

Eden District Council
Planning Applications Committee Agenda
Committee Date: 20 September 2007

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This application is brought before Members as a result of a request by the Ward Councillor. Two requests to be heard at Committee have been received should the development be recommended for approval.

Proposed Development:

The current full detail application, a re-submission following a previously withdrawn application Ref No 06/0635, proposes the construction of a slightly repositioned two storey detached “affordable” dwelling, within the Conservation Area of Church Brough.

The site and surrounding area as a whole are located in an area identified as being of High Archaeological Interest.

The proposed dwelling would be a two bed, two storey dwelling with the entrance porch to the rear (south-east) and two sets of patio doors, serving both the lounge and kitchen/diner both to the front (Bridge) north-west elevation and the rear, south east-elevation. As well as a two pane sliding sash window serving the landing, the dwelling would be characterised with the presence of two separate pointed arch, side hung casement windows, breaking the eaves line, and located both on the principle (north-west) and flank (north-east) elevations. Parking for two cars is to be to the rear (east) of the dwelling, alongside an existing and to be retained single bay detached garage. The dwelling would be finished in rendered block work, with a natural slate roof. Stone walls and timber fencing would form boundaries to the site, with pavements to the hard-standing.

The application is accompanied both by a flood risk assessment and a statement indicating that residential development on the site is intended to be provided as affordable, in order to meet local needs in perpetuity.

Description of the Site and the Surroundings:

Located centrally within the designated Conservation Area of Church Brough, the dwelling proposed would be sited within an old walled garden/hard-standing area, between and to the east of the old Church Brough bridge and immediately to the north of the bank of a subsidiary (Augill Beck) of the River Eden. The footprint of the dwelling as proposed would be forward of the most relevant general building line to the north (by approx 7.5m), this being an existing row of traditional Victorian terraced properties, to the east, which have large gardens fronting the street-scene. The existing end terrace property, No 2 Croft House, has front facing windows, which would be roughly at right angles to proposed ground floor hall and wc windows. On the opposite bank of the Augill beck to the application site is a two storey property, (Willow Cottage) being set slightly higher up the corresponding bank, but where the sloping roof emphasis is down towards the beck.

The area is characterised by a mixed form of development, ranging from Victorian and earlier to a few examples of relatively modern bungalows. The main and defining feature of this part of the Conservation area is however considered to be the bridge of the Augill Beck and its immediate setting.

Relevant Planning History:

06/0635 – Proposed two bed cottage – Withdrawn.

Relevant Local Plan Policies:

Cumbria and Lake District Joint Structure Plan 2001-2016- adopted April 2006.

Eden Local Plan Policy BE3 - New Development in Conservation Areas

Eden Local Plan Policy BE8 - Ancient Monuments

Eden Local Plan Policy BE10 - Archaeological Assessments

Eden Local Plan Policy SE2 - Protection of Flood Risk Areas (revised E A Plan)

Eden Local Plan Policy PT6 - Parking Provision

Eden Local Plan Review Housing Policies (SPG)

H3 - Settlements with No Allocation

H4 - Design Criteria for Development on Residential Sites

H5 - Local Service Centres

H7 - Occupancy Controls for residential Development to Secure Affordable Housing

PPG25 - Development & Flood Risk

Legal Requirements:

None.

Method of Publicity and Summary of Representations:

The application was publicised by the posting of a site notice, neighbour consultation and advert in the local press.

Parish Response:

Advise of their comments as follows:

- *This is the second application for the plan 07/0499 – they still feel this is no land to build on – it will spoil the look of the area, it will take a lovely corner and spoil a tranquil area.*
- *They will spoil the village character. They still feel there is a high risk of flooding.*
- *There already is a development of 5 affordable houses further down the road, and are more needed? This particular spot being an oasis between dwellings and is part of the character of Church Brough.*
- *Seems a rather large plot for affordable housing and at what price? Could building cause damage to the bridge? A shame to change the character of Church Brough.*
- *Possibility of flooding – perhaps more investigation is needed.*

Consultation Responses:

Environment Agency - No objection subject to condition.

County Archaeologist - No objection subject to condition.

Highways - No objection.

Housing Section - The housing needs survey identifies that the need for Brough is 10 units over the next five years. In more detail the survey suggests that these should be one bedroomed units. The greatest need is for affordable units for rent.

Conservation Officer - Outlines the need to protect the character of the Conservation area, and is concerned that development of scale and in location proposed might compromise the area and the original reasons for its longstanding designation.

Others - Ten letters have been received objecting to the proposal on the following summarised grounds;

- overdevelopment;
- loss of character;
- visually intrusive;
- flooding in winter and summer, and this would cause worse flooding; a dwelling on a greenfield site;
- safety implication to children attending school, and to traffic as this development would screen views from and to the bridge;
- would impact upon the linear views of the village; overlooking;
- concern is raised over the likely impact upon the ancient pack-horse bridge, impact on the character of the area, a designated Conservation Area;
- additional demand upon a sewage system which already overflows;
- completely out of character with the conservation area.

There have been two requests for a hearing, should the proposal be recommended for approval.

Main Planning Issues Raised:

- Detriment to the character and amenity of the designated Conservation Area.

Planning Assessment:

The proposal would result in the provision of a single dwelling within an identified Local Service Centre. The proposal outlines, in a supporting statement that the property is intended

to be either sold or let as an affordable dwelling. Consultation replies indicate that there is a need to provide for such properties in the area.

The site makes provision for two off-street parking spaces in line with adopted requirements, and therefore complies with Eden Local Plan Policy PT6.

Whilst flooding has been identified as an issue, and of concern to objectors, within the immediate area, the Environment Agency, in light of the Flood Risk Assessment provided do not object to the proposal subject to a minimum finished floor level condition to minimise flood risk potential. The proposal is therefore considered to be capable of reasonable compliance with Eden Local Plan Policy SE2.

The application is brought to Committee at the request of the Local Ward Member on the grounds that it meets a need for affordable housing in the area. However the need and ability to meet affordable housing provision is not the only, or necessarily an overriding consideration which such proposals. Members are reminded that both National and their own locally adopted planning policy guidance indicates that other equally important factors do apply and should be taken into consideration.

Of critical importance, and of much indicated concern is the sites location within a key and sensitive location within the designated Conservation Area of Church Brough. The existence of a strong building line to the north-east of the site, which the application site is significantly in front of, is of concern. So too is the importance of the sites generally open nature with regard to the setting and spatial relationship with the bridge to the immediate west, and which forms a core feature to the area's amenity in this part of the Conservation Area. A two storey development in this area and of this design and prominence, having both significant and noticeable vertical emphasis on a relatively tight site, would significantly compromise the present low key character and open setting of this area.

The proposal is of a relatively contemporary design, with use in part of traditional materials. Whilst there is an example of a contemporary bungalow on the opposite site the predominant design of dwellings in the immediate vicinity and within the Conservation Area as a whole are of a more traditional nature which includes listed buildings. The introduction of such a contemporary building into this prominent location would therefore have an unacceptable impact upon the character of the conservation area. The proposal as a result of its still prominent location would also still tend to dominate the street-scene obscuring part from view the adjacent traditional properties, and their current link and scale to the historical bridge. It is therefore considered, as a result of the siting of the dwelling, it would harm the existing linear street pattern of this part of the village where properties are set back from the street, including the bungalow, and obscuring extensive longer distance views which include the bridge and the beck.

The proposal would therefore be contrary to Eden Local Plan Policy BE3, which specifically states that new development within a conservation area should not adversely affect the character or appearance of the area. It must also respect the scale form, orientation, materials and architectural detailing of adjoining development, established street patterns and building lines traditional to the area concerned.

Human Rights Act:

The implications of the Human Rights Act 1998 have been considered during the assessment and consideration of this application. Any impact on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1) are acceptable.

Summary Conclusions:

The proposals overbearing scale, unsympathetic detailing, inappropriate siting forward of the general building line and lack of considerate reference to the valued character of the sensitive surrounding conservation area is such as to negate and override any singular benefit to be had through the sites use for affordable housing.

Recommendation: Refuse for the following reason:

1. The proposal would by reason of its siting, scale and detail have an unacceptable and detrimental impact upon the character of the existing street pattern as a result of its visual intrusion into the existing historical patterns of development, harmful to the street-scene and the standing of the conservation area as a whole, contrary to Eden Local Plan Policy BE3.

Application Number: 07/0522
Statutory Decision Date: 15 August 2007
Parish: Penrith
Description: Conversion of Existing Cycle Workshop to Two-Storey Dwelling
Location: 4 Brunswick Road, Penrith
Applicant: Mr M Arragon

Recommendation to Grant Planning Permission

Site Plan:



This application has been brought before planning committee as an objector has requested a hearing.

Proposed Development:

The applicant proposes to convert an existing cycle workshop to a two-storey dwelling.

Description of the Site and the Surroundings:

This application relates to a two-storey building formerly a residential property recently used as a workshop in association with the adjacent bike shop located on the northern side of Brunswick Road within a mixed area of commercial and residential properties.

The property is not listed but falls within Penrith Conservation Area, and consists of one room on the ground floor with a staircase leading up to the first floor which is located directly above the ground floor and a double gated access way below.

Relevant Planning History:

96/0040 – Remove two sandstone chimney stacks re-roof and install link doorway first floor 2 Brunswick Road to 4 Brunswick Road Penrith – Approved 29 March 1996.

Relevant Local Plan Policies:

BE3 – New Development in Conservation Areas

BE19 – Quality of Design

Relevant Eden Local Plan Review, Housing Policies, Supplementary Planning Guidance Approved October 2004.

H1 – Priorities for housing development.

Relevant Cumbria and Lake District Joint Structure Plan 2001-2016 Adopted Plan, April 2006.

ST11 – Modifications of Structure Plan 2005.

Legal Requirements:

None.

Method of Publicity and Summary of Representations:

The application was advertised by way of immediate neighbour notification letter and Site and Press notices posted - Two letters have been received which are summarised as follows:

- There would be restricted access by introducing a new entrance within the access archway.
- The introduction of a new entrance within the access archway would create security problems for existing residents.

- A feeling of distress would be caused due to not knowing who could gain access to the rear of neighbouring properties.
- The introduction of a dwelling would create overlooking.
- The new access would be an intrusion to on our private situation.
- Whilst the building work was taking place we would have limited access to our property.

Penrith Civic Society Response:

No comment except for our frequently expressed concern that no car parking provision is included.

Consultation Responses:

Highway Authority – Recommend a condition attached to a planning approval relating to the opening of the ground floor windows and doors.

Main Planning Issues Raised:

- Effect of the proposal on neighbouring property.

Planning Assessment:

Since 2004 the Council has adopted a very strict approach to the granting of planning permissions for residential development as set out in the Local Plan Housing Review Policy Supplementary Planning Guidance adopted in October 2004 necessitated by the over provision of housing in the years 2002/3 and 2003/4 against targets in the Structure Plan. The position is now improved and a report on a review of the Housing Policies will be put before members of the Environment Committee on 12 January 2006 that states that a more relaxed interpretation of housing policies may be made in respect of building conversions in the four main service centres of Penrith, Alston, Kirkby Stephen and Appleby. Notwithstanding the Committee decision this proposal is assessed to be acceptable and consistent with current policies.

This proposal relates to a brownfield site within Penrith, a Key Service Centre. Approval is recommended with a local occupancy condition, consistent with Cumbria Structure Plan (Modifications) September 2005, Policy ST11.

Regarding the relocation of the access door from the front elevation to the side, the applicant's consider that the alternative access would be safer particularly for any children staying at the property as well as an element of security.

The main objections relate to access, one of the neighbouring properties has pedestrian access through the archway to their rear garden and the other has a pedestrian and vehicular right of way to their garden. It is the applicant's intention to retain the existing gates to the front of the arch to ensure that access through would be restricted, however there would be nothing to stop the neighbouring properties erecting their own gates to the rear of the arch.

The introduction of the step to the door access projecting into the archway area, is not a planning issue but a legal matter should access be restricted, as is any difficulties that may occur due to construction/building works.

It is worthy of note that neither of the neighbours have objected to the proposal in principle but are concerned with the introduction of the access doorway from the archway.

With regard to the Civic Society issue with car parking, Cumbria County Council issue parking permits to eligible households in Penrith.

Human Rights Act:

In assessing this application regard has been had to the Convention Rights set out in Schedule 1 to the Human Rights Act 1998, in particular Article 8 of the Convention and Article 1 of the First Protocol. Consideration was given to the rights of the applicant and others.

Summary Conclusions:

It is considered that the proposal is 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 BE3 and BE19 of the Eden District Local Plan, H1 of the Eden Local Plan Review, Housing Policies, Approved October 2004 and Policy ST11 of Cumbria and Lake District Joint Structure Plan 2001-2016 Adopted Plan, April 2006

Recommendation: Grant Planning Permission 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 Planning and Compulsory Purchase Act 2004.

2. The development hereby granted shall be carried out strictly in accordance with details and plans hereby approved received on 20 June 2007 and shall not be varied other than by prior agreement in writing by the Local Planning Authority.

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

3. The occupation of the dwelling shall be limited to the following description of persons:
 - a. Who currently lives in the relevant locality and has done so for a continuous period of at least three years; and/or
 - b. Who works in the relevant locality and has done so for a continuous period of at least three years; and/or
 - c. Who has moved away but has strong established and continuous links with the relevant locality by reason of birth or long term immediate family connections
 - d. Who has an essential need through age or disability to live close to those who have lived in the relevant locality for at least three years.

Reason: In order to comply with Policy H1 of the Eden Local Plan Review Housing Policies and Policy ST11 of the modification of the Structure Plan 2005.

Definition of Locality – this term will be taken to apply to the Parish, or if no potential occupier meeting the criteria listed above can be located in the Parish, then any of the surrounding Parishes, then subsequently the District as a whole, then finally in the County as a whole. A period of marketing of one year in total is considered appropriate.

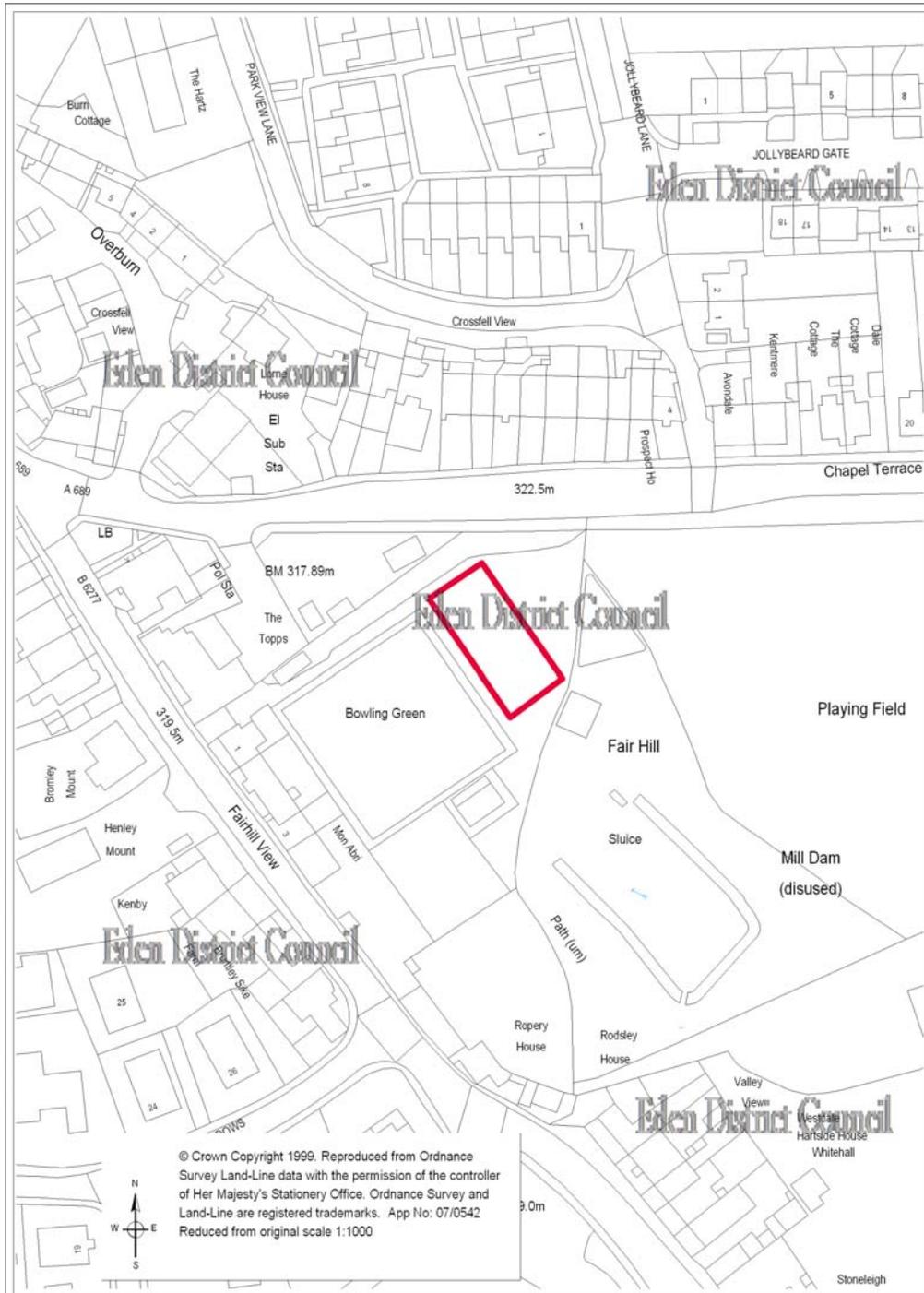
4. New ground floor windows and doors abutting the highway shall be of a type which cannot open outwards into the highway.

Reason In the interests of Highway Safety.

Application Number: 07/0542
Statutory Decision Date: 2007
Parish: Alston
Description: Erection of 3m chain mesh fence around site and 4 x 5m lighting poles to light court with 400w lamps
Location: Kick-about area, Alston Recreation Ground, Fairhill, Alston
Applicant: P Godwin (Alston Recreation Ground Trust)

Recommendation to approve with conditions

Site Plan:



This application is brought to Committee because objectors have requested their objections to be heard at Planning Committee.

Proposed Development:

The application seeks to fence the old tennis court, now a kick about area with a 3 metre high chain link fence covered in green or black PVC. There will be two open areas for entry/exit to the site. The existing concrete blocks are to be removed. The proposal also seeks the erection of four 5 metre poles to light the court with 400 watt lamps. The lighting will be operated by a timer switch and it is proposed it will not be used after 9.30pm.

Description of the Site and the Surroundings:

The application site is located within Fairhill Recreation Ground in Alston, to the north east of the existing bowling green. The proposed site measures approximately 14.5 metres by 32 metres. To the north and west of the 'kick-about' area are residential properties, with open space for recreational use on the south and east boundaries. The site is not allocated as having any specific land use within the Eden District Local Plan, however it is within the North Pennines Area of Outstanding Natural Beauty. The land to the immediate north west of the recreation ground is allocated as being within the Alston Conservation Area.

Relevant Planning History:

- 89/1170 - Renewal of temporary permission for 10 years. Toilet extension. Full approval 30 January 1990.
- 98/0111 - Construction of new pavilion for recreational use. Demolition of existing pavilion Full approval 16 April 1998.
- 98/0112 - Improvement of playing pitch by levelling and drainage. Full approval 16 April 1998.
- 01/0999 - New pavilion to replace existing pavilion. Full approval 4 February 2002.

There have been no previous applications specifically for the former tennis court.

Relevant Local Plan Policies:

RE3 - Development of New and Existing Facilities.

Legal Requirements:

None.

Method of Publicity and Summary of Representations:

The application was advertised by way of site notice and individual neighbour notification letters.

Parish Council Response:

“Recommended for approval. The parish council requests a site visit if any letters of objection are received from residents, as it is understood that there are some concerns. It is noted that approval of application 07/0533 will remove a sheltered area popular with young people.”

Consultation Responses:

Highways – No objection to the proposed development as it is considered that the proposal does not affect the highway.

Three letters of objection have been received from neighbours and other users of the recreation ground. These are summarised as:

- Encouragement of more vandalism.
- Moving problems from Front Street to recreation ground.
- Vandalism of newly erected Bowling pavilion.
- Higher fence needed as existing hedge is over 2 metres high and is not nearly high enough and the ball constantly comes over on to the bowling green.
- Availability of light not an issue, as in winter when kick-about area could potentially be used in hours daylight it is largely empty.
- Lighting the area will attract youths that at present hang around market cross.
- Kick about area should be supervised in evenings by a part-time youth worker.
- Noise issues.
- Better location would be the football pitch at the other side of the recreation ground.
- Noise, filthy language and vandalism at the present moment is bad enough through the day, never mind extending this with floodlighting.
- The filth and litter left lying around is disgraceful and will only be worse if it is lit up at night.

One respondent does not object to the fence on the grounds that it would cut down on the possibility of altercations between users of the kick about area and the bowling club members.

There have been two requests from objectors to have their objections heard at Planning Applications Committee.

Main Planning Issues Raised:

- Impact on the amenity of nearby residential properties
- Impact on the local built form and landscape

Planning Assessment:

As suggested by policy RE3: Development of New and Existing Facilities of the Eden Local Plan, proposals for the improvement of existing recreational facilities will be looked upon favourably by the authority provided that they do not have a significant adverse impact on the amenity of nearby residential properties and on the local built form and landscape.

The proposed development has received the support of Alston Moor Parish Council; however it has received opposition from residents surrounding the recreation ground and other users of the area. The application site is looked upon by residential properties to the west approximately 45 metres away but is partially screened from properties to the north by shrubs and trees and due to the topography of the land, with the site being down a slight slope from the properties to the north.

Whilst the majority of objections made cannot be controlled through the planning system, the issue of noise is a matter that can be. At present there is nothing preventing youths congregating within the area in evenings. It is considered that the control of the lighting through a condition attached to the permission would act as a method of reducing noise pollution after 21:30 hours.

It is considered that the proposed development will be beneficial to the local community. The proposed improvements to the former tennis courts will provide a safe area for the youth of Alston to meet rather than congregating on Front Street.

Human Right Act:

In assessing the application regard has been given to the Convention Rights set out in Schedule 1 of the Human Rights Act 1998, in particular Article 8 of the Convention and Article 1 of the First Protocol. Consideration was given to the rights of the applicant and others.

Summary Conclusions:

It is considered that the proposed development is acceptable within its location and would not have a significant adverse impact on adjacent properties and/or other recreation ground users. The improvement of the kick-about area to provide a safe area will provide a valuable community resource for the youth of Alston. The proposal complies with Eden Local Plan policy RE3: Development of New and Existing Facilities.

Recommendation: Planning permission is 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 approved (details received on 25 June 2007) and shall not be varied other than by prior agreement in writing by the Local Planning Authority.
3. The floodlighting hereby approved shall not be illuminated beyond 21:30 hours each evening.

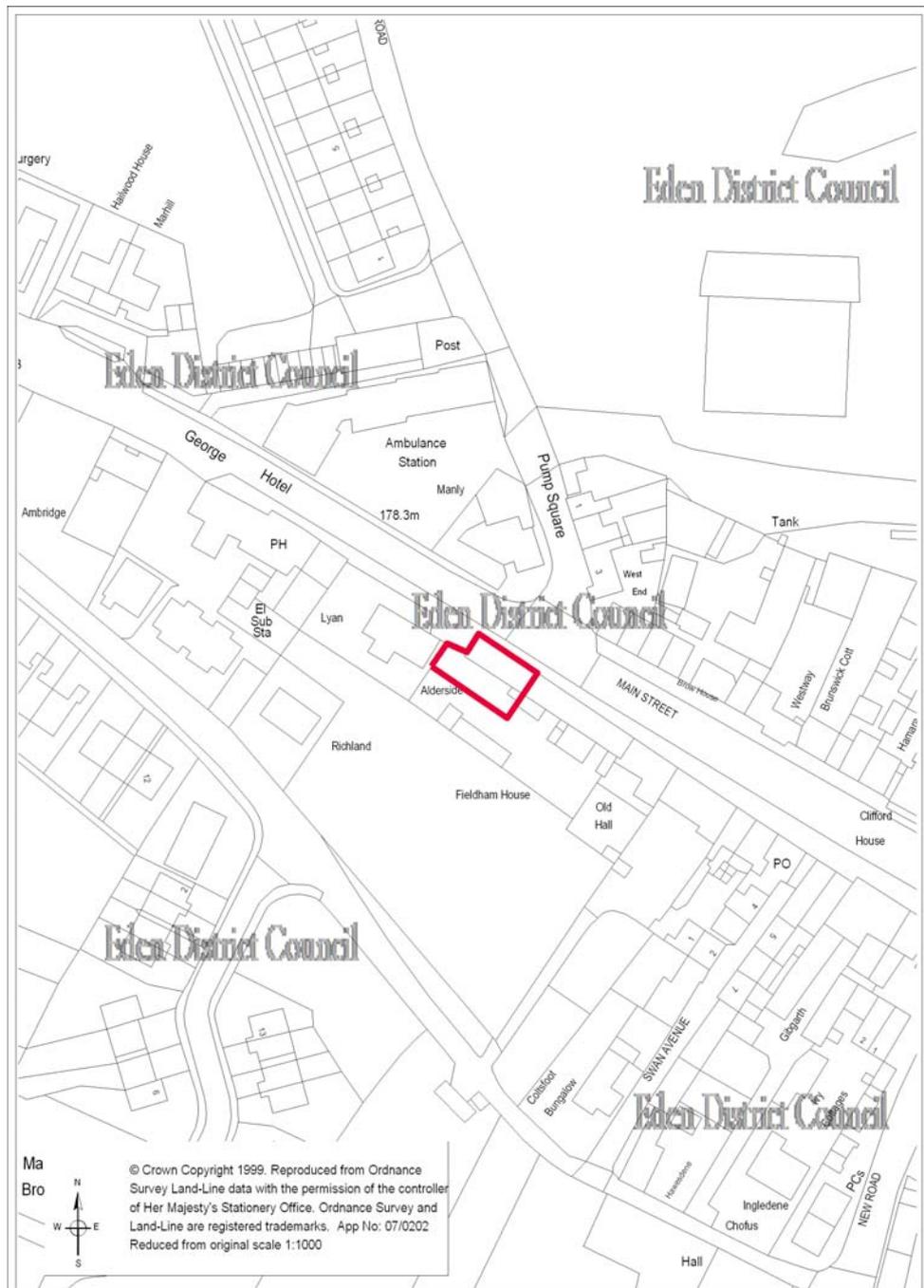
Reasons

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 protect the amenity of local residents.

Application Number: 07/0202
Statutory Decision Date: 16 May 2005
Parish: Brough
Description: Vary the terms and conditions of approval granted under application Ref No 04/0962 for use of the dwelling for permanent residential occupation.
Location: Alderside, Main Street, Brough
Applicant: Mrs L Henderson

Recommendations: to Grant Planning Permission

Site Plan:



This application is placed before Members on the grounds that it conflicts with the current adopted Eden Local Plan supplementary planning guidance (SPG). However advice received, in line with the Regional Spatial Strategy, the adopted County Structure Plan and forthcoming proposed Core Strategy within the evolving Local Development Framework, (to be the subject of a forthcoming report to members of the Environment Committee) indicates that proposals such as this, when located within a Local Service Centre and with the justification of a local occupancy need are, and notwithstanding broader tourism considerations, are now to be considered acceptable.

Proposed Development:

The application seeks full (retrospective) approval for the variation in the terms and conditions of approval granted under application Ref No 04/0962 for the use of the above dwelling (holiday accommodation) to be used for permanent residential accommodation. Originally, approval was sought and refused under application 04/0022 for conversion of an existing vacant traditional barn within the local service centre of Brough into a market led dwelling. Subsequently a further application 04/0962 to convert the building to holiday accommodation was approved subject to a section 106 agreement ensuring such use.

The application is accompanied by the following justification:

“Application 04/0022 was refused in different circumstances than exist today and relied on draft or outdated policy. It was a time of extreme housing restraint, and when it was considered that there was an oversupply of housing in the District. The current circumstances are very different. There is now an undersupply of housing in the District as the recent Housing Monitoring Report shows (only 63 units have been granted consent in 06/07 when the managed target is 170). Indeed when this application is considered the managed target for new dwellings will be 275 units in 07/08. There is no indication that this figure can be achieved by the release of allocated sites.

The refusal for 04/0022 also referred to the location of the proposal suggesting that it did not comply with the priority for housing as expressed in SPG policy H1. Policy H1 is considered to be “in limbo” as a result of a recent appeal decision (06/0732) and should not carry significant weight in the determination of applications. Rather the location is suitable in terms of the facilities in Brough (as accepted in the 04/0022 decision notice and in adopted Policy HS4) and this proposal represents, in the light of the current housing allocation, a suitable use for the building, and a suitable location for a residential unit.

The proposal would also regularise the continued occupation of the building by the applicant’s parents who are both in poor health and require regular care at home. This care is provided by the applicant”.

Description of the Site and the Surroundings:

The application site, a traditionally detailed, former single storey barn, converted into holiday let accommodation, is located centrally within the local service centre of Brough. The site is located immediately adjacent to and accessed from the main village high street.

Relevant National, County and Eden Local Plan Policies:

PPG3 “Housing”

PPS7 “Sustainable Development in Rural Areas”

PPG 21 “Tourism”

Cumbria and the Lake District Joint Structure Plan 2001-2016 (April 2006)

Policy ST3 “Principles applying to all new development”

Policy ST7 “Development to sustain rural communities”

Policy ST11 “South and East Cumbria”

Eden Local Plan – Policy HS1 “Allocations for residential Development”

Eden Local Plan – Policy HS4 “Development on Small Windfall Sites”

Eden Local Plan – Policy HS6 “Affordable Housing for Local Needs Housing”

Eden Local Plan Review Housing Policies – Supplementary Planning Guidance (2004)

Policy H1 “Priorities for Housing Development”

Policy H5 “Local Service Centres”

Policy H7 “Occupancy controls for residential development to secure affordable housing”

Policy H14 “Holiday Accommodation”

Legal Requirements:

None.

Method of Publicity and Summary of Representations:

The application was publicised by the posting of a site notice, neighbour consultation and publication in the local press.

Parish Council Response:

Advise the Authority that the Parish Council have the following observations to make :

- *Some Councillors believe that previous planning permission was given for this building to be used “for holiday purposes” only – has it ever been used in this capacity ?*
- *If “Full Approval” is given to this proposal, would it be seen as “using the back door” method to alter the original “holiday let only” to a “dwelling for permanent residential occupation” This may be seen as setting a precedent for future similar applications.*

Consultation Responses:

Environmental Protection Team - No objections.

Highway Authority - No objection.

Others - Three anonymous letters received, their joint summarised concern being that the current proposal effectively represents an attempt to formalise the use of the dwelling as a permanent residential development which has never been used for the ostensible holiday purposes for which it originally sought and gained approval.

Main Planning Issues Raised:

The main planning issues raised are in relation to the following:

- Application of relevant housing planning policy guidance.
- Justification of local need provision.
- Implications for and with provision of short term holiday let accommodation in Local and Key Service Centres.

Planning Assessment:

The application site has been the subject of two previous applications, firstly for a refusal under application Ref No 04/0022 as a conversion of vacant building to provide for ground floor living accommodation for elderly owners, and subsequently in relation to a more recent approval under Application Ref No 04/0962 for the conversion of “the” vacant building to provide for a single storey holiday let. As the Authority is now informed, the dwelling created as a result of the latter approval is currently being lived in, on a permanent basis by the applicant’s parents, who are identified as being “both in poor health and requiring regular care at home”.

Relevant earlier applications, and in particular application Ref No 04/0022 were, individually assessed against the then relevant adopted Eden Local Plan policies, and importantly in the light of evolving Eden Local Plan Review Housing Policy, Supplementary Planning Guidance (SPG) adopted by Council on 21 October 2004.

Importantly, the intervening period of time has seen the evolution of planning policy in terms of the Regional Spatial Strategy (RSS) and adoption of the latest Cumbria and Lake District Joint Structure Plan.

The current housing policies SPG requires a contribution of affordable housing on all residential applications, except where the conversion of an existing building to one dwelling would take place within one of the Districts four Key Service Centres. Consequently under the policy document approved in 2004 this application would be refused as the dwelling proposed in not an affordable one under the Councils Affordable Housing Policy.

The Council’s Local Development Framework has also made progress. The ‘Preferred Options Stage’ of the Core Strategy was published at the beginning of this year and the ‘Submission Version’ is likely to be reported to the Environment Committee and Council towards the end of the year. The adoption of the Core Strategy will supersede the Interim

Housing Policy Supplementary Planning Guidance adopted in 2004. Whilst still in draft form the provisions of the Core Strategy 'Preferred Options' paper are material to the consideration of planning applications, and particularly so when other adopted policies are clearly out of date.

The first question to address is in terms of the status of Brough as a settlement within Eden. The settlement is identified as a Local Service Centre within both options expressed within the Core Strategy Preferred Options Paper; the Councils preferred Locational Strategy option (Option CS2c) would mean 20% (860 dwellings or 47 p.a.) of new housing development would take place within the Local Service Centres. The question of the threshold at which affordable housing is to be required in the future is considered in Policy CS13 of the Core Strategy document. The Councils preferred option is that at least 50% affordable housing is to be provided on all new housing application of 2 or more dwellings (CS13a). The other option being considered (under CS13b) is for the threshold to be set at 6 dwellings. The consequence of the adoption of either option would be that there is no requirement for affordable housing on applications for single dwellings within Local Service Centres. There remains however a requirement to impose a local occupancy restriction by virtue of Policy ST11 of the County Structure Plan. Therefore the application for the conversion of this holiday-let to a dwelling is found would be acceptable under the Councils emerging policy framework, subject to a local occupancy restriction.

If approved, the proposal will result in a loss of a single unit of holiday let accommodation within the local service centre of Brough. In itself, this will not necessarily present a problem to the vitality or viability of the local tourism economy. However, the broader implications on the provision of such holiday let accommodation, within local service centres, by this change to housing policy guidance is not the subject of either the consideration of this application or its report to this committee, being a subject matter for broader Policy implication consideration and review.

Summary Conclusions:

The consequence of such an approval, should members be minded to accept the recommendation, will ensure that the policy implication is therefore in line with the aims of the draft Core Strategy guidance and the adopted Cumbria and Lake District Joint Structure Plan. In addition, further justification submitted by the applicants agent is that the dwelling/accommodation hereby approved is to be occupied by the applicants parent, who being in such local need could reasonably be viewed as satisfying the local occupancy remaining such requirement in this particular case.

Recommendations: The application be Approved subject to the following additional conditions:

1. The development hereby approved shall be carried out strictly in accordance with the details and plans hereby approved (location and site plan Ref No 1 dated as received by the Local Planning Authority on 15 March 2007) and shall not be varied other than by prior agreement in writing with the Local Planning Authority.
2. The occupation of the dwelling hereby approved shall be limited to the following description of persons :

- a. Who currently lives in the relevant locality and has done so for a continuous period of at least three years; and/or
- b. Who works in the relevant locality and has done so for a continuous period of at least three years; and/or
- c. Who has moved away but has strong established and continuous links with the relevant locality by reason of birth or long term immediate family connections; and/or
- d. Who has an essential need through age or disability to live close to those who have lived in the relevant locality for at least three years.

Definition of Locality – This term will be taken to apply to the administrative area of Eden District.

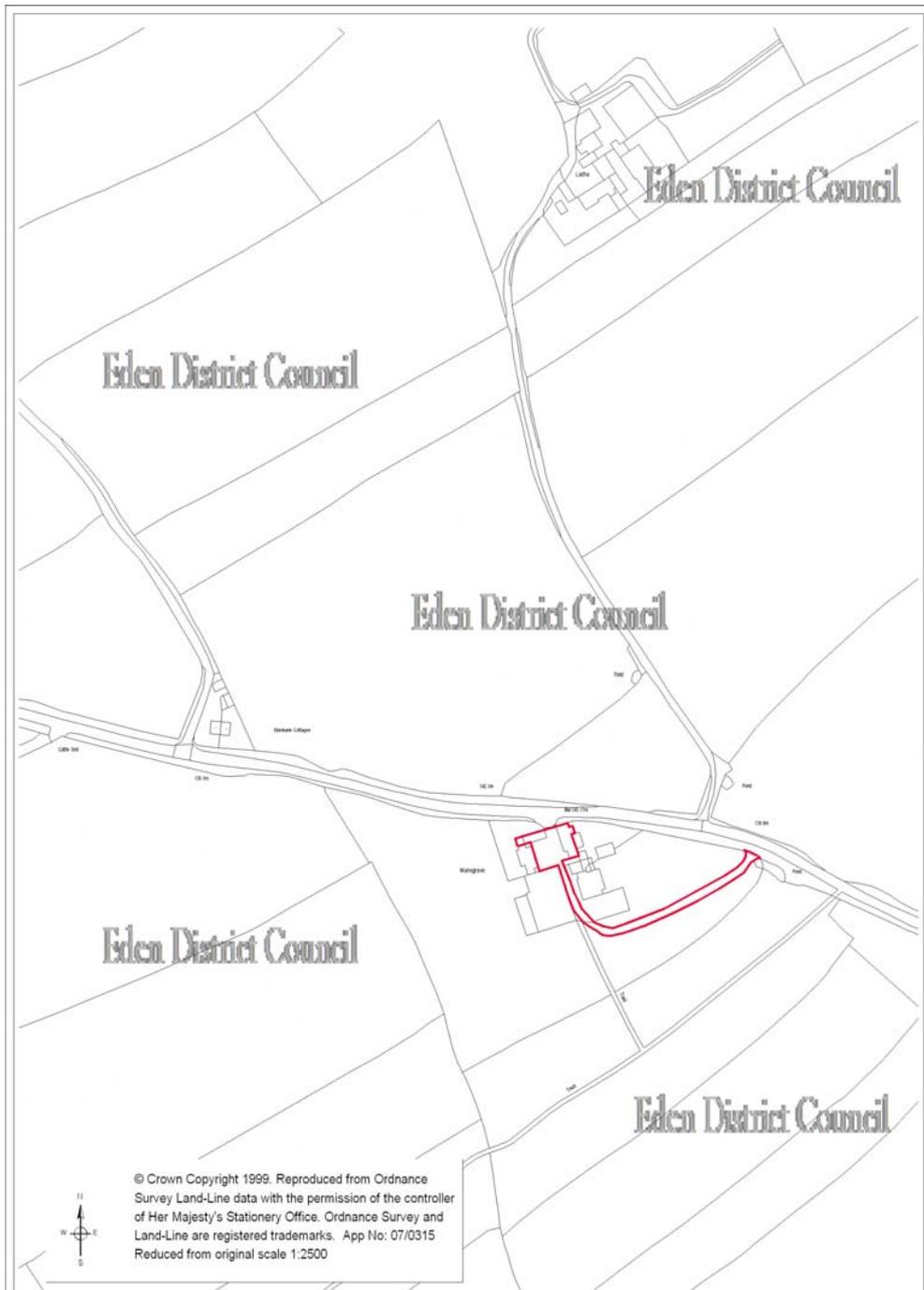
Reasons:

- 1. In order to comply with the provisions of the Planning and Compulsory Purchase Act 2004.
- 2. In order to comply with Policies ST3, ST7 and ST11 of the adopted Cumbria and Lake District Joint Structure Plan 2001-2016

Application Number: 07/0315
Statutory Decision Date: 7 August 2007
Parish: Bolton
Description: Conversion of traditional former agricultural
horsicultural/domestic storage buildings to 3 self contained
holiday let units
Location: Mansgrove Farm, Bolton
Applicant: Mr K Braithwaite

Recommendation to grant planning permission

Site Plan:



This application has been brought to Planning Committee because the recommendation is contrary to the views of the Parish Council.

Proposed Development:

This application represents the conversion of redundant former agricultural/horsiculture buildings to 3 self contained holiday let units.

The units would provide 1 x 2 bed unit which has been designed to facilitate access and accommodation for visitors with mobility impairments and 2 x 3 bedroom units within the barn which has been designed with a connecting door so that the units can be used by parties of different sizes wanting to use more than one unit.

All the existing openings in the barn and byre/outbuilding will be utilised, including the large doorways in the front and rear barn elevation and the existing doors in the outbuilding. Alterations to the buildings will include insertion of new 'slit' type window openings and conservation style rooflights.

Other works will include making good of existing roofs where necessary; new windows frames to be casement timber; stonework checked and repointed where necessary; all rooflights to have a black finish and flush with roof.

Nine car parking spaces have been identified within the courtyard for use by the applicant's and visitors.

The site will be accessed via a new access and lane approved under 03/0358.

Description of the Site and the Surroundings:

The application represents the proposed conversion of redundant agricultural buildings within the existing farmstead of Mansgrove Farm, approximately ½ a mile outside the village of Bolton. The buildings are positioned prominently on the road side. The farmstead is surrounded by open fields.

Relevant Planning History:

03/0358 New Farm Access granted full planning permission 30 May 2003

03/0792 Site for 33 Static Holiday Caravans refused 10 October 2003

03/1163 Site for 25 Static Holiday Caravans refused 29 April 2004

04/0755 Site for 25 static Holiday Caravans granted full planning permission on 21 October 2004

Relevant Eden Local Plan Policies:

Eden District Local Plan (1996)

- Policy NE8 – Agricultural Diversification
- Policy TM1 – Tourism Developments - General

- Policy TM2 – Small Scale Tourism Development
- Policy BE19 – Quality of Design
- Policy PT3 – Traffic Implications of Development

Eden Local Plan Review (2004) – Supplementary Planning Guidance

- Policy H10 – Building Conversions
- Policy H14 – Holiday Accommodation

Cumbria and Lake District Joint Structure Plan 2001 – 2016

- EM15 – Employment development in rural areas

Planning Policy Statement 7: Sustainable Development in Rural Areas

Planning Policy Guidance 21: Tourism

Legal Requirements:

None.

Method of Publicity and Summary of Representations:

The application was advertised by the posting of a site notice and two neighbour notification letters were sent.

No letters received.

Parish Response:

‘The subject application has given Bolton Parish Council significant difficulties when considering its views for two main reasons:

1. *The application is only part of proposed tourism related development of the site understood to include:*
 - *A new farm entrance approved under 03/0358*
 - *A static caravan site approved under 04/0755 for 25 caravans for holiday use*
 - *The proposal under application 07/0315 for 3 self contained holiday units*
 - *A bed and breakfast business – mentioned in the business plan for application 07/0755 – but not requiring planning approval*
 - *Pony Trekking and exploration of local bridleways on horse back as suggested in the business plan.*

The Parish Council therefore submits that the application must be judged against all known developments and approvals and not in isolation.

2. *The business plan submitted to support application 07/0315 is considered to provide a misleading background in that it purports to present a case of necessary farm diversification. The Parish Council's perception/understanding is that the applicant purchased the holding shortly after the Foot and Mouth epidemic, reduced the size of the holding thereby decreasing slim chances of viability and has not to date used the holding as a formal farming business.*

It is suggested that the holding has been purchased with investment and development in mind rather than for farming purposes.

Against this background the Parish Council accepts that creation of a successful holiday related business on the site has potential economic attractions for both the village and district at large. Similarly, the Parish Council supports retention and potential alternative use of the subject traditional buildings. Based on local experience, the suggested financial figures appear reasonable but it is of note that two similar combined barn conversion self catering units coupled with bed and breakfast establishments within the village each closed within 10 years – the conversions now being used for alternative purposes.

Viewed in isolation the proposal under 07/0315 has many merits and the suggested design and finish is supported. That said, the Parish Council again raises serious concerns over the use of the local road by pedestrian traffic to and from the local services including Pub and Post Office. Of even more concern is the now additional and suggested use of the road by horse traffic – the route being considered by experienced local horse riders as near suicidal for such users.

When the full list of developments are considered, the Parish Council retain the long held view – then overruled by the Planning Committee when approving 04/0755 – that the local road network between the site and village is completely unsuitable for both pedestrian and now horse traffic. Experience within the village is that most tourist visitors prefer walking to the Eden Vale Inn and it is expected that this will be the case for visitors to either of the developments at Mansgrove Farm where there is no alternative footpath.

Bolton Parish Council therefore urges that application 07/0315 be very carefully considered against all known developments at the site. A full business plan for the entire holding, including if any, agricultural activity should be sought. The Parish Council notes comment within the business plan that the applicant reserves further progress on the static caravan site but consider this comment to fall well short of actually withdrawing the (Parish Council strongly opposed) development approval and potential.

As presently presented and as part of a much wider development plan, Bolton Parish Council is unable to support the application and recommends refusal. Should Officers and the Planning Committee again be minded to overrule local knowledge and objection over what are essentially road safety implications, and approve the subject development (in addition to the other associated developments), it is recommended that such approval must contain conditions covering occupancy post any termination of the proposed self catering use.

Consultation Responses:

Highways Authority – It is noted that the proposed holiday units will use the access approved under reference number 03/0358, although this is yet to be constructed. I would however, raise no objections to the proposal.

Whether or not both proposals go ahead the traffic generated by these types of development is likely to be spread throughout the day/evening and as such will not have a significant affect on the surrounding highway network. I would consider that it is more likely that people will drive into Bolton (its human nature), however anybody walking should follow the rules of the road/Highway Code. No application has yet been submitted with regard to the horse riding mentioned in the business plan and it is therefore not clear at this stage as to what size the development will be/the number of stables and horses the applicant is proposing. I can only comment in general terms at the moment in saying that horse riders are equally entitled to use the public highway as are those who use motorised vehicles. Both horse riders and drivers should of course show courtesy to one another in accordance with the rules of the road/Highway Code. Should an application for horse riding be submitted the Highway Authority would require the applicant to provide/pay for warning signs under Traffic Regulation Order.

County Archaeologist – Our records indicate that the farm buildings proposed for conversion are shown on the first edition OS map and therefore date from at least the mid 19th century (Historic Environment Record no. 41929). It is therefore considered that the buildings are of some historic importance and that their character and appearance would be altered by the proposed conversion. Recommend that an archaeological building recording programme be undertaken in advance of development.

Natural England – The bat report found two species of bats roosting in the buildings and the work will involve the destruction of a bat roost. Natural England considers it necessary to obtain a European Protected Species licence in order to avoid committing an offence under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats etc) Regulation 1994. Natural England not aware of any other protected species that are likely to be adversely affected by the proposal.

Main Planning Issues Raised:

1. Impact on the public highway
2. Re-use of building in the countryside
3. Impact on character and appearance of the area

Planning Assessment:

This application represents the conversion of redundant former agricultural/horsiculture buildings to 3 self contained holiday let units at Mansgrove Farm, near Bolton.

A business plan as been submitted outlining the applicant's intentions of providing flexible holiday accommodation to a full range of visitors including those with a keen interest in horses and as well as people with disabilities.

The applicants' confirm that 'The creation of the three holiday-let units will provide a managed income stream; to support and develop farming at Mansgrove Farm; to support and develop continued countryside stewardship measures; and, to revitalise these prominent traditional buildings. More widely, the scheme would assist further the drive for increasing competition and raising quality within the Eden tourism service sector; for extending visitor stays; and, increasing inward spending – based upon our confidently optimistic review of likely occupancy rates, and the attractiveness of the units, the site and the surroundings'.

It is the applicants' intention not to compete with the Lake District but to focus on the advantages of the Eden Valley and to employ the services of a holiday letting agency to market the units to a wide target market.

Research undertaken has revealed that the proposed accommodation would have an occupancy level of between 54% and 75% and provide an overall average of £1150 per week.

PPG21 Tourism, makes general reference to the fact, within para.5.26 *'The Countryside'*, "Rural areas, through the beauty of the landscape, apparently less intensive lifestyle and obvious historic continuity of building, attract a growing number of tourists. Appropriate development to meet the needs of these visitors is essential for both the local and the national economy, but it must respond sensitively to the local environment, demonstrate high standards of design and be appropriate in scale and location."

The development would provide holiday accommodation within redundant, traditional agricultural buildings within a farmstead ½ a mile from the village of Bolton. With regard to design, the application proposes to reuse all existing openings and proposes the creation of some new ones which are traditional to agricultural buildings such as slit windows and conservation style roof lights. It is considered that the proposed alterations would not have an adverse impact on the character or setting of the building. The proposal therefore complies with PPG21 and Policy BE19 of Eden Local Plan.

PPS7 Sustainable Development in Rural Areas promotes sustainable economic growth and diversification in rural areas and the continued protection of the open countryside to the highest level or protection for our most valued landscapes and environmental resources. The proposed development complies with PPS7 as it will provide a use for these redundant buildings, on the edge of an existing settlement which has its own public house and shop/post office and would help to diversify the rural economy.

The Parish Council's main concerns relate to the need for this application to be considered alongside the other proposed tourism proposals at Mansgrove Farm; that the business plan is misleading; and the use of the public highway by pedestrian traffic.

The proposed scheme has been considered on its own merits and with the other tourism proposals in mind. From a visual view point it is considered that the conversion of these properties will not have an adverse impact on the buildings or the surrounding area and from a highway view point it is considered that traffic generated from one or both (holiday lets and caravan site) uses, will be spread out across the day and will not necessarily lead to people walking on the road between the site and Bolton village. The Highways Authority raise no objections.

The Parish Council has commented that the business plan is misleading for reasons that it suggests the holiday lets are required for farm diversification purposes. It is agreed that the overall land ownership has reduced however the business plan states that the proposal would help to support and develop farming at Mansgrove Farm and provide a managed income for the owners. Regardless of the need for diversification, the buildings are redundant and not capable of use for modern day farming and therefore without their reuse the buildings may fall into a state of disrepair.

The Highways Authority has given a considered response to issues of highway safety and this does not support the Parish concerns.

A bat and barn owl survey has revealed that no barn owls are present, however, the survey found two species of bats roosting in the buildings. Natural England advises that the applicants need to obtain a European Protected Species licence in order to avoid committing an offence under the Wildlife and Countryside Act 1981.

Human Rights Act:

The implications of the Human Rights Act 1998 have been considered during the processing of this application. Any impact on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 and Article 1 of Protocol 1) are acceptable.

Summary Conclusions:

It is considered that the proposed scheme is acceptable in this location and therefore complies with Eden Local Plan (1996) Policy BE19 and TM2 of the Eden Local Plan (1996) and policies H10 and H14 of the Eden Local Plan Review 2004 (SPG).

Recommendation: Grant Planning Permission for the following reasons:

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.2558/A2/02, /03, /05, /06, /07, /08, /09, /21, /24, /25) received 9 May 2007) and shall not be varied other than by prior agreement in writing by the local planning authority.
3. The development hereby approved shall be used for holiday letting purposes only and not for any use falling within Class C3 (Dwellings) of the Use Classes (Amendment) Order 2005 or any Order replacing or re-enacting that Order.
4. The premises shall not be used at any time as sole and principal residences by any occupants.
5. The holiday lets hereby permitted shall remain a single planning unit with the property known as 'Mansgrove Farm, Bolton.
6. A bound register of all occupants of the accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall comprise consecutively numbers

pages, which shall be kept in order, and each entry shall contain the name and address of the principal occupier together with the dates of occupation.

7. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reasons

1. To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.
2. To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.
- 3 and 4. The development hereby approved is justified as being a tourist holiday accommodation-based scheme and is in a location where unjustified market-led residential development would be contrary to the revised Policy H14 of the Eden Local Plan Review (2004).
5. To safeguard the holiday let becoming independent units.
6. The development hereby approved is justified as being a tourist holiday accommodation-based scheme, in association with the ownership and operation of Mansgrove Farm, Bolton and is in a location where unjustified market-led residential development would be contrary to the Eden Local Plan 1996 Policy HS2.
7. To afford reasonable opportunity for a record to be made of buildings of architectural and historic interest prior to their alteration as part of the proposed development.

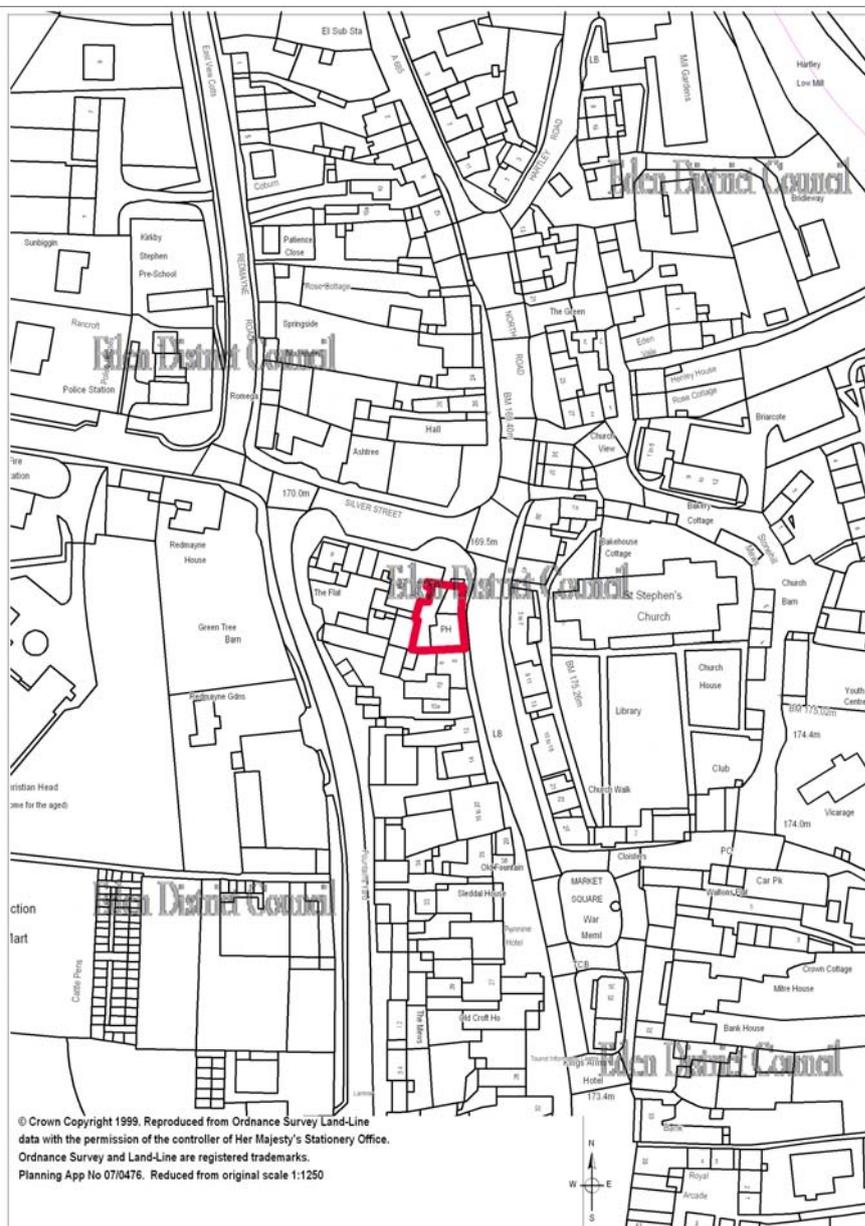
Informative

The bat and owl survey reported no evidence of owls. However, the report found two species of bats roosting in the buildings. Natural England has advised that, as the work will involve the destruction of a bat roost, it is necessary to obtain a European Protected Species licence in order to avoid committing an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural habitats etc.) Regulations 1994. The mitigation measures detailed in the report could form part of such a licence application.

Application Number: 07/0476
Statutory Decision Date: 27 July 2007
Parish: Kirkby Stephen
Description: Proposed construction of timber pergola smoking shelter, laying of concrete flags and construction of new partition to the rear of the White Lion Public House.
Location: 4 Market Street, Kirkby Stephen
Applicant: Marstons Brewery

Recommendation: Members to note the Withdrawal of Application

Site Plan:



At their meeting held on the 16 August 2007, members resolved that they were minded to refuse the application on the grounds of significant potential for adverse effect on the reasonable amenity of neighbouring residential property and occupiers. Officers were requested to approach the applicants in the light of the above, to inform them of Members concern and invite them to consider alternative measures by which such planning concern might be addressed.

Proposed Development:

As Members may recall, full planning approval was sought for the erection of a wooden timber pergola smoking shelter, approx 7 sq m of floor-space, with associated minor works, including the laying of concrete flags to provide for an outside trading area to existing public house and construction of new partition within the existing rear yard to facilitate such. Materials proposed are to include the painting white of the existing brick walls within the yard, and the erection of a timber frame pergola with 25mm marine ply roof, waterproofed with a covering of roofing felt.

The applicants had also indicated that they would agree to a condition limiting the use of the area and shelter to early evenings only.

Planning Assessment:

The applicant's agent has indicated, in light of concerns raised and which are appreciated, that their client no longer wishes to pursue the development as proposed, indicating that their client may however give further consideration to the possible installation of a free standing parasol at some time in the future instead.