### Planning Committee Agenda
Committee Date: 19 April 2018

<table>
<thead>
<tr>
<th>Item No</th>
<th>Application Details</th>
<th>Officer Recommendation</th>
</tr>
</thead>
</table>
| 1       | Planning Application No: 17/1078  
Proposed new dwelling (as amended)  
Land adjacent West View, Fletcher Hill  
Mr and Mrs R Metcalfe | Recommended to:  
APPROVE  
Subject to Conditions |
| 2       | Planning Application No: 17/1086  
Variation of Condition 2 (plans compliance) to include a reduction in pitch size and removal of condition 3 (surface water drainage) to include revised drainage strategy attached to planning permission 17/0146  
Penrith Rugby Union Football Club, Winters Park, Penrith  
Rugby Football Union | Recommended to:  
APPROVE  
Subject to Conditions |
| 3       | Planning Application No: 18/0076  
Variation of Condition 13 (access to the site) to replace Construction Management Plan attached to approval 16/0359  
Land off Ridley Court, Penrith  
Atkinson Building Contractors Ltd | Recommended to:  
APPROVE  
Subject to Conditions |
| 4       | Planning Application No: 17/0977  
Replacement of existing silage clamps with silage clamp comprising of re-enforced concrete walls and steel frame roof structure to provide 4 number 50.29m x 18.29m bays  
Mellguards Farm, Mellguards, Southwaite  
Hayton Agriculture Ltd | Recommended to:  
APPROVE  
Subject to Conditions |
| 5       | Planning Application No: 18/0010  
Conversion of coach house to dwelling  
Rectory Coach House, Greystoke, Penrith  
Richards | Recommended to:  
APPROVE  
Subject to Conditions |
<table>
<thead>
<tr>
<th>Item No</th>
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</tr>
</thead>
</table>
| 6      | Planning Application No: 18/0134  
Conversion of coach house to dwelling  
Rectory Coach House, Greystoke, Penrith  
Richards | Recommended to:  
APPROVE  
Subject to Conditions |
| 7      | Planning Application No: 18/0041  
Variation of Condition 2 (approved documents and drawings for Planning Permission 16/0357 - Erection of a storage building and hardstanding, relocation of existing SRU tank and pipework to enable formation of vehicular access, formation of a fishing pond associated car park and pathways, landscape planning scheme).  
Omega Proteins, Greystoke Road, Penrith  
Omega Proteins Ltd | Recommended to:  
APPROVE  
Subject to Conditions |
| 8      | Planning Application No: 18/0048  
Erection of a tipping shed and hardstanding, relocation of existing SRU tank and pipework to enable formation of vehicular access, formation of a pond and associated car park, pathways and landscape planting scheme.  
Omega Proteins, Greystoke Road, Penrith  
Omega Proteins Ltd | Recommended to:  
APPROVE  
Subject to Conditions |
<table>
<thead>
<tr>
<th><strong>Agenda Item 1</strong></th>
<th><strong>REPORTS FOR DEBATE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date of Committee:</strong></td>
<td>19 April 2018</td>
</tr>
<tr>
<td><strong>Planning Application No:</strong></td>
<td>17/1078</td>
</tr>
<tr>
<td><strong>Date Received:</strong></td>
<td>18 December 2017</td>
</tr>
<tr>
<td><strong>OS Grid Ref:</strong></td>
<td>77449 08562</td>
</tr>
<tr>
<td><strong>Expiry Date:</strong></td>
<td>23 February 2018</td>
</tr>
<tr>
<td><strong>Parish:</strong></td>
<td>Kirkby Stephen</td>
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<tr>
<td><strong>Ward:</strong></td>
<td>Kirkby Stephen</td>
</tr>
<tr>
<td><strong>Application Type:</strong></td>
<td>Full</td>
</tr>
<tr>
<td><strong>Proposal:</strong></td>
<td>Proposed new dwelling (as amended)</td>
</tr>
<tr>
<td><strong>Location:</strong></td>
<td>Land adjacent West View, Fletcher Hill</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Mr and Mrs R Metcalfe</td>
</tr>
<tr>
<td><strong>Agent:</strong></td>
<td>Mr I Smart/IPS Architects</td>
</tr>
<tr>
<td><strong>Case Officer:</strong></td>
<td>D Cox</td>
</tr>
<tr>
<td><strong>Reason for Referral:</strong></td>
<td>Recommendation is contrary to the views of the Highway Authority.</td>
</tr>
</tbody>
</table>
1. **Recommendation**

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

   **Time limit for commencement**

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

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

   **Approved Plans**

   2. The development hereby granted shall be carried out in accordance with the original and subsequent amended Plan drawings hereby approved: Location Plan Ref No 1, as dated received by the Local Planning Authority on the 18 December 2017, and amended access, site layout, parking proposed elevation and floorplan Drawing Ref No ps 1213/01 rev c as dated received by the Local Planning Authority on the 1 March 2018.

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

   3. The natural roofing slates to be used on the development hereby approved shall be of a blue grey variety.

      **Reason:** For the avoidance of doubt and in order to secure a satisfactory form of development on the site.

2. **Proposal and Site Description**

2.1 **Proposal**

   2.1.1 The application (as amended) seeks full detail approval for the erection of a three bedroom, two storey, end terrace dwelling, with vehicular access off Faraday road, providing turning space and two associated parking spaces within the rear garden curtilage area to be created. External cladding is to be a combination of salvaged local stone (limestone/brockram) from the existing demolished boundary wall and with a natural slate roof. The application is accompanied by a Design, Access and Heritage Statement.

2.2 **Site Description**

   2.2.1 The application site is located in part of the present walled garden area belonging to, and to the rear (west) of the existing Grade II Listed Building known as Fletcher House, to the south of recently converted (Grade II) former barn/warehouse Listed Building (see approval Ref No 16/0839), located at the junction of Faraday Road and Croft Street, and two single storey garages (No 4) (the subject of recent approved demolition and replacement by a single dwelling under 17/0907) to the north. The proposed dwelling would be immediately attached to the existing two storey, presently end terraced dwelling (West View).

   2.2.2 Fletcher House itself is an early 19th century, two storey, 3 bay house constructed of coursed rubble with quoins and a slate roof with stone chimneys. The former walled
garden extending to the west of the main house to Faraday Road has now been subdivided for gardens belonging to Gig House and West View.

2.2.3 The barn is an early 19th century 2/3 storey building constructed of coursed rubble with quoins, a slate roof and stone copings/eaves. The west elevation of the barn retains original openings including: the segmental headed large cart entrance, and two semi-circular headed windows to the first floor. There are also a number of openings of later date to each floor. The east elevation also retains original openings including: a segmental headed door with quoins, and semi-circular headed windows at first floor. Later window openings to each floor are also evident. In terms of the current application, the southern gable elevation retains and presents interesting projecting stone coursing detail, which the amended proposed detail (and in particular the new proposed vehicular access) will both retain and (to a partial degree) open to public view (when gates are open).

The barn is located on the corner of Croft Street - a narrow lane characteristic of the former drover/packhorse routes through the town. The setting of the listed building has changed little over time, predominantly seeing buildings adapted for new uses, and infrastructure for the arrival of motorcars. The barn has been converted (16/0839) to residential dwellings but is currently vacant.

2.2.4 The site and area as a whole is located centrally within the designated market town and Conservation Area of Kirkby Stephen.

3. Consultees

3.1 Statutory Consultees

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway/LLF Authority</td>
<td>Object in the absence of the following:</td>
</tr>
<tr>
<td></td>
<td>For a new access on to the Highway network the achievable Visibility Splay must be shown on the plan.</td>
</tr>
<tr>
<td></td>
<td>In this instance (the Highway Authority) would expect to see 2.4 meters back from the Highway by 60 metres in either direction.</td>
</tr>
<tr>
<td>United Utilities</td>
<td>No objection subject to advisory.</td>
</tr>
</tbody>
</table>

4. Parish Council Response

<table>
<thead>
<tr>
<th>Parish Council/Meeting</th>
<th>Object</th>
<th>Support</th>
<th>No Objection</th>
<th>No View Expressed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kirkby Stephen Town Council.</td>
<td></td>
<td>X</td>
<td></td>
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</table>

The Town Council Response is as follows: The Town Council supports the application and recommends its approval.
5. Representations

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

<table>
<thead>
<tr>
<th>No of Neighbours Consulted</th>
<th>8</th>
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</thead>
<tbody>
<tr>
<td>No of Representations Received</td>
<td>1</td>
</tr>
<tr>
<td>No of letters of support</td>
<td>1</td>
</tr>
<tr>
<td>No of neutral representations</td>
<td></td>
</tr>
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6. Relevant Planning History

None.

7. Policy Context

7.1 Eden Local Plan - Proposed Submission Version 2014-2032*

Proposed Plan Policy LS1 - Locational Strategy
Proposed Plan Policy DEV5 - Design of New Development

Eden Local Plan - Consolidated Version Tracked Changes*

Proposed Plan Policy LS1 - Locational Strategy
Proposed Plan Policy DEV5 - Design of New Development
Proposed Plan Policy ENV10 - The Historic Environment

*(.. as at 28 February 2018)

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
- Access and safety
- Character and amenity of the area
- Preservation of the Historic Environment

8.2 Principle

8.2.1 Proposed Plan Policy LS1 “Locational Strategy” (as Modified) identifies Kirkby Stephen as a Market Town. Market Towns are to be the focus for moderate development appropriate to the scale of the Town, including new housing.

8.2.2 As considered, the relevant Policies of the above as Modified Local Plan Submission are:

- Proposed Plan Policy LS1 - Locational Strategy (as Modified), and
- Proposed Plan Policy ENV10 - The Historic Environment.
- Proposed Plan Policy DEV5 - Design of New Development.

8.2.3 As a proposal for one dwelling, located centrally within the designated Market Town of Kirby Stephen, and where there are no objections from the Conservation Officer, for
the reasons outlined below, the development as proposed is considered to both readily and reasonably comply with both the aims and criteria concerns of proposed Plan Policies LS1 and ENV10.

8.2.4 However the Authority has been in receipt of consultation response from the CCC (Highway) Authority, where (despite amendment) the application is still held as falling short of their specific concerns in terms of providing requisite visibility splays. (Such splay provision is identified in order to promote operational Highway safety, especially in areas where there is potential conflict between pedestrian and vehicular traffic, such as is the case with the application site, and the proposed creation of a new access onto Faraday road) The consideration here is therefore whether, as such, the proposed development fails to singularly meet highway safety requirements (under Proposed Policy DEV5), or whether, despite such limitation as identified, that the proposal overall remains acceptable in the light of the various other beneficial aspects and elements to be achieved:

- through an otherwise sympathetic and sensitive re-development of the site,
- to secure housing development in an otherwise sustainable Market town location,
- with the promotion and maintenance of the street scene, thereby protecting the character of the surrounding Conservation Area and designated heritage asset.

all in overall and beneficial accord with the various and other policy aims of the proposed Local Plan. As a balanced consideration in the matter, and in the case of this proposal and this particular location, and the sympathetic amended scheme detail submitted, then the latter is considered to be the case, and the proposal overall considered acceptable.

8.3 Landscape and Built Environment Visual Impacts

8.3.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 s 66(1) requires a decision-maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy CS17 of Eden District Core Strategy also requires proposals to conserve and enhance listed buildings and their settings. The proposed development is located within the immediate setting of two grade II listed buildings and the proposals have potential to impact on the value of each of the heritage assets to some degree.

8.3.2 Construction of the building will involve demolition of the existing stone wall which contributes to the evidential value of the grade II listed Fletcher House and its walled garden - consequently reducing its value. However the proposals have considered this impact and look to reuse the existing capping stones and incorporate them as a design feature within the west elevation. The existing location of the garden gate will also form the location of the front entrance door to the property. Therefore whilst there will be a loss of historic material and reduction in evidential value of Fletcher House, the proposals will allow the heritage value of the garden wall and its contribution to the streetscape to be preserved to a degree.

8.3.3 Even though the garden has been subdivided in the 20th century, the original boundary and nature of the garden grounds are still strongly evident. The proposed construction of a two storey dwelling within the former walled garden, with an access from the highway, will cause detrimental harm to this historic landscape setting by change of its
nature and location in direct linear view from the western part of the listed building. However the driveway is to an extent reflective of the early to mid 19th century layout with access from the former Back Lane. Furthermore the garden setting only contributes to a small part of the overall significance of the designated Fletcher House.

8.3.4 The proposal is to leave an access point between the proposed building and the adjacent barn as opposed to joining the two buildings, which allows the features on the south elevation of the barn to remain visible and unharmed.

8.3.5 Section 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 says local planning authorities should pay special attention to preserving or enhancing the character or appearance of conservation areas. Policy ENV10 of the emerging Local Plan states ‘proposals in conservation areas will be expected to preserve and enhance their special architectural and historic interest’. Until the new Local Plan is adopted, moderate weight can only be given to policy ENV10. The proposed development is located within the Kirkby Stephen conservation area and the proposals have potential to impact on the value of the heritage asset to some degree.

8.3.6 The proposed development site has historically been an undeveloped garden area forming an area of enclosed space within the street-scene of Faraday Road. The proposed erection of a two storey dwelling with an access from the highway to the rear of the property will change this historic street-scene and consequently impacts on the heritage value of the conservation area. The proposed building is of the same height and scale as adjacent buildings. Also the proposed materials are in-keeping with the character of the area and are not considered to have a detrimental impact on the aesthetic value of the conservation area.

8.3.7 Paragraph 134 of the NPPF states that ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal’.

8.3.8 The demolition and incorporation of the materials and scale of the garden wall into the design of the proposed new building will have a less than substantial harm to the evidential value of the grade II listed Fletcher House. Also the construction of a building infilling the historic garden area is considered to have a less than substantial impact on the overall significance of the listed building. Furthermore the proposals are considered to lead to a less than substantial harm to the significance of the grade II listed barn/warehouse and the overall significance of the Kirkby Stephen conservation area.

8.3.9 The proposals aim to offer the public benefit of new residential accommodation in a previously undeveloped plot of land, and this public benefit is considered to outweigh the overall harm to the significance of these heritage assets and their settings. Thus it is considered that the proposed development is in accordance with conservation policies contained within the Planning (LBCA) Act 1990, NPPF, Eden Local Plan (ENV10), and Eden Core Strategy (CS17).

8.5 Infrastructure/Highway Safety

8.5.1 The application has been the subject of revised plans resulting from various concerns with regard to design, visual amenity, character and road safety. The Highway Authority have maintained their objection in the absence of the following:

“For a new access on to the Highway network the achievable Visibility Splay must be shown on the plan. In this instance (the Highway Authority) would expect to see 2.4 meters back from the Highway by 60 metres in either direction.”
The amended plans submitted show for the demolition and removal of the existing boundary wall (fronting Faraday Rd) and the erection of a new proposed two storey dwelling (set back from the rear (eastern) edge of the public (footpath) highway and approx. 50cm behind the front plane of West View (to the south) and approx. 75cm behind the front plane of the adjacent convert former warehouse/barn (to the north). The latter being separated from the house by the new proposed access.

The Highway concerns and (above splay) requirements are noted, as is their concern to protect road-user safety generally in and around the area. In consideration, and against the backdrop of broader proposed plan policy consideration, it is suggested that the “solution” now put forward is not radically or unreasonably different to the character and relationship of neighbouring residential development (along the eastern side of the length of Faraday Rd) to the highway that road and footpath users will not already be acting and proceeding with sufficient and reasonable due caution.

The recommendation to Members to approve is made on the basis of the above “on balance” consideration, and the varied and competing balances to be made in terms of the aims of relevant proposed Eden Local Plan policies.

9. Implications

9.1 Legal Implications

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

9.2 Equality and Diversity

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

9.3 Environment

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

9.4 Crime and Disorder

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

9.5 Children

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

9.6 Human Rights

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

10. Conclusion

10.1 Notwithstanding, and on balance of considerations, the proposed development (as amended) is considered to be reasonably in accordance with the proposed Eden Local Plan (as proposed) as part of the development plan and which is not outweighed by material considerations and therefore the application is recommended to be approved.
Agenda Item 1
REPORTS FOR DEBATE

Jane Langston
Deputy Director Technical Services

Checked by or on behalf of the Monitoring Officer ✓

Background Papers: Planning File 17/1078.
Date of Committee: 19 April 2018
Planning Application No: 17/1086  Date Received: 12 December 2017
OS Grid Ref: 352622 529555  Expiry Date: 19 March 2018 (Extension of time agreed until the 20 April 2018)
Parish: Penrith  Ward: Penrith Carleton
Application Type: Variation of condition
Proposal: Variation of Condition 2 (plans compliance) to include a reduction in pitch size and removal of condition 3 (surface water drainage) to include revised drainage strategy attached to planning permission 17/0146.
Location: Penrith Rugby Union Football Club, Winters Park, Penrith
Applicant: Rugby Football Union
Agent: Mr Tom Betts - Surfacing Standards Ltd
Case Officer: Ian Irwin
Reason for Referral: The proposal is a major development that was previously determined by Planning Committee.
**1. Recommendation**

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

1. The development permitted shall be begun before the 15 June 2020.
   **Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
   - Application Form dated 18 December 2017;
   - Noise Management Plan, received 25 May 2017;
   - Site Location Plan, Project No SSL2218 (ref: 01 - Rev.02) dated 15 December 2017;
   - Block Plan of Site, Project No SSL2218 (ref: 02 - Rev.02) dated 15 December 2017;
   - Proposed Site Plan, Project No SSL2218 (ref: 03 - Rev.02) dated 15 December 2017;
   - Proposed AGP Plan, Project No SSL2218 (ref: 04 - Rev.02) dated 15 December 2017;
   - Proposed Elevations, Project No SSL2218 (ref: 05 - Rev.00), received 23 February 2017;
   - Proposed Floodlights, Project No SSL2218 (ref: 06 - Rev.02) dated 15 December 2017;
   - Borehole Soakaway Investigations report, (ref: L-STN3810NM-002 – Rev.01) dated 7 December 2017;
   - Drainage Layout (Drawing No 101 Rev. A) dated December 2017;
   - 1 in 30 Storage 275mm subbase (FEH), dated 1 December 2017;
   - 1 in 100 + 40 Storage 275mm subbase (FEH), dated 1 December 2017;
   - Appendix A Floodlighting Performance Results, Project SSL2218 (Rev.01), dated 7 November 2017;

3. The development hereby approved shall be undertaken at all times in strict accordance with the Noise Management Plan, received 25 May 2017.
Reason: In the interests of protecting local amenity.

4. The floodlights hereby approved shall be switched on no earlier than 09.00hrs and switched off no later than 22:00hrs.

Reason: In the interests of protecting local amenity from light pollution.

2. Proposal and Site Description

2.1 Proposal

2.1.1 Full planning permission was sought for a new external sports pitch at Penrith Rugby Union Football Club. The pitch was proposed to be sited on the existing First Team Pitch which is currently grass covered.

2.1.2 The specific details of the proposed development would include the following elements:

- Installation of a new artificial grass pitch to form a full sized playing enclosure for rugby union with new artificial grass pitch surface. The pitch would be 120 metres x 80 metres and include associated technical areas to accommodate a full rugby union pitch including a variety of training areas;
- Installation of a new pitch perimeter and associated gated entrances to form a playing enclosure around the field of play;
- Installation of a new equipment storage container. The location of the container has been moved slightly further away from the nearest residential properties as originally proposed in response to concerns that were raised during the consultation period;
- Installation of hard standing areas adjoining the artificial grass pitch perimeter complete with associated porous asphalt surfacing for pedestrian access, spectator viewing space and maintenance and emergency access.
- Installation of new flood lighting. The lighting would include four columns which would extend to 18 metres in height and include luminaires. The masts would be located towards each corner of the pitch but would offer enough light spill to illuminate the entire pitch.

2.1.3 This application was put before the Planning Committee in June 2017 and subsequently granted planning permission. This proposal seeks to vary some elements of this approved scheme.

2.1.4 Those variations amount to the following:

- A reduction in the size of the pitch that would be installed (referred to above in paragraph 2.1.2 as currently approved as 120 x 80 metres) to be 120 x 76 metres; and
- The removal of condition 3, attached to the original decision which related to need to submit a surface water drainage scheme. In relation to this specific issue, the applicant has conducted numerous bore hole tests on site and is now able to confirm that surface water will be disposed of via infiltration. The applicant contends that the bore hole tests illustrate that the site has a layer of permeable ground beneath it which will allow this method to be utilised in this instance.
2.1.5 There are no other changes proposed and all other matters, plans and issues detailed as part of the previous application remain as they were. As part of the determination of that proposal, the following was confirmed;

2.1.6 The use of the facility would be undertaken in accordance with a Noise Management Plan, provided by the applicant at the request of the Environmental Health Officer. This plan includes the following mitigation measures to reduce the potential impact of the use of the facility upon local residential amenity:

- The nominated noise monitoring supervisor to regularly monitor activities on the artificial grass pitch;
- All members of the management team will be fully aware and conversant with the noise management plan;
- Limit use of the AGP between the following hours:
  - Monday to Friday 09:00 to 22:00
  - Saturday and Sunday 09:00 to 22:00
- The management team will ensure the maximum user capacity of the artificial grass pitch is not exceeded;
- Only pre-booked lettings will be permitted to use the artificial grass pitch;
- All visitors as part of the lettings agreement will sign up to the Code of Conduct which includes arriving and leaving the site plus expectations whilst on site;
- The management team will liaise with visitors to ensure noise management policies and the Code of Conduct are adhered to;
- The monitoring supervisor will provide a clear and reliable mechanism whereby noise complaints can be made and logged;
- The monitoring supervisor will follow the complaints procedure detailed below for any complaints received;
- The monitoring supervisor will respond to noise complaints within 24 hours of receipt;
- When requested, the monitoring supervisor provide the Local Authority with details of logged complaints and any actions taken;
- The monitoring supervisor will liaise with the Local Authority to ensure the noise management plan remains effective and revise the noise management plan accordingly.

2.1.7 At the current time the applicant has confirmed that a 21:30hrs curfew is imposed at the rugby club after which time all training activities end. The current application would seek to extend the curfew to 22:00hrs by reason of the new lighting. It is noted that the curfew currently imposed is enforced voluntarily by the rugby club and not through the requirement of any planning permission or other form of controls upon the club. Should the rugby club wish to extend this self-imposed curfew at any point then they would be able to do so.
2.1.8 As was previously the case, the use of the new pitch will be spread between Penrith Rugby Club; local schools; the Rugby Football Union for development programme; community access and in connection with the local rugby partnership.

2.2 Site Description

2.2.1 Penrith Rugby Club is located within a built-up residential area towards the south eastern edge of Penrith. The rugby club has been located in its current location at Winter Field since the 1960s and as such is considered to be a long established sports club.

2.2.2 In terms of the layout of the site, the site includes a number of playing pitches towards the south western edge of the site. The first team pitch, subject of this application, has a small grand stand adjacent to enable spectators to sit and watch matches. The site also includes a large car parking area which is hard surfaced and the associated club house.

2.2.3 In relation to the site topography, there is a fall in ground levels from the site in a south and south westerly direction. On site itself, the playing pitches are raised approximately 1-3 metres higher than the car park which in itself has a sloped access road onto the adjacent public highway.

3. Consultees

3.1 Statutory Consultees

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
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<tbody>
<tr>
<td>Highway Authority</td>
<td>Responded on the 6 April 2018. No comments were made in relation to the proposal from a Highways perspective.</td>
</tr>
<tr>
<td>Local Lead Flood Authority</td>
<td>Responded on the 6 April 2018. The response confirmed that there was ‘no issue with the full discharge of condition 3 (surface water drainage) the plan with the levels indicates that the exceedance route would take any overflow away from the properties on Carleton Gardens and onto the rugby club car park’.</td>
</tr>
<tr>
<td>Sport England</td>
<td>Responded on the 5 January 2018 and confirmed no objection to the proposal which would result in a reduction of the pitch by just 4 metres (width ways) so 120 x 76 metres rather than the previously approved 120 x 80 metres. The response confirmed that the size of the pitch achieves the Rugby Football Union, Club and World Cup requirements and so therefore met the sporting benefits as per paragraph 74 of the NPPF. It was further confirmed that the proposal met the exception test, ‘E5’ which permits the loss of natural turf as it will be replaced with an artificial surface.</td>
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</table>
3.2 Non-Statutory Consultees

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<tr>
<th>Consultee</th>
<th>Response</th>
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| Environmental Health Officer| Responded on the 2 January 2018 and confirmed that they had no further comments to add in addition to the response they made to the original application. That response said as follows;  
  ‘Responded on the 16 May 2017 confirming that the proposed lighting assessment meets the current recognised standard.  
  In relation to noise, it was noted that the use of the artificial pitch in all weathers should be balanced against the amenity of the occupants of the neighbouring dwellings who have not had the more continuous use that this application proposes. As such, in the absence of a noise or management plan, it is recommended that a curfew of 21:00hrs be imposed. If the applicant is in agreement with this then there will be no recommendation for objection’. |
| Natural England             | Were consulted on the 16 March 2018. No response has been received.                                                                                                                                              |

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<tr>
<th>Consultee</th>
<th>Response</th>
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<tr>
<td>Environment Agency</td>
<td>Were consulted on the 15 March 2018. No response has been received.</td>
</tr>
<tr>
<td>United Utilities</td>
<td>Responded on the 22 January 2018 and confirmed that the proposed drainage strategy was considered in line with the United Utilities requirements and the condition could be ‘discharged’.</td>
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4. Parish Council Response

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<tr>
<th>Town Council</th>
<th>Object</th>
<th>No Object</th>
<th>No Response</th>
<th>No ViewExpressed</th>
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<tbody>
<tr>
<td>Penrith Town Council</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.1 Penrith Town Council confirmed that they have no objection.
5. **Representations**

5.1 In respect of the consultation following the submission of the application, the following consultation letters were sent out:

<table>
<thead>
<tr>
<th>No of Neighbours Consulted</th>
<th>No of letters of support</th>
</tr>
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<td>42</td>
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<table>
<thead>
<tr>
<th>No of Representations Received</th>
<th>No of letters of observation</th>
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<tbody>
<tr>
<td>0</td>
<td>0</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>No of objection letters</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
</tr>
</tbody>
</table>

6. **Relevant Planning History**

6.1.1 The planning history considered most relevant to the determination of this planning application includes the following:

- 04/0559 - Resurfacing of car park and installation of 3 x 10 metre lighting stanchions, approved 04 August 2004;
- 14/0526 - Upgrade existing floodlighting on third team pitch and installation of new floodlighting on second team pitch, approved 22 September 2014;
- 17/0146 - Planning permission for a replacement sports pitch, training areas and installation of hardstanding, pitch, perimeter team shelters, storage container and flood lighting system, approved 15 June 2017.

7.0 **Policy Context**

7.1 **Development Plan**

- **Core Strategy DPD Policy:**
  - CS1 Sustainable Development Principles
  - CS2 Locational Strategy
  - CS4 Flood Risk
  - CS18 Design of New Development
  - CS21 Principles for Services, Facilities, Sport and Informal Recreation

7.2 **Other Material Considerations**

- **National Planning Policy Framework:**
  - Core planning principles
  - Requiring good design
  - Promoting healthy communities

7.3 **Eden Local Plan 2014-2032 (this is the emerging local plan for Eden District Council):**

- Policy DEV1
- Policy DEV5
- Policy COM2

7.3.1 Due to the stage of adoption of the Local Plan, significant weight is afforded to these policies.
Agenda Item 2
REPORTS FOR DEBATE

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- Landscape and Visual Impact
- Impact upon local amenity
- Flood Risk

8.2 Principle

8.2.1 The principle of the proposed development has previously been approved and the decision, ref 17/0146 is a significant material consideration in relation to this proposal. The first part of this application relates to a proposed alteration to the approved pitch in terms of size. This change is considered to be minimal in nature. The pitch as previously approved was confirmed to be 120 x 80 metres. The new proposal would result in a pitch 120 x 76 metres (so 4 metres in width less). Given that the principle for a larger pitch was acceptable previously, it is simply not reasonable to conclude that a smaller pitch would represent any more significant ‘harm’ were it granted permission, constructed and utilised.

8.2.2 As was noted in the previous permission, this development would not result in a material change of use of the application site from its current and existing use as a rugby playing field. The development would instead, provide an alternative playing surface from the natural grass covering it currently has, to an all-weather artificial grass covering, including the provision of floodlighting. This combination of the floodlighting and the all-weather pitch would support the use of the site in the winter months and during periods of inclement weather. As such, it was considered originally, that the proposed development would deliver a number of benefits to the rugby club and wider community through the delivery of enhanced facilities. These numerous benefits remain were this permission approved and implemented.

8.2.3 The National Planning Policy Framework (“NPPF”), paragraph 70 confirms that Local Planning Authorities should plan positively for the provision of community facilities such as sporting venues to ‘enhance the sustainability of communities and residential environments.’ Although this would not represent a ‘new’, Penrith Rugby Football Union Club is an established and important sporting facility within the town, the sustainability of which would be enhanced through the proposed development, with wider community benefits delivered through the proposed community access, school and educational use and the local rugby partnership use. The originally approved scheme was considered to deliver considerable community benefits were it approved. The very same benefits apply in relation to this application. Paragraph 70 of the NPPF, further states that that Local Planning Authorities should ensure that sporting facilities are ‘able to develop and modernise in a way that is sustainable and retained for the benefit of the community.’

8.2.4 Furthermore, paragraph 73 of the National Planning Policy Framework notes that Local Planning Authorities should ensure greater access to ‘high quality open spaces and opportunity for sport and recreation’, due to the importance that they make to the contribution of a communities health and well-being. This position within National Planning Policy is supported within the Development Plan, with Core Strategy Policy CS21 noting that the council will meet the sport and recreational needs of the district. It
is considered that this proposal would be consistent with these specific elements of the NPPF and merit support.

8.2.5 The proposed floodlighting would remain as previously proposed and a new floodlighting scheme would be installed were this permission be granted approval. It was noted in the previously approved scheme that ‘Whilst floodlighting columns would be new to the application site itself, the principle of new flood lights at sporting grounds is considered to be an appropriate an ancillary development. Furthermore, the principle of floodlighting at the rugby club has, in part, previously been established as sound following the previous grant of planning permission 14/0526 which introduced flood lights to the adjacent second and third team pitches at the rugby club’. The conclusion in relation to this specific application is the same and the installation of new floodlights is considered appropriate ancillary development for the site and its use.

8.2.6 Due to the proposed development affecting an area of existing playing field, under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Sport England are a statutory consultee. It is noted that Sport England have raised no objection to the proposal. Indeed, they confirm that the proposal meets one of the five ‘exception’ tests that Sport England apply when proposal for development affect areas of playing field. In this instance, the proposal is considered to meet the exception test E5 in that the proposed facility is for an outdoor facility of ‘sufficient benefit to sport to outweigh the detriment caused by the loss of playing field’.

8.2.7 For the reasons detailed above, it is considered that the principle of the proposed development is acceptable subject to further considerations in relation to; landscape and visual impact; impact upon amenity and flood risk.

8.3 Landscape and Visual Impact

8.3.1 This matter was considered as part of the original 17/0146 planning application. It was considered that the use of an appropriate design, the development could be both in-keeping and sympathetic to the appearance and character of a sporting ground. This would enable the development to not appear as an incongruous development, despite the height of the flood light columns which would be in-keeping with the principles of good design as outlined within Core Strategy Polices CS1, CS2 and CS18. This proposal affords no real change to the outward appearance of the proposed pitch albeit it would be slightly smaller in width terms by 4 metres than originally approved.

8.3.2 The design of the flood lights will not change and were considered to be not dissimilar to those previously approved at the rugby club on adjacent pitches which would enable them to be viewed entirely within the context of the rugby club setting. No changes are proposed to the originally approved floodlighting that would accompany this permission if granted and implemented.

8.3.3 The same conclusion is reached in relation to the proposed re-surfacing of the first team pitch and it would appear no different visually to existing ground conditions and therefore, have no impact upon the character of the area. Whilst the storage of the equipment container would be visible from the nearest residential properties, views would be limited from any public highway with the container viewed entirely within the context of a sports ground, where containers are not uncommon or out of place.

8.3.4 For the reasons detailed above, it is considered that the proposed development would have a largely negligible impact upon the character of the area.
8.4 Impact upon Local Amenity

8.4.1 In association with the original planning application, ref 17/0146, a number of objectors to the application raised concerns in relation to the impact of the proposed development upon their amenity. However, in relation to this application no objections or observations have been received.

8.4.2 The level of harm posed by the development was not originally considered to be significantly adverse upon local amenity and there is no reason to assume that this proposal would result in any significant harm to local amenity either. The development, as previously confirmed, would not introduce a new land use or create a new sporting facility to the area. Instead, the development would support an existing and long established sports club, the position of which pre-dates much of the adjacent housing.

8.4.3 Issues in relation to floodlighting remain as previously considered. The Council’s own Environmental Health Team confirmed 'no further comments' beyond those they made to the original 17/0146 planning application. They assessed the lighting assessment supplied at the time and confirmed its acceptability. Indeed, they raised no objection to the proposed lighting and confirmed no significant adverse effects as a result of light 'spill'.

8.4.4 In relation to noise, it was considered that the proposal would not generate any additional noise levels above those expected to be generated by a sport facility such as a rugby club, nor above those which presently exist. Given that this application relates to the exact same principles as those applied for as part of the 17/0146 application but with a smaller pitch and a drainage scheme proposal it is not reasonable to conclude any differently during the determination of this proposal. It was noted that, whilst the proposed development may concentrate the use of the land for both training and playing purposes on evenings, there are no restrictions on the use of the application site for such purposes at the current time, bar natural light restrictions in the winter months. This is due to the application site forming part of an established sporting facility, with the first team pitch already attracting such use. This would not change in relation to this proposal.

8.4.5 Therefore, for the reasons detailed above, it is considered that whilst the proposed development would impact upon local amenity, the extent to which this would occur is would not be adverse, or significantly different from the existing conditions currently experienced. As such, the impact of the proposal upon local amenity is not considered to represent sufficient justification for the refusal of this planning application.

8.5 Flood Risk

8.5.1 It is noted that the current application is located within a Flood Zone 1 and has been subject to periods of localised flooding which has disrupted its use. As this is the case for the entire rugby club site, it would not be practical for the proposal to be relocated within an area of reduced flood risk. As such, it is considered that the sequential test for flooding has been met by the current planning application.

8.5.2 Associated with the original permission, ref 17/0146 the drainage scheme had to be submitted prior to the commencement of the development. The applicant as part of this proposal, has sought to essentially ‘remove’ condition 3 by submitting proposal for drainage as part of this application.

8.5.3 The applicant has confirmed that they have commissioned numerous bore hole tests on site and are able to confirm that surface water will be disposed of via infiltration. The
applicant contends that the bore hole tests illustrate that the site has a layer of permeable ground beneath it which will allow this method to be utilised in this instance.

8.5.4 United Utilities have responded on this particular point and have confirmed that the proposed drainage strategy was acceptable. The Lead Local Flood Authority have also responded and they confirmed that they sought additional information to be submitted in relation to the scheme to assess the proposed mitigation measures. The applicant provided such further information. In response, the Lead Local Flood Authority confirmed that they had no issues with the proposal.

8.5.5 As such, it is considered that the development would not result in or contribute towards increased risk of flooding at the rugby club site nor upon any surrounding and adjacent land. As such, it is considered that the proposal is considered to be an appropriate development within a Flood Zone.

9. Implications

9.1 Legal Implications
9.1.1 There are no legal issues arising out of this report.

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. There are no equality and diversity issues arising out of this report.

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

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

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

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

10. Conclusion
10.1 It is considered that the proposed development represents an appropriate and sustainable improvement to the facilities of an existing and established sport facility. The development would deliver significant benefits to the rugby club and also to the wider community through enhanced community and local rugby partnership use. The development would achieve this through improving health and well-being for the local community through increased access and opportunities for sport and sporting provision.

10.2 The development would have an impact upon the amenity of a number of neighbouring properties, however this impact is not considered to be adverse. Furthermore, the
impact upon local amenity is considered unlikely to be significantly different to those
currently experienced due to the established nature of the rugby club and does not,
therefore, represent sufficient justification to warrant the refusal of this planning
application.

10.3 The proposed development is considered to be in accordance with both the
Development Plan and the National Planning Policy Framework. As such, it is
considered that the considerable public and community benefits outweigh the limited
impact upon local residential amenity and, therefore, the planning balance is
considered to have been met and that the proposal should be supported.

Jane Langston
Deputy Director Technical Services

Background Papers: Planning File 17/1086
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<th>Date of Committee:</th>
<th>19 April 2018</th>
</tr>
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<td>18/0076</td>
</tr>
<tr>
<td>Date Received:</td>
<td>26 January 2018</td>
</tr>
<tr>
<td>OS Grid Ref:</td>
<td>351934 530026</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>23 March 2018</td>
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<td>Penrith</td>
</tr>
<tr>
<td>Ward:</td>
<td>Penrith East</td>
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<tr>
<td>Application Type:</td>
<td>Section 73 Variation of Condition</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Variation of Condition 13 (access to the site) to replace Construction Management Plan attached to approval 16/0359.</td>
</tr>
<tr>
<td>Location:</td>
<td>Land off Ridley Court, Penrith</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Atkinson Building Contractors Ltd</td>
</tr>
<tr>
<td>Agent:</td>
<td>None</td>
</tr>
<tr>
<td>Case Officer:</td>
<td>Nick Atkinson</td>
</tr>
<tr>
<td>Reason for Referral:</td>
<td>The application has been called in by the member for Penrith East.</td>
</tr>
</tbody>
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1. **Recommendation**

It is recommended that delegated power be given to the Deputy Director Technical Services to grant planning permission subject to a Section 106 Agreement being entered into to the absolute satisfaction of the Deputy Chief Executive and the Deputy Director Technical Services requiring the provision of 30% affordable Houses and the Council’s reasonable costs being paid in relation to that Section 106 Agreement. Planning permission is also granted subject to the following conditions:

1. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
   - Site location plan (ref: 1608 PL 100 A)
   - Site Setup (ref: 15057-CC - Rev.C)
   - Proposed Site Layout (ref: PSL1 - Rev. G)
   - Proposed Contextual Elevations (ref: PCE1C)
   - Proposed Roof Plan and Drainage (ref: PRID1 - Rev. B)
   - Proposed House Type 1 (ref: PHT1B)
   - Proposed House Type 2 (ref: PHT2A)
   - Proposed House Type 3 (ref: PHT3A)
   - Proposed House Type 4 (ref: PHT4A)
   - Proposed House Type 5 (ref: PHT5A)
   - Proposed House Type 6 (ref: PHT6A)
   - Carriageway and footpath (ref: 15057 TSD1 A)
   - Contextual elevations (ref: 15057 19/20E1 C)
   - Details & Plans received on 05 October 2017 and approved under planning permission 17/0934

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

2. The proposed development will be carried out in accordance with the 'Remediation Strategy Former Gas Works, Folly Lane, Penrith, REC Reference: 45934p1r1 Atkinson Building Contractors August 2016'.

   **Reason:** To ensure that the site is decontaminated.

3. Any proposed soakaways to serve the development will be located a minimum of three metres away from any gas mains located on the land or adjacent land.

   **Reason:** To ensure that the proposed works are designed around the gas main and to ensure that the gas main is not affected by the development.

4. The development shall be undertaken and completed in accordance with the surface water drainage scheme approved under application 17/0543, consisting of the following documents:
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- Proposed Roof Plan and Indicative Drainage Only’ (ref: 15057-02 - Rev.A);
- Micro Drainage Soakaway Details.

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

5. Prior to the occupation of any of the dwellings hereby approved, the developer shall implement in full the playspace shown all the approved plans in full accordance with the details shown on plan number 15057 - PSL1 - revision G, including the surface planting, surface finishes seating, play panels and surrounding fencing. In addition, the developer shall submit full details of how the open space will be maintained in perpetuity for the prior agreement in writing of the Local Planning Authority. The open space shall be constructed in accordance with the agreed specification and capable of use prior to the occupation of any of the houses hereby approved and shall be maintained as such in perpetuity in accordance with the approved details.

**Reason:** To ensure that the open space is provided to an acceptable standard and that it is maintained as such in perpetuity.

6. That the materials to be used on the scheme shall be as confirmed in the applicant's email of 12 December 2016 and comprise as follows:

- Roof Tiles - Calderdale Sandtoft (to match with the exiting adjacent development known as Baker’s Place)
- Brickwork - Ibstock Morpeth
- Render - K Render in Cream

**Reason:** for the avoidance of doubt and to ensure that the materials used are acceptable in this location.

7. Prior to the occupation of any of the dwellings hereby approved an acoustic barrier measuring 2.3m in height shall be installed along the south western boundary of the site and an acoustic barrier measuring 1.8m in height shall be installed along the south eastern boundary of the site. The acoustic barrier should be of close boarded construction with a minimum mass of 16kg/m² and sealed at its base. The barrier shall be maintained as constructed in perpetuity.

**Reason:** To protect the amenity of future occupiers.

8. Prior to the occupation of any of the dwellings hereby approved:

a) The approved remediation works shall be carried out in full compliance with the approved methodology and best practice. If during the works new areas of contamination are discovered then all work shall stop until the nature and extent of the contamination has been evaluated and the remediation strategy revised and approved by the Local Planning Authority.

b) Upon completion of the remediation works a verification report prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any verification sampling and
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#### Analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

**Reason:** To ensure that the site is decontaminated to the satisfaction of the Local Planning Authority.

### Ongoing Conditions

9. The proposed windows in the northeast elevation of units 19 and 20 as approved shall be fitted with non-opening or top-hung windows fitted with obscure glazing with a minimum level four privacy rating and shall be maintained as such in perpetuity and as shown on drawing number 15057 19/20E1 C.

**Reason:** To protect the privacy and amenity of neighbouring properties.

10. The proposed first floor bedroom windows in the southwest elevation of units 19 and 20 as approved shall be non-opening and maintained as such in perpetuity.

**Reason:** To protect the amenity of future occupiers.

11. Through frame window mounted trickle ventilators shall be incorporated into all glazing units to habitable rooms which have direct line of sight to the adjoining 'Amey's Yard' and 'Gas Holder Site' to the east, south and southwest of the site and maintained as such in perpetuity.

**Reason:** To protect the amenity of future occupiers.

12. The access to the site via Ridley Court, shall be undertaken in strict accordance with the Construction Management Plan dated 12 March 2018 and the Site Setup Plan (ref: 15057-33 - Rev.C).

**Reason:** To protect the amenity and health and safety of the residents of Ridley Court.

13. Prior to the use of Ridley Court by any vehicles exceeding 3.5 tonnes, a condition survey extending along the length of Ridley Court shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The survey shall be conducted with a Highway Authority representative.

**Reason:** In the interests of highway safety and the general amenity of the area.

### Proposal and Site Description

#### Proposal

2.1 The proposal seeks approval for a variation to condition 13 (access to the site) previously imposed on planning permission 16/0359. The planning permission 16/0359 approved the erection of 20 affordable dwellings at the site, with access achieved off Old London Road using a stretch of existing road serving Ridley Court.

2.1.2 Condition 13 of Planning Permission 16/0359 was included within the decision notice at the request of the members of the Planning Committee and not at the request of any statutory consultees. The condition reads as follows:
‘That the accessing, servicing and the general operation of the accessing of the development hereby approved, via Ridley Court, shall be undertaken in strict accordance with the construction management plan submitted by the applicants e-mail on 14 October 2016. No development shall commence on site until the alternative access arrangement has been provided, other than that through Ridley Court, for all construction traffic above 3.5 tonne weight, including traffic associated with the decontamination of the site shall use that alternative access, and no access shall be taken through Ridley Court for any construction traffic above 3.5 tonne weight including traffic associated with the decontamination of the site.

Reason - To protect the amenity and health and safety of the residents of Ridley Court.’

2.1.3 Section 73 of the Town and Country Planning Act 1990, provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. In the case of the current application, the applicant seeks to vary the previously approved Construction Management Scheme and traffic routing arrangements for Construction traffic. No other elements of the previously approved development would be altered through this application. The Local Planning Authority can grant such permission unconditionally or subject to different conditions. Additionally, the application can be refused if it is considered that the original conditions should continue to be imposed.

2.1.4 The proposed Construction Management Plan would enable the use of Ridley Court by vehicles that are greater in weight than 3.5 tonnes as presently restricted under condition 13 of Planning Permission 16/0359. The vehicles would deliver materials associated with the development of the final houses on the site and also to remove subsoil and generic waste for the development.

2.1.5 The revised Construction Management Plan notes that this would equate to approximately six deliveries to the site on a daily basis, restricted to the following hours:

- 08.00 - 17.00hrs Mondays to Friday;
- 08.00 - 12.00hrs Saturday

2.1.6 There would be no deliveries on Sundays and Bank or public holidays to reduce the impact of the proposal.

2.1.7 The vehicles would be marshalled to and from the site by a Banksman/Road Marshall enabling only one vehicle to access the site at any one time, and no vehicles being allowed to block access to any of the residential properties on Ridley Court. Thus a flow of traffic will be maintained at all times.

2.1.8 As the principle of the residential development of the application site has been established through the prior grant of planning permission 16/0359, and is not sought to be altered through the current proposals, only the variation to condition 13 and the Construction Management Plan will be considered in this report.

2.2 Site Description

2.2.1 The application site is located within a relatively central location within the town of Penrith, benefitting from to the town and amenities. The site is heavily constrained in terms of available space.
2.2.2 To the north of the site are allotments, to the east and southeast of the site is the existing Council Service Yard (currently leased to Amey), and to the west of the site is residential development including Ridley Court and Baker’s Place.

2.2.3 The site historically formed part of an industrial area of Penrith and due to its historic use issues of contamination have been identified and addressed. The site will be subject to significant decontamination works prior to the houses being constructed.

2.2.4 There are a number of trees on the site and due to the land contamination issues on the site all of the trees will need to be removed to allow the soil to be decontaminated.

3. Consultees

3.1 Statutory Consultees

<table>
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<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Authority - Cumbria County Council</td>
<td>Responded on the 15 March 2018 raising no objection to the proposal. It was requested however, that a highway condition survey be undertaken, to be secured through the imposition of a planning condition.</td>
</tr>
<tr>
<td>Local Lead Flood Authority - Cumbria County Council</td>
<td>Responded on the 15 March 2018 raising no comments.</td>
</tr>
</tbody>
</table>

3.2 Non-Statutory Consultees

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<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Utilities</td>
<td>No response has been received to date.</td>
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<tr>
<td>Environmental Health</td>
<td>Responded on the 06 February 2018 raising no objection.</td>
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4. Parish Council Response

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<th>Town Council</th>
<th>Object</th>
<th>Support</th>
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<tr>
<td>Penrith Town Council</td>
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<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

4.1 Penrith Town Council responded on the 21 February 2018 raising no objection to the proposal but would like to see provision for ensuring mud/debris does not become deposited on the public highway.

5. Representations

5.1 The application was advertised by means of a site notice posted on the 31 January 2018 and the following neighbour notifications:

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<th>No of Neighbours Consulted</th>
<th>123</th>
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<td>No of objection letters</td>
<td>2</td>
<td>No of letters of observation</td>
<td>15</td>
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</tbody>
</table>
5.2 The letter of objection received, raised the following points:

- Children living in Ridley Court will soon be out playing and this could be dangerous with wagons having blind spots;
- Wagons will disturb the peace in the morning and evenings;
- The use of the wagons will effect preschool children and all other children on Ridley Court in school holidays;
- The existing building site approved to be used, has space to store materials for the last few houses;
- There is insufficient room for access to the site by trade vehicles through Ridley Court;
- Extra traffic through Ridley Court would increase the risk of accidents with children especially with the excessive speed that some of the vans arrive and depart the site;
- The proposed vehicles would be far too big and the drivers and banksmen are not careful enough to ensure there would be no accidents;
- Access provisions for the site should have been better considered at the time of the previous grant of planning permission and should not be used as an excuse to change to a hazardous and dangerous access;
- Parking within Ridley Court is already at a premium which would only be made worse by this proposal.

6. Relevant Planning History

6.1 16/0359 - Erection of 20 affordable dwellings and associated car parking and access. Approved.
17/0543 - Discharge of Condition 5 (Surface Water Drainage), attached to approval 16/0359. Approved.
17/0934 - Non-material amendment comprising of change to facing brick attached to approval 16/0359. Approved.

7.0 Policy Context

7.1 Development Plan

Eden Local Plan

- There are no ‘Saved’ policies contained within the Eden Local Plan considered relevant to the determination of this planning application.

Core Strategy DPD Policy:

- CS1 Sustainable Development Principles
- CS2 Locational Strategy
- CS3 Rural Settlements and the Rural Areas
- CS5 Transport and Accessibility
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- CS6 Developer Contributions
- CS7 Principles for Housing
- CS8 Making Efficient Use of Land
- CS10 Affordable Housing
- CS17 Principles for the Built (Historic) Environment
- CS18 Design of New Development

Emerging Local Plan:
- LS1 Locational Strategy;
- DEV1 General Approach to New Development
- DEV3 Transport, Accessibility and Rights of Way
- DEV5 Design of New Development;
- HS1 Affordable Housing

Due to the advanced stage of adoption of the emerging Local Plan, in line with paragraph 216 of the National Planning Policy Framework, substantial weight is afforded to the above ‘draft’ policies in the determination of this planning application.

7.2 Other Material Considerations

National Planning Policy Framework:
- The presumption in favour of sustainable development
- Core planning principles
- Delivering a wide choice of high quality homes
- Requiring good design
- Annex 1 - Implementation

8. Planning Assessment

8.1 Key/Main Planning Issues
- Principle
- Highways Impact
- Amenity Impacts

8.2 Principle

8.2.1 The principle of the residential development of the site has been established through the previous grant of planning permission (ref: 16/0359). The current proposal does not seek to alter any element of the previous approval that would bring into question the principle of the development. The proposed alterations do not raise any material considerations or matters which call into question the residential development of the site. As such, the principle of the proposal remains established.

8.2.2 The current application seeks solely to amend the Construction Management Plan and lift access restrictions to the site for vehicles over 3.5 tonnes in weight travel to the site
through Ridley Court. As such the principle of these amendments solely will be considered in this assessment.

8.3 Highways Impact

8.3.1 The main concern raised by objectors to the application and also by the Member for Penrith East, relates to the potential highway safety impacts arising from the proposal. It has been noted by objectors, that due to the relatively small size of Ridley Court, the use of this road by large construction vehicles may cause conflicts between children playing on the street and people who live on Ridley Court, with potentially serious affects.

8.3.2 The amended Construction Management Plan, provides a number of mitigation measures to ensure that highway safety would be maintained throughout this period. This includes restrictions on the hours of use; the development leading to an overall reduction in construction vehicle movements to the site; the use of a Banksman/Road Marshall to ensure the safe entry and exit of the vehicles from the site onto Ridley Court. The proposed Construction Management Plan and use of Ridley Court has been assessed by Cumbria County Council as Highway Authority who have raised no concerns or objections in relation to the highway safety impacts of the proposed alterations. As such, it is considered that the measures proposed are reasonable and appropriate to ensure that there would be no adverse impact upon highway safety.

8.3.3 Due to the relatively small vehicle numbers proposed, up to six 3.5 tonne vehicles per day, there are no concerns that the highway network would be unable to accommodate and absorb the proposed vehicle movements. This position is again supported by Cumbria County Council as Highway Authority who raise no objections to the proposal. As such, it is considered that the proposed development raises no highway capacity issues which would warrant the refusal of this planning application.

8.3.4 For the reasons detailed above, it is considered that the proposed alterations to the routing of construction traffic and to the Construction Management Plan are considered unlikely to result in any adverse highway safety or capacity impacts.

8.4 Amenity Impacts

8.4.1 As the proposed access arrangements would involve construction vehicles passing through Ridley Court for the final few dwellings being erected at the site, this would undoubtedly result in an impact upon local amenity. The previous arrangements would have resulted in such traffic travelling through the adjacent depot site, away from the nearest residential dwellings on Ridley Court and also further along Old London Road.

8.4.2 Whilst the proposal would result in a degree of amenity harm, the extent is likely to be considerably reduced through the restriction on the hours of construction being 8-5pm Monday to Friday and 8 -12pm Saturday. The proposed restrictions would ensure that vehicles accessing the site did so at sensitive hours.

8.4.3 The proposed use of the Ridley Court has resulted in no objections or concerns having been raised from the Council’s Environmental Health Officer. As such, it is considered that the likely levels of noise, odour or any other emissions would not result in any adverse impacts upon the environmental health of any neighbouring residents.

8.4.4 Therefore, whilst the proposed amendments to the Construction Management Plan and traffic routing arrangements would have an impact upon local amenity, the extent is not considered to be significantly adverse so as to warrant the refusal of this
planning application. The impact is further reduced by the temporary nature and duration of the remaining construction works at Ridley Court.

8.5 Affordable Housing

8.5.1 The previous planning permission was for the development of 20 affordable dwellings at the site, secured through a completed Section 106 Agreement. Although the current application seeks some amendments to the previously approved scheme, the development would still result in the erection of 20 affordable dwellings.

8.5.2 Notwithstanding, a deed of variation to the previous Section 106 Agreement is required to be entered into prior to the grant of this planning permission. As such, the recommendation within Section 1 of this report reflects that an updated agreement is entered into.

9. New Homes Bonus

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

10. Implications

10.1 Legal Implications

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

10.2 Equality and Diversity

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

10.3 Environment

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

10.4 Crime and Disorder

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

10.5 Children

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

10.6 Human Rights

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

11.1 The proposed development continues to accord with the Development Plan and the National Planning Policy Framework for the following reasons which are not outweighed by material considerations:

   i. The alterations to the Construction Management Plan would not result in any adverse Highway Safety impacts;

   ii. The alterations to the Construction Management Plan would not result in any adverse Highway capacity impacts;

   iii. The alterations to the Construction Management Plan would result in an impact upon local amenity, however not to an extent considered to be significantly adverse or warrant the refusal of this planning application.

11.2 Accordingly the application is recommended for approval. It is considered prudent for the conditions previously imposed on planning permission 16/0359 to be brought forward onto any decision notice as may be issued.

Jane Langston  
Deputy Director Technical Services

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

**Background Papers:** Planning File 18/0076
Date of Committee: 19 April 2018
Planning Application No: 17/0977  Date Received: 14 November 2017
OS Grid Ref: 350337 533776  Expiry Date: 19 February 2018
Parish: Hesket  Ward: Hesket
Application Type: Full
Proposal: Replacement of existing silage clamps with silage clamp comprising of re-enforced concrete walls and steel frame roof structure to provide 4 number 50.29m x 18.29m bays.
Location: Mellguards Farm, Mellguards, Southwaite
Applicant: Hayton Agriculture Ltd
Agent: Mr Michael Brigg
Case Officer: Nick Atkinson
Reason for Referral: The application is a major development and the recommendation is contrary to the views of the Parish Council.
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REPORTS FOR DEBATE
1. Recommendation

That the application is recommended for approval subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years of the date of this permission.
   
   **Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be undertaken in accordance with the following plans and documents:
   
i. Application Form dated 02 November 2017, received 14 November 2017;
   
   **Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

   ii. Location Plan (ref: 17-C-14880/1) received 14 November 2017;

   iii. Block Plan (ref: 17-C-14880/2) received 14 November 2017;

   iv. Floor Plan (ref: 17-C-14880/3) received 14 November 2017;

   v. Elevations (ref: 17-C-14880/4) received 14 November 2017;

   vi. Sections (ref: 17-C-14880/5) received 14 November 2017.

3. No external lighting shall be brought into use until details of the external lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have regard to the ‘Guidance Notes for the Reduction of Obtrusive Light GN01’, produced by the Institute of Lighting Engineers and based upon Environmental Zone E2. The approved lighting scheme shall be implemented in full before the lighting is first used, and shall be retained thereafter.
   
   **Reason:** To protect the amenity of neighbouring residential dwellings.

4. All materials stored within the building hereby approved shall solely be produced from within the agricultural holding Mellguards Farm, Mellguards, Southwaite.
   
   **Reason:** To ensure the use of the building remains in agriculture.

Informative

1. This application is to replace the existing structure, however the developer should be aware that United Utilities records show that there is a formal easement which runs through the proposed development site. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities right to 24hr access.

2. The proposed development must fully comply with the terms of the Water Resources (Control of Pollution) Silage, Slurry & Agricultural Fuel Oil (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in the Code of Good Agricultural Practice for the protection of water, soil and air. The applicant is advised to review the
existing on-farm slurry and manure storage and ensure compliance with the SSAFO regulations. Any agricultural development that will increase water usage may adversely affect the storage of waste waters, slurry and other polluting matter.

You must inform the Environment Agency verbally or in writing of a new, reconstructed or enlarged slurry store, silage clamp or fuel store at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has been constructed a completed notification form must be submitted before using the facility.

2. Proposal and Site Description

2.1 Proposal

2.1.1 The proposal seeks full planning permission for the demolition of three existing silage clamps and an agricultural shed, to be replaced by a large concrete wall and steel frame silage clamp on land at Mellguards Farm, Southwaite.

2.1.2 The application details has confirmed that there were originally three existing open concrete walled silage clamps at the site and a shed, all of which were proposed to be demolished as part of the proposal due to the poor condition that they were in. The applicant has confirmed that the three silage clamps and the storage building that comprised the application site had an overall area of approximately 2,895 square metres, with each clamp measuring approximately 50.2 metres by 18.26 metres.

2.1.3 It is noted that since the time of the submission of the application, the applicant has commenced works on site and demolished the existing silage clamps and the shed, in addition to having commenced minor land preparation works. Following contact from the Council’s enforcement officer the works have now ceased pending the determination of this application.

2.1.4 The proposed building is of an agricultural appearance, sited on an area of land within the farmstead. The building would have multiple pitches to the roof, which reduces the visual massing of the building and softening its visual impact slightly. The proposed building would provide infrastructure to make improvements to the storage of silage for the existing agricultural holding.

2.1.5 The building would be large in size and scale. The building would be approximately 74 metres x 50 metres covering a total floorspace of 3700 square metres. The building would extend to approximately 10 metres in height. The building would be constructed of reinforced concrete steel with cladding to the walls of a steel frame, with a steel sheet roof. Internal and external lighting is proposed to provide a safe working environment, however no details have been submitted at this stage.

2.1.6 The development would also include the creation of a concrete apron adjacent to the building. This area would extend the length of the building, extending out by 20 metres, so in total covering a floorspace of 1480 square metres. The applicant has confirmed that all silage effluent from the building will be collected and drained to a storage tank.

2.1.7 The proposed use of the silage store is not a typical agricultural use, being for the feed of livestock. The silage proposed to be stored within the building would be grown at Mellguards, however it would be used to feed an anaerobic digester on land at Greengill Farm, which is within the applicant’s ownership.
2.1.8 The proposed development is not considered to be Schedule 1 development under the Town and County Planning (Environmental Impact Assessment) Regulations 2011. The development does not fall under the definition of EIA development as described under Part 1 - Agriculture and Aquaculture under Schedule 2. Therefore, the proposed development is not considered to be EIA development.

2.2 Site Description

2.2.1 The application site is located within the farmstead of Mellguards Farm, Southwaite which is an existing and established agricultural holding.

2.2.2 The application site is located in a rural setting, within a relatively open and rolling landscape. The farm and application site sit lower topographically than the adjacent public highway off which the site is accessed. The site also sits lower than the nearest residential properties due to a fall in the land in a west to east direction.

2.2.3 The site is bounded in all directions by expanses of agricultural land. The west coast main train line passes approximately 90 metres east of the application site.

2.2.4 Mellguards Farm was formerly a large dairy farm with approximately 500 cows. However, the site has changed ownership and for the past 18 months the agricultural enterprise has changed to the production of grass silage and whole crop feedstock.

3. Consultees

3.1 Statutory Consultees

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Authority - Cumbria County Council</td>
<td>Responded on the 06 December 2017 raising no objections to the proposal. It was noted that the application will not have a material effect on the public highway.</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>Responded on the 02 January 2018 raising no objection to the proposal.</td>
</tr>
<tr>
<td>Local Lead Flood Authority - Cumbria County Council</td>
<td>Responded on the 06 December 2018 raising no objection to the proposal. It was noted that the risk of surface water flooding would not be increased.</td>
</tr>
</tbody>
</table>

3.2 Non-Statutory Consultees

<table>
<thead>
<tr>
<th>Consultee</th>
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</tr>
</thead>
<tbody>
<tr>
<td>United Utilities</td>
<td>Responded on the 18 December 2017 raising no objections to the proposal.</td>
</tr>
<tr>
<td>Natural England</td>
<td>Responded on the 08 January 2018 raising no objections to the proposal.</td>
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</table>
4. Parish Council Response

<table>
<thead>
<tr>
<th>Town Council</th>
<th>Object</th>
<th>Support</th>
<th>No Response</th>
<th>No Objection</th>
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</thead>
<tbody>
<tr>
<td>Hesket Parish Council</td>
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<td></td>
</tr>
</tbody>
</table>

4.1 Hesket Parish Council responded on the 10 January 2018 providing the following comments in relation to the proposal:

- there are concerns over the scale of the proposed structure. Local residents deemed it to be oversized and much larger than what is required for a farm of its size - industrial scale silage storage;
- Confusion as to why silage storage of this size is required as there are no longer any cattle at the farm;
- Concerns of the probable increase in heavy vehicle traffic down narrow country roads if the site is to be used to store silage in transit to the digester in Penrith, 12 months of the year;
- Unsatisfied that the planning application does not give the full picture of the use of the silage storage - is it to be used as storage space for other usage or to supply the farm;
- Concerns over the storage of effluent.

4.2 The Parish Council noted that further comments would be provided after a site visit had been undertaken by its members. Although notified that the Parish Council has no right of access to the site, no further comments have been received to date.

4.3 A second response was received from the Parish Council on the 06 February 2018 in which it was noted that the Council now object to the application. The grounds for the objection were as follows:

- the size of the silage clamps are far bigger than required;
- there would be an increase in traffic, especially huge tractors and trailers which will now be brought onto the surrounding narrow country roads.
- there are concerns that this is a holding clamp to feed the digester near to Penrith.

5. Representations

5.1 The application was advertised by means of a site notice posted on the 30 November 2017, and the following neighbour notifications:

<table>
<thead>
<tr>
<th>No of Neighbours Consulted</th>
<th>4</th>
<th>No of letters of support</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of objection letters</td>
<td>3</td>
<td>No of letters of observation</td>
<td>2</td>
</tr>
</tbody>
</table>

5.2 The letter of objection received, raised the following points:

- There are inaccuracies and misinformation in the planning application;
- The site is linked to Greengill Farm where Hayton Agriculture have sited their anaerobic digester constructed under planning approval 15/0898;
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• Hayton Agriculture have acquired a number of farms in the Eden Valley, and the use of these facilities although linked in day to day activities is only viewed in isolation through the planning system;

• The silage clamp is disproportionate to the size for the farm. If approved it would represent a significant change in the use of the farm. This would become a waste transfer facility for the other farms owned by Hayton Agriculture;

• There has been an increase in tractor movements for the farm all year around, rather than just in the winter;

• There will be more traffic levels associated with the development using a small narrow country road to both fill and empty the silage clamps;

• The road is not suitable to have articulated wagons travelling up and down the road leading to highway safety issues.

5.3 The letter of observation raised the following points:

• There are concerns regarding the potential increase of traffic through Southwaite village;

• There has already been a large increase in traffic to the farm in the last 12 months.

6. Relevant Planning History

6.1 The planning history considered most relevant to the determination of this planning application includes:

• 15/111 - erection of roof over collection yard, approved 28 January 2016.

7.0 Policy Context

7.1 Development Plan

Eden Local Plan

• NE1 Development in the Countryside.

Core Strategy DPD Policy:

• CS1 Sustainable Development Principles
• CS2 Locational Strategy
• CS3 Rural Settlements and the Rural Areas
• CS16 Principles for the Natural Environment
• CS18 Design of New Development

Emerging Local Plan:

• LS1 Locational Strategy
• DEV1 General Approach to New Development
• RUR2 New Agricultural Buildings
• RUR4 Employment Development and Farm Diversification in Rural Areas
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- DEV5 Design of New Development
- ENV1 Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity

Due to the advanced stage of adoption of the emerging Local Plan, substantial weight is now afforded to the above draft policies in the determination of this planning application in line with paragraph 216 of the National Planning Policy Framework.

7.2 Other Material Considerations

National Planning Policy Framework:
- The presumption in favour of sustainable development
- Core planning principles
- Requiring good design
- Conserving and enhancing the natural environment
- Annex 1 - Implementation

8. Planning Assessment

8.1 Key/Main Planning Issues
- Principle
- Design and Scale
- Landscape Impacts
- Environmental Impacts
- Residential Amenity
- Other Matters

8.2 Principle

8.2.1 Within both the Development Plan and the National Planning Policy Framework (NPPF) there is general support for sustainable agricultural development that supports the rural economy in locations where there would be no adverse or significant harm to the character of the area and upon local amenity.

8.2.2 Within Section 336 of the Town and Country Planning Act 1990, for the purposes of planning agriculture is defined as the following:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly.’

8.2.3 Whilst the proposed use of the building to store silage grown on the holding to be used within a nearby anaerobic digester is not considered to be a typical agricultural use, nonetheless the proposal is still considered to fall within the definition of agriculture as detailed within Section 336.
8.2.4 The proposed building is well-related to the existing and established farmstead at Mellguards Farm. In particular, the building is well-related to the existing agricultural buildings forming the holding. The proposed development is considered to be suitably compatible and not in conflict with existing and surrounding land uses, which are agricultural. The proposed development is considered ancillary to the agricultural enterprise at Mellguards Farm. Although the building would represent an extension to the existing cluster of farm buildings, the land still forms part of the agricultural holding and is, therefore, considered to be an appropriate development at the site.

8.2.5 Therefore, in terms of the principle of the development, it is considered that the proposal represents an appropriate development for an agricultural holding, subject to further considerations on scale, design and impact upon the character of the surrounding area and landscape.

8.3 Design and Scale

8.3.1 It is noted that the site of the proposed new building is large in size and scale, particularly in terms of the footprint that the building covers and the height that it extends. However, the building would be of a typical modern agricultural design, in-keeping with the character of the surrounding land uses generally.

8.3.2 Whilst the building would be large in scale, it is still considered to be appropriate to the area and also in-keeping with the scale and massing of the existing agricultural buildings, adjacent to which the building would be located. The scale of the new building is also appropriate when considered relative to its proposed use and the size of the existing agricultural holding.

8.3.3 As such, the proposed development is considered to be well designed with an appropriate layout and form so as to minimise the impact upon the local landscape. Therefore, it is considered that the scale and design of the proposed building is acceptable despite being large in scale and height.

8.4 Landscape Impacts

8.4.1 The application site is not located within a landscape of any designation, although is within a rural setting. Notwithstanding, the proposed development would be likely to result in any adverse harm to the character of the area or the local landscape. This is predominantly due to the position of the building in relation to the existing agricultural holding, and the appropriateness of its appearance.

8.4.2 The application site is located within an existing and established agricultural holding, in a position considered to be well related to the existing agricultural buildings. Whilst the proposed building would represent an increase in the massing of the buildings, the proposed location, design and use of this building would retain the rural character of the area and as such, is not considered to be an incongruous development. This would ensure that the development is in-keeping with and complementary to the agricultural character of the surrounding area and landscape. The proposed development is considered to be appropriate to the size of the existing agricultural holding to which it would form part, representing only a slight increase in the size of the existing buildings due to be replaced.

8.4.3 Although the application site is located within an open and rural landscape its visual impact is reduced due to the fall in topography from the adjacent public highway and nearest residential properties down to the site, reducing its visual prominence. Notwithstanding that the building would still be relatively prominent in the local
landscape, due to the appropriateness of the agricultural design and appearance of the development, the proposed building would not appear out of place in a rural landscape and setting.

8.4.4 For the reasons detailed above, it is considered that the proposed development would not be an incongruous development and would not result in an adverse impact upon the local landscape.

8.5 Environmental Impact

8.5.1 The application site is an area of land previously used for the storage of silage. The proposal does not require the loss of any previously undeveloped agricultural land. In addition, the proposal does not require the removal of any trees or sections of hedgerow.

8.5.2 The proposal is considered unlikely to result in any levels of pollution to the surrounding environment, and as such it is unlikely to result in any adverse environmental harm. No objections have been raised to the application by the Environment Agency which further supports this view.

8.5.3 Therefore, whilst it is considered that whilst the proposed development may result in a small impact upon the local environment, this impact is not considered to be adverse nor appreciably greater than the previous use of the site.

8.6 Residential Amenity

8.6.1 The application site is located approximately 160 metres to the east of the nearest residential property. However, views in the main would be screened by the drop in topography of the land from the public highway to the application site, and also by the existing farm buildings.

8.6.2 Further residential dwellings are located in a cluster to the south east of the application site at a distance of approximately 26 metres. Again the application site sits lower in the landscape than these dwellings due to the fall in topography reducing the visual prominence of the building to these properties.

8.6.3 In both instances, the separation distance that exists is considered sufficient to ensure that there would be no adverse impact upon local amenity, visual or otherwise. In addition, due to the existing agricultural nature of the farm holding, the proposal does not introduce a new use to the site which would result in any significantly or appreciably greater impact upon local amenity than the current position. The proposal would not result in any increase in adverse odour or other emissions which would impact upon local amenity.

8.6.4 The application notes that external lighting may be required for the purposes of health and safety purposes. However, no details have been provided at this stage. Therefore, it is considered prudent to require details to be provided prior to any lighting is erected and used on site to ensure that there would be no adverse impacts upon local amenity or the character of the area.

8.7 Highways

8.7.1 A main concern raised by objectors to the application relate to the impact of the development upon the local highway network. In particular this relates to concerns of highway safety and capacity.
8.7.2 On this matter the applicant has provided further information and clarity in relation to the level and extent of vehicle movements to the site, both historically when holding was an active dairy farm and also proposed following the construction of the building. The applicant has confirmed that the previous levels of vehicle movements to Mellguards Farm were as follows:

- ‘Articulated milk tanker - daily/every other day (approximately 200 visits);
- articulated feed wagon - weekly/10 days (approximately 30 movements annually);
- rigid fuel tanker - deliveries every 10/20 days (approximately 30 movements annually);
- articulated sawdust bedding - deliveries monthly (approximately 10 movements annually);
- articulated straw bedding - deliveries quarterly (approximately 3/4 movements annually);
- miscellaneous curtain sided artic/rigid bodied - deliveries (approximately 30 movements annually);
- various dairy supply farm servicing and testing activities - daily/weekly (approximately 180 movements annually);
- rigid bodied cattle wagon for shipments of calves to auction - weekly/10 days (approximately 25/30 movements annually); and
- ridged fallen stock collection service - weekly/monthly (approximately 20 movements annually).’

8.7.3 The applicant concludes that in addition to the tractor trailer and tanker movements, there was approximately 600 large vehicle movements to the holding per annum. In total, this equated to approximately 1200 vehicle movements annually.

8.7.4 In consultation with Cumbria County Council as Highway Authority, the additional information provided by the applicant has been assessed in terms of the impact of the proposal upon the local highway network. In response, the County Council have confirmed that they consider that the proposed development is acceptable. In terms of vehicle movements to and from the site, the County Council note that there would be no grounds to object on the basis that there are no weight or height restrictions on the road between Mellguards Farm to the A6.

8.7.5 As both the existing and proposed use of the holding have been considered, with no objections raised to the proposal by the Highway Authority, it is considered that the proposed development would not result in a material impact upon highway conditions from either a safety or capacity perspective. As such, whilst the objectors’ concerns are duly noted, this does not represent sufficient justification for the refusal of this planning application.

8.8 Other Matters

8.8.1 It is noted that the objections to the application have raised concerns with regards to the scale and appropriateness of the building, with further concerns that the storage of silage would be used in association with other agricultural holdings in the area owned by the applicants, and a nearby anaerobic digester.
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8.8.2 It is noted that the proposed building in the main would replace existing silage clamps and a storage building at the site which have been in use for a number of years. Whilst the proposed building would result in an increase in the size of the silage capacity at the site, given the agricultural use of the site and development have been established, the proposed increase raises no concerns in relation to the need for the proposal.

8.8.3 The supporting information provided by the applicant’s agent has confirmed that whilst it is the current intention for the silage stored within the building to be grown and produced at Mellguards Farm, it may be the intention in the future for this not to be the case. As the use of the building is considered to fall within the definition of agriculture, the end use of the silage is not typical, being that it will be transported off site to be used in an anaerobic digester and not stored for animal feed within the holding itself. In the event that the use of the building was used to store silage imported from outside of the farm holding, prior to be transported to the anaerobic digester, this would be considered to represent a change of use of the building to storage and distribution. Such a use would likely have further highway impacts which have not been considered under the current application. As such, it is considered prudent in this instance, for a condition restricting the use of the building to the storage of materials solely used in association with Mellguards Farm. This is considered meet the six tests of planning conditions.

9. Implications

9.1 Legal Implications

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

9.2 Equality and Diversity

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

9.3 Environment

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

9.4 Crime and Disorder

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

9.5 Children

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

9.6 Human Rights

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

10. Conclusion

10.1 The proposed development represents an appropriate agricultural building, used in association with an existing and established agricultural holding. The building is appropriate to the character of the area, and the adjacent farm buildings.
10.2 The building would not result in any adverse impacts upon the character of the area, upon local amenity and upon the local environment.

10.3 Therefore, the proposed development is considered to be in accordance with the development plan which is not outweighed by material considerations. Accordingly, the proposal is recommended for approval.

Jane Langston
Deputy Director Technical Services

Background Papers: Planning File 17/0977
Date of Committee: 19 April 2018
Planning Application No: 18/0010
OS Grid Ref: 344419 530988
Date Received: 5 January 2018
Expiry Date: 6 March 2018
Extension of time agreed until 24 April 2018.

Parish: Greystoke
Ward: Greystoke
Application Type: Full
Proposal: Conversion of coach house to dwelling
Location: Rectory Coach House, Greystoke, Penrith
Applicant: Richards
Agent: Carrock Design Build Ltd
Case Officer: Julie Birkett
Reason for Referral: An objector has requested to speak at the Planning Committee.
1. **Recommendation**

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

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
   **Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby granted shall be carried out in accordance with the drawing hereby approved:
   i. Location Plan and Ground Floor Plan received on 5 January 2018.
   ii. Visibility Splay plan received on 2 February 2018.
   iii. First Floor Plan and Elevations received on 19 March 2018.
   iv. Survey for Bats, Barn Owls & Breeding Birds received on 5 January 2018.
   **Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

3. No conversion work shall commence until the access has been constructed in accordance with the Visibility Splay Plan received on 2 February 2018 and the first five metres of the access has been surfaced in bituminous, cement bound materials or otherwise bound, as measured from the carriageway edge of the adjacent highway.

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

4. No conversion works shall commence until a surface water drainage scheme and management plan, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

   The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. No surface water shall discharge to the public sewerage system either directly or indirectly and no
<table>
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<tr>
<th><strong>Agenda Item 5</strong></th>
<th><strong>REPORTS FOR DEBATE</strong></th>
</tr>
</thead>
</table>
| surface water shall discharge onto the highway. Thereafter, 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. |
| 5. Before the development hereby permitted is occupied the first floor window in the south elevation of the building, which serves the hall, shall be glazed with obscure glass and non-opening, and maintained as such at all times.  
Notwithstanding the provisions of Section 55(2)(a)(ii) of the Town and Country Planning Act 1990, no other type of glass shall be fitted to the said window without the prior written approval of the Local Planning Authority.  
**Reason:** To safeguard the amenities of the adjacent property in accordance with the provisions of the National Planning Policy Framework. |
| 6. Before the development hereby permitted is occupied, landscaping of the approved garden shall be undertaken in accordance with the details of a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The said scheme shall include details of hard and soft landscaping proposals and boundary treatments.  
Any trees or plants which, within a period of five years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.  
The boundary treatments shall be maintained thereafter.  
**Reason:** To safeguard the amenity of the area. |
| 7. The approved access landscaping scheme, as shown on drawing number DB688.03B received on 2 February 2018, shall be carried out within 6 months of the date of commencement of the development; any trees or plants/grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and quality, unless the local planning authority gives written consent to any variation.  
**Reason:** To ensure the satisfactory appearance of the site in the interests of visual amenity. |
| 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no material external alterations or extensions shall be carried out to the dwellinghouse, nor shall any building, enclosure, structure, domestic fuel oil container, pool or hardstanding be constructed within the curtilage of the dwellinghouse.  
**Reason:** The Local Planning Authority considers that such development should be subject to formal control to safeguard the amenities of the area. |
2. **Proposal and Site Description**

2.1 **Proposal**

2.1.1 The proposal is for full planning permission for the change of use of a former coach house to a residential dwelling. The application includes a new access from the B5288, the change of use of the land around the building into garden and the use of an existing barn for covered parking.

2.2 **Site Description**

2.2.1 The Rectory Coach House is located on the eastern edge of Greystoke. The building is to the north of The Old Rectory, which is now called the Old Manse. The Old Manse is a substantial property which is a grade II listed building. As the Rectory Coach House is within the grounds of the Old Manse it is a curtilage listed building. The buildings are now in separate ownership and a boundary fence has been erected to define the ownership boundary.

2.2.2 The Rectory Coach House is a stone and slate two storey building with a number of original openings. The building has two more modern single storey extensions. One to the east with a corrugated metal roof and one to the north, where a slate roof has been installed between the building and the adjacent field boundary wall. The building is currently being used for agricultural purposes.

3. **Statutory Consultees**

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Authority</td>
<td>The access as previously approved under 17/0244 is acceptable.</td>
</tr>
<tr>
<td>Local Lead Flood Authority</td>
<td>Although the site is not located directly within a flood zone, the Lead Local Flood Authority surface water map show that it is somewhat near to flood zone 3 and careful consideration must be given so as not to impact upon the existing situation. Therefore the plan should also be updated to show that a suitable drainage scheme is proposed so that surface water is to be dealt with on site and also show that no water from the site will drain on to the Highway.</td>
</tr>
<tr>
<td>Tree Officer</td>
<td>The tree report prepared by Lowther Forestry is an accurate assessment with acceptable proposals for tree removal and pruning that will not have a significant detrimental effect upon the landscape. If the scheme is acceptable in planning terms I recommend that the decision notice has a condition attached that references the report and that the scheme should be carried out in accordance with the tree work proposals and tree protection measures it contains.</td>
</tr>
</tbody>
</table>
4. Parish Council Response

<table>
<thead>
<tr>
<th>Parish Council</th>
<th>Object</th>
<th>Support</th>
<th>No Response</th>
<th>No View Expressed</th>
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</thead>
<tbody>
<tr>
<td>Greystoke</td>
<td></td>
<td>X</td>
<td></td>
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</tr>
</tbody>
</table>

4.1 Greystoke Parish Council has confirmed that they have no objections to the application. They note that the new footprint is larger than the existing and suggest screening between The Old Rectory and the Rectory Coach House.

5. Representations

5.1 The application was advertised by means of a site notice posted on the 23 January 2018 and the following neighbour notifications:

| No of Neighbours Consulted | 4 | No of letters of support | 0 |
| No of objection letters   | 3 | No of neutral representations | 0 |

5.2 It is not possible to convey, word-for-word these comments made in the letters of objection within this report. However, I have summarised the key points raised below:

- This is a sensitive area of Greystoke and a new dwelling would harm the character of the area and fail to preserve the tranquillity of the parkland setting.
- The amenity and privacy of the residents of the Old Manse would be adversely affected.
- The setting of the Old Manse would be harmed.
- Allowing the application could set a precedent for further infill applications.
- Previous application for new houses in this area have been refused and upheld on appeal.

6. Relevant Planning History

6.1 Planning permission has been granted for a new access between this site and the B5288 road, ref 17/0244. The approved plans are the same as the access which is included in this application.

6.2 Two of the objections refer to an appeal decision from 2004. The appeal related to application reference 03/0174, which was an outline application for the residential use of grazing land. The site was to the south west of the Old Manse, between The Rectory and Old Church House. The site also shared a boundary with the grade II* listed St Andrews Church. The appeal was dismissed as it was considered that residential development on the site would have a significant adverse effect on the spacious character of the area and the settings of the listed buildings. Whilst the issues are relevant to the assessment of this application, the appeal decision is not directly relevant as it was considering new building housing rather than the conversion of an existing building.
7.0 Policy Context

7.1 Development Plan

Core Strategy DPD Policy:
- CS1 - Sustainable Development Principles
- CS2 - Locational Strategy
- CS7 - Principles for Housing
- CS17 Principles for the Built (Historic) Environment
- CS18 - Design of New Development

Supplementary Planning Documents:
- Housing (2010)

Emerging Local Plan (2014-2032)
- LS1 - Locational Strategy
- RUR3 - Re-use of Redundant Buildings in Rural Areas
- DEV5 - Design of New Development
- ENV2 - Protection and Enhancement of Landscapes and Trees
- ENV10 - The Historic Environment

7.2 The policies detailed above are the most relevant policies relating to this application. Due to the stage of adoption of the emerging Local Plan, substantial weight can now be afforded to the above policies in the determination of this current planning application.

7.3 Other Material Considerations

National Planning Policy Framework:
- The presumption in favour of sustainable development
- Core planning principles
- Delivering a wide choice of high quality homes
- Requiring good design
- Promoting healthy communities
- Conserving and enhancing the historic environment

8. Planning Assessment

8.1 Key/Main Planning Issues
- Principle
- Historic Environment
- Amenity
- Highway Safety

8.2 Principle

8.2.1 In terms of the principle of housing development, consideration is given to the development plan. This consists of both the Core Strategy (2010) policies and the emerging policies of the Eden Local Plan (2014-2032). In addition, there is a Housing Supplementary Planning document which assists in the determination process.
Housing policy within the district as prescribed within these documents that comprise the Development Plan.

8.2.2 The current Core Strategy policies (CS1, CS2 and CS7) seeks to direct much of proposed development to locations designated as ‘Key and Local Service Centres’ because they are where local facilities and infrastructure are provided. In turn, it is considered such locations are ‘sustainable’. Greystoke is a Local Service Centre.

8.2.3 The emerging Eden Local Plan policy LS1 identifies Greystoke as a ‘Key Hub’ where we expect a modest amount of development to occur, to help meet local need and enable services to be protected and enhanced.

8.2.4 This site is on the edge of Greystoke and is visually detached from the core of the village, but it is within walking distance to the village services. The proposal relates to the re-use of a traditional building which is covered by emerging Eden Local Plan policy RUR3. This policy supports the re-use of redundant traditional rural building for housing subject to the following criteria being met.

- The building is capable of conversion without the need for extension, significant alteration or full reconstruction.
- It can be demonstrated that the building is of sufficient architectural quality to make it worthy of retention.
- The proposal is of a high quality design, retaining the design, materials and external features that contribute positively to the character of the building and its surroundings.
- The building and its curtilage can be developed without having an adverse effect on the historic environment, the character of the local landscape or its setting.
- It can be demonstrated that there is no significant impact on local biodiversity, including protected habitats and species.
- The building can be serviced by existing utilities, or where the provision of new utilities is necessary, such provision can be achieved without resulting in unacceptable adverse impacts on the landscape or rural character of the area.
- The building is adjacent to or in close proximity to an existing habitable dwelling and the public road network, or where this is not the case and the conversion of such a building is justified, the building is capable of being converted without causing adverse harm to the landscape or rural character of the area.
- Access is in place or can be created without damaging the surrounding area’s rural character.
- The proposal will not conflict with existing land uses.

8.2.5 The principle of the proposal could be acceptable under this policy, but all the criteria need to be considered. Further consideration to the criteria is set out below.

8.3 Capable of Conversion

8.3.1 The original building is in a good state of repair and could be converted without significant rebuilding. The application does propose the removal of the more modern additions to the building and the construction of a new extension on the same footprint. As the proposed dwelling would be confined to the footprint of the current building it is considered that the proposal does not involve significant alteration.
8.4 **Worthy of Retention**

8.4.1 The building is curtilage listed due to its connection with the Old Manse. The building is located within the grounds of the old rectory and historically was used as a coach house. The building has retained many of the original openings so its historic use is still apparent, but the physical connection of the linking drive has been removed and a boundary fence has been erected, as it is now in separate ownership.

8.4.2 Due to its curtilage listed status, it good state of repair and architectural quality it is considered that this being is worthy of retention.

8.5 **High Quality Design**

8.5.1 The proposed design is sympathetic to the character of this historic building. The existing openings have been utilised and new openings in the original part of the building have been kept to a minimum. One new window opening is proposed in the north elevation; three new roof lights are proposed in the southern roof slope and in the south elevation a window opening would be enlarged to create a doorway and an existing doorway would be partially reduced to form a window.

8.5.2 The new build section, which will replace the modern additions, includes more openings, but it would be faced in stone and roofed with natural slate to match the originally building. The design and form of the new build section are considered appropriate for this building and will better reflect the character of the building than the current modern additions. It is therefore considered that the proposal is of a high quality design which will contribute positively to the character of the building and its surroundings.

8.6 **Historic Environment and Local Landscape**

8.6.1 The Rectory Coach House forms part of the historic environment due to its connection to the listed Old Manse. It is therefore considered that it is important to retain the building by securing a new use. As set out above the proposal is sympathetic to the character of the building, but the impact on the setting of the Old Manse and the wider landscape needs to be considered.

8.6.2 The footprint and scale of the building will remain consistent with the current situation so the proposed conversion of the building is not considered to have a detrimental impact on the settling of the Old Manse. The use of the surrounding land as garden is acceptable subject to the hard landscaping details, including the boundary features being agreed. A landscaping plan has been requested and is expected prior to the Planning Committee. If suitable details are not provided and condition has been drafted (condition 6) which requires details to be agreed and implemented prior to occupation.

8.6.3 A tree report has been submitted with this application and recommends the removal of four trees and a group of Leylandii. The four trees to be removed include an unhealthy Horse Chesnut, a small Sycamore and small Hawthorn which are growing close to the coach house walls and a self-seeded Sycamore which is growing next to the building which will be used as a garage. Two mature trees, a Beech and a Sycamore will remain on the site and be protected during the development. The retention of these trees will maintain the parkland setting and character of the local landscape.

8.6.4 It is considered that the proposal will preserve the local landscape and the historic environment. The proposed new use of the building will secure the future of the building which contributes to the character of the historic environment.
8.7 Local Biodiversity

8.7.1 A survey for Bats, Barn Owls and Breeding Birds has been submitted with the application. The building was inspected and three activity surveys have been carried out. The survey states there were no signs of the owls or other birds using the building. A small number of bats were using the building, so it is considered that it has a medium status for the ecology of the local bat population.

8.7.2 To mitigate any potential harm to the bat population and to retain the transitory roosts it is proposed to provide access to the roof space for use by bats with roost and improved access provided. The provision of these mitigation measures can be secured through a condition if permission is granted. Subject to an appropriate condition it is considered that the proposal would not have a significant impact on local biodiversity.

8.8 Utilities and Access

8.8.1 The Rectory Coach House is has an existing electric and water connection and it is proposed to contact to the main sewer. The building is close to existing dwellings and the public road network, so new utilities could be provided without causing adverse harm to the landscape or the rural character of the area.

8.8.2 The new access and drive from the B5288 which is included in this application, has already been granted planning permission under reference 17/0244. The permission was granted by the Planning Committee in July 2017. It was considered that the design was sympathetic and there was sufficient landscaping to minimise the impact on the area. The relevant conditions to secure appropriate highway standard and the implementation of the landscaping are attached to this application.

8.9 Existing Land Uses

8.9.1 The Rectory Coach House has agricultural land on three sides and it is not considered that the proposed use as a dwelling would conflict with this existing land use. The south western boundary of the site adjoins the garden of the Old Manse and the proposal could harm the amenity of this property.

8.9.2 The openings in the south elevation of the proposed dwelling would look towards the rear walled courtyard of the Old Manse and over a section of the garden, which includes a lawn and three large green houses. Due to the distance and the off-set nature of the windows it is not considered that views from this elevation would afford overlooking into the Old Manse. There would be overlooking of garden and this would result in a loss of privacy.

8.9.3 It is also proposed to use the land to the west of the Rectory Coach House as garden. This land does provide views pass the green houses towards the front door and main windows of the Old Manse. The garden would be approximately 40m from the front door so it is not considered that there would be direct overlooking but there would be an increased perception of being overlooked. A landscaping plan has been requested which shows the boundary treatments. It is considered that appropriate boundaries will reduce the overlooking and perceived overlooking to an acceptable level. The landscaping plan is expected before the Planning Committee. If suitable details are not provided and condition has been drafted (condition 6) which requires details to be agreed and implemented prior to occupation.

8.9.4 The proposal would have some adverse effect on the amenity currently enjoyed by the residents of the Old Manse, as the proposal would reduce privacy levels in parts of
their garden. The garden at the Old Manse does extend around the whole property and the proposal would have no impact on the front, more formal garden area.

8.9.5 Subject to a condition requiring the garden to be laid out and landscaped in accordance with the submitted plan it is considered that the proposal would not result in an unacceptable harm to the amenity of the Old Manse. The impact and loss of privacy to part of the garden is not considered sufficient enough to warrant refusal.

9. New Homes Bonus

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

10. Implications

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

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

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

10.4 Children
10.4.1 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.

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

11. Conclusion

11.1 It is considered that the criteria set out in emerging policy RUR3 are met by this proposal and so the principle of the development is acceptable. It is acknowledged that the proposal includes an element of rebuilding, but this would involve the removal of modern inappropriate additions to the original building. The new build extension would be contained within the same footprint and would use material to match the original building. This would improve the appearance of this historic building.
Agenda Item 5
REPORTS FOR DEBATE

11.2 The proposal would also cause some harm to the amenity of the residents of the Old Manse, as there would be a loss of privacy in parts of their garden. It is not considered that this harm is sufficient enough to warrant refusal in this case. This harm need to be weighed against the benefit of securing a new use for this curtilage listed building, which makes a positive contribution to the character of the local area.

11.3 The proposed dwelling would help to sustain local services and meet housing needs. It is therefore considered that the re-use of this building as a dwelling is in accordance with the Development Plan and the principle of the proposal is acceptable subject to the conditions listed above.

Jane Langston
Deputy Director Technical Services

Background Papers: Planning File
**Agenda Item 6**

**REPORTS FOR DEBATE**

**Date of Committee:** 19 April 2018  
**Planning Application No:** 18/0134  
**Date Received:** 15 February 2018  
**OS Grid Ref:** 344419 530988  
**Expiry Date:** 13 April 2018  
Extension of time agreed until 24 April 2018.

**Parish:** Greystoke  
**Ward:** Greystoke

**Application Type:** Listed Building Consent  
**Proposal:** Conversion of coach house to dwelling  
**Location:** Rectory Coach House, Greystoke, Penrith  
**Applicant:** Richards  
**Agent:** Carrock Design Build Ltd  
**Case Officer:** Julie Birkett  
**Reason for Referral:** An objector has requested to speak at the Planning Committee.
Agenda Item 6
REPORTS FOR DEBATE

APPLICATION SITE

© Crown Copyright and Database Rights (2016)
Grid Ref: NY
1. **Recommendation**

It is recommended that listed building consent be granted subject to the following conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.
   
   **Reason:** In order to comply with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby granted shall be carried out in accordance with the drawing hereby approved:
   
   i. Location Plan and Ground Floor Plan received on 15 February 2018.
   
   ii. First Floor Plan and Elevations received on 19 March 2018.
   
   **Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the consent.

3. The alterations to the building permitted, shall be executed wherever possible by re-using existing materials or similar second-hand materials or, if necessary, new materials to match the existing building.
   
   **Reason:** To safeguard the architectural and/or historic interest of the building.

2. **Proposal and Site Description**

2.1 **Proposal**

2.1.1 The proposal is for listed building consent for the conversion works necessary to use this former coach house as a residential dwelling. An application for planning permission for the change of use has been made under ref 18/0010. That application is also being considered by the Planning Committee.

2.2 **Site Description**

2.2.1 The Rectory Coach House is located on the eastern edge of Greystoke. The building is to the north of The Old Rectory, which is now called the Old Manse. The Old Manse is a substantial property which is a grade II listed building. As the Rectory Coach House is within the grounds of the Old Manse it is a curtilage listed building. The buildings are now in separate ownership and a boundary fence has been erected to define the ownership boundary.

2.2.2 The Rectory Coach House is a stone and slate two storey building with a number of original openings. The building has two more modern single storey extensions. One to the east with a corrugated metal roof and one to the north, where a slate roof has been installed between the building and the adjacent field boundary wall. The building is currently being used for agricultural purposes.
3. **Statutory Consultees**

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<tbody>
<tr>
<td>Highway Authority</td>
<td>No objection</td>
</tr>
<tr>
<td>Local Lead Flood Authority</td>
<td>No comment</td>
</tr>
<tr>
<td>Conservation Officer</td>
<td>Overall the proposals will reduce the evidential and historic value of the building to a degree but will also enhance the aesthetic and communal value of building. Therefore the overall proposals are considered to lead to a less than substantial (moderate) harm to the significance of the curtilage listed building. The proposal to make the building into a residential dwelling is considered to be an appropriate and viable use for the building, and securing its long term viability. It will create a new opportunity for the building and the Old Rectory (Old Manse) building to be experienced and enjoyed. Thus the public benefits will outweigh the harm. Overall the proposals are considered to conserve and enhance the special interest of the historic buildings. Thus the proposals are considered to be in accordance with conservation policies contained within the NPPF, Planning Act 1990, and Eden Core Strategy (CS17).</td>
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4. **Parish Council Response**

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4.1 Greystoke Parish Council has confirmed that they have no objections to the application. They note that the new footprint is larger than the existing and suggest screening between The Old Rectory (Old Manse) and the Rectory Coach House.

5. **Representations**

5.1 The application was advertised by means of a site notice posted on the 5 March 2018 and the following neighbour notifications:

<table>
<thead>
<tr>
<th>No of Neighbours Consulted</th>
<th>2</th>
<th>No of letters of support</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of objection letters</td>
<td>6</td>
<td>No of neutral representations</td>
<td>0</td>
</tr>
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</table>

5.2 It is not possible to convey, word-for-word these comments made in the letters of objection within this report. However, I have summarised the key points raised below:

- This is a sensitive area of Greystoke and a new dwelling would harm the character of the area and fail to preserve the tranquillity of the parkland setting.
The amenity and privacy of the residents of the Old Manse would be adversely affected.

The setting of the Old Manse would be harmed.

Allowing the application could set a precedent for further infill applications.

Previous application for new houses in this area have been refused and upheld on appeal.

5.3 The letter of support states that the proposal is sympathetic, but they do not agree with the road access, but note this already has permission.

6. Relevant Planning History

6.1 Planning permission has been granted for a new access between this site and the B5288 road, ref 17/0244. The approved plans are the same as the access which is included in this application.

6.2 Two of the objections refer to an appeal decision from 2004. The appeal related to application reference 03/0174, which was an outline application for the residential use of grazing land. The site was to the south west of the Old Manse, between The Rectory and Old Church House. The site also shared a boundary with the grade II* listed St Andrew’s Church. The appeal was dismissed as it was considered that residential development on the site would have a significant adverse effect on the spacious character of the area and the settings of the listed buildings. Whilst the issues are relevant to the assessment of this application, the appeal decision is not directly relevant as it was considering new building housing rather than the conversion of an existing building.

7.0 Policy Context

7.1 Development Plan

Core Strategy DPD Policy:

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

Emerging Local Plan (2014-2032)

- DEV5 - Design of New Development
- ENV10 - The Historic Environment

7.2 The policies detailed above are the most relevant policies relating to this application. Due to the stage of adoption of the emerging Local Plan, substantial weight can now be afforded to the above policies in the determination of this current planning application.

7.3 Other Material Considerations

National Planning Policy Framework (NPPF):

- The presumption in favour of sustainable development
- Core planning principles
- Requiring good design
- Conserving and enhancing the historic environment
8. **Planning Assessment**

8.1 The assessment of the principle of the change of use of this building to a dwelling is set out in the report on application reference 18/0010 and will not be repeated in this report. This report will only consider the acceptable of the works to this curtilage listed building.

8.2 **Historic Environment**

8.2.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 s 66(1) requires a decision-maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is reflected in Policy CS17 of Eden District Core Strategy and Policy ENV10 of the emerging Eden Local Plan, which also require proposals to conserve and enhance listed buildings and their settings.

8.2.2 The NPPF states heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Protecting and enhancing our historic environment is integral to sustainable development as expressed in the core principles of the NPPF (para 17). Development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation (NPPF paras 58 and 131).

8.2.3 The significance of Rectory Coach House is its connection with the Old Manse, a grade II listed building. The coach house historically had an ancillary function to the Old Manse (formerly known as The Old Rectory) and this relationship between the buildings leads the coach house to be designated as a curtilage listed building. Historic maps show the building being linked to the main house by formal paths. These physical links have now been lost as the buildings are in separate ownership.

8.2.4 The historic function of the coach house can still be seen as many of the original features remain. There is a large cart entrance with quoin details in the south elevation along with a hayloft opening in the north elevation. The conversion scheme retains most of these external features. The following works are proposed and would have a minor detrimental impact on the original fabric of the building and its historic value:

- Partial blocking up of the existing entrance to create a window;
- Enlargement of an existing window to create a new entrance with a timber door;
- Installing painted timber sliding sash window frames in the window openings;
- Replacing the timber cart door with a timber frame glazed screen;
- Installing three roof lights;
- Installing a new arched window opening;
- Creating two arrow slit windows;
- Demolition of the modern brick stables and lean to extension, and construction of a new single storey wrap around extension in material to match.

8.2.5 Some original features and materials would be lost as a result of these works but the key features which indicate the historic function of the building such as the cart door and first floor hay loft opening would be retained. The removal of the modern extensions, which are of no heritage interest and their replacement with a new wrap around extension would enhance the appearance of the building. It is also considered that the proposed materials and style of windows would be sympathetic to the appearance of the building.
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8.2.6 Section 134 of the NPPF states ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use’. Overall the proposals would reduce the evidential and historic value of the building to a small degree but it would also enhance the aesthetic and communal value of building. Therefore it is considered that the proposed works would lead to a less than substantial harm to the significance of the curtilage listed building. The proposal to make the building into a residential dwelling is considered to be an appropriate and viable use for the building, and securing its long term viability. It would create a new opportunity for the building and the Old Manse building to be experienced and enjoyed. Thus the public benefits would outweigh the harm.

8.2.7 The impact on the setting of the grade II listed Old Manse also needs to be considered. As the proposed development would be consistent with the existing footprint and scale of the current building it is not considered that the works would have a detrimental impact on the setting of the listed building.

9. Implications

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

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

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

9.4 Children
9.4.1 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.

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

10. Conclusion
10.1 It is considered that the proposed works to this curtilage listed building would conserve and enhance the special interest of the historic buildings. The proposal is therefore considered to be in accordance with Core Strategy Policy CS17, Emerging Local Plan Policy ENV10 and the principles of the National Planning Policy Framework.
Agenda Item 6
REPORTS FOR DEBATE

Jane Langston
Deputy Director Technical Services

Checked by or on behalf of the Monitoring Officer ✓

Background Papers: Planning File
Date of Committee: 19 April 2018
Planning Application No: 18/0041
OS Grid Ref: 349927, 529624
Parish: Penrith
Application Type: Full
Proposal: Variation of Condition 2 (approved documents and drawings for Planning Permission 16/0357 - Erection of a storage building and hardstanding, relocation of existing SRU tank and pipework to enable formation of vehicular access, formation of a fishing pond associated car park and pathways, landscape planning scheme).
Location: Omega Proteins, Greystoke Road, Penrith
Applicant: Omega Proteins Ltd
Agent: Mr Andrew Watt, Maze Planning
Case Officer: Ian Irwin
Reason for Referral: The application is a major planning application.
1. **Recommendation**

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

   1. The development hereby permitted shall be begun before the 20 April 2020.
      
         **Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

   2. The development hereby permitted shall be carried out in accordance with the documents and drawings hereby approved:
      
         i. Site Location Plan (ref: MPS-240e-01);
         ii. Red Line Boundary Plan (ref: 11044_L02) dated 20 April 2016;
         iii. Planning Statement (ref: PP-06617117) dated 12 January 2018;
         iv. Trailer Building Proposed Site Layout (ref: 1943-17-41 - Rev.D) dated December 2017;
         v. Landscape Strategy (ref: UG_11044_LAN_LAN_LS_DRW_01_TB – Rev. P1) dated 1 June 2017;
         vi. Proposed Site Sections (ref: 1943-16-14 - Rev.E) dated January 2016;
         vii. Trailer Shed Proposed Building Plans and Elevations (ref. 1943-17-40) dated December 2017;
         viii. Noise Assessment (ref: 1616309) dated 09 September 2016;
         x. Ecological Assessment (Urban Green) dated March 2016;
      
         **Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

   **Prior to Commencement**

   3. No development shall commence until a full scheme of landscape works, including a phased programme of works, is submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved scheme, within the next available planting season. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.
      
         **Reason:** To ensure that the development is landscaped in interest of the visual character and appearance of the area. It is necessary for the condition to be on the basis that 'No development shall commence until' as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.
Prior to Use

4. The building hereby approved shall not be brought into use until details of the external lighting scheme are submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have regard to the ‘Guidance Notes for the Reduction of Obtrusive Light GN01’, produced by the Institute of Lighting Engineers and based upon Environmental Zone E2. The approved lighting scheme shall be implemented in full before the lighting is first used, and shall be retained thereafter.

**Reason:** To protect the amenity of neighbouring residential dwellings.

5. Before the building is brought into use, full details of the acoustic barrier, indicated on ‘Landscape Strategy drawing UG_11044_LAN_LS_DRW_01_TB – Rev. P1) being a minimum of 3.0 metres in height, are submitted to and approved in writing by the Local Planning Authority. The details shall be supported by appropriate barrier calculations or modelling. Thereafter, the barrier shall be implemented in full in accordance with the approved details.

**Reason:** To protect the amenity of neighbouring residential dwellings.

**Ongoing Conditions**

6. The building hereby permitted shall be coloured ‘Juniper Green’ (ref: RAL 160-20-10/BS12B29) and shall remain as such for the duration of this planning permission.

**Reason:** To prevent the overdevelopment of the site and to safeguard the visual appearance and character of the local landscape.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that Order) no development falling within Classes H - K of Part 7 Schedule 2 to that Order shall be carried out.

**Reason:** To prevent the overdevelopment of the site and to safeguard the visual appearance and character of the area.

8. No materials relating to the industrial use of the site shall be deposited or processed within the application site.

**Reason:** To protect the living conditions of nearby residents and to safeguard the visual appearance and character of the area.

9. No vehicles shall be parked unless within the approved building.

**Reason:** To protect the living conditions of nearby residents and to safeguard the visual appearance and character of the area.

10. All approved pedestrian access doors shall be self-closing and the vehicle access door shall be automated and fast closing.

**Reason:** In the interests of the amenity of the area.
2. Proposal and Site Description

2.1 Proposal

2.1.1 Full planning permission was granted in April 2017 (planning permission ref. 16/0357) for the erection of a storage building and hardstanding, relocation of an existing tank and pipework to enable the formation of a vehicular access, formation of a fishing pod and associated car park, pathways and landscape planting scheme.

2.1.2 This proposal seeks to vary Condition 2 of that grant of planning permission which related to the approved drawings and plans associated with the development. The applicant has advised that the variation relates to a change in the proposed design of the building that will make it shorter from the previously approved 75.5 metres to 65.9 metres.

2.1.3 Vehicles would enter and leave the building from a single access door point as previously approved in the northern gable end. The procedure to access the building would remain as before with trailers reversed in and then driven out forwards – in every other respect, the proposal remains as previously approved.

2.1.4 For the purposes of reminding Members of the Committee, the building was confirmed to be used to enable the parking of vehicles servicing the Omega Protein site. The building would provide sufficient space for up to 16 trailers loaded with raw material to park whilst waiting to be processed at the existing plant. At the current time, and as was previously reported, such vehicles park throughout the site in the open air, contributing to the escape of odorous emissions escaping from the site to the surrounding areas.

2.1.5 The building would still have a steel portal frame with profiled cladding panels forming the external walls with a pitched roof. The building would be 29.9 metres wide by 65.9 metres wide with a total floor space area of 1970.41 sq. metres. The currently approved building has a floor space of 2,258 sq. metres.

2.1.6 The proposed structure, as before, would extend to 8.07 metres in height with an eave height of 6.5 metres. Furthermore, the building would operate under a negative air pressure system, which is intended to reduce the escape of odour emissions from the site. All air within the building would be treated via a biological filter to remove odours before being released into the atmosphere – as was previously approved.

2.1.7 Access to the building would be achieved utilising the existing access road to the site from Greystoke Road. Once within the site, vehicles would be able to access the new building through the site and via a proposed new access road which has already been approved. The proposed building would now have a single roller shutter loading door at the northern gable end of the building. The proposed building would house the existing vehicles servicing the Omega site and not result in any increase in vehicle movements. In addition to the new section of access road, an area of hardstanding would be provided around the building to enable the manoeuvring of vehicles.

2.1.8 In order to facilitate the new access track, an existing tank and associated pipework would need to be relocated to enable the proposed new access to be laid out. All such equipment is due to be relocated within the confines of the existing curtilage of the site. This remains as previously agreed.

2.1.9 As previously agreed, mitigation for the proposed development, including the creation of a large fishing lake and an extensive area of landscape planting, all of which would
be positioned between the existing Omega Proteins site and Greystoke Road remain and would not change with the grant of this planning permission.

2.2 Site Description

2.2.1 The application site is acknowledged to be an area of undeveloped agricultural land to the immediate north west of the existing plant site. The site is located to the south west of the town of Penrith, at a distance of approximately 430 metres. The application site is bordered by the existing industrial site to the south east, a public highway, Greystoke Road to the north, and expanses of agricultural land in all other directions.

2.2.2 The site is undulating and slopes (broadly) downhill west and north-west away from the existing Omega site. A drainage ditch bisects the site. The application site would be accessed via the existing access point and road to the north leading from Greystoke Road through to the plant site.

2.2.3 The previous grant of planning permission (ref. 16/0357) was supported by an ecological appraisal which identified that the site is arable farmland with a few broadleaved trees and species poor hedgerows.

3. Consultees

3.1 Statutory Consultees

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Authority &amp; Lead Local Flood Authority</td>
<td>Responded on the 2 February 2018 and confirmed that the Highway &amp; Lead Local Flood Authority had no objection in relation to the proposal.</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>Responded on the 12 March 2018 and confirmed no objection to the proposals submitted. It was further added that the ‘reduction in the number of doors reduces the potential for fugitive emissions and can be regarded as beneficial. However, the applicant is advised that all pedestrian access doors should be self-closing and the vehicle access door should be automated and fast closing’.</td>
</tr>
</tbody>
</table>

3.2 Discretionary Consultees

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Health</td>
<td>Responded on the 7 March 2018 and confirmed ‘no issues’ regarding the proposal.</td>
</tr>
<tr>
<td>United Utilities</td>
<td>Were consulted on the 20 February 2018 but no response has been received.</td>
</tr>
<tr>
<td>Cumbria Council Archaeology</td>
<td>Responded on the 22 February 2018 and confirmed that in relation to the amended scheme, there were no objections or comments in relation to the proposal.</td>
</tr>
</tbody>
</table>
4. Parish Council/Meeting Response

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

5. Representations

5.1 The application was advertised by means of a Site Notice and Press Notice and the following neighbour notifications:

- No of Neighbours Consulted: 9
- No of letters of support: 0
- No of Representations Received: 0
- No of neutral representations: 0
- No of objection letters: 1

5.2 The grounds upon which the objection to the application are made include:

- There would be an unacceptable landscape impact;
- There are right of way issues in accessing neighbouring land.
### Relevant Planning History

<table>
<thead>
<tr>
<th>Application No</th>
<th>Description</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/0457</td>
<td>Erection of plant building</td>
<td>Approved 18 August 2005</td>
</tr>
<tr>
<td>06/0697</td>
<td>Erection of building for a new bio filter treatment plant to serve existing plant.</td>
<td>Approved 24 November 2006</td>
</tr>
<tr>
<td>06/0922</td>
<td>Erection of building for storage following demolition of existing building.</td>
<td>Approved 05 January 2007</td>
</tr>
<tr>
<td>10/0686</td>
<td>Retrospective permission for siting of pipework on south western/western elevation. Plant room extension to electrical store, upgraded effluent treatment building and change of use of agricultural land.</td>
<td>Approved 23 December 2010</td>
</tr>
<tr>
<td>12/1046</td>
<td>Retrospective application for the erection of a boiler house building.</td>
<td>Approved 11 February 2013</td>
</tr>
<tr>
<td>15/0025</td>
<td>Outline application for effluent treatment tanks and associated plant and hardstandings with approval sought for access, appearance, layout and scale.</td>
<td>Approved by Planning Committee on 16 July 2015.</td>
</tr>
<tr>
<td>15/0495</td>
<td>Outline application for erection of a storage building and all associated hardstandings, with approval sought for access, appearance, layout and scale.</td>
<td>Refused 04 December 2015.</td>
</tr>
<tr>
<td>16/0261</td>
<td>Retrospective application for 21 cylindrical storage tanks on concrete base with concrete band wall enclosure.</td>
<td>Approved by Planning Committee 19 May 2016.</td>
</tr>
<tr>
<td>16/0357</td>
<td>Erection of a storage building and hardstanding, relocation of existing SRU tank and pipework to enable formation of vehicular access, formation of a fishing pond associated car park and pathways, landscape planning scheme</td>
<td>Approved by Planning Committee 20 April 2017</td>
</tr>
<tr>
<td>18/0048</td>
<td>Erection of a tipping shed and hardstanding, relocation of existing SRU tank and pipework to enable formation of vehicular access, formation of a pond and associated car park, pathways and landscape planting scheme.</td>
<td>To be determined</td>
</tr>
</tbody>
</table>
7. **Policy Context**

7.1 **Development Plan**

**Saved Local Plan Policies:**
- Policy NE1 - Development in the Countryside
- Policy EM7 - Extension of Existing Sites and Premises

**Core Strategy DPD Policy:**
- CS1 - Sustainable Development Principles
- CS2 - Locational Strategy
- CS3 - Rural Settlements and the Rural Areas
- CS12 - Principles for Economic Development and Tourism
- CS14 - Employment Development in Rural Areas
- CS16 - Principles for the Natural Environment
- CS18 - Design of New Development

7.2 **Other Material Considerations**

**National Planning Policy Framework:**
- Core Planning Principles
- Building a strong, competitive economy
- Supporting a prosperous rural economy
- Requiring good design
- Conserving and enhancing the natural environment

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

8. **Planning Assessment**

8.1 **Key/Main Planning Issues**
- Principle
- Landscape and Visual Impacts
- Residential Amenity
- Infrastructure
- Natural Environment
- Other Matters
- Planning Balance

8.2 **Principle**

8.2.1 The principle of a development, larger in gross floor space footprint has already been established for this site with the granting of planning permission ref. 16/0357. In April 2017, when this proposal was heard and approved by Members it was confirmed that within the emerging Eden Local Plan, Draft Policy EM7 supports the extension of existing employment sites within the District on the basis that they are assessed...
against a range of criteria which includes the effect upon residential amenity, parking and servicing provision, access arrangements, standard of design and the impact upon landscape and nature conservation.

8.2.2 It was further noted that Core Strategy Policy CS2 seeks to focus new and appropriate development towards Key Service Centres such as Penrith, to secure the provision of employment land.

8.2.3 It was noted that in relation to the 16/0357 planning application that the site, was located within the open countryside but critically, was well related to Penrith. Accordingly, in terms of location, Key Service Centres were acknowledged and accepted to be sustainable locations in terms of transport and services. Therefore, due to Omega Proteins Ltd being an existing employment site located close to Penrith, the application site was considered to be a sustainable site for appropriate development following the principles of Sustainable Development as outlined within Core Strategy Policy CS1.

8.2.4 In relation to this proposal, given that the application site has already been previously approved as an acceptable location for such a development, it would be irrational to consider this proposal unacceptable given that there has been no change in material considerations since that previous decision in April 2017.

8.2.5 The proposed building would remain ancillary to the existing Omega Site, supporting the existing business. The building was acknowledged to represent an effort by the business to contribute towards reducing odour emissions from the site which affects the amenity of neighbouring residents and also residents throughout Penrith. That too remains as is in relation to this proposal with a building that would continue to seek to improve residential amenity of the town. Therefore, the building remains considered an appropriate ancillary development in relation to the wider, established, Omega Proteins site.

8.2.6 As was previously noted, within the Eden Local Plan ‘Saved’ Policy NE1 seeks to protect the undeveloped character of the countryside within the Eden area, only permitted development where an overriding need can be demonstrated. This is further supported by Core Strategy Policy CS3 which seeks to protect the open countryside from inappropriate and harmful development.

8.2.7 It was previously accepted that the application site is located in open-countryside land and does not form part of the existing industrial site. However, it was also accepted that the land must be viewed in the context of the back-drop of the Omega Protein site. Accordingly, given the sites physical relationship with the existing Omega Protein site it would represent an appropriate development.

8.2.8 This proposal, to vary one element of the existing, approved scheme, is also considered acceptable subject to further consideration on landscape and visual impacts, residential amenity, infrastructure and impacts upon the local environment.

8.3 Landscape and Visual Impacts

8.3.1 As was previously noted and discussed in relation to the original planning permission, ref. 16/0357, the application site is an area of undeveloped, agricultural land positioned within the open countryside. However, in terms of the significance of its character and appearance, it was and remains important that this is viewed within the context of the back-drop being the adjacent industrial site.
8.3.2 The existing Omega Protein was acknowledged as a large and prominent site within the local landscape, of which there are short, medium and long ranging views. The most prominent views of the proposed development would be most visually prominent from Greystoke Road to the north and the M6 to the east. However, it is considered that the presence of a large scale industrial site significantly reduces its visual significance, character and value of the application site.

8.3.3 Although it is acknowledged that the site is located within the open countryside, the application site does not have any special landscape designation or protection. Indeed, the Cumbria Landscape Character Toolkit (the CLCGT) identifies the local and surrounding landscape as being Type 6 ‘Intermediate Farmland’ - a large scale open landscape between lowland and rolling upland.

8.3.4 The previously proposed building was acknowledged to be large in size and scale, but due to the re-orientation and height of the building, the proposed development would be largely viewed in the context of the existing Omega Protein site. It was further acknowledged that although large, the building would be smaller in height and scale when considered in relation to the adjacent site. As such, although the building would be visible, it would form a less prominent feature in the wider landscape.

8.3.5 Therefore, although the proposed building itself cannot be said to necessarily enhance or preserve the character of surrounding open countryside landscape, it is considered that the mitigation proposed would reduce the level of harm to a less significant and acceptable level. Furthermore, whilst the building would not reflect the agricultural nature of the surrounding landscape, the building would be reflective of and in-keeping with the industrial appearance and nature of the adjacent Omega Proteins site.

8.3.6 The previously submitted landscape scheme remains part of this proposal, which seeks to soften the visual impact of the proposed new building. It is accepted however, that the proposed plantings would take time to establish and mature. As has already been noted, due to the positioning and orientation of the building being adjacent to the existing Omega Protein site, it is considered that the landscape impact would not be significantly adverse in the interim period. The proposed scheme once implemented would offer medium-long term visual and ecological enhancements to the area, and offer improvements to the wider character and appearance of the area.

8.3.7 As was previously acknowledged in the determination of the previously approved scheme, the Development Plan seeks to protect the undeveloped countryside from inappropriate development. However, it was also considered that on balance the benefits that would result from the proposed development; being a reduction in odours and an expansion to an existing business, outweighs the level of harm which would be caused to the local landscape.

8.3.8 It is considered that the amended and revised development is unlikely to result in any significantly adverse or detrimental landscape impacts. It is accepted that the previously proposed landscape scheme, which is considered to sufficiently mitigate against the harm of the loss of the agricultural land, and compensate for the expansion of the Omega site into the open countryside remains a benefit of the scheme.

8.4 Residential Amenity

8.4.1 It is noted that concerns have been raised by the objector to the application in relation to the harm that would be caused to local landscape. In terms of Landscape Impact, these issues have been considered in the previous section and whilst the concerns
regarding Landscape Impact are understood, the site must be considered in the context of the wider Omega Proteins site.

8.4.2 In relation to odour, it is noted that the proposed building actively seeks to reduce odour emissions from the site. The vehicles entering the building would be covered upon entry and remain covered whilst parked within the facility. The vehicle loads will only be emptied within the tipping sheds contained within the existing Omega site as is the current practice. Due to the limited time that the vehicles containing raw material will be parked within the building itself, this will help minimise the degradation of the material.

8.4.3 Furthermore, the building will operate with automatic closing doors to ensure they are not left open for periods of time. In addition, the building would operate under a negative air pressure environment, which would enable air to flow within but not escape from the building to areas of lower pressure. As such, this mitigation prevents contaminated air from escaping the proposed building and actively reducing odour emissions from the site. It is noted that no concerns in relation to odour have been raised by the Environmental Health Officer.

8.4.4 Finally, it is also noted that the applicant proposes an acoustic barrier to the south of the proposed building which would further aid in preserving the amenity of the area. A condition is attached to section 1 of this report which would require full and final specifications to be submitted for approval by the Planning Authority before the building is brought into use.

8.4.5 Therefore, for the reasons detailed above it is considered that the proposed development would not result in any adverse impacts upon local residential amenity.

8.5 Infrastructure

8.5.1 The proposed development would be accessed via the existing site access and access road. A new section of internal access road would be created to link the proposed new building to the existing site. The extent of the new access road to be created is relatively minor. This remains as previously approved under 16/0357.

8.5.2 The applicant has confirmed that the proposed development would not result in an increase in traffic movements to the site. It is noted that there are no objections to the proposed development from the Highway Authority.

8.5.3 It is noted that the one objector has raised concerns regarding a shared right of way along the entrance road to the factory and this being blocked from time to time due to a security barrier – however, this is not a planning matter and cannot be considered in the determination of this application.

8.5.4 For the reasons detailed above, it is considered that the proposed development would not result in any adverse impacts upon the local highway network.

8.6 Natural Environment

8.6.1 As was previously noted in the determination of the previous planning permission (ref. 16/0347) the proposed development would require the loss of an area of an area of agricultural land. The ecological assessment submitted in support of that application noted that the land was non-species rich, and as such its loss was not considered to be ecologically significant or adverse. There is no reason to change this opinion in relation to this proposal.
8.6.2 As was also noted, mitigation for the loss of this agricultural land, involved the development incorporating a substantial landscape scheme which would include the creation of an amenity lake and large areas of additional planting and habitat creation. This remains similar to what was previously approved and therefore, as such, due to the mitigation scheme proposed, it is considered likely that there would be a net gain to the natural environment and habitat creation as a result of the development. In this regard, the proposal can be considered to be compliant with paragraph 109 of the NPPF which states (amongst other things), that the planning system should ‘contribute to and enhance the natural and local environment by…….minimising impacts on biodiversity and providing net gains in biodiversity where possible’. Accordingly, in terms of potential ecological impact the perceived ecological gains are supported.

8.6.3 Therefore, for the reasons detailed above, it is considered that the proposed development would not result in an adverse impact upon the local environment.

8.7 Planning Balance

8.7.1 It was noted throughout the consideration of the previously approved scheme that the proposed development would result in an extension of an existing industrial site into the surrounding undeveloped open countryside. This proposal would not change that encroachment into open countryside. However, as has been discussed within this report, the landscape impact is not considered significantly adverse particularly when considered in the context of the adjacent Omega Proteins site.

8.7.2 Of particular significance are the considered benefits of the scheme, which relate to reducing the potential for odour emissions and biodiversity improvements. These factors are considered to outweigh the loss of the agricultural land. It is considered that the proposal represents a sustainable development in that it delivers economic, social and environmental benefits in accordance with the NPPF, extant Core Strategy and emerging draft Local Plan.

8.7.3 Accordingly, in this instance it is considered that the revised scheme meets the planning balance in this instance and merits support, particularly given the principle of development on this site has been established by the previous planning permission granted via planning permission ref 16/0357.

9. Implications

9.1 Legal Implications

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

9.2 Equality and Diversity

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

9.3 Environment

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

9.4 Crime and Disorder

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

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

9.6  **Human Rights**

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

10.  **Conclusion**

10.1 It is considered that the proposal is acceptable. The principle of developing this site is established and this proposal, which is exactly as approved under the previous planning permission (ref 16/037) is considered acceptable.

10.2 The proposal is smaller in scale than previously approved in that the building would have footprint smaller than that originally permitted. Accordingly, it is not considered reasonable to conclude that a scheme of lesser scale will have a greater detrimental impact.

10.3 Therefore, the proposal is considered acceptable and merits support.

Jane Langston  
Deputy Director Technical Services

Background Papers: Planning File
Agenda Item 8
REPORTS FOR DEBATE

Date of Committee: 19 April 2018
Planning Application No: 18/0048  Date Received: 16 January 2018
OS Grid Ref: 349927, 529624  Expiry Date: 17 April 2018
(termination of time agreed until 23 April 2018)
Parish: Penrith  Ward: Penrith West
Application Type: Full
Proposal: Erection of a tipping shed and hardstanding, relocation of existing SRU tank and pipework to enable formation of vehicular access, formation of a pond and associated car park, pathways and landscape planting scheme.
Location: Omega Proteins, Greystoke Road, Penrith
Applicant: Omega Proteins Ltd
Agent: Mr Andrew Watt, Maze Planning
Case Officer: Ian Irwin
Reason for Referral: The application has been called in by the Ward Member.
1. **Recommendation**

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

   1. The development hereby permitted shall be begun before the expiration of three years of the date of this permission.
      
         **Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

   2. The development hereby permitted shall be carried out in accordance with the application form dated 16 January 2018 and the documents and drawings hereby approved:
      
         i. Site Location Plan (ref: MPS-240p-01);
         ii. Red Line Boundary Plan (ref: 11044_L02 – Rev. P02) dated 20 April 2016;
         iii. Tipping Shed Proposed Site Layout (ref: 1943-17-45) dated December 2017;
         iv. Tipping Shed Proposed Building Plan (ref: 1943-17-42) dated December 2017;
         v. Tipping Shed Proposed Building Elevations (ref: 1943-17-43) dated December 2017;
         vii. Proposed Site Sections (ref: 1943-17-44) dated December 2017;

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

   **Prior to Commencement**

   3. Prior to the commencement of the development a surface water drainage plan shall be submitted for written approval by the Local Planning Authority. The scheme shall ensure that any surface water drainage will ensure that the River Eden Special Area of Conservation and River Eden and Tributaries Site of Special Scientific Interest are appropriately protected. Once approved, the details shall be adhered to at all times.

      **Reason:** To safeguard the integrity of the River Eden Special Area of Conservation and River Eden and Tributaries Site of Special Scientific Interest. It is necessary for the condition to be on the basis that 'No development shall commence until' as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.
4. No development shall commence until a full scheme of landscape works, including a phased programme of works, is submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved scheme, within the next available planting season. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure that the development is landscaped in interest of the visual character and appearance of the area. It is necessary for the condition to be on the basis that ‘No development shall commence until’ as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.

5. Prior to the commencement of the hereby approved development a Construction Environmental Management Plan (CEMP) shall be submitted for written approval by the Local Planning Authority. The CEMP shall incorporate appropriate pollution prevention guideline measures to include materials and machinery storage, biosecurity and the control of noise, fugitive dust, surface water runoff to protect Myers Beck and the connected River Eden Special Area of Conservation.

**Reason:** To safeguard the integrity of the River Eden Special Area of Conservation and River Eden and Tributaries Site of Special Scientific Interest. It is necessary for the condition to be on the basis that 'No development shall commence until' as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.

**Prior to Use**

6. The building hereby approved shall not be brought into use until details of the external lighting scheme are submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have regard to the 'Guidance Notes for the Reduction of Obtrusive Light GN01', produced by the Institute of Lighting Engineers and based upon Environmental Zone E2. The approved lighting scheme shall be implemented in full before the lighting is first used, and shall be retained thereafter.

**Reason:** To protect the amenity of neighbouring residential dwellings.

7. Before the building is brought into use, full details of the acoustic barrier, indicated on plan ref. UG_11044_LAN_LS_DRW_01_TS – Rev. P1) being a minimum of 3.0 metres in height, are submitted to and approved in writing by the Local Planning Authority. The details shall be supported by appropriate barrier calculations or modelling. Thereafter, the barrier shall be implemented in full in accordance with the approved details.

**Reason:** To protect the amenity of neighbouring residential dwellings.

**Ongoing Conditions**

8. The building hereby permitted shall be coloured ‘Juniper Green’ (ref: RAL 160-20-10/BS12B29) and shall remain as such for the duration of this planning permission.
<table>
<thead>
<tr>
<th>Agenda Item 8</th>
<th>REPORTS FOR DEBATE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reason:</strong> To prevent the overdevelopment of the site and to safeguard the visual appearance and character of the local landscape.</td>
<td></td>
</tr>
<tr>
<td>9. <strong>Notwithstanding the provisions of the Town and Country Planning</strong> (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that Order) no development falling within Classes H - K of Part 7 Schedule 2 to that Order shall be carried out. <strong>Reason:</strong> To prevent the overdevelopment of the site and to safeguard the visual appearance and character of the area.</td>
<td></td>
</tr>
<tr>
<td>10. <strong>No materials relating to the industrial use of the site shall be deposited or processed within the application site.</strong> <strong>Reason:</strong> To protect the living conditions of nearby residents and to safeguard the visual appearance and character of the area.</td>
<td></td>
</tr>
<tr>
<td>11. <strong>No vehicles shall be parked unless within the approved building.</strong> <strong>Reason:</strong> To protect the living conditions of nearby residents and to safeguard the visual appearance and character of the area.</td>
<td></td>
</tr>
<tr>
<td>12. <strong>All approved pedestrian access doors shall be self-closing and the vehicle access door shall be automated and fast closing.</strong> <strong>Reason:</strong> In the interests of the amenity of the area.</td>
<td></td>
</tr>
</tbody>
</table>

### 2. Proposal and Site Description

#### 2.1 Proposal

2.1.1 The proposed development is for a fuel tipping shed which would serve the Thermal Oxidiser, approved via planning permission 17/0614.

2.1.2 The proposed structure has been designed to have a simple, industrial type appearance. The building would be 9.6 metres wide, 29.9 metres long and therefore have a footprint of 287 sq metres. The ridge height of the building would be 12.5 metres (eaves height of 12 metres) with a finished floor level of 153.5 metres AOD (above ordnance datum).

2.1.3 It is proposed that the building would receive a single HGV trailer and its tractor unit one at a time and is of a height that would be sufficient to enable the fuel load to be tipped indoors, whilst behind closed doors.

2.1.4 The building is also proposed to have a managed airflow environment (including bio-filters) to minimise release of fugitive odours and dust to the atmosphere.

2.1.5 It is noted that the applicant has also confirmed that the proposal includes the provision of land for landscaping in order to ‘soften’ the landscape impact of the proposed scheme. It is also noted that the site is being constructed on part of the site previously approved under 16/0357 (which itself is subject to a variation under planning application 18/0041) – essentially, this proposal, combined with the application to vary the 16/0357 permission would result in an area of floor space created similar to that permitted via 16/0357 but rather than in one building, there would be two structures.

2.1.6 The building formerly approved and now subject to the variation (ref 18/0041) would have a ridge height of 8.07 metres so this building would be 4.43 metres taller.
2.1.7 Access to the building would be achieved utilising the existing access road to the site from Greystoke Road. Once within the site, vehicles would be able to access the new building through the site and via a proposed new access road which has already been approved.

2.2 Site Description

2.2.1 The application site is acknowledged to currently be an area of undeveloped agricultural land to the immediate north west of the existing plant site. The site is located to the south west of the town of Penrith, at a distance of approximately 430 metres. The application site is bordered by the existing industrial site to the south east, a public highway, Greystoke Road to the north, and expanses of agricultural land in all other directions.

2.2.2 The site is undulating and slopes (broadly) downhill west and north-west away from the existing Omega site. A drainage ditch bisects the site. The application site would be accessed via the existing access point and road to the north leading from Greystoke Road through to the plant site.

2.2.3 The site does have a specific planning history with most recently, planning permission ref. 16/0357, permitting a large building (in excess of 2,000 sq metres) upon this site. That particular permission is currently subject to an application to make the approved building smaller – this proposed, standalone building, would effectively mean that the amount of floor space created on this piece of land would remain as was approved under planning permission 16/0357 but via two individual structures.

2.2.4 The previous grant of planning permission (ref 16/0357) was supported by an ecological appraisal which identified that the site is arable farmland with a few broadleaved trees and species poor hedgerows.
3. **Consultees**

### 3.1 Statutory Consultees

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Authority</td>
<td>Responded on the 5 February 2018 and confirmed that the Highway Authority had no objection in relation to the proposal.</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>Responded on the 12 March 2018 and objected to the proposals submitted. Further information was requested. The main concerns raised by the Environment Agency related to what in their view was ‘insufficient information to demonstrate environmental issues had been satisfactorily addressed’. This specifically related to air quality and odour management. The Environment Agency noted that air flow would be ‘managed’ but that they wanted to see specific details in terms of ducting, pipe work, fans and any associated equipment in relation to this management. Notwithstanding, the Environment Agency did confirm that the principle of tipping within an enclosed shed was supported. Further information was submitted by the agent and the Environment Agency have not yet responded and so a verbal update will be provided to Members during the Committee meeting in order to finalise this matter.</td>
</tr>
</tbody>
</table>

### 3.2 Discretionary Consultees

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Health</td>
<td>Responded on the 7 March 2018 and requested whether the tipping shed would be received raw MBM product (or the finished rendered product). The agent confirmed that the product was a finished dry product that would be used to power the oxidiser. The EHO responded on the 23 March 2018 and confirmed no objection to the proposal.</td>
</tr>
</tbody>
</table>
Agenda Item 8
REPORTS FOR DEBATE

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Utilities</td>
<td>Responded on the 12 February 2018 and they confirmed that a condition should be attached to any subsequent grant of planning permission related to drainage.</td>
</tr>
<tr>
<td>Cumbria Council Archaeology</td>
<td>Responded on the 22 February 2018 and confirmed that there were no objections or comments in relation to the proposal.</td>
</tr>
<tr>
<td>Natural England</td>
<td>Responded on the 6 March 2018 and they confirmed no objection subject to appropriate mitigation being secured. These relate to the need for a finalised surface water drainage plan and a construction environmental management plan.</td>
</tr>
</tbody>
</table>

4. Parish Council/Meeting Response

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

5. Representations

5.1 The application was advertised by means of a Site Notice and the following neighbour notifications:

- **No of Neighbours Consulted**: 0
- **No of representations Received**: 0
- **No of objection letters**: 2

5.2 The grounds upon which the objection to the application are made include:

- The site is a greenfield site and not designated for development or industrial growth site in the ‘Eden Plan’;
- The development will not result in local employment or economic growth as the site operator is based in Yorkshire and the employees are mainly from Eastern Europe and not local;
- Previous approvals have not completed agreed landscaping;
- The development is ‘heavily encroaching on the neighbouring business and residence property and will result in increased light and noise pollution’;
- The proposal will only blend in with the background from certain angles
There are more possibilities for odour and other pollution issues as a consequence of this proposal;

- Potential noise pollution;
- The material to be used has the ability block chutes which could result in amenity issues;
- Odour and dust is a potential consequence of this proposal being approved.

### 6. Relevant Planning History

<table>
<thead>
<tr>
<th>Application No</th>
<th>Description</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/0457</td>
<td>Erection of plant building</td>
<td>Approved 18 August 2005</td>
</tr>
<tr>
<td>06/0697</td>
<td>Erection of building for a new bio filter treatment plant to serve existing plant.</td>
<td>Approved 24 November 2006</td>
</tr>
<tr>
<td>06/0922</td>
<td>Erection of building for storage following demolition of existing building.</td>
<td>Approved 05 January 2007</td>
</tr>
<tr>
<td>10/0686</td>
<td>Retrospective permission for siting of pipework on south western/western elevation. Plant room extension to electrical store, upgraded effluent treatment building and change of use of agricultural land.</td>
<td>Approved 23 December 2010</td>
</tr>
<tr>
<td>12/1046</td>
<td>Retrospective application for the erection of a boiler house building.</td>
<td>Approved 11 February 2013</td>
</tr>
<tr>
<td>15/0025</td>
<td>Outline application for effluent treatment tanks and associated plant and hardstandings with approval sought for access, appearance, layout and scale.</td>
<td>Approved by Planning Committee on 16 July 2015.</td>
</tr>
<tr>
<td>15/0495</td>
<td>Outline application for erection of a storage building and all associated hardstandings, with approval sought for access, appearance, layout and scale.</td>
<td>Refused 04 December 2015.</td>
</tr>
<tr>
<td>16/0261</td>
<td>Retrospective application for 21 cylindrical storage tanks on concrete base with concrete band wall enclosure.</td>
<td>Approved by Planning Committee 19 May 2016.</td>
</tr>
<tr>
<td>16/0357</td>
<td>Erection of a storage building and hardstanding, relocation of existing SRU tank and pipework to enable formation of vehicular access, formation of a fishing pond associated car park and pathways, landscape planning scheme</td>
<td>Approved by Planning Committee 20 April 2017</td>
</tr>
</tbody>
</table>
### Application No | Description | Outcome
---|---|---
18/0041 | Variation of Condition 2 (approved documents and drawings for Planning Permission 16/0357 - Erection of a storage building and hardstanding, relocation of existing SRU tank and pipework to enable formation of vehicular access, formation of a fishing pond associated car park and pathways, landscape planning scheme). | Under determination

### 7. Policy Context

#### 7.1 Development Plan

Saved Local Plan Policies:
- Policy NE1 - Development in the Countryside
- Policy EM7 - Extension of Existing Sites and Premises

Core Strategy DPD Policy:
- CS1 - Sustainable Development Principles
- CS2 - Locational Strategy
- CS3 - Rural Settlements and the Rural Areas
- CS12 - Principles for Economic Development and Tourism
- CS14 - Employment Development in Rural Areas
- CS16 - Principles for the Natural Environment
- CS18 - Design of New Development

#### 7.2 Other Material Considerations

National Planning Policy Framework:
- Core Planning Principles
- Building a strong, competitive economy
- Supporting a prosperous rural economy
- Requiring good design
- Conserving and enhancing the natural environment

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

### 8. Planning Assessment

#### 8.1 Key/Main Planning Issues
- Principle
- Landscape and Visual Impacts
- Residential Amenity
8.2 Principle

8.2.1 The principle of a development has already been established for this site with the granting of planning permission ref 16/0357. That permission is being proposed to be amended by reducing the size of the building in terms of its length. This proposal intends for a building to occupy the area that will be left by this reduced footprint – effectively meaning the original footprint as proposed by 16/0357 would still be utilised, but by two different buildings rather than one.

8.2.2 Within the emerging Eden Local Plan, Draft Policy EM7 supports the extension of existing employment sites within the District on the basis that they are assessed against a range of criteria which includes the effect upon residential amenity, parking and servicing provision, access arrangements, standard of design and the impact upon landscape and nature conservation.

8.2.3 Furthermore, it is noted that Core Strategy Policy CS2 seeks to focus new and appropriate development towards Key Service Centres such as Penrith, to secure the provision of employment land.

8.2.4 In relation to the 16/0357 planning application, it was accepted that the site was located within the open countryside but critically, was well related to Penrith. Accordingly, in terms of location, Key Service Centres were acknowledged and accepted to be sustainable locations in terms of transport and services. Therefore, due to Omega Proteins Ltd being an existing employment site located close to Penrith, the application site was considered to be a sustainable site for appropriate development following the principles of Sustainable Development as outlined within Core Strategy Policy CS1.

8.2.5 In relation to this proposal, given that the application site has already been previously approved as an acceptable location development, there are no obvious reasons to suggest that the principle of developing the site with two separate structures would be unacceptable.

8.2.6 It is acknowledged ‘Saved’ Policy NE1 of the Eden Local Plan seeks to protect the undeveloped character of the countryside within the Eden area, only permitting development where an overriding need can be demonstrated. This is further supported by Core Strategy Policy CS3 which seeks to protect the open countryside from inappropriate and harmful development.

8.2.7 It was previously accepted during the determination of planning application 16/0357, that the application site is located in open-countryside land and does not form part of the existing industrial site. However, it was also accepted that the land must be viewed in the context of the back-drop of the Omega Protein site. Accordingly, given the sites physical relationship with the existing Omega Protein site it would represent an appropriate development given that the proposal would result in planning gain.

8.2.8 This proposal, to construct a building on the footprint of an already approved planning permission (which would then require the 18/0041 planning application to be approved in order to implement) is considered acceptable subject to further consideration on
landscape and visual impacts, residential amenity, infrastructure and impacts upon the local environment.

8.3 Landscape and Visual Impacts

8.3.1 As has been previously noted and discussed in relation to other proposals determined on this site, the application site is an area of undeveloped, agricultural land positioned within the open countryside. However, in terms of the significance of its character and appearance, it was and remains important that this is viewed within the context of the back-drop being the adjacent industrial site.

8.3.2 The existing Omega Protein was acknowledged as a large and prominent site within the local landscape, of which there are short, medium and long ranging views. The most prominent views of the proposed development would be most visually prominent from Greystoke Road to the north and the M6 to the east. However, it is considered that the presence of a large scale industrial site significantly reduces its visual significance, character and value of the application site.

8.3.3 Although it is acknowledged that the site is located within the open countryside, the application site does not have any special landscape designation or protection. Indeed, the Cumbria Landscape Character Toolkit (the CLCGT) identifies the local and surrounding landscape as being Type 6 ‘Intermediate Farmland’ - a large scale open landscape between lowland and rolling upland.

8.3.4 The previously proposed building was acknowledged to be large in size and scale, but due to the re-orientation and height of the building, the proposed development would be largely viewed in the context of the existing Omega Protein site. This proposed building would occupy a footprint of 287 sq metres but would be taller than the currently approved building by some 4.93 metres.

8.3.5 This is, therefore, a much taller structure and consideration must be given as to how such a structure would appear in the wider landscape. In that regard, the need for the taller structure is noted. It would allow for the biomass fuel material to be tipped indoors with the proposed buildings door closed.

8.3.6 It is accepted that building, in itself is not considered to enhance or preserve the character of surrounding open countryside landscape. However, given that a structure is already permitted for this site, given the near 5 metre height difference, would that in itself represent significant landscape impact? Consideration must be given to the adjacent Omega Proteins site, which is industrial in appearance and this building would echo that appearance.

8.3.7 It is also noted that further mitigation is proposed, and although, at this stage, the specific details are not agreed, it is considered that such landscaping can help to mitigate any potential landscape harm to some degree. That being said, landscaping does take time to mature and that mitigation, would therefore not be immediately effective and would be expected to provide some ‘screening’ of the site over a period of years as planting became established.

8.3.8 Nevertheless, the positioning and orientation of the building being adjacent to the existing Omega Protein site is considered to represent a landscape impact would not be significantly adverse in the interim period as long as a sufficient landscaping scheme is achieved for the site. It is noted that this would be complimented by the landscaping scheme already approved in the vicinity of the site under planning
permission 16/0357. Furthermore, such planting has the ability additionally enhance the perceived biodiversity benefits of that previously approved scheme.

8.3.9 As was previously acknowledged in the determination of the 16/0357 scheme, the Development Plan seeks to protect the undeveloped countryside from inappropriate development. This remains the case in relation to this case. However, now, there is an approved development for this site so the principle of developing here has been accepted.

8.3.10 In specific relation to this proposal, however, the difference is the height of the building. This is acknowledged to be taller than the previously approved building by nearly 5 metres. However, it is equally acknowledged that the backdrop to which this structure would be set remains as is – the wider Omega Proteins site against which, this proposed building would not look out of place. Furthermore, it is also understood that the applicant seeks to construct a building which would be able to receive a HGV tipping within itself whilst sealed. Therefore, there is an understood reasoning as to why this building would need to be so tall and that this in itself would aid the businesses attempts to improve residential amenity from dust etc.

8.3.11 Once again, it must be considered that on balance the benefits that would result from the proposed development; being a reduction in dust and noise as well as aiding the business in its expansion. It is also acknowledged that the site does benefit from planning permission for such industrial type looking structures. On this basis then, the proposed building, which would occupy the footprint of an already approved structure and for all of the benefits discussed above are considered to outweigh the level of harm which would be caused to the local landscape.

8.3.12 Accordingly, the proposal is considered acceptable in terms of landscape harm.

8.4 Residential Amenity

8.4.1 It is noted that concerns have been raised by the two objectors in relation to the potential for odour, noise and light pollution to be a significant issue were this proposal approved for planning permission.

8.4.2 In relation to odour, it is noted that the proposed building actively seeks to reduce odour emissions from the site. The vehicle entering the building would be closed within the building once inside closed within the building until the load had been tipped. Whilst there is always likely to be some noise as a consequence of any process such as this, it is considered that tipping within a sealed building would reduce such impacts. The Council’s Environmental Health Officer (EHO) has commented upon the proposal and it is noted that in terms of noise, they raised no specific concerns. Indeed they raised no concerns regarding the proposal in any respect.

8.4.3 The building would operate under a managed airflow environment to ensure that any odours or dust from the biomass fuel can be mechanically removed via the proposed onsite bio filters, prior to being related into the atmosphere. As such, this mitigation prevents contaminated air from escaping the proposed building and actively reduces odour emissions from the site.

8.4.4 It is noted that the Environment Agency have objected to the proposal in that they wish to see specific details of the ducting, pipework and fans associated with managing the air flow within the building but that they fundamentally support the tipping within an enclosed shed. The applicant has provided further information. Discussions remain
ongoing and a formal, verbal update will be provided to Members during the committee meeting.

8.4.5 Therefore, for the reasons detailed above it is considered that the proposed development would not result in any adverse impacts upon local residential amenity and can be supported.

8.5 Infrastructure

8.5.1 The proposed development would be accessed via the existing site access and access road. A new section of internal access road would be created to link the proposed new building to the existing site. The extent of the new access road to be created is relatively minor. This remains as previously approved under 16/0357.

8.5.2 It is noted that there are no objections to the proposed development from the Highway Authority. For the reasons detailed above, it is considered that the proposed development would not result in any adverse impacts upon the local highway network.

8.6 Natural Environment

8.6.1 As was previously noted in the determination of the previous planning permission (ref. 16/0347) the proposed development would require the loss of an area of an area of agricultural land. The ecological assessment submitted in support of that application noted that the land was non-species rich, and as such its loss was not considered to be ecologically significant or adverse. There is no reason to change this opinion in relation to this proposal.

8.6.2 The principle of the loss of this low value land has been established in the granting of a previous permission. In addition, there was a perceived biodiversity gain, consistent with paragraph 109 of the NPPF given that scheme was approved along with a landscaping proposal (additional planting and an amenity lake). This proposal would seek to enhance that landscaping with a further landscaping proposal of its own.

8.6.3 The applicant has put forward indicative plans for landscaping but the final design and composition of planting is to be secured at the pre-commencement stage, were this proposal granted planning permission. Such proposals would therefore be seen to further enhance the landscaping already approved for the site. It is recognised that such landscaping would take time to fully mature and achieve the full mitigation intended.

8.6.4 This aspect of the proposal is also considered to be compliant with paragraph 109 of the NPPF which states (amongst other things), that the planning system should ‘contribute to and enhance the natural and local environment by........minimising impacts on biodiversity and providing net gains in biodiversity where possible’. Accordingly, in terms of potential ecological impact the perceived ecological gains are supported.

8.6.5 It is noted that Natural England have sought conditions to ensure that Myers Beck which is near to the site is protected to ensure that the integrity of the River Eden Special Area of Conservation and River Eden and Tributaries Site of Special Scientific Interest are appropriately protected. These conditions are attached to section 1 of this report. With the inclusion of these conditions, Natural England have no objections in relation to this proposal.

8.6.6 Therefore, for the reasons detailed above, it is considered that the proposed development would not result in an adverse impact upon the local environment.
9. Implications

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

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

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

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

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

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

10. Conclusion
10.1 It was noted that the proposed development would result in an extension of an existing industrial site into the surrounding undeveloped open countryside. This development would involve the construction of a building located on a footprint already approved for a structure to be located upon it.

10.2 Fundamentally, the principle of a structure on this land is therefore considered established. However, this structure is not exactly the same. It will appear different given its additional height.

10.3 The previously approved scheme for the site did incorporate a landscaping scheme to soften the landscape impact that the proposal would have. However, as correctly identified, the proposed development would not be seen in its wider site context (against the wider Omega Proteins site) from every angle.

10.4 Whilst this is accepted, it is unreasonable to expect a development to have limited or no landscape impact from every angle it may be perceived – especially given the site is located in an area that has no landscape designation.

10.5 The fundamental ‘test’ is whether the proposed development would result in a significantly adverse landscape impact. In this instance, given the site is adjacent to an already established industrial site it is not considered that even though the proposed building would be significantly taller than the existing, approved building, that this would be significantly adverse given the site circumstances.

10.6 Furthermore, the building does have a reason for being as high as proposed – it will allow a HGV to tip the biomass fuel within a sealed building thus ensuring that as best
as possible, local amenity is protected. In such circumstances it is considered, in the planning balance, that some landscape harm is acceptable in order to facilitate a structure that will ensure the process to be undertaken is done so with the protection of amenity in mind.

10.7 Other concerns regarding odour, dust, noise and light are also noted. However, equally, it is noted that the Environmental Health Officer has no objections to the proposal. On that basis, it is not considered reasonable to recommend a refusal of this proposal of amenity concerns.

10.8 That being said, it is noted that the Environment Agency do have an unresolved objection in relation to this proposal. However, they support the fundamental principle of tipping within an enclosed building – the specifics of their concerns relate to the technical information as to how the air flow infrastructure will be utilised within the proposed building. Discussions remain ongoing between the applicant and Environment Agency and a final update will verbally be provided when the application is heard.

10.9 The integrity of the River Eden Special Area of Conservation (SAC) and River Eden and Tributaries Site of Special Scientific Interest (SSSI) will be protected given that appropriate mitigation will be submitted for approval were this development be approved. Accordingly, this, in addition to the landscaping scheme which will be delivered as a consequence of this permission will provide a biodiversity gain whilst ensuring designated sites such as the SAC and SSSI are protected.

10.10 Accordingly, the proposal is recommended for approval.

Jane Langston
Deputy Director Technical Services

Background Papers: Planning File 18/0048