

Eden District Council
Planning Applications Committee Agenda
Committee Date: 16 July 2009

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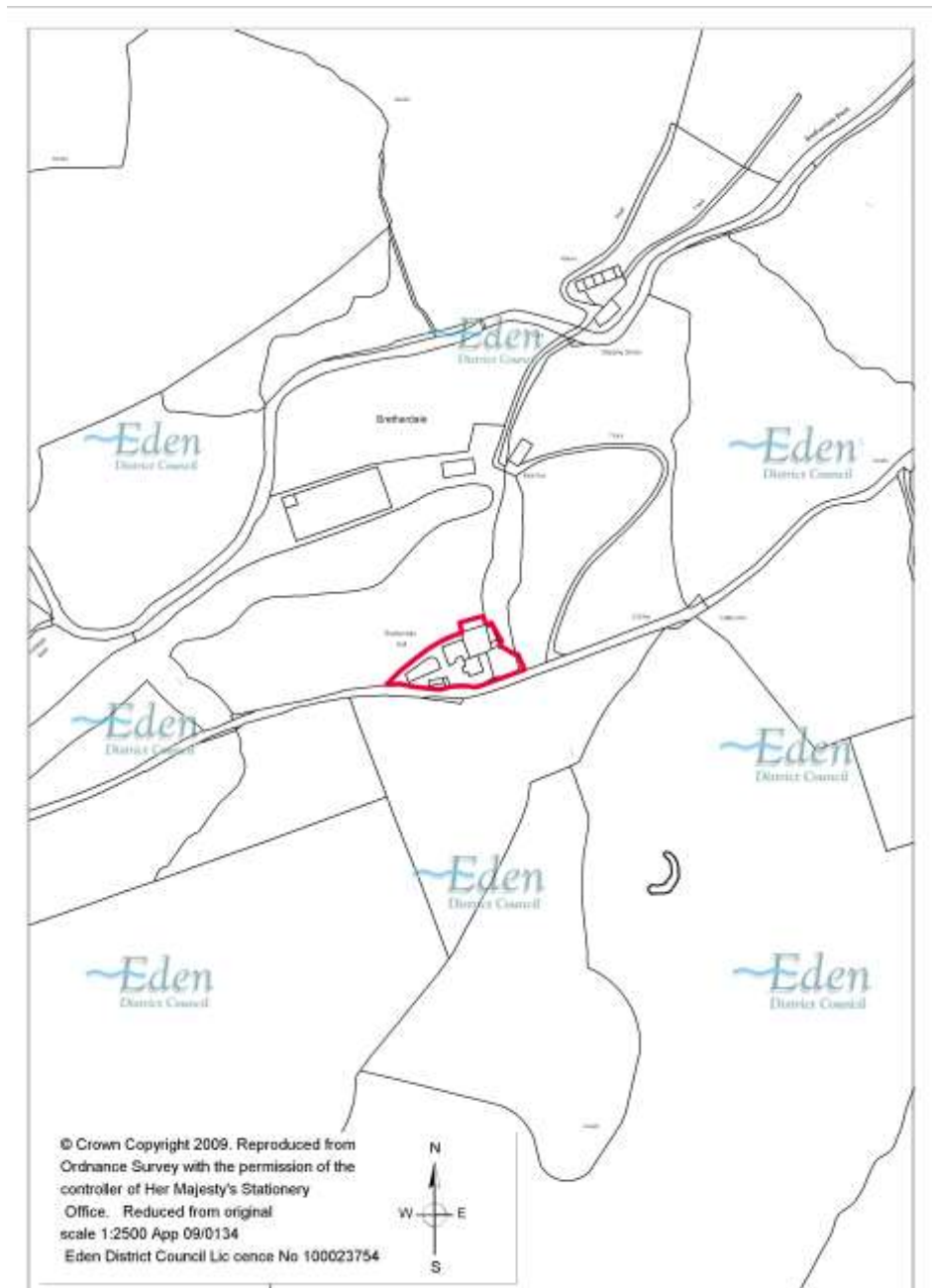
**Eden District Council
Planning Applications Committee
16 July 2009**

Planning Application No: 09/0134

**Retrospective amendments to planning application 04/0271 to include render to rear elevation of sauna building, new steps to paved area and retention of Spanish slates.
Change of use from part agricultural field to paved area**

**Bretherdale Hall, Bretherdale for Mr J Anderson
Director of Technical Services**

Site Plan:



1 Purpose of Report

- 1.1 This application is before members as the recommendation is contrary to the views of the Parish Council.

2 Recommendation:

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

- 1) That development permitted shall be begun before the expiration of three years from the date of this permission.
- 2) That development hereby granted shall be carried out strictly in accordance with the details and plans thereby approved (drawing numbers 871/4 an 871/19 received 27 February 2009 and 871/20 and 871/5B received 13 May 2009) and shall not be varied other than by prior agreement in writing by the Local Planning Authority.
- 3) The rendered walls to the rear (north) and east gable elevation of the sauna building shall not be painted.
- 4) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any subsequent equivalent legislation no development falling within Schedule 2, Part 1 and Part 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason:

- 1) In order to comply with the provisions of the Town and Country Planning Act 1990.
- 2) To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.
- 3) To ensure that the materials harmonise with the surroundings.
- 4) To ensure that the character and appearance is not harmed by inappropriate development.

3 Report Details

3.1 Proposed Development:

- 3.1.1 This is a retrospective planning application for the retention of Spanish slates to the sauna building and the garage building, which has been used instead of 'local slate' as specified on the original planning permission.
- 3.1.2 Permission is also sought for the retention of rendered walls to the rear elevation and the gable end of the sauna building, which originally had permission to be finished in local stone.

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3.1.3 The application is also for the change of use of part of an agricultural field to a paved area immediately to the rear of the sauna building. The site, measuring approximately 3.7m x 15 metres, would be accessed via new stone steps at the side of the sauna building.

3.2 Description of the Site and the Surroundings:

3.2.1 The application relates to Bretherdale Hall, Bretherdale. The site comprises the main house which is used a holiday letting property; the attached barn which is currently being converted to a holiday let; a sauna building which accommodates a sauna room, changing area, drying area and a equipment store; and a open fronted garage building. The site is approximately 1 mile beyond the hamlet of Greenholme. The nearest residential property is Bank End approximately 100 metres to the north at the bottom of a steep banking.

3.3 Relevant Planning History:

- 3.3.1 09/0265- Revised scheme to planning approval 08/0131 for alterations to the holiday accommodation building - to be determined
- 3.3.2 08/0131 - Revised scheme to planning approval 04/0271 for the conversion of the barn to one holiday letting unit including alteration to the building - approved 8 April 2008.
- 3.3.3 06/0870 - Construction of single storey detached building to provide garaging for four cars and the siting of three oil tanks - approved 21 December 2006.
- 3.3.4 04/0271 - Alterations and extensions to farmhouse and conversion of barn into 2 holiday lets and conversion of outbuilding into sauna, drying room and store - approved 22 July 2005.

3.4 Method of Publicity and Summary of Representations:

3.4.1 The application was advertised by the posting of a site notice and one neighbour notification letter was sent. One letter of objection has been received and is summarised as follows:

- The 'car port' has a massive roof which has been made to stand out like a sore thumb by using cheap inferior Spanish Slates.
- Visible from the M6 motorway as it glints in the sunlight.
- No weathering whatsoever has taken place and due to the acrylics in its manufacture nor will it.
- The drawing said local slate - Barcelona is not local.
- Now that the barn roof has been refurbished in quality slate it make the outbuildings look even more crass and ridiculous.
- This flies in the face of planning control who must surely try to keep a harmonious form of non high impact buildings. If the owner can do the right thing on the main barn surely he must be made to also do the right thing on the other buildings which lie within the curtilage.

3.5 Parish Response:

- 3.5.1 'At a meeting of Orton Parish Council it was resolved that there was no objection in principle to this application for retrospective permission but that Spanish Slates are not 'local slate' as specified on the drawings and the resulting finish is unsatisfactory in this location.'

3.6 Consultation Responses:

- 3.6.1 Highways Authority has no objection to the proposed development as it is considered that the proposal does not affect the highway.

3.7 Main Planning Issues Raised:

- 3.7.1 Impact on the character and amenity of the buildings and the surrounding area.

3.8 Planning Assessment:

- 3.8.1 This is a retrospective planning application for the use of alternative materials which have been used on the proposal without the benefit of planning permission and comprise: a) The use of Spanish slate in place of 'local slate', b) the rendering of the rear (north) and the east gable elevations in place of 'local stone', and c) formation of paved area into the adjoining field to north.
- 3.8.2 The layout, form and overall design were approved under 04/0271 and 06/0870 and do not fall to be considered as part of this application.
- 3.8.3 Concerns have been raised by the Parish Council and the occupier of a neighbouring property, Bank End, regarding the quality and appearance of the Spanish slate used on the roofs.
- 3.8.4 The Spanish Slates which have been used on the sauna building and garage is of a darker colour to the Westmorland slate which has been used on the main house and attached barn. The buildings are viewed as subsidiary buildings to the main house, which still dominates the group of buildings, and where one might traditionally have a lower quality of materials on outbuildings. Therefore, it is considered that the Spanish Slates are not out of character or have an adverse visual impact on the appearance of the immediate and wider area.
- 3.8.5 The use of render is often used for the weather proofing of exposed existing buildings in the countryside. In this instance render is considered an acceptable alternative facing material to stone providing the render remains unpainted. Inappropriately painted render may serve to provide a more striking appearance and should be resisted in this open attractive landscape.
- 3.8.6 In respect of the change of use of the part of the field to paved area (3.7 m x 15 metres) it is considered that this minor change in surface and use to the rear of the sauna building does not introduce an adverse impact on the character or appearance of the site. It is therefore reasonable to require any details of any enclosure or boundary treatment to be the subject of a further agreement in writing by the local planning authority by the removal of the requisite of permitted development rights in this location.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

Affordable Housing

Quality Environment

Economic Vitality

Quality Council

Council on 7 February 2008 agreed fifteen strategic actions to achieve these priorities.

4.2 Relevant Local Plan Policies:

4.2.1 Policy NE3 - Landscapes of County Importance - Eden Local Plan 1996

4.2.2 Policy BE19 - Quality of Design - Eden Local Plan 1996

5. Implications

5.1 Legal

5.1.1 There are none arising directly from this report.

5.2 Financial

5.2.1 There are none arising directly from this report.

5.2.2 The Council has agreed an action plan to carry through the Balancing the Budget exercise. A key part of this is the Resource Allocation Categorisation which is designed to ensure that resource allocation reflects the Council's priorities. The full categorisation was agreed at Council on 7 February 2008 and the financial implications of any report must be consistent with this.

5.3 Equality and Diversity

5.3.1 There are none arising directly from this report.

5.3.2 The Council has to have regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equalities Act, 2006 and related statutes.

5.4 Environmental

5.4.1 There are none arising directly from this report.

5.4.2 The Council has to have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act.

5.5 Crime and Disorder

5.5.1 There are none arising directly from this report.

5.5.2 The Council has to have regard to the need to reduce crime and disorder in exercising its functions under the Crime and Disorder Act, 2004.

5.6 Children

5.6.1 There are none arising directly from this report.

5.6.2 The Council has to have regard to the need to safeguard and promote the welfare of children in the exercise of its functions under the Children’s Act, 2004.

5.7 Risk Management

5.7.1 There are none arising directly from this report.

6. Reasons for decision/recommendation

6.1 The proposal is considered to be acceptable within its location and would not have a detrimental effect on neighbouring properties or the area in general. In addition the proposal complies with Policy BE19 and NE3 of the Eden District Local Plan.

S Huddart
Director of Technical Services

Governance Checks:

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

Contact Officer: Karen Thompson

Telephone Number: (01768) 212481

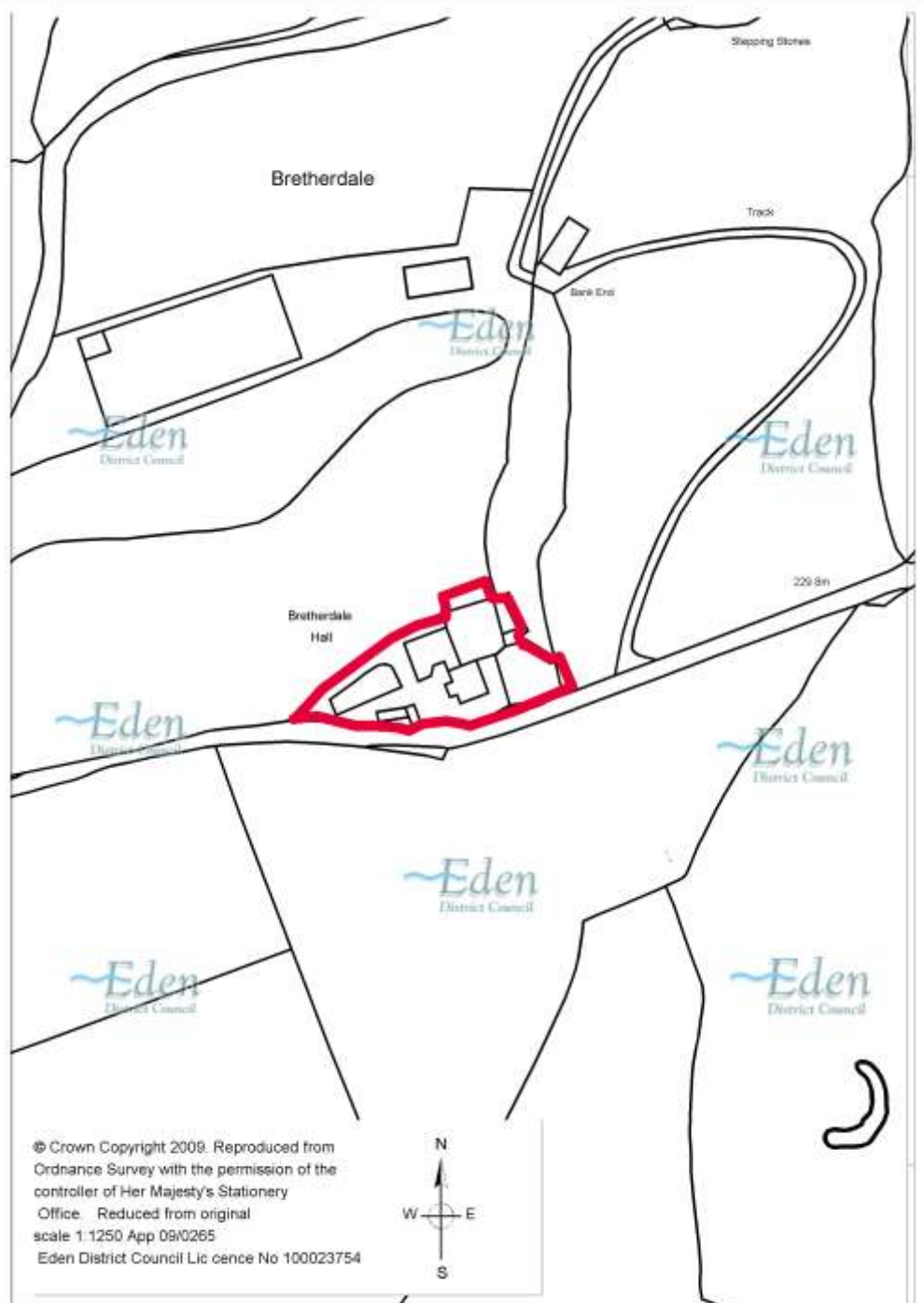
**Eden District Council
Planning Applications Committee
16 July 2009**

Planning Application No: 09/0265

**Revised scheme to planning approval 08/0131 for alterations to the holiday
accommodation building
Bretherdale Hall, Bretherdale for Mr J Anderson**

Director of Technical Services

Site Plan:



1 Purpose of Report

1.1 This application is before members as an objector has requested a hearing.

2 Recommendation:

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

- 1) That development permitted shall be begun before the expiration of three years from the date of this permission.
- 2) That development hereby granted shall be carried out strictly in accordance with the details and plans thereby approved (drawing numbers 811/19, 811/1A, 811/2A, 871/16D, 871/17C and 871/18D received 9 April 2009) and shall not be varied other than by prior agreement in writing by the Local Planning Authority.
- 3) Notwithstanding the details on the approved plans, the porch roof and the main roof shall be constructed of reclaimed slates laid in diminishing courses in accordance with a sample slate which has first been approved for use by the local planning authority.
- 4) The chimney flue shall be painted black or a colour to be agreed by the local planning authority, within three months of its installation.

Reason:

- 1) In order to comply with the provisions of the Town and Country Planning Act 1990.
- 2) To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.
- 3) In the interests of visual amenity.
- 4) In the interests of the visual amenity of the area.

3 Report Details

3.1 Proposed Development:

3.1.1 This application is for part retrospective alterations to an approved barn conversion scheme.

3.1.2 The alterations include increasing the height of the barn by 0.3 metres. These works have been necessary due to the original ground floor level not being achieved without having to carry out a substantial amount of underpinning to the south elevation wall.

3.1.3 Alterations to the internal layout have resulted in the need for the approved chimney flue to be relocated from the rear (road side) roof slope to the front (north) slope. The applicants have advised that the flue would be painted black.

3.1.4 Other alterations include repositioning the porch door to the north elevation and a window to the east; rearrangement of the approved roof lights on the rear roof slope; and rearrangement of and slight amendments to the positioning and size of some windows.

3.2 Description of the Site and the Surroundings:

3.2.1 The application relates to Bretherdale Hall, Bretherdale. The site comprises the main house which is used a holiday letting property; the attached barn which is currently being converted to a holiday let; a sauna building which accommodates a sauna room, changing area, drying area and a equipment store; and a open fronted garage building. The site is approximately one mile beyond the hamlet of Greenholme. The nearest residential property is Bank End approximately 100 metres to the north at the bottom of a steep banking.

3.3 Relevant Planning History:

3.3.1 09/0134 - Retrospective amendments to planning application 04/0271 to include render to rear elevation of sauna building, new steps to paved area and retention of Spanish slates. Change of use from part agricultural field to paved area - to be determined.

08/0131 - Revised scheme to planning approval 04/0271 for the conversion of the barn to one holiday letting unit including alteration to the building - approved 8 April 2008

06/0870 - Construction of single storey detached building to provide garaging for four cars and the siting of three oil tanks - approved 21 December 2006.

04/0271 - Alterations and extensions to farmhouse and conversion of barn into 2 holiday lets and conversion of outbuilding into sauna, drying room and store - approved 22 July 2005.

3.4 Method of Publicity and Summary of Representations:

3.4.1 The application was advertised by the posting of a site notice and one neighbour notification letter was sent. One letter of objection has been received and is summarised as follows:

- A huge stainless steel flue erupting out of the middle of a Westmorland slate roof.
- The barn roof has 'grown' an extra metre in height this flue will be the dominant feature.
- Build a sympathetic chimney stack like every other building has in the Bretherdale valley and Greenholme.

3.5 Parish Response:

3.5.1 'At a meeting of Orton Parish Council, it was resolved that no objections or observations be made to this application.'

3.6 Consultation Responses:

3.6.1 Highways Authority has no objection to the proposed development as it is considered that the proposal does not affect the highway.

3.7 Main Planning Issues Raised:

3.7.1 Impact on the character and amenity of the buildings and the surrounding area.

3.8 Planning Assessment:

3.8.1 This is a part retrospective/part revised scheme for alterations to the conversion of a barn to holiday let accommodation and comprises the increase in height of the building; the relocation of the chimney flue; and the rearrangement of doors and windows.

3.8.2 The use of the building was approved under 08/0131 and does not fall to be considered as part of this application.

3.8.3 The main concerns raised by the occupier of a neighbouring property, Bank End, are the increase in height of the barn and the installation of a chimney flue. The overall height of the building has been increased by 0.3 metres due to not achieving the original ground floor level without requiring substantial works to the south elevation wall. This increase in height is considered minimal in this isolated location, without any immediate neighbours, and the new stone work to the elevations matches the existing. Therefore it is considered that the increase in height of the building and associated works, do not have an adverse impact on the appearance of the building or the surrounding area.

3.8.4 Planning permission was granted under 08/0131 for the flue on the rear (road side) roof slope, where as this application seeks to locate the flue on the front slope. The objector's suggestion of having a chimney stack has been fully considered. However, the barn is agricultural in its appearance and the introduction of a chimney stack would create a domestic image. It is considered that a metal flue, finished in black, 85cm above the ridge and located on the roof slope furthest away from the public highway, is acceptable on this building and in this location. A condition is recommended that the flue be painted black or appropriate colour to be agreed.

3.8.5 The Parish Council have no objections or observations to make on this application.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

Affordable Housing

Quality Environment

Economic Vitality

Quality Council

Council on 7 February 2008 agreed fifteen strategic actions to achieve these priorities.

4.2 Relevant Local Plan Policies:

4.2.1 Policy NE3 - Landscapes of County Importance - Eden Local Plan 1996

4.2.2 Policy BE19 - Quality of Design - Eden Local Plan 1996

5. Implications

5.1 Legal

5.1.1 There are none arising directly from this report.

5.2 Financial

5.2.1 There are none arising directly from this report.

5.2.2 The Council has agreed an action plan to carry through the Balancing the Budget exercise. A key part of this is the Resource Allocation Categorisation which is designed to ensure that resource allocation reflects the Council's priorities. The full categorisation was agreed at Council on 7 February 2008 and the financial implications of any report must be consistent with this.

5.3 Equality and Diversity

5.3.1 There are none arising directly from this report.

5.3.2 The Council has to have regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equalities Act, 2006 and related statutes.

5.4 Environmental

5.4.1 There are none arising directly from this report.

5.4.2 The Council has to have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act.

5.5 Crime and Disorder

5.5.1 There are none arising directly from this report.

5.5.2 The Council has to have regard to the need to reduce crime and disorder in exercising its functions under the Crime and Disorder Act, 2004.

5.6 Children

5.6.1 There are none arising directly from this report.

5.6.2 The Council has to have regard to the need to safeguard and promote the welfare of children in the exercise of its functions under the Children's Act, 2004.

5.7 Risk Management

5.7.1 There are none arising directly from this report.

6. Reasons for decision/recommendation

6.1 The proposal is considered to be acceptable within its location and would not have a detrimental effect on neighbouring properties or the area in general. In addition the proposal complies with Policy BE19 of the Eden District Local Plan.

S Huddart
Director of Technical Services

Governance Checks:

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

Contact Officer: Karen Thompson

Telephone Number: (01768) 212481

**Eden District Council
Planning Applications Committee
16 July 2009**

Planning Application No: 09/0193

**Erection of three terraced properties following demolition of existing storage/workshop building and front boundary wall
Storage Shed, Kings Arms Lane, Alston, Mr A Carr**

Director of Technical Services

Site Plan:



1 Purpose of Report

1.1 This application is before members as an objector has requested a hearing.

2 Recommendation:

It is recommended that the application 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.
2. The development hereby granted shall be carried out strictly in accordance with the details and plans hereby approved (drawing no's P1'B' Location Plan, P3'C' received 19 March 2009, P6 received 13 May 2009 and P2'D' received 15 May 2009) and shall not be varied other than by prior agreement in writing by the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent equivalent legislation) no development falling within Schedule 2, Parts 1 and 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.
4. Details of the wall and railings around the Mill Race shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into use. Development shall be carried out in accordance with the approved details and retained thereafter.
5. The portion of the access lying within highway limits shall be constructed and drained to the satisfaction of the Local Planning Authority.
6. The parking spaces shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.
7. New ground floor windows and doors abutting the highway shall be of a type which cannot open outwards into the highway.
8. An extension of the existing footway shall be provided on Kings Arms Lane (Unclassified Road No. 3105) adjacent to the proposed terraced properties, and this shall be constructed to full Highway Authority adoption standards and to the satisfaction of the Local Planning Authority.
9. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components:

- i. an archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;
- ii. an archaeological recording programme the scope of which will be

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dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation; and

- iii. where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Planning Authority, completion of an archive report and publication of the results in a suitable journal.
10. Samples of materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced, and this condition shall apply notwithstanding any indications as to these matters which have been given in this application. Development shall be carried out in accordance with the approved details.
 11. Prior to the commencement of the development a scheme for the provision and management of a buffer zone alongside the watercourse shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:
 - Plans showing the extent and layout of the buffer zone
 - Details of the planting scheme (for example, native species)
 - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
 - Details of any footpaths, fencing, lighting etc
 12. All windows and doors in the external elevations of the proposed development shall be fabricated in timber, which shall be painted white.
 13. Construction works, including deliveries of materials to the site, shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on a Saturday, with no work at any other time including Sundays and Public Holidays.

Reasons:

1. In order to comply with the provisions of the Planning and Compulsory Purchase Act 2004.
2. To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.
3. To ensure continued control over the extent of further building on the site.
4. To protect the visual appearance of the area.
5. In the interests of road safety.
6. In the interests of road safety.
7. To minimise possible danger to other highway users.

8. In the interests of pedestrian safety.
9. To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for preservation, examination or recording of such remains.
10. To ensure that the materials harmonise with the surroundings.
11. Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.
12. To protect the visual appearance of the area.
13. To protect the residential amenities of the occupants of adjoining property.

3 Report Details

3.1 Proposed Development:

- 3.1.1 The application seeks full planning permission for the erection of three terraced properties following the demolition of the existing storage/workshop building and front boundary wall. All the houses will have three bedrooms; with the floor area of each being approximately 120m² including 31m² of roof room accommodation. The houses will have modest rear gardens and off-road parking can be provided for six cars at the western end of the site.
- 3.1.2 The external walls will be finished with a self coloured render. Sills will be provided in natural stone to match those at the adjacent School Terrace. The roof will be clad with natural slate. Chimney stacks will be provided at each rising gable and at the western gable. Windows will be timber sliding sash and decorated with white micro-porous paint. External doors will be of timber construction.

3.2 Description of the Site and the Surroundings:

- 3.2.1 The application site is at the west end of the Butts area of Alston at the northern end of Kings Arms Lane. At present the site is mainly occupied by a shed/workshop which was originally built by Eden District Council as a local depot. A small portion of the east end of the site is occupied by a lean-to extension to no. 4 School Terrace, which is within the ownership of the applicant.
- 3.2.2 The site is bounded on the north and west sides by a stone wall adjacent to the public highway. There is an historic water pump in a stone enclosure at the north-west corner of the site. The gable of no. 4 School Terrace reaches up to the east boundary. To the south there is the garden to Birkshaw House and there is a wooden fence marking this edge of the site. Following the line of the south boundary and some 2.5m within the site runs the Alston Mill Race. The mill race is culverted through the western end of the site and continues underground where it runs under Kings Arms Lane.

- 3.2.3 There are no trees on the site and the surface is partly paved and otherwise covered in stone chippings with a few shrubs and plants interspersed.
- 3.2.4 The site is within the Alston Conservation Area and the North Pennines Area of Outstanding Natural Beauty.

3.3 Relevant Planning History:

08/0690 - Conservation Area Consent for Demolition of existing storage/workshop building and front boundary wall; and erection of 3 terraced properties - Withdrawn - 31 October 2008

08/0689 - Erection of 3 terraced properties following demolition of existing storage/workshop building and front boundary wall - Withdrawn - 31 October 2008 (Requirement for a Flood Risk Assessment)

08/0501 - Conservation Area Consent for Demolition of existing storage/workshop building and front boundary wall and erection of 4 terraced properties - Withdrawn - 8 August 2008

08/0500 - Erection of 4 terraced properties following demolition of existing storage/workshop building and front boundary wall - Withdrawn - 8 August 2008 (Objections from the Parish Council and Highways Authority in relation to parking provision)

3.4 Method of Publicity and Summary of Representations:

- 3.4.1 The application was advertised by way of immediate neighbour notification letter and site notice posted - 12 letters of objection (one from a planning consultant on behalf of local residents) have been received which can be summarised as:
- Loss of parking provision - Local residents currently have to park their cars adjacent to the application site boundary wall. The proposal will inevitably lead to a displacement of this current parking into the surrounding already congested area.
 - Flood risk - The proposed culverting of the Mill Race higher up is at a place where the level is shallower and therefore more likely to flood. It will therefore be more likely to get blocked from debris which will have trouble escaping.
 - Need for new dwellings in this location - The applicant suggests that he is meeting the need of housing for young families citing the draft housing needs survey for Eden District. This is as yet an unconfirmed conclusion. I would suggest that even if this were the case, more detail would have to be provided as to where exactly this need is required within Eden and in what form.
 - Construction works - How will the materials and equipment be brought onto site without significant impact on quality of life and safety of local residents.
 - Impact on Conservation Area - This development would neither preserve nor enhance the character or appearance of this area of architectural and historical interest. This area is one of the last areas of old Alston that is relatively unspoilt. Some consideration should be made to try and keep some open spaces and build less intrusive and oppressive building constructions.

REPORTS FOR DEBATE

- Scale of development - The proposal should be reduced to two dwellings, with additional off street car parking being provided for the local residents.
- Road safety - The parking of two cars in tandem and the constant shuffling of vehicles is totally impractical in this location and vehicles entering and exiting the site are likely to trespass onto the driveway of The Bungalow opposite. The four proposed off road spaces are situated on the inside of a bend in the road, and manoeuvring in and out of them does look to be a problem, particularly if there is a vehicle parked outside the property opposite. Furthermore, the pavement provided outside of the new properties will reduce the width of the already narrow road. This in turn will mean that vehicles will have to park further out into this road, thereby blocking the entrance/exit to The Bungalow.
- Overlooking of adjacent properties - The private rear amenity space immediately to the rear of Birkshaw House, and its neighbour Linden House will be overlooked to a totally unacceptable degree. The private amenity space of the property known as 'The Bungalow' is situated to the front of the property, and this area will also be overlooked at close quarters by the proposed dwellings.
- Out of character - The height of the proposed houses will have an adverse effect on existing traditional properties and the basic design of these houses will have a detrimental effect on the traditional aspect of the conservation area. Also, the juxtaposition of newly rendered properties may appear incongruous next to the more traditional Victorian appearance of School Terrace (especially in its dilapidated state).
- Density of development - Given that currently the plot houses a small workshop/garage with an area for a washing line I fail to see how it can support the density of the proposed development. I think the developer is trying to fit too much onto a very small site to the detriment of any potential tenants/residents, neighbours and current environment.
- Loss of employment land - No evidence, in the form of a marketing exercise at its current use value, has been put forward by the applicants to demonstrate that the building is in fact not still required for employment purposes. The proposal is therefore contrary to Policy EM14 of the Eden Local Plan.
- Access for emergency vehicles - Many people already park in inappropriate places due to the lack of space in the area, making it on occasions impossible for a fire engine to get close to many properties if it was called out. The size of the new build and the increase in the number of vehicles in the area will only make the situation worse.

3.4.2 Two objectors (plus their planning consultant) have requested to speak at Committee.

3.5 Parish Response:

3.5.1 Recommended for approval subject to an evaluation by the appropriate authorities of any flood risk arising from the proposals.

3.6 Consultation Responses:

3.6.1 County Archaeologist - Recommend that a condition be imposed requiring an archaeological evaluation, and where necessary, a scheme of archaeological recording of the site be undertaken in advance of development.

3.6.2 Environment Agency - Following amended plans which detailed that the culverting of the Mill Race will no longer form part of the scheme, the EA recommended that a condition be attached to any notice of approval requiring a buffer zone alongside the

watercourse to protect wildlife and its habitat. The EA also advised that the Local Planning Authority should insist that surface water drainage from the development, if directed into the nearby watercourse, should be decreased in some way, and certainly no additional surface water increase should be allowed.

3.6.3 Highways Authority - No objections subject to the imposition of standard conditions.

3.6.4 North Pennines AONB Partnership - No comments.

3.7 Main Planning Issues Raised:

- Impact on character and appearance of Conservation Area
- Impact on privacy and amenity of neighbouring residential properties
- Highway safety issues and parking provision
- Flood risk

3.8 Planning Assessment:

- 3.8.1 This area of Alston is characterised by narrow streets with terraced houses opening straight onto the road/street. There is a mixture of style of properties within the immediate vicinity, however these are mainly of local stone or rendered construction with slate roofs and traditional timber windows, and the majority are two storeys of varying heights.
- 3.8.2 The proposed dwellings which will be two storeys high and will step down in height to follow the gradient of the site are considered to be of a scale appropriate to the area, mimicking the close knit nature of properties within Kings Arms Lane and will be seen as a continuation of the existing terrace of properties. The front elevations of the proposed properties will be directly onto the street/pavement therefore replicating the character in this area of Alston. The Mill Race will remain un-culverted to both allow the public the appreciation of the route and to protect river and bank side habitat as advised by the Environment Agency.
- 3.8.3 It is considered that the external finishes of the proposed dwellings, which are to be finished in a self colour wet dash render with a natural slate roof, are in principle acceptable. It is however recommended that a condition be attached requiring samples to be submitted to ensure that the chosen materials harmonise with the surrounding area.
- 3.8.4 The proposed dwellings at their closest point would be approximately 15 metres from Birkshaw House itself. Privacy within the rear garden of Birkshaw House would to a degree be affected by the development. However given that the garden is currently overlooked by adjoining properties, the change in ground levels and the nature of the windows (ie ground floor - secondary living room window, first floor - bedroom windows, roof space - velux en-suite window) it is not considered that the impact on the privacy and amenity of the occupiers of Birkshaw House as a result of this development will be substantial.
- 3.8.5 Objections have also been raised in relation to the impact of the development on The Bungalow and Croft Terrace. The proposed dwellings will be approximately 10 metres from The Bungalow (7 metres to The Bungalow's boundary) and 22 metres from Croft Terrace. The Bungalow is currently overlooked substantially by properties on Croft

Terrace. Therefore given these distances and taking into account the current situation, it is not considered that the proposed development will have a significant adverse impact on the privacy and amenity of residents of these properties.

- 3.8.6 Following objections from neighbours in relation to highway safety and parking issues, the Highways Authority was re-consulted and confirmed that:
- ‘If parking is taking place on the public highway I would not consider this to be a material consideration in determining the application from a highway point of view. The applicant has indicated two parking spaces per unit which is considered satisfactory and is in accordance with the Parking Guidelines. Individual drivers should show consideration to others to ensure driveways are not obstructed. Inevitably the parking arrangements will lead to some manoeuvring on and off the public highway which is probably no different to other areas along Kings Arms Lane. Likewise from a visibility point of view I would say that this is no different to existing access points. The proposed footway would be located between the carriageway edge and the wall and would not reduce the width of the road, depending on what width the Highway Authority required the footway to be it may be that the road width at this point could be widened. The footway along this section of Kings Arms Lane would also create a safe refuge for pedestrians using this route and for the residents of the proposed dwellings. The entrance to The Bungalow is considered of sufficient width and has adequate space within the curtilage of the site to allow a vehicle to turn and enter onto the public highway in a forward direction. I would also point out that traffic volume and traffic speed along Kings Arms Lane is fairly low and I would consider that it would not be possible to sustain a recommendation of refusal from a highway point of view.’
- 3.8.7 The option of the applicant providing displacement parking on additional land owned in close proximity to the site was explored however it appears that such land is accessed by right of way across a section of land belonging to the adjacent property, Birkshaw House and due to the complications of transferring the right of way to other parties it is not considered that there is a realistic possibility that this land can be utilised for parking.
- 3.8.8 It is considered that adequate parking has been provided by the applicant for the proposed dwellings. Given that the site is within easy walking distance of the centre of Alston and the facilities it has to offer, it is not considered that a greater number of spaces for potential occupier is required. There are a number of public parking spaces within the town centre which existing residents will have access to.
- 3.8.9 The issue of local residents’ cars blocking accesses to individual properties is not a material planning consideration but a civil matter. Should such situations occur then the issue would be dealt with by the local police. The Highways Authority would also have the option of altering the parking restrictions in the area (ie applying double yellow lines) should they decide it is appropriate to.
- 3.8.10 With regards the issue of fire appliances needing access to Kings Arms Lane, it is considered that the situation will not be significantly exacerbated by the proposed development, and as discussed above, the situation could be improved should the Highways Authority decide to alter the parking restrictions in this area
- 3.8.11 The Flood Risk Assessment submitted with the application indicates that as the site is currently of an impermeable nature no additional discharge to the mill race will occur.

The agent has advised that there is no practical means to direct surface water elsewhere and there is not sufficient site area for any significant attenuation to be provided. It is noted that the Environment Agency has not objected to the scheme in relation to flood risk following amendments to the scheme but has provided comments. Taking into account the above it is not considered that this issue will render the development unacceptable.

- 3.8.12 The comments of the local residents in relation to the re-use of the existing workshop for commercial/industrial purposes have been noted. It is however considered that the redevelopment of the site for residential purposes will significantly improve the character and appearance of this area of the Alston conservation area. The site is within close proximity to residential properties, and it is considered that its continued use for industrial/commercial purposes could impact on the amenity of neighbouring properties as well as having an impact on highway safety, and its redevelopment for residential purposes would be favoured in this locality.
- 3.8.13 The Council has recently decided to discontinue the practice of imposing local occupancy conditions on market dwellings or requiring an element of affordable housing on sites of less than 10 units. In line with this, it is therefore considered that a local occupancy condition is not required and no element of affordable housing needs to be provided as part of the development.
- 3.8.14 It is considered that the proposal complies with the relevant development plan policies and guidance.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

Affordable Housing

Quality Environment

Economic Vitality

Quality Council

Council on 7 February 2008 agreed fifteen strategic actions to achieve these priorities.

4.2 Relevant Local Plan Policies:

NE2: Development in the North Pennines AONB

BE1: Demolition in Conservation Areas

BE2: Demolition in Conservation Areas

BE3: New development in Conservation Areas

BE19: Quality of Design

EM8: Re-use of Industrial or Commercial Sites

PT6: Parking Provision

4.3 Relevant Structure Plan Policies:

ST5: New development and key service centres outside the Lake District National Park

EM14: Development of employment land for other purposes

H19: Affordable housing outside the Lake District National Park

4.4 Relevant Regional Spatial Strategy Policies:

RDF2: Rural Areas

L4: Regional Housing Provision

EM1(C): Historic Environment

5. Implications

5.1 Legal

5.1.1 There are none arising directly from this report.

5.2 Financial

5.2.1 There are none arising directly from this report.

5.2.2 The Council has agreed an action plan to carry through the Balancing the Budget exercise. A key part of this is the Resource Allocation Categorisation which is designed to ensure that resource allocation reflects the Council's priorities. The full categorisation was agreed at Council on 7 February 2008 and the financial implications of any report must be consistent with this.

5.3 Equality and Diversity

5.3.1 There are none arising directly from this report.

5.3.2 The Council has to have regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equalities Act, 2006 and related statutes.

5.4 Environmental

5.4.1 There are none arising directly from this report.

5.4.2 The Council has to have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act.

5.5 Crime and Disorder

5.5.1 There are none arising directly from this report.

5.5.2 The Council has to have regard to the need to reduce crime and disorder in exercising its functions under the Crime and Disorder Act, 2004.

5.6 Children

5.6.1 There are none arising directly from this report.

5.6.2 The Council has to have regard to the need to safeguard and promote the welfare of children in the exercise of its functions under the Children’s Act, 2004.

5.7 Risk Management

5.7.1 There are none arising directly from this report.

6. Reasons for decision/recommendation

6.1 The proposal is considered to be acceptable within its location and would not have a detrimental effect on neighbouring properties or the area in general. In addition the proposal complies with the relevant policies of the Eden District Local Plan.

S Huddart
Director of Technical Services

Governance Checks:

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Eden Local Plan (1996), Cumbria and Lake District Joint Structure Plan (2006), North West Regional Spatial Strategy (2008)

Contact Officer: Aimee Richardson

Telephone Number: (01768) 212486

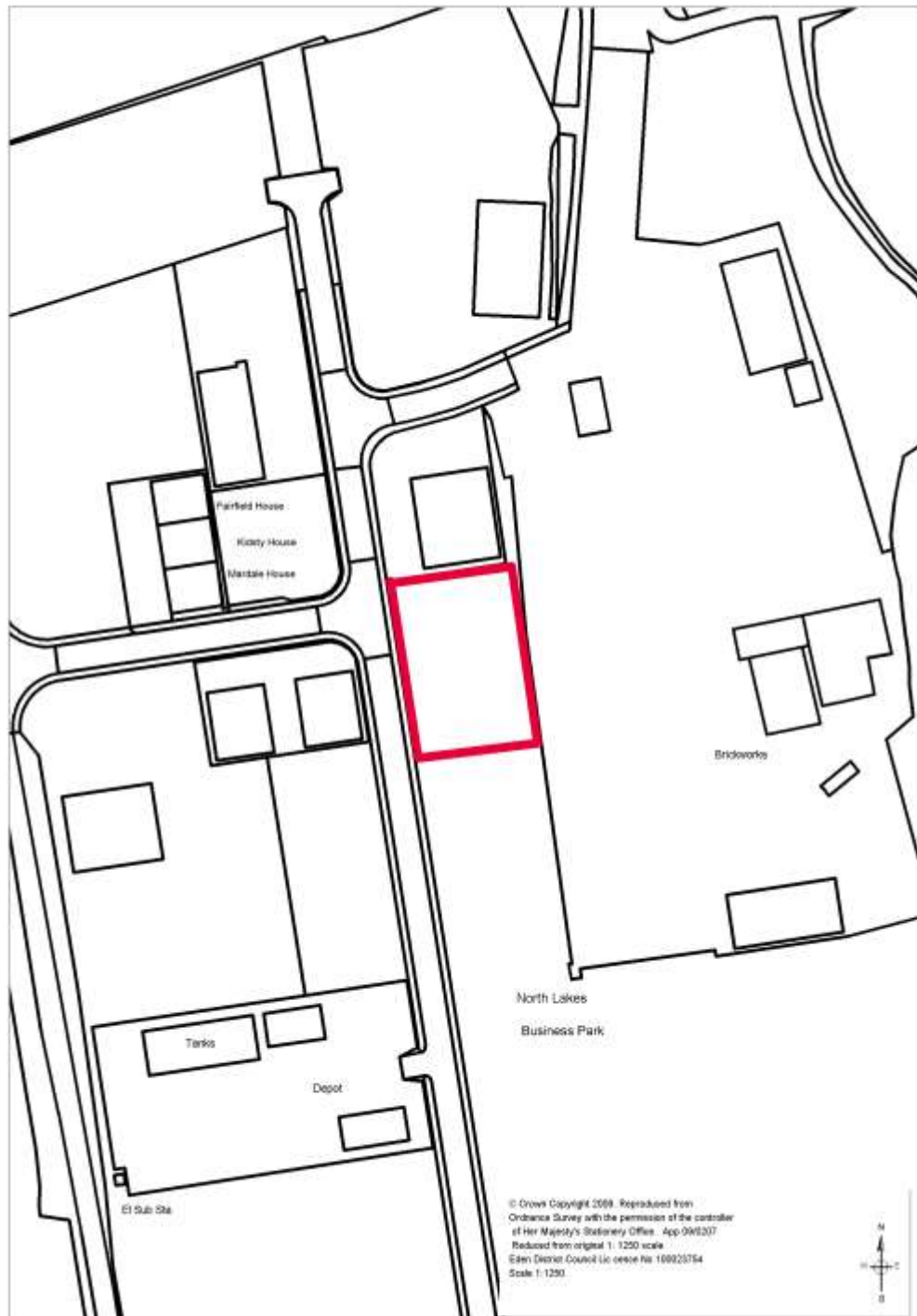
Eden District Council
Planning Applications Committee
16 July 2009 2009

Planning Application No: 09/0207

Construction of B1, B2, and B8 units, Plot 5B North Lakes Business Park
Flusco for Mr G Aris

Director of Technical Services

Site Plan:



1 Purpose of Report

1.1 This application is before members as an objector has requested a hearing.

2 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.
- 2 The development hereby approved shall be carried out strictly in accordance with the details and plans approved and shall not be varied other than by prior written agreement from the local planning authority.
- 3 Details of measures to be taken to prevent surface water flowing from the site onto the highway shall be submitted to and agreed in writing by the local planning authority prior to the commencement of the development.
- 4 The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the satisfaction of the local planning authority.
- 5 Prior to the commencement of development evidence shall be provided to the local planning authority which demonstrates that the proposed surface water soakaway will perform to then appropriate standard.

Reasons:

- 1 In order to comply with the provisions of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure a satisfactory standard of development and to avoid any ambiguity as to what constitutes the permission.
- 3 In the interests of highway safety and environmental management.
- 4 To ensure a suitable standard of crossing for pedestrian safety.
- 5 To reduce flood risk on and off the site.

3 Report Details

3.1 Proposed Development:

3.1.1 The application seeks consent for the construction of building approximately 24m long x 11m wide to provide two units of 124 sq m floorspace. The external finish would be similar to that of other buildings on this site. The building would be offset to the rear of the site with delivery and turning space to the front and car parking to the side.

3.1.2 The proposal is submitted as a “full” application. The site however already benefits from outline planning permission.

3.2 Description of the Site and the Surroundings:

3.2.1 The site is part of this established business park which has seen a series of units developed on it in recent years. The site is within the main central area of the estate.

3.3 Relevant Planning History:

3.3.1 The site has been the subject of a number of individual applications for planning consent for various uses since its development commenced. The primary relevant consents are as follows:

03/0378 access roads, sub station and treatment plant - Full approval

03/1072 - Variation of condition 1 imposed on planning consent 00/0588 - To extend time for submission of Reserved Matters to 21 September 2005 - Outline Approval 9 January 2004

00/0588 - Industrial Park - Outline Approval 21 September 2000

96/0884 - Vehicular access to North Lakes Industrial Park - Reserved Matters approval - 29 November 1996

91/0409 - Rural enterprise park - Outline Approval - 15 December 1994

3.4 Method of Publicity and Summary of Representations:

3.4.1 the application was advertised by the posting of a site notice. Some 60 responses have been received objecting to the development on the grounds that:

- the site completely obstructs the alignment of the Keswick to Penrith Railway which CKP Railways are working to reopen;
- the development contravenes Policy RE7 “Protection of disused rail routes” of the Eden Local Plan and other national and regional policies;
- there remains sufficient space within the industrial park area to re-site the proposed development without it being on the line of the former rail track;
- the development of the site as a whole does not accord with the principles of development established by the outline planning consent;
- the development would add some £17 million to the costs of diverting the railway to avoid the development at Flusco;
- impact on the potential for re-opening the railway could be avoided by re-locating the site elsewhere.

The reopening of the line would have substantial tourism and economic benefits for the area.

3.4.2 Keswick Tourism Association: The Board of Keswick Tourism Association is extremely concerned that this development impinges on the site bed of the Keswick to Penrith railway. KTA strongly supports the reinstatement of the railway providing both visitors and residents with more choice of transport in the area. If cars and car parking are not to become an even bigger problem than they are at present in the Lake District it is vital that the area's links to the national rail network are improved. With the Windermere branch line reaching capacity a Penrith to Keswick line is becoming even more vital.

The development of this line will also increase the importance of Penrith Station improving access to the Eden area as well as Keswick and the Central Lakes. Reinstatement of the line through Flusco may also provide important goods transport options in the future. Looking ahead to a time of increasing cost and reducing availability of fossil fuels development of this rail link is going to become of increasing importance.

To conclude this present planning application would prevent the rebuilding of the KP railway on the old trackbed increasing the cost and reducing the viability of the project. We are not against developments at the Flusco site but request that such developments leave the trackbed and an adequate surrounding margin intact. Rebuilding of the railway is not a pipe dream but a viable project working towards a working railway in the next few years. As an Association of Tourism Businesses KTA recognises the importance of the CPK project and believes that all members of Eden District Council should do too.

One letter of support has been received which argues that the principle of development on this business park is long established and the objections to this application cannot therefore be relevant; there is no alternative site available; planning consents for the site do not require a route for the railway to be reserved; the route of the railway is abandoned and the track bed is gone. The applicant should be supported in his attempts to create economic growth.

3.5 Parish Response:

- 3.5.1 No objections were raised to this proposal but the comment was made that the unit would be precisely on the bed of the old Penrith-Keswick railway and this will no doubt raise objections in certain quarters.

3.6 Consultation Responses:

- 3.6.1 Highways Authority: - no objection subject to a condition to prevent water flowing from the site onto the highway.
- 3.6.2 Environment Agency: - no objection subject to a condition which requires it to be demonstrated that the proposed soakaway will perform to the appropriate standard.

3.7 Main Planning Issues Raised:

- 3.7.1 It is considered that the principle issue raised by this application is the acceptability of the development proposed on this part of the business park.
- 3.7.2 There is the need to address the objections raised to the principle of the development and its impact on the former railway line and consequently, the ability to have that line reinstated.

3.8 Planning Assessment:

- 3.8.1 It is considered that the design of the building and other matters pertinent to the operation of the site, subject to the requirements of statutory agencies outlined above are acceptable in this location. The site already benefits from a Local Plan allocation and a previously granted outline planning consent. Neither of these documents required the route of the former railway to be protected through the site.

REPORTS FOR DEBATE

- 3.8.2 In respect of the objections raised to the development because of its potential impact on any future reopening of the former railway line the following considerations are relevant.
- 3.8.3 The route of the railway line through this site has never had any statutory protection. The land was granted outline planning permission in 1998 and was formally allocated in the then Local Plan in 1996. Neither of these processes specifically protected the route. The substantive area of the land which now comprises the business park and through which the former route ran is now either built upon by roads or other structures, is within developed sites, or is within areas of the site which benefit from the grant of planning permission for development.
- 3.8.4 The reopening of the railway is not accorded any status in the Regional Spatial Strategy, the Department for Transport's Regional Planning Assessment, Network Rail's Route Utilisation Strategy nor in any other public authority strategy document. A report, 'Keswick - Penrith Railway Feasibility Report', commissioned by the Northwest Regional Development Agency (NWDA) in 2007 concluded that the re-opening of the line would generate economic benefits but those benefits would be relatively modest. This would place it in the Department for Transport's (DfT) low value for money category. In this category the general advice from the DfT is that few transport schemes will be funded unless there are substantial non-monetised benefits. The project would require a substantial injection of local or regional funding to reduce the DfT's requirement. This would need to be justified on wider social, environmental or economic grounds. In this instance the number and costs of new jobs that might be provided is of an order of magnitude higher than would normally be considered acceptable whilst the additional tourist spend would be minimal. Whilst policy changes on environmental issues might, in the next ten or fifteen years make the scheme more attractive in terms of attracting funding the present funding climate does not offer a short term prospect of implementing the scheme. However the report indicated the medium term may well be more favourable as policy in respect of environmental impact might change and this could result in an improved case for investment. As a consequence, the report concluded, it is important that decisions are not taken which would preclude the future development of the scheme. The report suggested that the scheme needs to find its way into the regional Transport Strategy where, if rail schemes come into the Regional Funding Allocations process, the scheme would be "in the pot" for consideration. This process would require the support of a public sector body at local or regional level.
- 3.8.5 The further views of the NWDA have been sought on the application and have responded as follows:

"Following recent communication between yourself and the Agency regarding a planning application for development at North Lakes Business Park, I write to clarify the Agency's position in respect of how the application affects the alignment of the former Penrith to Keswick railway.

The Agency funded feasibility study by JMP Consulting in 2007 found that the reinstatement of the line was possible in engineering terms, albeit that additional infrastructure investment would be required. In addition, the report found that the project had a "Low" value for money outcome under standard Department for Transport guidance and that as much as £100 million would be required to reinstate the line. Whilst this data may suggest the delivery of the project would be problematic, the

Agenda Item 6 (d)
REPORTS FOR DEBATE

report stresses the longer term and more strategic economic rationale for considering reinstatement and these benefits remain relevant.

The revival of a rail transport service along the route would contribute to decreasing car use in the National Park; reduce emissions as a result of private car travel (up to 2,000 tonnes); and connect the heart of the northern Lake District to the national and international rail network via connections at Penrith.

The majority of these benefits are intangible in financial terms and do not affect the value for money calculation referred to above. However, JMP Consulting assessed the economic and wealth creation impact of the reinstatement and considered that it would create:

- 194 FTE additional jobs in the construction and operation of the railway
- Over £120 of Gross Value Added over a 60 year period
- Additional visitor spend in the area of £1.1m pa

This clearly shows the potential for benefits to be accrued from the line's reinstatement in the long term, notwithstanding the immediate deliverability issues. Consequently it would be preferable to protect the reinstatement in the future should it become more financially viable.

The Agency recognises that you will have to consider a number of factors in coming to your decision, including the extent of existing and adopted planning policy to protect the line. However, the points set out above explain the longer benefits that could be realised if the line is protected."

The previous correspondence with the Agency referred to in the foregoing stated that:

"The Agency recognises the long term economic and environmental benefits of reinstating the railway between Penrith and Keswick and therefore it would be desirable to protect the former route of the line where it is appropriate to do so and where sufficient planning policy is available to enforce such a protection. The Agency has previously provided funding for a feasibility study into the reinstatement project and the report showed that such a project would involve significant capital investment with a poor cost-benefit analysis. However funding and economic situations are liable to change and the long term transport needs of the area should be considered."

- 3.8.6 The Regional Spatial Strategy which includes guidance on the transport strategy referred to is a current document until 2021 and does not promote the reopening of this line. In broader policy terms the Strategy promotes the development of tourism outside the National Park.
- 3.8.7 In 2005 this Committee commissioned a consultants report on application 03/0378 which related to the roads and services for the part of the site on which this present application is situated. That report concluded that it was difficult to see the railway reopening before 2010. Although, the consultants concluded, the proposal was feasible in technical terms their report doubted the financial viability of the scheme, particularly in respect of the costs of land purchase, some 75% of the line being in private ownership and, in respect of the anticipated passenger numbers considered the suggested occupancy rates per train being a "tall order" in a rural location. The consultants further felt that the outline business case for the line fell short of the information required by which investors would need to judge the viability of the project.

REPORTS FOR DEBATE

In respect of the Flusco site in particular the consultant pointed to a possible and technically achievable solution being available by a diversion around the site.

- 3.8.8 The application (03/0378) was approved by Committee and, as has been pointed out, this present site remains the last area of that land not to benefit from a detailed planning approval or an implemented permission. An argument to now refuse planning permission for this particular site on the business park is therefore difficult to maintain. In order for this site to be of benefit to the reopening of the railway then development of other sites would have to be undone, planning consents rescinded and road alignments rearranged. All this would then need to be justified on a site which benefits from planning permission and a local plan allocation, neither of which required the line of the former railway to be retained. At the same time the possibility of the reopening remains in doubt. No time scale can be established for the reopening of the line, the reopening does not figure in any transport planning document, funding for the works is not currently available, substantial caveats are attached even to a report supportive of the scheme and yet the Council is being encouraged to effectively “blight” this site, already approved for development, and which as discussed is afforded no degree of policy protection and which does not figure in any formal transport planning strategy, for an indeterminate period of time.
- 3.8.9 The question of policy conflict, particularly in respect of RE7 was addressed in respect of application 03/0378 when Committee concluded that this policy was part of the Council’s strategy but as a recreational activity rather than being proposed as a transport infrastructure programme. It was further considered that, in the light of the considerations about the potential for the reopening of the line Policy RE7 could not be afforded sufficient weight to outweigh Policy EM3 which identified the land as being acceptable for the use proposed. This assessment remains the view of officers. There remains no policy protection which affords the opportunity to refuse this present individual application, either at local or regional level.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

Affordable Housing

Quality Environment

Economic Vitality

Quality Council

Council on 7 February 2008 agreed fifteen strategic actions to achieve these priorities.

4.2 Relevant Local Plan Policies:

4.2.1 RPG 13

4.2.2 EM3 (Local Employment Site Allocation) of the Eden Local Plan 1996

4.2.3 EM5 (Development on Allocated Sites) of the Eden Local Plan 1996

4.2.4 RE7 (Protection of Disused Rail Routes) of the Eden Local Plan 1996

5. Implications

5.1 Legal

5.1.1 There are none arising directly from this report.

5.2 Financial

5.2.1 There are none arising directly from this report.

5.2.2 The Council has agreed an action plan to carry through the Balancing the Budget exercise. A key part of this is the Resource Allocation Categorisation which is designed to ensure that resource allocation reflects the Council's priorities. The full categorisation was agreed at Council on 7 February 2008 and the financial implications of any report must be consistent with this.

5.3 Equality and Diversity

5.3.1 There are none arising directly from this report.

5.3.2 The Council has to have regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equalities Act, 2006 and related statutes.

5.4 Environmental

5.4.1 There are none arising directly from this report.

5.4.2 The Council has to have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act. There is considered to be no substantive issue in respect of bio-diversity matters that would arise from the development of this site.

5.5 Crime and Disorder

5.5.1 There are none arising directly from this report.

5.5.2 The Council has to have regard to the need to reduce crime and disorder in exercising its functions under the Crime and Disorder Act, 2004.

5.6 Children

5.6.1 There are none arising directly from this report.

5.6.2 The Council has to have regard to the need to safeguard and promote the welfare of children in the exercise of its functions under the Children's Act, 2004.

5.7 Risk Management

5.7.1 There are none arising directly from this report.

6. Reasons for decision/recommendation

6.1 The proposal is considered to be acceptable within its location and would not have a detrimental effect on neighbouring properties or the area in general. In addition the proposal complies with Policies EM3 and EM5 of the Eden District Local Plan. The wider implication for the impact of development on the potential for the re-opening of

REPORTS FOR DEBATE

this former railway line cannot be resolved by the refusal of this individual application. In any event there exists no degree of certainty that the reinstatement of the line is likely to occur. Such a prospect appears to rely on too many possible changes in funding arrangements and policy agendas to be confident that there is any element of certainty about the re-opening even within the next 10 to 15 years. Based on this evidence the Council is being asked to prevent employment generating development on a small part of an area of land which accords with the retained policy of the Council.

S Huddart
Director of Technical Services

Governance Checks:

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Keswick to Penrith Railway Stage 2 Report; Northwest Regional Development Agency
Keswick to Penrith Railway preliminary Technical Audit
TPi Transportation Consultancy for Eden District Council

Contact Officer: Malcolm Johnson

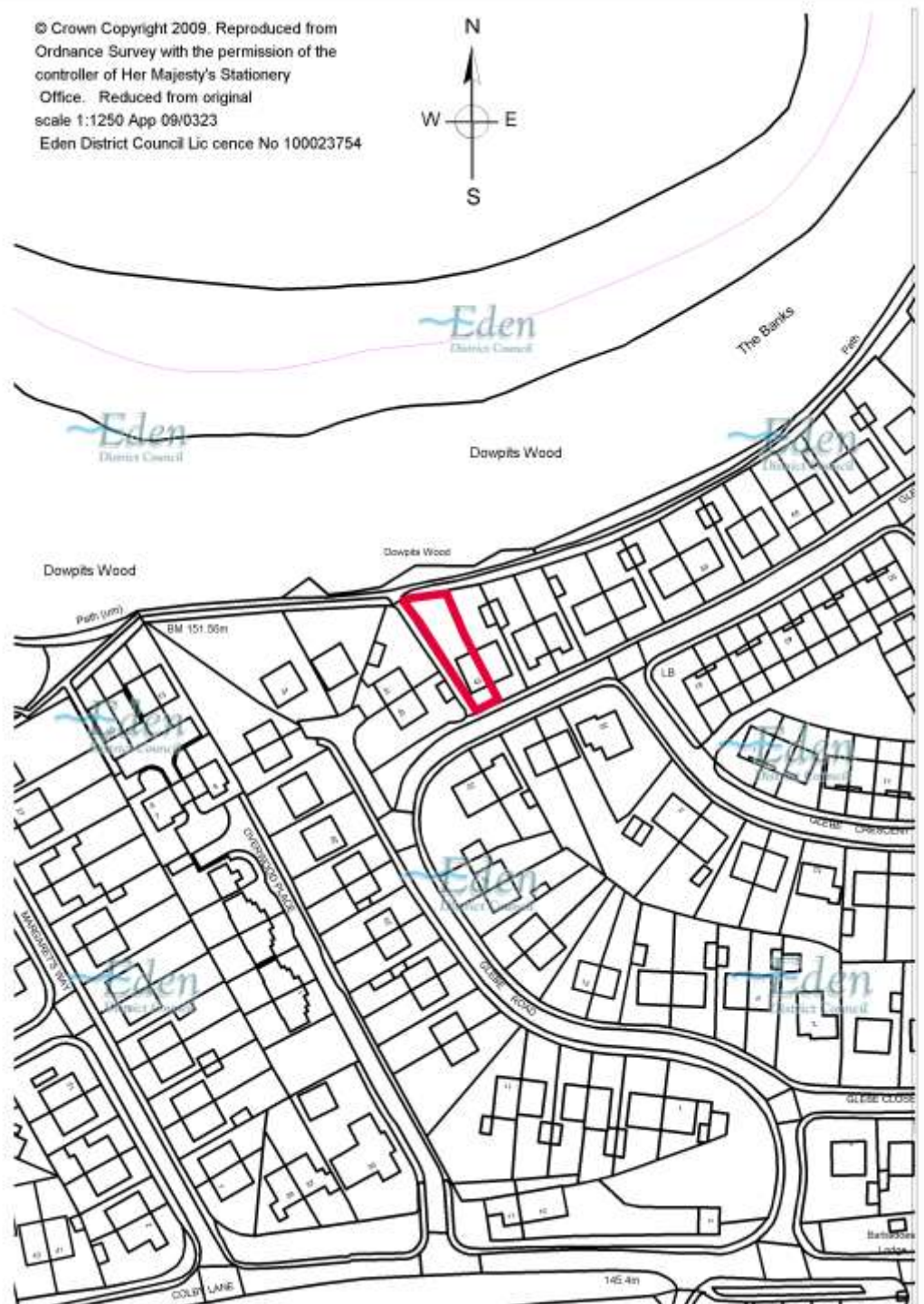
Telephone Number: (01768) 212446

**Eden District Council
Planning Applications Committee
16 July 2009**

**Planning Application No: 09/0323
Erection of single storey rear extension and detached rear outbuilding
45 Glebe Road, Appleby for Mr M Coward**

Director of Technical Services

Site Plan:



1 Purpose of Report

1.1 This application is before members as an objector has requested a hearing.

2 Recommendation:

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

- 1) That development permitted shall be begun before the expiration of three years from the date of this permission.
- 2) That development hereby granted shall be carried out strictly in accordance with the details and plans thereby approved (drawings received 1 May 2009) and shall not be varied other than by prior agreement in writing by the Local Planning Authority.
- 3) That prior to the commencement of any work on site, the type and colour of the proposed external dry dash render shall be agreed in writing with the local planning authority and no work shall commence on site prior to the aforementioned agreement in writing being given.
- 4) That the hedge located along the western boundary (identified in green on drawing 2), shall be grown to or maintained to a height of 2m and shall not be cut down, uprooted or destroyed without the written approval of the local planning authority.
- 5) If the aforementioned hedge is removed, uprooted or destroyed or dies, another hedge shall be planted and grown and maintained to a height of 2m, or a screen fence erected to a height of 2m, along the western boundary (identified in green on drawing 2), directly following the removal of the existing hedge, in accordance with a detailed specification, which shall first be submitted to, and approved in writing by, the local planning authority.

Reason:

- 1) In order to comply with the provisions of the Town and Country Planning Act 1990.
- 2) To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.
- 3) To ensure that the materials harmonise with the surroundings.
- 4) To safeguard the visual character and appearance of the area.
- 5) To safeguard the privacy and enjoyment of occupation of the adjoining residential properties to the south and in the interests of visual amenity.

3 Report Details

3.1 Proposed Development:

- 3.1.1 This is an application for full planning application for a single storey 'L' shaped extension across the full width of the rear of the applicant's bungalow and for a detached garage/store in the rear garden.
- 3.1.2 The single storey 'L' shaped extension would extend 3m from the house along the boundary with the adjoining neighbour and 6m at its longest (west elevation). The ridge height at its highest would be 4.7m in the central part of the site.
- 3.1.3 The extension would have concrete tiles to the roof and upvc doors and windows, all to match the existing, but is to have the extension walls and the remaining areas of the existing house over rendered in dry dash (white/cream).
- 3.1.4 The propose domestic garage is to be located in the rear end of the garden, measuring 6.4m x 4m, with an attached lean-to store. The garage would have a dry dash finish with concrete tiles to the roof to match the proposed house extension. The store would be finished with horizontal timber boarding stained medium oak colour. The garage ridge height would be 3.8m with an eaves height of 2.5m.

3.2 Description of the Site and the Surroundings:

- 3.2.1 The application property is a semi detached bungalow with gardens to the front, side and rear. The adjoining property at 47 Glebe Road, positioned on higher ground (approx 0.7m) above the application site, has been extended to the rear with a conservatory. A footpath to the town centre bounds the rear garden to the west and north of the application site, with residential gardens beyond to the west.

3.3 Relevant Planning History:

- 3.3.1 09/0078 - A planning application for a single storey rear extension and a detached garage at 45 Glebe Road, Appleby - withdrawn 18 March 2009.

3.4 Method of Publicity and Summary of Representations:

- 3.4.1 The application was advertised by the posting of a site notice and six neighbour notification letters were sent. One letter of objection has been received and is summarised as follows:
- very small bungalows occupied for the most part by retired people in a quiet area. Peace and quiet in the gardens are therefore most important and not appropriate for the proposed.
 - overbearing - the bedroom will be some additional 3 metres in length along our boundary fence and a full pitch roof height. This will deny sunshine and light to the patio area and will present 3 metres of masonry wall and tiled roof immediately adjacent to the patio.
 - Concern with the hedge along the southern boundary which has been left un-managed, unkept, straggling mess.

REPORTS FOR DEBATE

- Concerned that the garage may be used for purposes other than simply garaging a car. There is potential for noise and disturbance if it was used as a workshop or some other adjunct to the applicant's business.
- Other garages in the area are designed for the housing of a car and are all flat roofed. A pitched roof garage, some 4.2 metres above already high ground is quite out of character compared to neighbouring structures.
- Value. If faced with selling the bungalow in the future, there is concern that it would prove much more difficult to sell and command a lower price when the property is hemmed in by these extensions.
- Stress the importance of a site visit by officials to understand the concerns.

3.5 Parish Response:

3.5.1 Members of Appleby Town Council had no objections to this application.

3.6 Consultation Responses:

3.6.1 Highways Authority has no objection to the proposed development as it is considered that the proposal does not affect the highway.

3.7 Main Planning Issues Raised:

3.7.1 Impact on nearby residential occupiers.

3.7.2 Impact on the character and appearance of the building and the surrounding area.

3.8 Planning Assessment:

3.8.1 The application is for an 'L' shaped single storey extension across the full width of the rear (north facing) side of the bungalow, along with a detached garage/store.

3.8.2 Concerns raised by the occupier of the neighbouring property have been fully considered. When considered against the Council's Residential Development Design Guidelines in terms of the 45 degree code, the length of the extension along the boundary line would conflict with this guide by 0.85 metres when measured from the centre point of the neighbour's bedroom window (a habitable room). Although the proposed extension would conflict with the said guidelines, the application site is lower than the neighbour's garden by approximately 0.7 metres and the proposed eaves height is 2 metres above ground level of the neighbour's garden. Therefore, it is considered that the proposed development would not have a detrimental affect on the privacy or amenity of the neighbours in terms of loss of day light, sunlight and outlook and would not be over dominant or over intrusive resulting in overshadowing.

3.8.3 Furthermore, under the Town and Country Planning (General Permitted Development) Order 1995, planning permission is not required for single storey extensions where they do not extend beyond the rear wall of the original dwelling house by more than 3 metres in the case of a semi detached house.

3.8.4 Concerns regarding the garage have also been considered. The garage itself is considered to be commensurate with the size of the dwelling house and the design of the lean-to 'garden-shed' minimises the scale of the building. The garage building is set away from the side boundary by 1 metre. Although the garden area is higher than the

adjacent footpath there is a high hedge along the boundary. Conditions are recommended to ensure the hedge is retained.

- 3.8.5 In terms of the design of the extension and the garage, it is considered that they are domestic in scale, the finish of the walls and roofs are appropriate in this location and are unlikely to detract from the scale or appearance of the original building or the surrounding area.
- 3.8.6 The Highways Authority and Appleby Town Council do not raise any objections to the proposed development.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

Affordable Housing

Quality Environment

Economic Vitality

Quality Council

Council on 7 February 2008 agreed fifteen strategic actions to achieve these priorities.

4.2 Relevant Local Plan Policies:

- 4.2.1 Eden Local Plan 1996 - BE19 - Quality of Design
Residential Development Design Guidelines

5. Implications

5.1 Legal

- 5.1.1 There are none arising directly from this report.

5.2 Financial

- 5.2.1 There are none arising directly from this report.
- 5.2.2 The Council has agreed an action plan to carry through the Balancing the Budget exercise. A key part of this is the Resource Allocation Categorisation which is designed to ensure that resource allocation reflects the Council's priorities. The full categorisation was agreed at Council on 7 February 2008 and the financial implications of any report must be consistent with this.

5.3 Equality and Diversity

- 5.3.1 There are none arising directly from this report.
- 5.3.2 The Council has to have regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equalities Act, 2006 and related statutes.

5.4 Environmental

- 5.4.1 There are none arising directly from this report.
- 5.4.2 The Council has to have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act.

5.5 Crime and Disorder

- 5.5.1 There are none arising directly from this report.
- 5.5.2 The Council has to have regard to the need to reduce crime and disorder in exercising its functions under the Crime and Disorder Act, 2004.

5.6 Children

- 5.6.1 There are none arising directly from this report.
- 5.6.2 The Council has to have regard to the need to safeguard and promote the welfare of children in the exercise of its functions under the Children’s Act, 2004.

5.7 Risk Management

- 5.7.1 There are none arising directly from this report.

6. Reasons for decision/recommendation

- 6.1 The proposal is considered to be acceptable within its location and would not have a detrimental effect on neighbouring properties or the area in general. In addition, the proposal complies with Policy BE19 of the Eden District Local Plan and the Residential Development Design Guidelines.

S Huddart
Director of Technical Services

Governance Checks:

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning Application Reference 09/0078

Contact Officer: Karen Thompson

Telephone Number: (01768) 212481

1 Purpose of Report

- 1.1 This application is before members as an objector has requested a hearing.

2 Recommendation:

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

1. The development permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of reserved matters to be approved, whichever is the later.
2. The development hereby granted shall be carried out strictly in accordance with the details and plans hereby approved drawing received 8 May 2009 and shall not be varied other than by prior agreement in writing by the Local Planning Authority.

Reasons

1. In order to comply with the provisions of the Planning and Compulsory Purchase Act 2004.
2. To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

3 Report Details

3.1 Proposed Development:

- 3.1.1 The applicant proposes to erect a first floor rear extension for additional living accommodation.
- 3.1.2 The proposed extension would be erected above an existing flat roof living accommodation which is positioned approximately 5.5 metres from the common boundary with the adjoining property no. 35 Croft Terrace, project 3.3 metres from the rear elevation and be 3.9 metres in width with a pitched roof.

3.2 Description of the Site and the Surroundings:

- 3.2.1 This application relates to a semi-detached dormer bungalow located at the head of a cul-de-sac on the south eastern side of Croft Terrace, within a residential area of Penrith of similar detached and semi detached properties.
- 3.2.2 The property has existing flat roofed living accommodation to the side and rear elevations.

3.3 Relevant Planning History:

- 3.3.1 None.

3.4 Method of Publicity and Summary of Representations:

3.4.1 This application was advertised by way of immediate neighbour notification letter and site notice posted - Five items of correspondence have been received from four addresses main points:

- This development is turning a pensioners bungalow into a family house
- Noise and disturbance
- Oppressive impact on surrounding properties, leading to overlooking and loss of natural light
- The property has already been extended a number of years ago and this further extension would be out of scale
- Out of character
- Loss of value to neighbouring properties

3.5 Parish Response:

3.5.1 None received.

3.6 Consultation Responses:

3.6.1 Highway Authority - No objection.

3.7 Main Planning Issues Raised:

3.7.1 Impact on neighbouring property.

3.8 Planning Assessment:

- 3.8.1 The proposed extension has been set in from the common boundary with the adjoining dwelling no. 33 Croft Terrace by approximately 5.5 metres and from the boundary with the rear gardens of 17, 19 and 21 Croft Terrace by approximately 3.5 metres, making the nearest rear elevation 21.5 metres away.
- 3.8.2 The design of the proposal includes large windows to the rear elevation to enable the views towards the Lake District to be enjoyed by the occupants. It is not considered that this window design would create any overlooking to the properties to the rear of the site as their main rear elevation are some 40 metres away.
- 3.8.3 The existing dwelling includes a flat roofed element to the side and to the rear elevations and a substantial dormer window to the rear elevation. The proposed floor space creates space for an additional bedroom with an en-suite within the existing roof space. It is considered that the proposal has been designed to compliment the original dwelling and due to the distances from the boundaries would not create sufficient overshadowing or loss of light to warrant refusal.
- 3.8.4 With regard to the loss of value to neighbouring properties this is not a planning issue.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

Affordable Housing

Quality Environment

Economic Vitality

Quality Council

Council on 7 February 2008 agreed fifteen strategic actions to achieve these priorities.

4.2 Relevant Local Plan Policies:

4.2.1 BE19 - Quality of Design.

5. Implications

5.1 Legal

5.1.1 There are none arising directly from this report.

5.2 Financial

5.2.1 There are none arising directly from this report.

5.2.2 The Council has agreed an action plan to carry through the Balancing the Budget exercise. A key part of this is the Resource Allocation Categorisation which is designed to ensure that resource allocation reflects the Council's priorities. The full categorisation was agreed at Council on 7 February 2008 and the financial implications of any report must be consistent with this.

5.3 Equality and Diversity

5.3.1 There are none arising directly from this report.

5.3.2 The Council has to have regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equalities Act, 2006 and related statutes.

5.4 Environmental

5.4.1 There are none arising directly from this report.

5.4.2 The Council has to have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act.

5.5 Crime and Disorder

5.5.1 There are none arising directly from this report.

5.5.2 The Council has to have regard to the need to reduce crime and disorder in exercising its functions under the Crime and Disorder Act, 2004.

5.6 Children

- 5.6.1 There are none arising directly from this report.
- 5.6.2 The Council has to have regard to the need to safeguard and promote the welfare of children in the exercise of its functions under the Children’s Act, 2004.

5.7 Risk Management

- 5.7.1 There are none arising directly from this report.

6. Reasons for decision/recommendation

- 6.1 The proposal is considered to be acceptable within its location and would not have a detrimental effect on neighbouring properties or the area in general. In addition the proposal complies with Policy BE19 of the Eden District Local Plan.

S Huddart
Director of Technical Services

Governance Checks:

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

Contact Officer: Janet Ruffley

Telephone Number: (01768) 212479

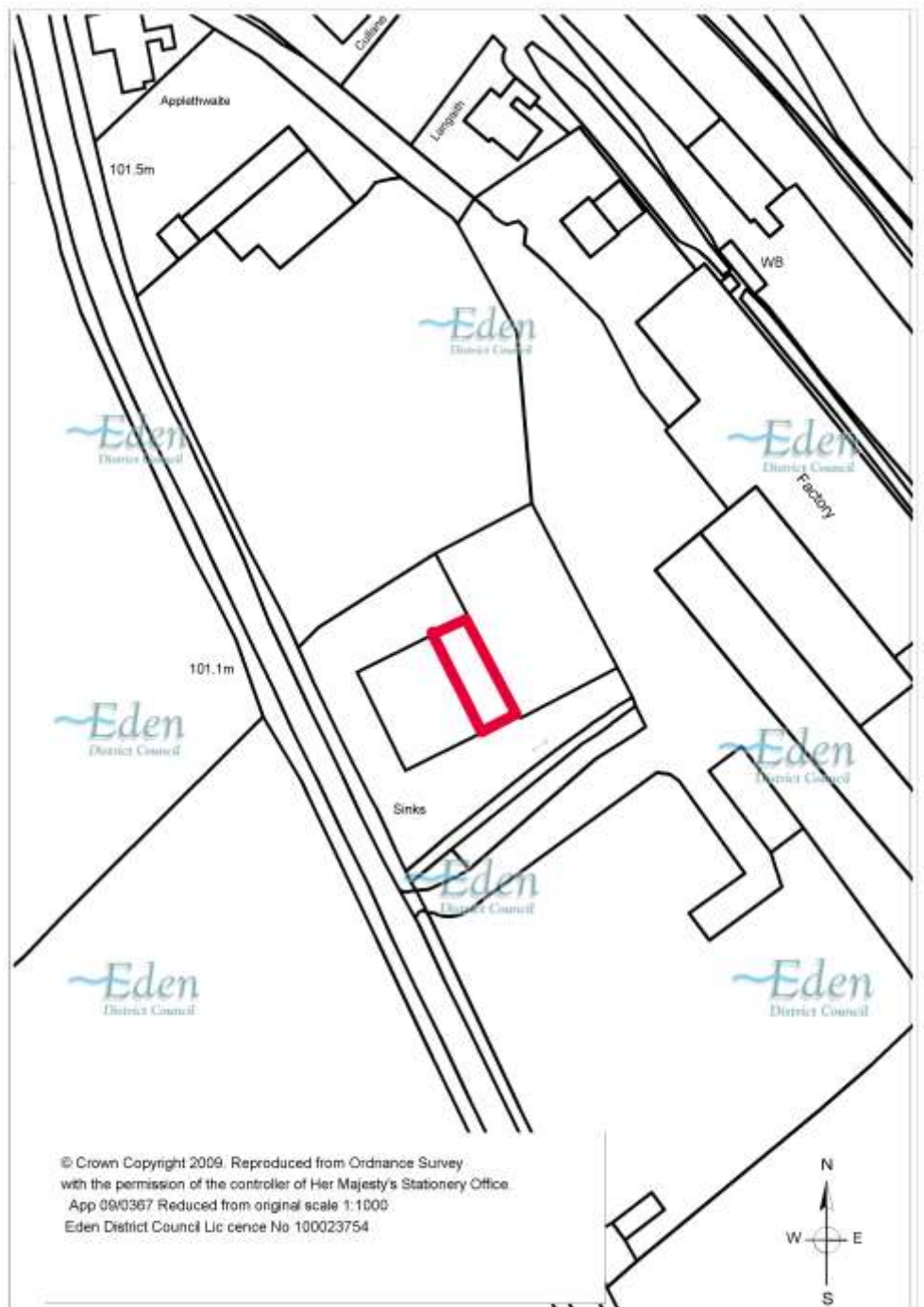
**Eden District Council
Planning Applications Committee
16 July 2009**

Planning Application No: 09/0367

**Erection of Agricultural Building for General Purposes
and Livestock
Town Head Farm, Langwathby**

Director of Technical Services

Site Plan:



1 Purpose of Report

- 1.1 The application has been brought to Committee as the applicant is a member of the Council.

2 Recommendation:

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

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby granted shall be carried out strictly in accordance with the details and plans hereby approved (drawing no WB1803GA received 15 May 2009) and shall not be varied other than by prior agreement in writing by the Local Planning Authority.
3. All external materials to be used in the development shall match the appearance of those of the existing buildings, in size, type, colour and texture or in accordance with such alternatives as may be agreed in writing with the Local Planning Authority.

Reasons:

1. In order to comply with the provisions of the Planning and Compulsory Purchase Act 2004.
2. To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.
3. To ensure that the materials harmonise with the surroundings.

3 Report Details

3.1 Proposed Development:

- 3.1.1 The application seeks full planning permission for the erection of an agricultural building for general purposes and livestock. The building will measure approximately 23.7 metres by 9.5 metres, and be 6.1 metres to eaves level and 7.4 metres to its highest point. The building will be constructed from blockwork and cladding using colours to match the adjoining buildings and the same cladding profile.

3.2 Description of the Site and the Surroundings:

- 3.2.1 The application site is an area of land between two existing buildings on the outskirts of Langwathby, adjacent to Frank Bird (Poultry) Ltd. The proposed building would link the two existing buildings together. The existing agricultural buildings are of concrete panel construction, with Yorkshire boarding/blue cladding above, and a light grey fibre cement roof.

3.3 Relevant Planning History:

- 3.3.1 00/0939 - Steel portal framed building for the housing of livestock - Full Approval - 18 January 2001
- 3.3.2 96/0334 - Agricultural building for storage of grain and potatoes - Full Approval - 2 July 1996

3.4 Method of Publicity and Summary of Representations:

- 3.4.1 The application was advertised by way of immediate neighbour notification letter and site notice posted - No response received.

3.5 Parish Response:

- 3.5.1 No objection.

3.6 Consultation Responses:

- 3.6.1 Highways Authority - No objection.
- 3.6.2 Environmental Health (Environmental Protection) - No objections

3.7 Main Planning Issues Raised:

- 3.7.1 Impact on the character of the area.
- 3.7.2 Impact on the amenity of neighbours.

3.8 Planning Assessment:

- 3.8.1 It is considered that the proposed agricultural building is acceptable in this location and is recommended for approval. The building is proposed to be constructed of materials to match the existing buildings within the vicinity and will be sited adjoining the existing agricultural buildings. It is not considered that the proposed building will have a significant adverse impact on the character and appearance of the area, with it being sited amongst existing agricultural buildings and seen against the backdrop of the buildings associated with Frank Bird (Poultry) Ltd. The building will be approximately 100 metres from the nearest residential property, and it is therefore considered that the development will have little impact on the amenity of neighbouring properties. No objections have been received and the proposal complies with saved Eden Local Plan policies NE9 and BE19.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

Affordable Housing

Quality Environment

Economic Vitality

Quality Council

Council on 7 February 2008 agreed fifteen strategic actions to achieve these priorities.

4.2 Relevant Local Plan Policies:

4.2.1 NE9: Buildings for Agriculture and Forestry

4.2.2 BE19: Quality of Design

5. Implications

5.1 Legal

5.1.1 There are none arising directly from this report.

5.2 Financial

5.2.1 There are none arising directly from this report.

5.2.2 The Council has agreed an action plan to carry through the Balancing the Budget exercise. A key part of this is the Resource Allocation Categorisation which is designed to ensure that resource allocation reflects the Council's priorities. The full categorisation was agreed at Council on 7 February 2008 and the financial implications of any report must be consistent with this.

5.3 Equality and Diversity

5.3.1 There are none arising directly from this report.

5.3.2 The Council has to have regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equalities Act, 2006 and related statutes.

5.4 Environmental

5.4.1 There are none arising directly from this report.

5.4.2 The Council has to have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act.

5.5 Crime and Disorder

5.5.1 There are none arising directly from this report.

5.5.2 The Council has to have regard to the need to reduce crime and disorder in exercising its functions under the Crime and Disorder Act, 2004.

5.6 Children

5.6.1 There are none arising directly from this report.

5.6.2 The Council has to have regard to the need to safeguard and promote the welfare of children in the exercise of its functions under the Children's Act, 2004.

5.7 Risk Management

5.7.1 There are none arising directly from this report.

6. Reasons for decision/recommendation

6.1 The proposal is considered to be acceptable within its location and would not have a detrimental effect on neighbouring properties, or the character and appearance of the area in general. In addition the proposal complies with Policies NE9 and BE19 of the Eden District Local Plan.

S Huddart
Director of Technical Services

Governance Checks:

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

Contact Officer: Aimee Richardson

Telephone Number: (01768) 212486