

Eden District Council

Planning Committee Agenda
Committee Date: 18 February 2016

INDEX

Item No	Application Details	Officer Recommendation	Page Number
1	<p>Planning Application No: 15/0728</p> <p>Conversion of buildings to residential use and construction of new dwellings to provide 35 units on site.</p> <p>Eden Grove, Bolton</p> <p>Eden Grove Investment Properties Ltd - Mr Bhailok</p>	<p>Recommended to:</p> <p style="text-align: center;">APPROVE</p> <p>Subject to Conditions</p>	3
2	<p>Planning Application No: 15/0633</p> <p>Proposed refurbishment of gatehouse and (Lodge) bungalow to form two independent dwellings and one new build bungalow.</p> <p>Eden Grove, Access road to Eden Grove from the C3047, Bolton</p> <p>Mr Y Bhailok</p>	<p>Recommended to:</p> <p style="text-align: center;">APPROVE</p> <p>Subject to Conditions</p>	22
3	<p>Planning Application No: 15/0917</p> <p>Erection of 3 No detached bungalows</p> <p>Eden Grove, Bolton</p> <p>Mimar Design Architects</p>	<p>Recommended to:</p> <p style="text-align: center;">APPROVE</p> <p>Subject to Conditions</p>	32
4	<p>Planning Application No: 08/0291</p> <p>Urban extension to provide market and affordable housing, School, community facilities and associated infrastructure including roads, drainage, open space and landscaping</p> <p>Carleton Heights, Penrith</p> <p>Persimmon Homes</p>	<p>Recommended to:</p> <p style="text-align: center;">APPROVE</p> <p>Subject to Conditions</p>	43

Agenda Item
REPORTS FOR DEBATE

5	Planning Application No: 15/0867 Removal of conditions nos.3, 4, 5 and 6 (holiday let restrictions) attached to planning approval 11/0646 to allow the dwelling to be used as affordable housing. Honeysuckle Cottage, Kellybarklane, Great Asby Mr B Walton	Recommended to: APPROVE Subject to Conditions	64
6	Planning Application No: 15/0781 Proposed Agricultural Workers Dwelling Wath Lane, Newbiggin-on-Lune Mr M Bowman	Recommended to: APPROVE Subject to Conditions	70
7	Planning Application No: 15/0606 Proposed installation of a Tozzi Nord TN535 10kw domestic wind turbine to generate electricity Coatlith Hill Farm, Alston Mr C Harrison	Recommended to: REFUSE With Reasons	78
8	Planning Application No: 15/0813 Retrospective permission for the change of use from cafe to residential and removal of chimney stack Kirkland Cottage, Orton Mr A Midgley	Recommended to: APPROVE Subject to Conditions	87
9	Planning Application No: 15/0946 Proposed Alterations and Extension to Existing Dwelling 5 Riverside, Maulds Meaburn Mr and Mrs Wood	Recommended to: APPROVE Subject to Conditions	93
10	Planning Application No: 15/0857 Listed building consent for the demolition of a derelict farm building Gilts, Crosby Ravensworth Mr Dent	Recommended to: APPROVE Subject to Conditions	100

Agenda Item
REPORTS FOR DEBATE
Item 1

Date of Committee: 18 February 2016

Planning Application No: 15/0728

Date Received: 11 August 2015

OS Grid Ref: 363971 523579

Expiry Date: 7 December 2015

Parish: Bolton

Ward: Crosby
Ravensworth

Application Type: Full

Proposal: Conversion of buildings to residential use and construction of new dwellings to provide 35 units on site.

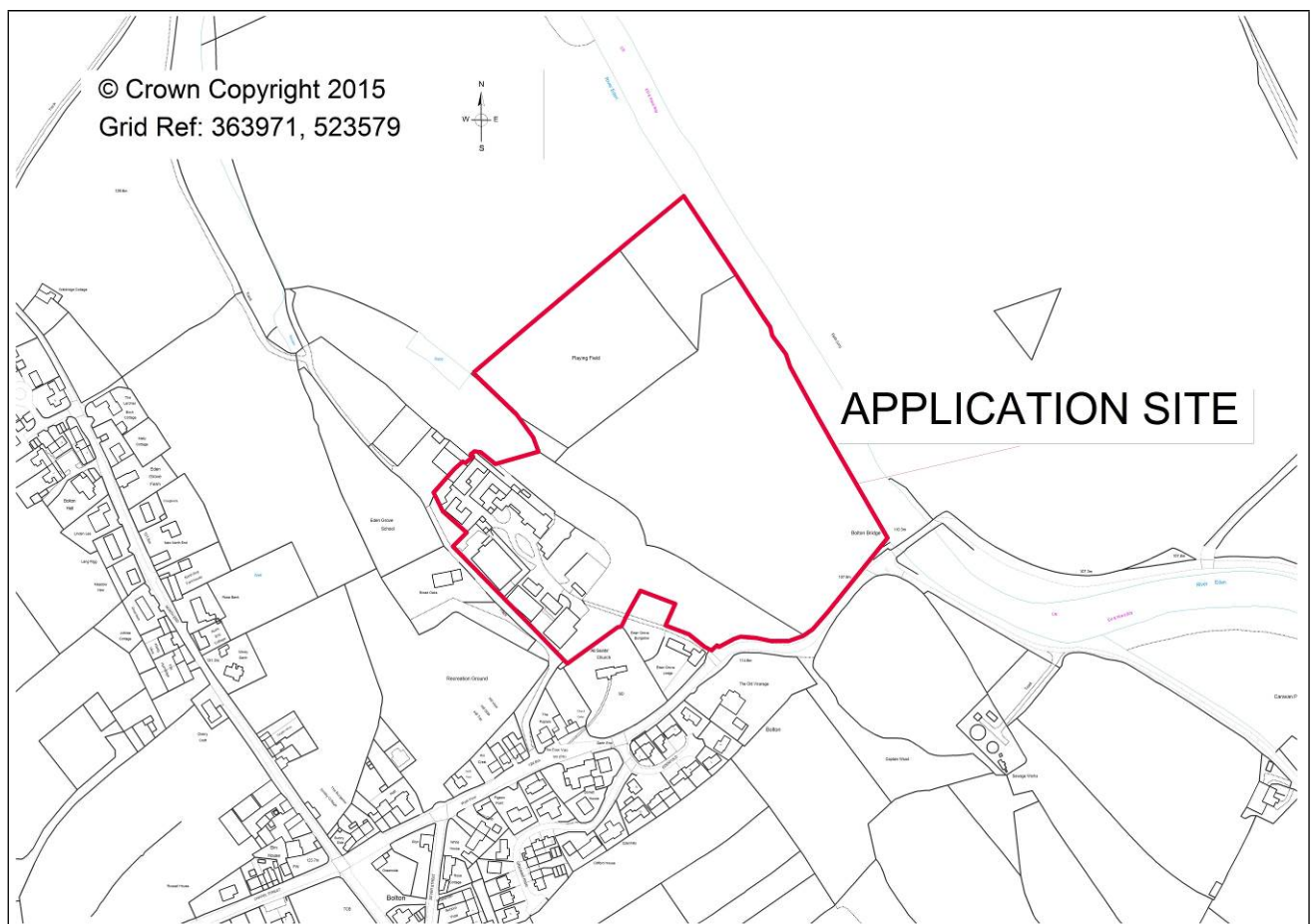
Location: Eden Grove, Bolton

Applicant: Eden Grove Investment Properties Ltd - Mr Bhailok

Agent: Mimar Architecture

Case Officer: Mr J Sykes

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



1. Recommendation

It is recommended that delegated authority is given to the Head of Planning to grant permission subject to the provision of a s106 providing 4 affordable housing units on the site and a contribution to the council's affordable housing fund in lieu of housing units on the site (in accordance with section 3.3 of the Housing SPD), an education contribution to the satisfaction of Cumbria County Council and subject to the following conditions **OR** should the S106 legal agreement fail to be entered into for the application to be refused:

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The approved plans comprise PI-03 Rev E and PL-40 Rev C received on 9 December 2015, PL-23 Rev B received on 2 October 2015 and PL-24, PL-25, PL-26, PL-27A, PL-28, PL-29, PL-30, PL-31, PL-32, PL-33, PI-34 and PL35 received by the Local Planning Authority on 11 August 2015.

Reason: To specify the permission and for the avoidance of doubt.

3. Notwithstanding the details on the submitted plans prior to the development hereby approved being substantially completed or first occupied, whichever is the sooner, full details of the landscaping of the site including details of the specimens to be planted and wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than 10 years to the satisfaction of the local planning authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the local planning authority. The replacement tree or shrub must be of similar size to that originally planted.

Reason: In the interests of the amenity of the area

4. The proposed car park for the development shall be constructed in permeable materials details of which shall be submitted to and approved in writing with the local planning authority prior to their use on site.
Reason: To minimise flood risk.
5. The proposed development shall be carried out wholly in accordance with the conclusions and recommendations of the Bat Survey and Report by JCA Limited received on 4 September 2015 and the conclusions and recommendations of the Phase 1 Habitat Survey report by JCA Limited received on 11 August 2015.

Reason: to ensure the proposed development does not have a significant

REPORTS FOR DEBATE

	adverse impact on biodiversity within the vicinity.
6.	<p>Foul and surface water shall be drained on separate systems.</p> <p>Reason: To secure proper drainage and to manage the risk of flooding and pollution.</p>
7.	<p>Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>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 and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.</p>
8.	<p>The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the local planning authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.</p> <p>Reason: To ensure a minimum standard of construction in the interests of highway safety.</p>
9.	<p>No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.</p> <p>Reason: In the interests of highway safety.</p>
10.	<p>There shall be no vehicular access to or egress from the site other than via the approved access.</p> <p>Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route.</p>
11.	<p>Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway 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 operational thereafter.</p> <p>Reason: In the interests of highway safety and environmental management.</p>

REPORTS FOR DEBATE

12.	<p>The dwellings shall not be occupied until the vehicular access and turning requirements to serve them have been constructed in accordance with the approved plans and brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered.</p> <p>Reason: To ensure a minimum standard of access provision when the development is brought into use.</p>
Note to developer:	<p>No permission is granted by this consent for the 3 bungalows (indicated on the plans under area NB) which are subject to a separate application reference 15/0917</p>

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 Permission is sought for the creation of 35 dwellings on site. The majority of these units (28) would be created through the conversion of the existing buildings on site with 7 additional units being constructed on the site of the classrooms to be demolished. The development would provide a range of 3, 2 and 1 bed properties including flats and 10 bungalows.

2.2 Site Description

- 2.2.1 The application site is the former Eden Grove School, its grounds and associated buildings. The site is adjacent to the village of Bolton to the northern edge of the settlement. The school has been closed since 2013. The buildings on site include a large main building which has been extended substantially to the west. To the south of the site area range of single storey buildings used for classrooms. The school is set in its own substantial grounds at the end of a private drive. To the north of the site is a band of trees that are subject to a tree preservation order

3. Statutory Consultees

Consultee	Response
Highways Authority	<p>The HA initially objected to the development however on receipt of additional information regarding the traffic flows have withdrawn their objection. They have recommended a number of conditions are attached to any consent.</p>

REPORTS FOR DEBATE

Cumbria County Council Education	<p>Cumbria County Council education department have identified that the local primary school does not have sufficient space to accommodate all the theoretical pupil yield from the development with only 2 spare spaces. There are spaces in nearby villages however they are at a distance from the property and as such an education contribution of £48,204 (4 x £12,501) or a transport contribution would be sought.</p> <p>Appleby secondary school has sufficient places to accommodate the theoretical pupil yield but as this school is more than 3 miles from the development a transport contribution may be sought</p>
Local Flood Authority	<p>No objections to the development which would primarily use existing drainage system however have recommended a condition regarding the construction of the car park.</p>
Environment Agency	<p>The EA have no comment to make on the above application as they do not consider that they should have been consulted.</p>
Natural England	<p>Natural England state that although the application does not include information to demonstrate that the requirements of the Habitats regulation Assessment have been met however the development is unlikely to have any effect on any European site and can be screened out from any requirement for further assessment.</p> <p>No objection and no conditions requested regarding the SSSI - the River Eden.</p> <p>NE have not assessed the application in terms of its impact on protected species and have referred the council to their standing advice.</p> <p>The application may provide opportunities to incorporate feature into the design that are beneficial to wildlife.</p>
EDC Environmental Health Officer	<p>The Council's EHO has no issue with the application.</p>
United Utilities	<p>United Utilities have stated that they have no objection to the proposed development subject to conditions regarding the drainage and the surface water scheme. They also note that a separate meter would need to be supplied for each unit.</p>

4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Bolton	x			

- 4.1 Bolton Parish Council has submitted an extensive objection to the application which is included as Appendix A of this report.

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours, a press notice was issued and a site notice was posted on 15 September 2015.

No of Neighbours Consulted	20	No of letters of support	0
No of Representations Received	21	No of neutral representations	0
No of objection letters	21		

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

Development would be overbearing

Object to the principle of the development

Development would be out of character

No market requirement for the development for all the small units

There is no infrastructure in place to accommodate the dwellings with no work, public transport, shops, school places or sewage provision

Development would overwhelm Bolton

Access to the site is an issue as it is on a dangerous corner

No objection to conversion of main house and outbuildings or the lodge and bungalow at the gateway

Not enough parking provision on the site.

Concerns about the accuracy of the traffic statement and its accuracy

Concerns over loss of privacy

There is not a good spread of properties with no focus on the larger or smaller dwellings

The sewage system cannot cope with the development

Development will affect the ambience of the church nearby

6. Relevant Planning History

Application No	Description	Outcome
07/0603	Erection of a 3m high wire mesh fence to southern boundary	Approved
10/0689	New education block to replace temporary classroom	Approved
11/0400	Non material amendment to application 10/0689 relating to changes to external cladding	Approved
15/0633	Proposed refurbishment of gatehouse and bungalow to form two independent dwellings and a new build bungalow.	To be determined
15/0917	Proposed development of 3 bungalows	To be determined

7. Policy Context

7.1 Development Plan

Saved Local Plan Policies:

- BE20 Open space provision in new developments

Core Strategy DPD Policy:

- CS1 - Sustainable Development Principles
- CS2 - Locational Strategy
- CS5 - Transport and Accessibility
- CS6 - Developer Contributions
- CS7 - Principles for Housing
- CS10 - Affordable Housing
- CS16 - Principles for the Natural Environment
- CS17 - Principles for the Built (Historic) Environment
- CS18 - Design of New Development

Supplementary Planning Documents:

- Housing (2010)

7.2 Other Material Considerations

National Planning Policy Framework:

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

National Planning Practice Guidance

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

8. Planning Assessment

8.1 Principle

- 8.1.1 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development with relevant policies for the supply of housing not considered up-to-date if the LPA cannot demonstrate a five year land supply.

Eden's Core Strategy (CS2 Location Strategy) classifies Bolton as a local service centre where development would be limited to "small scale development to sustain local services, support rural businesses and meet local needs including housing, provision of employment, improvements to accessibility". CS2 Locational Strategy is a housing policy and given that the council cannot demonstrate an up-to-date 5 year supply of housing land this policy is not considered to be up to date and consistent with the NPPF. This policy however concerns the general location for development and is not restricted to housing developments. As such it is considered to be a policy that would not be wholly out of date and can be given some weight in this determination.

It is noted that reference has been made to the Bolton Neighbourhood Development Plan in a number of representations including from the Parish Council. However this neighbourhood plan has not been subject to formal consultation, is currently subject to amendments and has not been subject to examination or referendum. In accordance with para 216 of the NPPF only from the day of publication should decision takers give weight to relevant policies within emerging plans (such as the Bolton Neighbourhood Development Plan). As the Bolton Neighbourhood Development Plan has yet to reach its publication date it is considered that no weight can be given to this document.

In the absence of up-to-date local plan housing policies the proposed development should be considered within the context of the presumption in favour of sustainable development. The Council consider that Bolton, as a local service centre, is a sustainable location for development subject to the development being of an appropriate size and scale. The proposed development (and associated applications) would provide 41 units on the site. This would provide 12 x 3 bed units, 24 x 2bed units and 5 x 1 units. As identified in the Council's SHMA (Strategic housing market assessment) there is a need for bungalows and other 2/3 bedroom properties within the district. The level of housing provided within the scheme would meet the broad requirements of the SHMA in this respect. Although the development would provide a significant amount of housing to Bolton it is considered to be a sustainable form of development supported by the NPPF through the re-use of existing buildings in an area where some development is identified within the Core Strategy policy CS2 as being acceptable. The development would also provide a range of housing sizes that would broadly meet the requirements of the SHMA. It is therefore considered that the development is of an appropriate nature to be acceptable in principle under the requirements of the NPPF and CS2 of the Core Strategy.

Affordable housing

In accordance with policy CS10 of the Core Strategy the developer would be required to provide 30% affordable housing units on the site as it is in excess of 4 units. On a development of this size this would equate to the provision of 12 affordable housing units. As acknowledged by the Council's Housing manager there is insufficient evidence of the need for 12 affordable rented homes in the area. However it is

REPORTS FOR DEBATE

considered that discounted for sale properties are needed and have been successfully sold in the area and this is suggested may be appropriate on site. The housing manager has suggested that 4 properties are proposed to be delivered on site with a discount at 60% of open market value in accordance with the appropriate section in the Housing SPD (Paras 3.2.15 - 3.2.21). It is also proposed that a commuted sum is made payable in lieu of the provision of affordable units on site. The Council's method for calculating this amount is also set out in the Housing SPD (Paras 3.3.6 - 3.3.8) This states that the value of the contribution would equate to the open market value of the units minus the price a Housing Association partner would have paid for the unit. Any monies raised in this way would be used to meet the Council's affordable housing objectives firstly in the housing market area and where not appropriate on a district wide basis.

The applicant has submitted a suggested housing schedule for the affordable units indicating that 3 x 1 bed units and 1x2bed unit would be set for an affordable discount. These would be located in the modern northern block. Guidance within the Housing SPD suggests that a 1 bed apartment should be in no smaller than 40 m² (para 3.5.27). The smallest unit proposed for affordable occupation would have a footprint of 460 square foot (42.7m²). This smallest unit would meet the requirement in terms of minimum size and the other units proposed for affordable sale would be larger (600sq ft plus). As such the affordable units are considered to be of an appropriate size.

It is noted that the development would locate the four affordable units within a corner of the development however given the small overall number of affordable units within the wider site and the close proximity with other open market housing it is not considered that the co-location of these units is unacceptable.

It is therefore considered that the proposed development would provide an acceptable level of affordable housing in line with Council policy.

8.2 Landscape and Visual Impacts

- 8.2.1 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are “visually attractive as a result of good architecture and appropriate landscaping”. 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.” CS18 also requires that new development should complement and enhance the existing area.

In terms of the main block including the original Eden Grove and the more recent additions to the north there would be limited external works required to facilitate the conversion to residential use. Whilst a couple of small existing parts would be demolished to the northern most blocks these would not be to the substantial detriment of the character and appearance of the original building or the surrounding area.

Blocks D and F are modern single storey buildings that would be simply converted to three units through the addition of fenestration alterations to provide bungalow accommodation. These works would have a minimal impact on the original buildings and are considered acceptable. Landscaping is proposed to the front of these properties to help soften their appearance within the grand scheme.

Block E is one of the most recent alterations to the site (approved 2010/2011). Whilst this building provided appropriate educational accommodation its use for residential is limited both due to the design of the property and its proximity with other buildings. As

REPORTS FOR DEBATE

such it is proposed to replace the building with a pair of semi-detached bungalows. These modern buildings are considered to fit within the enclave of other modern buildings and are not considered to be detrimental to the character or appearance of the area.

Block C is a modern building that appeared to be of a simple construction and may not have been suitable for direct conversion to residential use. Whilst the original plans indicated the conversion/rebuild of this structure the applicants have subsequently submitted amended plans showing the rebuild. This modern rebuild reflects other proposed structures on site and utilises the space within the area more efficiently providing better quality residential accommodation. As such the proposed development of this block is considered acceptable.

An existing sports pitch would be converted to provide car parking spaces for the flat development. Whilst this would provide a large amount of parking it is considered to be in a location that is reasonably well screened from public views and its setting would be enhanced by proposed landscaping and the preservation, although reduced in height, of the wall between the residential properties and the facility.

It is noted that the Parish Council suggest that blocks D, F, L and M are of a poor quality and the whole scheme would benefit from their demolition and the replacement with better quality buildings. The applicants are aware that some of the buildings on the site are of limited quality in terms of design and build and have chosen to demolish block C and rebuild due to the exceptionally poor construction. Whilst there may be some benefit to the overall scheme through the redevelopment of these blocks they have previously been considered acceptable as they would have required permission and it is not considered that the Council could insist that these buildings are removed. The NPPF is supportive of sustainable forms of development and the re-use of existing buildings has a good degree of sustainability credentials.

It is therefore considered that the proposed development would have an acceptable visual impact on the character and appearance of the surrounding area and also on the existing buildings within the site. The development would therefore accord with this requirement of the NPPF and CS18 of the Core Strategy.

8.3 Residential Amenity

- 8.3.1 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. Similarly CS18 requires that all new development should demonstrate that it protects the amenity of existing residents and provides an acceptable amenity for future occupiers.

Although located close to the centre of Bolton there are limited residential properties in close proximity to the site. Broad Oaks lies to the south west of the site and to the south the All Saints Church is between the development and the greater bulk of properties located in Bolton. The majority of the development involves the conversion of existing buildings from which there would be no significant increase in overshadowing or obstruction of windows. Although the development would involve the conversion of the buildings to a residential use it is not considered that this would result in any unacceptable overlooking due to the distance and relationship between the neighbouring properties and the existing built form. The new built form would be to the south of the site and is not considered to result in any unacceptable increase in

REPORTS FOR DEBATE

overlooking, overshadowing to existing properties including Broad Oaks due to the separation distances between the proposed and existing properties.

As noted much of the development involves the re-use of existing buildings to provide the residential accommodation. Whilst this would lead, particularly to the north of the site, to the development of a number of units in close proximity it is considered that there would be an adequate level of amenity to each unit. The new build development and conversion of existing buildings to the south of the site would provide residential units with adequate separation distances and individual amenity areas. These units are therefore considered to provide adequate amenity standards for occupiers.

It is therefore considered that the proposed residential conversion and new build on the site would not result in any significant detrimental impact on neighbouring amenities meeting this requirement of the NPPF and CS18 of the Core Strategy.

8.4 Infrastructure

8.4.1 Open space

In accordance with saved policy BE20 of the Local Plan housing developments containing 10 or more dwellings should provide publically accessible open space to a minimum standard of 15m per dwelling. Thirty five units are proposed as part of this application which would leave a minimum requirement of 525m² of open space for this part of the development.

Within the development there would be some provision of open space to the south of the main building. This would be approximately 25m by 25m providing 625m² of open space. It is therefore considered that the proposed development would meet this requirement of BE20 in respect of Open Space provision.

Highways

Although initial concerns were raised as to the vehicular access to the site and its suitability additional information has been submitted in support of this application indicating the previous level of traffic flows to the site. In light of the additional information the Highways Authority have removed their objection to the development.

The proposal would provide a good level of on-site parking that would utilise a former sports pitch to provide many of the spaces.

The proposed development is therefore considered to be acceptable in highway terms.

Drainage

No concerns have been raised by the Lead Local Flood Authority or United Utilities in respect of drainage to the site which would predominantly use the existing drainage system. The proposed method of site drainage is therefore considered, subject to a condition regarding the surfacing of the car park, to be acceptable.

Education

Cumbria County Council have identified that whilst there is some capacity to meet the proposed development and the likely the number of school children it provides it would not cover all the development. As such they have suggested that a contribution is made for education provision. In accordance with CS6 EDC will request developer contributions where appropriate and this contribution would be secured via the S106 agreement.

REPORTS FOR DEBATE

8.5 Natural Environment

8.5.1 Trees

To the north of the site are a large group of trees that are subject to a Tree Preservation Order. This mature group of trees provides substantial screening to the site and is also a strong feature within the surrounding area.

The development proposed as part of this application would not remove any trees of significant value and there would also be a range of additional specimens provided to enhance the character and appearance of the site.

It is therefore considered that the proposed development does not have a significant detrimental impact on the character or appearance of the surrounding area.

Biodiversity

The NPPF (para 118) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for then planning permission should be refused.

In support of the application a phase 1 habitat survey report and bat survey and report have been submitted with the application. The site has existing built form within it and has previously been relatively intensely used. As such the site has yielded a low level of ecological interest and a low chance for bats to be present within the structures. It is therefore considered that the proposed development would not have a significant detrimental impact on any ecological interests meeting this requirement of the NPPF.

8.6 Built Environment

8.6.1 Heritage assets

The National Planning Policy Framework states that in determining planning applications affecting heritage assets LPAs should take account of:

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

The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and

The desirability of new development making a positive contribution to local character and distinctiveness.”

The nearest listed property to the site is the Church of All Saints located to the south of the development. The boundary with the listed church to the south is presently enhanced by mature planting with limited inter-visibility between the sites. Given the size and nature of the separation it is considered that the proposed development would have a negligible impact on the setting of the listed building. The development would therefore meet this requirement of the NPPF.

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,

REPORTS FOR DEBATE

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 proposed development is considered to be acceptable in principle under the requirements of the NPPF and CS2 of the Core Strategy. The development would also not have a significant impact on the character and appearance of the surrounding area, neighbouring amenities, highway safety or biodiversity. The proposed development is therefore considered to meet the requirements of the NPPF and Core Strategy Policies CS16, CS17 and CS18.

Gwyn Clark
Head of Planning Services

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

Appendix A: Bolton Parish Council Objection:

Bolton Parish Council (BPC) opposes the above planning application, although it supports the principle of conversion to residential use of some of the buildings.

The PC's opposition is based on the following grounds:

- *the relatively large scale of the development*
- *the inappropriate housing mix*
- *the lack of demonstrated need for either such a large scale development or one of this mix*
- *the lack of sustainable transport options, and increase in private vehicle traffic*
- *potentially difficult highway and pedestrian access*
- *doubts about infrastructure capacity (schools, drains)*

It would appear that the applicant has set out to put the maximum number of dwellings possible onto the site without any justification.

It is understood that the NPPF and the Eden Core Strategy are the key documents guiding development in Eden District during this Local Plan transition time. Bolton PC considers that the proposed development conflicts with several of the NPPF policies and Core Strategies.

POLICY CS1, Sustainable development principles

1. *Development should "be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by a variety of sustainable transport modes".*

Bolton is poorly served by any sustainable transport means. There is no bus service to and from Appleby, contrary to the claim in paragraph 2.1 of the Planning Statement. The bus service to Penrith is a once weekly service run by volunteers. It can be anticipated that the majority of people purchasing homes in the proposed development will be of working age, and given the lack of employment opportunities in Bolton, will require transport to reach their workplace. Similarly, the lack of other facilities in Bolton (shops, banks, post office, medical centre, secondary school) will require additional journeys to access these services elsewhere. The application therefore also conflicts with Policy CS5 (Transport and Accessibility): "to promote development that will reduce reliance on the private car to access shops, services and employment opportunities".

The application also conflicts with the NPPF "Promoting Sustainable Transport" policy:

Paragraph 35: ".. developments should be located and designed where practical to

- *accommodate the efficient delivery of goods and supplies;*
- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*
- *incorporate facilities for charging plug-in and other ultra-low emission vehicles;*
and

- *consider the needs of people with disabilities by all modes of transport.”*

Paragraph 36: “A key tool to facilitate this will be a Travel Plan. All developments which generate significant amounts of movement should be required to provide a Travel Plan.”

The applicant has not submitted a Transport Assessment or Travel Plan, nor adequately addressed the issue of access. Depending on the target market (not at all clear from the Planning Statement), 35 dwellings could potentially result in 70 private vehicles, increased to 78 with the four additional dwellings in the gatehouse area. The access to the site is hazardous: the village road takes several sharp turns either side of the current entrance, there is no room for a right turn stabling lane and there is poor forward visibility from the eastern approach side in particular. It could be argued that when the school was operating at full capacity there was a large amount of traffic (employees, service deliveries), but this was staggered over time. Vehicle use for a community of young professionals or young families (presumably the target market) would create peaks of use at already busy times of the day. There is currently no pedestrian route to the site or to the main village, to allow safe access to the village hall or primary school.

7. “be designed to a high standard consistent with Policy CS18”

The application proposes a total of 35 units, of which all but two will be conversions and adaptations of existing buildings. The Council welcomes the conversions in the mansion house and older attached outbuildings, which are of historic interest and offer the opportunity for high quality residential accommodation. However the newer school buildings, such as D, F, L and M are of considerably poorer quality, both technically and visually, and the PC considers that at least some of these should be demolished. They were constructed as institutional units, out of keeping with the original buildings and considerably diminish the overall aesthetic effect.

The PC is also concerned about the size of some of the proposed units. Several of these appear to fall short of the nationally described space standard published in March this year. For example, Unit 35, a one bedroomed, two person unit, has only 43sqm floor space, compared with the national standard of 50. Even the two new build units fall short of the national standard for 3 bedroomed, four-person dwellings. It is not clear whether the proposed floor spaces include storage space - if so they fall even shorter of the standards. Almost all of the dwellings have a combined kitchen, dining and seating area, which is unlikely to attract a family with mixed interests.

POLICY CS2: Locational Strategy

Bolton is designated as a Local Service Centre in the Core Strategy. As such, “small scale development to sustain local services, support rural businesses and meet local needs.....” is acceptable. Furthermore, “in all cases the scale and nature of the development should take into account the capacity of essential infrastructure and should respect the character of the ... village concerned”.

- a) *Although “small scale” is not defined, the PC argues that this proposal cannot in any way be considered small scale. A total of 39 dwellings are proposed for the whole site (application 15/0633 proposes 4 dwellings near the gatehouse). 39 is an unacceptably high proportion whatever the denominator used, as shown in the table below.*

REPORTS FOR DEBATE

PROPOSED EDEN GROVE DEVELOPMENT AS PERCENTAGE OF VILLAGE AND PARISH HOUSING STOCK

VILLAGE ONLY	<i>Number</i>	<i>Total Eden Grove application (39) as percentage</i>
<i>Total current dwellings</i>	177	22%
<i>Number currently under construction</i>	10	
<i>Total number of dwellings expected by end 2015</i>	187	21%
<i>No. of extant permissions (not yet started)</i>	17	
<i>Potential total in next 5 - 10 yrs</i>	204	19%
<i>EG as % of (total current dwellings +EG)</i>		17%
PARISH		
<i>Total current dwellings</i>	203	19%
<i>Number under construction</i>	10	
<i>No by end 2015</i>	213	18%
<i>No extant permissions (excluding Cross Rigg development)</i>	18	
<i>Potential total in next 5 - 10 yrs</i>	231	17%

- b) *The development is more likely to overwhelm local services than to sustain them:
The village primary school is already oversubscribed. The capacity of the sewage system needs to be examined: it could be argued that it coped when the school was at full capacity, but there has been a considerable amount of development since that time, and the manhole at the Eden Grove entrance regularly overflows.*
- c) *The only “rural business” which might be supported would be the local pub, and possibly local self-employed handymen*
- d) *The applicant has provided no evidence that this development will meet any “local need”.*

The Design Statement correctly mentions that EDC has no five-year supply of housing land. For decision-taking this means “granting permission unless... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole” (NPPF para 14). The overriding theme of the NPPF policies is sustainability: “At

REPORTS FOR DEBATE

the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". Paragraph 49. "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The PC argues that the proposed scale and mix of dwellings in this application do not constitute sustainable development.

The NPPF supports the change to residential use of empty houses and buildings with the caveat that "there is an identified need for additional housing in that area" (para 51) This need has not been demonstrated.

The NPPF also states that (para 69) "Planning policies and decisions should aim to achieve places which promote:

- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.....*
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.*

A development of 39 dwellings will almost certainly attract a large influx of newcomers to the village. The location of the site is such that this community will essentially be a "gated " one, isolated from the main village community. This will not contribute to a cohesive community. Safe accessibility will be difficult to establish. The sheer numbers of cars to be parked on the site will significantly reduce the quality and quantity of public space in the development.

Emerging Local Plan

The latest proposal in the emerging Local Plan is that Bolton will be designated as a Key Hub. Key Hubs will be expected to provide 20% of the District's housing need, estimated at 200 new dwellings per year, i.e a total of 40 new dwellings a year across all Key Hubs. Given current extant proposals, Bolton will more than fulfil its share of new dwellings without 39 at Eden Grove. The PC acknowledges that Eden Grove is a special case, and welcomes the return to use of the historic buildings, but considers that 39 new dwellings in addition to the extant approvals is contrary to EDC's emerging spatial strategy

POLICY CS7: Principles for Housing

One of the principles that the applicant has chosen to support his statement is to "provide for a full range and choice of housing types to meet the needs of the whole community". The proposed housing mix does not fulfil this criteria: it is very unbalanced, and there is no evidence that it reflects local need and market demand. Whilst acknowledging that there is a district wide need for small units, the Council would argue that this location is inappropriate for such large numbers. So many small units in a village the size of Bolton will create an unbalanced housing offer. The PC would prefer to see a wider mix of 4 and 3 bed-roomed units, and fewer 2 bedroom units. This would have the added benefit of reducing numbers overall to be in line with the spatial strategy.

REPORTS FOR DEBATE

Bolton Neighbourhood Development Plan (BNDP)

The draft BNDP proposes that the number of dwellings at Eden Grove should not exceed 24, i.e 12% of the total number of current dwellings in the whole parish, 12.8% of the total number of dwellings in the village (including those almost completed). This is considered by the parish to be a reasonable, proportionate and sustainable increase, especially taking into account the additional permitted development in the remainder of the village.

The Planning Statement acknowledges that this planning application is contrary to the draft BNDP, but considers that little weight can be attached to it at this stage. The PC does not agree. The Plan has been developed over a number of years, in an iterative process with extensive input from and consultation with the local community, particularly on the proposed policy for Eden Grove. It accurately reflects local opinion. The Plan has now completed the pre-submission phase with remarkably few observations and no controversial issues within the community. Although it is not yet law, to ignore it would fly in the face of the whole principle of the Localism Act.

This specific application has been discussed at three parish “open days” when the plans were available for public view. These consultations have been fed into the PC’s response, which was endorsed in the public forum at the Parish Council meeting on 12th October, at which 16 members of the public were in attendance.

The PC still considers that a Masterplan is required for the whole site before any planning application is approved. This application falls short of a Masterplan - for example there is no transport assessment or travel plan, little attention given to the capacity and safety of the access (see above), and no assessment of demand/need.

Lack of prior consultation

The Parish Council has been disappointed by the lack of interaction with the applicant over this major proposal.

NPPF Paragraph 66. “Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.” Although the applicant did meet with representatives of the PC at an early stage (at the PC’s request), to discuss possibilities for development, he then failed to take the PC and community’s views into account. The PC also suggested that he or his representative attend a parish meeting to discuss possible plans with the community, but this opportunity was not taken up.

A correction has since been received from Bolton Parish Council withdrawing the comments about the primary school being oversubscribed which they now consider an untrue statement.

In response to additional amended plans the Parish Council have commented:-

Bolton Parish Council (PC) has considered the proposed amendments to this application. The PC supports the principle of demolition and new build of Block C: it is a substantial improvement on the original and will contribute positively to the aesthetic value of the site. However, again the proposed units are small and cramped. Three of the units (plots 5, 6 and 9) are below the nationally described

REPORTS FOR DEBATE

space standard for new housing. Reducing the number of units to four would allow dwellings of an appropriate standard.

The replacement of this Block with attractive new build will also contrast sharply with the conversions planned for the shoddy blocks D, F, L and M which the PC considers should also be demolished. They considerably diminish the aesthetic value of the whole site, and will affect the marketability of the “luxury apartments” and new build (though we recognise that this is not a material planning consideration).

Whilst supporting the principle of demolition and new build of Block C, the PC remains opposed to the overall planning application 15/0728 as detailed in our letter dated 14th October.

- *The total number of units proposed in the three applications has now crept up to 41, over 20% of the current village housing stock. The whole community considers this a gross overdevelopment of the site by any standard.*
- *In the absence of any regular public transport, it will result in a huge increase in traffic, especially at peak times, at a junction with poor visibility. It will also result in a dangerous increase in traffic turning onto the A66.*
- *Amenity space has been significantly reduced by the need to convert the existing football pitch (located in a potentially attractive walled garden) into a car park, and the two new builds proposed on playground area (15/0917).*

The excessive number of one and two bedroomed units (29 out of 41) is not based on any objective assessment of need in a rural Cumbrian settlement, let alone in Bolton: the Strategic Housing Market Assessment (SHMA) identifies a need for smaller units of 2 and 3 bedrooms, but this is a district-wide assessment. The housing market in Penrith is in no way the same as a rural village, and to apply such a principle indiscriminately is poor planning practice. Our own consultations with Estate Agents (a methodology used by the SHMA) indicated no demand for one or two bedroomed apartments in Bolton - in fact one reported difficulty selling them in Penrith.

The PC finds it increasingly difficult in the current situation to identify what is acceptable as a “material consideration” when responding to planning applications. On the one hand we are told that in the absence of a five year land supply all local Development Policies are out-of-date and the application must be assessed against policies in the National Planning Policy Framework. However, Eden planning officers continue to refer to Eden Core Strategy policies when justifying approval for other applications (e.g 15/0448). If Bolton is still considered as a Local Service Centre, and policies such as C1 and C2 are cited for the purpose of justifying approval for one application, we fail to see why they cannot be used to justify opposition to another. Bolton PC requests clarity about which policies are considered material and which are not in the current policy hiatus.

Once again, Bolton PC stresses the need to assess the three applications for the Eden Grove site as a whole.

Agenda Item
REPORTS FOR DEBATE
Item 2

Date of Committee: 18 February 2016

Planning Application No: 15/0633 **Date Received:** 15 July 2015

OS Grid Ref: 364000-523424 **Expiry Date:** 10 September 2015

Parish: Bolton **Ward:**

Application Type: Full Planning Permission

Proposal: Proposed refurbishment of gatehouse and (Lodge) bungalow to form two independent dwellings and one new build bungalow.

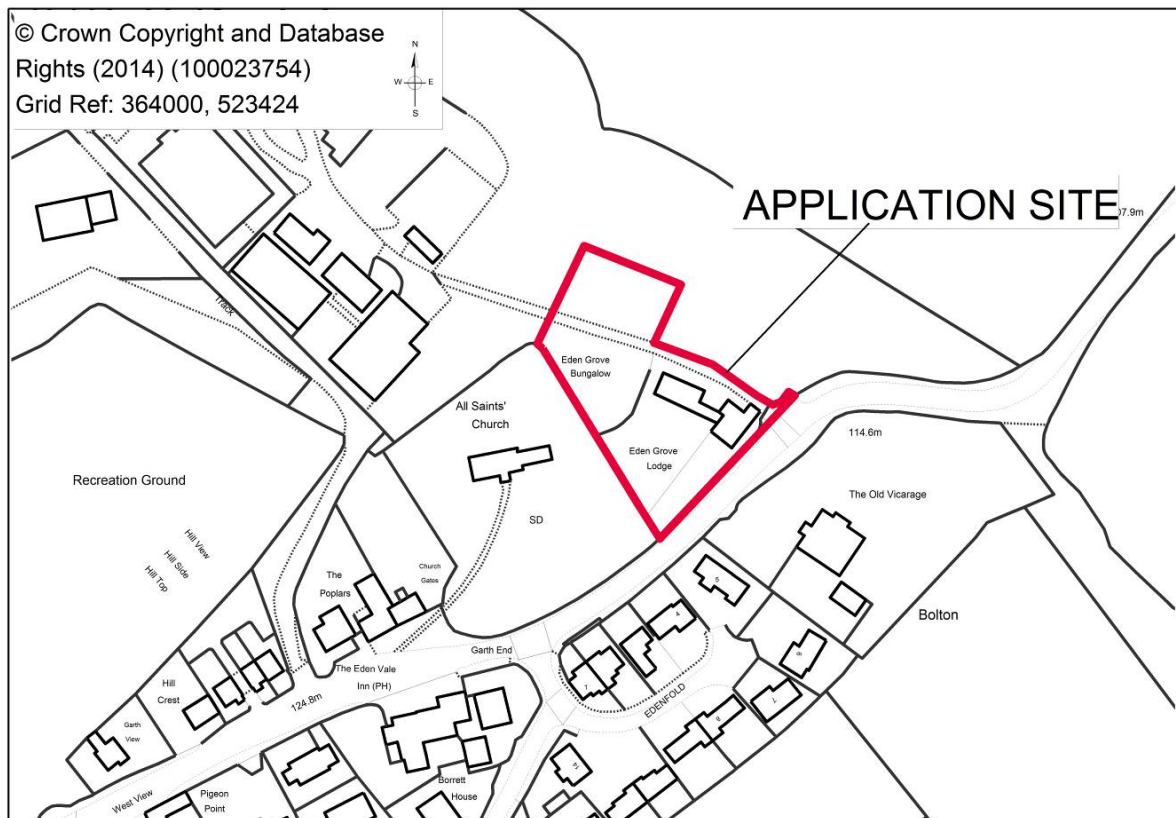
Location: Eden Grove, Access road to Eden Grove from the C3047, Bolton

Applicant: Mr Y Bhailok

Agent: Mimar Architecture

Case Officer: Mr D Cox

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



REPORTS FOR DEBATE

1. Recommendation

It is recommended that delegated powers be granted to the Head of Planning Services to grant planning permission following the receipt of a Unilateral Planning Obligation in relation to a 3% contribution to housing and 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.

- 2) The development hereby granted shall be carried out strictly in accordance with the revised details and plans hereby approved (Drawing Numbers P-01(B), P-05(A), P-02(B), P-06, P-03, P-07(A), P-04 & P-08(A) dated as received on 21 September 2015.

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

- 3) No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

The written scheme will include the following components:

- i) An archaeological evaluation.
- ii) An archaeological recording programme, the scope of which will be dependent upon the results of the evaluation.
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

- 4) Foul and surface water shall be drained on separate systems.

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

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

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise

REPORTS FOR DEBATE

agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

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

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

- 6) The proposed development shall be carried out wholly in accordance the conclusions and recommendations of the Phase 1 Habitat Survey report by JCA Limited received on 14 July 2015 and the JCA Ltd Bat Survey and Report, dated as received on 24 September 2015).

Reason: to ensure the proposed development does not have a significant adverse impact on biodiversity within the vicinity.

- 7) All works to be carried out in proximity to trees to be retained shall be undertaken in accordance with the details and recommendations contained within the TPM Tree Survey Report, dated as received on 14 July 2015, and revised site and plan drawings as dated received on 21 September 2015.

Reason: In order to secure a satisfactory form of development on the site.

- 8) Prior to the first occupation of any dwelling hereby approved or the completion of development, whichever the soonest, details and a programme of additional planting to the southwest boundary shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in the first planting season following the completion of the development or the first residential occupation of the site, whichever the soonest and maintained thereafter. The maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies within 5 years of planting by the same species. The replacement tree or shrub must be of a similar size to that originally planted.

Reason: In the interest of visual amenity and in order to secure a satisfactory form of development on the site.

2. Proposal and Site Description

Members are advised that this application forms one of three relating to the Eden Grove site which are due to be considered at this meeting, the relevant other two being Applications Ref Nos 15/0728 and 15/0917.

2.1 Proposal

- 2.1.1 The proposal relates to the re-instatement of the Gatehouse to form a dwelling, the division and refurbishment of the Gatehouse from the existing (Lodge) bungalow to provide a separate dwelling with curtilage and the provision of one further bungalow.
- 2.1.2 The original submission included a fourth dwelling to the north in the trees, but in amended plans plot 4 has been removed from the proposal and plot 3 moved away

REPORTS FOR DEBATE

from the north-west site boundary and reduced in size to minimise the impacts on any trees.

- 2.1.3 The application will result in the provision of a cluster of three dwellings within the settlement of Bolton which is designated as a Local Service Centre within the adopted Eden Core Strategy Development Plan Document.

2.2 Site Description

- 2.2.1 The application site forms part of the larger former Eden Grove School site. The school closed in 2013 and the site has been vacant since then. The main house and additional buildings within the grounds are not affected by this application and are considered separately under reference 15/0728.

3. Statutory Consultees

Consultee	Response
Cumbria County Council - Highways	The Highway Authority have no objections to this application as it would not appear to have an effect on the highway.
Cumbria County Council - Archaeology	No objection subject to a condition in relation to an archaeological evaluation.
Natural England	No objection subject to standing advice.
Tree Officer	No objection subject to condition.

4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Bolton	✓			

Originally consulted about this application on 28 July 2015, the Parish Council have at their further specific request been consulted, on 6 November 2015, with regard to amendments secured, and of which they are now formally aware.

- 4.1 The Council's opposition was initially based on the following:
1. The Bolton Neighbourhood Development Plan (BNDP) allows for residential use of the site, but the overwhelming consensus of opinion is that the community does not want any new build, unless it is a replacement for demolition of existing poor quality buildings. This limited application does not allow for demolition, although the design statement states that "the second phase of development will involve the demolition of some buildings unsuitable for conversion so that the whole site will not see a significant increase in floor space". If a piecemeal approach to development is taken, this would be difficult to monitor.
 2. The Gatehouse area is an integral part of the overall site and cannot be viewed in isolation. The PC and community consider that any prospective developer (we understand that the sale has not yet been completed) should first produce a Masterplan for the whole Eden Grove site. Only then can any new development at the Gatehouse be considered in context.

REPORTS FOR DEBATE

3. A Masterplan is thought to be essential even before refurbishment starts. The only current access point to the whole site is by the Gatehouse. Until there is a clear picture of the proposed overall site development, it is not possible to assess the suitability of highway access. An early concept plan for site development proposed the creation of 39 dwellings on the main site, excluding the Gatehouse. This would result in considerable amount of traffic, and possible require a one-way system. The only other possible access point is along the boundary of the Gatehouse area and the adjacent churchyard which is currently included in the gardens of the Gatehouse.
4. A piecemeal approach to development could jeopardise implementation of the EDC's affordable housing policy. It could be foreseen that a number of smaller applications might be submitted, each or some, below the threshold for affordable housing. A Masterplan need be definitive, but an indicative plan is necessary to properly manage the development of the whole site.
5. The Habitat Survey is heavily based on a desk top search of existing data for the surrounding area. It states that there is no aquatic habitat, but there is an old pond, overgrown but nevertheless a pond in the back garden of the original gatehouse. It also states that "further study should be given to the buildings to confirm or deny the presence of bats". This has not yet been done. It further recommends that the woodland habitat north-east of the access road be kept to a minimum to maintain the wildlife corridor - one of the new builds will impact on this corridor.

- 4.2 A further letter (of objection) was been received from the Parish on 5 November, in relation to all three planning applications, stating as follows that:

Bolton Parish Council (BPC) has become increasingly concerned about the piecemeal approach to development at the former Eden Grove School site. Three applications are currently lodged. 15/0728 is the subject of amendments which have been notified to us. 15/0633, which (was) due to be heard at the planning committee meeting on 19th November, has been amended without notifying or consulting with the PC. This incremental disjointed approach mitigates against comprehensive, cohesive, sustainable development at this historic site. The difficulty is compounded by the fact that two case officers are involved.

BPC is also concerned about:

- The disproportionate size of the proposed development (now standing at 41 dwellings in a parish of 200.)
- The lack of evidence for need/demand for the unbalanced housing mix proposed.
- The lack of sustainable transport options and resulting rise in traffic flow.
- Increased stress on village infrastructure.

From our (BPC) point of view, these issues are all "material considerations", given that they have a prominent focus in the Core Strategies, the old and emerging Local Plans, and the NPPF. For example, the large number of dwellings proposed will result in a 20% increase in the size of the village, which is not in line with either Local Plans. However at a recent meeting with a planning officer, we were given to believe that in any absence of a five year housing plan and an adopted Local Plan, the default is that any application will be approved unless causing "significant harm". This makes a

REPORTS FOR DEBATE

mockery of all the planning guidelines, they are referred to only when they make someone's case.

Whilst (BPC) realise that this is not a planning consideration, we (BPC) also have serious doubts about the saleability of the proposed scheme given the small size and poor standards of some of the conversions which considerably detract from the attractions of the mansion house and outbuildings.

Bolton Parish Council now request that:

- The date for considering the application 15/0633 be postponed until the (New Year) and the Parish Council has been notified of the amendments and given the statutory 21 day response timescale;
- All three applications are dealt with by the same case officer, and
- All three applications are heard by the Planning Committee at the same time.

The Council therefore requests that this, together with the other two relevant planning applications go to, and are considered by the same Planning Committee.

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 30 July 2015.

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

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

- There should be an overall Masterplan for the site and not piecemeal development as it may prejudice the use of the main building.

6. Relevant Planning History

The planning history of the site generally relates to the past education use of the wider site but specifically to this area of the site:

Application No	Description	Outcome
98/0242	Alterations, new entrance and lodge link	Approved

7. Policy Context

7.1 Development Plan

Core Strategy DPD Policy:

- CS1 - Sustainable Development Principles
- CS2 - Locational Strategy
- CS4 - Flood Risk
- CS7 - Principles for Housing
- CS8 - Making Efficient Use of Land
- CS10 - Affordable Housing

REPORTS FOR DEBATE

- CS16 - Principles for the Natural Environment
- CS18 - Design of New Development

Supplementary Planning Documents:

- Housing (2010)

7.2 Other Material Considerations

National Planning Policy Framework:

- Delivering a wide choice of high quality homes
- Requiring good design
- Conserving and enhancing the natural environment

National Planning Practice Guidance

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

8. Planning Assessment

8.1 Key/Main Planning Issues

8.1.1 The main planning issues which the application gives rise to are:

- Whether the principle of the development is acceptable;
- Whether the scale and design of the development is acceptable;
- Whether the development would have a negative effect on the wider site coming forward for development.

8.2 Principle

8.2.1 Bolton is a key service centre in the adopted Eden Core Strategy and as such is in conformity with policies CS1 and CS2 of the Eden Local Plan, which allows small scale development to sustain local services, support rural businesses and meet local need.

8.2.2 The Council cannot currently demonstrate that it has a five year housing land supply. Whilst the emerging Neighbourhood Plan seeks to restrict new build house, a recent judgement in the case between Woodcock Holdings Ltd and the Secretary of State for Communities and Local Government and Mid-Sussex District Council held that emerging plan policies must be treated as 'out of date' where there is no 5 year land supply, this includes neighbourhood plans and therefore the presumption in favour of sustainable development applies.

Concerning the status of the Bolton Neighbourhood Plan, this document has not been subject to formal consultation by the District Council, is currently subject to amendments (.. regarding the Eden Grove Policy), and has not been subject to examination or referendum. As such the Bolton Neighbourhood Plan can be given no weight in this determination.

8.2.3 Officers therefore advise that as development within a Key Service Centre which would lead to the creation of one new build dwelling, plus the re-instatement of two dwellings, the principle of the development is appropriate when considering the presumption in favour of sustainable development. The settlement benefits from relevant services, including a school, pub, village hall and is considered to represent a sustainable location for the provision of housing. The principle of housing is therefore acceptable

REPORTS FOR DEBATE

under the requirements of adopted Eden Core Strategy Policies CS1, CS2, CS7 and CS10.

8.3 Scale and Design

- 8.3.1 Planning policies seek to ensure that development is acceptable in terms of quality and that proposals incorporate high standards of design. This is reflected in CS18 which encourages the use of distinctive local design to enhance the character of the local area and paragraphs 56-60 of the NPPF.
- 8.3.2 The application has been reduced in scale from 4 units to 3. Two of the dwellings are to be formed from existing structures through the conversion of the Gatehouse and the Lodge which are to benefit from the demolition of a poor quality link structure to enable the creation and/or refurbishment of two detached dwellings.
- 8.3.3 The reuse of the existing buildings retains the attractive Gatehouse which is of benefit to the local surroundings. The existing (Lodge) bungalow is to be externally altered through the inclusion of a porch which will improve the appearance of the modern building. The new build house has a simple appearance with a slate pitched roof, stone and render walls and a glass corner feature to the living room. It is considered that the designs overall are appropriate and acceptable in this location and that the scale and design of the proposals are in accordance with Policy CS18 of the adopted Core Strategy, and relevant "Housing" design guidelines.

8.4 Impact Upon the Developability of the Remainder of the Site

- 8.4.1 The site which is the subject of this application is a portion of a larger site which is currently under consideration as Council planning reference 15/0728 for the provision of 35 dwellings. The proposal does not have any impact on the ability of the wider site to gain access which would remain as existing. There are no objections to the proposal from the Highway Authority.
- 8.4.2 The development of this portion of the site does not preclude the remainder of the site being brought forward and would not impact negatively upon the site being brought into an appropriate beneficial use.

8.5 Natural Environment

- 8.5.1 A Phase 1 Habitat Survey Report and a Bat Survey have been supplied as part of the application. The comments of Natural England have been received and do not identify any fundamental issues or concerns which preclude the development of the site subject to the development being undertaken in accordance with the identified mitigation requirements of the above Surveys, which have been prepared by Independent Arboricultural Consultants, JCA Ltd on behalf of their clients. The proposal as amended is now considered to be in reasonable accord with the standing advice issued by Natural England, according therefore with adopted Eden Core Strategy Policy CS16 "Principles for the Natural Environment".
- 8.5.2 A tree survey was also supplied alongside the application. This has been considered by the Council's tree officer and the application subsequently amended to remove plot 4 and re-site plot 3 in order to minimise the impact on the trees. It is confirmed that following these amendments, that the development is acceptable with the proviso that mitigation planting is to be slightly increased along the boundary with the All Saints church, to the south west. This and a requirement requiring all work in proximity to

REPORTS FOR DEBATE

trees to be retained (in accordance with the guidance within the submitted tree report) are to be secured by condition.

8.6 Built Environment

- 8.6.1 The site is bound by All Saints Church to the north which is a Grade I listed building. The conversion of the existing buildings is considered to not introduce any impacts in relation to the setting of the Church. The site has substantial planting along the boundary of the Church which is to be retained and enhanced. The low level impact of a single storey dwelling is considered to have a limited impact upon the setting of the listed building that would amount to less than substantial harm in relation to para 132 of the NPPF. It is considered that the public benefit of providing housing in a key service centre would outweigh any harm which may be caused, particularly as the housing would positively contribute to the Council's 5 year supply.

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.

REPORTS FOR DEBATE

10.6 Human Rights

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

11. Conclusion

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

- The design and materials are appropriate to the setting and local surroundings in compliance with policy CS18 of the Eden Core Strategy.
- The proposed development is in accordance with the presumption in favour of sustainable development as required by paras 14 and 49 of the NPPF.
- The houses would positively contribute to the Council's 5 year land supply.
- The development represents the appropriate re-use of a previously developed site.

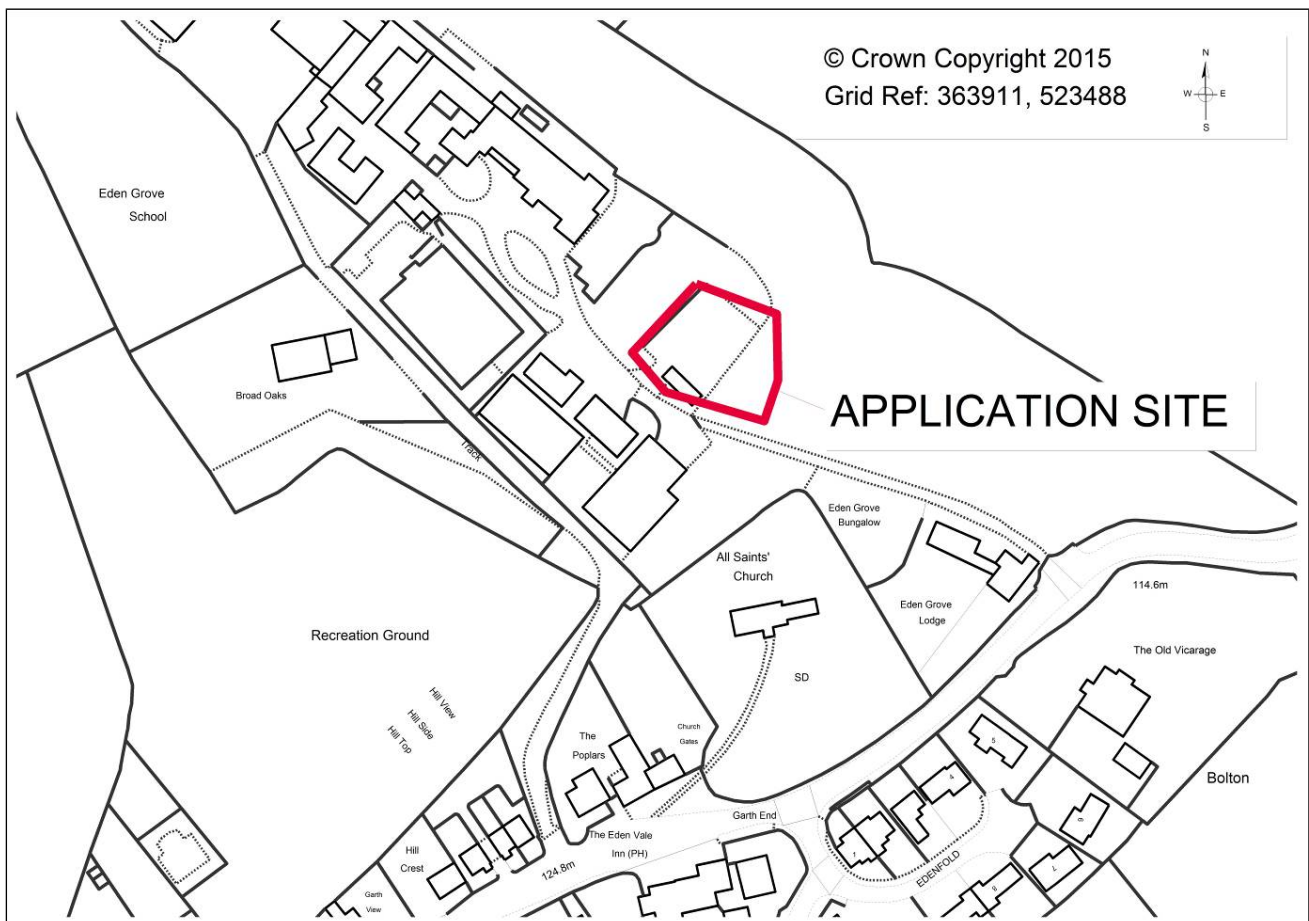
Gwyn Clark
Head of Planning Services

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

Agenda Item
REPORTS FOR DEBATE
Item 3

Date of Committee:	18 February 2016		
Planning Application No:	15/0917	Date Received:	5 October 2015
OS Grid Ref:	363911 523488	Expiry Date:	30 November 2015
Parish:	Bolton	Ward:	Crosby Ravensworth
Application Type:	Full		
Proposal:	Erection of 3 No detached bungalows		
Location:	Eden Grove, Bolton		
Applicant:	Eden Grove Investment Properties Ltd		
Agent:	Mimar Design Architects		
Case Officer:	Mr J Sykes		
Reason for Referral:	The recommendation for approval is contrary to the Parish Council response		



1. Recommendation

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

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be completed in accordance with the following approved plans Drawings NB-P01, NB-P05E and NB-P06D received on 17 December 2015 and drawings NB-P07, NB-P08, NB-P09 and NB-P10 received by the Local Planning Authority on 5 October 2015].
Reason: To specify the permission and for the avoidance of doubt
3. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
This written scheme will include the following components:
 - i) An archaeological evaluation;
 - ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
 - iii) Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.)
4. Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage and to manage the risk of flooding and pollution.
5. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

REPORTS FOR DEBATE

	<p>The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.</p>
6.	<p>The proposed development shall be carried out wholly in accordance the conclusions and recommendations of the Phase 1 Habitat Survey report by JCA Limited received on 5 October 2015.</p> <p>Reason: to ensure the proposed development does not have a significant adverse impact on biodiversity within the vicinity.</p>
7.	<p>The development shall be carried out wholly in accordance with Drawing 02 revision D Tree Retention Removals and Protection by TPM Landscape received by the Council on 17 December 2015.</p> <p>Reason: To ensure the proposed development does not have an unacceptable impact on the protected trees within the vicinity.</p>
8.	<p>Notwithstanding the details on the submitted plans prior to the development hereby approved being substantially completed or first occupied, whichever is the sooner, full details of the landscaping of the site including details of the specimens to be planted and wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.</p> <p>The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than 10 years to the satisfaction of the local planning authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the local planning authority. The replacement tree or shrub must be of similar size to that originally planted.</p> <p>Reason: In the interests of the amenity of the area</p>

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 Permission is sought for the construction of 3 bungalows with associated parking and amenity spaces

2.2 Site Description

- 2.2.1 The application site is part of the grounds of the former Eden Grove School. The site is adjacent to the village of Bolton to the northern edge of the settlement. The school has been closed since 2013

The main building within the school lies to the north west of the site with single storey education buildings located beyond the access path to the southwest. The application

REPORTS FOR DEBATE

site is relatively flat with evidence of some hardstanding on the site. To the north lies a dense band of trees that are subject to a Tree Preservation Order.

3. Statutory Consultees

Consultee	Response
Cumbria County Council	Highway Authority: Principle of development is accepted. Initial concerns over increased vehicular usage of the access were raised during the consultation of application 15/0728 and addressed appropriately with the submission of additional information. The Highways Authority has no objection to the proposed development Lead Local Flood Authority: No objection to the proposal.
Environment Agency	The EA do not consider that they should have been consulted regarding the development
CCC Historic Environment Officer	Considers there is potential for archaeological remains to survive on the site and could be disturbed by the construction of the proposed development. Should permission be granted the officer recommends that a scheme of archeologically recording be undertaken in advance of development.
United Utilities	UU do not object to the development but have suggested two conditions regarding drainage of the site.

4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Bolton	x			

4.1 Bolton Parish Council has made the following response:

Bolton Parish Council (BPC) unanimously opposes the above planning application. The opposition is not so much to the individual development (although see below) - in fact it looks aesthetically pleasing, and infinitely preferable to the proposed conversions of former school buildings D, F, L and M. However, we cannot support this development without consideration of the other two planning applications, one of which has a different case officer.

Whilst BPC understands the background to these individual applications, and the various amendments that have been suggested, we cannot emphasise enough the need to consider the applications in the context of the whole site development. If a decision is taken on each one individually without regard to the others, the development will be patchy, not cohesive and unsustainable. Issues such as traffic and

REPORTS FOR DEBATE

drainage capacity must be considered for the site as a whole, given the common entrance and sewage systems.

In terms of this particular application, only plot B is on previously developed land, a car park. Plots A and C will involve the removal of a significant number of trees, plus two children's playground areas. The development reduces the amenity area of the whole site by approximately 800sqm (the drawings are not to scale). Again, this illustrates why the applications must be viewed as a whole: the overall housing mix proposed would presumably attract young families and possibly retired couples. Whilst some of the dwellings have their own gardens, the proposed 25 apartments are extremely cramped with little communal garden/amenity areas. Moving the playground area elsewhere would reduce the amenity space for adults.

The origin of this application is interesting, and again demonstrates the interlinking nature of the developments. The Design and Access Statement explains that during the joint site visit to discuss the larger application 15/0728 in conjunction with 15/0633 for the gatehouse area, it was agreed that *"one of the proposed new bungalow dwellings should be removed from the application and that the other new bungalow on that site would be slightly reduced and pulled back from the boundary. By way of compensation, the Planning Officer was willing to accept the principal (sic) of some new residential development within the main application site of Eden Grove School located adjacent to the wooded area over the existing school car park. This, however, could not be treated as an amendment to the main application ref: 15/0728 but would have to form part of a separate new application"...*

The bungalow to be removed from application 15/0633 had a floor space of 119 sqm. The "compensation" development has a floor space of 222 sqm (the remaining bungalow has been slightly reduced from 119 sqm to 110 sqm). With gardens and driveways, it takes up a considerable amount of open space on the site. The BPC cannot understand why the new development should be so significantly larger "by way of compensation".

This "agreement" does show that the planning officers are to some extent taking a view of the site as a whole. However such a piecemeal approach is resulting in a gradual increase in the total number of dwellings on site, now standing at 41. This adds to the concerns about over-development voiced in our objection to 15/0728. As pointed out in that letter, this will amount to about 20% of the existing parish housing stock. Our concern is that if each application is presented in isolation to the planning committee, it will not have the benefit of this overall understanding of the site.

The Parish Council would be prepared to consider such a development if it replaced the blocks L and M. These are substandard, ugly, cramped buildings, with no outdoor space, so near the boundary of the site that external maintenance will be extremely difficult. They considerably detract from the overall character of the site and will reduce the value of the "luxury apartments" in the mansion house.

Finally, I would like to point out that the Parish Council has NOT been officially notified and consulted about the amendments to application 15/0633.

REPORTS FOR DEBATE

5. Representations

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

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

6. Relevant Planning History

Application No	Description	Outcome
07/0603	Erection of a 3m high wire mesh fence to southern boundary	Approved
10/0689	New education block to replace temporary classroom	Approved
11/0400	Non material amendment to application 10/0689 relating to changes to external cladding	Approved
15/0633	Proposed refurbishment of gatehouse	Live

7. Policy Context

7.1 Development Plan

Saved Local Plan Policies:

BE20 Open space provision in new developments

Core Strategy DPD Policy:

CS1 - Sustainable Development Principles

CS2 - Locational Strategy

CS5 - Transport and Accessibility

CS6 - Developer Contributions

CS7 - Principles for Housing

CS10 - Affordable Housing

CS16 - Principles for the Natural Environment

CS17 - Principles for the Built (Historic) Environment

CS18 - Design of New Development

Supplementary Planning Documents:

Housing (2010)

7.2 Other Material Considerations

- National Planning Policy Framework:
- Supporting a prosperous rural economy
- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring good design
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- National Planning Practice Guidance

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

8. Planning Assessment

8.1 Principle

8.1.1 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development with relevant policies for the supply of housing not considered up-to-date if the LPA cannot demonstrate a five year land supply.

Eden's Core Strategy (CS2 Location Strategy) classifies Bolton as a local service centre where development would be limited to "small scale development to sustain local services, support rural businesses and meet local needs including housing, provision of employment, improvements to accessibility". CS2 Locational Strategy is a housing policy and given that the council cannot demonstrate an up-to-date 5 year supply of housing land this policy is not considered to be up to date and consistent with the NPPF. This policy however concerns the general location for development and is not restricted to housing developments. As such it is considered to be a policy that would not be wholly out of date as the Council does not have a five year land supply and can be given some weight in this determination.

In the absence of up-to-date local plan housing policies the proposed development should be considered within the context of the presumption in favour of sustainable development. The Council consider that Bolton, as a local service centre, is a sustainable location for development subject to the development being of an appropriate size and scale.

It is acknowledged that this proposal forms part of a wider development of Eden Grove school site which would ultimately, if all approved, result in the provision of 41 dwellings on the site. As noted Bolton is considered a sustainable location for residential development and the additional 3 units are considered to be of an appropriate scale to the village. The proposed development would also provide 3 bungalow properties - a type of housing that has been identified in the Council's SHMA (Strategic Housing Market Assessment). The site would be well related to the existing built development in Bolton and as such is considered acceptable in principle under the requirements of the NPPF and CS2 of the Core Strategy.

Affordable housing

Policy CS10 of the Core Strategy states that on sites in excess of 4 units the developer should provide 30% affordable housing. Although this site in itself is not in excess of 4 units the wider site being developed in conjunction with this site would be considerably in excess of this development level. It is therefore considered that this development should provide affordable housing at a level that would have been required if the proposals were considered under a singular application. No affordable housing units are proposed on the site however there is considered to be limited demand for affordable housing within the area and there would be some physical provision of affordable housing on the rest of the scheme. As such it is considered appropriate that a contribution to affordable housing is provided in lieu of units on the site. The Council's method for calculating this amount is also set out in the Housing SPD (Paras 3.3.6 - 3.3.8) This states that the value of the contribution would equate to the open market value of the units minus the price a Housing Association partner would have paid for the unit. Any monies raised in this way would be used to meet the Council's affordable housing objectives firstly in the housing market area and where not appropriate on a district wide basis.

It is therefore considered that the proposed development would provide an acceptable level of affordable housing in line with Council policy.

8.2 Landscape and Visual Impacts

- 8.2.1 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are "visually attractive as a result of good architecture and appropriate landscaping". 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." CS18 also requires that new development should complement and enhance the existing area.
- 8.2.2 In terms of design the bungalows would be of a modern design commensurate with others proposed on the wider site and also broadly similar to existing buildings on site. The bungalows would be located in a cluster with other modern development.
- 8.2.3 The proposed bungalows would be viewed when entering further into the site however their appearance would be softened by landscaping across the frontage. The separation between the bungalows and the original building will also allow the development to respect the older built form and allow for assimilation of the design and materials within the wider site.
- 8.2.4 As such the bungalows are considered to be of a scale, proportion, design and materials to respect the character of the built form on site and the surrounding area meeting this requirement of the NPPF and CS18 of the Core Strategy.

8.3 Residential Amenity

- 8.3.1 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. Similarly CS18 requires that all new development should demonstrate that it protects the amenity of existing residents and provides an acceptable amenity for future occupiers.
- 8.3.2 The 3 proposed bungalows would be located along the northern edge of the site with a strong band of trees further to the north. There are no neighbouring properties in close

REPORTS FOR DEBATE

proximity to the north and as such the development would not result in any unacceptable overshadowing or obstruction of windows.

- 8.3.3 The nearest existing residential properties would be to the south and west both at a significant distance and beyond existing built form within the Eden Grove site. The development would therefore not result in any substantial increase in overlooking.
- 8.3.4 Each dwelling would provide an appropriate level of accommodation including external amenity spaces and parking facilities. The dwelling would also be separated sufficiently to allow appropriate amenity for each individual unit.

8.4 Infrastructure

8.4.1 Open space

In accordance with saved policy BE20 of the Local Plan housing developments containing 10 or more dwellings should provide publically accessible open space to a minimum standard of 15m per dwelling. As per affordable housing, whilst this scheme in itself does not breach the open space threshold in association with the wider site open space would be required to be provided within the development. Notwithstanding this on the wider site there would be sufficient open space provision for the 3 units proposed under this development as well as the rest of the units proposed within the wider site. It is therefore considered that the requirements of this policy are met.

8.5 Natural Environment

- 8.5.1 The proposed bungalows would be located close to a band of trees subject to a tree preservation order. Whilst initially the bungalows were considered to be overly close to the protected trees the bungalows have been moved away to the satisfaction of the Council's tree officer.
- 8.5.2 The NPPF (para 118) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for then planning permission should be refused.
- 8.5.3 In support of the application a phase 1 habitat survey report and bat survey and report have been submitted with the application. The site has previously been subject to ground works providing hard standing over much of the area. As such the site has yielded a low level of ecological interest and a low chance for bats to be present within the structures. It is therefore considered that the proposed development would not have a significant detrimental impact on any ecological interests meeting this requirement of the NPPF.

8.6 Built Environment

- 8.6.1 With regards to heritage assets the National Planning Policy Framework states that in determining planning applications affecting heritage assets LPAs should take account of:

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

The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and

The desirability of new development making a positive contribution to local character and distinctiveness.”

REPORTS FOR DEBATE

- 8.6.2 The nearest listed property to the site is the Church of All saints located to the south of the development. The 3 proposed bungalows would be located away from the heritage asset with existing and proposed built development within the intervening area. As such the proposal is considered to result in a negligible impact on any heritage asset meeting this requirement of the NPPF and CS18.

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.

REPORTS FOR DEBATE

11. Conclusion

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

The proposed development is considered acceptable in principle and would not be to the significant detriment of the character and appearance of the surrounding area. The proposal would also not result in any significant harm to neighbouring amenities or cause issues with respect to the natural environment or highways access. As such the proposal is considered to accord with the requirements of the NPPF and Core Strategy policies CS1, CS2 and CS18.

Gwyn Clark
Head of Planning Services

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

Date of Committee: 18 February 2016

Planning Application No: 08/0291 **Date Received:** 4 April 2008

OS Grid Ref: 377677 508540 **Expiry Date:** 15 November 2015

Parish: Penrith **Ward:** Penrith Carleton

Application Type: Outline including Access

Proposal: Urban extension to provide market and affordable housing, School, community facilities and associated infrastructure including roads, drainage, open space and landscaping

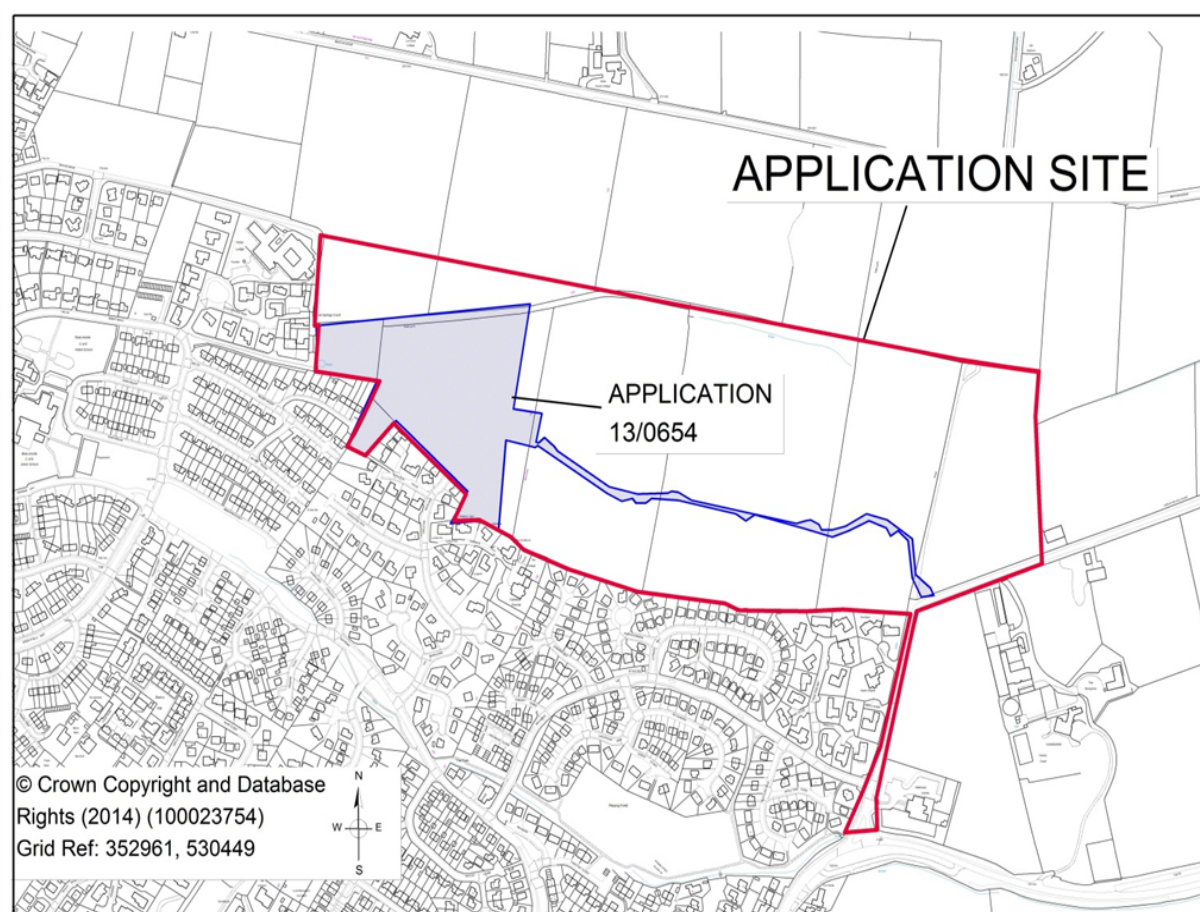
Location: Carleton Heights, Penrith

Applicant: Persimmon Homes

Agent: Persimmon Homes

Case Officer: Mr G Clark

Reason for Referral: A major residential application of significant importance located to the north east of Penrith



1. Recommendation

It is recommended that delegated power be given to the Head of Planning Services to grant planning permission subject to a Section 106 Agreement being entered into to the absolute satisfaction of the Director of Corporate and Legal Services and the Head of Planning Services requiring the provision of 30% affordable Houses; the provision of a primary school site, the agreement of a management plan for the maintenance of public open space, the provision of a Village Hall and retail unit and financial contributions comprising

1. Education contribution of £1,693,367 payable on completion of the 250th house
2. Village Hall/Shop - provision and subsequent management
3. Travel Plan -
 - £15,840 Administration fee contribution to be paid 6 months prior to first occupation.
 - Travel Plan contribution of £70,000 payable in the event of the Travel Plan Targets not being met to be ring fenced and used for widening of Carleton Hill Road.
 - Travel Plan contributions - £225,000 Carleton Hill Ave payable in the event of the Travel Plan Targets not being met to be ring fenced and used for improvement of Carleton Hill Road.

4. Highways offsite contribution of £46,222 for the following:

H18 - Beacon Edge Traffic Calming/Speed Control - £32,337

H22 - Carleton Hill Road Traffic Management/Speed Control - £13,885

and the Council's reasonable costs being paid in relation to that Section 106 Agreement, and subject to the following conditions:

(conditions which may be amended, added to or removed by the Head of Planning Services prior to the issue of the planning permission)

- 1) No development shall commence until approval of the details of the scale, layout and appearance of the buildings and the landscaping/boundary treatments (hereinafter called "the reserved matters") has been obtained from the local planning authority in writing.

An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 10 years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

REPORTS FOR DEBATE

2) The approved plans comprise drawing Nos:

- WYG Flood Risk & Drainage Assessment Oct 2013 Rev. B
- WYG Environmental Statement Volume 1 and Technical Appendices
- Amenity Tree Care Arboricultural Implication Study March 2008
- TR-01 Tree Constraints Plan March 2008
- CPT-165.MP.03: Illustrative Masterplan
- CPT-165.MP.02: Masterplan Phasing
- Concept Design Code September 2014
- CPT-165.MP.01: Location Plan
- 5620.SK.001. Landscape Character areas sheet 1 of 3 Rev. B
- 5620.SK.002. Landscape Character areas sheet 2 of 3 Rev. B
- 5620.SK.003. Landscape Character areas sheet 3 of 3 Rev. A
- Wardell Armstrong Archaeology Geophysical Survey CP.NO:10859 08/04/14
- Wardell Armstrong Archaeology Evaluation Report CP.NO: 10999/14 18/07/14
- Wardell Armstrong Archaeology Post Excavation Assessment Report CP.NO: 11069 October 2015
- Topographical survey - M1120 Rev B (1-5)
- 30037.14 rev A Bus Gate detail
- 30037.200 s278 DGeneral Arrangement
- 30037.202.1 s278 Typical Highway Details
- 30037.202.1 Typical Highway Drainage Details
- 30037.203 Off Site Drainage layout
- 30037.204 Off Site Drainage Longitudinal Section
- 30037.205 Off Site Drainage S.W MH schedule
- 30037.206 Off Site Drainage Foul MH Schedule

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: To specify the permission and for the avoidance of doubt.

Reserved Matters

3) That the subsequent Reserved Matters application(s) shall be in substantially in accordance with the principles and parameters illustrated within the Penrith Carleton Fields Masterplan submitted in support of the application and dated August 2013.

REPORTS FOR DEBATE

Reason: For the avoidance of doubt and to ensure that the subsequent application(s) for Reserved matters are in accord with the agreed approach for the site in establishing a high quality design with local distinctiveness and shows a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area and accord with policy CS18 of the Eden Core Strategy.

Highways and Transport

- 4) The carriageway, footways, cyclepaths etc. shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect full engineering details shall be submitted for approval during each Reserved Matters Application. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide; all works so approved, shall be constructed before the development (or relevant phase thereof) is considered complete.

Notes: Condition used where estate roads are to become adopted highways under a Section 38 agreement with the Highways Authority. For the avoidance of doubt this will also include external highway improvements under a Section 278 Agreement within the existing A686 Highway and Carleton Hill Road to provide the access; and cyclist/pedestrian connectivity to extant provision.

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

- 5) The private driveways, footpaths, parking and green-space areas etc shall be designed, constructed, drained and lit, to the satisfaction of the Local Planning Authority and in this respect, further details, including levels and material specifications etc shall be submitted during each Reserved Matters Application. No such works shall be commenced until a full specification has been approved. Such areas shall either be assigned to Private Titles or, if joint and/or public access areas, maintained by the Management Company and secured through a Sec106 Agreement.

Note: Condition used where access to properties is to remain private and not become Highway.

Reason: To ensure a minimum standard of construction in the interests of road safety. To support Local Transport Plan Policies: LD5, LD7, LD8

- 6) In respect of site access arrangements:
- (i) The improvements on Carleton Hill Road, from the A686 up to the site access/estate road junction shall be completed prior to first occupancy. Monies required for a TRO to extend the speed limit shall be paid, if necessary to the Local Highway Authority prior to commencement. The improvements along the school site frontage and the carriageway widening at the eastern corner and at the Beacon Edge junction, shall be completed before the use of the School commences.

Site Compound

- 7) Before site works commence on any Phase, plan(s) shall be submitted for the approval of the Local Planning Authority, indicating adequate land for the site offices, materials storage and parking for plant/vehicles engaged in the

REPORTS FOR DEBATE

construction operations and such land, including the vehicular access(es) thereto, shall be used for, or be kept available for these purposes at all times until completion of the construction works.

Reason: To identify a satisfactory site in the interest of residential amenity in accordance with policy CS18 of the Eden Core Strategy.

Footpaths

- 8) Several Public Footpaths run through the site, these shall be identified with each Reserved Matters Application, together with any necessary temporary and/or permanent diversion plans. No interference shall take place on any PROW without the requisite Orders having been obtained.

Reason: Commencement of use without the provision of these facilities is likely to lead to inconvenience and danger to road users. To support Local Transport Policies: LD5, LD7 & LD 8. To support Local Transport Plan Policies: LD5 & LD7.

Phasing- Highways

- 9) The site development shall be developed in the 6 phases as indicated on the Implementation Phasing Plan, Plan 13.1 in the Carleton Fields Masterplan, save that priority will be given to completing the A suffixed sub-phases so there is a 'through route for vehicular traffic' to enable the bus service to commence not later than the occupation of the 251st dwelling (including phase 1); and shall be retained capable of use at all times thereafter.

Note: this would not necessarily require the construction of all properties within a certain phase, nor completion of the entire Main Estate Road alignment just that the through route on substantially completed carriageways of not less than 5.5m width is made available. This may for instance mean roadworks are complete on Phase 5A before they commence on Phase 3B.

Reason: To ensure that the proposed new access roads etc are constructed within a reasonable timescale, commensurate with house construction and to ensure an adequate means of access and parking are available when houses are occupied, in the interests of highway safety and general amenity. To support Local Transport Plan Policies: LD5, LD7 & LD8.

- 10) The link from The Parklands/Carleton Meadows public highway, shall be for the sole use of residents and visitors to Phase 1 of the estate for a temporary period only. Upon completion of the main estate road as detailed on the Masterplan and no later than the completion of the 252nd house (including Phase 1) the access to the whole site shall be taken via the main estate road via Carleton Hill Road. At any time no more than 55 houses will be accessed from The Parklands/Carleton Meadows and no construction traffic shall use this route. The link must be constructed in accordance with plan 30037-14-A prior to the 251st unit as amended by subsequent detailed design and safety audits.

Reason: In the interests of adequacy of access, protection of the local environment and road/site safety and to support Local Transport Plan Policies C2, LD5, LD6, LD7 & LD8.

REPORTS FOR DEBATE

- 11) If no comparative bus facility is serving the site or unless an alternative trigger is agreed in writing, no more than 200 dwellings should be occupied (including the 55 dwellings consented under phase 1 application no 13/0654) before the provision of bus service serving the site is provided. The service should run for five years, with detailed service provision to be agreed in writing with the Local highway Authority”.

Surface water drainage

- 12) Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall be discharged to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To manage flood risk both within and outside the development that results from surface water to minimise the risk to people and property.

- 13) Prior to the commencement of any development, the details of the upsizing of the culvert down Carleton Hill Road as per drawing 30037/203 rev. B (April 2015) submitted as part of the planning application 14/1060 and shall be agreed in writing with the Local Planning Authority. The details shall contain a programme for the works to start first week in June 2016 with completion of the works within 12 weeks, no later than the commencement of development, and to be finished prior to occupation shall be agreed in writing with the Local Planning Authority.

Reason: To ensure downstream flood risk is minimised.

Construction Method Statement

- 14) No development, shall take place on each phase until a Construction Method Statement has been submitted to and approved in writing by the local planning authority for that phase. The approved Statement shall be adhered to throughout the construction period. The Statement shall include:
- the means of access for demolition and construction traffic;
 - the loading and unloading of plant and materials;
 - the storage of plant and materials used in constructing the development;
 - measures to prevent silt and other contaminants entering surface water drains; and
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - Measures to manage surface water runoff to prevent flooding to surrounding sites.

REPORTS FOR DEBATE

Any changes to these components require the express written consent of the local planning authority. Thereafter the approved scheme shall be implemented as approved.

Reason: To protect the water environment from pollution.

- 15) Each phase of the development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

The scheme should be designed so that silt and other pollutants can be contained on site which the scheme should be designed so that it facilitates clean up.

Reason: To protect the water environment from pollution.

Construction Management Plan

- 16) Prior to the commencement of development a Construction Management Plan detailing the expected number of vehicles (including LGV and HGVs), construction vehicle routing, signage, wheel wash facilities, times of operation shall be submitted and approved by the Local Planning Authority. The Construction Management Plan shall be implemented during all construction periods unless otherwise agreed in writing with the Local Planning Authority.

Reason: The carrying out of the development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

Archaeology

- 17) An archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority shall be carried out within two years of the commencement of the approved development or otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development.

Landscaping

- 18) The Reserved Matters approval for the landscaping for each phase shall include full details of both hard and soft landscaping works for that phase and a programme for their implementation. Hard landscaping details shall include proposed finished levels and contours, and surface materials, street furniture and play equipment. Soft landscaping details shall include proposed contours, planting plans, written specification including cultivation and other operations associated with plant and grass establishment, and schedule of plants, including species, number and densities. These details should be approved

REPORTS FOR DEBATE

with or prior to the approval of the reserved matters for that phase. For the avoidance of doubt and for the purposes of this condition the playing field shown situated to the north of the school site shall be provided for use by the general public and be included within either Phase 2B or the school.

Reason: To ensure that there is an appropriate level of well designed hard and soft landscaping throughout the development in accordance with Policy CS18 of the Eden Core Strategy.

- 19) The landscape details referred to in condition 18 shall include a landscape management plan giving long term design objectives, management responsibilities and maintenance schedules for all landscaped areas other than small, privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.

Reason: To ensure that there is an appropriate level of well designed hard and soft landscaping throughout the development in accordance with Policy CS18 of the Eden Core Strategy.

- 20) Prior to the commencement of development on Phases 2B, 3B, 4B and 5B details shall be submitted to and approved by the Local Planning Authority showing treatment of the existing footpath that runs along the northern edge of the application site. The details shall show a maintenance regime including additional landscaping preserve and enhance the natural route of the footpath. The approved details shall be implemented in full and the pathway shall thereafter be maintained in accordance with the approved details.

Reason: to enhance and protect the route of the historic footpath in accordance with CS16 and CS18 of the Eden Core Strategy.

- 21) Prior to the commencement of development on Phases 2A, 3A, 4A and 5A details shall be submitted to and approved by the Local Planning Authority showing treatment of the proposed footpath that runs along the southern edge of the application site. The approved details shall be implemented in full and the pathway shall thereafter be maintained in accordance with the approved details.

Reason: to enhance and protect the route of the historic footpath in accordance with CS16 and CS18 of the Eden Core Strategy.

SUDS System Maintenance

- 22) The development shall not commence until full details of the maintenance of the proposed SUDS system is set out in a site specific maintenance manual and has been submitted to and approved by the Local Planning Authority. The manual shall include details of the financial management and arrangements for replacement of major components at the end of the manufacturers recommended design life.

Materials

- 23) No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings has been submitted to and approved in writing by the Local Planning

REPORTS FOR DEBATE

Authority. The materials so approved shall be used in the construction of the buildings.

Public Open Space and Equipment

- 24) The reserved matters shall include provision of public open space, play space and amenity areas within the site. The layout details submitted in accordance with Condition 1 shall define the boundaries of such areas, their proposed uses, the items of equipment, means of enclosure and all other structures to be installed, and means for future maintenance. The development shall be carried out in accordance with the approved details.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This application seeks outline planning permission for residential development including a new school on land extending to some 24.96 Hectares to the north of Carleton, Penrith. The application includes the site of a residential development for 55 dwellings served from Parklands, together with a haul road between the site and the access position at the top of Carleton Hill Road to accommodate construction traffic. This site has full planning permission, approved under 13/0654, and is currently under construction.
- 2.1.2 Before the full application for 55 houses was considered by the Committee that application was required to be supported by a Masterplan for the overall extension for Carleton Heights. Accordingly, the application (13/0654) was supported by what was considered to be a satisfactory Masterplan. The masterplan is also submitted to support this application.
- 2.1.3 The determination of this outline application (08/0291) has been delayed for several years and for a variety of reasons and most latterly as a result of negotiations taking place over viability and specifically the appropriate level of affordable housing and other contributions the applicant is able to offer. However this has now been resolved with the applicant confirming that 30% affordable housing, together with other financial and other contributions can be provided.

Masterplan

- 2.1.4 The Masterplan provides the framework for the delivery of this large housing area and comprises written and illustrated statements of the main principles for the development area, together with a drawn indicative layout plan, phasing and schematic layouts.
- 2.1.5 The Masterplan has been developed by a project team involving officers from both the County and the District together with the applicant, design consultants and other input from appropriate organisations. The Masterplan has developed to meet an agreed vision for the site which is to:

‘To build a distinctive community extension which has a sense of place to the periphery of Penrith, a Cumbrian rural market town. To create an environment that is enjoyable, pleasant and safe; one where landscaping and rural character allows for a transition with the adjoining countryside and allows people to prevail over roads and the car. To

REPORTS FOR DEBATE

incorporate interesting footpaths that link well landscaped open spaces, with community facilities, interlinking between the town and the adjoining countryside.'

- 2.1.6 The Masterplan was the subject of public presentations in 2012/13 and further developed as a consequence of the responses received. It establishes several key development principles: to provide a pattern of development and build form that is influenced by the Penrith vernacular; cultivating local identity by providing different character areas tied together by detailing and materials; a legible design providing identifiable neighbourhoods linked by well-connected open spaces; social diversity by delivery a wide range of house types, sizes and tenure; a mix of uses that includes a first school, 'Village Hall' and a retail unit; affordable housing (30%, which equates to around 180 units), and environmental sustainability, including the forming of a sustainable drainage scheme to deal with surface water.

The main features of the Masterplan are as follows:

- The access being taken from the head of an up-graded Carleton Hill Road. This provides construction access for the current application at Carleton Meadows (13/0654) and also serves as the main access for the successive phases of Carleton heights, for both construction and resident traffic. This will ultimately be the main vehicular access for the Carleton Heights development, together with the proposed school site. In the long term only buses, pedestrian and cycle access, together with emergency vehicles will access and exit through Parklands. Unfortunately Carleton Hill Road and Parklands offer the only two points of access to this site for vehicular traffic and the latter is constrained, routed as it is through an existing residential area. Pedestrian access is also afforded via Cold Springs and on to Brentfield Way.
- The Masterplan includes the provision of a one form entry primary school at the head of Carleton Hill Road. The site of the school is on land beyond any proposed residential allocation and can be seen as a transitory use between the residential estate and the adjoining countryside. As primary educational provision is nearing capacity within Penrith there is a requirement for a new primary school to service the needs of this development. Following an appraisal of possible sites by the Education Authority it was considered that Carleton Hill provided the most appropriate solution to the confirmed need. The intention is that the applicant will provide a serviced site to the Education Authority and thereafter pay a financial contribution towards the delivery of the school at a specified trigger point relating to the completion of the 250th dwelling.
- Open space is provided in provided by a general playing field to the north of the primary school together with a series of open space areas, 'village greens' dispersed through the site. The open space will be maintained on behalf of the residents by a management Company.
- A peripheral walking/landscaped area bordering the site to the north and a new similar facility to the south (the latter incorporating sustainable drainage in the form of ponds and connecting swales) links into the overall footpath network within the site and to the adjacent footpath network. The provision of a 'Village Hall' and shop/office facility for the benefit of the new community in the western half of the site, in a 'Village Hub' , which will be subsequently maintained on behalf of residents by a management company.

REPORTS FOR DEBATE

- An overall residential development in the region of some 561 dwellings (13/0654 and 08/0291), with a single vehicular access from Carleton Hill Road, and forming a spine road, or 'Scene Setting Route' running through the central part of the site. The spine road runs through an 'entrance green' at the head of Carleton Hill Road and progresses into the site linking a series of four 'village green' spaces before connecting to the green forming part of 13/0654. The entrance at the top of Carleton Hill Road incorporates an open 'Green', intended to build upon the openness of the single storey school and associated grounds, which form the transition between the urban extension and the open countryside to the east.
- The central spine road incorporates alternating areas of openness, offered by village green type open spaces, and compression within the street scene, where houses are designed to be close to the footpath edge. The houses facing the spine road are highlighted by appropriate building form, design and landscaping, developing a local 'village' feel. The spine road incorporates a series of residential street frontages, served by rear parking/ access courts, to ensure that the street scene is not dominated by vehicle access and car parking and is a feature further developed throughout the Masterplan area. Beyond the 'Scene Setting Route' a definite street hierarchy will be imposed through the design of each phase of the development, primary routes giving way to Tertiary Streets and then Lanes, Private drives and Courts. Distinctive Block types will be used, the 'Perimeter Block', 'Parking Court' 'Mix Parking Court' and 'Neighbourhood Edge'. These are designed in a different way to arrange the houses in relation to the road pattern based on principles that provide variety and one that achieves pleasant street frontages; Corner turning blocks and 'Key Dwellings' will provide legibility with 'active' frontages or gables; and there will be a mix of car parking solutions including parking courts and in-curtilage parking solutions.
- Pedestrian and cycle access is maximised within the overall scheme. There is an existing footpath and rural lane, running across the northern boundary of the site from Cold Springs is retained, linking existing footpaths to Beacon Edge. This peripheral footpath and buffer feature is repeated along the southern site boundary. This southern footpath coincides with the need to provide surface water drainage and catchment along this boundary, in a series of attenuation ponds and swales and pipelines leading to an attenuation pond at the head of Carleton Hill Road, this being the termination of the surface water attenuation scheme within the site before connection to the new surface water drainage system within Carleton Hill Road. The southern footpath/cycle route also providing a buffer to the rear of the residential properties within Carleton. The Landscape Strategy overall is based upon the creation of several formal areas of public open space found along the main Scene Setting Route, filtering through to smaller informal pockets of green space. Full details of landscaping will be required to be submitted for each phase as the development proceeds. The masterplan cannot yet provide detail of Boundary Types (walls, fences etc) and also Building Materials and these will be resolved for each phase at the Reserved Matters Stage.
- The peripheral pedestrian/cycle paths, together with the central spine road combine to provide good connectivity between the main residential areas both within and adjoining the site with the new primary school. In addition the site is constrained by the existence of mains services crossing the site around the

REPORTS FOR DEBATE

approved full application site (13/0654) to the west, which has the benefit of providing additional access for the pedestrian/cycle network and opening out the public open space around the site entrance at Cold Springs and adjacent to the full application site 13/0654.

- Due to the intention to provide rear vehicular access and servicing where at all possible, a significant proportion of the residential development is double fronted and outward looking onto the central spine road and to the peripheral footpath/cycle network. Where enclosing rear gardens must face on to the public realm this is kept to a minimum.
- The structure for the form and design of the overall site is established within the Masterplan and is in evidence within the approach already approved under full application (13/0654). These include bespoke and traditional design elements grounded in a Penrith vernacular along the primary frontages within the scheme. The appearance of the building forms are heightened by the use of bespoke design elements, including the use of traditional window detailing and chimneys fronting along the spine road and 'village green' areas together with important junctions and the peripheral footpath/cycle way network. It is important to note that outside the main spine road, the design of the houses becomes more conventional although attention is still paid to achieving interest in the layout through design and layout.

2.2 Site Description

- 2.2.1 The site is presently open agricultural land to the northeast of The Parklands and north of the Carleton housing development. It is relatively flat; the land is gently sloping from east to west (Carleton Hill up to the Carleton Meadows Site (13/0654)) and also rises from south to north. The land extending beyond Carleton Meadows levels off towards Cold Springs. The land is located on the edge of Penrith, with the Scaws area to the west and the more recent developments of Carleton to the west and south. To the north east, east and southeast land use is primarily open countryside, rising up to the Beacon Edge which contains occasional sporadic built development extending further up the hill side. The site is presently laid to grass, divided into a field system defined by a mix of post and wire fencing and intermittent hedgerow planting. The landform behind the site then gives way to the rise in ground level up to the Beacon area with its mix of intermittent housing, fields and the conifer plantation.
- 2.2.2 The application site together with the urban extension (08/0291) and the Cumbrian Homes site on Carleton Hill (08/0295) are identified for development within the Eden Core Strategy published March 2010 and are identified for housing within the 'Housing: Preferred Sites and Policies' consultation document published in February 2013; this allocation is carried forward into the Eden Local Plan which has been submitted to the Secretary of State for Examination.

3. Statutory Consultees

Consultee	Response
<p>Cumbria County Council</p> <p>Historic Environment Officer</p> <p>Highways</p> <p>Education</p> <p>Lead Local Flood Authority</p>	<p>No objection subject to conditions requiring a programme of archaeological work.</p> <p>No objection subject to conditions: Relating to form and detailing of construction and the necessity to secure off site infrastructure deficit planning works identified with</p> <p>No objection subject to requirement to provide a serviced site for a new one form entry primary school and a financial contribution of £1,693,786 payable on completion of the 250th house</p> <p>No requirement for financial contribution to secondary education as capacity exists.</p> <p>No objection subject to conditions.</p>
Eden DC Affordable Housing Officer	2011-2016 Penrith Housing Need Survey identified 117 affordable properties required with a mix of 70% for affordable rent and 30% for low cost ownership. Depending on the final number of units provided this could be expected to be in the region of 168 affordable units over a scheme of 561 units over a possible 12 year build period
Environment Agency	<p>No objection subject to conditions:</p> <ul style="list-style-type: none"> • Prior requirement for surface water drainage scheme to be agreed. • Prior agreement for disposal of foul water. • Prior agreement to treatment of suspended solids during the construction phase. • Prior agreement to a Construction Method Statement.
United Utilities	<p>No objection subject to conditions:</p> <ul style="list-style-type: none"> • Prior requirement for foul and surface water disposal to be agreed. • Prior requirement for maintenance of foul and surface water to be undertaken to be agreed.
Northern Gas Networks	No objection as there is no proposed building work within the proximity distance of 14 metres from the existing pipelines crossing the site.

REPORTS FOR DEBATE

Consultee	Response
Natural England	No objections following approval of the shadow appropriate assessment submitted.

4. Town Council Response

Please Tick as Appropriate				
Town Council	Object	Support	No Response	No View Expressed
Penrith Town Council			x	

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 21 April 2015.

No of Neighbours Consulted	60	No of letters of support	0
No of Representations Received	4	No of neutral representations	
No of objection letters	4		

- 5.2 Since submitted the application has been the subject of extensive consultation; including press and site notices, individual letters sent to the closest residents and several public meetings. Letters of objection raised the following concerns which are material considerations to the application:

In response to the 2008 submitted application two letters of objection were received, the main points raised are:

- Overbearing scale of development out of proportion, and extending into open green countryside.
- Not currently adopted in the Eden Local Plan.
- Planned open spaces are small and insignificant.
- Footpath running through the development is part of Penrith's history, in existence since 1860s and should not be moved or tarmacked.
- Layout and design provides a sterile housing estate with no character.
- Transport, Public Services and Drainage has not been fully considered.
- The site has remains of a Roman Fort.

In response to the amended planning application (2013) two further letters of objection were received and the main points raised are:

- Completely out of scale and the amended application has been extended even further to include a further phase 5B creating even greater problems with a large featureless estate.
- It is far too large for the public facilities in Penrith.

REPORTS FOR DEBATE

- Potentially add a dangerous amount of added traffic especially on Parklands and Oak Road.
- Problems of surface water.
- Loss and destruction of valuable green space along with diverse wildlife.
- Cause serious hold ups at Kemplay roundabout and affect other junctions and pedestrian safety.
- There is no industry or retail outlets in the plan and workers will need to travel to work and no mention of a bus service.
- Noise and Air pollution suffered by existing residents.
- The development is isolated from the rest of Penrith.
- Wildlife assessment is wrong.

Date/ Application No	Description	Outcome
03/0697	Residential development	Refused September 2005

The reason for refusal is as follows:

“The Council at present has a significant oversupply of housing amounting to an excess of 326 units for the District taking the annual average housing quota provision in Policy H17 of the Proposed Changes Edition of the Structure Plan 2004. To address this imbalance the Council, through Policy H1 of its Revised Housing Policies (2004) will only permit housing schemes which are considered to be exceptional in accordance with the provisions of regional and emerging, strategic and local policy guidance. This scheme does not provide any exceptional justification to enable it to be permitted. If approved the development would compromise the Council’s ability to strategically plan its housing provision. The proposed scheme is therefore contrary to Policy UR7 of Regional Planning Guidance 13 and emerging Structure Plan Policy H17”

An appeal was made against this refusal but was withdrawn by the applicants before determination.

06/0794	Residential development	Refused
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The reason for refusal is as follows:

“The proposal is considered to be contrary to Policy ST3 of the adopted Cumbria and Lake District Joint Structure Plan (Adopted April 2006) particularly in respect of the sequential test set out in clause 1, the requirement that sites are made accessible by public transport, walking or cycling in clause 2, clause 7 to “ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of the townscape and landscape” and clause 8 to “ensure development makes efficient use of, and is within, infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without adverse effect on the environment”

REPORTS FOR DEBATE

**08/0290 Residential Development (with no haul road for Refused
construction traffic)**

The reason for refusal is as follows:

'The use of the existing road network serving the existing established residential area for construction traffic associated with the development would adversely affect the residential amenity of existing residents to an unacceptable degree, by virtue of the increased vehicular activity that would be generated over the build period of the development, when an alternative temporary construction access could be reasonably provided'.

This refusal was the subject of a Planning Appeal that was subsequently withdrawn.

**11/0927 Outline application for Residential development (55 dwellings) including haul road Approved subject to conditions
17 October 2012**

13/0654 Full planning application for 55 dwellings (including 30% affordable 16 No) consisting of 14 N 2 bed, 21 No 3 bed and 20 No 4 bed and associated infrastructure, including the provision of a haul road for construction traffic access from Carleton Hill Road (Development commenced on site) Approved subject to conditions and S106 Agreement 21 October 2014

Policy Context: Development Plan

Eden Core Strategy:

CS1 Sustainable Development Principles

CS2 Locational Strategy

CS5 Transport and Accessibility

CS6 Developer Contributions

CS7 Principles for Housing

CS8 Making Efficient Use of Land

CS10 Affordable Housing

Other Material Considerations

National Planning Policy Framework -

Policy No 1 Building a strong competitive economy

Policy No 4 Promoting sustainable transport

Policy No 6 Delivering a wide choice of high quality homes

Policy No 7 Requiring good design

Policy No 8 Promoting healthy communities

Policy No 11 Conserving and enhancing the natural environment

Penrith Strategic Masterplan

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 Impact
- Design
- Infrastructure
- Affordable Housing contribution

8.2 Principle

8.2.1 The principle for development for Carleton is long established. It is formally identified as an urban extension for Penrith in the Council's current Core Strategy (2010). Permission for the site (along with other sites) would also help the Council in restoring and maintaining a five year supply of deliverable housing land. This is particularly pertinent because the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, with relevant policies for the supply of housing not considered up-to-date, if the local planning authority cannot demonstrate a five year land supply, which is currently the case for Eden (at 3.8 years). In this instance paragraph 14 of the NPF confirms that 'for decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plans is absent, silent or relevant policies are out of date, granting planning permission unless;

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this framework taken as a whole; or

Specific policies in this framework indicate development should be restricted.'

REPORTS FOR DEBATE

The site is proposed for allocation in the Council's draft Local Plan and it is therefore crucial to the future delivery of this plan and the delivery of the planned housing for Penrith for the next 10-15 years.

- 8.2.2 It is also against this background and anticipating that approval of this outline planning permission would soon follow that full planning permission was granted for the erection of 55 houses, together with a haul road, within the current application site under 13/0654 in October 2014. This site, considered discretely because it takes its access from Parklands, is now under construction and houses have been sold. It provides 30% affordable housing. Persimmon is anxious to maintain continuity of their build programme on Carleton Heights and will submit Reserved Matters applications following a grant of this outline permission as soon as practicable.

8.3 Landscape and Visual impact

- 8.3.1 In respect of the potential visual impact of the proposal this has been considered as part of the preparation of the Councils adopted Core Strategy (2010) and subsequent to the adoption of this policy document, through the preparation of the Eden Local Plan. The submitted Masterplan also contains a contextual study and the conclusion is that the impact of the development of this area for housing is limited to mainly local influence. The benefit of the site is that it is set within a relatively level plateau area set behind and largely screened by the Carleton estate, and before the land then rises steeply to join Beacon Edge. From more distant views to the south and west, the visual impact will therefore be very limited. The land does slope somewhat from north to south, and also from east to west. The main local view will be from the higher level, from Beacon Edge Road which overlooks the site from the north and from the eastern end of Carleton Hill Road on the approach to the site. In time the development will assimilate itself well to the rest of the Carleton estate.

8.4 Design

- 8.4.1 This is an outline application with only the access position at the head of Carleton Hill Road being the subject of consideration. The overall layout, design, landscaping and appearance will be the subject to one or more subsequent applications for Reserved Matters, in a series of phases moving across the site, being substantially in accordance with the principles of the agreed Masterplan.

Details of the Masterplan are provided earlier in this report. In summary, the Masterplan provides for a bespoke, traditional approach along the main spine road and this sets the scene for the overall area, 'grounded' in the Penrith vernacular. Away from the central spine road the design becomes more conventional or 'general' in character but nevertheless the Masterplan still shows attention to these areas in terms of layout and design, with a road hierarchy that seeks to reduce the size of roads as quickly as possible to create a less road-dominated environment, with 'scene setting' and place marking dwellings to improve legibility. A mix of parking solutions is provided to avoid a repetitive street pattern, and convenient pedestrian access provided through the development.

In terms of connectivity to Penrith the site is heavily constrained, as the only vehicular link direct to the town is via Parklands Drive. This in time will provide a route for buses and emergency vehicles only, in order to safeguard the amenity of these residents and in part because Parklands Drive can only provide a safe access for 55 houses in

REPORTS FOR DEBATE

total. The new estate will effectively have only one general access which is to Carleton Hill Road. Other options to provide a second vehicular access have been explored but discounted due to physical constraints. Pedestrian access is available via Parklands and also connecting to Cold Springs and then Brentfield Way. Within the site, there will be a direct footpath along the Spine Road running west to east and providing a safe connection to and from the school; there is also a footpath running along both the norther and southern boundaries, the latter offering the opportunity for a buffer zone to be provided to the existing houses on the Carleton estate. A bus service will service the site and connect to the rest of Penrith and beyond, this is a requirement by condition.

Open space is provided for throughout the development, mainly in a series of 'Village Greens' that run along the Spine road, and a large playing field area situation to the north of the school. These spaces and the pedestrian routes that run along the northern and southern boundaries will be appropriately landscaped.

Overall the development provides for an attractive extension to the urban area incorporating public open space with reasonably good connectivity, within an outward looking scheme. The Masterplan is therefore fundamental to the success of the development in design terms and central to this application.

8.5 Infrastructure

- 8.5.1 Surface water is being largely contained on site by engineered attenuation with a controlled discharge to an upgraded surface water drain within Carleton Hill Road and an ultimate discharge to a watercourse, reflecting existing agricultural field rates. The Environment Agency and the Local Flood Risk Authority (CCC) have agreed the arrangement which incorporates sustainable drainage in the form of ponds and swales along the southern edge of the development as part of the Carleton Meadows proposal (13/0654).
- 8.5.2 The Highway Authority confirm no objection subject to conditions relating to the form and construction of the public roads within the scheme and the provision of a scheme to facilitate the operation of construction traffic via Carleton Hill Road, which is to be upgraded as part of this proposal and the earlier full planning permission at Carleton meadows (13/0654). In addition and in the light of recent upgrading works the Highways agency have removed their holding objection.
- 8.5.3 The County Education Authority have confirmed their requirement in respect of the provision of a serviced school site and a financial contribution towards a new one form entry school, based on pupil yield from the scheme. This has been agreed with the applicant and built in to the financial appraisal for the scheme and will be secured by means of a S106 legal Agreement. The school has been accommodated within the application with a site identified at the top of Carleton Hill Road.
- 8.5.4 The provision of infrastructure necessary to serve the site revolving around access and drainage, has been the subject of limited but sustained concern and objection. In respect of the access to the site, the Highway Authority have confirmed that access and egress can be provided at the head of Carleton Hill for both construction and residential traffic, with a bus route ultimately accessing via Carleton Hill Road and exiting through the agreed bus gate through and into Parklands.

REPORTS FOR DEBATE

- 8.5.5 In respect of foul drainage, the concept for the site has been developed with connections for this first phase at Carleton Meadows (13/0654) currently intended to connect into the existing mains at 'Parklands'. Surface water and Foul drainage are to be taken across to the head of Carleton Road into an improved mains drain. United Utilities, the Environment Agency and the Local Flood Risk Authority have confirmed their agreement to this arrangement.
- 8.5.6 For construction traffic the site access has been established at the top end of Carleton Hill Road, by the approval of the previous full planning application at Carleton Meadows for 55 houses and haul road (13/0654). The haul road has been constructed and the development of the 55 houses is now well underway.

8.6 Ecology

- 8.6.1 The impact on the environment or the ecology of the area was resolved as part of the earlier full application at Carleton Meadows (13/0654) and poses the same consideration for this application. Natural England have confirmed acceptance of a Shadow Assessment provided by the applicant which demonstrates that the proposal both individually and in combination with adjacent developments will not result in a significant effect on the European site in question (River Eden SAC).

8.7 Affordable Housing Contribution

- 8.7.1 The proposal provides for 30% affordable housing in an appropriate tenure and peppered throughout the scheme in an acceptable form to the Affordable Housing Officer. The final detail of the provision will be confirmed through the development of each phase of the development secured through a Section 106 Agreement. For an overall scheme of 540 houses this would yield 164 as affordable.

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 matters above 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.

REPORTS FOR DEBATE

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 is in accordance with the policy for the Council subject to the applicant first entering into a S106 agreement to secure and the provision of the required 30% of affordable housing, the provision of a serviced primary school site and a village Hall/shop and the necessary financial contributions for education, off site highways contributions and the provision of a bus service through the site. The proposal accords with the development plans in that it:

- Represents a substantial development extension appropriate to the Key Service Centre of Penrith providing a significant scale of housing which seeks to address the current shortfall in the five year housing land supply. The scale and nature of the development takes into account the capacity of the essential infrastructure necessary to serve the development proposed.
- The potential scale, layout form and character of the development is appropriate for a residential extension to the urban fringe of Penrith, providing a high quality, development consistent with Core Strategy policy as envisaged within the agreed Masterplan vision for the site.
- The proposal provides for the necessary financial contributions towards education together with the provision of a serviced site for the necessary primary school, the provision of 30% affordable housing required by Core Strategy, village hall and shop, a bus service and off site highway contributions, necessary to service the site.

Gwyn Clark
Head of Planning Services

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

Agenda Item
REPORTS FOR DEBATE
Item 5

Date of Committee: 18 February 2016

Planning Application No: 15/0867 **Date Received:** 23 September 2015

OS Grid Ref: 369314 **Expiry Date:** 18 December 2015
513911

Parish: Asby **Ward:** Crosby Ravensworth

Application Type: Variation of Conditions

Proposal: Removal of conditions Nos 3, 4, 5 and 6 (holiday let restrictions) attached to planning approval 11/0646 to allow the dwelling to be used as affordable housing.

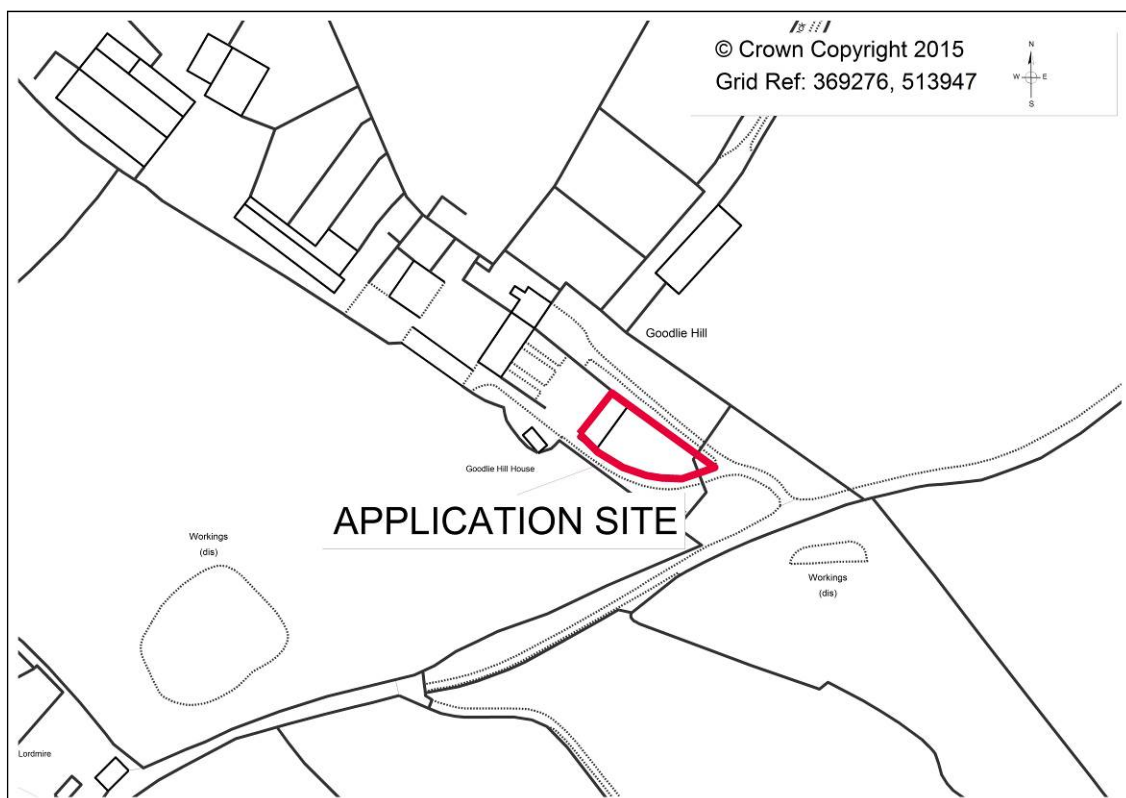
Location: Honeysuckle Cottage, Kellybarklane, Great Asby.

Applicant: Mr B Walton

Agent: H&H Land and Property

Case Officer: Mr D Cox

Reason for Referral: A neighbouring objector has requested to be heard at Committee.



1. Recommendation

It is recommended that delegated powers be given to the Head of Planning Services to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to ensure the occupation and future sale of the property complies with the Council's policies and guidance relating to Affordable Housing.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 Planning permission 11/0646 was granted for the 'conversion of existing agricultural building to single holiday let as a farm diversification scheme' on 14 October 2011. As part of this approval a number of planning conditions were attached to ensure that the building was only used for holiday letting purposes.
- 2.1.2 The current application seeks to remove planning conditions Nos 3, 4 5 and 6 of planning permission reference 11/0646 which restricted the property for use solely as holiday let accommodation. The removal of the holiday occupancy conditions would then allow for the use of the existing holiday let as an affordable dwelling which would be restricted through a section 106 Legal Agreement.

2.2 Site Description

- 2.2.1 Honeysuckle Cottage is a single storey residential holiday let dwelling (with a gross floor area of approx 119 sq m). The application site is located to the immediate rear of Goodlie Hill Farm (with which it is associated and tied by condition) and the south-east of Goodlie Hill, a separate and independent dwelling.
- 2.2.2 This cluster of three dwellings is located on elevated ground, in open countryside, approximately ¾ mile to the north east of the settlement of Great Asby.
- 2.2.3 Access to the site is via the shared single track metalled road (the 3299) from Great Asby.

3. Statutory Consultees

Consultee	Response
Highway Authority	No objection.
Affordable Housing Officer	Subject to a Section 106 Agreement, if let as an affordable housing unit, to meet an identified housing need, (then) the proposal would meet the requirements of Policy CS9 of the Councils' adopted Core Strategy.

4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Asby		✓		

REPORTS FOR DEBATE

- 4.1 The Parish Council support the application:
- 4.2 At a public meeting of Asby Parish Council it was agreed to support the application. The Parish Council re-iterated its' comments made when the application was previously submitted in October 2014. It welcomes proposals for additional small scale housing in the parish to support the community, local economy and local services. There is already a considerable proportion of holiday accommodation in the Parish. The proposal will result in no changes to access, services or building structure.
- 4.3 The new submitted Eden Local Plan states that permission will be given for small scale housing that meets local needs (Policy HS2). A survey undertaken for the Heart of Eden Community Plan identified that 70% of Asby parish residents expressed support for conversions for local people. The Parish Council would like to see a local occupancy clause included in any permission granted. The Eden Local Plan also supports the re-use of existing buildings in rural areas (Policy RUR2).

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 20 October 2015.

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

- 5.2 One letter of objection raises the following summarised concerns which are material considerations to the application:
- The application is speculative in nature and part of an ongoing attempt to secure an unrestricted dwelling in the open countryside.
 - A “hybrid” mixed affordable/holiday let use would not be in compliance with Eden’s Core Strategy Affordable Housing Policies.
 - Is there any evidence of an affordable need in this remote location?
 - The application fails to meet any of the criteria required of an affordable dwelling, or for the conversion of a holiday let to an affordable dwelling.

6. Relevant Planning History

Application No	Description	Outcome
11/0646	Conversion of existing agricultural building to single holiday let as a farm diversification scheme	Approved with conditions 14 October 2011

7. Policy Context

7.1 Development Plan

Saved Local Plan Policies:

- NE1 - Development in the Countryside

Core Strategy DPD Policy:

- CS1 Sustainable Development Principles
- CS2 Locational Strategy
- CS3 Rural Settlements and the Rural Areas
- CS6 Developer Contributions
- CS7 Principles for Housing
- CS9 Housing on Rural Exception Sites
- CS10 Affordable Housing
- CS18 Design of New Development

Supplementary Planning Documents

- Housing (2010)

National Planning Policy Framework (NPPF):

- Delivering a wide choice of high quality homes.
- Requiring good design.

8. Planning Assessment

8.1 Key/Main Planning Issues

8.1.1 The main planning issues are considered to be as follows:

- Overriding justification.
- Site location.
- Affordable housing need.
- Character and amenity.

8.2 Principle

8.2.1 The existing holiday let property was originally approved as a farm diversification (in association with Goodlie Hill Farm).

8.2.2 The proposal forms part of a cluster of three dwellings, otherwise located within remote and open countryside. There is a presumption against general residential development in such locality other than where it meets the exceptional requirements of the adopted Core Strategy, which can include for the provision of affordable housing. The proposed use of the unit solely as an affordable dwelling has been confirmed by the Applicant as being the basis of this application. It is confirmed that the proposal is not to be used as a hybrid holiday let/affordable housing use, and the application is considered on this basis.

8.2.3 As a location for the provision of Affordable Housing on Rural Exception sites, the proposal is in accordance with the requirements of Policy CS9 of the Eden Core Strategy, as clarified further by Section 4.1 'Housing on Rural Exception Sites' of the Housing SPD, and in particular paras 4.1.1 which requires the building to be within a group of three or more dwellings and 4.2.2 which restricts the dwelling's gross internal floor space to 125m².

REPORTS FOR DEBATE

- 8.2.4 The applicant is aware of the exceptional nature of the justification required in the case of a dwelling on this site, that it is to be for affordable housing only, and that this is to be secured in perpetuity by a section 106 Legal Agreement.
- 8.2.5 The Council's Housing Development Officer has been consulted and on the basis of evident need in the locality, she has confirmed that they are happy to support the proposal subject to securing the relevant section 106 Legal Agreement.

8.3 Landscape and Visual Impacts

- 8.3.1 The proposed affordable dwelling is within the context of a range of existing agricultural and residential buildings. Although elevated as a cluster location, the sites visual impact is softened by the presence of trees and mature hedgerows in and around the area which have a screening effect of the site overall especially when viewed from the west and the general direction of Great Asby.

8.4 Residential Amenity

- 8.4.1 Access to the site is via a shared access road to the three dwellings on site. The application site, including the existing holiday cottage and associated garden is sited approx. 30m to the south-east of the applicants own existing farmhouse (Goodlie Hill Farm), being separated by the latter's large hardcore surface parking and turning area, and the objectors dwelling, (Goodlie Hill) approximately 38m to the north-east. The objector has raised no objection specifically in relation to loss of residential amenity, and given the above separation distances and relationships, together with the presence of boundary walls, fences and shrub/planting screening, it is considered that the proposal would not result in loss of residential amenity to either of the existing adjacent dwellings, were it to be used on a permanent affordable basis.

8.5 Infrastructure

- 8.5.1 As an existing converted holiday let unit there are no further infrastructure requirements beyond those already catered for in relation to the existing holiday use.

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 any other material considerations:

- The proposal provides a new affordable house to the District.
- Being located in, and forming part of a cluster of three existing dwellings, the proposed development meets the sequential approach to land use.

Gwyn Clark
Head of Planning Services

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

Agenda Item
REPORTS FOR DEBATE
Item 6

Date of Committee: 18 February 2016

Planning Application No: 15/0781 **Date Received:** 10 December 2015

OS Grid Ref: 368688 **Expiry Date:**
505509

Parish: Ravenstonedale **Ward:** Ravenstonedale

Application Type: Full

Proposal: Proposed Agricultural Workers Dwelling

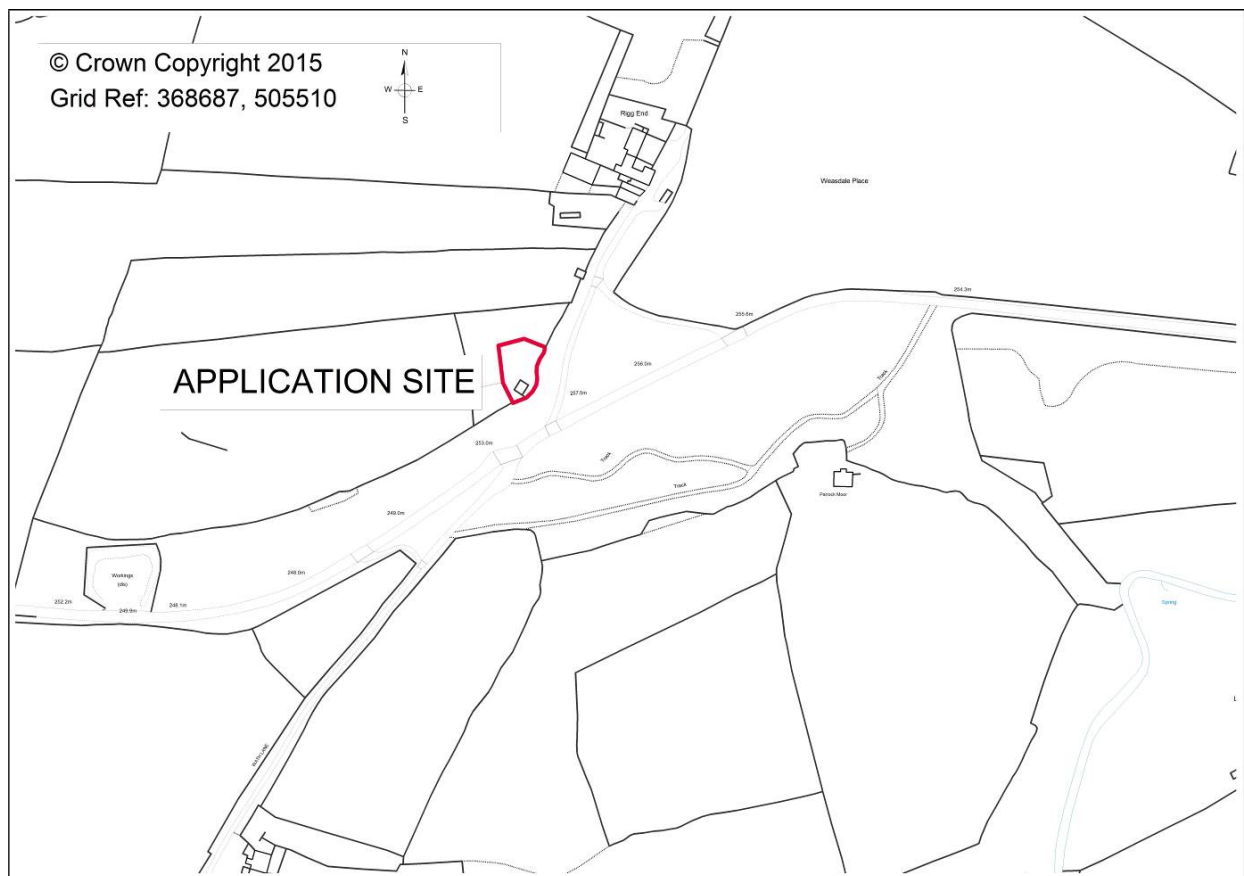
Location: Wath Lane, Newbiggin-on-Lune

Applicant: Mr M Bowman

Agent: SPACE Designed Solutions Ltd

Case Officer: Rachel Lightfoot

Reason for Referral: An objector has requested to be heard at Committee



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:
 - Site Plan Ref No 1415.1803 received on 25 August 2015
 - Dwelling as Proposed Location Plan Ref No 1415.1801A received 7 January 2016
 - Existing Floorplans and Elevations Ref No 1415.1802 received 25 August 2015

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

Pre-Commencement Conditions

3. Prior to the commencement of development, samples of all materials shall be provided to the Council and approved in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

Ongoing Conditions

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1 no development which increases the floor areas of the dwelling hereby approved shall be carried out without the prior permission of the Local Planning Authority, obtained through the submission of a planning application.

Reason: To ensure the floor space of the dwelling is limited to 150 square metres in accordance with the provision of the Housing Supplementary Planning Document.

5. The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, or a widow of such a person, and to any resident dependants.

REPORTS FOR DEBATE

Reason: The site is within an area where the policy of the Local Planning Authority is not to permit residential development and the condition is designed to ensure that the proposed dwelling is available to meet the agricultural or forestry need for which the exception was made.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The proposal is for the erection of an agricultural workers dwelling. Following the receipt of the application, the proposed dwelling has been amended to comprise solely of new build rather than extending the small barn which is on site. The barn is to be retained but unaltered. The changes were made following discussions between Officers and the applicant's agent.
- 2.1.2 The proposed agricultural workers dwelling, to be used in connection with the existing Wath Farm enterprise, will comprise a two storey 3 bedroomed dwelling with a floor area of approximately 115.88sqm. The building will be faced in stone.

2.2 Site Description

- 2.2.1 The site is positioned adjacent to a mature tree in an agricultural field. The site has an elevated position and lies approximately 200m from Wath Farm and approximately 250m from the A685 Tebay to Brough road. The nearest residential property is at Rigg End, approximately 100m to the north.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority	No objections

3.2 Discretionary Consultees

Consultee	Response
Parish Council	No response received

4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Ravenstonedale			✓	

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 2/11/2015.

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

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

- No need for the dwelling;
- Other options have not been sufficiently explored;
- Impact on visual amenity - the barn has a prominent position on the entrance to the Ridge giving the impression of a built up area which will impact on the public's enjoyment of the landscape and will not preserve the natural beauty of the countryside;
- The development would lead to the creation of an isolated dwelling within the countryside contrary to paragraph 55 of the National Planning Policy Framework;
- Dry stone walls should be reinstated in order to mitigate any visual impact;
- The impact of servicing the proposed dwelling with utilities;
- The potential impact of light pollution;
- There would be a financial impact on the farm which would undermine the farm business;
- Overlooking of walkers on the Public Right of Way.

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

- Query over the right of way along Riggend Track - this is a civil matter;
- The impact on the life of the lane due to construction vehicles using it;
- Position of treatment plant - this is controlled through Building Regulations;
- There should be proof of the livestock numbers;
- An adjacent farm has been on the market but was not bought by the applicants.

6. Relevant Planning History

Application No	Description	Outcome
06/0592	Conversion of redundant barn for use as a dwelling by agricultural employee	Refused - design, scale and location from farm
11/0079	Proposed stock shed	Approved

7. Policy Context

7.1 Development Plan

Core Strategy DPD Policy:

- CS1 - Sustainable Development Principles
- CS2 - Locational Strategy
- CS3 - Rural Settlements and the Rural Areas
- CS18 - Design of New Development

Supplementary Planning Documents:

- Housing (2010)

7.2 Other Material Considerations

National Planning Policy Framework:

- Supporting a prosperous rural economy
- Delivering a wide choice of high quality homes
- Requiring good design

8. Planning Assessment

8.1 Key/Main Planning Issues

8.1.1 The main planning issues are considered to be as follows:

- Acceptability of the principle;
- Impact on visual amenity and design;
- Impact on amenity.

8.2 Principle

- 8.2.1** The proposal is for the creation of a permanent agricultural workers dwelling. The application is accompanied by an Agricultural Appraisal carried out by a chartered surveyor. The farm extends to approximately 164 hectares with a flock of 1300 ewes of which 1000 are fell ewes, 300 half bred ewes, a herd of 50 suckler cows and a further 100 store cattle. The standard labour requirement is calculated at 4.59 labour units. It is therefore considered that the application meets the requirements of a functional need.
- 8.2.2** In relation to financial matters, these are no longer explicitly referred to in the NPPF however, the tests applied in PPG7 remain appropriate. It has been confirmed that the business has a long history and is financially viable. The requirement is that the business has been able to show a profit in one year out of the past three. It is therefore considered that the financial tests are met.
- 8.2.3** It is considered that the farm is now at such a size that it is essential to have two key workers at the farm. It is therefore considered that the principle of an additional farm workers dwelling for the farm is acceptable.

REPORTS FOR DEBATE

8.2.4 Following the previous refusal, the applicant was advised to consider whether there are other more appropriate sites on the farm which could be redeveloped. The application is accompanied by the consideration of other sites:

- On farm conversion - the impact on the loss of higher grade agricultural land would have a greater detrimental impact than the loss of the proposed site;
- Hay Meadow area - the meadow is connected to the farm yard, would require a track to be constructed and reduce the overwintering fodder produced on the farm;
- Garth Adjacent to the Farmhouse - this is not in the ownership of the applicant.

8.2.5 The proposal site is adjacent to a lambing shed and situated approximately a 6 minute walk from the main holding. It is considered that the applicant has demonstrated that the site provides for an appropriate location for an agricultural workers dwelling which is located adjacent to existing buildings.

8.2.6 The proposed dwelling is approximately 116sqm which is in accordance with the requirement of the Housing SPD.

8.2.7 The proposal is considered to be acceptable in principle.

8.3 Landscape and Visual Impacts

8.3.1 The landscape issues raised by the process are central to the success of the scheme. The valley has a number of small hamlets and isolated houses. The proposed dwelling would be built in materials which are found throughout the valley which will aid in the mitigation of the wider visual impact. The NPPF recognises that the natural environment should be protected. However, this is balanced within para 55 which states that isolated houses in the open countryside should be avoided unless special circumstances allow. One of these circumstances is housing for agricultural workers where there is an essential need for a rural worker at live at or near their place of work in the countryside.

8.3.2 It is considered that whilst there will be some visual impact, this will be locally limited. It is considered that, on balance, the visual impact is outweighed by the requirement for an agricultural workers dwelling to be situated on or near the farm in compliance with para 55 of the NPPF. Furthermore, the new dwelling would be anchored in the environment by the presence of the existing tree, lambing shed and retained barn providing further mitigation.

8.4 Residential Amenity

8.4.1 The nearest residential property is approximately 100m away. There are not considered to be any impacts on residential amenity such as overlooking or overshadowing which would cause demonstrable harm leading to a refusal. Issues of lighting on the building have been raised, planning permission for the erection of lighting is not generally needed as it is not considered development. It would not be appropriate to condition this element therefore.

8.4.2 Whilst the objectors have stated that they are not objecting on loss of view, there are a number of illustrations which are used to demonstrate the impact on views that that the view through the trees would be lost. It is considered that the impact on visual amenity would not be so great as to warrant refusal on the loss of amenity in this regard, views from the wider A685 would be mitigated by existing tree cover.

REPORTS FOR DEBATE

8.5 Infrastructure

- 8.5.1 The Highway Authority has no objections to the proposal and it is considered acceptable in this regard.

8.6 Built Environment

- 8.6.1 The proposals have been subject to discussion between the agent and the planning department which has resulted in an amended scheme. It is considered that following these amendments, the scheme is now acceptable. The building will comprise approximately 116sqm in gross floor space which is in accordance with the Council's requirements for agricultural workers dwellings and an appropriate scale for a full time worker to be housed in.
- 8.6.2 In terms of design detail and proposed cladding, these are typical to the area and are considered to be in accordance with adopted Eden Core Strategy Policy CS18 "Design of New Development".

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.

REPORTS FOR DEBATE

10.5 Children

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

10.6 Human Rights

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

11. Conclusion

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

The site is for a permanent agricultural workers dwelling which is to be positioned in close proximity to an existing associated farm complex and is considered appropriate in terms of siting, scale, detail and appearance. Despite objection raised, the proposed development is also considered to be in accordance with the requirements, criteria concerns and aims of relevant Eden Core Strategy and relevant Housing Supplementary Planning Document and para 55 of the NPPF.

Gwyn Clark
Head of Planning Services

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

Agenda Item
REPORTS FOR DEBATE
Item 7

Date of Committee: 18 February 2016

Planning Application No: 15/0606 **Date Received:** 15 October 2015

OS Grid Ref: 371864-547893 **Expiry Date:** 10 December 2015

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

Application Type: Full

Proposal: Proposed installation of a Tozzi Nord TN535 10kw domestic wind turbine to generate electricity

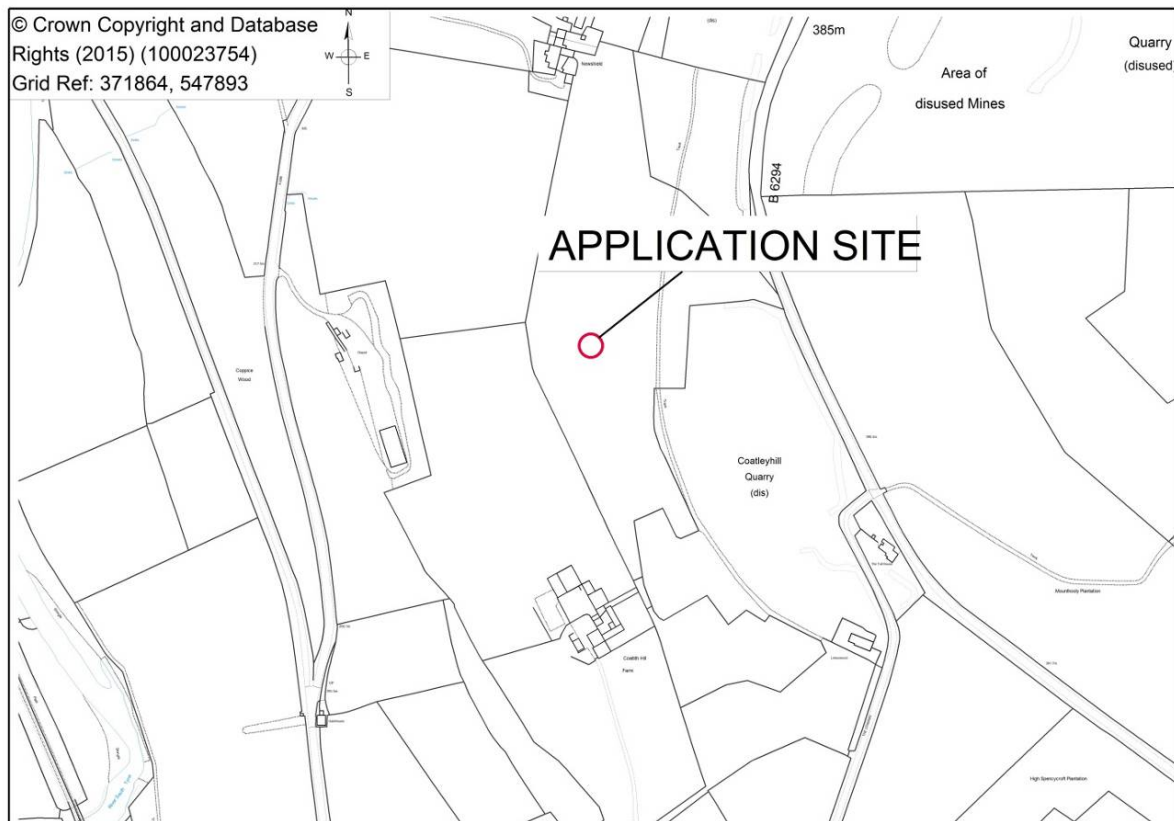
Location: Coatlith Hill Farm, Alston

Applicant: Mr C Harrison

Agent: Mr B Newman

Case Officer: Mr D Addis

Reason for Referral: The officer recommendation for refusal is contrary to the view of the local parish council who support the application



1. Recommendation

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

1. The proposed turbine, by virtue of its scale, incongruous appearance and prominent siting in attractive open countryside, would have a significant adverse and unacceptable level of harm on the character of the landscape and the visual amenity of the area contrary to Saved Local Plan policy NE1, Core Strategy policies CS18 and CS20 and the NPPF.
2. The proposed turbine, by virtue of its scale, incongruous appearance and prominent siting on an elevated site in an Area of Outstanding Natural Beauty, would fail to preserve or enhance the character of the landscape contrary to Saved Local Plan policy NE2 and would fail to preserve or enhance the character of the landscape contrary to the NPPF.
3. The development site is not located in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan contrary to the Written Statement made by the Secretary of State for Communities and Local Government (Greg Clark) on 18 June 2015 and also National Planning Practice Guidance.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 Full planning permission is sought for the erection of a single 10kw wind turbine which has a proposed tower (hub) height measuring 15m, a rotor diameter of 13.2m, and an overall height (to blade tip) of 21.6m. The design of the proposed development is a three blade turbine mounted on a grey galvanised steel tower which will be fixed to a reinforced concrete pad foundation block covering an area of 16m², the bulk of which will be buried below ground level. The rotor blades and turbine head (hub) is to be finished in white. No access track is proposed for the turbine. Cabling will be underground.
- 2.1.2 The proposal would provide renewable energy for Coatliith Hill Farm and a nearby log cabin which is used as holiday accommodation. The generating capacity of the proposed turbine is 38,070KWh annually.
- 2.1.3 The application is supported by a Design and Access Statement, a Noise Assessment, a Visual Impact Assessment, Elevations, a site plan and a site section plan detailing how the turbine will be sited in a platform cut into the sloping site.

2.2 Site Description

- 2.2.1 The application site relates to an area of sloping agricultural land approximately 1km north of the centre of Alston. Beyond the immediate field adjacent to the turbine there are groups of trees to the east and west with open countryside to the north and Coatliith Farm buildings approximately 200m to the south of the site.
- 2.2.2 There are no footpaths that cross the site. The closest footpath is approximately 500m west of the site - reference 302053.
- 2.2.3 The site is in the North Pennines Area of Outstanding Natural Beauty.

3. Statutory Consultees

Consultee	Response
Highways	No objection
North Pennines AONB Partnership	Object to the proposal siting significant concerns with the landscape impacts of the proposal dated 09-11-15. Following a site meeting with the applicant an updated response was received from the AONB dated 07-12-15 advising that if the turbine was amended to be set into the slope of the hill to reduce the tip height by up to 2m that it would “accommodate better into the environment and accordingly be a more acceptable proposal”. The application was subsequently amended and the AONB reconsulted to which they raised no objection dated 03-02-16.
Joint Radio Company (electronic communications)	No objection
Environmental Health	No objection subject to condition

The following are detailed responses as outlined above:

3.1 North Pennines Area of Outstanding Natural Beauty (AONB) Partnership

3.1.1 09-11-15 Response

“We have significant concerns that the size and proposed location of this turbine will lead to it intruding into the skyline from a number of surrounding receptor sites, particularly the busy A686 when heading South and at a distance from the A689 looking North West. In these views, the turbine would stand apart from the building it would serve and will not be associated well with existing features, effectively creating a dominant vertical element in the grain of the landscape. We do not feel that the Visual Impact Assessment fully addresses these issues or the AONB Guidelines.

The proposed location also sits on the route of an overhead power line that has been proposed for undergrounding (to improve ‘visual amenity’) through the programme delivered in partnership with Electricity North West Ltd.

There may be a wind energy development that is appropriate for this property (though we feel that this is not it) and I would be willing to discuss this matter further with you and/or the agent or applicant.”

3.1.2 07-12-15 Response

“Following that letter and my offer to meet and discuss the proposal in more detail, I was contacted by the applicant and met with him and his agents on Friday 4th December and make the following further comments.

The proposed location for the turbine raised initial concerns due to the potential visual impact when seen from notable receptors, particularly the A686 when heading South and at distance from the A689 looking North West. At the meeting we discussed

REPORTS FOR DEBATE

alternative turbine designs (height) and locations, however, the applicant is set on this particular turbine (of which there are examples elsewhere in the AONB) and there are numerous site constraints including power lines and nearby forestry that dictate placement. Having re-visited the site and considered it from various receptors, we discussed the potential of digging the base of the turbine into the ground. This would have the effect of reducing the overall height of the turbine when viewed from below and settling it against adjacent forestry from all but a single section of road. To make a significant contribution, I believe that the level achieved would need to be in the region of 2metres (and certainly no less than 1.5 metres) below existing ground. As the site slopes, this could be easily achieved as part of any base/foundation excavation should permission be granted.

We also discussed the colour options for a turbine in this location and I believe that given that it would be seen mainly against rising ground, particularly in distant views, (for example from Whitley Castle, the Pennine Way National Trail and A689 to the West), a darker tone such as RAL 7000 (Squirrel Grey) would be most appropriate.

Were these changes to be adopted as additional information as part of the application, I feel it would accommodate better into the landscape and accordingly be a more acceptable proposal.”

3.1.3 03-02-16 Response

“I can confirm that the amended scheme reflects what we discussed on site and accordingly, we have no objection.”

4. Parish Council/Meeting Response

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

4.1 Alston Moor Parish Council considered this application at their November meeting and resolved that the application be *“recommended for approval”*.

4.2 In addition to the above original consultation response the following updated response was received on 19 January 2016:

“The parish council were asked by the applicant, Mr Harrison, to re-confirm their support for the above planning application at a meeting held on 4th January. They understand that Mr Harrison was advised to seek community support for the domestic wind turbine he wishes to erect on his land.

The parish council has not received any communications objecting to the proposals, as usually happens if residents have strong views about a particular application. The proposed site is well away from other properties, on a hillside which already has telecommunications masts on its summit. I can confirm that the council passed a further resolution of support for the proposed domestic wind turbine.”

REPORTS FOR DEBATE

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 12 November 2015.

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

6. Relevant Planning History

There is no relevant planning history

7. Policy Context

7.1 Development Plan

Saved Local Plan Policies:

- NE1 - Development in the countryside
- NE2 - Development in the North Pennines AONB

Core Strategy DPD Policy:

- CS18 - Design of New Development
- CS20 - Renewable Energy

Supplementary Planning Documents:

- North Pennines AONB Planning Guidelines (July 2011)
- North Pennines AONB Building Design Guide (2011)
- Cumbria Wind Energy SPD

7.2 Other Material Considerations

National Planning Policy Framework:

- Building a strong, competitive economy
- Supporting a prosperous rural economy
- Requiring good design
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

National Planning Practice Guidance

Overarching National Policy Statement for Energy (EN-1)

National Policy Statement for Renewable Energy Infrastructure (EN-3)

National Energy Policy

Ministerial Statement issued 18 June 2015

- 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 amenity of the area
- Nearby residential amenity
- The natural environment
- The built environment

8.2 Principle

8.2.1 The principle of the proposal is capable of being supported by Core Strategy (CS) policy CS20 which supports renewable energy proposals where there are no significant unacceptable effects which cannot be mitigated or are not outweighed by the national or regional need for renewable energy development or the wider environmental, social and economic benefits that the scheme may bring.

8.2.2 The principle of renewable energy development is also supported at a national level through the National Planning Policy Framework (the NPPF). Of particular note is paragraph 93 which advises that “planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure” and paragraph 98 which recognises that “even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions”.

8.2.3 The National Planning Practice Guidance (the NPPG) makes it clear that the need for renewable energy does not automatically override environmental protections or the planning concerns of local communities. The Ministerial Statement (June 2015) (the Statement) and the associated update to the NPPG issued on 18 June 2015, has had a significant impact on the principle and determination of all wind turbine applications. NPPG advises that:

“It is quite clear that when considering applications for wind energy development, local planning authorities should... only grant planning permission if:

*the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; **and***

following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.”

8.2.4 Eden District Council (the Council) has identified suitable areas for wind energy development in its emerging Local Plan however this plan is at a very early stage and, notwithstanding the stage of the plan, the application site is not within an area suitable for wind energy.

8.2.5 Whilst the principle of the development could be supported by the development plan it is considered that this is outweighed by the NPPG as the most recent expression of Government policy on wind energy applications which advises that (in summary) local

REPORTS FOR DEBATE

planning authorities should only grant planning permission for onshore wind proposals where the turbine(s) are located in an area identified suitable for onshore wind energy **and** the proposal has the backing of the local community. Whilst the proposed turbine has the backing of the local community through the Parish Council's response to the application it fails to be located in an area identified as suitable for wind energy. The principle of a turbine at this site is contrary to NPPG as a material consideration against which significant weight is attached.

8.3 Landscape and Visual Amenity

- 8.3.1 The proposed turbine is sited on a raised area of agricultural land close to an overhead powerline which is scheduled to be undergrounded. There are groups of commercial forestry plantation nearby however the landscape is very open. The land slopes down from east to west.
- 8.3.2 Views of the turbine from the B6294 to the east of the site would be screened by the roadside vegetation and planting beyond as the road users looked down and south into the site. Views of the turbine from the A686 to the west of the site would be open with the turbine set up and against the hillside, back dropped by planting and landform. The turbine may be visible from the closest footpath however it would only likely be seen in glimpsed views with no significant unacceptable impact for users of the footpath.
- 8.3.3 No zone of theoretical visibility has been submitted with the application. Due to the nature of the landform the turbine would appear highly visible in the wider landscape including to the south, west and north. In views from the east the turbine will be screened by the hill. The applicant has submitted a photomontage taken from a site approximately 1km to the west of the site which shows the turbine set against the hill amongst the existing overhead lines. It is considered that the turbine appears prominent due to its elevated nature.
- 8.3.4 The Cumbria Wind Energy Supplement Planning Document (CWESPD) identifies the site within Landscape Type 8: Main Valleys (d): Dales which has an overall low/moderate capacity to accommodate turbine development.
- 8.3.5 The proposed turbine is located within the North Pennines Area of Outstanding Natural Beauty (the AONB) which is a nationally designated landscape. In the AONB Saved Local Plan policy NE2 advises that "all development within the North Pennines AONB must, through appropriate siting, design, materials and landscaping measures, minimise environmental impacts and contribute to the preservation or enhancement of the distinctive character of the landscape and of the area". This protective approach is echoed by the NPPF which, at paragraph 115, advises that "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty".
- 8.3.6 In considering the acceptability of the effects of the proposed turbine on the surrounding area regard is given to the area's unspoilt, open and undulating landform which is free from vertical structures of this scale albeit there are some overhead lines nearby. A wind turbine in such a prominent, incongruous and highly visible location would have a significant adverse impact, by virtue of its scale and siting, on the visual amenity and landscape character of the area.
- 8.3.7 Planning permission has been granted for a number of small turbines around Alston however these were granted under a different planning policy framework which

REPORTS FOR DEBATE

supported onshore turbines. The change to Planning Practice Guidance in 2015 had a significant impact on the acceptability of onshore wind turbines and raised the threshold in terms of the acceptability of onshore turbines. That other turbines have been approved in the Alston area cannot be used as a precedent to justify the approval of the current application on the basis that the planning policies have changed so significantly.

- 8.3.8 It is considered that the proposal fails to preserve or enhance the character of the landscape in this area contrary to NE2 and fails to conserve the landscape beauty of the AONB contrary to the NPPF, due to its prominent siting and incongruous appearance in this attractive and open countryside location which features no other vertical man-made infrastructure of this scale.

8.4 Residential Amenity

- 8.4.1 There are seven residential properties within 1km of the proposed turbine none of which have a financial interest in the proposed turbine. Given the scale of the turbine and the separation distances involved it is considered that the turbine would have a limited impact on the amenity of these properties with regards to visual amenity. A noise assessment has been submitted with the application which concludes that the turbine would not result in an unacceptable level of noise at the closest properties. This view has been endorsed by the Council's environmental health officers who raise no objection to the application subject to a condition.
- 8.4.2 Shadowflicker will not occur at the nearest properties as they are outside the 10x rotor diameter (300m) zone of effect.

8.5 Natural Environment

- 8.5.1 The turbine has been sited to avoid any direct impacts on protected species and habitats. The land on which the turbine is to be sited is agricultural land with little biodiversity interests.

8.6 Built Environment

- 8.6.1 there are no listed buildings, conservation areas or scheduled monuments nearby that would be affected by the proposal.

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.

REPORTS FOR DEBATE

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 recommended that the proposal be refused for the following reasons which are not outweighed by material considerations:
1. The proposed turbine, by virtue of its scale, incongruous appearance and prominent siting in attractive open countryside, would have a significant adverse and unacceptable level of harm on the character of the landscape and the visual amenity of the area contrary to Saved Local Plan policy NE1, Core Strategy policies CS18 and CS20 and the NPPF.
 2. The proposed turbine, by virtue of its scale, incongruous appearance and prominent siting on an elevated site in an Area of Outstanding Natural Beauty, would fail to preserve or enhance the character of the landscape contrary to Saved Local Plan policy NE2 and would fail to preserve or enhance the character of the landscape contrary to the NPPF.
 3. The development site is not located in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan contrary to the Written Statement made by the Secretary of State for Communities and Local Government (Greg Clark) on 18 June 2015 and also National Planning Practice Guidance

Gwyn Clark
Head of Planning Services

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

Agenda Item
REPORTS FOR DEBATE
Item 8

Date of Committee: 18 February 2016

Planning Application No: 15/0813 **Date Received:** 15 October 2015

OS Grid Ref: 362150-508318 **Expiry Date:** 10 December 2015

Parish: Orton **Ward:** Orton with Tebay

Application Type: Full application

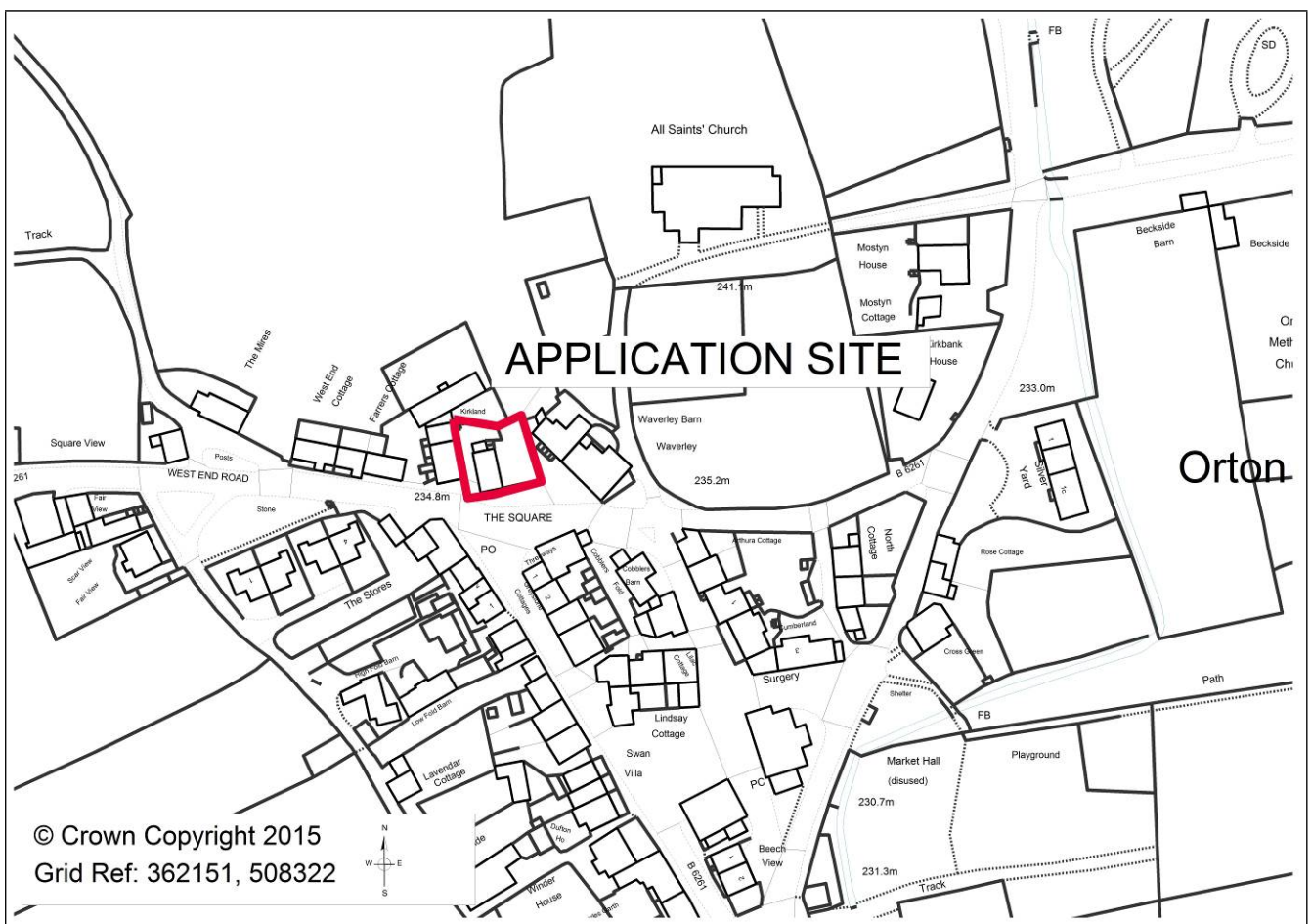
Proposal: Retrospective permission for the change of use from cafe to residential and removal of chimney stack

Location: Kirkland Cottage, Orton

Applicant: Mr A Midgley

Case Officer: Phil Nicholls

Reason for Referral: The recommendation of the officer is contrary to the view of the Parish Council.



REPORTS FOR DEBATE

1. Recommendation

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

1. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
 - i. Site location plan received on 28/08/2015

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 The proposal seeks retrospective permission for the change of use of the building from a café to a dwellinghouse and the removal of the chimney from the southern elevation.

2.2 Site Description

- 2.2.1 The building is a detached former barn that was part of the neighbouring farmstead to West End Farm. It has been significantly altered, most recently as part of a conversion scheme in 1992 that added numerous new openings while blocking and enlarging others. The building is situated in the centre of the Orton Conservation Area. The cottage fronts onto the main street with an external stairway accessing the first floor entrance. A small gated parking area to the east of the property provides access to a rear yard.

3. Statutory Consultees

Consultee	Response
Cumbria County Council	<p>The Applicant has identified within the planning application form that the property has 2 parking spaces which will be retained for this proposal. I have assumed that the parking availability for the dwelling is within the existing rear courtyard which would seem to be shared within the existing adjacent properties.</p> <p>Taking into account the existing use of the site it is considered that the proposal will be unlikely to have a material effect on existing highway conditions. I can therefore confirm that the Highway Authority has no objection to the proposals.</p>

Consultee	Response
Conservation Advisor	I consider that, because of the extensive changes that have been made to the barn in the modern era, its significance has been much diluted. The chimneystack that has been removed was a surviving piece of historic fabric that evidenced the historical function and development of the barn and its loss has further harmed the building's significance. However, the barn's contribution to the special interest of the conservation area was slight, due to adverse modern changes that have occurred, and so my advice is that the loss of the stack has had only a slight and almost negligible impact on the special character and appearance of the conservation area.

4. Parish Council/Meeting Response

Please Tick as Appropriate				
Parish Council/Meeting	Object	Support	No Response	No View Expressed
Tebay Parish Council	X			

- 4.1 This development has taken place without the benefit of planning consent and with total disregard for the Conservation Area status of Orton Village. By converting the building from a tearoom to residential use Orton has been deprived of a historically important commercial property in the centre of the village. The removal of the chimney also seriously detracts from the character of the village centre architecture. Orton Parish Council recommends that this application for retrospective approval of a serious breach of planning regulation be refused.

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 02/11/2015.

No of Neighbours Consulted	11	No of letters of support	0
No of Representations Received	3	No of neutral representations	0
No of objection letters	3		

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

- The removal of the chimney alters the appearance of the building impacting on the historic fabric of the conservation area.
- The commercial property has not been offered on the open market and the village needs to hold on to commercial properties.

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

REPORTS FOR DEBATE

- The removal of the chimney would set a precedent for the removal of other chimneys in the area.
- Orton already has a number of available housing stock and does not need further housing.

6. Relevant Planning History

Application No	Description	Outcome
91/0918	Change of use and extension of premises to allow for the sale of hot food and drink and other goods.	Approved

7. Policy Context

7.1 Development Plan

Core Strategy DPD Policy:

- CS1 - Sustainable Development Principles
- CS2 - Locational Strategy
- CS17 - Principles for the Built (Historic) Environment
- CS18 - Design of New Development
- CS22 - Protection of Village Services and Facilities

Supplementary Planning Documents:

- Housing (2010)

7.2 Other Material Considerations

National Planning Policy Framework:

- Building a strong, competitive economy
- Delivering a wide choice of high quality homes
- Conserving and enhancing the historic environment

National Planning Practice Guidance

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

8. Planning Assessment

8.1 Change of use from retail to dwellinghouse

- 8.1.1 The site is located in Orton which is classed as a local service centre in which small scale development including housing is acceptable in principle. The building is situated within the centre of Orton adjacent to other dwellings. It is therefore considered that there is policy support for the change of use of the property to a dwelling.
- 8.1.2 Concerns have been raised by both the Parish Council and neighbours that the application should not be supported as it would lead to the loss of a commercial building. The Core Strategy outlines that the maintenance and enhancement of the retail centres of Penrith, Alston, Appleby and Kirkby Stephen should be supported. The centre of Orton however is not a retail centre which is protected by policies contained within the Core Strategy. Policy CS22 of the core strategy encourages the

REPORTS FOR DEBATE

protection of key village services and facilities such as pubs, shops, community halls, bus routes and churches. Given that there are a number of other cafes within the village of Orton it is not considered that the café is a key village service or facility and the other cafes within the location ensure that the loss can be accommodated.

- 8.1.3 The change of use of the building to a dwellinghouse is considered to not raise any further significant concerns relating to neighbouring amenity and impact on highways. It is therefore concluded that the change of use is acceptable and in line with Core Strategy and NPPF policies.

8.2 Chimney removal

- 8.2.1 As the site is located within the conservation area permission is required to remove the chimney from the building. Policy CS17 addresses the principles for the Built (Historic) Environment. Principles 2 and 5 are of importance for this proposal as they promote the enhancement of a historic asset through a high standard of design and careful choice of materials (2). Part 12 of the NPPF also promotes the desirability of sustaining and enhancing the significance of heritage assets.
- 8.2.2 The Council's Conservation Officer has been consulted as part of the application and visited the site to assess the impact of the removal of the chimney. It was acknowledged that significant poor quality changes to building had taken place during the building's most recent conversion in 1992 which diminished the significance of the building within the conservation area. It was concluded that the building's contribution to the special interest of the conservation area was slight and the loss of the chimney therefore had a slight to negligible impact on the character and appearance of the conservation area.
- 8.2.3 In their submission the applicants outlined that chimney was defective and was causing damp within the building therefore had to be removed to prevent further damage. Supporting information and photos have been supplied which substantiates the claims made by the applicants therefore it is acknowledged that steps had to be taken to prevent further damage.
- 8.2.4 It is therefore concluded that the removal of the chimney is acceptable when balancing the slight to negligible impact of the chimney removal on the conservation area against the benefits of preserving the building and enabling its continued use. The tests contained within the NPPF and policy CS17 are therefore concluded to have been met.

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 which is not outweighed by material considerations.

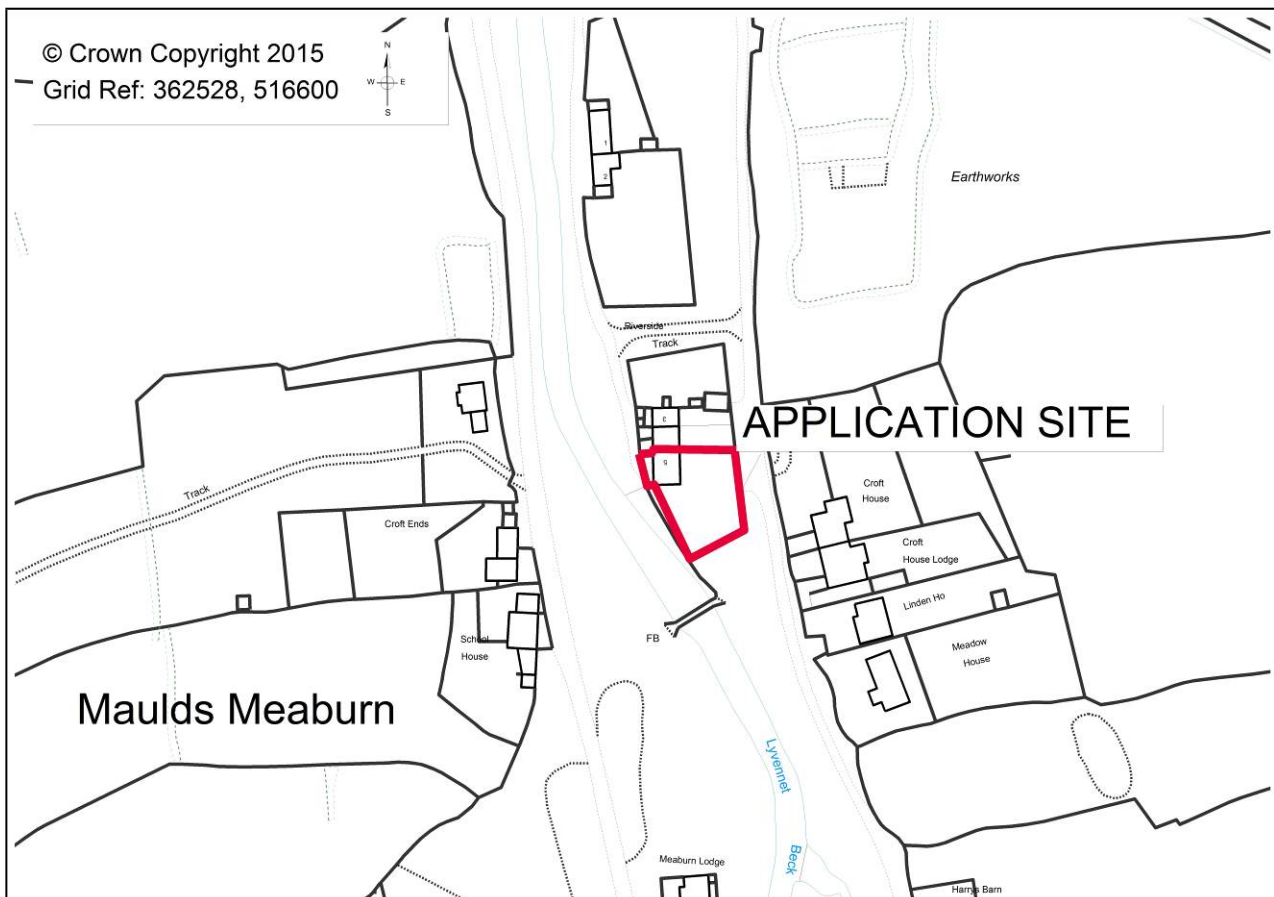
Gwyn Clark
Head of Planning Services

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

Agenda Item
REPORTS FOR DEBATE
Item 9

Date of Committee:	18 February 2016		
Planning Application No:	15/0946	Date Received:	18 November 2015
OS Grid Ref:	362528 516600	Expiry Date:	13 January 2016
Parish:	Crosby Ravensworth	Ward:	Crosby Ravensworth
Application Type:	Full - Householder		
Proposal:	Proposed Alterations and Extension to Existing Dwelling		
Location:	5 Riverside, Maulds Meaburn		
Applicant:	Mr and Mrs Wood		
Agent:	A Davis		
Case Officer:	Rachel Lightfoot		
Reason for Referral:	The officer recommendation to approve the application is contrary to the view of the Parish 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) Location Plan received 12 October 2015
 - ii) Existing Floorplans/ Elevations received 12 October 2015
 - iii) Proposed Floorplans/ Sections Drawing number L2/15/0503, received 14 December 2015
 - iv) Proposed Elevations Drawing number L3/15/0603, received 14 December 2015
- Site Plan

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

Pre-Occupancy or Other Stage Conditions

4. The access drive shall be surfaced in bitumous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5m inside the site, as measured from the carriageway edge of the adjacent highway.

Reason: In the interests of highway safety

5. PROW (number 319007) lies adjacent to/runs through the site. The Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

Reason: In ensure the PROW remains available for use.

6. No permission is given for the erection of a garage which was removed from the application following the receipt of the email dated 14 January 2016.

Reason: For the avoidance of doubt

REPORTS FOR DEBATE

Informative	The applicant should be aware that a Scheduled Ancient Monument runs through the site and as such any works in this area may require Scheduled Ancient Monument consent.
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2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The proposal is to provide a two storey rear extension and single storey side extension. The proposal originally included a detached garage but this has now been removed from the application.
- 2.1.2 The property has an existing rear flat roofed feature which extends approximately 3m with a 1.2m porch. The height of the current flat roofed area to the eaves is approximately 4.4m.
- 2.1.3 The proposed extension extends approximately a further 4.6 metres beyond the existing flat roofed extension and introduces a pitched roof with a ridge height of approximately 6.2m. A single storey element has a mono pitched roof at the side of the house and is 4.4m at its highest point falling to 2.9m at the eaves. The side element is approximately 3.5 in length. To the adjoining property, a porch structure is provided at a similar size and scale to that existing. The two storey element is approximately 4.5m from the boundary with the neighbour.

2.2 Site Description

- 2.2.1 The site is a semi-detached residential property. There are substantial gardens to both properties. The application property lies to the south of the neighbouring property. The houses lie lower than the road and are accessed to the rear by vehicles with pedestrian access only to the front. The extension accords with the guidance regarding the 45° rule from the windows of adjoining windows. Mature planting lies along the boundary with the adjoining dwelling.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority	No objection subject to conditions
Historic England	Consider that the extension would be unlikely to have an impact on the infilled mill race which is a Scheduled Ancient Monument but that the garage would be an issue. The garage has subsequently been removed from the application consideration.

3.2 Discretionary Consultees

Consultee	Response
County Archaeologist	Advise contacting Historic England in relation to the garage

REPORTS FOR DEBATE

4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Crosby Ravensworth	✓			

- 4.1 The Council opposes the application on the grounds that it is overbearing (too large), of a design character that is incongruent with neighbouring property and has a very prominent site in relation to the green and in addition that the first storey would take light from the rear garden of the neighbouring dwelling (No 4 Riverside)

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 2.12.15.

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

- 5.2 The two letters were from the same neighbour: one to the original and one to the amended plans. Letters of objection raised the following material considerations to the application:

- The development would result in unreasonable overshadowing of the cottage garden of 4 Riverside.
- The proposed development would have an oppressive and overbearing impact on the façade of this row of small dwellings.
- The development is out of character with surrounding properties.

6. Relevant Planning History

Application No	Description	Outcome
06/0212	Proposed Extension and Alterations, Comprising Rear Extension to Provide Additional Bedroom Accommodation over Increased Kitchen and Rear Entrance, Storm Porch to Front Elevation in Stonework	Withdrawn
07/0558	Erection of two Storey Extension to Rear to Replace Flat Roof Extension	Approved 6 August 2007

7. Policy Context

7.1 Development Plan

Core Strategy DPD Policy:

- CS17 - Principles for the Built (Historic) Environment
- CS18 - Design of New Development

Supplementary Planning Documents:

- Housing (2010)

7.2 Other Material Considerations

National Planning Policy Framework:

- Requiring good design

National Planning Practice Guidance

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

8. Planning Assessment

8.1 Key/Main Planning Issues

8.1.1 The key planning issues are considered to be:

- Impact on the amenity of the neighbouring property;
- Impact on the historic environment; and
- Acceptability of the design.

8.2 Principle

8.2.1 The site has previously benefitted from permission for a rear two storey extension which extended the property approximately 4.2m from the existing rear and 2.8m from the boundary of a similar design. The current proposal is judged using similar considerations to those today. The current proposal represents an improvement on the previously approved scheme which was nearer to the boundary than now proposed.

8.2.2 The site is residential and in principle there is no objection to the extension of the property.

8.3 Residential Amenity

8.3.1 The application has been amended following discussion to reduce the scale of the proposal. It is considered that the amended scale is appropriate to the host dwelling and the surroundings. The extension is approximately 4.2m from the boundary of the dwelling and is in accordance with the Council's general rule of a 45° angle from the windows of the adjacent dwelling.

8.3.2 Mature planting is in situ along the boundary which further mitigates the proposed two storey element. It is considered that the adherence with the 45° rule and the separation of approximately 4.2m to the boundary is acceptable and that no harm would be caused to the amenity of the adjoining dwelling which would cause such an adverse impact as to warrant refusal.

REPORTS FOR DEBATE

- 8.3.3 It is considered that the proposal is acceptable in relation to impacts on adjoining residential properties and that the proposal is in accordance with CS18 in this regard.

8.4 Historic Environment

- 8.4.1 The comments of Historic England have led to the withdrawal of the garage element of the proposal. This element was to be constructed over the infill mill race which is a Scheduled Ancient Monument (SAM). Historic England confirmed that the extension would be unlikely to have an impact on the SAM.
- 8.4.2 The proposal is considered to be in accordance with Policy CS17 of the Eden Core Strategy.

8.5 Built Environment

- 8.5.1 The proposed extension is to the rear of the property, this is also how vehicular access is gained. The frontage which is to the village is pedestrian access only. Following discussions, the elevations have been simplified with matching materials proposed. It is considered that the proposal is in keeping with the host dwelling and the surrounding properties and that the extension would not have an adverse impact on the Maulds Meaburn Conservation Area. The proposal is considered to be in accordance with Policy CS17 of the Eden Local Plan 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.

REPORTS FOR DEBATE

10.4 Crime and Disorder

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

10.5 Children

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

10.6 Human Rights

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

11. Conclusion

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

The site is for a rear and side extension to an existing residential property in Maulds Meaburn. Despite objection raised, the proposed development is considered to be in accordance with the requirements, criteria concerns and aims of relevant Eden Core Strategy and relevant Housing Supplementary Planning Document and the NPPF.

Gwyn Clark
Head of Planning Services

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

Agenda Item
REPORTS FOR DEBATE
Item 10

Date of Committee: 18 February 2016

Planning Application No: 15/0857 **Date Received:** 15 September 2015

OS Grid Ref: 362694 - 511877 **Expiry Date:** 10 November 2015

Parish: Crosby Ravensworth **Ward:** Crosby Ravensworth

Application Type: Listed

Proposal: Listed building consent for the demolition of a derelict farm building.

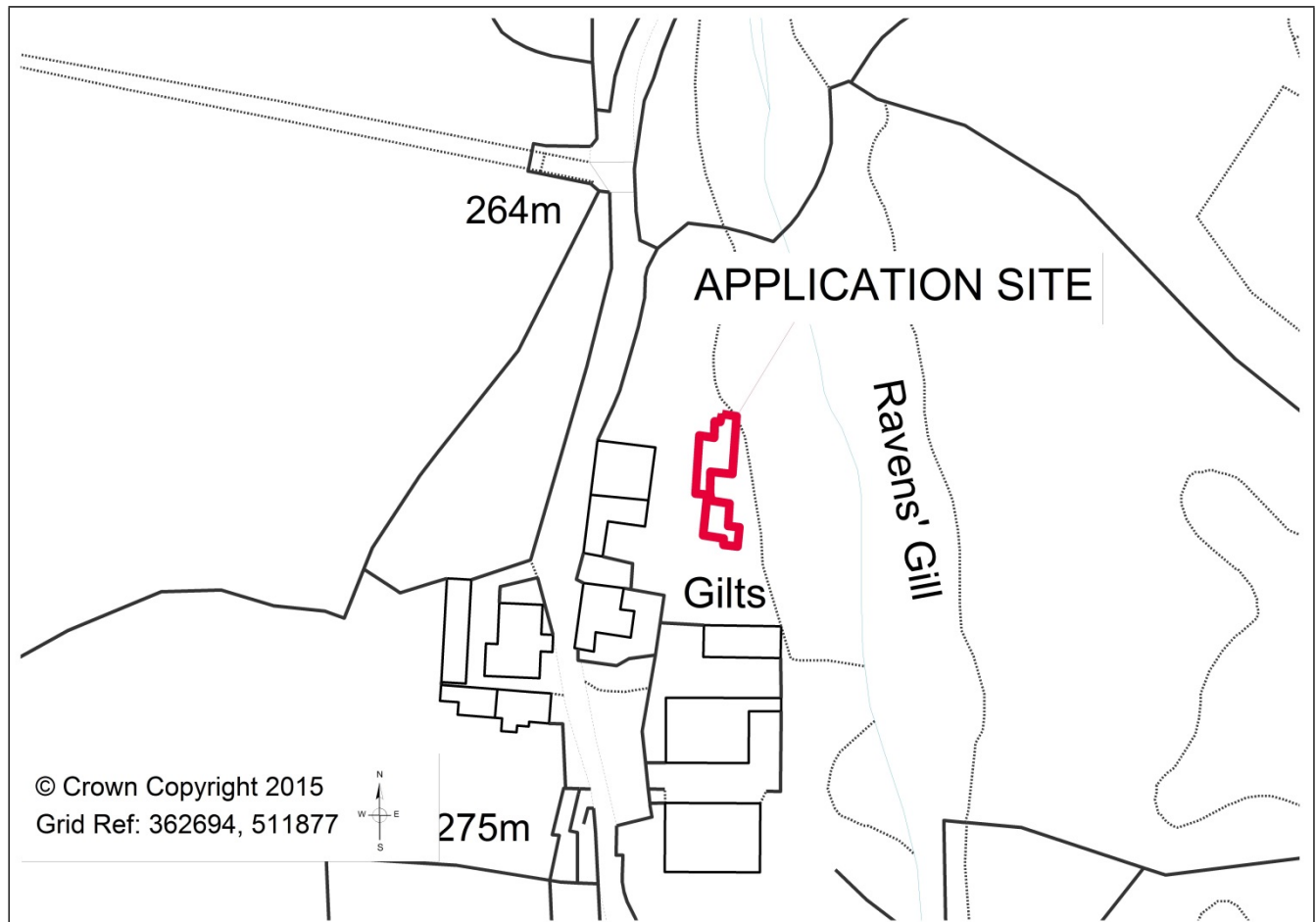
Location: Gilts, Crosby Ravensworth

Applicant: Mr Dent

Agent: Janet Flintoft - PFK

Case Officer: Phil Nicholls

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



1. Recommendation

It is recommended that listed building consent 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 Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Approved Plans

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

i) Location Plan received 15 September 2015

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 The proposal is to demolish a former 17th Century two storey farmhouse and byre contained within the curtilage of the grade II listed buildings of Gilts Farmhouse and Barn/Byre. The farm building is therefore curtilage listed by its relationship with the farmhouse and adjacent barn and listed building consent is required for its demolition.

2.2 Site Description

- 2.2.1 Gilts Farm lies immediately adjacent to the public highway leading from Crosby Ravensworth to Orton. The farm is a mixture of traditional Westmorland byres and barns and a range of different modern agricultural buildings. Beyond the farm steading is open fell, pastureland and small areas of ghyll woodland.
- 2.2.2 The remains of a 17th century farmhouse occupy the centre of the unit with later 19th century barn additions to the north, east and south elevations. A structural survey has been conducted and found that the principle structure at the centre of the group has collapsed and the surrounding structures can be considered unstable. It is therefore concluded that structural integrity and weather resistance cannot be restored with substantial reconstruction.

REPORTS FOR DEBATE

3. Statutory Consultees

Consultee	Response
Conservation Officer	<p>It is likely that consolidating the sound parts and rebuilding the collapsed parts is likely to be prohibitively expensive but this is curtilage listed building and, in order to allow the total destruction of this asset, you need to be clear on whether it is justifiable. I would also again wish to make the observation that the most important element of this building, the early house in the centre, is the part in the worst conditions - the parts at the ends are the least significant. My conclusions in November were that "It was very likely that even if works were undertaken, very little of the building's heritage asset significance would be preserved and that, in effect, the new building would be a facsimile of the old"</p> <p>If you are satisfied that the building would cost too much to restore, and agree that much of its heritage value would be lost in any rebuilding, then I think you would be justified in approving the demolition.</p>
Historic England	Do not consider it necessary for the application to be referred to Historic England

4. Parish Council/Meeting Response

	Please Tick as Appropriate			
Parish Council/Meeting	Object	Support	No Response	No View Expressed
Crosby Ravensworth Parish Council				

- 4.1 The council objects to the proposal on the grounds that it will result in a loss to the historic built fabric of the parish arising from their neglect. It was felt that these buildings should be conserved around a proposition of new use and should not be lost to the community and therefore opposes the application.

5. Representations

- 5.1 No letters of consultation were sent to nearby neighbours though a site notice was posted on 28/09/2015. No responses have been received.

6. Relevant Planning History

There is no relevant planning history for this building.

7. Policy Context

7.1 Development Plan

Core Strategy DPD Policy:

- CS17 - Principles for the Built (Historic) Environment

7.2 Other Material Considerations

National Planning Policy Framework:

- Conserving and enhancing the historic environment

National Planning Practice Guidance

No related guidance

8. Planning Assessment

- 8.1 The application seeks listed building consent for the demolition of a curtilage listed building therefore the only assessment is the suitability of the loss of historic fabric. Policy CS17 addresses the principles for the Built (Historic) Environment and outlines how buildings of historic interest should be conserved and enhanced. Part 12 of the NPPF also promotes the desirability of sustaining and enhancing the significance of heritage assets. It is nonetheless acknowledged that not all listed buildings can represent a viable use (paragraph 133) in assessing the total loss of a heritage asset the Local Planning Authority should refuse consent unless it can be demonstrated that the substantial loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- 8.2 The application has been submitted with a structural survey whose findings indicate that the building is in a poor state of repair and the structural integrity and weather resistance of the building cannot be restored. The applicant has outlined that the building is too small for continued use as an agricultural unit and cannot be accessed by farm machinery. There is also no alternative use for the building as there is no necessity for another dwelling as the farmhouse is large and if any development were to take place then it would be at the buildings that are nearer to the road. The continued instability of the building is of concern to the family and fear the building poses a safety hazard.
- 8.3 Additional information was received in relation to the viability of converting the building or saving it. Conversion costs were estimated at £578,330 + VAT when restoring it to a dwelling, further information has been received that in rebuilding the barn by shoring up the walls and underpinning the structure, replacing the roof would cost a minimum of approximately £68,000. The Council's Conservation Officer has been consulted and visited the site. It is noted that even if remedial works were to be carried out these would result in an effective wholesale rebuild as so little of the original fabric would be left.
- 8.4 The application is accompanied by a structural survey which identifies that original Farmhouse has substantially collapsed with what is left of the walls being supported by other structures, the wall has completely collapsed. The right flank and remains of the front wall are at risk of imminent collapse.
- 8.5 To the left of the farmhouse, a two storey byre is in evidence. This has evidence of decay in the rafters and an unstable left hand cross wall and rear wall which has lost restraint at mid-height.
- 8.6 The southern shippons and lofts have significant structural integrity issues with the right hand wall and instability in the front left hand corner of the two storey section.

REPORTS FOR DEBATE

- 8.7 The works required to restore the building would see approximately 75% of the fabric removed and replaced with modern materials. The applicant was requested to provide additional information in relation to alternative uses and whether these could be provided in order to secure an optional viable use for the building. An estimate in relation to the re-use of the building as a dwelling has since been provided by the applicant and is in the region of £578,000. The building is in the middle of a farmyard and as such would be limited in re-use as a dwelling and its price likewise limited. It is considered that re-use as a dwelling would not provide a reasonable option.
- 8.8 It is therefore concluded that the loss of approximately 75% of the building in order to restore it, coupled with the costs of rebuilding and/or conversion sufficient justification in relation to the requirements of Policy CS17 of the Core Strategy, the duties of the 1990 Planning and Listed Buildings Act and the requirements of the NPPF has been provided to justify the demolition of this structure as the resultant structure would have lost much of its heritage asset significance becoming a facsimile of the previous structure.

9. New Homes Bonus

- 9.1 The New Homes Bonus is not relevant to this application.

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.

REPORTS FOR DEBATE

11. Conclusion

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

The loss of approximately 75% of the building in order to restore it, coupled with the costs of rebuilding and/or conversion sufficient justification in relation to the requirements of Policy CS17 of the Core Strategy, the duties of the 1990 Planning and Listed Buildings Act and the requirements of the NPPF has been provided to justify the demolition of this structure.

Gwyn Clark
Head of Planning Services

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