any significant harm to the residential amenity of Mitre House to the north.
- 8.4.5 Overall, whilst the proposal would result in some impact to neighbouring amenity, the existent is not considered to be significant or adversely harmful to the residential amenity of the site and the surrounding area. Therefore, the proposal is considered to comply with Policy DEV5 of the Eden Local Plan 2014-32.

8.5 Infrastructure

- 8.5.1 Cumbria County Council as the Local Highways Authority and Lead Local Flood Authority have been consulted as part of the application. They have offered a consultation response recommending the refusal of the application as inadequate information has been submitted in relation to the access, visibility splays, off-street parking, construction activity and parking, surface water drainage and on-site turning facilities. In their consultation response, the Local Highway Authority has recommended that if planning permission for the site is granted without a vehicle access or on-site car parking, a condition relating to the material storage and how delivery vehicles will access the site during construction has been requested.
- 8.5.2 Policy DEV3 of the Eden Local Plan 2014-32 states “*New development will be encouraged in areas with existing public transport availability, or in areas where new development is likely to lead to the creation of available public transport.*” It goes on to say that “*Development will be refused if it will result in a severe impact in terms of road safety and traffic congestion. Development should provide safe and convenient access for pedestrians, cyclists and disabled people.*” Paragraph 109 of the NPPF states “*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”
- 8.5.3 The proposal does not propose any vehicle access and does not proposed any on-site parking provision. Under the Cumbria Design Guide, two dwellings with two bedrooms would be required to have two spaces per unit. It is considered that in order to facilitate car parking on the site, this would involve the demolition of a section of the high

REPORTS FOR DEBATE

boundary wall which is considered to be a historic wall which contributes to the character of the streetscene of the town and the Conservation Area. In the opinion of officers, it would cause harm to this historic designation if any of the historic wall were to be removed to facilitate vehicular access, as such weight has been attached in the planning balance for the retention of this historic wall. There is not sufficient space on the site to provide on-site parking without implications for the boundary wall.

- 8.5.4 In considering the absence of parking provision and access to the site, in the opinion of officers, this does not result in a severe impact in terms of road safety and traffic congestions under Policy DEV3. The site has pedestrian access and is located within a town centre location with many services and facilities which would be easily accessible to the occupiers of each dwelling. They would also be able to access public transport if they so wished without the need to rely on the use of a car. It is also acknowledged there are public car parks and on-street parking within Kirkby Stephen which would be accessible to the occupiers if it was required. The proposal for two dwellings without on-site parking provision is not considered to cause severe impacts in terms of road safety or traffic congestion which would warrant the refusal of the application under Policy DEV3. In addition to this, Paragraph 109 of the NPPF makes it clear that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. Again, in the opinion of officers, the provision of two dwellings within a town centre location without parking provision will not result in an unacceptable impact on highway safety.
- 8.5.5 It is considered that whilst on-site parking for the proposal would have been preferred, this would come at the detriment of the historic wall and would have an impact on the character of the Conservation Area. In considering this, officers have attached weight to the retention of the historic wall in contributing to the character of the Conservation Area.
- 8.5.6 Also, the recommended condition by the Local Highways Authority in relation to material storage and delivery vehicles will be included in the recommendations. In considering this, on balance, it is considered that the application accords with Policy DEV3 of the Eden Local Plan.
- 8.5.7 In terms of drainage, the site plan states new foul drainage will discharge into the existing foul drainage network serving the town and that surface water drainage will be located in the gardens. This has been reviewed by Cumbria County Council as Lead Local Flood Authority who recommend a pre-commencement condition requiring full details of the surface water drainage system to be submitted and approved in writing by the Local Planning Authority. It is considered reasonable and appropriate that this condition is included as part of the Officer's recommendation and included in any decision notice as may be issued.
- 8.5.8 Overall, on balance, the application is considered to be in accordance with Policy DEV3 of the Eden Local Plan in terms of infrastructure.

8.6 Natural Environment

- 8.6.1 In terms of the natural environment, the application site is an isolated rear garden area bound by high existing walls in a town centre location. It is currently overgrown with planting and other vegetation with trees in the grounds.
- 8.6.2 It is considered that due to its site specifics, it is unlikely that this garden area retains much ecological/biodiversity habitat for wildlife value; it is isolated within the grounds of

REPORTS FOR DEBATE

a high boundary wall within a town centre location. This limits the application sites contribution to biodiversity in terms of providing habitats for species.

- 8.6.3 A Tree Report has been provided with the application which concludes that based on its discussions and provided all of the technical recommendations are followed, the development can be carried out in accordance with the guidance in the British Standard: BS5837 with minimal impact on the retained trees. This Tree Report will be included as one of the approved documents for the application and therefore, development must be carried out in accordance with it.
- 8.6.4 It is considered that it would be appropriate for the applicants to submit a landscaping scheme for the site to guarantee additional planting within the site which will work to offset any loss of biodiversity, likely resulting in no net loss in this instance. This would be secured by means of planning condition.
- 8.6.5 Overall, it is considered that the proposal would not cause significant harm to the natural environment in relation to species or habitats on the site. The proposal is considered to accord with Policy ENV1 of the Eden Local Plan 2014-32.

8.7 Built Environment

- 8.7.1 The application site is located within the Kirkby Stephen Conservation Area and within the setting of listed buildings, including the late 17th Century Mitre House and the late 18th century Kings Arms Hotel. The Market Square and Market Street form the medieval centre of Kirkby Stephen with historic maps showing the majority of the town developed during the 19th and 20th century. The site is not considered to have any heritage value itself, although the historic wall bounding the site contributes to the character of the streetscene of the town and Conservation Area.
- 8.7.2 In terms of the planning policy context, Policy ENV10 of the Eden Local Plan states *'proposals in conservation areas will be expected to preserve and enhance their special architectural and historic interest.'* With Section 72 of the Planning (LBCA) Act 1990 stating that Local Planning Authorities should pay special attention to preserving or enhancing the character or appearance of the Conservation Area. Paragraph 200 of the NPPF says *'Local Planning Authorities should look for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting and make a positive contribution to the asset should be treated favourably.'*
- 8.7.3 The Council's Conservation Officer has been consulted as part of the application, offering support for the proposal. The height of the dwellings is considered to be appropriate for its location as the area features tall two and three storey properties which tower above the high stone walls which characterise the area. The proposal will retain the contribution of the wall to the streetscene and the character of the area will be preserved. The design is considered to be a contemporary contrast to the historic buildings which is considered to be appropriate for the site, sensitively complementing the historic character of the area.
- 8.7.4 The proposal is, therefore, not considered to cause harm to the character of the Kirkby Stephen Conservation Area and does not cause harm to the setting of the surrounding listed buildings, resulting in a neutral impact upon the Conservation Area. Overall, the proposal is considered to comply with Policy ENV10 of the Eden Local Plan, NPPF 2019 and the Planning (LBCA) Act 1990 in this regard.

9. New Homes Bonus

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

10. Implications

10.1 Legal Implications

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

10.2 Equality and Diversity

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

10.3 Environment

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

10.4 Crime and Disorder

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

10.5 Children

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

10.6 Human Rights

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

11. Conclusion

- 11.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by material considerations:
- 11.2 The proposal is located within the Market Town of Kirkby Stephen where there is policy support for the principle of moderate scale development in such a location under Policy LS1. The scale and design of the proposal is considered to be acceptable, with a contemporary design which incorporates renewable energy resources to make the dwellings more environmentally sustainable which is supported under Policy DEV5 and Policy ENV5.

REPORTS FOR DEBATE

- 11.3 The proposal is not considered to cause harm to the residential amenity of the site or the surrounding area which is considered to comply with Policy DEV5. It is also acceptable in terms of the natural environment.
- 11.4 Concerns have been raised in relation to no provision of parking within the site, however, it is considered, on balance, to be acceptable in these circumstances, due to its town centre location and in order to protect the character of the Conservation Area of which the high stone wall makes a positive contribution. The proposal is not considered to cause any harm to the setting of the adjacent listed buildings and does not cause harm to the Kirkby Stephen Conservation Area.
- 11.5 Therefore, on balance, the proposal is recommended for approval.

Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	02.06.2020
---	------------

Background Papers: Planning File: 19/0598