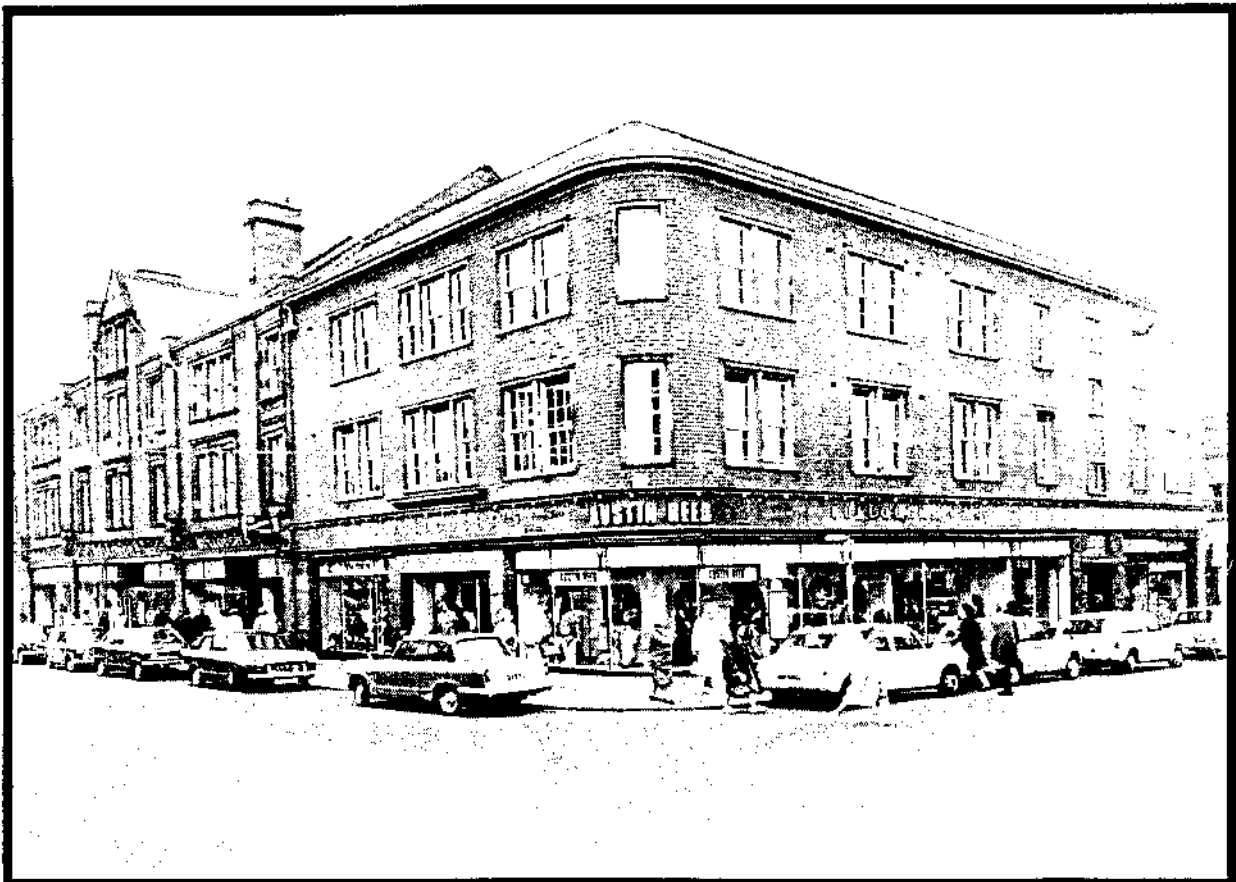


Development Control Committee

Schedule of Applications
for
Planning Permission



20th December 2002

The Schedule of Applications

This schedule is set out in five parts:

SCHEDULE A - contains full reports on each application proposal and concludes with a recommendation to the Development Control Committee to assist in the formal determination of the proposal or, in certain cases, to assist Members to formulate the City Council's observations on particular kinds of planning submissions. In common with applications contained in Schedule B, where a verbal recommendation is made to the Committee, Officer recommendations are made having regard to material planning considerations pertaining to the specific proposal and in particular to:-

- relevant planning policy advice contained in Government Circulars, Planning Policy Guidance Notes, Development Control Policy Notes and other Statements of Ministerial Policy;
- the adopted provisions of the Cumbria and Lake District Joint Structure Plan;
- the City Council's own statement of approved local planning policies including the Carlisle District Local Plan;
- established case law and the decisions on comparable planning proposals
- including relevant Planning Appeals.

SCHEDULE B - comprises applications for which a full report and recommendation on the proposal is not able to be made when the Schedule is compiled due to the need for further details relating to the proposal or the absence of essential consultation responses or where revisions to the proposal are awaited from the applicant. As the outstanding information and/or amendment is expected to be received prior to the Committee meeting, Officers anticipate being able to make an additional verbal report and recommendations.

SCHEDULE C - provides details of the decisions taken by other authorities in respect of those applications determined by that Authority and upon which this Council has previously made observations.

SCHEDULE D - reports upon applications which have been previously deferred by the Development Control Committee with authority given to Officers to undertake specific action on the proposal, for example the attainment of a legal agreement or to await the completion of consultation responses prior to the issue of a Decision Notice. The Reports confirm these actions and formally record the decision taken by the City Council upon the relevant proposals. Copies of the Decision Notices follow reports, where applicable.

SCHEDULE E - is for information and provides details of those applications which have been determined under powers delegated by the City Council since the previous Committee meeting.

The officer recommendations made in respect of applications included in the Schedule are intended to focus debate and discussions on the planning issues engendered and to guide Members to a decision based on the relevant planning considerations. The recommendations should not therefore be interpreted as an intention to restrict the Committee's discretion to attach greater weight to any planning issue when formulating their decision or observations on a proposal.

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development Control Section of the Department of Environment and Development.

This Schedule of Applications contains reports produced by the Department up to the 06/12/2002 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 11/12/2002.

Any relevant correspondence or further information received subsequent to the printing of this document will be incorporated in a Supplementary Schedule which will be distributed to Members of the Committee on the day of the meeting.

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	02/0864 A	The Forge, Moorhouse, Carlisle, CA5 6EY	AMT	1
02.	02/1135 A	Croft House, Great Corby, Carlisle, CA4 8LL	RJM	11
03.	02/0196 B	L/A field 3328, Castle Carrock, Cumbria,	AMT	23
04.	02/1017 B	4 Holme Close, Scotby, Carlisle, CA4 8BN	SG	85
05.	02/1192 B	L/adj, Parkside, The Knells, Houghton, Carlisle	ARH	92
06.	02/1194 B	Braeside, 18A Brampton Road, Carlisle, CA3 9HS	CJH	101
07.	02/0916 A	L/A to rear of, Chapel Cottage, Low Row, Brampton	SG	110
08.	02/0880 A	20 Ghyll Road, Scotby, Carlisle, CA4 8BT	SG	127
09.	02/0943 A	L/A Boon Hill Farm, Farlam, Brampton, CA8 1LA	CJH	135
10.	02/0976 A	53 Townfoot Park, Brampton	SG	145
11.	02/0931 B	L/A Field No 0063, Adj Gatesgarth, Irthington, Carlisle	AMT	152
12.	02/1074 B	19 Weardale Road, Carlisle	ARH	164
13.	02/1114 B	L/A field 5977, Kershopefoot,	AMT	171
14.	01/0659 A	Atlas Works, Nelson Street, Denton Holme, Carlisle, Cumbria	ARH	182
15.	02/0422 A	L/A, Townfoot Farm, Cumrew, Carlisle	ARH	189

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	02/0629 A	L/A, Low Farm, Baldwinholme, Carlisle, CA5 6LJ	ARH	216
17.	02/0656 A	1-11 Main Street, Brampton, CA8 1RS	AMT	238
18.	02/0657 A	1-11 Main Street, Brampton, CA8 1RS	AMT	248
19.	02/0679 A	L/A Field No 354, Netherton Farm, Talkin, Brampton	ARH	251
20.	02/1080 A	Netherton Farm, Netherton, Brampton, Cumbria	ARH	262
21.	02/1223 A	Netherton Farm, Castle Carrock	ARH	268
22.	02/0785 A	L/A, Hillcrest Avenue, Hillcrest Avenue, Carlisle	ARH	280
23.	02/0857 A	Holme Eden Abbey, Warwick Bridge, Carlisle	CJH	295
24.	02/0989 A	Ash Tree Cottage, Warwick-on-Eden, Carlisle, CA4 8PB	ARH	312
25.	02/1022 A	L/A The Hollies,, Fenton Lane End, How Mill, Carlisle	ARH	325
26.	02/1068 A	L/A rear of 97 Upperby Road, Carlisle, Cumbria	CJH	335
27.	02/1082 A	Belmont Cottage, The Row, Low Crosby, Carlisle, Cumbria, CA6 4QW	RJM	342
28.	02/1085 A	Tin Castle, West Hall, Brampton, CA8 2EH	ARH	348
29.	02/1094 A	L/A The Chestnuts-Lyne Bank, Westlinton, Cumbria,	CJH	359
30.	02/1098 A	Gyhl Bank, Harker, Carlisle	CJH	367

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
31.	02/1102 A	Stonechats, Hayton, Carlisle, CA8 9HT	SG	377
32.	02/1134 A	Murray Park, Moat Side, Brampton	SG	383
33.	02/1148 A	Methodist Chapel, Walton, Brampton	RJM	391
34.	02/1189 A	48 Abbey Street, Carlisle, CA3 8TX	CJH	399
35.	02/1190 A	48 Abbey Street, Carlisle, CA3 8TX	CJH	405
36.	02/1221 A	Units 1H, 1G and 1F - Port Road Business Park, Carlisle, Cumbria, CA2 7AF	AMT	412
37.	02/1261 A	49-53 Blackfriars Street, Carlisle	RJM	417
38.	01/1168 B	Car Auction Mart and Adjacent Land Between Montgomery, Way and M6 Motorway, Carlisle, Cumbria	AMT	423
39.	02/0903 B	1 Etterby Street, Stanwix, Carlisle, CA3 9JB	ARH	507
40.	02/0914 B	L/A Field 3300 adjacent to Moorpark Farm, Thurstonfield, Carlisle	RJM	519
41.	02/1040 B	Orchard House, Broomfallen Road, Scotby, Carlisle, CA4 8DF	ARH	539
42.	02/1044 B	Saughs Farm, Bailey	ARH	552
43.	02/1069 B	19 Lodore Drive, Carlisle, Cumbria, CA2 7SG	RJM	567
44.	02/1084 B	Moss Cottage, Houghton, Carlisle, CA6 4JN	CJH	573
45.	02/1173 B	3 Ash Lea, Brampton, CA8 1TD	SG	579

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
46.	01/0552 C	Cassia (35-39), Cecil Street, Carlisle, Cumbria	ARH	595
47.	01/0969 C	L/Adj The Far Boot, Townhead, Houghton, Carlisle, Cumbria	CJH	597
48.	01/9016 C	Former Crown Courts, Citadel Chambers, English Street,, Carlisle, Cumbria	PM	599
49.	01/9017 C	Former Crown Courts, Citadel Chambers, English Street,, Carlisle, Cumbria	PM	601
50.	02/9021 C	Hespin Wood Landfill Site, Todhills, Rockcliffe, Carlisle	ARH	604
51.	02/9023 C	Hespin Wood Landfill Site, Todhills, Rockcliffe, Carlisle	AMT	607
52.	02/9026 C	Morton School, Wigton Road, Carlisle, CA2 6LB	AE	610
53.	02/9027 C	St Michaels C of E School, Carlisle Road, Dalston, Carlisle, CA5 7LN	CJH	612
54.	02/9032 C	Morton School, Wigton Road, Carlisle, CA2 6LB	ARH	614
55.	02/9033 C	Cumbria County Council, Viaduct Estate Road, Carlisle, Cumbria	SG	616
56.	02/9034 C	Raughtonhead C of E School, Raughton Head, Dalston, Carlisle, CA5 7DD	RJM	618
57.	01/0505 D	L/A Carleton Grange, Carlisle, Cumbria	AMT	621
58.	02/0076 D	L/A Greenfield Farm, Houghton, Carlisle, Cumbria	CJH	624
59.	02/0757 D	Mount Pleasant Hall, Blackwell Road, Currock, Carlisle	RJM	626
60.	02/0799 D	Former Garlands Hospital, Carleton, Carlisle, Cumbria	AMT	627

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

02/0864

Item No: 01

Date of Committee: 20/12/02

Appn Ref No:
02/0864

Applicant:
James Lee Reveley

Parish:
Burgh-by-Sands

Date of Receipt:
16/08/02

Agent:
Johnston & Wright

Ward:
Burgh

Location:
The Forge, Moorhouse, Carlisle, CA5 6EY

Grid Reference:
333480 556711

Proposal: Change of use to include access equipment hire as well as Blacksmiths Forge

Amendment:

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): awaited;

Burgh-by-Sands Parish Council: the Parish Council object for the following reasons:

- the scale and nature of the activity is significantly greater than the previous use of the premises as a forge and is not consistent with the residential nature of the immediate area
- there is concern that the 18 tonne truck has to be either reversed in or out of the

SCHEDULE A: Applications with Recommendation

02/0864

premises on what is an extremely bad bend often with heavy lorries coming around a corner with limited visibility

- it is questioned whether there is only one vehicle movement per day as is stated on the application
- the proposal is inconsistent with the principles within the proposed Interim Housing Policy Statement in the village development section

Environmental Services: no objections.

Summary of Representations:

The proposals have been advertised using the display of a Site Notice and written notification to adjacent occupiers. In response three letters have been received, two from neighbours who object to the application with the third being from a neighbour who states that the proposed use is no more intrusive than past use of the site as a forge.

The objections are on the following grounds:

- unsuitable and unsafe access
- testing and moving of plant in a confined space next to residential properties
- deliveries to the applicant's property with increased congestion at the junction
- invasion of privacy while operators are moving the lorry and two cherry pickers as they are taller and drivers/operators can see into neighbouring homes
- the manoeuvring and cleaning of cherry pickers involves their extension up to 40 ft in the air and this is dangerous as it brings them within 6 feet of the neighbouring dwelling and places their young children at risk of objects falling from that height onto them below and onto the neighbours property
- traffic is greater than stated as the applicant also runs a steel fabrication business and taxi business
- noise which disturbs neighbouring families due to activities in the workshop or the loading of the lorry
- the site is unsuitable and results in a major impairment of amenity to local residents and to the village generally

possible pollution/health risks from materials used when pressure cleaning the operator's vehicles/plant

Details of Proposal/Officer Appraisal:

Planning History:

The application relates to the dwelling that was for many years associated with the forge and later the village filling station on land to the east. That land was subject to an outline consent granted in August 1990 for development of two dwellings with garages. These were subject of two subsequent detailed approvals for the dwellings in 1993 and 1997 and both plots have been developed in line with these approvals and are occupied.

SCHEDULE A: Applications with Recommendation

02/0864

Details of Proposal:

Members will recall that this application was deferred at the meetings held on 4th October and 15th November at the request of the applicant. At the first of these meetings Members resolved, in addition to agreeing to deferral, to undertake a Site Visit. That visit took place on 13th November.

The application relates to a cottage and attached forge situated at the eastern end of Moorhouse and seeks approval to use the tarmac yard adjacent to the eastern flank boundary with the neighbouring dwelling as a depot for the operation of an access equipment hire business. The submission of the application follows investigations by the Council's Enforcement staff as a result of complaints they received.

The submission is accompanied by a plan showing that area used for the parking of an 18 tonne flat bed lorry and two no. cherry pickers. Visits to the site have confirmed that the land is already being used, without planning permission, and that has been confirmed by a series of photographs submitted by local residents and by a video recording. It is unclear how long the use has been operated but an accompanying letter from the agent indicates that the applicant has recently purchased the property "to continue to use the forge for steel fabrication and also for the hire of mobile access platforms to be transported by his own vehicle".

Although there is hedging and fencing along the applicant's side boundary the presence of the lorry and cherry pickers is immediately apparent visually, when moved or cleaned within the site or when transported to or from the site. The result is that the amenity of that end of the village, which has become more residential following the development of the two plots to the east of the forge, would be significantly altered by the presence of an activity that would be unneighbourly. The site's location close to a bend in the road has also given rise to road safety concerns although the Highway Authority's comments on this aspect of the application simply recommend that a turning area for the type of large vehicle to be used is provided within the curtilage. That in itself would reinforce the commercial/industrial impact of the use in this location.

Since the last meeting of the Committee further correspondence has been received from the occupier of the adjoining dwelling, one of the two houses built on what was the overall garage/forge site. The writer points out that the former owner and operator of The Forge (until June of this year) had placed a covenant on both the new houses containing clauses to the effect "*not to carry out any business on the property and not to cause any nuisance or annoyance to the vendors, the owners and occupiers for the time being of the adjoining and neighbouring property retained by the Vendor*" and "*not to park, keep or allow to be kept on any part of the property any large commercial vehicle without the previous written consent of the Vendors*". Unsurprisingly, the adjacent occupier contends that if these were considered by the former owner and operator of the forge to be "un-neighbourly", the current proposals

SCHEDULE A: Applications with Recommendation

02/0864

by the new owner of The Forge must be equally un-neighbourly.

Since the request for deferment prior to the last meeting, there has been no further information/correspondence from the applicant or his agent. The use is continuing and in the light of neighbours' concerns at lack of action in relation to the unauthorised use, Members may feel that the application should be decided.

It is recommended that the application be refused.

Informative Notes to Committee:

1. Enforcement Action authorisation

Since the development or use to which the above application refers has been commenced without the necessary planning approval having been obtained, enforcement action may be necessary in order to remedy the breach of planning control which has occurred. Members are therefore requested to give authority for such formal legal action as may be required, to be initiated by the Town Clerk and Chief Executive in discussion with the Director of Environment and Development.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

It is considered that the approval of the proposed use as a commercial site linked to plant equipment storage and hire in such proximity to residential properties would be a source of noise, nuisance, disturbance and loss of privacy and amenity and could be strongly argued to be harmful to the rights bestowed on neighbouring occupiers under the Act.

Recommendation: Refuse Permission

Deferred
App's Request

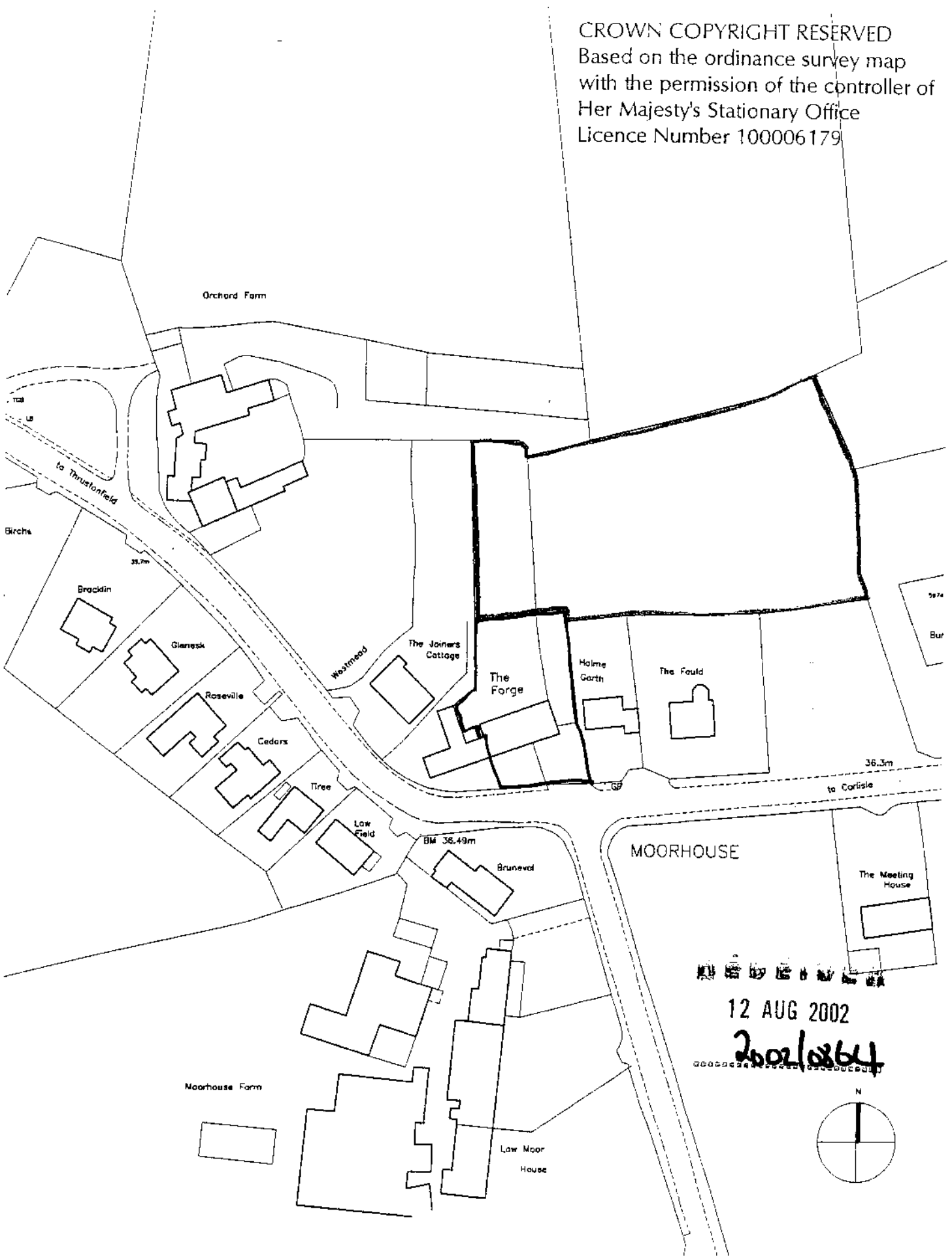
P11 →

SCHEDULE A: Applications with Recommendation

02/0864

1. **Reason:** The use of the land for the purposes sought has resulted in an inappropriate and unacceptable impairment of the residential amenities of adjacent and nearby properties by virtue of increased noise, disturbance, traffic generation and visual intrusion. The proposal has therefore led to an overall loss of amenity in this part of Moorhouse contrary to the provisions of Policy H17 of the Carlisle District Local Plan which seeks to resist development which is detrimental to residential amenity.
-

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12 AUG 2002
 2002/0864

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e-mail jw@jwarchitects.co.uk

Project The Forge Moorhouse for Mr and Mrs J Reveley Location Plan

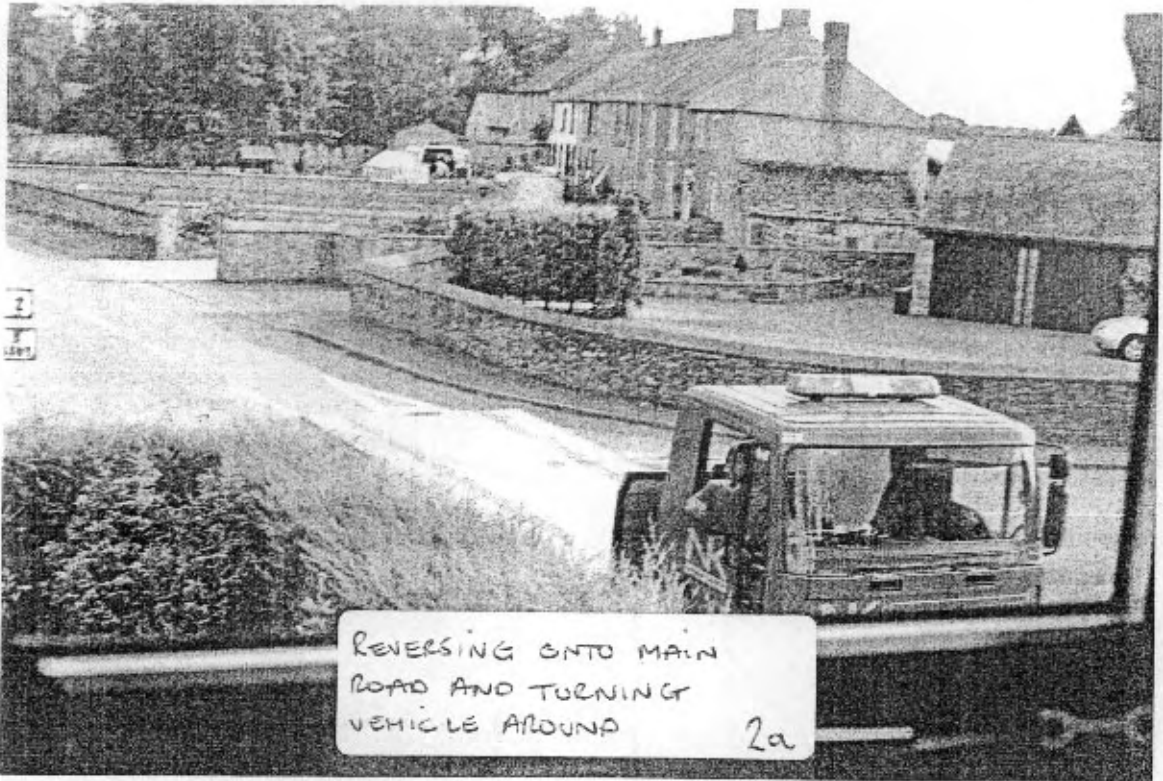
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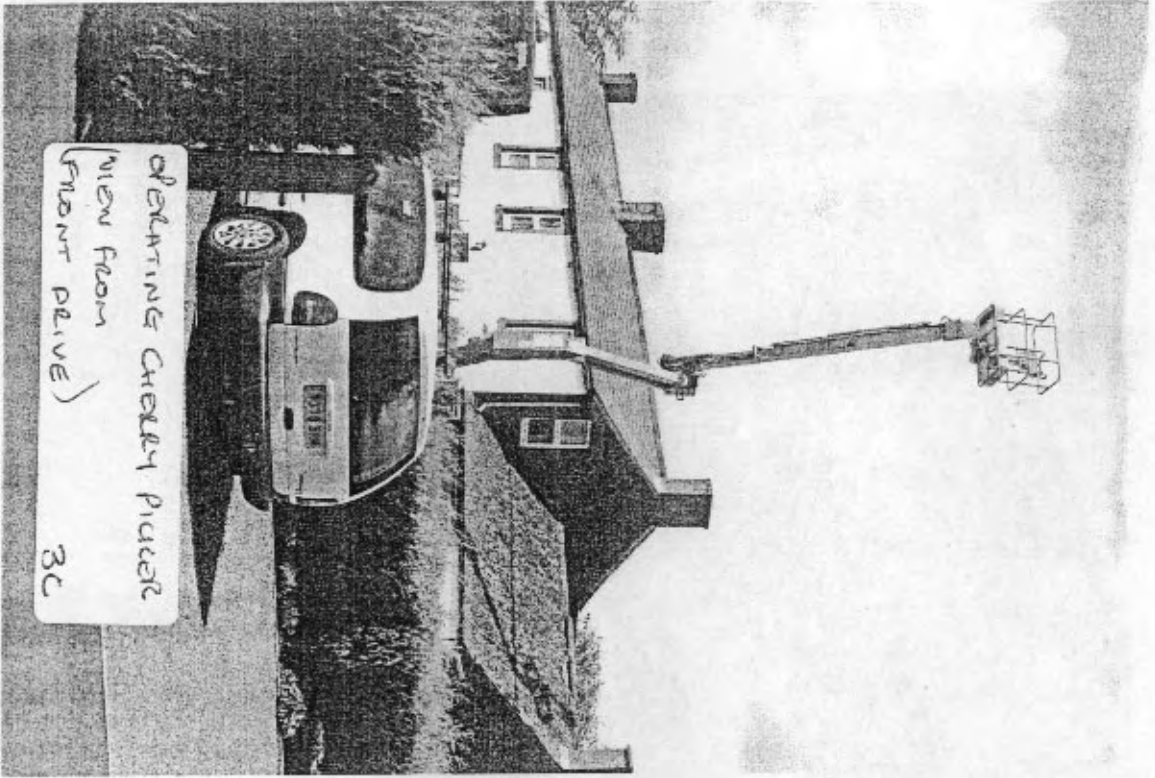
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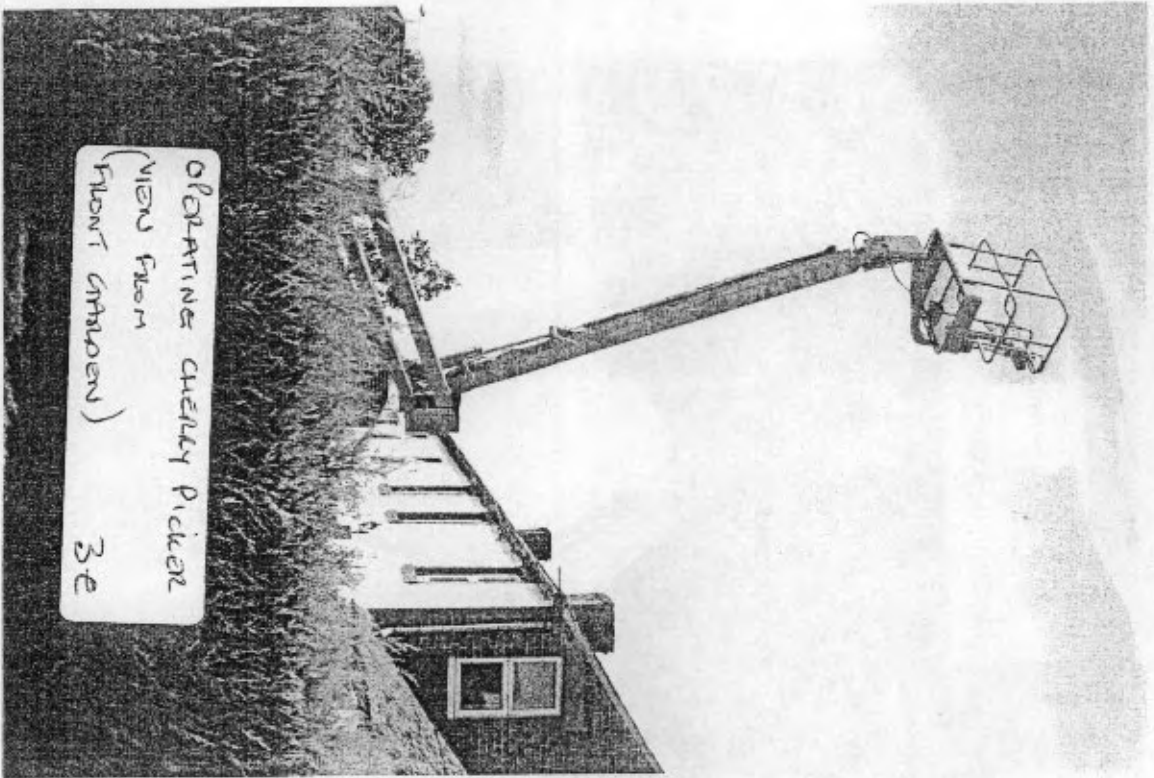
REVERSING ONTO MAIN
ROAD AND TURNING
VEHICLE AROUND 2a



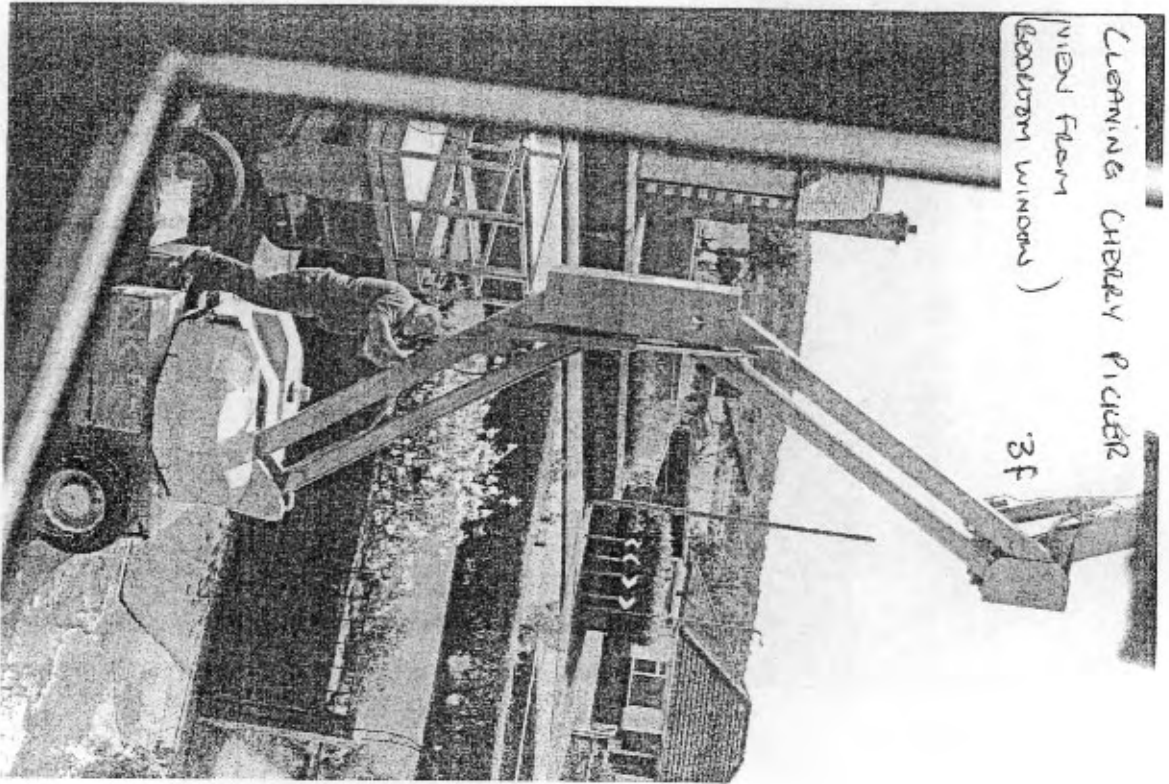
REVERSING ONTO MAIN
ROAD AND TURNING
VEHICLE AROUND 2e



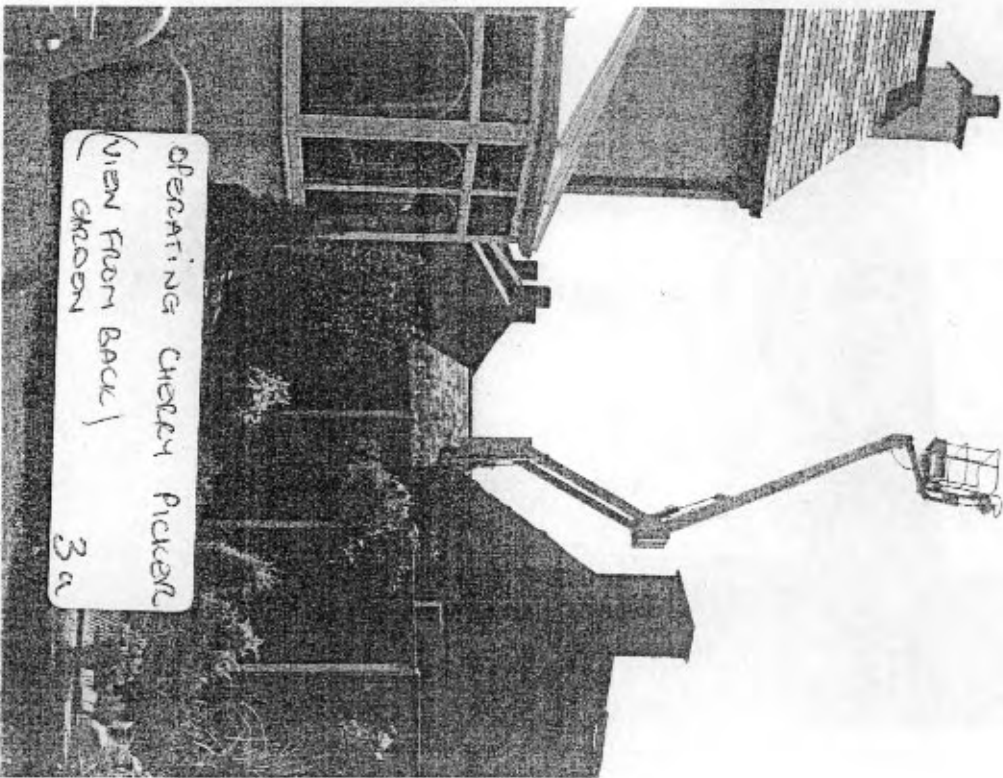
OPERATING CHERRY PICKER
VIEW FROM
(FRONT DRIVE) 3C



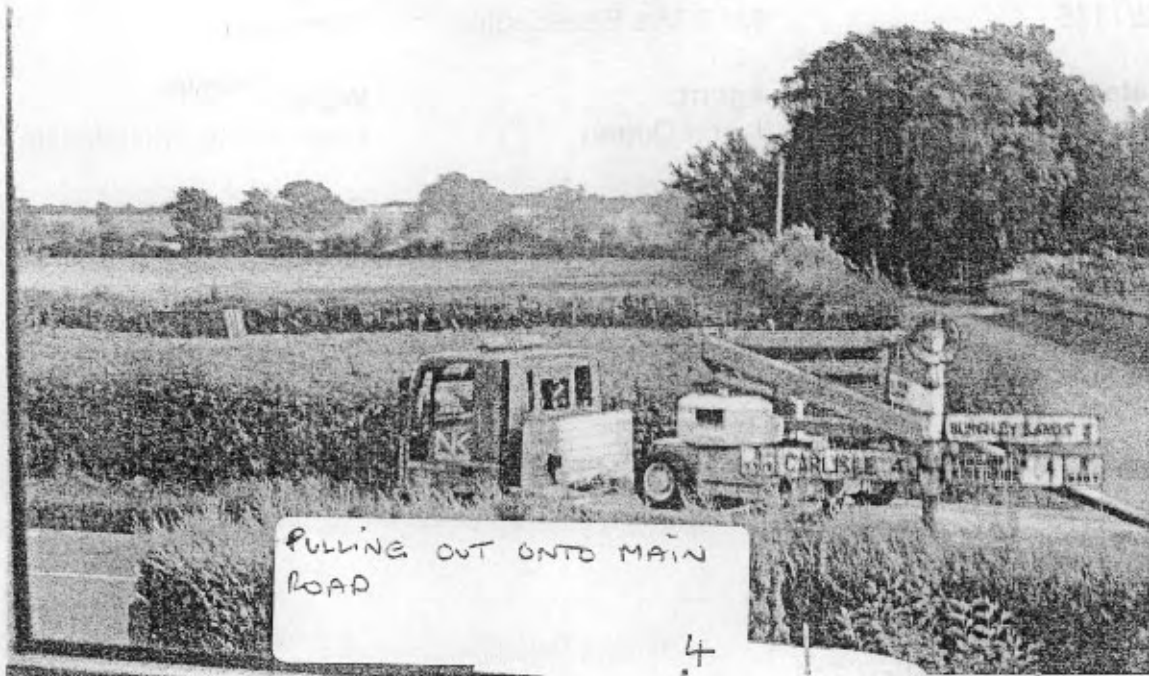
OPERATING CHERRY PICKER
VIEW FROM
(FRONT GARAGE) 3E



Cleaning Cherry Picker
 (View from
 bottom window)
 3f



Operating Cherry Picker
 (View from back)
 3a



PULLING OUT ONTO MAIN ROAD

4



MANOEVERING CHERRY PICKER ALONGSIDE OUR PROPERTY (VIEW FROM CONSERVATORY)

5b

SCHEDULE A: Applications with Recommendation

02/1135

Item No: 02

Date of Committee: 20/12/02

Appn Ref No:
02/1135

Applicant:
Mr & Mrs Eltherington

Parish:
Wetheral

Date of Receipt:
24/10/02

Agent:
Jason Dugan

Ward:
Great Corby & Geltsdale

Location:
Croft House, Great Corby, Carlisle, CA4 8LL

Grid Reference:
347210 554452

Proposal: Replacement garage and garden wall (retrospective application)

Amendment:

Richard

Report

Planning Policies:

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection.

Wetheral Parish Council: Objection:

1. A replacement garage should be built on the same footprint as the original and the PC would have preferred this option;
2. The applicant has stated the garage is to be built in brick outer leaf and this has been done except on the elevation facing the neighbouring garden where the plan shows a single leaf construction which has been built in breeze block. This must be brick faced to comply with the application and for the visual amenity of the neighbouring property. Is the boundary wall between the two properties to be demolished?;
3. The PC feel the building would be more visually pleasing if only the Furness brick were used without the embellishment of the proposed yellow brick;
4. The garage door would be more in keeping with the Conservation Area if it were to match the proposed wooden access doors rather than the white coated steel proposed. There are products on the market now that are wood effect metal if the applicant did not wish to use timber;
5. In the opinion of the PC the gable facing the lane is too high. The design of the building would be enhanced if a full-hipped roof were to be erected; and
6. The PC is very concerned about the height of the boundary wall. It is felt to be excessive and produce a "corridor" effect in the lane. The wall should be reduced in height.

Conservation Area Advisory Committee: No objection.

Summary of Representations:

This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of three neighbouring properties. One letter of objection has been received and the main issues raised are summarised as follows:

1. The plans are inaccurate in that they do not accurately reflect the boundary between the adjacent property Croft View;
2. The replacement garage is larger than the timber structure, which has the effect of being more visible and more intrusive;
3. The brick wall has not been built with the materials as specified on the plan;
4. Neighbours are having difficulty with the ingress and egress of vehicles from their properties since the replacement wall was constructed;
5. The garden of the adjacent property is south facing and due to the increased roof height, the amount of light will be reduced; and
6. The garage is out of scale with the locality and with the conservation area;

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application seeks full planning permission for the erection of a replacement garage and garden wall at Croft House, Great Corby, Carlisle. The property is a two storey semi detached dwelling house constructed from painted stonework under a slate roof.

The application seeks planning permission for a replacement garage which would be sited at the rear of the garden area, 14.3 metres from the dwelling. The structure would measure 6.1 metres in length by 5.9 metres in width at its widest point. The roof would be pitched and would measure 2.5 metres to the eaves and 4.1 metres to the ridge. The roof would be hipped away from the boundary and would be constructed from facing brick and slate roof.

The original garage was constructed from timber and measured approximately 3.8 metres in width by 6 metres in length. The fundamental difference is that the height to the ridge measured 2.7 metres and the building was positioned 2.5 metres from the boundary with the adjacent property.

The wall would measure 2.1 metres in height and would be constructed from facing brick with a traditional half-round coping.

From discussions with the applicant's agent, the garden area is being levelled and this involves lowering and raising areas to create a terraced effect. The information received by Officers states that no new material is being brought onto the site and the operation does not, therefore, require formal planning permission.

Members will note from the site plan which is reproduced following this report, the relationship between the proposed garage and the adjacent property 'Croft View'.

In consideration of this application Policies H17 and E43 are relevant. Policy H17 of the Local Plan requires that extensions are not visually intrusive and are of an acceptable scale. The replacement garage has a larger footprint, a higher ridge level and would be closer to the boundary with the adjacent property. In this respect, the building will be significant and will impact on the occupier of this property. However, to mediate this issue, the applicant has hipped the roof away from the boundary and the scale and design of the proposed building is considered to be appropriate to this dwelling which is situated within a reasonable garden area.

Furthermore there are no windows proposed in the gable that would create an issue of overlooking. A single window is proposed at ground floor level for the garage accommodation and this faces the applicants own property.

The neighbour has raised several issues in his letter of objection, some of which have already been addressed. It is accepted that the building will be larger than the replacement and will therefore, have a greater physical presence. The proposed garage would be sited along the boundary but approximately 7.3 metres from the corner of the dwelling and the distance from the corner of Croft View and the point at which the hip of the roof meets the ridge, measures 11.6 metres. However, it is not

considered that the development adversely affects the amenities of adjacent property by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight.

Policy E43 of the Local Plan requires that development proposals within designated conservation areas do not adversely affect the setting or character of the area. It is considered that the materials are appropriate and the issue is whether the scale of the proposal is appropriate. As previously discussed in this report, although the structure is larger than the original building, it is not obtrusive or disproportionate and does not adversely affect the character of the conservation area.

With regard to the highway issues raised, Members will note that the Highway Authority do not raise any objections to this proposal.

In conclusion, the proposed extension is of a scale and design that is appropriate to the dwelling and it is not considered that the occupier of the neighbouring properties would be adversely affected by the development, in accordance with the relevant Local Plan policies.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission ✓

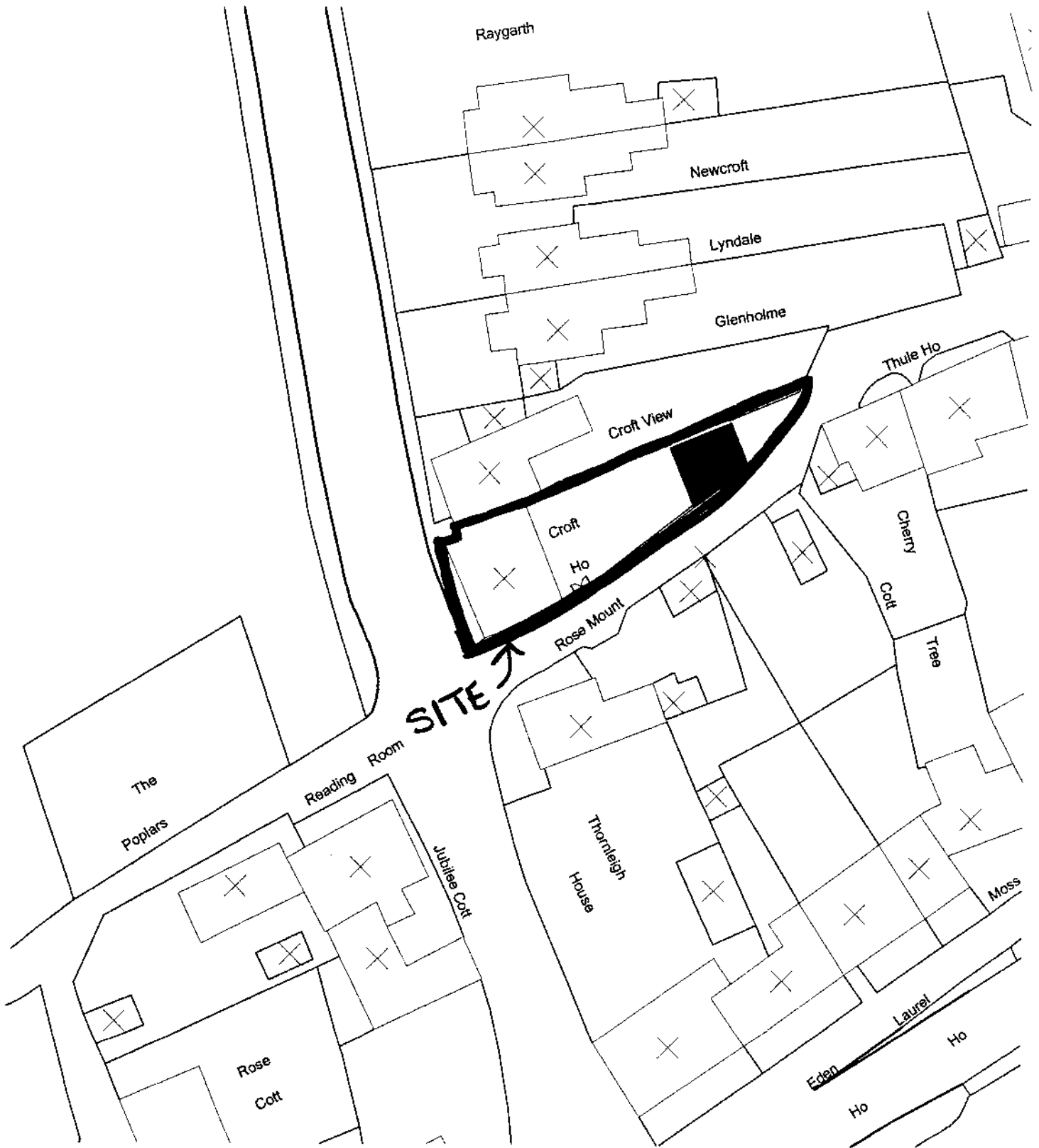
1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

P23 →

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. The garage hereby permitted shall not be used except for private and domestic purposes and shall at no time be used for any commercial or business purposes whatsoever.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.



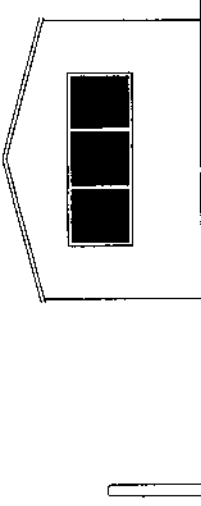
Project Replacement Garage		A I C O E T W L S W	
Croft House, Great Corby		24 OCT 2002	
Client	Mr & Mrs Eltherington	2002/1135	
Title	Site Location		
Scale	1.500	Date	Oct 2002
		317/00	



Site Plan 1.100

Project Replacement Garage	
Croft House, Great Carby	
Client	Mr & Mrs Eitherington
Title	Existing GA
Scale	1:100, 1:50
Date	Oct 2002
	317/01

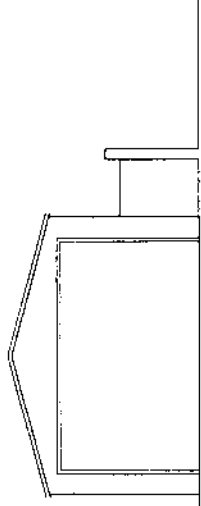
2002.11.15
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South West Elevation



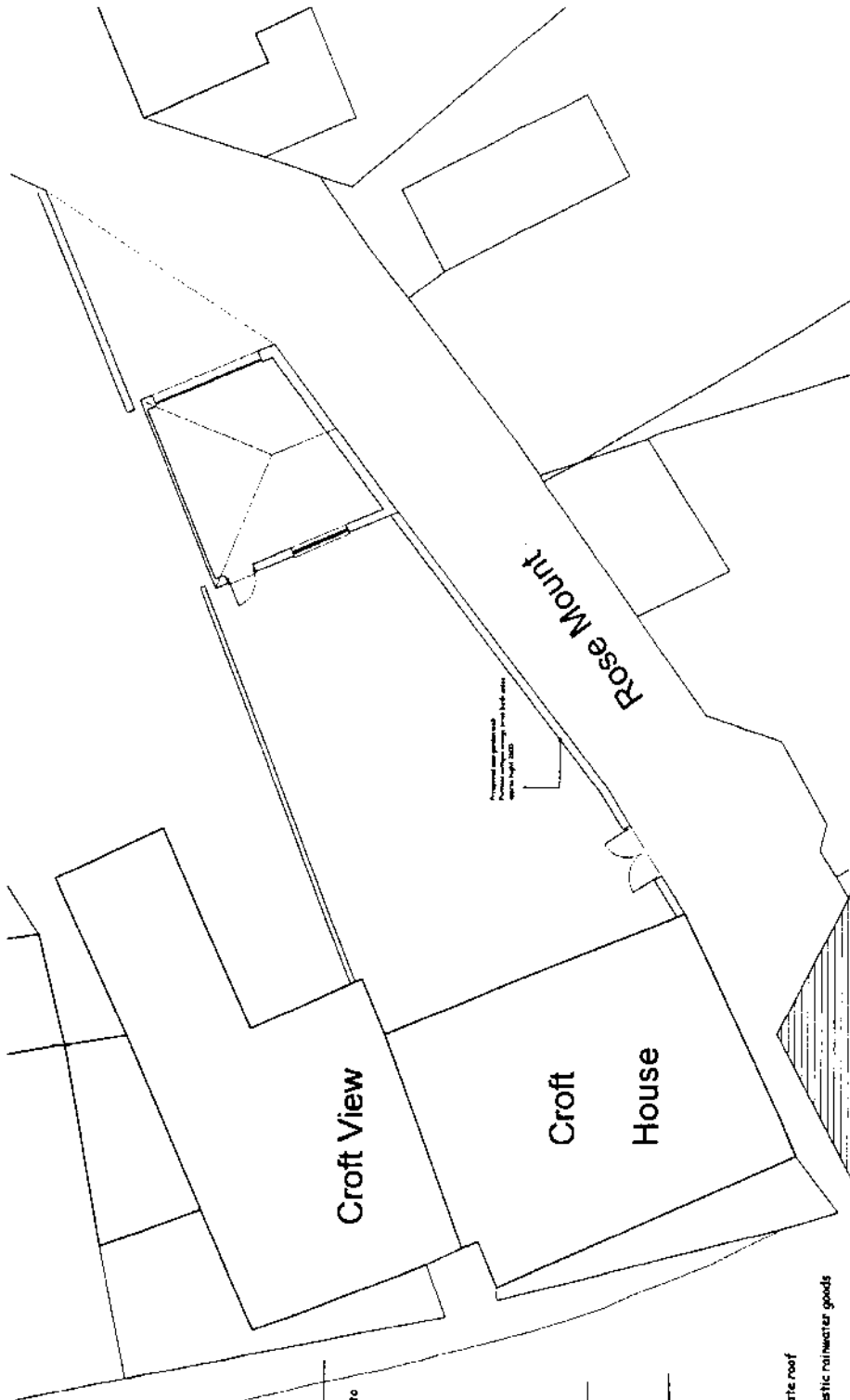
South East Elevation



North East Elevation

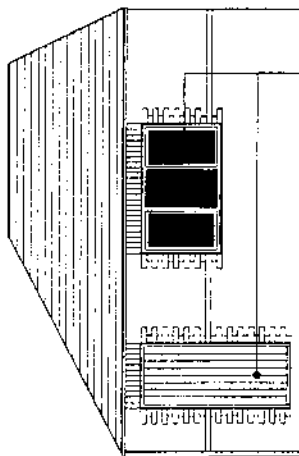


North West Elevation



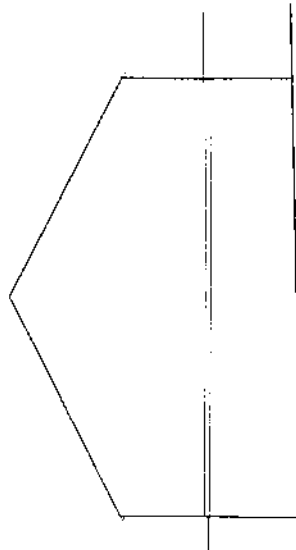
Site Plan 1.100

Project Replacement Garage	
Croft House, Great Corby	
Client	Mr & Mrs Eitherington
Title	Proposed GA
Scale	1:100, 1:50
Date	Oct 2002
	317/02

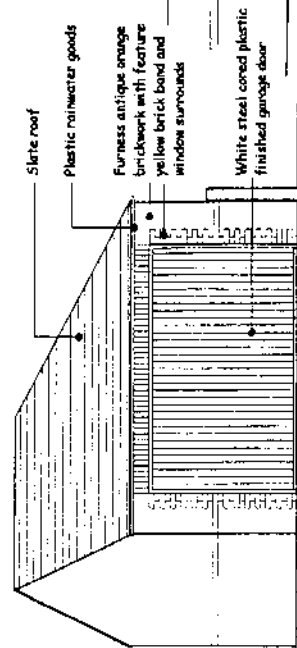


South West Elevation

Timber door and window to south west elevation only



South East Elevation



North East Elevation

Slate roof
 Plastic rainwater goods
 Furness antique orange brickwork with feature yellow brick band and window surrounds
 White steel cored plastic finished garage door

North West Elevation

2002
 2002/11/28

Croft House Gt Corby 05.12.02 6.JPG



Croft House Great Corby 06.11.2002 4.JPG



Croft House Gt Corby 05.12.02 2.JPG



Croft House Gt Corby 05.12.02 3.JPG



SCHEDULE B: Reports Requiring Further Information

02/0196

Item No: 03

Date of Committee: 20/12/02

Appn Ref No:
02/0196

Applicant:
Montgomery Housing

Parish:
Castle Carrock

Date of Receipt:
22/02/02

Agent:
Green Design Group

Ward:
Great Corby & Geltsdale

Location:
L/A field 3328, Castle Carrock, Cumbria,

Grid Reference:
354350 555270

Proposal: Erection of 12 No. Detached Dwellings and 4 No Linked 2 Bed Houses
For Rent For Local Occupancy (Revised proposals)

Amendment:

Alan

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

Cumbria & Lake District Joint Structure Plan Policy 11

Development and other land use changes detrimental to the present characteristics and qualities of the landscape of the National Parks, AONBs and the Heritage Coast will not normally be permitted. Particular regard will be paid to the protection and enhancement of undeveloped open countryside and coast, the lakes and other sensitive locations, and in addition in National Parks the character of land identified on Section 3 Conservation Maps. Development required to meet local infrastructure needs which cannot be located elsewhere, will normally be permitted provided it is sited to minimise environmental impacts and meets high standards of design.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Cumbria & Lake District Joint Structure Plan Policy 41

Housing and employment development within AONBs will normally be permitted provided it is:

- i. small in scale and compatible with the needs of local communities, and
- ii. within or immediately adjacent to existing settlements, except where essential for the working of a farm or involving a conversion of a traditional building for employment uses,
- iii. in sympathy with the character of the settlement and maintains the natural beauty of the landscape.

Carlisle District Plan Environment - Policy E3

Within and adjacent to the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, permission will not be given for development which would be unacceptably detrimental to the present character and quality of the landscape. Development proposals should seek to conserve or enhance the present character and quality of the landscape through appropriate siting, design, materials and landscaping. Large scale development will only be permitted where there is proven national need and lack of an alternative site.

Carlisle District Plan Environment - Policy E50

The loss to built development of significant public and private open spaces within settlements will not be permitted.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into

- open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
 3. The layout of the site and the design of the buildings is well related to existing property in the village; and
 4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
 5. Appropriate access and parking can be achieved; and
 6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
 7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Public Footpath

The proposal relates to development which affects a public footpath.

Summary of Consultation Responses:

Castle Carrock Parish Council: an open Parish meeting was held in the village on 13th March and 70 parishioners attended. After prolonged debate the proposals was put to the vote and "the proposed development was overwhelmingly turned down".

The Parish Council separately carried out a questionnaire survey distributed to 126 households in the parish of Castle Carrock. It sought the considered opinion on the application. The Parish Council received 66 replies with opinions expressed as follows:

11% were in favour of the proposal for 11 dwellings;
35% were in favour of no development; and

54% were in favour of 4-8 houses, but some respondents commented that some should be suitable for first time buyers .

Following the receipt of the revised application, including now the strip of land previously omitted, and changing one dwelling plot to a terrace of low cost homes for rent, the Parish Council has been re-consulted on these amendments. Their response is awaited;

Cumbria County Council (as Strategic Planning Authority): as initially submitted the application was not considered to raise any issues of material importance to the Structure Plan and was therefore not reported to the County Committee. Officer advice was that the City Council should take into account PPG3 when assessing whether to grant planning permission.

Subsequent to the recent modification of the application, resulting in the proposals increasing to a development of 16 units, the application now falls within the category of a "strategic" application upon which the County Council would be expected to comment. The amended proposals have been forwarded to that Authority so that the application can be considered at their Committee meeting on 19th December. The formal response will, therefore, be reported to City Council Members on 20th December;

Highway Authority: have set out requirements in relation to the design and layout, lighting, etc. Some of the measures that are sought are not, however, conducive to the attainment of a sensitive or suitable small housing scheme in a village like Castle Carrock and are being discussed with the Highway Authority. Views on the amended scheme are also awaited;

The Ramblers: provided the development does not interfere with the adjacent Public Footpath, the Ramblers Association has no objection to the proposal;

The Countryside Agency: the Countryside Agency does not have any comment. We would stress that the absence of comment or direct involvement in individual proposals is simply an expression of our priorities. It should not be take as implying a lack of interest or indicating either support for, or objection to, any proposal;

Cumbria County Council (Archaeological Services): the site is within an area of archaeological interest. A moated site survives as an earthwork a little to the east of the Church at Castle Carrock. This is likely to represent the remains of a medieval manor house. Elsewhere in Castle Carrock further remains have been recorded that appear to relate to medieval occupation. Similar earthworks have been observed within the development site during a site appraisal. There is, therefore, good reason to believe that this site has archaeological interest.

Subsequently, an archaeological evaluation involving fieldwork carried out in mid-April has been undertaken by the North Pennines Heritage Trust in accord with a brief prepared by the County Archaeologist. The results of the desk- based assessment and fieldwork demonstrate that the earthworks observed were the result of 19th century agricultural practice and do not represent the remains of a shrunken medieval settlement. These features are of limited archaeological interest and the evaluation provides an adequate record of them. Consequently there are no further

archaeological requirements to be met;

Environment Agency: the Agency has no objections but recommends that the development should incorporate some form of Sustainable Urban Drainage System to mitigate the impact that the creation of a large impermeable area would have on the local surface water drainage system. Alternatively, the Agency requests that the run-off of surface water to the existing surface water infrastructure is maintained at the existing rates in order that the development does not contribute to an increased risk of flooding. It is recommended that 2 planning conditions are attached to any consent that may be granted;

Head Of Design (Drainage Services): there are foul sewers to the north and west of the site with sufficient spare capacity to accept foul flows though the sewer to the north may not be connectable by gravity. The applicant will need to show by means of satisfactory porosity tests that the proposed soakaway system for dealing with surface water is a viable option. If they are shown to be unsuitable it should be noted that there are no surface water sewers in the vicinity of the development;

Council For The Preservation Of Rural England: contends that the proposal would be contrary to the terms of PPG3 as it would result in the development of an unallocated, greenfield site and would add to the over- provision of housing supply in the District up until the end of the Plan period 2006. There is no evidence of housing "need" over and above the existing housing supply for the District as required by the Local Plan. The scale and layout of the development would also cause harm to the visual amenities, setting and character of Castle Carrock. It is recommended that planning permission be refused. A full copy of the 13 page response from CPRE is reproduced.

In common with other consultees, the CPRE has been re-consulted on the revised proposals and their response is awaited.

Summary of Representations:

A Site Notice has been displayed and Press Notices inserted in the Cumberland News. Additionally, written notification of the receipt of the application was sent to the occupiers of 7 properties which have a boundary with or are in the immediate vicinity of the site. In addition, the Parish Council organised an open parish meeting to discuss the application.

Subsequent to these measures a total of 55 letters have been received. That total includes instances where households have written more than once (e.g. two households have sent in 4 letters, two other households have sent in 3 letters and 4 households have written twice). It also includes two letters where writers do not give addresses and a letter enclosing a petition organised two years ago to oppose "any building development" on field 3328 known locally as "Sid's Field".

All of the letter writers oppose the development although a minority indicate that they consider a smaller scale scheme on part of the field would be more appropriate to the village. The overwhelming majority of those who have commented on the application live within the village or at isolated properties

within the Parish but 3 letters have been received from addresses outside the District.

With the exception of the latter, the locations of objectors' properties are shown on plans included within the Schedule. These show, not surprisingly, that the greatest concentration of objections come from households living close to the site itself.

The plan of the village also indicates that from the northern limit of the village (Rowanburn) to 14 Rectory Road in the west and Hallsteads in the east the occupiers of 23 households oppose the application but at least 63 households within that same area have expressed no view at all about the planning application.

In addition to the letters received from individual properties, a letter has been sent in by "Castle Carrock Pound" a group of villagers who believe the field subject of the application should remain undeveloped and should be sold to the village for £1 by the County Council. That group has further commissioned a landscape appraisal of the application site from a firm of Landscape Architects to support their objection and it is reproduced in full within the Schedule.

One letter has been received in which the writers support the proposed development.

Copies of all of those representations are included in full within the folder placed in the Group rooms.

Members will appreciate that following the receipt of the revised proposals a further letter of notification and invitation to comment has been sent to all parties who were consulted and/or commented on the initial application. At the time this Report was being prepared (5th December) no responses had been received although it is evident that there will be further representations.

Details of Proposal/Officer Appraisal:

Planning History

There have been no previous planning applications for development of the application site.

Details of Proposal:

DETAILS OF THE PROPOSALS

Introduction:

Members will recall that this application was subject of Reports presented at the Committee meetings on 15th March and, after a Site Visit two days previously, on 19th April. At that latter meeting:

"Members resolved to defer consideration of the proposal in order to await the response to consultation from Cumbria County Council (as Strategic Planning Authority), the completion of an archaeological evaluation of the site and related response from the County Archaeological Service, and further advice from Officers in relation to the issue of housing land requirements and the relationship to guidance within PPG3 and for these matters to be incorporated within a further report on the application at a future meeting of the Committee".

The application was subject of a further Report to the Development Control Committee on 14th June. At that meeting a separate Agenda Report was programmed to be discussed relating to the need to Review Housing Policy in the Rural Area in the light of PPG3 and Members were recommended that it would be inappropriate to determine the proposals since that review was central to any consideration of the application. Moreover, Members attention was directed to correspondence received by Fax that morning from the Government Office North West which directed the Council (under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995) not to grant planning permission for the proposed development without special authorisation. Members accepted Officer advice and recommendation and resolved:

"That, bearing in mind the direction issued by Government Office North West and the need to reach a policy decision on the Review of Rural Housing in Relation to PPG3, consideration of this application be deferred".

The Site's Location and Features:

When lodged, and previously reported to Members, the application related to the bulk (0.66 hectares) of a 0.76 hectare field situated within the centre of Castle Carrock and sought full planning permission for a development thereon of 11 dwellings in the form of 7 houses and 4 bungalows. It was identified that the applicant had indicated the excluded area of the field would be subject of an application for a further single dwelling for his own family's occupation in due course.

Since the last meeting at which the application was discussed, however, the applicant has acquired another property in the Castle Carrock area which he is renovating as his family home. He has, therefore, amended the application so that it now relates to the entire field i.e. 0.76 hectares. The way in which that modifies the original proposals is described later in this Report.

Those Members who attended the Site Visit will recall that the field is bounded by a drystone wall along its road frontage, by the garden of Fairfield House to the north-west, a public footpath along the south-east boundary and by the field fence and related trees and hedging along its western boundary up to which the site generally rises from the roadside. The site is, therefore, very well contained and the substantial screen of trees which fringe the Castle Carrock reservoir beyond the site to the south-east further reinforce that sense of enclosure and containment such that it is difficult to imagine where any significant views into the site can be secured other than from immediate neighbouring land.

With the exception of a small range of breeze block, space boarding and metal sheet clad modern farm buildings adjacent to the north-western boundary (see photographs), the site is otherwise a fairly unprepossessing field used for grazing.

Background to the Application:

It will be recalled from previous Reports that the field was originally part of the County Council owned Garth Farm which was sub-divided and sold off within the last 3 years. It is understood that most of the farm land was acquired by other local farmers whilst the former farm house and related traditional range of farm buildings situated opposite the field was marketed and acquired by a purchaser as a family home. That has been subject of a scheme of restoration/renovation.

Field 3328 field was retained by the County Council but the principles of its suitability as a housing site have been discussed with Officers and an informal planning brief to identify the broad principles that any development of the site should follow was prepared by the Planning Services Division. It is printed within the Schedule for information together with the property sale particulars.

Members should note that this is not a formal Site Development Brief prepared following consultation with the Parish Council or public consultation but was prepared to ensure that any future development proposals that might arise as a consequence of the land's sale took proper account of the form, character and setting of the site and its position within the village.

The field was marketed by the County Council in late 2001 and the current applicants have an agreement to purchase. Prior to submitting their offer to buy they, like other developers who submitted offers for the purchase of the field, liaised with Officers to establish what planning policy issues and considerations would need to be addressed. It is, perhaps, pertinent that the current applicants' proposals were significantly less intensive, and designed with greater regard for the character of the village, than the other layout plans and related proposals that competing purchasers had prepared and sought planning comments upon.

It is, nonetheless, apparent that any development scheme submitted for this site will, inevitably, in a village like Castle Carrock (where there has been very little development in recent years) require careful thought and sensitivity. It is, moreover, clear that there is significant local concern about the potential scale and impact of development proposals given the village's attractive form, character and location within the North Pennines AONB. Indeed, it is notable that two years ago, even before anyone had prepared any proposals for the site, some villagers organised a petition opposing any development.

Details of the Revised Proposals:

As indicated earlier, the application has been modified since it was last reported to Committee. At that time is sought a full planning permission for a development comprising 2 no. 5 bed houses, 5 no. 4 bed houses, 2 no. 4 bed bungalows and 2

no. 3 bed bungalows. These were proposed to be accessed via a single vehicle access from the site frontage, punctuating the stone boundary wall to the roadside only once, and was proposed to take the form of three distinctive residential clusters, two entered by narrowing of the internal access road between plots to achieve a more informal, and thus less "estate layout" format.

The addition of the strip of land adjacent to the north west boundary, so that the application relates to the field as a whole, has resulted in the layout being modified so that the large single plot on which the applicant wanted to build a dwelling for himself is sub-divided to form 2 dwelling plots. One of these would be accessed via an extension of the courtyard previously enclosed by plots 7-11 inclusive with the other plot, facing onto the public highway, having access via a re-siting and improvement to the existing field gate. The applicant proposes that the "roadside" unit would be a 2 storey 4 bed house with double garaging with the rear plot being a single storey 3 bed unit.

As well as the modifications brought about by incorporating that area of the field, the applicant has also had regard to a criticism levelled at the original proposals that they provided only for large, and therefore expensive, properties that would be afforded by the affluent and hence would simply be commuter housing that did nothing for the village or its needs. Recognising these criticisms and aware of the feelings expressed by parishioners who responded to the Parish Council questionnaire, the applicant has substituted the 4 bed 2 storey house that had been positioned immediately adjacent to the site entrance and proposes, in its place, a small terrace of 4 no. 2 bed houses. It is proposed that they would be built and managed as rented properties linked to a local occupancy agreement that Montgomery Homes would be willing to enter into under S106 of the Town and Country Planning Act 1990. Members will recall that similar arrangements have occurred in other rural settlements, usually with larger house builders where the dwellings were wholly for sale, but that a small scheme with a local builder retaining some units for rent has been successfully undertaken at Newtown, Irthington. That scheme is linked to a S106 Agreement that covers the definition of the rent to be charged, and has a clause specifying a tiered approach to local occupancy qualification.

In total, the revisions that the present proposals embrace increases the site area (by 0.1 hectare) and the dwelling numbers overall to 16 units from the 11 covered by the original application. The density of the development likewise rises from the 17 per hectare of the original scheme to 21 per hectare in the revised proposals but as Members will observe this is still lower than the current District Plan average of 25/hectare and is significantly below the 30/hectare that PPG3 advocates.

In common with the original submission, the finishes to the proposed dwellings comprise mixtures of stone walling to certain facades e.g. the gable of plots 1 and 11 which face onto the public highway and gables of garages and parts of the bungalows which face onto the road system, but would predominantly be finished in painted render with stone quoins and stone window and door surrounds under natural slate roofs. Similarly the proposed dwellings would have drystone boundary walling to all roadside or other "public" elevations. That palette of finishes is, as Members will remember from the Site Visit, represented within the settlement as a whole.

Planning Policy Considerations:

Objections to the proposals can be assessed under the following broad headings:

Visual and Landscape Impact

Notwithstanding the presumption in favour of development within settlements in AONB's, subject to the criteria set out in Policy 41 of the Structure Plan, or the presumption in favour of residential development that satisfies criteria set out under Policy H5 of the District Plan, a number of objectors, the CPRE and Woollerton Dodswell acting on behalf of Castle Carrock Pound contend that the site is so significant in visual and landscape terms that proposals for development should be refused.

In particular, the CPRE contend that the site is poorly related to the village form and is detrimental to the character and quality of the landscape as it is *"relatively prominent"* from a visual point of view and provides a *"green space (i.e. a lung)"* between dwellings and buildings. No explanation of the term *"relatively prominent"* is provided but the CPRE recognise that the site is at *"the southern edge of the village envelope"* and *"could be described as infilling between existing residential properties and agricultural buildings"*. It is also noted that *"the landform rises upwards to the south west...with dense hedging forming the boundary to the south west"*. Whilst contending that *"it is pertinent to the consideration of the application that it lies within the AONB"* their analysis of visual impact on the AONB goes onto identify that *"the cul-de-sac layout would be seen from public vantage points (i.e. the road) and would be visually intrusive"*. In short, the only impact they identify the proposals having on the landscape of the AONB is from the street in front of the site.

Nonetheless, the CPRE maintain that the development would be sufficiently intrusive as to warrant rejection under Structure and District Plan policies relating to the AONB. However, whilst Members should carefully evaluate that element of the objections to the proposals it should be noted that the Countryside Agency, who have a national role in helping to conserve and manage the most sensitive landscapes in England and have been specifically consulted on this application, have not expressed any objections to the proposals nor do they wish to offer any assessment or comments upon them or their impact upon a nationally designated area.

The issue of landscape impact has also been raised by the primary objectors and Castle Carrock Pound. That group has appointed landscape consultants (Woollerton Dodswell) to support their objections. Their Report is printed in the Schedule. It is notable that their submission does not identify any landscape intrusion upon the AONB and/or conflict with adopted planning policies that specifically seek to protect the AONB. Instead, their analysis focuses only on the localised impact of the loss of the field as an open space within the settlement and the proposals are assessed solely in relation to the provisions of Structure Plan Policy 27 and the related District Local Plan Policy E50. Both of these policies establish a presumption against the development of significant public or private open spaces that contribute to the quality of the built environment and/or form a valuable local amenity or contribute to the

form and character of the settlement, such as providing important views within the settlement or from the settlement to the surrounding open countryside.

In response to that submission the applicants have themselves commissioned a Chartered Landscape Architect to comment upon the objectors' submission. That document is also printed in full within the Schedule. It concludes that the the major elements which give Castle Carrock its charm and character would not be compromised by the development.

Members will, with these conflicting views, need to make their own judgement of visual/landscape impact of development of the site with the benefit of their recollections of the site visit. That assessment is clearly vital to establishing whether the site is suitable for development or otherwise (regardless of the type or scale of development). This is also a matter which the Strategic Planning Authority, which has commissioned landscape assessments of development proposals for sites that were considered to be sensitively located, may also now wish to consider from their "strategic" perspective.

Design and Detailing

The proposals relate to a field situated within the centre of Castle Carrock, an attractive fellside village situated within the North Pennines Area of Outstanding Natural Beauty. Whilst many objections regard this as amounting to a strong presumption against development, Members will observe that Structure Plan and District Plan policies do not preclude development within settlements in sensitive landscapes such as AONB's, even when they may be smaller and have less developed facilities than Castle Carrock, but the scale of that development is important and higher standards of design, layout and finishes are, clearly, expected.

Guidance on design issues for countryside development has been produced by the City Council to help achieve the highest possible standard of new development within the rural parts of the District as a whole. That is clearly a paramount objective in a sensitive location like this.

That advice in relation to Design in the Countryside is contained within the Countryside Design Summary, the text of which follows this Report, and has been adopted as Supplementary Planning Guidance. It identifies the importance of ensuring that the pattern of new development reflects the relationship of a settlement to its wider landscape setting. The importance of topography, natural features such as trees and hedges, man made features such as stone walls and the significance of short and long distance views of the settlement from surrounding areas and how well a development integrates with village form are all emphasised.

The Design Summary advocates design approaches that minimise an unnecessarily urban form that has little in common with traditional housing layouts and notes the importance of public and private spaces within villages and views to and from these spaces. Care in the siting and design of dwellings and the layout in general, including ground levels, are key issues as is the form, colour and materials of surrounding roofscape. Selection of suitable materials for buildings and the surfaces of spaces around them and use of design elements that have roots in the character

of the area are advocated as is the employment of boundary finishes that mirror the pattern in the locality.

Whilst it is readily apparent that most of the writers who object to this application regard the proposals as unsuitable and out of character with the village, objective examination of the proposals clearly illustrates that the architects have had regard to the advice within the Design Summary and have thought carefully about measures to avoid the development appearing like an urban estate. The building forms are simple and unfussy, detailing is neat and consistent, the range of finishes are reflected within the village, roof forms follow traditional pitches and employ natural slate, and buildings are grouped together and in close proximity to the circulation system rather than set back and "strung out" as is typical of suburban estates. Buildings are linked and plots defined by stone walling, reflecting the strong vernacular pattern of drystone boundaries in this area. Indeed, the only potential discomforting aspect of the submission is the risk of the Highway Authority imposing more obviously "urban" design requirements in relation to the vehicle access and movement routes within the development.

Scale of Development and Local Housing Policy

Structure Plan policy guidance identifies the strategic requirements for housing land within the county, dis-aggregated to each District which must identify, within their Local Plans, the overall disposition of housing within their areas and the detailed policy criteria against which applications will be assessed. This "plan-led" approach also includes a requirement within the Structure Plan that there must be *"at least a 5 year supply of readily available land capable of accommodating building at a rate which will keep the supply of dwellings in line with the requirement for each District"*.

Within this Council's area, the Carlisle District Local Plan sets out the adopted plans and policies which the Council will observe in considering proposals for development. Its' Housing policies place major emphasis upon the bulk of new housing being provided in the urban area, primarily the allocation at Morton, but with additional development allocations directed to the District's next largest settlements of Brampton, Longtown and Dalston. Outside these settlements, proposals for new residential development require to be assessed against Policies H5-H7.

Policy H5 deals with village development and lists the criteria against which development proposals in the specific settlements to which its provisions relate should be evaluated. Castle Carrock is included within those settlements grouped under Policy H5 of the District Plan and, when compared with other villages included in the villages listed within that policy overall, it is apparent that Castle Carrock, due to its size and relatively highly developed level of social and community facilities e.g. primary school, shop/post office, church, village hall and two public houses (one currently not trading), is amongst the higher order.

Indeed, it is notable that the former Carlisle Settlement Policy, which guided planning policy for new residential development in the District from 1978 until the present local plan regime was adopted, included the village within its Category III villages defined as *"smaller villages with a significant service role where the extent of new development will depend on village character, size and suitability. There is a*

presumption against large scale estate development". Similar villages among those included in that village classification were Burgh by Sands, Cotehill, Cumwhinton, Gilsland, Great Corby, Hayton, Rockcliffe and Smithfield. Members will need no prompting to recall that in a number of these settlements there has been residential development of a scale comparable to that now before the Committee in relation to Castle Carrock.

Policy H5 seeks to resist development which is of a scale greater than 20 units within any of the villages that are listed. Both the Structure Plan (para 4.10) and the Reasons/Explanations of Policy H5 define "large scale" as being developments of 20 or more dwellings. It is evident, therefore, that even the increase from 11 to 16 dwellings (as now proposed) is not to be generally considered as "large scale". Moreover, the number of dwellings that are proposed is comparable to, and in some instances less, than permitted at housing developments that have been built in recent years in villages e.g. Burgh by Sands, Cumwhinton, Cotehill, and Hayton with a similar service role and is less than has been built recently in other villages with less highly developed services such as Durdar or Linstock.

Members will be aware that both the Structure Plan (Policy 32) and the District Local Plan (Policy H8) contain policies that seek to secure affordable housing although that is generally expected to be achieved through the setting aside of land or construction of specific units within "*large sites*" or "*larger housing developments*". The District Plan also includes a policy that allows for Rural Exception Sites (Policy H9), where presumptions against development contained in other policies may be set aside where defined circumstances (including low-cost housing to meet an identified need) so permit.

Whilst there is no strict requirement for the applicants to make provision for an element of affordable housing, since the development is of a smaller scale than the thresholds identified in relation to Policy 32 and Policy H8 and it is not an exception site to which Policy H9 applies, the applicants are prepared to make provision for smaller homes, for rent, and with a local occupancy obligation.

That is clearly a factor that must be taken into account in terms of assessing the overall merits of these proposals. Indeed, the CPRE's objections to the initial proposals are highly critical of that submission (pages 11/12 of their letter) because the development as proposed was for "*large, detached three to five bedrooomed units with associated car parking....to satisfy general market demand rather than the affordable needs of local people*" rather than, as PPG3 advocates "*villages will only be suitable locations for accommodating significant additional housing where...additional housing will support local services such as schools or shops...particularly where the village has been identified as a local service centre in the development plan...additional houses are to meet local needs such as affordable housing..... will help secure a mixed and balanced community and can be designed sympathetically in character with the village using such techniques as village design statements*"

Relationship to National Policy

Notwithstanding the changes to the application site, the related changes in numbers,

mix and tenure of dwellings that are proposed, and the issue of landscape intrusion/impact, Members should also have particular regard, when considering the application, to the provisions of the *Interim Housing Policy Statement* (Report EN. 120/02) that the Executive approved on 28th October and this Committee adopted at the meeting held on 15th November.

It will be recalled that the *Interim Statement* was prepared as a policy tool to guide the Committee when dealing with applications for housing development, particularly in respect of rural sites, and sought to integrate the adopted provisions of the District Local Plan with the more recent advice contained within PPG3: Housing which, it will be recalled, advocates greater concentration in urban centres including a higher dependence on re-cycled land i.e. brownfield sites.

That issue, in general, was referred to extensively in the observations made by the CPRE in response to consultation on the application when first received. In essence, CPRE contend that the applicants have not demonstrated a "need" for the development such as to warrant the release of an unallocated greenfield site given the urban emphasis within the PPG and current housing land supply within the District. They believe that sites for development need to be justified under the local plan regime and that windfall sites should be on previously developed (brownfield) land with no allowance for greenfield windfall sites. Their assessment of housing land requirements and supply lead them to conclude that the development should not be permitted and they maintain that there is an over-supply of housing land within the rural area.

That initial response also drew attention to the need for LPA's, as required by PPG3, to review their land allocations within adopted Local Plans in the light of the PPG note. This had, hitherto, not been done in respect of the District Local Plan and its provisions.

The CPRE pointed out that such reviews should facilitate the attainment of higher density development (to make better use of land) than the District Plan currently expects. Thus, there would be, in the CPRE view, even greater use able to be made of allocated sites with much less justification being able to be made for release of greenfield sites. The CPRE refer to support from Appeal decisions in relation to housing applications elsewhere in the country where issues of local plan review (having regard to PPG3) were material factors in dismissing the proposals.

It will be recalled that the assessment carried out as part of the statement is a response to that need as identified in PPG3: Housing for LPA's to review their adopted policy provision in the light of advice within the Guidance Note. Moreover, it has allowed a thorough evaluation of the criticisms levelled in respect of housing proposals for sites in the Council's rural areas that there is no need for other consents to be issued since there is both a surplus of approved sites and a development rate in the rural area that is greater than planned.

The review has confirmed that the latter factors, combined with the uncertainty of the major urban housing allocation at Morton due to the "call-in" of planning applications for that area, has led to an imbalance between the amount of "urban" housing completions and those in the "rural" area, contrary to the urban emphasis of PPG3 and the District Plan itself. In summary new dwelling units in the rural area

represents 38% of the total number of housing completions, whereas the District Plan target is 30%. Measured over the 15 year lifetime of the District Plan, of which 73% has lapsed, 79% of the rural target for the lifetime of the Plan has already been met but only 55% has been provided of the urban target for the equivalent period. In practical terms this translates, at this point in the plan period, to an over-supply of 125 units in the rural area and an under supply in the urban area of 850 units. Similarly, the aggregate of outstanding units with planning permission and the number of completions that have taken place in the rural area since 1991 (the start of the plan period) would suggest that by 2006 there is a potential over supply in the rural area of circa 130 units compared to the District Plan requirement.

Historical trends indicate, however, that not all outstanding consents are likely to be implemented while other units which do come to be built will, in some instances, happen beyond the end of the plan period (2006). Some currently outstanding consents will come forward for renewal as they "expire" and those will need to be re-assessed against adopted planning policy as it applies at that time. That will necessitate the Council being more circumspect when considering such applications to ensure that they meet the "thrust" of PPG3 (as a material consideration) and would suggest that not all sites will be renewed.

The *Interim Housing Policy Statement* recognises, in accord with advice in PPG3, that it is important to maintain a supply of housing in the District. This should obviously include some element of rural provision. Nonetheless, in order to properly guide such development, and again in line with the "sustainable" emphasis of the District Plan and PPG, it is imperative that a policy mechanism is adopted to more closely control the supply of housing not merely in quantitative terms but also in locational terms.

With regard to the latter objective, it has become increasingly apparent that the criteria based approach within Policy H5 of the District Plan, whilst still having merit in the larger villages that have a significant service role, is no longer a relevant or appropriate tool in many of the other rural settlements to which H5 has hitherto applied. In simple terms, a great many of the District's rural settlements lack any form of community or social facilities upon which to focus new development opportunities in a "sustainable" way while their overall rurality would mean increased vehicle movements and related travel patterns to even most basic amenities or facilities e.g. children to primary school, trips to the Post Office, church etc.

It is clear, therefore, that new development opportunities in the rural area should be focussed on those settlements that display the greatest range of facilities and amenities and thus fulfill a rural service centre role. Attributes that such settlements would possess would range from a village shop and/or post office, public house, school, village hall, church, garage/filling station, perhaps a local employment centre together with public transport connections. Clearly, in an essentially rural District like Carlisle not all settlements will possess the full range. Nonetheless, those villages that display a significant number of such facilities would logically be in the higher order of settlements where future development of appropriate scale should, ideally, be directed. While it is unlikely that these villages would contain a significant element of brownfield land, their service level would over-ride the need for all sites to be brownfield. The corollary to that, of course, is that if *only* brownfield land was to be utilised, there would be very little housing land in the rural area.

That approach is advocated within the revised PPG3. The GONW response to consultation on the *Interim Housing Policy Statement* supports the principle of identifying "*settlements where development is considered to be more sustainable*" in the interests of clarity and certainty but observes that it will be increasingly necessary to monitor how the policy is implemented and what might be done if the level of demand becomes problematic.

There is, of course, also a fundamental proviso to that strategy and that is the availability of suitable sites. Some settlements that possess a school or church or village hall may possess little else and may simply not have a site that could be developed without extending into open countryside or areas of landscape significance or would fail to knit within the structure or form of the settlement.

With regard to the current application, Members will recognise that the site is within the village centre and is contained by established and well defined boundaries such that there is no opportunity for its extension beyond those boundaries. There is no question that Castle Carrock continues to fulfill the service role the Carlisle Settlement Policy identified almost 25 years ago since it possesses a school, church, village shop/post office, two public houses, a village hall and has a bus service.

Development within Castle Carrock is thus consistent with the objective of the *Interim Housing Policy Statement* that any additional new residential development should be provided within the larger rural villages that perform a service centre role. Nonetheless, Members will recognise that given the overall housing land provision, where in District terms the Council is achieving Structure Plan targets but in rural area terms has a current over supply, the scale and pace of release of additional housing sites in the rural area must be controlled, even where it is proposed in the rural service centre villages.

It is, therefore, recommended that subject to no new issues arising from the re-consultation that has taken place on the amended proposals, the application is approved but that prior to the release of planning permission the applicant is required to enter into a S106 Agreement that would cover the following matters:

1. The provision of the 4 no. 2 bed houses as *local need, low cost units*
2. The basis on which an *affordable* rent would be established and protected
3. The definition of *qualification as occupants to ensure these units met local need*. In that regard Members will recall that this would initially be residents or dependents of residents of the Parish; the next tranche (if not all units were let) would extend to the adjacent Parishes; and finally (if still not all let) the whole of the Council's administrative area
4. The *phasing of the development of the site* over a period of time so that it did not result in the whole of the site being developed at the outset but progressively released it in stages consistent with rural housing land targets.

The Article 14 Direction

Members will recall that when the application was reported to Committee in June,

Officers advised that the GONW had issued an Article 14 Direction. The effect of such a Direction is that the Local Planning Authority is precluded from granting planning permission for a development to which the Direction relates *without special authorisation*.

Consequently, if the City Council accepts the above recommendation it is necessary for the application to be referred to GONW with the indication that *the Council is minded to grant planning permission*. GONW will then consider the basis on which the Council wishes to take that action and may either decide to return the application to the Council for determination or may *call-in* the application for consideration at a Public Inquiry.

Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

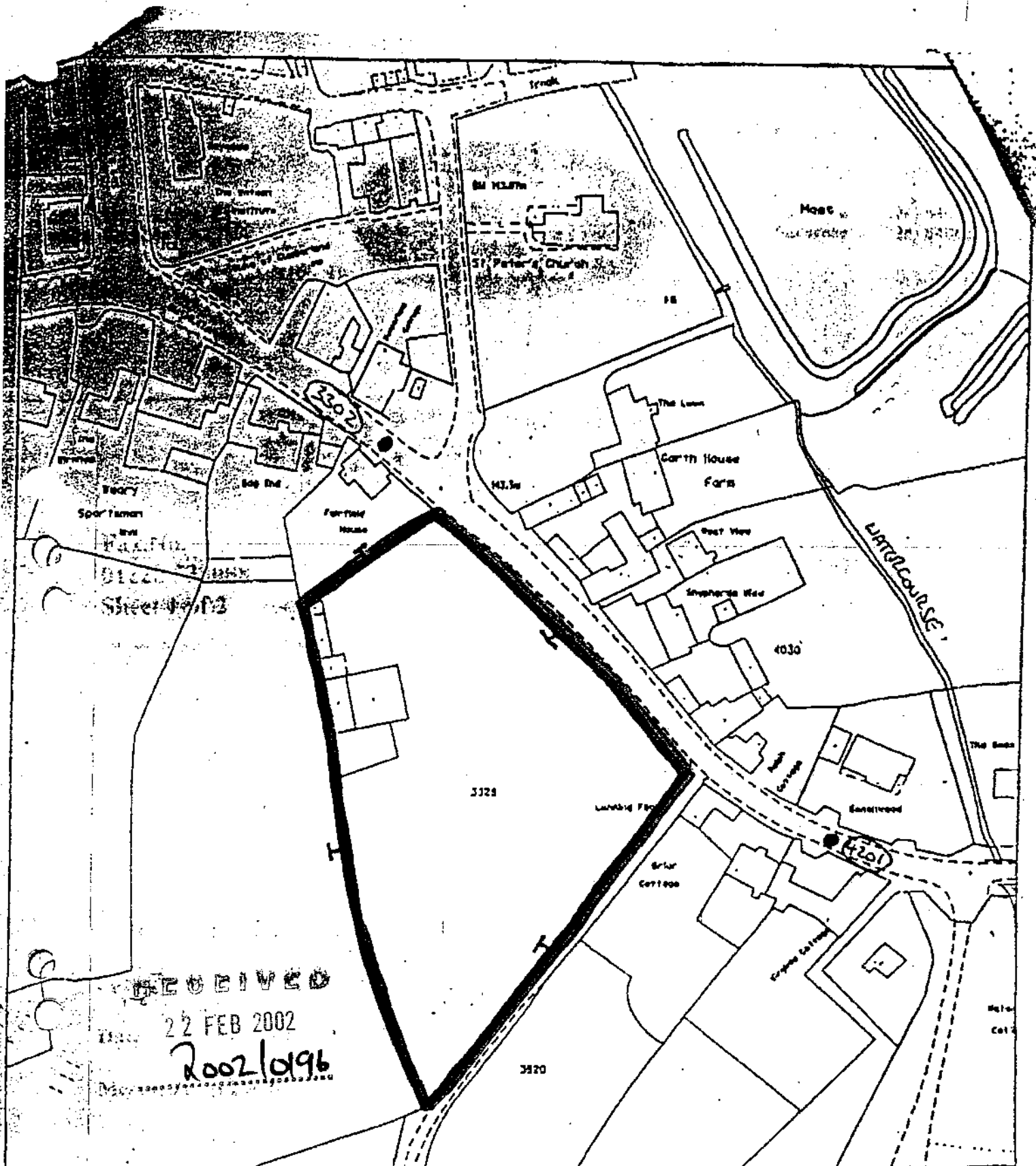
It is not considered that the proposals would result in an adverse impact such as to seriously prejudice any individual or family's rights under the provisions of the Act.

Recommendation:

Reason for Including Report in Schedule B

To await the responses to consultation on the revised proposals and to enable consideration of any additional representations arising from publicity given to the amended scheme.

Refer P85 →



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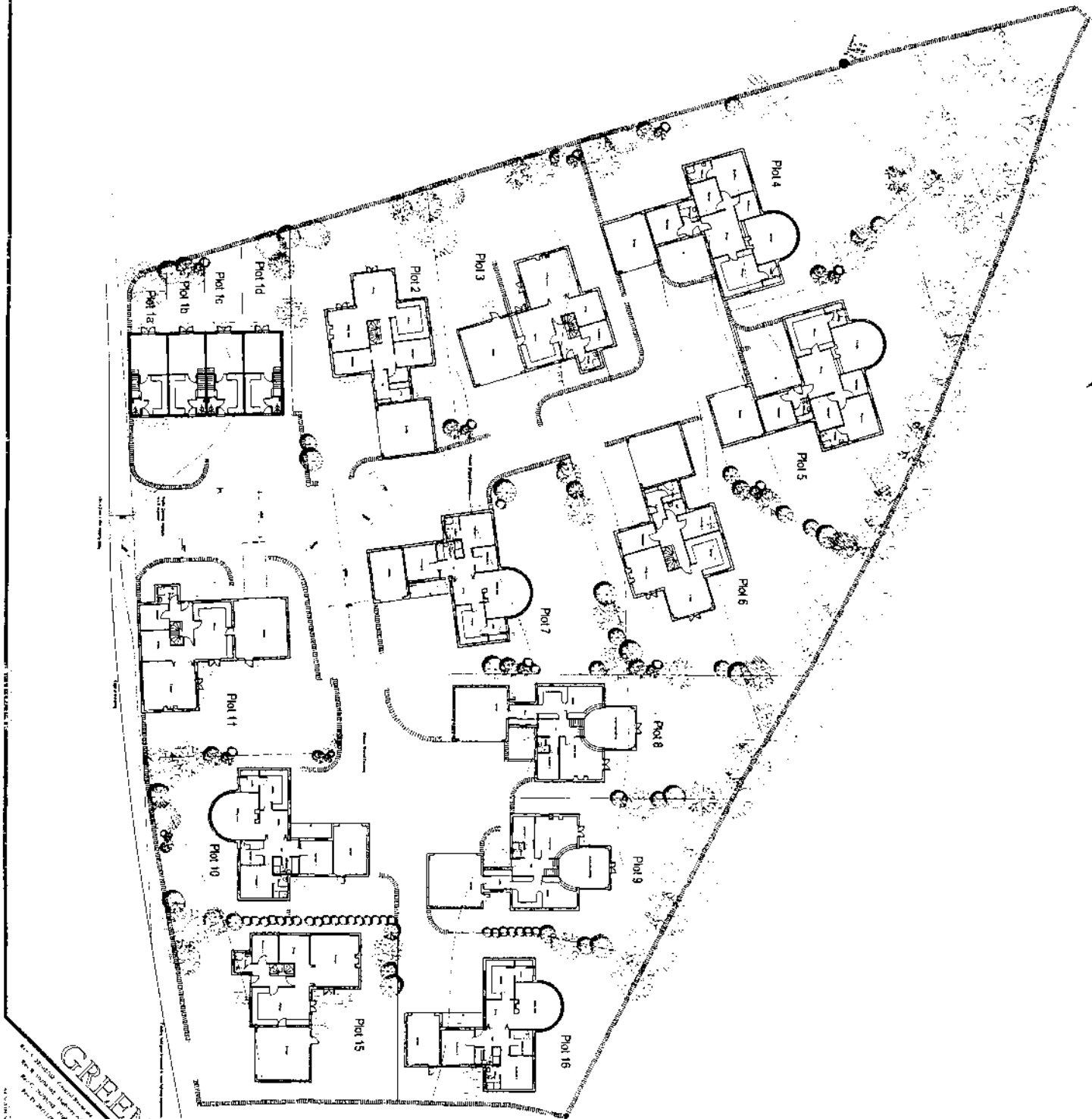
Cumbria County Council
 The Map Room

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Building & Design
 15 Portland Square
 Carlisle
 CA1 100
 Tel: 01228 60618
 Fax: 01228 606066

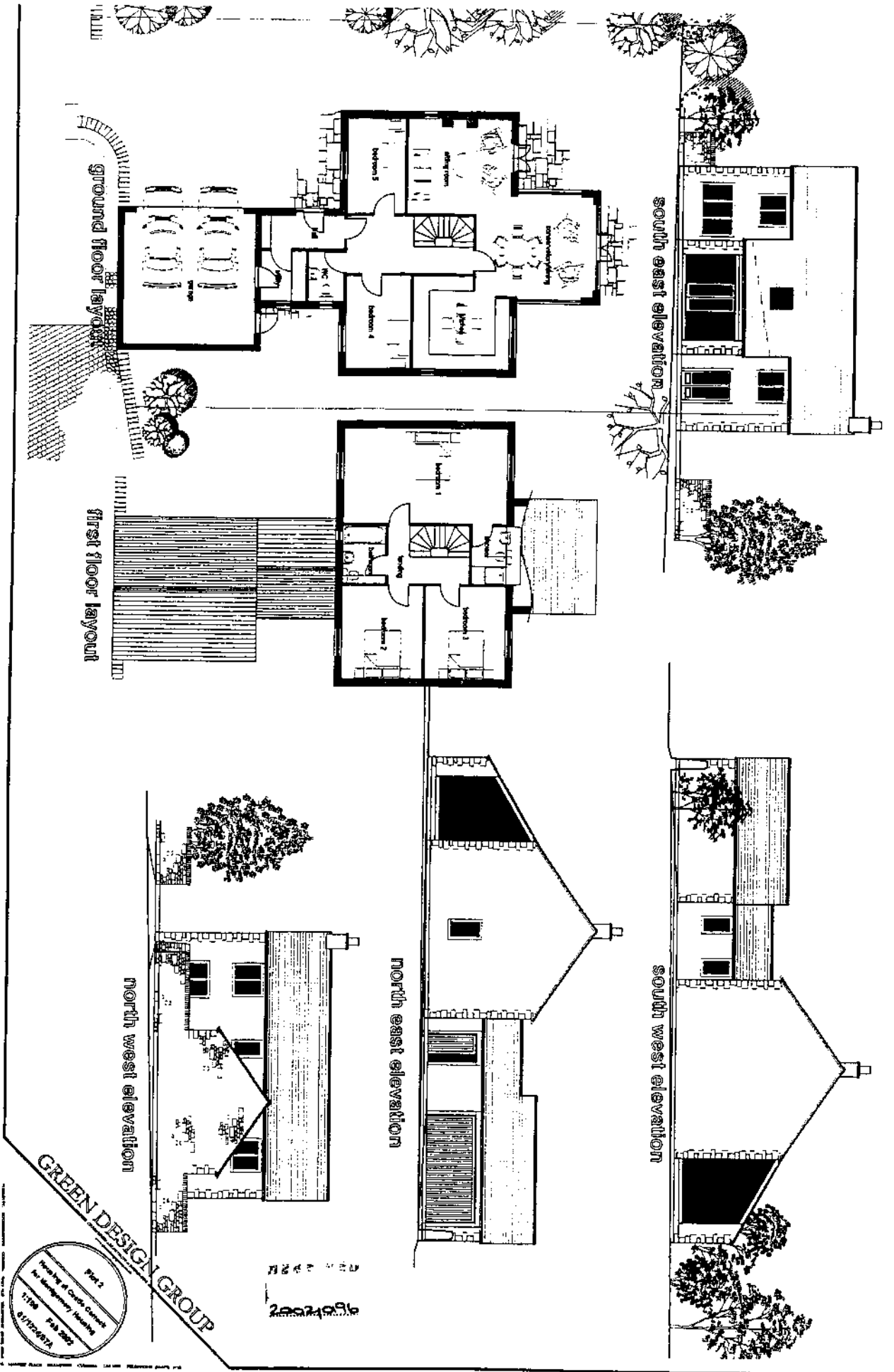


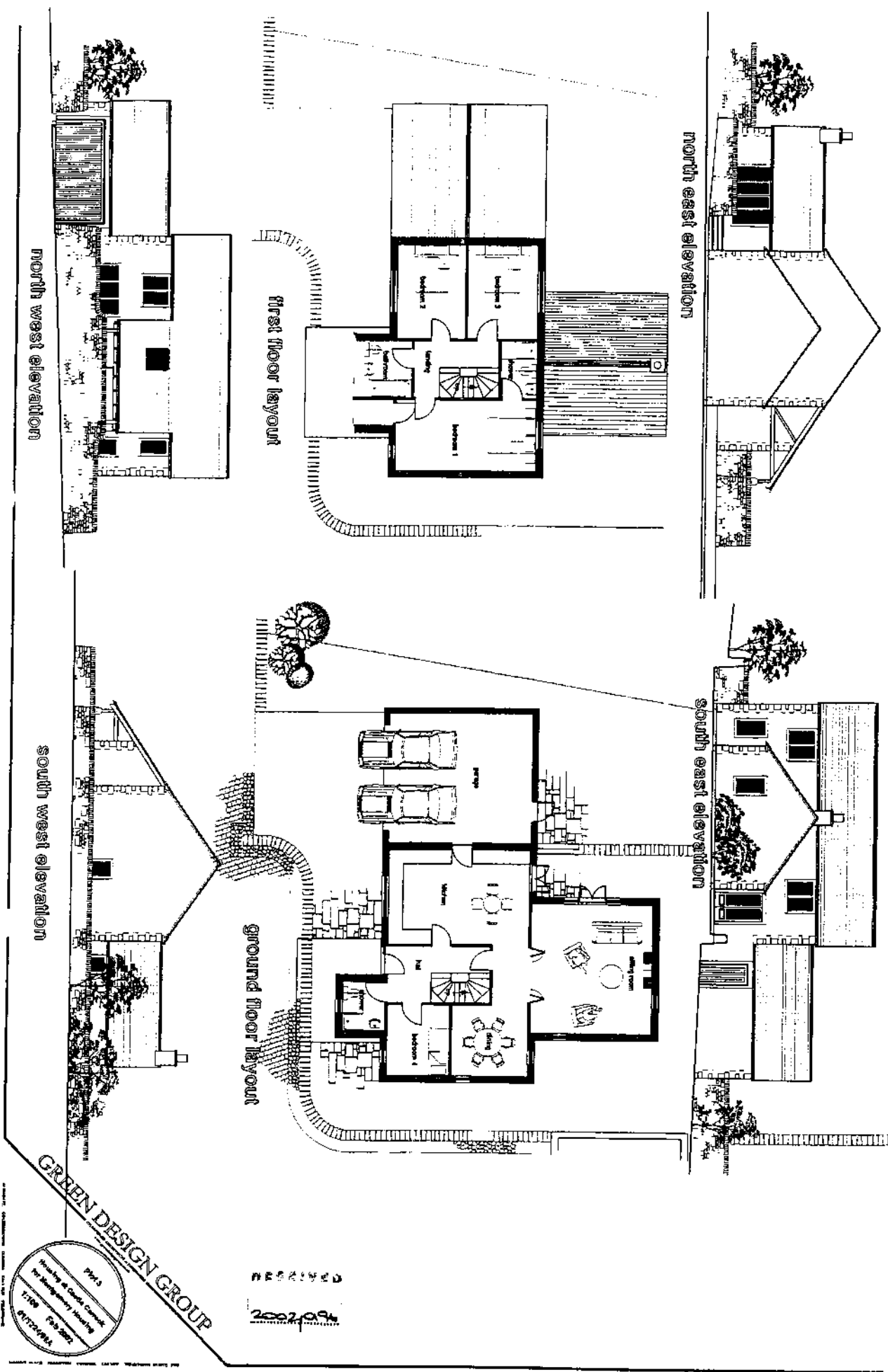
POTENTIAL RESIDENTIAL
 DEVELOPMENT SITE
 -40-ASTLE CARROCK, CARLISLE



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Site
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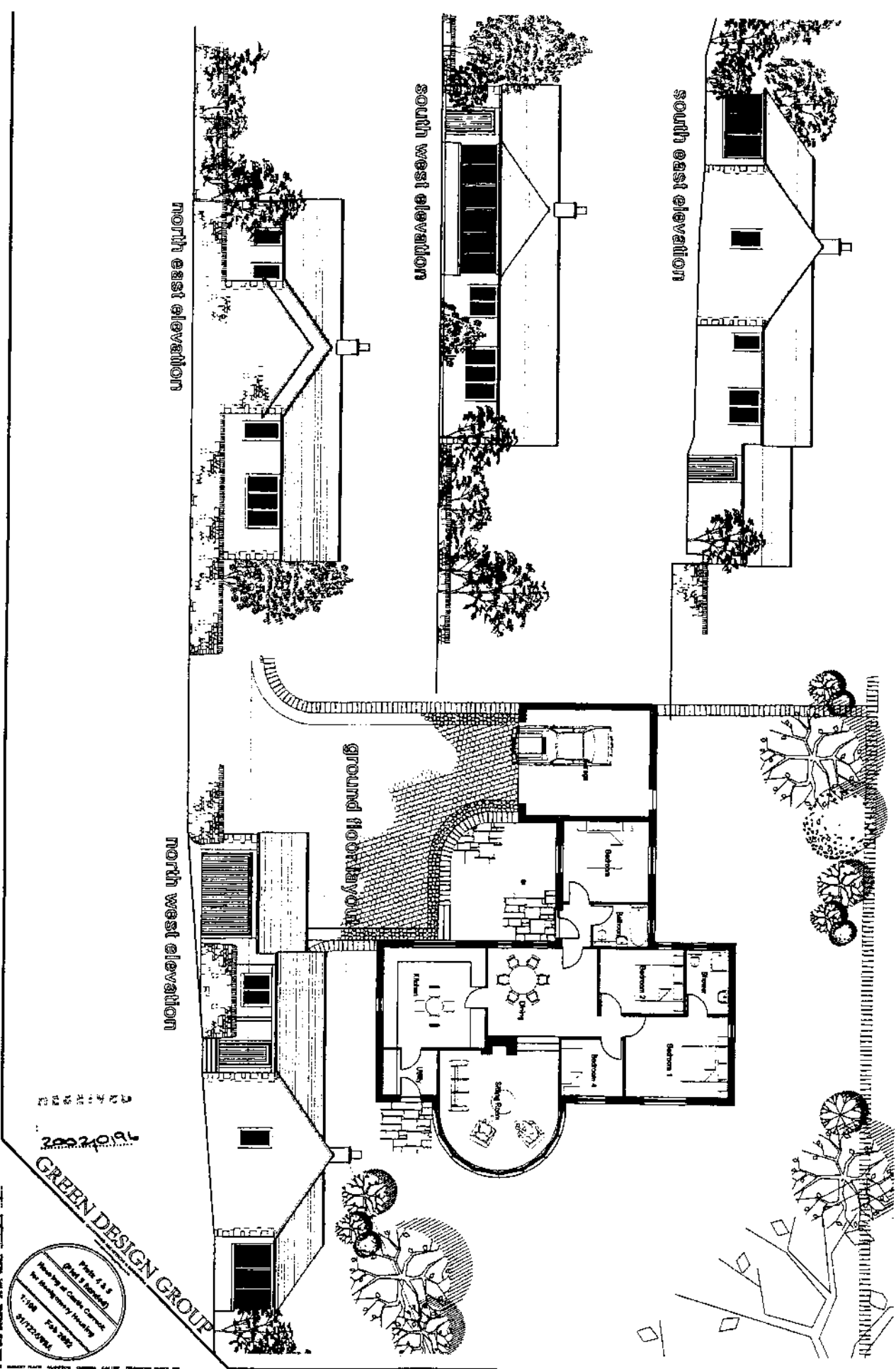




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 for Sustainability Institute
 1100 10th Street
 51722-9484

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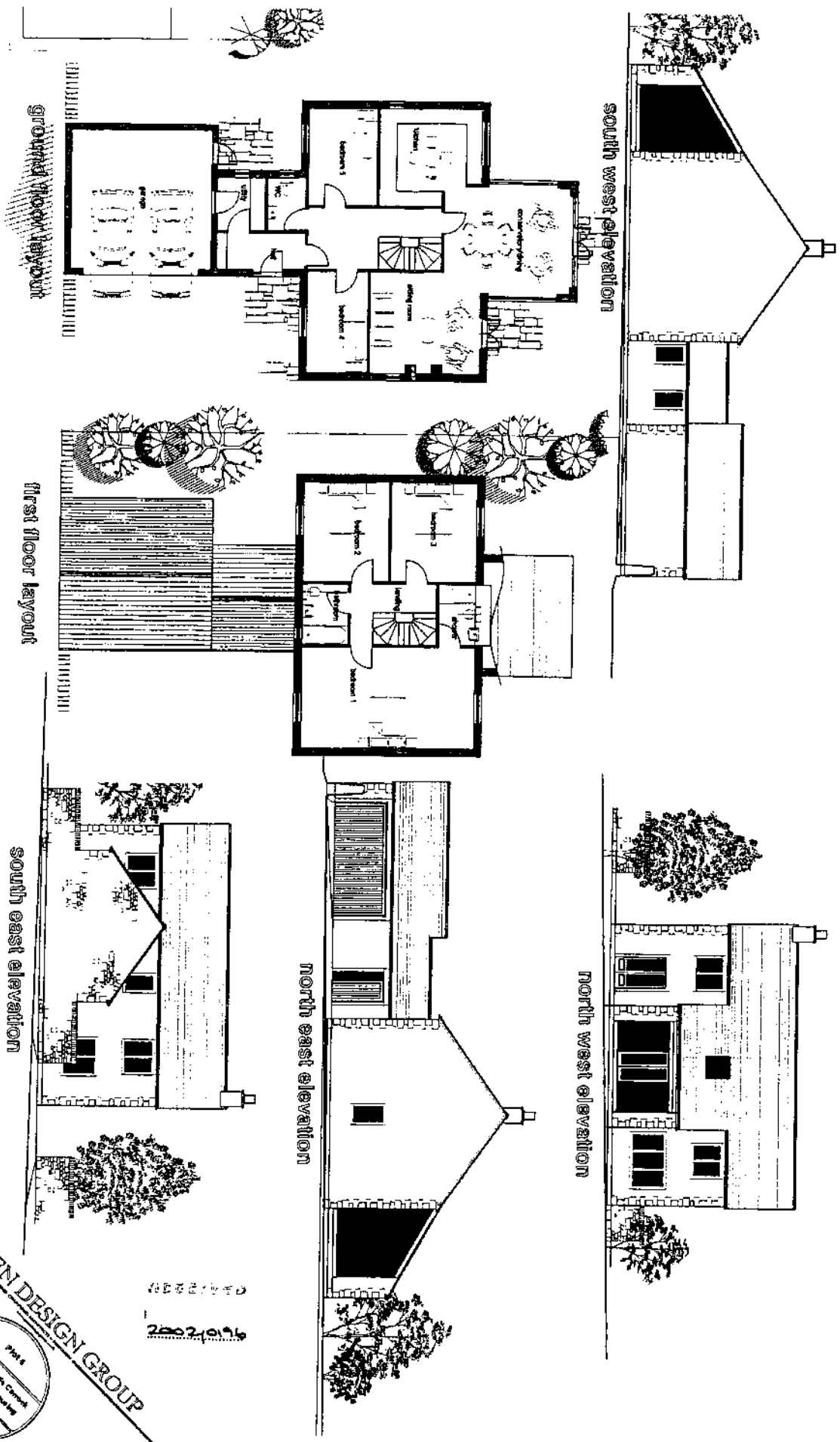
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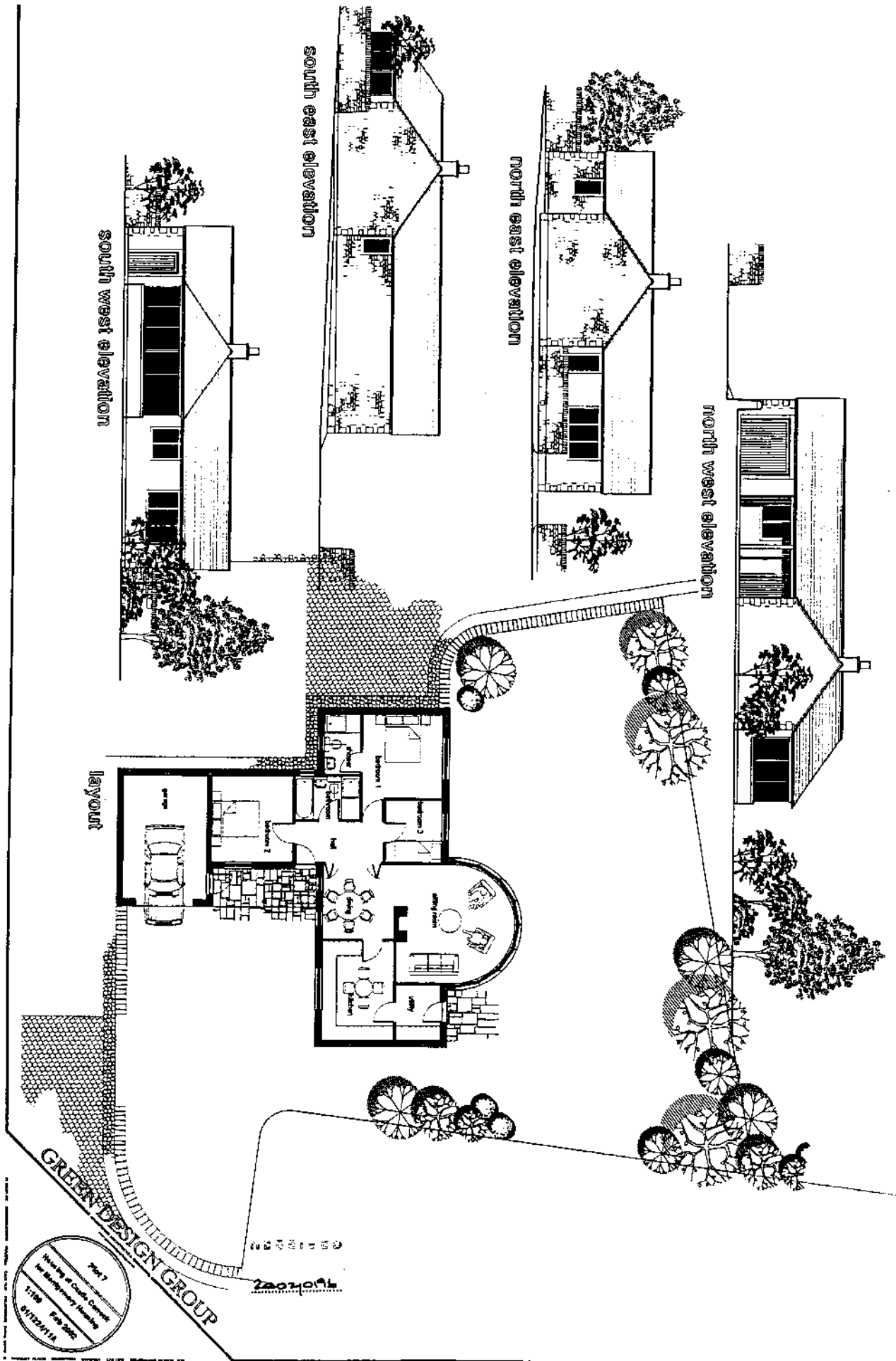
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Page 4 of 5
 Working as a Client's Consultant
 for Sustainability Planning
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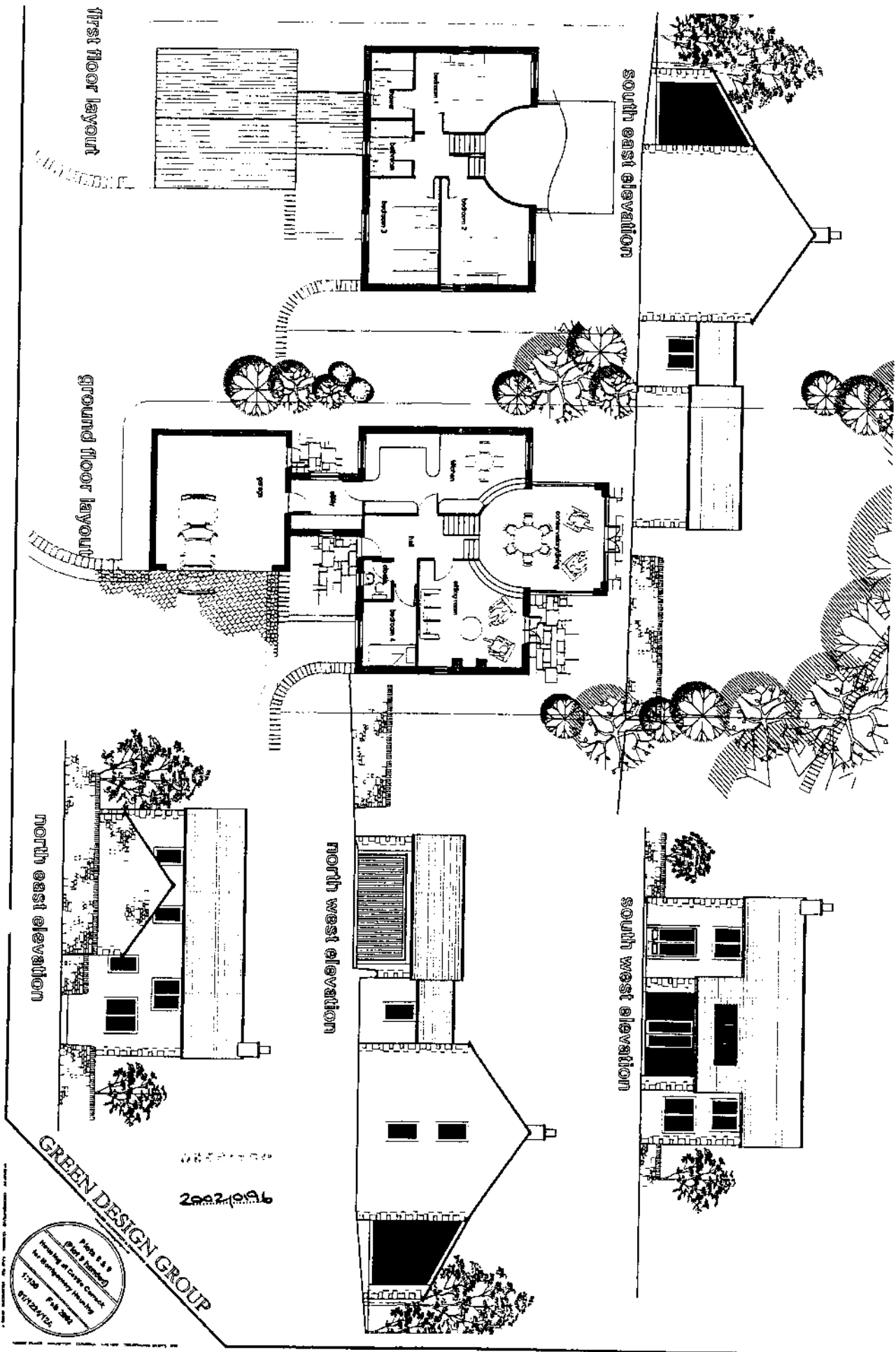
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 for the City of Henderson
 1/18 2007
 01/18/2011

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first floor layout

ground floor layout

south east elevation

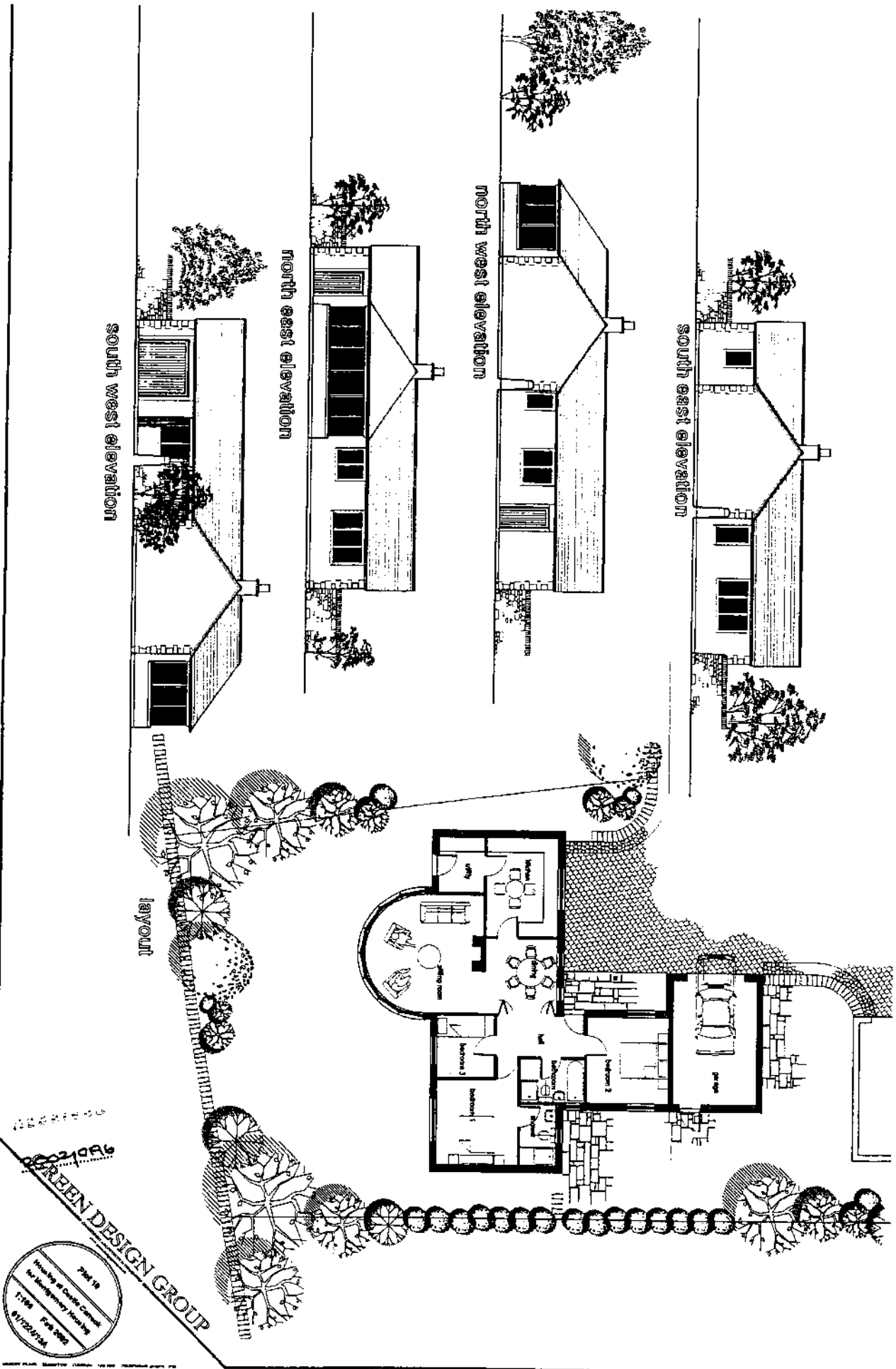
north east elevation

north west elevation

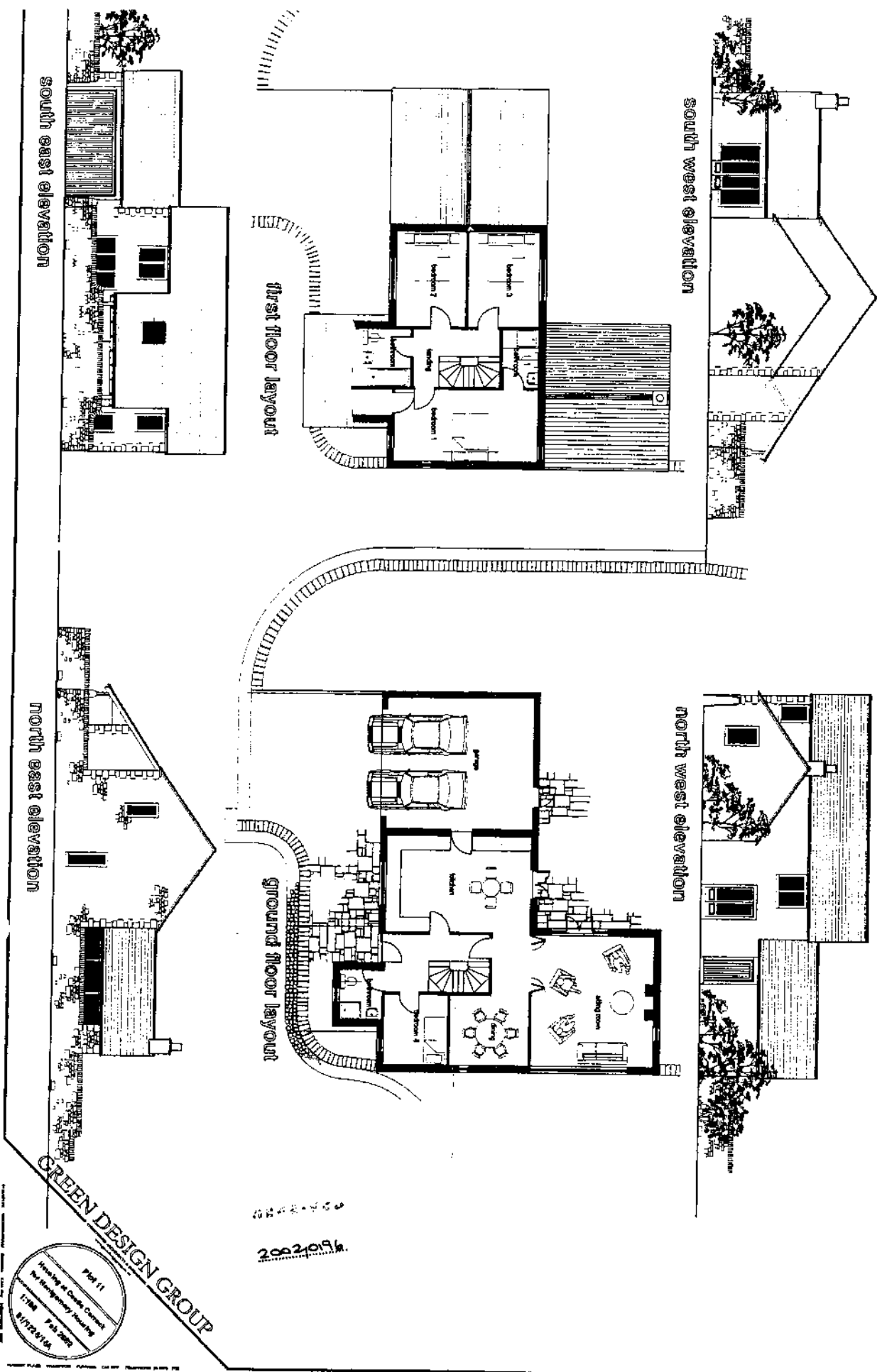
south west elevation

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south east elevation

south west elevation

north east elevation

north west elevation

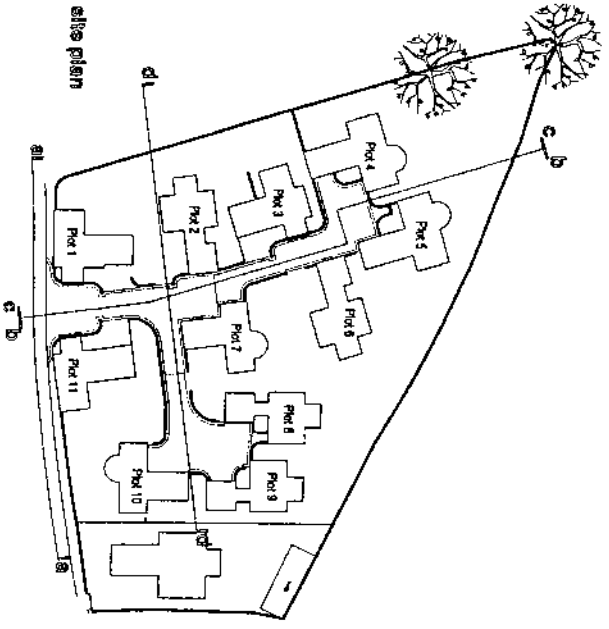
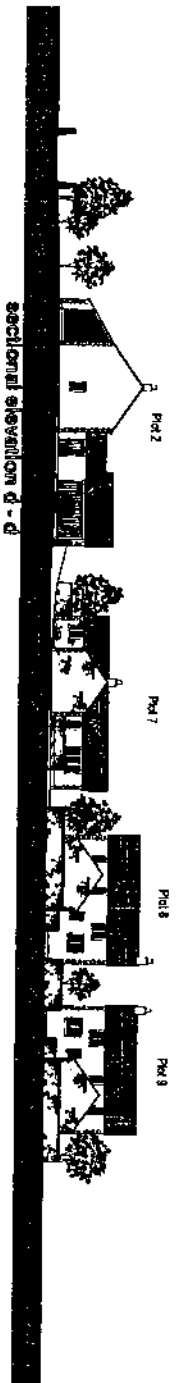
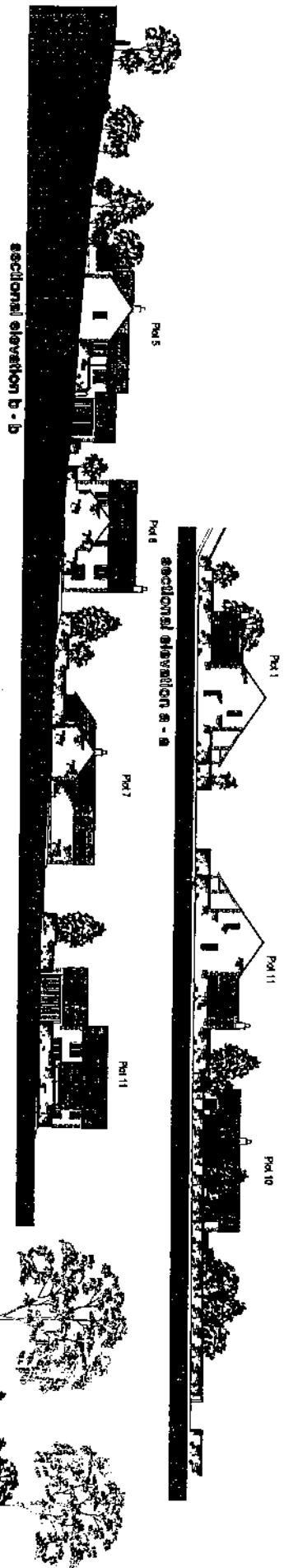
first floor layout

ground floor layout

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Plot 11
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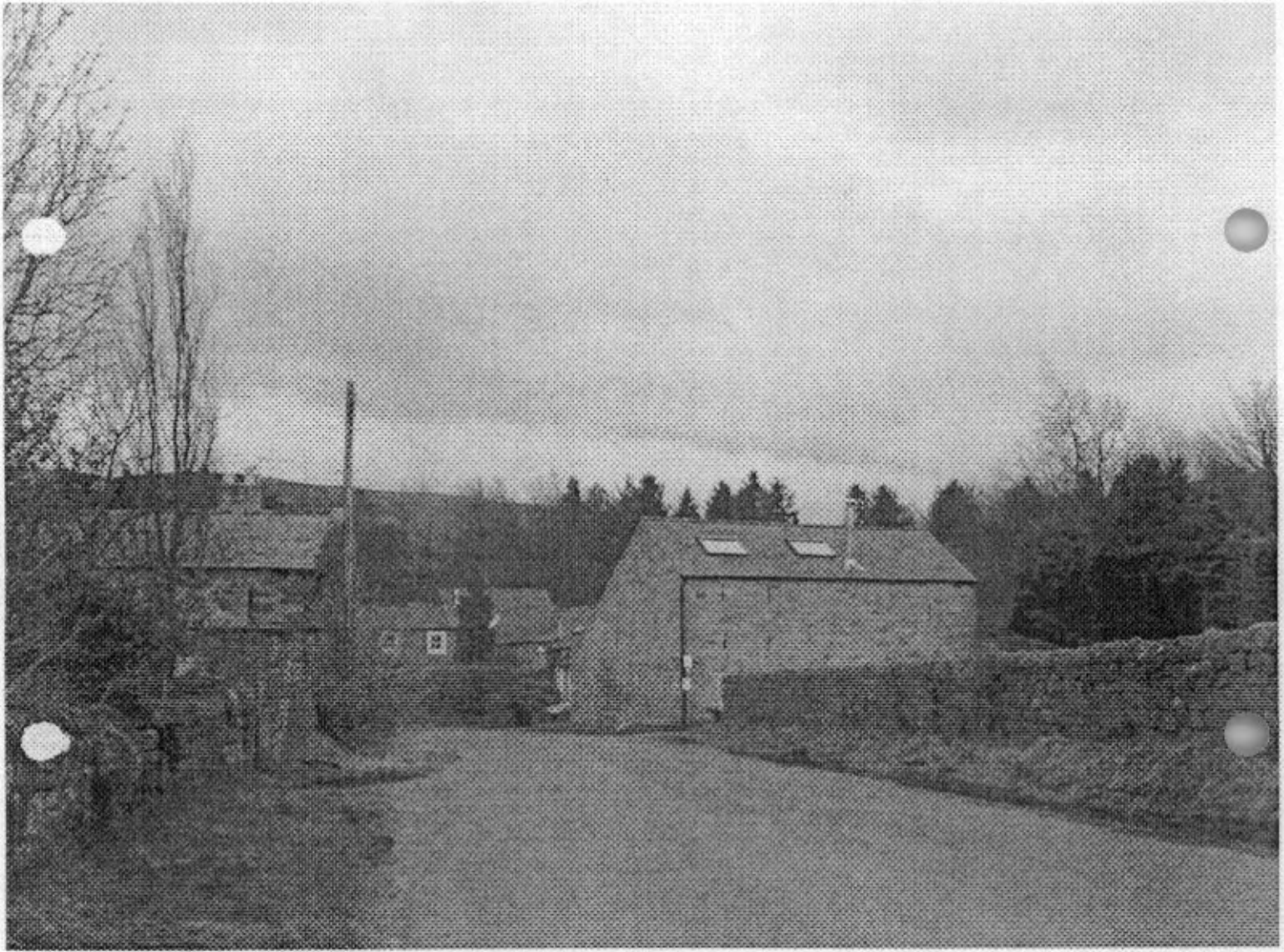


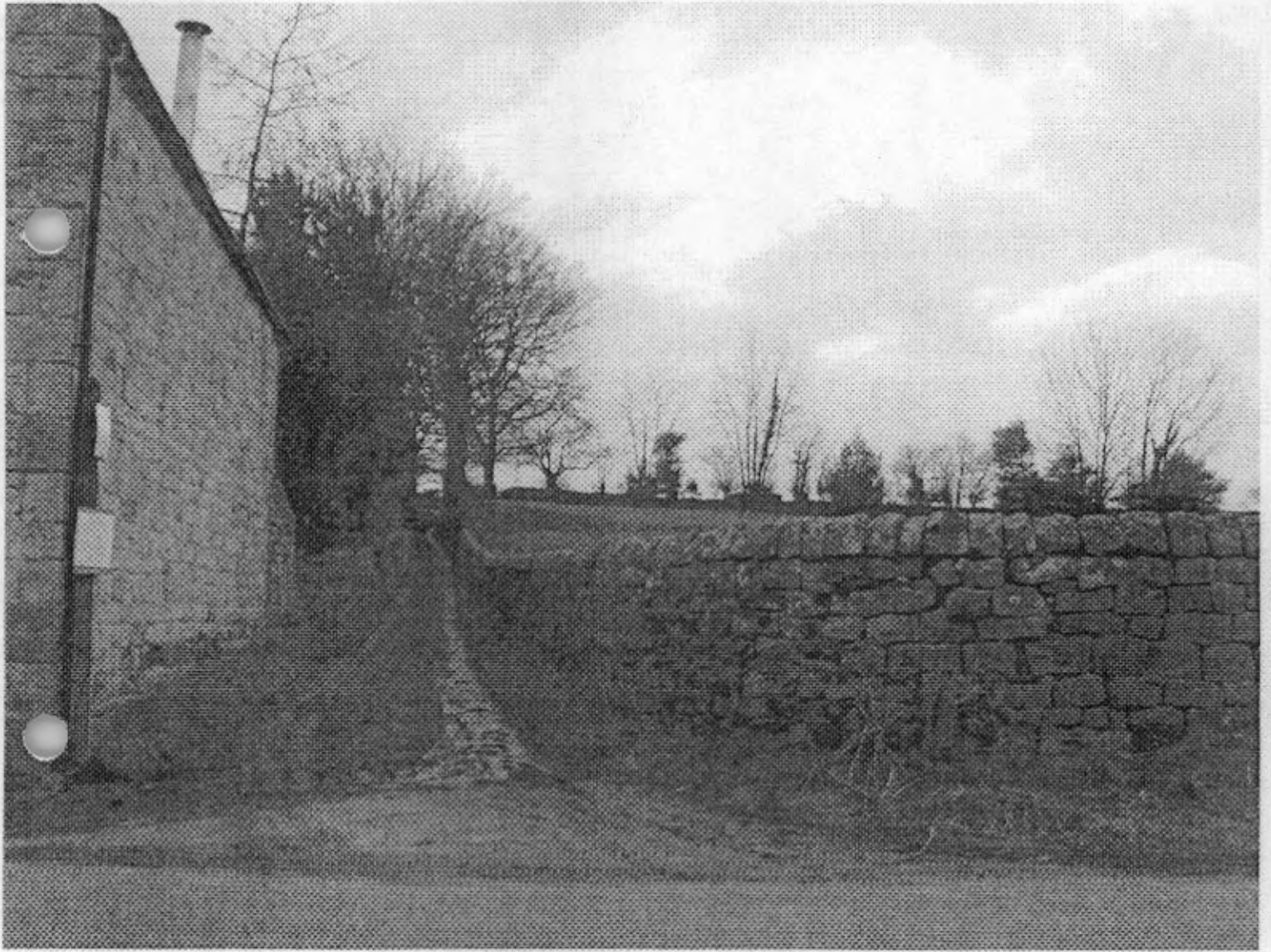
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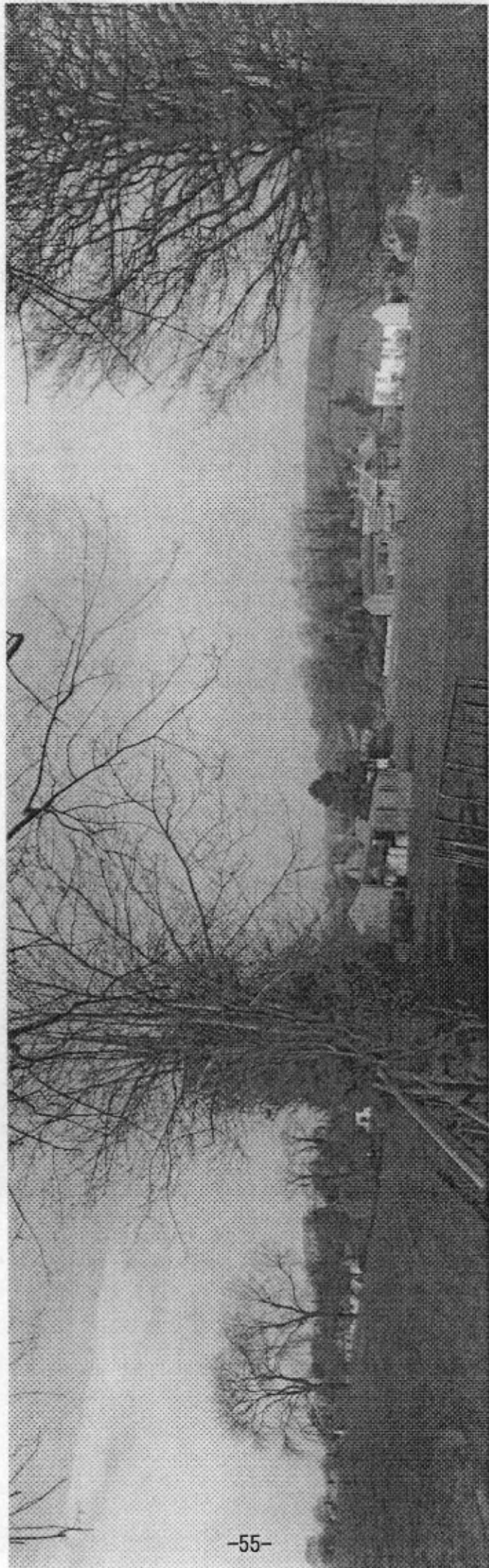
Sectional Elevations
& Site Plan
Housing at Castle Creek
for Montgomery Housing
1301 & 1306 Feb 2002
01/1224/15

GREEN DESIGN GROUP, INC. 1301 & 1306, FARMINGTON, CT 06030









**POTENTIAL RESIDENTIAL DEVELOPMENT SITE
CASTLE CARROCK, CARLISLE**

Situation Castle Carrock Village is situated on the B6413 road about 4 miles south of Brampton and about 10 miles east of Carlisle.

It is a popular village within commuting distance from Carlisle, and with a Primary School, Post Office, Church and two Public Houses. There are secondary schools in Carlisle and Brampton, together with shopping and leisure facilities.

Description The land offered for sale comprises OS 3328 extending to 1.88 acres (0.761 hectares) or thereabouts. It is shown edged by a thick black line on the attached plan and is located adjacent to the public road just to the south east of the centre of the village.

The land is bounded by dry stone walls on the north east and south east boundaries (to the public road and an unmade track respectively), by a hedge with trees and then open fields to the west and by a private house garden to the north west. The responsibility for boundary maintenance is shown by the usual inverted 'T' marks on the plan.

OS 3328 was formerly part of Garth House Farm, opposite, now no longer a working farm.

Existing Buildings The existing buildings on the land comprise a small steel framed bay barn with a lean-to. The vendor reserves the right to remove this building. There is an additional disused small timber building adjacent.

Tenure Freehold with the benefit of vacant possession on completion.

Vendor The land is offered for sale on behalf of Cumbria County Council.

Planning The Planning Services Division of Carlisle City Council, Civic Centre, Carlisle, CA3 8QG has advised that any proposed residential development of part of field OS 3328 should take account of the main points in terms of planning policy as set out on the attached Appendix to these particulars.

The details in the Appendix are given without prejudice and is the opinion of the officers and although given in good faith, cannot be held binding on Members of the City Council's Planning and Land Use Sub Committee should a planning application be submitted for consideration. Any submitted planning application will be judged on its merits in accordance with the policies in the development plan and with regard to any relevant material considerations. Further advice on planning can be obtained from Chris Hardman at Carlisle City Council Planning Services - Tel 01228 317190.

From the information provided by Carlisle City Planning Services it appears that the shortfall of open spaces within the village may be around 0.11 hectares (0.27 acres).

This is the area calculated by CAPITA/bs on the information provided but potential purchasers are advised to clarify the actual requirement with Carlisle City Council Planning Services.

Services

It is understood that mains water, electricity and foul drainage are available in the vicinity of the site. Prospective purchasers should make their own enquiries of the relevant statutory undertakers as to the availability, capacity and cost of providing services prior to submitting an offer.

It is understood there is a manhole to the main foul sewer in the public highway at the north of the site near Fairfield and a natural watercourse crosses the public highway to the east of the site.

Further enquiries should be directed to

Surface Water Drainage	Environment Agency Penrith 40 Business Park Penrith Tel 08459 333111
Foul Drainage	Carlisle City Council Civic Centre Carlisle CA3 8QL Tel 01228 817000
Electricity	United Utilities Drawing Office Nelson Street Denton Holme Carlisle CA2 5BJ Tel 01228 616419
Water	United Utilities Dawson House Liverpool Road Great Sankey Warrington Tel 01925 234000

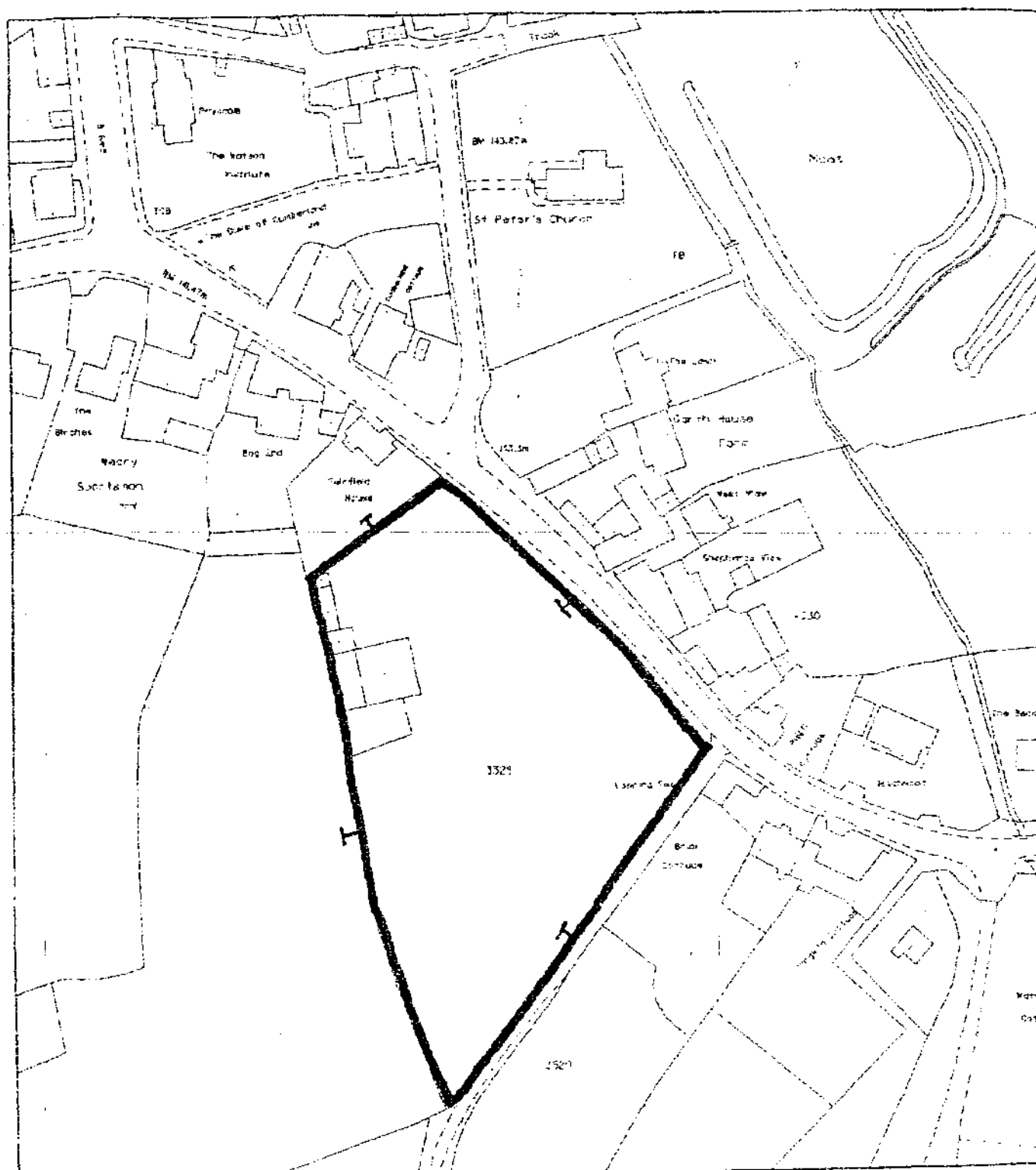
Highways

It is understood accesses to the site will have to comply with the local Highway Authority's requirements. Enquiries can be made of:-

Geoff Cameron
Development Control Technician
Community Economy & Environment
Citadel Chambers
Carlisle
CA3 8SG
Tel 01228 606110

Viewing

The site may be viewed from the highway



Cumbria County Council
The Map Room

Scale: 1:250 E:354220 Date: 15-11-2001
O.S.: NY5455 N:555180 Operator: DF

Building & Design
15 Portland Square
Carlisle
CA1 1DD
Tel: 01228 606111
Fax: 01228 606066



*POTENTIAL RESIDENTIAL
DEVELOPMENT SITE*

CASTLE CARR, CARLISLE

Countryside

Design Summary for Carlisle District



Countryside Design Summary for Carlisle District

This document was adopted as Supplementary Planning Guidance by the City Council's Environment committee on 8 June 2000
This followed a period of public consultation in April and May 2000



Planning Services
Department of Environment and Development
Carlisle City Council
Civic Centre • Carlisle • CA3 8QG
Telephone 01228 817190 Fax 01228 817199 Typetalk 0800 95 95 98

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Current Government Guidance on design	2
Local Plan Policy	3
Pre-application advice	4
Landscape	5
Settlement	6
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Introduction

This design guide gives advice on the design of new development in the countryside, and identifies those features which give different areas of the District their special character. It will be used, together with policies in Carlisle District Local Plan and other supplementary planning guidance, to assess planning applications for new development or conversions of buildings in the rural area.

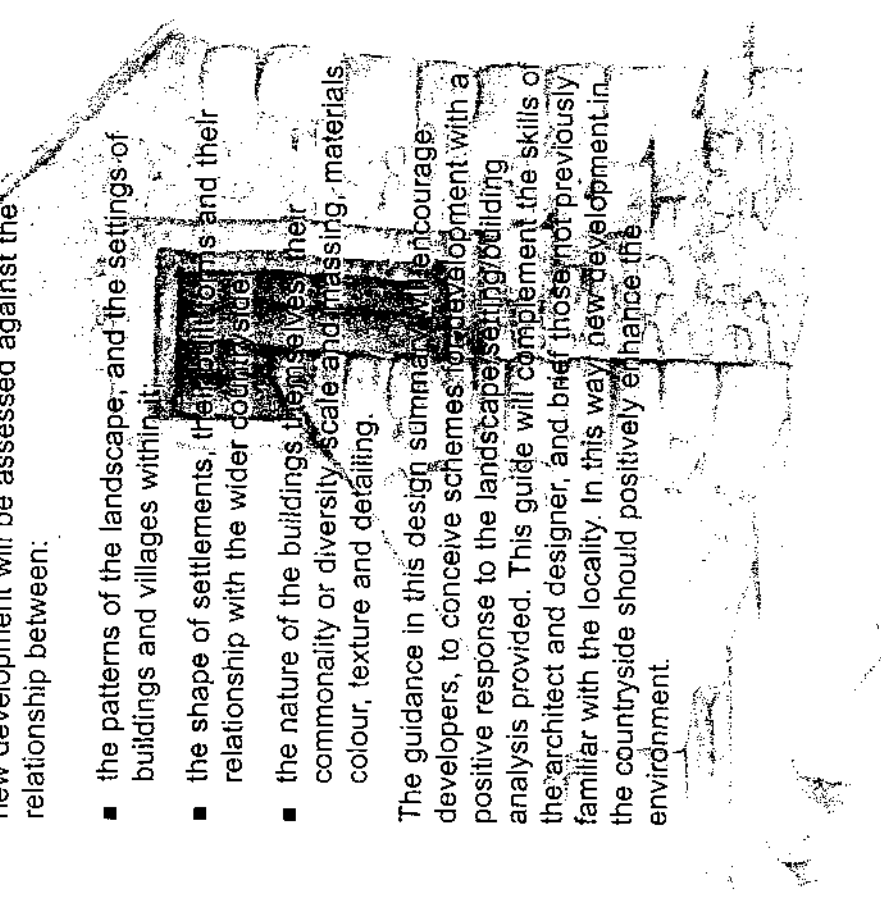
A dynamic and diverse countryside inevitably involves changes and new buildings. Well designed new development can be built within or on the periphery of many villages. New development is needed to provide places in which to live and work, maintain productive and efficient farming methods, boost local services and facilities and bring new life and business into the countryside.

The City Council believes that new development should help safeguard the distinct character and natural beauty of the landscape and villages which make up the countryside. However, achieving this poses special challenges, and the design summary is therefore intended to aid discussions between planners and developers prior to planning applications being submitted.

To achieve high quality design in new development requires a three tiered approach. It is important to consider not only the design of individual buildings, but also how new development will relate to the village or group of buildings in which it is to be located, and how it will relate to the wider landscape setting. Therefore all new development will be assessed against the relationship between:

- the patterns of the landscape, and the settings of buildings and villages within it;
- the shape of settlements, their built forms and their relationship with the wider countryside;
- the nature of the buildings themselves, their commonality or diversity, scale and massing, materials, colour, texture and detailing.

The guidance in this design summary will encourage developers, to conceive schemes for development with a positive response to the landscape setting/building analysis provided. This guide will complement the skills of the architect and designer, and brief those not previously familiar with the locality. In this way new development in the countryside should positively enhance the environment.



Current Government Guidance on design

Government guidance on the treatment of design issues in the planning system is set out in Planning Policy Guidance notes, (PPGs). These notes set out the Government's policies on different aspects of planning. Local planning authorities must take their content into account in preparing their development plans. The guidance may also be relevant to decisions on individual planning applications and appeals.

PPG 1 states that the appearance of proposed development and its relationship to its surroundings are material considerations in determining planning applications. The PPG emphasises that good design should be the aim of all involved in the development process, and should be encouraged everywhere.

Annex A of PPG 1 provides more detailed guidance. It states that applicants for planning permission should, as a minimum, provide a short written statement setting out the design principles adopted, as well as illustrative material in plan and elevation. This material should show the wider context and not just the development site and its immediately adjacent buildings.

PPG 3: *Housing*, requires developers to strive for good design, which is defined as having respect for the qualities of the local environment. With reference to rural areas, the PPG states:

The character of the particular settlement should always be respected in terms of density, scale and environmental quality. Villages vary in their character and what might be appropriate in one could be wholly inappropriate in another.

PPG3: *Housing*

PPG 7: *The Countryside, Environmental Quality and Economic and Social Development*, states that new buildings in rural areas should contribute to a sense of local identity and regional diversity, and be of an appropriate design and scale for the location.

On the question of more modern designs, they should have proper regard to their surroundings in relation to both the immediate setting, and the defining characteristics of the wider local area, including local or traditional building materials and styles.

Local Plan Policy

Carlisle District Local Plan contains a number of policies which relate to development in the rural area. Policy H5, makes provision for new housing within the majority of villages excluding very small hamlets which are subject to Policy H7. Policy H5 states the need to take account of the effect of new development on:

- the landscape of the area;
- the scale, form and character of the village;
- the layout of the site and design of the individual buildings.

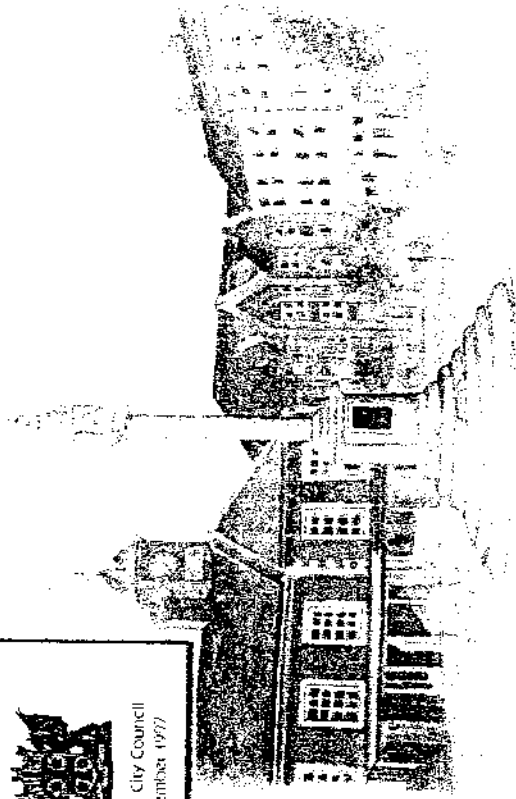
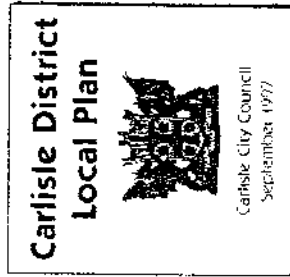
The importance of this three dimensional approach is reflected throughout this design summary.

Policy H7 makes provision for housing development in the remote rural area, defined on the Local Plan Proposals Map. This policy echoes the criteria in Policy H5, and recognises that the setting of new dwellings in relation to existing development and the landscape will be crucial factors in determining whether permission will be granted.

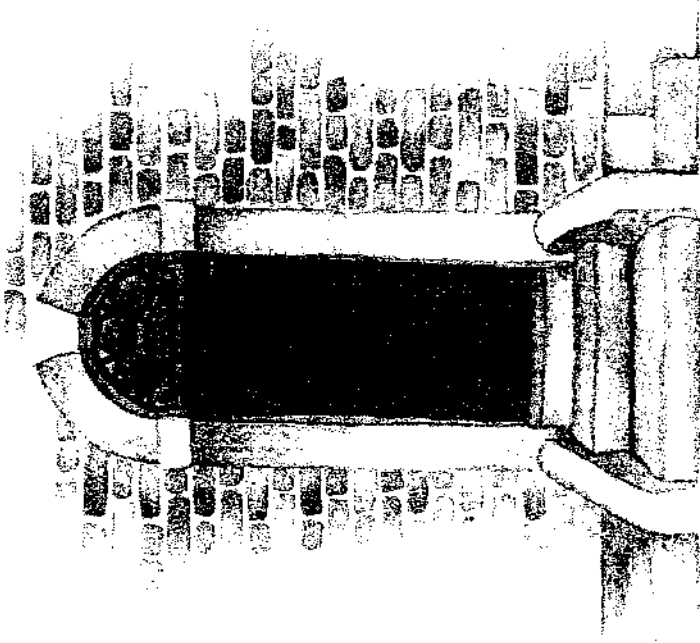
Policy H16, *Design Considerations*, is concerned with the design of new housing sites and dwellings, and notes the particular problems in the rural area of ensuring that new development integrates both with the landscape and the village. It also reproduces the advice from PPG1 that

applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals.

Policies EM10 and EM11 make provision for employment development in the rural area, including rural diversification schemes. Both policies contain measures which seek to ensure that new buildings for commercial, industrial or recreational uses respect local building styles and materials, and integrate with the surrounding settlement and landscape. The guidance in this SPG gives a more detailed explanation of how to reflect local distinctiveness in new development.



Pre – application advice

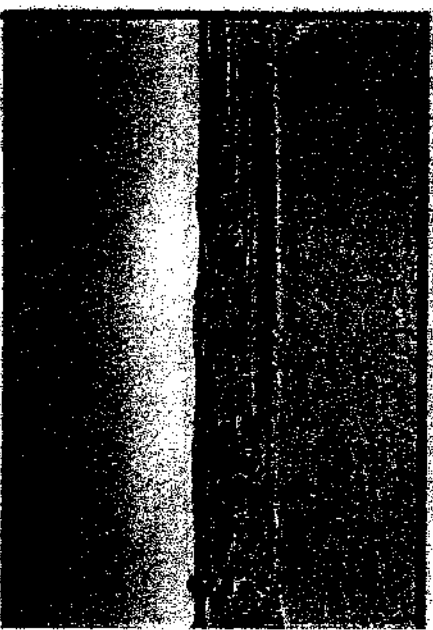


Applicants should consult at an early stage with the City Council on design aspects of their development proposal. In return, the Council will respond constructively, giving clear indications of our design expectations. Careful and early consideration of design issues can speed up the planning process by helping to make development proposals acceptable both in Local Plan policy terms, and to local communities.

There are many specialists within the City Council who are able to help and give advice to applicants. These include planning officers, conservation officers and those who can give advice on landscaping of new development. Their names and contact numbers are given on the back of this leaflet. With their help, and also advice from your own architect or professional adviser, you should be able to design a development which will make a positive contribution to the landscape, both now and in the future. The selection of an architect and builder with a good track record of well designed buildings which are sympathetic to the environment is important.



The following pages set out the three main aspects against which proposals for new development will be assessed.



The character of the landscape itself.

1 Landscape

Apart from a few unmanaged and unenclosed areas of moorland and the coastal marshes, agricultural practices have been the biggest influence on shaping the landscape of the District. The countryside is made up of a variety of different elements including villages, farms, agricultural buildings, hedges, walls, roads, fields, woodlands, hills and valleys.

In the countryside, a building, farmstead or village seen from a distance has an impact on a broad landscape setting. The scale of many villages within the district is small enough for their overall shape and patterns to be seen within the wider landscape. By adding to and adapting these patterns, through the addition of new buildings, the relationship of the village with the landscape changes.

The relationship between a village and the surrounding landscape requires close examination when considering development proposals. Aspects to consider include:

- **topography**, i.e. is the village hidden within the folds of the landscape or visible from a wide surrounding area;
- **natural features** in the landscape such as trees and hedges which could be reflected within the landscaping of the development site;



Landscape which determines the form of settlements

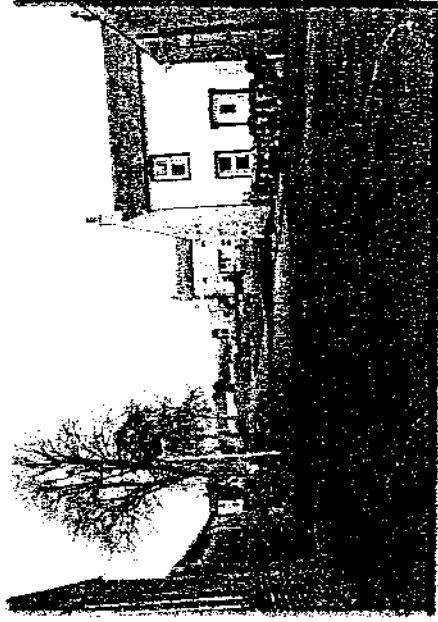


Impact of settlements on the landscape

2 Settlement

Villages have evolved in response to the landscape, climate, available building materials, development of communications and economic and social factors. An awareness and understanding of these elements needs to be reflected in the development process. Each village has

its own character which requires individual design solutions to ensure that new development appears to belong to the village, and not be a suburban style extension to it.



Settlements dispersed around open green areas

New development should be sited to integrate with the form of the village, and should not interrupt the established or historic appearance of the many elements which make up the overall character.

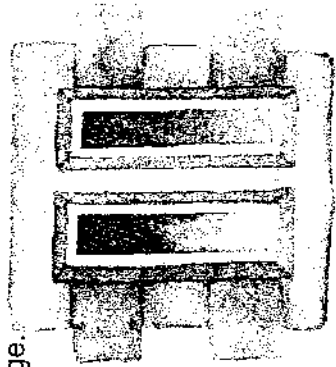
When considering applications for new development within or at the edge of a village, the form and character of the village must be carefully assessed, taking particular note of the following:

- the overall form of the village, i.e. is it strongly linear, clustered around a village green, centered on a cross roads, or does it lack cohesive form?



Impact of settlements on the landscape

- **man made features** in the landscape such as stone walls, sandstone gate posts, field barns etc, the materials of which could be reflected in any new development;
- when considering edge of village development, account should be taken of **short and long distance views** of the settlement from the surrounding area, taking particular account of the impact on the landscape, and whether the development is likely to integrate well with the edge of the village.



- the width and layout of roads and footpaths;
- the layout of the existing buildings and the spaces between them, looking in particular for any repeated patterns such as orientation of ridge lines, terracing or front gardens;
- the relationship between the edge of the settlement and the countryside beyond;
- ground levels, taking account of the impact of buildings on prominent slopes from a wider area.
- the form, colour and materials of surrounding roofscape.



.....the shape and form of settlements ... "grouped around a village green"



.....the shape and form of settlements "linear"

- where a village has a definite form, avoid layouts which would have a jarring effect such as a cul de sac in a village which has a strongly linear form;
- the visual effect of new roads and pavements necessary for larger developments. Avoid an unnecessary urban appearance which will have little in common with traditional housing layouts.
- the quality of public and private open spaces within the village, and views to and from these spaces;
- the presence of any natural features such as trees, hedges, ponds and streams;

3 Buildings

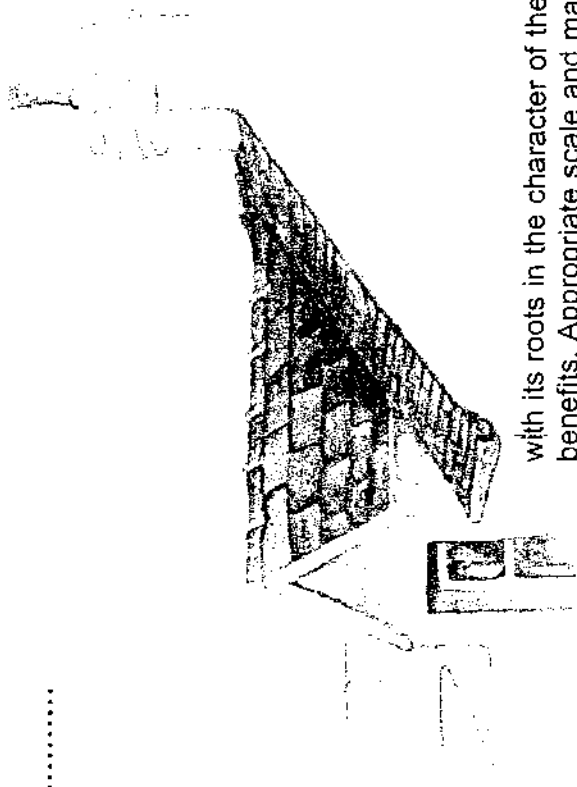


River cobbles, red sandstone and render in the Solway area (1890)

The older buildings in many villages often reflect local materials and cultures. Before transport became widely available, building materials were quarried locally, hence red sandstone in the Eden valley, cobbles obtained from rivers and the boulder clay across the District, the use of clay for walls and render in both the Eden valley and the Solway, and the use of sandstone and slate for roofing materials. In addition, there are a number of cruck framed buildings.

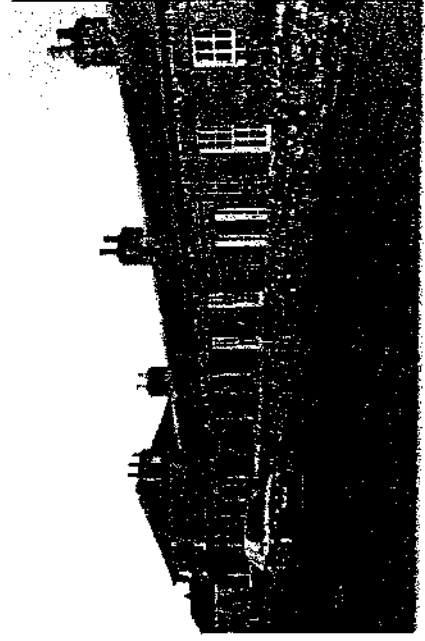
Today, there is a huge range of building materials and styles readily available for use. This is resulting in the gradual erosion of local identity, as standardised building styles are repeated across the whole country.

Direct reproduction of older building styles is not necessary. However, an evolutionary approach to design



with its roots in the character of the area will yield positive benefits. Appropriate scale and massing can often be established by reference to existing buildings, as can the proportions and positioning of window and door openings.

There will be a presumption in favour of natural materials that will mellow with ageing. In many instances, man made materials such as plastics will be inappropriate.



Red sandstone and red brick in the Eden Valley



River cobbles, red sandstone and render in the Solway area (1990s).

There may be many natural features within and around a development site, such as mature trees and hedges, which should be retained. Such features can provide instant landscaping, and help to integrate the site with the surrounding area. For more advice on the protection of trees on development sites, the adopted supplementary planning guidance, "Trees on Development Sites" should be referred to.

The quality of space around buildings is equally important. Development site boundaries can have a significant impact on a village and also (for edge of village developments) the surrounding countryside. Boundaries are often defined by hedges, although stone walls become more common towards the North Pennines. Well designed boundaries can help to integrate new development both with the village and the wider area. Such boundaries are also important in terms of privacy and security for new and existing development.



Development site boundary with new tree planting

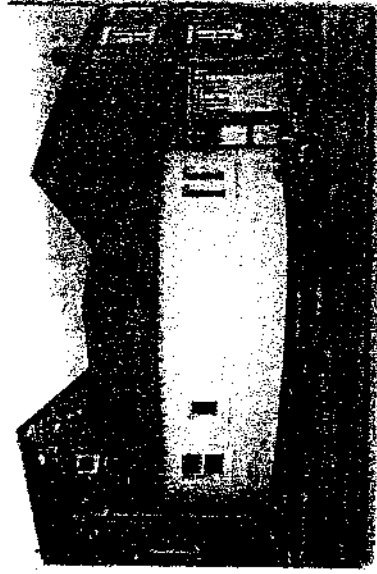


... other features which give a village its character, such as front gardens, boundary walls

It is important that local characteristics are reflected in new buildings. The following aspects should therefore be carefully thought about when considering or drawing up proposals for new development:

- the impact of development site boundaries on the village or the surrounding countryside;
- the use of existing and new landscaping to help integrate new development with the surrounding environment;
- the colour and type of materials used and whether they reflect those used in existing buildings;
- good examples of the simple use of natural paving materials that can be found in many villages. Whilst cost will often preclude extensive use of natural paving or walling materials, a careful mix of traditional and modern will often be effective.
- the roof pitch, orientation of ridge lines, use of chimneys and type of roofing materials on adjacent buildings;

- the contribution made by window and door styles, and the use of porches, to local character, in particular whether windows have a vertical or horizontal emphasis;
- the predominance of other features which give a village its character, such as front gardens, boundary walls, repeated use of certain materials etc;
- the provision of garages, either for existing development or as part of new development, has the potential to blend in if built of matching materials. It is important that such garages are built of sufficient size to include some storage space. Garages provide a good opportunity to reduce the visual impact of parked cars on the rural scene;
- landscaping schemes which include the planting of native trees and hedgerows. These will help with the integration of new development and generally improve the surrounding environment. The adopted SPG 'Trees on Development Sites' should be referred to for more detailed advice.



Garages reduce the impact of parked cars on the rural scene.

Contacts

PLANNING APPLICATION ADVISE

Alan Taylor
Chief Development Control Officer 01228 817171

John Hamer
Principal Development Control Officer 01228 817172

Angus Hutchinson
Assistant Development Control Officer 01228 817173

Sharon Gray
Assistant Development Control Officer 01228 817174

HISTORIC BUILDINGS ADVISE

Peter Messenger
Conservation Officer 01228 817195

Richard McCoy
Assistant Conservation Officer 01228 817196

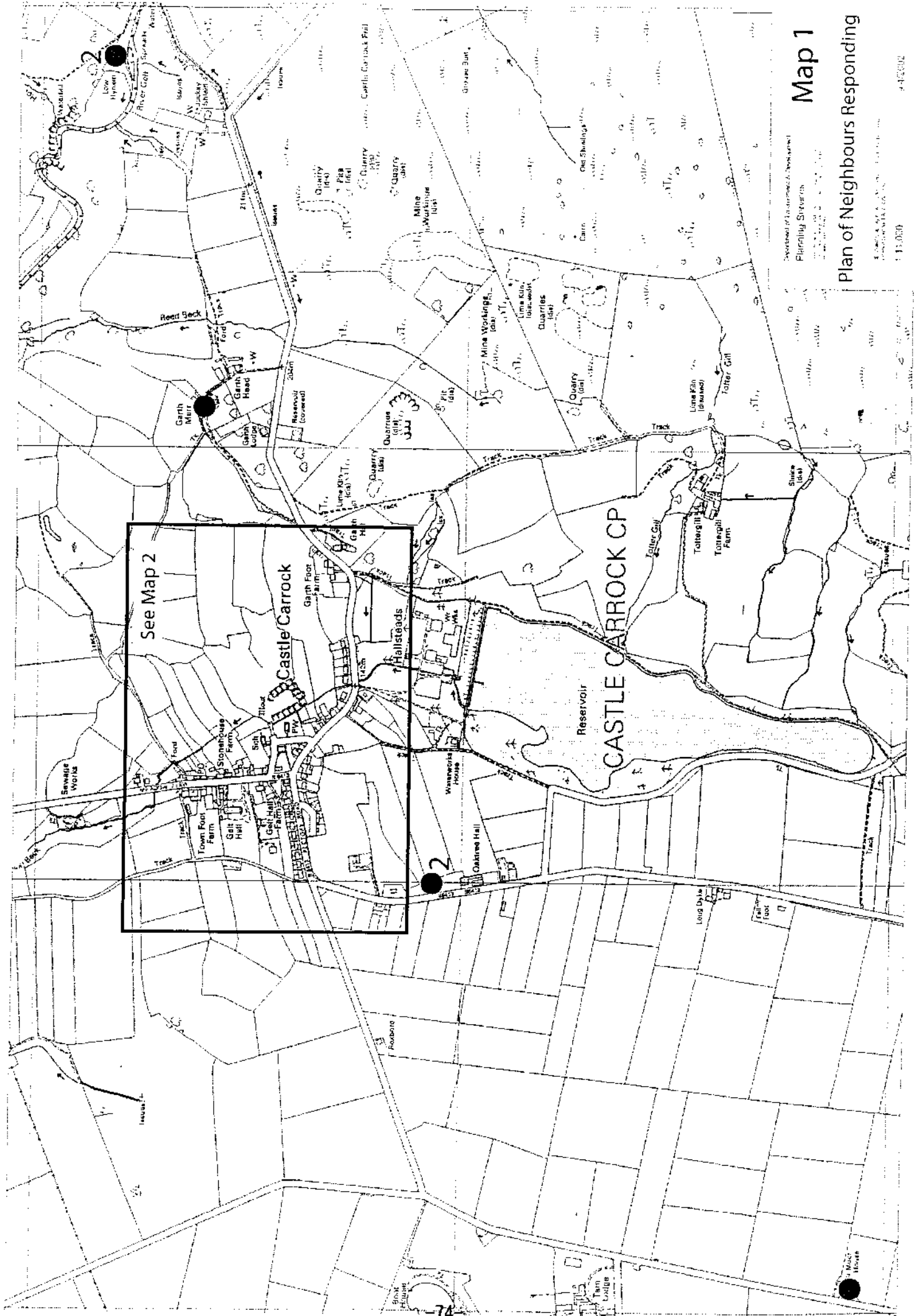
ADVICE ON LANDSCAPING OF NEW DEVELOPMENT

Chris Wright 01228 817364

LOCAL PLAN POLICY ADVISE

Christopher Hardman
Principal Local Plans Officer 01228 817190

Elizabeth Jackson
Assistant Local Plans Officer 01228 817192



See Map 2

Castle Carrock

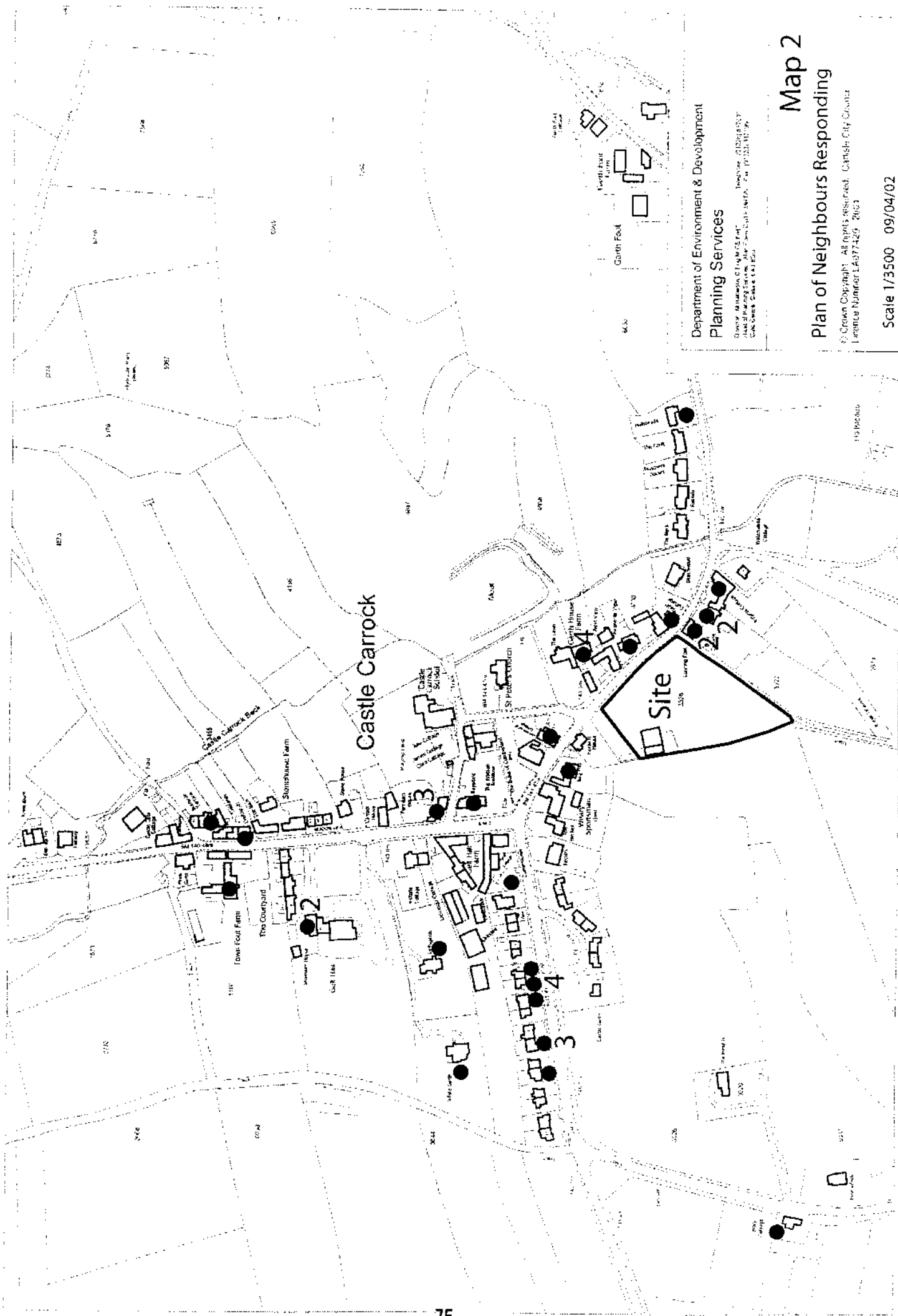
CASTLE CARROCK CP

Map 1

Plan of Neighbours Responding

Department of Environment, Heritage and Planning
 Planning Services
 2005/06

1:10,000



Department of Environment & Development
 Planning Services

Geographic Information System
 Planning Services, 11th Floor, 100, Queen's Quay East, Toronto, Ontario M5E 1B2
 Tel: (416) 392-3100

Map 2

Plan of Neighbours Responding

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Scale 1/3500 09/04/02

Friends OF THE LAKE DISTRICT

Head of Planning Services
Department of Environment & Development
Carlisle City Council
The Civic Centre
Carlisle,
Cumbria
CA3 8QG

Dear Sir

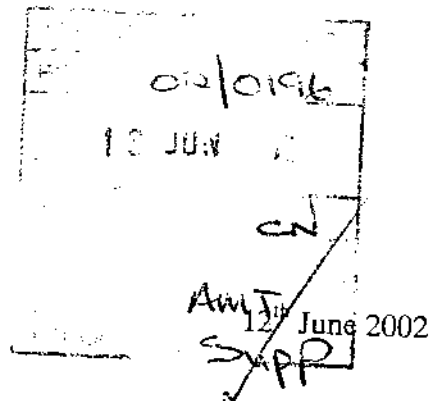
**Town and Country Planning Act 1990.
Planning Application 02/0196.
Erection of 11 dwellings.
L/A field 3328, Castle Carrock, Carlisle.**

We refer to the above planning application, and the two Planning Officers' reports to Committee scheduled for the 14th June.

1) Development Control Report.

We consider that the Development Control report to be flawed, as it has failed to assess the planning application in terms of the requirements of PPG3. Our reasons for coming to this conclusion are set out below:

- the DC report has not made any assessment of the inter-relationship between current supply of housing, and any **additional** 'need' for housing if there is one to meet the Cumbria County Council Joint Structure Plan requirements. Paragraphs 3-7; 9-11 and 12-13 of PPG3 have not been addressed;
- there is also absolutely no evidence or assessment of local housing needs within the village, to determine as to whether or not the development would satisfy a specific local 'need'. Further there is no examination or evidence to suggest that the additional houses would contribute to the vitality of the village, or that it is lacking at present. Are local shops under threat, or is the primary school threatened with closure? The Authority does not rely on or have any evidence, such as a 'local housing needs survey' or any other survey for this purpose. The development comprises a mix of 5, 4 and 3 bed dwellings. There is no indication that these units would be for affordable needs. Instead they will satisfy general market housing, and therefore would be part of the overall JSP requirement of 6,000 dwellings up until 2006. Yet the size of the village, and its provision of social and community services is cited as a justification for additional housing provision in the village. Paragraphs 14-19 of PPG3 have not therefore been addressed;



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Graham Watson MBE

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Policy Officer:
Jan Darrall

Planning Officer:
Graham Hale

Membership Secretary:
Jane Walton

Assistant Policy Officer:
Martin Varley

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- the DC report does not assess the development in terms of the five tests in paragraph 31 of PPG3;
- the DC report makes no assessment of the application in terms of the sequential approach and the results of the Council's Urban Housing Capacity Study; (it should be borne in mind that there have been derelict rural sites which have come forward in the recent past). Paragraphs 21-30 of PPG3 have not been addressed;
- the DC report makes no reference to what PPG3 says on rural housing and village expansion and infill as set out in paragraphs 69-71, and relating that back to the assessment of need vis a vis the JSP requirements, the sequential approach and the Urban Housing Capacity Study;
- the DC report makes no reference to the DETR document "Tapping the Potential" nor the higher density requirements. Paragraphs 57-58 are ignored;
- the DC report makes no reference as to how this unallocated, greenfield site fits into the Plan, Monitor and Manage approach required by PPG3. Paragraphs 8 and 32-34 have not been addressed; and
- the planning application involves an unallocated, greenfield site in an outlying rural village within the AONB. In this regard, paragraphs 35-36 and 37-39 of PPG3 are ignored in the Planning Officer's report, and only referred to as CPRE's *opinion* as to what PPG3 says in response to the consultations. **The Planning Authority must surely make its own assessment to justify permission or refusal.**

Given the failure of the Planning Authority to implement PPG3, we have referred the matter onto the Government Office for the North-West (GONW), as they are the policing authority to ensure that Central Government advice is properly implemented.

Examples of other sites that have won approval recently have been cited as justification in favour of the Castle Carrock application. However, those planning applications had also **not been considered in terms of PPG3**, and therefore their suitability cannot be used as a planning precedent in any way at all.

In terms of landscape appraisal, we consider that our assessment of the visual effects of the development have been taken out of context in the DC Officer's report. We openly accept the site lies at the southern edge of the village envelope, and it could be described as infilling between existing residential properties and agricultural buildings. However, the site itself contributes to the character of the settlement, although clearly the setting of the village within the AONB and the County Landscape must be taken into account. The site certainly does therefore act as a 'lung' between existing dwellings and buildings. The site is "relatively prominent" in the context of the immediate surroundings within the village, and we accept it is not necessarily within the wider landscape. The Officer's remarks

in his report towards CPRE's views on this matter are therefore rather disappointing. But, we maintain that it is the form of the modern style cul-de-sac layout, which we consider is not sympathetic to the character of the village. We would therefore be grateful if Committee Members carefully consider our detailed and thoughtful responses on this matter.

2) Local Plan Report.

In terms of the Structure Plan requirements, the separate Local Plans report accepts that given existing allocations, completions and outstanding planning permissions, the District will have a **surplus**, particularly in the **rural area** because of the take up of land so far. The Authority's answer to the problem is *not* to assess the current planning application as to whether or not it satisfies PPG3, but rather to suggest alterations to the rural Housing Policy H5, by reducing the number of villages considered suitable for new housing development (the Interim Housing Policy Statement). That scenario could, in our view, open the matter up to an interim public inquiry, given the extent of what is being proposed. Consequently, in our opinion there is **no guarantee** that such a policy solution will achieve the desired outcome of reducing the supply of housing development in the rural areas in the interim period before the Local Plan is reviewed. **That solution also still does not assess the application in terms of the requirements and methodology of PPG3.** Instead the whole issue is disguised to **justify** a planning permission, when there is **no** evidence of need. We provide a copy of recent correspondence with the Planning Authority dated 20th May 2002, which discusses our understanding of PPG3 and the methodological approach therein for Committee Members to consider further.

The Local Plan allocation at Morton, south-west of Carlisle is subject to a 'call-in'. In our judgement, the 'need' for this particular site before the end of the Plan period could be given greater significance, if the Planning Authority were to confirm at the call-in Inquiry that they had maintained a strong line on the development of unallocated, greenfield sites elsewhere. But this has not been the case, and would not be so, especially if the site at Castle Carrock is now approved on the 14th June.

The current housing supply figures to meet the **Joint Structure Plan** requirement of **6,000** dwelling units up until 2006 are shown as follows, and have been taken from the Local Plan Officer's report:

	<u>Total</u>	<u>Urban</u>	<u>Rural</u>
Total with Planning permission	1,958	1,479	479
Completions 1991-2001	3,891	2,409	1,482

Projected total for Plan period	5,849	3,888	1,961
(excluding outstanding allocations)			
Local Plan Provision	6,858	4,801	2,057

However, the Morton site alone is allocated to provide **1,025 dwellings**. Hence **5,849+1,025=6,874 du**.

We would accept that given the call-in circumstances, the whole of Morton may not come on stream before the end of the Plan period. Indeed, some of it may be phased and could contribute towards the next Plan period 2006-2016, following on from the recent reductions imposed by the RPG figures. However, our point is that the District will easily meet its current JSP requirement, and that Morton will play its role in meeting that target. However, in the light of the apparent overall surplus, there is no planning justification to allow development of an unallocated, greenfield, rural site, just because there might be no guarantee that the allocated site at Morton would be given permission by the Secretary of State. Surely, he would only **not** grant permission **if** there is no 'need' and the site fails all the other tests in PPG3. Arguably, in the event, there may be no 'need' because the Planning Authority has already let go unallocated greenfield sites like the one at Castle Carrock and elsewhere such as at Hayton, Durdar and Warwick Bridge. Such a planning strategy would therefore only serve to undermine the Council's case at the Morton call-in. If the Authority were really serious about the Morton site, then presumably they would otherwise be doing their utmost to get this allocated site permission, in order meet its JSP targets.

We would also point out that **Lord Falconer** (the then Planning Minister) stated last year at the Planning Summer School (06/09/01):

"If there is one message I want to get across it is that local authorities must take PPG3 seriously, implementing the sequential test and removing greenfield land allocations where they are not justified.... Make no mistake. We mean business on the development of brownfield sites before greenfield sites. We will do all in our power to deliver the policies set out in PPG3.... I expect our planning guidance on housing to be implemented now as a whole package – not at some point in the future when greenfield allocations have run dry".

Conclusions.

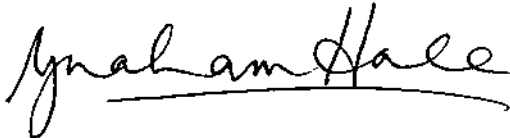
For the reasons set out above, we consider that the Policy solution offered by the Planning Authority would:

- not meet the specific requirements of PPG3 as the Council is required to do;

- nor would it provide any guarantee that such a Policy proposal would succeed following a lengthy consultation period and the potential for itself to be subject to an Interim Local Plan Inquiry;
- or that in the time period envisaged it could achieve a realistic reduction in the number of rural housing developments to overcome the over-provision.

Please record these comments as those of *Council for Protection of Rural England (Cumbria association)*. We would be grateful if the contents of this letter are copied in full to the Planning Committee. We also wish to receive a copy of decision notice.

Yours faithfully

A handwritten signature in black ink that reads "Graham Hale". The signature is written in a cursive style and is underlined with a single horizontal line.

Graham Hale BA (Hons) MSc MRTPI
Planning Officer

friends OF THE LAKE DISTRICT

COPY

Head of Planning Services
Department of Environment & Development
Carlisle City Council
The Civic Centre
Carlisle,
Cumbria CA3 8QG

20th May 2002

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www.fld.org.uk

FAO Messrs A C Eales and C Hardman

Dear Sirs

Town and Country Planning Act 1990. Implementation of PPG3.

Further to our previous correspondence concerning the above, please find enclosed a series of relevant planning appeal decisions received from South Holland District Council.

We also received today a copy of the decision notice for planning application 01/0870 LBC, which gives Consent for the erection of 13 dwellings within the walled garden of Holme Eden, Warwick Bridge. We had been very disappointed to see that the respective Planning Officer's report to Committee had stated that our interpretation on a specific point in PPG3 was not correct. This is an unfortunate conclusion, particularly when the Authority itself has clearly not demonstrated that it had considered any of the recent greenfield housing site applications in accordance with PPG3. Instead, Officer's reports confirm that justification as part of the Policy and Assessment appears to have largely been based on the out-dated Local Plan Policy H5. This is clearly a major problem in our judgement, and it is fair to let you know that we have referred our concerns directly on to GONW and the NWRA. The enclosed appeal decisions are therefore pertinent in this respect.

With regard to the specific point previously raised in terms of greenfield windfalls, we would agree that PPG3 is 'silent' on how these applications should be considered. However, Paragraph 38 advises LPAs of the need to have regard to the policies contained in the PPG as material considerations, which may supersede policies in the Local Plan, until such time as the Local Plan has been reviewed. GONW have confirmed this point in their letter to yourselves dated 20th December 2001, and is explicitly confirmed in the enclosed appeal decisions.

President:

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In one of our letters of representation (dated 8th November 2001) concerning application 01/0573 (Residential development at Hayton Gardens, Hayton), we had stated in the third paragraph the following:

“Consequently, in our judgement there can be no planning justification for any Planning Authority to grant planning permission for a greenfield, unallocated site for residential development in the light of PPG3.”

Whilst we may not be able to sustain that opinion in terms of what PPG3 actually says - because it is 'silent' - the fact remains that Paragraph 36 *does* state that *no allowance* should be made for greenfield windfalls. It *could* be interpreted that 'no allowance' means that there is *no bar* on windfall greenfield development. We can understand that interpretation, but equally that is *not* what PPG3 actually *states* either. Whatever the arguable case, it would seem the Government envisages that *unallocated* greenfield development can *only* come forward in exceptional circumstances, and it must be fully justified in accordance with the requirements of PPG3.

In view of the apparent confusion by your Officers over our interpretation, we had therefore expanded upon this point more recently in correspondence relating to the application at Castle Carrock (reference 02/0196). It is our view that at the very least PPG3 is saying planning permission should not be granted for windfall development on greenfield sites, where there is *no* demonstrable 'need' in terms of the housing requirements for the District. Only where there is a clear planning case that there is an insufficient supply of housing land available to satisfy existing housing requirements in the Plan period, should additional land be brought forward for development. An Authority is still required to consider such additional windfall land in accordance with the five tests in paragraph 31 of PPG3, the sequential approach and the results of the Urban Housing Capacity Study (UHCS), together with the advice contained in 'Tapping the Potential'. In the absence of any housing 'need', however the Council would not be required to go any further in the assessment, and could justifiably refuse permission on that basis alone. At best, we would argue that such additional windfall sites should be justified through the Local Plan process, as an update of the Plan through the plan, monitor and manage approach.

The enclosed appeal decisions would all seem to support the view that 'need' forms the basis of the assessment, before the remaining methodology of PPG3, such as the sequential approach etc, comes into play. PPG3 has a logical approach, which also means that if part of that assessment is either missed out or ignored (ie the UHCS), it is then difficult to draw any proper planning conclusions and recommendations. That fact also comes out of the appeal decisions. An

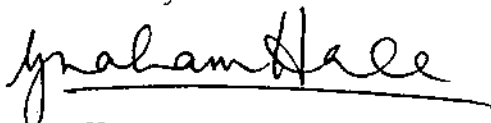
Authority cannot be selective over which 'bits' of PPG3 they wish to incorporate or ignore. That is why PPG3 brings in a much more comprehensive, technical approach to assessing housing development. The appeal decisions also show that it is no longer acceptable to rely on out-dated Local Plan policies.

As stated, of particular relevance is the various Inspectors' conclusions relating to the importance of whether or not there is a demonstrable housing 'need' to support the development of a greenfield site. The cases invariably involve *allocated* greenfield sites, rather than windfalls. In our opinion, greenfield windfalls would have even less planning justification in the same circumstances, as they do not have the benefit of having been through the Local Plan process. So the Inspector's conclusions on these allocated sites indicates the level of weight that would otherwise be given to greenfield windfalls in those circumstances. In addition, the examples illustrate the importance and emphasis that Government gives to sustainable development in villages, and the otherwise intended focus of development on the towns; ie in this case Spalding. Consequently, we consider there is a direct correlation here with the situation in Carlisle District, and the consideration of recent housing development in the outlying small rural villages, such as Castle Carrock, Hayton, Durdar and Warwick Bridge.

In view of the enclosed, FLD would request the Authority examine the various Inspectors decisions carefully. There is a significant amount of material in these decisions relevant to Carlisle District. Perhaps it may be beneficial if we meet to run through the various issues and concerns we have raised recently. We therefore look forward to hearing from you.

Please record these comments as those of *CPRE (Cumbria association)*.

Yours faithfully



Graham Hale BA (Hons) MSc MRTPI
Planning Officer



GOVERNMENT OFFICE
FOR THE NORTH WEST

Head of Planning Services
Department of Environment & Development
Carlisle City Council
Civic Centre
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Fax: 0161 952 4
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Email:
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www.go-nw.gov.uk

14 June 2002

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995
HOUSING DEVELOPMENT AT FIELD 3328, CASTLE CARROCK, CARLISLE**

1. We have received a number of requests that the planning application currently before your Council in respect of a development of eleven dwellings at Castle Carrock should be called in for determination. These include, in particular, a very detailed letter from Friends of the Lake District in which they express concern about the implementation by your Council of national planning policy guidance on the provision of housing as set out in PPG3.
2. It would be helpful to us in considering whether or not the application should be called in for determination to have your Council's views on the application and on the letter of 12 June from Friends of the Lake District, a copy of which is enclosed.
3. To provide time for you to provide that information and for us to consider it, it has been decided that it would be appropriate to direct your Council not to grant permission on the application in the meantime. Therefore, in exercise of the powers under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 the Secretary of State hereby directs your Council not to grant permission on planning application number 02/0196 without special authorisation.
4. I have sent a copy of this letter to Friends of the Lake District.

Yours faithfully

M Farquhar



INVESTOR IN PEOPLE



SCHEDULE B: Reports Requiring Further Information

02/1017

Item No: 04

Date of Committee: 20/12/02

Appn Ref No:
02/1017

Applicant:
Mr & Mrs K Hollis

Parish:
Wetheral

Date of Receipt:
23/09/02

Agent:
L W Rook

Ward:
Wetheral

Location:
4 Holme Close, Scotby, Carlisle, CA4 8BN

Grid Reference:
343933 555810

Proposal: Erection of sun room.

Amendment:

Sam

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections;

Wetheral Parish Council: no objections.

Summary of Representations:

This application has been advertised by means of notification letters sent to two neighbouring properties. One letter of objection has been received. The grounds for objection is that the proposed extension would result in a loss of light to the conservatory positioned at the rear of their property.

Details of Proposal/Officer Appraisal:

Planning History:

SCHEDULE B: Reports Requiring Further Information

02/1017

A two storey extension to the side elevation has been erected at the property. The application which relates to this development cannot be located.

Details of Proposal:

This application seeks planning permission for the erection of a sunroom to the rear of 4 Holme Close, Scotby, Carlisle. The property is a modern brick built property with a tiled roof. The rear elevation of the property has been finished with pebbledash. The property is situated within a residential area. The application site is enclosed to both the south east and north west by residential properties. To the rear of the application site is open countryside.

The proposal, as submitted, seeks approval for the erection of sunroom adjacent to the boundary with No.3 Holme Close. The dimensions of the proposed extension measure 6.75 metres in width, 4.05 metres in length, and 3.95 metres, at the peak of the pitched roof. The extension shall be stepped away from the boundary with No.3 Holme Close by 0.25 metres. The extension will be finished using facing brick, Marley Edgemere smooth brown concrete tiles and white upvc windows and doors.

The finished floor level of the proposed extension is 0.25 metres below that of the main property. The applicant has done this to minimise the overall height of the roof. In addition to this the applicant has incorporated a hipped roof to minimise any potential loss of light to the No.3 Holme Close.

No.3 Holme Close has a conservatory on the rear elevation, adjacent to the boundary with No.4 Holme Close. The conservatory projects outwards from the rear of the property by 3 metres. A photograph illustrating the position of the conservatory has been reproduced in the Schedule.

With regards to this application it is felt that the main issues to consider are the potential impact upon the amenities of neighbouring properties, in particular the conservatory positioned to the rear of No.3 Holme Close.

Policy H14 of the Carlisle District Local Plan states that "applications for extensions to dwelling will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted".

No.3 Holme Close is positioned to the north of the application site. The proposed extension, which has an overall length of 4.05 metres, projects 1.05 metres beyond the extent of the neighbouring conservatory. Officers have expressed concern that the proposed extension would result in an unreasonable loss of light to the conservatory positioned at the rear of No.3 Holme Close.

However, it is the Officers view that if the proposed extension were to be reduced in length, so that it projected outwards to a similar length to that of the conservatory at

SCHEDULE B: Reports Requiring Further Information

02/1017

the rear of No.3 Holme Close, the proposed extension would be acceptable. In the application was to be amended accordingly there would be some direct loss of sunlight during the morning period, however after midday no direct loss of sunlight would occur. The design of the proposed extension and the material used are deemed to be acceptable. At the time of writing this report amended plans are awaited from the applicant reducing the length of the proposed conservatory.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation:

Reason for including report in Schedule B

Amended plans reducing the length of the proposed extension are awaited from the applicant.

Approve

PAZ →

Revised plans in Supp (P1)

Mr Pagan (Obj) - H.E.A
15/16

Mr Hollis / rep -

REVISED
20 SEP 2002
2002/1017

8576

HOLME FAULD
E1 Sub Sta

HOLME CLOSE

31.8m

BM 33.93m

LB

0666

Department of Environment & Development
Planning Services
Director, M. Bannister / 01223 51211
Head of Planning Services, Alan Funnell / 01223 51211
One Centre, Carlisle, Cumbria, CA3 8DZ
Telephone: 01223 51211
Fax: 01223 51715

40 Holme Close
4

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1:1,250

17/9/2002

Photograph 1: Photograph of the rear of No.4 Holme Close, Scotby, which illustrates the position of the conservatory to the rear of No.3 Holme Close.



Photograph 2: Photograph of the side elevation of the conservatory to the rear of No.3 Holme Close, Scotby.



SCHEDULE B: Reports Requiring Further Information

02/1192

Item No: 05

Date of Committee: 20/12/02

Appn Ref No:
02/1192

Applicant:
R & K M Batey

Parish:
Stanwix Rural

Date of Receipt:
27/11/02

Agent:
HTGL Architects

Ward:
Stanwix Rural

Location:
L/adj, Parkside, The Knells, Houghton, Carlisle

Grid Reference:
341100 560260

Proposal: Erection of bungalow (RM)

Amendment:

Angus

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

SCHEDULE B: Reports Requiring Further Information

02/1192

Cumbria & Lake District Joint Structure Plan Policy 30

Land will be made available outside the National Parks for the following scale of housing development between 1991-2006.

	Dwellings
Allerdale	about 5000
Barrow	about 2500
Carlisle	about 6000
Copeland	about 4000
Eden	about 4000
South Lakeland	about 6000

Cumbria & Lake District Joint Structure Plan Policy 31

Sufficient housing land should be provided to ensure that, at any one time, there exists at least a five year's supply of readily available land capable of accommodating building at a rate which will keep the supply of dwellings in line with the housing requirement for each District as set out in Policy 30.

Cumbria & Lake District Joint Structure Plan Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Carlisle District Plan Environment - Policy E1

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless;

1. There is an overriding need for the development; and
2. There is insufficient land of a lower grade available; or
3. Available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.

SCHEDULE B: Reports Requiring Further Information

02/1192

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Housing - Proposal H6

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

Carlisle District Plan Environment - Policy E50

SCHEDULE B: Reports Requiring Further Information

02/1192

The loss to built development of significant public and private open spaces within settlements will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Cumbria County Council - (Archaeological Services): Comments awaited.
Stanwix Rural Parish Council: Comments awaited.

Environment Agency: Comments awaited.

Summary of Representations:

This application has been advertised in the form of a site notice and the direct notification of the occupiers of three neighbouring properties. At the time of preparing the report one neighbour has verbally raised concerns over: the height of the proposal in relation to his property; the need to ensure satisfactory means of foul and surface water drainage before any decision is reached; proposal is out of character with neighbouring development; the proposal will "box in" the neighbouring bungalow; in the absence of any boundary treatment, it will lead to considerable over-looking; it will significantly de-value the neighbouring property; the submitted layout plan does not appear to accord with the manner in which the plot has been staked out on site; and, the size of the proposed building needs to be halved and brought forward of its current location.

A complaint has, nevertheless, also been made to the Ombudsman over the processing of the previous application reference number 02/0541.

A letter of objection has also been received re-iterating the above points but also stating that: for the past 15 years there has been no drainage of the field which has resulted in parts of it resembling a quagmire; the drainage from Parkside to the pipe running alongside the road is inefficient with water constantly backing up and flooding the garden; the proposal is excessively large and positioned at right angles to the neighbouring bungalow; it is completely out of character and boxes the bungalow in; object to any screening; the proposal overlooks Parkside; have been informed that the proposal would de-value the neighbouring property by a surveyor; and, the layout of the proposed should be in accordance with all other existing properties.

Details of Proposal/Officer Appraisal:

Planning History:

Earlier this year, under application reference number 02/0541, outline planning permission was given for the erection of a bungalow.

SCHEDULE B: Reports Requiring Further Information

02/1192

Details of Proposal:

Following your site visit in August of this year when considering 02/0541 Members will recollect that this application for reserved matters seeks to erect a bungalow on 0.13ha. of agricultural land lying on the eastern side of the road to Scaleby. To the immediate north of the site there are bungalows in the form of Parkside, and San Giorgi, and, a detached house called Little Bobbington. To the south there are a series of relatively large houses set within extensive grounds at Seefeld and Stonegarth. On the opposite side of the road there is an open field with a stable located in the southern corner. There is an existing gated field access which serves the proposed site. At the time of dealing with application 02/0541 the applicants agent confirmed:

- The intention is for the farmer's son to occupy the bungalow.
- The son is an agricultural worker, but the proposal is not based on an agricultural justification.
- If permission was granted the existing vehicular access would just serve the proposed bungalow. There being a second access serving the field to the south of the application site.
- The existing septic tank serving Parkside is connected to an overflow pipe leading to Brunstock Beck.

The plans accompanying the current application show the accommodation to consist of a double garage, utility, study, dining room, living room, bathroom and two bedrooms arranged in a staggered cruciform layout. The proposed bungalow would, externally consist of a tiled roof with clay brick walls and sandstone detailing. The proposed bungalow has an eaves height of 2.5 metres with a variety of ridge heights ranging from 5 metres to 6.6 metres - see attached copies. The submitted details do not, at this stage, indicate either the proposed boundary treatment, landscaping, or means of foul and surface water drainage and/or site levels.

In light of Members decision to grant outline planning permission consideration of the current application for approval of the "reserved matters" relates to the submitted details, as opposed to the principle of the development.

In considering the submitted details it is evident that there are windows proposed to serve the garage, utility, kitchen, dining room and living room but they do not directly face the neighbouring bungalow. The nearest element of the proposal to the neighbouring property at Parkside is the double garage which is to be located 3.9 metres away from the boundary. In effect there is a graduation away from the boundary of Parkside with the proposed garage being linked to the higher and bulkier element of the bungalow.

At the time of preparing the report further information has, nevertheless, been sought from the applicants agent to clarify whether any further details are to be

SCHEDULE B: Reports Requiring Further Information

02/1192

submitted for consideration.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

Recommendation:

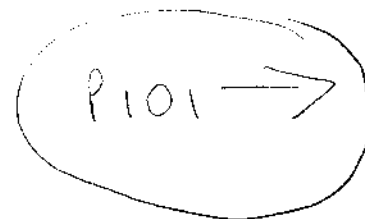
Approved
when notice period expires

Reason for including report in Schedule B

A to I ✓

At the time of preparing the report further information is awaited from the applicants agent.

Revised plans in Sep (P2-3)
letter from neighbour (P4-5)



Mr Shaw: concerned about privacy
angered about late approval
against recommendation

David Little: Some work is done to access can be revised.
design approval with January in the way
not final. materials

ARH - 100% not right to access, if a sign
is placed needs to
be removed FA

HTGL ARCHITECTS

limited

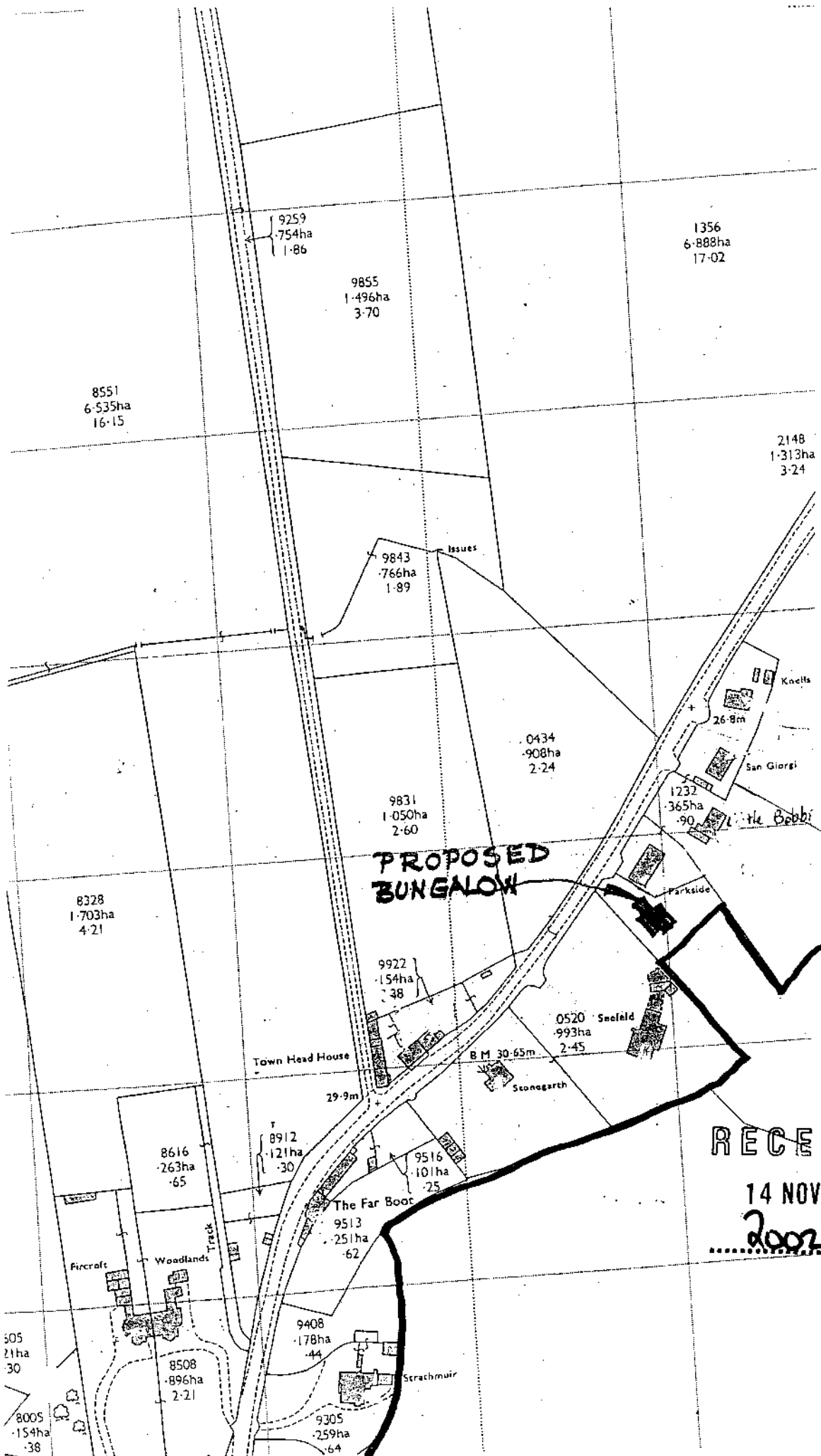
15 Brunswick Street

Carlisle CA1 1PB

Tel: 01228 521887

Fax: 01228 816582

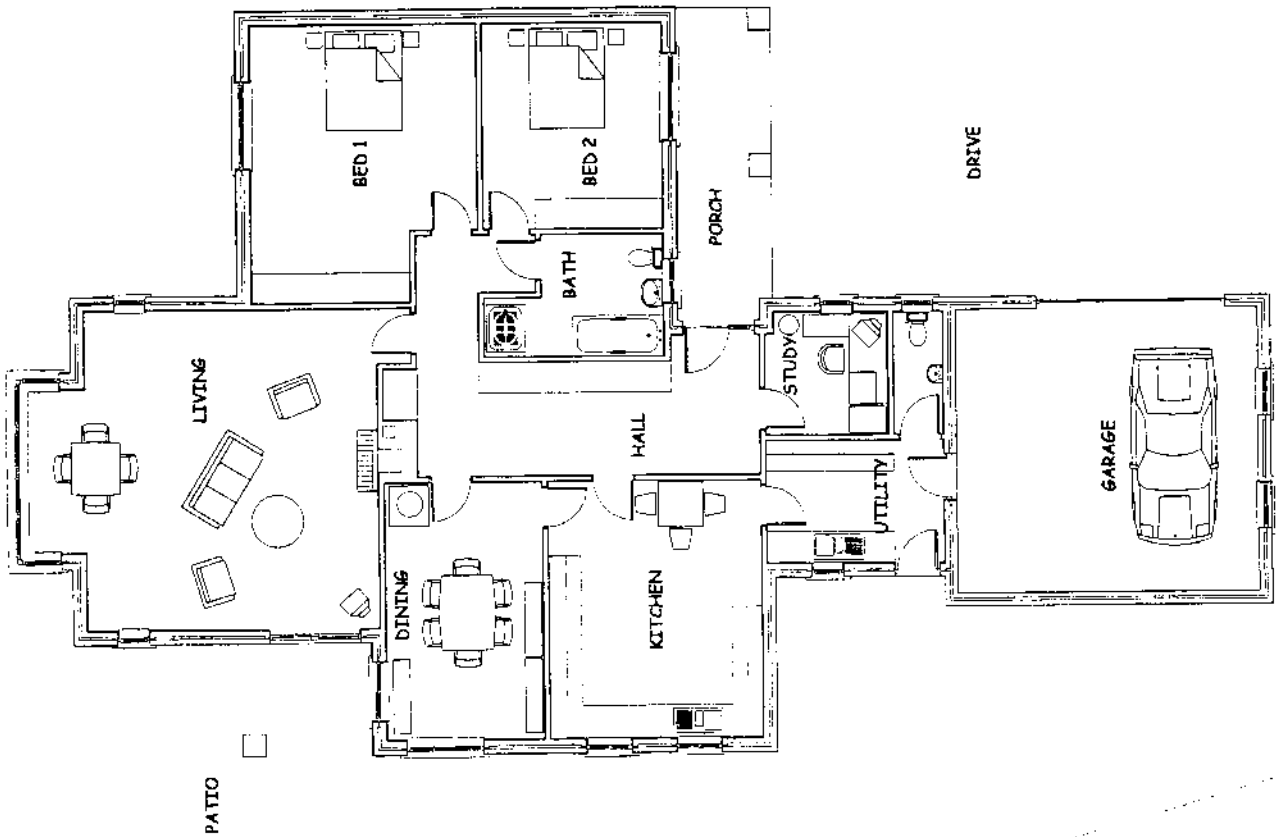
mail@htgl.demon.co.uk



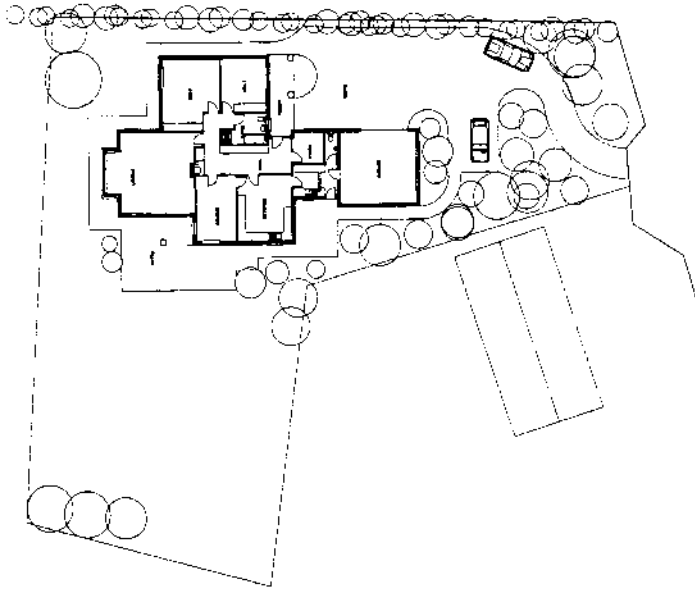
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14 NOV 2002

2002/1192



PLAN 1:50



SITE PLAN 1:200

HTGL

l i m i t e d
 15 BROADWICH STREET
 CANTON MA 01921
 TEL: 978.234.5518
 FAX: 978.234.5518
 www.htgl.com

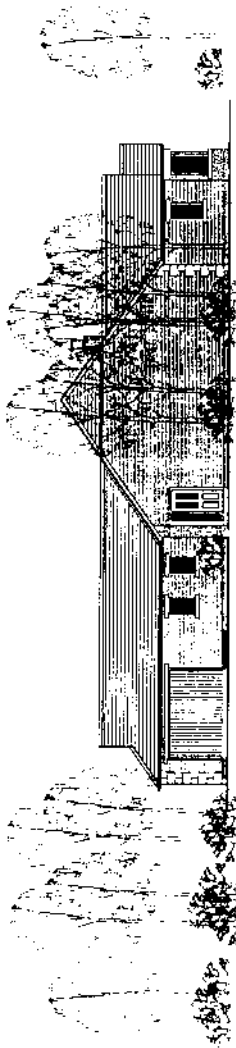


Client: MR & MRS R. BATEY

New Bungalow Land
 Adj. Parkside The
 Kneels Houghton
 Proposed Layout &
 Site Plan

Drawn: D.J.L.
 Date: 15.01.2007
 Scale: 1:50 & 1:200
 Drawing No: 1726/1

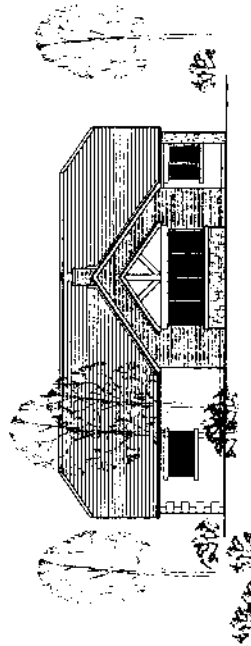
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 15 NOV 2007
 AGORA LTD.



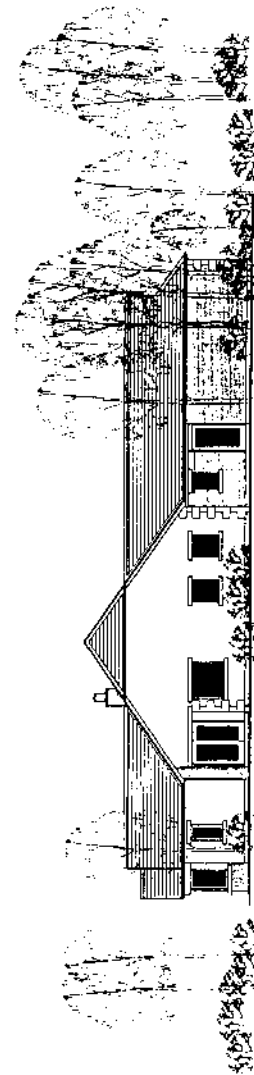
SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION

MATERIALS
ROOF--Marley Hawkins--Staffordshire Mixture
WALLS--Clay Brick--Red Brown Multi
WINDOWS--Upvc--White
CHIMNELS, LINTELS & QUIONS--Natural Sandstone



l i m i t e d

15 Beaumont Street
 Carlisle CA1 3PB
 Tel: 01228 511887
 Fax: 01228 318882
 email:htgl@bt.com



Client
 MR & MRS R. BATEY
 Project
 NEW 2 1/2 BED BUNGALOW

Title
 ELEVATIONS

Drawn: D.J.
 Date: 11/2002
 Scale: 1/100

DRAWING No.
 1726/2

RECEIVED
 14 NOV 2002
 10021105

SCHEDULE B: Reports Requiring Further Information

02/1194

Item No: 06

Date of Committee: 20/12/02

Appn Ref No:
02/1194

Applicant:
Mr A Hunter

Parish:
Carlisle

Date of Receipt:
14/11/02

Agent:
Jock Gordon

Ward:
Stanwix Urban

Location:
Braeside, 18A Brampton Road, Carlisle, CA3 9HS

Grid Reference:
340561 557191

Proposal: Terracing to rear garden (retrospective)

Amendment:

John

Report

Planning Policies:

Conservation Area

The proposal relates to land or premises situated within the Stanwix Conservation Area.

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection.

Summary of Representations:

This application has been advertised by means of site and press notices, and neighbour notification. Although at the time of writing, no objections have been received to the application, a number of letters were submitted whilst the existing structures were under construction. These raise not only the issue of the need for

SCHEDULE B: Reports Requiring Further Information

02/1194

permission, but also the visual impact of the structure, both from Rickerby Park and adjoining gardens, and the stability of the structures.

Details of Proposal/Officer Appraisal:

Planning History:

An application for a new detached dwelling between 18 and 20 Brampton Road was first approved in May 1996, under application 96/0212. A revised application was approved in June 2000, which was subsequently implemented. In September this year, a total of five complaints were received regarding structures being constructed in the rear garden. It transpired that although consultation had taken place regarding this proposal, and the view expressed that planning permission was not required, this was not what had been constructed. The applicant was therefore informed that because of their scale, the terraces were an engineering operation which required permission.

Details of Proposal:

This application relates to a garden area of a new property recently erected in Brampton Road. This detached house is an infill plot next to the first house in the continuous run of properties on the south side of the road. The gardens of properties on this side of the road slope down to Rickerby Park and the floodplain of the River Eden, and the lower portion of the slope is steep at around 25 degrees.

The submitted application proposes the creation of three terraces down the steep part of the bank. These terraces are shown as being 2.4m in height, with the bank at an angle of 70 degrees, and a flat area on the top of each of the terraces as 5m. The exterior of the terraces are constructed of a timber framework to both the sides and the banks, and they extend across almost the full width of the garden area, with steps shown on the western side.

This application has been submitted following the construction of another, different terrace in the garden. This comprises a larger and higher terrace at the bottom of the bank, with another smaller one towards the top. The construction and finish of these terraces is the same as is proposed in the current application.

The three issues raised by this proposal are the appearances of the terraces, particularly when viewed from Rickerby Park, the effect on the amenity of adjacent residents, and the structural stability of the terraces.

In relation to all of these issues, it will be apparent that the assessment of the proposal in the application for three terraces will differ from what has been constructed.

As far as the first point is concerned, the site is visible from Rickerby Park which lies at a lower level at the bottom of the bank, and also at the site beyond the adjoining property no.18. This site is, however, screened by large trees with the result that the terrace is not as visible or obtrusive as it would otherwise be.

SCHEDULE B: Reports Requiring Further Information

02/1194

In relation to the second point, it will be apparent that the terraces raise the garden level above that of the adjoining properties. In the case of the larger of the two terraces already erected, this difference in level is significant and would be said to impinge on the amenity of adjoining residents. At this stage, it is not possible to state with certainty how exactly the proposed terraces relate to those erected in terms of scale and extent. This clearly will affect the judgement of the proposal in the planning application in this regard.

Finally, after the issue of the structural stability of the terraces had been raised while they were being constructed, the Chief Building Inspector wrote to the applicant regarding this matter, and a response to that letter is still awaited. Point 2 above has been raised with the applicant and it is expected that further information will be available at the meeting.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application could have implications under Article 8 the Human Rights Act. Members need to take this into account in reaching a decision.

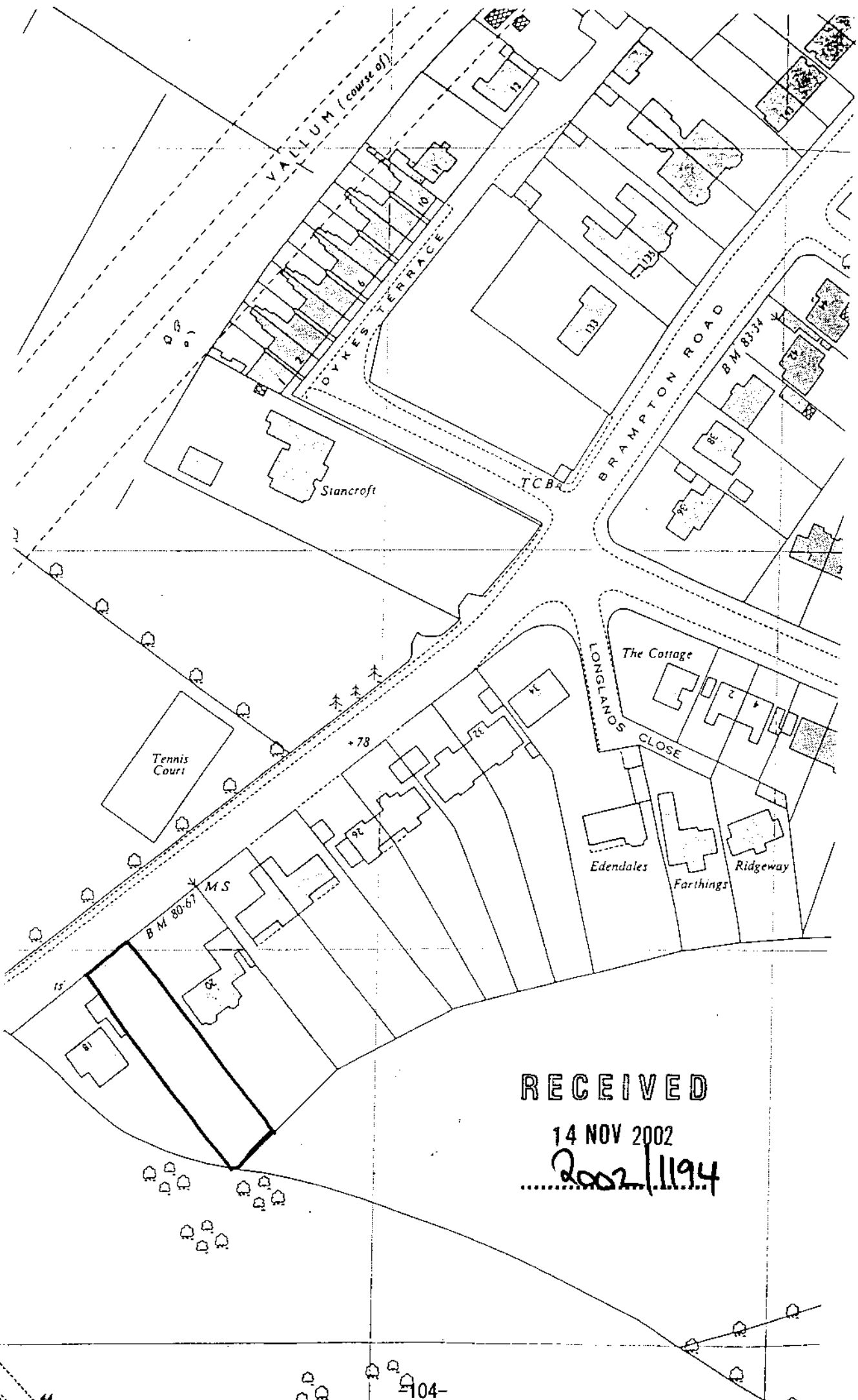
Recommendation:

Reason for including report in Schedule B

This application has been placed on Schedule B because investigations are still ongoing into for the proposals submitted as part of the planning application relate to what has been constructed.

8110 →

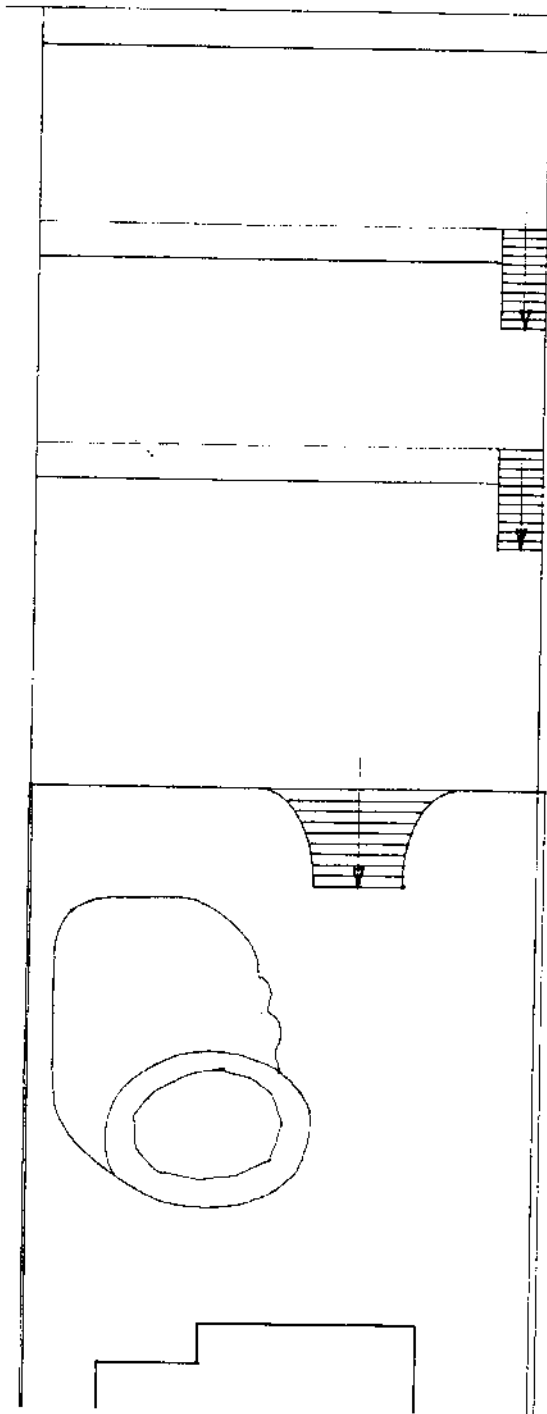
Defer - pass S.J. ✓
Supp Schedule -
(Pages 6-21)



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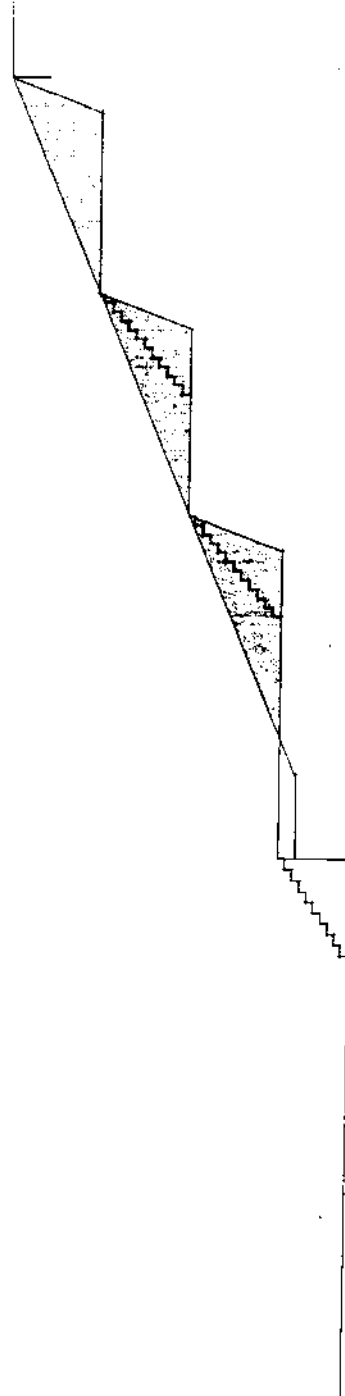
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2002/1194



PLAN

SECTION



RECEIVED
14 NOV 2002
2002.11.14

PROPOSED TERRACING BRAESIDE (18A) BRAMPTON ROAD CARLISLE	
DRG. No. 966 / 2 SCALE: 1-100 DATE: MAY 2002	

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14 NOV 2002

.....2002/1194

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Mvc-001x.jpg



SCHEDULE A: Applications with Recommendation

02/0916

Item No: 07

Date of Committee: 20/12/02

Appn Ref No:
02/0916

Applicant:
Mr W Armstrong

Parish:
Nether Denton

Date of Receipt:
21/08/02

Agent:

Ward:
Irthing

Location:
L/A to rear of, Chapel Cottage, Low Row, Brampton

Grid Reference:
358600 563500

Proposal: Erection of stables and creation of hardstanding

Amendment:

1. Repositioning of the proposed stable block, reduction in the size of the hard standing and access track.
2. Repositioning of the proposed stable block, further reduction in the size of the hard standing and an increase in the length of the access track.

SAM

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

Cumbria & Lake District Joint Structure Plan Policy 12

Development and other land use changes detrimental to the distinctive character of designated County Landscapes, will not normally be permitted. Development required to meet local infrastructure needs which cannot be located elsewhere, will normally be permitted, provided it is sited to minimise environmental impacts and meets high standards of design.

Carlisle District Plan Environment - Policy E26

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable adverse impact on the character and/or setting of the World Heritage

SCHEDULE A: Applications with Recommendation

02/0916

Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Carlisle District Plan Environment - Policy E4

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

Development required to meet local infrastructure needs which cannot be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The site is served by an existing access. Visibility at the access point on the approaching traffic side is considered adequate. Visibility to the left is somewhat more restricted to approximately 50 metres.

However, the slight increase in use of the access by the proposed development is unlikely to have significant material affect on existing highway conditions.

SCHEDULE A: Applications with Recommendation

02/0916

The Highway Authority would therefore raise no objections to the proposal.

Further comments received on 18th November read as follows;

The amended details are satisfactory from a highway point of view.

Nether Denton Parish Council: Object to the proposal on the following grounds:

1. The field is currently used for agricultural use and is enclosed on three sides by agricultural land. The proposed development would result in the field being used for recreational use. There is no valid reason to change the use of the field from agricultural use;
2. The existing access to the field is considered to be unsafe;
3. The development does not appear to be in accordance with the policies contained within the Carlisle District Local Plan. The land use change would have an unacceptable effect upon the distinctive landscape character of the County Landscape. It is felt that the proposed hard standing alone would have an adverse effect upon the setting of the Hadrian's Wall Military Zone World Heritage Site.
4. The proposal is not related to existing local landscape features, does not complement the character of the hamlet. There does not appear to be a need. There has been no evidence of a horse or horses on the land since it was purchased in April;
5. The plans submitted are not to scale. They do not show exact positions or measurements. The stable block is separated from the hard standing and penetrates into the field. The hard standing would seem to be vastly in excess of the needs of two horses. The size of the hard standing raises concerns regarding as to whether it would be used for caravans, machinery and cars etc;
6. The water supply for the proposed development is to come from a natural spring. This is not shown on the plans. What is required to get the water from the spring to the stable;
7. The Parish Council are concerned that there could be a hidden agenda with regards to this planning application.

Further comments received on 14th November read as follows;

This Council objects to the erection of stables and creation of hardstand, as mentioned in the above application. Objections still stand as stated in the original application. Also please consider the dangerous road access, the lack of electric or water supply, and animal welfare.

Environment Agency (N Area (+ Waste Disp)): No objection subject to the attachment of one supplementary informative's to any notice of consent.

Drainage Section; Raise no objection to the proposal. The drainage section is aware that I have concerns regarding the construction of the hardcore track and that it could impede the efficiency of the existing soakaway systems for the septic tanks serving the adjacent properties. The drainage section has suggested ways of alleviating this problem.

SCHEDULE A: Applications with Recommendation

02/0916

Further comments received on 22nd November read as follows;

Since there are no public sewers shown on our records in the area, I have no comments or additions relating to the above planning application.

Environmental Services: No objections;

British Horse Society (North Region) Welfare: The British Horse Society policy is to encourage the keeping of horses and ponies. I can see no reason for any objection to the planned stables.

I have visited the area and understand that the field indicated on the application for planning permission is known to be subject to flash flooding, I understand that the owner in charge of the horses or ponies using the field is intending to live far away. Flooding of the field may be of minor importance if a competent owner was living on or near the property. Lack of responsible provision to attend to horses or ponies on the field may well give rise to an adverse welfare situation. The owner should be aware of this and have a suitable plan to cover the risk at all times.

Summary of Representations:

This application has been advertised by means of a site notice and notification letters sent to seven neighbouring properties. Six letters of objection have been received. The issues raised have been summarised as follows:

1. The access to the application site is positioned on a blind bend. Any increase in vehicular movements to and from the site would be detrimental to highway safety;
2. The land in question should remain as agricultural land to be used for grazing farm animals;
3. The application site has a history of drainage problems. The positioning of the stable is unsuitable as is the proposed hard track, as at this point the field is particularly boggy;
4. The soakaways from the septic tanks serving neighbouring properties drain in to the area to the south of the proposed hard track. The proposed stable and hardtrack would interfere with the natural course of the drainage;
5. Concerns has been expressed with regards to the welfare of the horses themselves. As a result of the drainage problems the field is considered to be unsuitable for equestrian use;
6. The applicant currently resides in Newcastle. Therefore who will be responsible for the horses on a day to day basis or in cases of emergency. It has been stated that the water supply will be via a natural spring. Where is the spring located and how will the water be taken from the spring to the stable;
7. The plans are not drawn to scale and do not represent the true size of the proposed development;
8. The size of the hard standing, which measures 30 metres by 8 metres, is too large. Why is such a large area of hard standing required given that the stables are only for two horses; and
9. The proposed development is inappropriate given the close proximity to

SCHEDULE A: Applications with Recommendation

02/0916

Hadrian's Wall World Heritage Site.

Two further letters of objection have been received in response to the amended plans submitted. The concerns raised reiterate points 1, 5, 6 and 9 stated above.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application was deferred at the last meeting of the Committee in order to undertake a site visit. This site visit took place on the 18th December.

It will be recalled that this application seeks planning permission for the erection of a stable, access track and hard standing. The application site is positioned within a small field to the rear of Chapel Cottage, to the east of Low Row, Brampton.

The field, in which the application site, is situated within an area designated as a County Landscape and is enclosed, by a fields that are in agricultural use along its northern and western boundaries. The western boundary of the site is aligned by a dense hedge within which there are a number of mature trees. A post and wire fence indicates the northwestern boundary of the field. An existing hardcore access track runs along the field's eastern boundary, adjacent to a small beck. To the south west of the application site are a cluster of residential properties, which form the hamlet known as Beckstonegate.

The proposal, as submitted, seeks approval for the erection of two stable boxes and a tack room/hay store. The proposed stable was to be sited against a backdrop of trees/hedges, which align the western boundary of the site. The proposal included the erection of a hard standing, measuring 30 metres by 7 metres, to be positioned to the rear of an existing workshop. A 3 metre wide access track would lead from the hard standing to the stable block.

Following the Officers site visit and consultation with local residents it became apparent that the field in which the stable is to be sited suffers from drainage problems. The siting of the stable in its original location was deemed to be unsuitable due to the boggy nature of the ground. The Planning Authority were informed by a local resident that the soakaways from the septic tanks to the south of the application site, which serve the residential properties, drain into the parcel of land to the south of the proposed access track. Concerns were raised with regards to the proposed access track and the possibility that it would impede the efficiency of the existing soakaway system for the septic tanks serving the adjacent properties. These drainage problems could be alleviated, however Officers felt it would be more appropriate to find a more suitable location for the stable block.

Following negotiations with the applicant, an amended plan has been submitted,

SCHEDULE A: Applications with Recommendation

02/0916

resiting the proposed stable adjacent to the workshop that is situated to the rear of Chapel Cottage. The amended plan, which is reproduced in the schedule, indicates that the stable block will be sited on a concrete pad measuring 9.5m x 13.5m. The proposed stable block has an overall length of 11.5 metres. The two stables are 3.6m wide by 7.2m in length. The remainder of the stable block is taken up by the tackroom/haystore, which is 4.25 metres wide, projecting 1.9 m beyond the front of the two stables, with an overall length of 5.5m. The stable is to be constructed from a timber frame and clad with timber shiplap boarding. The stable would be finished with a dark brown stain. The roof is to be clad using black Onduline roof sheeting. From the edge of the concrete pad a 25 metre hardcore track, 3 metres in width, leads to the existing hardcore track. The hardcore track has been designed to allow adequate turning space for a rigid vehicle. A covering letter, which accompanied the revised plans, has clarified that the water supply would be obtained from the mains supply.

With regards to this application it is felt that the main issues to consider are the potential impact upon the amenities of neighbouring properties and the potential impact upon the distinctive character of the designated County Landscape as well as the Hadrian's Wall World Heritage Site.

In considering this application it is felt that the following should be kept in mind:

1. Policy 12 of the Carlisle and Lake District Joint Structure Plan states that "development and other land use changes detrimental to the character of designated County Landscapes will not normally be permitted". Paragraph 3.13 of the Structure Plan, which relates to Policy 12 states "a wider variety of developments is likely to be permitted within County Landscapes than in those nationally designated. Nevertheless, these must not threaten or damage particular characteristic which makes these landscapes distinctive".
2. Policy E4 of the Carlisle District local Plan states that "within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character." Paragraph 2.52 advises that when assessing applications for development, regard should be given as to whether the overall character of the area would be harmed.
3. Policy E26 of the Carlisle District local Plan states that "within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable adverse impact on the character and/or setting of the World Heritage Site will not be permitted". Paragraph 2.126 of the Reasons/Explanations explains that "this Policy is intended to protect the buffer zone from inappropriate and unsympathetic development, which would adversely affect the World Heritage Site. Development within the buffer zone that would have an unacceptable adverse effect on the character and/or the setting of the World Heritage Site will not be permitted".

A number of issues have been raised by the Parish Council and local residents. Many of the objections received relate to the original plans submitted. Two further

SCHEDULE A: Applications with Recommendation

02/0916

letters of objection have been received from local residents with regards to the amended plans received. The Parish Council has reiterated their earlier comments but has also made reference to concerns regarding animal welfare, the vehicular access and concerns regarding the lack of water and electricity supply. It is the Officers opinion that many of the issues raised have been addressed by the amended plan. The objections raised have been addressed below.

One of the issues raised relates to the vehicular access serving the site. The Parish Council and local residents feel that the existing access to the field, from the highway, is unsafe. In their view any increase in vehicular movements to and from the site would be detrimental to highway safety. This matter has been raised with the Highway Authority. It is their view that visibility at the access point on the approaching traffic side is considered adequate. Visibility to the left is somewhat more restricted to approximately 50 metres. However, the slight increase in use of the access by the proposed development is unlikely to have a significant material affect on highway conditions. On this basis the Highway Authority have raised no objections to the proposal.

Both the Parish Council and local residents have expressed the view that the proposed development, as originally submitted, is contrary to Policy E4 and E26 of the Carlisle District Local Plan.

Policy E4 addresses development within County Landscapes, whilst E26 refers to development within the buffer zone of Hadrian's Wall Military Zone World Heritage Site. Paragraph 2.52 of Policy E4 states that, "when assessing applications for development, the City Council will have regard for whether the overall character would be harmed". Prior to the receipt of amended plans Officers had expressed concerns over the size of the proposed hardstanding, due to its impact upon the landscape character of the County Landscape.

The amended plans received have significantly reduced the size of the hardstanding proposed as well as the extent to which the development protrudes into the open countryside. It is the Officers view that the proposed development, as revised by the amended plan, would not have an adverse impact on the overall character of the County Landscape. It is therefore considered that the proposal would not be contrary to Policy E4 of the Carlisle District Local Plan. With regards to the potential impact upon the Hadrian's Wall World Heritage Site, it is considered that the proposed stable is sufficient distance away (approximately 1 mile) not to have an adverse impact upon its character or the setting. The proposed stable is set against existing buildings and would not be easily visible from Hadrian's Wall. In the Officers opinion the development would not be contrary to Policy E26 of the Carlisle District Local Plan.

A key issues raised by the objectors referred to the drainage problems experienced in the field. Objectors stated that the positioning of the stable and hard track, as originally submitted, is unsuitable, as at this point the field is particularly boggy. In addition to this the soakaways from the septic tanks serving the neighbouring properties drain into the area to the south of the proposed hardtrack. Officers were concerned that the track would interfere with the natural course of the drainage. The amended plans submitted have alleviated this problem by siting the stable adjacent

SCHEDULE A: Applications with Recommendation

02/0916

to the existing workshop away from the area of boggy ground and the soakaways.

Another issue raised refers to the welfare of the horses. As the applicant currently resides in Newcastle Officers and objectors raised concerns with regards to how the applicant intends to look after the animals on a daily basis. In the covering letter the agent explains that his client has bought other land in the locality and is currently seeking to buy a house. The applicant proposed that the stables would not be constructed until such time that accommodation is available. It is the Officers view that it would be unreasonable to impose a condition stating that the stables could not be erected until the applicant had found accommodation in the locality. Advice was sought from the Animal Welfare Officer of the British Horse Society. The Animal Welfare Officer explained that at this stage nothing could be done to address concerns regarding the welfare of the horses. It is only once the horses are actually on site that concerns regarding this matter could be investigated.

Objectors have stated that the land in question should remain as agricultural land and should not be used for recreational purposes. The development is not considered to be an inappropriate use in this locality.

It will be noted that in addition to the above points, objections were raised with regards to the quality and scale of the original plans submitted. The applicant has taken this into consideration when submitting revised plans.

As stated earlier in the report it is the Officers view that the concerns raised have been addressed by the amended plans submitted. It is considered that the proposed stable would not have an adverse impact on the landscape character of the County Landscape, nor would it have an unacceptable adverse effect on the character and/or the setting of the World Heritage Site. The proposed development would not have an adversely affect the residential amenity of any surrounding properties. The proposed stable is acceptable in terms of siting, design and materials used. The recommendation is that the application be approved.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

SCHEDULE A: Applications with Recommendation

02/0916

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission ✓

P127 →

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. The stable hereby permitted shall not be used except for private and domestic purposes and shall at no time be used for any commercial or business purposes whatsoever.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

4. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

5. The development shall be landscaped in accordance with details to be submitted to and approved by the local planning authority and shall include details of the proposed type and species of all planted material including particulars of the proposed heights and planting densities.

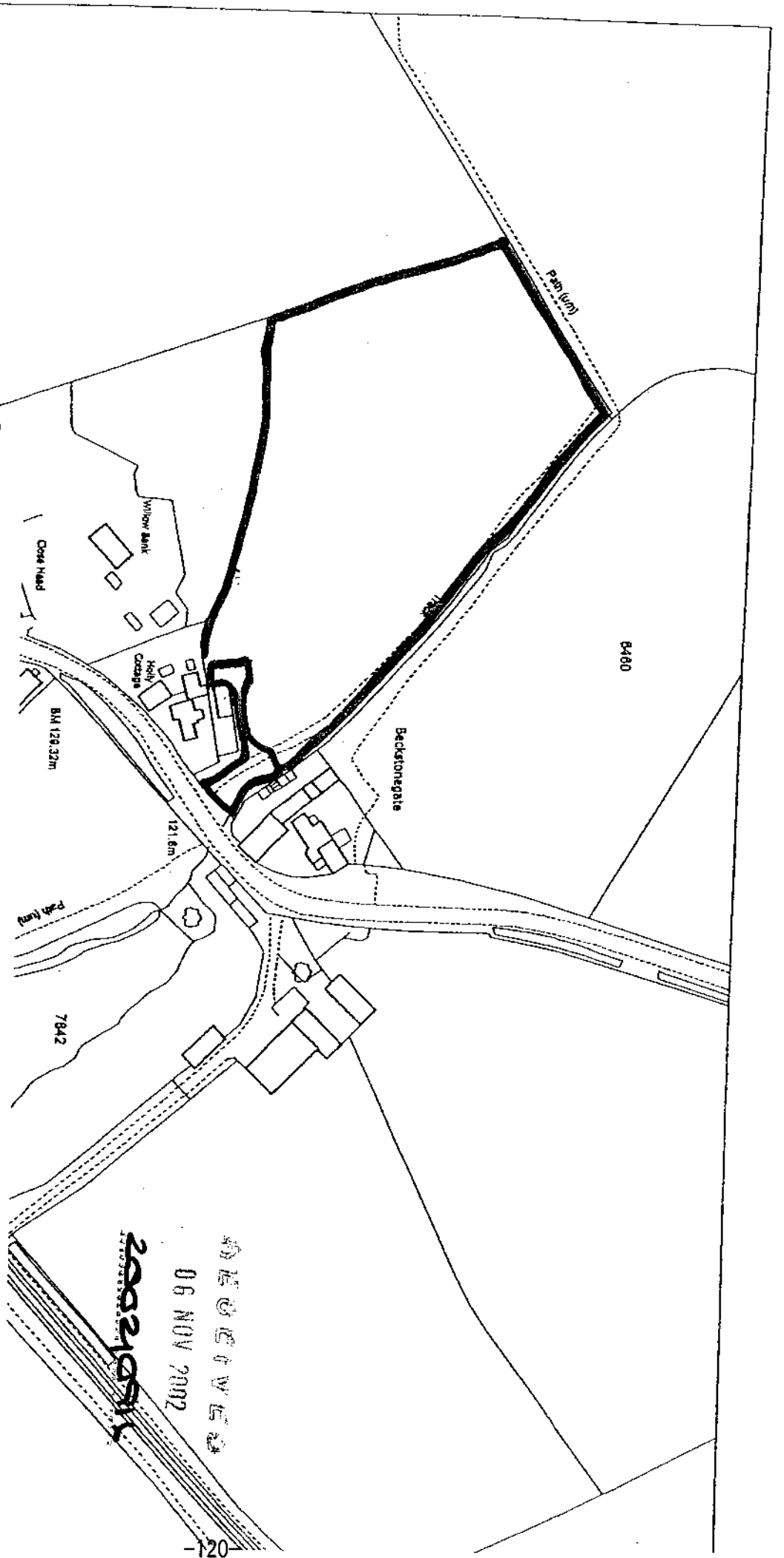
Reason: To ensure that a satisfactory landscaping scheme is prepared.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

SCHEDULE A: Applications with Recommendation

02/0916

Reason: To ensure that a satisfactory landscaping scheme is implemented.



HOLEWES
 06 NOV 2002
 2002/05/11

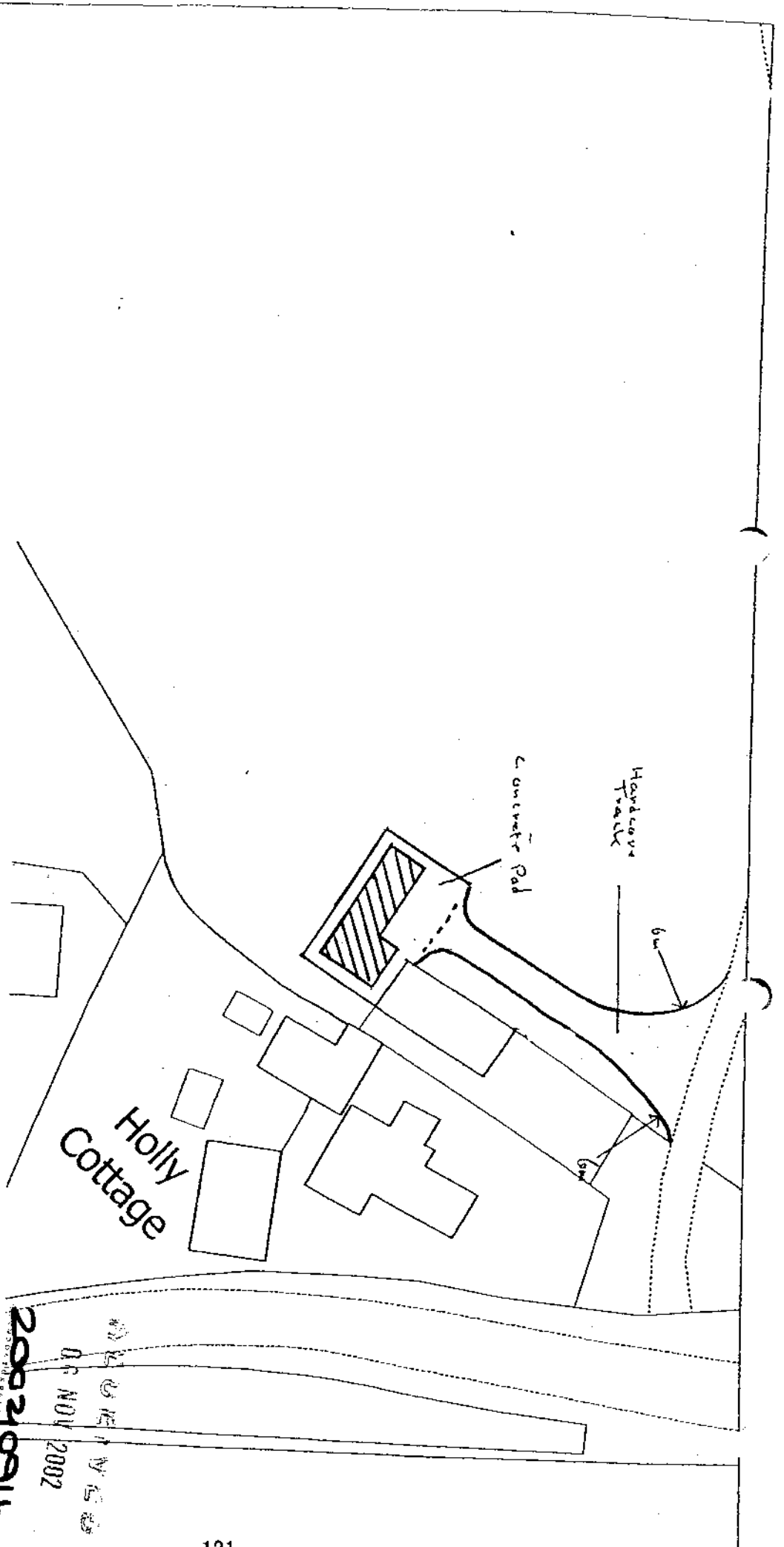
ARMSTRONG PAYNE ASSOCIATES

35 King Street, Penrith, CA11 7AY
 Tel. 01768 890140
 Fax. 01768 890141

PROPOSED STABLES, LOW ROW, BRAMPTON
 MR W ARMSTRONG

LOCATION PLAN

SCA - 1:2000



ARMSTRONG PAYNE ASSOCIATES
 35 King Street, Penrith, CA11 7AY
 Tel. 01768 890140
 Fax. 01768 890141

PROPOSED STABLES, LOW ROW, BRAMPTON
 MR W ARMSTRONG

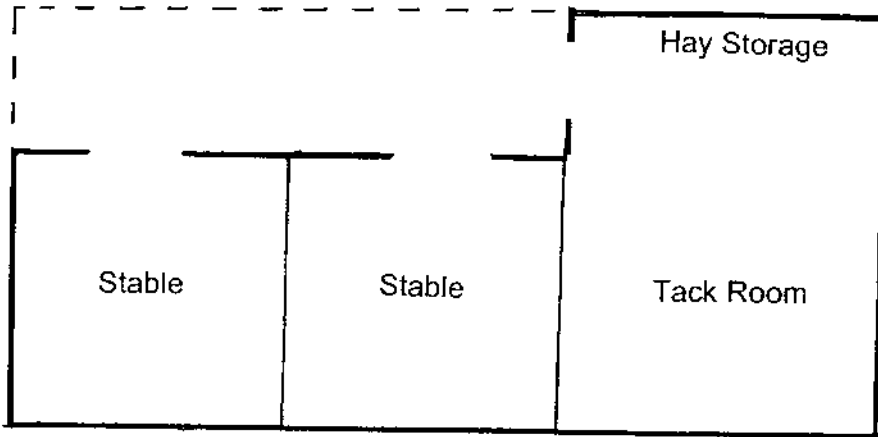
BLOCK PLAN

SCALE 1:500

9/16/2008

29 OCT 2002

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ARMSTRONG PAYNE ASSOCIATES

35 King Street, Penrith, CA11 7AY

Tel. 01768 890140

Fax. 01768 890141

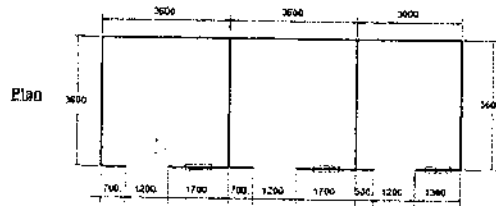
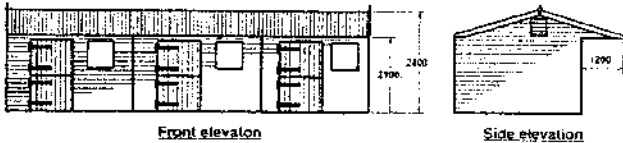
**PROPOSED STABLES, LOW ROW, BRAMPTON
MR W ARMSTRONG**

BUILDING PLAN

SCALE 1:100

From Start to Finish

When we receive your enquiry it is dealt with by our trained staff who will be able to discuss your requirements and offer their advice if necessary, we then can help you with your planning application and provide you with the necessary elevated drawings to supply to your local council.

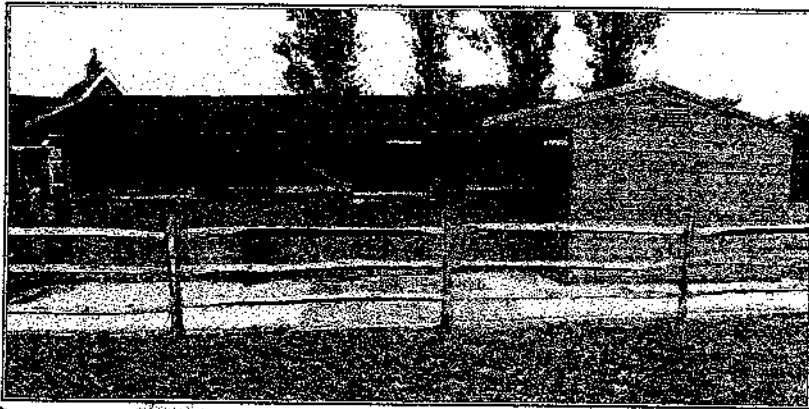


When planning permission has been granted and you have placed your order, we will supply necessary base plans to enable your builder to prepare your concrete base and to lay a single course of brickwork.

Once this is all completed, we will arrive and erect your new buildings carefully and efficiently with the minimum of inconvenience to you, leaving the site clean, tidy and your building ready to use.

CHESREA THE CLIPPER RANGE

RECEIVED
21 AUG 2002
2002/09116



The Clipper range offers exceptional value for money, yet carries a number of features usually found only on more expensive buildings.

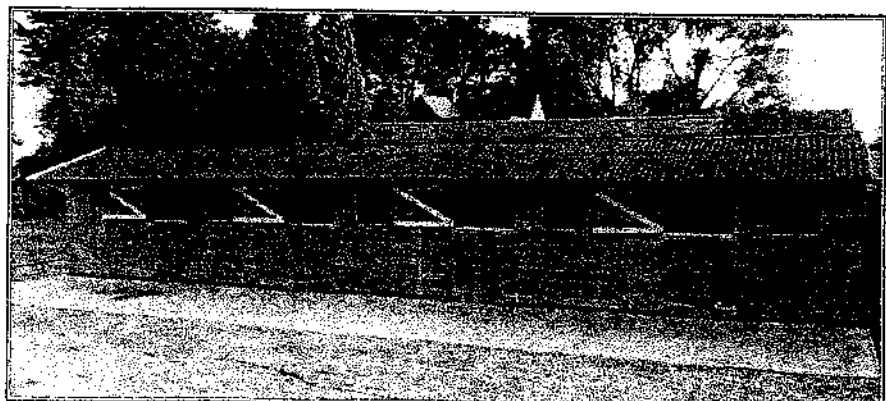
These include:

- 4ft. canopies/overhangs
- Front guttering
- Heavy duty kickboards
- 29" square fully opening windows with internal grille
- 3" x 2" timber framing

The door heights on this treble unit pictured on the left have been adjusted to suit Shetland Ponies.



Black Onduline roof sheeting is fitted as standard to all our buildings, green, red or brown are available as an option. This roofing is maintenance free and includes a manufacturers 15-year guarantee.



Specifications

THE CHESTER RANGE

Wall Construction

Walls are built with 4" x 2" (100 x 50mm) timber framing, spaced at 2' (600mm) centres. When concrete or clay tile roofs are specified, centres will be reduced and diagonal bracing included where necessary

Wall Cladding

Selected high quality Shiplap boarding, pressure impregnated to BS 5658 to ensure a long, maintenance free life. Weatherboard is available as an option. All boarding is fixed with rust resisting nails.

Roof Construction

Purlins are 5" x 2" (125 x 50mm) spaced at 2' (600mm) centres, held in place by joist holders on prefabricated trusses, then covered with black, maintenance free Onduline, carrying a 15 year manufacturers' guarantee. A clear roof sheet is included in each loose box. Optional roof finishes include coloured Onduline, felt or felt tiles. Roof construction can also be altered to accept traditional clay, concrete or slate tiles.

Doors

Stable doors are 7' 4" high, 4' wide, 2³/₄" thick (2235mm high, 1200mm wide, 70mm thick) set in a pressure impregnated frame measuring 4" x 3" (100 x 75mm) with rounded edges. Bottom doors are lined with 3/4" (18mm) heavy duty moisture resistant kickboard. Top doors are ledged and braced with additional vertical bracing to the leading edge, and can be fully lined if preferred. Anti-chewstrips are fitted to the top door frame, top door leading edge and the top of the lower door, extending down to 15" (380mm) at the front. All door fittings are heavy duty and galvanised, to include 24" (600mm) auto reversible hinges, 8" (200mm) padbolts, heavy duty kickbolts and cabin hooks. Tack room doors are ledged and braced with a plyboard internal lining, set in a frame identical to the stable door. A brass Yale security lock is included.

Windows

Six bladed louvre windows are fitted to all loose boxes and are fully adjustable from the outside, measuring 1' 9" wide x 3' 1" high (507 x 940) including a 5¹/₂" (140mm) wide sill. Internal safety bars are fitted at 3" (75mm) centres. Windows can be positioned to suit individual requirements. Other windows are available on request.

Kickboards

Loose boxes are lined to 4' (1200mm) with 3/4" (18mm) heavy duty moisture resistant board and can be lined to eaves height if required. Alternative types of kickboard are available on request. Tack rooms and hay stores are not lined as standard.

Ventilation

Louvred ventilation grilles are fitted to each gable end. Additional grilles can be fitted if required.

Canopy/Overhang

Front overhangs extend to 4' (1200mm) and are underlined in exterior grade plyboard.

Guttering

Half round, black guttering and downpipe is fitted to the front of all units. (not field shelters) Rear guttering is available on request.

Height

To eaves, measures 8' (2400mm) and to ridge 11' (3350mm), not including brickwork.

Talk Grilles

Can be fitted between loose boxes as an option.

Barge Boards

All in pressure impregnated, prepared timber, fixed with rust resisting nails.

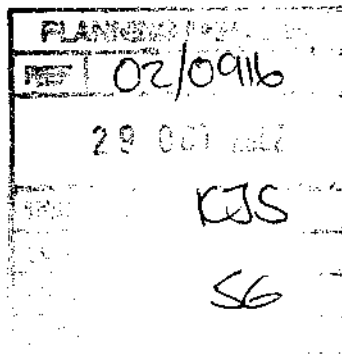
Our Ref. BCAP/RCO/02/0156

Your Ref. 02/0916

Date. 28th October 2002

**ARMSTRONG
PAYNE
ASSOCIATES**
Planning & Development
Consultants

Planning Officer
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG



Chartered Town Planners

FAO: Sam Gregg

Dear Sir

**PROPOSED STABLE BLOCK
LAND AT LOW ROW, BRAMPTON**

I refer to your letter dated 1st October 2002 to my client, Mr W Armstrong, with regard to the above application and our recent discussion on this matter.

In your letter you raise various issues with regard to the proposal and I now attach amended plans for your consideration which I trust meet with your requirements.

The block plan is to a scale of 1:500 and shows the access track leading to the stable block and the attached area of hard standing. The location plan is to a scale of 1:2000.

Our highways consultant has confirmed that the dimensions indicated on the plans are appropriate and will provide a turning space for a rigid vehicle at the junction between the existing track and the hard standing.

The elevation for the proposed stables are as shown in previous documentation attached to the application except they will be handed. I confirm they will be stained to a dark brown colour with the exact shade to be agreed with your Department.

You suggest in your letter that the field is boggy and that this could be a problem with regard to construction of the concrete hard standing and animal welfare.



Armstrong Payne Associates is a division of
Penrith Farmers' & Kidd's Plc

Registered Number 10553 England

Registered Office: Agricultural Hall, Skarsgill, Penrith, Cumbria CA11 0DN
Telephone 01768 862323

-125-

35 King Street, Penrith
Cumbria, CA11 7AY

Tel. (01768) 890140
Fax. (01768) 890141

I confirm that my client does intend to undertake some drainage work in the field but that in any event the area of land where the buildings are proposed is on the higher section of the field and does not appear to be affected by any drainage problem.

You then mention in your letter that adjoining residents claim to have some soakaway drainage across the field. My clients have done a search of their deeds and can find no rights for any such drainage and therefore cannot confirm whether this claim is accurate.

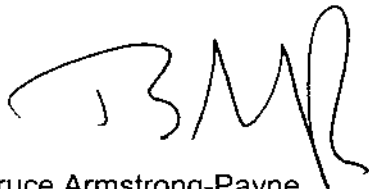
If such rights do exist however my client has no intention of causing any problem and will ensure during construction work that no field drains were affected.

You then raise the issue of animal welfare which I consider is not a material planning consideration in this case. Notwithstanding that position I can confirm that my clients have bought other land in this locality and are currently seeking to buy a house. They currently propose that the stables will not be constructed until such time as that accommodation is available. With regard to the water supply I confirm this will be from the mains.

The final point you make in your letter again concerns drainage and I confirm that if such a problem exists it will be resolved by virtue of the drainage works my client intends to undertake.

I trust the attached information is sufficient for you to now proceed with the determination of my client's application but if you wish to discuss the attached plans or the other matters raised in this letter before preparing your report please contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'BMP', written in a cursive style.

Bruce Armstrong-Payne

SCHEDULE A: Applications with Recommendation

02/0880

Item No: 08

Date of Committee: 20/12/02

Appn Ref No:
02/0880

Applicant:
Mr S Armstrong

Parish:
Wetheral

Date of Receipt:
19/08/02

Agent:
Mr J Gordon

Ward:
Wetheral

Location:
20 Ghyll Road, Scotby, Carlisle, CA4 8BT

Grid Reference:
344405 554645

Proposal: Erection of single storey extension to front elevation to provide hall and living room extension, two storey extension to provide kitchen and garage at ground floor, together with 2no. 1st floor bedrooms with en-suite.

Amendment:

1. The first floor balcony on the rear elevation has been omitted from the proposal.
2. The two storey extension has been reduced in width from 4.2 metres to 3.7 metres wide. The single storey extension has been stepped in from the boundary with the neighbouring property by 0.2 metre.

Sam

Report

Planning Policies:

**Carlisle District Plan
Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objection;

Wetheral Parish Council: no objections;

English Nature: no objection, subject to the attachment of one supplementary informative to any notice of consent in relation to the possible presence of bats.

Summary of Representations:

SCHEDULE A: Applications with Recommendation

02/0880

This application has been advertised by means of a site notice and notification letters sent to seven neighbouring properties. Four letters of objection have been received. The issues raised have been summarised as follows:

1. loss of light to neighbouring properties;
2. there is no means of access for the maintenance of the conservatory positioned at the front of No.18 Ghyll Road;
3. the extension projects beyond the building line;
4. loss of view;
5. the extent of the alterations are excessive for this property and will not be in harmony with the adjoining semi, No.18 Ghyll Road; and
6. the design of the extension will detract from and adversely the character of the property in this rural area.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application was deferred at the last meeting of the Committee in order to undertake a site visit. This site visit took place on the 18th December.

It will be recalled that this application seeks full planning permission for the erection of a two storey extension to the east facing gable elevation of 20 Ghyll Road, Scotby, Carlisle. The property is a two storey semi-detached property, finished in painted rough cast with a slate roof. On Ghyll Road there are a variety of different properties ranging in size and design. There are residential properties situated to either side of the property. A location plan indicating the position of the property and its relationship with neighbouring properties is reproduced following this report

The proposal, as originally submitted, would provide a garage, kitchen, living room extension and entrance hall on the ground floor. Two bedrooms, one of which is en-suite, would be provided on the first floor. The two storey extension projects 4.2 metres from the east facing gable of the property allowing a 1.2 metre gap between the proposed extension and the boundary fence. The two storey extension projects 3 metres beyond the front of the existing property and by 2.5 metres at the rear of the property. The height of the extension matches that of the original dwelling. The single storey extension positioned on the front elevation, to provide an entrance hall and living room extension, is to be built up to the boundary of the adjacent property. It would project outwards by 2.45 metres, reaching 2.6 metres at the eaves and 3.45 metres at the ridge. The external materials used for the proposed extension will match that of the existing property. Stone quoins are to be used on both the front and rear elevation of the two storey extension. The proposal involves the demolition of the existing flat roof garage, which is situated at the side of the property, and a flat roof kitchen extension positioned at the rear. A plan illustrating the proposed

SCHEDULE A: Applications with Recommendation

02/0880

extension is reproduced following this report.

An amended plan has been received from the applicant reducing the width of the two storey extension from 4.2 metres to 3.7 metres, allowing a gap of 1.7 metres between the proposed extension and the boundary fence. The single storey extension at the front of the property has been stepped in by 0.2 metre, away from the boundary with No.18 Ghyll Road. This would create a 0.35 metre gap between the single storey extension and the neighbour's conservatory, thereby allowing a means of access should maintenance need to be carried out to the conservatory.

With regards to this application it is felt that the main issues to consider are the potential impact of the proposed extension upon the amenities of neighbouring properties and whether or not the proposed extension is appropriate to the dwelling, its design and its setting.

Policy H14 of the local plan requires that proposals to extend dwelling houses are appropriate in scale and design. The policy also states that the proposed extension should have no adverse impact upon the amenities of adjacent properties by means of poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight.

Members should note that No.20 Ghyll Road and its adjoining properties are south facing, as this is an important factor to be taken into consideration when determining this application.

A number of objections have been received from local residents. The issues raised have been addressed below.

One of the objections received raises concerns that the two storey extension would result in a loss of light to the conservatory positioned to the rear of the neighbouring property No.20a Ghyll Road. The conservatory is positioned at the rear of the property on its western side. The rear elevation of No.20a is north facing and therefore the conservatory receives very little, if any, direct sunlight. Officers do not consider that the proposed extension would result in an unreasonable loss of sunlight to the conservatory.

No.18 Ghyll Road has conservatory positioned at the front of the property. The single storey extension to the front elevation does not project beyond the front of the conservatory. Officers acknowledge that the single storey extension would result in some loss of direct sunlight to the conservatory during the morning period. However, as the property is south facing after midday no loss of light would occur. It is therefore considered that the single storey extension would not result in an unreasonable loss of light to the conservatory at the front of No.18 Ghyll Road.

The occupier of No.18 Ghyll Road has expressed concern that as the proposed single storey extension abuts the conservatory, at the front of his property; there will be no means of access for the maintenance of the conservatory. An amended plan has been submitted by the applicant positioning the single storey extension 0.2 metre from the boundary with the neighbouring property. This would create a gap of 0.35 metres, between the neighbour's conservatory and the single storey extension,

SCHEDULE A: Applications with Recommendation

02/0880

to allow any necessary maintenance to be undertaken.

Objectors have stated that the two storey extension projects beyond the building line. Both neighbouring properties have extensions to the front of their properties, which already project beyond the building line. It is the Officer's opinion that this ground of objection is insufficient reason to recommend refusal.

Objectors have also stated that the proposed extensions are excessive and that the extension would not be in keeping with the adjoining semi. It has also been suggested that the design of the extension will detract from and adversely the character of the property in this rural area. As stated earlier in the report there are a variety of different properties in Ghyll Road, which vary dramatically in architectural style, size and design. It is not considered that the scale or design of the proposed extensions would be detrimental to the appearance of the dwelling or its neighbouring properties. Nor is it considered that the proposal would be detrimental to the setting of these properties.

Two objections have been received with regards to loss of view. Loss of view is not a material planning consideration.

The proposed extension is acceptable in terms of siting, design and materials used. Officers are satisfied that there will not be an unreasonable loss of light to the conservatory at the rear of No.20a Ghyll Road or to the conservatory positioned at the front of No.18. It is not considered that the design of the extension would be detrimental to the appearance of the dwelling or to its setting. The recommendation is that planning permission should be granted.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this

SCHEDULE A: Applications with Recommendation

02/0880

instance, it is not considered that there is any conflict.

1135 →

Recommendation: Grant Permission

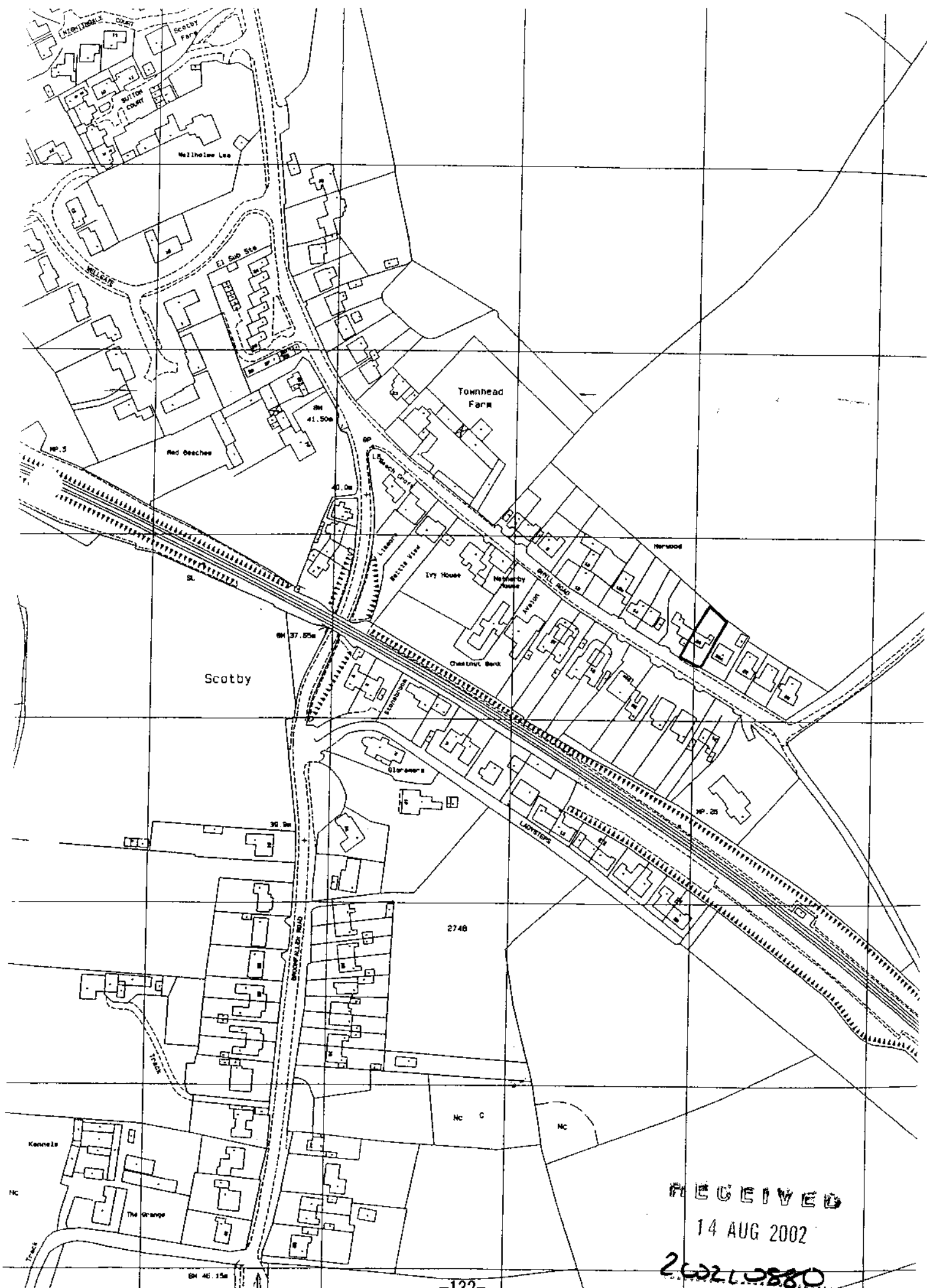
1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building.

Req. A to I ✓ (S-3)
in relation to
minor amendment
to site extension
from neighbour.

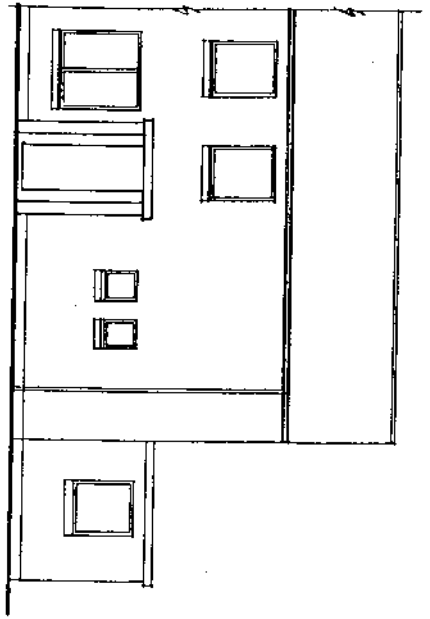


RECEIVED

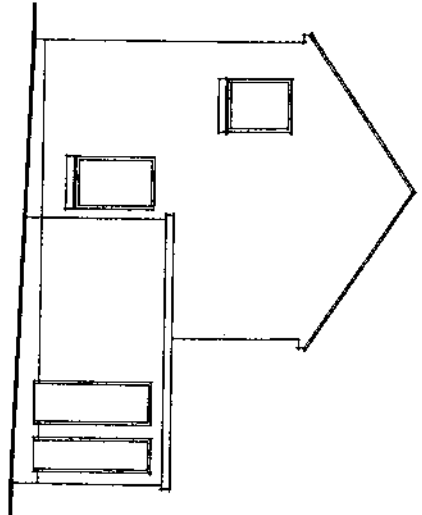
14 AUG 2002

260210880

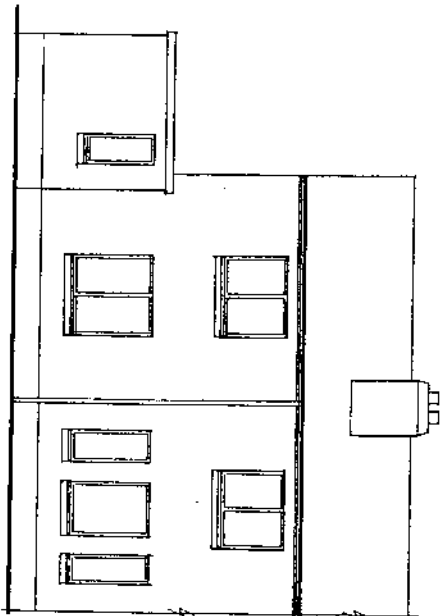
FRONT ELEVATION



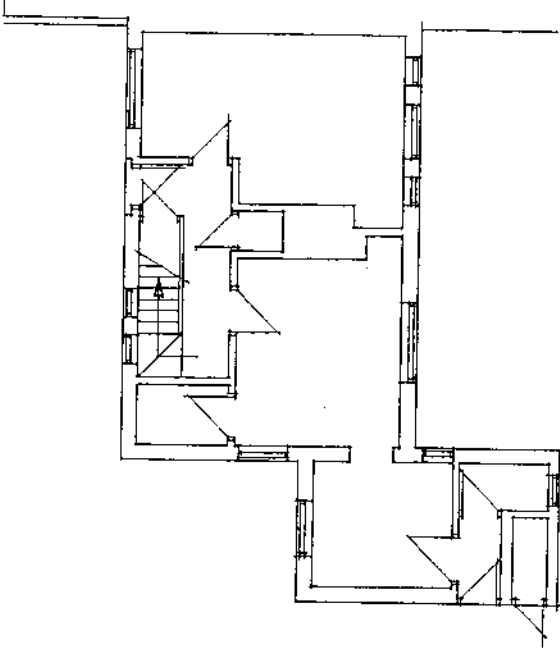
SIDE ELEVATION



REAR ELEVATION

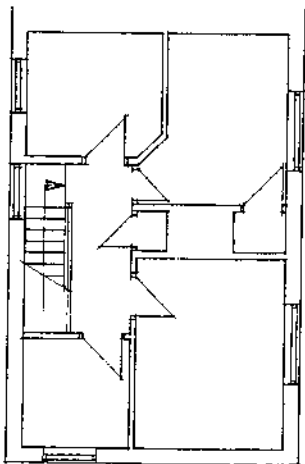


GROUND FLOOR PLAN



AS EXISTING

FIRST FLOOR PLAN

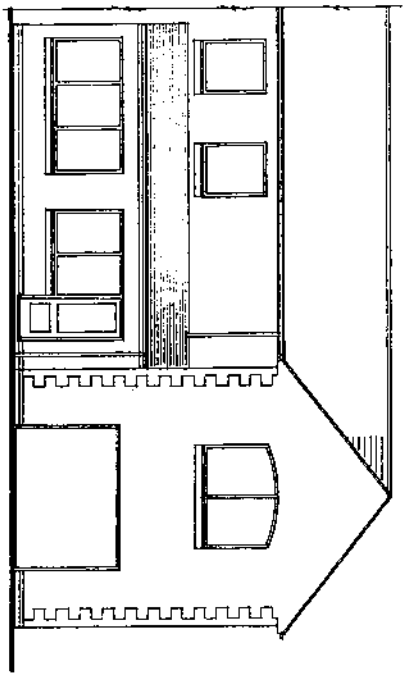


PROPOSED EXTENSION
20 GHYLL ROAD - SCOTBY

DRG. No. 10571/E
SCALE: 1/50
DATE: AUG. 2002

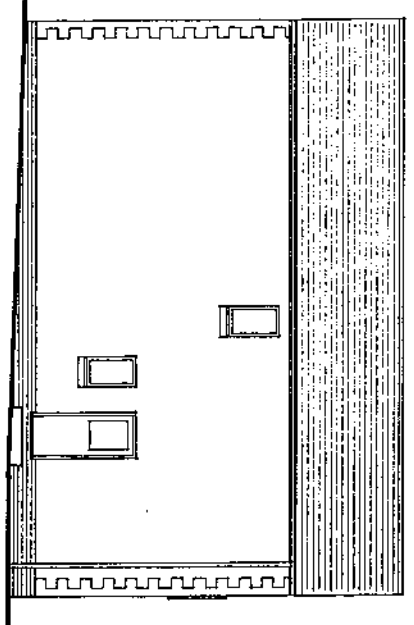
47
COURT
16
16

RECEIVED
19 AUG 2002
SCOTBY

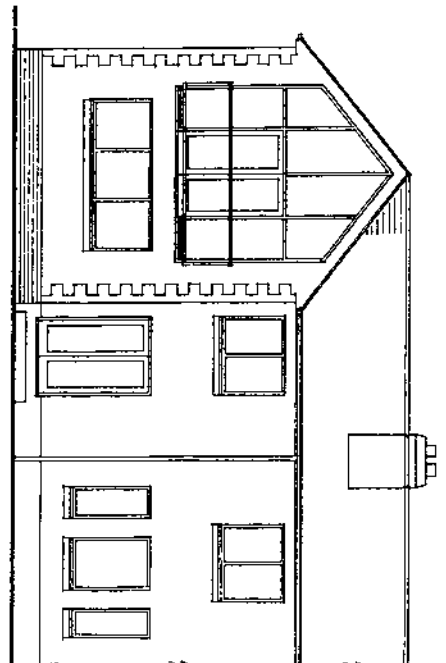


FRONT ELEVATION

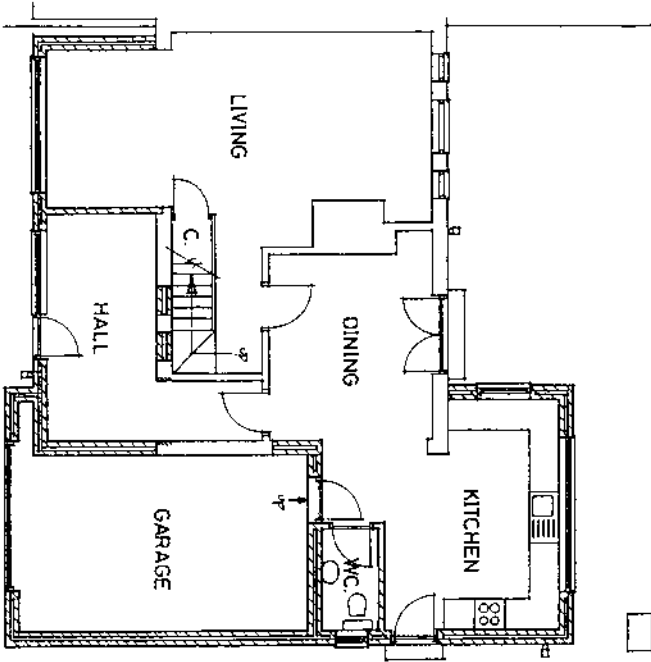
All new materials to match existing.



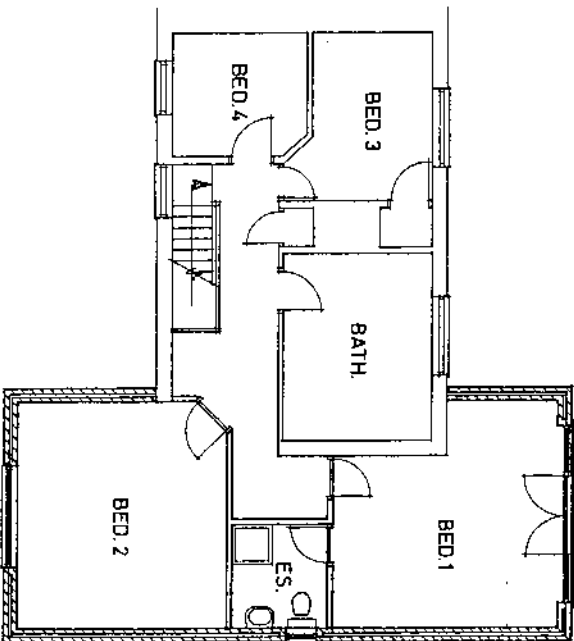
SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

PROPOSED EXTENSION
 20 GHYLL ROAD - SCOTBY
 DRAWING No. 10577/3
 SCALE: 1-50
 DATE: AUG 2002
 ARCHITECT:

SCHEDULE A: Applications with Recommendation

02/0943

Item No: 09

Date of Committee: 20/12/02

Appn Ref No:
02/0943

Applicant:
Mr & Mrs Farrimond

Parish:
Farlam

Date of Receipt:
02/09/02

Agent:
Jock Gordon

Ward:
Irthing

Location:
L/A Boon Hill Farm, Farlam, Brampton, CA8 1LA

Grid Reference:
355649 558558

Proposal: Erection of detached dwelling (full planning)

Amendment:

John

Report

Planning Policies:

Airport Safeguarding Area

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

SCHEDULE A: Applications with Recommendation

02/0943

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Environment - Policy E4

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

Development required to meet local infrastructure needs which cannot be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection.

Farlam Parish Council: Have made reference to the conditions that were imposed when the original development was granted outline approval under application 02/0534. The Parish Council hope that those conditions, such as the limitations placed on the overall height of any structure erected on this site would be adhered to if full planning consent were granted.

Civil Aviation Authority: No objection.

Environment Agency (N Area (+ Waste Disp)): Drainage condition required.

SCHEDULE A: Applications with Recommendation

02/0943

Summary of Representations:

This application has been advertised by means of a site notice and notification letters sent to five neighbouring properties. No letters of objection have been received, although there has been one letter commenting on the height of the proposed dwelling.

Details of Proposal/Officer Appraisal:

Planning History:

The Boon Hill site has a complex planning history which can be briefly summarised as follows.

In 1981, two separate approvals were granted for the two bungalows now present on the site, subject to agricultural workers conditions, and a further condition requiring that the original farmhouse could be used only for storage. In 1998, separate applications were approved which removed the agricultural workers' conditions, and the condition restricting the use of the original farmhouse to storage. At the same time, approval was given for the conversion of the barns to the rear to form two dwellings. Subsequently, in 1999, approval was given for the re-opening of the separate access to the farmhouse and barn, and for a revised proposal for the barn conversion to a single dwelling. This conversion is now being implemented and a residential caravan has been approved on a temporary basis.

In 2002 outline planning permission was granted for the erection of a detached dwelling on the application site. A condition was imposed requiring that only a single storey be erected on the site.

Details of Proposal:

This application was deferred at the meeting of the Committee on 15th November, to enable Members to visit the site. It will be recalled that the application seeks planning permission for the erection of a dormer bungalow on a site of some 520 square metres at Boon Hill, Farlam. The site is located adjacent to the existing complex of buildings at Boon Hill Farm. This comprises Boon Hill Farm itself to the east of the application site, now occupied as a private dwelling, a former barn to the barn, which is being converted to a dwelling and two bungalows to the south. To the north is a further bungalow in separate ownership while to the west is an area of land sloping down towards the road into Farlam which has been planted with trees. The site itself is on the crown of the ridge, which runs east-west to the south of Farlam; it is in an untidy state, having been used for the deposit of rubbish etc. over the years.

Members will recall that the Development Control Committee granted outline planning permission, under application reference 02/0534, for the erection of a detached dwelling at the Committee meeting on the 14th June 2002. In view of the elevated location of the site Condition 3 of the decision notice restricted the permission to a single dwelling, to be single storey only.

SCHEDULE A: Applications with Recommendation

02/0943

The application, as submitted, seeks permission for the erection of a dormer bungalow. The dormer bungalow would provide a garage, utility, kitchen/dining room, garden room, living room, hall and en-suite bedroom on the ground floor. 3no. bedrooms, store and bathroom, would be provided on the first floor. The proposed dwelling would be finished with smooth painted render, stone quoins and plinth and a slate roof.

There are no windows above ground floor level, in the east facing elevation, with the exception of two roof lights providing light to the stairwell and store. Three windows have been inserted into the western elevation at first floor level. These would not overlook any residential properties, but an area of land planted with trees, which slopes down towards the road into Farlam. The proposed dormer bungalow has an overall height of 5.6 metres. Access to the site is via the existing track, which presently serves three existing bungalows.

This current application has been brought before this Committee because the proposal submitted seeks consent for the erection of a dormer bungalow. It had previously been considered that given the elevated position of the site, within the county landscape, it would be necessary to restrict any permission granted to a bungalow.

As part of this application the applicant proposes to reduce the ground level of the site. The site plan, which is reproduced following this report, indicates the proposed finished floor level of the dwelling in relation to the levels of the surrounding land. From this site plan it can be seen that the finished floor level of the dwelling is 0.8 metre below that of the land directly to the east of the proposed dwelling. Stonefaced retaining walls are proposed on both sides of the dwelling. Members should also note that by reducing the roof pitch the ridge height of the proposed dormer bungalow has been kept to a minimum, thereby minimising the visual impact of the dwelling.

It is the Officers view that the proposed dwelling is acceptable in terms of siting, design and materials used. The proposed dormer bungalow would have no adverse impact upon the amenities of any surrounding residential properties. The measures taken to reduce the overall height of the dwelling are acceptable and it is not considered that there would be any adverse impact upon the landscape character of the county landscape. The proposed dormer bungalow is deemed to be acceptable and therefore the recommendation is that approval should be granted.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests

SCHEDULE A: Applications with Recommendation

02/0943

may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

P145 →

Recommendation: Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

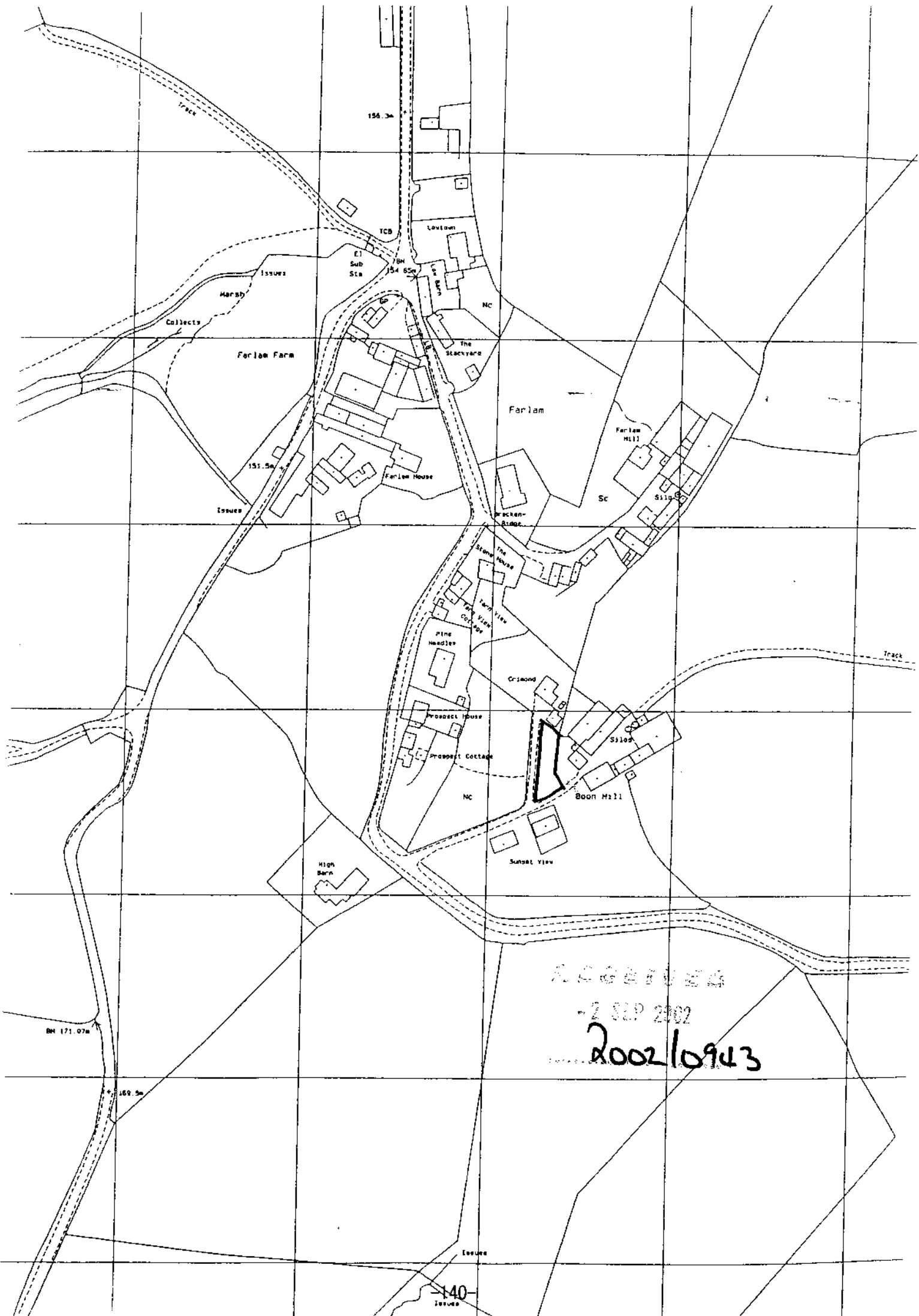
Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

4. No development approved by this permission shall be commenced until a scheme for the treatment of foul drainage has been submitted to and approved by the local planning authority. The dwelling shall not be occupied until the scheme has been completed.

Reason: to prevent pollution of the water environment



REGISTERED

-2 SEP 2002

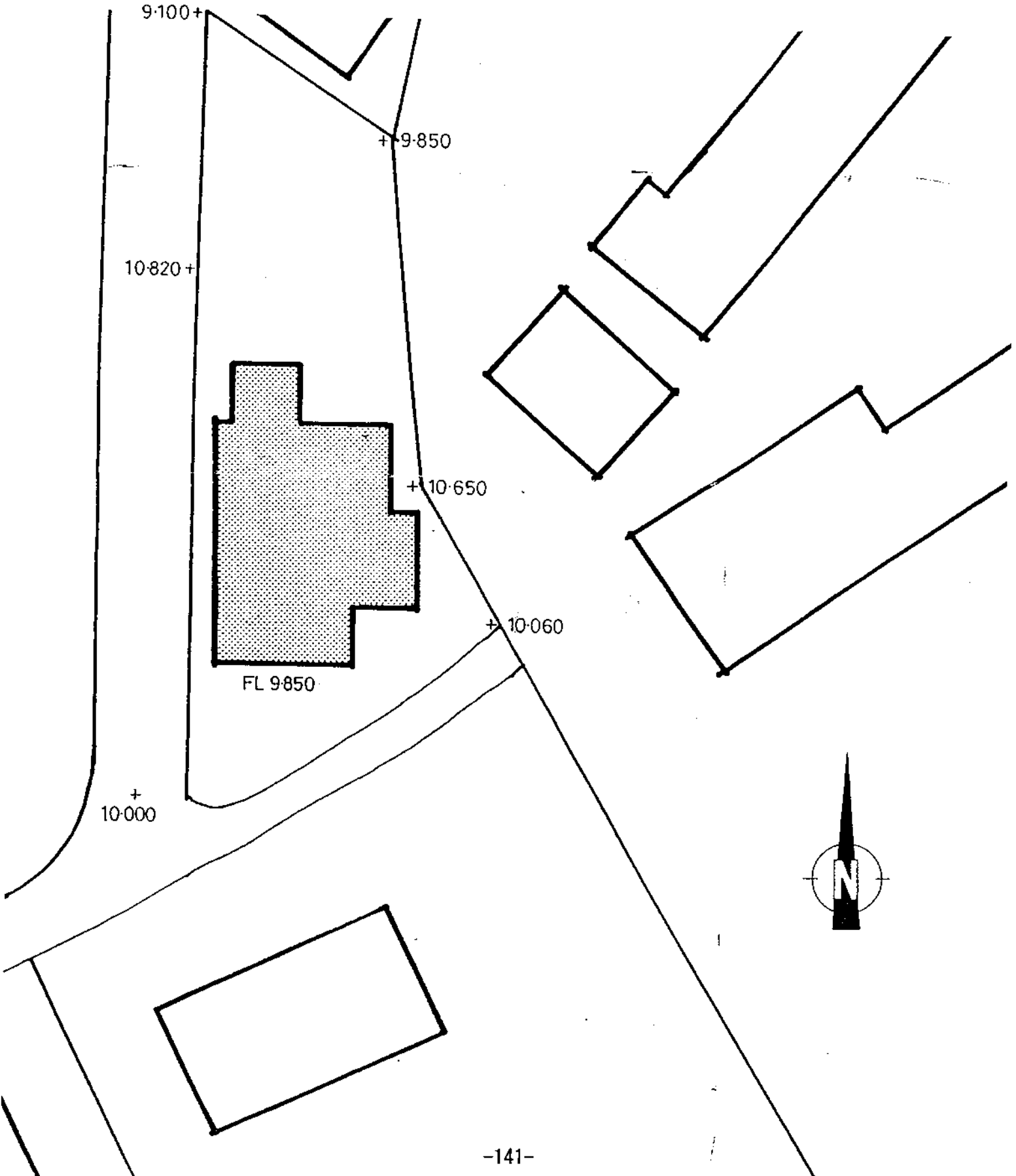
200210943

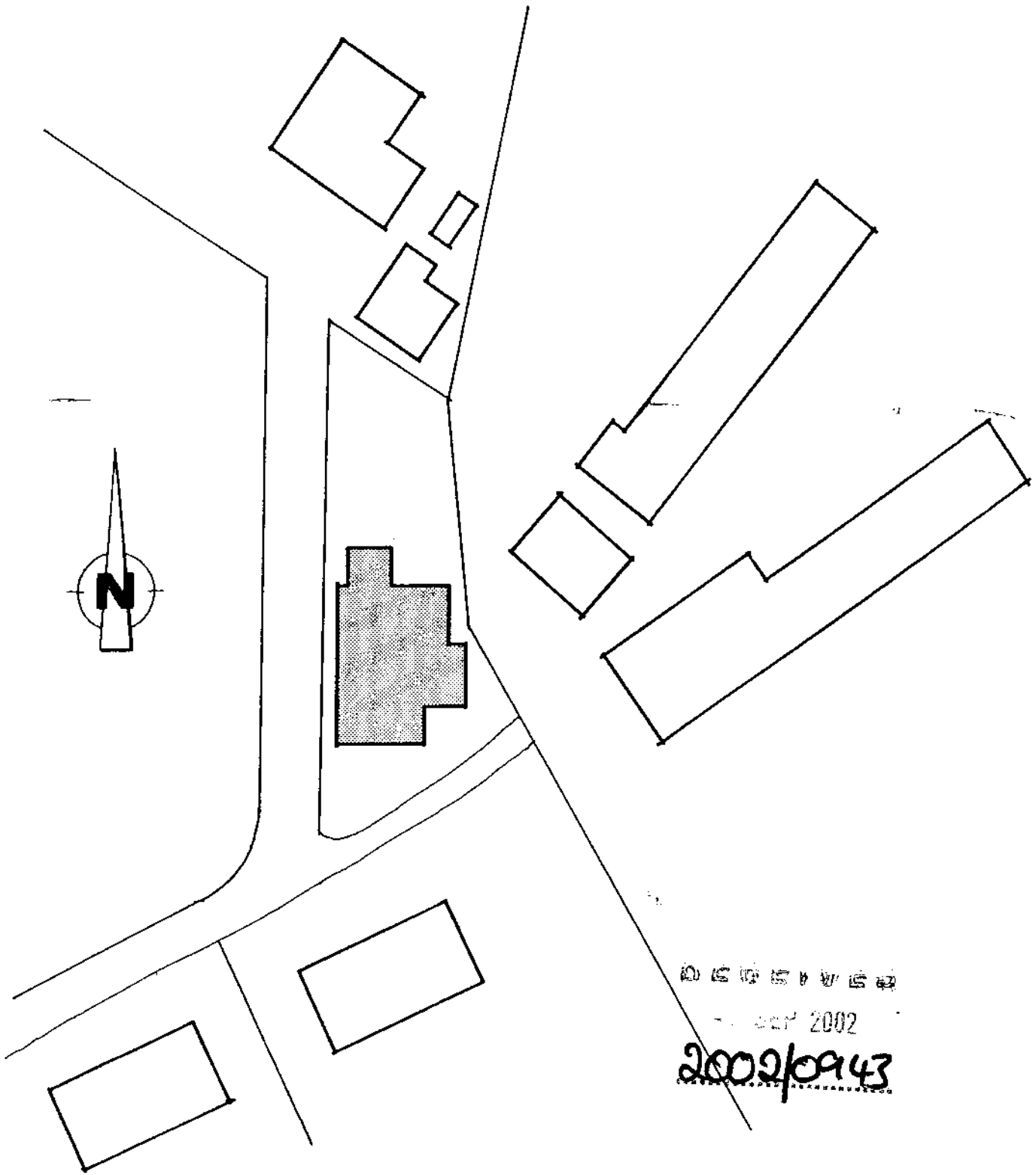
PROPOSED DWELLING
BOON HILL FARM
FARLAN.

RECEIVED
- 3 OCT 2002
..2002/0943.

SITE PLAN. 2.

Scale : 1-200

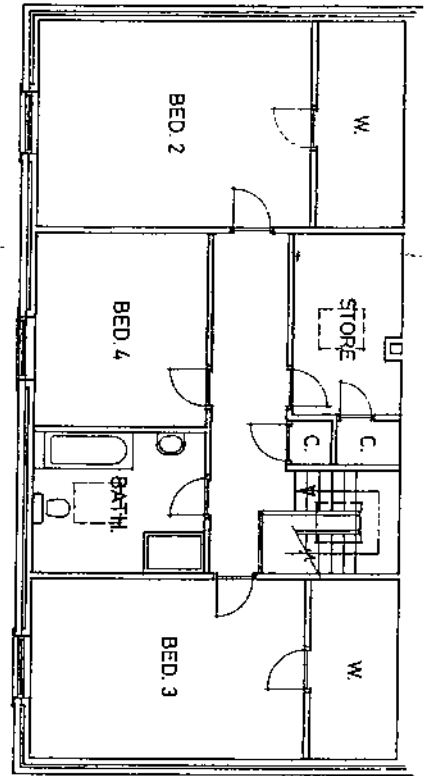




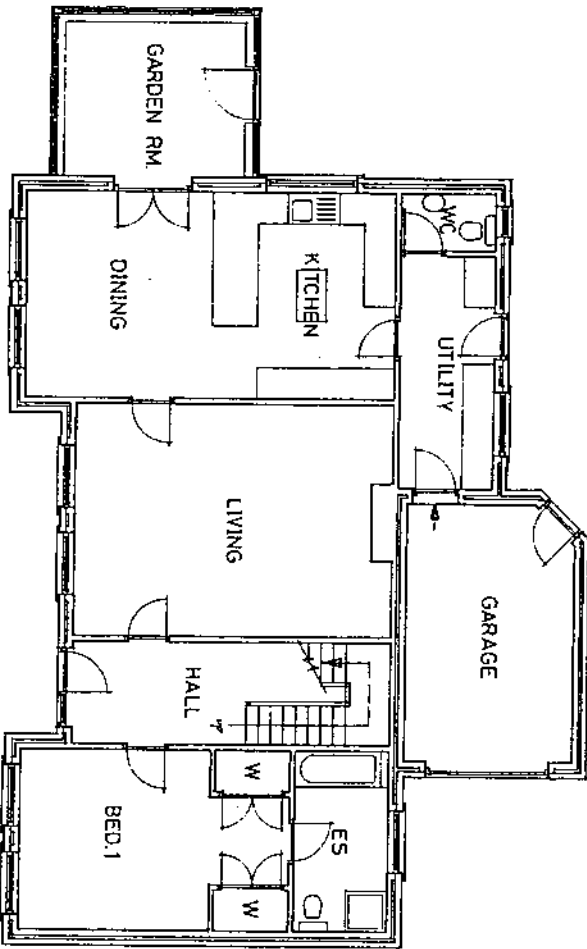
PROPOSED DWELLING
BOON HILL FARM
FARLAM.

BLOCK PLAN.

Scale : 1-500



FIRST FLOOR PLAN



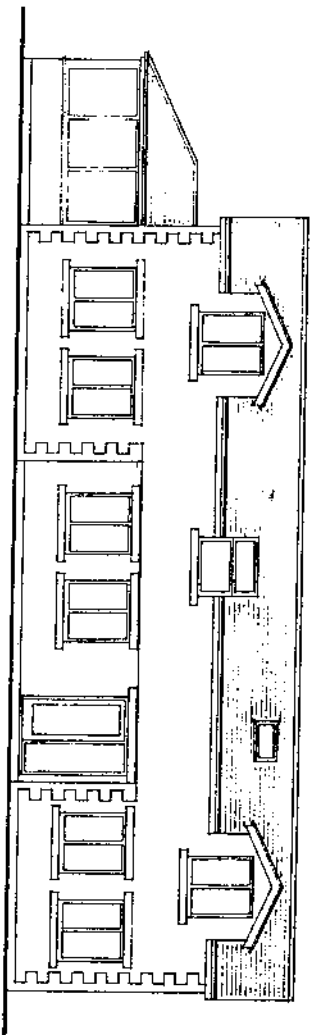
GROUND FLOOR PLAN

PROPOSED DETACHED DWELLING
 1/A BOON HILL FARM - FARLAM

DRWG. No. 1052/1
 SCALE: 1:50
 DATE: AUG 2002

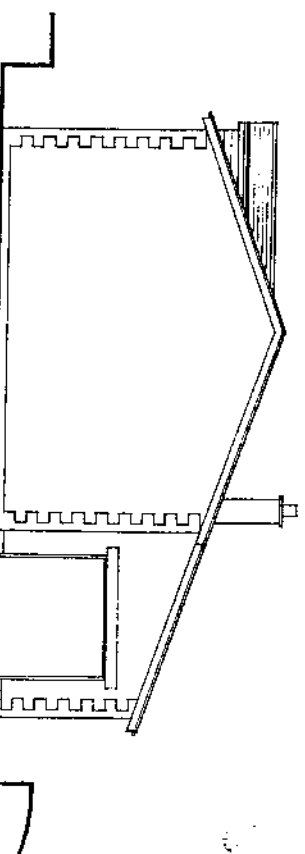
JOCK SPENCER
 ARCHITECTURAL
 17 SOUTH AND ROAD
 FARM, FARLAM
 TEL: 01223 549088

ALTERNATIVE
 2002/10/15

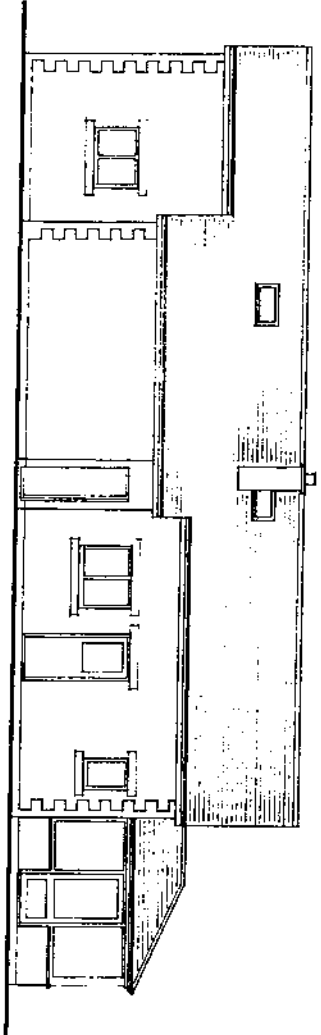


WEST ELEVATION

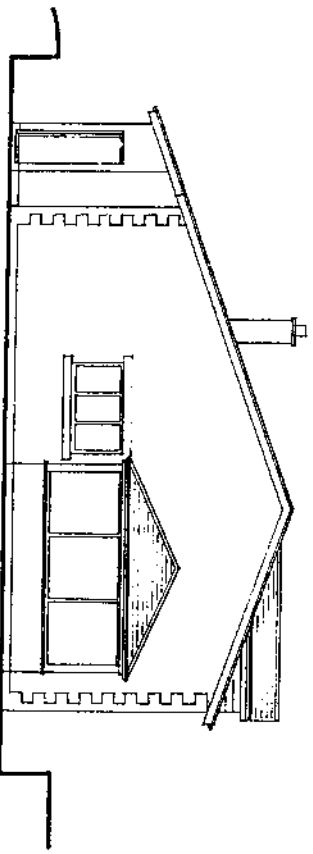
Materials:
 Siding - Cedar
 Windows - Double Hung
 Windows - 4' x 6' & 6' x 8'



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

PROPOSED DETACHED DWELLING
 L/A BOON HILL FARM - FARLAM

PROJ. No. 1092/2B
 SCALE: 1" = 5'
 DATE: AUG. 2002

JACK SIMMONS
 ARCHITECTURAL SERVICES
 47 BOTTLAND ROAD
 CARLSLE CAS BAY
 TEL 01858 547

RECEIVED
 11-1-02 10:00
 2002/08/22

SCHEDULE A: Applications with Recommendation

02/0976

Item No: 10

Date of Committee: 20/12/02

Appn Ref No:
02/0976

Applicant:
Mr & Mrs Forster

Parish:
Brampton

Date of Receipt:
26/09/02

Agent:
Hogg & Robinson Limited

Ward:
Brampton

Location:
53 Townfoot Park, Brampton

Grid Reference:
352500 561019

Proposal: Conversion of garage to day room, together with construction of 2 storey extension to provide double garage and utility, with 1no. ensuite bedroom above

Amendment:

SAM

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections.

Brampton Parish Council: no objections.

Planning Services - Local Plans: the trees are in an inappropriate location and are struggling to survive, as indicated by early leaf loss. There are too many trees crowded together in a cramped space, with little public amenity value. As such no objections are raised to their removal.

English Nature: no objection, subject to the attachment of one supplementary informative to any notice of consent.

Summary of Representations:

SCHEDULE A: Applications with Recommendation

02/0976

This application has been advertised by means of a site notice and notification letters sent to five neighbouring properties. Two letters of objection have been received from local residents. The issues raised have been summarised as follows:

1. loss of light to their properties;
2. loss of privacy;
3. the proposed extension is out of character with other properties on the estate;
4. potential structural disturbance; and
5. potential increase in the noise generated by the applicant, who rebuilds motorcycles as a hobby.

Details of Proposal/Officer Appraisal:

Planning History:

In 1995 planning permission was granted for the change of use of public open space to garden area on a small parcel of land to the south of 53 Townfoot Park.

Details of Proposal:

This application was deferred at the last meeting of the Committee in order to undertake a site visit. This site visit took place on the 18th December.

It will be recalled that this application seeks full planning permission for the erection of a two storey extension to the side elevation of 53 Townfoot Park, Brampton. The property is a modern two storey brick built property with a tiled roof. It is situated within a residential estate. There are residential properties situated on either side of the property. A site plan illustrating the location of the property and the adjacent properties has been reproduced following this report. A six foot high close boarded fence encloses the property to the side and the rear.

The proposed two storey extension would be sited on the south east facing gable wall of the property. The application, as submitted, involves the conversion of the garage to a day room, together with the erection of a two storey extension to provide a double garage and utility on the ground floor and an en-suite bedroom above. The first floor element of the proposed extension measures 2.95 metres in width and therefore does not extend over the full width of the proposed double garage. The rear of the proposed extension has been staggered to allow a means of access between the rear of the extension and the boundary fence. The height of the two storey extension matches that of the original dwelling. The floor levels of the proposed extension are the same as the existing dwelling. The external materials to be used will match those of the existing property. A plan illustrating the proposed extension is reproduced following this report.

Policy H14 of the local plan requires that proposals to extend dwelling houses are appropriate in scale and design. The policy also states that the proposed extension should have no adverse impact upon the amenities of adjacent properties by means of poor design, unreasonable overlooking and/or unreasonable loss of daylight and

SCHEDULE A: Applications with Recommendation

02/0976

sunlight.

The proposal involves the removal of three trees. The trees are struggling to survive, as indicated by early leaf loss. There are too many trees crowded together in a cramped space, with little public amenity value. The removal of these trees is not thought to be detrimental to the visual amenity of the area.

Two letters of objection have been received from the occupiers of neighbouring properties. The grounds for objection relate to loss of light, loss of privacy, the design of the extension, potential structural disturbance as a result of the extension and a potential increase in the noise generated by the applicant, who rebuilds motorcycles as a hobby.

The neighbouring property, No.55 Townfoot Park, has a landing window in the west facing elevation of their property. There is a single storey garage between the elevation in which the landing window is positioned and the applicant's property. No.55 is positioned to the east of the applicant's property and only has a landing window in the west facing elevation. Officers do not consider that the proposal would result in an unreasonable loss of light to No.55 or any other neighbouring properties. The occupier of No.8 Townfoot Park has also objected on the basis of loss of light. No.8 is positioned to the south of the application site on the opposite side of the road. It is not considered that there will be any loss of light to this property.

The objector has stated that the proposal would overlook No.55 Townfoot Park. The window positioned in the rear elevation of the first floor extension serves the en-suite bathroom. On the plans it is stated that this window is obscurely glazed. A condition has been imposed to ensure that this window remains obscurely glazed. On that basis Officers are satisfied that the proposal will not result in any overlooking or loss of privacy.

The proposed extension has been designed to be in keeping with the existing property, both in terms of design and materials used. Officers do not feel that the proposed extensions would be out of character with other properties on the estate.

Concern has been expressed with regards to the potential structural disturbance the proposed extension may generate. Officers are satisfied that this is unlikely to occur.

The final ground for objection refers to the noise generated by the applicant in pursuit of his hobby, which involves the rebuilding of motorcycles. The Planning Authority does not have the means to control the noise generated by the applicant when carrying out his hobby. There is no evidence to suggest that the level of noise generated is likely to increase as a result of this proposal. A condition has been imposed restricting the use of the double garage to private and domestic uses only.

In conclusion, it is the Officers opinion that the proposed extension is acceptable in terms of siting, design and materials used. Officers are satisfied that there will no adverse impact upon the character and appearance of the dwelling, or upon the amenities of any surrounding residential properties. The recommendation is that planning permission should be granted.

SCHEDULE A: Applications with Recommendation

02/0976

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Minded to Refuse 8-3

P152 →

Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. The garage hereby permitted shall not be used except for private and domestic purposes and shall at no time be used for any commercial or business purposes whatsoever.

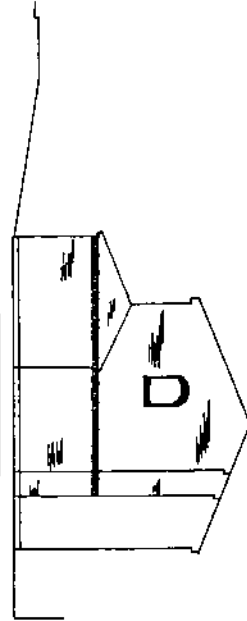
Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

SCHEDULE A: Applications with Recommendation

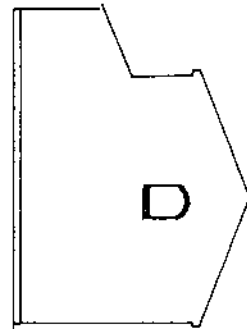
02/0976

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that (order), the bathroom window on the west facing elevation of the extension hereby permitted shall be obscurely glazed and remain so to the satisfaction of the local planning authority.

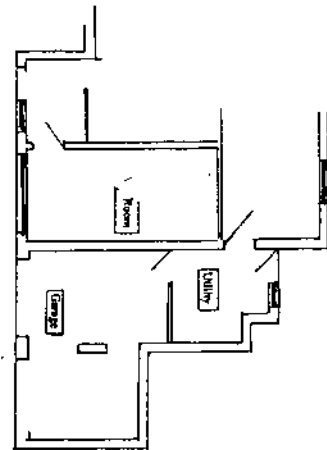
Reason: In order to protect the privacy and amenities of residents in close proximity to the site.



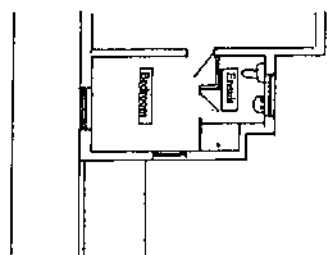
Proposed Side Elevation



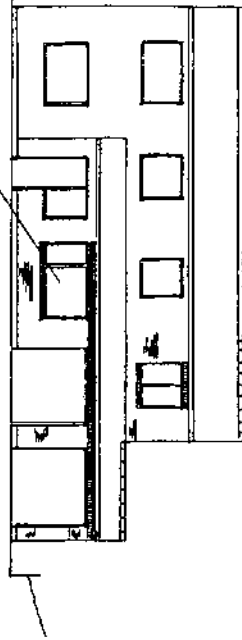
Existing Side Elevation



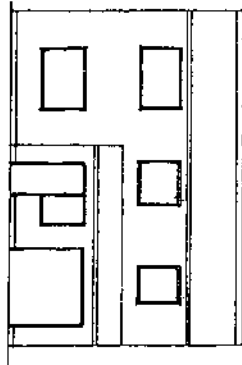
Proposed Ground Floor



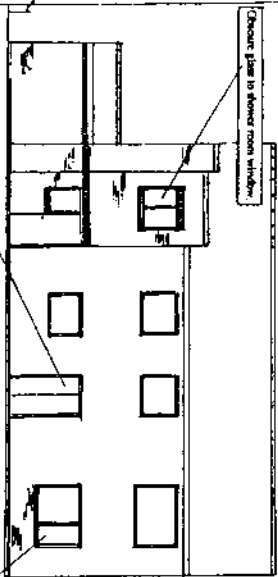
Proposed 1st Floor



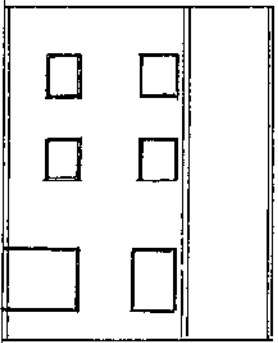
Proposed Front Elevation



Existing Front Elevation



Proposed Rear Elevation



Existing Rear Elevation

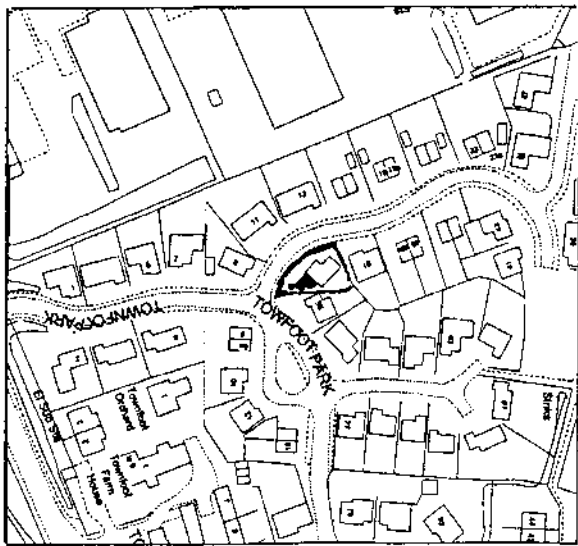
Remove existing garage door and fit new window and make good brickwork.

Change glass to stone room window.

Remove existing window and fit French door.

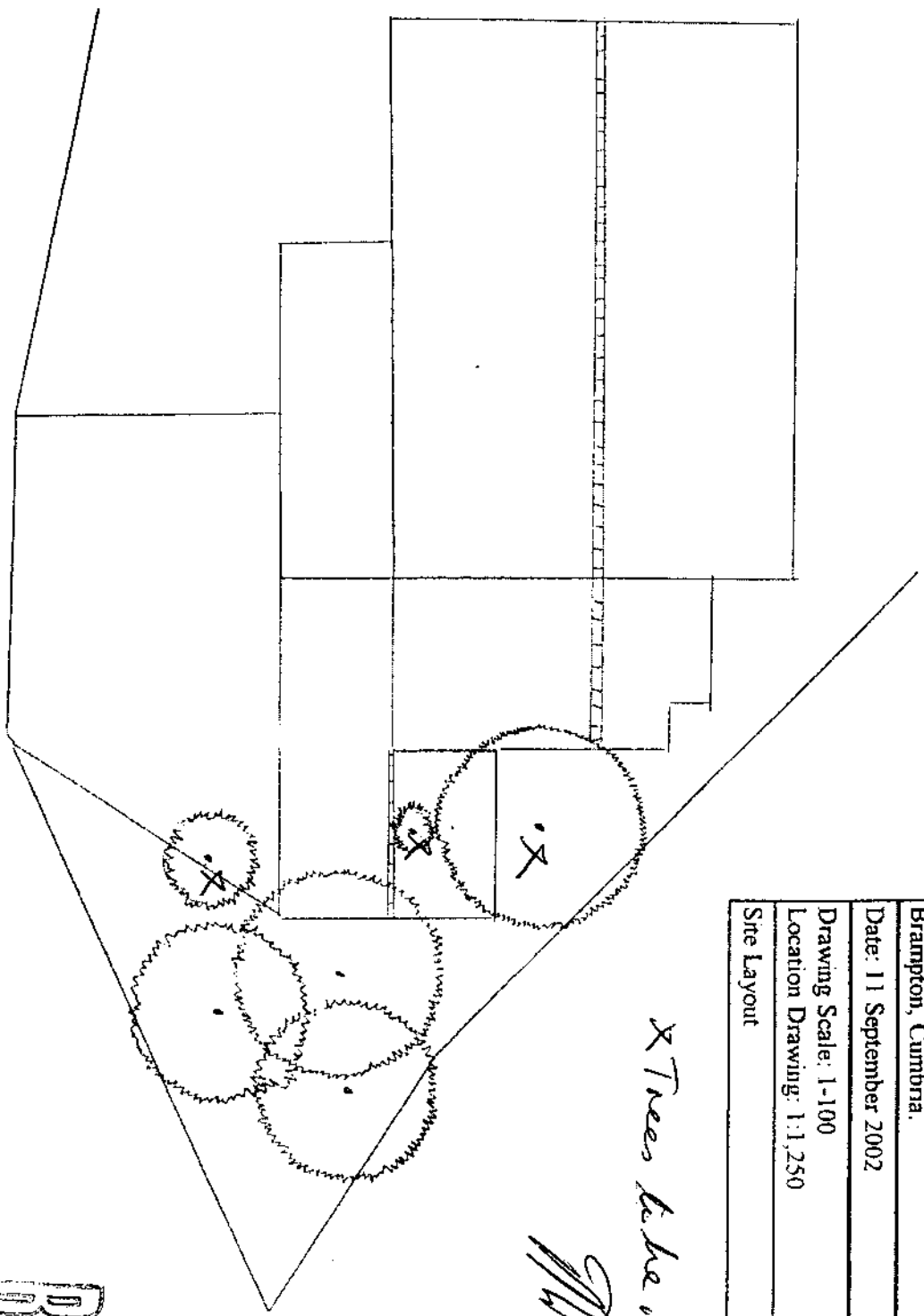
Remove existing patio door, fit new window to match existing and make good brickwork.

External Finishes
Roof
 Modern modern tile to match existing with Code 4 lead flashings & trays
Walls
 Clay facing bricks to match existing. Internal to be 100m fenestration blocks with plasterboard and skim finish.
Windows
 White UPVC to match existing.
Garage & LGSB
 Dark brown to match existing.
Groundwork
 Block pavements to paths & drive to match existing.



HODGKIN & ROBINSON DESIGN SERVICES
 Proposed Extension To 31 Townford Park,
 Birmingham, Cumbrils.
 Date: 11 September 2003
 Drawing Scale: 1:100
 Location Drawing: 1:1,250

HOGG & ROBINSON DESIGN SERVICES
Proposed Extension To 53 Townfoot Park, Brampton, Cumbria.
Date: 11 September 2002
Drawing Scale: 1-100
Location Drawing: 1:1,250
Site Layout



X Trees to be removed

PH 9/10/02

RECEIVED
9 2 SEP 2002

2002/0926

SCHEDULE B: Reports Requiring Further Information

02/0931

Item No: 11

Date of Committee: 20/12/02

Appn Ref No:
02/0931

Applicant:
Wallets Rural Property
Services

Parish:
Irthington

Date of Receipt:
30/08/02

Agent:
Unwin Jones Partnership

Ward:
Stanwix Rural

Location:
L/A Field No 0063, Adj Gatesgarth, Irthington,
Carlisle

Grid Reference:
349970 561745

Proposal: Erection of dwelling

Amendment:

Alan

Report

Planning Policies:

Tree Preservation Order

The site to which this proposal relates has within it a tree protected by a Tree Preservation Order.

Cumbria & Lake District Joint Structure Plan Policy 3

The diversification of the rural economy and the maintenance of the vitality of rural life will be assisted through a favourable response to developments which provide local benefits and are sensitive to the local environment.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Cumbria & Lake District Joint Structure Plan Policy 40

SCHEDULE B: Reports Requiring Further Information

02/0931

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmeford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

SCHEDULE B: Reports Requiring Further Information

02/0931

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections subject to the imposition of 3 planning conditions;

Irthington Parish Council: this is considered to be an extremely large house with regard to existing houses on this side of the road. It is considered that its position would have a huge visual impact as it is one of the few open areas of the village. It would be very visible and spoil the views of adjacent houses and would be a modern house where others are of more traditional design;

Environment Agency (N Area (+ Waste Disp)): no comments on this application.

Summary of Representations:

These proposals have been publicised through the use of a Site Notice placed on the land and written notification sent to the occupiers of neighbouring properties. There have been no representations.

Details of Proposal/Officer Appraisal:

SCHEDULE B: Reports Requiring Further Information

02/0931

Planning History:

In June 1980 Outline Planning Permission was refused for the erection of 3 dwellings on the adjacent Field 0063 to the west of the application site. An Appeal against that decision was dismissed in April 1981.

Details of Proposal:

Members may recall that the Report on this application was presented to the last meeting of the Committee (15th November) but consideration was deferred as revised proposals were awaited; further consultation on those revisions was required and, further, to enable members to visit the site. The latter is scheduled for 18th December.

It will be recalled that the proposal relates to a site extending to just in excess of 0.14 hectares which is situated within the centre of Irthington almost opposite the T-junction turning towards Newtown (see location plan).

The proposed site comprises part of the garden to the side of the existing dwelling to the east, known as Gatesgarth, but amalgamates that side garden with part of the adjacent field to the south to create a common rear boundary with the properties to the east.

It is proposed to develop the site to provide a 4/5 bedroomed house with related double garaging. The dwelling would be set down towards the rear of the site, which sits at a lower level (circa 1.5m) than the road although the garage would be positioned nearer to the roadside and have steps up to it.

The proposed dwelling would be built of random sandstone walling on its northern side, facing the street, but with rendered and painted walls to the sides and rear with dressed sandstone quoins, sills and lintels. It would be roofed with reconstituted slate and windows would be white painted high performance timber.

The dwelling is proposed to be sited so that the main facade of the house sits back approximately 14 metres at its closest point to the road. It is designed to avoid overlooking to/from the nearest dwelling on the opposite side of the road (Garth Foot) with its main public rooms facing south and west. The dwelling is also sited to enable the retention of two semi-mature beech trees within the plot.

The severance of that side areas of garden from "Gatesgarth" still leaves that property with a deep rear garden (26 metres) and also provides for that dwelling to have an independent vehicular access. Similarly, the siting of the proposed dwelling is designed to avoid any loss of amenity from windows in the side wall of that existing dwelling.

Members will note that the Parish Council has expressed some concerns related, it seems, not to the principle of development but to the scale of the dwelling, its visual impact and the effects it may have on views from other properties. The dwelling is also described as being a very modern house where all others are more of more traditional design. It is fair to say, however, that the applicants have endeavoured to

SCHEDULE B: Reports Requiring Further Information

02/0931

respect the finishes and features of development within Irthington whilst there is nothing overtly modernist in its architecture.

Nonetheless, the architect has been asked to examine the scheme design to seek to deal more satisfactorily with its scale notably in respect of the extensive roofline. These discussions have focussed on breaking the length of the roofline by stepping down the ridge, and related eaves line, at one end of the building. Revised drawings showing these changes will be available at the Site Visit and the views of the Parish Council will, hopefully, be available.

In addition to siting, design, detailing, finishes and visual impact issues generated by the proposal, Members will also recognise that consideration must be given, in assessing the proposal, to the approach the Council has resolved to adopt to housing in the rural area following the production of the *Interim Housing Policy Statement* (Report EN.120/02).

It will be recalled that the assessment carried out as part of the statement is a response to the need identified in PPG3: Housing for LPA's to review their adopted policy provision in the light of advice within the Guidance Note. Moreover, it allowed a thorough evaluation of the criticisms levelled in respect of housing proposals for other sites in the Council's rural areas that there is no need for other consents to be issued since there is both a surplus of approved sites and a development rate in the rural area that is greater than planned.

Those factors, combined with the uncertainty of the major urban housing allocation at Morton due to the "call-in" of planning applications for that area, has led to an imbalance between the amount of "urban" housing completions and those in the "rural" area, contrary to the urban emphasis of PPG3 and the District Plan itself. In summary new dwelling units in the rural area represents 38% of the total number of housing completions, whereas the District Plan target is 30%. Measured over the 15 year lifetime of the District Plan, of which 73% has lapsed, 79% of the rural target for the lifetime of the Plan has already been met but only 55% has been provided of the urban target for the equivalent period. In practical terms this translates, at this point in the plan period, to an over-supply of 125 units in the rural area and an under supply in the urban area of 850 units. Similarly, the aggregate of outstanding units with planning permission and the number of completions that have taken place in the rural area since 1991 (the start of the plan period) would suggest that by 2006 there is a potential over supply in the rural area of circa 130 units compared to the District Plan requirement.

Historical trends indicate, however, that not all outstanding consents are likely to be implemented while other units which do come to be built will, in some instances, happen beyond the end of the plan period (2006). Some currently outstanding consents will come forward for renewal as they "expire" and these will need to be re-assessed against adopted planning policy as it applies at that time. That will necessitate the Council being more circumspect when considering such applications to ensure that they meet the "thrust" of PPG3 (as a material consideration) and would suggest that not all sites will be renewed.

The *Interim Housing Policy Statement* recognises, in accord with advice in PPG3,

SCHEDULE B: Reports Requiring Further Information

02/0931

that it is important to maintain a supply of housing in the District. This should obviously include some element of rural provision. Nonetheless, in order to properly guide such development, and again in line with the "sustainable" emphasis of the District Plan and PPG, it is imperative that the *Interim Housing Policy Statement* provides a mechanism to more closely control the supply of housing not merely in quantitative terms but also in locational terms.

With regard to the latter objective, it has become increasingly apparent that the criteria based approach within Policy H5 of the District Plan, whilst still having merit in the larger villages that have a significant service role, is no longer a relevant or appropriate tool in many of the other rural settlements to which H5 has hitherto applied. In simple terms, a great many of the District's rural settlements lack any form of community or social facilities upon which to focus new development opportunities in a "sustainable" way while their overall rurality would mean increased vehicle movements and related travel patterns to even most basic amenities or facilities e.g. children to primary school, trips to the Post Office, church etc.

It is clear, therefore, that new development opportunities in the rural area should be focussed on those settlements that display the greatest range of facilities and amenities and thus fulfill a rural service centre role. Attributes that such settlements would possess would be a village shop and/or post office, public house, school, village hall, church, garage/filling station together with public transport connections although, clearly, not all settlements will possess the full range. Nonetheless, those villages that display a significant number of such facilities would logically be in the higher order of settlements where future development of appropriate scale should, ideally, be directed.

There is, of course, a fundamental proviso to that strategy and that is the availability of suitable sites. Some settlements that possess a school or church or village hall may possess little else and may simply not have a site that could be developed without extending into open countryside or areas of landscape significance or would fail to knit within the structure or form of the settlement.

With regard to the current application, Members will recognise that the site is within the village centre and includes a substantial part (and all of the frontage to the highway) of an existing garden. Moreover, Irthington is a village that fulfills the rural service centre role since it possesses a school, church, village shop/post office, public house and has a bus service. It is thus consistent with the objective of the *Interim Housing Policy Statement* that any additional new residential development should be provided within the larger rural villages that perform a service centre role.

Subject to the receipt of the revised design proposals the application is recommended for approval.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

SCHEDULE B: Reports Requiring Further Information

02/0931

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

There is no obvious conflict between the proposals and the provisions of the Act with regard to any adjacent or nearby property.

Recommendation:

Reason for including report in Schedule B

Discussions are taking place with the architect for the proposed dwelling to seek to secure some design modifications related to the scale of the dwelling.

landscaping scheme - strong, soft edge to new south boundary (hedgerow → hedgerow trees)

FFL's

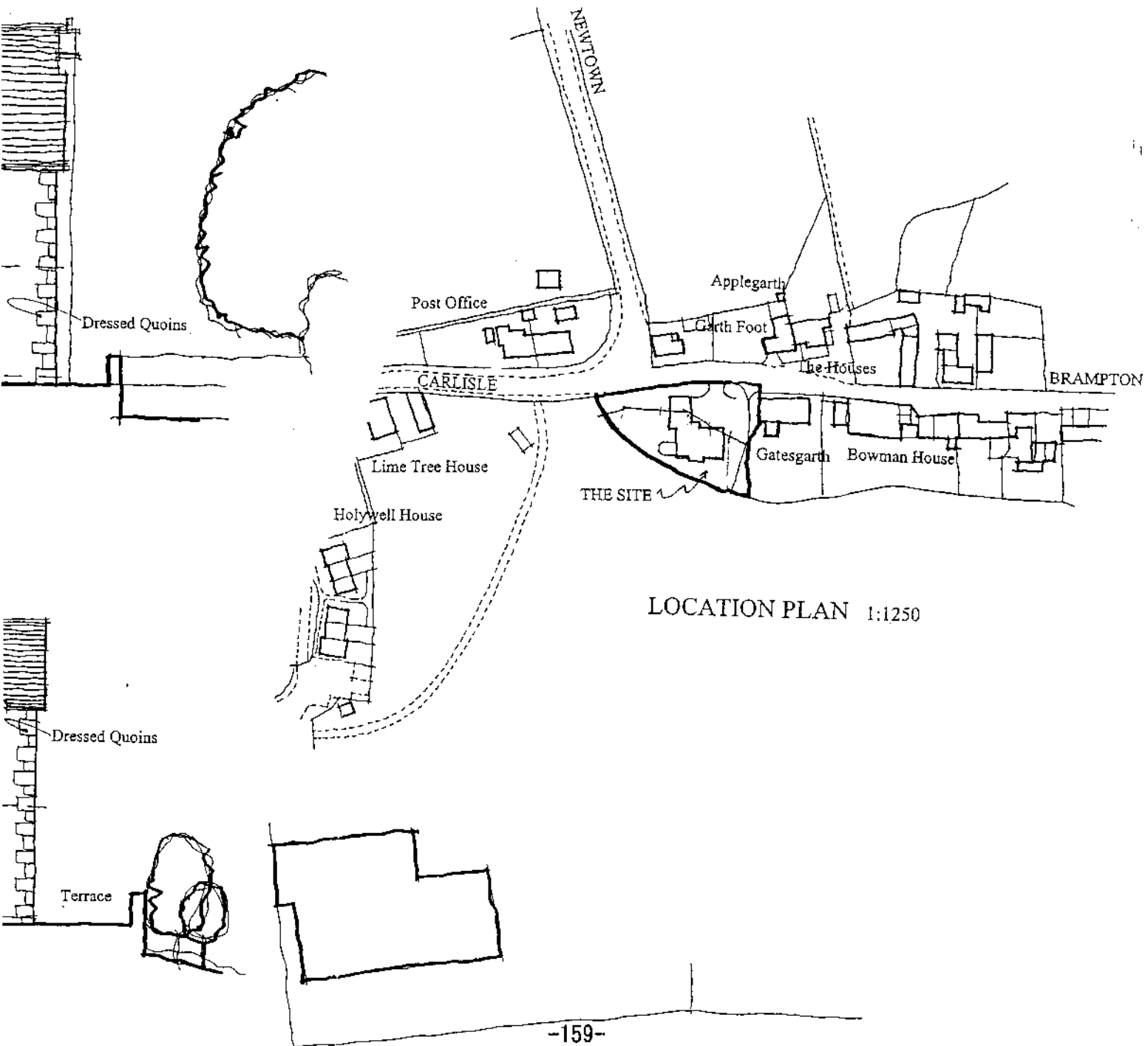
3 highway works

Members against :

A. P. R. I.
S. Hodgson
D. Jefferson

Minded to agree

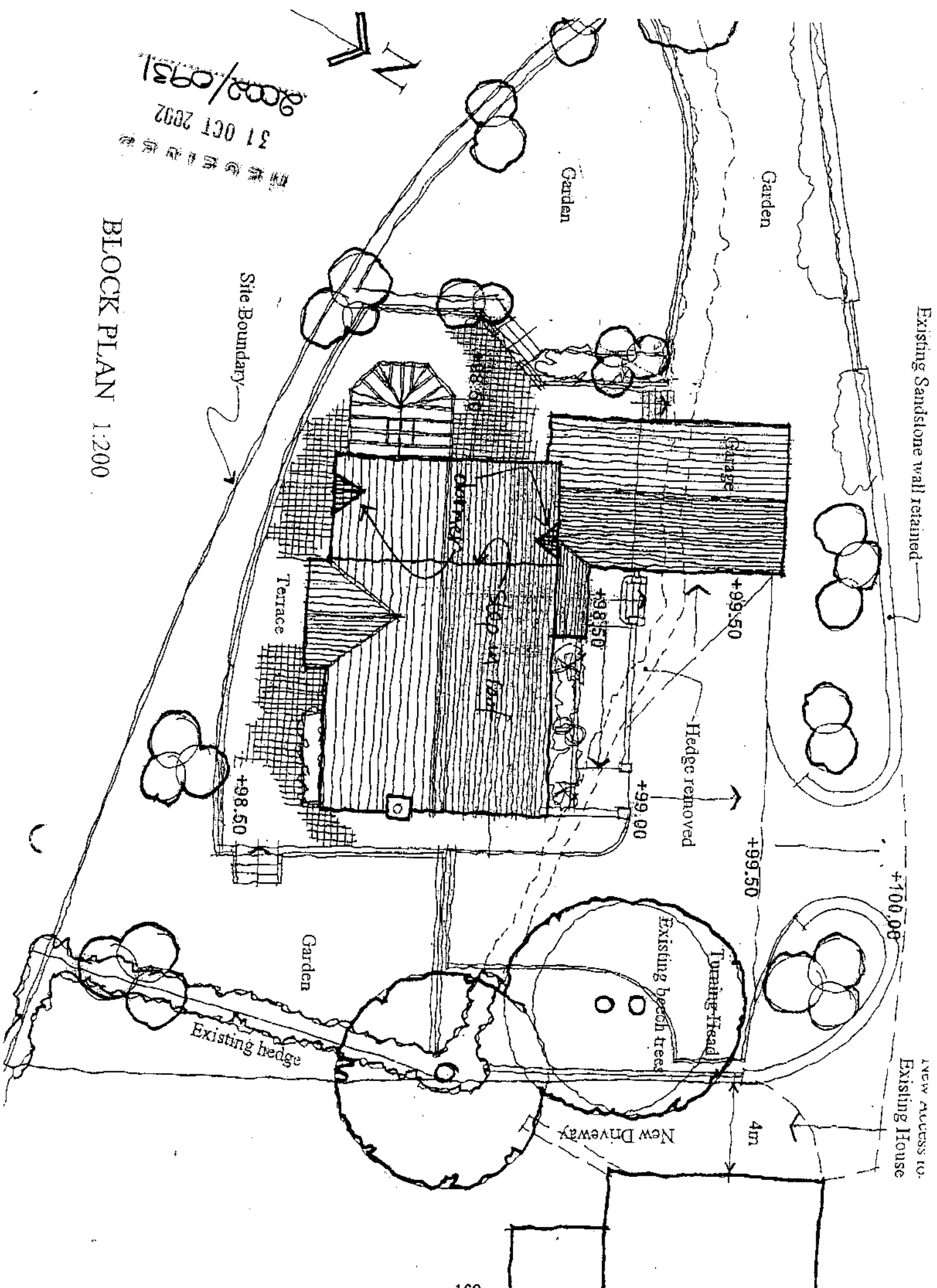
7-4



LOCATION PLAN 1:1250

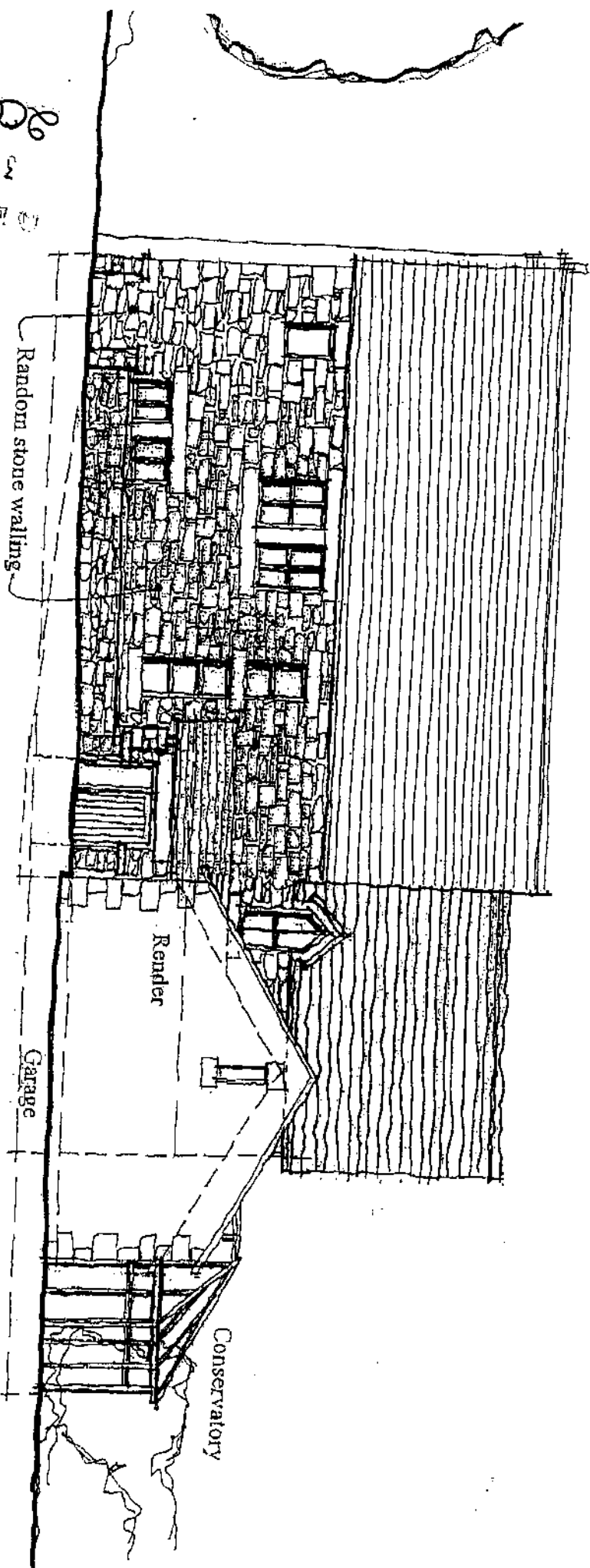
BLOCK PLAN 1:200

31 OCT 2002
80002/0931





EAST ELEVATION 1:100



NORTH ELEVATION 1:100

2002/0931
31 OCT 2002
D E G R A

EXTERNAL MATERIALS

Walls Random

Roof Roughcast

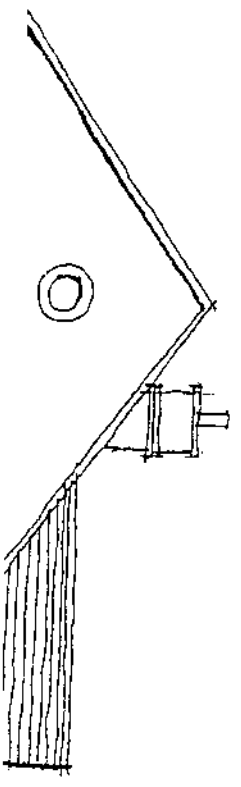
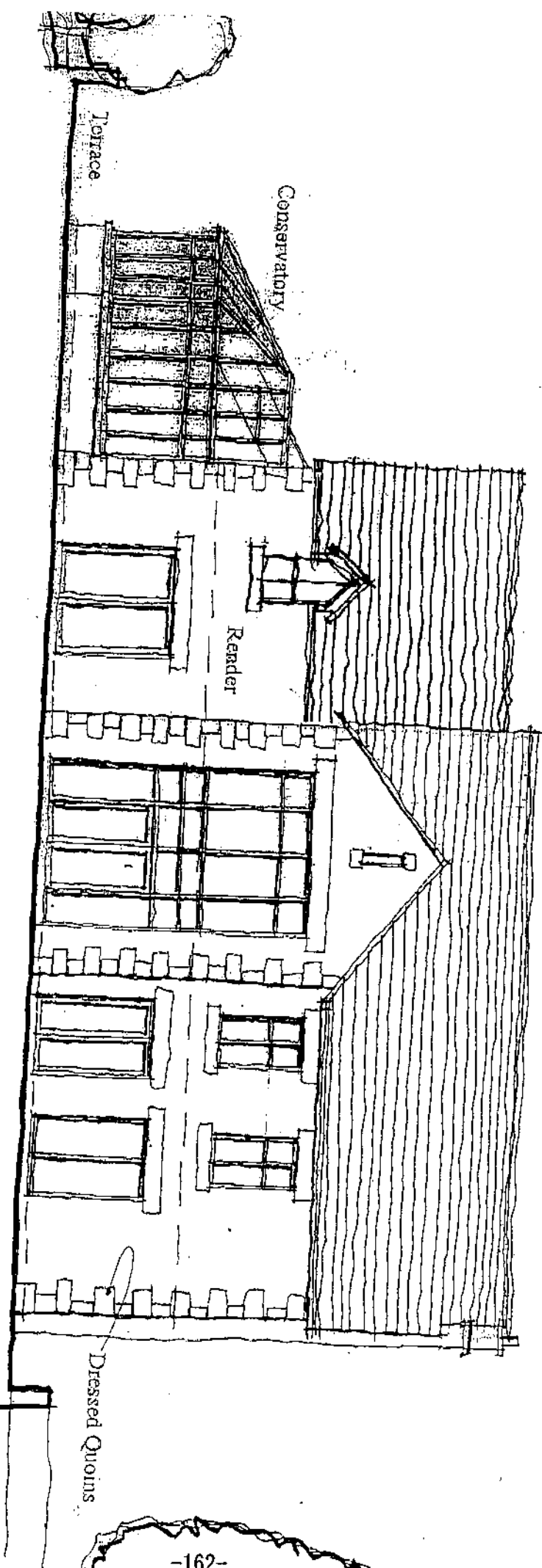
Windows Dressed

Roof Reconstr

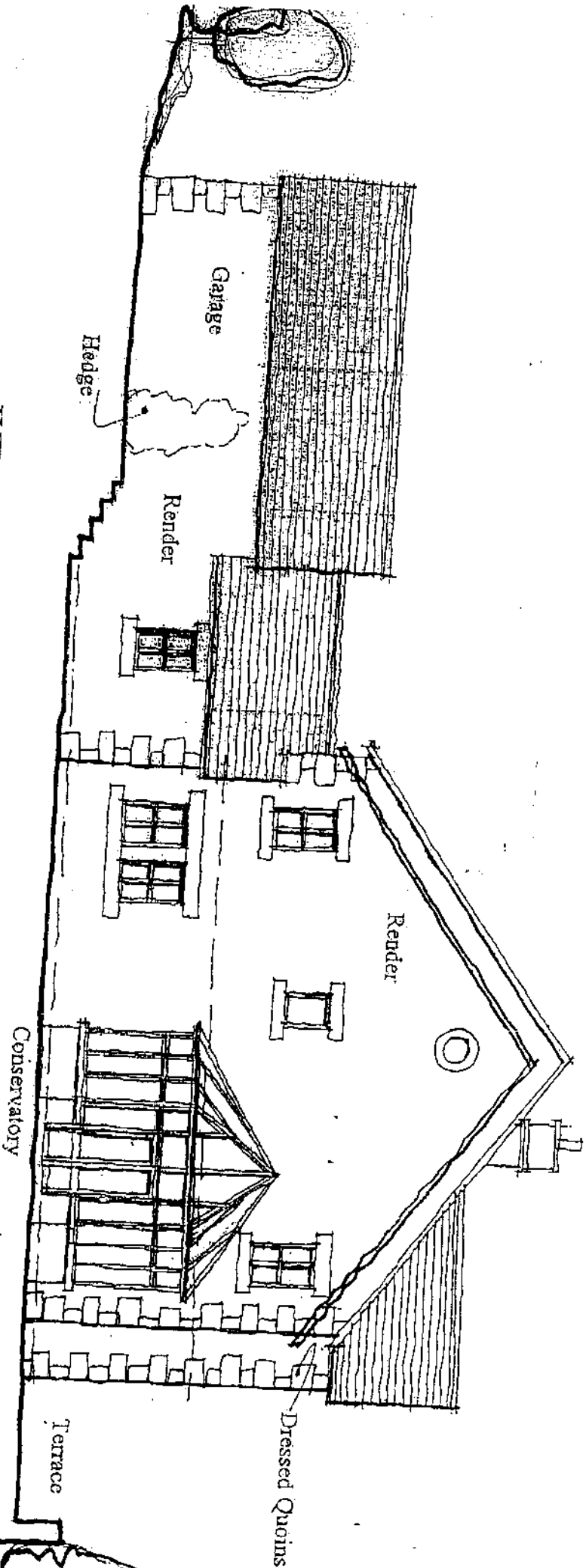
Windows High car

2002/0931
31 OCT 2002
P. E. R. O. S. S.

SOUTH ELEVATION 1:100



SOUTH ELEVATION 1:100



WEST ELEVATION 1:100

alling (to north elevation)
 LOUR: cream)
 oins to corners as shown

ce
 (Paints - white)

TOTAL P. 05

8000/0931
 2002
 050511W

SCHEDULE B: Reports Requiring Further Information

02/1074

Item No: 12

Date of Committee: 20/12/02

Appn Ref No:
02/1074

Applicant:
Mr D Wright

Parish:

Date of Receipt:
10/10/02

Agent:
Phoenix Architects

Ward:
Denton Holme

Location:
19 Weardale Road, Carlisle

Grid Reference:
339268 555368

Proposal: Formation of car compound and erection of replacement boundary fencing with steel palisade fencing

Amendment:

ANGUS

Report

Planning Policies:

Public Footpath

The proposal relates to development which affects a public footpath.

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Cumbria Constabulary - Crime Prevention: Comments awaited.

SCHEDULE B: Reports Requiring Further Information

02/1074

Environment Agency (N Area (+ Waste Disp)): No comment.

The Ramblers Assoc: Providing the adjacent footpath is not obstructed there is no reason to object to the proposal.

Summary of Representations:

This application has been advertised in the form of a site notice and press notice together with the direct notification of eight adjoining occupiers. At the time of preparing the report two letters of objection has been received querying whether the proposal is for the parking of commercial vehicles; the ugly appearance of the proposed palisade fencing; whether the compound would be floodlit or subject to security cameras; maintenance of the access lane; there has been a previous problem of drains flooding in the area; the amount of traffic that may end up using the lane; a commercial use would be contrary to the residential character of the area.

Details of Proposal/Officer Appraisal:

Planning History:

Based on the available records it appears that the site has not previously been subject to an application for planning permission.

Details of Proposal:

This application relates to part of the garden associated with 19 Weardale Road. A lane runs along the eastern boundary of the property and a public footpath connecting to Weardale Road is parallel to the southern boundary. The applicant, who resides at 42 Dalston Road but also owns 19 Weardale Road, intends to create a secure car compound. A 2.0 metre high black painted palisade fence will be erected not only to enclose the proposed compound but also the remaining garden of 19 Weardale Road. The intention is to subsequently let 19 Weardale Road following the carrying out of re-furbishment work. The application is accompanied by three letters from the applicant stating that:

- Between the households of 19 Weardale Road and 42 Dalston Road there are 5 vehicles in total.
- These vehicles are parked in the streets and in the recent years have been the subject of vandalism the culprits of which have been subject to prosecution.
- The reason for the compound is to protect the vehicles from these villains.
- The proposed compound would hold a total of six vehicles. The applicant and his wife run the Insure Wright (UK) Ltd and Fredbear Carpets

SCHEDULE B: Reports Requiring Further Information

02/1074

businesses in Carlisle and thus possess works vehicles such as a van and an estate car, and, also supply hire vehicles to clients when they have accidents.

- These vehicles are used by all members of the family and are currently parked on the road.

The applicant has also verbally explained that he and a lodger reside at 42 Dalston Road whilst his wife and her son live in Denton Holme; the average number of vehicles parked at 42 Dalston Road is three but this could go upto six on certain occasions; and, there is no wish to increase the overall number of vehicles currently parked outside 42 Dalston Road.

From the outset Members need to be aware that the parking of a commercial vehicle on the highway outside a dwelling is not development in the circumstances where the vehicle comes and goes on a regular basis. Here the parking would be ancillary to the use of the highway as a public thoroughfare.

However, if a commercial vehicle is parked within the curtilage of a dwelling it could be argued that its parking is not ancillary to residential use. This could even be in the circumstances where the actual purpose is simply to convey the occupier of the dwelling to and from another place of work.

The proposed number of cars to be kept in the compound may also be considered markedly more than would normally be found within the curtilage of a dwelling.

In considering the application the two main inter-related issues are felt to be: a) the impact of the proposal on the amenities of the neighbours; and, b) the impact on the character of the area.

In relation to a) Members will appreciate that the only stretch of fencing which requires permission relates to the length abutting the public footpath. The creation of a compound for the parking of commercial vehicles could, however, not only lead to an increase in the numbers of cars and disturbance, but also would lead to the parking of vehicles at the rear of residential properties where a degree of peace and quiet would normally be expected by the neighbours.

In regard to b) it should be noted that the neighbouring allotment already has galvanised palisade fencing. The fencing would also be softened to a certain degree by planting along the perimeter of 19 Weardale Road. In combination with the existing planting in neighbouring properties, the main visual impact of the proposal would be from within its immediate vicinity. This aside the proposed compound would, however, be a noticeable intrusion because of its extent and the functional nature of its appearance, and, proximity to a public footpath.

In conclusion it is considered that at least half the vehicles to be parked in the proposed compound are used primarily for business purposes. The parking of such vehicles is not felt to be incidental to the normal enjoyment of the dwelling and therefore the proposal involves a material change of use. In such circumstances a judgement has to be made on whether the proposal will lead to an overall degree of

SCHEDULE B: Reports Requiring Further Information

02/1074

activity and of visual intrusion which impinges on the amenities and character of the neighbourhood.

At the time of preparing the report a monitoring exercise is being undertaken to establish the current number of vehicles parked outside 42 Dalston Road.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

Recommendation:

Reason for including report in Schedule B

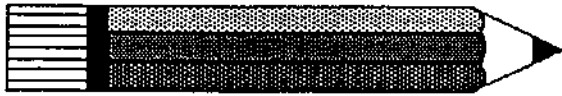
At the time of preparing the report a monitoring exercise is being undertaken to establish the current numbers and type of vehicles parked outside 42 Dalston Road.

Rec. Right ✓

Phoenix

ARCHITECTS

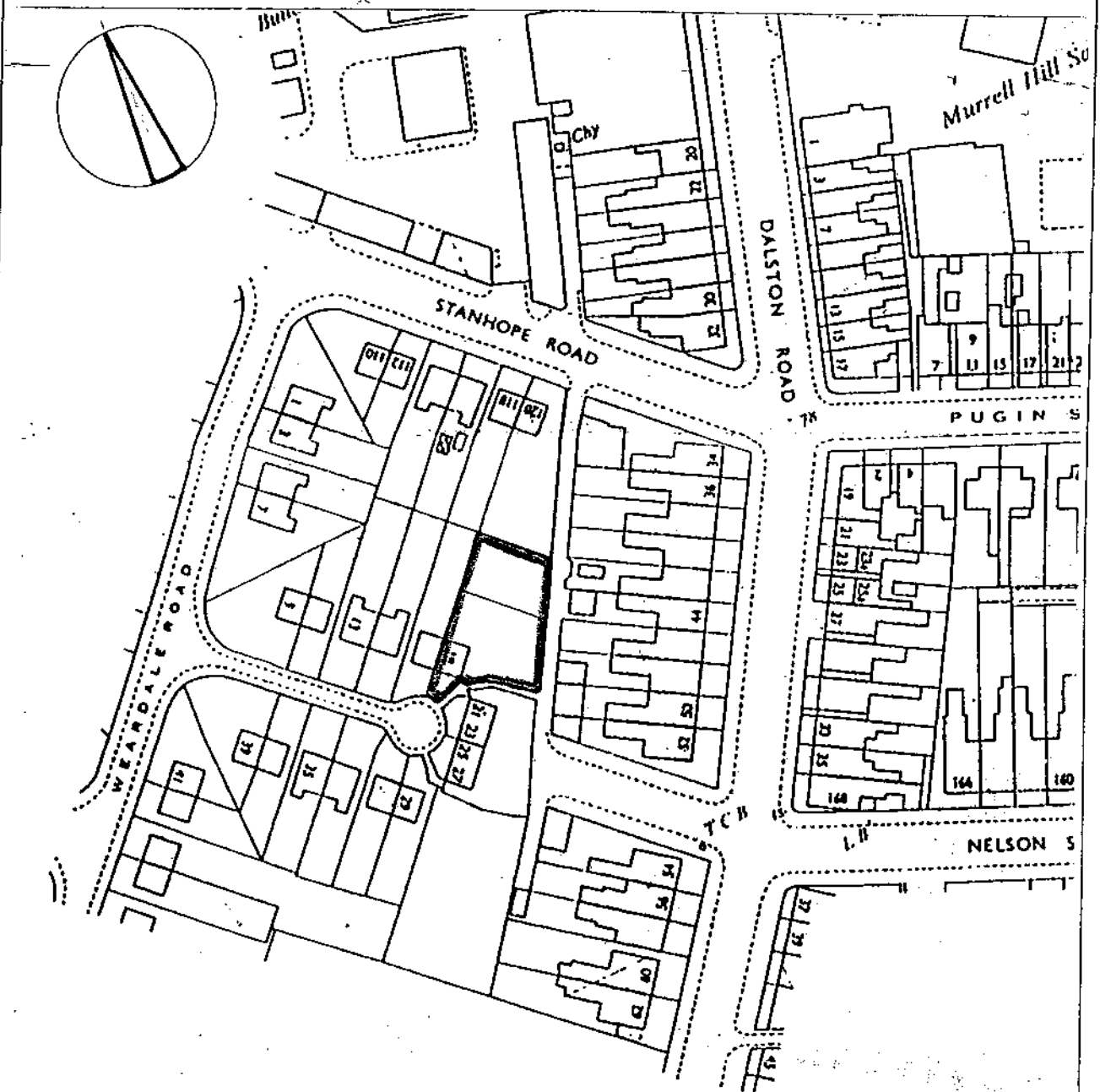
28 Abbey Street, Carlisle, Cumbria, CA3 8TX
Tel: 01228 39537 Fax: 01228 21302



Date 9.OCT.02

Job 19 WEARDALE ROAD

Detail No. PA02/469/1



SCALE 1:1250

2002/1074

Copy to: 1

3

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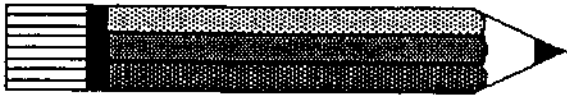
Phoenix

ARCHITECTS

28 Abbey Street, Carlisle, Cumbria, CA3 8TX

Tel: 01228 39537

Fax: 01228 21302

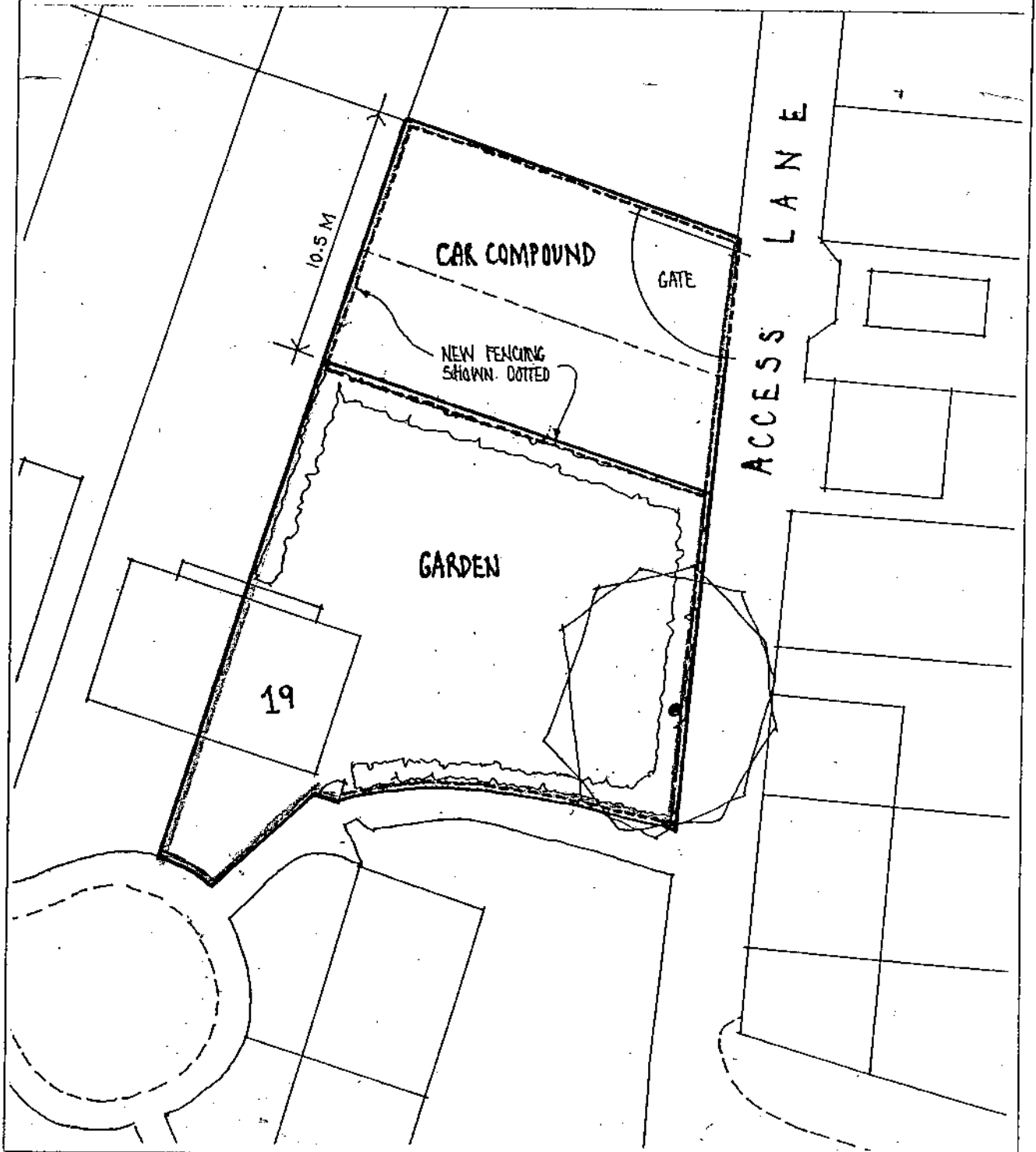


2002/1074

Date 9. OCT. 02

Job 19 WEARDALE RD

Detail No. PA02/469/2



Copy to: 1

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6

HIGH SECURITY - PALISADE FENCING

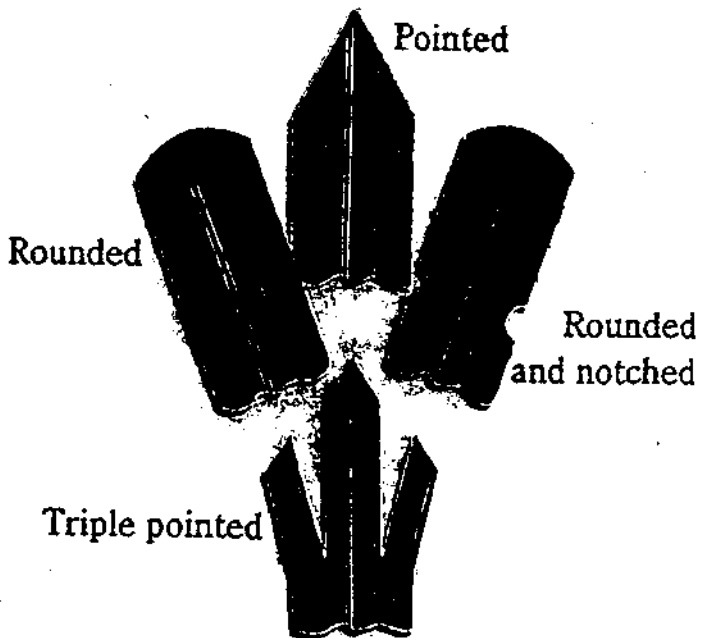


Palisade Fencing presents a formidable barrier and is in great demand for general and high security purposes. The uninviting appearance and the strength of the pales provides an effective deterrent to any would be intruders.

Palisade Fencing comes in a range of heights from 1.0 metres high to 3.6 metres high, and can come with a galvanised finish, galvanised and polyesta powder coated, or a normal black finish (untreated).

We also provide a steel fabrication service and manufacture palisade gates in our workshop to your own specifications where required.

These diagrams show the different pale tops available.



Please note: the triple pointed pales are not recommended for use on fences less than 1.8 metres high.

2002/1074

SCHEDULE B: Reports Requiring Further Information

02/1114

Item No: 13

Date of Committee: 20/12/02

Appn Ref No:
02/1114

Applicant:
Mr & Mrs J Bradley

Parish:
Nicholforest

Date of Receipt:
21/10/02

Agent:
Phoenix Architects

Ward:
Lyne

Location:
L/A field 5977, Kershopefoot,

Grid Reference:
347560 582720

Proposal: Erection of 3no. bedroom dormer dwelling (Revised Application)

Amendment:

Alan

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Housing - Proposal H7

Within the Remote Rural Area (as defined on the Proposals Map), large scale development will not be permitted. Proposals for small scale development within existing hamlets or groups of houses will be acceptable in principle provided that:

1. The proposal is well related to existing local landscape features and is sited in such a way as to make maximum use of such features for screening and does not adversely affect the landscape; and
2. The proposal complements the character and size of the hamlet or group of dwellings; and
3. Appropriate access and parking can be obtained.

In addition proposals will be acceptable for additional accommodation on farm complexes which contain an existing occupied dwelling. However, in these cases clear evidence of the need for such development must be given. Such consents will be limited to one additional dwelling per farm.

Summary of Consultation Responses:

Cumbria County Council - (Highways Authority): no objections;

Nicholforest Parish Council: awaited.

Summary of Representations:

A Site Notice has been displayed on the land and the adjacent residents who were consulted on the previous application have been re-notified of this revised submission.

Two letters of objection have been received as a result of these actions, one from the adjacent occupier and the other from a resident of another part of the village. The immediate neighbour's concerns relate to the effects of the additional windows on the privacy of their dwelling whilst the other objection relates to the position and scale of the dwelling and garage (which are not altered by these revised proposals and already have planning consent).

Details of Proposal/Officer Appraisal:

Planning History:

In October 1980 the City Council considered an application made in outline form under Circular 49/63, the (then) provisions whereby planning proposals by the Crown were considered. The City Council resolved that there were no objections to the development of up to 9 dwellings at OS Field Number 89.

In September 1987 approval was given for the erection of 6 semi detached bungalows. A further application to erect a bungalow and garage at plot 2 was approved at the same meeting. Neither permission was implemented.

In September 1992 outline consent was given for the erection of a bungalow and garage at plot 2. An application to renew that consent was approved in October 1997. That renewal lapsed in October 2000.

In June 2001 detailed planning consent was granted for the erection of a 3 bed dormer dwelling on part of the overall site. Construction of that dwelling has been taking place over a number of months during which time several discrepancies between the approved scheme and what was being built became apparent. These have resulted in the submission of the current application.

Details of Proposal:

A Report on this application was deferred at the last meeting to enable a Site Visit to be carried out by the Committee and to await the response of the applicants to outstanding correspondence.

SCHEDULE B: Reports Requiring Further Information

02/1114

It will be recalled from that previous Report, that in early July a complaint was received from the neighbouring occupiers that the dwelling being built under the approval granted in June 2001 was not in accordance with the approved plans. That complaint initially related to the incorporation in the side wall of the new dwelling of an additional window serving the proposed kitchen.

The Council's Enforcement Officer investigated that complaint and contacted the architect. He subsequently confirmed that the builders had also undertaken some other changes that he would include on revised drawings that would be forwarded for Officers to assess.

Following the receipt of those revised drawings it became apparent that the changes had resulted in a cumulative and material change from the approved scheme and the architect was informed that a revised planning application was therefore necessary. That view was initially disputed and a Report on the matter was placed before the Committee at the last meeting held on 4th October. Following consideration, Members resolved to seek a new formal application that would be considered on its merits. That application is now before the Committee.

The current submission differs from the approved scheme in the following respects:

- an additional window measuring 900 mm wide by 1.5m deep has been located in the gable wall (northern elevation) of the dwelling to serve the kitchen ✓
- a proposed rooflight would be inserted within the roof slope of the rear wing of the dwelling to give high level lighting to the bedroom formed in the roofspace ✓
- instead of roughcast rendered walls the dwelling is being built in a facing brick ✓
- the revised application proposes the use of flat profile concrete roof tiles whereas the approved scheme has the dwelling roofed in welsh slate ✓
- a window that was approved in the southern elevation has been modified to a pair of French doors ✓
- the detached garage at the southern end of the plot has been lengthened from 6 metres to 9 metres ✓
- as the site slopes upwards from front to rear, the dwelling has been cut into the lower area of the site frontage but its' related sun room to the rear incorporates two steps up to its floor level. Thus, the bulk of the dwelling is sitting lower than it would have otherwise been had the original ground levels been followed ✓
- the site dimensions have been correctly defined as there had been a discrepancy between the site shown on the ordnance survey map and the actual site survey. ✓
This means that the frontage is now 22.5 metres not 23.5 as indicated on the original layout

The building has been built in the correct location having regard to the site flank boundary with the adjacent occupier. However, the original layout plan wrongly indicated the actual position of the adjacent dwelling and outbuildings within the neighbouring plot (shown as occupying the intervening space between the "existing" and proposed dwellings). In fact, the position of all of these buildings was incorrectly shown as was the size of the outbuildings.

In consequence they do not create the screen between the two dwellings that was depicted on the original application and the neighbouring occupiers have, perhaps

SCHEDULE B: Reports Requiring Further Information

02/1114

understandably, experienced a greater impact than could have been expected.

The applicants have recognised that there is concern in relation to privacy and the current proposals include provision for the erection of a 2 metre high timber fence to be erected at the applicants' expense on their side of the property boundary. It would follow the original ground level so that with the level of the new house being lower, the fence is intended to screen the views of, and from, both the kitchen and breakfast room in the new property. It is understood that the neighbouring occupier welcomes that additional amendment to the original submission.

With regard to the other differences between these proposals and the scheme that was approved, the modifications to the levels, change from a window to French doors and the increase in the length of the garage (which is about 28.5 metres away from the neighbours dwelling) are not objectionable.

However, the change from roughcast rendered walls with painted banded surrounds to doors and windows under a slate roof was intended to reflect traditional "Borders" architecture and that has been totally lost by the facing of the dwelling in an inappropriate brick with soldier courses to sills and lintels. That would be further compounded by the proposed use of concrete tiles instead of natural slate. In total these changes to the architectural ethos of the property has fundamentally altered the appearance of the dwelling in this setting and is a major retrograde step. These changes are not, therefore, recommended as acceptable.

These latter aspects have been subject to further discussions with the architect and it is considered fundamental that they are addressed.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

It is not considered that the proposals, even with the modifications to the original scheme, are so injurious as to offend against the provisions of the Act.

SCHEDULE B: Reports Requiring Further Information

02/1114

Recommendation:

Reason for including report in Schedule B

At the time of writing the report further discussions with the applicant's agent are ongoing to try and address the foregoing design matters which are considered fundamental. Members should, however, also note that the period for the receipt of comments following the display of the Site Notice does not lapse until 22nd November and no decision could be issued prior to that date.

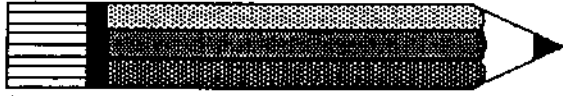
- extra section of (concrete) solid
- extra length in relation to sandstone

A b I

Phoenix

ARCHITECTS

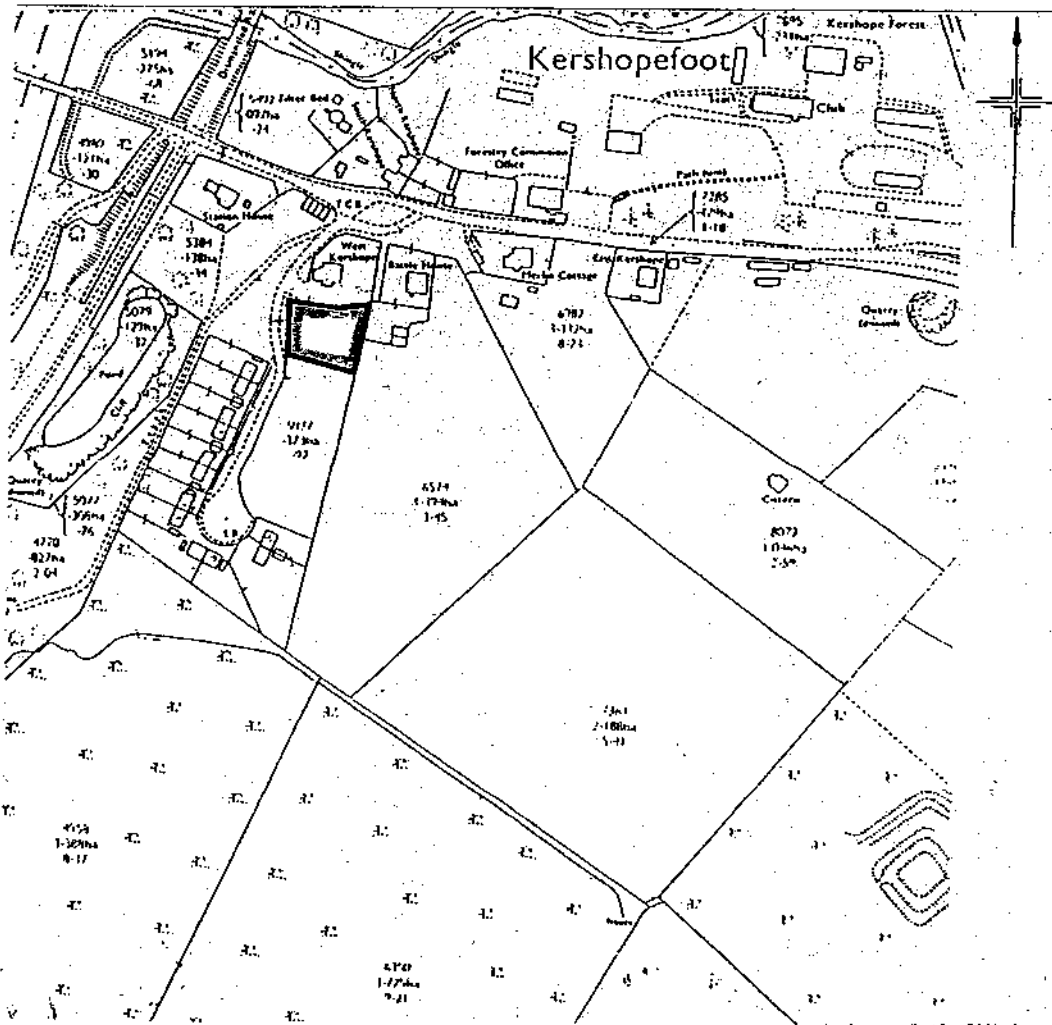
28 Abbey Street, Carlisle, Cumbria, CA3 8TX
Tel: 01228 39537 Fax: 01228 21302



Date 9 APRIL 2001

Job LAND ADJ. FIELD 5977
KERSHOPEFOOT

Detail No. PA.00/426/2



SCALE 1:2500

RECEIVED

21 OCT 2002

2002/1114

Copy to: 1

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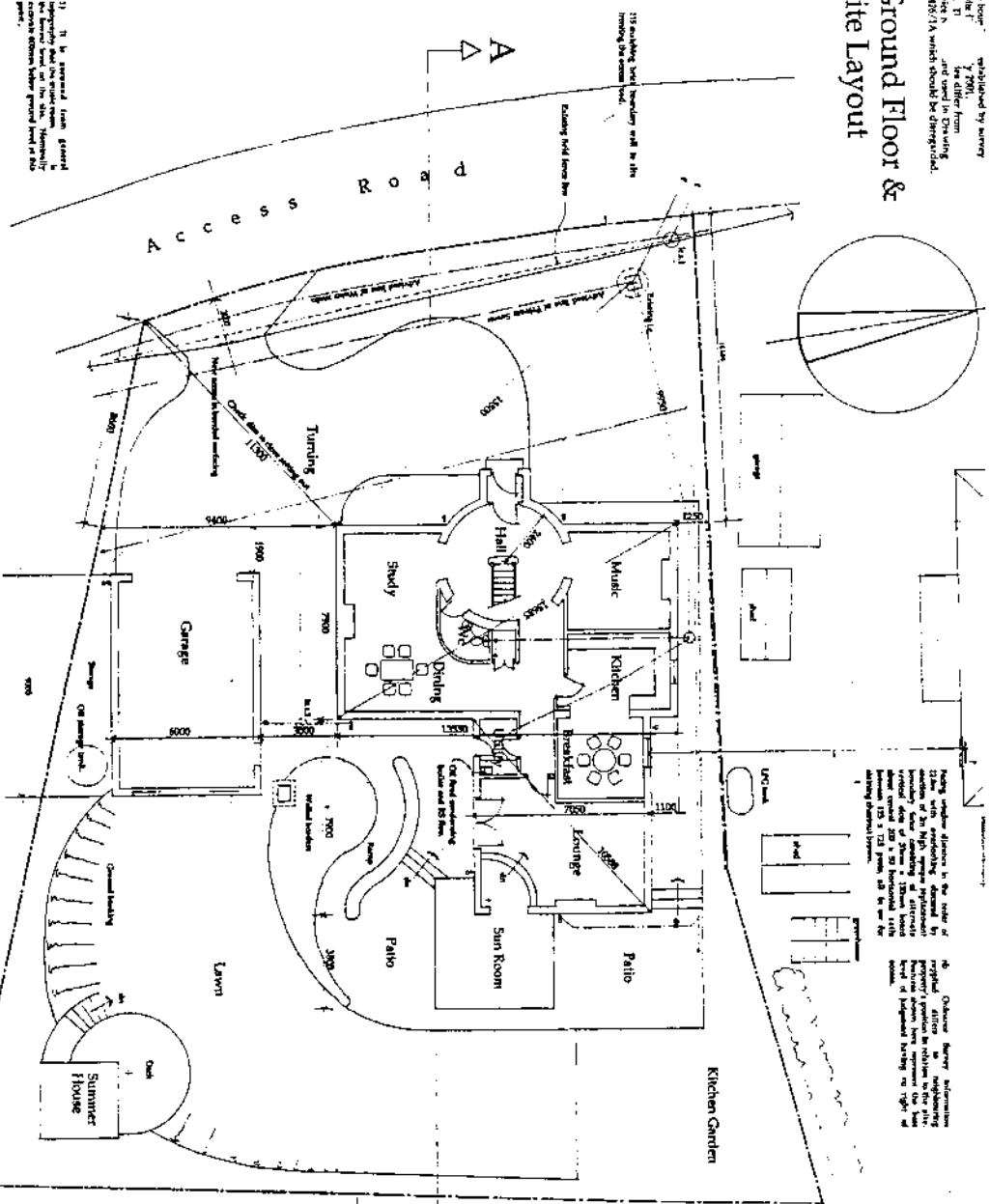
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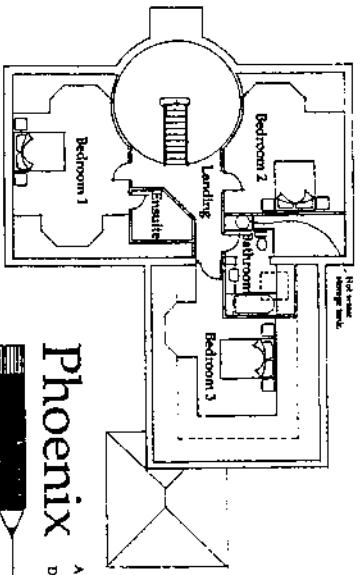
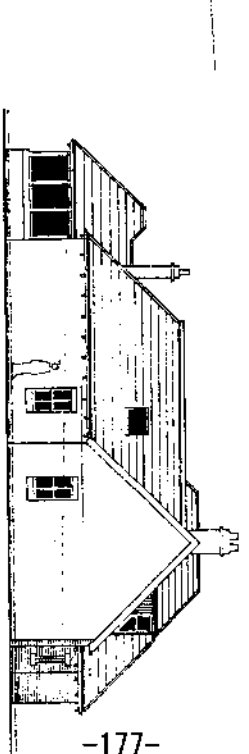
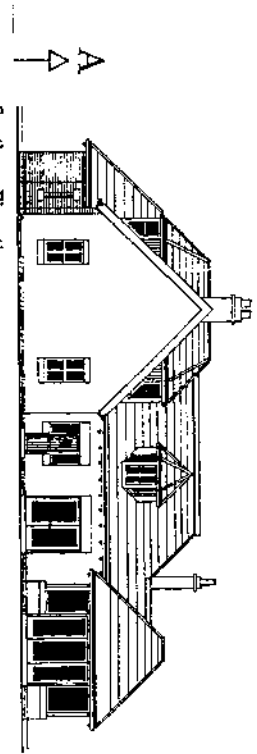
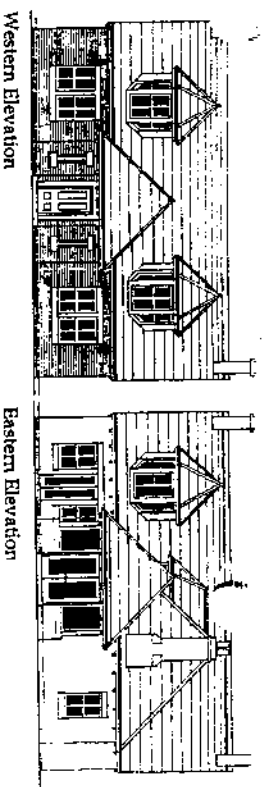
Not to be published by anyone other than the author. No. 11, 7/2011, and used in drawing P426/11A which should be disregarded.

Ground Floor & Site Layout



Plan Layout

Levels Section AA

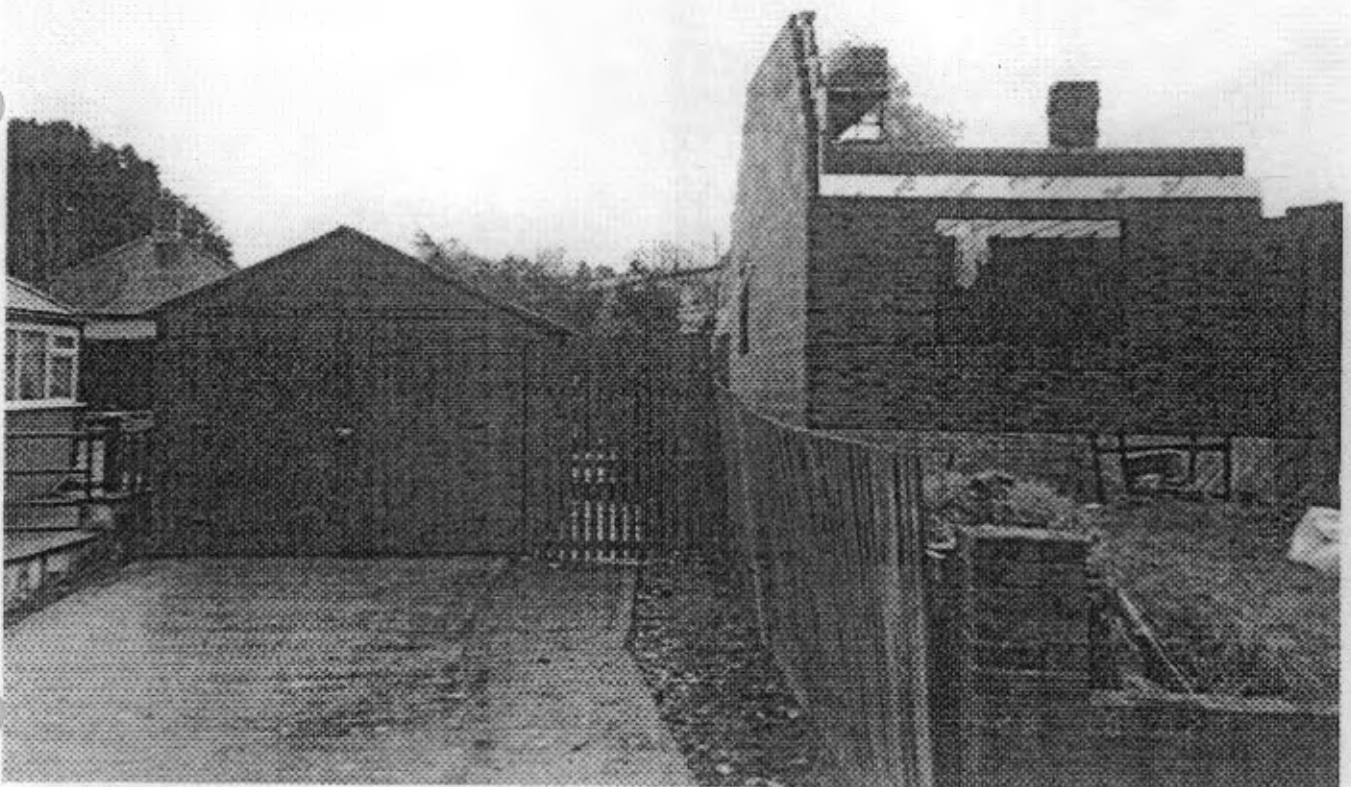


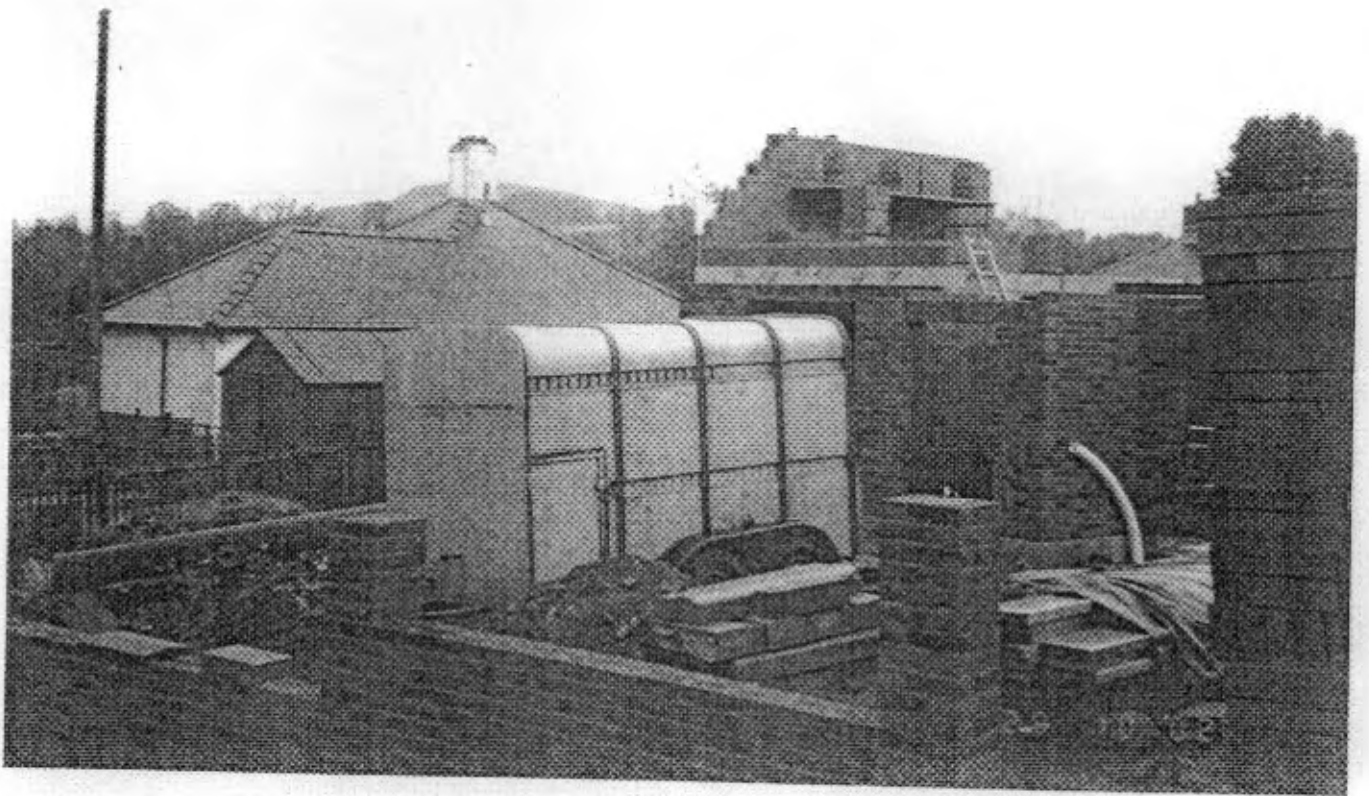
Phoenix ARCHITECTS DESIGNERS

29 Abbey Park, Cardiff, CCF11 1LW
Tel: 01222 511000

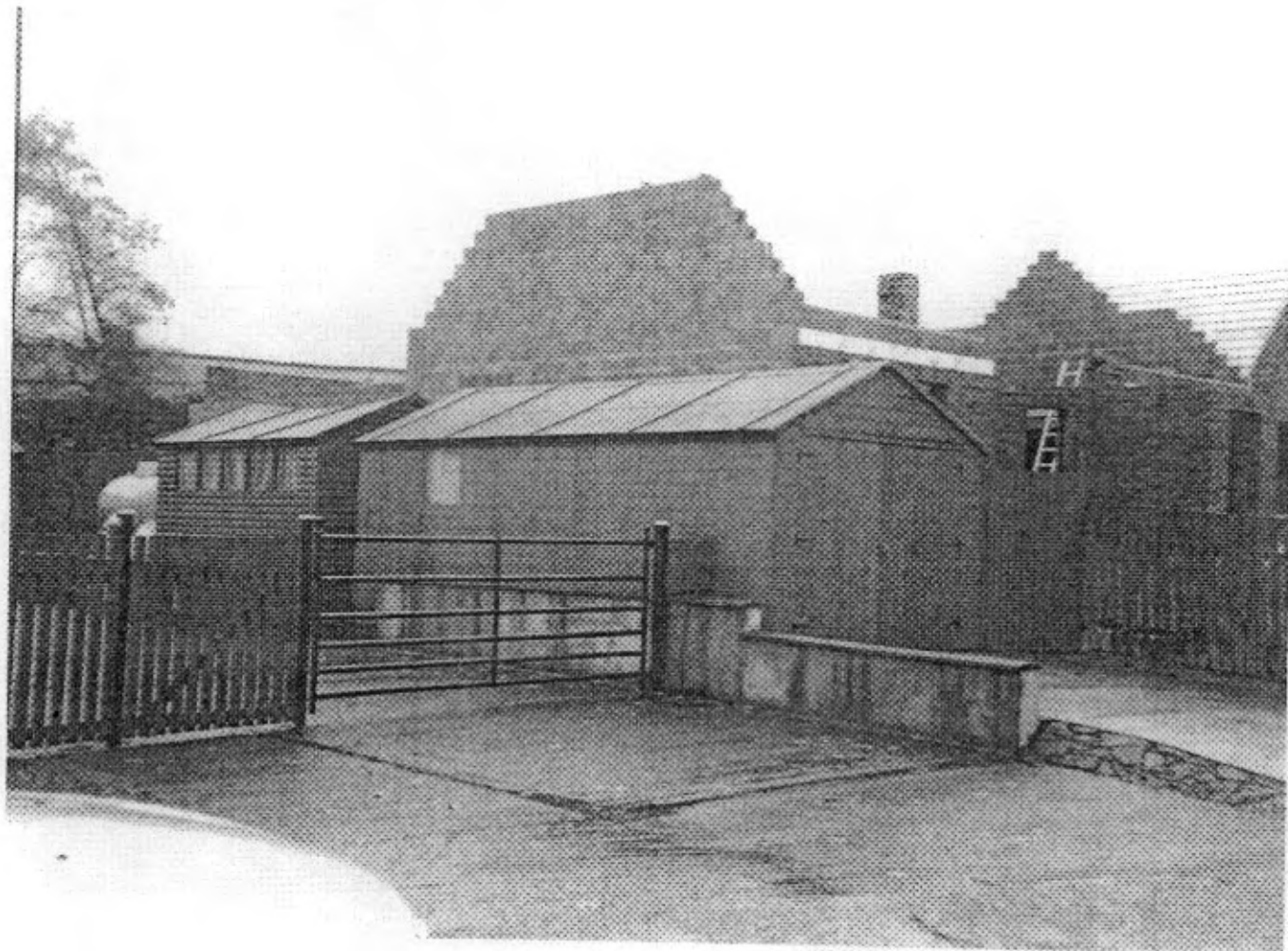
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Date: October 2011
Drawing No: P426/11A











SCHEDULE A: Applications with Recommendation

01/0659

Item No: 14

Date of Committee: 20/12/02

Appn Ref No:
01/0659

Applicant:
Dan Russell

Parish:
Carlisle

Date of Receipt:
31/07/01

Agent:

Ward:
Denton Holme

Location:
Atlas Works, Nelson Street, Denton Holme, Carlisle,
Cumbria

Grid Reference:
339604 555136

Proposal: Change of use to cyber cafe (retrospective)

Amendment:

Angus

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan Shopping - Proposal S15

Within the Plan area, proposals for uses within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) will be approved provided that:

1. The proposal does not involve disturbance to occupiers of residential property; and
2. The proposal does not involve unacceptable intrusion into open countryside;

SCHEDULE A: Applications with Recommendation

01/0659

and

3. The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
4. Appropriate access and parking can be provided; and
5. Within the City Centre Shopping Area opening hours are restricted to no later than 1.30 am. Here and elsewhere in the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

Carlisle District Plan Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Summary of Consultation Responses:

Cumbria County Council - (Highways Authority): No objections.

Head of Environmental Services: I can confirm that sound insulating shutters have been provided for the windows in the Source Cafe and the lecture/performance room in the corner of the building. Because it is intended that the shutters will only be put in place when a musical event is planned, there is a risk that they may not be used and a noise nuisance could result. I would therefore recommend that use of the shutters during entertainment events is made a condition of planning approval.

I understand the premises is likely to provide public entertainment it is therefore recommended that any planning condition relating to hours of operation is in accordance with the standard Public Entertainment Licence hours.

Cumbria Constabulary: Comments awaited.

SCHEDULE A: Applications with Recommendation

01/0659

Summary of Representations:

This application has been advertised in the form of a site notice and the direct notification of the occupiers of 12 properties. No objections have been received as a result of this exercise although the Council had received a noise complaint prior to the receipt of this application.

Details of Proposal/Officer Appraisal:

Planning History:

The property has an extensive planning history. In the last decade planning permission was granted in 1993, under application number 92/0956, for the creation of a fitness centre.

In 1999, under application number 98/0914, planning permission was refused for the change of use of part of the building to form a youth centre.

In 2000, under application number 00/0218, planning permission was granted to form a health club.

Details of Proposal:

Atlas House/Works is located on the southern side of Nelson Street opposite the junction with Blencowe Street. To the immediate west of Atlas House is North West Water (Transport Branch). Other non-residential properties in the form of the Norweb Offices, Conservative Club and Community Centre are also present within the immediate vicinity. The area is nonetheless also characterised by residential properties in the form of terraced houses along the adjoining streets. Double yellow lines run along the frontage of the property.

This retrospective application relates to part of the second floor of the Atlas Works and involves the creation of a restaurant with ancillary facilities in the form of a "cyber cafe", art gallery and the provision of light entertainment. The restaurant has ten tables with a maximum capacity of 50 - 60 people.

The application is accompanied by two letters from the applicant stating, amongst other things, that:

- The cafe has been checked out by Carlisle Magistrates, Fire and Police services and satisfies all their requirements. A full table-licence (to serve wine and beer with meals) was granted in May 2001.
- In July 1998 an aerobic studio on the 2nd floor closed down and the lease was transferred to a company who established a cafe bistro, open from 0900 hours until 2330 hours. In October 2000 the restaurant was taken over by the applicant who re-named it "The Source".

SCHEDULE A: Applications with Recommendation

01/0659

- The existing uses at the Atlas Works include two dance schools, four martial arts schools, recording studios, rehearsal rooms, a children's recreational area, a holistic clinic, a yoga studio, and, a sauna and leisure club.
- As well as serving the Atlas Works the facility is being used increasingly by many people throughout Carlisle.
- In relation to the light entertainment the intention is to provide an intimacy where artists can be heard without loud amplification.
- Sound resistant shuttering has been installed.

The applicant has also verbally indicated that the restaurant has not been designed to cater for the takeaway trade.

In considering this application and the policies of the Carlisle District Local Plan it is felt that a balance has to be reached between the potential losses of floorspace allocated for employment use and amenity for neighbouring residents against the social and economic benefits of the restaurant. As such it is felt that the following points should be kept in mind:

- a) Atlas House/Works already contains a wide variety of uses outside of Use Classes B1, B2 and B8.
- b) Government advice contained in paragraph 2 of PPG24 "Planning and Noise" emphasises that the planning system has the task of guiding development to the most appropriate locations. As such, the planning system should ensure not only that noise sensitive developments are separated from major sources of noise but also that new development involving noisy activities should be sited away from noise-sensitive land uses. This advice is reflected in Policy H17 of the Carlisle District Local Plan.
- c) Although this part of Nelson Street is characterised as a mixed use area the number of late opening premises appear to be limited. Other activities operating from Atlas Work, for example the Carlisle Gypsy Motor Cycle Club having weekend parties, may take place late at night but this is the exception to the general rule when compared to the majority of uses, such as the School of Dancing or musicians at the Overwater Jam Factory.
- d) The restaurant has a public entertainments licence to operate on Monday-Saturday between 1100 to 2300 hours, and, on Sunday from mid-day until 2230 hours. No objections were received when the licence was renewed in April of this year. The Head of Environmental Services has also verbally confirmed that no complaints have been received in the interning period.

At the time of preparing the report the observations of Cumbria Constabulary are awaited. This aside, the proposal is recommended for approval.

SCHEDULE A: Applications with Recommendation

01/0659

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above but in this instance it is not considered that there is any conflict.

A L I

(since comment)

Recommendation: Grant Permission

1. The premises hereby permitted shall not commence trading before 11.00 hours or remain open for business after 23.00 hours on Mondays to Saturdays; or before mid-day and remain open for business after 22.30 hours on Sundays.

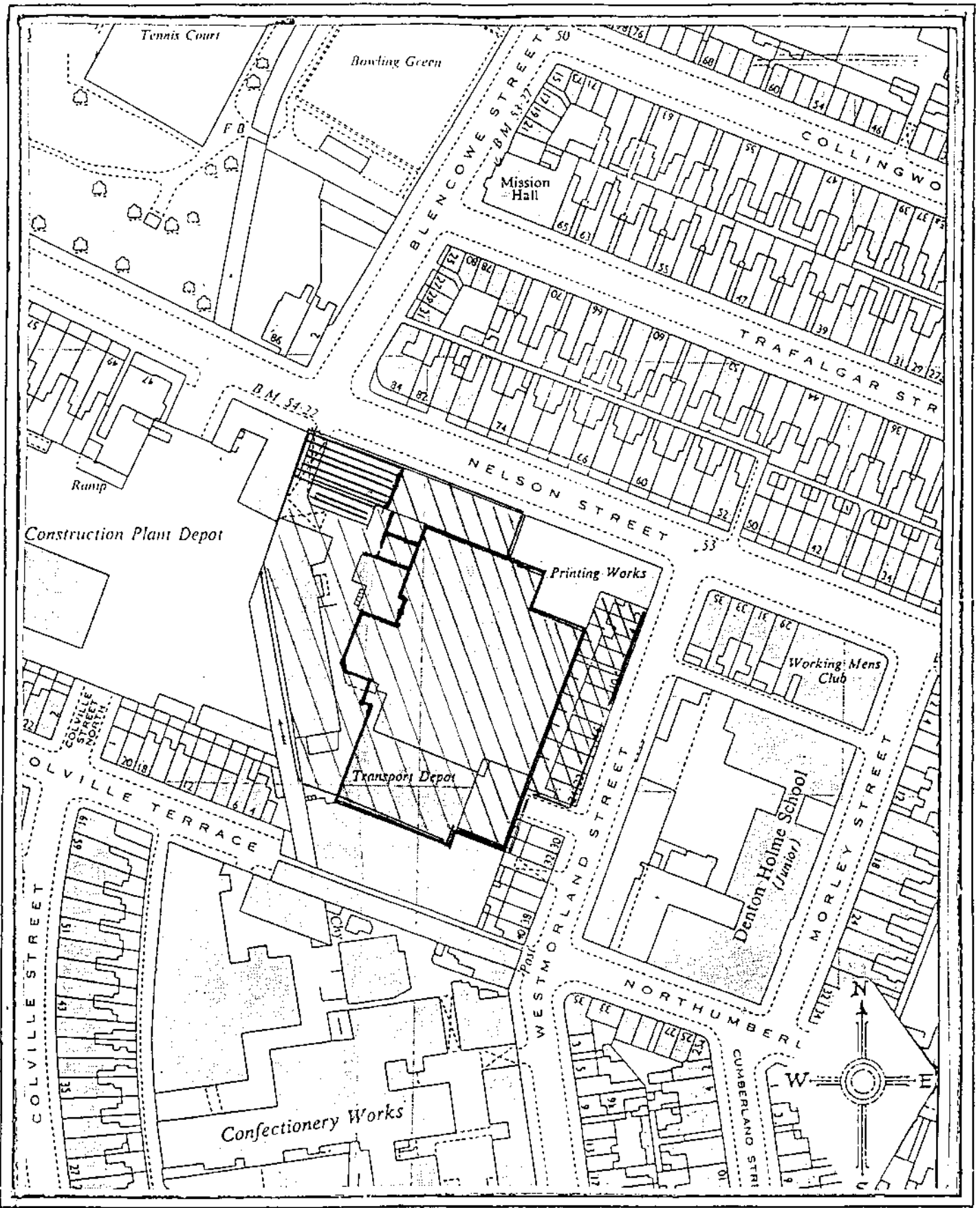
Reason: To prevent disturbance: nearby occupants.


2. No hot food shall be taken away for consumption off the premises.


Reason: The amount of traffic using the premises should be kept to the minimum consistent with its proper functioning in the interests of road safety and the amenities of the neighbouring residents.

3. Any ancillary entertainment or activities at the premises shall be controlled so as to be inaudible in the the nearest noise sensitive premises.

Reason: To safeguard the amenities of neighbouring residents.



 PROPERTY OWNED
 BY ATLAS DEVELOPMENTS
 (DAN RUSSELL)

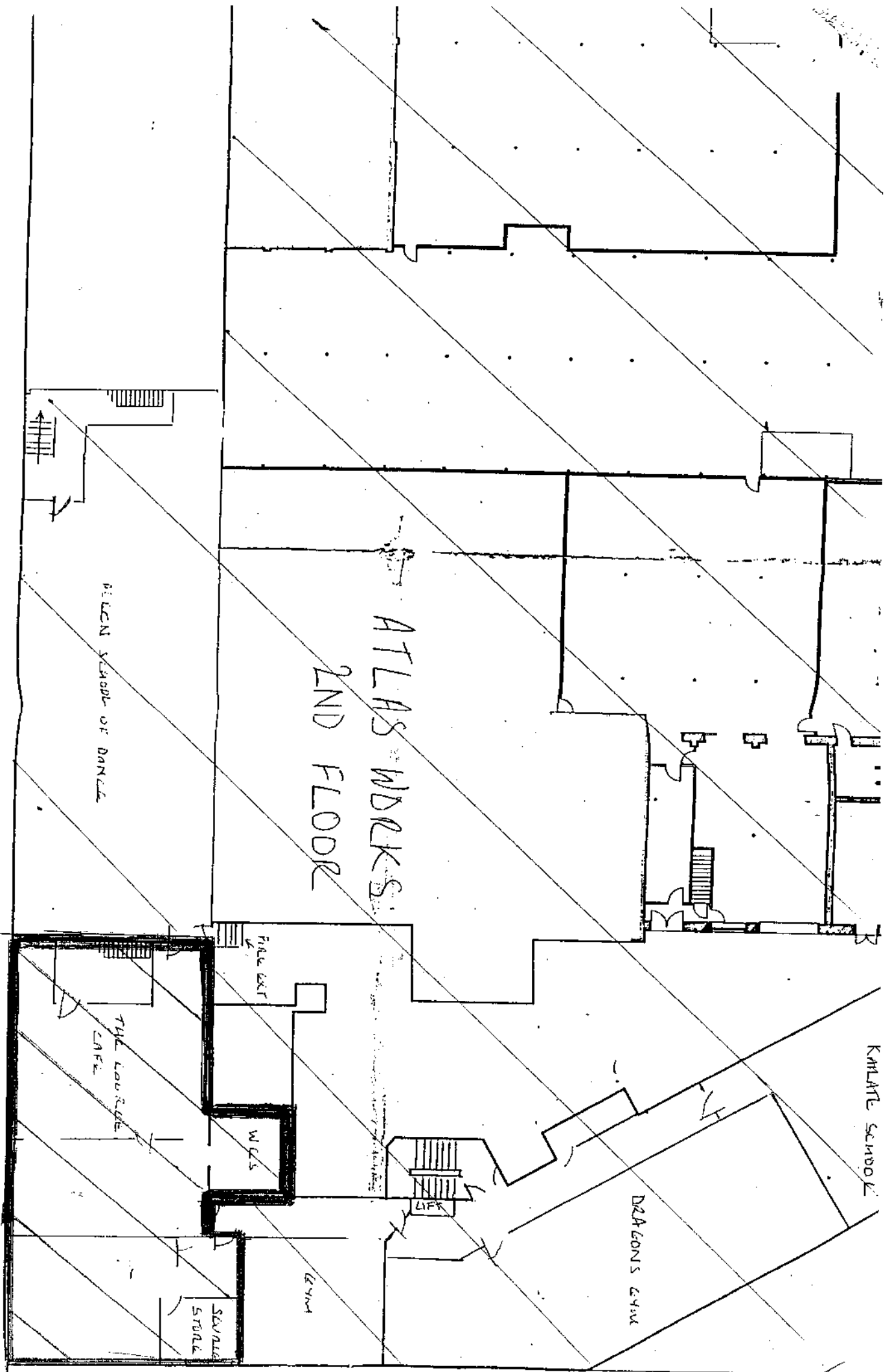
 SOURCE CAFE

Scale:- 1:1250

"Reproduced from the Ordnance
 Survey Map with the sanction of
 the Controller of H.M. Stationery
 Office. Crown Copyright reserved."

This plan is intended for purposes of
 identification only, and although

2001/0659



SCA E: 1:200

ATLAS WORKS
2ND FLOOR

MILCN SCHOOL OF DANCE

KIMLATE SCHOOL

DRAKONS CYM

SCULLA STALL

FILE CAB

LIFT

W.C.S

TILE LOU RICHIE CAFE

NELSON STREET

6 JUL 2001
000000110559

SCHEDULE A: Applications with Recommendation

02/0422

Item No: 15

Date of Committee: 20/12/02

Appn Ref No:
02/0422

Applicant:
Messrs Metcalfe & Son

Parish:
Cumrew

Date of Receipt:
16/04/02

Agent:
Coates Associates

Ward:
Great Corby & Geltsdale

Location:
L/A, Townfoot Farm, Cumrew, Carlisle

Grid Reference:
354870 550840

Proposal: Erection of 4no. houses

Amendment:

Angus

Report

Planning Policies:

Conservation Area

The proposal relates to land or premises situated within the Cumrew Conservation Area.

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

Cumbria & Lake District Joint Structure Plan Policy 11

Development and other land use changes detrimental to the present characteristics and qualities of the landscape of the National Parks, AONBs and the Heritage

SCHEDULE A: Applications with Recommendation

02/0422

Coast will not normally be permitted. Particular regard will be paid to the protection and enhancement of undeveloped open countryside and coast, the lakes and other sensitive locations, and in addition in National Parks the character of land identified on Section 3 Conservation Maps. Development required to meet local infrastructure needs which cannot be located elsewhere, will normally be permitted provided it is sited to minimise environmental impacts and meets high standards of design.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Cumbria & Lake District Joint Structure Plan Policy 26

Development and other land use changes which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure or remove important archaeological sites or other historic features, or are detrimental to the character or setting of a Listed Building or Ancient Monument will not normally be permitted.

Cumbria & Lake District Joint Structure Plan Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Cumbria & Lake District Joint Structure Plan Policy 41

Housing and employment development within AONBs will normally be permitted provided it is:

- i. small in scale and compatible with the needs of local communities, and
- ii. within or immediately adjacent to existing settlements, except where essential for the working of a farm or involving a conversion of a

SCHEDULE A: Applications with Recommendation

02/0422

traditional building for employment uses,

- iii. in sympathy with the character of the settlement and maintains the natural beauty of the landscape.

Carlisle District Plan Environment - Policy E3

Within and adjacent to the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, permission will not be given for development which would be unacceptably detrimental to the present character and quality of the landscape. Development proposals should seek to conserve or enhance the present character and quality of the landscape through appropriate siting, design, materials and landscaping. Large scale development will only be permitted where there is proven national need and lack of an alternative site.

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and

SCHEDULE A: Applications with Recommendation

02/0422

6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Cumbria & Lake District Joint Structure Plan Policy 30

Land will be made available outside the National Parks for the following scale of housing development between 1991-2006.

	Dwellings
Allerdale	about 5000
Barrow	about 2500
Carlisle	about 6000
Copeland	about 4000
Eden	about 4000
South Lakeland	about 6000

Cumbria & Lake District Joint Structure Plan Policy 31

Sufficient housing land should be provided to ensure that, at any one time, there exists at least a five year's supply of readily available land capable of accommodating building at a rate which will keep the supply of dwellings in line with the housing requirement for each District as set out in Policy 30.

Summary of Consultation Responses:

SCHEDULE A: Applications with Recommendation

02/0422

Cumbria County Council - (Highways Authority): No objections.

Cumrew Parish Council: Following a Parish Meeting there is a wish to make the following observations. Since villagers consider the two proposals as one development all comments relate to both applications.

The plans have been viewed by all those directly affected by the proposal and almost all of the other villagers. The comments below are a summation of points raised.

1. The proposed development will have a dramatic impact on Cumrew village (a small fellside village of approximately 50 residents). It will effectively and immediately double the population.
2. A minority of villagers expressed no objections to the proposal.
3. An equally small number expressed the view that limited redevelopment of the farm buildings could be acceptable if carried out in sympathy with the scale, density and physical characteristics of the rest of the properties in the village.
4. The most commonly held views were those expressing concern that the infrastructure of the village will not be able to cope with such a development.
 - The surface water system will not deal with the run-off from the increase to the paved areas.
 - Proposals for dealing with the sewage from the dwellings is sketchy. The belief, widely held in the village, is that the proposals are inadequate and will lead to sewerage failure in and around the village.
 - The water supply for the village is, for some, of low pressure. Such a development will further exacerbate the problem.
 - Electricity supplies are erratic and despite complaints to the Electricity Supply Company remains so. Once again it is feared that problems, following this proposed development, would be multiplied.
 - Parking proposals for the development are inadequate leading to on street parking in a small rural community.
 - The increase in traffic during and after the development would be both detrimental and dangerous. Representations have been made to the Highway Authority for a limited extension to the existing kerbing and footway but to no avail.

Particular comments about the proposed development are:

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5. Part of the development will be three storeys high and, as such, is at odds with the scale of the rest of the dwellings in the village.
6. Four and five bedroomed dwellings are not in keeping with the housing density of the rest of the village.

At a meeting on Friday 19th July. The Parish Council agreed to re-affirm the original representations on this proposal. It was also noted that this scheme would not go ahead until the City Council had reconsidered their policy on development in villages.

On the 16th November the Parish Council expressed their reservations about the "second phase" of development at Townfoot Farm because the population on the site could notionally expand from, say 6 to 42, if all the dwellings are occupied by four persons per household. The view expressed was that the village infra-structure may not be able to cope with such a large increase on one site in the village.

English Heritage - (Hist Bldg & Monuments): Comments awaited.

Environment Agency (N Area (+ Waste Disp)): The Agency has considered the proposal and wishes to comment as follows:

Surface water run off from this site should be restricted to existing rates in order that the proposed development does not contribute to an increased risk of flooding. To the end the Agency has requested the Local Planning Authority to include two conditions together with two informative's to any planning approval.

Cumbria County Council - (Archaeological Services): I have checked with the County Sites and Monuments Record and this site lies within an area of archaeological interest. Documentary references to Cumrew date from the early 13th Century, indicating a settlement within the parish at that time. The field pattern around the village is characteristic of medieval settlement systems. Also, there are features recorded within the proximity of Cumrew village, which indicate prehistoric activity in the area. There is therefore, good reason to believe that this site has an archaeological interest.

Consequently, in accordance with PPG16 and Carlisle District Local Plan (Policy E30), I recommend that further information on the archaeological interest of the site is required before a planning decision is taken. As outlined by PPG16 section 20-22 this information should be obtained by means of an archaeological evaluation. The evaluation should determine the presence, nature and extent of surviving archaeological remains within the development site.

English Nature: In regard to the effects of the development on a crayfish population in an adjacent beck English Nature comments as follows:

Provided the beck in question is not part of, or affecting an adjacent, Site of Special Scientific Interest (such as the River Eden and Tributaries SSSI), then English Nature does not require consultation for discharges that may affect white-clawed

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crayfish. The Environment Agency will set determinands on the discharge as part of the discharge consent and this should ensure that there is no deterioration in the water quality in the beck.

United Utilities (former Norweb & NWW): United Utilities have no objection in principle.

A water supply can be made available to the proposed development but our water mains will need extending to serve any development on this site. The developer, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act.

Water pressures in the area are known to be generally low and I recommend that the developer provides water storage of 24 hours capacity to guarantee and adequate and constant supply.

A separate metered water supply to each unit will be required at the developer's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

A complete soil survey must be undertaken by the developer, as an when land proposal have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

Conservation Area Advisory Comm: The Committee was very concerned about the over development of the village. This scheme for five new dwellings was felt to be completely inappropriate for the village in terms of its scale, density and materials. The scheme completely overwhelms the village and would be an unacceptable intrusion into the street scene of the conservation area.

Following the receipt of amended plans the Committee has the following comments. The elevations do not appear to match the ground plan. The detailing of windows, roofs, etc are reasonable, but the overall scale of the block and the relationships of some of the walls and roofs are unacceptable in a village context.

Summary of Representations:

This application was originally advertised in the form of a site notice and the direct notification of the occupiers of 14 neighbouring properties. A total of 15 letters have been received. The issues raised being:

- There is no pavement in front of the proposed five new dwellings and at present the local children play on the road. The proposal would double the size of the population as would the number of cars making it very unsafe for pedestrians.
- The size of these developments makes them out of affordable reach of young people wishing to remain in the village.

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- The proposal(s) would destroy the rural nature of the village.
- If the proposal(s) utilises the existing unsatisfactory soakaway the adjoining field will be unworkable as it is now wet and boggy.
- There are owls that feed in and around the site for the proposed houses. Alterations to the hedge will lead to a loss of nesting/roosting sites for a variety of birds.
- The impact on the local wildlife would be great as people would make noise and walk up the lanes around the village causing concern for the habitat of the squirrels, deer, bird population, and, crayfish.
- The sheer size of the combined developments in proportion to the existing village. There would be ten new dwellings in a village of about 18/19 existing properties.
- The density of the proposed buildings.
- Currently there is a poor water supply and an erratic electricity supply.
- The proposed development will cause inconvenience and have a devastating effect on the residents.
- Proposal(s) will destroy the uniqueness of the village of Cumrew.
- Many of the well preserved grass verges will be damaged or destroyed by the heavy machinery required in the development stage.
- The foot and mouth outbreak is not a relevant factor in considering whether to grant the planning application.
- There are numerous listed buildings within the village. Cumrew House depends upon tourism to survive and it is submitted that a building site/housing estate on the scale proposed within the village will have an adverse effect upon business operated therefrom.
- The proposal(s) will not only damage the linear layout of the village it will also encroach on Heggie Lonning where there will be "tandem" development.
- In land adjacent to Helme Farm there appears to be a build up of raw sewage emanating from Townfoot Farm. Any increase in dwellings will substantially increase that hazard putting the health and well being of local residents at risk.
- PPG7 advises that new development should respect, and where possible enhance, the environment in its location, scale and design. New development needs to be sensitively related to existing settlement

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patterns and historic, wildlife and landscape resources. In areas designated for their landscape, wildlife or historic qualities, policies give great priority to restraint.

- The need for additional housing, including additional 4-5 bedroomed executive style housing, in Cumrew would be difficult or impossible to demonstrate. The village has no bus service to speak of.
- It is not accepted that there is a proven local need for development on this site for housing. It is not accepted that the proposed development will, in any way, enhance the existing environment of Cumrew. It is not accepted that the scale of the proposed development, the layout of the site or the design of the buildings is well related to the scale, form and character of the existing settlement. The proposal(s) are considered contrary to Policies 1, 2, 11, 25, 26 and 41 of the Structure Plan and Policies E3 and H5 of the District Local Plan.
- The new build element is not to be built in stone which will be out of character and can only be a decision based on profit to build in block and render.
- Justification for new housing under Policy E43 cannot simply be because the new buildings would look nicer than the agricultural ones. The existing buildings were erected under permitted development rights. To now claim they are an eyesore to justify building houses is a twisted mockery of the current system.
- The village has no amenities to support the extra dwellings.
- Has an assessment been made of the impact on local roads with an additional 12 to 24 cars commuting in and out of the village?
- Need to take a wider view and put this development in the context of the recent decision to allow conversions at Netherton Farm to create upto eight new dwellings and the current application at Castle Carrock for a further eleven new houses. Can the locality and local services and amenities really support such an explosion of development?
- The loss of the agricultural element is regrettable in itself. Compounding this loss by then filling in the natural spaces within a small village with inappropriate housing development that pay little or no attention to the individual settings is a tragedy.
- An application which would spoil the feel of a village, cannot be supported by a clear local need, will not use local building materials and cannot be justified under either PPG3, PPG7, the Structure Plan and Local Plan policies should be rejected.
- The existing village consists of approximately 18 dwellings with a population of approximately 33/35 adults and 12 children. The nearest

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public house is one mile away in Newbiggin and the nearest shop three miles away in Castle Carrock. There is no bus service to speak of and any residents who do not work locally rely upon vehicular transport to and from the village. The area is a haven for wildlife including barn owls, red squirrels and crayfish in St Mary's beck. It is a popular area with holiday makers, walkers, bird watchers etc and the Cumbria Cycle Route passes through the village.

- Cumrew has very special characteristics including its linear form with fields to the west of the village retaining their ancient boundaries. There are several cremation burials dating from pre-Anglican times.
- Not against the redevelopment of the existing farm buildings if done in keeping with the existing character, but concerned about the size and number of the proposed dwellings.

The sympathetic development of existing elderly farm buildings will enhance the attractiveness of the village; no community can remain static forever; and, there is a requirement for further housing in the area. There is, however, concern over the re-development of the "Dutch Barn" site (application reference 02/0422).

The proposed development would enhance the village; bring young families into the village; and, concerns over power and drainage are misplaced. In addition, the aforementioned letter alleges that often the most vocal seem to be listened to which can overwhelm the majority opinion.

Details of Proposal/Officer Appraisal:

Planning History:

Members will recall that earlier this year, under application number 02/0423, planning permission was given for the conversion of outbuildings to form 4no. houses and the erection of a new house at Townfoot Farm.

Details of Proposal:

Members will recall that consideration of this application was deferred at their last meeting at the request of the applicants, in order to allow the submission of revised details. No revised plans have been received at the time of the preparing this report.

The current application relates to an existing Dutch barn and part of an adjoining field located between a converted series of barns which form three dwellings and the site subject to application number 02/0423. The proposal involves the demolition of the Dutch barn and its replacement by four houses in an L-shaped layout. The houses would have slate roofs, stone quoins and a combination of natural stone and rendered walls - see attached copies.

The application is accompanied by correspondence from the agent and a "Village Appraisal" which indicate that:

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- The Appraisal concludes that the current scheme is within the historic boundary; the proposal relates well to the character and layout of existing buildings; there would be no detrimental impact; and, any alternative re-location of the development would be detrimental to the village character.
- Farming activity will cease in the near future and that Town Foot Farm will no longer exist as a working farm.
- Whilst the loss of a farm may be regrettable, it is evident that farming activity in this village centre location is not sustainable due to the physical constraints of the site.
- The proposed development would lead to the removal of a modern agricultural building; the cessation of dirty water from the buildings/hard surfaces; the installation of a package treatment works discharging clean potable water; and, the cessation of animals walking up and down the village.
- The County Archaeologist has verbally indicated that in respect of 02/0422 there were no objections or comments she wished to make.
- It would appear that a small and vocal minority are attempting to force their own views over the majority, and present them as those of the Parish, when in reality their misplaced views are in the minority.

In considering this application it is felt that the following points need to be kept in mind:

- a) As Members are already aware paragraphs 2 and 3 of PPG3 "Housing" explain the Government's aim of promoting more sustainable patterns of development with more priority given to previously developed land within urban areas. A duty is placed on local planning authorities to ensure that development can deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local facilities; review planning policies; place the needs of people before ease of traffic movement; seek to reduce car dependence; and, promote good design in new housing developments.

PPG3 goes on to say that local planning authorities, in order to establish how much additional housing can be accommodated within urban areas (and thus how much greenfield land may be needed for development) undertake urban housing capacity studies (paragraph 24). Any local plans should identify sites for housing and buildings for conversion and re-use sufficient to meet housing requirements after making allowance for potential windfalls (paragraph 28). However, PPG3 makes it clear that in assessing the allowance which might be made for windfalls (i.e. sites which are not specifically allocated in local plans) local planning authorities should include no allowance for greenfield windfalls

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(paragraphs 35 and 36).

Paragraphs 69-71 of PPG3 deal with rural housing. Paragraph 69 states that most proposals for additional housing in villages will involve infill development or peripheral expansion. Villages will only be suitable locations for accommodating significant additional housing where: additional housing will support local services (such as shops and schools); additional houses are required to meet local needs, such as affordable housing; and, the development can be designed sympathetically in keeping with the character of the village using such techniques as village design statements (paragraph 70).

Annex C to PPG3 defines previously developed land as "that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure ... The definition excludes land and buildings that are currently in use for agricultural or forestry purposes ...".

Ministerial advice contained in PPG7 "The Countryside - Environmental Quality and Economic and Social Development" emphasises in paragraph 1.3 that **"new development should respect, and where possible enhance, the environment in its location, scale and design"**. PPG7 goes on to say that **"new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources"**. (paragraph 2.3).

In addition, paragraph 3.20 of PPG7 highlights that development should be well-related in scale and location to existing development.

PPG9 "Nature Conservation" states that one of the essential tasks for local authorities is to make adequate provision for development and economic growth whilst ensuring effective conservation of wildlife and natural features as an important element of a clean and healthy natural environment (paragraph 3). Paragraph 27 also explains that: **"local planning authorities should not refuse permission if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features"**.

PPG15 "Planning and the Historic Environment" identifies that planning is an important instrument for protecting and enhancing the environment in town and country, and preserving the natural and built heritage (paragraph 1.2).

PPG15 advises in paragraph 4.17 that many conservation areas include gap sites that make no positive contribution to the area. Their redevelopment should be a stimulus to imaginative, high quality design. **"What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own"**. PPG15 goes on to advise that

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in a bring forward development proposals special regard should be had for matters such as scale, height, form, massing and respect for the traditional pattern of frontages.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

b) Interim Housing Policy Statement

Members will be aware that on the 28th October an Interim Housing Policy Statement was reported to the Executive of the Council. The accompanying report included the following table setting out the rate of housing development over the Plan period based on the position at 31st March 2002.

	Total	Urban	Rural
Structure Plan allocation 1991-2006	6000		
Local Plan Provision 1991-2006	6858	4801	2057
Completions 1991-2002	4286	2652	1634
Residual requirement 2002-6	2572	2149	423

An examination of the total of dwellings to be completed to achieve the Structure Plan allocation the development rate is only 2.6% below the anticipated rate. It is however, the location of that development which has raised concerns. Whilst PPG3 puts an emphasis on urban and brownfield locations a look at the table above indicates a development rate that is greater than planned in the rural area.

A higher rate of development in the rural area and a lower rate of development in the urban area indicate a need to manage the supply more closely in line with the Plan Strategy and PPG3. The completion of new dwelling units indicates a 38% development rate in the rural area, which are nearly 350 units higher than the 30% rate anticipated. However, in the context of the 15-year plan period the figures above indicate that at 73% of time through the plan period, 79% of the rural supply has been completed resulting in an oversupply of 125 units throughout the rural area. In contrast the urban area has developed only 55% resulting in an under supply of over 850 units.

Planning applications already given consent will feature in the future rate and location of development. In order to achieve a complete picture of the pattern of development, the table below takes these into account.

	Total	Urban	Rural
Total with Planning permission	1928	1195	733
Completions 1991-2002	4286	2652	1634
Projected total for plan period (estimate up to 2006)	5751	3560	2191

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Local Plan Provision	6858	4801	2057
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Whilst not all planning consents get developed and some may take longer than the plan period before being completed, the trend of development is clear. An increasing number of consents in the rural area and a shortage of supply in the urban area are not achieving the urban emphasis of the Local Plan strategy nor PPG3.

In order to increase the urban emphasis and reduce the amount of rural housing coming forward the Housing Policy Statement emphasises that the implementation of Policy H5 needs to be more focused, with Officers taking, in particular, the following three factors from PPG3.

- Good public transport corridors
- The availability of local services
- Local need

Paragraph 70 of PPG3 relates to significant additional housing. Housing Policy H5 provides for small-scale proposals. Proposals for significant rural housing are contrary to this policy. Paragraph 4.40 of Policy H5 refers to proposals of over 20 dwellings however the preceding sentence states the „what constitutes large and small-scale will vary considerably from settlement to settlement“. The Housing Policy Statement explains that significant additional housing referred to in PPG3 will be considered in this context.

c) Supplementary Planning Guidance

The relevant Supplementary Planning Guidance is contained in the North Pennines Area of Outstanding Natural Beauty "Good Practice in the Design, Adaption and Maintenance of Buildings", and, the "Countryside Design Summary for Carlisle District" (CDSCD).

The former document advised on page 25 that, **"Each settlement within the AONB has a unique character which calls for individual design solutions to ensure that new development appears to be part of that place and not a suburban-style extension to it"**. It goes on to state that, **"the siting of new buildings will need to take account of the established settlement pattern and reinforce it. Frontage sites are particularly sensitive and new buildings must relate to the established pattern of neighbouring buildings"**.

The CDSCD states that **"new development should be sited to integrate with the form of the village, and should not interrupt the established or historic appearance of the many elements which make up the overall character ..** (page 6). When considering applications for new development within or at the edge of a village, the form and character of the village must be carefully assessed, taking particular note of, amongst other things, the overall form of the village i.e. is it strongly linear, clustered around a village green, centred on a cross road, or lack cohesiveness.

When assessing the current proposal the City Council's Conservation Officer has highlighted that:

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- Townfoot Farm is situated within the Cumrew Conservation Area, on the northern edge of the North Pennines Area of Outstanding Natural Beauty. The development plot is small, constrained to the north and south by existing buildings and to the east by a steep bank. The village of Cumrew itself is pastoral in character, defined by narrow, linear rows of farmsteads that front onto the road. Historically the plan form of the barns and farmhouses is such that the main axis runs parallel with the road and the buildings directly abut the road or are set back a short distance to provide a small front garden. This is particularly notable to the east of the road where the steep bank restricted incursions into the backland, as may be seen from the Tithe map of 1838.
- Proposed under planning application ref. 2002/0422 is the erection of 4 number. linked dwelling houses arranged in an L plan with a narrow gable frontage onto the road. This will necessitate cutting into the bank to build the east range and provide rear gardens and a detached garage block.

When the Cumrew Conservation Area was designated the fields to the west of the village were included. The reasons for this were twofold. Firstly the fields represented an ancient pattern of agriculture and were of historic value and secondly the fields afforded unobstructed views across to the village. This village setting, which is clearly visible from the west, is characterised by the absence of development on either side of the existing linear strips which straddle the village road. Any development on the eastern side of the road that intrudes into the backland, would be clearly seen as it would involve building into the steep slope.

- The "Village Appraisal" received some 6 months after the application was received. The appraisal accepts the linear character of the village and narrow width of the development plots. However neither English Heritage (based on previous discussions) nor the City Council's Conservation Officer accept the conclusion that a plot depth of 45 metres is acceptable or that an L shaped plan cut into the slope, is taking account of the established building character of Cumrew.
- For these reasons I feel that the development as proposed would have a detrimental effect on the character and appearance of the Cumrew Conservation Area and is contrary to the advice contained in PPG 15 and the AONB Design Guide and does not accord with Policy E43 of the Carlisle District Plan.

In conclusion it is evident that the current application, in combination with the

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scheme approved under 02/0423, represents a cumulative impact on Cumrew leading to a total of 9 units. In the context of Cumrew this can be considered significant. Yet Cumrew is without any basic services and the proposal is not put forward on the basis of meeting a local need. The application also involves the use of greenfield land as defined by Annex C to PPG3. The proposal therefore represents a significant development which is unsustainable and contrary to the objectives of PPG3 and the implementation of the Local Plan Policies as explained in the Council's Interim Housing Policy Statement. This being at a time when there is a general over-provision of housing in the rural area of the District.

The application, because of the proposed depth of the plot and the way it involves cutting into an existing relatively steep slope is not felt to sufficiently take account of the established form of Cumrew. The proposal, if approved in its current form, is thus considered to be detrimental to the character and appearance of Cumrew Conservation Area contrary to the objectives of PPG's 7 and 15, relevant Supplementary Planning Guidance and Policies H5 and E43 of the Local Plan.

The exceptional circumstances relating to the closure of the farm following Foot and Mouth having already been accounted for when application 02/0423 was considered. Unless revised details are received in the interim the current proposal, for the above reasons, will be recommended for refusal.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The applicants rights are respected but based on the above it is considered that the personal circumstances do not out-weigh the harm to interests of acknowledged importance.

SCHEDULE A: Applications with Recommendation

02/0422

Defer
Result

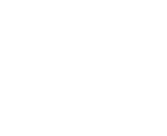
Recommendation: Refuse Permission

- 1. Reason:** The current application, in combination with the scheme approved under 02/0423, represents a cumulative impact on Cumrew leading to a total of 9 units. In the context of Cumrew this can be considered significant. Yet Cumrew is without any basic services and the proposal is not put forward on the basis of meeting a local need. The application also involves the use of greenfield land as defined by Annex C to PPG3. The proposal therefore represents a significant development which is unsustainable and contrary to the objectives of PPG3 and the implementation of the Local Plan Policies as explained in the Council's Interim Housing Policy Statement.
 - 2. Reason:** The application, because of the proposed depth of the plot and the way it involves cutting into an existing relatively steep slope is not felt to sufficiently take account of the established form of Cumrew. The proposal, if approved in its current form, is thus considered to be detrimental to the character and appearance of Cumrew Conservation Area contrary to the objectives of PPG's 7 and 15, relevant Supplementary Planning Guidance and Policies H5 and E43 of the Local Plan.
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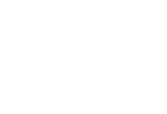
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Project: **Town Foot Farm, Dundas, Ontario**
 Drawing: **9788 / 1 B**
 Date: **02/02**
 Scale: **1:250**

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CLIENT
 Coates Associates

PROJECT
 Town Foot Farm
 Dundas, Ontario

DRAWING
 Proposals
 Site Layout Plan

Scale	1:250	GE
Date	02/02	GE
Drawing Number	9788 / 1	B

REVISIONS

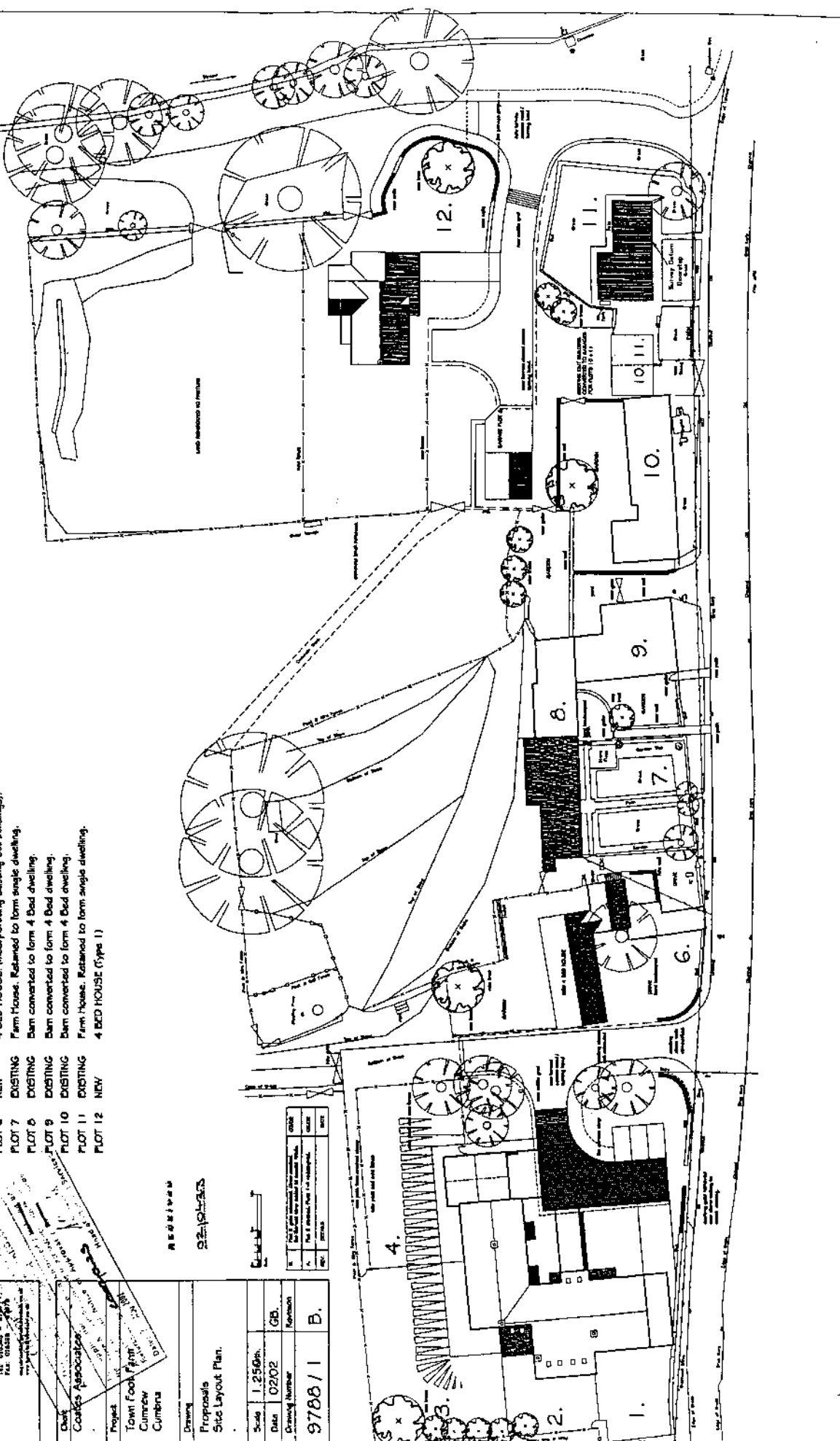
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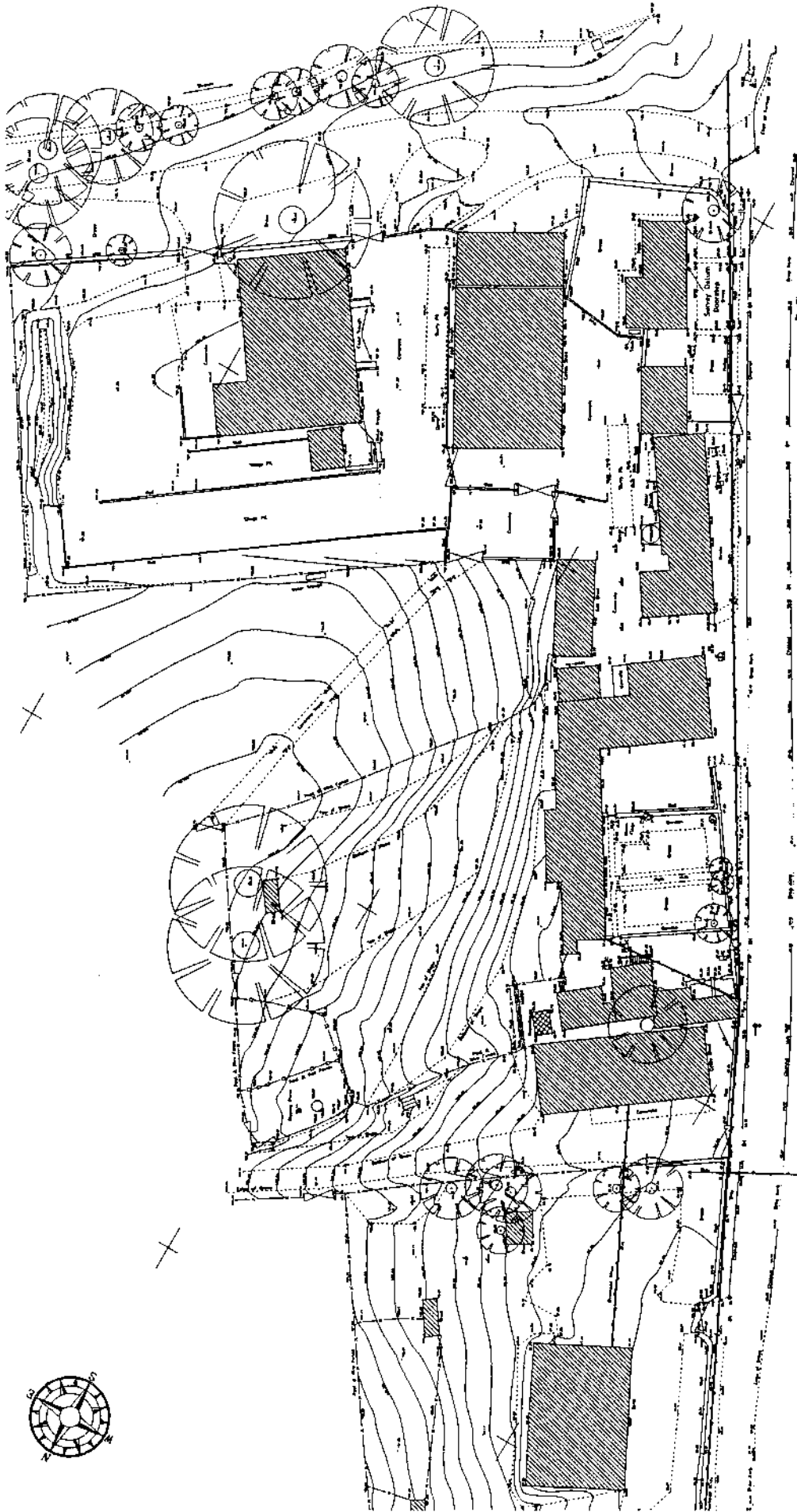
LEGEND

NEW	EXISTING
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
SCHEDULE

PLOT	STATUS	DESCRIPTION
PLOT 1	NEW	4 BED HOUSE
PLOT 2	NEW	4 BED HOUSE
PLOT 3	NEW	4 BED HOUSE
PLOT 4	NEW	4 BED HOUSE
PLOT 5	OMITTED	
PLOT 6	NEW	4 BED HOUSE (incorporating existing out buildings)
PLOT 7	EXISTING	Farm House. Retained to form single dwelling.
PLOT 8	EXISTING	Barn converted to form 4 Bed dwelling.
PLOT 9	EXISTING	Barn converted to form 4 Bed dwelling.
PLOT 10	EXISTING	Barn converted to form 4 Bed dwelling.
PLOT 11	EXISTING	Farm House. Retained to form single dwelling.
PLOT 12	NEW	4 BED HOUSE (Type 1)

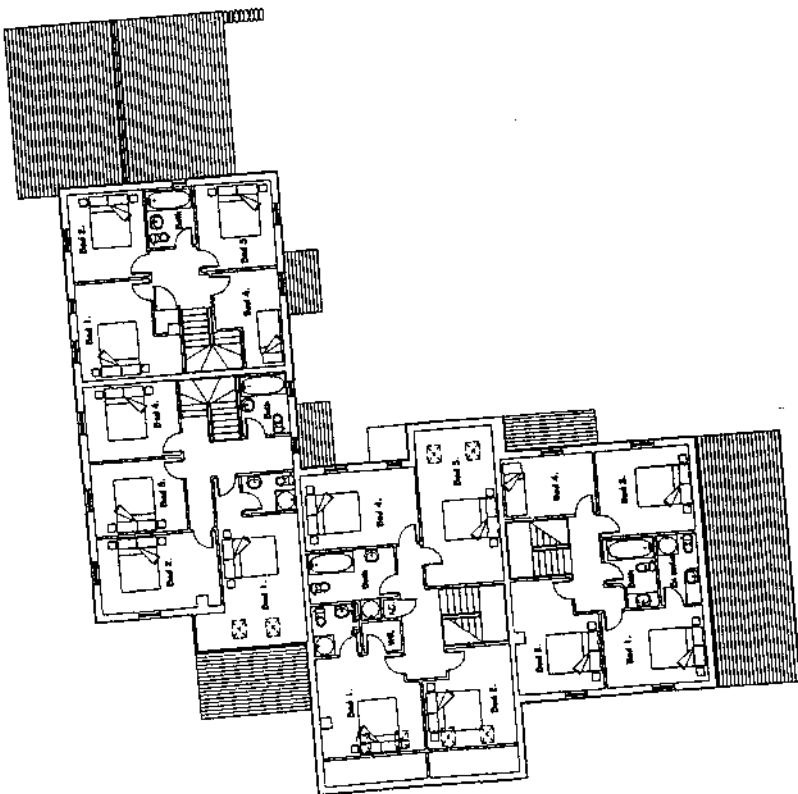




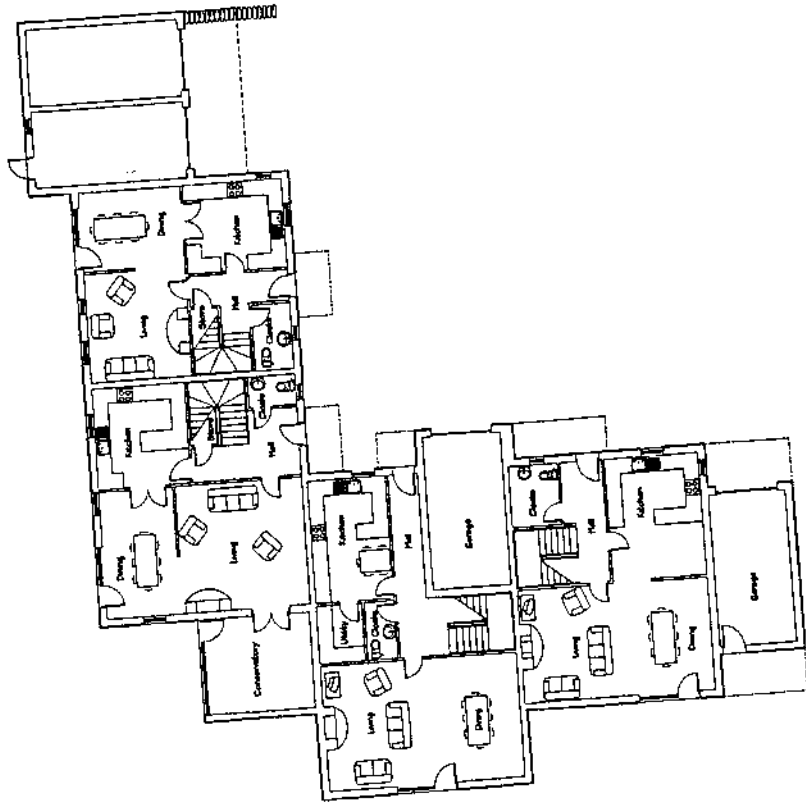
Asst. Jour.

	
E. Edmondson Surveys 101 West 1st St., Lincoln, Nebraska Phone: 481-1111 Telex: 481-1111 Cable: 481-1111	
Project No. _____ Date _____	Client _____ Address _____ City _____ State _____ Zip _____
Surveyor _____ License No. _____ State _____	Date of Survey _____ Date of Plot _____ Scale _____ Drawing No. _____

LEVEL 2.



LEVEL 1.



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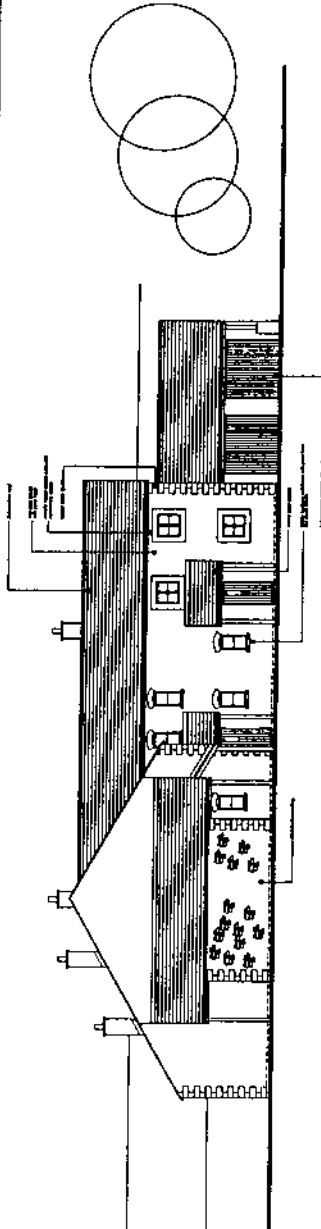
NOTES
 To be read in conjunction with drawings 9786 / 1A and 9A.

1	Revised	For 2	0002
Rev.	Details	Date	

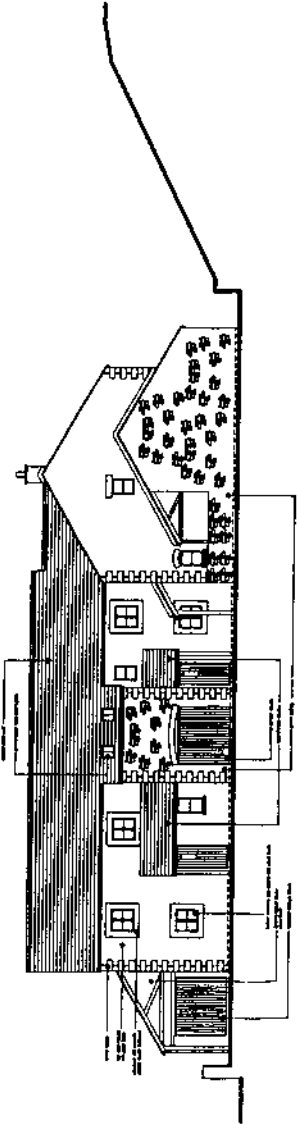
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Client	Costica Associates
Project	Town Foot Farm Culverley Cumbria
Drawing	Floors 1 - 4 Floor Plans
Scale	1:1000th
Date	03/02
Drawing Number	9786 / 8
Version	1

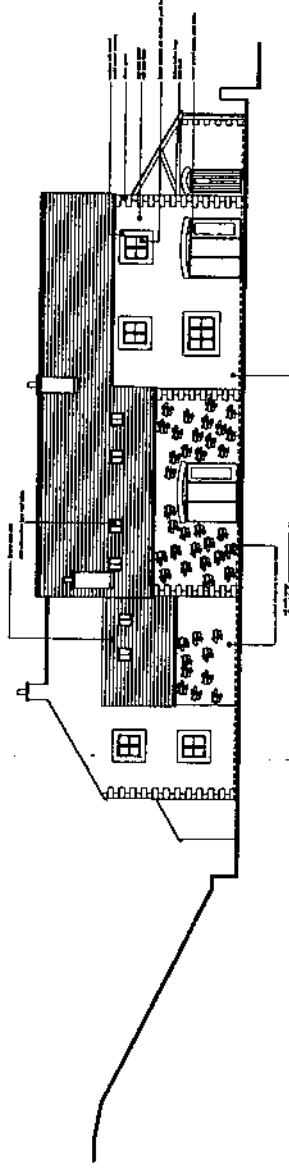
FRONT ELEVATION



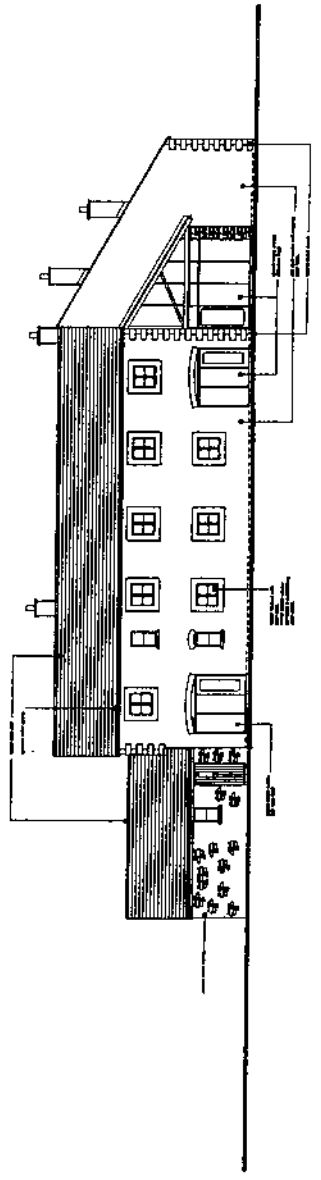
SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION



NOTES
 To be read in conjunction with drawings 9788 / 1 A and 0A.

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Client	Coates Associates
Project	Town Foot Farm Cumnock Cumnock
Drawing	Floors 1-4 Elevations
Scale	1:100th
Date	03/02
Drawing Number	9788 / 9
Revision	A.

Coates Associates

Chartered Town Planners

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www.coatesassociates.co.uk

Village Appraisal

Village:
Cumrew

Site:
Land/Building adjacent to
Town Foot Farm
Cumrew

Proposal:
Erection of 4 houses

Planning Application:
02/0422

RECEIVED

17 OCT 2002

2002/0422

Prepared By:
David H Coates MSc MRTPI

Village Setting & Visual Amenities

The village is a traditional north Cumbrian village, set to one side of a minor valley against the steep slopes of Cumrew Fell, part of the Pennine range. This setting is reflected in the name 'Cumrew', which is derived from the Celtic language meaning "valley by the hill-slope". The village is a linear village straddling the loop of a minor road off the B6413 and on flattish land around 175m (600ft). Views of the village are limited to those from agricultural land from across the valley. There are generally very few views out of the village because development is almost the continuous length of the western side of the main road through the village, which would screen the proposed development. There are no views from the application site.

The village is located on the western periphery of the North Pennines AONB. The Cumbria Landscape Classification identifies Cumrew as being located within 'Foothills', and close to 'Fells and Scarps', which recognises the village's location below Cumrew Fell.

The proposed development is contained within the confines of the village, follows the linear pattern and has no impact on any significant wider views. It does not impinge on an open space of any interest, the site presently having a corrugated building on it. Relevant guidance in the Landscape Strategy is to only resist 'development of important open spaces such as pastures, and woods in villages'. Therefore the proposal is in accordance with that guidance, and would not have any detrimental impact on the overall character or setting of the village within the AONB.

Village Form

Cumrew comprises of a number of houses and buildings in a predominantly linear arrangement either side of the main road through the village. The village is generally single property deep on either side of the road, however the area which each property occupies differs, and in some cases properties are two deep.

The village has evolved organically since c.1200. The 1868 OS plan indicates the presence of a number of buildings including the Townfoot Farm, built in 1768 and Cumrew House dating from 1753. The site is shown to be an orchard at that time, and its boundary remains unchanged since that time. The proposed development is

also contained within that boundary historic boundary. There are a mixture of building shapes, with farms, barns, 'L' shaped buildings, and a long terrace of cottages.

At the northern end of the village, the pattern is very mixed, with some properties being immediately adjacent to the road, whilst others are set back. In addition some properties are aligned perpendicular to the road, whereas some are parallel to it. Hence within the overall linear form of the village, the layout is very variable and erratic in its relationship with the road which forms its spine. There is no simple mirroring of the building layouts around this spine. In fact contrasts in the depth of development and enclosure are more typical. That is where buildings are adjacent to the road on one side, on the opposite side development is set back either as an 'L' shaped building around a courtyard, or a building parallel to the road with a garden in front. This fluctuation gives the village an airy charm with eye caught up in this spatial intricacy.

In respect of the village's overall shape, the curtilage of buildings on the east relate to the steep banking on that side of the village. To the west, the village boundary is unrestrained by topography weaving around gardens of the properties, which are one and two deep from the road. The agricultural buildings at Town Foot Farm project some considerable distance back from the road, however the main characteristic is that they follow the contours around the foot of steep slopes on the east side of the village.

Design

The development boundary is very irregular. Measuring the depth of existing development from the road reveals that it is generally 25m – 45m. It is noted that the recent planning approval for plots 6 + 12 (02/0423) extends to approximately 60m from the road. The depth of the proposed development is 43m and therefore consistent with existing limits. The curtilage boundary of the proposal is the one evident in 1868, which together with the development of the approved conversions of the farmstead, all relate to the natural steep banking to the east, and do not conflict with the general layout of the village. The attached plan demonstrates how the proposal is appropriate within the village setting.

The design of the proposal reflects that of a barn conversion around a courtyard, and is similar to the layout of the adjacent farmyard where planning permission has already been granted for conversion. It is also similar in layout to other buildings and barn conversions located in the village. The materials are predominantly stone with some roughcast, which are wholly appropriate to that setting. The design precedents have already been set, and the proposal merely seeks to reflect those elements. In addition the projection and recession of buildings within village is expressed in the proposed development.

The mass of the 'L' shaped building proposed is well proportioned in relation to the size of the site concerned. It leaves a large frontage of open space that balances against the mass of roadside development opposite. To reduce the number of dwellings and size or alter the alignment is likely to upset this balance in terms of enclosure and proportion.

Conclusion

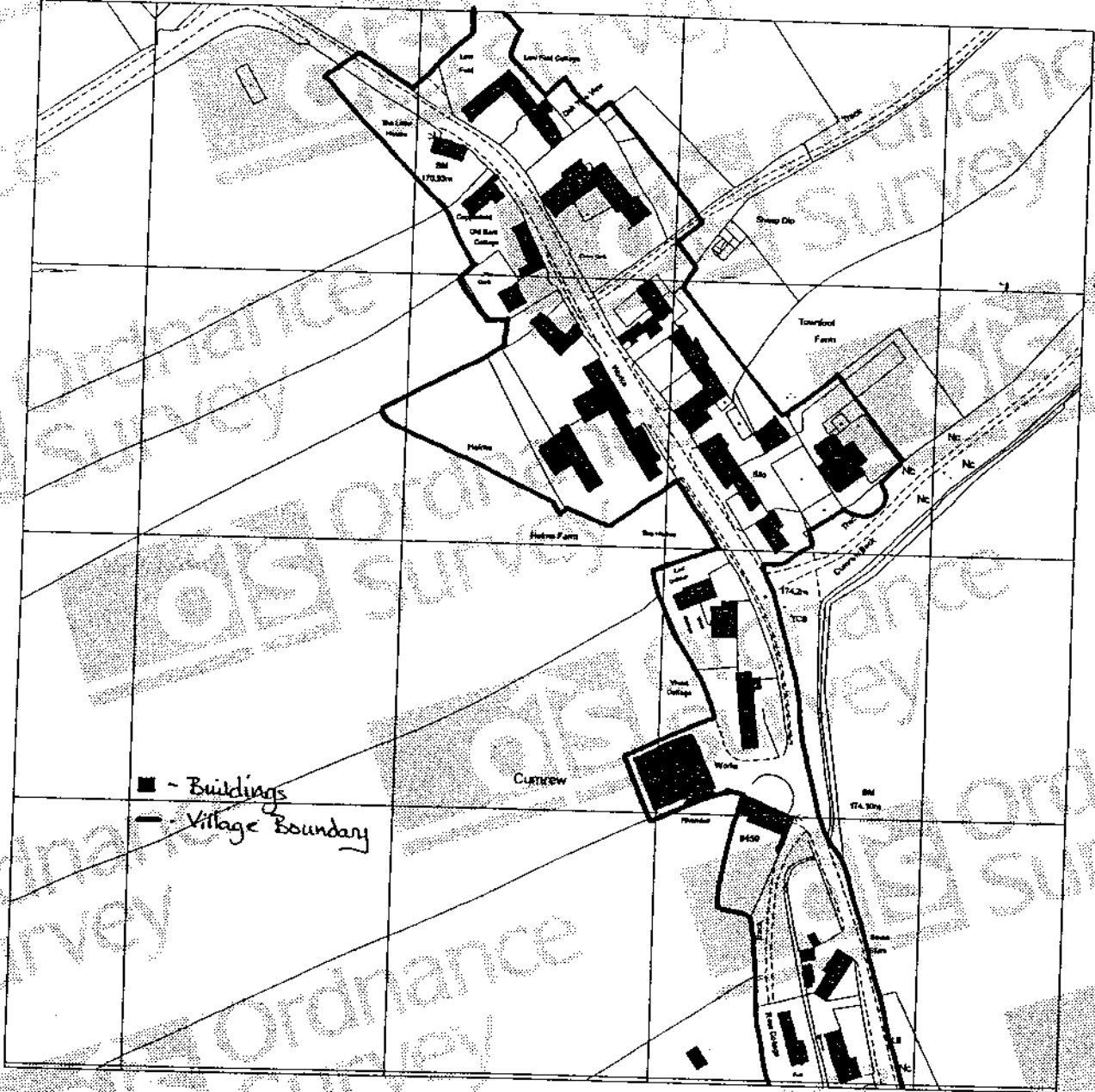
The layout and siting of the proposed development is comparable to existing properties within the village, but especially in the northern end of the village. The creation of an 'L' shaped building is consistent to those surrounding, which are set back from the road with gardens or courtyard to the front. This gives a sense of space, and harmonises with the general character of the village. To alter the siting of the proposed buildings to be nearer to the road, would be at odds with existing development patterns, and be harmful to the appearance of the village.

The proposed houses would replace a large corrugated sheeted former building, which does not make any contribution to the village. The proposal would not result in any harm to the character of the village, or be detrimental to visual amenities. The village would not be harmed in relation to its setting in the AONB as a result of the proposal being built.

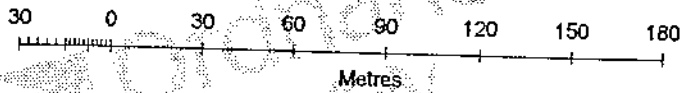
Siteplan

[®]

1:2500 Scale



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Centre coordinates : 354854mE 550698mN

National Grid sheet reference at centre of this Siteplan: NY5450NE.

Supplied by : Westmorland Gazette
Serial Number : 872

SCHEDULE A: Applications with Recommendation

02/0629

Item No: 16

Date of Committee: 20/12/02

Appn Ref No:
02/0629

Applicant:
Mr & Mrs I J Cork

Parish:
Orton

Date of Receipt:
05/06/02

Agent:

Ward:
Burgh

Location:
L/A, Low Farm, Baldwinholme, Carlisle, CA5 6LJ

Grid Reference:
333860 552020

Proposal: Residential development (outline)

Amendment:

1. Revised layout plan received 4th December 2002 showing erection of three detached dwellings.

Angus

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

Cumbria & Lake District Joint Structure Plan Policy 3

The diversification of the rural economy and the maintenance of the vitality of rural life will be assisted through a favourable response to developments which provide local benefits and are sensitive to the local environment.

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Cumbria & Lake District Joint Structure Plan Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Cumbria & Lake District Joint Structure Plan Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Carlisle District Plan Environment - Policy E8

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any existing wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be

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permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Cumbria & Lake District Joint Structure Plan Policy 30

Land will be made available outside the National Parks for the following scale of housing development between 1991-2006.

	Dwellings
Allerdale	about 5000
Barrow	about 2500
Carlisle	about 6000
Copeland	about 4000

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Eden	about 4000
South Lakeland	about 6000

Cumbria & Lake District Joint Structure Plan Policy 31

Sufficient housing land should be provided to ensure that, at any one time, there exists at least a five year's supply of readily available land capable of accommodating building at a rate which will keep the supply of dwellings in line with the housing requirement for each District as set out in Policy 30.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The general layout arrangements appear acceptable. The road layout should conform to the Cumbria Design Guide, Volume 1. It is also recommended that four conditions are included in any Notice of Approval which may be issued.

Orton Parish Council: The information given is not in enough detail. Are houses or bungalows proposed? It is also felt that the dwellings shown are too near to each other.

Environment Agency (N Area (+ Waste Disp)): No wish to raise any objection to the proposal providing any approval includes two conditions concerning foul and surface water drainage.

Cumbria County Council - (Archaeological Services): There is no wish to make any objections or recommendations.

Council for Protection of Rural England: The proposal indicates 6, detached dwellings within a modern cul-de-sac setting. This layout confirms that the development would be likely to serve general market housing, rather than meet specific needs. In addition, the development would be most likely to be purchased by incomer's, who would probably commute to elsewhere, which we consider to be an unsustainable form of development, given the tests set out in PPG3 (March 2000).

The cul-de-sac layout itself is unimaginative, and would not reflect the traditional character of development in the village. As a consequence it would conflict with the Council's own advice contained in the 'Countryside Design Summary for Carlisle District (see pages 6-11). That alone should be sufficient for refusal.

The CPRE maintain that the tests in PPG3 (March 2000) are of primary importance to the consideration of the above application. Its central objective is to provide sufficient housing land, but to give priority to previously developed land within the urban areas and utilise empty homes and conversions in preference to the development of greenfield sites. Moreover, PPG3 emphasises the need for more

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sustainable patterns of development by building in ways that exploit and deliver greater accessibility to jobs, education and health facilities, shopping, leisure and local services. The CPRE does not consider that this rural site in Baldwinholme is a sustainable location in accordance with the central objective of PPG3.

Our detailed responses regarding the current supply of housing land is adequately dealt with in our previous representations dated 2nd July 2002.

In terms of the implementation of PPG3 (March 2000), FLD (on behalf of the CPRE) has just received a copy of a recent planning appeal decision, regarding a proposed development on the edge of Penrith at Carleton Heights (appeal reference APP/H0928/A/01/1075486). FLD has appeared at the Inquiry earlier this year.

The Inspector dismissed the appeal because he considered the development would conflict with the advice contained in PPG3 (March 2000). In coming to that conclusion, the Inspector considered the Planning Authority had failed to carry out a wider strategic up-date to its Local Plan housing allocations in accordance with PPG3 (March 2000). There was therefore insufficient information available from the Council (or indeed the appellants) to inform the Inspector as to whether or not the development adequately complied with this Government guidance. For example, there had been no urban housing capacity study, no application of the sequential test, no assessment of the sustainability of existing allocations and so on. The Inspector considered the Council's assertion that there was no need for a review of its housing allocations in light of PPG3, was untenable. He stated that this review was a pressing priority, given the number of other recent planning permissions that had been granted, which were not compliant with PPG3.

Needless to say, in the case of Carleton Heights, Penrith, the Inspector had referred to all the relevant planning issues that FLD has argued over tirelessly with your Authority concerning other previous housing applications and the proper implementation of PPG3 (March 2000). Aside from the proposed changes to Policy H5, it would seem the Authority has explicitly ignored our objections in the past, and have incorrectly granted planning permission for a number of windfall greenfield sites, that, like Carleton Heights, fail the tests of PPG3 (March 2000).

For the sake of proper planning control and the implementation of Government planning policies, FLD would implore the Planning Authority to fully consider what the Inspector has stated in this recent case. The similarities in circumstances between Carlisle District and Eden District are all too apparent. We strongly recommend that a copy of the appeal decision should be made available to all Planning Officers and Planning Committee Members within the Authority.

Summary of Representations:

This application has been advertised in the form of a site notice and the direct notification of the occupiers of eight neighbouring properties. In response seven letters have been received. The basic issues highlighted being:

- The current application site incorporates part of an adjoining paddock/field

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contrary to the need to preserve open countryside.

- Baldwinholme was 11 dwellings prior to the development at Holme Croft. The current application, combined with recent approvals, will lead to a total of 33 dwellings which is too much too soon.
- The village road, in terms of its present state, width and, lack of passing places, is totally unsuitable for any increase in traffic.
- The submitted indicative layout would mean that an existing house and the future conversion of an existing barn to two dwellings would lack any garden which would force children to play on the village road.
- The housing density seems inappropriate.
- The proposed dwelling on plot 6 could, if more than a single storey bungalow, lead to losses in privacy.

The neighbouring residents have been re-notified concerning the revised layout plan. No observations have been received to date.

Details of Proposal/Officer Appraisal:

Planning History:

In 1961, under application reference number BA2836, planning permission was given for the erection of a house. In 1974 and 1975, application numbers 74/0235 and 75/0854 respectively, permission was granted for the erection of cubicle sheds and a feeding area.

In 1988, application 87/1039, permission was given for the conversion of a barn to a dwelling.

Details of Proposal:

This outline application relates to 0.53ha. of land which provides the northern approach to Baldwinholme. The site comprises a farmstead which lies on the eastern side of the road comprising two dwellings and a series of agricultural buildings of a utilitarian design. To the immediate north and east there are open fields.

The application was originally accompanied by an indicative layout plan which showed the erection of six houses based around a cul-de-sac. A revised plan has now been received showing the erection of three detached dwellings and a developed area to be restored to agricultural pasture. Each dwelling would be served by its own access. The conversion of a barn to two cottages is also shown although this element is not part of the current proposal.

In considering this application it is felt that the following points need to be kept in

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mind.

i) POLICIES

a) Ministerial advice

Paragraphs 2 and 3 of PPG3 "Housing" explain the Government's aim of promoting more sustainable patterns of development with more priority given to previously developed land within urban areas. A duty is placed on local planning authorities to ensure that development can deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local facilities; review planning policies; place the needs of people before ease of traffic movement; seek to reduce car dependence; and, promote good design in new housing developments.

PPG3 goes on to say that local planning authorities, in order to establish how much additional housing can be accommodated within urban areas (and thus how much greenfield land may be needed for development) undertake urban housing capacity studies (paragraph 24). Any local plans should identify sites for housing and buildings for conversion and re-use sufficient to meet housing requirements after making allowance for potential windfalls (paragraph 28). However, PPG3 makes it clear that in assessing the allowance which might be made for windfalls (i.e. sites which are not specifically allocated in local plans) local planning authorities should include no allowance for greenfield windfalls (paragraphs 35 and 36).

Paragraphs 69-71 of PPG3 deal with rural housing. Paragraph 69 states that most proposals for additional housing in villages will involve infill development or peripheral expansion. Villages will only be suitable locations for accommodating significant additional housing where: additional housing will support local services (such as shops and schools); additional houses are required to meet local needs, such as affordable housing; and, the development can be designed sympathetically in keeping with the character of the village using such techniques as village design statements (paragraph 70).

Annex C to PPG3 defines previously developed land as "that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure ... The definition excludes land and buildings that are currently in use for agricultural or forestry purposes ...".

PPG7 "The Countryside - Environmental Quality and Economic and Social Development" states in paragraph 3.4B that:

"It is usually preferable for farm diversification schemes to re-use good quality existing buildings and put them to a new business use, rather than building new buildings in the countryside. New buildings, either to replace existing buildings or to accommodate expansion of enterprises, may also be acceptable provided that they satisfy sustainable development objectives and are of a design and scale appropriate to their rural surroundings".

b) Interim Housing Policy Statement

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Members will be aware that on the 28th October an Interim Housing Policy Statement was reported to the Executive of the Council. The accompanying report included the following table setting out the rate of housing development over the Plan period based on the position at 31st March 2002.

	Total	Urban	Rural
Structure Plan allocation 1991-2006	6000		
Local Plan Provision 1991-2006	6858	4801	2057
Completions 1991-2002	4286	2652	1634
Residual requirement 2002-6	2572	2149	423

An examination of the total of dwellings to be completed to achieve the Structure Plan allocation shows that the development rate is only 2.6% below the anticipated rate. It is however, the location of that development which has raised concerns. Whilst PPG3 puts an emphasis on urban and brownfield locations, an initial look at the table above indicates a development rate that is greater than planned in the rural area.

A higher rate of development in the rural area and a lower rate of development in the urban area indicates a need to manage the supply more closely in line with the Plan Strategy and PPG3. The completion of new dwelling units indicates a 38% development rate in the rural area, which are nearly 350 units higher than the 30% rate anticipated. However, in the context of the 15-year plan period the figures above indicate that at 73% of time through the plan period, 79% of the rural supply has been completed resulting in an oversupply of 125 units throughout the rural area. In contrast the urban area has developed only 55% resulting in an under supply of over 850 units.

Planning applications already given consent will feature in the future rate and location of development. In order to achieve a complete picture of the pattern of development, the table below takes these into account.

	Total	Urban	Rural
Total with Planning permission	1928	1195	733
Completions 1991-2002	4286	2652	1634
Projected total for plan period (estimate up to 2006)	5751	3560	2191
Local Plan Provision	6858	4801	2057

Whilst not all planning consents get developed and some may take longer than the plan period before being completed, the trend of development is clear. An increasing number of consents in the rural area and a shortage of supply in the urban area are not achieving the urban emphasis of the Local Plan strategy nor PPG3.

In order to increase the urban emphasis and reduce the amount of rural housing coming forward the Housing Policy Statement emphasises that the implementation of Policy H5 needs to be more focused with Officers taking, in particular, the following three factors from PPG3.

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- Good public transport corridors
- The availability of local services
- Local need

Paragraph 70 of PPG3 relates to significant additional housing. Housing Policy H5 provides for small-scale proposals and proposals for significant rural housing are contrary to this policy. Paragraph 4.40 of Policy H5 refers to proposals of over 20 dwellings however the preceding sentence states the „what constitutes large and small-scale will vary considerably from settlement to settlement“. Significant additional housing referred to in PPG3 will be considered in this context.

c) Supplementary Planning Guidance

Relevant Supplementary Planning Guidance is contained in "Achieving Well Designed Housing" and the "Countryside Design Summary for Carlisle District" both of which emphasise the need for new development to be sited to integrate with the form and layout of any village.

ii) ASSESSMENT OF PROPOSAL

In the context of the aforementioned advice and policies, Baldwinholme is a relatively small settlement without any services in the form of a shop, pub or school and lacks access to public transport. Development in such a location cannot be considered as sustainable. The proposal can also be viewed as being significant in terms of the additional number of dwellings. No argument based on local need has been put forward by the applicants.

Members, however, need to also consider whether there are any exceptional circumstances which mitigate against the refusal of planning permission. In relation to this proposal it is apparent that the farmstead no longer operates in agriculture since Foot and Mouth. The buildings are unused with the paddock grazed by ponies and fields leased to a local farmer. In effect if permission was granted to re-develop the farmstead it is unlikely to generate the need for farm buildings to be built elsewhere. Members are also faced with the potential situation of derelict buildings on the approach to Baldwinholme.

It is not a straight forward situation with Members having to weigh up the advantages and disadvantages. In light of the foregoing and the recently submitted revised plans, which show a reduction in the scale of the development and the restoration of land, the proposal is recommended for approval subject to the awaited observations of interested parties.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

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Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

FOLD (See Page 1)

Recommendation: Grant Permission ✓

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

- (i) The expiration of 5 years from the date of the grant of this permission, or
- (ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Before any work is commenced, details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3. This permission shall only be in respect of 3 dwellings and garages which shall be of traditional design and appearance in keeping with the local vernacular tradition, the siting of which shall adhere to the schematic layout plan submitted as part of this application.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area, and, is of a scale which reflects the Interim Housing Policy Statement.

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4. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the local planning authority before any site works commence.

Reason: In order that the approved development overcomes any problems associated with the topography of the area.

5. Before the occupation of any dwelling the existing outbuildings identified in the approved plans received on 4th December 2002 shall be demolished and trace of their existence, along with the associated hardstanding area, removed and the land restored in accordance with a plan approved beforehand by the local planning authority.

Reason: The local planning authority wish to ensure that the setting and scale of the development is not marred by the retention of the identified structures and hardstanding.

6. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

7. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented.

9. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building.

10. Details shall be submitted of the proposed hard surface finishes to all public and

SCHEDULE A: Applications with Recommendation

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private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

11. Before each dwelling is occupied, space for at least one garage and one parked car shall be provided together with vehicular access thereto and a turning area, in accordance with plans to be submitted to and approved by the local planning authority. The access, turning area and spaces for garage and parking shall be used for no other purpose without the prior approval of the local planning authority.

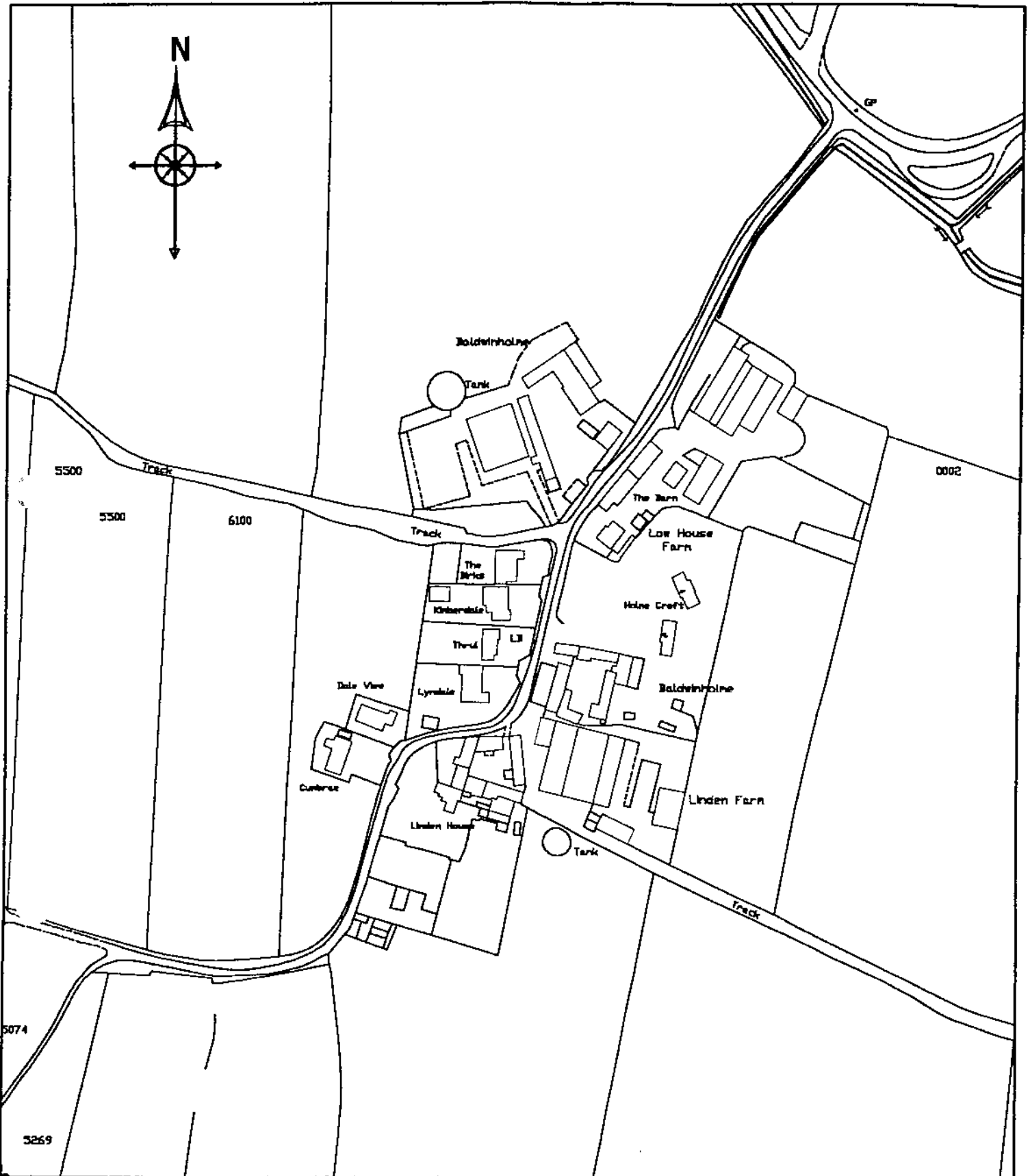
Reason: To ensure adequate access is available for each occupier.

12. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: To ensure that each dwelling is provided with parking and garage space to the satisfaction of the local planning authority.

13. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans.

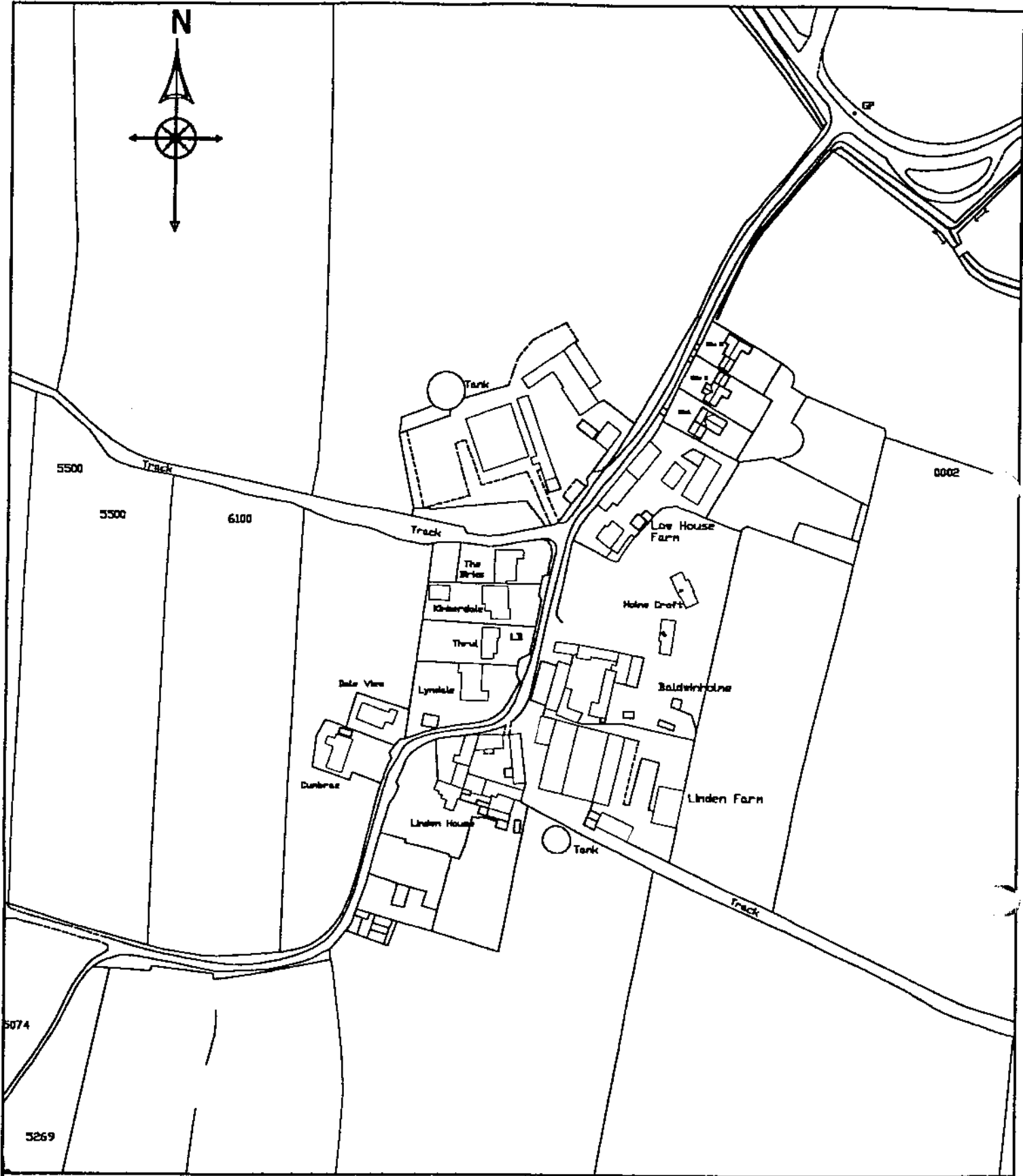
Reason: To ensure that adequate drainage facilities are available.



Client:
MR IAN & MRS MARY CORK
Project:
**LOW HOUSE FARM
BALDWINHOLME**

Drawing Title:
Location Plan As Existing
Scale: 1:2500 Date: 05/02
Drawing: Rev:
IMC 1/1 **A**

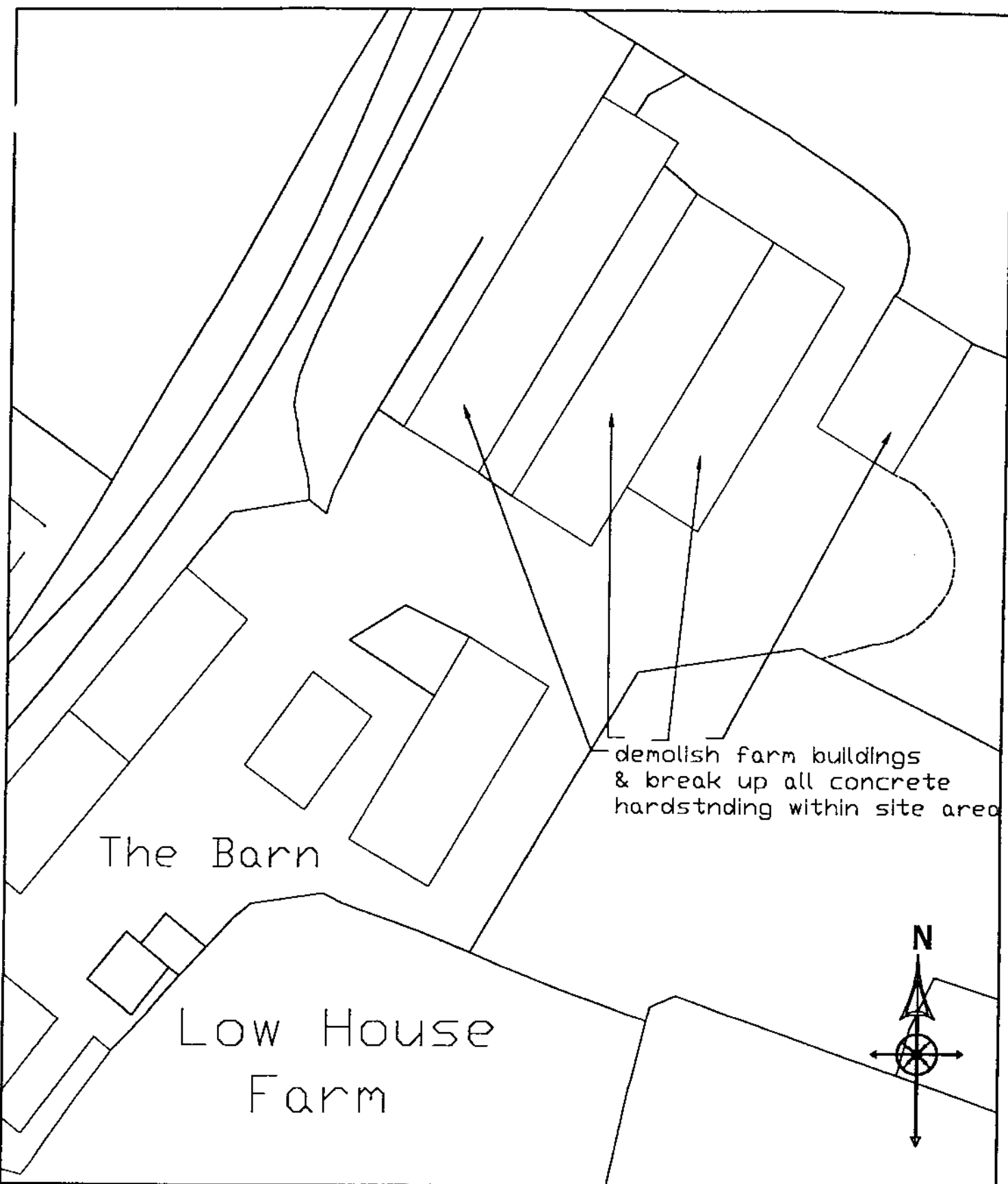
2607/0628



Client:
MR IAN & MRS MARY CORK
Project:
**LOW HOUSE FARM
BALDWINHOLME**

Drawing Title:
Location Plan As Proposed
Scale: 1:2500 Date: 05/02
Drawing: Rev:
IMC 1/1 **A**

2002/0629



Client:
MR IAN & MRS MARY CORK

Project:
**LOW HOUSE FARM
 BALDWINHOLME**

Drawing Title:
Block Plan As Existing

Scale: 1:500 Date: 05/02

2002/0629

Drawing: Rev:
 IMC 1/3 0



suggested boundary treatment
hedgerow with tree planting
details to be agreed with
Local Planning Authority

Site 3

access

access

Site 2

access

Site 1

existing
dwelling

barn retained for
potential conversion
to two dwellings

concrete hardstanding &
redundant agricultural
building to be restored
to agricultural use

land retained to form access
to existing dwellings & to
dwellings formed by the potential
conversion

Low House
Farm

Client:
MR IAN & MRS MARY CORK

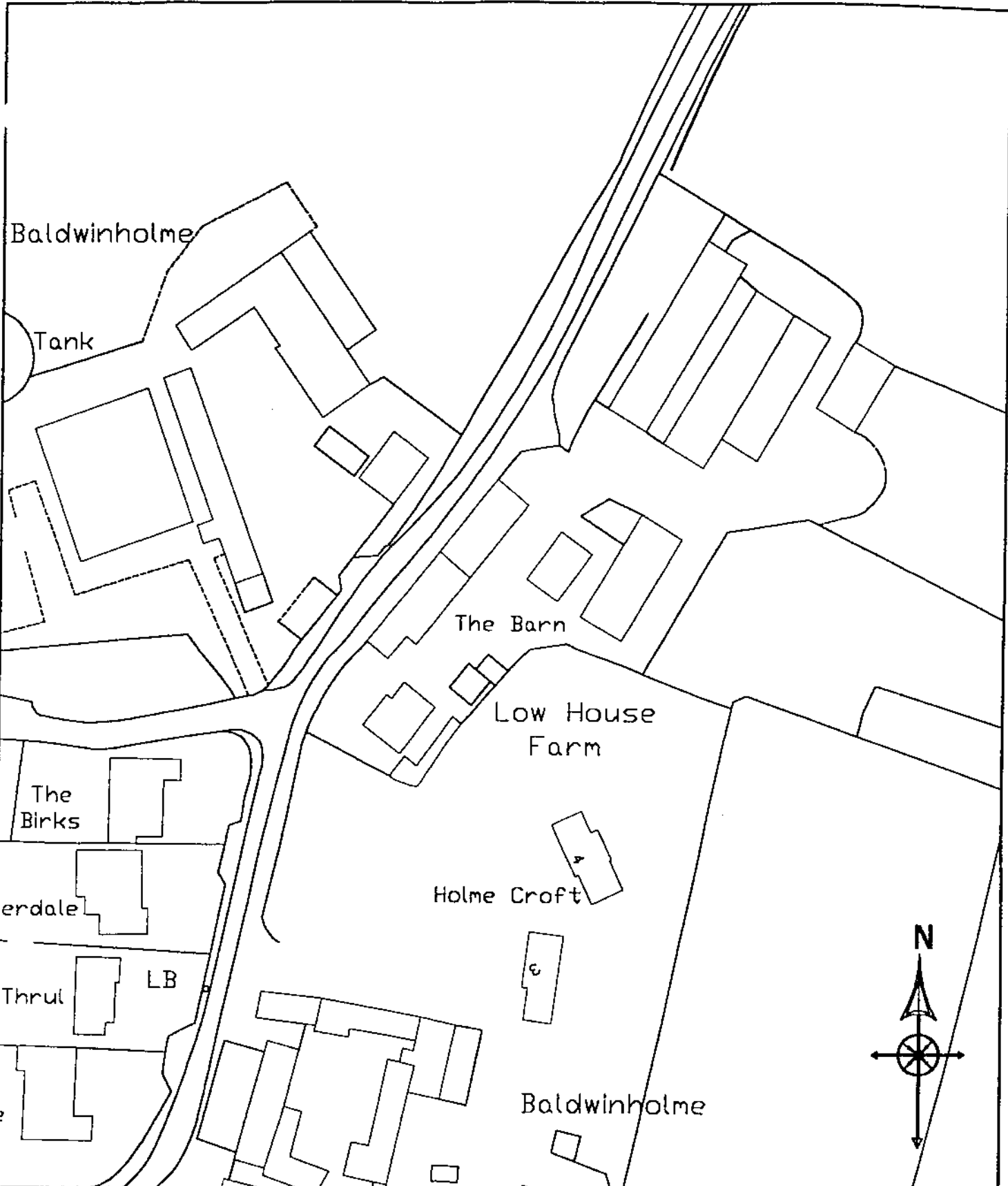
Project:
**LOW HOUSE FARM
BALDWINHOLME**

Drawing Title:
Block Plan As Proposed

Scale: 1:500 Date: 05/02

Revisions
A 30.11.02
Site reduced in area; House nos reduced from 6 to 3
B 02.12.02
notes added; boundary to site 3 changed

Drawing: 2002/0629 Rev: IMC 1/3 **B**



Client:
MR IAN & MRS MARY CORK

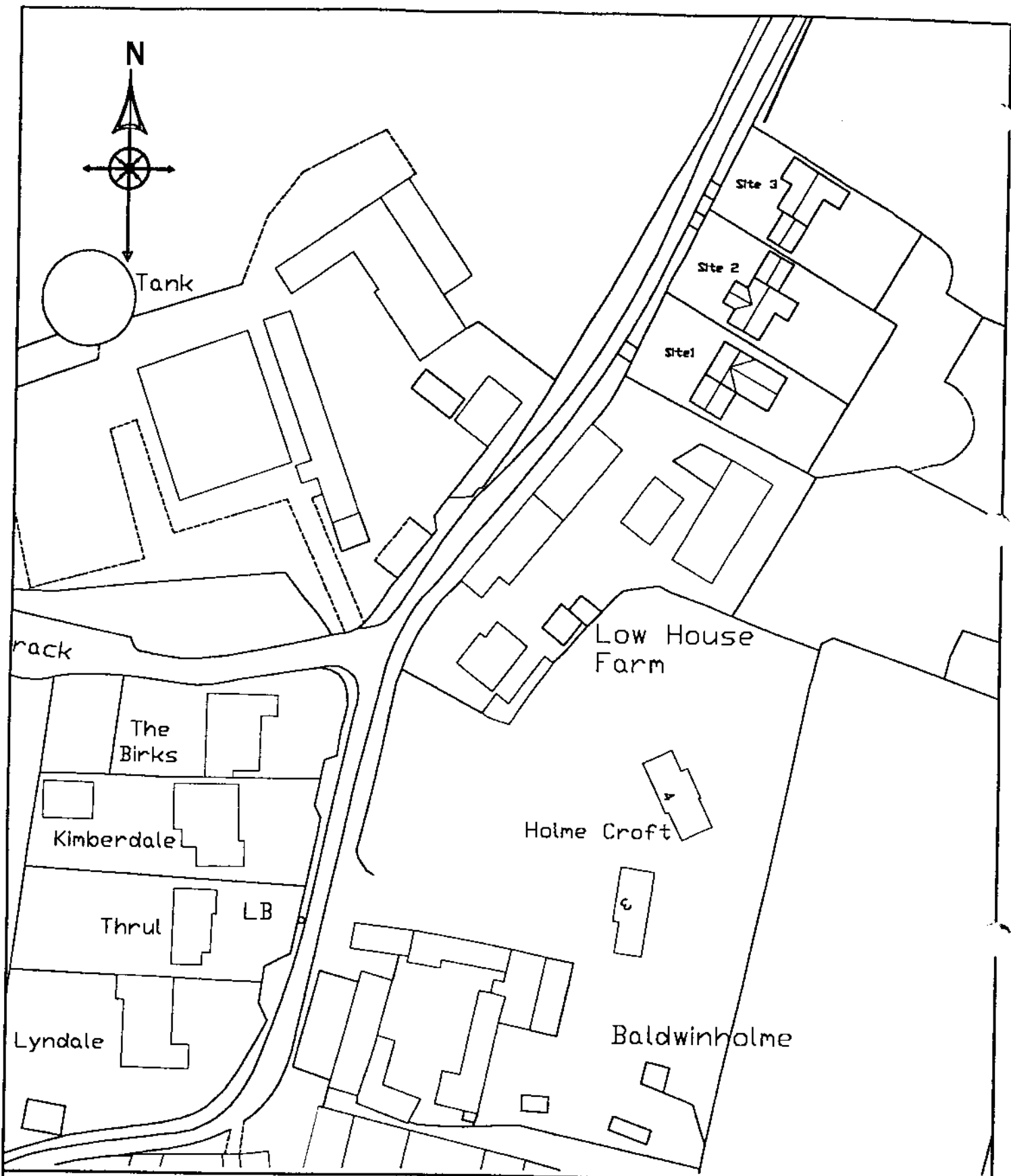
Project:
**LOW HOUSE FARM
 BALDWINHOLME**

Drawing Title:
Location Plan As Existing

Scale: 1:1000
 Date: 11/02

2002/0629

Drawing: IMC 1/4
 Rev: 0



Client:
MR IAN & MRS MARY CORK

Project:
**LOW HOUSE FARM
 BALDWINHOLME**

Drawing Title:
Location Plan As Proposed

Scale: 1:1000
 Date: 05/02

Revisions
 A 30.11.02
 Site reduced in area; House nos reduced from 6 to 3
 B 02.12.02
 notes added; boundary to site 3 changed

2002/0629

Drawing: IMC 1/4
 Rev: **B**



Appeal Decision

Inquiry held on 26, 27 February and 23, 24 May 2002

Site visit made on 24 May 2002

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
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e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

22 JUL 2002

Appeal Ref: APP/H0928/A/01/1075486

Land at Carleton Heights, Penrith

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Alfred McAlpine Homes Cumbria Ltd against the decision of Eden District Council.
- The application (Ref.01/0619), dated 10 August 2001, was refused by notice dated 20 September 2001.
- The proposal is a residential development.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The original application was made in outline with all matters reserved. Drawing 305/100, submitted with the originating application, shows a suggested layout. As confirmed at the Inquiry, this drawing was intended to be illustrative only. I shall treat it accordingly. An amended location plan was submitted during the Inquiry that identifies adjoining land under the control of the appellants. It was agreed that the proposal should be considered on the basis of this revised information.

Main Issues

2. In my view the main issues in this case are:
 - 1) Whether there is sufficient justification for the development, having regard to the provisions of the development plan and Government advice in Planning Policy Guidance Note 3 – Housing (PPG3).
 - 2) The effect of the proposal on the character and appearance of the area.

Planning Policy

3. The development plan for the area includes the Cumbria and Lake District Joint Structure Plan 1991 – 2006 'Development for the 1990s', that dates from 1995, and the Eden Local Plan of December 1996.
 4. Structure Plan Policy 1 states that development will be provided, mainly in towns, to meet the social and economic needs of the County's population, in a manner that does not diminish environmental quality. Policy 2 seeks to protect the County's scenic beauty, natural resources and the quality of its built environment from inappropriate development. Policy 11 sets out to allow Penrith to develop at a rate that allows local housing and business needs to be satisfied, but in a manner sympathetic to its existing character and rural setting.
-

-
5. Policy 13 refers to 'The Rest of the Countryside' (as opposed to Landscapes of National and County Importance dealt with in Policies 11 and 12). In this area, development will normally be permitted that is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance.
 6. Local Plan Policy NE1 refers to development in the countryside. This is to be valued for its undeveloped character and to protect this character, development outside settlements and groups of dwelling will only be permitted to meet local infrastructure needs or if a need is established in a specific location that outweighs its environmental cost. For such development to be acceptable a number of criteria need to be satisfied; siting and landscaping should minimise impact; design and materials should be appropriate to the location and an unacceptable level of harm should not be caused to any interests of acknowledged importance.
 7. Policy HS1 sets out a list of settlements with allocations for residential development while Policy HS2 sets out those settlements without allocations. Policy HS4 allows for small windfall sites within these settlements, subject to a range of criteria. Policy HS5 seeks to secure a mix of housing types to meet the needs of the community, and where there is evidence of need, affordable housing.
 8. PPG3 is of particular relevance to this appeal. Amongst a series of central objectives, PPG3 requires local planning authorities to provide sufficient housing land but to give priority to previously developed land within urban areas and utilising empty homes and conversions, in preference to the development of greenfield sites. Moreover, more sustainable patterns of development should be created by building in ways that exploit and deliver greater accessibility to jobs, education and health facilities, shopping, leisure and local services.
 9. As part of this process, paragraph 37 requires development plans to be revised to properly reflect the guidance, as quickly as possible. As part of this process paragraph 24 requires Councils to undertake urban housing capacity studies in order to establish how much additional housing can be accommodated within urban areas. Paragraph 38 requires housing proposals considered in the interim, to treat the guidance as a material consideration that may supersede the development plan. Paragraph 67 deals with the creation of urban extensions and it was agreed that the appeal site falls into this category. It states that these are likely to prove the next most sustainable option for new housing, after building on appropriate sites in urban areas.
 10. I have also noted the content of Planning Policy Guidance Note 7 – The Countryside – Environmental Quality and Economic and Social Development (PPG7) and, in particular, the stipulation therein that the countryside should be protected for its own sake.

Réasons

Whether there is sufficient justification for the development, having regard to the provisions of the development plan and Government advice in Planning Policy Guidance Note 3 – Housing (PPG3).

11. In essence, the appellants contend that, for a variety of reasons, there is a shortfall in housing supply for the period up to 2006 and that, as a result, there is a need to bring forward the appeal site. The Council argues that, on the contrary, the housing sites allocated in the Local Plan are sufficient to meet the projected housing requirements up to 2006.

12. The Council's witness confirmed under cross-examination that the overwhelming majority of the remaining allocated sites in the Local Plan are greenfield sites in outlying settlements that are not blessed with a wide range of facilities like shops or schools, or public transport. Consequently, as highlighted by the appellants, their development would foster the need to travel by car. Leaving aside the marketing and other constraints identified by the appellants it is therefore, difficult to envisage how these sites can meet the central objective of PPG3, to create more sustainable patterns of development. On the basis of this analysis, it seems to me that it is unacceptable for the Council to argue that allocated sites can meet projected housing requirements up to 2006. The effective shortfall is, in my view, even greater than that identified by the appellants.
13. If the Council followed advice in paragraph 37 of PPG3, (and I note it is not the current intention to do so) these housing allocations would be reviewed in the light of the central objectives of this guidance. On the face of it, bearing in mind advice in paragraph 67, any such review would not bring forward these allocated sites before more sustainable options, such as the development of previously developed land in, or urban extensions to, Penrith.
14. Notwithstanding the views put forward to the Inquiry, the Council's assertion that there is no need for a review of its housing allocations in the light of advice in PPG3, is, to my mind, untenable. Given the examples of recent permissions, not compliant with PPG3, tabled by the appellants, such a review is a pressing priority. The Council's admission that publication of an Urban Capacity Study (as required by paragraph 24 of PPG3) is around 12 months distant is an unacceptably slow response to Government advice in this regard.
15. There is no dispute between the parties that the appeal site can be defined as an urban extension. As such, having regard to advice in paragraph 67 of PPG3, it is sequentially superior to the overwhelming majority of the remaining allocated sites. Furthermore, the parties seem to concur that, in accordance with the appellants' study, there is little likelihood that housing on previously developed land in Penrith will be able to meet anything other than a small proportion of housing needs up to 2006. In this context it seems inevitable that urban extensions to Penrith (such as the appeal site) will have to be considered in advance of the less sustainable housing sites allocated in the Local Plan.
16. However, if a review of housing supply is to take place, and it seems to me that this is the only sensible way to proceed, then to bring the appeal site forward, in advance of that review, would serve to prejudice its results. This appeal is, in my view, too narrow in its compass to permit proper consideration of these more wide ranging, strategic matters. For example, without the results of an urban capacity study it is not possible to ascertain the contribution that might be made by new housing on previously developed land in Penrith. As a result, neither is the extent of the necessary contribution from any urban extensions discernible. Moreover, a wider study might well identify urban extensions to Penrith that perform better, in sustainability terms, than the appeal site.
17. With all these points in mind, I do not consider that in the context of the development plan and, more importantly advice in PPG3, there is sufficient justification for the development.
18. The appellant has pointed to the housing supply position in relation to Penrith. I accept that this position is difficult and may well stifle economic growth. However, to my mind that is not an argument in favour of bringing the appeal site forward but an indication of how important it is for the Council to undertake a review of its housing allocations expeditiously.

19. I note that the proposal includes an element of affordable housing, for which there is an acknowledged need, and that this could be secured by condition. However, I do not accept that this factor, albeit favourable, can outweigh my primary conclusion.

The effect of the proposal on the character and appearance of the area.

20. As I have set out the appeal site is an urban extension. Notwithstanding that long-distance views of the site are limited, and that landscaping could, potentially, provide something of a screen, its development for housing would lead to the northerly encroachment of the built form of the settlement into the surrounding countryside. This encroachment would be readily apparent from Beacon Edge, to the north.

21. It may well be that, taken in the round, the impact of this encroachment might be less than the impact of developing some of those greenfield sites, allocated in the Local Plan. If this was the case and there was an identified need, then the proposal could be judged to comply with Local Plan Policy NE1, in that the need could outweigh the environmental cost. However, without the security offered by an overall review of housing supply, it is not possible to conclude that there is an absolute need. A wider review might well, for example, identify urban extensions that have less visual impact.

22. In this context, I consider that, in the absence of an identified need, the encroachment of built form into the surrounding countryside would be harmful to the character and appearance of the area. The proposal would, therefore, be contrary to Local Plan Policy NE1 and advice in PPG7.

Conclusions

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

24. In exercise of the powers transferred to me, I dismiss the appeal.

Information

25. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.


INSPECTOR

SCHEDULE A: Applications with Recommendation

02/0656

Item No: 17

Date of Committee: 20/12/02

Appn Ref No:
02/0656

Applicant:
North Eastern & Cumbrian
Co-op

Parish:
Brampton

Date of Receipt:
14/06/02

Agent:
Architects Plus

Ward:
Brampton

Location:
1-11 Main Street, Brampton, CA8 1RS

Grid Reference:
353118 561165

Proposal: Demolition of existing garage and adjoining house and erection of new retail store and associated parking and service area

Amendment:

Alan

Report

Planning Policies:

Airport Safeguarding Area

Conservation Area

The proposal relates to land or premises situated within the Brampton Conservation Area.

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

SCHEDULE A: Applications with Recommendation

02/0656

Cumbria & Lake District Joint Structure Plan Policy 4

The quality of the environment within and around towns will be upgraded for the benefit of residents, visitors and the local economy by high standards of design for new development, by improvements to existing buildings, ground surfaces and spaces, and by measures to reduce the impact of traffic.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Cumbria & Lake District Joint Structure Plan Policy 26

Development and other land use changes which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure or remove important archaeological sites or other historic features, or are detrimental to the character or setting of a Listed Building or Ancient Monument will not normally be permitted.

Cumbria & Lake District Joint Structure Plan Policy 46

In the centres of smaller towns and secondary shopping centres development will normally be permitted where it is appropriate to the scale and character of the local centre. A safer and more attractive environment will be provided for local residents, shoppers and visitors by the introduction of pedestrian areas, improved traffic management, appropriate car parking and delivery facilities.

Carlisle District Plan Environment - Policy E39

There will be a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a Conservation Area. Applications for Conservation Area Consent for the demolition of unlisted buildings in Conservation Areas will be critically assessed against the following criteria:

1. The Contribution of the building to the landscape/townscape; and
2. The structural condition of the building; and

SCHEDULE A: Applications with Recommendation

02/0656

3. The suitability of the building for its existing, proposed or any other use; and
4. The cost of repair; and
5. The contribution which the demolition/redevelopment would make to broader conservation objectives.

All proposals for demolition must be accompanied by details of redevelopment, which will normally be secured by means of a legal agreement.

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan Environment - Policy E44

Within Conservation Areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

Carlisle District Plan Shopping - Proposal S9

Within the shopping centres of Brampton, Longtown and Dalston, shopping proposals will be acceptable, provided that:

1. They preserve or enhance the character or appearance of the Conservation Areas; and
2. They do not adversely affect the amenity of surrounding residential areas; and
3. Satisfactory servicing access can be achieved; and
4. The scale and design of development is appropriate to the centre where it is located.

Carlisle District Plan Employment - Proposal EM2

SCHEDULE A: Applications with Recommendation

02/0656

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): concerned that the original submission required service vehicles to reverse into the site from Moatside using a very narrow and inadequate section of road that would be likely to require vehicles to manoeuvre on the adjacent footways. The Highway Authority considered that to be an unsatisfactory arrangement and therefore recommended refusal in the interests of highway safety. The application has subsequently been modified by the retention of an area of granite setts along the site frontage onto Main Street onto which service vehicles would drive and stand for off-loading purposes thus omitting the service delivery from the rear of the proposed store. The views of the Highway Authority on that revised service arrangement are awaited;

Brampton Parish Council: the PC welcomes redevelopment proposals for the area but has the following observations:

- the granite sets on the forecourt should be retained or re-used
- quoinstones should be incorporated in the main elevation
- since adjoining properties are residential there should be a condition restricting trading hours to not later than 20.00
- the design should be as vernacular as practicable and in keeping with surrounding buildings;

Environmental Services: since the site is near to residential properties it is necessary to ensure that activities such as loading do not cause undue disturbance to occupiers of these dwellings and in this regard a condition restricting the hours of delivery should be considered. It should also be a requirement that no plant or equipment is installed or operated outside the structure of the building unless it is enclosed or treated so that its operation is inaudible to the residents of surrounding properties. Similarly, no vents, ducts, discharge points or chimneys should be installed or discharged through the exterior of the building without the consent of the Authority;

Planning Services - Access Officer: comments awaited;

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02/0656

Civil Aviation Authority: no safeguarding objection as the proposal does not conflict with safeguarding criteria;

Environment Agency (N Area (+ Waste Disp)): the Agency has objected to the application pending the receipt and consideration of a Flood Risk Assessment in view of the site's situation within a high risk area liable to flood. In addition, the Agency has further comments to make in relation to the possible contamination of the site from its previous (and current) use but will provide these as part of a more detailed response in conjunction with comments on the Flood Risk Assessment;

English Nature: draw attention to the possible presence of bats and request that an informative note be provided to the applicants;

Cumbria County Council - (Archaeological Services): the site lies within an area of archaeological interest, the historic town of Brampton. the site lies within the medieval town and is likely to have been occupied during the medieval period by a block of tenement plots. These would have contained a property fronting the street with yards containing pits and possibly industrial activities to the rear. Important archaeological evidence can survive as buried remains within such locations.

Consequently it is recommended that a programme of archaeological recording be undertaken during the course of the development (a watching brief) and that this be secured by a negative condition to any planning consent the Council may otherwise be minded to grant;

Conservation Area Advisory Committee: scheme shows little recognition of the character of this part of the Brampton Conservation Area. It is an important site where each elevation has a significant impact. The site is prominent on this route into Brampton from the east and as such the scheme severely detracts from the character of Brampton. The Committee is not impressed by this effort and feels that the existing garage with its appropriate scale and character has more to offer than the proposals. The domestic elevations of the existing are in scale and in keeping and the new design should reflect this preferably with a two storey elevation to most of the street frontage (for offices, toilets, etc. for staff)

Summary of Representations:

Site and Press Notices have been displayed and neighbours informed by letter. In response 2 objection letters have been received, the grounds of objection being;

- if operated at the same hours as the existing store, the new store will attract teenagers in the evening and adjoining occupiers will experience disturbance
- delivery access is inadequate
- the modern building replaces existing buildings in a conservation Area
- materials are cheap, out of character and the scale of the building mis-matches the existing buildings
- extra parking pressure will be brought to this area of Brampton
- development spreads the commercial focus away from the town centre and is to the detriment of the liveliness of that area

SCHEDULE A: Applications with Recommendation

02/0656

this is a bland uninspiring building which would do nothing for Brampton

Details of Proposal/Officer Appraisal:

Planning History:

There have been several applications relating to the garage and filling station since 1949.

Details of Proposal:

This application is accompanied by a related application for Conservation Area Consent for the demolition of the existing buildings on the site prior to the redevelopment of it.

The proposal relates to the existing 2 storeyed dwelling, related garage/petrol filling station and its associated rear yard situated on the southern side of Moatside almost opposite to its junction with Moat Street. Planning permission is sought to demolish the existing buildings and re-develop the site to provide a new 384 sq. m (4133 sq. ft.) gross floorspace Co-op supermarket to replace the existing smaller (250 sq. m.) Co-op outlet on Front Street.

The proposed building presents a 28 wide frontage onto the highway and extends 16 metres deep into the site. It is proposed to be sited on the same building line as the buildings it replaces although rather than their two storeyed form the new development has only a small two-storey section (at the end abutting the adjacent 3 storey licensed premises (The Oddfellows) with the majority of the proposed new building being predominantly a single floor level structure. Moreover, as a retail foodstore the proposed building has no display facilities as such and accordingly it presents an essentially unbroken facade to the highway.

The higher section of the building at its western end, which contains a false upper floor which houses only plant, includes two first floor windows to the street and a pair of fire escape doors at street level. The windows and doors would have pre-cast surrounds and the roof to that section would have a parapet gable. It would have a single width fire door at the rear.

The remainder of the building steps down in height from the 8.4 metre high ridge height of the "domestic" scale higher section to a 7.6 metre ridge line over the food hall. It would be a 3-bay structure, each bay narrower than the width of the adjoining 2-storey section and would be supplemented at its eastern end by a lower height entrance foyer and trolley store. It would be attached to the gable and would have a double pitched roof following the plane of the main roof structure (but lower ridge height reflecting its shallower footprint) and would have a glazed screen on its gable elevation set within a painted aluminium glazing frame.

The primary finishes employed in the design of the building consist of painted rendered walls set back behind pre-cast stone piers cladding the steel frame of the structure, precast plinth and blue/black slate roof. The proposed fascia was initially proposed to be a pre-finished white/blue board against which would be attached the

SCHEDULE A: Applications with Recommendation

02/0656

shop fascia signwork. Through negotiations with the scheme architect this has been modified and is now proposed as a pre-cast stone fascia with cut out raised lettering fixed to it, the fascia projecting from the main facade and surmounting a curved pre-cast stone lintel.

It is proposed to form a 13 space car park at the rear of the store, including two disabled persons' spaces and two mother and child spaces and trade waste would be collected within a refuse compactor to be sited at the immediate rear of the store.

Members will note that the Parish Council expressed concern about the loss of the existing area of granite setts across the forecourt area of the garage and the applicants have now agreed to retain these and utilise that area for service off-loading (has now received agreement from the Highway Authority in principle).

The proposal raises a number of issues including that of the principle of the use of the land for these purposes since it is actually allocated on the Inset Plan for Brampton, within the District Local Plan, as a Primary Employment Area to which Policy EM2 normally applies. Members will note that that policy seeks to re-cycle employment sites for employment uses: retailing is excluded from the definition of "employment". Notwithstanding, the supporting text to the Policy acknowledges that there may be circumstances where the loss of employment sites to suitable alternative uses may be justified although the usual circumstances where this might be justified are where there is an obvious conflict between employment activities and the amenity of nearby dwellings.

One objection also questions the appropriateness of permitting the outward spread of commercial activity from the town centre and the effect that might have upon its' vitality and liveliness. However, the site is substantially a commercial one at present that could (if the proprietors so wished) trade at times and in some respects with similar levels of activity as the existing Co-op store so it is difficult to regard the re-location as unacceptable as a matter of principle. Indeed, policies within the Structure Plan and the District Local Plan are generally supportive of investment within and thus the enhancement of the smaller towns within the District. Moreover, it is difficult to identify where else a successful new foodstore to meet local needs could be sited within the town.

Members will also wish to have regard to the issue of the demolition of the existing buildings in this part of the Conservation Area both in respect of their intrinsic merit, the contribution they make to the character of the Conservation Area and the merit of their proposed replacement. In that regard, it should be noted that the Conservation Area Advisory Committee considers the submission to be unsatisfactory and has recommended refusal.

Finally, there is the issue of the potential amenity impact of the development in relation to neighbouring uses. Two objection letters have been made citing these concerns notably the potential nuisance from youths using the proposed store as a gathering place in the evening and that giving rise to disturbance to nearby homes.

The issue of the design and finishes will need careful assessment by Members having regard to the views expressed by CAAC which are not universally shared by

SCHEDULE A: Applications with Recommendation

02/0656

Officers.

Additionally, at the time this Report required to be completed the Flood Risk Assessment had not been submitted to the City Council and it is unclear whether this matter will be able to be resolved in time for members to determine the application.

SUPPLEMENTARY REPORT

Members will recall that a Report on this application, and the associated application for Conservation Area Consent, were considered at the meeting held on 15th November when:

Members resolved to give authority to the Director of Environment and Development to issue approval for the proposal subject to:

- *the receipt of the observations of the Environment Agency with regard to the Flood Risk Assessment, there being no objections thereto; and*
- *the incorporation within any Notice of Approval of appropriate planning conditions to prevent public car parking on the forecourt area of the site and restricting the trading hours/delivery times to avoid nuisance and disturbance to adjacent residential properties.*

The Flood Risk Assessment has been prepared and forwarded to the Environment Agency. Verbal indications are that it is acceptable and written confirmation is awaited.

However, in addition to that matter Members attention is directed towards a letter received from the agent acting for the Co-op relating to the discussion at the last meeting of planning conditions relating to trading hours and service delivery hours. Members will recollect that the consensus was that the time period from 0800-2200 hours was appropriate and particular concern was expressed in relation to possible disturbance caused by deliveries at unsocial times.

The applicants have no problem with trading times but they have referred to the fact that prior to opening for trade at 0800 hours they would expect to have newspapers and fresh produce on the shelves at that time of opening. Main deliveries in their delivery fleet can be scheduled during the daytime but papers, bread, etc from distributors/suppliers is an earlier occurrence at most stores.

Given the fact that the proposed store is on the Main Street, replaces a petrol filling station/garage which could have traded at any hours, and the site is close to other commercial outlets where similar deliveries already take place a variation of the condition to permit service deliveries from 0700 hours would seem reasonable. If Members concur with that view it is recommended that conditions separately dealing with trading times and delivery times would be appropriate.

Human Rights Act 1998:

SCHEDULE A: Applications with Recommendation

02/0656

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

It is not considered the these proposals give rise to conflict with provisions of the Act.

Recommendation:

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials.

Reason: To ensure that materials to be used are acceptable.

3. No goods, waste or other materials shall be stored or deposited in the open areas of the site.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area.

4. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992 no advertisement shall be displayed on the land or building without prior consent in writing of the local planning authority.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the Brampton Conservation Area.

SCHEDULE A: Applications with Recommendation

02/0656

5. The premises shall not be open for trading except between the hours of 0800-2200 on any day.

Reason: To prevent disturbance: nearby occupants.

6. Service deliveries to the proposed store shall not be undertaken prior to 0700 hours or take place after 1800 hours on any day.

Reason: in the interests of amenity and to prevent disturbance and inconvenience to adjacent occupiers during unsocial hours.

7. No development shall take place within the area indicated until the applicant, or their agents or successors in title, 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 in writing by the local planning authority.

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

8. Detailed plans and particulars of the proposed external treatment of the forecourt area of the store, including the reinstatement of the existing granite setts, shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall incorporate the provision of a "rise and fall" system of bollards (or such similar arrangement) across the frontage to the highway to ensure that access to the forecourt area is only attainable for scheduled service delivery vehicles but will otherwise preclude parking by the general public.

Reason: in the interests of visual amenity and the safety of pedestrians.

SCHEDULE A: Applications with Recommendation

02/0657

Item No: 18

Date of Committee: 20/12/02

Appn Ref No:
02/0657

Applicant:
North Eastern & Cumbrian
Co-op

Parish:
Brampton

Date of Receipt:
14/06/02

Agent:
Architects Plus

Ward:
Brampton

Location:
1-11 Main Street, Brampton, CA8 1RS

Grid Reference:
353118 561165

Proposal: Demolition of garage and dwelling (CAC)

Amendment:

Report

Planning Policies:

Airport Safeguarding Area

Conservation Area

The proposal relates to land or premises situated within the Brampton Conservation Area.

Cumbria & Lake District Joint Structure Plan Policy 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

Cumbria & Lake District Joint Structure Plan Policy 26

Development and other land use changes which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure or remove important archaeological sites or other historic features, or are detrimental to the character or setting of a Listed Building or Ancient Monument will not normally be permitted.

SCHEDULE A: Applications with Recommendation

02/0657

Carlisle District Plan Environment - Policy E39

There will be a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a Conservation Area. Applications for Conservation Area Consent for the demolition of unlisted buildings in Conservation Areas will be critically assessed against the following criteria:

1. The Contribution of the building to the landscape/townscape; and
2. The structural condition of the building; and
3. The suitability of the building for its existing, proposed or any other use; and
4. The cost of repair; and
5. The contribution which the demolition/redevelopment would make to broader conservation objectives.

All proposals for demolition must be accompanied by details of redevelopment, which will normally be secured by means of a legal agreement.

Carlisle District Plan Environment - Policy E44

Within Conservation Areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): comments awaited;

Brampton Parish Council: does not wish to comment;

Civil Aviation Authority: the proposal does not conflict with safeguarding criteria and there are, therefore, no objections;

English Nature: draw attention to possible presence of bats and ask for informative to applicants.

Summary of Representations:

The proposals have been advertised using Site and Press Notices and written notification to neighbouring occupiers. One letter has been submitted but it really relates to issues addressed within the planning application and is thus referred to in the Report on that application (reference number 02/0656).

SCHEDULE A: Applications with Recommendation

02/0657

Details of Proposal/Officer Appraisal:

Planning History:

There have been several applications relating to the garage and filling station since 1949.

Details of Proposal:

This application relates to the proposed clearance of the existing dwelling and garage/filling station situated on the south side of Moatside within the Brampton Conservation Area. The accompanying planning application to re-develop the site precedes in the Schedule.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

It is not considered the these proposals give rise to conflict with provisions of the Act.

Recommendation: Grant Permission

1. The existing buildings shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To safeguard against premature demolition.

SCHEDULE A: Applications with Recommendation

02/0679

Item No: 19

Date of Committee: 20/12/02

Appn Ref No:
02/0679

Applicant:
Mr C Routledge

Parish:
Hayton

Date of Receipt:
20/06/02

Agent:

Ward:
Great Corby & Geltsdale

Location:
L/A Field No 354, Netherton Farm, Talkin,
Brampton

Grid Reference:
353828 557470

Proposal: Erection of agricultural workers dwelling

Amendment:

1. Revised layout plan received showing the re-positioning of proposed dwelling to the west of existing farm buildings.

Angus

Report

Planning Policies:

Gas Pipeline Safeguarding Area

The proposal relates to land or premises situated within or adjacent to the Gas Pipeline Safeguarding Area.

Carlisle District Plan Environment - Policy E4

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

Development required to meet local infrastructure needs which cannot be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

Carlisle District Plan Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

SCHEDULE A: Applications with Recommendation

02/0679

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilisland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Housing - Proposal H6

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

Summary of Consultation Responses:

SCHEDULE A: Applications with Recommendation

02/0679

Cumbria County Council - (Highway Authority): The submitted layout details are considered satisfactory from a highway point of view.

Hayton Parish Council: No wish to make any representation on the proposal.

County Land Agent (Capita dbs): Based on the criteria set out in PPG7 "The Countryside - Environmental Quality and Economic and Social Development" and in particular annex I of that publication the following conclusions can be reached:

1. It is considered that the business operated by the applicant is currently financially viable;
2. Based on the normal levels of stocking and cropping, it is felt that the farm requires the services of the equivalent to at least three full time workers plus the use of contractors and casual help;
3. There is a functional need for one person actively involved in the management of this unit to be resident on or immediately adjacent to the unit. This is to be available at most times to deal with the well being of the livestock particularly during calving and lambing, the efficient running of the holding and overall security. It is understood that as the existing dwelling and traditional buildings will no longer be part of this holding then that functional need transfers to the more modern range of buildings adjacent to the application site.

Environment Agency (N Area (+ Waste Disp)): No objections but recommend attachment of four informative notes to any decision notice.

Transco: There is a High Pressure pipeline in the vicinity of the proposed work. These works will be subject to the conditions specified under High Pressure Apparatus in the document "Advice to Management and Site Personnel".

Summary of Representations:

This application has been advertised in the form of a site notice. No observations have been received at the time of preparing the report.

Details of Proposal/Officer Appraisal:

Planning History:

In 1970, under application reference number BA 6003, planning permission was given to erect a silo barn and cubicle house.

In 1984 and 1990, under application reference numbers 84/651 and 90/0817, planning permission has subsequently been given for a barn and lean-to extension.

Under application number 99/0685 outline permission was given for the erection of an agricultural worker's dwelling. The aforementioned permission was also subject

SCHEDULE A: Applications with Recommendation

02/0679

to the completion of a Section 106 Agreement linking the occupation of the proposed agricultural worker's dwelling to the operation of the farmholding to which it relates.

In the case of Netherton farmhouse planning permission was given, under 01/0672, for the conversion of the traditional range of outbuildings to form six dwellings.

Details of Proposal:

Members will recall that at their Meeting on the 4th October authorisation was given to issue an approval subject to the satisfactory completion of a Deed of Variation to a Section 106 Agreement. The applicant has, however, recently submitted a layout plan revising the location of the proposed bungalow. The application has therefore being re-presented in order to allow Members to consider the proposed revision - see attached copy of layout plan.

This application for full permission relates to a collection of relatively modern agricultural buildings which are prominently located on the western side of the B6413 Brampton/Castle Carrock road. Netherton farmhouse lies approximately 400 metres to the south of the application site.

In September 1999 Netherton Farm extended to 230 hectares (569 acres). Of this land 113 hectares were rented as Netherton Farm, 68 hectares were owner occupied by the applicant, Mr Routledge, and 49 hectares were rented on seasonal grazing lets in the vicinity of Netherton Farm.

Mr Routledge continues to occupy all this land but is nearing completion on the purchase of Netherton Farm from his landlords. He advised that all of the farm is being purchased with the exception of the farmhouse and traditional range of buildings at Netherton Farm and approximately 2½ hectares.

As a result of losing all his stock during the Foot and Mouth Crisis last year the applicant is building back up to original numbers but at the present time has 1,200 hoggs (young sheep), which will be retained as breeding ewes. His intention is to keep about 1,000 breeding ewes each year from next year onwards. In addition, he currently has 30 suckler cows and intends to build this up to the original numbers of 85 suckler cows.

Following the completion of the purchase of Netherton Farm, the applicant has vacated the traditional buildings at the existing steading and currently resides in Greenwell on a temporary basis although his farm enterprise is now solely based around the more modern buildings adjacent to the application site.

Following the granting of outline permission under 99/0685, the current proposal seeks full permission to substitute the existing farmhouse with a new agricultural workers dwelling on the application site. The conversion of the traditional range of buildings at Netherton Farm to six dwellings having also been given permission under 01/0672.

In considering this application Members need to be aware of the following:

SCHEDULE A: Applications with Recommendation

02/0679

- a) The outline permission already granted for the agricultural worker's dwelling was subject to a number of conditions one of which restricted the building to only a single storey. The current proposal is, however, for a dwelling which utilises the roofspace to provide two bedrooms and a w.c./shower room. It is for this reason the current application is seeking "Full" permission as opposed to approval of "Reserved Matters". Members agreed to this change when the matter was previously considered. Members have not, however, had the opportunity to consider the latest layout plan, received on the 2nd December, which shows the dwelling re-located a further 15 metres away from the farm buildings.
- b) Should Members consider the proposal acceptable there would also be the need to vary the existing Section 106 Agreement to include the current application and the latest layout plan.
- c) There are no other alterations proposed and therefore still involves the erection of a five bed dwelling consisting of white rough cast rendered walls with sandstone detailing and a Welsh blue slate roof, and, the creation of a new access onto the C Class road leading to How.
- d) The applicant is aware of the comments made by Transco and the restrictions imposed to working practices because of the pipeline.

In overall terms the revised location of the proposed dwelling is considered acceptable and therefore recommended for approval subject to the completion of a Deed of Variation to the existing Section 106 Agreement and the imposition of relevant conditions.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

SCHEDULE A: Applications with Recommendation

02/0679

The proposal has been considered against the above but in this instance it is not considered that there is any conflict.

Supp P23 - PWA

Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. The occupation of the dwelling shall be limited to persons solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or dependents of such persons residing with him or her, or a widow or widower or such a person.

Reason: There is a strong presumption against development in rural areas and the unrestricted use of the dwelling would be contrary to the provisions of the Local Plan which seeks to prevent additional sporadic development in the countryside unless demonstrated to be essential in the interests of agriculture or forestry.

3. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling shall be submitted to and approved in writing by the local planning authority before any site works commence.

Reason: In order that the approved development overcomes any problems associated with the topography of the area.

4. Before the dwelling is occupied the existing gated access to the highway [as shown on the submitted layout plan] shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the local planning authority.

Reason: To ensure that the development is served by a vehicular access constructed to the satisfaction of the local planning authority.

5. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason: In the interests of highway safety.

6. Before the dwelling is occupied the whole of the proposed access area bounded by the carriageway edge shall be constructed and drained in accordance with plans approved beforehand by the local planning authority.

SCHEDULE A: Applications with Recommendation

02/0679

Reason: To ensure that the development is served by a vehicular access constructed to the satisfaction of the local planning authority.

7. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

8. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building.

9. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

10. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented.

12. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the local planning authority. The scheme shall be constructed and completed in accordance with the approved plans.

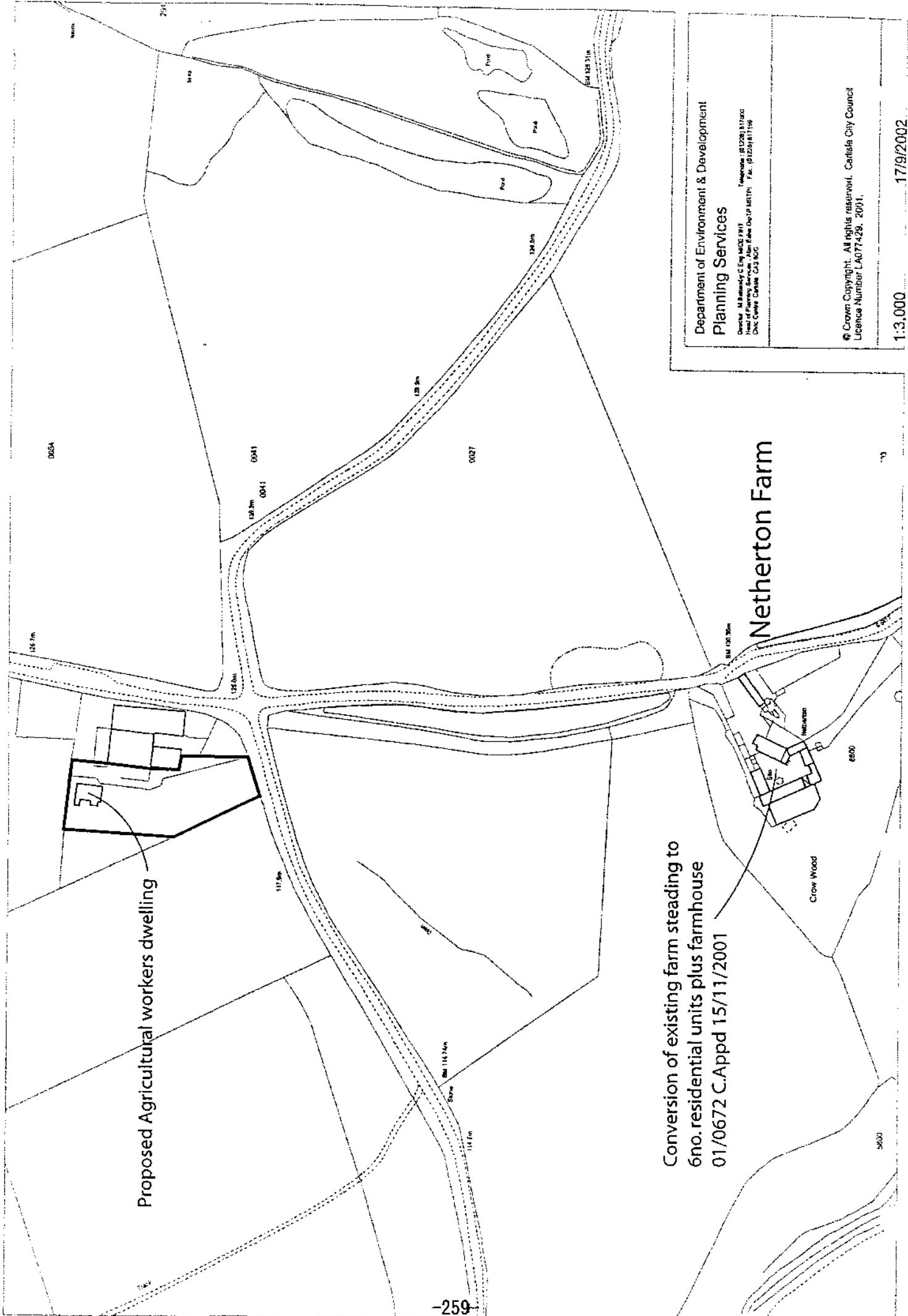
Reason: To ensure that adequate drainage facilities are available.

13. Before the commencement of development detailed plans showing the extent of the proposed domestic curtilage ancillary to the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority.

SCHEDULE A: Applications with Recommendation

02/0679

Reason: In order to safeguard the rural character of the area.



Proposed Agricultural workers dwelling

Conversion of existing farm steading to
6no. residential units plus farmhouse
01/0672 C.Appd 15/11/2001

Netherton Farm

**Department of Environment & Development
Planning Services**

Director: M. Brounley. C. Eng. M.C.S. 8911
Head of Planning Services: Alan Ewan. Oxy. Pl. M.Sc. (Ph.D.)
City Centre Centre. C.S. 800

Telephone: 01229 512900
Fax: 01229 811199

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1:3,000 17/9/2002

3600 LITRE SEPTIC INSTALLED
TO MANUFACTURERS INSTRUCTIONS

FUTURE SHED
EXTENSION

LAND DRAINS FOR
EFFLUENT TO L.A.
APPROVAL

C.L. 100.00
INLET 98.913
INLET

CR
2/12/02

SOAKAWAY

MH 3
C.L. 100.00
INLET 98.199

MH 2
C.L. 100.00
INLET 99.312

MH 1
C.L. 100.00
INLET 99.471

1250 LITRE PLASTIC
BUNDLED OIL TANK
TO BS 5419
ENVIRONMENTAL EXISTING
AGREEMENT ACCESS

APPROXIMATE
BOUNDARY

EXISTING
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TO HOW MILL

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TO CASTLE CARBOCK

PLANNING SERVICES	
REF 102/069	
- 2 SEP 2002	
RECORDED	
SCANNED	
PASSED BY	AKH
ACTION	

TO TADCASTLE

PROPOSED AGRICULTURAL
WELLING IN A FIELD 1P354



WEST ELEVATION

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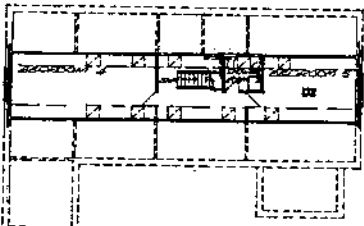
WHITE CEMENT POINT POINT



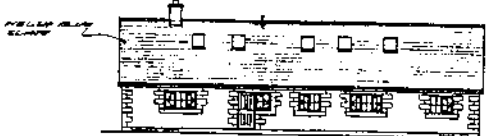
NORTH ELEVATION



SOUTH ELEVATION



FIRST FLOOR PLAN

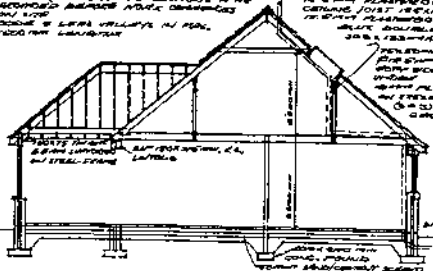


EAST ELEVATION

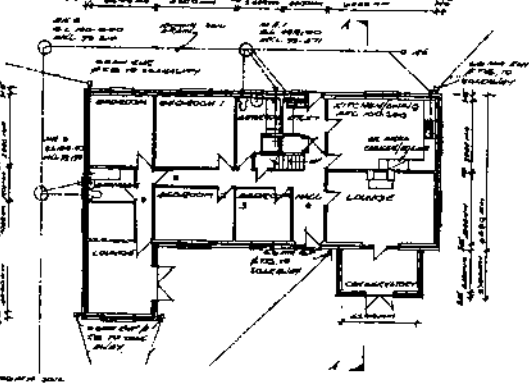
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SECTION A-A



GROUND FLOOR PLAN

RECEIVED
 1-11-70
 2001025

PROPOSED INDUSTRIAL
 DWELLING LA FELD N° 35A
 METHETON FARM
 CASTLE CARROCK

NOV 1969 SCALE 1/40000

SCHEDULE A: Applications with Recommendation

02/1080

Item No: 20

Date of Committee: 20/12/02

Appn Ref No:
02/1080

Applicant:
Mr D Montgomery

Parish:
Hayton

Date of Receipt:
14/10/02

Agent:
Green Design Group

Ward:
Great Corby & Geltsdale

Location:
Netherton Farm, Netherton, Brampton, Cumbria

Grid Reference:
353815 557084

Proposal: Sub division of existing house into 2no. dwellings (retrospective application)

Amendment:

Angus

Report

Planning Policies:

Dedicated Woodland

The proposal relates to land or premises which affect an area of dedicated woodland.

Carlisle District Plan Environment - Policy E4

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

Development required to meet local infrastructure needs which cannot be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

Carlisle District Plan Housing - Proposal H12

Proposals for the conversion of non residential property to provide residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless:

1. The building is of permanent construction; and
2. The building can be converted without extensions or major alterations which would destroy its character; and

SCHEDULE A: Applications with Recommendation

02/1080

3. The details of the proposed conversion respect the building's character; and
4. Adequate access and appropriate car parking can be achieved.

Where appropriate, in order to retain the character and fabric of historic farm buildings, development rights originally permitted by Class A of Part One of Schedule Two to the Town and Country Planning General Development Order (1988 as amended) may be withdrawn by a condition attached to a planning consent.

The conversion of recently constructed or very remote rural buildings will not be permitted.

Carlisle District Plan Employment - Proposal EM11

Within the rural area proposals for the reuse and adaptation of buildings (of permanent construction) for commercial, industrial or recreational uses will be acceptable subject to the following criteria:

1. The form, bulk and general design of the buildings are in keeping with the surroundings;
2. Adequate access and appropriate parking arrangements are made;
3. Any increased traffic generated by the proposal can be accommodated by existing highway network;
4. There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape.

Carlisle District Plan Employment - Proposal EM15

Proposals for small scale tourism related development will be acceptable providing that:

1. There is no unacceptable adverse impact on the landscape; and
2. Adequate access and appropriate car parking can be achieved; and
3. If the proposal is within the rural area it is well related to an established settlement or group of buildings or involves the conversion of an existing building, or would form an important element of a farm diversification scheme.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objections.

SCHEDULE A: Applications with Recommendation

02/1080

Hayton Parish Council: No wish to make any representation.

Environment Agency (N Area (+ Waste Disp)): No wish to make any comments.

Summary of Representations:

This application has been advertised in the form of a site notice. No objections have been received at the time of preparing the report.

Details of Proposal/Officer Appraisal:

Planning History:

Last year, under application reference number 01/0672, planning permission was given to convert the existing farm steading to 6 residential units plus the farmhouse.

Details of Proposal:

This application relates to the original house based at Netherton Farm. Members may re-collect that the intention is for the farmer to relocate the farm enterprise to more modern buildings and a house (subject to application 02/0679) approximately 400 metres to the north of the original steading.

When considering the current application in light of Ministerial advice contained in PPG3 and PPG7, and, the Interim Housing Policy Statement the following factors should be kept in mind:

- a) The available rating records show that a holiday cottage was established without planning permission, in April 1993. The applicant, as the recent purchaser of the property, has sought to legalise the situation as the first stage to the overall re-development of the site which is subject to a separate application, number 02/1223.
- b) This application therefore needs to be considered at the same time as the following item, application 02/1223, which seeks to reduce the total number of dwellings to be created on the site.
- c) It is apparent that the unauthorised cottage has existed for a considerable period of time without cause for any complaint. The proximity of the cottage to the existing farmhouse is also likely to mitigate against any alternative commercial use.

On this basis the proposal is recommended for approval.

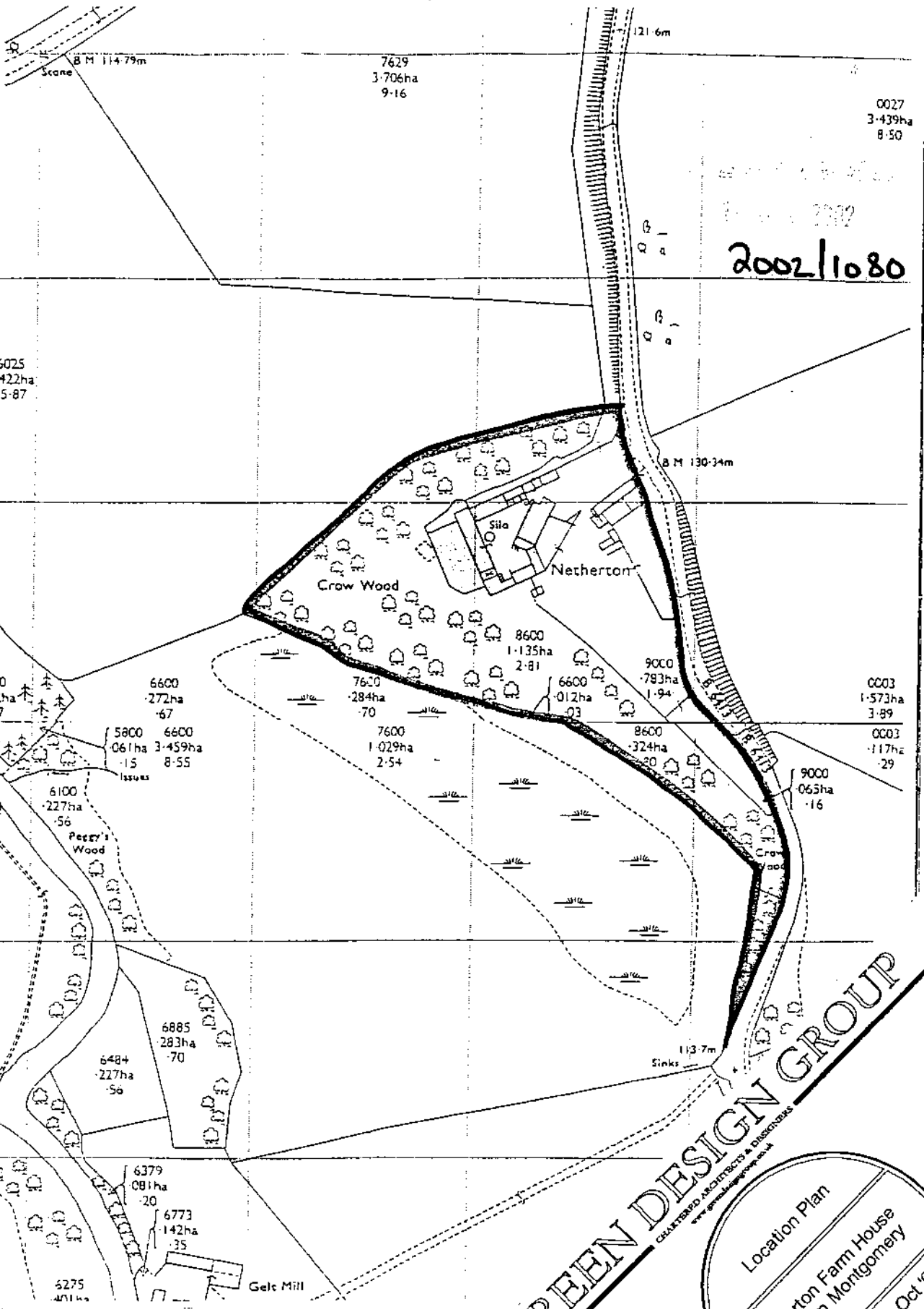
SCHEDULE A: Applications with Recommendation

02/1080

Recommendation: Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

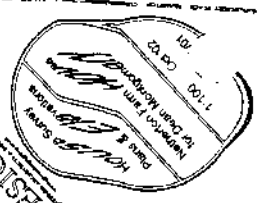


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Location Plan
 Netherton Farm House
 for Dean Montgomery
 1:2500 Oct '02
 02/129/100

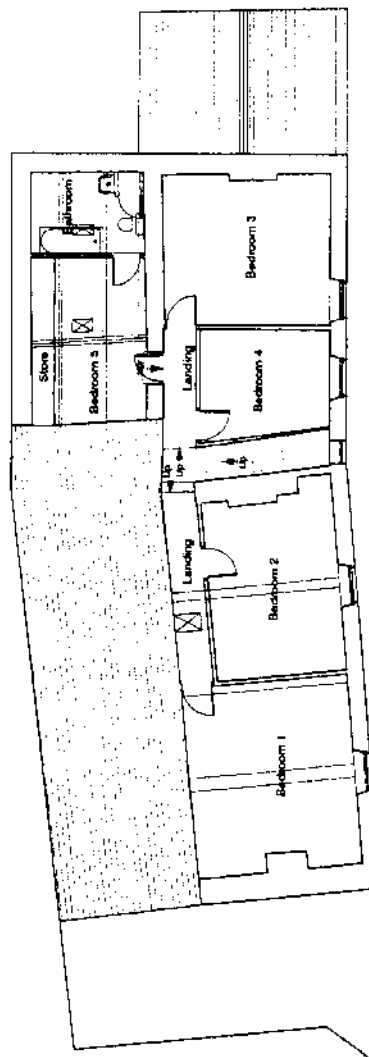
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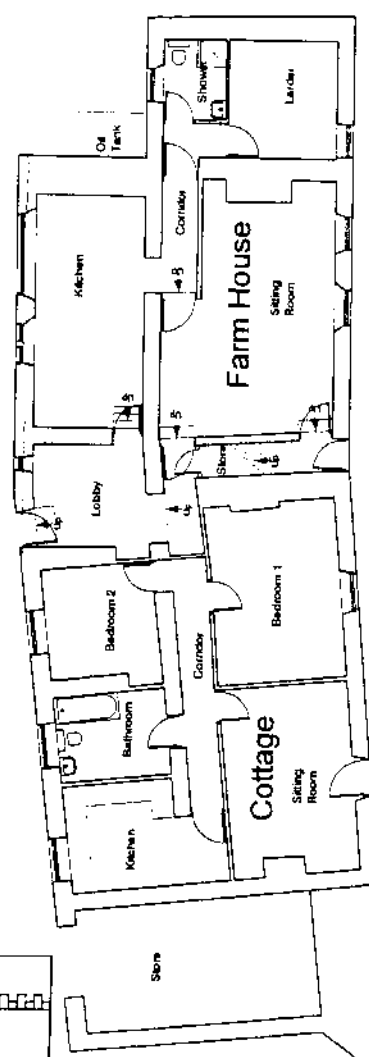


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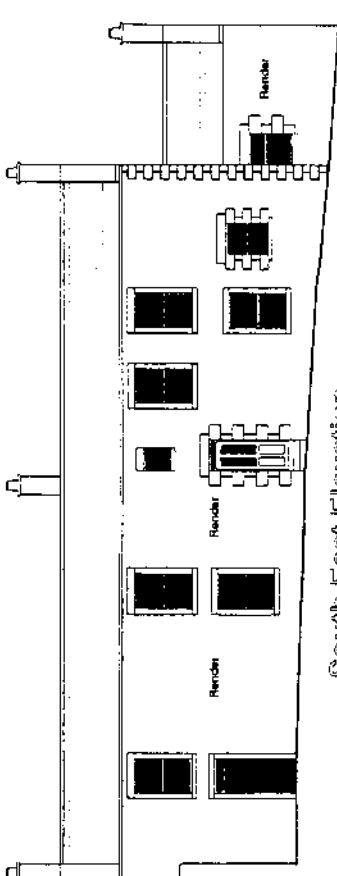
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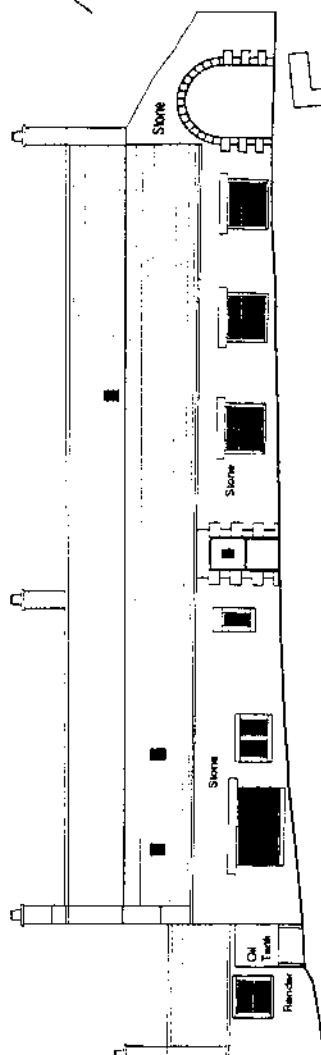
First Floor Plan



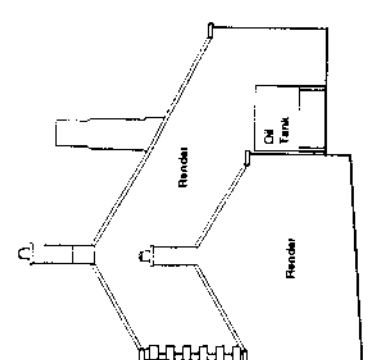
Ground Floor Plan



South East Elevation



North West Elevation



North East Elevation

SCHEDULE A: Applications with Recommendation

02/1223

Item No: 21

Date of Committee: 20/12/02

Appn Ref No:
02/1223

Applicant:
D McKenzie

Parish:
Hayton

Date of Receipt:
29/11/02

Agent:
Green Design Group

Ward:
Hayton

Location:
Netherton Farm, Castle Carrock

Grid Reference:
353815 557084

Proposal: Conversion of barns to 2no dwellings and replacement of farmhouse & cottage with 2no new dwellings

Amendment:

Angus

Report

Planning Policies:

Carlisle District Plan Environment - Policy E4

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

Development required to meet local infrastructure needs which cannot be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely

SCHEDULE A: Applications with Recommendation

02/1223

affect the amenity of neighbouring property; and

5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Housing - Proposal H6

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

Carlisle District Plan Housing - Proposal H12

Proposals for the conversion of non residential property to provide residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless:

1. The building is of permanent construction; and
2. The building can be converted without extensions or major alterations which would destroy its character; and
3. The details of the proposed conversion respect the building's character; and
4. Adequate access and appropriate car parking can be achieved.

Where appropriate, in order to retain the character and fabric of historic farm buildings, development rights originally permitted by Class A of Part One of Schedule Two to the Town and Country Planning General Development Order

SCHEDULE A: Applications with Recommendation

02/1223

(1988 as amended) may be withdrawn by a condition attached to a planning consent.

The conversion of recently constructed or very remote rural buildings will not be permitted.

Carlisle District Plan Housing - Proposal H13

The replacement of recently occupied permanent dwellings, with existing use rights, will be permitted provided that:

1. The new dwelling is located on or close to the site of the original dwelling; and
2. The scale and design of the replacement dwelling is appropriate to its location and complements the character and size of other dwellings in the locality; and
3. The proposal does not adversely affect the amenity of the area or adjoining property; and
4. Appropriate access and parking arrangements can be provided.

Summary of Consultation Responses:

Cumbria County Council - (Highways Authority): Comments awaited.

Hayton Parish Council: Comments awaited.

Environmental Agency: Comments awaited.

Summary of Representations:

This application has been advertised in the form of a site notice and the direct notification of the occupiers of the neighbouring property. No comments have been received at the time of preparing the report.

Details of Proposal/Officer Appraisal:

Planning History:

Last year, under application reference number 01/0672, planning permission was given to convert the existing farm steading to six residential units plus the farmhouse.

The property is also subject to application number 02/1080 seeking retrospective consent for the sub-division of the house into two dwellings.

SCHEDULE A: Applications with Recommendation

02/1223

Details of Proposal:

The current proposal involves converting the barns subject to the permission under 01/0672 to two dwellings and the replacement of the farmhouse and cottage (subject to the current application 02/1080) by two dwellings.

In the context of Ministerial advice contained in PPG3 "Housing" and PPG7 "The Countryside-Environmental Quality and Economic and Social Development", and, the Interim Housing Policy Statement the proposal represents a reduction in the number of dwellings (in an unsustainable location) from seven to four; whilst providing an attractive scheme which utilises the existing substantial and prominent buildings.

Subject to the awaited comments of interested parties, the proposal is recommended for approval.

Supp Pages 25- plan

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above but in this instance it is not considered that there is any conflict.

Recommendation: Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

SCHEDULE A: Applications with Recommendation

02/1223

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking and re-enacting that Order), no wall, fence or other means of enclosure shall be erected within any part of the site (other than those shown in any plans which form part of this application), without the approval of the local planning authority.

Reason: To ensure that any form of enclosure is carried out in a co-ordinated manner.

4. No tree existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees during construction shall be ensured by a detailed scheme to be agreed with the local planning authority.

Reason: The local planning authority wishes to see existing trees incorporated into the new development where possible.

5. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building.

6. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

7. The stables and tack room hereby approved shall be used only for private use for the stabling of horses and storage of associated equipment and feed and shall at no time be used for any commercial purposes including for livery, stabling, equestrian tuition or leisure rides.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

8. Notwithstanding the provisions of the Town and Country Planning (General

SCHEDULE A: Applications with Recommendation

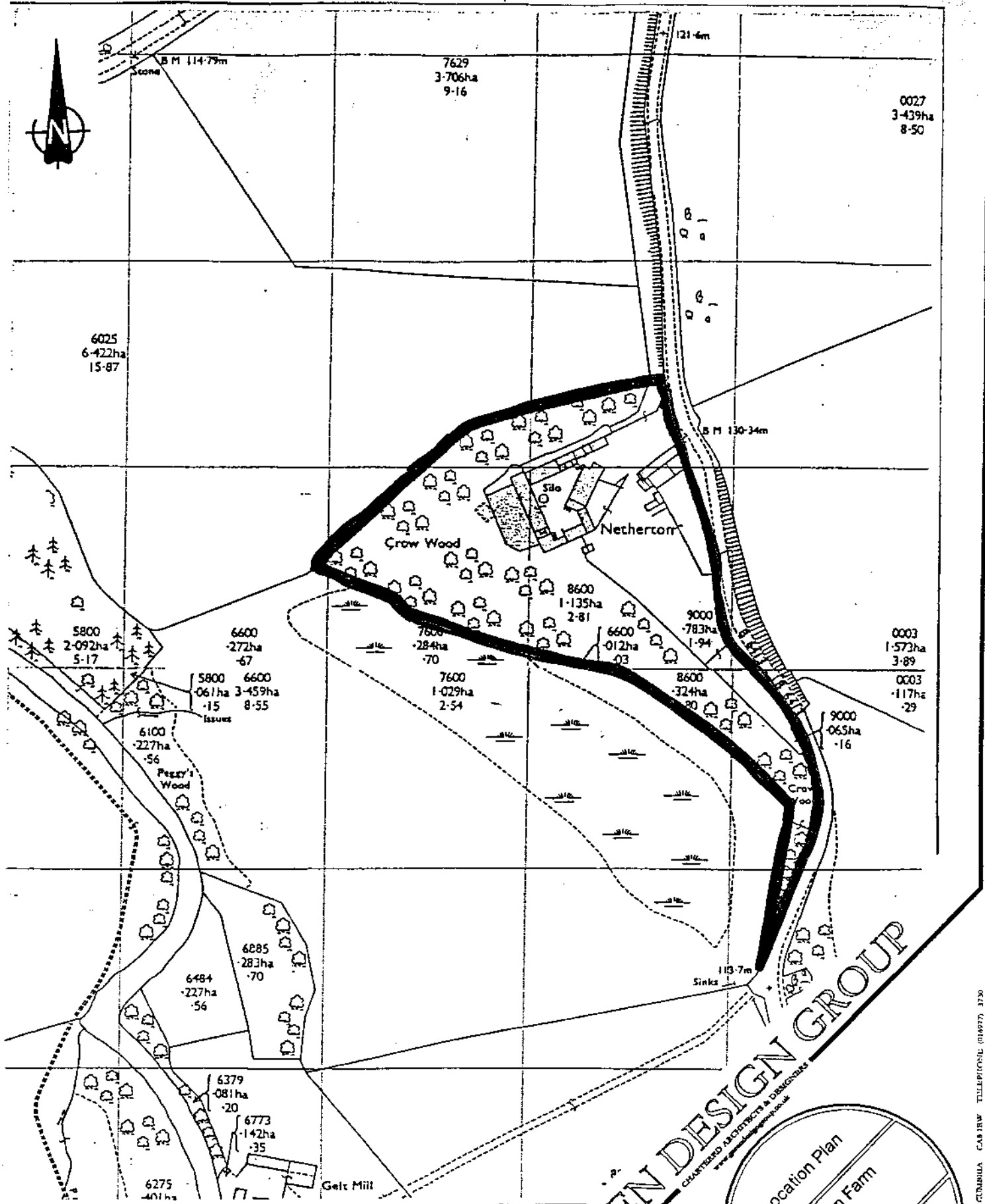
02/1223

Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional garage/carport shall be erected without the permission of the local planning authority and the approval by them of the design, siting and external appearance of such garage/carport and of the means of access thereto.

Reason: To prevent the proliferation of garages/carports whose external appearance or siting may be out of keeping with other buildings, or which have unsatisfactory access.

9. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of the water environment.



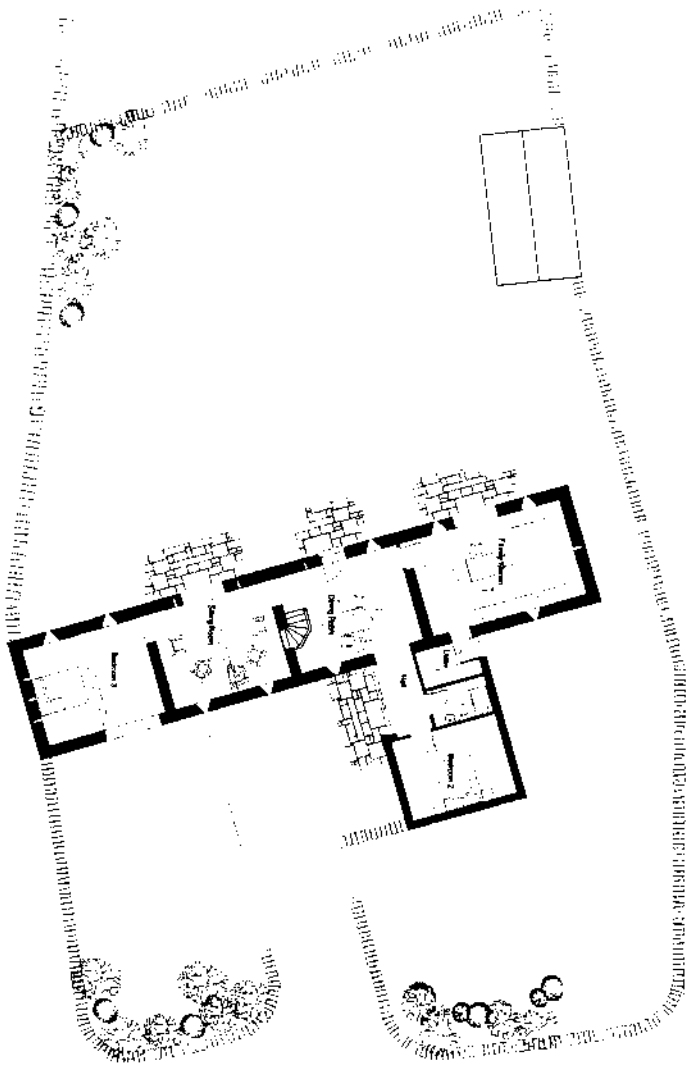
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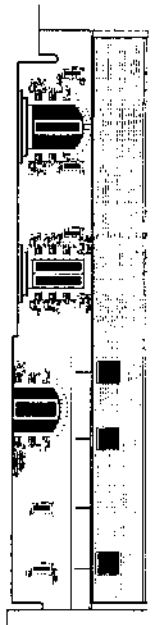
Location Plan
 Nethercom Farm
 for
 D McKenzie
 1:2500
 02/12/2002

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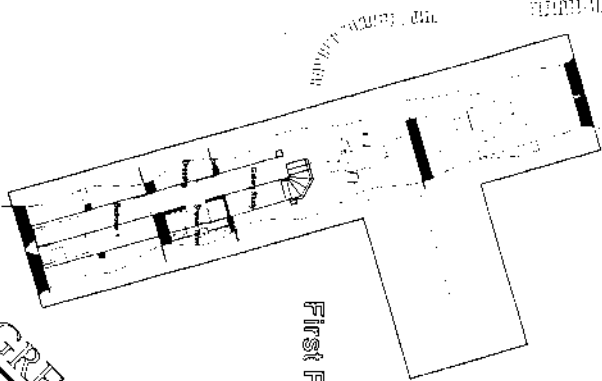
Ground Floor Layout



South Elevation



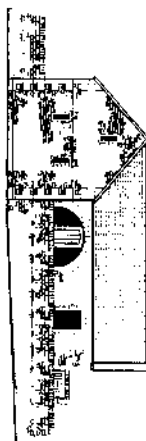
First Floor Layout



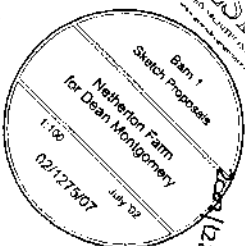
North Elevation

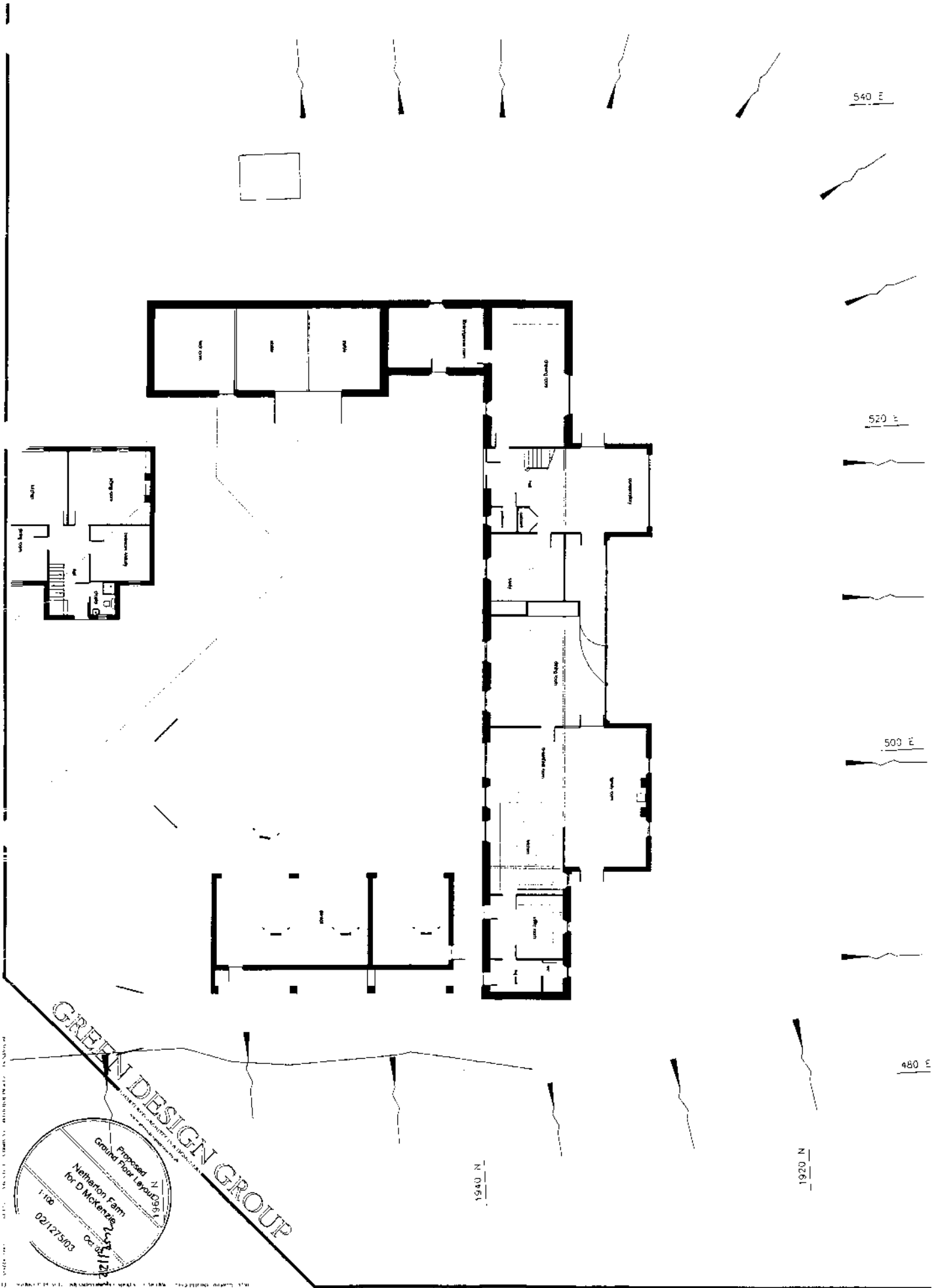


East Elevation



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520 E

500 E

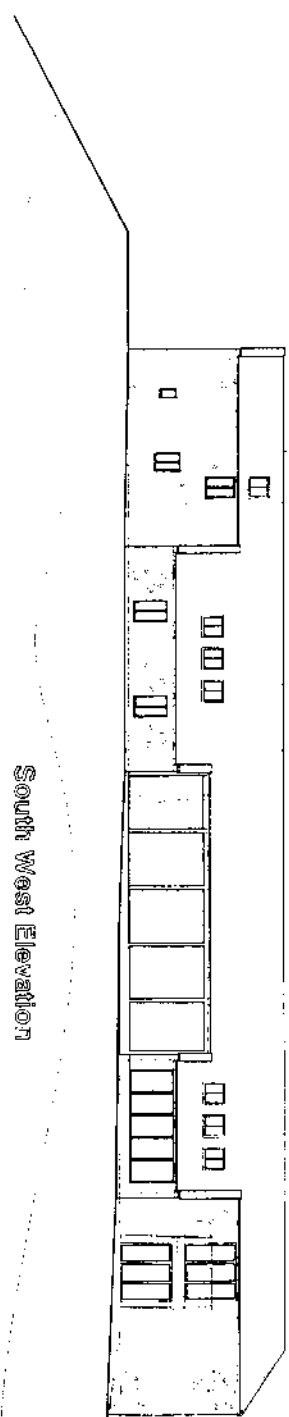
480 E

1940 N

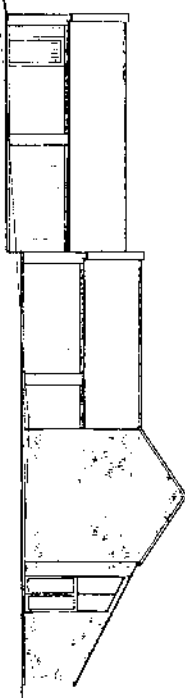
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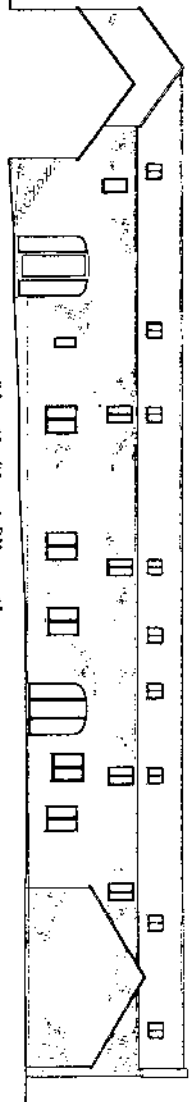
Proposed
Ground Floor Layout
Netherton Farm
for D McKenzie
1/18
02/12/2003
Oct 15, 2002



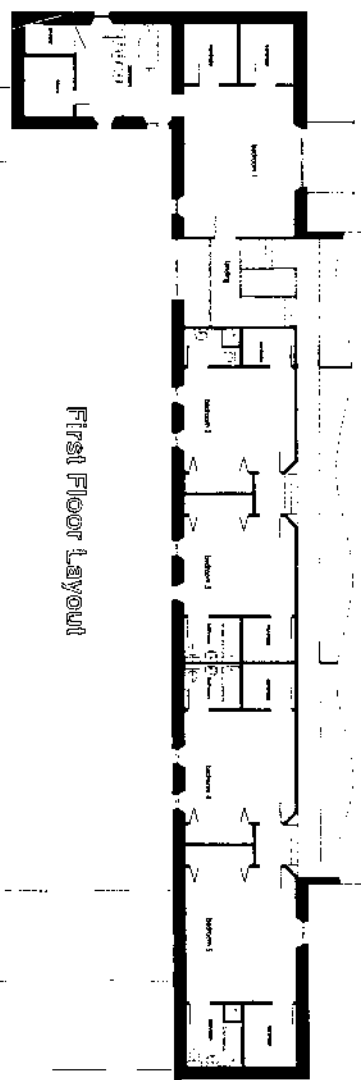
South West Elevation



North West Elevation

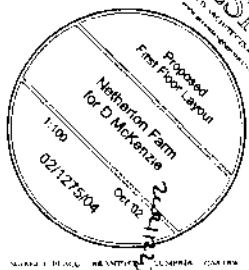


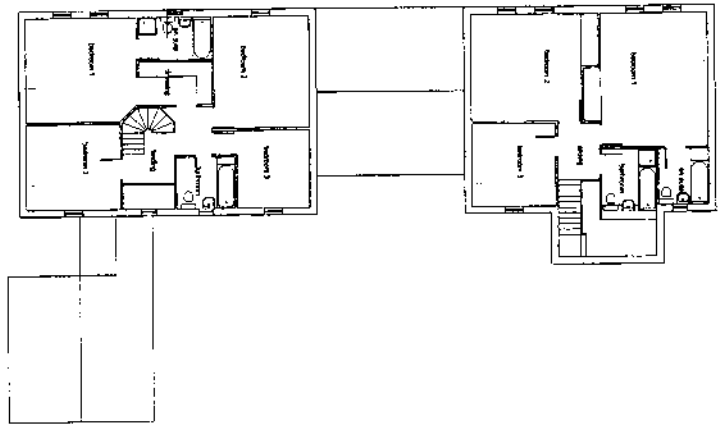
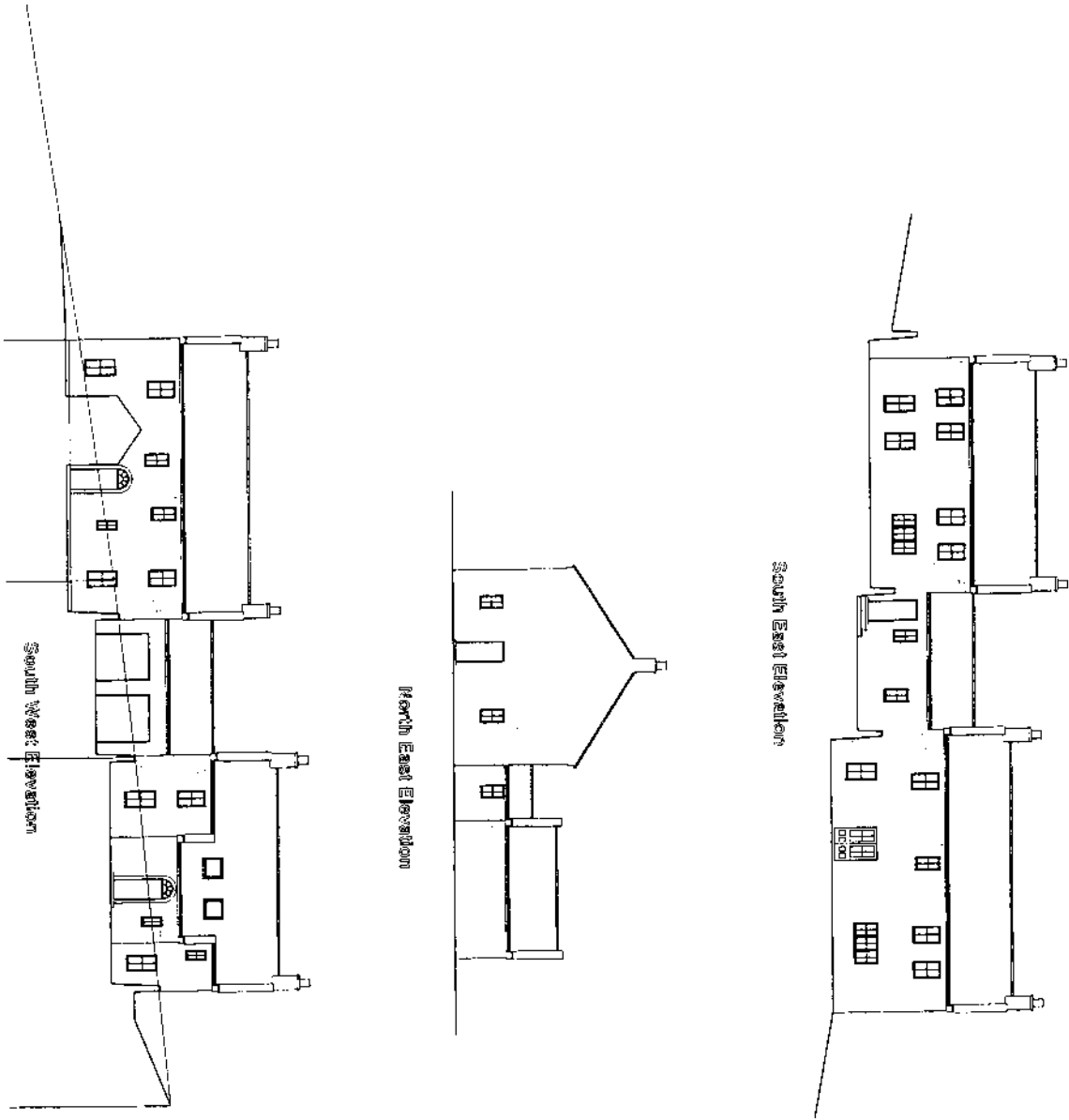
North East Elevation



First Floor Layout

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First Floor Plan

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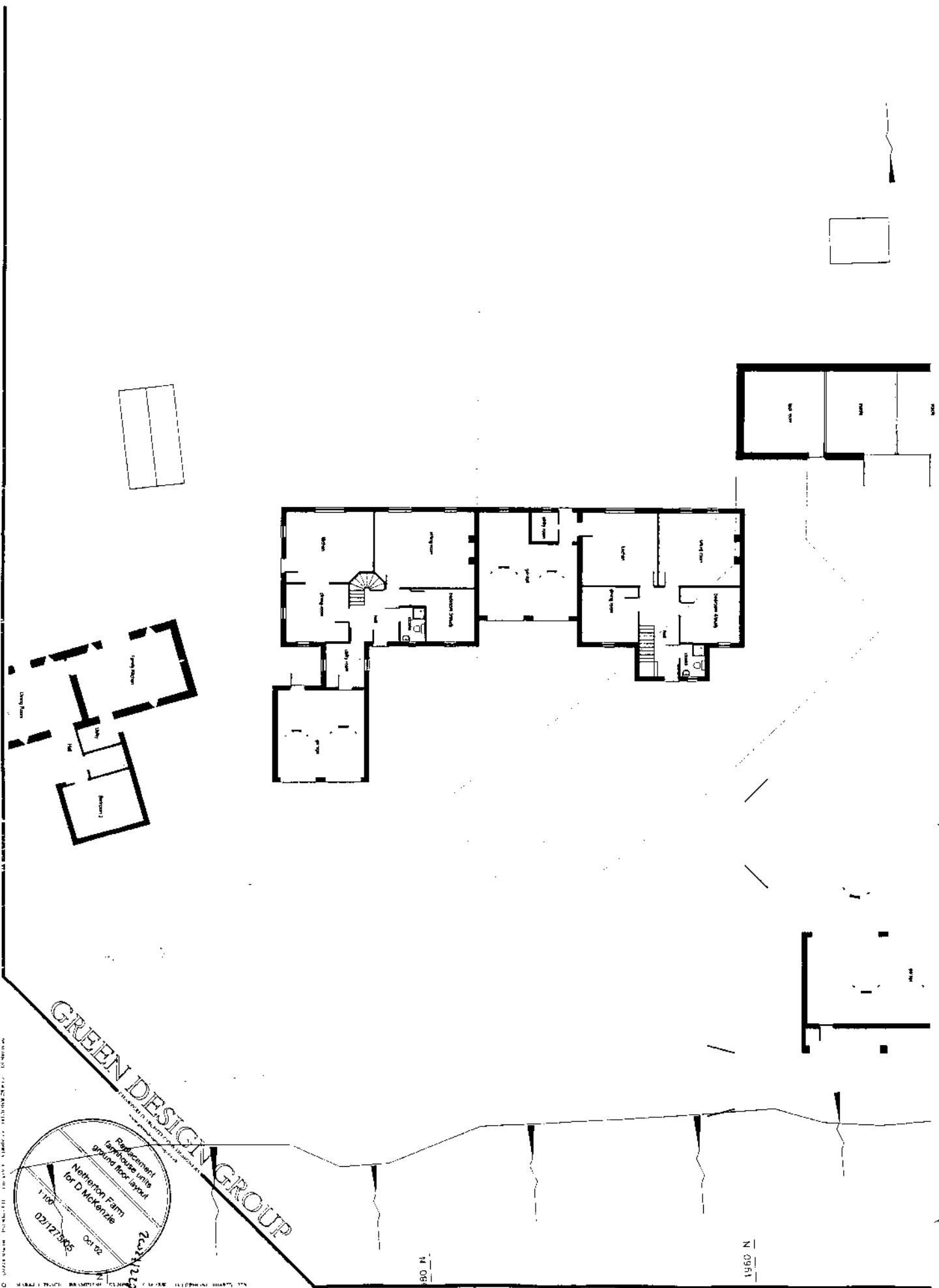
Repacement
 farmhouse units
 first floor layout
 Neitherton Farm
 for D McKensie

1:100

02/12/2005

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Replacement
greenhouse unit
ground floor layout
Netherton Farm
for D McKenle
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SCHEDULE A: Applications with Recommendation

02/0785

Item No: 22

Date of Committee: 20/12/02

Appn Ref No:
02/0785

Applicant:
Malcolm Wright Ltd

Parish:
Carlisle

Date of Receipt:
18/07/02

Agent:
Architects Plus

Ward:
Harraby

Location:
L/A, Hillcrest Avenue, Hillcrest Avenue, Carlisle

Grid Reference:
341511 554552

Proposal: Erection of 12no. 3 bedroom dwellings and three storey block of flats to create 6no. 2 bedroom flats

Amendment:

Angus

Report

Planning Policies:

Carlisle District Plan Environment - Policy E9

Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

Carlisle District Plan Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Carlisle District Plan Housing - Proposal H2

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and

SCHEDULE A: Applications with Recommendation

02/0785

2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity.

Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H11

Proposals for housing development in large back gardens or behind existing housing developments will be acceptable providing that:

1. The scale, design and siting of the proposal is appropriate for the site and is in keeping with the character and quality of the local environment; and
2. There is no loss of amenity to surrounding properties; and
3. Existing landscape features are retained and additional planting is included as an integral part of the scheme; and
4. Appropriate access and car parking can be achieved.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objections subject to the imposition of four conditions.

Design Services - Drainage Engineer: If it is the applicants intention to dispose of surface water via any of the existing combined sewers in or around the site, then some form of controlled discharge in combination with on site storage would be

SCHEDULE A: Applications with Recommendation

02/0785

required. The details will need to be agreed with the City Council's Drainage Section. Previous comments regarding Sustainable Urban Drainage Methods are still applicable.

I am aware that there may be a public sewer within the development running parallel to the south west boundary. The extent of this sewer is not known. the developer will need to locate this sewer and no building or tree planting should be carried out within 3 metres of this sewer.

If the developer is proposing any of the on site sewers for adoption as public sewers then a submission in accordance with 'Sewers for Adoption'. 5th edition, should be made.

The comments on the revised proposals are as follows: please refer to previous consultations for general issues regarding drainage of this site.

The plans submitted suggest that it is the developer's intention to divert an existing sewer which crosses the site. Full consultations with the Drainage Section should be undertaken prior to proceeding with this work.

Further investigations have been carried out which indicate that it is a private drain which crosses the site.

Head of Environmental Services: The submitted Ground Contamination Risk Assessment Report is considered to be satisfactory. The remediation works specified are also considered as suitable. If such work is carried out this Division has no objections to the planning application.

Leisure & Comm Dev - Landscape Services: Observations awaited on revised plans.

Environment Agency (N Area (+ Waste Disp)): The Environment Agency has no objections subject to the imposition of two conditions and a supplementary informative.

Comments concerning the Ground Contamination Risk Assessment are awaited at the time of preparing the report.

Summary of Representations:

Publicity for this application, as originally submitted, was in the form of a site notice and the direct notification of the occupiers of 27 neighbouring properties. In response four letters of objection were received. The basic points raised being: the distance between existing housing and proposed is less than the recommended 22 metres; there should be a buffer zone between an existing boundary fence; the proposed garages are right up against a boundary fence which means that anyone could easily get onto the roof of the new garages and jump into neighbouring property; could the Council purchase the land and either build a park for the residents of Hillcrest or leave it to the wildlife; there are not geophysical or

SCHEDULE A: Applications with Recommendation

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environmental reports included with the current plans - still concerned that dangerous chemicals/metals will be released into the atmosphere; existing trees are not in a poor condition and need to be retained; attention is drawn to paragraphs 4.2, 4.3, 4.4, 8.3 and 8.4 of the Development Brief; the extra traffic created will be unacceptable and cause problems to the existing residents at Hillcrest Avenue; racing pigeons will not be able to fly back with two storey houses only 8 feet (2.4 metres) from a boundary hedge; unclear where the children would play because access to Melbourne Park via Harraby Bridge is not safe; close proximity of plots 1 & 2 to the gabion wall boundary; reduction in landscaping; close proximity of plots 19 & 20 to the western boundary; and, have the current parking standards been met?

In relation to the revised details five letters of objection have been received raising the following additions that: the proposal is similar to the last proposal; the land is not big enough for the development envisaged; Hillcrest Avenue is already heavily congested; fewer accommodation should be put on this land; the plans give little attention to the needs of the road users and could cause an increase of vehicles by approximately 1-7 per dwelling; the size of the gardens give little space for children to play which forces them to play in the streets or on the nearby riverbank; the applicant should consider a small number of 3/4 bed dwellings with ample space; the Committee and local MP are invited to visit the site and discuss the application with residents; the dwellings are close to the boundary and, with the three storey block of flats, lead to a loss in privacy; the housing needs to be greater than 21 metres between facing walls; prefer 14 houses that are semi-detached; the developer should provide houses with their own fences with sufficient space to allow proper maintenance; need for landscaping to compliment the existing area; and, consideration of the application should be deferred until a neighbouring resident returns from being abroad on the 25th November.

Details of Proposal/Officer Appraisal:

Planning History:

The site has an extensive planning history when considered as part of the former BT premises. In more recent times planning permission was given in 1994, under application reference number 94/0036, to use the land for the storage of machinery and equipment in connection with a civil engineering contractor.

In 1995, application reference number 95/0415, planning permission was given for the erection of offices, storage and vehicle workshop on land adjoining Petteril Terrace.

In 1998 and 1999, application reference numbers 98/0651, 98/0908 and 99/0019, permission was granted for two buildings lying to the immediate north of the current application site to be used as a driving test centre and as offices respectively.

In 1999, application number 99/0205, outline permission was given for residential development.

SCHEDULE A: Applications with Recommendation

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Members may recall that previous applications, numbers 01/0915 and 02/0284, for the erection of 34 mews apartments, and 22 apartments and 5 terraced houses were withdrawn prior to consideration and determination.

Details of Proposal:

This application relates to 0.35ha. of land located to the immediate north and west of 1-41 Hillcrest Avenue. The site was previously used for the storage of vehicles, machinery and equipment associated with Malcolm Wright Ltd, a civil engineering contractor. To the immediate north of the site there are allotments whilst to the west is an office. There is a mixture of mature deciduous hedging with hedge trees and timber-fencing along the boundary of the site with the houses at Hillcrest Avenue. Overall the site slopes down from the east to west and is in an elevated position with extensive views particularly of London Road.

The current application seeks full permission to erect six flats and 12 semi-detached houses. The flats are on three floors in a block lying parallel to the western and northern boundaries. The flats and houses are externally finished with brick and rendered walls, and, blue/black roof tiles.

The submitted layout plan shows each flat having a parking space; each house having two spaces; a visitor car park with six spaces; and, the erection of a 1.8 metre high timber fence.

In considering this application it is felt that the following points should be kept in mind:

- a) Ministerial advice contained in PPG3 "Housing" (revised 2000) gives priority over greenfield housing development to the re-use of brownfield land. A need to create sustainable housing developments is emphasised, and ways of building are advised which would create "more sustainable patterns of development ... which would exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services". A national 2008 target of 60% of additional housing to be provided on brownfield land or by conversions, is introduced. In the context of general advice to make the best and most efficient use of land PPG3 states that more than half of all new dwellings are built at 20 dwellings per hectare which is a level of land take which is high and can no longer be sustained. In the future local authorities should "avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare) and encourage housing which makes more efficient use of land (between 30 and 50 dwellings per hectare).

PPG3 advice on design is that "in determining applications, local authorities should reject poor designs particularly where their decisions are supported by clear plan policies and adopted supplementary planning guidance, including village design statements".

- b) Under the Carlisle District Local Plan the site is identified as being within

SCHEDULE A: Applications with Recommendation

02/0785

a Primary Residential Area. Policies H2 and H11 set out to ensure amongst other things that new residential development will not adversely affect the amenity of adjacent residential property, and, that it complements or enhances existing adjacent residential areas. Policy H16 also states that high standards of design in new housing sites and dwellings will be required.

- c) In 1999, the City Council also produced a Development Brief for the site in consultation with local residents. Paragraph 4.2 of the Brief states:

"The scale of the development should reflect that of the surrounding housing on Hillcrest Avenue. However, the slope of the site may offer opportunities to integrate different design solutions, provided the amenity and privacy of the surrounding properties is not prejudiced".

Paragraphs 4.3 and 4.4 go on to state that:

"Existing residential properties on Hillcrest Avenue bound the site to the immediate south and east. Care must be undertaken when designing any housing layout to ensure that the rear elevations and gardens of the existing housing are not directly overlooked. In particular, the rear gardens of 3, 33, 37, 39 and 41 Hillcrest Avenue are either relatively low rear hedges or fences compared with the other houses that adjoin the site. The privacy of these and the other existing properties should not be unreasonably adversely affected by any proposed housing layout, or by the positioning of primary (kitchen, living room) windows on any new housing" (paragraph 4.3).

"The City Council will require adequate distances between principal windows, and between windows and gable ends. These will usually be 21 metres and 12 metres respectively. These distances are the minimum required between existing and proposed housing and between the proposed housing on the site. Where existing housing adjoining the site have low rear boundary hedges/fences, then the distance between the existing housing and the elevations of the new housing may need to be greater than 21 metres. This is in order to ensure that there is no loss of amenity. There should also be adequate space around proposed new buildings to ensure that they can be properly maintained" (paragraph 4.4).

In relation to the issue of design the Brief also explains that:

"The most significant element when integrating new development into the landscape is likely to be the design and form of the buildings. The height, shape, mass and design of the houses and garages etc on the site should complement the character, topography and landscape/site, for example, by levelling or drastically altering the site gradient. The design objective should be to harmonise and integrate the development with the landscape setting" (paragraph 6.2).

SCHEDULE A: Applications with Recommendation

02/0785

- d) The site is clearly classed as brownfield and a sustainable location with good public transport accessibility. The site also has a history of a previous outline permission for residential development. In addition, it is acknowledged that the applicants are anxious to build at the highest density acceptable to their potential customers. The extent and design of any associated amenity space is thus also largely a matter for the developers and customers.
- e) In light of the more recent advice contained in PPG3 there is an obvious need to up-date the policies contained in the Local Plan and the principles outlined in the Development Brief. Notwithstanding the guidance within PPG3 advocating higher densities this is clearly not meant to be at the expense of good design or making the living environment for neighbours, who reside in lower density housing, unacceptable.
- f) Although the flats are on three floors they have been designed to take account and advantage of the topography of the site. It is therefore felt that the proposal, when viewed within the predominant context of the existing two storey houses at Hillcrest Avenue would not over dominate or look out of scale.
- g) When considering the issue of amenity, the most seriously affected properties are felt to be 1 - 11, 33, 37 and 39 Hillcrest Avenue. The submitted layout plan shows the distance between the proposed terraced houses and the existing houses at 37/39 Hillcrest Avenue to be nearly 22 metres. The distance between the proposed houses on plots 15-18 range from 21.6 metres to 20.9 metres to the boundary of 1, 3, 5 and 7 Hillcrest Avenue ranges between 4.4 metres and 6 metres. In such circumstances it is considered that the current proposal would comply with the spirit and objectives of paragraphs 4.3 and 4.4 of the Development Brief.
- h) In relation to the remaining formal comments raised by interested parties Members should be aware that the local planning authority can impose a condition safeguarding existing hedgerows and trees; and, the Highways Authority have not raised any objections.

The rights of the neighbouring residents are respected, however, the proposal is considered acceptable and recommended for approval subject to the awaited observations from the Environment Agency.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants

SCHEDULE A: Applications with Recommendation

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seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above but in this instance it is not considered that there is any conflict.

DLFE
Layout + S.U.

Supp page 26-
revised plans

Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

3. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the local planning authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians can negotiate road junctions in relative safety.

4. No residential unit shall be occupied until the estate road has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.

SCHEDULE A: Applications with Recommendation

02/0785

Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

5. The visitor parking area shall be constructed in accordance with the approved plans before any flat is occupied and shall not be used except for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure adequate access is available for each occupier.

6. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: To ensure that each dwelling is provided with parking and garage space to the satisfaction of the local planning authority.

7. Before each dwelling is occupied space for at least two parked cars shall be provided together with vehicular access thereto in accordance with the approved plans. The access and spaces for garage/ parking shall be used for no other purpose without the prior approval of the local planning authority.

Reason: To ensure that each dwelling is provided with parking and garage space to the satisfaction of the local planning authority.

8. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

9. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building.

10. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any

SCHEDULE A: Applications with Recommendation

02/0785

trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented.

12. Trees or hedges chosen for retention in the landscaping scheme shall not for the duration of the development works be damaged or destroyed, uprooted, felled, lopped or topped without prior written consent of the local planning authority.

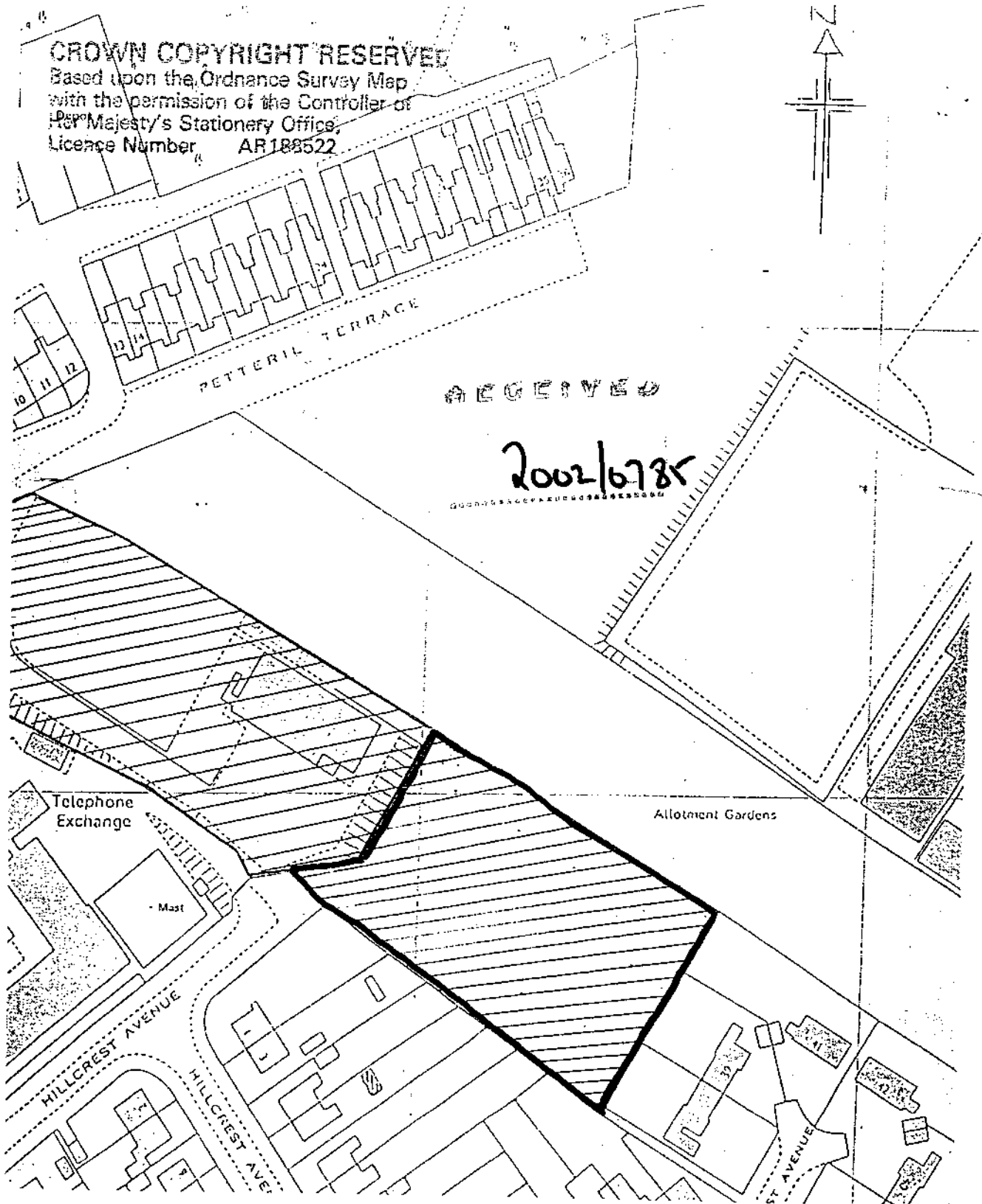
Reason: To protect trees and hedges during development works.

13. Before any residential unit hereby permitted is completed the respective boundary fencing shall be erected in accordance with the approved plans.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

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HOUSING AT HILLCREST AVE CARLISLE FOR MALCOLM WRIGHT LTD.

ARCHITECTS

P L U S

Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
Carlisle (0228) 515144 Annan (0461) 205463 Fax Number (0228) 515033

Scale
1/1250

Date
4/98

Drawn

Number
98021-02

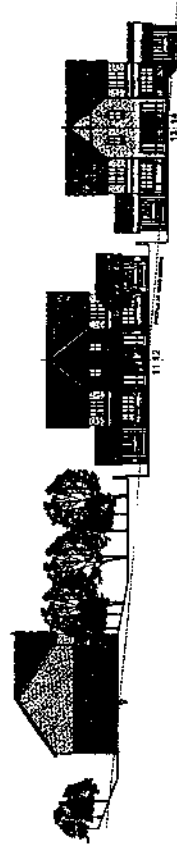
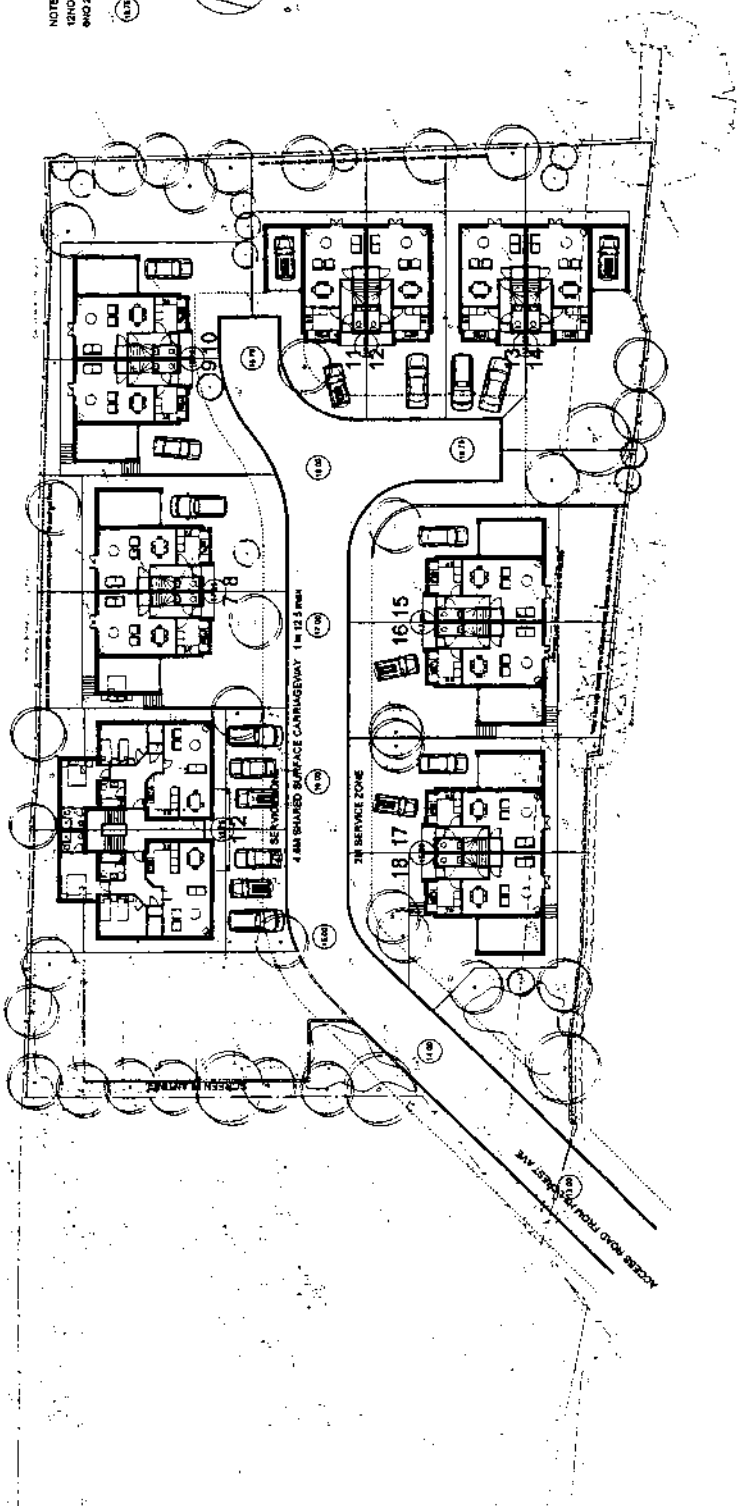
This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

NOTES
1. 12NO 385P-BEM DETACHED HOUSES
2. 9NO 280P-FLATS

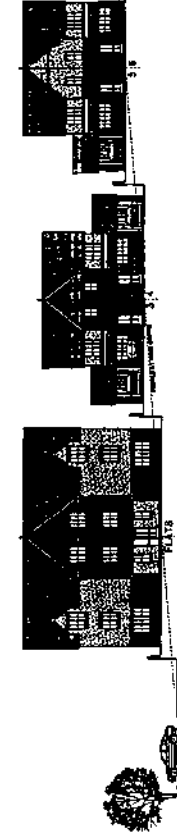
(03N)
SURFACELINE
PROPONENT LINE



0 5 10 15 20
METERS



SECTION LOOKING SOUTH



SECTION LOOKING NORTH

R/W
 Boundary lines indicated
 S/N
 Site layout referred
 Checked by
 Date
 21.10.02
 03.10.02
 17.02.03

ARCHITECTS

P L U S
 11000 110th Avenue, Suite 200, Richmond, BC V6V 2G9
 604-273-1111
 A PART OF THE ARCHITECTURE GROUP

PROJECT
 HOUSING AT HILLCREST AVENUE
 FOR MALCOLM WRIGHT LTD

DATE
 17.02.03

DRAWN BY
 JCH

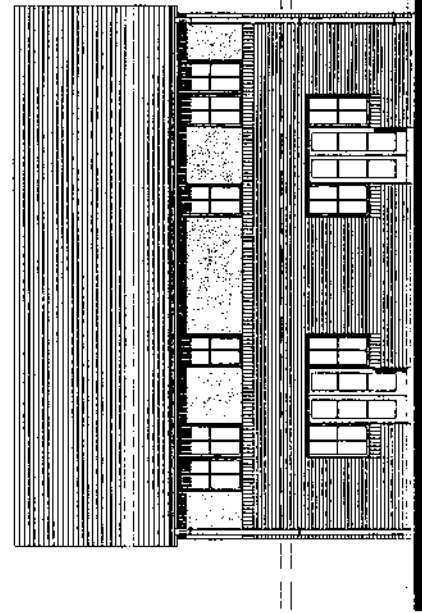
CHECKED BY
 JCH

SCALE
 1/8" = 1'-0"

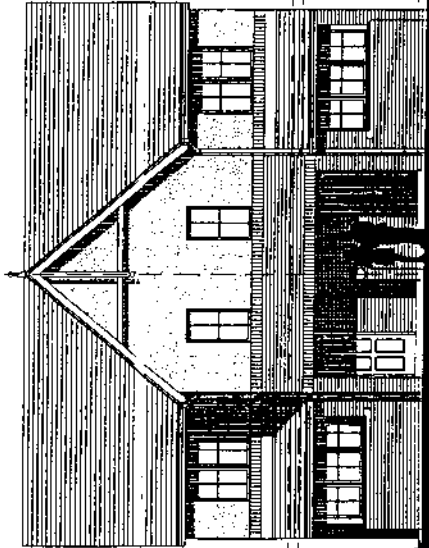
SHEET NO.
 98021-068

DATE
 17.02.03

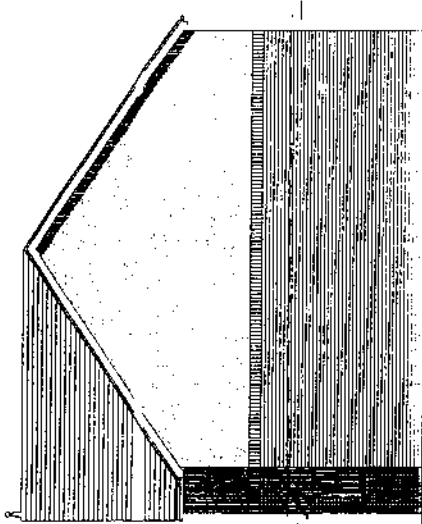
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 604-273-1111



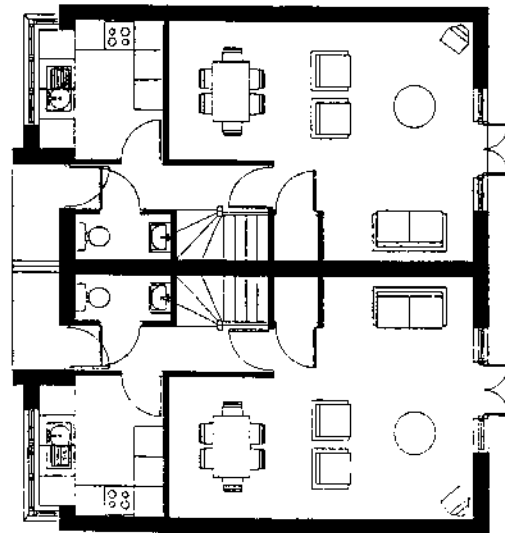
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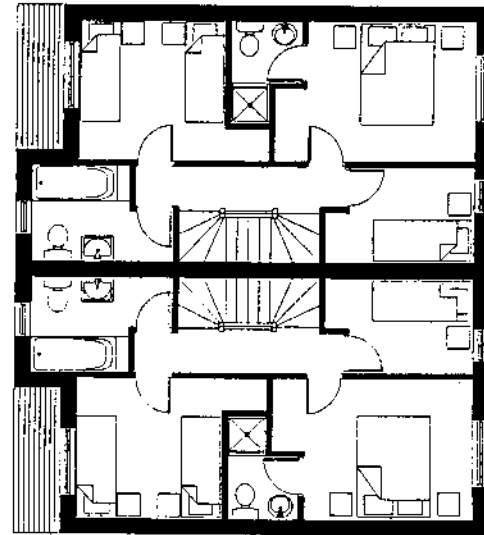
FRONT ELEVATION



SIDE ELEVATION



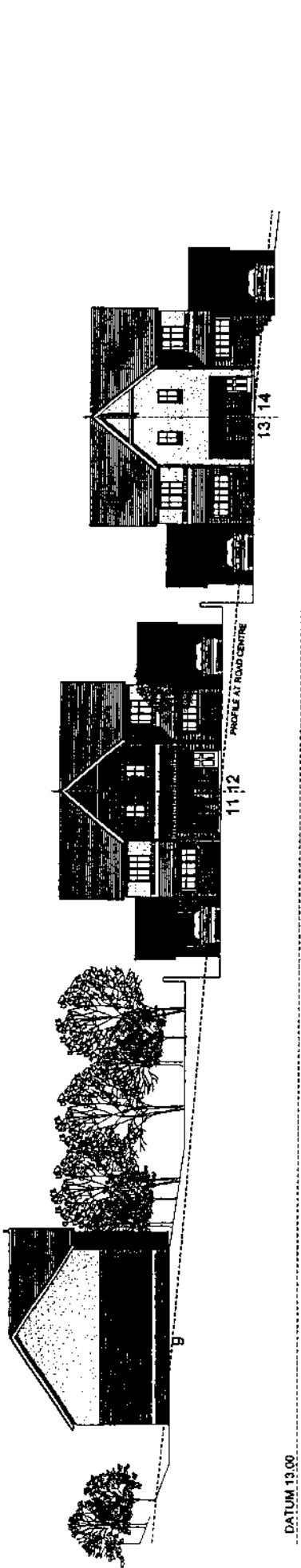
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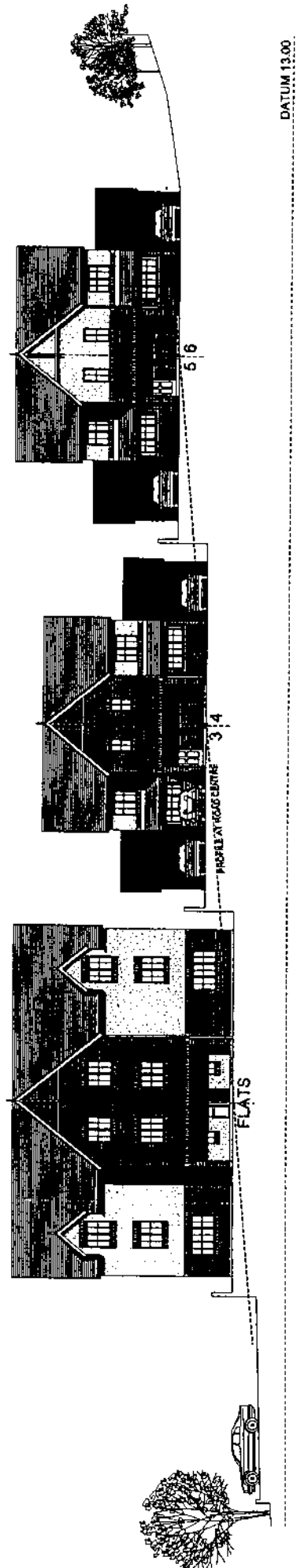
FIRST FLOOR

MATERIALS
 ROOF: BLUE BLACK CONCRETE TILE
 UPPER WALLS: PAINTED WET DASH RENDER
 LOWER WALLS: RED CLAY FACING BRICK

ARCHITECTS
 PROJECT: HOUSING AT HILLCREST AVENUE
 FOR MALCOLM WRIGHT LTD
 TYPICAL HOUSE TYPE
 ARCHITECTS: P L U 3
 ADDRESS: 10000 Hillcrest Avenue, Los Angeles, California 90024
 PHONE: (213) 475-1111
 FAX: (213) 475-1112
 TABLE: 1/20
 DATE: 7/20/23
 DRAWN: R.J.M.
 CHECKED: D.A.
 NUMBER: 98021-07
 SCALE: 1/8" = 1'-0"



SECTION LOOKING SOUTH



SECTION LOOKING NORTH

A 03/10/02 Site layout obtained
 Date: 03/10/02
 Checked: S.M.
 Prepared by: C. W. Wright

ARCHITECTS

100, Colchester Road, Colchester, Essex, CO1 1JY
 0206 211114 - 0206 211142 - 0206 211143
 A FULL SERVICE ARCHITECTURAL FIRM

PROJECT
 HOUSING AT HILLCREST AVENUE
 FOR MALCOLM WRIGHT LTD

DRAWING
 SITE SECTIONS

Scale: 1/100
 Date: 7/2002
 Client: M.W.
 Drawing No: 98021-08A
 Checked: S.M.
 Prepared: C.W. Wright

26210785

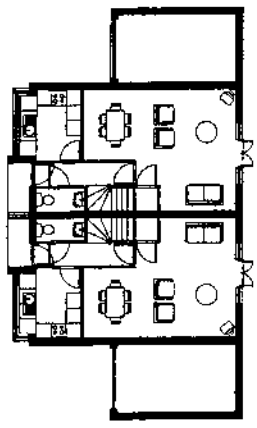
The drawings & designs of this project shall be the property of the architect & shall remain his property. No part of the drawings shall be reproduced or used in any way without the written consent of the architect.



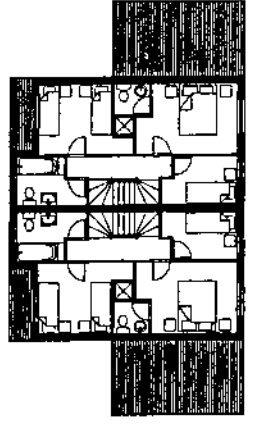
REAR ELEVATION

FRONT ELEVATION

SIDE ELEVATION

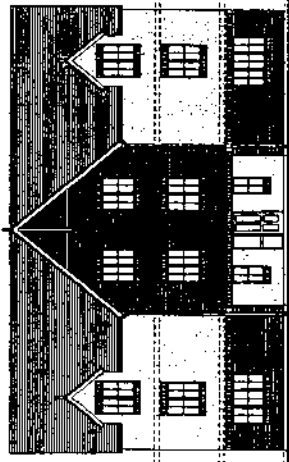


GROUND FLOOR

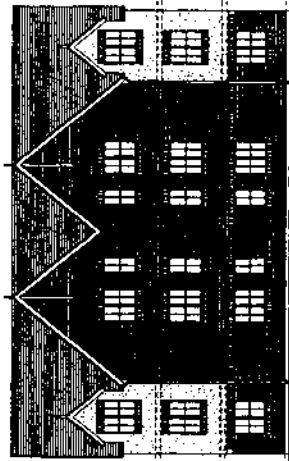


FIRST FLOOR

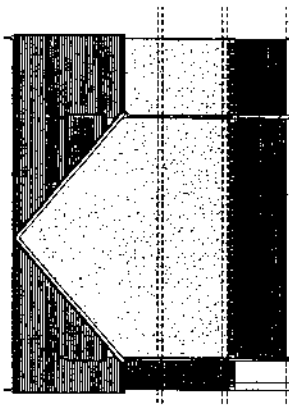
NOTE: ALL WALLS TO BE CONCRETE. THE
 ROOF SHALL BE SHINGLED. THE
 EXTERIOR WALLS SHALL BE FINISHED WITH
 1/2" GYPSUM BOARD OVER 1/2" FIBERGLASS INSULATION.



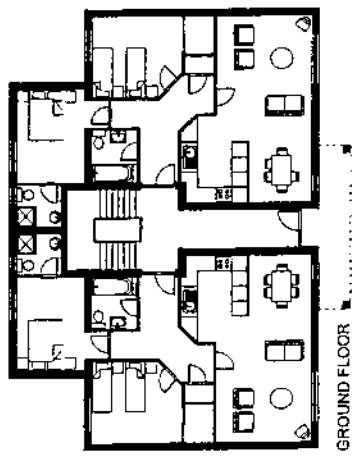
FRONT ELEVATION



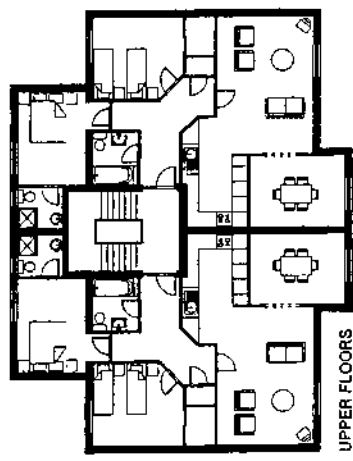
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR



UPPER FLOORS

NOTE: ALL WALLS TO BE CONCRETE. THE
 ROOF SHALL BE SHINGLED. THE
 EXTERIOR WALLS SHALL BE FINISHED WITH
 1/2" GYPSUM BOARD OVER 1/2" FIBERGLASS INSULATION.

Project: HOUSING AT HILLCREST AVENUE
 FOR MALCOLM WRIGHT LTD
 County: TYPICAL HOUSE TYPE
 1/100 2,400/00 SH GARAGE
 ARCHITECTS
 P L U S
 2001/10/05

SCHEDULE A: Applications with Recommendation

02/0857

Item No: 23

Date of Committee: 20/12/02

Appn Ref No:
02/0857

Applicant:
Cumbrian Industrials

Parish:
Wetheral

Date of Receipt:
06/08/02

Agent:
HTGL Architects

Ward:
Great Corby & Geltsdale

Location:
Holme Eden Abbey, Warwick Bridge, Carlisle

Grid Reference:
347184 557020

Proposal: Refurbishment and sub-division of Holme Eden to form 12no. residential apartments (LBC) (revised proposal)

Amendment:

John

Report

Planning Policies:

Listed Building

The proposal relates to a building which has been listed as being of Special Architectural or Historic Interest.

Carlisle District Plan Environment - Policy E34

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection.

Wetheral Parish Council: No observations.

English Heritage - (Hist Bldg & Monuments): English Heritage are concerned to learn of the extent of dry rot discovered in the building, and have given advice on how this should be dealt with. No objection is raised to the principle of the revised scheme; further information will be required regarding the details of the new staircases down from the ground to the lower ground floor.

SCHEDULE A: Applications with Recommendation

02/0857

Environment Agency: This site is within a high flood risk area, and a flood risk assessment is an essential requirement. The Agency objects to the application in the meantime. Following the receipt of this response, discussions have taken place involving Council officers, the Agency and the applicants concerning both how flood risk assessment might be carried out, and also the conflict between this current advice and that given on the previous applications. The Agency have now sent a further letter, which is reproduced in the schedule, which clarifies the position; but reiterates their opposition to the amended proposals, in the absence of a satisfactory flood risk assessment.

English Nature: Further discussions have taken place with the applicants regarding bats at the site. Minor revisions to the lower ground floor layout are required to provide for bats. These changes have now been made.

Victorian Society - Amenity: The Society requested a consultation on the application. At this stage, the response has been verbal only, at a site meeting, but it is understood that the Society have some concerns regarding details of the scheme. Generally, however, they are supportive of the scheme, and in particular are concerned that it should be allowed to proceed to ensure that the building can be restored and brought back into use.

Summary of Representations:

The application has been advertised by means of press and site notice.

Details of Proposal/Officer Appraisal:

Planning History:

This building was designed and built as a house for the Dixon family by the well known architect John Dobson in 1840. From 1919 until 1983, it was used as a nunnery and thereafter as a retired persons home. During this period, various applications for listed building consent for minor alterations were approved. The retired persons home closed in 1997. In August 2001, planning and listed building consent applications were submitted for the conversion of the building to 12 apartments. These applications were approved in May this year, subject to a Section 106 agreement which links progress on the conversion to that on a scheme for residential development in the walled garden.

Details of Proposal:

This application, for listed building consent, relates to the grade II* listed building Holme Eden Abbey. The history section of the report explains that planning permission and listed building consent were granted in May this year, for the conversion of the building to twelve apartments.

Since then, the building has changed hands to the current applicant, who has re-appraised the scheme and wish to change the layout/configurations of the apartments. The concept being to reduce the amount of communal areas to ensure the future maintenance of the building. The conversion project still creates 12

SCHEDULE A: Applications with Recommendation

02/0857

apartments and does not require external alteration to the fabric of the building, other than the addition of one door. That being the case a revised planning application is not required. The listed building consent submitted amends the proposals in the following ways:

1. The approved scheme utilises approximately 60% of the lower ground floor for habitable accommodation for parts of three apartments. In addition, a communal gymnasium with male and female toilet and changing facilities. The revised proposal submitted brings the gymnasium and changing facilities in private habitable ownership, together with increased use of an adjoining area for bedroom and en suite provision. The use of the lower ground floor will now be in the ownership of six apartments by the introduction of a dogleg stair from apartment No. 2 and a spiral stair from apartment No. 1. The lower ground floor now utilises 70% of the available space. The remainder of the ground floor will be subdivided into 12 storage areas and service rooms.
2. On the ground floor, the approved scheme has the whole of the area to one side of the entrance as one unit. Although this retains the large rooms and the grand staircase which are two of the principal features of the building unaltered, this results in a large unit which has only one bedroom. The current developer has therefore sought to subdivide this area into two units, and by using the former gallery as accommodation and the additional area in the lower ground floor, is able to provide three bedrooms in each of these. This arrangement once again retains the gallery intact other than the stairway to the lower ground floor bedrooms and the ground stair is retained as a communal circulation space. At the end of the gallery a large modern window is to be removed and replaced by stone mullioned windows in proportion and detail to match the existing. The approved scheme did not allow for this improvement.
3. The approved scheme introduced 2 new spiral staircases constructed within faceted stone towers spanning between the first floor and lower ground floor with egress into the courtyard. The scheme now proposed does not require this addition, and by removing the modern metal fire escapes, the courtyard will be brought back to its original form with stonework made good.
4. On the first floor whilst the number of apartments is unaltered, the layout of the 5 units is reconfigured to take account of sound proofing and means of escape requirements. On the East and West sides of the building corridors have been removed as a conscious decision to bring communal circulation space into ownership of each apartment, thus improving the likely maintenance of the building.

This application raises two principal issues, which are considered in turn.

1. The effect of the proposed changes on the character of the building.

As a grade II* listed building, the importance of Holme Eden derives not only from its

SCHEDULE A: Applications with Recommendation

02/0857

external appearance, but from its internal details and features. In relation to the latter, it is the large rooms on the east side of the building, including the gallery and the grand stair which are of the greatest interest and importance. These are large rooms with decorative features including ornate ceilings. The amended proposals affect these rooms as described above, but officers consider that they are acceptable. They have been the subject of detailed discussion and consultation with English Heritage. Three points of concern were raised. These were firstly, the subdivision of the gallery; the revised proposal now retains the gallery intact and the division is beyond the gallery, the line of division being at the position of an existing glazed screen within an arch. Secondly, the detailing of the staircases; further details were requested regarding this, and indicative sketches have been received. This has been forwarded to English Heritage, and no adverse comment has been received. Finally, the detailed design of the kitchen area, and in particular the ventilation of this area; this and the details of the staircases can be covered by a condition. The English Heritage consultation response delegates responsibility for dealing with these issues to the City Council, and subject to conditions as outlined above, it is considered that these can be satisfactorily resolved.

2. The danger of flooding.

The consultation response from the Environment Agency objected to the application due to the danger of flooding. The consultation drew attention to the fact that the proposals involved the provision of accommodation at the lower ground floor level, and asked that a flood risk assessment be carried out. Further discussion with the applicants and the Agency took place, and the Agency were asked to clarify their position in the light of the previous approvals for both planning and listed building consent. The Agency sent a further letter dated 27 November 2002, which is reproduced in full in the schedule, as is the consultation letter on the (now approved) planning application. This second letter confirms that the building is in high flood risk area, which is the justification for their objection to the current application. Whilst this letter is helpful in clarifying the position, officers consider that the following points should be made:

1. Planning permission was granted for the conversion of the building to 12 units. Although the current proposal involves the provision of accommodation in an additional area of the lower ground floor, the approved scheme also involves accommodation at this level. This difference here is therefore one of degree rather than principle. The consultation response on the planning application does include a recommendation for a flood risk assessment to be carried out, but this is more advisory in nature, and the recommended condition clearly presumes that the provision of accommodation in the basement is acceptable.
2. Given that planning permission has been granted as described above, the current application for listed building consent does not involve additional development. Opposition to it on the grounds of flood risk is therefore of doubtful legal validity.
3. As a grade II* listed building, the Council as local planning authority is

SCHEDULE A: Applications with Recommendation

02/0857

obliged to consider and respond positively to proposals for its re-use. The building has been empty for several years and has deteriorated significantly during that period, with extensive dry rot. The current proposal therefore represents the best chance of the restoration of the building. The applicants have produced full schedule of works to the building as required by the existing approvals, and have already carried extensive works of repair following consultation with English Heritage and the Council's Conservation Officer.

4. The building was originally built as a house with a lower ground floor. It has remained in that use, no permission would be needed for the more intensive use of this area.

The developers recognize that the flood risk needs to be addressed, and are carrying out the flood risk assessment in accordance with the Agency's recommendation. However, given that the authority cannot issue listed building consent, but must refer the case to Government Office North West, their view is that it is appropriate for that referral to take place, so that they can proceed with both the flood risk assessment and further works of repair in the knowledge that their proposals are acceptable to the City Council.

Whilst not wishing to ignore the advice of the Environment Agency, officers consider that in this particular case, the application should be referred to Government Office North West with a recommendation for approval.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

There are no Human Rights Act implications related to this application.

SCHEDULE A: Applications with Recommendation

referred to NPSU
to 6022

Recommendation: Grant Permission

1. The works shall be begun not later than the expiration of 5 years beginning with the date of the grant of this consent.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

4. The carriageway, footways and footpaths shall be designed, constructed and drained to the satisfaction of the local planning authority.

Reason: To ensure a minimum standard of construction in the interest of highway safety.

5. No dwellings shall be occupied until the estate road to serve such dwellings has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.

Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

6. No development shall commence until visibility splays providing clear visibility of 92.5 metres x 4.5 metres x 148 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of The Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: In the interests of highway safety.

7. No development shall take place until the developer has submitted the following full design and construction details of the required improvements to the existing access to the A69 (T), such details to be agreed by the local planning authority,

SCHEDULE A: Applications with Recommendation

02/0857

in consultation with the highway authority, and shown in outline on the drawings specified in Table 1 incorporating the notes referred to therein and incorporated in the agreement to be entered into by the applicant and the Highways Agency (as highway authority) under the provisions of section 278 of the Highways Act 1980.

- i how the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations.
- ii full signing and traffic management details including within the site.
- iii confirmation of full compliance with current departmental standards policies (or approved relaxations/departure from standards) and
- iv an independent Road safety Audit carried out in accordance with current departmental standards (DRMB) and advice notes.

Table 1

Location	Drawing submitted by	Title	Drawing No	Dated
Existing access with A69 AT Holme Eden Abbey (westerly-access)	VTC (Highway and Transportation Consultants) Ltd	Proposed site egress improvements	Plan 1	13/12/01
Existing access with Holme Eden Cottages (westerly access)	as above	Proposed site ingress improvements	Plan 2	13/12/01
Internal site layout	as above	Proposed traffic management within site.	Plans 3a and 3b	13/12/01

Reason: To ensure that the A69 Trunk road continues to fulfil its purpose as part of a national system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980.

- 8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the

SCHEDULE A: Applications with Recommendation

02/0857

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented.

9. Before development commences, details shall be submitted to and approved by the local planning authority of the position of electrical wiring in the ground floor units. The work shall then be carried out in accordance with the approved details.

Reason: To protect the occupants and minimise damage to the building in the event of a flood.

10. Detailed drawings shall be submitted to and approved by the local planning authority of the new staircases to be provided leading from the ground floor to lower ground floor. The submitted drawings shall be at a scale not less than 1:50, and shall specify the materials to be used, and alterations to the existing fabric of the building. The staircases shall be installed in accordance with the approved drawings.

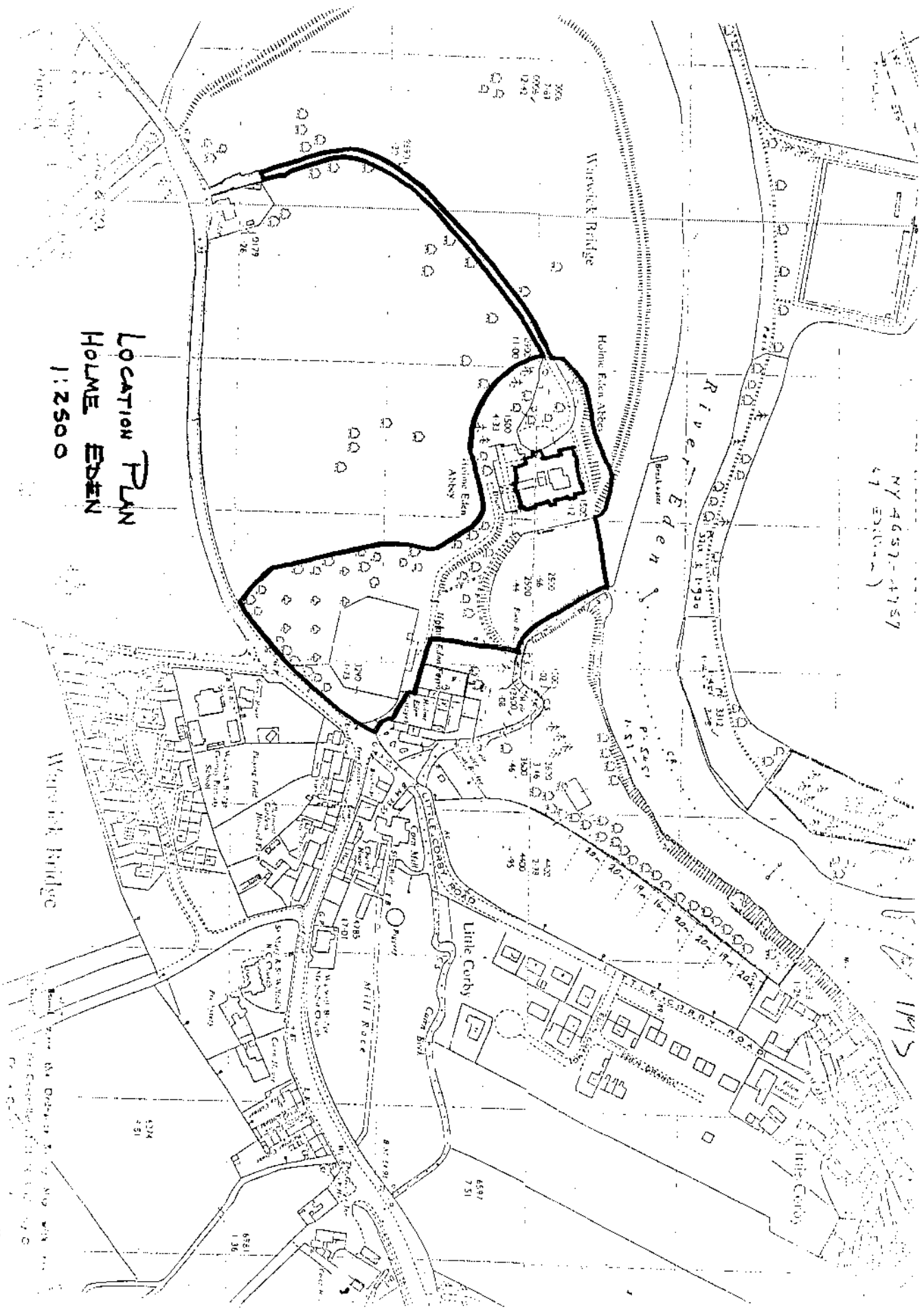
11. Detailed drawings shall be submitted to and approved by the local planning authority of the design of the kitchen, including ventilation, of apartment no.2. The kitchen shall then be installed in accordance with the approved details.

12. Details of staircases, doors?

13

Supp Schedule
Page 27 - Revised Report + DN
J.27 sec - 36-39

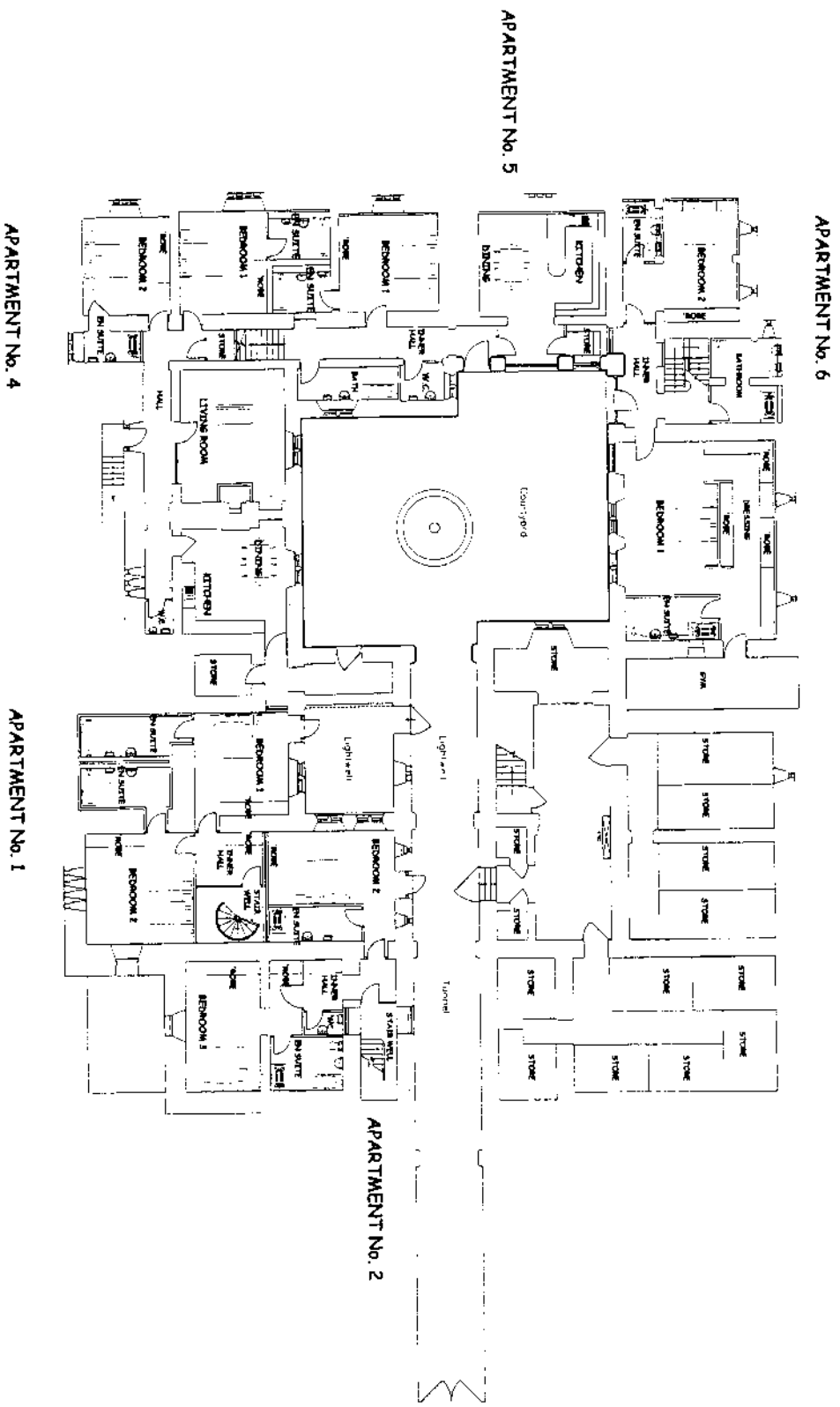
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LOCATION PLAN
 HOLME EDEN
 1:2500

NY 4657-4757
 47 EDEN

2002/0857
 09 AUG 2002
 12 15 16 17 18 19 20



HTGL
 1 1 m i c e d
 15 BROADWATER STREET
 CANTONMA, CAI 174
 TEL: 01228 511887
 FAX: 01228 511882
 WEB: WWW.HITGL.COM

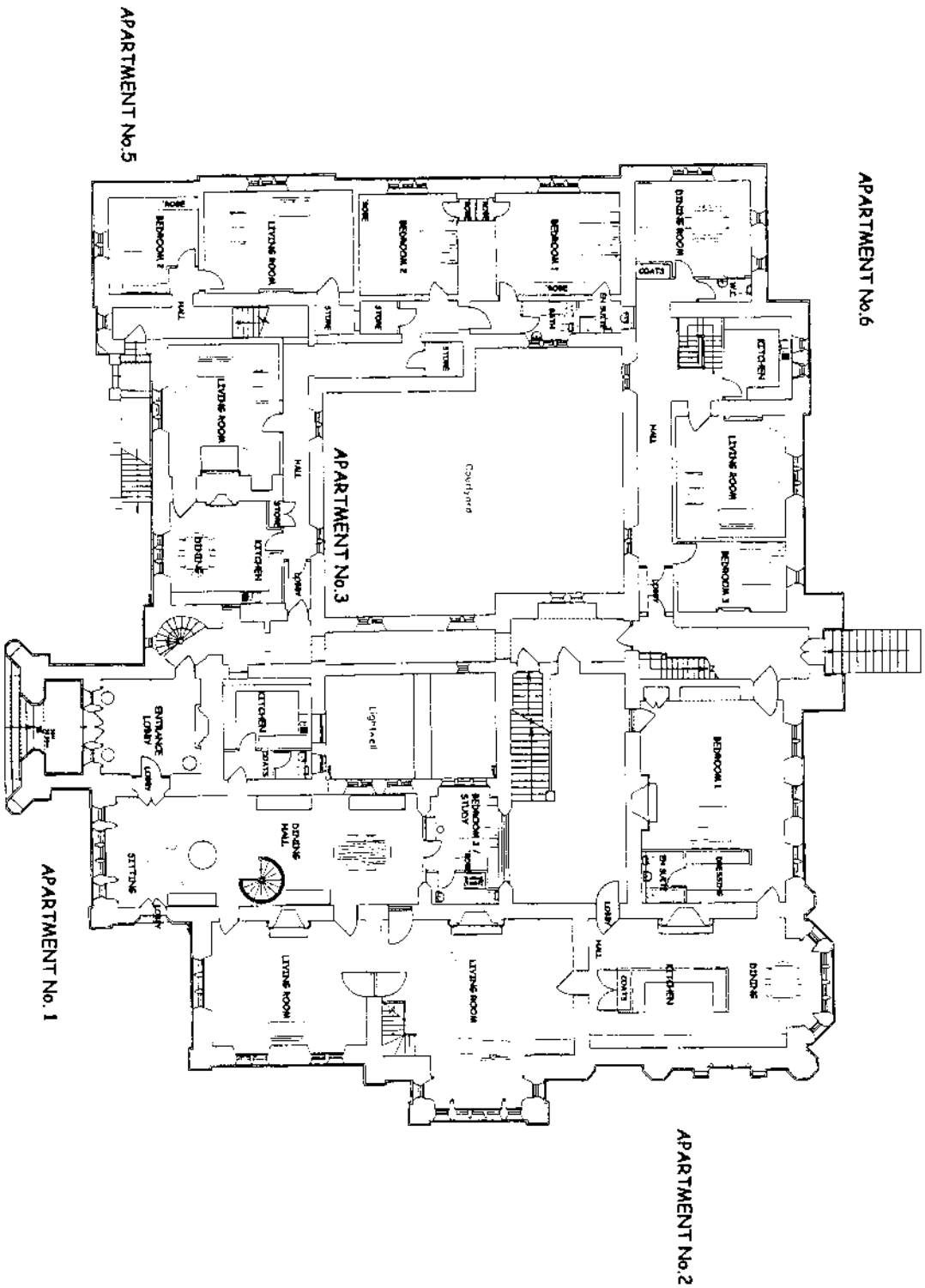
OWNER
 GAMBON INTERNATIONAL LTD

PROJECT
 HEARST BLDG.
 WAREHOUSE RENOVATION
 CANTONMA

TEAM
 UPPER ANCHORAGE FLOOR
 AS SHOWN

DESIGN
 DATE: 02.11
 DRAWN: 08/08
 SCALE: 1:100

PREPARED BY:
 1722 / SKLF



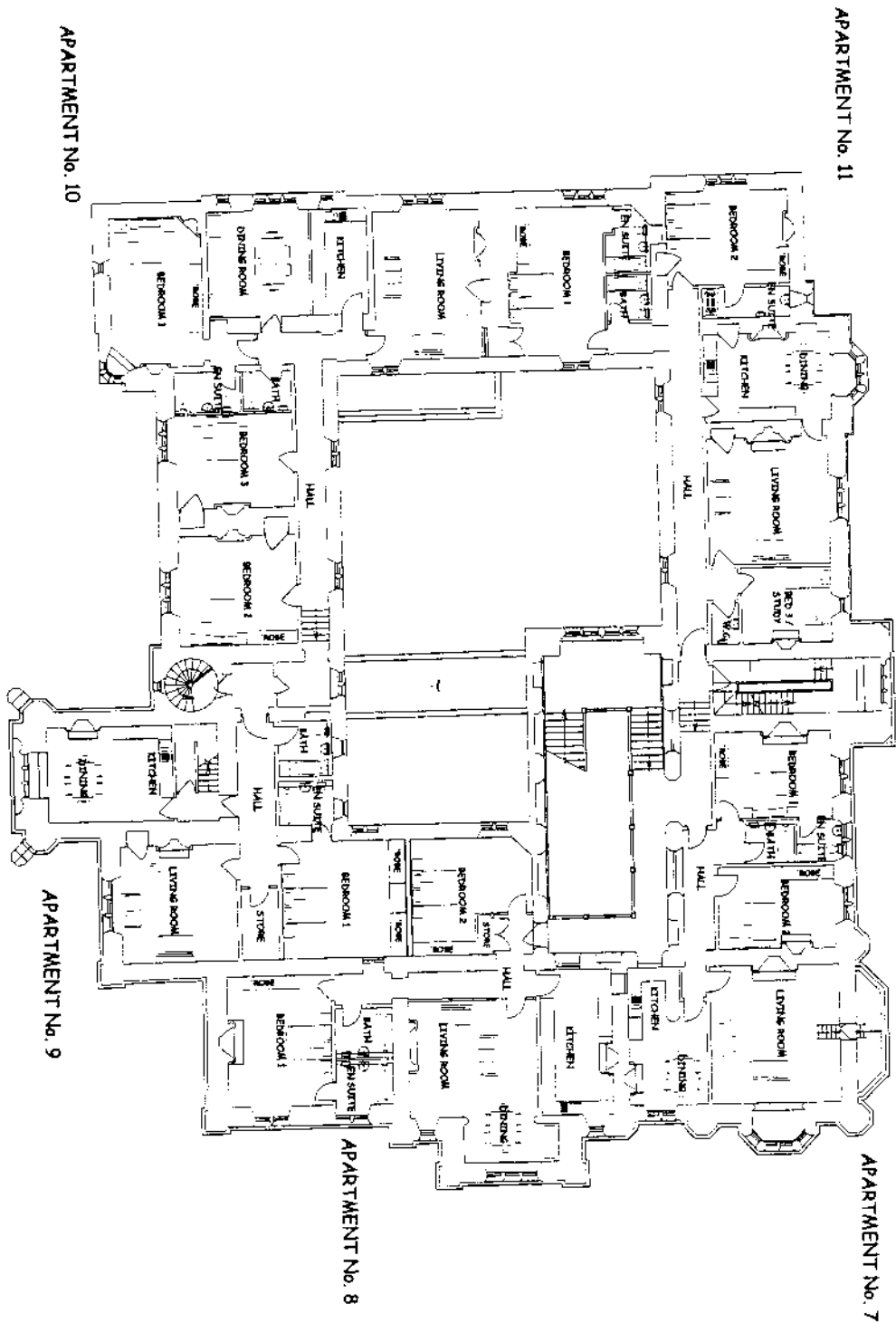
DRAWING NO. 1722/SK2F
 SCALE: 1/8" = 1'-0"
 DATE: 04/98
 DRAWN: S.J.L.
 CHECK: S.A.V.

TO: BROOKS BLOOM 45 RIVERSIDE
PROJECT: HOUSING FOR THE VETERANS PROJECT, CHICAGO
DATE: 04/98

DATE: 04/98
PROJECT: HOUSING FOR THE VETERANS PROJECT, CHICAGO

1 1/2 M I E G D
 15 BROADVIEW STREET
 CHICAGO, ILL. 60610
 TEL: 312.281.3100
 FAX: 312.281.3100
 WWW: HTCL.COM





APARTMENT No. 11

APARTMENT No. 10

APARTMENT No. 9

APARTMENT No. 8

APARTMENT No. 7

CONTRACT NO. 1722/SK.3
 15 APR 1987
 DONALDSON

Drawn: B.J.L.
 Date: 04/87
 Scale: 1/8" = 1'-0"
 Drawing No. 1722/SK.3

Project: HOLME OBI
 WAINWRIGHT ROAD
 CHALFONTE
 Title: FIRST FLOOR APARTMENTS

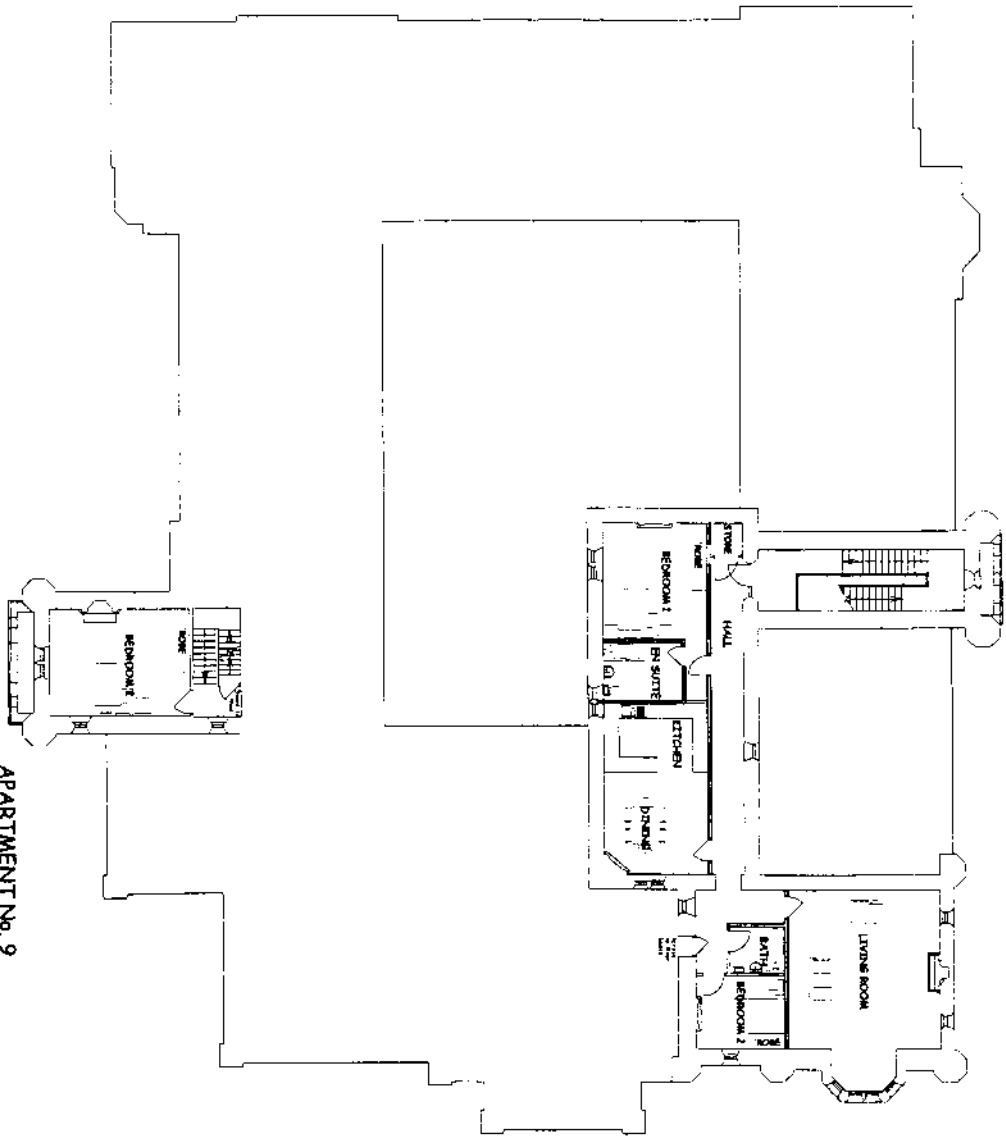
Client: CLIMBURN INDUSTRIES



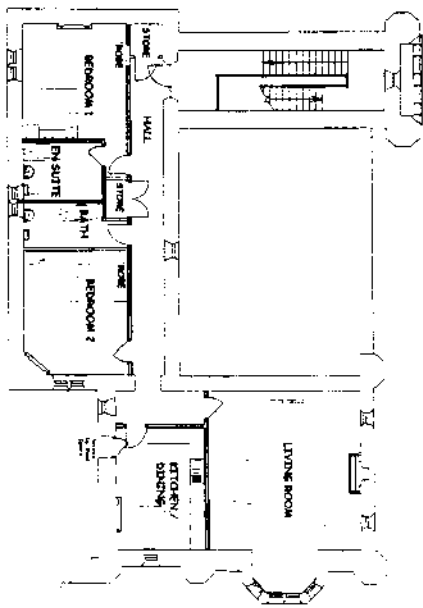
15 Brynwick Street
 Chalfont, CA 198
 Tel: 01228 521887
 Fax: 01228 818532
 0410 2121 LONDON, U.K.

HTGL
 I M S & D

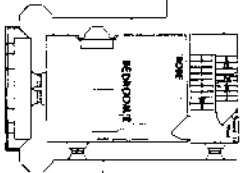
APARTMENT No. 12
ALTERNATIVE A



APARTMENT No. 12
ALTERNATIVE B



APARTMENT No. 9



l i m i t e d

25 BURNWICK STREET
CARLISLE CA1 1TB
TEL: 01276 511807
FAX: 01228 410512
WEB: www.htgl.co.uk



Cambridge Architectural Services Ltd

Project:
10/16 EBN,
VANDER WEG,
CARLISLE

THE SECOND FLOOR AS PROPOSED

Drawn: DJL

Checked: PVE

Project Ref: 1722/SK 4

Scale: 1:100

Drawing No. 1722/SK 4



ENVIRONMENT
AGENCY

Our Ref : NO/2002/004409-1/2

Your Ref : 02/0857

Date : 27 November 2002

Head Of Planning Services
Carlisle City Council
Civic Centre
Carlisle
Cumbria
CA3 8QG

Dear Sir

**APPLICATION NUMBER : 02/0857.
REFURBISHMENT AND SUB-DIVISION OF HOLME EDEN TO FORM 12 NO.
RESIDENTIAL APARTMENTS. VARIATION TO FLOOR LAYOUTS AS SHOWN
IN LISTED BUILDING CONSENT (01/0787).
HOLME EDEN, WARWICK BRIDGE, CARLISLE.**

I refer to the Agency's response, dated 12 September 2002, Reference NO/2002/004409-1/1, to the above application and to our telephone conversations yesterday and today. I also refer to our response, dated 24 September 2001, reference NO/2001/003538/001/DF to application number 2001/0788 submitted by Dare (Northern) Ltd.

I understand that the applicants, Cumbrian Industrials, are anxious that you submit their Application for Listed Building Consent to the Government Office North West (GONW) for determination, while the issue of flood risk is being resolved. However, like you, I believe that the flood risk issues could materially affect their proposals and consequently GONW may be unwilling to determine the application until these issues are satisfactorily resolved.

I accept that when the Agency responded to application 2001/0788, PPG25 had only recently been introduced and its impact was not fully appreciated by everyone. Nevertheless we did refer to the site being located within the indicative floodplain, mentioned the need for a flood risk assessment, and recommended that floor levels and the level of electrical circuitry be positioned to take account of predicted flood levels. However, we incorrectly referred to the site being located within a 'low to medium' flood risk zone, whereas it is located within a 'high' flood risk zone as described by Table 1 of PPG25.

Planning permission was duly granted for application 2001/0788 and Condition 8 was imposed requiring the applicant to submit details of the position of electrical wiring in the ground floor units before the development commences. **However a flood risk assessment was never submitted, as required by PPG25.**

Consequently when we became aware of the latest Application for Listed Building Consent we had no option but to object on the grounds that a flood risk assessment had not been submitted and the proposal involved conversion of one of the existing basement rooms for

habitable purposes. My colleagues met with Mr Geoff Noonan, who was acting on behalf of Cumbrian Industrials with regard to flood risk, and he too had concerns regarding the proposals to convert the basement into habitable accommodation.

Since the introduction of PPG25 in July 2001, local planning authorities, the Agency and would be developers/consultants have a duty to follow the advice contained in PPG25, which includes, inter alia, the need for a flood risk assessment to be submitted with applications that fall within Flood Zones 2 and 3 of Table 1. To the best of my knowledge PPG25 also applies to applications for Listed Building Consent. Incidentally, PPG25 also requires flood risk assessments to be submitted **with** planning applications for development in areas where known surface water drainage problems exist, and where surface water run-off from proposed development is likely to exacerbate flooding problems on-site or elsewhere.

PPG25 was introduced as a direct result of the severe floods of Spring 1998, Autumn 1999 and Autumn 2000. Each year the Agency has to report to the Department of Environment Food and Rural Affairs, under High Level Target 12, on applications approved by local planning authorities against Agency advice. We also have to report on adopted development plans that do not include flood risk policies. Therefore we have to draw flood risk to your attention, while accepting that the determination of applications is your responsibility.

Therefore, in summary, we recommend that a flood risk assessment is submitted by the applicants before the application is referred to GONW. To assist the applicants we attach a copy of the indicative flood plain in this locality showing the extent of flooding from an event with a 1% annual probability of occurrence i.e. 1 in 100 year event. I also attach a photograph showing the 1968 flood event, not at its peak, but when the basements of the Abbey were known to have flooded. The hydraulic model for the 1% annual probability event predicts a maximum flood level of 21.86 metres Above Ordnance Datum to which should be added an allowance for climate change, details of which are referred to in Appendix 'A' of PPG25. For your information the Executive Summary, in relation to the flood risk assessment submitted on behalf of Dare (Northern) Ltd for development within the walled garden at Holme Eden Abbey, recommends floor levels to be set not lower than 22.57 metres A.O.D.

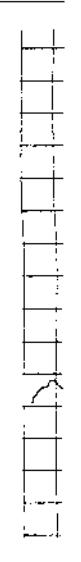
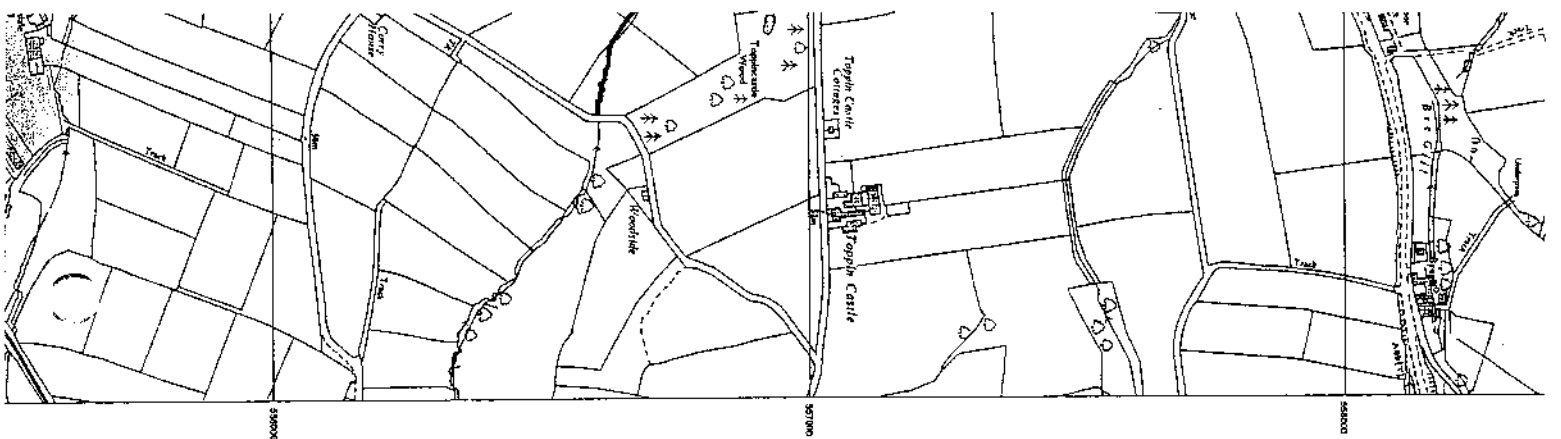
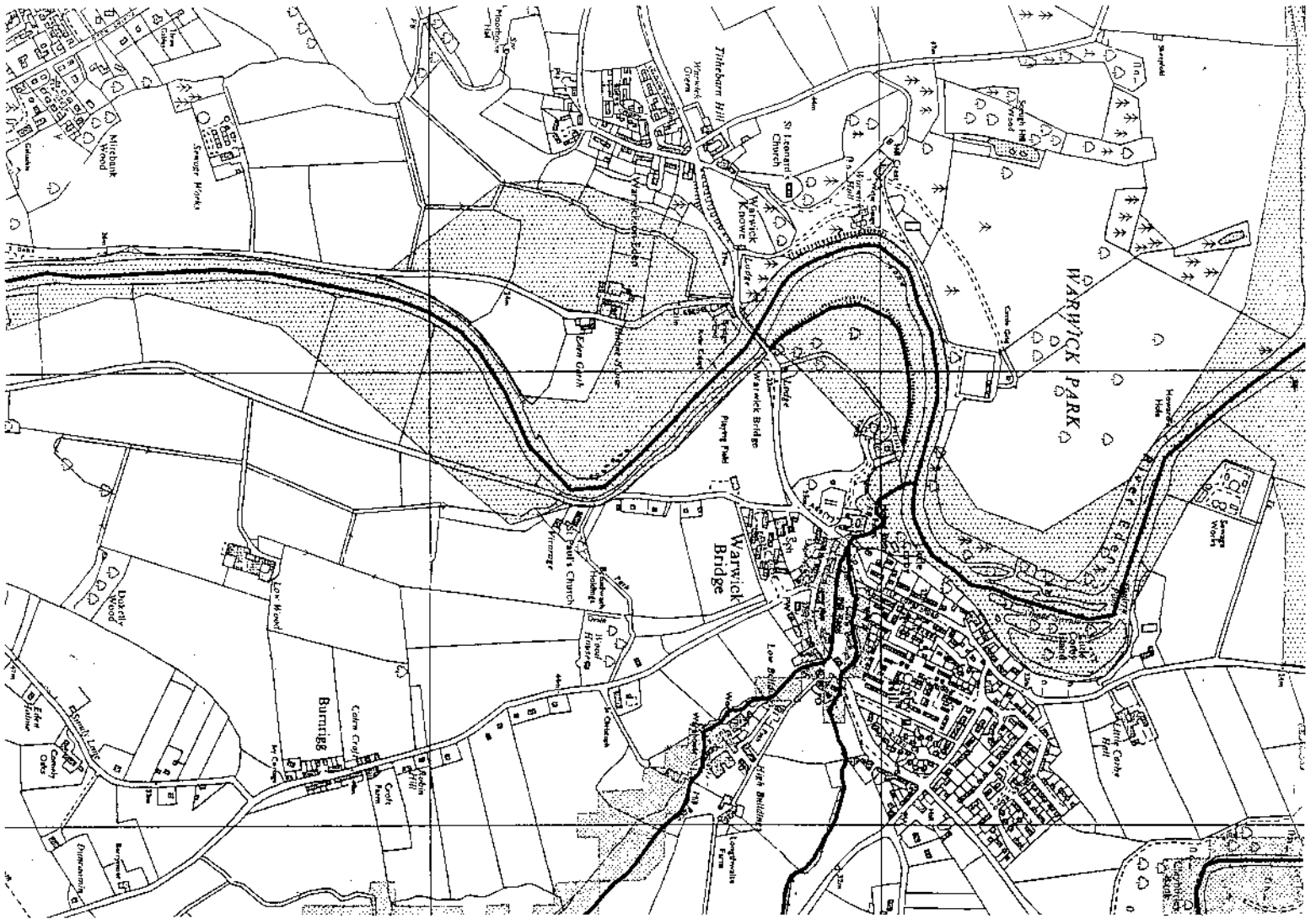
I hope that this information is helpful and I wish to reassure you that it is not our intention to be obstructive, as we appreciate that the applicants and their agents have a good working relationship with you and your colleagues in relation to this project. Nevertheless, we need to ensure that flood risk is adequately addressed and I can do no more than refer you to the advice contained in Table 1 of PPG 25, particularly as the proposal is to convert a basement into habitable accommodation within Flood Zone 3 - 'High Risk'.

A copy of this letter has been sent to the applicants and their agents.












Yours faithfully



PAUL SWAIN
Planning Liaison & Development Control Team Leader




LEGEND

-  Indicative Floodplain (Fluvial)
 -  Indicative Floodplain (Tidal)
 -  Defended Area (Fluvial)
 -  Defended Area (Tidal)
 -  Flood Defence
 -  Main River
 -  Flood Storage Area
 -  Access Route
 -  Access Ramp
 -  1999 Indicative Flood Outline (Fluvial)
 -  1999 Indicative Flood Outline (Tidal)
- Elevations above Ordnance Datum (Newlyn)

REV	DATE	REMARKS

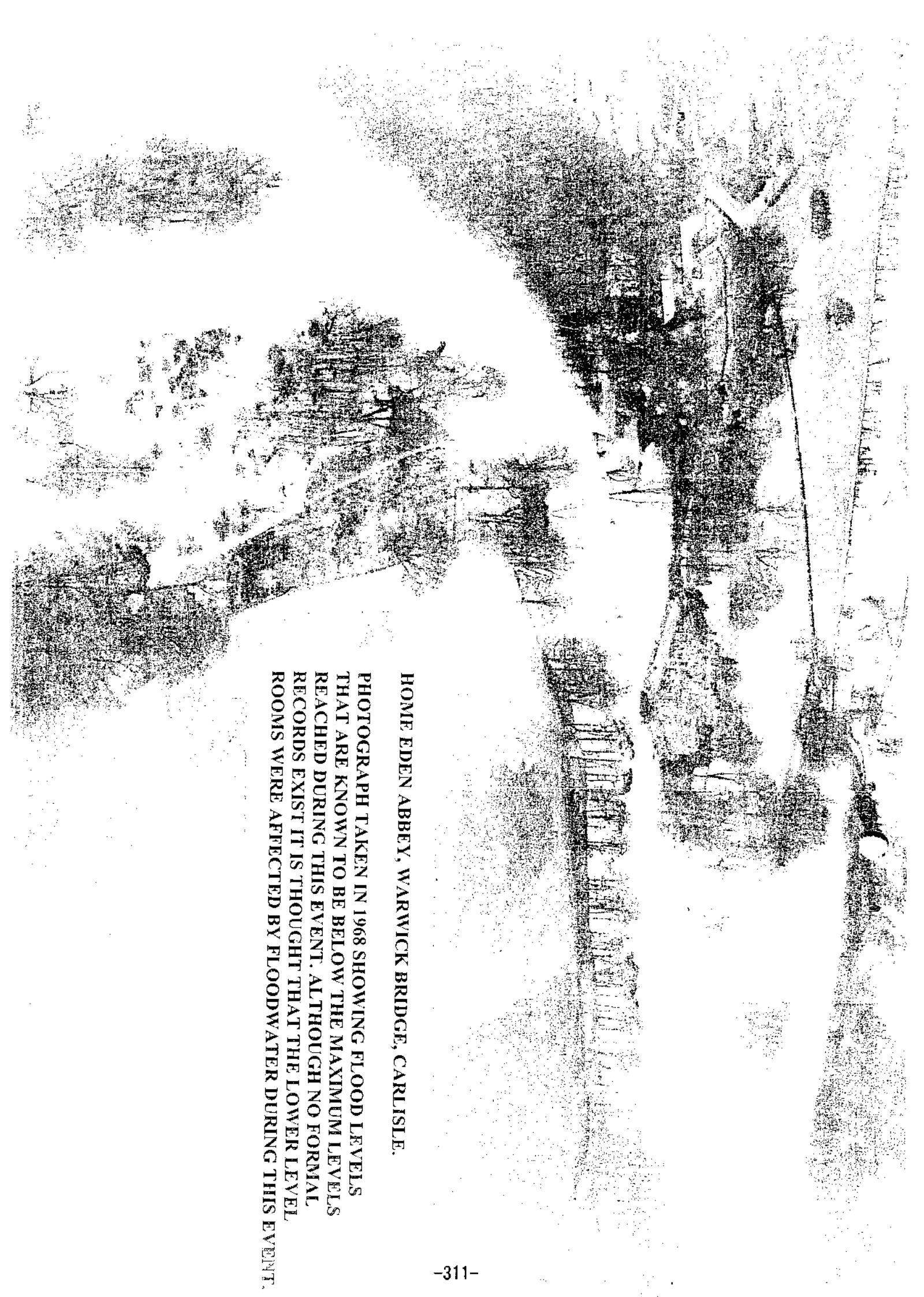
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ENVIRONMENT AGENCY

North West Region - North Area
 Ghyll Mount
 Gillan Way
 Penrith AB Business Park



HOME EDEN ABBEY, WARWICK BRIDGE, CARLISLE.

PHOTOGRAPH TAKEN IN 1968 SHOWING FLOOD LEVELS THAT ARE KNOWN TO BE BELOW THE MAXIMUM LEVELS REACHED DURING THIS EVENT. ALTHOUGH NO FORMAL RECORDS EXIST IT IS THOUGHT THAT THE LOWER LEVEL ROOMS WERE AFFECTED BY FLOODWATER DURING THIS EVENT.

SCHEDULE A: Applications with Recommendation

02/0989

Item No: 24

Date of Committee: 20/12/02

Appn Ref No:
02/0989

Applicant:
A Liddell

Parish:
Wetheral

Date of Receipt:
19/09/02

Agent:
George Stephen

Ward:
Wetheral

Location:
Ash Tree Cottage, Warwick-on-Eden, Carlisle, CA4
8PB

Grid Reference:
346458 556394

Proposal: Extension to form garage and flat

Amendment:

Angus

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan

SCHEDULE A: Applications with Recommendation

02/0989

Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

SCHEDULE A: Applications with Recommendation

02/0989

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objections from a highway point of view, subject to the inclusion of four conditions in any Notice of Consent.

Wetheral Parish Council: The proposed rear elevation (noted as the rear gable) should be stone to match the remainder of the building.

Environment Agency (N Area (+ Waste Disp)): No comment.

English Nature: Recommends an advisory note re. the protection of bats.

Conservation Area Committee: The arch detail does not look right and the double dormer is an ugly feature. The garage doors should look more traditional e.g. boarded and side hung.

Summary of Representations:

This application has been advertised in the form of a site notice and press notice and the direct notification of the occupiers of four neighbouring properties. In response two letters of objection and one letter of comment has been received. The basic issues raised being:

- The proposed flat/extension to include a conservatory is rather large and would detract from the character from the original building and have a considerable impact on the conservation area.
- The extension should be built of matching stone as the proposal and sandstone cladding would not be allowed.
- The existing opening to remain where it is and not to allow any of the existing wall to be removed, as the walls contributed to the village being made a conservation area.
- Any windows to be wood as this appears to be a feature of the conservation area fronting the road.
- The building of this proposal will significantly reduce natural light to the south facing aspect of Carrock View. This will directly impact on natural light to the kitchen and upstairs bedroom. The gable wall proposed will be 2m from the boundary and approximately 3m from the houses windows, and, being in such close proximity, will deprive those rooms of light all year round.
- The proposals appears to convert the existing gardens of Ash Tree Cottage into hard standing area for car parking at both front and rear of

SCHEDULE A: Applications with Recommendation

02/0989

the extension. The inclusion, in the proposal, of a 'drive through' garage would indicate that the rear yard will be used as a car park with capacity for approximately 4 cars. A further 6 cars could be accommodated in the front yard. This is over and above the capacity of the extensive (8.5m x 7.5m) garage.

- The proposal suggests that the application for an extension to Ash Tree Cottage. However, closer inspection reveals that the application in fact amounts to a self contained flat independent to the original dwelling.
- The double fronted garage facing the main street in Warwick-On-Eden does not appear to be in keeping with the rest of the village. The conditions laid down in the village's Conservation Area status will require to be taken into account.
- The upper rear windows of the proposed extension will overlook the back garden of Carrock View and therefore significantly erode the privacy enjoyed therein.
- The main concerns are over the loss of light into Carrock View and the change to the use of the land from a garden to a car park.
- The plans would appear to show that the existing gardens be replaced by large expanses of hard standing with access to a rear car park/yard via an internal garage door. As the owner of the property is well known as a motor dealer it is difficult not to believe that his intention is to store as many cars as possible on his property. With the entrance to this property being in close proximity to a blind bend any increase in the number of cars parking alongside or entering and leaving the property would greatly increase the risk of accidents.
- The extension will effectively 'fill in' the only area of open garden between Ash Tree Cottage and the entrance to Buffs Croft and the fact that it will almost abut to Carrock View, the property next door, will be detrimental to the front aspect of this part of a village which is purported to be a conservation area.

Details of Proposal/Officer Appraisal:

Planning History:

In 1983, under application reference number 83/0321, planning permission was given for the erection of a garage and a new vehicular access.

In relation to the neighbouring property at Ash Tree House planning permission was given in 1993, under application reference number 93/0133, for a two storey side extension. In 1994 and 1997, application numbers 94/0792 and 97/0892, planning permission has been given for the erection of a detached garage.

SCHEDULE A: Applications with Recommendation

02/0989

Details of Proposal:

The current application involves the erection of a two storey extension comprising a double garage on the ground floor and a self-contained one bed flat on the first floor.

The extension would externally consist of matching stonework on the "front" and "side" elevation with render on the "rear" and a slate roof. It is also intended to erect a conservatory, access to which is from the existing house - see attached copies of plans. The application is accompanied by a letter from the applicant's agent explaining that:

- i) It is not the applicant's intention to deal in or repair as a commercial basis his collection of vintage cars. The garage is strictly for his own use; and
- ii) The proposed flat is to be used as either an annexe to the main house or perhaps let out to a caretaker who would look after the property while the applicant is away from home.

In considering this application it is felt that the two fundamental issues are:

- a) whether the proposal can be considered detrimental to the amenity of neighbouring residents; and
- b) whether the proposal is detrimental to the character of the Warwick-on-Eden Conservation Area.

a) WHETHER DETRIMENTAL TO THE AMENITY OF NEIGHBOURS

At a general level, paragraph 64 of PPG1 identifies that the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. PPG1 continues "it can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and building which ought to be protected in the public interest. Good neighbourliness and fairness are among the yardsticks against which development proposals can be measured, for example, it might be material to consider the question of 'overlooking' or loss of privacy experienced by a particular resident".

In effect, there is no reason why the loss of amenity suffered by occupiers of a single dwelling (which may be a step in the degradation of a residential area) cannot be considered as a material planning consideration. For example, it is for this reason that it is normally accepted that there is no private right to a view that the planning system should protect. However, the loss of a view from a public vantage point is a material consideration.

In regard to the current application it is evident that the proposal involves erecting a

SCHEDULE A: Applications with Recommendation

02/0989

two storey extension nearly two metres from the boundary of Carrock View which is itself only 1.5 metres from the boundary. Carrock View having a total of two south facing windows which serve a kitchen on the ground floor and a bedroom on the first floor. The kitchen is, nevertheless, served by a second window which faces the garden. The agent has indicated that on grounds of "fairness" his client's proposal is acceptable because it is the same distance from the boundary as the house at Carrock View which is at a lower level. In response it is considered that the proposal has to be assessed based on the current circumstances, as is the case with other applications. Although the house at Carrock View is at a slightly higher level the proposal would still impinge on the outlook from the first floor bedroom window.

b) WHETHER DETRIMENTAL TO THE CHARACTER OF THE WARWICK-ON-EDEN CONSERVATION AREA

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed. This situation is re-iterated in PPG15 "Planning and the Historic Environment" which identifies that planning is an important instrument for protecting and enhancing the environment in town and country, and preserving the natural and built heritage (paragraph 1.2).

In comparison to the existing house the proposed extension is relatively extensive albeit it would be constructed in matching materials. The Conservation Area Advisory Committee has, nevertheless, raised concerns over the details of the submitted design.

In conclusion, the principal judgement that Members have to make is whether, bearing in mind all the relevant factors relating to light and design, the proposal will lead to either a significant reduction in the level of amenity that any occupier of an adjoining property could reasonably expect to enjoy, or, be detrimental to the character of a designated conservation area.

In relation to the first issue it is considered that the proposed two storey extension, by reason of its scale and disposition in relation to the site boundaries, would have a harmful effect on the light and amenities adjoining residential property.

When considering the second matter there are detailed concerns over the design which could be resolved if the applicant was to revise the amount of accommodation he wishes to achieve.

Objections and concerns have been expressed on the basis that the applicant should be installing timber window frames and because of the applicants hobby of collecting vintage cars. In response to these points it should be noted that the existing house already has UPVC windows and the applicant's hobby could generally be undertaken from the premises without the need for planning permission.

SCHEDULE A: Applications with Recommendation

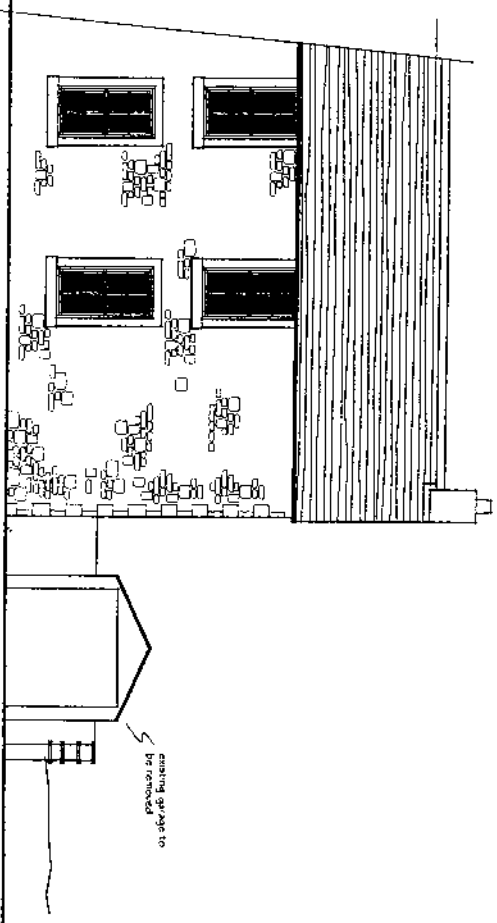
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AGENT REQUESTS
DAYS

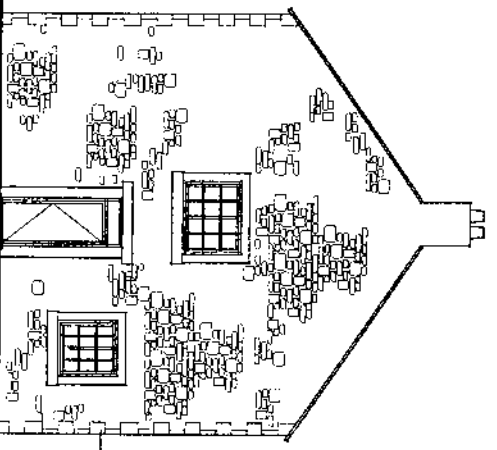
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Recommendation: Refuse Permission

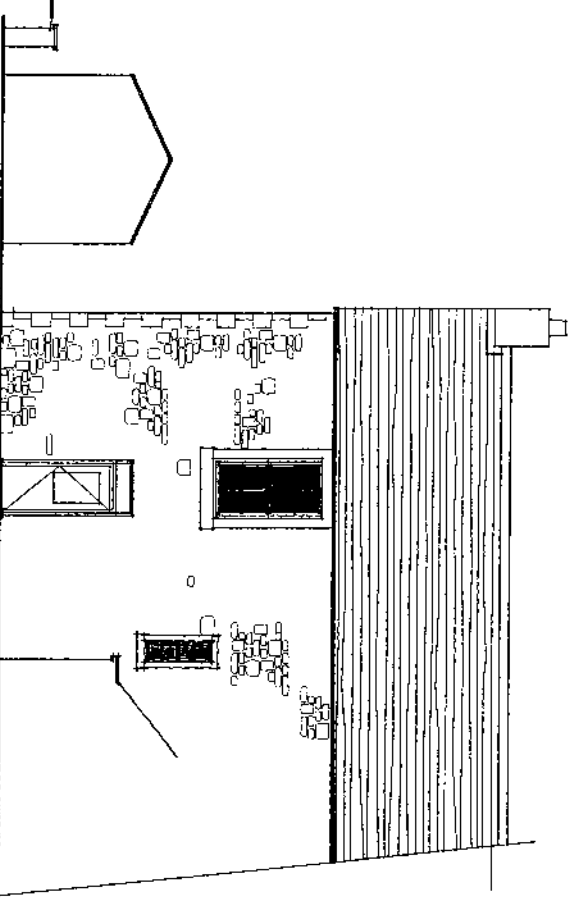
- Reason:** The proposed two storey extension, which includes the creation of a self-contained flat on the first floor, will by reason of its scale and disposition in relation to the site boundaries, create an oppressive feature and have a harmful effect on the light and amenities enjoyed by the occupants of the adjoining residential property contrary to Criterion 4 of Policy H5 and the objectives of Policy H14 of the Carlisle District Local Plan.
-



Existing Front Elevation



Existing Gable Elevation



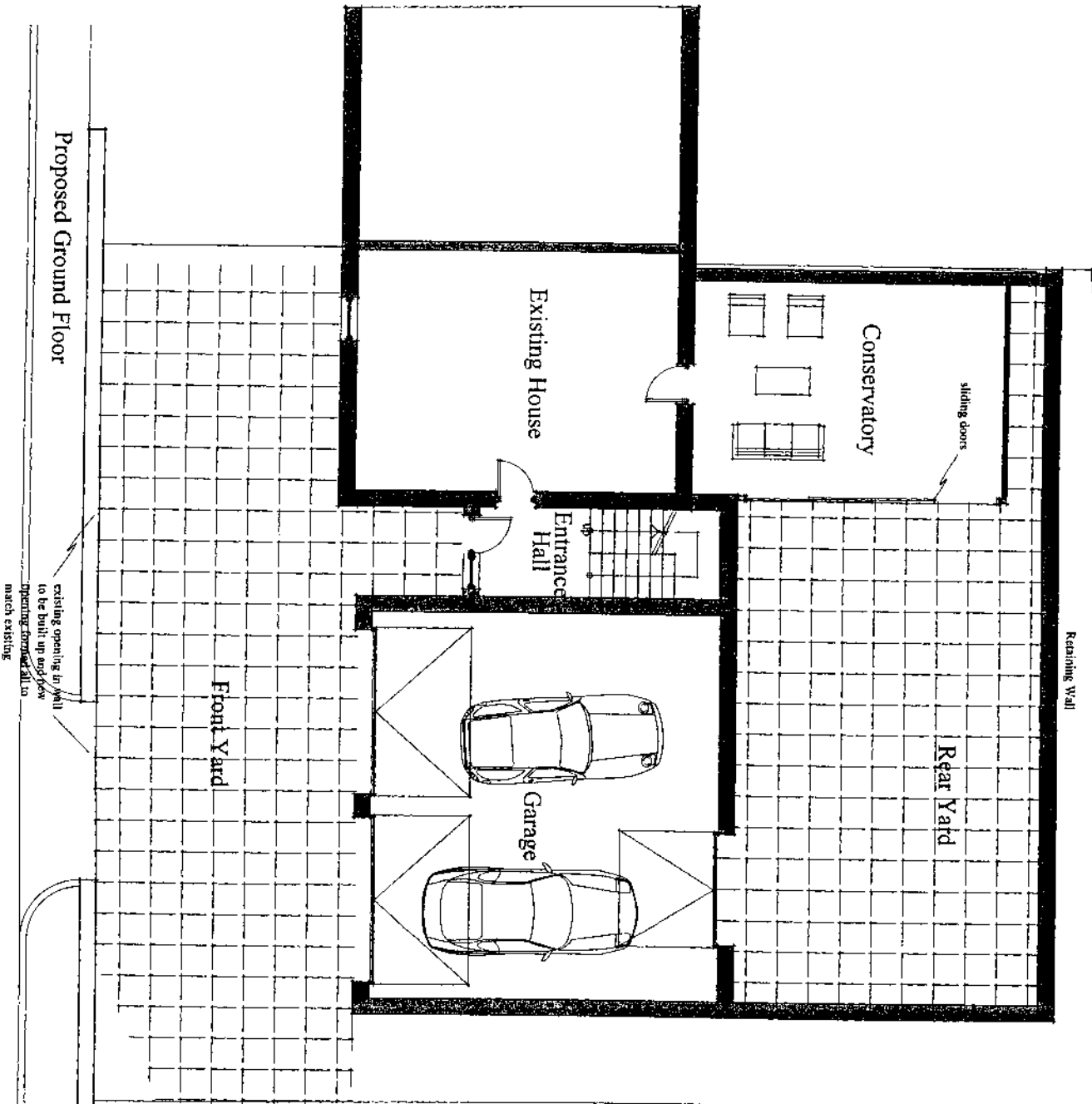
Existing Rear Elevation

17 SEP 2002
 2002/0989
 RECORD
 02/030
 Scale: 1 : 100
 Date: Aug 2002 Revision:

Proposed Alterations at
 Ash Tree Cottage
 Warwick on Eden
 Carlisle, Cumbria

Existing Elevatic...

03



Proposed Ground Floor

existing opening in wall to be built up and new opening formed all to match existing

existing hedge to remain

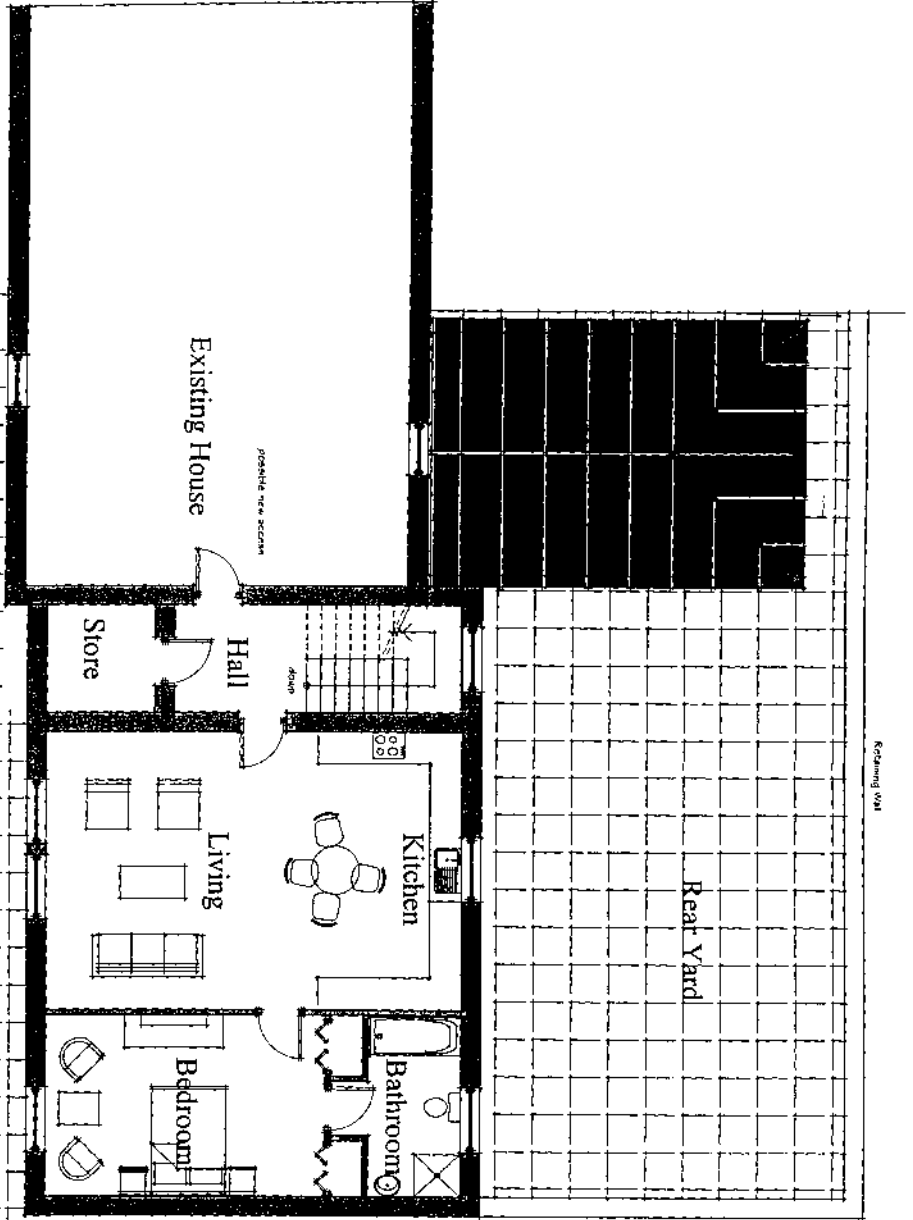
Proposed Alterations at
 Ash Tree Cottage
 Warwick on Eden
 Carlisle, Cumbria

Job : 02/030
 Date : Aug. 2002
 Scale : 1 : 100
 Revision :

17 SEP 2002
 2002/0989

Proposed Ground Floor

04



Proposed First Floor Plan

existing opening in wall
to be built up and new

Front Yard

Rear Yard

Existing House

possible new screen

Hall

Store

Kitchen

Living

Bathroom

Bedroom

existing window to remain

foot to be added
to match existing

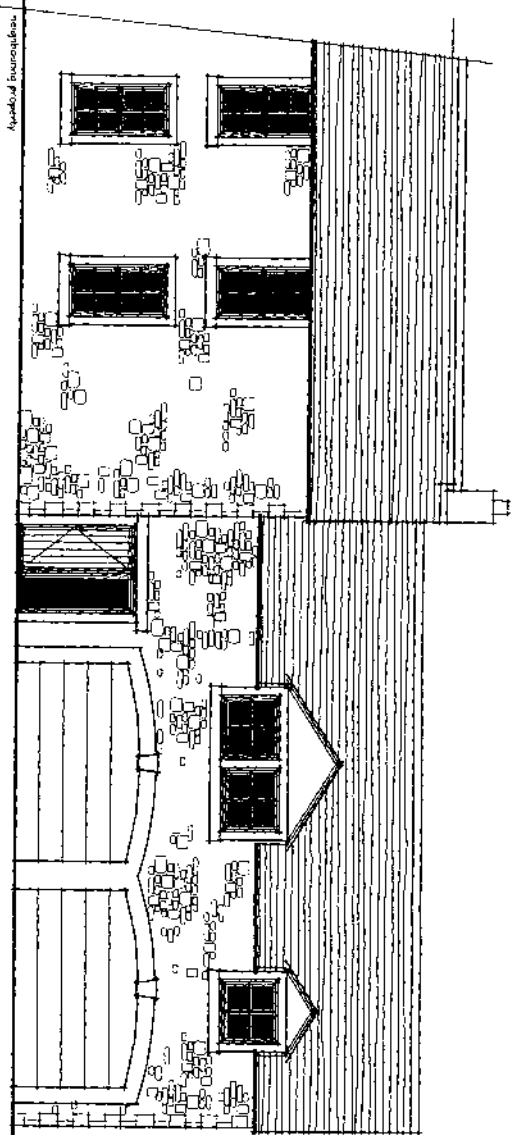
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Job : 02/030 Scale : 1 : 100
Date : Aug. 2002 Revision :

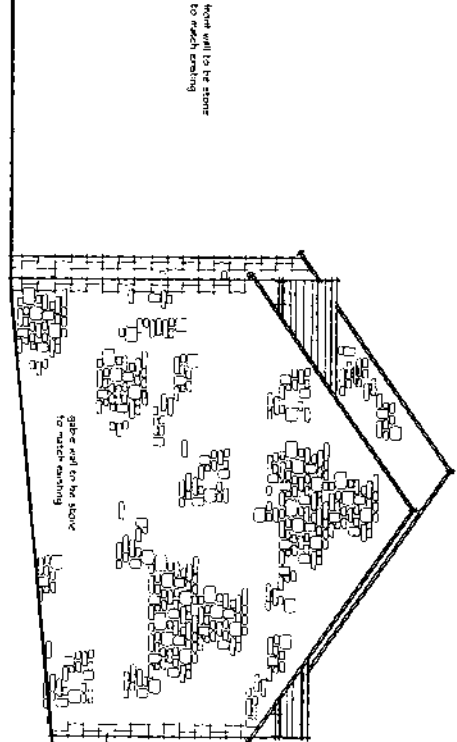
Proposed Alterations at
Ash Tree Cottage
Warwick on Eden
Carlisle, Cumbria

Proposed First F. Plan

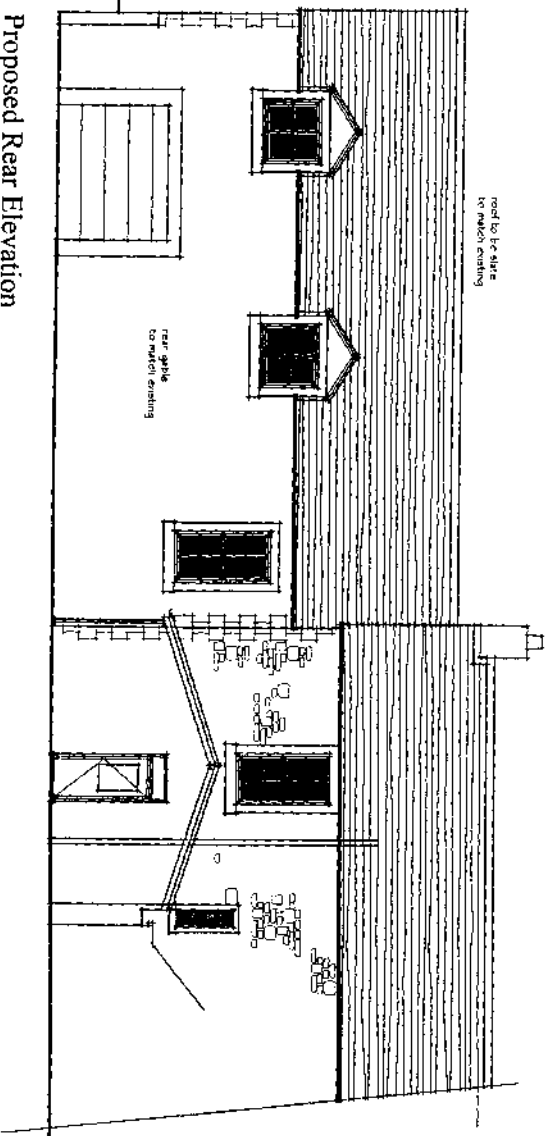
05



Proposed Front Elevation



Proposed Gable Elevation



Proposed Rear Elevation

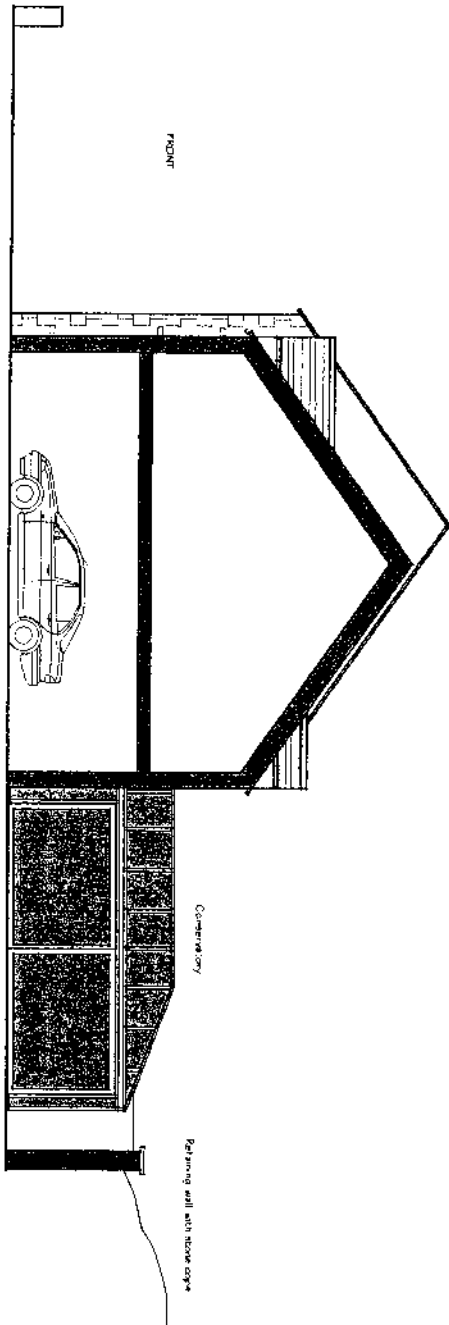
17 SEP 2002
 2002/0989

Job : 02/030
 Date : Aug. 2002
 Scale : 1 : 100
 Revision :

Proposed Alterations at
 Ash Tree Cottage
 Warwick on Eden
 Carlisle, Cumbria

Proposed Elevations

07



Proposed Gable Elevation
Through Building on Conservatory

Architectural
14/01/02
2002/09/89

Job : 02/030 Scale : 1 : 100
Date : Aug. 2002 Revision :

Proposed Alterations at
Ash Tree Cottage
Warrick on Eden
Carlisle, Cumbria

Conservatory Elevation

08

SCHEDULE A: Applications with Recommendation

02/1022

Item No: 25

Date of Committee: 20/12/02

Appn Ref No:
02/1022

Applicant:
Thomas Alan Brown

Parish:
Hayton

Date of Receipt:
24/09/02

Agent:

Ward:
Hayton

Location:
L/A The Hollies,, Fenton Lane End, How Mill,
Carlisle

Grid Reference:
351088 555515

Proposal: Erection of single storey dwelling (outline)

Amendment:

Angus

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

Cumbria & Lake District Joint Structure Plan Policy 3

The diversification of the rural economy and the maintenance of the vitality of rural life will be assisted through a favourable response to developments which provide local benefits and are sensitive to the local environment.

Cumbria & Lake District Joint Structure Plan Policy 13

SCHEDULE A: Applications with Recommendation

02/1022

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Cumbria & Lake District Joint Structure Plan Policy 30

Land will be made available outside the National Parks for the following scale of housing development between 1991-2006.

	Dwellings
Allerdale	about 5000
Barrow	about 2500
Carlisle	about 6000
Copeland	about 4000
Eden	about 4000
South Lakeland	about 6000

Cumbria & Lake District Joint Structure Plan Policy 31

Sufficient housing land should be provided to ensure that, at any one time, there exists at least a five year's supply of readily available land capable of accommodating building at a rate which will keep the supply of dwellings in line with the housing requirement for each District as set out in Policy 30.

Cumbria & Lake District Joint Structure Plan Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be

SCHEDULE A: Applications with Recommendation

02/1022

permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Housing - Proposal H6

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objections from a highway point of view subject to the inclusion of three conditions.

SCHEDULE A: Applications with Recommendation

02/1022

Hayton Parish Council: Does not wish to make any representation on the proposal.

Design Services - Drainage Engineer: The comments on drainage are as follows:

The applicant has indicated that foul water will be disposed of via a tapping to the Public Sewer. The applicant should determine the levels of nearby Public Sewer before any design or construction work is undertaken.

If the site is already served by existing private drains which subsequently connect to the public sewer, then these could possibly be used subject to them being in acceptable condition and usual building regulations.

A soakaway for roof water run off would require satisfactory results from a Soil Percolation Test, and Building Control may assist the applicant with this.

The sewer record plans indicate the nearest public sewer to the site is in the road. If it is the intention of the developer to make a new connection to the public sewer to serve the site, he must ensure that he has full permission of owners to cross any private land.

If the applicant/developer wishes to construct a new connection to the Public Sewer, please request that he contacts the Drainage Section for further advice.

United Utilities (former Norweb & NWW): No objection to the proposal.

Environment Agency (N Area (+ Waste Disp)): No comment subject to the inclusion of a condition covering foul and surface waters.

Cumbria County Council - (Archaeological Services): No wish to raise any objections or make any comments/recommendations.

Summary of Representations:

This application has been advertised in the form of a site notice and the direct notification of the occupiers of four neighbouring properties. No objections have been received at the time of preparing the report.

Details of Proposal/Officer Appraisal:

Planning History:

The available records show that in 1953 under application reference number BA1057, planning permission was given to erect a garage on the site.

In relation to neighbouring sites it should be noted that in May of last year, under application number 01/0190, outline planning permission was given for the erection

SCHEDULE A: Applications with Recommendation

02/1022

of a dwelling on part of the garden associated with the property known as The Hollies. In the case of the field on the opposite side of the current application site outline planning permission for residential development has previously been refused in 1968, 1971 and 1979.

Details of Proposal:

This application for outline permission relates to 0.04 ha of land located on the southern side of Fenton Lane approximately 6 metres to the east of the curtilage associated with a bungalow called The Hollies. The site currently consists of a double garage with brick walls and corrugated sheeting on the roof set within what appears to be recently cleared land. The boundaries of the site are delineated by a laurel hedge along the road frontage and post a wire fencing. A field access lies between The Hollies and the application site. The applicant resides in a property approximately 100 metres to the west of the application site.

In considering this application it is felt that the following points need to be kept in mind:

a) Ministerial advice

As Members are already aware paragraphs 2 and 3 of PPG3 "Housing" explain the Government's aim of promoting more sustainable patterns of development with more priority given to previously developed land within urban areas. A duty is placed on local planning authorities to ensure that development can deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local facilities; review planning policies; place the needs of people before ease of traffic movement; seek to reduce car dependence; and, promote good design in new housing developments.

PPG3 goes on to say that local planning authorities, in order to establish how much additional housing can be accommodated within urban areas (and thus how much greenfield land may be needed for development) undertake urban housing capacity studies (paragraph 24). Any local plans should identify sites for housing and buildings for conversion and re-use sufficient to meet housing requirements after making allowance for potential windfalls (paragraph 28). However, PPG3 makes it clear that in assessing the allowance which might be made for windfalls (i.e. sites which are not specifically allocated in local plans) local planning authorities should include no allowance for greenfield windfalls (paragraphs 35 and 36).

Paragraphs 69-71 of PPG3 deal with rural housing. Paragraph 69 states that most proposals for additional housing in villages will involve infill development or peripheral expansion. Villages will only be suitable locations for accommodating significant additional housing where: additional housing will support local services (such as shops and schools); additional houses are required to meet local needs, such as affordable housing; and, the development can be designed sympathetically in keeping with the character of the village using such techniques as village design statements (paragraph 70).

SCHEDULE A: Applications with Recommendation

02/1022

Annex C to PPG3 defines previously developed land as "that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure ..."

b) Interim Housing Policy Statement

Members will be aware that on the 28th October and 15 November an Interim Housing Policy Statement was reported respectively to the Executive and Development Control Committee of the Council. The accompanying report included the following table setting out the rate of housing development over the Plan period based on the position at 31st March 2002.

	Total	Urban	Rural
Structure Plan allocation 1991-2006	6000		
Local Plan Provision 1991-2006	6858	4801	2057
Completions 1991-2002	4286	2652	1634
Residual requirement 2002-6	2572	2149	423

An examination of the total of dwellings to be completed to achieve the Structure Plan allocation the development rate is only 2.6% below the anticipated rate. It is however, the location of that development which has raised concerns. Whilst PPG3 puts an emphasis on urban and brownfield locations and a look at the table above indicates a development rate that is greater than planned in the rural area.

A higher rate of development in the rural area and a lower rate of development in the urban area indicate a need to manage the supply more closely in line with the Plan Strategy and PPG3. The completion of new dwelling units indicates a 38% development rate in the rural area, which are nearly 350 units higher than the 30% rate anticipated. However, in the context of the 15-year plan period the figures above indicate that at 73% of time through the plan period, 79% of the rural supply has been completed resulting in an oversupply of 125 units throughout the rural area. In contrast the urban area has developed only 55% resulting in an under supply of over 850 units.

Planning applications already given consent will feature in the future rate and location of development. In order to achieve a complete picture of the pattern of development, the table below takes these into account.

	Total	Urban	Rural
Total with Planning permission	1928	1195	733
Completions 1991-2002	4286	2652	1634
Projected total for plan period (estimate up to 2006)	5751	3560	2191
Local Plan Provision	6858	4801	2057

Whilst not all planning consents get developed and some may take longer than the plan period before being completed, the trend of development is clear. An increasing number of consents in the rural area and a shortage of supply in the urban area are not achieving the urban emphasis of the Local Plan strategy nor PPG3.

SCHEDULE A: Applications with Recommendation

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In order to increase the urban emphasis and reduce the amount of rural housing coming forward the Housing Policy Statement emphasises that the implementation of Policy H5 needs to be more focused. With Officers taking, in particular, the following three factors from PPG3.

- Good public transport corridors
- The availability of local services
- Local need

In the context of PPG3 and the Interim Housing Policy Statement the proposal does not relate to an identified settlement, cannot be considered necessary to support local services, and, nor is it argued to meet a local need. The proposal cannot also be considered a sustainable form of development.

c) Impact on character of the area

Paragraph 4.46 of Policy H5 states:

"The list of settlement does not include all of the smaller hamlets and groups of dwelling in the rural part of the District. There may be opportunities for acceptable infill development within these smaller hamlets and groups of dwellings. It is, however, the case that not all infill sites are suitable for development, particularly where it would merely extend ribbon development or involve the development of visually important open space (see also Policy E50)".

In the context of the Interim Housing Policy Statement, with its emphasis on a more sustainable focus to rural development, a further consideration is thus the effect of the proposed bungalow on the character of the area i.e. the location of the application site in relation to neighbouring development, and in particular whether the site can be regarded as an individual infill site. It is felt that the application site appears isolated from the main grouping of dwellings based around Fenton Lane End. As such it is held that the proposal would be unduly conspicuous, consolidating the existing sporadic development and thereby increasing its intrusion into the countryside to the detriment of the rural character of the area.

d) Exceptional circumstances

Members are then in a position of having assess any circumstances that could be considered exceptional.

The three most readily apparent arguments would relate to the existing domestic garage on the site; the recent permission for a dwelling granted on part of the garden associated with The Hollies; and what could happen to the garage/site if not developed. In response to the first and third it is considered that the erection of a dwelling would have a greater visual impact than the existing garage. When considering the existing permission for a dwelling on neighbouring land it is felt that a distinction can be drawn in terms of the relationship of the site to the existing group of dwellings. Any decision also needs to be made based on the context set by the Interim Housing Policy Statement.

SCHEDULE A: Applications with Recommendation

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In overall terms the current proposal is considered unacceptable and recommended for refusal.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The applicant's rights are respected but based on the foregoing it is considered that no justification has been presented which out-weighs the harm to interests of acknowledged importance.

Recommendation: Refuse Permission 

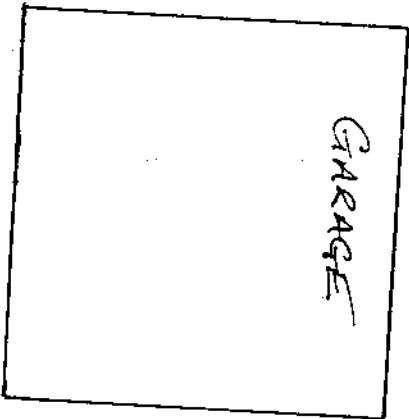
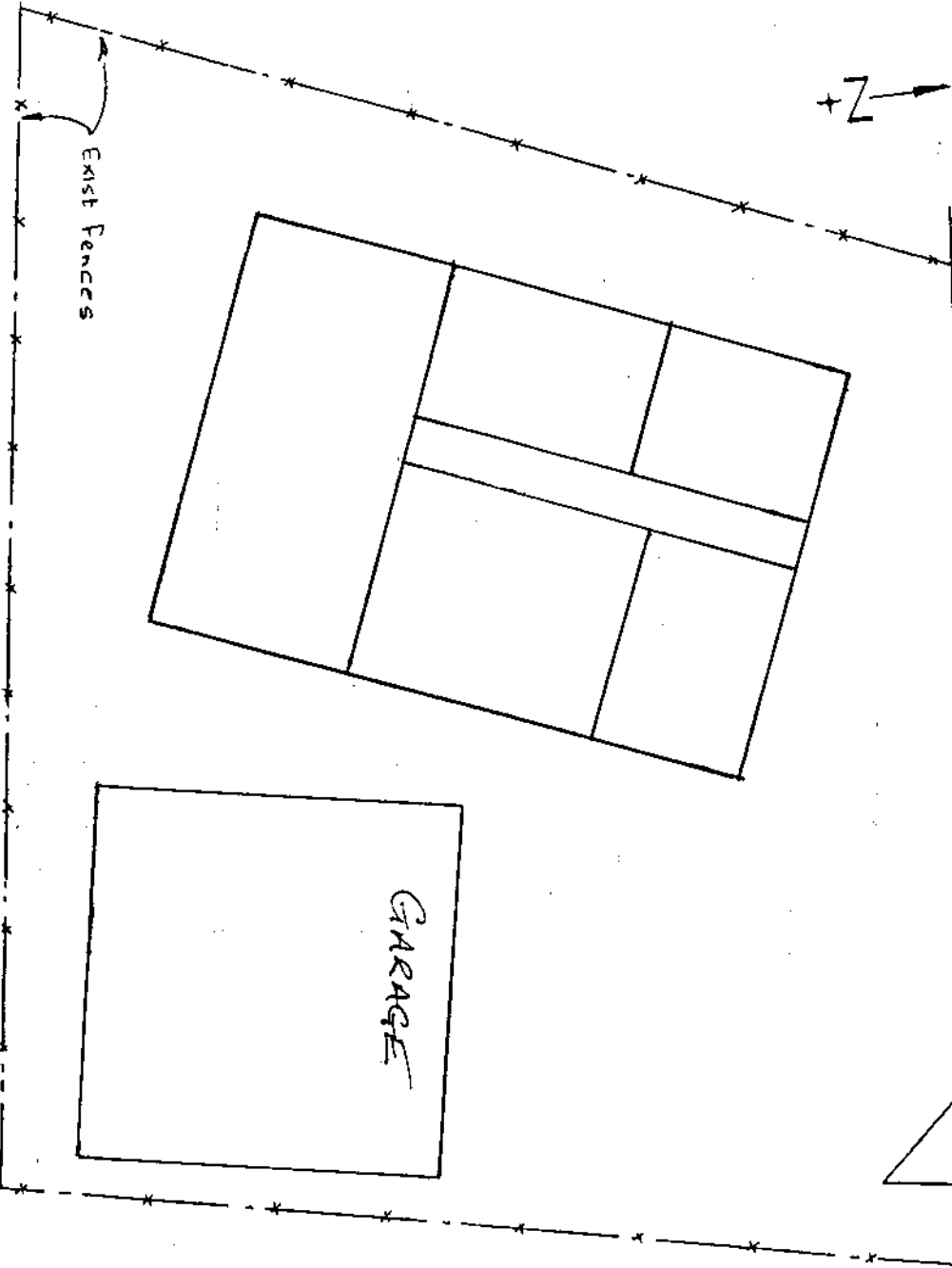
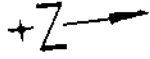
- Reason:** The proposal is located on the periphery of an existing sporadic group of dwellings the occupiers of which have restricted access to public transport, and, lack any basic services. The proposed development is also not put forward as the basis of meeting a local need. The proposal therefore represents an unsustainable form of development contrary to the objectives of PPG3 "Housing" and the implementation of Policy H5 of the Carlisle District Local Plan as explained in the Local Planning Authority's Interim Housing Policy Statement.
- Reason:** The site of the proposed development is located on the periphery of a sporadic form of development associated with the open countryside. In this location the proposed development would be conspicuous, consolidating the existing sporadic ribbon development and thereby increasing its intrusion into the countryside to the detriment of the rural character of the area. It would thus seriously detract from the objectives of Policies H5 and H6 of the Carlisle District Local Plan and Policies 1,13 and 40 of the Cumbria and Lake District Joint Structure Plan.

SCHEDULE A: Applications with Recommendation

02/1022

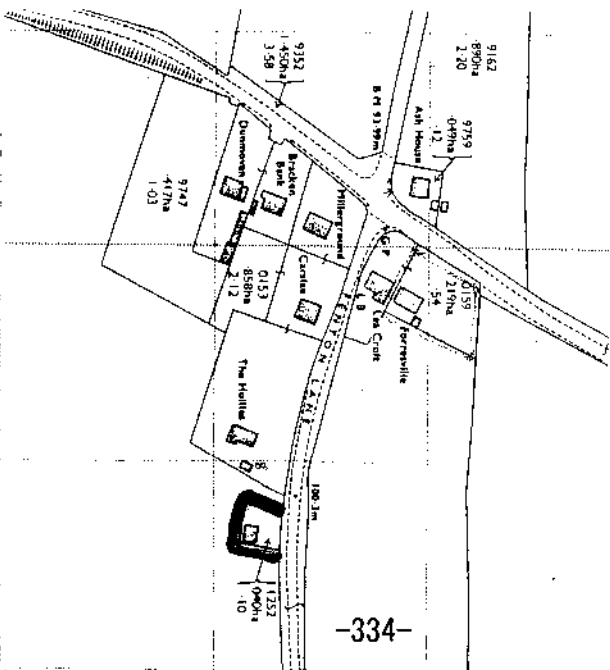
Fenton Lane

Grass verge



Exist Vehicular Access

Notes:
Existing Garage on site



-334-

SITE PLAN 5/15/02

24 SEP 2002
2002/09/24
27/8/02

DETACHED BUNGALOW
FIELD No 1252
FENTON LANE
HAYTON
DRAWN - 27/8/02
KEY PLAN

SCHEDULE A: Applications with Recommendation

02/1068

Item No: 26

Date of Committee: 20/12/02

Appn Ref No:
02/1068

Applicant:
Mr & Mrs Adamson

Parish:
Carlisle

Date of Receipt:
10/10/02

Agent:

Ward:
Upperby

Location:
L/A rear of 97 Upperby Road, Carlisle, Cumbria

Grid Reference:
340953 553835

Proposal: Renewal of application 97/0644 for erection of dwelling house

Amendment:

John

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H11

Proposals for housing development in large back gardens or behind existing housing developments will be acceptable providing that:

1. The scale, design and siting of the proposal is appropriate for the site and is in keeping with the character and quality of the local environment; and
2. There is no loss of amenity to surrounding properties; and
3. Existing landscape features are retained and additional planting is included as an integral part of the scheme; and
4. Appropriate access and car parking can be achieved.

Carlisle District Plan Housing - Proposal H2

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and

SCHEDULE A: Applications with Recommendation

02/1068

3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Summary of Representations:

This application has been advertised by means of a neighbour notification to the surrounding properties. In response, four letters have been received. One of these raises no objection, on the basis that the proposal is a bungalow, but the other three object to the proposal on the grounds of loss of privacy and overlooking, and also increased traffic arising from the development.

Details of Proposal/Officer Appraisal:

Planning History:

This site has a planning history which goes back to 1984, when outline permission for a dwelling was refused. Another outline application was refused in 1994, and an appeal against this decision was dismissed. However, the inspector's decision made it clear that in his view there was scope for a bungalow of appropriate design which avoiding overlooking of the properties in St. John's Close. In October 1997, a full application (97/0644) for a bungalow was approved.

Details of Proposal:

This application seeks renewal of planning approval 97/0644, granted on 31st October 1997. The proposal is to erect a single detached dwelling in the rear garden of this semi-detached house on the east side of Upperby Road. The site, which extends to 540 square metres, includes an access 3.2 metres wide to the side of the existing dwelling, and an area to the rear which extends behind the adjoining property, and is bounded to the west by St. John's church hall and the rear of properties in St. John's Close and to the east by the rear of properties in Cant Crescent. The proposed dwelling is a three bedroom bungalow with a detached garage sited centrally on the plot.

SCHEDULE A: Applications with Recommendation

02/1068

The application has resulted in a number of objections from surrounding residents, which are in fact objections to the principle of development on the site. The issues raised are loss of privacy and overlooking from the new dwelling. In examining this issues, Members will be aware that it is necessary to review the proposal in the light of changes that may have taken place, both in relation to the site, and in applicable policies. In this case there have been no significant changes in relation to the site, but P.P.G.3 on housing, and the interim housing strategy requires that applications for renewal of permission for housing require to be assessed on the policy set out in P.P.G.3. As a site within the urban area, on garden land, which is regarded as brownfield, the proposal accords with the policy set out in P.P.G.3 which have, as Members will be aware, the objective of ensuring that the main emphasis of development is within urban areas, particularly on brownfield land.

It will be noted that the proposal seeks to minimise overlooking and loss of privacy by first of all restricting the development to single storey, and secondly, avoiding windows on the elevation closest to the properties in St. John's Close, which have relatively short rear gardens. The main aspect of the dwelling is to the rear, where there are no overlooking houses.

In conclusion therefore, Members are advised that the proposal remains acceptable on the basis of approved policies and approval is recommended.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application raises issues related to Article 8 of the Human Rights Act, but it is considered this should not restrict the grant of permission.

Recommendation: Grant Permission



SCHEDULE A: Applications with Recommendation

02/1068

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. The development shall be carried out in accordance with the approved documents, hereinafter referred to as the approved scheme or any such variation to the approved scheme as may subsequently be approved in writing by the local planning authority prior to the work being carried out.

Reason: To ensure that the development accords with the scheme approved by the local planning authority.

3. No development shall commence until detailed drawings showing the development and means of access thereto have been submitted to the local planning authority for approval. Any such approved means of access shall be completed in accordance with the approved details before the development is occupied.

Reason: To preserve sight lines.

4. The access drive shall be surfaced in bituminous or cement bound material, so as to prevent loose material being carried onto the highway which could lead to damage to the highway, nuisance or danger to highway users.

Reason: In the interests of highway safety.

5. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

6. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

CITY OF CARLISLE

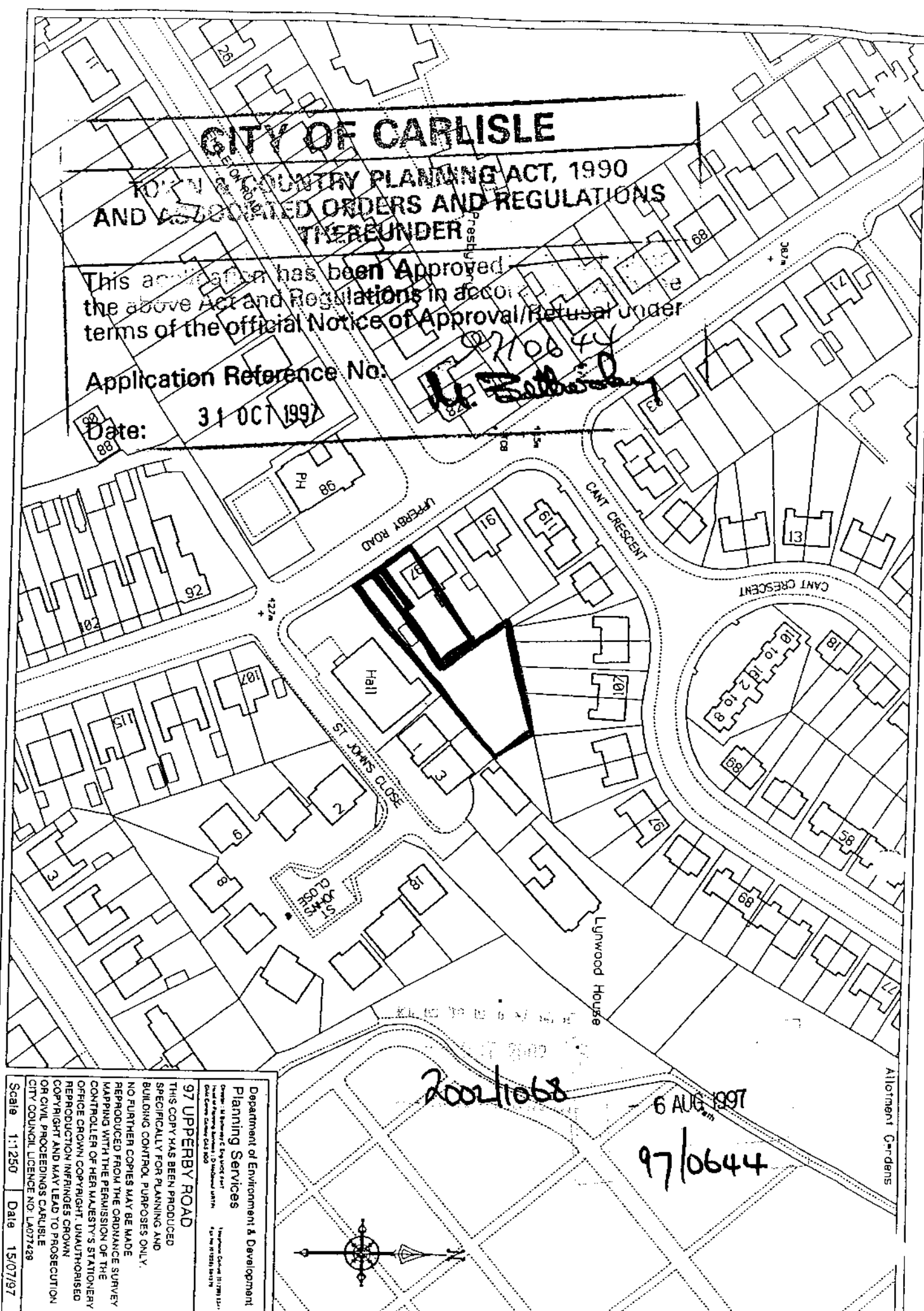
TOWN & COUNTRY PLANNING ACT, 1990
AND ASSOCIATED ORDERS AND REGULATIONS
THEREUNDER

This application has been Approved
the above Act and Regulations in accordance with
terms of the official Notice of Approval/Refusal under

Application Reference No:

Date: 31 OCT 1997

2002/1064
[Signature]



Department of Environment & Development
Planning Services
97 UPPERBY ROAD
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CITY COUNCIL LICENCE NO. LA077429

Scale 1:1250 Date 15/07/97

2002/1068

6 AUG 1997

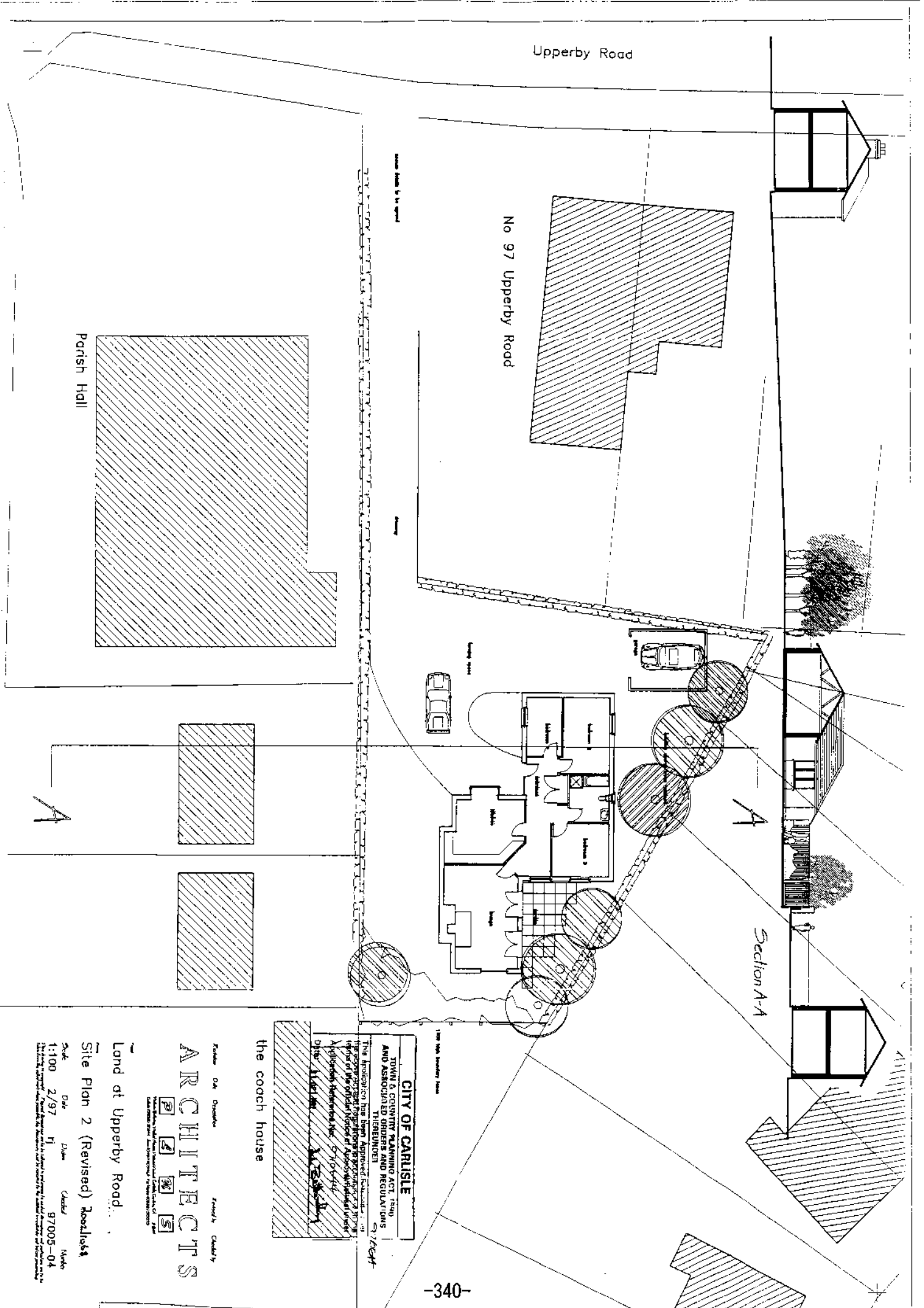
97/0644

Allocation Cardens

Upperby Road

No 97 Upperby Road

Parish Hall



Notes shown to be agreed

Access

Landing space

A

Section A-A

10m 100m boundary line

CITY OF CARLISLE

TOWN & COUNTRY PLANNING ACT (1990)
AND ASSOCIATED ORDERS AND REGULATIONS

PLANNING PERMISSION IS HEREBY GRANTED

The foundation has been approved in accordance with the provisions of the Act and the Regulations.

Approved by the Planning Committee on 17/05/04

Date: 17/05/04

Site: 110/04/01

the coach house

Form: 04/02/04

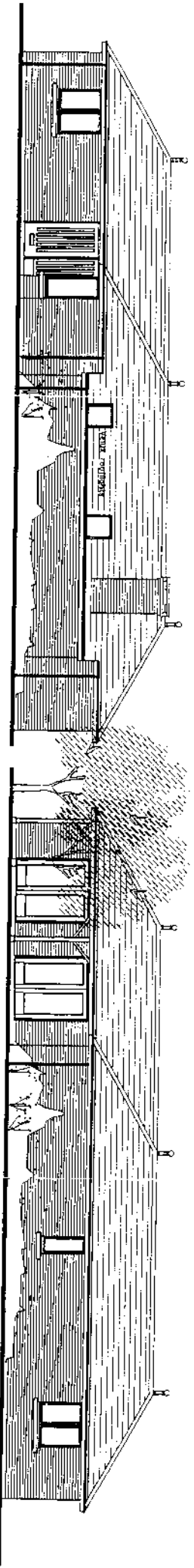
ARCHITECTS



Land at Upperby Road

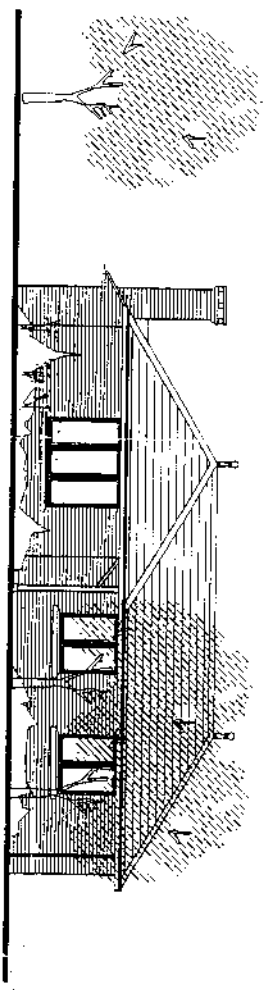
Site Plan 2 (Revised) 1001/04

Scale: 1:100 Date: 2/97
Drawn: HJ Checked: JG
Made: 97005-04
The drawing is prepared for the use of the client and is not to be used for any other purpose without the written consent of the architect.

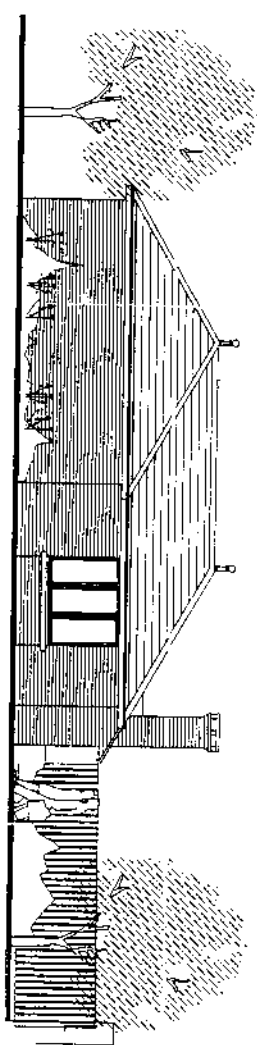


South East elevation

North West Elevation

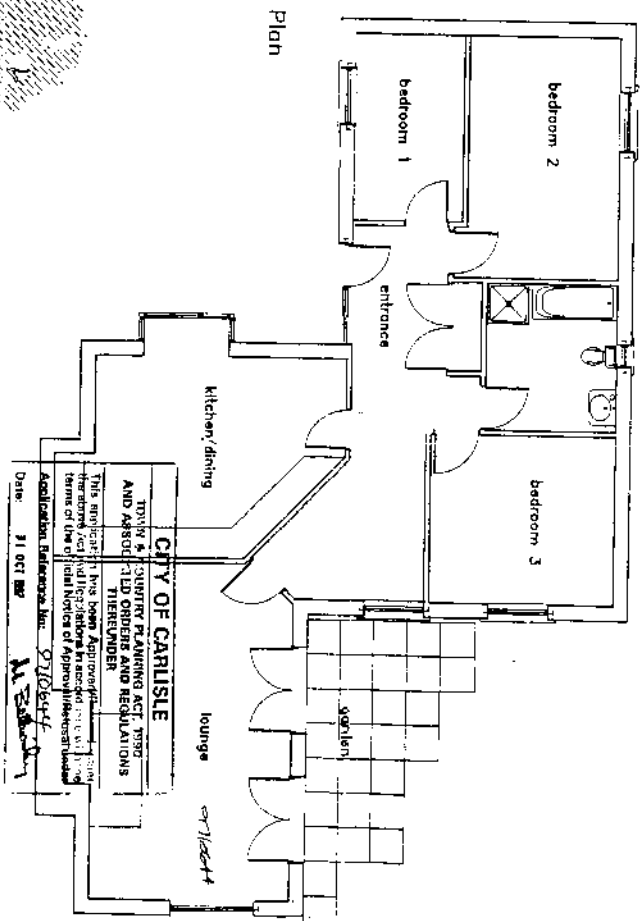


South West Elevation



North East Elevation

Plan



CITY OF CARLSLE
 TOWN & COUNTRY PLANNING ACT 1988
 AND ASSOCIATED ORDERS AND REGULATIONS
 THEREUNDER
 This application has been Approved
 in accordance with the provisions of the
 terms and conditions of Approval set out below
 Application Reference No. 07/06544
 Date 31 OCT 97 M. Z. [Signature]

- Materials**
- Roof Redwood Richmond Grey Daverle
 - Walls with grey ridge and finials
 - Windows Antique Orange Clamp or similar
 - Frontal and doors Hardwood with stained finish
 - Roofwater Goods
 - Block UPVC

Architects
ARCHITECTS
 Land at Upperby Road
 Plan, Elevations
 1:50 9/97 J. [Signature] 97005-05

SCHEDULE A: Applications with Recommendation

02/1082

Item No: 27

Date of Committee: 20/12/02

Appn Ref No:
02/1082

Applicant:
Mr Ian Thurlbeck

Parish:
Stanwix Rural

Date of Receipt:
14/10/02

Agent:
S & H Construction

Ward:
Stanwix Rural

Location:
Belmont Cottage, The Row, Low Crosby, Carlisle,
Cumbria, CA6 4QW

Grid Reference:
344721 559588

Proposal: Extension to provide additional living area

Amendment:

Richard

Report

Planning Policies:

Affecting the Setting of a Listed Building

Carlisle District Plan Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

SCHEDULE A: Applications with Recommendation

02/1082

Carlisle District Plan Environment - Policy E35

Proposals for new development which adversely affect a listed building or its setting will not be permitted. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection.

Stanwix Rural Parish Council: No objection.

Environment Agency (N Area (+ Waste Disp)): No comment.

Summary of Representations:

This application has been advertised by means of direct notification to the occupiers of four neighbouring properties. At the time of writing this report, three letters of objection have been received and the main issues raised are summarised as follows:

1. the proposed extension would overshadow and restrict the amount of light to the adjoining property;
2. the proposed extension would overlook the adjacent property resulting in a loss of privacy;
3. the extension would serve to spoil the existing character of the neighbourhood;
4. the extension would block a right of access to the rear of the properties; and
5. the sewer pipe which flows to the rear of the properties is very shallow and any building over this pipe may cause it to fracture.

Details of Proposal/Officer Appraisal:

Planning History:

Planning permission was granted for a first floor extension to provide an extra bedroom and bathroom on 26 September 1989, under reference 89/0853.

Details of Proposal:

This application seeks full planning permission for the erection of a single storey extension to Belmont Cottage, Low Crosby, Carlisle. The property is a two storey terraced dwelling house constructed from sandstone to the frontage and render to

SCHEDULE A: Applications with Recommendation

02/1082

the rear, under a slate roof.

The application seeks planning permission for a storey extension to provide an extension to living area. The proposed structure would measure 4.85 metres in width by 6.08 metres in length. The height to the eaves would measure 2.3 metres with 3.8 metres being the height to the ridge. The extension would be constructed from render and slate to match the rear of the existing dwelling.

The extension would be 0.5 metres from the boundary with the adjacent property known as 5 The Row. The adjacent property to the north of the application site, known as Rose Cottage, is Grade II listed.

In consideration of this application Policies H14 and H17 are relevant. Policy H14 of the Local Plan requires that extensions are of good design and are of an acceptable scale. The scale and design of the proposed extensions are considered to be appropriate to this terraced dwelling which is situated within a reasonable garden area.

This Policy also seeks to protect the amenity of adjacent properties from proposals which adversely affect them, through inappropriate scale, design or unreasonable overlooking. The proposals which are being presented for consideration are modest in scale and design and would not be disproportionate or obtrusive.

It is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. No windows are proposed on the elevation that would face the adjacent property to the south, and the roof along the boundary would be pitched, sloping away from the boundary. The proposal is not considered to be of an unacceptable scale or visually intrusive.

Belmont Cottage is situated adjacent to a Grade II listed building. Policy E35 of the Local Plan requires that proposals for development should be sympathetic in scale, character and use of materials. It is considered that the proposal accords with this criteria and does not adversely affect the setting of the listed building.

There are two other issues which the letters of objection raise. Concern is expressed about the building over of the sewer. The applicant proposes to use a concrete lintel to build over the sewer and the advice provided by Officers in Building Control says that this is a standard solution for this scenario and will adequately protect the sewer. It would appear that the sewer, however, is not formally adopted, and therefore, this issue is a civil matter.

The letters also make reference to a right of way to the rear of Rose Cottage to the north of the application site, and which allows access to the rear of the row of houses. However, this access is not a public right of way. The applicant has submitted correspondence and copies of his deeds relating to the right of way. From these documents it transpires that the right of way existed to allow the occupiers of neighbouring properties access to the well to draw water and for no other purpose. The well no longer exists and it appears that the issue over the continued right of access is a long standing dispute between the applicant and the

SCHEDULE A: Applications with Recommendation

02/1082

owner of the neighbouring property.

In conclusion, the proposed extension is of a scale and design that is appropriate to the dwelling and it is not considered that the occupier of the neighbouring properties would be adversely affected by the development, in accordance with the relevant Local Plan policies.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission

A to I ✓

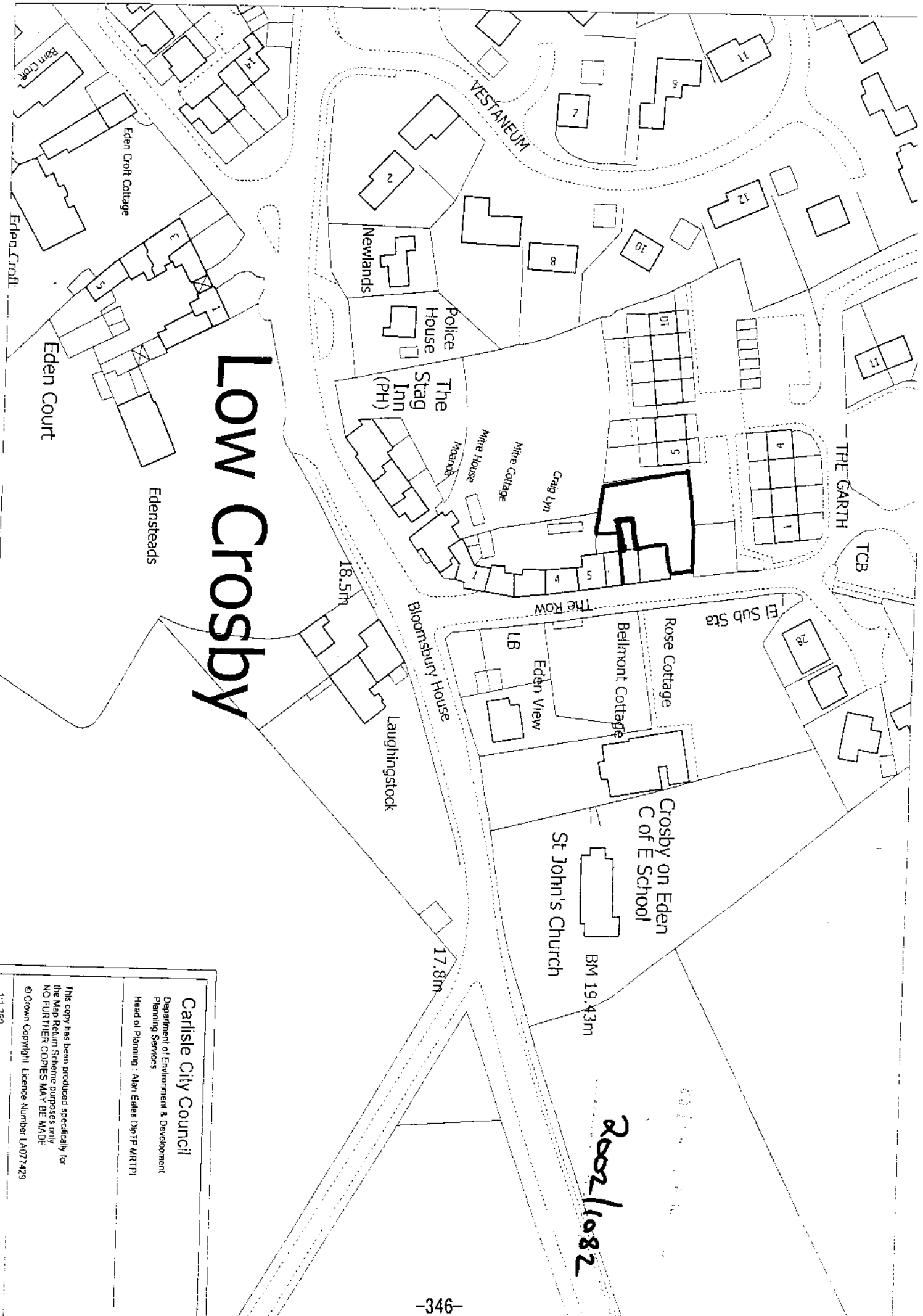
1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building.

Low Crosby



2002/1082

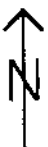
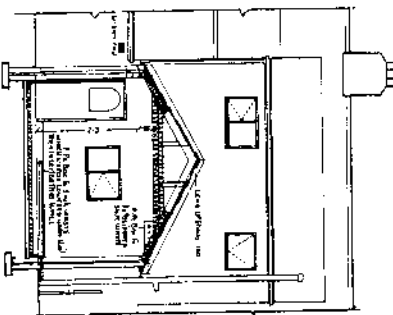
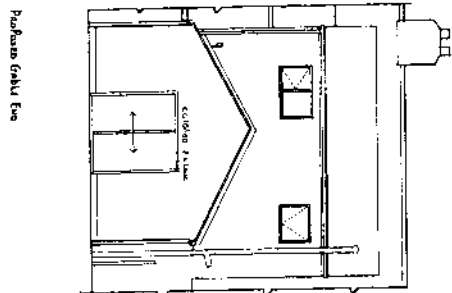
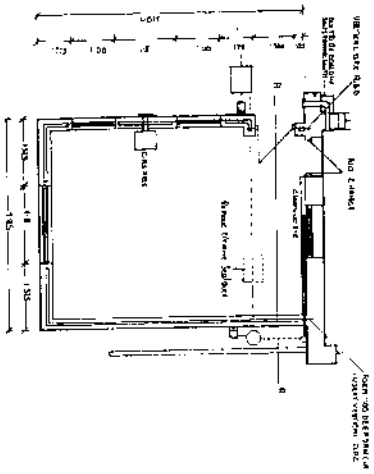
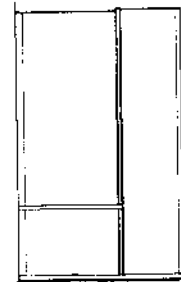
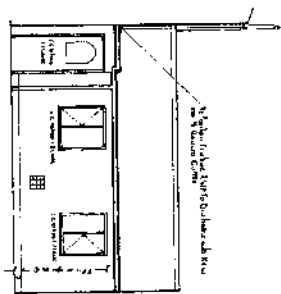
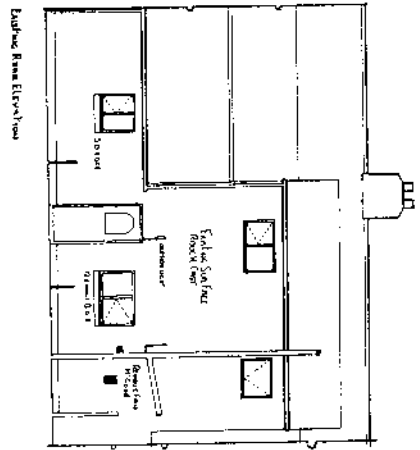
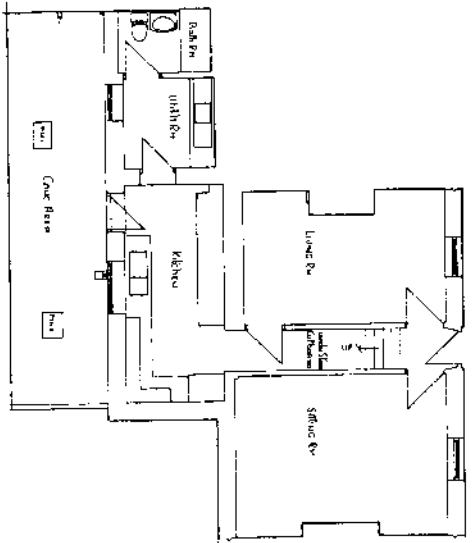
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14/10/2002

Carlisle City Council
Department of Environment & Development
Planning Services
Head of Planning: Alan Eales DntP MRP



Praeface Extension For The Jaw Throat Beach
Ball Field Entrance. The low, low canopy. Canopies
Scale 1:50

GENERAL NOTES: 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED. 2. THE ARCHITECT ASSUMES RESPONSIBILITY FOR THE ACCURACY OF ALL DIMENSIONS AND THE CONSISTENCY OF ALL INFORMATION. 3. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 6. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 8. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 9. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 10. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS.

SCHEDULE A: Applications with Recommendation

02/1085

Item No: 28

Date of Committee: 20/12/02

Appn Ref No:
02/1085

Applicant:
Ian Blair

Parish:
Kingwater

Date of Receipt:
15/10/02

Agent:

Ward:
Irthing

Location:
Tin Castle, West Hall, Brampton, CA8 2EH

Grid Reference:
356732 567700

Proposal: Change of use of existing farm buildings to joiners workshop and funeral parlour together with minor alterations to roof

Amendment:

John

Report

Planning Policies:

Carlisle District Plan Environment - Policy E8

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any existing wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection, subject to one condition.

SCHEDULE A: Applications with Recommendation

02/1085

Kingwater Parish Council: Comments awaited.

Environmental Services: No objection. The operation of the premises does not require a licence but does need to be inspected under Health and Safety legislation.

Ramblers Association: No objection.

English Nature: Comments awaited.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Summary of Representations:

This application has been advertised by means of a site notice and neighbour notification. One letter of objection has been received from the owners of the adjacent barn, which they are converting to a dwelling. The letter draws attention to the fact that the use has been operating without permission, and that they were unaware of it before embarking on the barn conversion project. The principal objection is that the application is very close to the barn conversion, and that its use as a base for funerals is not appropriate, particularly in view of the rural location.

Details of Proposal/Officer Appraisal:

Planning History:

In November 2000, permission was granted for an extension to the existing dwelling to provide an additional bedroom and an utility room.

Details of Proposal:

This application seeks retrospective permission for the use of outbuildings related to a property known as Tin Castle, West Hall, as a joiners workshop and funeral parlour.

The circumstances of the application appear to be that the applicant's brother operated this business for several years elsewhere in West Hall. The current applicant took over this business two years ago and moved it to its present location.

Tin Castle itself is a traditional stone bungalow and the joiners workshop/funeral parlour is located in a single storey stone outbuilding at the entrance to the property. Timber additions have been added to the side and end of the building which increase its total area to 65m². The original building is used as the workshop, with the addition used for a garage and for a hearse and a chapel of repose respectively. It is also proposed to increase the height of the roof over the garage section, with the new section of roof running down from the existing ridge.

The application raises a number of issues concerning whether this is an appropriate location for this use. Members will be aware that West Hall is a hamlet comprising

SCHEDULE A: Applications with Recommendation

02/1085

around a dozen dwellings, located on a cul-de-sac leading north from the B6318 Roadhead - Gilstrand road. The objector to the application who is currently converting the adjacent barn to a dwelling argues that this quiet rural location is not appropriate for this use.

Members will note from the location plan that the building itself is on the other side of the access road from the barn conversion, but vehicles will be parked in the yard attached to 'Tin Castle', and therefore further away from the barn conversion. Officers take the view that given the location and the size of the building, the use is likely to operate at a low level only. Available evidence suggests that in the two years it has been operating, between 20 and 30 funerals have taken place.

At this level of operation, it is considered that the use does not result in an unacceptable level of disturbance, intrusion or noise.

The application is therefore recommended for approval.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application raises issues related to Article 8 of the Human Rights Act, but it is considered that this should not restrict the grant of permission.

Recommendation: Grant Permission ✓

1. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the

SCHEDULE A: Applications with Recommendation

02/1085

existing building.

2. There shall be no interference with the public's right of way over Public Footpath No. 121014.

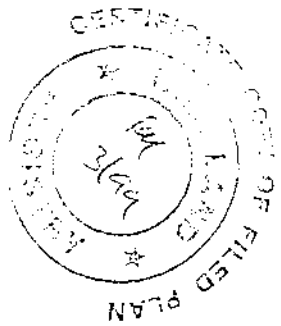
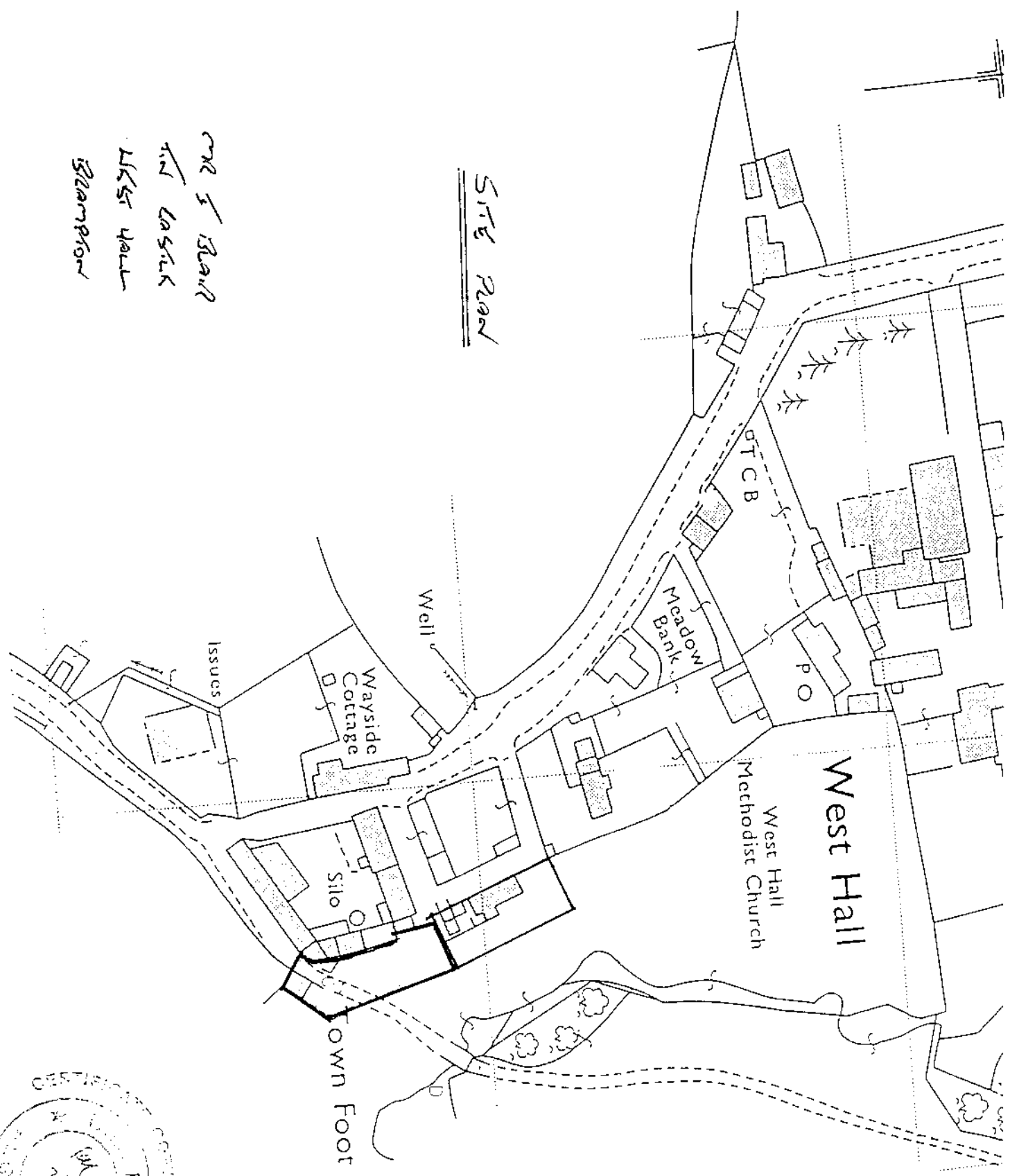
Reason: In order to prevent any obstruction to a public right of way.

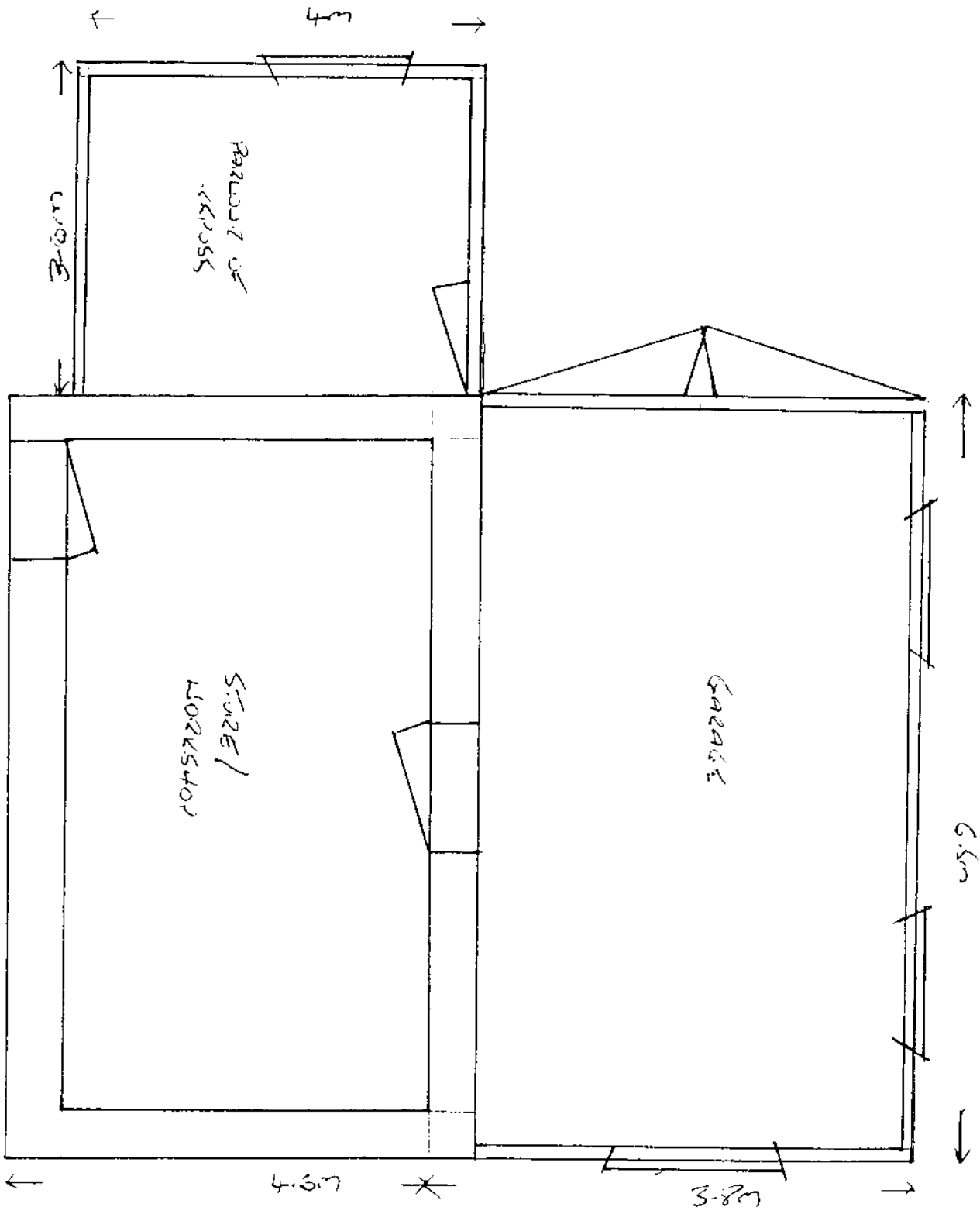
3. The premises shall be used for joiners workshop and funeral parlour and for no other purpose including any other purpose in Class B1, A1 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

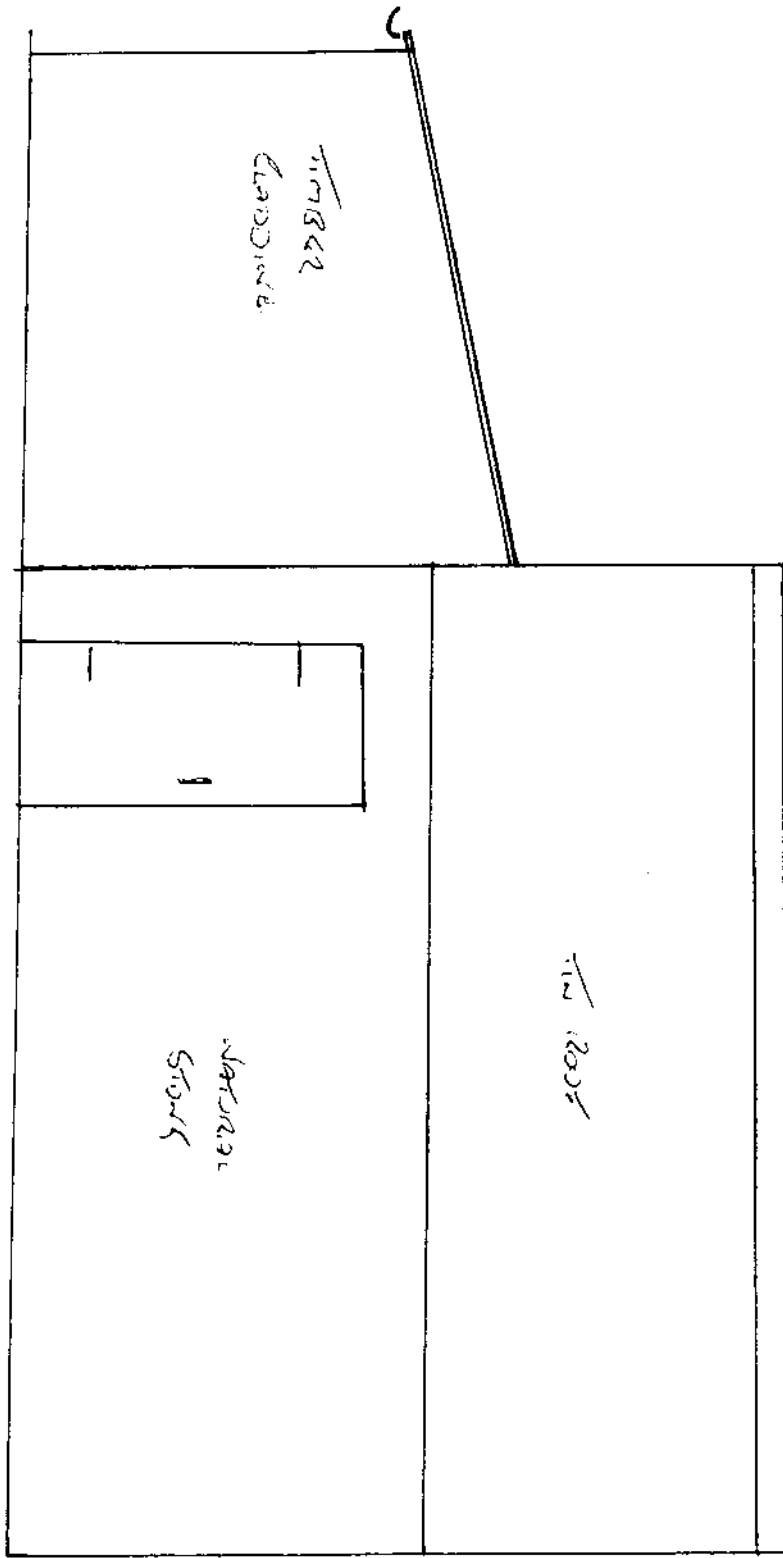
Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

MR S BLAIR
TIN LASK
WEST HALL
BRAMPON

Site Plan

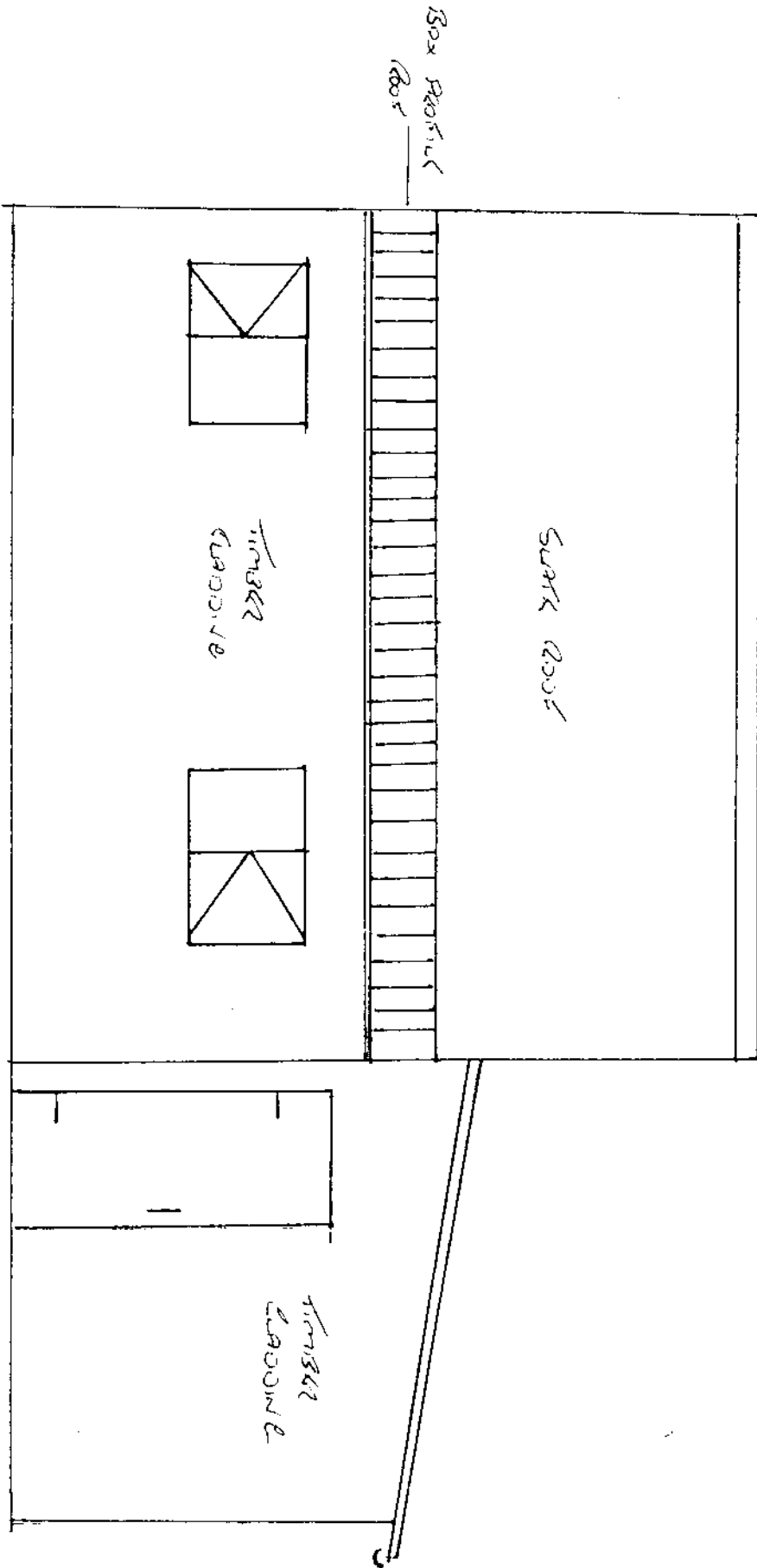


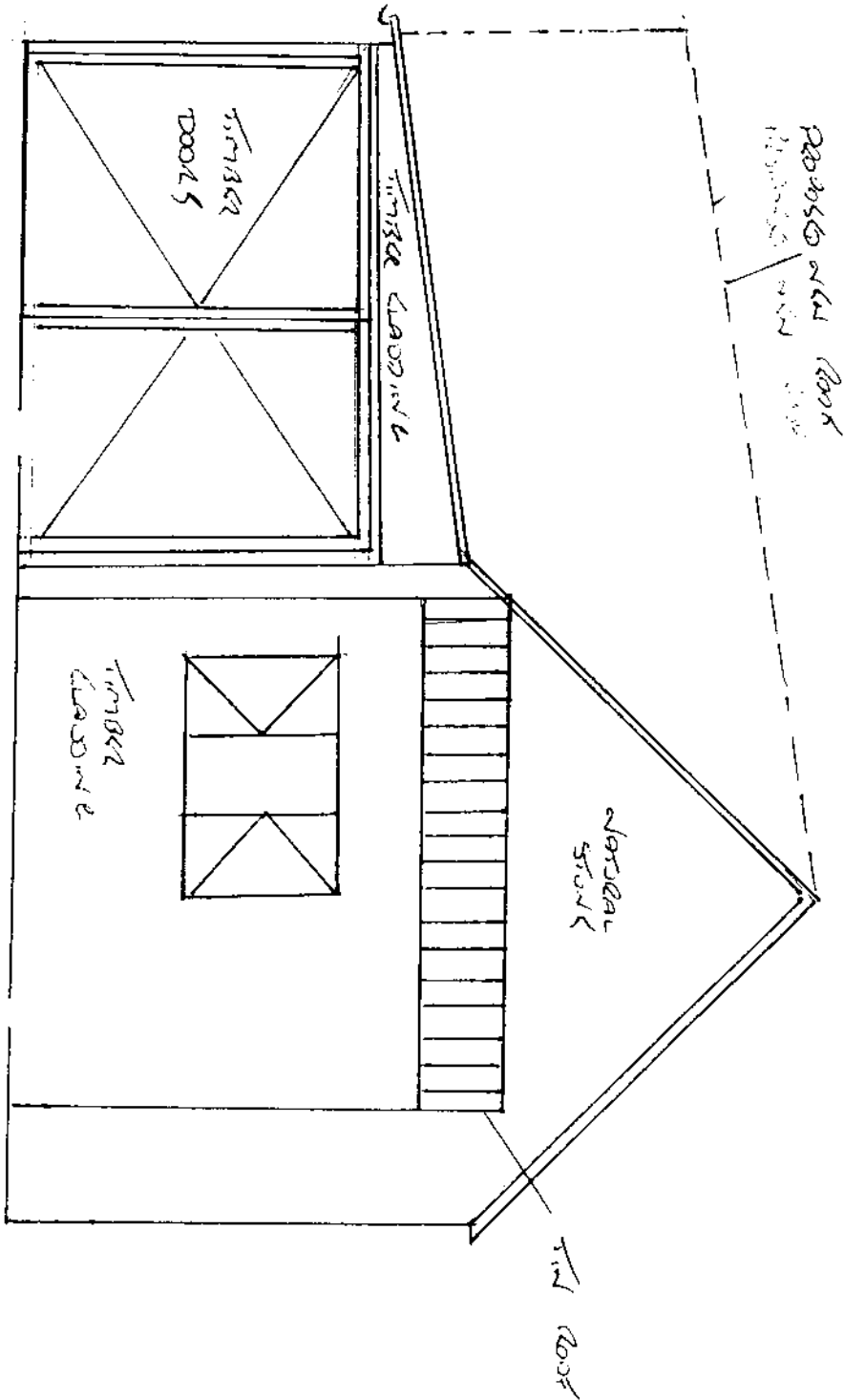




EXISTING
 NORTH SKETCHES

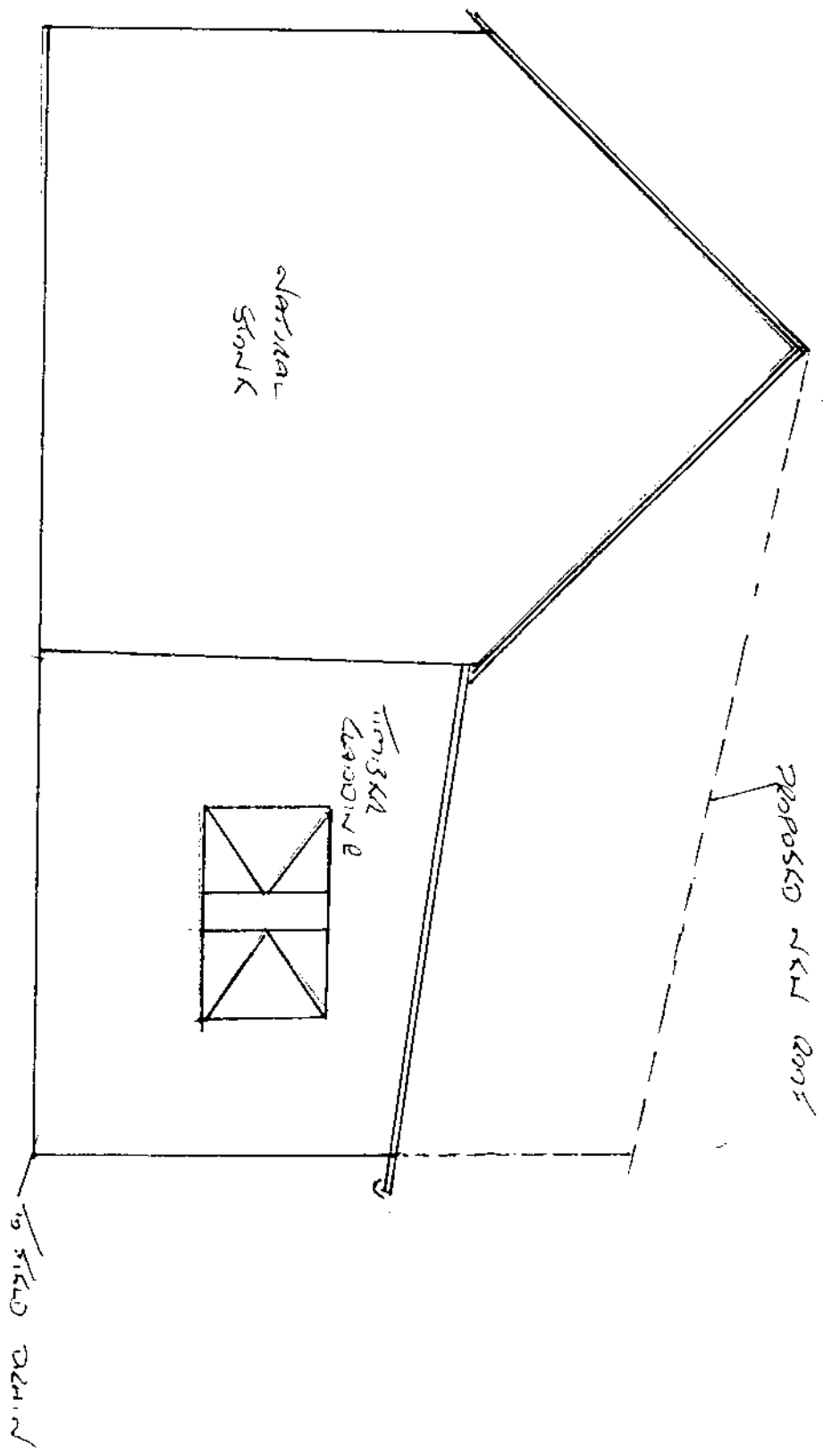
EXISTING
SOFT SKINNING



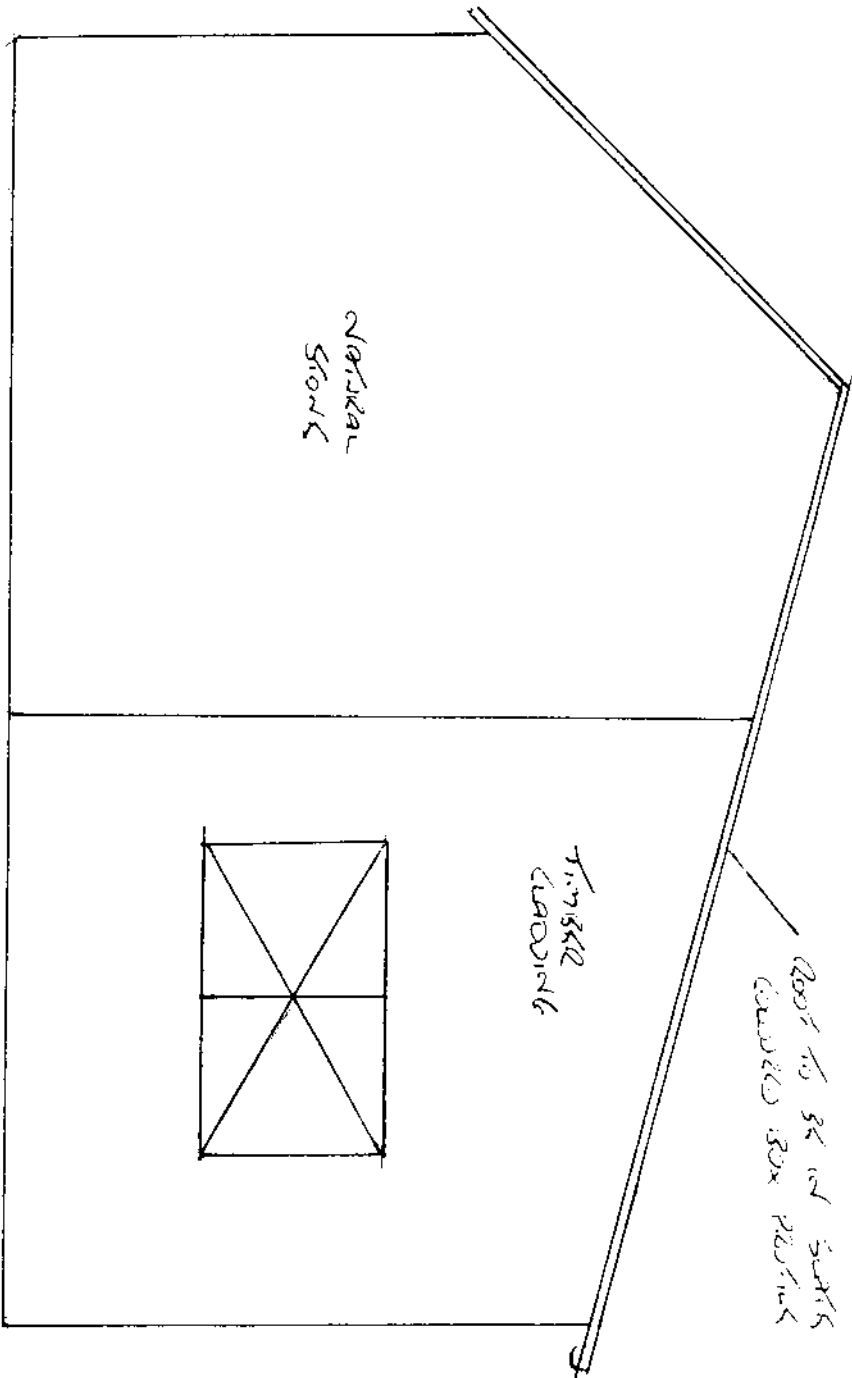


EAST ELEVATION

EXISTING
WEST ELEVATION



PROPOSED NEW ROOF



SCHEDULE A: Applications with Recommendation

02/1094

Item No: 29

Date of Committee: 20/12/02

Appn Ref No:
02/1094

Applicant:
E C Ridley & Son

Parish:
Westlinton

Date of Receipt:
16/10/02

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
L/A The Chestnuts-Lyne Bank, Westlinton,
Cumbria,

Grid Reference:
339244 564582

Proposal: Erection of 2no. bungalows and 1no. dormer bungalow (plot nos. 3,4 & 5)

Amendment:

John

Report

Planning Policies:

Affecting the Setting of a Listed Building

Summary of Consultation Responses:

Cumbria County Council - (Highways Authority): No objection.

Westlinton Parish Council: No observations.

Design Services - Drainage Engineer: No objection.

Environment Agency (N Area (+ Waste Disp)): A small part of the overall site falls within the indicative flood plain, with a high risk of flooding. There is however a significant difference in level between the river and the site, and a flood risk assessment is not required. A condition regarding surface water drainage is recommended.

Summary of Representations:

This application has been advertised by means of press and site notices and neighbour notification. No responses have been received. Reconsultation has taken place in respect of amended details, and this does not expire until 23rd December.

Details of Proposal/Officer Appraisal:

SCHEDULE A: Applications with Recommendation

02/1094

Planning History:

Although originally built as a farmhouse, with outbuildings, from about 1970 to about 1996, the yard was used as a haulage yard, and the outbuildings were substantially vacant and fell into disrepair.

In 1996, the site was sold, and the following approvals were granted:-

1. November 1996 - Planning and listed building consent granted for change of use of the house to include bed and breakfast use, erection of a conservatory and kitchen extension.
2. February 1998 - Planning permission granted on appeal for use of the dining room as a coffee shop.
3. February 1999 - Planning permission and listed building consent granted for the conversion of the outbuildings to five dwellings.
4. June 1999 - Revised applications for the above approved, with now one residential unit, and four holiday units. This approval also included construction of an access road, and sub-division of the yard area to form 5 plots for individual dwellings.
5. June 2002 - Planning permission granted for two detached dwellings on plots 1 and 2, linking to a Section 106 agreement linking implementation to progress on refurbishment of listed buildings.

Details of Proposal:

Permission is sought for the erection of three dwellings on land adjacent to Lyne Bank, West Linton. Lyne Bank itself is a Grade II listed building on the west side of the A7 trunk road, at the West Linton crossroads. It comprises a substantial house, together with former farm buildings arranged around a courtyard. The main building is used as a bed and breakfast establishment and coffee shop. The outbuildings have permission for conversion to a dwelling, and holiday accommodation (see history). The application site comprises the three remaining plots on the balance of the site, which was formerly used as a haulage yard. The first two plots at the rear of the site have now been completed. The proposal is to erect one dormer bungalow with detached garage, on the corner plot, (plot 3), adjacent to the recently completed house on plot 2, and two bungalows with attached garages on the two remaining plots (4 and 5) up to the road frontage. The bungalow on plot 5 has been designed with a frontage to the road and where it will adjoin an existing bungalow to the west. The proposed materials are the same as those used on plots 1 and 2, i.e., a combination of stone, brick and render, with slate roofs.

The proposals complement the now completed houses on plots 1 and 2, and are acceptable. Although the site is within a smaller settlement, Members will be aware that this is a brownfield site with a history of previous commercial use. In addition, the history of the site, and in particular the grant of permission for the access road and the sub-division of the land into 5 plots clearly presumed that 5 dwellings would

SCHEDULE A: Applications with Recommendation

02/1094

be erected on the site; the existing houses on plots 1 and 2 were the first of these. In the circumstances, there is considered to be no objection to the proposal, notwithstanding the advice in the Interim Housing Policy Statement.

A further issue in relation to this application is the link to the refurbishment of the adjacent listed buildings. This link was secured in relation to plots 1 and 2 by means of a section 106 agreement which required the work on the first section of the listed building to be carried out in tandem with the construction of the houses. This has been implemented successfully, and officers consider it would now be appropriate to draw up a deed of variation which would continue this principle, and link the development of the three remaining plots for the refurbishment of the rest of the listed buildings.

It is also the case that the consultation period in respect of amended details has not yet expired.

Authority to issue an approval is therefore requested, subject to:-

1. there being no objection to the proposals before the end of the consultation period, and
2. completion of a deed of variation in respect of the existing 106 agreement.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application does not raise any issues related to the Human Rights Act.

A b F

Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

SCHEDULE A: Applications with Recommendation

02/1094

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

4. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

5. No tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be ensured by a detailed scheme to be agreed with the local planning authority.

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible.

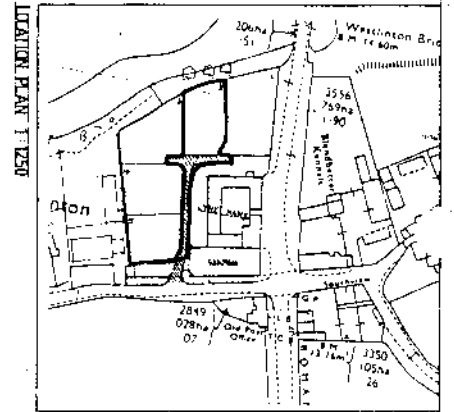
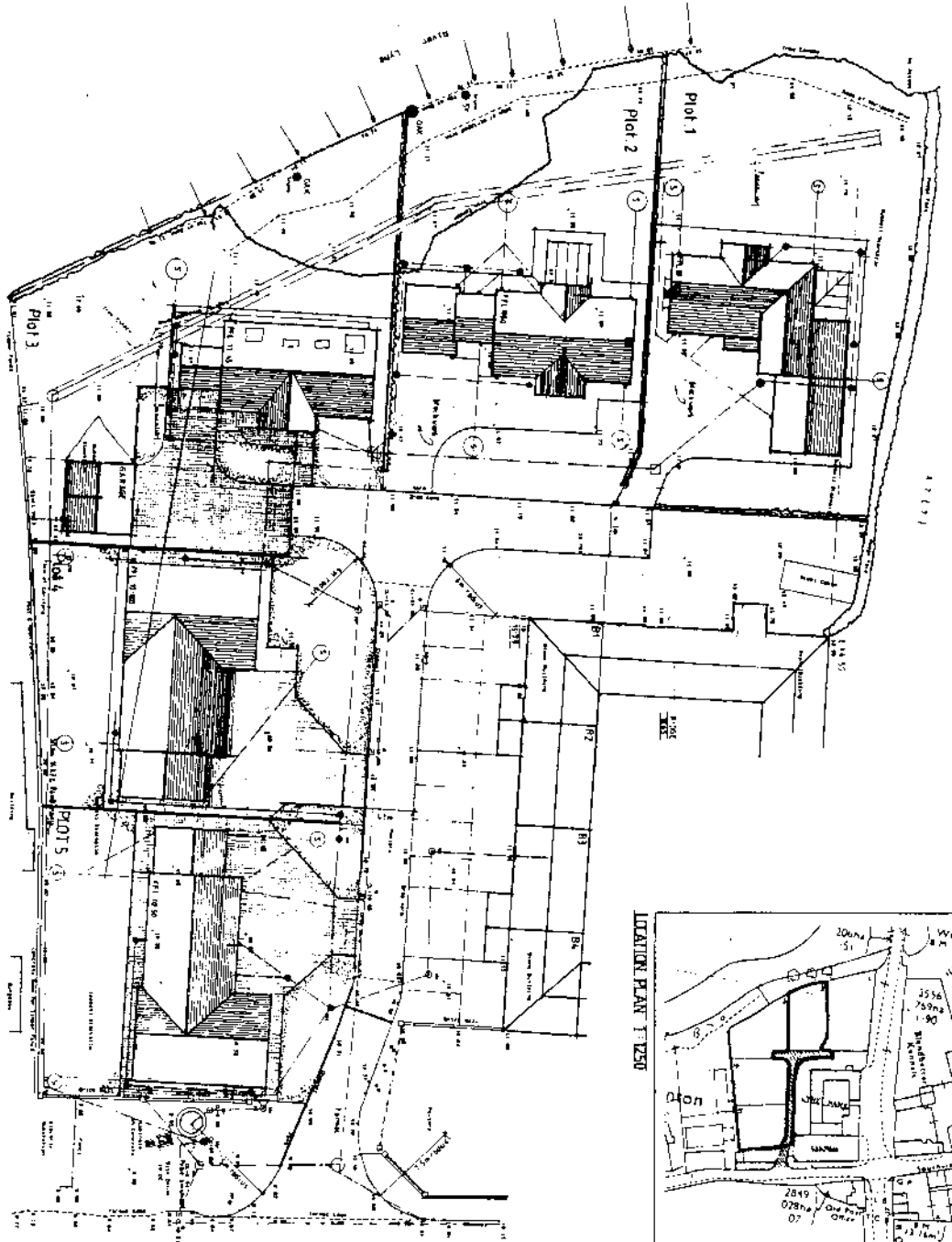
6. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the local planning authority. The scheme shall be completed in accordance with the approved plans.

Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

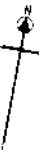
Supp Schedule
Page 41-42 (res. plan)

- Existing to water table
- Res. to water

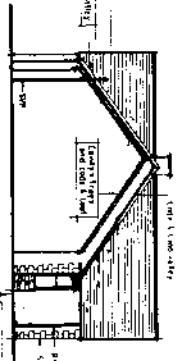
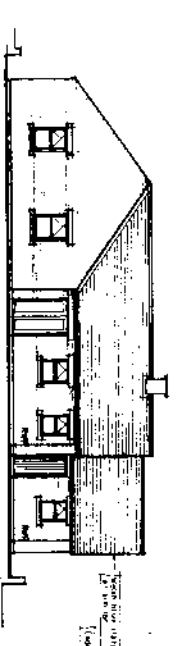
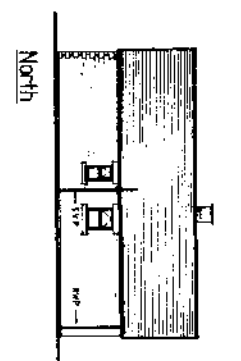
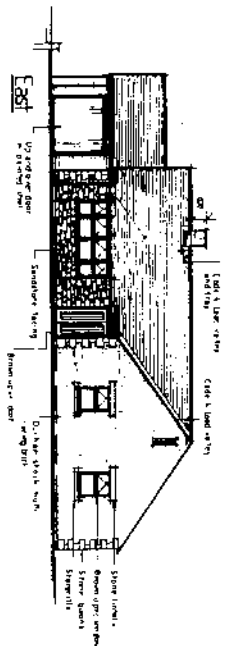
SITE LAYOUT 1:200



- LEGEND
- 1. ALL HEIGHTS ARE IN METRES AND ARE TAKEN TO BE AT A STANDARD DATUM OF 30.00m IN THE CONTIGUOUS STRIP
 - 2. THE PROPOSED BUILDING FOOTPRINTS ARE SHOWN IN BOLD LINES
 - 3. THE SPACES INDICATED ARE IN METRES OR METRES
- SYMBOLS
- 1. BOUNDARY
 - 2. BUILDING FOOTPRINT
 - 3. DRIVE
 - 4. FENCE
 - 5. FENCE WITH GATE
 - 6. FENCE WITH POST AND RAIL
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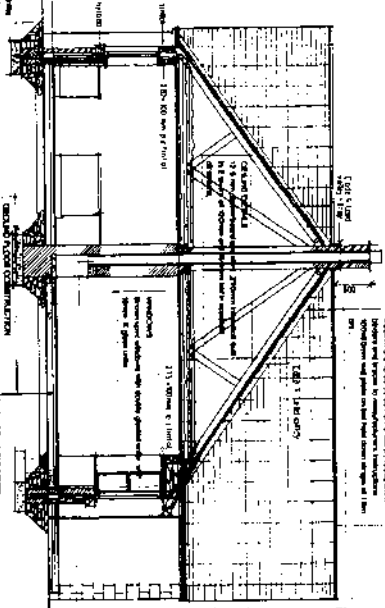


Tsada Building Design Services	
The Chestnuts, Wellington, Carlisle for E. C. Ridley & Son.	
Spot Level and Feature Survey of the Site.	
Plot layout	
SURVEY STATION	
DATE: 2001	
SCALE: 1:200	
DRAWN: 2001	
DATE: 2001	
NO. 1	

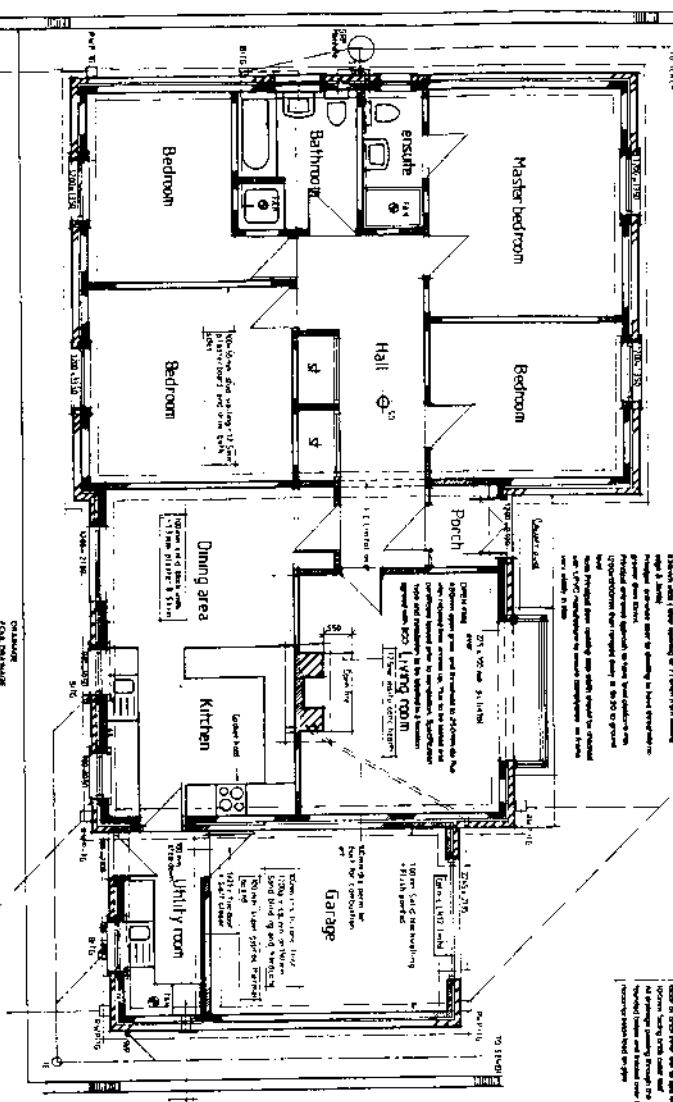


ELEVATIONS 1:100 West

SECTION A-A 1:50



LAYOUT PLAN 1:50



CONTRACTOR
 TO BE DETERMINED
 BY THE CLIENT
 BEFORE COMMENCEMENT
 OF WORKS
 THE CONTRACTOR
 SHALL BE RESPONSIBLE
 FOR OBTAINING ALL
 NECESSARY PERMITS
 AND APPROVALS
 FROM THE LOCAL
 AUTHORITY
 BEFORE COMMENCEMENT
 OF WORKS

Drawn by
W R Faulder
 Date
11/6/2002

Amendments	

Client
E C Ridley & Sons
Marchmount
Newtown

Drawn by
W R Faulder
 Date
11/6/2002

Job title
Proposed 1 Bedroom Bungalow Plot 2
The Chestnuts Westlinton

TSADA BUILDING DESIGN SERVICES
 Tada Design Services
 1000 Westlinton Road
 Westlinton, East Lothian
 EH20 9JX
 Tel: 0131 606 1111

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE BRITISH STANDARDS INSTITUTION (BSI) STANDARDS REFERRED TO IN THIS DRAWING.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY BEFORE COMMENCEMENT OF WORKS.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING SERVICES AND STRUCTURES TO REMAIN.

4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITY.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING SERVICES AND STRUCTURES TO REMAIN.

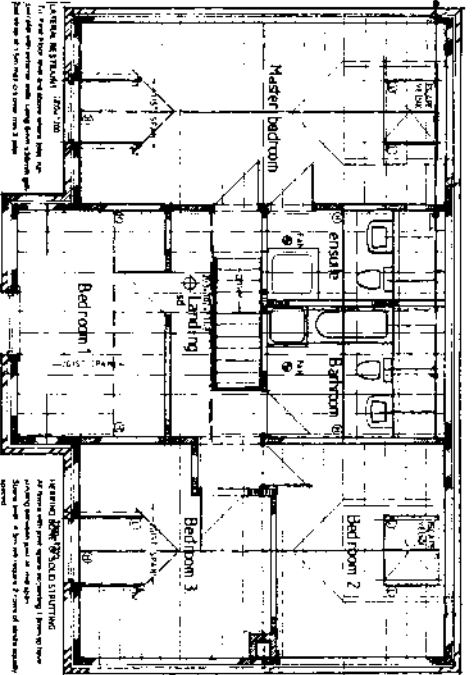
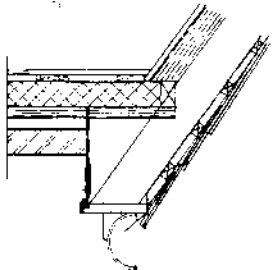
6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING SERVICES AND STRUCTURES TO REMAIN.

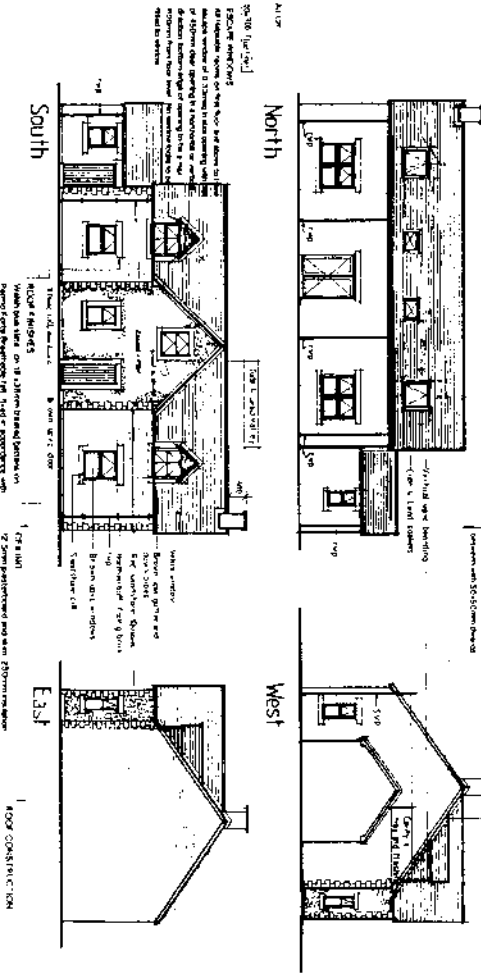
8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING SERVICES AND STRUCTURES TO REMAIN.

10. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

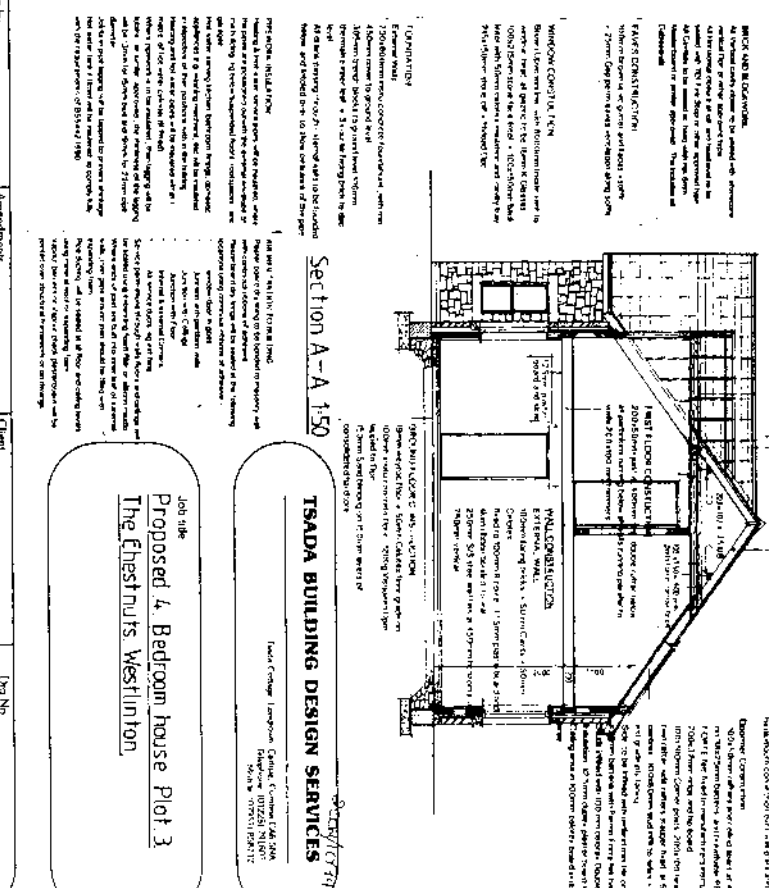
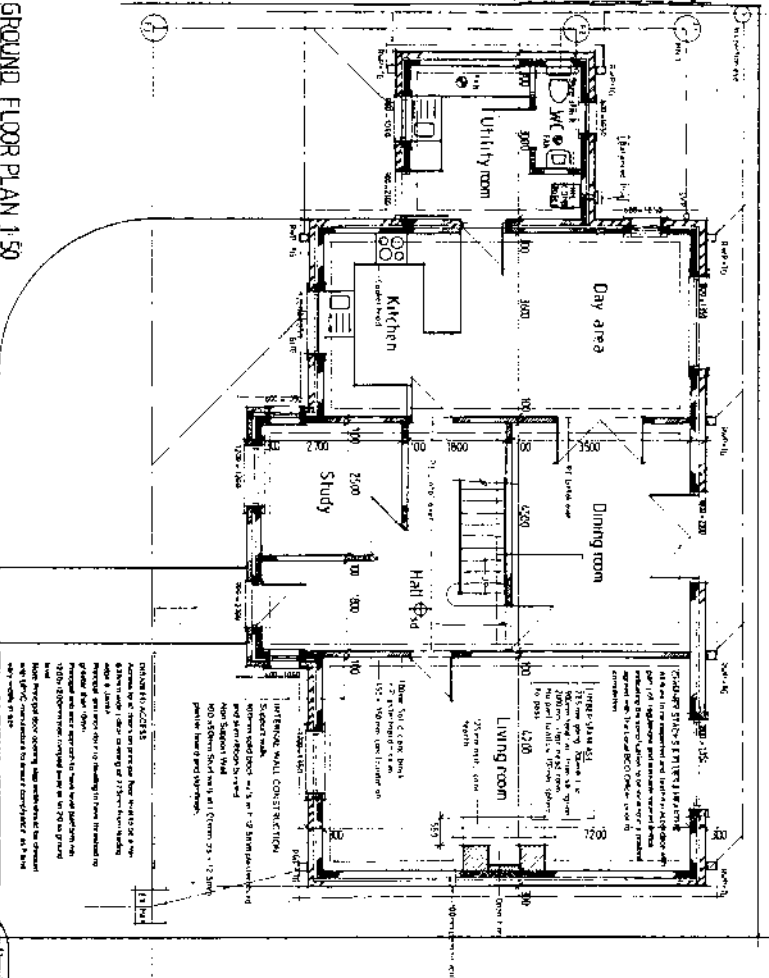


FIRST FLOOR PLAN 150



ELEVATIONS 1:100

GROUND FLOOR PLAN 1:50



Section A-A 1:50

TSADA BUILDING DESIGN SERVICES
 Trade Counter, Langport, Glos. GL14 3AA
 01453 872224
 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Job title
Proposed 4 Bedroom house Plot 3
The Chestnuts Westinton

Drawn by
W R Faulder
 Date
11/10/2002

Amendments

Client
E C Ridley & Sons
Marchmount
Newtown

Eng No
25 / 2002 / 6a
 Scale
As shown

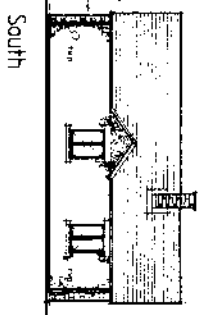
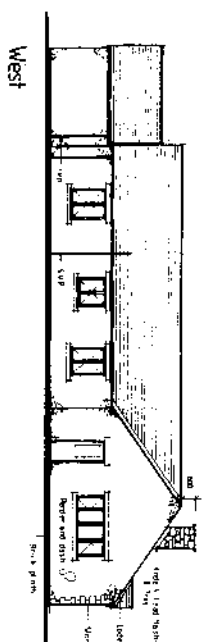
GENERAL NOTES
 1. All work to be in accordance with the Building Regulations 1991 and the Building Control Authority's requirements.
 2. The ground level is shown by a dashed line.
 3. The finished floor level is shown by a solid line.
 4. The roof level is shown by a dotted line.
 5. The ground level is shown by a dashed line.
 6. The finished floor level is shown by a solid line.
 7. The roof level is shown by a dotted line.
 8. The ground level is shown by a dashed line.
 9. The finished floor level is shown by a solid line.
 10. The roof level is shown by a dotted line.

FOUNDATION
 1. Foundations to be constructed in concrete on a concrete pad.
 2. Foundations to be constructed in concrete on a concrete pad.
 3. Foundations to be constructed in concrete on a concrete pad.
 4. Foundations to be constructed in concrete on a concrete pad.
 5. Foundations to be constructed in concrete on a concrete pad.
 6. Foundations to be constructed in concrete on a concrete pad.
 7. Foundations to be constructed in concrete on a concrete pad.
 8. Foundations to be constructed in concrete on a concrete pad.
 9. Foundations to be constructed in concrete on a concrete pad.
 10. Foundations to be constructed in concrete on a concrete pad.

WALLS AND CEILING
 1. Walls to be constructed in brickwork.
 2. Walls to be constructed in brickwork.
 3. Walls to be constructed in brickwork.
 4. Walls to be constructed in brickwork.
 5. Walls to be constructed in brickwork.
 6. Walls to be constructed in brickwork.
 7. Walls to be constructed in brickwork.
 8. Walls to be constructed in brickwork.
 9. Walls to be constructed in brickwork.
 10. Walls to be constructed in brickwork.

FLOORING
 1. Floors to be constructed in concrete.
 2. Floors to be constructed in concrete.
 3. Floors to be constructed in concrete.
 4. Floors to be constructed in concrete.
 5. Floors to be constructed in concrete.
 6. Floors to be constructed in concrete.
 7. Floors to be constructed in concrete.
 8. Floors to be constructed in concrete.
 9. Floors to be constructed in concrete.
 10. Floors to be constructed in concrete.

ROOFING
 1. Roofs to be constructed in concrete.
 2. Roofs to be constructed in concrete.
 3. Roofs to be constructed in concrete.
 4. Roofs to be constructed in concrete.
 5. Roofs to be constructed in concrete.
 6. Roofs to be constructed in concrete.
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 10. Roofs to be constructed in concrete.



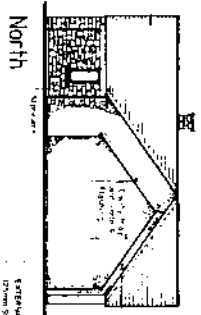
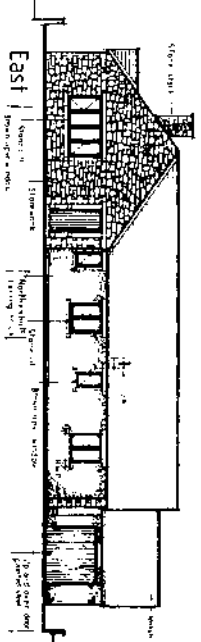
West

South

ALL DRAWINGS SCALED AT 1/8" = 1'-0" UNLESS OTHERWISE NOTED

GENERAL NOTES:

- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL RESIDENTIAL CODE BOOK AND THE 2006 INTERNATIONAL ELECTRICAL CODE BOOK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
- 3. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED.
- 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
- 5. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
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East

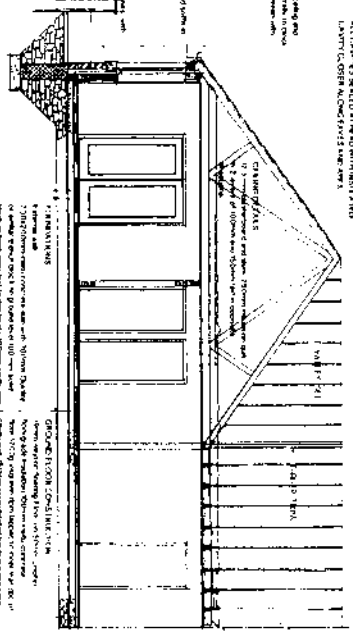
North

GENERAL NOTES:

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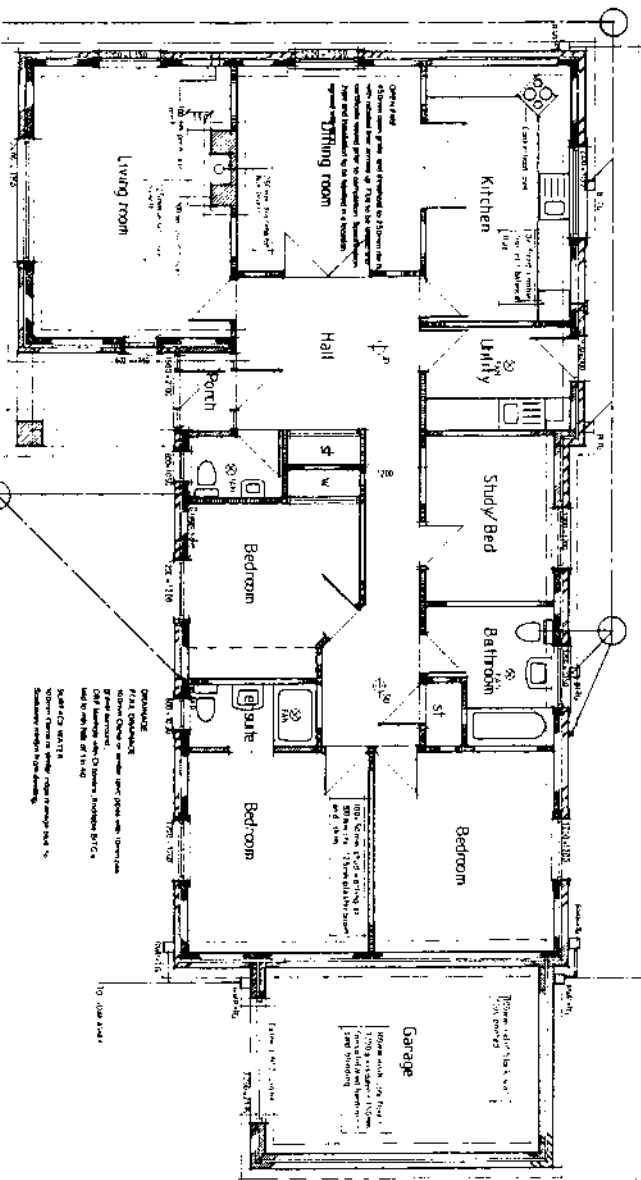
Elevations 1/100

Section A-A 1/50



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- 9. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.



Living room

Dining room

Kitchen

Utility

Study/Bed

Bathroom

Bedroom

Bedroom

Garage

GENERAL NOTES:

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Layout plan 1/50

GENERAL NOTES:

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Drawing by
W. R. Faulder

Date
12/10/2002

Client
E. C. Ridley & Sons
Marchmount
Newtown

Drawn by
W. R. Faulder

Date
12/10/2002

Scale
As shown

TSADA BUILDING DESIGN SERVICES

Trade Counter, Telephone, Fax, Email, Website, Address

Proposed 4 Bedroom Bungalow Plot 5

The Chestnuts Westinton

SCHEDULE A: Applications with Recommendation

02/1098

Item No: 30

Date of Committee: 20/12/02

Appn Ref No:
02/1098

Applicant:
Mr W Francis

Parish:
Rockcliffe

Date of Receipt:
16/10/02

Agent:

Ward:
Longtown & Rockcliffe

Location:
Gyhil Bank, Harker, Carlisle

Grid Reference:
338457 560799

Proposal: Variation of condition nos. 4 & 5 attached to planning permission 94/0863 to allow all year round occupation of 30no. touring caravans for up to 28 days

Amendment:

John

Report

Planning Policies:

Rural Area Local Plan Environment - Proposal E6

Within the remainder of the Plan area not covered by Proposals E2 - E5, permission will not normally be granted for major development which would have an adverse impact on the character of the landscape.

Rural Area Local Plan Employment - Proposal EM8

Within the Plan area, there will be a presumption in favour of proposals for the development of caravan sites, provided that:

1. The scale of the proposal is consistent with the character of the local landscape; and
2. The site is adequately screened by landscape features; and
3. The proposal includes adequate additional landscaping; and
4. Adequate access can be provided; and
5. Other proposals of the Plan (especially E1 - E6) are not prejudiced.

Summary of Consultation Responses:

SCHEDULE A: Applications with Recommendation

02/1098

Cumbria County Council - (Highways Authority): No objections.

Rockcliffe Parish Council: The Parish Council objects to the application for the following reasons:-

- i. The proposal would in effect create a residential site, but the restrictions would be unenforceable.
- ii. The proposals would be contrary to policies EM13 and H6.
- iii. The proposals would be an undesirable precedent.
- iv. The warden's house has been sold, so there is no resident warden.
- v. If there is a legal obligation to educate children there may be an effect on local schools.

Environmental Services: Comments awaited.

Summary of Representations:

This application has been advertised by means of a site notice and neighbour notification. Eight letters of objection have been received. The following objections are raised:-

1. There is no need for additional or extended facilities for caravans or the travelling community.
2. The proposal would result in increased traffic, litter, noise and disturbance in a rural location.
3. The site is unsuitable because of the presence of the sub-station, and lack of play space for children.
4. The site would become a residential site.
5. The proposal would have an adverse effect on the adjacent caravan storage site.
6. There is no approved warden's accommodation but there are illegally occupied caravans on site permanently.

Details of Proposal/Officer Appraisal:

Planning History:

The site has a planning history which goes back to 1975, when permission was refused for the erection of two dwellings on the site. Another outline application for residential development was refused in 1980. In 1994, under application 94/0863, permission was granted for the use of the site as a touring caravan site and caravan storage area, subject to conditions which linked the number of touring caravans to 30, and occupation to 14 days. Further conditions prohibited static caravans and limited the use of the site for tourer's to March to October.

In June 1996, an application for a warden's dwelling and shop was refused and an appeal against this decision was dismissed.

In October 2000, permission was granted for one caravan to be occupied during the winter up to 31st January 2001.

SCHEDULE A: Applications with Recommendation

02/1098

In February 2001, application 01/0091 was submitted, seeking permission for amendments to the conditions attached to permission 94/0863 to allow unrestricted occupation for 12 static caravans and 18 tourer's. This application was refused for the following reason:-

The proposed alterations to the pattern of use of the caravan site would result in the establishment of a separate, permanent residential development in a location distinct from any recognised settlement and contrary to policies H6 and EM13 of the Carlisle District Plan.

In August 2001, these proposals were re-submitted as application 01/0735, but this was again refused in February this year, for the same reason as before.

Details of Proposal:

The current proposal is to amend the conditions related 94/0863, to allow 30 touring caravans to be stationed on the site, for up to 28 days throughout the year. The proposal therefore retains the same number of vans as the original 1994 approval, but increases the maximum length of stay from 14 days to 28 days, and increases the period of occupancy to the entire year, as opposed March-October only.

In seeking to extend the permitted period of stay to 28 days, the applicant is proposing to operate the site as a transit site, and this is explained in a supporting letter from the Gypsy Council, reproduced in the schedule. It is made clear however that the site would open to all, not just the travelling community. It is argued that there is a need for such a site, to supplement provision at Hadrian's Camp.

In considering this application, Members should have regard to the history of the site, relevant local plan policies and government advice related to caravan sites.

In this regard, it will be noted that the previous applications were refused because the site was considered unsuitable for permanent residential occupation in view of its location unrelated to a recognised settlement. This objection no longer applies because occupation would remain on a temporary basis, albeit longer than at present.

The only other issue which might be considered relevant, in terms of proposal to extend the use to all-year-round, is whether this would result in significant visual intrusion. Although, the extension of the use would be during the winter months, the site is next to the caravan storage area, which is already in use all year round, and the officers' view is that there would be no significant visual intrusion. With regard to other points raised by objectors, the following points are relevant:

1. Many objectors dispute the applicant's argument that there is no need for another transit site, based on occupancy at Hadrian's Camp. Whatever the merits of these conflicting arguments however, Circular 1/94 advises that the availability of pitches on other sites should not be used as a reason to refuse permission for additional provision.

SCHEDULE A: Applications with Recommendation

02/1098

2. Some objectors argue that the proposal is unacceptable due to litter, danger from the electricity sub-station, increased traffic or lack of play space for children. Such objections ignore the fact that the site is already there.
3. Some objectors that in certain respects the site is not operated in compliance with the existing restrictions. Whilst these points will be investigated, there is still an obligation to consider the current proposal on its merits.
4. It has been argued that permanent occupation would still occur because vans would leave and return after one day, but this is precluded by the wording of the existing conditions.

In conclusion, officers consider that this proposal is acceptable, and it is recommended for approval.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application raises issues related to Article 8 of the Human Rights Act, but it is considered that this should not restrict the grant of permission.

Minded to Refuse (12) *Don Jones* *Missed Refusal*

Recommendation: Grant Permission

Sec. 6. Pres +
B. Hodgson + Jane Walker

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. The development shall be carried out in accordance with the approved documents, hereinafter referred to as the approved scheme or any such

SCHEDULE A: Applications with Recommendation

02/1098

variation to the approved scheme as may subsequently be approved in writing by the local planning authority prior to the work being carried out.

Reason: To ensure that the development accords with the scheme approved by the local planning authority.

3. Non static caravans shall ^{not} be stationed within the site without the prior permission of the Local Planning Authority.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

4. The site, excluding the storage area, shall be used for the stationing of up to 30 touring caravans only.

5. No touring caravan, with the exception of those within the storage area, shall occupy any part of the storage area site for more than 28 consecutive nights during any calendar year.

6. A register of touring caravans showing dates of arrival and departure shall be maintained by the site operator and shall be available for inspection at all times by officers of the Local Planning Authority.

7. No hiring, sales or human occupation of caravans shall take place within the storage area which shall only be used for the storage of touring caravans with any maintenance of the caravans limited to cleaning and valeting.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

8. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason: In the interests of highway safety.

9. Details shall be submitted of the proposed hard surface finishes to the access drives and turning spaces within the proposed scheme and approved by the Local Planning Authority before any site works commence.

Reason: To ensure that the development is served by a vehicular access constructed to the satisfaction of the Local Planning Authority.

10. The whole of the access area bounded by the carriageway edge, entrance gates and the splays or radius kerbs shall be constructed and drained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development is served by a vehicular access constructed to the satisfaction of the Local Planning Authority.

11. All works comprised in the approved details of landscaping, including the

SCHEDULE A: Applications with Recommendation

02/1098

proposed embankments shall be carried out in the first planting and seeding season following commencement of the use hereby given permission.

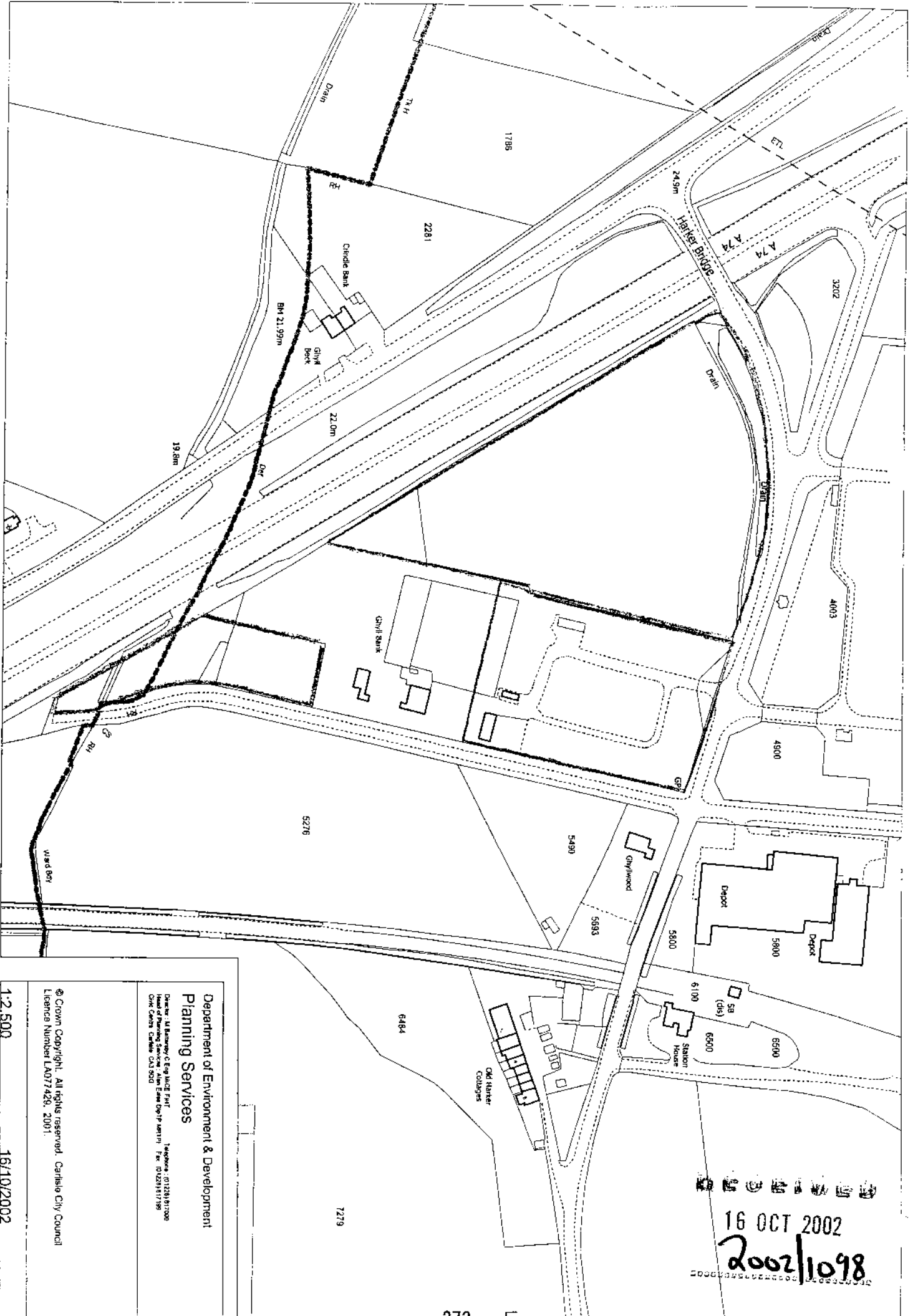
12. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following [occupation of the building/dwelling or completion of the development,] whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented.

13. No touring caravan(s) shall be occupied until the sewage disposal works have been completed in accordance with the submitted plans.

Reason: To ensure that adequate drainage facilities are available.

Supp Schedule (143)
Revised DN.



16 OCT 2002
2002/1098

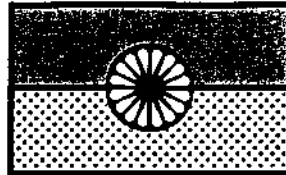
**Department of Environment & Development
Planning Services**

Director: M. Barmby C. Eng. MICE Part
Head of Planning Services: Alan Evans DipTP Part 1 Part 2
City Centre, Cambridge CB2 3RQ
Telephone: 01223 817000
Fax: 01223 817199

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1:2,500 16/10/2002

PRESIDENT: HUGHIE SMITH
CHAIRMAN: A.J.PENFOLD



(01928) 723138
(0208) 9468928

THE GYPSY COUNCIL



ROMANI KRIS

(Est. 1966)
GREENACRES CARAVAN PARK
HAPSFORD
HELSEBY
FRODSHAM
WA6 0JS
TEL/FAX: (01928) 723138

31st October 2002

Mr A M Taylor
Chief Development Control Officer
Department of Environment & Development
Planning Services Division
Carlisle City Council
The Civic Centre
CARLISLE
CA3 8QG

Your Ref: AMT/DC/02/1098

Dear Mr Taylor,

PLANNING SERVICES	
REF	02/1098
- 4 NOV 2002	
PROPOSED	AMT
DETERMINED	
FORWARDED	AMT
ACTION	

NOTIFICATION OF PLANNING PROPOSAL

Proposal: Variation of condition no.s 4 & 5 attached to planning permission 94/0863 to allow all year round occupation of 30 no. touring caravans for up to 28 days
Location: Ghyll Bank, Harker, Carlisle
Appn Ref: 02/1098

Thank you for your letter of 23rd October re the above, in which you offer the opportunity to view the submitted details and pass comment upon the proposal. Having been involved with a previous proposal by the site owner, Mr William Francis, who has recently been in telephone contact with me to discuss in detail the latest planning application in respect of the above land it is not necessary for me to view the details as submitted to the Department; I would, however, make comment on behalf of this organisation on the planning application as follows:

You will doubtless be aware that the applicant, Mr William Francis, did in 2001 submit a planning application (LPA Ref 01/0091) to your Department in respect of a variation to the existing consent on the site to allow permission for 12 no. static caravans and 18 no. tourers with unrestricted occupation; that application was subsequently refused by the Council and an Appeal was submitted to the Planning Inspectorate. However, due to circumstances beyond our control the Appeal did not progress.

It should be commented at this stage that the Gypsy Council maintains a full-time staffed office in the Oldham borough of Greater Manchester; you may have seen publicity some time ago which was given through the national Press and other media to racial disturbances and violence within the

(Contd...)

The Gypsy Council (Est. 1966) has been an all-Gypsy organisation since 1973 and is not part of, or in any way connected with the organisation which describes itself as the Gypsy Council for Education, Culture, Welfare and Civil Rights (GCECWCER), formerly the National Gypsy Education Council (NGEC).

INCORPORATING
ROMANI KRIS
WEST EUROPEAN COUNCIL OF GYPSIES

GENERAL SECRETARY: JENES VRANCKX

...contd)

Page 2

borough, a problem which is in fact not new but which has been ongoing for at least the past 12 years. In addition to the more obvious incidents which have received widespread coverage, certain factions within the overall community have been engaged in what I - as a former resident of that borough - can only describe as an ongoing campaign against authority; as a result of this, post boxes have been vandalised and subjected to arson attacks, and this organisation has itself experienced difficulty caused through the loss of both incoming and outgoing mail. Regrettably, amongst the items of outgoing mail which have been lost was the original submission of Mr Francis' Appeal to the Planning Inspectorate, and by the time that this was discovered and efforts taken to rectify the situation through resubmission the Inspectorate deemed that the issue was out of time.

Mr Francis has now submitted an application to your Department which varies from the one submitted in 2001 only in terms of the nature of the caravans to be accommodated and the length of duration of stay which will be allowed on the site should planning permission be granted; instead of the site accommodating 12 number static caravans (for permanent residential use) and 18 number tourers, the permission which Mr Francis now seeks is for 30 number touring caravans on an all-year-round basis, with occupation of plots by individual families restricted to a maximum of 28 days at any one time. Although we would much rather have seen the original permission granted - on Appeal - we nonetheless now write to place on record our fullest support for the current application.

Doubtless you will be aware of the situation as it relates to Gypsy site provision within the Carlisle area; under the terms of Part II of the Caravan Sites Act 1968, Cumbria County Council had a statutory obligation to provide adequate accommodation for Gypsies (as defined in Section 16 of that Act as persons "of nomadic habit of life, whatever their race or origin") residing in or resorting to its area, and in its efforts to fulfil its legal duty the County Council provided sites at Hopesyke Wood and Hespian Wood, with a third site - that at Hadrian's Camp - being provided as a private venture. However, by what I can only describe as an act of trickery on the part of the County Council (who misled the Regional Office of the then Department of Environment, Transport and the Regions into believing that the site was no longer needed, even though Carlisle City Council were taking enforcement action against Gypsies on unauthorised encampments on a regular basis), the Hopesyke Wood site was closed and subsequently disposed of to a private, non-Gypsy individual, and was lost to our community altogether. Since that time, the Hespian Wood site has become unusable, which means that the only official site currently offering accommodation to Gypsies in the Carlisle area is that at Hadrian's Camp, a site which is owned and operated by Mr Frank Bowman. For your information, that site is permanently full to overcrowding, and I enclose a copy Press cutting taken from a local newspaper dating back to December 1995 which will I hope give you some idea of the need for additional Gypsy site provision which exists within the Carlisle area.

Under an existing permission, the land at Ghyll Bank is allowed to accommodate touring caravans between March and October of each year; the application by Mr Francis seeks to extend that permission to facilitate year-round use of the site. Given the current situation as it relates to official Gypsy site provision within the Carlisle area, such an extension is in our opinion a logical and welcome move, which will not only afford Gypsy families travelling through the Carlisle area the opportunity to spend up to 28 days on an official site but will in fact also benefit the Council Tax payers of Carlisle through a reduction in the City Council's current budget on evictions of Gypsies from unauthorised sites, thus making that money available for other projects or services within the city. And whilst I appreciate that the LPA will only take land use considerations into account when reaching their decision on the application, I nonetheless feel that it may be of assistance to officers involved in preparing the report for submission to the Planning Committee to broaden the perspective of this response to take into account other issues on which the granting of planning permission - if the Committee are minded to do so - will have an effect.

As you know, the granting of Royal Assent to the Criminal Justice and Public Order Act 1994 had the

(Contd...

...contd)

Page 3

effect of repealing Part II of the Caravan Sites Act 1968 (duty of Local Authorities to provide sites), and in publicity released at the same time as the 1994 Act came into force the Government stated that the onus was now upon the Gypsy community to make good the national shortfall in official site provision. The current estimate of need is for accommodation for some 4,500 Gypsy caravans on a national basis, and by seeking to obtain planning permission to accommodate 30 caravans on his site - albeit with a 28-day time limit imposed upon duration of stay - Mr Francis is, in the Gypsy Council's opinion, helping to make a significant contribution towards reducing the numbers of Gypsy caravans in this country for which no official accommodation currently exists. We hold the opinion that he should be encouraged and applauded in his efforts, and would hope that the Planning Committee are favourably disposed towards his application.

I would additionally draw your attention to Circular 1/94 on Gypsy Sites and Planning, and in particular to that recommendation in the Circular that LPAs should not regard the presence of other official Gypsy sites in their area - or the possibility of availability of pitches on the same - as an excuse to automatically refuse applications for planning permission on proposed sites. That recommendation was placed in the Circular for very sound reasons, namely the problems which have occurred throughout this country on Local Authority sites due to incompatibility between different groups of residents. With good management (of the type proposed by Mr Francis) it is envisaged that no such difficulties will arise on his site, and that the site will make a significant and positive contribution towards the issue of site accommodation in Carlisle.

One further point which I would seek to make in respect of this application is that it is not Mr Francis' intention to restrict the use of the site to Gypsies alone, but to continue to operate it as a site for both Gypsies and the settled community; the period for which the site presently holds planning permission may be regarded as the 'holiday season', when accommodation is required for tourists, but by seeking to extend that permission to one for all year round use Mr Francis will in fact be able to offer short-term accommodation to people who may require it over the winter months.

I would, therefore, reiterate the support of this organisation for his proposal, and again express the hope that the Members of the Planning Committee - to whom I would respectfully request this letter be copied - will find themselves favourably disposed towards Mr Francis' application.

Yours sincerely



Hughie Smith
President

SCHEDULE A: Applications with Recommendation

02/1102

Item No: 31

Date of Committee: 20/12/02

Appn Ref No:
02/1102

Applicant:
Mr E Cartwright

Parish:
Hayton

Date of Receipt:
17/10/02

Agent:
Brian Halliburton

Ward:
Hayton

Location:
Stonechats, Hayton, Carlisle, CA8 9HT

Grid Reference:
350933 557863

Proposal: Sun lounge rear extension

Amendment:

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objection;

Hayton Parish Council: no objection.

Summary of Representations:

This application has been advertised by means of notification letters sent to two neighbouring properties. No letters of objection have been received.

Details of Proposal/Officer Appraisal:

Planning History:

Planning permission was granted in 1995 for the demolition and reconstruction of the rear porch and garage under application 95/0585.

SCHEDULE A: Applications with Recommendation

02/1102

Details of Proposal:

This application seeks planning permission for the erection of a sunlounge to the rear of Stonechats, Hayton, Brampton. The application site is enclosed to both the east and west by residential properties. To the rear of the application site are open fields.

The proposal, as submitted, seeks approval for the erection of a sunlounge to the rear of the above property. The dimensions of the proposed extension measure approximately 4.6 metres in length, 4.2 metres in width, and 3.7 metres, at the peak of the pitched roof. The proposed extension is attached to the existing store and utility. The extension will be finished using cement rendered walls; concrete tiled roof and white upvc windows and doors. The materials used will match those of the existing property.

In considering this application Members should be aware of Policy H14 of the Carlisle District Local Plan which states that "applications for extensions to dwelling will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted".

Members should note that the sole reason that this application is being brought before the Development Control Committee is because the applicant is an employee of Carlisle City Council. Had it not been for this the application would have been dealt with under the Delegated Powers Procedure.

It is the Officers opinion that the proposed extension is acceptable in terms of siting design and materials used. It is not considered that there would be any adverse impact upon the amenities of any surrounding residential properties. It is therefore recommended that the application be approved.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

SCHEDULE A: Applications with Recommendation

02/1102

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

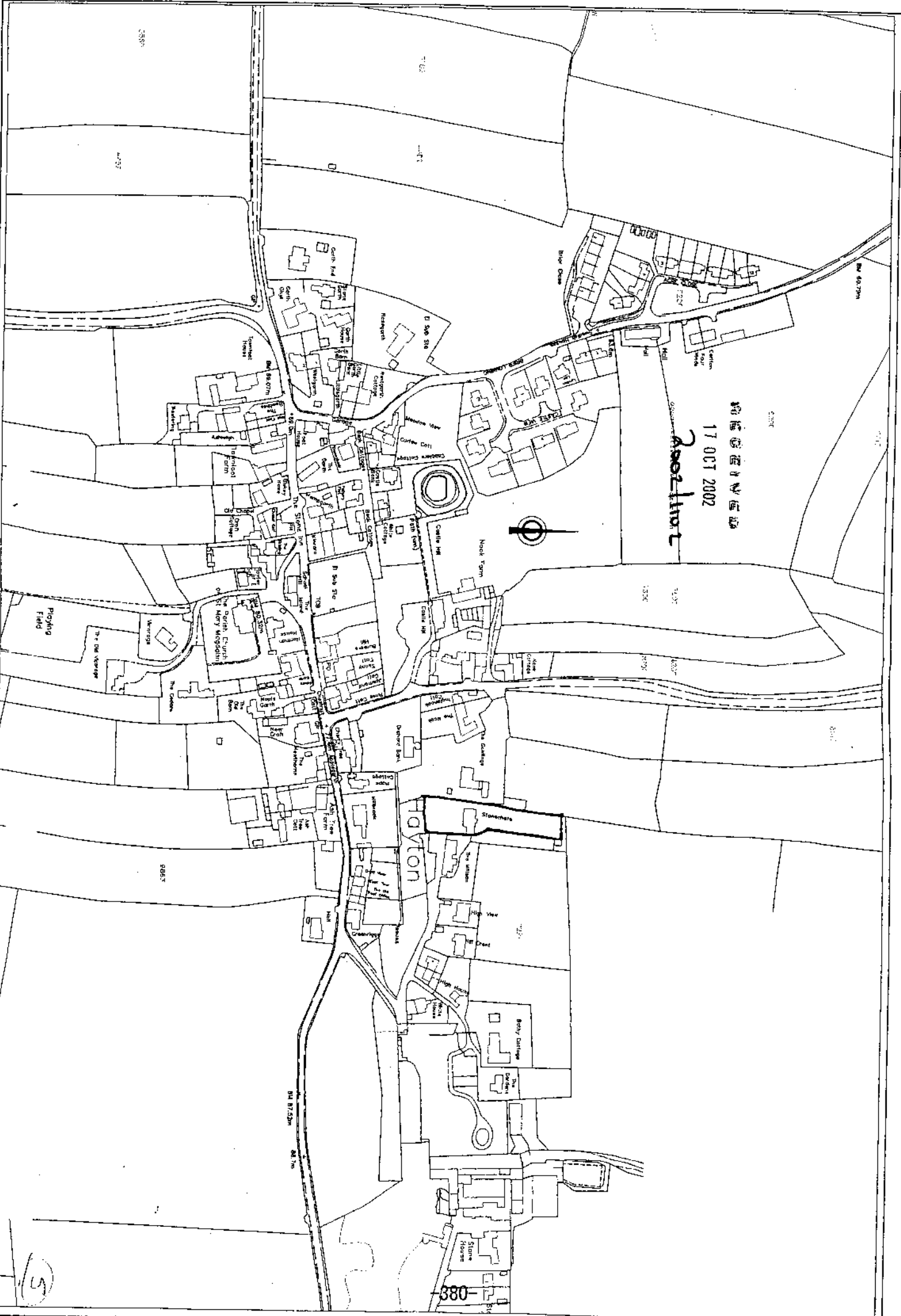
Recommendation: Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building.

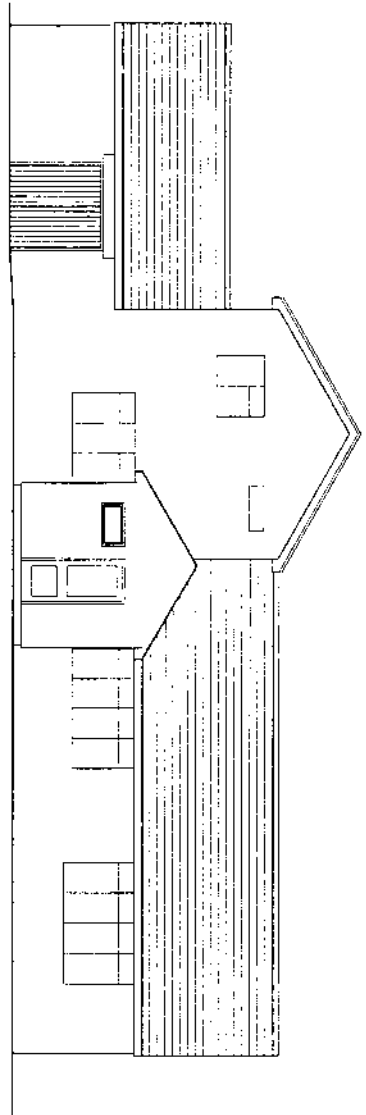


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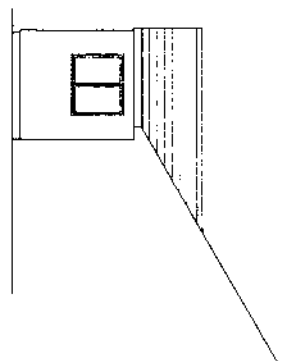
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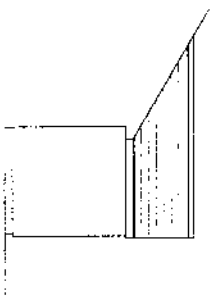
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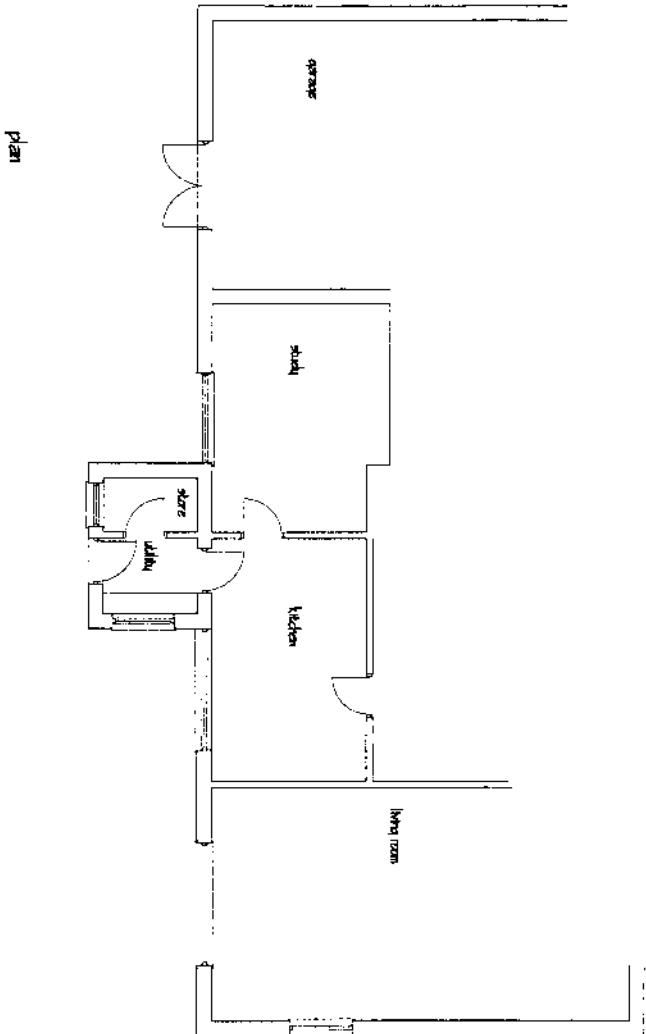
rear elevation



side elevation



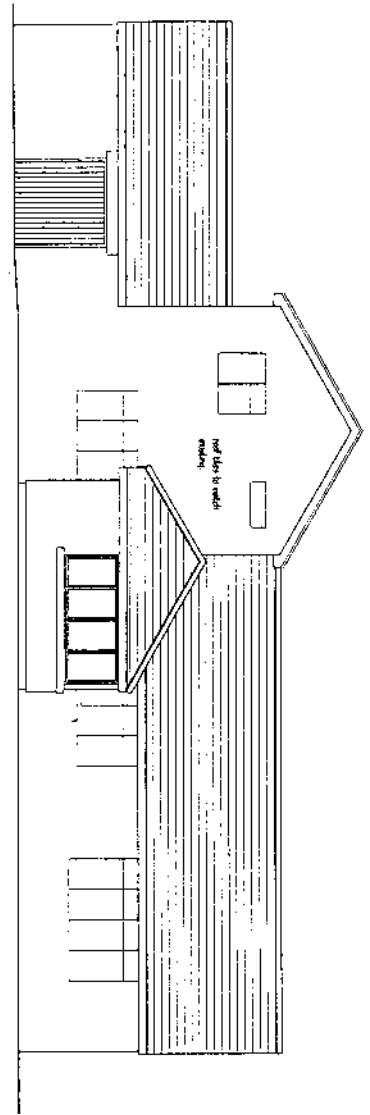
side elevation



plan

STONECHAMBERS HAYDON,
 E. CARNEGIE ST. 044
 PLANS & ELEVATIONS - AS EXISTING.
 scale 1:50
 Aug No 11/12/98B/2
 Oct 2002

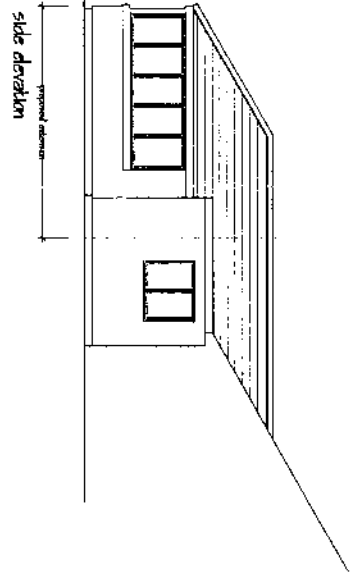
H E S S I T S E R
 25 WELLS RD
 2002



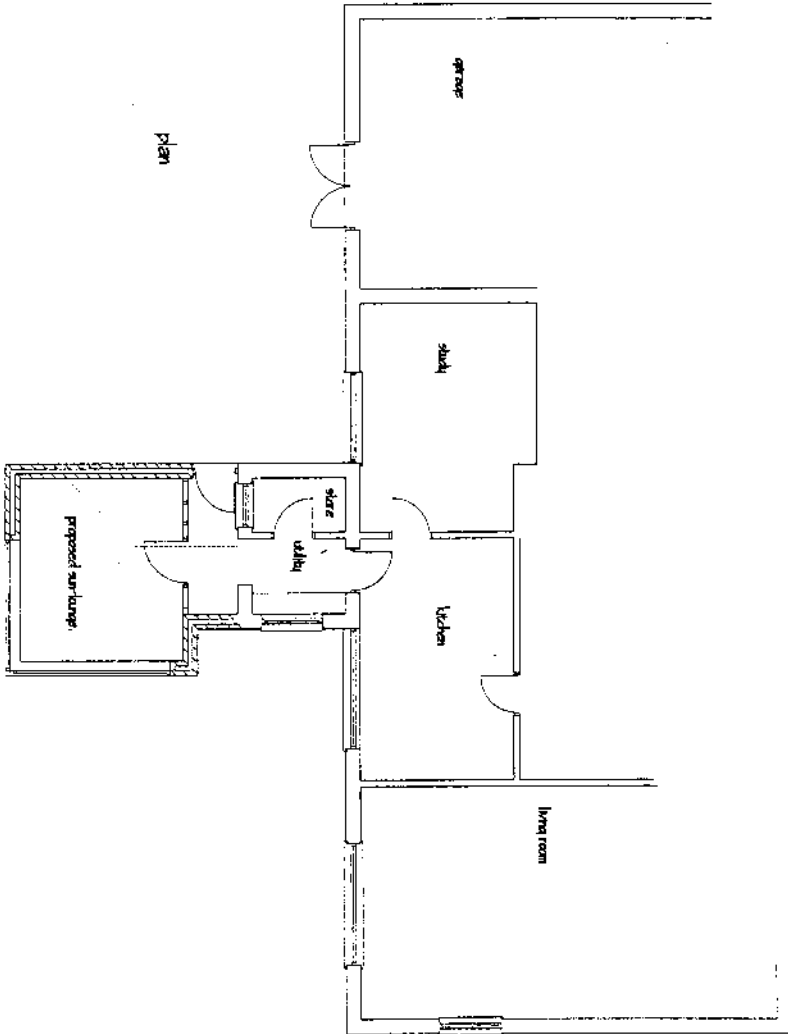
rear elevation

404 U.P.V.C. side cladding

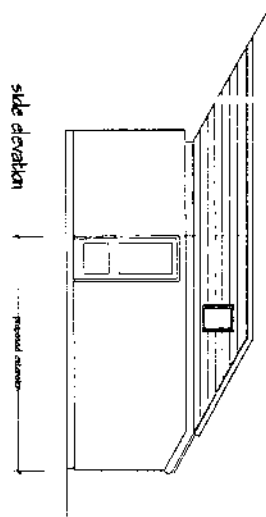
propose gable to match existing



side elevation



plan



side elevation

PROPOSED EXTENSION,
STONECHAMPS HAYTON,
E. CARMARATHEN

scale 1:50
drawing No. NMSZ/988/1
April 2002

Architectural
F. J. H. J. 2002

BYRON
HALLIBURTON,
Garnock,
Pillington,
Peebles,
Cumbernauld
tel. 01758

SCHEDULE A: Applications with Recommendation

02/1134

Item No: 32

Date of Committee: 20/12/02

Appn Ref No:
02/1134

Applicant:
Brampton Parish Council

Parish:
Brampton

Date of Receipt:
31/10/02

Agent:

Ward:
Brampton

Location:
Murray Park, Moat Side, Brampton

Grid Reference:
353255 561140

Proposal: Erection of wooden shelter.

Amendment:

SAM

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 26

Development and other land use changes which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure or remove important archaeological sites or other historic features, or are detrimental to the character or setting of a Listed Building or Ancient Monument will not normally be permitted.

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan Leisure - Proposal L2

Within Primary Leisure Areas and other significant leisure areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Inappropriate proposals for development and changes of use will not be approved in these areas.

SCHEDULE A: Applications with Recommendation

02/1134

Carlisle District Plan Environment - Policy E49

Development will not be permitted where it is likely to damage or have an unacceptable adverse effect on the character and setting of registered historic parks and gardens and battlefields of visual or historic interest.

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections;

Brampton Parish Council: feel that as the Parish Council is the applicant it is inappropriate for them to comment on the application;

Civil Aviation Authority: no objections;

Environment Agency (N Area (+ Waste Disp)): no comment;

Cumbria Constabulary - Crime Prevention: I wish to make the following observations in respect of this matter. I have considered this application from an Architectural Liaison and Community Safety viewpoint and consulted with Sergeant Sue Jamieson who has supervisory responsibility for this area.

I have also referred to the publication "Youth Shelters and Sports Systems" by Thames Valley Police which is regarded as a guide to good practise in this field. The guide covers numerous issues such as consultation, engaging the local community, location, lighting and associated facilities. I understand that Brampton Parish Council has carried out a great deal of consultation with local youngsters to identify their needs, producing the structure specified.

SCHEDULE A: Applications with Recommendation

02/1134

I have established that there is a British Standard for outdoor recreational multi-sports equipment and youth shelters, which is Product Assessment Specification 30 198 (PAS 30). Best practise recommends that any contract for items supplied and installed should specify conformity.

The purpose of providing a youth shelter is to allow youngsters to congregate in a safe, unsupervised place with their peers. A considerable amount of police resources are expended dealing with complaints about youths gathering in (usually) public places engaged in anti-social activity. The public becomes annoyed with noise litter and graffiti and other vandalism. Persistent locations attract more serious problems such as alcohol and drug abuse. The youngsters complain that they have no place to meet and short term intervention by the police is often counter productive. Careful consideration must be given to providing a facility that youngsters want and will use, yet deter or reduce activity that is considered anti-social.

I recently visited the site in company with Sergeant Jamieson. There is no doubt that this is an ideal central location for a facility of this type. It is remote enough not to disturb residents, but sufficiently overlooked by some housing and a main road to provide natural surveillance and casual supervision by residents and passers-by.

My primary concern is related to the construction material of the shelter. Timber is not vandal resistant and is more to fire damage. However, I understand that timber was decided upon after consultation with local youngsters. A local supplier will prefabricate and construct the shelter. The design of the construction will provide some protection from the elements, but must not be totally enclosed to hamper surveillance.

A major factor is the provision of a safe environment for youngsters to congregate. Lighting may provide an increased level of safety and increase the usability of the shelter. It also makes the shelter and its users more visible.

I am informed that popular areas where youngsters presently gather include the steps at Moot Lodge, outside the Cumbrian Co-op and the steps to the community centre. These locations demonstrate the desire for protection from poor weather and some illumination.

Murray Park is not lit and the closest illumination to the site is provided by street lighting from Moat Side. It should be the end users who decide if the shelter needs to be lit. However, consultations in other force areas have found that youngsters prefer one side or section to be illuminated. It may be better to light the main path to the shelter and so indirectly light the shelter itself.

Other authorities have discovered that automatic timed flood lighting is beneficial i.e. extinguishes at a specific time but this has generally been employed at sports facilities, e.g. play walls. Any illumination systems must be vandal resistant. There is an obvious cost implication to supplying power to the site, which may be a constraint.

Graffiti is a persistent problem where youths gather. It may be worth considering providing a flat whitewashed wall to encourage decoration. Every few years'

SCHEDULE A: Applications with Recommendation

02/1134

materials can be provided to the youngsters to re-decorate the facility and promote ownership. This facility is bound to attract litter such as fast food wrappings and drink cans. Provision of a metal litterbin may reduce littering.

Summary of Representations:

This application has been advertised by means of site and press notices as well as notification letters sent to nineteen neighbouring properties. One letter of objection has been received. An objection has been made on the basis that the shelter will be used for drug taking and smoking.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application seeks planning permission for the erection of a wooden shelter to be sited within Murray Park, Moatside Brampton. Murray Park is situated within The Brampton Conservation Area, adjacent to 'The Brampton Playhouse'. The park is open to the general public and is overlooked by a combination of residential and commercial premises along its eastern, western and southern boundaries. The northern extent of Murray Park is bounded by the A69. The nearest residential property is 60 metres from the proposed development. A location plan illustrating the position of the proposed shelter and its relationship to surrounding properties has been reproduced in the Schedule.

The application, as submitted, seeks planning permission for the erection of a wooden shelter. The shelter, which is hexagonal in shape, is to be constructed from timber. The roof will be finished using grey felt roof tiles. The shelter will measure 2.4 metres in width by 2.86 metres in length. It measures 2 metres in height at the eaves and incorporates a pitched roof. The upper half of the shelter shall remain open to allow visibility both in and out. The proposed shelter will not have a concrete base, but will be fixed to the ground using upright posts.

The proposed shelter would be available for use by any member of the public. However Members should be aware that the applicants, Brampton Parish Council, submitted the application with the intention of providing a shelter to allow young people to congregate away from other public places within the town. The Parish Council had discussions with local youths, prior to making this application, to determine the preferred location and design of the proposed shelter.

Members should be aware of the consultation response from Cumbria Constabulary who has stated that "there is no doubt that this is an ideal central location for a facility of this type. It is remote enough not to disturb residents, but sufficiently overlooked by some housing and a main road to provide natural surveillance and casual supervision by residents and passers-by". Cumbria Constabulary raised

SCHEDULE A: Applications with Recommendation

02/1134

concerns regarding the construction material of the shelter, as it is neither vandal nor fire resistant. Cumbria Constabulary also suggested that the provision of lighting in or near the shelter would provide an increased level of safety and increase the usability of the shelter. The consultation response from Cumbria Constabulary was forwarded to the applicant for further consideration. In response to this the applicant has stated that they have discussed the matter with the police and are considering treating the shelter to improve its fire resistance as well as providing a light in the park which would provide indirect illumination of the shelter.

One letter of objection has been received on the basis that the shelter will be used for drug taking and smoking. Whilst it is acknowledged that anti social activities, such as drug taking, may take place in or around the proposed shelter it is a matter for the police to address should such activities occur.

It is the Officers view that the proposed development will have no adverse impact upon the amenities of any surrounding residential properties. It is not considered that the proposed shelter would have an adverse impact upon the character and appearance of the conservation area. It is deemed acceptable in terms of siting, design and materials used. The proposal is in accordance with the relevant policies of the Carlisle District Local Plan and is therefore recommended for approval.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission ✓

SCHEDULE A: Applications with Recommendation

02/1134

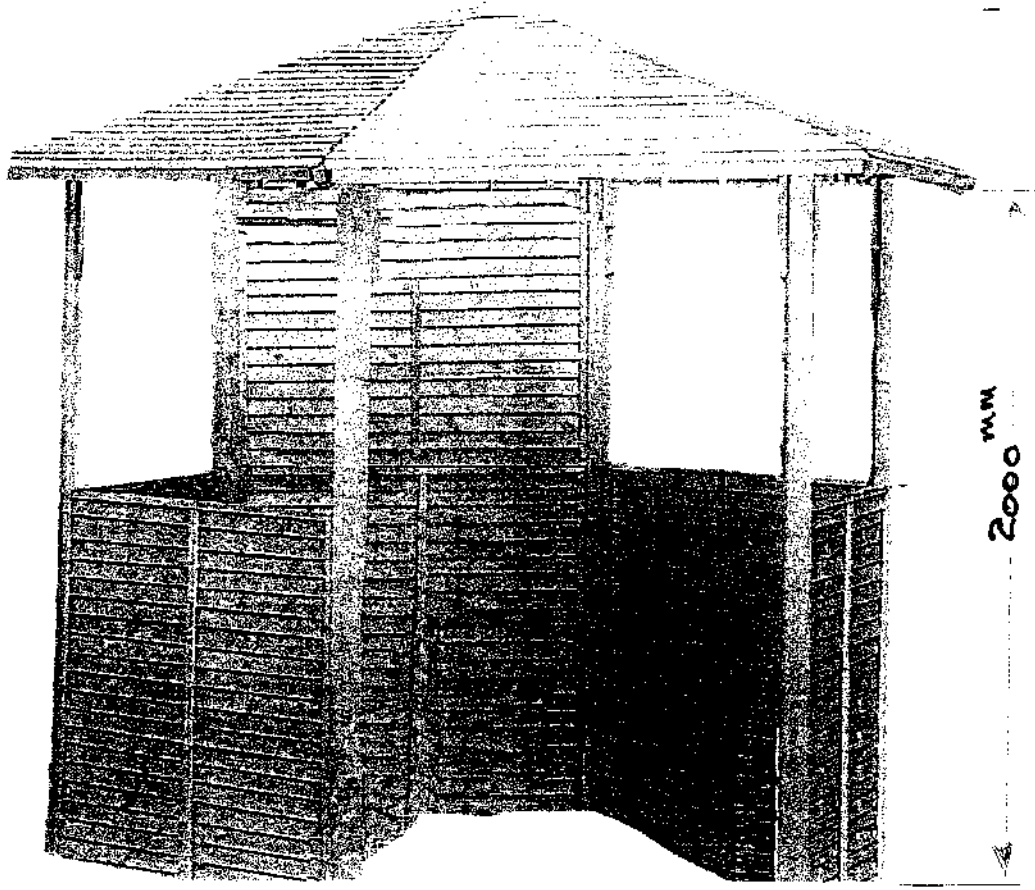
1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

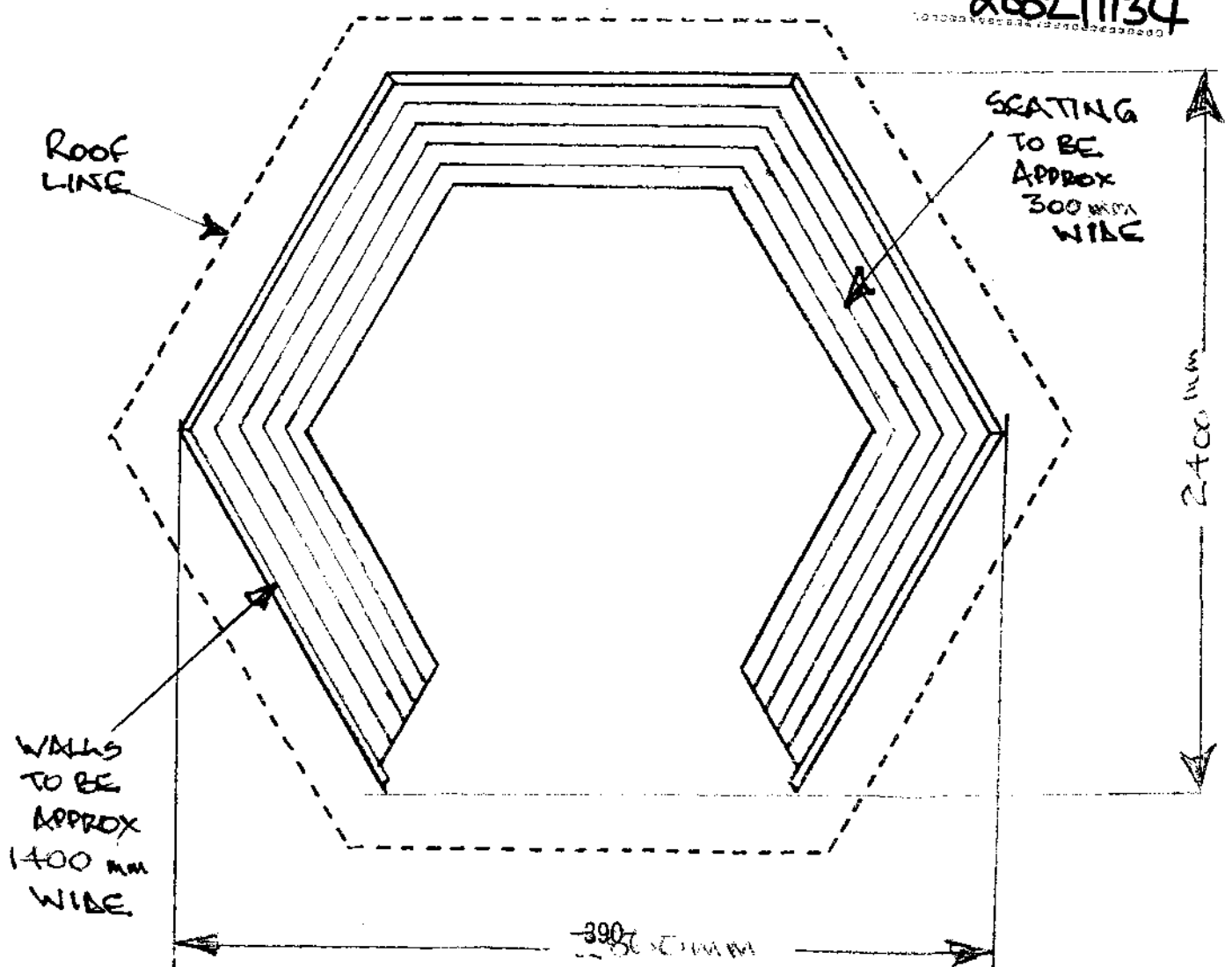
Reason: To ensure that the materials to be used are acceptable.

Additional plan in Sep



← 2860 mm →

RECEIVED
24 OCT 2002
2002/1134



SCHEDULE A: Applications with Recommendation

02/1148

Item No: 33

Date of Committee: 20/12/02

Appn Ref No:
02/1148

Applicant:
Stephen Irwin Jackson

Parish:
Walton

Date of Receipt:
28/10/02

Agent:

Ward:
Irthing

Location:
Methodist Chapel, Walton, Brampton

Grid Reference:
352082 564625

Proposal: Variation of condition 4 attached to approval 01/0413 to allow non obscure glazing to rooflights on East elevation

Amendment:

Richard

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H12

Proposals for the conversion of non residential property to provide residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless:

1. The building is of permanent construction; and
2. The building can be converted without extensions or major alterations which would destroy its character; and
3. The details of the proposed conversion respect the building's character; and
4. Adequate access and appropriate car parking can be achieved.

Where appropriate, in order to retain the character and fabric of historic farm buildings, development rights originally permitted by Class A of Part One of Schedule Two to the Town and Country Planning General Development Order (1988 as amended) may be withdrawn by a condition attached to a planning consent.

The conversion of recently constructed or very remote rural buildings will not be permitted.

Carlisle District Plan Housing - Proposal H17

SCHEDULE A: Applications with Recommendation

02/1148

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection.

Walton Parish Council: No objection.

Summary of Representations:

This application has been advertised by means of a site notice and direct notification to the occupiers of five of the neighbouring properties. At the time of writing this report, no objections have been received.

Details of Proposal/Officer Appraisal:

Planning History:

In March 1990, planning consent was granted for the erection of an extension to form a toilet and tea/coffee making area, under application reference 90/0070.

Planning permission was granted for the conversion of the former chapel to a dwelling on 3 August 2001, under reference 01/0413.

Details of Proposal:

This application seeks planning consent for the conversion of the former Methodist Chapel, Walton to a dwelling. The chapel is situated to the north of Walton, opposite Townhead Farm. The site comprises of a modest chapel building with a garden area to the front and side. A date stone on the chapel reads 1858. The site is bound to the west by the highway, to the north by 5 White House and to the east and south by Beech Garth.

SCHEDULE A: Applications with Recommendation

02/1148

The proposal comprises of a change of use of the chapel to a three bedroomed dwelling. The proposal utilises the existing windows and three additional velux roof lights are proposed to be inserted in the west elevation. The area to the front of the chapel is proposed to be used as a garden and the area to the northern side of the chapel is proposed to be used as a parking space.

Planning permission was granted by Members of the Planning and Land Use Sub Committee for this proposal with the following condition attached:

"Notwithstanding the provisions of the Town and Country planing (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the windows on the north and east elevations shall be obscurely glazed and remain so unless otherwise agreed in writing by the local planning authority."

The reason given states:

"In order to protect the privacy and amenities of residents in close proximity to the site."

This application seeks permission for the insertion of 4 no. conservation style rooflights which would not be obscurely glazed. The windows on the elevations of the building will remain obscurely glazed.

The objectives of Policy H12 seek to preserve and enhance the character of the building. The insertion of rooflights on the rear elevation, will not adversely affect the character or appearance of the building once the conversion is complete.

Policy H17 seeks to protect residential amenity from development that would result in unreasonable overlooking. It is not considered that the resulting development would adversely affect the amenities of the occupiers of adjacent properties.

This matter is before Members because planning permission was granted for the conversion of the chapel by Members. Therefore, delegated powers are not applicable for the variation of any condition attached to this approval.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority

SCHEDULE A: Applications with Recommendation

02/1148

to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

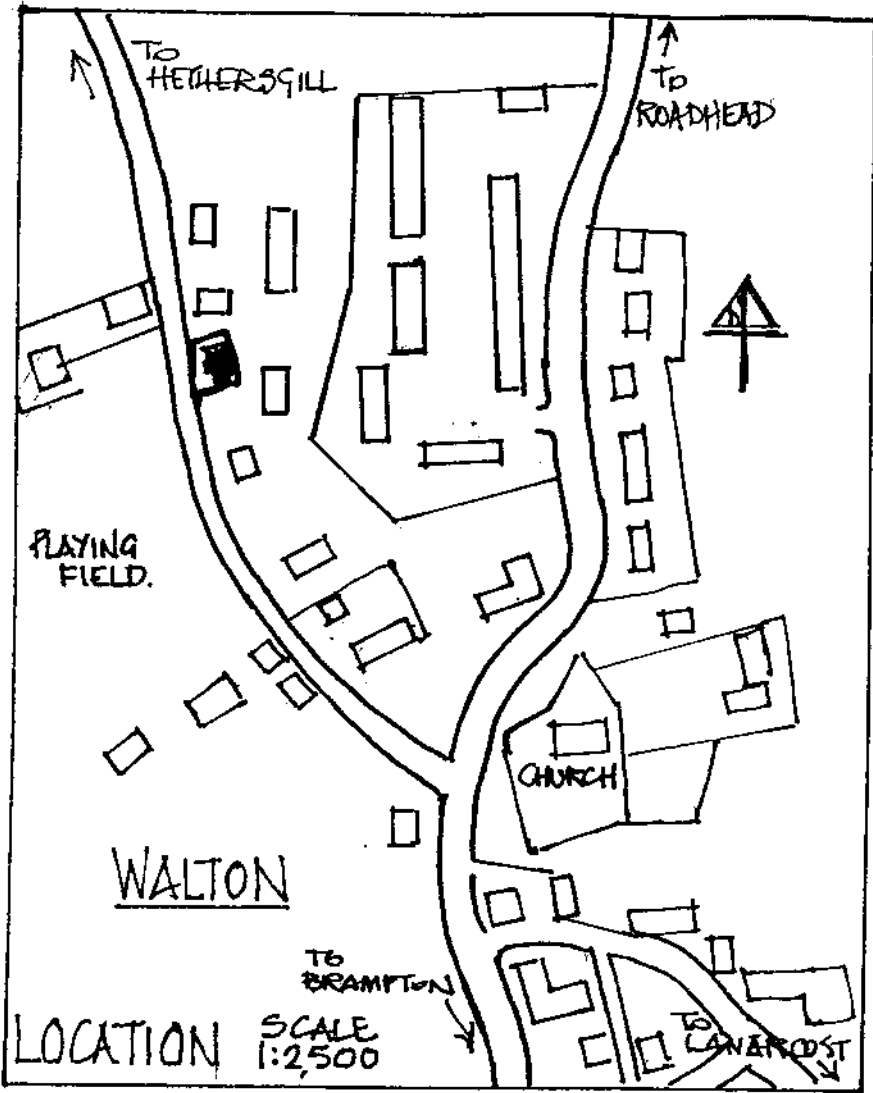
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.



FOR BLACK PLAN PLEASE
SEE ORIGINAL DRAWINGS.

PROPOSED

MINOR AMENDMENTS TO ROOF LIGHTS & INTERNAL
LAYOUT TO DRAWINGS APPROVED ON 3 AUG 2001
(REF # 2001/0413) BY CITY OF CARLISLE PLANNING DEPT
FOR CONVERSION OF WALTON METHODIST CHAPEL TO A HOUSE

SCHEDULE OF DRAWINGS

- 1 LOCATION
- 2 SECTION & END ELEVATION
- 3 FLOOR PLANS
- 4 FRONT & REAR ELEVATIONS.

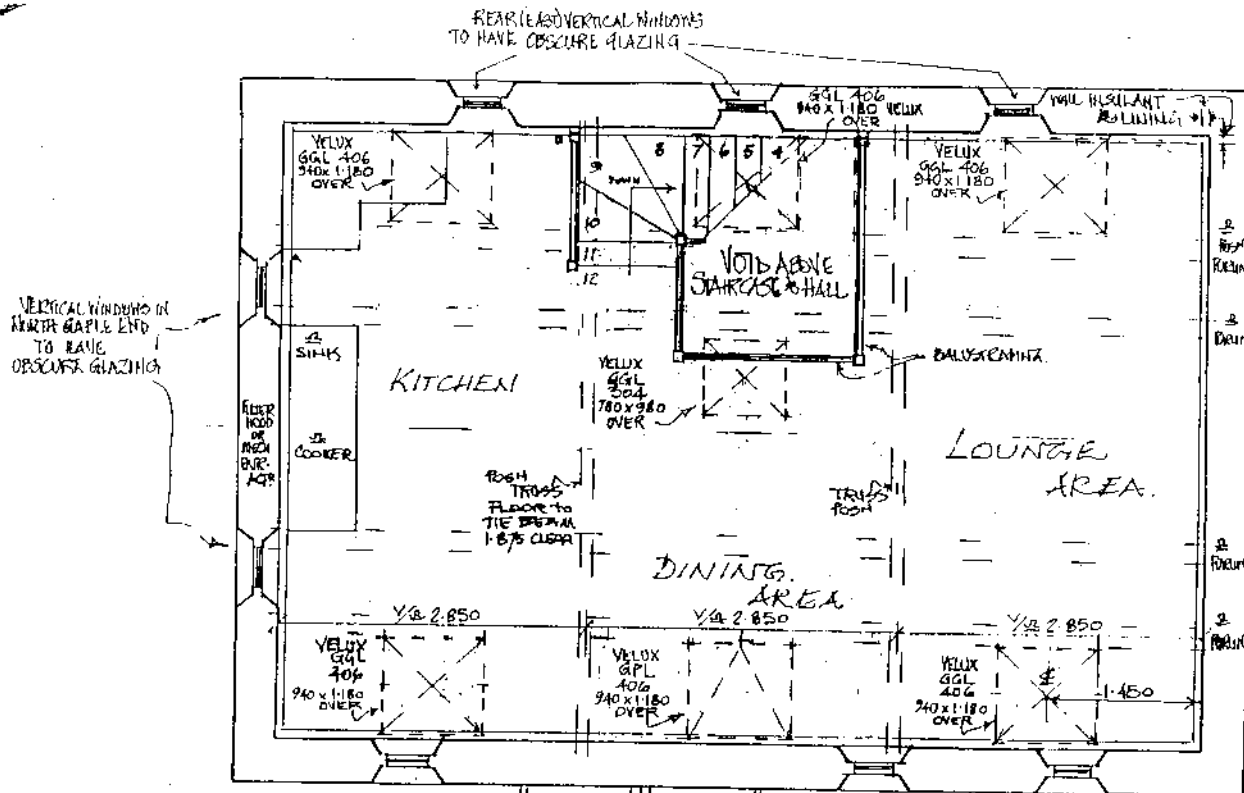
RECEIVED

28 OCT 2002

2002/11143

CONVERSION OF METHODIST
CHAPEL @ WALTON,
BRAMPTON CUMBRIA
FOR MR. STEVEN JACKSON.

GORDON GALLEYWOOD
SEPT 2002 016773 7436



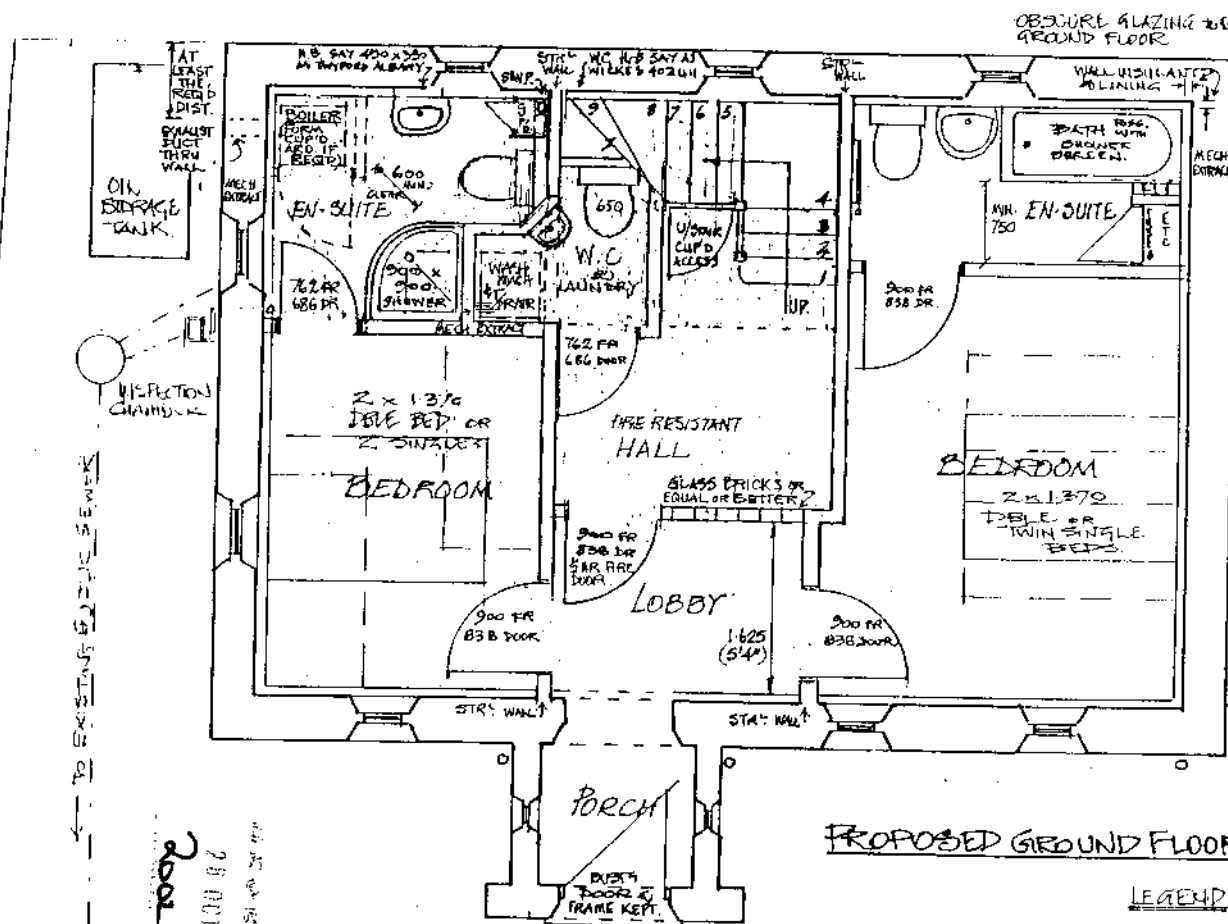
VERTICAL WINDOWS IN REAR CHAPEL END TO HAVE OBSCURE GLAZING

REAR (LEAST) VERTICAL WINDOWS TO HAVE OBSCURE GLAZING

ALL VELLUX ROOF LIGHTS TO BE INSTALLED WITH EDGE TYPE VELLUX FLASHINGS TO PROVIDE NEAR FLUSH PROFILE WITHIN ROOF SLATE PLAIN.

2x VELLUX GVA ROOFLIGHTS TO ROOF-FLOOR 460x610 @ WALL

PROPOSED FIRST FLOOR



OBSCURE GLAZING TO REAR WINDOWS AROUND FLOOR

AT LEAST THE REAR END MUST HAVE ANALYST FURT THRU WALL
ON STORAGE TANK

1/2 SECTION CHANNEL

REAR CHAPEL END

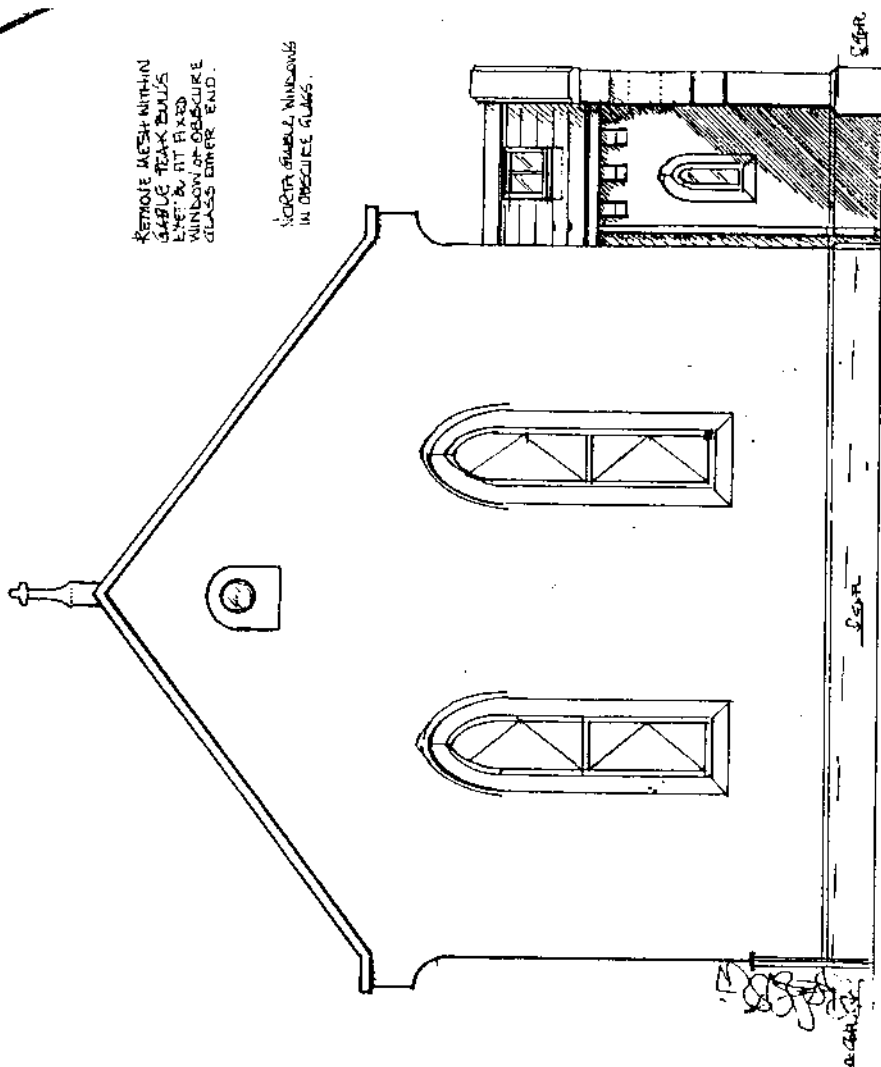
29 OCT 2002
R. J. H. S.

PROPOSED GROUND FLOOR

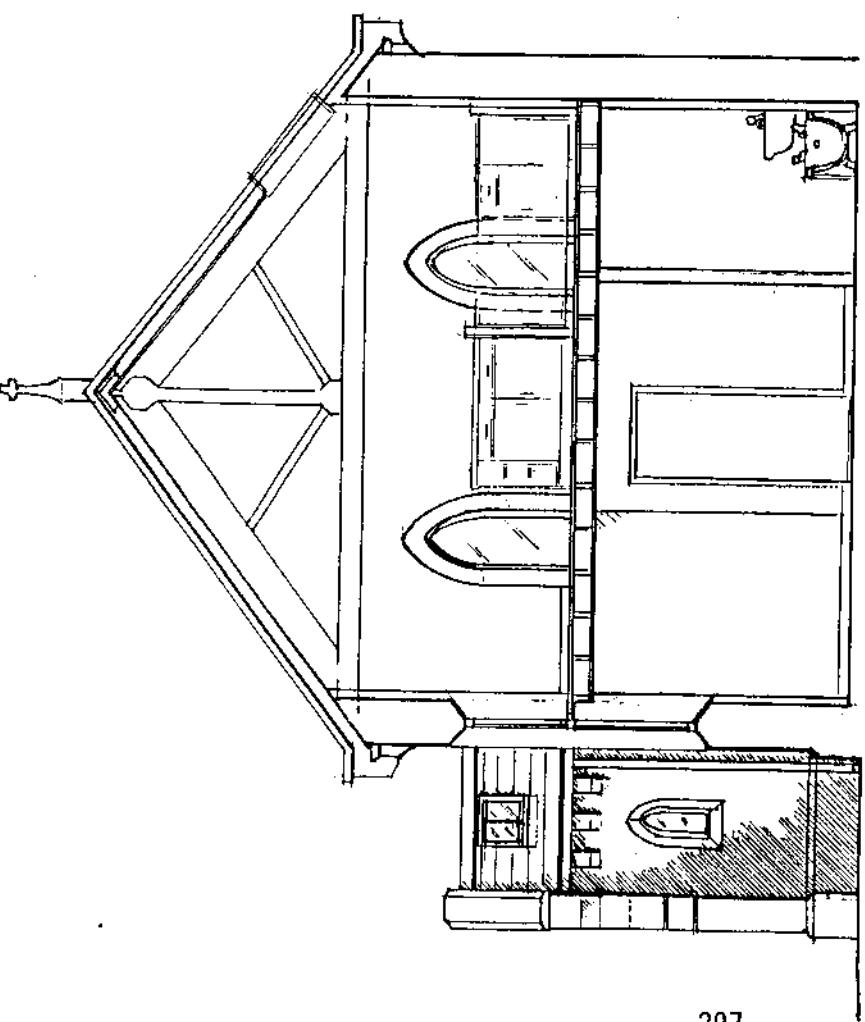
LEGEND: ± = APPROXIMATE
STR = STRUCTURAL

DRAWING NO 3 OF 4 SCALE 1:50

PROPOSED REVISION TO FLOOR LAYOUT IN THE CONVERSION OF WALTON METHODIST CHAPEL TO A HOUSE FOR MR S. JACKSON



NORTH END ELEVATION

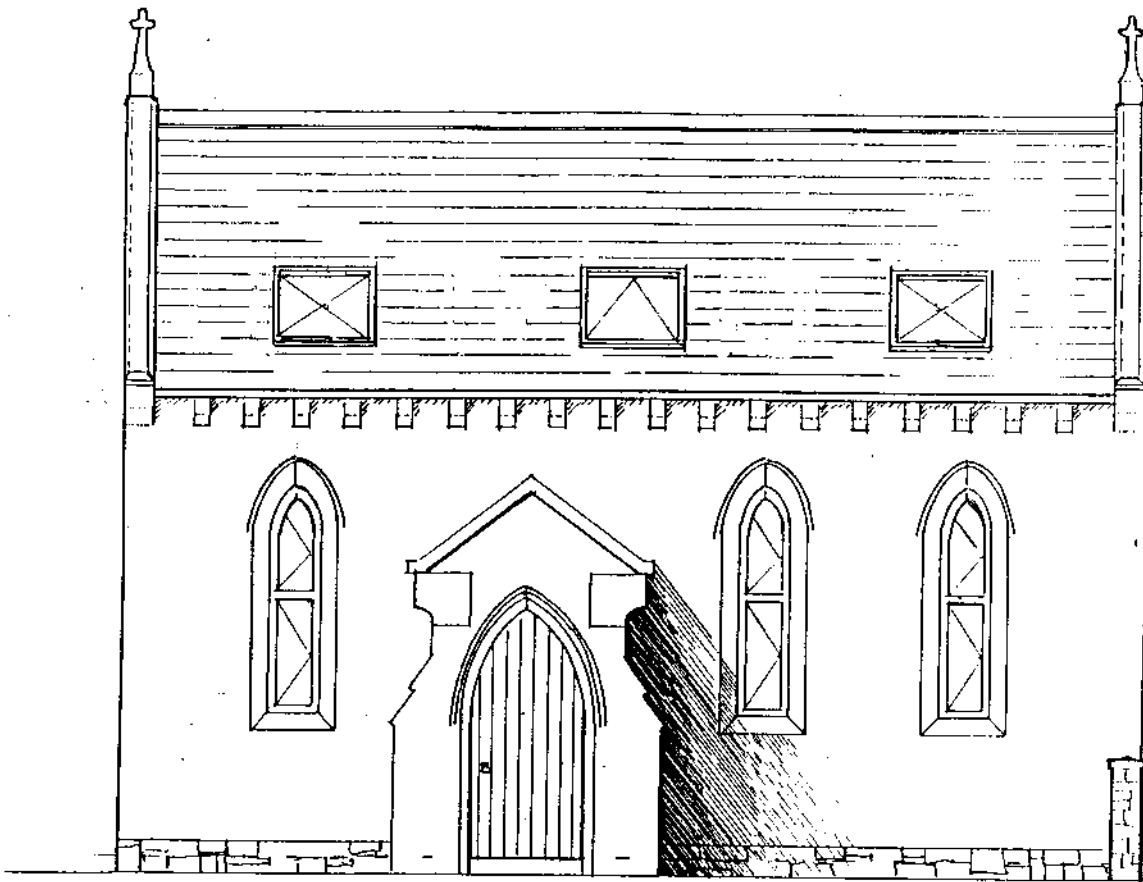


SECTION THRU MAIN BEDROOM LOOKING NORTH

20 OCT 2002
2002/11143

DEVELOPMENT N° 2 OF 4 SCALE 1:50

PROPOSED AMENDMENTS TO APPROVED DRAWINGS REF 2001/0413 RE ROOF LIGHTS & INTERNAL LAYOUT OF CONVERSION OF METROBYST CHAPEL TO A DWELLING HOUSE IN WIMLTON FOR MR S. JACKSON. SEPT. 2002
Gordon Galleywood

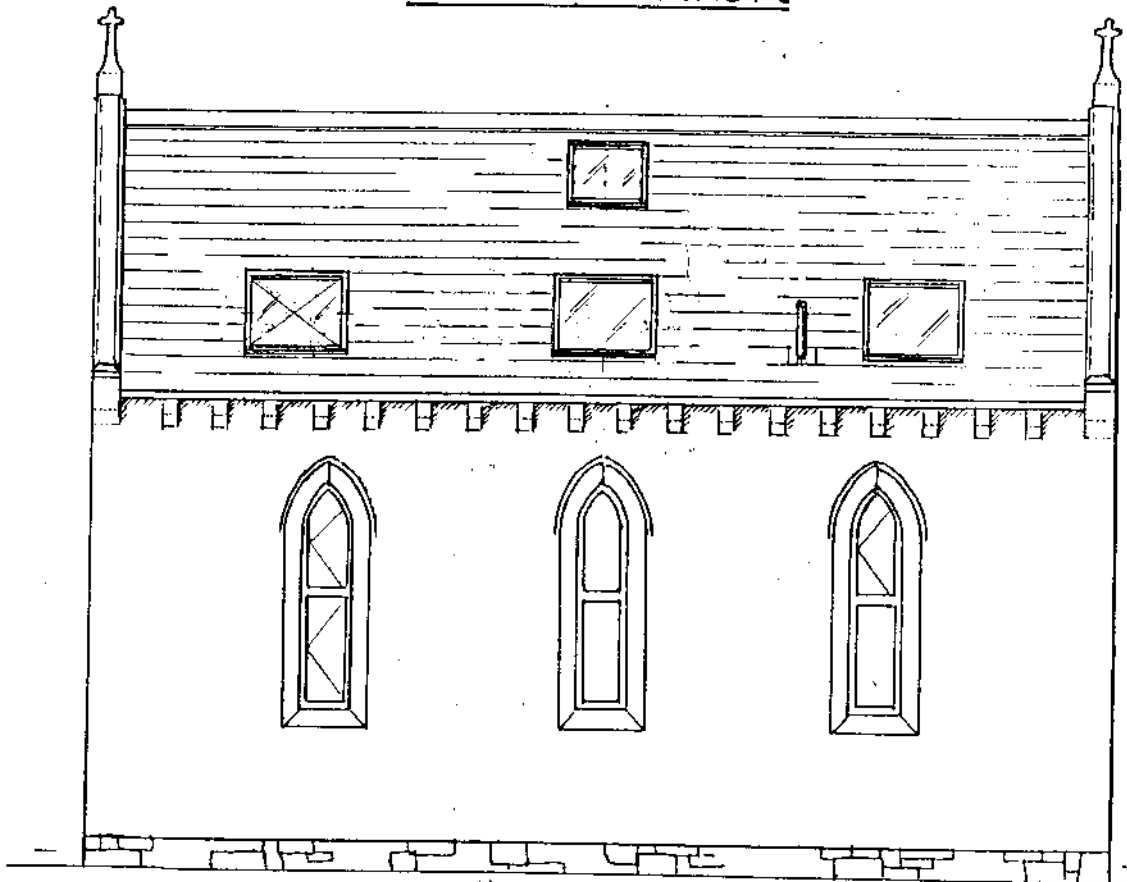


FOR VELUX ROOF LIGHT TYPES & SIZE REFER TO 1ST FL. PLAN.

1st Fl.

Gd Fl.

WEST ELEVATION



3 REDELIGHTS WITHIN 3 METRES OF SW. CORNER TO BE SCREENED SHUT.

FOR VELUX ROOF LIGHT TYPES REF. TO 1ST FLOOR PLAN.

1st Fl.

Gd Fl.

EAST ELEVATION

2002/11/14
 20 OCT 2002

PROPOSED CONVERSION OF METHODIST CHAPEL /
 WALTON NR. BRAMPTON INTO 2 BEDROOM DWELLING
 HOUSE FOR MR. S. JACKSON.
 DRAWING NO. 10 FRONT & REAR ELEVATIONS AS PROPOSED.
 SCALE 1:50

SCHEDULE A: Applications with Recommendation

02/1189

Item No: 34

Date of Committee: 20/12/02

Appn Ref No:
02/1189

Applicant:
Mr R J Van Lierop

Parish:
Carlisle

Date of Receipt:
13/11/02

Agent:

Ward:
Castle

Location:
48 Abbey Street, Carlisle, CA3 8TX

Grid Reference:
339790 555956

Proposal: Interior alterations to form extension to existing wine bar (retrospective)

Amendment:

John

Report

Planning Policies:

Listed Building

The proposal relates to a building which has been listed as being of Special Architectural or Historic Interest.

Conservation Area

The proposal relates to land or premises situated within the City Centre Conservation Area.

Listed Building in a Conservation Area

The proposal relates to a building listed as being of Special Architectural or Historic Interest and which is situated within the City Centre Conservation Area.

Carlisle District Plan Environment - Policy E34

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted.

Carlisle District Plan

SCHEDULE A: Applications with Recommendation

02/1189

Environment - Policy E36

The change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and historical interest of the building and neighbouring properties.

Carlisle District Plan Shopping - Proposal S15

Within the Plan area, proposals for uses within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) will be approved provided that:

1. The proposal does not involve disturbance to occupiers of residential property; and
2. The proposal does not involve unacceptable intrusion into open countryside; and
3. The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
4. Appropriate access and parking can be provided; and
5. Within the City Centre Shopping Area opening hours are restricted to no later than 1.30 am. Here and elsewhere in the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection.

Environmental Services: There is no objection to the principle of this application, but the extension of the wine bar use creates the potential for noise nuisance to nearby residential properties, and in the event of an approval, an appropriate condition should be attached.

Summary of Representations:

This application has been advertised by means of site and press notices, and neighbour notification. No representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

SCHEDULE A: Applications with Recommendation

02/1189

This property has a complex planning history. Up to 1987, it was used for the manufacture and sale of jewellery, with ancillary accommodation. In 1987, planning permission and listed building consent were given for use as a restaurant for up to 58 customers and dwelling. In the mid 1990's, the property was bought by the current applicant and in 1997, an application for internal alterations involving demolition of two internal walls was withdrawn.

In 1999, application 99/0815 and listed building consent were granted for alterations which resulted in the conversion of a small part of the rear of the premises to a wine bar. In September 2001, applications 01/0446 and 0447 for listed building consent and planning permission respectively were approved for the use of the whole of the premises as a wine bar with internal alterations involving the provision of more toilets. A condition attached to this approval stipulated a closure time of 11.30 p.m.

Details of Proposal:

This application, and 02/1190, which follows in the schedule, both relate to the premises at 48 Abbey Street, known as Fat Fingers. The premises are operated as a wine bar, and application 02/1189 seeks retrospective planning permission for the use of a small part on the ground floor, formerly used for residential purposes, as part of the wine bar.

The building is listed, Grade II. It dates from the late 17th century or early 18th century. The building adjoins the former Priory and the left flank wall is built partly on the reduced medieval wall of the priory.

The area in question was formerly a small room at the front of the premises to the right of the door from the street. A separate door provides the main entrance to the bar itself, and the room in question was accessed from an internal passage. A separate stair then led up to the rest of the residential accommodation on the first floor.

The applicant has removed the internal walls so that the room is now part of a larger space. This has been separated from the main area of the wine bar by the erection of a partition wall and the applicant's intention is to install a bar within this area and to operate it as a quiet area separate from the rest of the wine bar.

The proposal raises two sets of issues, related to the use of the building and the impact on its character as a listed building. In relation to the former, the area of the room is modest at 16 m². The first floor still remains a viable unit without it and is of necessity linked to the operation of the wine bar. The impact on the amenity of nearby residents of this change of use is not therefore likely to be great.

From a land use point of view, therefore this proposal would probably be acceptable, but this cannot be separated from the impact of the alterations on the character of the building. In this regard, the effects of the alterations is regarded as detrimental and unacceptable. Not only do the alterations result in the removal of two of the original internal walls of the ground floor, but in so doing, an open area has been created in place of two small spaces, which is alien to the character of the building,

SCHEDULE A: Applications with Recommendation

02/1189

which would have originally been occupied as a house.

The application is therefore recommended for refusal.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

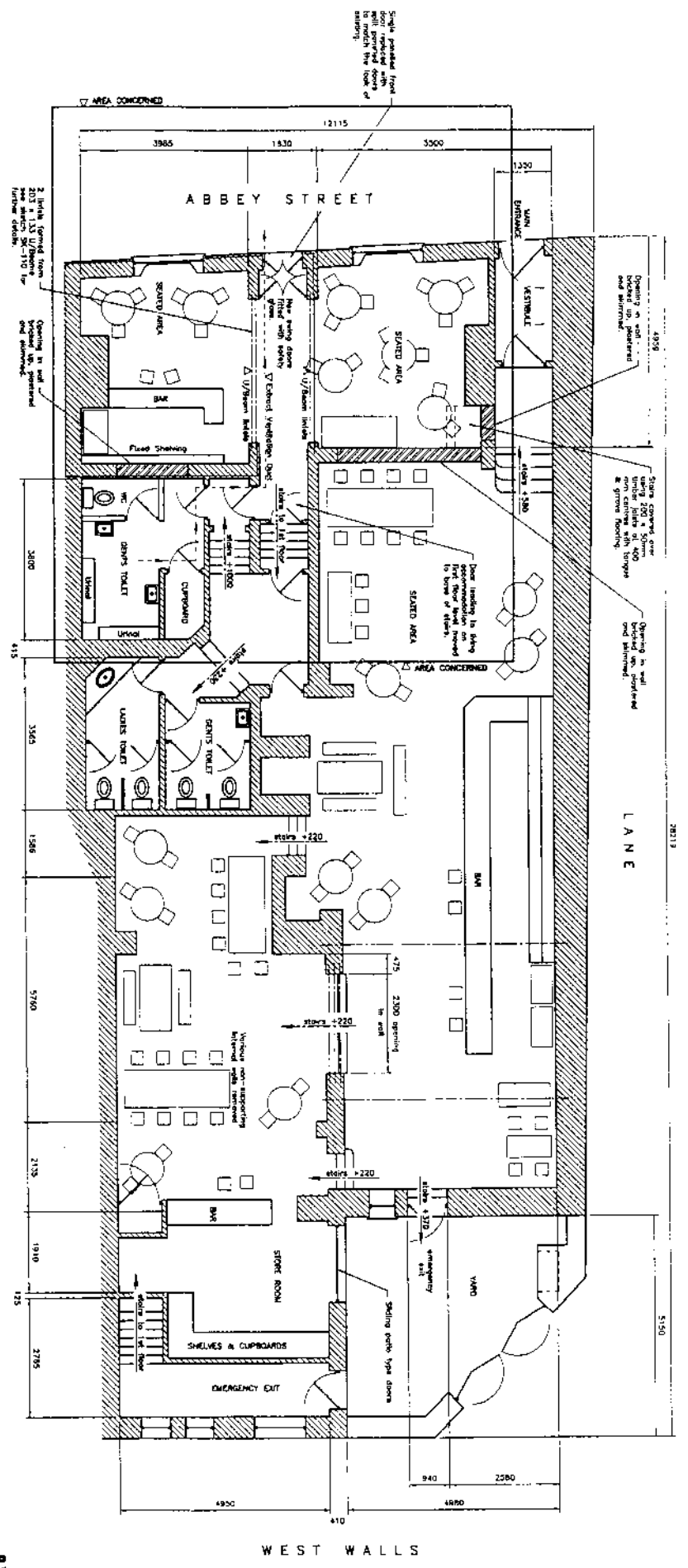
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application has implications for Articles 6 and 7 of the Human Rights Act, which Members will have to consider in reaching a decision.

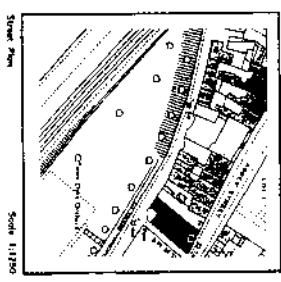
Recommendation: Refuse Permission ✓

- Reason:** The alterations to the building, comprising the removal of two original walls and the erection of a new partition wall, constitute the removal of a significant part of the original fabric of the building which damages its integrity and character and is contrary to policy E34 of the Carlisle District Plan.
- Reason:** As a result of the removal of the internal walls, an open area has been created running across the frontage of the building. This has destroyed part of its original plan form, and has therefore had a damaging effect on its character, contrary to policy E34 of the Carlisle District Plan.

Supp Sched all pages 48-50
obj assess



PLAN VIEW PROPOSED

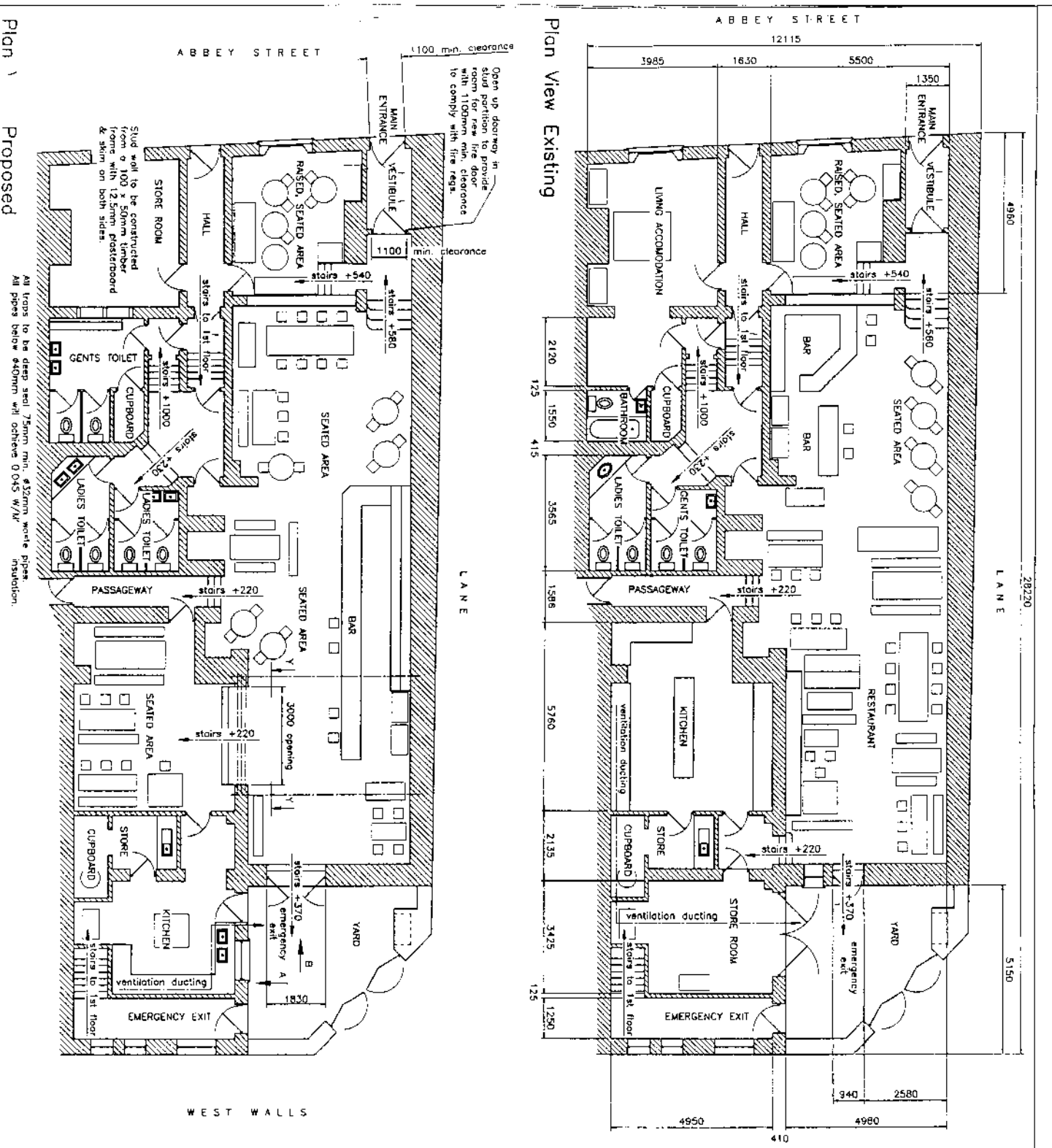


For floor plan of existing space see drawing number SW/7/1
 This drawing is to be read in conjunction with sheets SW-110

PROPOSED MINOR, GROUND FLOOR ALTERATIONS TO FORM A
 NEW CAFE BAR.
 MR J VAN DEROP, FAT FINGERS, 48 ABBAY STREET, CARLSLE
 CA3 BTX PH.(01228) 511774

OCTOBER 2002 SCALE 1:50 U.O.S. EXT-110-A

RECEIVED
 13 NOV 2002
 Dept. 1189



EXISTING

The construction of the ground floor of the building shall be completed in accordance with the Building Regulations 1985 and the Building Regulations 1988. The building shall be constructed in accordance with the Building Regulations 1985 and the Building Regulations 1988. The building shall be constructed in accordance with the Building Regulations 1985 and the Building Regulations 1988.

PROPOSED

The proposed alterations to the building shall be completed in accordance with the Building Regulations 1985 and the Building Regulations 1988. The proposed alterations shall be completed in accordance with the Building Regulations 1985 and the Building Regulations 1988.

RECEIVED

13 MAY 1999

.../...

PLAN VIEWS OF GROUND FLOOR
 PROPOSED ALTERATIONS (IN ORDER TO HOLD 230 PEOPLE)
 MR. A. VAN UERPOPE, PARTNERS, ABBEY STREET, CARLISLE, CA2 3JX

SEPT. 1999 SCALE 1:50 U.O.S. XT/21/1

SCHEDULE A: Applications with Recommendation

02/1190

Item No: 35

Date of Committee: 20/12/02

Appn Ref No:
02/1190

Applicant:
Mr R J Van Lierop

Parish:
Carlisle

Date of Receipt:
13/11/02

Agent:

Ward:
Castle

Location:
48 Abbey Street, Carlisle, CA3 8TX

Grid Reference:
339790 555956

Proposal: Removal of 2no. internal walls to create additional bar area and bricking up of existing openings (LBC) (retention of works already carried out)

Amendment:

John

Report

Planning Policies:

Listed Building

The proposal relates to a building which has been listed as being of Special Architectural or Historic Interest.

Conservation Area

The proposal relates to land or premises situated within the City Centre Conservation Area.

Listed Building in a Conservation Area

The proposal relates to a building listed as being of Special Architectural or Historic Interest and which is situated within the City Centre Conservation Area.

Carlisle District Plan Environment - Policy E34

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted.

SCHEDULE A: Applications with Recommendation

02/1190

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection.

Environmental Services: No further comment.

Conservation Area Advisory Committee: The alterations damage the character of the building and are unacceptable.

Summary of Representations:

This application has been advertised by press and site notices and neighbour notification. One letter has been received, which objects to the erection of the partition wall.

Details of Proposal/Officer Appraisal:

Planning History:

This property has a complex planning history. Up to 1987, it was used for the manufacture and sale of jewellery, with ancillary accommodation. In 1987, planning permission and listed building consent were given for use as a restaurant for up to 58 customers and dwelling. In the mid 1990's, the property was bought by the current applicant and in 1997, an application for internal alterations involving demolition of two internal walls was withdrawn.

In 1999, application 99/0815 and listed building consent were granted for alterations which resulted in the conversion of a small part of the rear of the premises to a wine bar. In September 2001, applications 01/0446 and 0447 for listed building consent and planning permission respectively were approved for the use of the whole of the premises as a wine bar with internal alterations involving the provision of more toilets. A condition attached to this approval stipulated a closure time of 11.30 p.m.

Details of Proposal:

This is the second of the two applications relating to 48 Abbey Street. 02/1190 seeks listed building consent to retain works carried out at the premises. These comprise the removal of the two internal walls on either side of the passage from the front door to create a single, large space, the erection of a partition wall, and blocking up a doorway to separate the front position of the premises from the rest of the wine bar to the rear, and provision of new split panelled front door and internal swing doors, and provision of a bar.

The effect of the alterations is to create a single open space at the front of the building. This has been surfaced with quarry tiles. The two walls which have been removed are part of the original fabric of the building, and the alterations therefore have a significant impact on the character of the building. Not only does this mean that two significant walls, part of the original building which was built as a house,

SCHEDULE A: Applications with Recommendation

02/1190

have been lost, but a large open area running across the front of the building, alien to its character has been created. The changes are therefore considered to be unacceptable.

If this proposal had been submitted prior to its implementation, it would simply have been recommended for refusal. The fact that the works have been implemented does not make them any more acceptable, and in the process, the listed building has been irretrievably damaged because it is not possible to reinstate the original walls. Approval of this application would give the impression that the owner of a listed building may get away with damaging it if the statutory procedures are ignored.

The application is therefore recommended for refusal, and the issues arising from the implementation of the works prior to any consultation or application are examined in a separate report in part B of the agenda.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This case raises issues under Articles 6 and 7 of the Human Rights Act. Members need to consider these in coming to a decision.

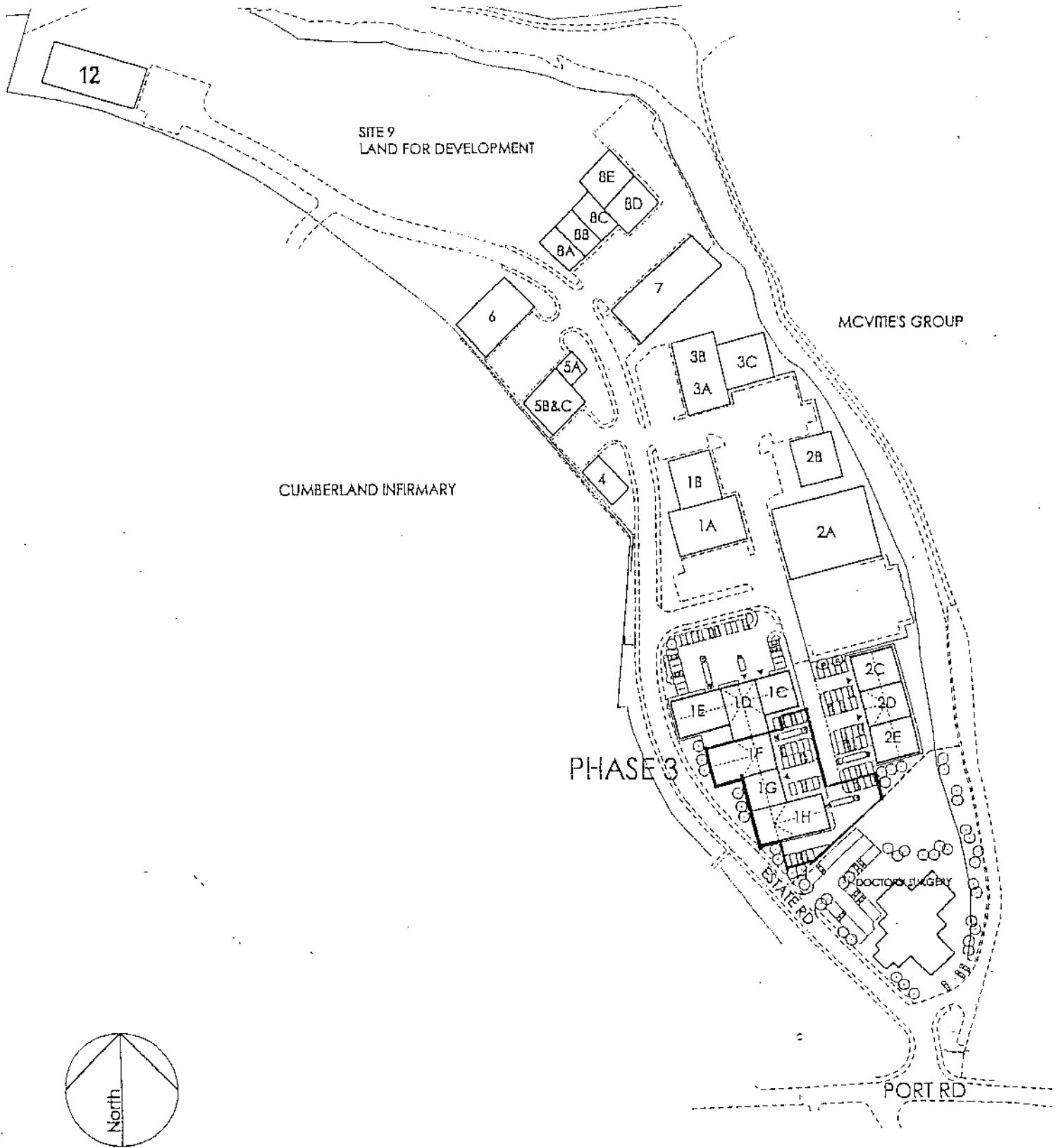
Recommendation: Refuse Permission

- Reason:** The alterations to the building, comprising the removal of two original walls and the erection of a new partition wall, constitute the removal of a significant part of the original fabric of the building which damages its integrity and character and is contrary to policy E34 of the Carlisle District Plan.
- Reason:** As a result of the removal of the internal walls, an open area has been created running across the frontage of the building. This has

SCHEDULE A: Applications with Recommendation

02/1190

destroyed part of its original plan form, and has therefore had a damaging effect on its character, contrary to policy E34 of the Carlisle District Plan.



PORT ROAD BUSINESS PARK PHASE 3

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ARCHITECTS



Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
 Carlisle 01228 515144 Annan 01461 205463 Fax Number 01228 515033 e mail ap@architects-plus.co.uk

2002/1221

SCHEDULE A: Applications with Recommendation

02/1221

Item No: 36

Date of Committee: 20/12/2002

Appn Ref No:
02/1221

Applicant:
Carillion Construction Ltd

Parish:
Carlisle

Date of Receipt:
21/11/2002

Agent:

Ward:
Castle

Location:
Units 1H, 1G and 1F - Port Road Business Park,
Carlisle, Cumbria, CA2 7AF

Grid Reference:
339058 556087

Proposal: Use of premises as non-residential education centre for Construction Industry Training Centre.

Amendment:

Angus

Report

Planning Policies:

Carlisle District Plan Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Carlisle District Plan Employment - Proposal EM17

When considering proposals for new employment related development, including extensions, where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to, from and within buildings.

Carlisle District Plan Transport - Proposal T7

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Summary of Consultation Responses:

Summary of Representations:

This application has been advertised by means of a site notice. At the time of writing this report, no representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

Planning permissions were granted for development to existing buildings on the site, including a vehicle service station and extension to a depot to provide a boiler house and chimney.

Outline planning permission was granted for the use of land for industrial , housing and retail development on 25 October 1985, under application reference 85/0622.

More recently, an application for reserved matters was granted for the erection of industrial and warehouse units (Use Class B1, B2 and B8) on 27 September 2001, under reference 01/0556.

Details of Proposal:

This application relates to a series of industrial units, comprising a total floorspace of 1080 sq metres, located to the immediate north of the existing doctor's surgery which forms the entrance to the Port Road Industrial Estate. The submitted forms are accompanied by a letter explaining that:

- a) The applicants train young apprentices, including the unemployed, in construction methods;

- b) Have 14 colleges located throughout the UK and work closely with the Construction Industry Training Board (CITB) to ensure that training meets with local and national needs of the industry;
- c) In regard to Carlisle the applicants have contacts with the CITB and Cumbria Learning and Skills Council based in Workington;
- d) The applicants will be recruiting 5 full time staff immediately and a further 2 during 2003. On average 70 students will be based at the application site. There will be a maximum of 10 cars parked within the premises and one delivery of construction materials such as sand and cement. The primary activities would be bricklaying and timber-work.
- e) It is intended that the contract will begin in January 2003.

In considering this application and the policies of the Local Plan it is felt that Members have to balance between the potential loss of floorspace allocated for employment use and amenity of residential neighbours against the social and economic benefits of such a training facility. In such circumstances it is felt that the following points need to be kept in mind:

- i) The Port Road Industrial Estate already contains a variety of uses outside of Use Classes B1, B2 and B8. In effect the proposed education centre is different but not necessarily inappropriate. The proposed use, however, falls within Use Class D1 which covers a wide variety of purposes which Members may wish to control at a later date.
- ii) The adopted parking standards indicate that such a facility would need 1 space per 3 members of staff and 1 space per 5-10 students i.e. upto a total of 17/18 spaces. Whilst this total is above that indicated by the applicants, it is evident that the submitted layout plan shows a total provision of over 20 spaces.
- iii) In the context of the existing industrial estate, and the likely levels of use, the proposal should not harm the amenities of any neighbours.

In light of the foregoing the proposal is recommended for approval.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority

to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

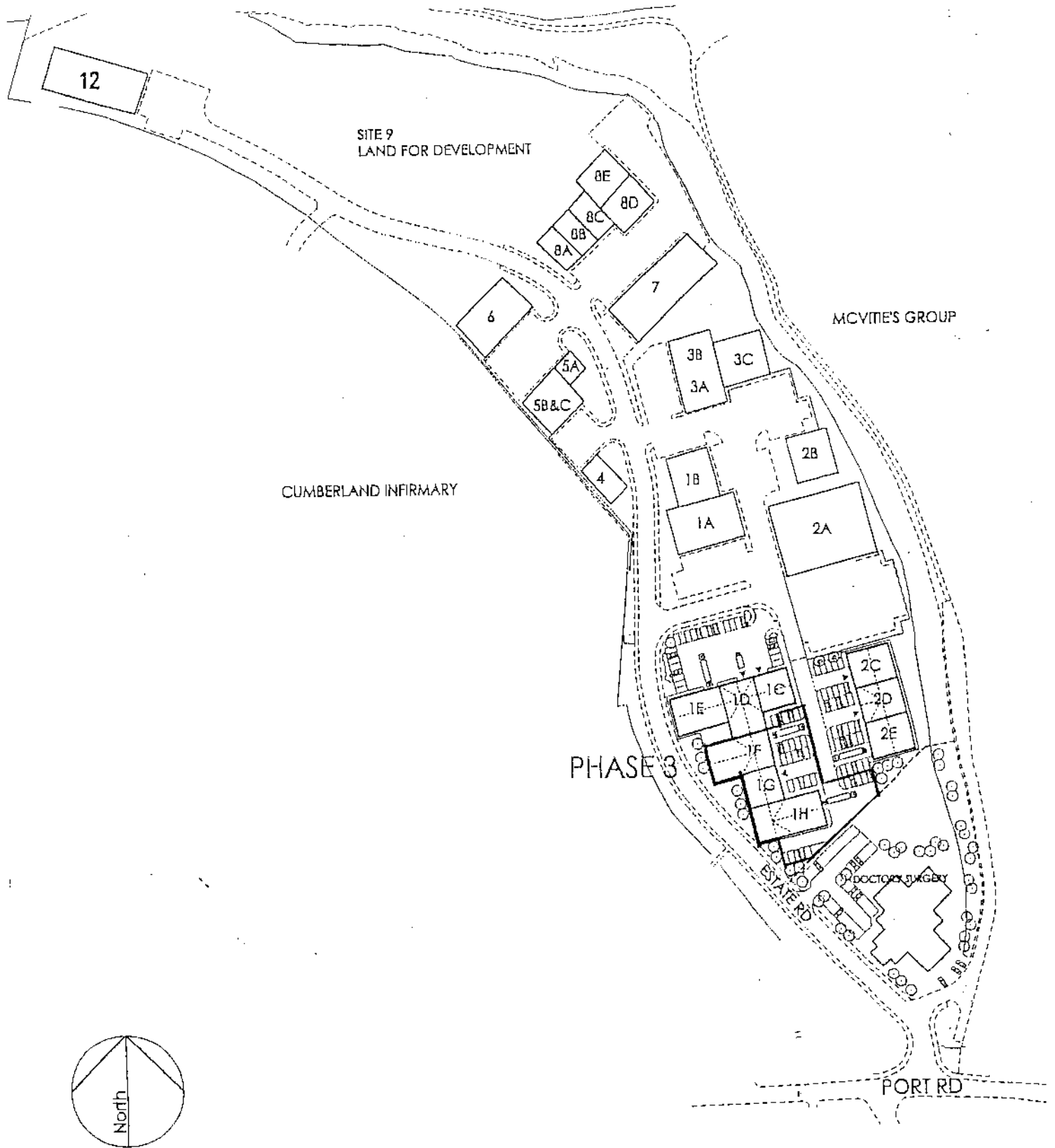
Recommendation: Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. The premises shall be used for an education centre and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.



PORT ROAD BUSINESS PARK PHASE 3

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ARCHITECTS



Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
 Carlisle 01228 515144 Annan 01461 205463 Fax Number 01228 515033 e mail ap@architects-plus.co.uk

2052/1221

SCHEDULE A: Applications with Recommendation

02/1261

Item No: 37

Date of Committee: 20/12/02

Appn Ref No:
02/1261

Applicant:
Mrs H Y J Kwok

Parish:
Carlisle

Date of Receipt:
29/11/02

Agent:

Ward:
Castle

Location:
49-53 Blackfriars Street, Carlisle

Grid Reference:
340106 555753

Proposal: Variation of condition 2 of Planning Application Ref 2002/0978 to allow the fast food takeaway and restaurant to trade on weekdays and Saturday from 9.00 to 23.00, Sunday from 9.00 to 22.30 and statutory holidays from 9.00 to 22.30

Amendment:

Report

Planning Policies:

Conservation Area

The proposal relates to land or premises situated within the City Centre Conservation Area.

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan Shopping - Proposal S15

Within the Plan area, proposals for uses within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) will be approved provided that:

1. The proposal does not involve disturbance to occupiers of residential property;

SCHEDULE A: Applications with Recommendation

02/1261

and

2. The proposal does not involve unacceptable intrusion into open countryside; and
3. The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
4. Appropriate access and parking can be provided; and
5. Within the City Centre Shopping Area opening hours are restricted to no later than 1.30 am. Here and elsewhere in the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Environmental Services: Comments awaited.

Cumbria Constabulary - Crime Prevention: Comments awaited.

Summary of Representations:

This application has been advertised by means of a site notice, a press notice and letters to the occupants of eight of the neighbouring properties. At the time of writing this report, no representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

Advertisement consent was refused in 1978 for the erection of an illuminated projecting sign.

Planning permission was granted for a change of use from a vacant shop (A1) to fast food takeaway and restaurant (A3) and installation of cookerhood and chimney with first floor flat above, on 15 November 2002, under reference 02/0978.

Details of Proposal:

This application seeks full planning permission for the change of use of the building at 49 - 53 Blackfriar's Street, Carlisle. The site is located on a small side street leading to the rear of the Crown and Mitre Hotel. The premises is situated opposite

SCHEDULE A: Applications with Recommendation

02/1261

the rear entrance to the Tesco store and is within the City Centre Conservation Area.

The application seeks permission for a variation of condition number 2 attached to planning permission 02/0978 to allow a variation in the proposed opening hours. The condition states:

"The premises hereby permitted shall not commence trading before 1200 hours or remain open for business after 2300 hours on weekdays and Saturdays; or before 1700 hours and remain open for business after 2230 hours on Sundays and shall not trade at any time on statutory holidays."

The reason given states:

"To prevent disturbance: nearby occupants."

2300

The applicant currently proposes to trade between the hours of 0900 until 2230 hours Mondays to Saturdays and 0900 until 2230 hours on Sundays and statutory holidays.

In consideration of this planning application Policy S15 of the Local Plan is most relevant. Within the Plan area, proposals for restaurants and take aways will be approved provided that the proposal does not involve disturbance to occupiers of residential property.

Within the City Centre Shopping Area opening hours are restricted to no later than 1.30 am. Here and elsewhere in the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas. There are no residential properties in the vicinity. However, the Central Plaza and the Crown and Mitre Hotels are close to the application site but it is not considered that any residents would be adversely affected should permission be granted. It is important to note in the consideration of this application, that the proposal involves the premises opening earlier and on statutory holidays, rather than later in the evening.

Although the site is within the City Centre Conservation Area, no alterations are proposed to the frontage of the building. In this regard, it is not considered that there is any conflict with the policy objectives of Policy E43.

The principle of restaurants and hot food take aways are established city centre uses. Whilst the objections received are lengthy, most of the issues are not material planning considerations. In all other respects, the proposal is considered acceptable.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

SCHEDULE A: Applications with Recommendation

02/1261

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

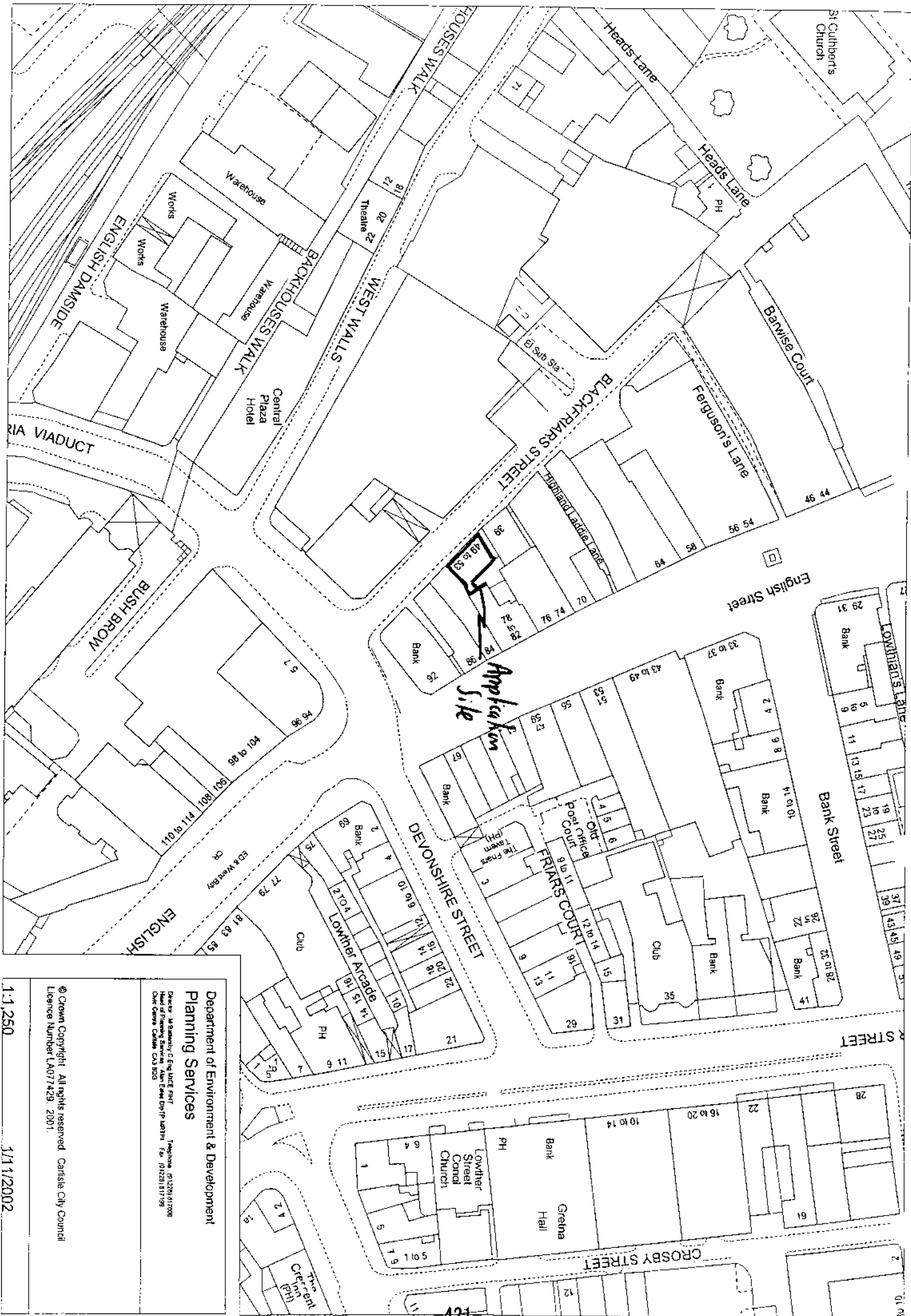
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.



**Department of Environment & Development
Planning Services**

Director, M. Barnard, c/o Eng. MICE PHIT
 10th Floor, 100, The Quadrant, Carlisle, Cumbria, CA1 1JG
 Date: 09/04/2002
 Tel: 01273 817195 Fax: 01273 817196

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SCHEDULE B

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SCHEDULE B

SCHEDULE B: Reports Requiring Further Information

01/1168

Item No: 38

Date of Committee: 20/12/02

Appn Ref No:
01/1168

Applicant:
AWG Developments
(Commercial) Ltd

Parish:
Wetheral

Date of Receipt:
18/12/01

Agent:
The DEWJOC Partnership
Chesterfield

Ward:
Botcherby

Location:
Car Auction Mart and Adjacent Land Between
Montgomery, Way and M6 Motorway, Carlisle,
Cumbria

Grid Reference:
343000 555600

Proposal: Redevelopment of Car Auction Building and Adjacent Land for Mixed Use Development Incorporating Class B1 (Business); Class A3 (Food & Drink); an Hotel (Class C1); a Day Nursery (Class D1); and a Health and Fitness Centre(Class D2) (Outline Application)

Amendment:

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 3

The diversification of the rural economy and the maintenance of the vitality of rural life will be assisted through a favourable response to developments which provide local benefits and are sensitive to the local environment.

Cumbria & Lake District Joint Structure Plan Policy 4

The quality of the environment within and around towns will be upgraded for the benefit of residents, visitors and the local economy by high standards of design for

SCHEDULE B: Reports Requiring Further Information

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new development, by improvements to existing buildings, ground surfaces and spaces, and by measures to reduce the impact of traffic.

Cumbria & Lake District Joint Structure Plan Policy 6

The City of Carlisle's sub-regional role as a centre of business, commerce, shopping and tourism will be fostered by the modest acceleration of past rates of development.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Cumbria & Lake District Joint Structure Plan Policy 33

Sufficient employment land will be provided to ensure that in each District, subject to Policies 39 and 41 there exists at any one time a minimum of a five year supply of readily available land in each of the following market sectors:

- i business park
- ii strategic employment site
- iii local employment site

Cumbria & Lake District Joint Structure Plan Policy 35

Expansion of existing industry on to land adjacent to existing industrial premises will normally be permitted subject to appropriate safeguarding of amenity, public safety and the environment.

Cumbria & Lake District Joint Structure Plan Policy 36

Development will not normally be permitted where there is insufficient capacity in the service or transport infrastructure. Permission may be granted where satisfactory improvements can be made at the developer's expense.

Cumbria & Lake District Joint Structure Plan Policy 45

The long-term viability and vitality of the major town centres of Carlisle, Workington, Whitehaven, Barrow-in-Furness, Kendal and Penrith will be secured through the promotion and favourable consideration of proposals:

- i for new and redeveloped shopping floor space, especially for comparison durable goods,
- ii for new professional, finance, leisure and tourism services and facilities,
- iii which create a safer and more attractive environment where pedestrians and cyclists have priority,
- iv which improve access by public transport, provide delivery facilities and appropriate car parking, and
- v which enhance the appearance and distinctive character of the centre.

Carlisle District Plan Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Carlisle District Plan Environment - Policy E1

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless;

1. There is an overriding need for the development; and
2. There is insufficient land of a lower grade available; or

3. Available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.

Carlisle District Plan Environment - Policy E6

Within Areas of Landscape Improvement, the City Council will encourage landscape improvement schemes. Permission will not be given for development which adversely affects the open character of the areas. Development of open space recreational uses such as golf courses and playing fields which retain their essential open nature will be acceptable. In addition small scale development within or adjacent to established farmsteads and other groups of buildings, together with buildings associated with and required for the use of the area for open recreational uses will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the amenity of neighbouring property; and
3. There is no unacceptable adverse effect on the character and appearance of the surrounding area; and
4. Where appropriate satisfactory access and car parking can be achieved.

Summary of Consultation Responses:

Highway Authority: Members will know from previous Reports that were brought before the Committee (most recently on 12th July) that no definitive response to consultation had been received from the Highway Authority in respect of these proposals and that a Study had been commissioned by Cumbria CC from Capita in relation to the Warwick Road/ A69 corridor. That Study was expected to inform the Highway Authority's observations on this application and the application made by Tesco to extend their Rosehill store.

The Study itself was received by Planning Services on 5th July attached to a letter which stated it "*would have a bearing on the Highway Authority's future responses on planning applications which may have a significant impact on the highway network...at this location (Warwick Road)*". The Highway Authority was written to at the end of July referring to the receipt of a copy of the Study and asking for clarification of that Authority's definitive responses to the two specific planning proposals. A reply dated 23rd August referred back to an earlier letter from the Highway Authority (dated 30th May) and acknowledged that the comments within that letter had been made without the benefit of the Study but that it it now had been established within the Study that "*there is negligible spare highway capacity at the existing junction signals (at Montgomery Way/Tesco and at Eastern Way) for*

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additional traffic and therefore significant highway improvements were needed at both junctions and along Warwick Road to accommodate traffic from new developments." With regard to the Borderway Mart application the letter confirmed the Highway Authority's position "that the applicant should identify appropriate measures to mitigate against the detrimental impact of the traffic generated by the proposed development on the highway network and these measures be agreed by both the Local Planning and Highway Authorities prior to the grant of planning permission".

That letter was forwarded to the Agent acting for the applicants so that they could initiate a dialogue with the Highway Authority to ascertain precisely what improvements would be pursued. Additionally, the Highway Authority was asked to provide details of the provisions they would want covering by way of planning conditions. Their response, e-mailed, stated that Authority *"would prefer measures to be agreed prior to the granting of planning consent in order that the measures could be identified within the conditions"*.

At the time this Report was prepared (17th September) there had been no further response from either the applicant or the Highway Authority although it is understood that the applicants' traffic consultants have asked Capita to undertake further traffic generation analysis to seek to establish what junction improvement works would be necessary;

Wetheral Parish Council: the PC has expressed serious concerns in the past regarding traffic impact on the A69/Warwick Road for the extension of commercial enterprises in the area. With this ambitious project there is a need for traffic impact assessments to both the A69/Warwick Road junction and the Park Road junction. Since the Car Auction moved to its present site there has been and still are serious traffic issues. Parking on the roadside verges and testing cars on Park Road and Scotby are the prime ones. With a proposed hotel, day nursery and health and fitness centre there are concerns regarding sufficient parking facilities and traffic impact on the two roads in question;

Environment Agency: a number of comments are made relating to the proximity to Wash Beck and the need for the applicants to be satisfied with regard to any potential flooding arising from flood events downstream of the site and to consider ground levels accordingly. There is also a need for a full drainage strategy and surface water run-off should be restricted to existing rates. The Agency has recommended that 4 planning conditions be imposed if approval is granted;

Cumbria County Council (as Strategic Planning Authority): a Report was considered at the County's Development Control and Regulation Committee on 30th May. It was resolved that no strategic objection be made subject to the Highway Authority being satisfied that the proposal can be satisfactorily accommodated within the highway network;

Highway Agency (Trunk Road Authority): the Agency is concerned at the potential impact the proposed development will have on the A69 and M6 junction 43. The developers have provided a Transport Assessment to demonstrate whether or not the traffic generated by the development will have a detrimental effect on the

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trunk road network. That was provided to the Agency in January. In addition, Cumbria CC has commissioned a Study of the Warwick Road/A69 corridor although it seems the Highway Agency has only recently been made aware of that Study.

Following recent meetings between the developers and the Highway Agency staff, however, further analysis of the future predicted flows from the development has been requested so that the future performance of the M6/A69 junction and approaches to it and from it can be assessed. The Highway Agency has indicated that it is hoped that the outstanding information will be provided in time for their staff to assess it and can respond prior to the Committee meeting.;

Head of Environmental Services: no adverse comments in general although consultation may be required with the developer to discuss how the nearest residential accommodation will be safeguarded from any additional noise generated on the site, both during and after development;

Cumbria County Council (Archaeological Services): the site is within an area of potential archaeological interest. Prehistoric settlement has been identified at Durranhill and a number of prehistoric and medieval finds have been reported from Scotby and Botcherby. The topography of the green field within the application site does not appear to have been significantly affected by the construction of the M6 motorway. Consequently, this part of the application site has potential archaeological interest particularly for the survival of previously unrecorded prehistoric activity.

In this instance there is no objection to the evaluation works being undertaken as a condition of any planning consent that may be given with the evaluation being secured through the model condition set out in PPG16;

Design Services (Drainage): there is sufficient spare capacity in the foul system in Montgomery Way to accept foul flows but surface water discharges to the public sewer in Montgomery Way should not exceed existing rates of flow. Some form of attenuation and flow control will therefore be needed unless an alternative of direct discharge to Wash Beck can be agreed with the Environment Agency;

Council for the Preservation of Rural England: no comments on the principles of development and note the site is constrained by the M6 and Montgomery Way but make several comments in relation to landscape details. These include the perception that elements of the layout (restaurant and health and fitness centre) are in the most prominent part of the site and should be re-sited The layout is also considered to be unduly dispersed within large areas of car parking and note the need for greater landscaping to boundaries;

Cumbria Constabulary: no objections but a number of observations made in relation to crime statistics in the locality and the issues that the applicants should address when formulating detailed proposals, such as the adoption of the "Secured by Design" principles within parking areas.

Summary of Representations:

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The application has been advertised using Site and Press Notices and direct notification to adjacent occupiers. Two letters have resulted from these actions. One is an objection from Planning Consultants acting on behalf of Shire Hotels Ltd, the operators of the North Lakes Hotel at Junction 40 of the M6 who maintain that the proposals are contrary to advice within PPG6 with regard to the Leisure element, would compete with their premises and may prejudice the implementation of the planning approval for a mixed use scheme including leisure uses within the City Centre (presumably Botchergate).

The other letter is from a local business based at Rosehill which, whilst not opposed to the application, wishes to be satisfied that potential traffic impact is fully examined and any necessary improvements to the road system and traffic lights are implemented before major expansion of the estate takes place.

Details of Proposal/Officer Appraisal:

Planning History

Members will be generally familiar with the overall development of Rosehill Estate and the presence within it of the Borderway Mart. This application includes the building originally used for haulage and external lairage but which secured planning approval in 1999 for, and was later used as, a Vehicle Auction Mart.

Details of Proposal:

Members will know that a Report on this application was included within the Planning Schedule at the meeting of the Committee that took place on 14th June and subsequently at the meeting held on 12th July. However, it was resolved that:

"Consideration be deferred in order to await the responses to consultation with the Highway Authority and Highway Agency and to await a further report on the application at a future meeting of the Committee."

A further Report was included within the Planning Schedule considered by the Committee on 4th October but again Officers had to advise that detailed responses from the relevant Highway Authorities were still awaited. Accordingly it was resolved that the application be deferred but in view of the delays being caused it may be appropriate for a Special Meeting of the Committee to be convened *"when full and comprehensive responses are received"*.

It will be recalled that the application seeks Outline Consent for the re-development of a 4.37 hectare area of land comprising the site of the existing vehicle auction mart and adjacent land to its north-east for the mixed use scheme described above (see location plan). The land is owned by the H & H Group who also operate the adjacent Borderway Mart and lairage to the north-west.

Part of the proposed development site, less than half in total, is within the area allocated at Rosehill within the District Local Plan as a Primary Employment Area (PEA) but the bulk of it (the area extending eastwards to the motorway embankment) comprises open pasture land. The greater part of that eastern section

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is identified as amongst the "Best and Most Versatile Agricultural Land" in the District Plan Proposals Map. Moreover, all of the area outside the PEA allocation is identified as a "Landscape Improvement Area" in the District Plan.

Although in Outline, the application is supported by an indicative layout plan showing the disposition within the site of the following elements:

- a part 3 storey and part single storey 80 bed hotel with conferencing facilities and restaurant linked to.....
- a 2787 sq. m. (30,000 sq. ft.) floorspace health and fitness centre
- a 464 sq. m. (5,000 sq. ft.) freestanding restaurant unit adjacent to the junction of Montgomery Way with the back Scotby Road
- a 464 sq. m. (5,000 sq. ft.) day nursery unit, again freestanding
- 3 no. office pavilions, two 4 no. storeys high each containing 3716 sq. m. (40,000 sq. ft.) floorspace and 1 no. 2 storey pavilion with 1858 sq. m. (20,000 sq. ft.) floorspace

The restaurant, hotel and fitness centre buildings relate to the two road frontages to the west and south while the day nursery and office pavilions are shown set within very extensive landscaped open areas that are intended to be formed.

Vehicular access to the overall site would be from the north-western end of the road frontage onto Montgomery Way and approximately 530 parking spaces would be provided to serve the developments.

The indicative layout has been modified from an earlier version that was less cohesive with significant elements that extended close to the more landscape sensitive eastern margins. Similarly, it included another 10,000 sq. ft. floorspace restaurant (now omitted); showed one office unit being 5 storeys in height and the other two both 3 storeys; the hotel was in a different location (adjoining the M6) and was 4 storeyed; and the health and fitness centres was likewise shown close to the motorway but was slightly smaller (25,000 sq. ft.).

The landscape impact that the original layout would have clearly caused was a concern to both this Authority and Cumbria CC (as Strategic Planning Authority) who undertook a landscape assessment as part of that Authority's consideration of the proposals. Similar concerns were expressed by the CPRE and the applicants have responded to those concerns by the submission of the revised layout and a related landscape appraisal/landscape framework drawing. These changes are considered to be sensible and beneficial in that the modified disposition of buildings and associated car parking areas is better related to the neighbouring development and secures about a third of the site will be not built upon but be available to assist in the the creation of a substantially landscaped Business Park at an excellent location.

The application is supported by a detailed Planning Statement that explains how the development concept has been evolved between the applicants, the land owners (H & H Group), their advisors and Officers. The proposals emerge as a key element of the landowner's strategy for recovery from the Foot and Mouth Epidemic and the related agricultural re-structuring that has been necessitated within the agri-business economy and especially H & H's core business at the Livestock Mart at Rosehill

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which has in the 12 months lost to livestock sales through FMD been denied circa £85m throughput from livestock sales.

The development proposals are regarded as essential to ensure the long term future of, and related necessary further investment in, the Livestock Mart and other operations on the retained land which the H & H Group occupy to the north-west of the application site. The proposals are central to the Company's commitment to remain at Rosehill and to restore the Livestock Mart to its pre-eminent role as Europe's largest single site Auction Mart. The Car Auction would be re-located to within other surplus buildings in the retained land so no jobs would be lost through removal of that aspect from the site whilst the proposed development itself, with 100,000 sq. ft. of B1 floorspace and related employment in the hotel/leisure/day nursery/restaurant uses, will potentially provide a significant amount of new employment opportunities.

The submission also includes a Transport Impact Assessment and that has been forwarded to the Highway Authority and Highways Agency (both January 2002) for their consideration and response. The TIA concludes that the development will bring about an increase in traffic in the vicinity of Montgomery Way and that, for the most part, this traffic can be accommodated on the local road network. An exception is at Warwick Road where current levels of congestion could be exacerbated by the addition of development traffic. No mitigation measures are proposed although the applicants have been awaiting the production of a traffic study of the A69/Warwick Road corridor which Cumbria CC has commissioned from Capita dbs but has not met the expected delivery timetable, in order that they can be guided by that Study in formulating mitigation measures. The applicants have, nonetheless, committed in correspondence their *"willingness to contribute financially to appropriate works on the A69. The extent of the financial contribution would be subject to appropriate limits and conditions. In this regard, it is suggested that any contribution would be in proportion to the ratio of the proposed site generated traffic on the A69 as a fraction of the existing traffic on the A69"*.

In policy terms the overall site is subject to a number of policy provisions within both the Structure Plan and District Local Plan. Clearly, most of the site is outside the allocated area for employment purposes but extends into the wedge of contiguous land that is physically contained by both the M6 and the back Scotby Road. Whilst not allocated, it could, thus, not be said to be poorly related to the adjoining industrial estate nor would the revised indicative layout result in an unacceptable extension that would be a major landscape intrusion, although the original layout proposal was clearly unacceptable in that respect. While part of the proposed site is "best and most versatile" agricultural land it represents a relatively small pocket of such land, unrelated to a specific farm holding and quite isolated in respect of neighbouring land uses. Its' utility is, therefore, limited. That land and the remainder of the unallocated land is also included as an area where landscape improvement is warranted suggesting, again, that the proposal would not be encroaching with an area of landscape sensitivity in its present form.

The proposals reserve approximately 1/3rd of the site for landscape works including reinforcing the landscape edge to the eastern margins of the City with the M6. Consequently, they will bring about a landscape improvement in that area.

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Potentially the B1 office pavilions will be attractive architectural forms but, more importantly, they allow the development of an attractive Business Park with extensive soft landscaping that will extend the range of employment sites and premises within the City and the eastern sector in particular. Bearing in mind that the only other comparable Business Park concepts within Carlisle exist at Parkhouse, more modestly at Harraby Green Road and, in more embryonic form, at Kingmoor Park (Rosehill Business Park being a far more intensive, almost "urban" version) the proposed site has much to commend it.

Similarly, the establishment of a 4* hotel, as is proposed, at this location will enhance the attractiveness of Junction 43 as a business location especially with the intention to incorporate conferencing facilities. The proximity to a major nodal point (A69 and M6) will be a locational attribute whilst it is hoped that the established role that Rosehill fulfills for agri-business will also generate business visitors as hotel guests.

Members will note an objection has been made to the leisure facility and, inter alia, to the hotel element of the scheme. That objection contends that the hotel and the health/fitness centre should be required to meet the sequential test under PPG6: Town Centre and Retail Development. Whilst para 1.15 of PPG6 mentions "*commercial and public offices, entertainment, leisure and other such uses*" as being appropriate for sequential assessment no such sequential requirement is specified for an hotel. Moreover, as the applicants confirm in their most recent correspondence, the hotel and leisure facilities, whilst under different operators, mutually require a physical and functional link between them as hotel guests have automatic membership of these related leisure facilities. It would seem illogical to separate the linked element of the hotel for sequential purposes. It is Officers' view that the linked hotel/leisure uses that are now proposed should not, thus, require to be tested against the provisions of PPG6.

The objection, lodged in February, also suggests that approval may prejudice the implementation of the mixed use planning consent in the City Centre, presumably the development on the east side of Botchergate. However, that development is now underway and pre-lets do not indicate that any prejudicial impact of the current application has been or would be caused.

On balance, subject to the receipt of the observations of the Highway Authorities, the proposals are considered appropriate and approval is recommended. Members will appreciate, however, that the comments of the Highway Agency and Cumbria County Council on the traffic generation and related highway requirements are critical and will determine the need for appropriate planning conditions and or S106 Agreement for funding. It is hoped that these aspects can be resolved in time for consideration of the application.

On the presumption that it is possible to consider the proposals, and Members concur with the view that Outline Planning Consent be granted, if will be necessary to advertise the submission as a "Departure from the Development Plan" since it involves development beyond the allocation within the District Local Plan and refer it to Government Office North West on the basis that the City Council is "Minded to Grant" planning consent.

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SUPPLEMENTARY REPORT

The Report is included in this Schedule following discussions with the applicants' Chartered Surveyor who has referred to meetings that have taken place between his clients, the Highway Agency (or their consultants) in Manchester; and, on another occasion with Officers of Cumbria County Council as "local" Highway Authority. He and his clients were assured at those meetings that the outstanding highway issues/concerns were resolved such that the Local Planning Authority would be able to be given letters confirming the highway position and giving guidance on how traffic/highway improvement issues would be addressed. At the date of drafting this Report (5th December) no such correspondence has been received.

It is possible, of course, that the "promised" correspondence will be provided prior to the Committee meeting on 20th December and thus any requirements that derive from the Highway Authorities views e.g. highway works and/or financial contributions in lieu of works can be identified and assessed and the appropriate mechanism(s) to achieve these requirements established.

Members will appreciate that it is less than ideal for the Report on such a major application to be essentially "silent" on the traffic/highway aspects that would need to be addressed by the proposals but the guidance that had been hoped for is simply not available at this time.

Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

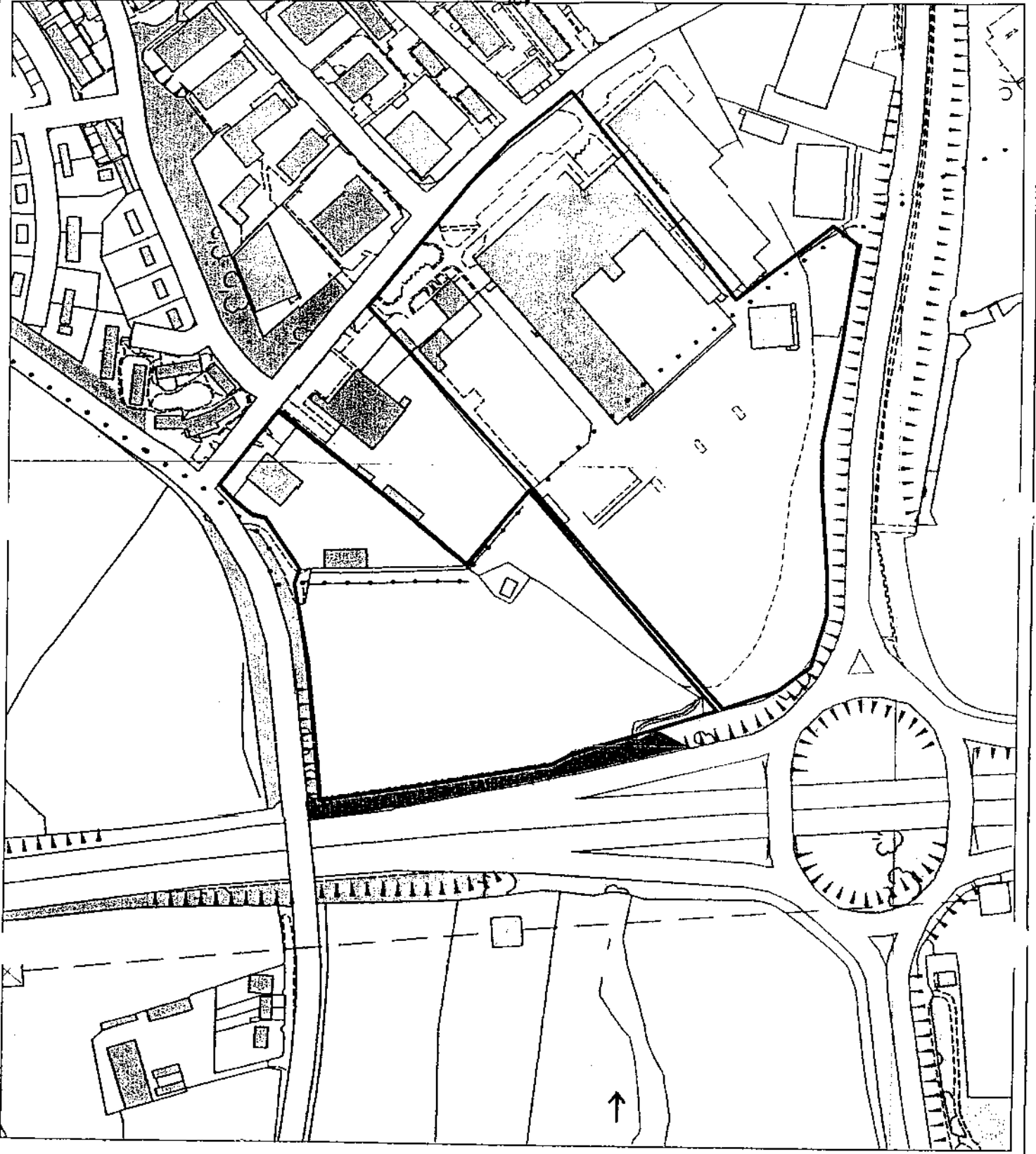
Article 8 recognises the "Right To Respect for Private and Family Life";



Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposals are not considered to be prejudicial to any of the Rights bestowed under the Act.

Recommendation:

-435-



- LEGEND**
-  DEVELOPMENT SITE BOUNDARY
 -  LAND IN APPLICANT'S OWNERSHIP (H & H Group Plc)

REVISED
18 DEC 2001
2001/1168



LAND AT BORDERWAY,
ROSEHILL, CARLISLE,
CUMBRIA

LOCATION PLAN

Scale: 1:2,500 Job 357
Date: December 2

SCHEDULE B: Reports Requiring Further Information

01/11/68

Reason for Including Report in Schedule B

Final consultation responses from Cumbria County Council as Local Highway Authority and from the Highway Agency as the road authority responsible for the motorway and trunk road system are still outstanding.

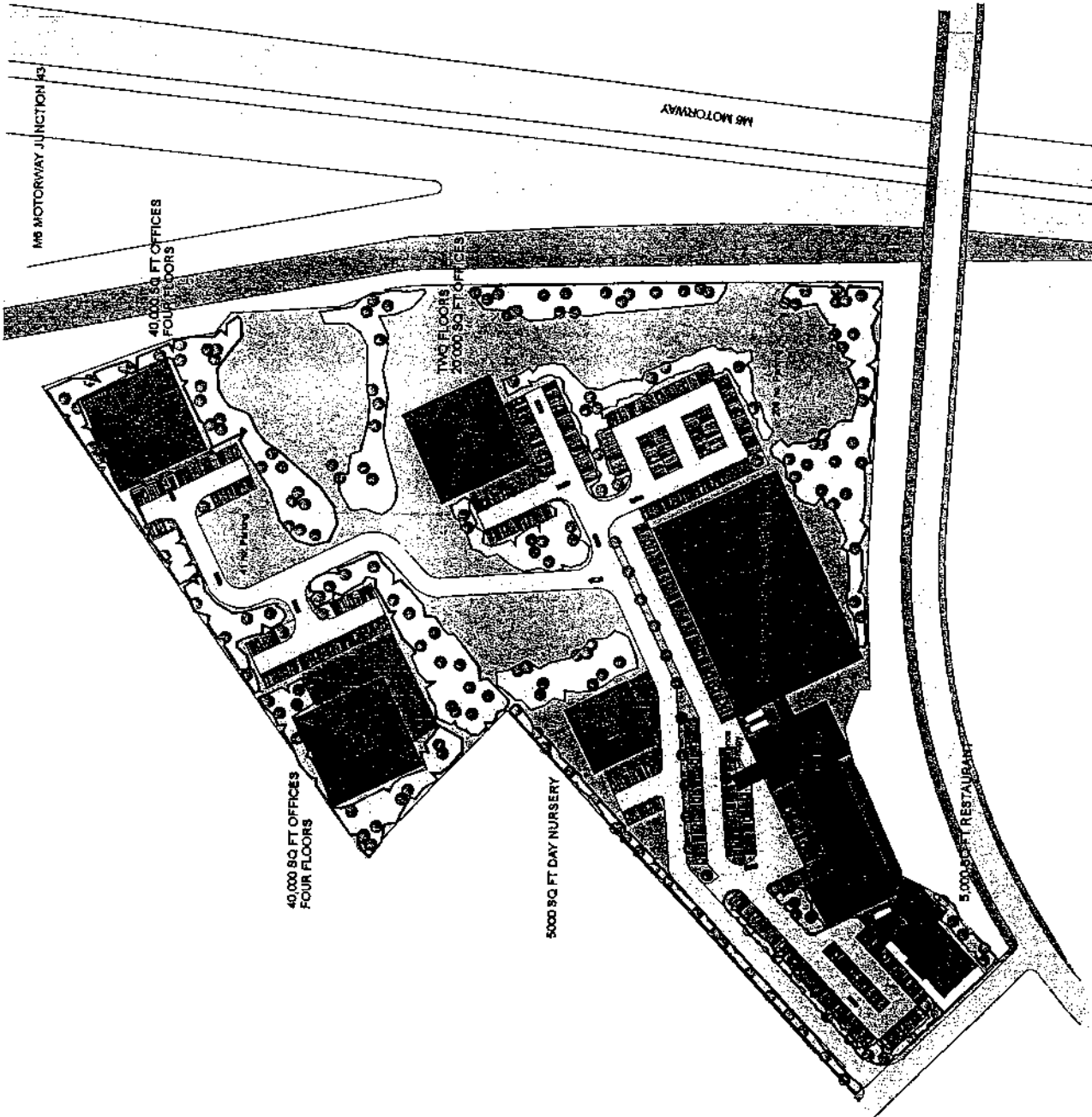
Supp Schedule
Pages 51-54 letters from H.A.
Hand out is received letters from
Cumbria C.C.

Rev. App.

IT needed to accept need to advertise as

✓ "Detailed" a report to CDM

ITP 8-4



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awg
 H&H GROUP PLC

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AVAILABLE
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Citex

Yalcrow

BORDERWAY, ROSEHILL, CARLISLE
Indicative Site Plan

LEGEND

-  EXISTING VEGETATION COVER TO BE RETAINED TO FORM DEVELOPMENT FRAMEWORK BASE LINE
-  PROPOSED SPECIMEN TREE PLANTING
-  PROPOSED STRUCTURAL PLANTING TO AUGMENT THE EXISTING FRAMEWORK & DEFINE THE DEVELOPABLE AREAS
-  DEVELOPABLE AREAS
-  PROPOSED OPEN SPACE FRAMEWORK
-  PROPOSED GATEWAY FEATURE

RECEIVED
15 MAY 2009
2009/11/08

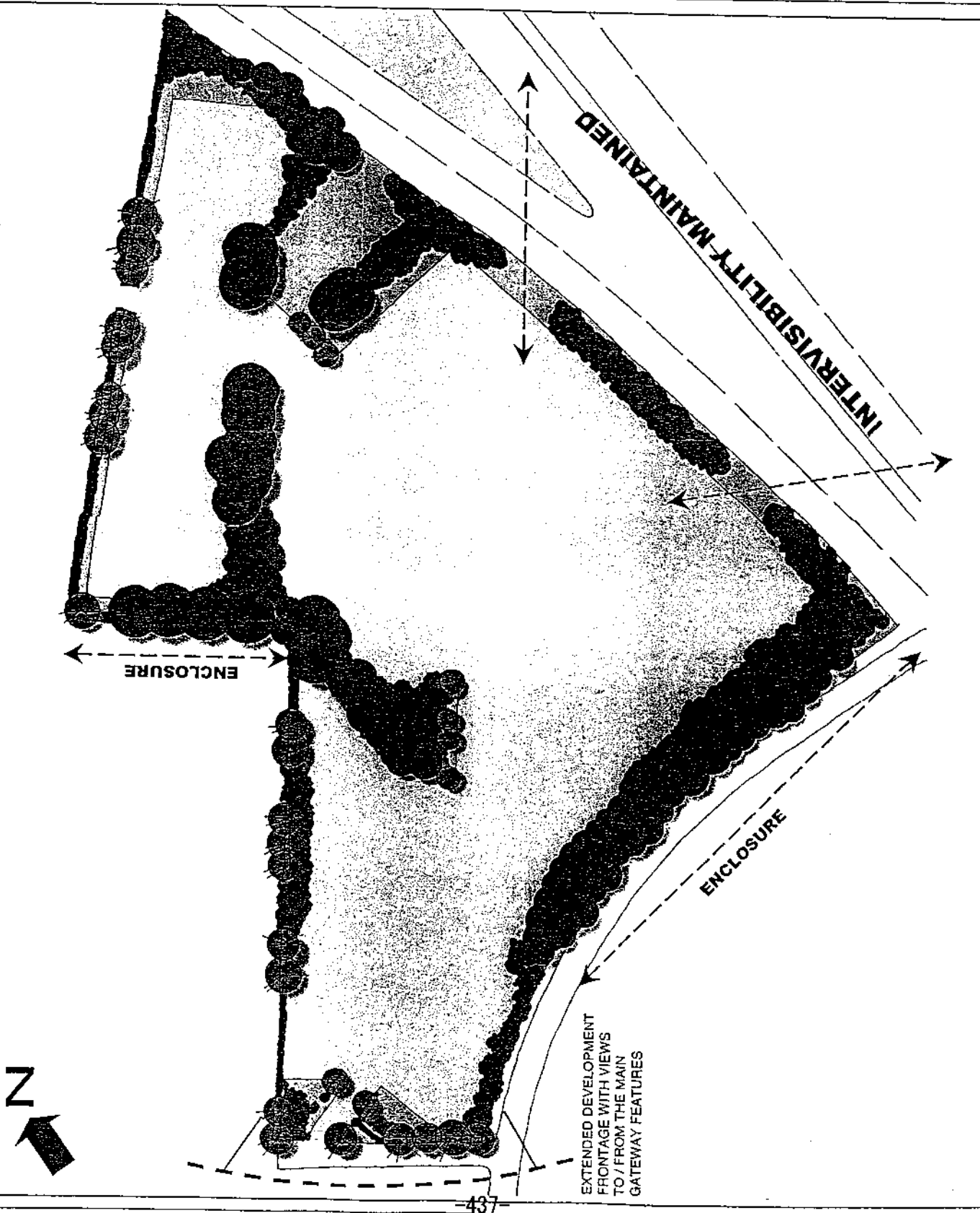



H&H GROUP PLC
LANDSCAPE ARCHITECTS

LAND AT ROSEHILL,
CARLISLE,
CUMBRIA

**LANDSCAPE APPRAISAL AND
FRAMEWORK DIAGRAM**

Scale: 1:1250 Drawing No: L(-)001 RevA
Date: May 2009



01/1168

Town Planning
Landscape Architecture
Architecture
Urban Design
Transportation
Masterplanning
Minerals & Waste Management



PROPOSED MIXED USE DEVELOPMENT AT BORDERWAY, ROSEHILL, CARLISLE



PLANNING APPLICATION SUPPORTING STATEMENT

ON BEHALF OF



H&H GROUP PLC

December 2001

65 York Place, Edinburgh EH1 3JD Tel 0131 525 8400 Fax 0131 525 8484

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APPENDICES

Appendix A PICADY Files

Appendix B TRANSYT Analyses

1.0 INTRODUCTION

- 1.1 This statement is submitted on behalf of **AWG Developments (Commercial) Limited** and the **H & H Group plc** in support of an outline planning application for a mixed-use development on land at **Borderway, Rosehill, Carlisle. (Figure 1: Location Plan)**
- 1.2 The site has been comprehensively assessed against current planning policy, guidance and advice for the Carlisle area. This is supported by a thorough analysis of the site's character and its surroundings and, the likely visual impact of the proposed development on both the immediate and wider landscape.
- 1.3 In brief, the site is surplus to the requirements of the **H & H Group plc** and a mixed-use development incorporating business and commercial uses is considered a wholly suitable form of uses at this 'gateway' location.
- 1.4 Furthermore, the established physical characteristics of the site's boundaries provide a strong sense of containment and enclosure within which a sensitively designed and landscaped development can be successfully integrated into the surrounding area.

2.0 THE PLANNING APPLICATION

Site Description

- 2.1 The application site, which extends to approximately 4.37No hectares, is currently occupied by the H & H Group plc for their motor vehicle auction operations and, includes surplus lairage land formerly used in connection with the adjoining livestock mart which is also in the Group's ownership.
- 2.2 Situated to the east of Montgomery Way, lying between the motorway and Back Scotby Road, the site is located within an area of predominantly employment uses in the City of Carlisle which has grown up around the livestock mart which, pre-foot and mouth (FMD), was the largest mart in Europe in terms of annual throughput of livestock.

Proposed Development

- 2.3 The proposals represent a mixed-use development incorporating offices; an hotel; a health and fitness centre; theme restaurants; a day nursery; and, a substantial amount of landscaping and open space both within and around the boundaries.
- 2.4 The scheme will complement existing well established agri-businesses already at Rosehill, whilst providing diversification within the Rosehill estate itself by creating new facilities for both residents and local businesses in Carlisle.
- 2.5 The proposed layout has been specifically designed to reflect and complement the site's landscape setting and surrounding character. (Figure 2.1- Indicative Site Plan) This is discussed in greater detail in Section 6 of this Statement.

Site Access

- 2.6 It is proposed to access the site directly off Montgomery Way. The proposed layout and alignment will allow the required visibility splays to be provided.

The H & H Group in Partnership with AWG Developments Limited

- 2.7 From the inception of the scheme, the H & H Group decided to appoint a recognised developer whose experience and knowledge could be brought into the equation at an early stage. This led to the current partnership between the H & H Group plc and AWG Developments (Commercial) Limited and, the subsequent joint-submission of this exciting mixed-use proposal at such an important 'Gateway' location. Within this context, the H & H Group are wholly committed to a partnership approach not only with AWG but also with Carlisle City Council.
- 2.8 The proposals are critical to the H & H Group's strategy post-foot and mouth (FMD) and are essential to the maintenance and enhancement of the Group's continued financial viability.

- 2.9 The foot and mouth disease (FMD) has had a huge impact upon the core business of the Group. The livestock mart at Rosehill, prior to FMD, was the largest single site mart for throughput of livestock in Europe. The mart was closed down under FMD legislation in February 2001. It is still closed and is unlikely to open again much before February 2002. This has resulted in a loss of 12 months' throughput from livestock sales (circa £85 million). As a consequence, trading losses from the livestock business will have to be supported from the other trading operations of the Group.
- 2.10 Post FMD, it would take a number of years for livestock throughput to return to acceptable levels and, together with the ongoing effect of BSE (1995), previous throughput levels are unlikely to be seen again.
- 2.11 The development proposals if realised, would therefore ensure the long term future of, and further investment in, the livestock mart and other operations on the retained site. Post- FMD (and BSE), there have been material changes in circumstances both within the Group and in agriculture at large which requires this current innovative response.
- 2.12 It is the Group's wish to remain at Rosehill alongside established agri-businesses on the estate. In this regard, the development would 'enable' the H & H Group to continue to further invest in its core activity at Rosehill and reinvigorate the operation of Europe's largest single site auction mart.
- 2.13 Post-FMD (and BSE), the application site (including the lairage land) is surplus to the Group's existing core business or other trading operations apart from that operated and used by the Group as a motor auction. The motor auction business is however to be relocated on the main site at Rosehill within buildings which are now surplus to requirements, following relocation of the furniture and fine arts auction room to the City Centre. As a consequence, no jobs will be lost as a result of the proposed development.
- 2.14 Indeed, on the contrary, the development has the potential to create a significant number of additional jobs for the Carlisle area, while also ensuring job retention within H & H's operations. The scheme would create a number of benefits to existing businesses and enterprises within the locality and, act as an important catalyst for further development not just in the immediate area, but also within the wider Carlisle context. Critically, without the development, the H & H Group will find it extremely difficult to ensure the long term future of the mart and leave no prospect of new investment which is likely to be needed post-FMD.

3.0 NATIONAL PLANNING POLICY

- 3.1 The following narrative reviews those aspects of national planning policy, guidance and advice which are considered to be relevant to the site and associated proposals.

PPG1 (Revised) General Policy and Principles

- 3.2 Paragraph 1 considers that an important objective of the planning system is to *“enable the provision of homes and buildings, investment and jobs in a way which is consistent with the principles of sustainable development”*. In this regard, a sustainable planning framework (Paragraph 5) should *inter alia*:

- *“provide for the nation’s need for commercial and industrial development, food production, minerals extraction, new homes and other buildings, while respecting environmental objectives;*
- *use already developed areas in the most efficient way, while making them more attractive places in which to live and work; and,*
- *shape new development patterns in a way which minimises the need to travel”.*

- 3.3 With respect to mixed-use developments, Paragraph 8 confirms that these can help create *“vitality and diversity and reduce the need to travel”*. In this regard, *“major mixed-use developments which would attract a significant number of trips should be in locations which are well served by public transport, have adequate infrastructure and are properly integrated, in terms of land use and design, with surrounding areas”*. (Paragraph 9) These issues are discussed in greater detail in Sections 6 & 7 of this Statement.

PPG4 Industrial and Commercial Development and Small Firms

- 3.4 Paragraph 1 states that *“one of the Government’s key aims is to encourage economic development in a way which is compatible with its stated environmental objectives”*. Within this context, the planning system provides the framework within which the importance of industrial and commercial development is balanced against maintaining and improving environmental quality. (Paragraph 2)

PPG6 Town Centres and Retail Development

- 3.5 Paragraph 1.1 clearly states that it is not the role of the planning system to *“restrict competition, preserve existing commercial interests or to prevent innovation”*.
- 3.6 With respect to sequential testing, Paragraph 1.9 states that where an out-of-centre development is proposed including leisure uses, *“the onus will be on the developer to demonstrate that he has thoroughly assessed all potential town centre options”*.

- 3.7 Paragraph 1.12 however states that *"the Government recognises that the approach requires flexibility and realism from local planning authorities, developers and retailers"*. Within this context, it is considered that the proposed leisure facility represents a small element of this large mixed-use predominately business/commercial development. As a consequence, it is suggested that in this instance, it would not be wholly appropriate to undertake a 'sequential' exercise in determining the submitted planning application.
- 3.8 Notwithstanding, with respect to the location of leisure uses outwith town centre or edge-of-centre locations, Paragraph 2.22 clearly states *"such developments should be encouraged to locate on sites which are or will, as part of the development, be made highly accessible by public transport"*. This is discussed in greater detail in Section 7 of this Statement.

PPG7 The Countryside – Environmental Quality and Economic and Social Development

- 3.9 Paragraph 2.18 relates to the development of the best and most versatile land and states that it should not be permitted, *"unless opportunities have been assessed for accommodating development needs on previously developed sites, on land within the boundaries of existing developed areas, and on poorer quality farmland"*.
- 3.10 Furthermore, Paragraph 3.24 recognises the existence of land use conflicts and environmental problems within 'urban fringe' areas around larger settlements. In this regard, a positive approach to planning and management is required *"aimed at securing environmental improvement and beneficial use of land, reducing conflicts between neighbouring land uses, improving public access, and catering for appropriate leisure and recreation facilities so as to reduce pressure on the wider countryside and reduce the need to travel"*.
- 3.11 Within this context, although a small proportion of the application site is identified as prime quality agricultural land, it is considered that its loss is not significant in an area where such land predominates.

PPG13 Transport

- 3.12 PPG13 seeks to reduce the need to travel and reliance on the private car and locate major generators of travel demand in locations, which are, or are capable of being, well served by public transport.
- 3.13 In this regard, local authorities should aim to *"actively manage the pattern of urban growth to make the fullest use of public transport, and focus major generators of travel demand in city, town and district centres and near to major public transport interchanges"*. (Paragraph 6)
- 3.14 Indeed, local planning authorities should adopt a positive approach with respect to identifying sites for office developments *"which are (or will be) as*

far as possible highly accessible by public transport, walking and cycling". (Paragraph 32) This is discussed in Section 7 of this Statement.

PPG16 Archaeology and Planning

- 3.15 The advice and guidance articulated in PPG16 with respect to both known and unknown archaeological remains is fully acknowledged. In this regard, it is anticipated that such issues, consistent with acceptable practice, can be satisfactorily addressed by means of a suspensive condition attached to any future planning permission.

PPG17 Sport and Recreation

- 3.16 Paragraph 32 encourages *"recreational facilities and increased public access to open land on the urban fringe, where this is compatible with existing uses"*. Furthermore, *"recreational opportunities may also arise in connection with new developments in the urban fringe, such as business and industrial parks"*.
- 3.17 Within this context, it is considered that the proposed elements of amenity open space and additional planting, all as shown on the planning application drawings, are consistent with the Government's basic objectives regarding open space provision for sites of this type and location.

PPG24 Planning and Noise

- 3.18 Paragraph 12 states that *"when determining planning applications for development which will be exposed to an existing noise source, local planning authorities should consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future..."*.
- 3.19 The advice and guidance articulated in PPG24 with respect to the impact of noise is fully acknowledged. In this regard, it is anticipated that such issues, consistent with acceptable practice, could be satisfactorily mitigated by means of conditions attached to any future planning permission if necessary.

Overview

- 3.20 In terms of national planning policy considerations, it is strongly suggested that the proposals are generally consistent with the sustainable development and transportation objectives advocated by PPG1, PPG4 and PPG13.
- 3.21 The proposals also embrace best practice principles, guidance and advice on design, landscape and open space promoted by PPG7 and PPG17 as graphically articulated by Figures 6.1 - 6.10.

4.0 STRATEGIC PLANNING POLICY

- 4.1 Strategic guidance is provided by RPG13 Regional Planning Guidance for the North-West and the Cumbria and Lake District Joint Structure Plan, formally approved in July 1995.

RPG13: Regional Planning Guidance for the North West

- 4.2 The priority for the future of the North-West of England is to *“maximise the competitiveness, prosperity and quality of life in the Region through sustainable development”*. (Paragraph 2.9)
- 4.3 Paragraph 3.6 states that settlements along the north-south transport spine of the West Coast Main Line and M6 motorway have *“a diversity which can offer a wide range of attractive sites, especially to industry...”*. Furthermore, *“regeneration and modest development related to the cities and main towns on the north-south spine should help reduce development pressure on other areas where growth would encounter environmental or other policy constraints”*.
- 4.4 Indeed, the guidance continues *“although the relationship between urban form and travel patterns cannot be determined with precision, an approach based on re-using land in the conurbations and strengthening, in a compact way, those free-standing towns in the Region which are, or can be, well served by public transport is considered broadly consistent with the principles of sustainable development”*. (Paragraph 3.8)

Cumbria and Lake District Joint Structure Plan 1991-2006

- 4.5 The strategy articulates that *“new development will be provided, mainly in the towns...in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment ...”*. (Policy 1)
- 4.6 In this respect, Policy 4 seeks to improve the quality of the environment in and around towns *“by high standards of design for new development, by improvements to existing buildings, ground surfaces and spaces, and by measures to reduce the impact of traffic”*.
- 4.7 Furthermore, with specific regard to Carlisle, Policy 6 confirms its *“sub-regional role as a centre for business, commerce, shopping and tourism”* and that, this *“will be fostered by the modest acceleration of past rates of development”*.
- 4.8 With regard to the quality of development, Policy 25 seeks to ensure that the siting, appearance and landscaping of all new development enhances the existing environment and that proposals *“should be in keeping with the local character of the townscape or landscape and be well integrated with the existing pattern of surrounding land uses”*. Indeed, with respect to ‘Urban Fringe’ locations, Policy 29 encourages their upgrading *“through improvements to the landscape, wildlife habitats and public access”*. This is addressed in greater detail in Section 6 of this Statement.

- 4.9 With respect to business/commercial developments, Paragraph 4.17 states that *"a local employment site should normally accommodate a range of types and sizes of employment and warehousing uses"* and that, *"other commercial activities may take place on these sites, where appropriate"*.
- 4.10 Significantly, the approved Structure Plan encourages the development of local employment sites in or on the edge of Carlisle and that, *"the economic expansion of recent years will be continued with the provision of additional employment land close to the motorway"*. (Paragraph 4.22)

Overview

- 4.11 It is considered that the proposed development of land at Borderway, Rosehill, Carlisle is generally compatible with strategic policy in relation to sustainable development and, promotes a sensitively designed and landscaped mixed-use development in an appropriate 'under-used' location which is reasonably well related to the existing public transport network.

5.0 LOCAL PLANNING POLICY

The City of Carlisle Local Plan 1997

- 5.1 The City of Carlisle Local Plan adopted in September 1997 identifies the south-western sector of the application site as being within a Primary Employment Area where Policy EM2 supports the development of B1, B2 and B8 uses.
- 5.2 The eastern proportion of the site is classified as Best & Most Versatile Agricultural Land where Policy E1 states a general presumption against development. With respect to this designation, it is suggested that the site currently makes no significant contribution to the requirements of the agricultural industry or indeed is likely to in the future, on account of its very small size. Given that it is physically well contained by established development on all sides, it has severe restrictions and limitations for profitable agricultural purposes. The requirement to retain it for such uses is therefore not considered to be an issue.
- 5.3 A significant part of the application site is also identified as being within an Area of Landscape Improvement. Within this context, Policy E6 encourages landscape improvement schemes and confirms that, *"the Urban Fringe Landscape Study identified several such areas particularly adjacent to peripheral industrial estates, where the landscape could be improved"*. (Paragraph 2.63)
- 5.4 Furthermore, Policy E9 requires developments on the periphery of settlements to *"fully integrate the development with its settlement and the surrounding countryside"*. These issues are discussed in greater detail in Section 6 of this Statement.
- 5.5 With regard to the leisure element of the proposals, Policy L4 supports this form of development provided that:
- *the proposal does not have an adverse impact on the amenity of the surrounding area;*
 - *appropriate car parking and access to the site can be achieved;*
 - *the proposed use is of an appropriate scale to the locality;*
 - *where practicable, the proposal can be accessed by public transport;*
 - *the proposal makes a positive contribution to the development of tourism in the District; and/or,*
 - *if the proposal is within Carlisle, it brings a vacant or part vacant building into use or contributes to the development of a mixed-use scheme.*
- 5.6 Within this context, it is considered that the proposed leisure and fitness centre associated with the hotel satisfies the above criterion and, represents a sensitively designed facility which contributes to the mixed-use nature of the wider development proposal.

- 5.7 In considering applications for development Policy T1 states, *"account will be taken of the availability of a choice of means of travel to and from the site"*, whilst Policy T3 requires proposals for development which are likely to materially increase traffic movements on the road network to be accompanied by a Transport Assessment. Policy T7 also outlines parking guidelines for new development.
- 5.8 A proposed cycle route is identified on the southern boundary of the site. In this regard, Policy T15 states *"all new development will be designed to provide safe and convenient access for cyclists and pedestrians"*. These issues are all discussed in greater detail in Section 7 of this Statement.

Overview

- 5.9 It is suggested that the proposed mixed-use development is generally consistent with all of the relevant objectives and policies contained within the adopted Carlisle Local Plan and, represents an appropriate use of an 'under-used' site which is part located within the established built-up area and specifically allocated for employment purposes.
- 5.10 With regard to landscape issues, Section 6 of this Statement clearly outlines the manner in which development could be satisfactorily absorbed at this location in accordance with relevant planning policy, guidance, advice and best practice principles on such matters.

6.0 LANDSCAPE AND VISUAL IMPACT ASSESSMENT

Introduction

- 6.1 This section describes the existing environment and provides an overview on the predicted impact of the development, both in terms of its effect on views (i.e. visual impact) and, its effect on the landscape.
- 6.2 The approach to this assessment has been to consider the impacts on the physical structure and aesthetic character of the landscape and, the impacts on the visual amenity of those experiencing views of the site.
- 6.3 The methodology comprised an initial desktop study of Ordnance Survey (OS) maps and planning documents followed by a site survey in June 2001.
- 6.4 The area of study corresponds broadly to the wider **Zone of Visual Influence (ZVI)** of the proposed development. Landscape and visual amenity outside this zone will remain unaffected by the development. It should be noted that the development is likely to be viewed in relation to the existing building forms and landuses on the edge of the City of Carlisle and in this regard, **Figure 6.1** illustrates the local landscape context of the site and its relationship with other adjoining uses.
- 6.5 The approach taken in assessing the development proposal broadly follows the methodology described in the '**Guidelines for Landscape and Visual Impact Assessment**' (1995), published by the Institute of Environmental Assessment in association with **The Landscape Institute**. The key objectives of the assessment are to:
- classify the area according to different types of landscape character;
 - identify significant landscape features that may be affected by the development;
 - identify key viewpoints and viewers likely to be affected by the development;
 - identify significant impacts on the landscape and visual amenity; and,
 - identify measures to mitigate these impacts.
- 6.6 Landscape and visual impacts may potentially result from the following:
- visibility of items associated with the development during the construction phase;
 - loss of existing landscape features or the introduction of new features; and,
 - the presence of permanent structures and lighting on completion of the development.

Policy Context

- 6.7 In preparing this landscape and visual impact assessment, reference has been made to the policies, guidance and advice contained in current **Planning**

Policy Guidance; the Cumbria and Lake District Joint Structure Plan 1991-2006; and, the Carlisle District Local Plan 1997. When assessed against the specific criteria relating to landscape policy, the proposed development compares favourably, as outlined below.

- 6.8 The Government's approach to sustainable development, as set out in *Sustainable Development: The UK Strategy (1994)* is to "*conserve both the cultural heritage and natural resources (including wildlife, landscape ...) taking particular care to safeguard designations of national and international importance*". (PPG1(Revised) Paragraph 5) The mature trees around the site boundary and within the eastern sector of the site are an important asset and provide an important backdrop to both the site and its setting. In this regard the landscape proposals, as far as practicable, will seek to retain the existing trees across the site and, in addition to strengthening the boundary vegetation, the proposals will include an internal planting strategy, which will be designed to add further structure and diversification within the setting.
- 6.9 With regard to design in general, Paragraphs 14 & 15 of PPG1, advocate the need for good design and that "*landscape design should be considered as an integral part of Urban Design*" as this "*can help promote sustainable development*" and, furthermore, "*improve the quality of the existing environment*" and "*attract business and investment*". To achieve this aim the proposed development has been designed to reflect current best practice guidelines, creating a high quality business environment with a strong sense of place.
- 6.10 The Cumbria and Lake District Joint Structure Plan 1991-2006 refers to the richness and diversity of the Cumbrian landscape and aims to conserve the quality of these areas. In this regard, support will be given to "*measures which encourage the enhancement of landscapes and their wildlife and historic features*". (Policy 15) In a similar vein, "*new development and its associated landscaping should not be bland or neutral but should contribute positively towards the conservation and enhancement of Cumbria's character*". (Policy 25) The comprehensive masterplanning of the site will include both native and ornamental structure planting which will be designed to create a dynamic landscape framework.
- 6.11 In Paragraph 3.35, the Structure Plan also states that "*the scale of the development and its relationship to its setting*" is crucial in producing a "*high quality development in those areas where the present man-made environment is of poor quality*" and that the development be "*well integrated with the existing pattern of surrounding land uses*". (Policy 25) In this regard the overall layout, massing and design of the proposed development has been well considered offering an opportunity to strengthen the edge of the existing settlement and to respond to the adjoining landscape and uses.
- 6.12 Furthermore, Policy 29 encourages the upgrading of urban fringe areas "*through improvements to the landscape*" and "*wildlife habitats*". The

proposed planting both internally and to the perimeter of the site will soften the immediate foreground of the development and will also enhance the transitional characteristics of the landscape in relation to both the urban fringe and the rural landscape.

- 6.13 The City of Carlisle Local Plan adopted in September 1997 recognises the value of the local environment and its natural resources. A key planning objective is to conserve and enhance the particular characteristics of the area whilst safeguarding the valuable environmental assets. Within this context, the Local Plan has identified a number of Areas of Landscape Improvement which includes a significant portion of the proposed site.
- 6.14 Articulated under Policy E6, the purpose of the designation is to identify those areas where the *“intrinsic landscape quality has been damaged by insensitive development or dereliction”* although it also covers *“open areas of land in the vicinity of unsightly or large-scale built development”*. (Paragraph 2.62) Indeed, *“within Areas of Landscape Improvement, the City Council will encourage landscape improvement schemes. Permission will not be given for development which adversely affects the open character of the areas”*. (Policy E6)
- 6.15 A key objective of this strategy is to establish a coherent and well-structured development which will sit comfortably on the edge of the existing settlement. It is considered that re-development of the site will lead to an improvement in the character of this area of Carlisle by introducing an extended woodland framework to the setting. The development will necessarily be of an appropriate scale, which can be readily absorbed into the landscape. This in turn will lead to an enhancement of the character and appearance of the immediate site area whilst offering an opportunity to improve the amenity for neighbouring properties.
- 6.16 Policy E9 states that *“Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside”*. It is acknowledged, that new development, where appropriate, should seek to retain *“existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development”*. (Policy E19) In this regard, the development strategy not only allows for the strengthening of the boundary vegetation, it also includes a comprehensive programme of internal planting.
- 6.17 Furthermore as the strategy includes *“increased planting of mixed broadleaves of native origin”* this will, over time, *“result in an improved relationship with the landscape”*. (Paragraph 2.88) The planting of native trees along the eastern boundary adjacent to the M6, augmenting the existing vegetative cover located on the motorway embankment will enhance both the landscape setting and landscape value of the site.

6.18 To the north of the site lies the Buffer Zone of Hadrian's Wall Military Zone World Heritage Site. Policy E26 states that development "will be permitted providing that:

- *There is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site".*

The Buffer Zone is outwith the zone of visual influence of the development and it is considered that this will remain unaffected by the proposed redevelopment.

Landscape Character

6.19 As illustrated in Figure 6.1, the site comprises: a car auction sales yard with associated garage and out buildings; part of the cattle mart yard; and, a bungalow bounded by agricultural fields. The south-east sector of the site (the car auction yard) is level and lies at approximately 25No metres Above Ordnance Datum (AOD). The fields to the east gradually rise to a maximum of 30No metres AOD and then fall towards the north.

6.20 To the east, the site is defined by the M6 motorway with the A69 to the north. The area adjacent to the site to the west comprises medium to large commercial units located on the urban fringe. Park Road, which links the settlement of Scotby to Carlisle and is flanked either side with mature trees and hedgerows, defines the southern edge of the site. Further afield, and to the south and east (beyond the M6), the landscape is dominated by an agricultural landscape containing a range of small settlements and building groups.

6.21 The site is accessed from the attractive tree-lined Montgomery Way however, the character of the immediate setting is affected by the large commercial buildings which front onto Montgomery Way (frozen food suppliers, tractor suppliers and car showrooms) and, the large areas of hard standing that extend across both the immediate site area and the wider business area.

Landscape Classification

6.22 Landscape classification is a means of sub-dividing the landscape into different areas with distinctive landscape characteristics. Landscape types differ in their range of landscape features and the patterns these create and consequently their ability to accommodate different types of development. Some areas may be particularly sensitive, others more resilient.

6.23 The proposed development site is located within the character area of the Solway Basin, a broad, lowland plain landscape, framed by the Cumbria High Fells to the south, the hills of the Scottish Borders to the north and the Border Moors and Forests to the north east. The gentle, undulating pastoral landscape that dominates the land around Carlisle, is intensively managed within a rectilinear field pattern. These fields are fairly large in scale, bounded by hedgerows or wire fences with some hedgerow trees. Tree cover is generally limited to broadleaved woodland in the shallow valley of the River Eden, to the north of the application site.

- 6.24 The landscape on the outer edges of Carlisle is also characterised by small woodlands and copses with fields of improved pasture. Approaching Carlisle a network of minor roads and lanes leading to light industrial buildings, housing estates and local shopping facilities characterises the urban-fringe landscape. As the proposed development site falls within this transitional landscape it is considered that there is an opportunity through its re-development to create a high quality facility which will bring benefits to both the local and the wider setting.

Assessment of Landscape Impacts

- 6.25 The impacts are described according to their level of significance. The significance of impacts is determined by the magnitude of change to the landscape (which depends on the nature and scale of the development and its visibility); the extent to which the existing landscape character will be changed; and, the sensitivity of the landscape to change. Sensitivity of the landscape depends both on its intrinsic quality and explicit value (according to landscape designation) and, on its ability to accommodate the changes imposed by a development proposal.

Impact on Landscape Resources

- 6.26 As a consequence of construction on the site, some landscape resources will be lost or reduced. This will include an area of agricultural land classified as 'best and most versatile agricultural land'. However, it is considered that as much of the surrounding agricultural land is of good quality the loss of this relatively small area of land will not have a significant detrimental impact on the landscape.
- 6.27 The mature trees within the site are a valuable landscape resource providing a sense of visual containment to the 'estate' when viewed from the east. As far as practicable, building groups will be designed and set out to keep the loss of these trees to a minimum. However, although it is acknowledged that some mature trees will be removed and further areas will be disturbed by the construction process new structure and ornamental planting will be introduced which will enhance the backdrop to not only the proposed development site but also, the wider urban fringe. Whilst there will be a period for establishment and change, through careful planning and design, the impact on these landscape resources will be minimised.
- 6.28 On completion of the development, no additional landscape resources will be lost and with the introduction of a pro-active management programme for both the existing and new structure planting the proposals will have significant long term benefits for the wider setting.

Impact on Landscape Character

- 6.29 There will be an obvious impact on the landscape character of the south-western sector of the site and its immediate context, as the land use will

change from a car auction yard with associated 'sheds' to a mixed use development of hotel complex, health and fitness centre and office premises. A more significant change will occur within the eastern sector of the site which will involve the loss of an open agricultural landscape on the urban fringe to facilitate a mixed-use development. However, in time a new development complex located within a semi-enclosed wooded area will evolve as a result of a pro-active planting strategy. In general, the impact on the immediate landscape character will be moderate as the site already benefits from a sense of containment and there are already a number of negative detractors in the landscape, including the extended urban form to the west and the M6 motorway to the east.

- 6.30 The proposed development will benefit from a comprehensive structure planting strategy which will both anchor the development, break up the built form and merge the development with the adjoining vegetation including along the motorway embankments. A belt of native planting will be introduced along the eastern boundary to the site providing a buffer zone to the motorway. As the structure planting and existing motorway planting matures, the open character of site to the east, will change to become more enclosed offering only filtered views of the proposed development.
- 6.31 Impacts will be greatest during the construction phase, lessening over the medium term as the proposed structure planting matures. With the careful phasing of development and the early establishment of the structure planting, it is considered that, although the proposed development will alter the landscape character, the impacts can be minimised and controlled.
- 6.32 During the construction phase, there will be some impact on views from a small number of properties immediately to the south-west of the site. However, it is considered that the sensitivity of these properties is low due to their existing outlook onto a car auction yard. Following the completion of the development and the implementation of the associated environmental improvements including the application of a landscape management plan on Montgomery Way, there will be an overall enhancement to this outlook.

Assessment of Impact on Visual Amenity

- 6.33 As with landscape impacts, the impact on visual amenity is a function of the *magnitude* of change and *sensitivity*. *Sensitivity* refers to viewer sensitivity and depends upon the following:
- the length of viewing time, e.g. a local resident with prolonged viewing opportunities will be more sensitive than a passer-by;
 - context of view, e.g. a viewer with an existing view of industrial structures will be less sensitive than a viewer with rural views; and,
 - distance from the source.

6.34 The *magnitude* of impact depends on the following:

- obstruction or the extent to which existing views are blocked;
- intrusion or the extent to which existing views are impinged upon;
- qualitative change to the landscape; and,
- number of people/viewers which are affected.

6.35 Impacts are described according to their severity and termed either *high*, *moderate* or *low*. A high impact on visual amenity would generally arise where an impact of high magnitude affects viewers of predicted high sensitivity.

6.36 In assessing the likely visual impact of the proposed development on the landscape, full consideration has been given to all viewpoints; their location and distance from the site; the quality of each view; and, the impact development will have on its setting. The visual assessment is based upon the photographic viewpoints identified in Figures 6.5-6.10. The location of these viewpoints is illustrated in Figure 6.4.

6.37 Viewpoint 7, Figure 6.7, taken from the eastern boundary of the site looking east, highlights the general characteristics of this landscape and the relationship between the site and the M6. Viewpoint 15, Figure 6.9, highlights the transitional qualities of the site and its juxtaposition to the wider settlement form of south-east Carlisle.

Visual Impact to the South

6.38 The relatively flat nature of the local landscape generates oblique views to the site from the south which are largely screened by the two shelterbelts, one along the southern boundary of the site and the other, to the south of Park Road. Both of these shelterbelts, (Viewpoint 3, Figure 6.5), provide visual containment to the south of the site. The properties adjoining the site and to the west of the village of Botcherby are orientated away from the proposed development and potential views are restricted by the intervening shelterbelts. (Viewpoint 17, Figure 6.10) The houses opposite the site on Montgomery Way experience similar filtered views through the existing vegetation to the site and their gardens. (Viewpoints 1 & 2, Figure 6.5) The proposed development will include the enhancement of the existing vegetation structure to the south-western boundary of the site, which will help to filter and frame the majority of views to the new development.

6.39 Further to the south, views to the site from the settlement of Harraby are obscured by the tree belts and hedgerows which line the embankments of railway lines that cross this relatively flat area of landscape.

6.40 Similarly, distant views from the south-east and the settlement of Scotby are obscured by the vegetation associated with the railway embankments. (Viewpoints 18, Figure 6.10)

Visual Impact to the North

- 6.41 The level of visual impact that will be experienced by viewers to the north is illustrated in **Viewpoint 15, Figure 6.9**. These local views are restricted by the existing large-scale buildings and warehouses and this will result in only the tops of the mature trees adjacent to the north-western boundary of the site being visible. Although a number of these trees will be removed in the construction process, the overall strategy will ensure that those that will be retained will maintain the backdrop to views from the north.
- 6.42 Local views from the Cattle Mart are also contained by the mature trees running parallel to the north-western boundary. (**Viewpoint 14, Figure 6.9**) As a portion of this shelterbelt will be removed to accommodate the proposed development views will be opened up between the two adjacent sites. Whilst the rural character of these views will change, the outcome will result in a framed vista which will include high quality, sensitively designed elevations that will be softened over the medium term by the proposed structure planting.
- 6.43 From more distant locations to the north views are effectively restricted by the local landform and the mature vegetation that forms the setting to the Tesco supermarket.

Visual Impact to the East

- 6.44 **Viewpoint 5, Figure 6.6**, illustrates a typical view from the east and the agricultural fields within the eastern sector of the site. Filtered views towards the existing cattle mart are possible through the existing mature trees however, additional structure planting along the eastern boundary will be designed to add a further sense of enclosure to the site, thereby filtering views to the development and forming an additional woodland element in the landscape.
- 6.45 Mature planting along the motorway embankments obscures views to the north-eastern sector of the site (**Viewpoint 9, Figure 6.7**), whilst views to the south-eastern sector are more open, where a small number of young trees along the embankment offer a limited amount of cover. (**Viewpoint 5, Figure 6.6**) The shelterbelt along the southern boundary provides an effective backdrop to the site and the basis for the establishment of a landscape framework to the proposed buildings. As the motorway planting and proposed structure planting along the eastern boundary matures, views from the M6 to the site will become more limited. Overall, the impact on local views from the east will be moderate in the short term reducing to a low impact in the medium term as the proposed planting matures.
- 6.46 From the edge of the settlement of Scotby, (**Viewpoint 6, Figure 6.6**), the proposed development will have a short term moderate impact on views. The comprehensive structure planting along the eastern boundary will rapidly mature to filter the immediate foreground views to the site. The proposed structure planting across the site will eventually soften the overall development mass, whilst the new vegetative cover will ensure that the overall development form will ultimately integrate with the softer hues of the wider landscape setting.

Visual Impact to the West

- 6.47 Local viewers on Montgomery Way will experience significant change with the construction of the main access road and the removal and replacement of existing warehouse units with new business units. (Viewpoint 1, Figure 6.5) Whilst there will be a direct impact during the short term, particularly during the construction period, overall the affect on views will be low as it is proposed to create a high quality development which will replace the existing standard commercial buildings. The proposed structure planting associated with the development, designed to enhance the existing tree planting in the verges along Montgomery Way, will soften the existing 'urban' outlook. (Viewpoint 16, Figure 6.10)
- 6.48 Views to the eastern sector of the development site will be filtered by a combination of factors including the stand of mature trees that exists along the boundary to the car auction yard. A portion of this shelterbelt will be removed to accommodate the proposed development, however, as the proposed structure planting matures through the application of a suitably detailed management plan, the impact arising from the loss of a number of these trees will be low.

Internal Views

- 6.49 Existing mature trees sub-divide the site into three distinct parcels. The first sector adjacent to Montgomery Way, includes the Borderway Motor Auctions site. Security fencing defines this plot to both the north and part of the southern boundaries, whilst a shelterbelt denotes the eastern boundary. (Viewpoint 13, Figure 6.9) As a result there are clear views to the commercial 'estate' to the north-east with filtered views to the housing beside Montgomery Way.
- 6.50 The eastern sector of the site comprises a bungalow/cottage and a number of open fields (Viewpoint 10, Figure 6.8), which have been identified in the Local Plan as *'best and most versatile agricultural land'*. This sector is framed by mature trees on three sides before opening up on the eastern boundary, where the ground falls towards the M6. Due to the undulating quality of the site views to the east and beyond the M6 are only possible from this sector. (Viewpoint 7, Figure 6.7) This undulating land form continues across the site before dipping towards the northern sector. (Viewpoint 8, Figure 6.7)
- 6.51 The third sector of the proposed development site involves a small portion of hardstanding associated with the cattle mart. (Viewpoint 11, Figure 6.8) From this location there are clear views of the extended settlement form of Carlisle to the north and north-west and filtered views through existing vegetation to the south-west. (Viewpoint 12, Figure 6.8) The mature trees forming the northern boundary to the eastern sector allow framed views to the agricultural holdings beyond.

Mitigation of Landscape and Visual Impact

- 6.52 The mitigation of the development and its associated visual impacts will be achieved through a combination of factors including retention and enhancement of the existing vegetation structure; working with the existing landform; new areas of planting; and, the careful planning of the development form. Through careful design, the development will be integrated into the existing landscape setting whilst the proposed landscape measures will be designed to ensure that direct impacts resulting from the new development will be minimised and that many of the features and characteristics of the setting will be retained and enhanced.

Boundary Planting, Structure Planting and Shelterbelts

- 6.53 As the site is located on the urban fringe it will be important to introduce an element of continuity into the site which will reflect the wider setting. Existing hedgerows that bound part of the site are of varied quality and improvements to these features will include both replacement and enhancement planting programmes. The introduction of hedgerow trees where appropriate will also be part of this comprehensive, site-wide planting strategy. A management plan will be implemented in tandem to ensure the early establishment and long term survival of these features.
- 6.54 A belt of native planting along the eastern boundary will provide a buffer to the motorway and as this planting matures, the new development will be fully assimilated into the landscape setting with views to and from the east becoming filtered.
- 6.55 An intermittent shelterbelt is proposed along the northern boundary of the site to provide a setting to the proposed business units and to help to balance the scale of the adjacent cattle mart building.
- 6.56 An advanced planting programme coupled with the on-going management of these features will enhance the development and its phasing. 'Native' and locally indigenous species will be utilised throughout, providing a structure for the introduction of more ornamental and exotic species within each of the pockets of development. This mitigation strategy will provide in time increased visual containment to the development, filtering views into the site for the various receptors identified.

Ornamental Planting

- 6.57 Ornamental planting provides an opportunity to add to the individual character of the pockets within the development. Firstly, through the use of ornamental tree species and secondly, through the implementation of an intermediate level of shrub planting which will augment the native species included in the structure planting framework. In-curtilage planting will add a further level of interest and texture throughout the site contributing to the 'sense of place'.

- 6.58 An important factor within a development is the treatment of the main frontage and the design of the associated site entrance. To address this an area of open space will be created offering a buffer and frontage to the new business units on Montgomery Way. This will act as a focal point to the development when viewed from the main approach road whilst creating an attractive outlook for residents in this area.

Topography and Landform

- 6.59 The buildings will be sited to minimise the requirement for major ground modelling thereby reducing the extent of earth moving and the need to alter the existing landform within the site. This will have the added benefit of reducing, or indeed, negating the need to remove surplus material to accommodate the scheme.

Services

- 6.60 All services to the site will be routed underground and therefore, any visual impacts with regard to external works, once development is completed, will be limited to lighting columns adjacent to the internal road network.

Phasing

- 6.61 As part of a phased programme of construction, it is proposed to implement, at the earliest opportunity, the new structure planting strategy. Development of the business units will benefit from the early establishment of this planting which will provide the context against which the development will be viewed.
- 6.62 To contain the construction activity and merge the proposed development with the adjacent townscape it is anticipated that the south-western sector of the site, fronting onto Montgomery Way, will be completed as part of the first phase of the development.

Conclusions

Landscape Impact

- 6.63 The landscape impacts of the proposed development will result from the loss of a section of *'best and most versatile agricultural land'* combined with the change in the site's character to create a well-structured development including a hotel complex, a health/fitness centre and a range of office floorspace on the urban fringe. The impact on the landscape character will be reduced by the retention and enhancement of existing landscape features which will help to absorb a proportion of the development. The proposed structure planting will, over time, lead to a more secluded character to the setting and this urban fringe landscape will also benefit. The loss of the agricultural land will have a limited impact on the wider setting, whilst the planting associated with the development will generate a new positive element in the landscape. No major long term negative impacts are predicted to arise as a result of this carefully planned development.

Visual Impact

- 6.64 Due to a combination of topography, the rich mature vegetation within and along a majority of the boundaries to the site, and the scale and form of the commercial warehouses to the north-west and south-west, the proposed development site retains a sense of visual containment.
- 6.65 To the north-west, the development site is open to Montgomery Way and it is acknowledged that the construction of the new business units will generate a change on this frontage. However, the structure planting proposals will be designed in detail to soften this site frontage when viewed both locally and at a distance thereby enhancing the setting of the road corridor.

Mitigation Overview

- 6.66 The integration of the hotel complex, health and fitness centre and office premises with the adjoining land uses and the wider landscape setting will be achieved through a carefully planned development strategy and the application of a range of mitigation measures.
- 6.67 These will include: the orientation of the development to address Montgomery Way; the stepping back of the development and the establishment of a landscape buffer zone along the eastern boundary adjacent to the M6; the erection of business units on the north-western boundary as a transitional element to the commercial landscape; the creation of an open space to the frontage; the development of a shelter belt to the north-west and east of the development; the enhancement of the existing hedgerow to the north and south; an internal structure planting framework; and, incurtilage ornamental planting to the various development plots. The proposed mitigation strategy will include a programme of advanced planting to establish many of these features at an early stage. It is anticipated that construction work will be phased commencing with the proposals in the western sector of the site thereby improving the frontage onto Montgomery Way in the first instance.
- 6.68 In conclusion, it is considered that the landscape has the capacity to absorb the level of development proposed and that the level of predicted landscape and visual impacts can also be addressed. Through a pro-active mitigation strategy which will include a high quality of architectural and landscape design, controlled at the detailed planning stage by the council, as well as the implementation of an appropriate landscape management plan, it is considered that this form of development can be successfully integrated into the wider landscape setting. Overall, it is considered that the development will lead to the enhancement of the character and appearance of the immediate area and that through a pro-active soft landscape strategy the development will complement the transitional qualities of this urban fringe setting and thereby make a positive contribution to the wider landscape setting of Carlisle.

7.0 TRANSPORT IMPACT ASSESSMENT

Introduction

- 7.1 This Transport Impact Assessment (TIA) deals with traffic and transport issues arising from the proposed development at Borderway, Rosehill, Carlisle.
- 7.2 The proposed mixed development comprises:
- Offices.
 - 80 Bedroom Hotel.
 - Children's Nursery.
 - Leisure - Health and Fitness Centre.
 - Theme bar/Restaurant.
 - Small Restaurant.
- 7.3 Discussions have taken place about the scope for the TIA with representatives of Cumbria County Council who have also been of assistance in providing traffic data. Reference has been made to Carlisle City Council with regard to committed developments in the vicinity.

Existing Conditions

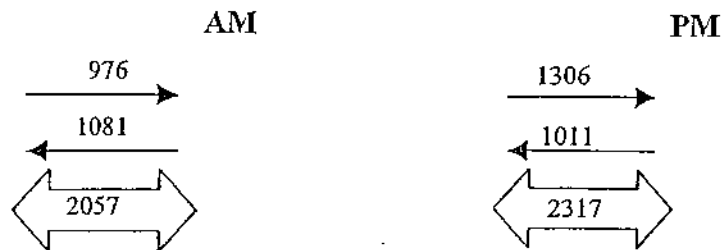
Infrastructure

- 7.4 The site takes access from Montgomery Way which is an access road running roughly north/south serving a range of business and commercial premises. The carriageway is 7.3m wide and there is a 2m footway on the east side separated from the carriageway by a 2m verge. There is a verge on the west side. It is a bus route. The existing site access, which serves Borderway Motor Auctions, is approximately 50m from the south end of Montgomery Way. The road alignment and the verge and footway width combine to provide satisfactory visibility for the access.
- 7.5 At its south end Montgomery Way has a priority 'T' junction with Durrhill Road. Montgomery Way is the minor road. Durrhill Road is a single carriageway 7.3m wide at the junction. To the east it passes out of the 30mph speed limit on a rural section of road leading over the M6 to the village of Scotby. To the west it is a distributor road.
- 7.6 The north end of Montgomery Way has a signal controlled, four arm junction with Warwick Road (A69) and the access to Tesco, to the north. The A69 runs east-west connecting Carlisle City Centre in the west with the M6 motorway near to the site and ultimately to Newcastle across the Pennines. Junction 43 on the M6 is adjacent to the east of the site.

Traffic

- 7.7 This site is close to the livestock market which, at the time of writing, is out of use because of the foot-and-mouth epidemic. Consequently traffic activity in the area is not typical of the conditions which would be found with the market operating.
- 7.8 Notwithstanding, the TIA must begin with an understanding of existing traffic conditions. Reference has therefore been made to a number of sources and surveys which have been carried out to build up the best possible understanding in the present circumstances.
- 7.9 The sources are:
- Junction turning count surveys at three junctions on Warwick Road by CAPITA dbs in June 1999;
 - Link flow survey on Warwick Road, by CAPITA dbs in April 2001; and,
 - Junction turning counts at three junctions to the south of Montgomery Way - undertaken by CAPITA dbs for this Practice in November 2001.
- 7.10 The 1999 data represent conditions with the livestock market in operation. The Warwick Road link flows in 2001 allow comparison without the livestock market but with two years elapsed. The November 2001 junction counts provide current data at the site access, in Scotby and at Eastern Way. These last counts were carried out on a Tuesday which is the busiest day of the week for the car auction on the application site.
- 7.11 Traffic data for an approved 70No bedroom hotel adjacent to Tesco has also been retrieved from the TIA for that development and this will be added to existing traffic. An extension to Tesco will be similarly added.
- 7.12 The 1999 data are recorded on **Figure 7.1** and **7.2** for morning and evening peak hours respectively. The three counts were recorded simultaneously on the same day in June 1999. Although adjacent junctions feed traffic one to the other it is not uncommon for there to be discrepancies in the flows, simply as a result of human error in counting at a busy location. However, there is one movement which stands out as exceptionally low and this is the westbound flow on Warwick Road in the evening at the junction with Eastern Way. This is therefore adjusted upwards in the composite base traffic set.
- 7.13 The link flows on Warwick Road at Victoria Way in April 2001 are shown in **Figure 7.3**.

Figure 7.3 - Link Flows in Warwick Road, April 2001



- 7.14 When these are compared to the two-way movements in Figures 7.1 and 7.2 the recent flows are found to be 7.5% higher than the June 1999 flows. This is approximately equal to an annual growth rate of 3.7%.
- 7.15 This scale of growth seems large in a policy climate when effort is being applied to reduce traffic. Furthermore, the inactivity at the livestock market could have been expected to reduce traffic. However, to ensure a robust base traffic level it is proposed that the 1999 surveys be factored by 1.075 to provide 2001 values.
- 7.16 With this factoring done and the survey information added for the junctions south of Montgomery Way, the 2001 base traffic is presented in Figures 7.4 and 7.5.
- 7.17 The committed local developments identified are the Tesco extension and the 70 No bed hotel adjacent to Tesco. The hotel produces very modest peak hour flows. When these are added to the Tesco extension flows the result is shown in Figures 7.6 and 7.7. The distribution south of A69 is by judgement and consideration of existing flows.

Traffic Generation

- 7.18 The development is described in the introduction but for reference it is repeated here:
- Offices.
 - 80 Bedroom Hotel.
 - Children's Nursery.
 - Leisure - Health and Fitness Centre.
 - Theme Bar/Restaurant.
 - Small Restaurant.
- 7.19 Each of these uses has been researched on the TRICS database, Version 4.6. In selecting sites for reference, London and S E England have been excluded. Weekday morning and evening peak rates have been retrieved. Although some of the site uses would be active at the weekend they would amount to only a fraction of the weekday activity. Therefore weekend data have not been retrieved.

- 7.20 In all cases there are insufficient examples in TRICS to provide 85th percentile values for generation rates. Experience dictates that where larger data sets are available, the 85th percentile is typically 50% above the average. In this case with a mixed development and no retail activity it is considered that a blanket addition of 50% to all average generation rates would be unnecessarily severe.
- 7.21 It is readily understood that retail activity can fluctuate particularly with seasonal demands in which case the use of 85th percentile generation rates is a sensible safeguard. However, employment sites, the nursery, restaurants and the leisure facility are unlikely to all perform at consistently high levels above the average. The hotel may have seasonal fluctuation but with its location on a major transport route it is likely to split its custom between regular business travellers and seasonal tourists. Taking these factors into account it is proposed that the generation rates to be applied will be the average rates increased by 33%.
- 7.22 The individual land uses are considered in turn below.

Offices

- 7.23 The development includes 9,300 sqm (100,000 sq ft) gross floor area (GFA) of offices. The TRICS land use category chosen is Employment - Business Park rather than stand-alone offices. The layout of the buildings, their setting and open surroundings are more in keeping with the Business Park style. In the TRICS selection criteria London and S E England were excluded as were town centre sites. Table 7.1 records the traffic generation rates and vehicle numbers.

Table 7.1 - Business Park - Traffic Generation Rates and Vehicle Nos.

Period/Case	Rates (per 100 sq m)			Vehicle Nos. for 9,300 sqm		
	Arr	Dep	Total	Arr	Dep	Total
Weekday AM Peak Average	1.55	0.25	1.8	144	23	167
Weekday AM Peak Average x 1.33	2.06	0.33	2.39	191	31	222
Weekday PM Peak Average	0.17	1.25	1.42	16	116	132
Weekday PM Peak 1.33 x Average	0.23	1.66	1.89	21	154	175

Hotel

- 7.24 The development proposal shows a hotel with 80No bedrooms. However, this size has been the subject of debate and the traffic generation is taken here for a hotel of 100No bedrooms to allow for any future revision up to that level. The London and S E England and town centre exclusions have been applied in the selection. Findings are given in Table 7.2.

Table 7.2 - Hotel - Traffic Generation Rates and Vehicles Nos.

Period/Case	Rates per bedroom			Vehicle Nos. per 100 bedrooms		
	Arr	Dep	Total	Arr	Dep	Total
Weekday AM Peak Average	0.13	0.11	0.24	13	11	24
Weekday AM Peak Average x 1.33	0.17	0.15	0.32	17	15	32
Weekday PM Peak Average	0.19	0.20	0.39	19	20	39
Weekday PM Peak 1.33 x Average	0.25	0.27	0.52	25	27	52

Nursery

- 7.25 TRICS has provided nursery data from the Education land use category. The peak hours from available nursery records were found to occur in late morning and mid-afternoon, which is assumed to arise from half-day changeover and possibly a mid-afternoon finish. However, it was considered prudent to assume PM peak trip rates of the same magnitude as the AM peak. It is possible that the nursery may serve people working a full 9-5 day, therefore the PM peak generation rates are simply taken to be the same as for AM generation, but reversed.
- 7.26 The range of GFA taken in TRICS was 300-500 sq m. The proposed provision on site is for 460 sq m GFA. Table 7.3 records the data.

Table 7.3 - Nursery - Traffic Generation Rates and Vehicle Nos.

Period/Case	Rates			Vehicle Nos. for 460 sqm		
	Arr	Dep	Total	Arr	Dep	Total
Weekday AM Peak Average	6.2	3.24	9.44	29	15	44
Weekday AM Peak Average x 1.33	8.25	4.31	12.56	38	20	58
Weekday PM Peak Average	(1.37)	(1.69)	(3.06)	15	29	44
Weekday PM Peak 1.33 x Average	(1.82)	(2.25)	(4.07)*	20	38	58

* Bracketed rates for information only

Leisure - Health and Fitness

- 7.27 The proposal on site is for a 25,000 sq ft (2,300 sq m) GFA facility. It is anticipated that this will be a private club but with access allowed by hotel guests. The TRICS retrieval covered Leisure - Sports clubs, in the range 1,000-3,000 sq m GFA. Table 7.4 records the data.

Table 7.4 - Leisure - Health and Fitness - Generated Traffic Rates and Vehicle Numbers for 2,300 sq m

Period/Case	Rate			Vehicle Nos. for 2,300 sqm		
	Arr	Dep	Total	Arr	Dep	Total
Weekday AM Peak Average	2.52	0.57	3.09	58	13	71
Weekday AM Peak Average x 1.33	3.35	0.76	4.11	77	17	94
Weekday PM Peak Average	1.39	1.65	3.04	32	38	70
Weekday PM Peak 1.33 x Average	1.85	2.19	4.04	43	50	93

Themed Bar/Restaurant and Small Restaurant

- 7.28 Two units are proposed of 10,000 sq ft (950 sq m) and 5,000 sq ft (475 sq m) GFA, which can be considered in the same category. However, this category produced no data for the morning peak. This is presumably because it is not a peak time for such uses to be in operation. Therefore nominal figures have been applied in Table 7.5 to allow for servicing, cleaning or other staff movements.

Table 7.5 - Restaurants - Traffic Generation Rates and Vehicles Numbers for 1,425 sq m

Period/Case	Rates (per 100 sq m)			Vehicle Nos. for 1,425 sqm		
	Arr	Dep	Total	Arr	Dep	Total
Weekday AM Peak Average	-	-	-	6	3	7
Weekday AM Peak Average x 1.33	-	-	-	8	4	12
Weekday PM Peak Average	3.33	2.56	5.89	47	37	84
Weekday PM Peak 1.33 x Average	4.43	3.40	7.83	63	48	111

Traffic Generation Summary

- 7.29 - The traffic generation for each of the proposed uses is summarised in Table 7.6 below. As will be seen in the following section, all of the uses except for the hotel are expected to follow the same distribution pattern. Therefore they are summed in the table.

Table 7.6 - Summary of Traffic Generation (Vehicles) (Average x 1.33)

Land Use	Period	Arrival	Departure	Total
Business Park	AM	191	31	222
Nursery	AM	38	20	58
Leisure	AM	77	17	94
Restaurants	AM	8	4	12
Sub Total	AM	314	72	386
Hotel	AM	17	15	32
Business Park	PM	21	154	175
Nursery	PM	20	38	58
Leisure	PM	43	50	93
Restaurants	PM	63	48	111
Sub Total	PM	147	290	437
Hotel	PM	25	27	52

7.30 There is a likelihood that there will be interaction between the site activities. For example: a person working in the offices could bring children to the nursery; and, a person working on site could utilise the leisure or restaurant facilities without creating new trips. These combinations would bring about a marginal reduction in total generated trips. The removal of the car auction activity will also bring about a small reduction. However, no reductions have been made to avoid any suggestion of underestimating.

Distribution of Generated Traffic

- 7.31 Following discussion with the County Council, it was agreed that with the mix of activities on site, distribution of generated traffic could be defined by reasoned argument rather than any more sophisticated modelling techniques.
- 7.32 The starting point has been to review the distribution of the built-up area and neighbourhoods, because the employment, leisure, nursery and restaurant trips will mostly have origins or destinations at home. The hotel trips are an exception to this pattern.
- 7.33 By inspection of the local road network the potential connections to Montgomery Way have been considered and the following assumptions made:
- Most Carlisle-based traffic is expected to travel via Warwick Road (A69). 65%-75% has been assigned to this route. The 10% range allows for some dispersal via Victoria Road and Eastern Way.
 - Some traffic from the south-east of Carlisle is expected to use Eastern Way and Durranshill. An allowance of 10-20% has been made for this.
 - Some traffic will arise from the east and from surrounding villages together with traffic from the M6.

- The hotel vehicle movements are expected to be predominantly to and from the M6 but a minority has been allowed on other approaches.

7.34 Figures 7.8 - 7.11 show the percentage distributions based on the preceding assumptions. Figures 7.12 - 7.15 convert the percentages to vehicle movements, taking these from Table 7.6. Figures 7.16 and 7.17 combine the hotel and other development traffic in a single diagram for AM and another for PM.

Test Cases for Capacity Analyses

- 7.35 The first possible year of occupation of the development would be 2002. Therefore test years would be 2012 for existing infrastructure and 2017 for new provision.
- 7.36 It is difficult to be precise about what constitutes normal or typical traffic in this area and what might represent future conditions. As noted at Paragraphs 7.14 and 7.15 a generous growth of 7.5% has been added to produce a base traffic flow for 2001 which is reasonably balanced around the local network. It is not proposed that a high growth rate should be continued.
- 7.37 Carlisle has an integrated transport strategy adopted by both the City and County Councils. The strategy has a target of reducing the traffic growth rate from 2.2% per annum such that by 2005 traffic levels in the city centre will be back at their 2000 levels. If this strategy is successful it can be assumed that the same would apply to areas outwith the city centre which are the origins for city centre trips. The strategy implies zero growth between 2000 and 2005 even although the profile of annual traffic may not be flat during that period.
- 7.38 This TIA has produced base traffic flows for 2001 which are likely to be a few percent higher than the 2000 values. If these 2001 values are used as equivalent to 2005 this would allow for a little slippage in the target. The question remains - what will happen after 2005? It is proposed that National Road Traffic Forecasts (NRTF) low growth should be applied for the period 2005 - 2012 as a sensitivity test. If the strategy succeeds in constraining growth then the tests which will be titled "2002" will also represent longer term conditions.
- 7.39 NRTF low growth from 2005 - 2012 is equivalent to increasing by a factor of 1.088. Figures 7.18 and 7.19 have been prepared by multiplying the vehicle numbers in Figures 7.4 and 7.5 by 1.088.
- 7.40 The test cases for 2002 and 2012 are built up from combinations of the earlier figures. The source figures are noted in the titles.

Capacity Analyses

Extent of Network to be Examined

- 7.41 The IHT Guidelines on Traffic Impact Assessment suggest that those parts of the network experiencing an increase of more than 10% in two-way traffic flow (5% is congested networks) as a result of development should be examined in the TIA.
- 7.42 Figures 7.28 and 7.29 show the additional percentages arising in this case around the local network, for morning and evening conditions. The percentage increases on these figures refer to one-way flows which is a finer disaggregation than suggested in the IHT Guidelines. However, it is considered that this helps to identify more clearly the points of impact.
- 7.43 It is evident that the initial coverage suggested by the County Council was appropriate. At the outer edges of the area examined the out-flowing generated traffic is all less than 10%, as is the incoming generated traffic except for the eastbound flow on Warwick Road. However, with presently available data, it is considered appropriate to review the three Warwick Road junctions first before deciding on any extension to the network.
- 7.44 Although the existing site access may require some modification, it will remain a priority controlled T-junction. Therefore all the junctions to be tested are being dealt with as existing infrastructure with a ten year design life. The tests are therefore for the years 2002 and 2012 with and without the proposed development.

PICADY Analyses

- 7.45 There are five junctions to be considered including the site access. These are considered in turn below. PICADY input and output data files are provided in a floppy disk in Appendix A.
- 7.46 In the tables which follow, the principal output results are recorded. The columns headed 'RFC' refer to the Ratio of Flow to Capacity. Values of RFC between 0.0 and 0.85 indicate free-flowing conditions with reserve capacity. Values between 0.85 and 1.0 indicate an increasing likelihood of congestion and delay and values in excess of 1.0 would indicate a period of overload within the test. The columns headed 'Q' record the maximum number of vehicles queuing in the period modelled.

Table 7.7 PICADY results - Site Access/Montgomery Way

Test Cases	Movement			
	B - AC		C - AB	
	RFC	Q	RFC	Q
2002 AM - no dev	0.009	-	0.024	-
2002 AM - with dev				
2002 PM - no dev				
2002 PM - with dev				
2012 AM - no dev				
2012 AM - with dev	0.202	-	0.237	-
2012 PM - no dev				
2012 PM - with dev	0.688	2	0.106	-

Arm A is Montgomery Way (N)

Arm B is Site Access

Arm C is Montgomery Way (S)

Table 7.8 PICADY Results - Montgomery Way/Durranhill Road

Test Cases	Movement			
	B - AC		C - AB	
	RFC	Q	RFC	Q
2002 AM - no dev				
2002 AM - with dev				
2002 PM - no dev				
2002 PM - with dev				
2012 AM - no dev				
2012 AM - with dev	0.393	1	0.688	3
2012 PM - no dev				
2012 PM - with dev	0.879	6	0.077	-

Arm A is Durranhill Road (W)

Arm B is Montgomery Way

Arm C is Durranhill Road (E)

Table 7.9 PICADY Results - Scotby Road/Park Road

Test Cases	Movement			
	B - AC		C - AB	
	RFC	Q	RFC	Q
2002 AM - no dev				
2002 AM - with dev				
2002 PM - no dev				
2002 PM - with dev				
2012 AM - no dev				
2012 AM - with dev	0.149	-	0.080	-
2012 PM - no dev				
2012 PM - with dev	0.386	1	0.072	-

Arm A is Scotby Road (S)

Arm B is Park Road

Arm C is Scotby Road (N)

Table 7.10 PICADY Results - Eastern Way/Durranhill Road

Test Cases	Movement			
	B - AC		C - AB	
	RFC	Q	RFC	Q
2002 AM - no dev				
2002 AM - with dev				
2002 PM - no dev				
2002 PM - with dev				
2012 AM - no dev				
2012 AM - with dev	0.925	8	0.125	-
2012 PM - no dev	0.953	9	0.116	-
2012 PM - with dev	1.216	39	0.146	-

Arm A is Eastern Way (S)
Arm B is Durranhill Road
Arm C is Eastern Way (N)

Table 7.11 PICADY Results - Victoria Road/Warwick Road

Test Cases	Movement			
	B - A		C - B	
	RFC	Q	RFC	Q
2002 AM - no dev	2.775	160	0.046	-
2002 AM - with dev	4.836	218	0.098	-
2002 PM - no dev	38.493	173	0.025	-
2002 PM - with dev	***	-	0.064	-
2012 AM - no dev				
2012 AM - with dev				
2012 PM - no dev				
2012 PM - with dev				

Arm A is Warwick Road (E) *** indicates zero capacity
Arm B is Victoria Road
Arm C is Warwick Road (W)

- 7.47 The first four junction analyses have been undertaken in reverse order i.e. with the most heavily loaded future cases first. If these cases are found to be satisfactory in terms of RFC values then the cases with lesser demand have been omitted. This applies to the site access, the junction of Montgomery Way with Durranhill Road and the junction of Park Road with Scotby Road. These three junctions are all shown to accommodate the development traffic plus committed development and the years growth.
- 7.48 The junction of Eastern Way with Durranhill Road is approaching full capacity in 2012 even without the development. An addition of 76 vehicles to the side road flow is sufficient to take the RFC during the evening peak over 1.0 for half an hour within the peak. Adjusting the side road to include two lanes approaching the junction gives a marginal improvement on the RFC values but does not make all values less than 1.0. In future it may be necessary to consider signal control at this junction.

- 7.49 The junction of Warwick Road at Victoria Road is clearly under some stress as shown in Table 7.11. Even without development the queues predicted for right turning traffic in the side road are enormous. This is simply a function of the heavy flows on Warwick Road leaving insufficient gaps for side road traffic to exit. In practice, the queues predicted will not occur because main road drivers leave gaps in slow moving congested conditions. Furthermore, traffic would be likely to re-route rather than wait in long queues.
- 7.50 The addition of development traffic would exacerbate the problem although it should be noted that there is reserve capacity for right turning traffic leaving the main road. This could attract traffic delayed at the right turn into Montgomery Way.
- 7.51 A possible solution would be to provide traffic signals at this junction and link these to the existing signals to the east on Warwick Road. The developer could contribute to such a scheme in proportion to the ratio of new development traffic/existing traffic.

TRANSYT Analyses

- 7.52 Vehicle movements as established in Figures 7.20 - 7.27 have been provided to CAPITA dbs to undertake capacity analyses for the existing signal controlled junctions on Warwick Road at Montgomery Way and Eastern Way. These analyses use a computer programme called TRANSYT.
- 7.53 The first four cases, for 2002, with and without development show that the signal system is close to capacity even without development. The addition of development traffic causes several links to become overloaded. For the most part the manoeuvres, which are most subject to stress, are the right turning movements.
- 7.54 Table 7.12 provides a summary of results from TRANSYT. Appendix B includes a diagram of the TRANSYT model and a floppy disk with the full test runs. In Table 7.12 the link numbers refer to the model diagram. The columns headed 'DOS' record the degree of saturation of the link. Ideally these values, expressed as a percentage, should remain below 90% to maintain some reserve capacity. The columns headed 'Q' record the mean maximum queue in passenger car units (pcu) on the link. Tests for 2012 have not been carried out as these would clearly show greater incidence of overload.

Table 7.12 TRANSYT Results - Warwick Road

Link No.	TEST							
	2002 AM Base		2002 PM Base		2002 AM with Dev		2002 PM with Dev	
	DOS	Q	DOS	Q	DOS	Q	DOS	Q
101	44	3	94	8	47	3	100	10
102	52	10	76	24	63	14	81	27
103	73	4	95	28	74	4	99	47
104	69	7	95	16	77	8	103	23
105	28	4	29	4	27	4	37	5
201	50	0	71	1	63	4	75	2
205	51	1	64	1	53	1	68	1
301	30	0	41	0	36	0	43	0
302	51	1	64	1	53	1	68	18
401	103	16	97	8	175	111	140	37
402	39	12	68	24	41	14	76	27
403	92	8	95	17	107	13	108	30
404	19	1	71	8	19	1	71	8
405	25	3	90	9	22	3	69	6
406	96	35	96	31	100	41	108	57
407	39	7	20	3	48	9	29	4
408	92	9	98	18	107	15	103	25
409	16	2	52	9	20	3	65	13
410	27	0	54	1	27	0	54	2

7.55 To reduce the high values of DOS and queues it would be necessary to provide more capacity on the affected links. This can be done, either by increasing the road space allocated to that movement or, by increasing the time given to the movement within the signal cycle. For right turns it is not practical in this location to increase main road space. TRANSYT optimises the distribution of time given to each movement to minimise overall delay. Therefore it would not be possible to increase green time for the affected movements without detrimental effect on other movements.

7.56 It is therefore accepted that the policy approach to controlling traffic growth is the correct one. The measures and mitigating factors which will apply to this case to accommodate development include:

- Enforcement of Staff Travel Plans (STP) to minimise private car use for the application site.
- The introduction of STP measures on a wider basis to reduce traffic on the adjoining employment sites.
- 'Peak spreading' is likely. i.e. road users vary the time of day for their journey, to reduce delay.

- The promotion of 'Travel Wise', a national campaign which Cumbria supports, to reduce car travel and encourage cycling, walking and use of public transport.
 - Anticipate some re-distribution of traffic around the network as drivers self-regulate to minimise queuing and delay. i.e. transfer of right turn movements by Warwick Road traffic from Montgomery Way to Victoria Road.
- 7.57 Overall, if traffic growth is not restricted, conditions will deteriorate and the Warwick Road corridor will become more congested to the detriment of all the areas served by the route. Although the proposed development would bring some additional traffic to the route, a balance must be struck between traffic requirements and the economic benefits of development. There are no specific road improvement schemes programmed on Warwick Road, nor would it be appropriate for a development of this size to undertake major works. Therefore it is suggested that the most appropriate measures to mitigate proposed site activity would be the implementation of Green Transport Plans.

Sustainable Transport Modes

Bus Services

- 7.58 Service No. 70 passes along Montgomery Way at the site frontage as it loops around Durranhill Road to Cumrew Close. It connects with the city centre before continuing to the west. There are bus stops for this service in Wingate Road, within 100 metres of the site. The service is at 15 minute intervals from 06.30 to 23.30, Monday to Saturday. There is a reduced service on Sundays. This is a very good service in terms of providing accessible public transport for people wishing to travel to and from the development site.
- 7.59 There are further bus services operating on Warwick Road, namely the Services 685 and 74/75. However, these are approximately 500 metres from the site which is beyond the 400m limit normally taken to define 'good' accessibility. Nevertheless, this represents only a 6 minute walk from the site and provides a further transport option.
- 7.60 The Service 685 is a long distance service between Carlisle and Newcastle and runs 16 times per day in each direction, Monday to Saturday. The service 74/75 runs from Carlisle City Centre to Cotehill via Warwick Road with the nearest stop to the site being at Tesco near to the Montgomery Way junction. This service runs at approximately hourly intervals.

Walking

- 7.61 The site will have appropriate provision for pedestrians and the internal footways will connect to the external network. For walk-in catchment there is residential development to the west and Scotby to the east, both within one mile which could supply some site employees.

Cycling

7.62 The area around the site is relatively flat and suitable for cycling. All of Carlisle is within 6-7 km which is within the capacity of most cyclists for commuting. The site occupiers will provide secure cycle parking and have provision within Staff Travel Plan arrangements for cyclists changing, showering and lockers. (Also useable by walkers or joggers).

Staff Travel Plans

7.63 A Staff Travel Plan (STP) is a package of measures designed to minimise private car use and to promote walking, cycling and the use of public transport. This can be organised on a site-wide basis or by individual business occupiers. In practice, it would be appropriate to require a preliminary STP, expressing principles applicable to the whole site, embodied in a planning condition. All site users, occupiers or owners would then be required to adhere to the principles of the STP and to develop detailed plans, directly related to their workforce.

Internal Site Layout and Parking

7.64 The site takes access from Montgomery Way where there is already a vehicular access. This access will be improved to serve the development, principally by provision of increased kerb radii and footways connecting to the frontage footway. It will remain as a priority controlled T-junction.

7.65 Within the site, the initial length of access road will be 7.3m wide with footways on both sides. This will reduce to 6m wide for the remainder of the site roads.

7.66 The **Indicative Site Plan (Figure 2.1)** shows around 530 No parking spaces. However, there is a great deal of flexibility to develop the number and distribution of spaces. It will also be necessary to define servicing areas in the detailed design. With reference to the council standards **Table 7.13** shows the maximum parking provision which would be required for each use.

Table 7.13 Parking Standards

Use	Max. Parking	Development Proposal	Spaces Required
Nursery	1 space per 3 staff and drop-off	Est. 30 children 10 staff	3
Restaurants	1 space per 5sqm dining area	710 (50% GFA)	142
Hotel	1 space per bedroom plus 1 per 3 non-res staff	80 bedrooms Est. 20 staff	80 7
Office	1 space per 25sqm	9300	372
Leisure	1 space per 7sqm	2300	328

- 7.67 The final number of parking spaces will be a matter for negotiation, which will take account of Staff Travel Plan proposals and multiple use considerations throughout the day. For example, the restaurants and leisure areas are likely to be busiest in the evenings when there is little demand for office parking.
- 7.68 The proposed circular parking areas provide an easy search pattern for vehicles arriving and provide potential for one way circulation to minimise vehicle conflicts.

Conclusions

- 7.69 The proposed development will bring about an increase in traffic in the vicinity of Montgomery Way.
- 7.70 Analyses show that, for the most part, this traffic can be accommodated on the local road network. An exception to this is Warwick Road where current levels of congestion could be exacerbated by the addition of development traffic.
- 7.71 To assist council targets in limiting traffic growth the development should be accompanied by Green Transport Plans designed to minimise private car traffic. By means of such measures for the site traffic and by traffic reduction policies on the wider network traffic, it is intended that traffic conditions by the year 2005 should be no worse than they are at present.
- 7.72 The site is well served by public transport and is accessible on foot and by bicycle.
- 7.73 The proposed mix of uses is a sustainable combination whereby traffic movements can be reduced e.g. one trip to and from the site could satisfy needs for child care, employment and leisure.

8.0 INFRASTRUCTURE

Water and Drainage

- 8.1 Subject to detail, connections to the area's public sewer and water main can easily be made to serve the development.

Noise

- 8.2 Noise is not considered to be an issue. However, in the unlikely event that noise did become an issue, consistent with acceptable practice, it is suggested that appropriate measures to limit and/or mitigate any potential concerns could be satisfactorily addressed by an appropriate planning condition(s).

Overview

- 8.3 There are no known specific concerns in terms of infrastructure capacity, environmental impacts or servicing provision that would prohibit development of the site for mixed business/commercial purposes.

9.0 CONCLUSIONS

9.1 It is considered that the proposals as presented are generally consistent with the spirit and objectives of both existing and emerging planning policy, guidance and advice for the Carlisle area for the following reasons:

- They support the sustainability objectives expressed at all levels of the planning policy hierarchy which aim to re-use 'under-utilised' land in urban locations for new development and, increase the effectiveness and efficiency of existing infrastructure by concentrating development in areas where services are already provided;
- The physical land use principle of development on part of the site is already established through its current use and specific allocation within the adopted **Carlisle City Local Plan 1997** for employment purposes (Policy EM2);
- Although a proportion of the site is identified as 'best and most versatile agricultural land', it is suggested that it currently makes no significant contribution to the requirements of the agricultural industry or indeed is likely to in the future, on account of its very small size. It is physically well contained by established development on all sides and, as such, has severe restrictions and limitations for profitable agricultural purposes. Furthermore, it is peripheral to H & H's core activities;
- The development has the potential to create a significant number of new jobs for the Carlisle area, while ensuring job retention within H & H's current operations;
- The proposals are critical to H & H's long-term strategy (especially post foot and mouth disease) and, would 'enable' the Group to continue to further invest in its core activity at Rosehill and, maintain and enhance the operation of Europe's largest single site auction mart;
- They will improve rather than prejudice, the amenity and overall setting of the site, consistent with the policies, advice and objectives promoted by the adopted **Carlisle City Local Plan 1997** which, subject to sensitive building and landscape design detail, will allow for successful integration and compatibility with the surrounding area;
- The landscape at this location has the capacity to absorb the level of development proposed which can be successfully integrated into the wider landscape setting through a pro-active mitigation strategy which will include a high quality of architectural and landscape design, as well as the implementation of an appropriate landscape management structure;
- The development will lead to the enhancement of the character and appearance of the immediate area and, complement the transitional

qualities of this urban fringe setting, thereby making a positive contribution to the landscape of Carlisle;

- Although the proposed development will bring about an increase in traffic in the vicinity of Montgomery Way, analyses show that for the most part, this traffic can be satisfactorily accommodated on the local road network;
- The provision of a Green Transport Plan(s), designed to minimise private car traffic, would assist in meeting council targets in limiting traffic growth. By adopting such measures for the site's traffic and introducing reduction policies on the wider network traffic, it is suggested that conditions by the year 2005 would be no worse than at present; and,
- Subject to detail, the site can be satisfactorily serviced in terms of water and drainage provision. Noise is not an issue but can be satisfactorily addressed by an appropriate planning condition if necessary.

- 9.2 In light of the above, it is respectively suggested that the submitted planning application be viewed positively and the proposals seen as making a positive contribution to the future development of Carlisle in accordance with stated sustainable planning policies and objectives.
- 9.3 The principle of 'enabling' development is well established. In this regard, the success of the proposals is absolutely critical to the commercial future (post FMD) of the H & H Group in particular, the livestock mart at Carlisle, which is a vital resource facility for the local agricultural community and a significant source of employment.

Farningham McCreadie Partnership Limited
December 2001

FIGURE 1.1
LOCATION PLAN

LEGEND
DEVELOPMENT SITE
BOUNDARY



LAND AT BORDERWAY,
ROSEHILL, CARLISLE,
CUMBRIA
LANDSCAPE & VISUAL IMPACT ASSESSMENT

**Figure 1.1
LOCATION PLAN**

Scale: 1:2,500 Job No: 4357
Date: December 2001

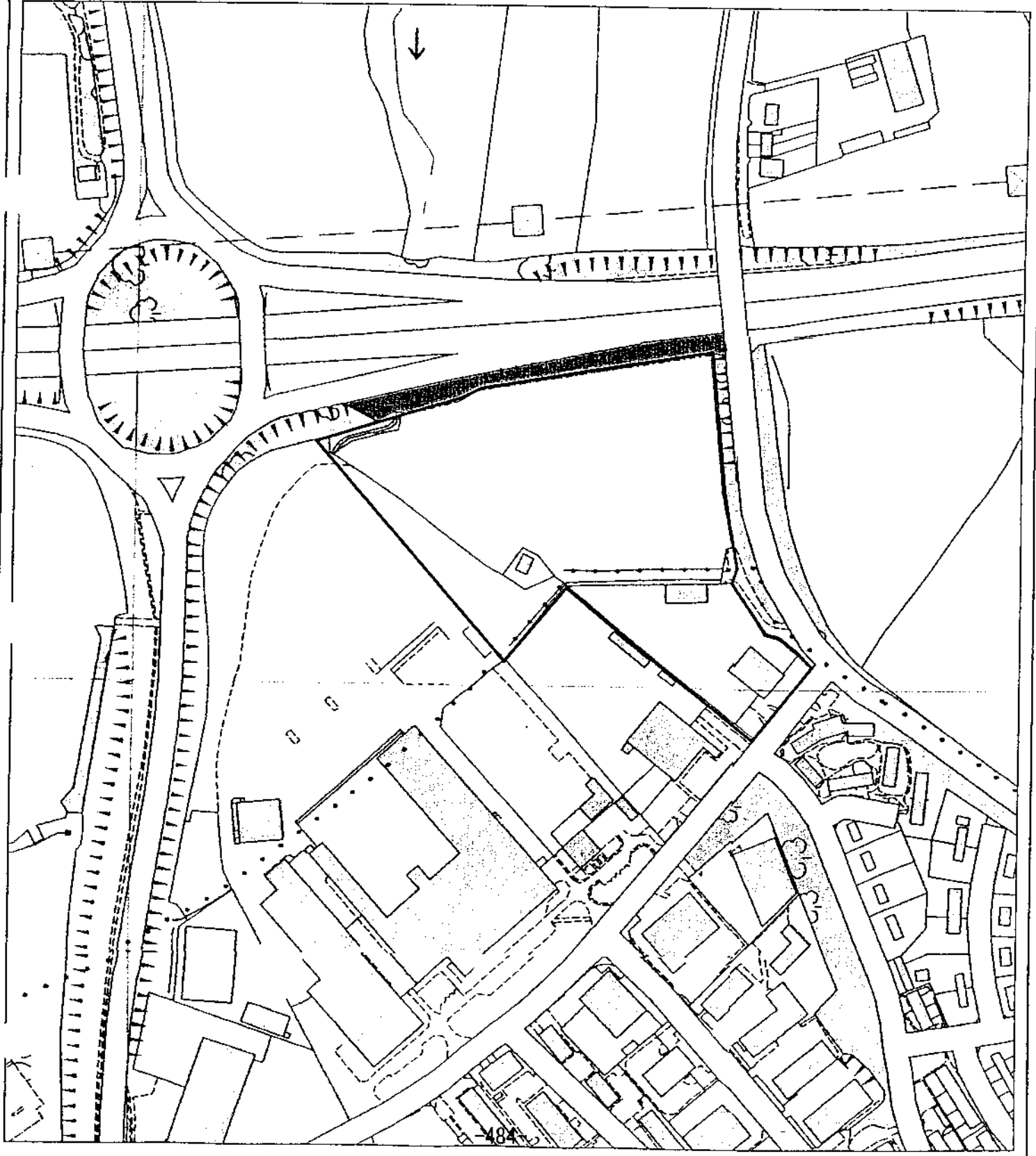


FIGURE 2.1
INDICATIVE SITE PLAN



30,000 SQ FT OFFICE BLOCK
ON THREE FLOORS

20,000 SQ FT OFFICE BLOCK
ON THREE FLOORS

30,000 SQ FT OFFICE
BLOCK ON FIVE FLOORS

20,000 SQ FT OFFICE
BLOCK ON FIVE FLOORS

10,000 SQ FT THEMED
RESTAURANT

30 BEDROOM HOTEL
ON FOUR FLOORS

5,000 SQ FT RESTAURANT

25,000 SQ FT HEALTH AND
FITNESS CENTRE

5,000 SQ FT
DAY NURSERY

















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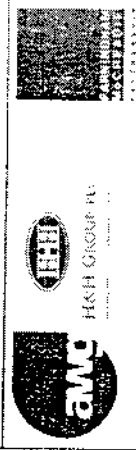


BORDERWAY, ROSEHILL, CARLSLE
Indicative Site Plan

FIGURE 6.1
LOCAL LANDSCAPE CHARACTER

LEGEND

-  DEVELOPMENT SITE BOUNDARY
-  RESIDENTIAL
-  COMMERCIAL / RETAIL
-  AUCTION MART YARD AND BUILDINGS
-  CAR PARK
-  EXISTING SHELTERBELT / WOODLAND (INDICATIVE)
-  SIGNIFICANT SPECIMEN TREES OR GROUPS OF TREES (INDICATIVE)
-  PASTURE / ARABLE
-  ROUGH GRASSLAND / SCRUB
-  GRASS VERGE / MOTORWAY EMBANKMENT
-  SLOPE
-  WIRE FENCE
-  SECURITY FENCE
-  CONTOURS AT 5M INTERVALS

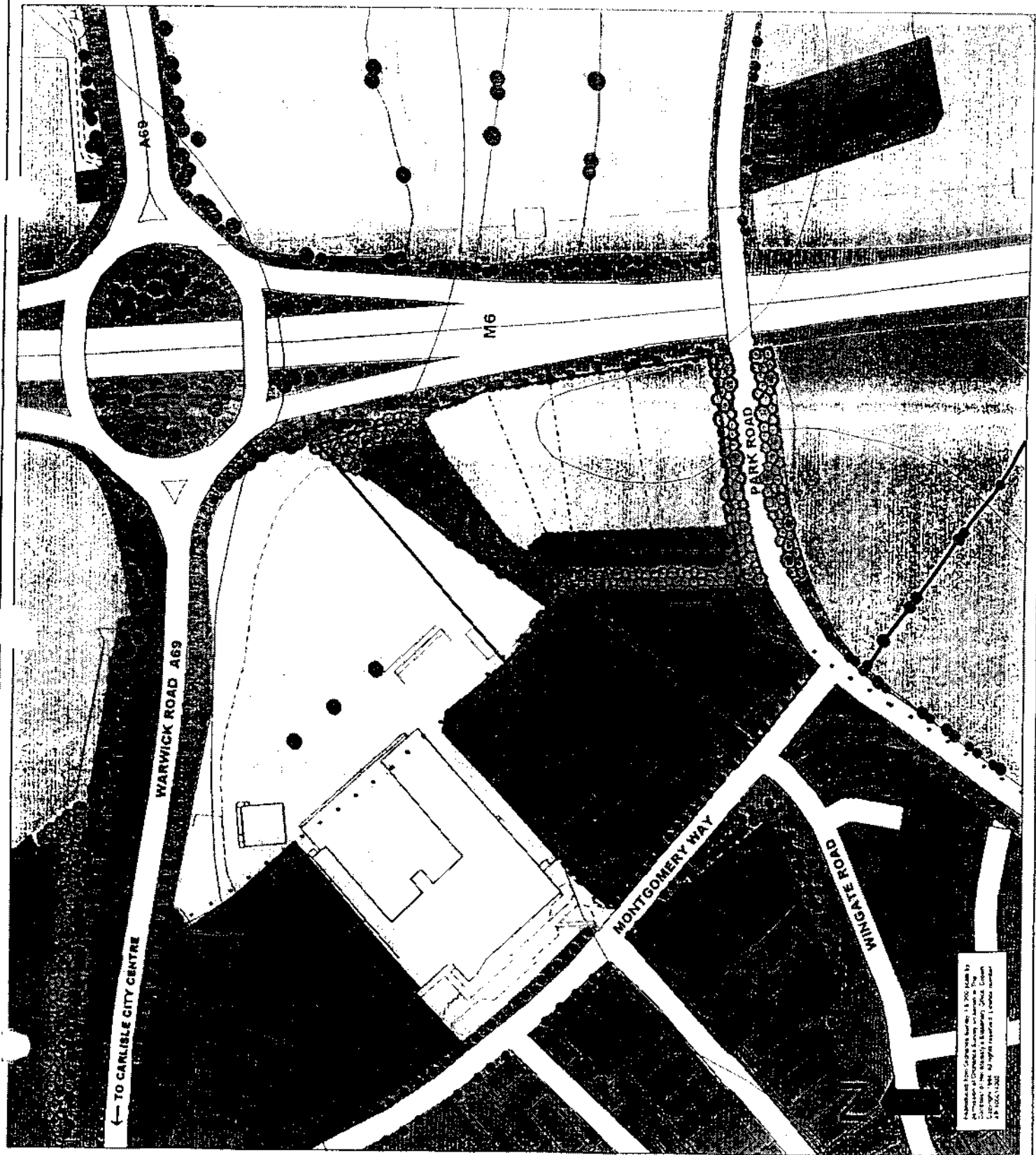


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LAND AT BORDERWAY,
 ROSEHILL, CARLISLE,
 CUMBRIA
 LANDSCAPE & VISUAL IMPACT ASSESSMENT

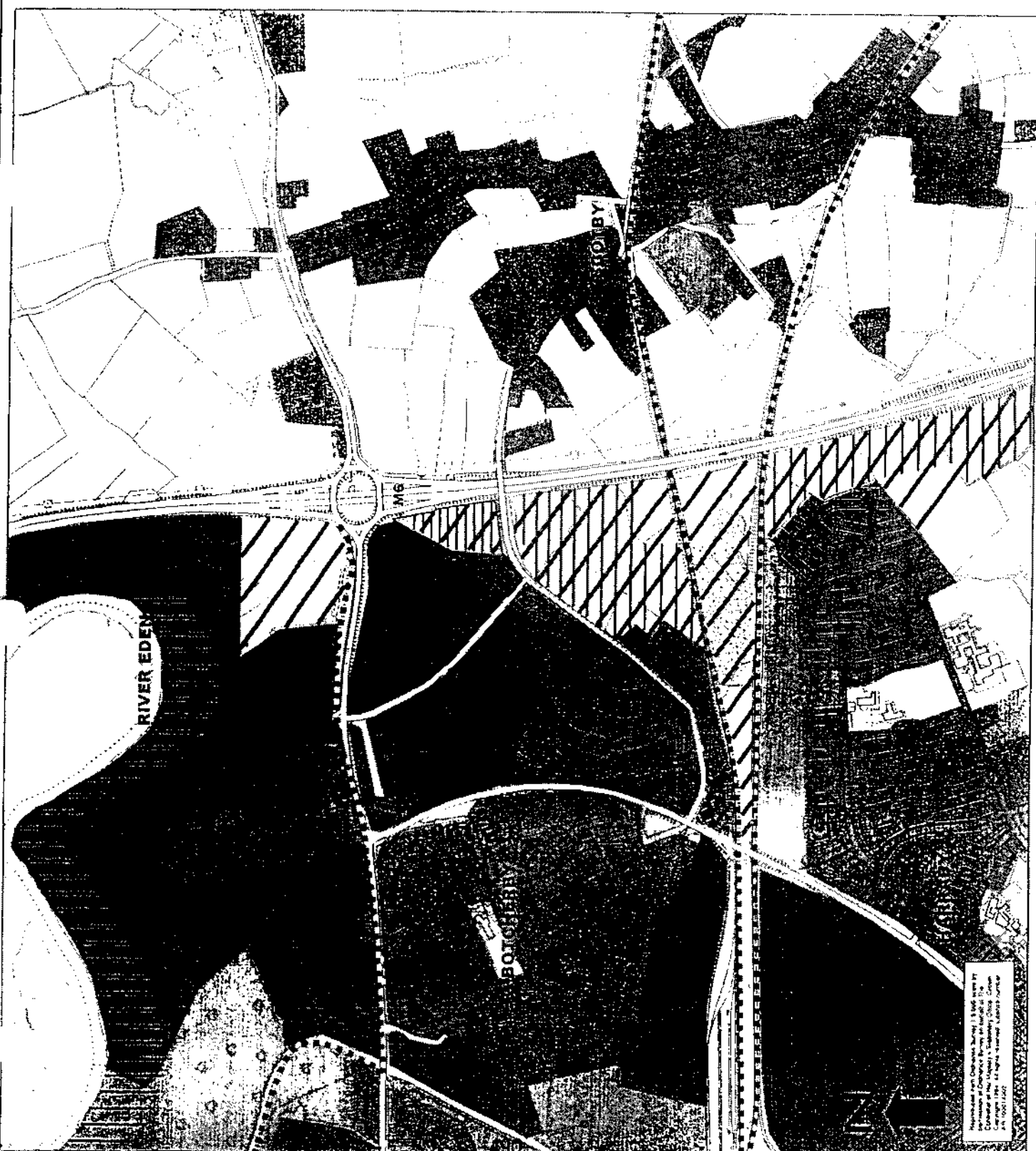
Figure 6.1
LOCAL LANDSCAPE CHARACTER

Scale: 1:2,500 Job No: 4357
 Date: December 2001



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FIGURE 6.2
PLANNING CONTEXT AND LAND USE



LEGEND

- DEVELOPMENT SITE BOUNDARY
- RESIDENTIAL
- INDUSTRIAL / COMMERCIAL / RETAIL
- SCHOOLS
- AMENITY OPEN SPACE
- ARABLE / PASTURE
- AREA OF LOCAL LANDSCAPE SIGNIFICANCE (POLICY ES, CARLISLE DISTRICT LOCAL PLAN 1997)
- AREA OF LANDSCAPE IMPROVEMENT (POLICY ES, CARLISLE DISTRICT LOCAL PLAN 1997)
- BEST AND MOST VERSATILE AGRICULTURAL LAND (POLICY E1 CARLISLE DISTRICT LOCAL PLAN 1997)
- WILDLIFE SITE
- HADRIAN'S WALL WORLD HERITAGE SITE BUFFER ZONE
- RAILWAY LINE

H&H CONSULTING
LANDSCAPE ARCHITECTS
ACCREDITED

LAND AT BORDERWAY,
ROSEHILL, CARLISLE,
CUMBRIA
LANDSCAPE & VISUAL IMPACT ASSESSMENT














Figure 6.2
PLANNING CONTEXT AND
LANDUSE

Scale: 1:10,000 Job No: 4357
Date: December, 2001

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FIGURE 6.3
VISIBILITY ANALYSIS

LEGEND

-  DEVELOPMENT SITE BOUNDARY
-  RESIDENTIAL
-  COMMERCIAL / RETAIL
-  AUCTION MART YARD AND BUILDINGS
-  CAR PARK
-  EXISTING SHELTERBELT / WOODLAND (INDICATIVE)
-  SIGNIFICANT SPECIMEN TREES OR GROUPS OF TREES (INDICATIVE)
-  PASTURE / ARABLE
-  ROUGH GRASSLAND / SCRUB
-  GRASS VERGE / MOTORWAY EMBANKMENT
-  SLOPE
-  OPEN VIEWS
-  FILTERED VIEWS

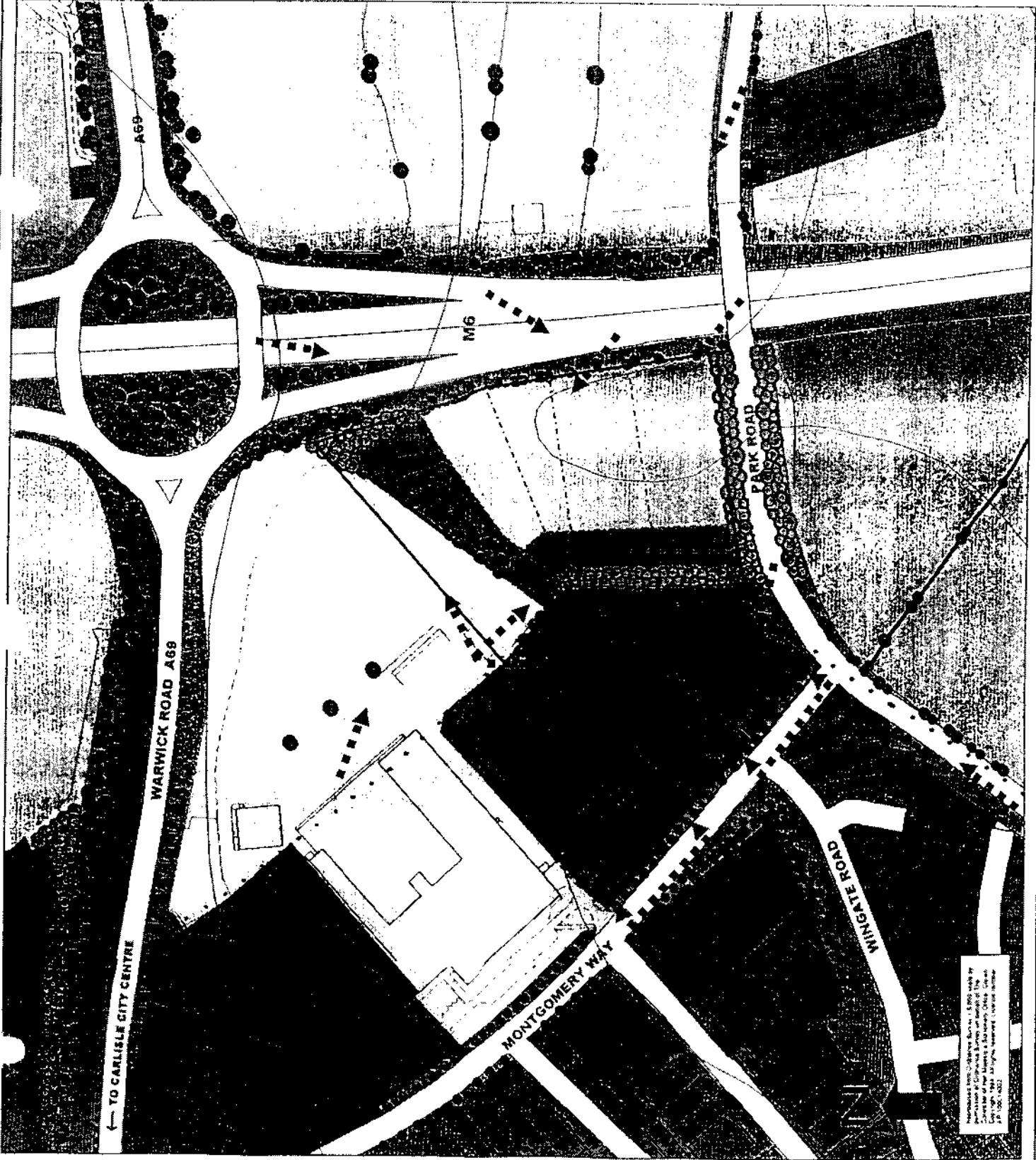



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LANDSCAPE & VISUAL IMPACT ASSESSMENT

**Figure 6.3
VISIBILITY ANALYSIS**

Scale: 1:2,500 Job No: 4367
Date: December 2001



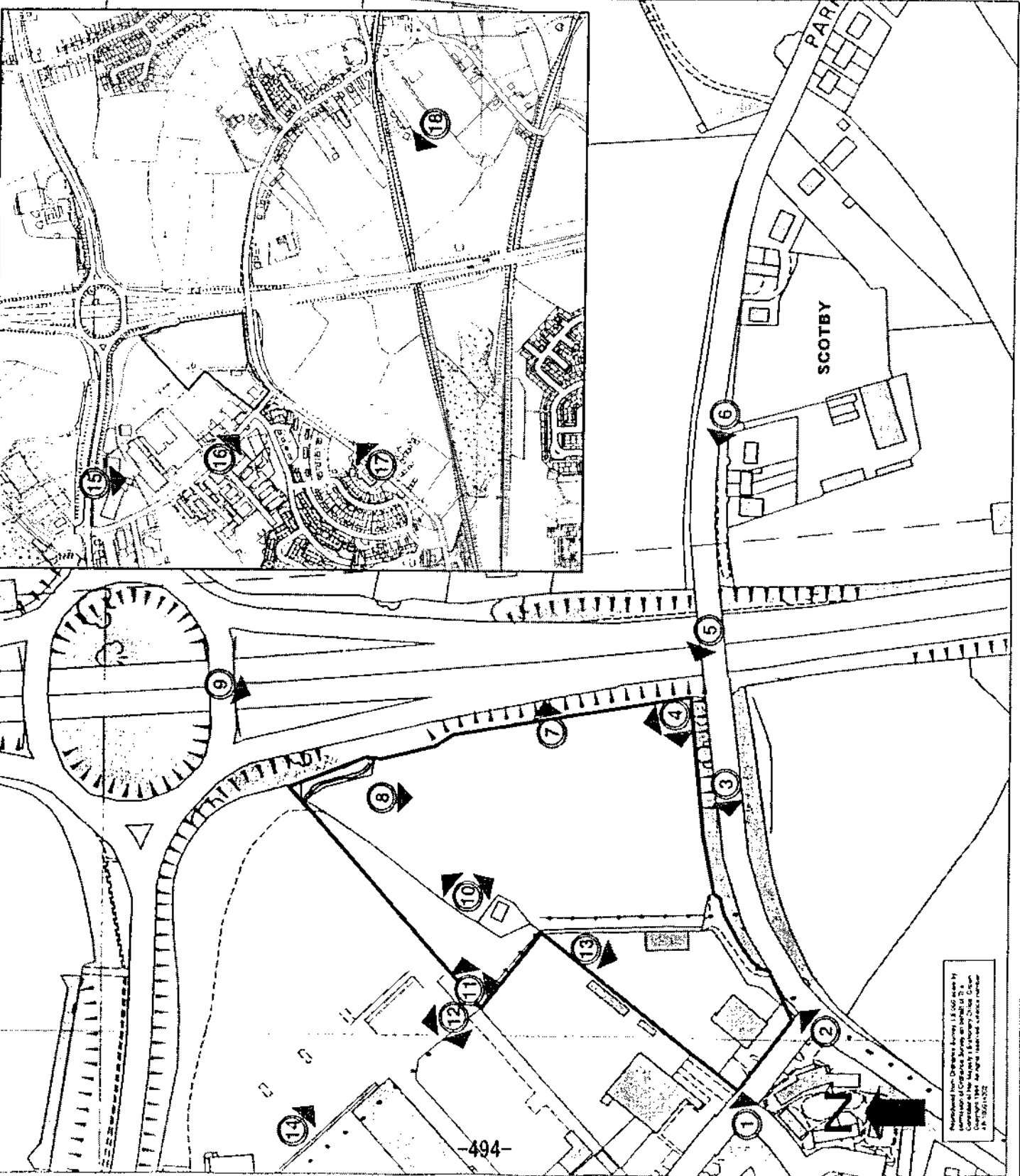
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Commissioned by: High Grade PLC
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FIGURE 6.4
VIEWPOINT LOCATION PLAN

LEGEND

DEVELOPMENT SITE
BOUNDARY

PHOTOGRAPHIC
VIEWPOINT LOCATION



H&H GROUP PLC



LAND AT BORDERWAY,
ROSEHILL, CARLISLE,
CUMBRIA

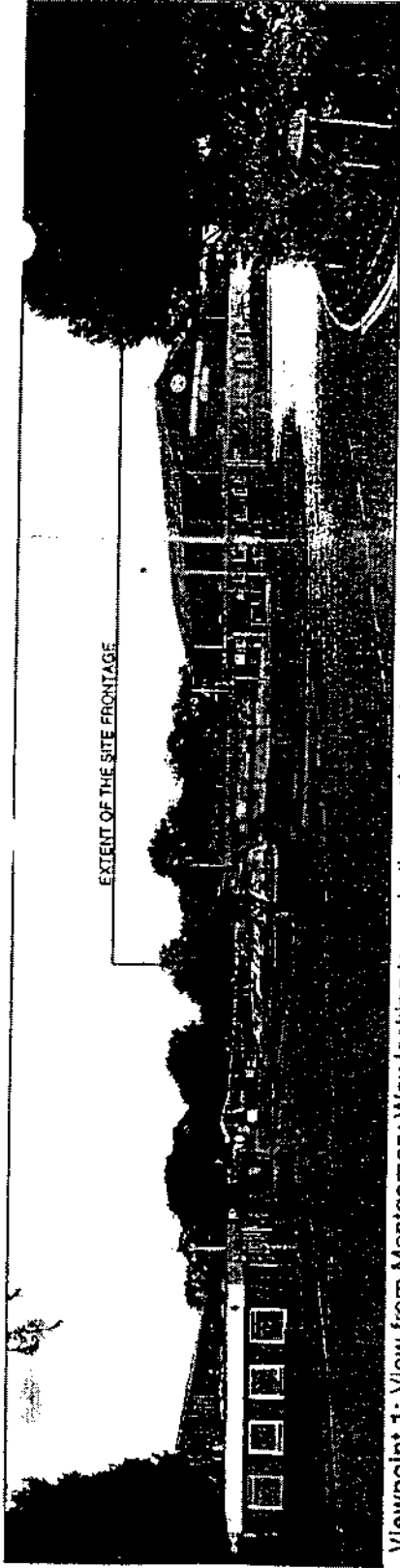
LANDSCAPE & VISUAL IMPACT ASSESSMENT

Figure 6.4
VIEWPOINT LOCATION PLAN

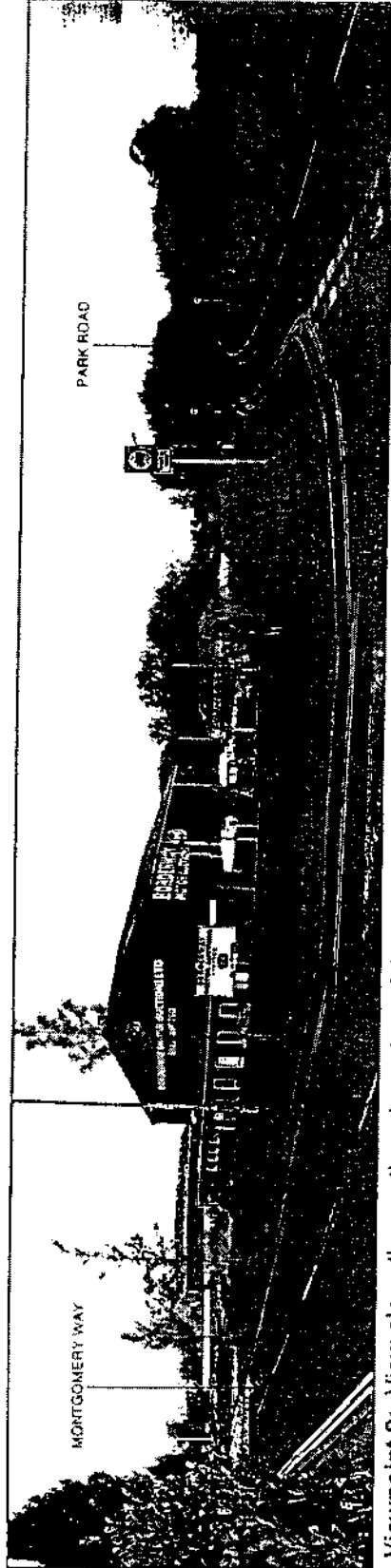
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A.P. 3/01/15/02

FIGURE 6.5
PHOTOGRAPHIC VIEWPOINTS 1, 2 & 3



Viewpoint 1: View from Montgomery Way looking towards the south-western sector of the proposed development site with the Borderway Motor Auction to the right.



Viewpoint 2: View along the southern boundary of the development site. Existing vegetation visually contains the eastern sector of the site on Park Road whilst the sector adjacent to Montgomery Way is more open with limited vegetation cover.



Viewpoint 3: View looking west along Park Road, where the maturing hedgerow and mature trees along the site's southern boundary block views into and out of the proposed development area.



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LAND AT BORDERWAY,
ROSEHILL, CARLISLE,
CUMBRIA

LANDSCAPE & VISUAL IMPACT ASSESSMENT

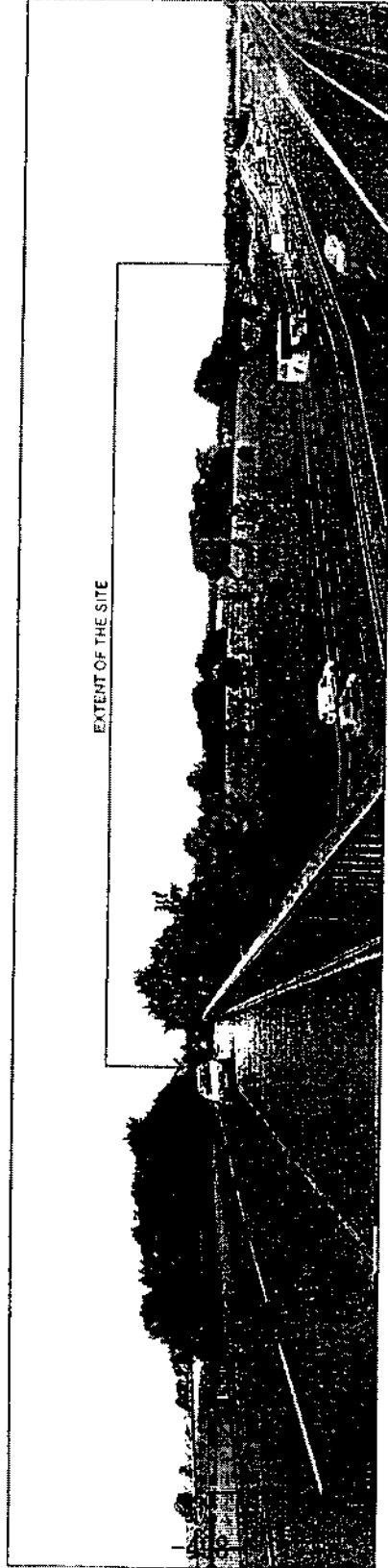
Figure 6.5
PHOTOGRAPHIC VIEWPOINTS
1, 2 & 3

Job No: 4357
Date: December 2001

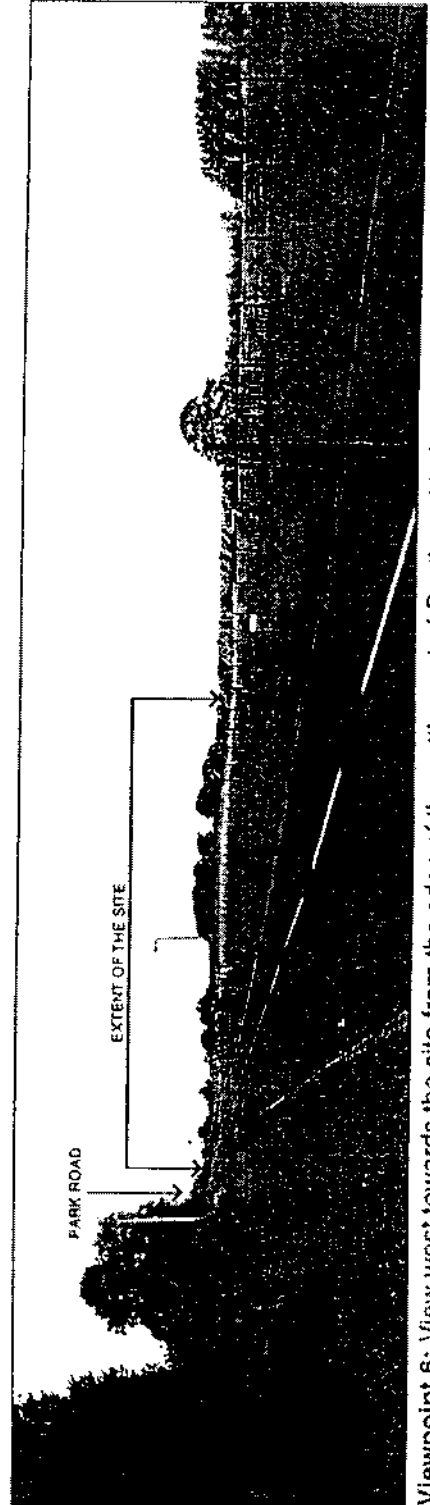
FIGURE 6.6
PHOTOGRAPHIC VIEWPOINTS 4, 5 & 6



Viewpoint 4: View from the south eastern corner of the site looking north-west across the fields that rise towards the northern sector of the site defined by the hedgerow trees.



Viewpoint 5: View north-west towards the eastern sector of the site from the bridge over the M6. Planting associated with the motorway is sparse but serves to filter views from the bridge.



Viewpoint 6: View west towards the site from the edge of the settlement of Scotby, with the mature trees adjacent to the northern boundary clearly visible in the landscape.



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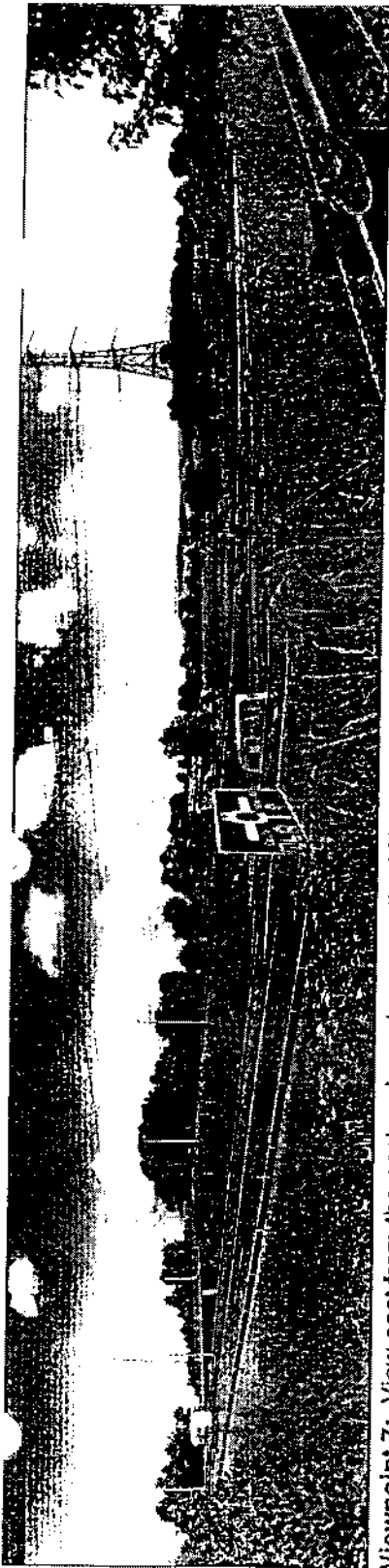


LAND AT BORDERWAY,
ROSEHILL, CARLISLE,
CUMBRIA
LANDSCAPE & VISUAL IMPACT ASSESSMENT

Figure 6.6
PHOTOGRAPHIC VIEWPOINTS
4, 5 & 6

Job No: 4357
Date: December 2001

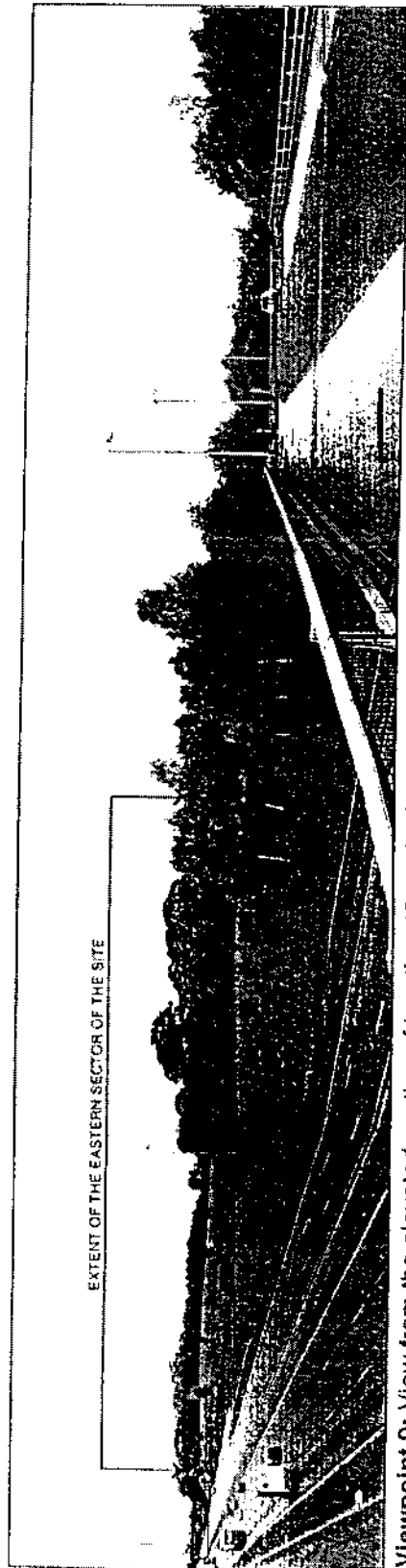
FIGURE 6.7
PHOTOGRAPHIC VIEWPOINTS 7, 8 & 9



Viewpoint 7: View east from the eastern boundary, over the M6 towards the rolling agricultural fields, typifying the landscape character of the wider area.



Viewpoint 8: View south from the north-eastern sector of the site, demonstrating the sense of containment provided by the undulating landform within this portion of the site.



Viewpoint 9: View from the elevated section of junction 43 on the M6, looking south towards the eastern sector of the proposed development site. Existing vegetative cover filters views towards the site beyond the north bound slip road.



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LAND AT BORDERWAY,
ROSEHILL, CARLISLE,
CUMBRIA
LANDSCAPE & VISUAL IMPACT ASSESSMENT

Figure 6.7
PHOTOGRAPHIC VIEWPOINTS
7, 8 & 9

Job No: 4357
Date: December 2001

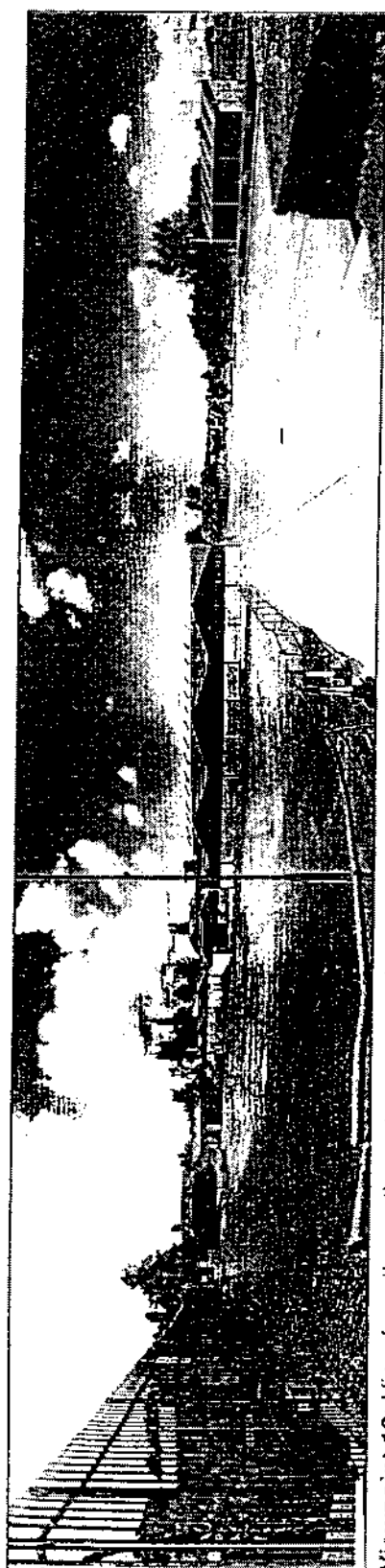
FIGURE 6.8
PHOTOGRAPHIC VIEWPOINTS 10, 11 & 12



Viewpoint 10: View looking east from the north western sector of the site, beside the existing cottage. The pylons and cables are beyond the M6 to the east, whilst the rising landform combined with the existing vegetative cover provides a sense of containment to this area.



Viewpoint 11: View from the north eastern corner of the site looking east towards the mature trees which define the existing field boundary. This view illustrates the barren extended area of hardstanding which forms the northern sector of the site.



Viewpoint 12: View from the north western corner of the site looking north-west towards the cattle mart and the hard landscape which forms the setting to the existing commercial warehouses.



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LAND AT BORDERWAY,
ROSEHILL, CARLISLE,
CUMBRIA

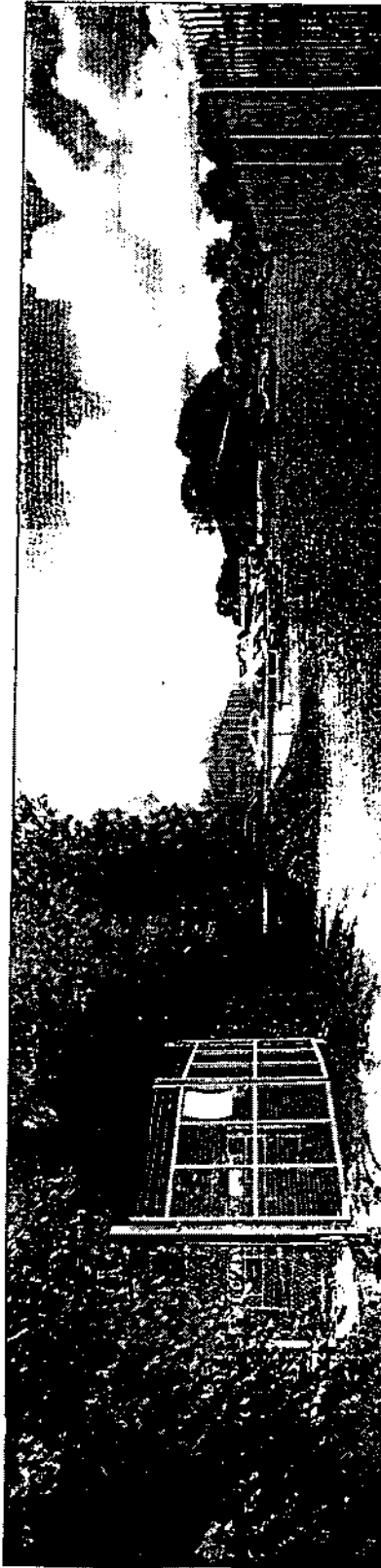
LANDSCAPE & VISUAL IMPACT ASSESSMENT

Figure 6.8
PHOTOGRAPHIC VIEWPOINTS
10, 11 & 12

Job No: 4357

Date: December 2001

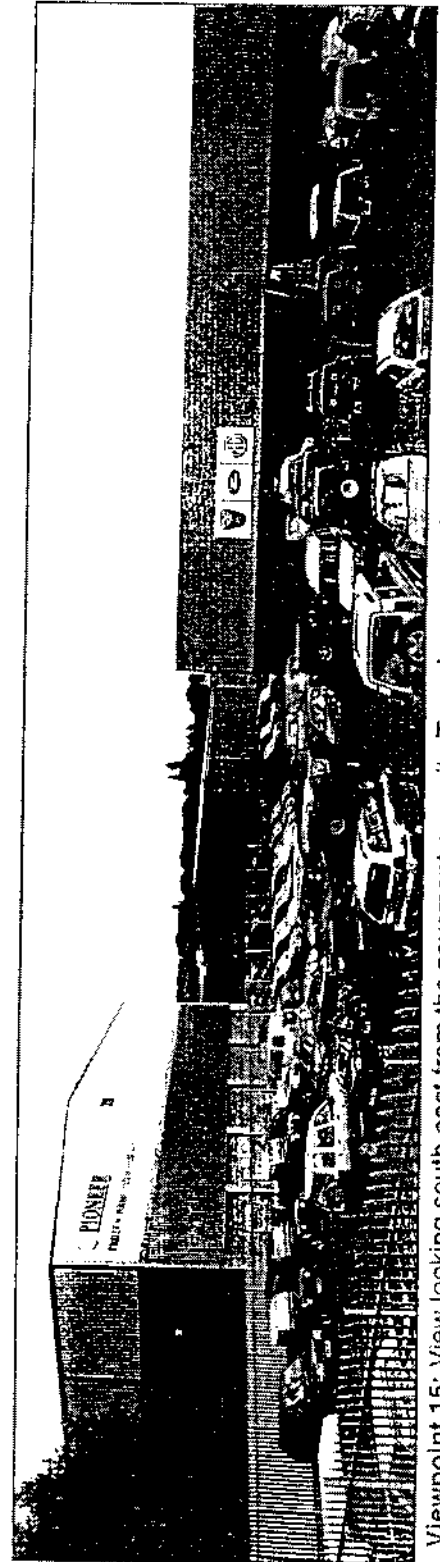
FIGURE 6.9
PHOTOGRAPHIC VIEWPOINTS 13, 14 & 15



Viewpoint 13: View looking south east from the north western corner of Borderway Car Auctions. Mature trees and vegetation separate the agricultural fields from the car auction site.



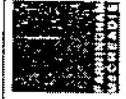
Viewpoint 14: View from the cattle mart car park looking towards the northern boundary of the site.



Viewpoint 15: View looking south-east from the pavement opposite Tesco's supermarket, adjacent to the A69, Warwick Road. The tops of the mature trees along the field boundary are visible through the gaps between the large buildings.



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LAND AT BORDERWAY,
ROSEHILL, CARLISLE,
CUMBRIA

LANDSCAPE & VISUAL IMPACT ASSESSMENT

Figure 6.9
PHOTOGRAPHIC VIEWPOINTS
13, 14 & 15

Job No: 4357
Date: December 2001

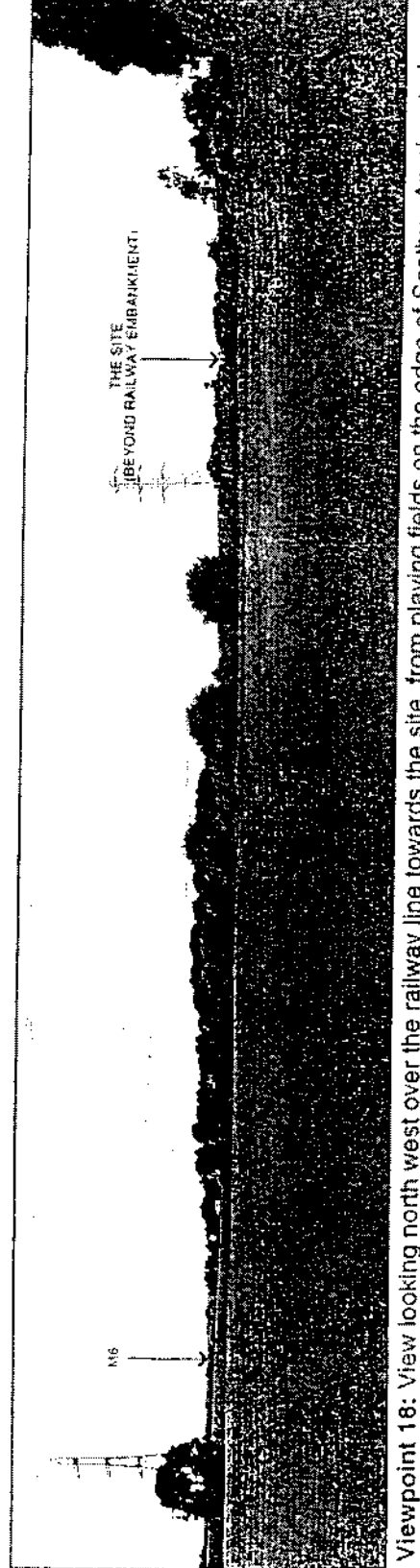
FIGURE 6.10
PHOTOGRAPHIC VIEWPOINTS 16, 17 & 18



Viewpoint 16: View south along Montgomery Way towards the proposed development site boundary.



Viewpoint 17: View looking north east towards the site from the mature tree-lined Park Road.



Viewpoint 18: View looking north west over the railway line towards the site, from playing fields on the edge of Scolby. An elevated section of the M6 is visible to the left.



LAND AT BORDERWAY,
ROSEHILL, CARLISLE,
CUMBRIA

LANDSCAPE & VISUAL IMPACT ASSESSMENT

Figure 6.10
PHOTOGRAPHIC VIEWPOINTS
16, 17 & 18

Job No: 4257
Date: December 2001

SCHEDULE B: Reports Requiring Further Information

02/0903

Item No: 39

Date of Committee: 20/12/02

Appn Ref No:
02/0903

Applicant:
J E & S Nixon

Parish:
Carlisle

Date of Receipt:
19/08/02

Agent:
Mr P J Forster

Ward:
Stanwix Urban

Location:
1 Etterby Street, Stanwix, Carlisle, CA3 9JB

Grid Reference:
339960 557080

Proposal: Loft conversion and change of use to convert dwelling house into bed and breakfast business

Amendment:

Angus

Report

Planning Policies:

Conservation Area

The proposal relates to land or premises situated within the Stanwix Conservation Area.

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan Transport - Proposal T7

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;

SCHEDULE B: Reports Requiring Further Information

02/0903

3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Carlisle District Plan Transport - Proposal T9

Within Conservation Areas, off-street vehicle parks will not be permitted, unless they:

1. Are small in scale;
2. Have no adverse impact on the street frontage or character;
3. Have no detrimental effect on neighbouring properties; and
4. Have satisfactory access.

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan Employment - Proposal EM16

Proposals for change of use from residential to guest house will be permitted provided that there is no unacceptable adverse impact upon the amenity of any neighbouring property and any additional parking requirements can be accommodated.

Proposals for guest house accommodation in the rural area will be acceptable providing that:

1. The proposal involves the use of an existing building or the extension of an existing guest house; and

SCHEDULE B: Reports Requiring Further Information

02/0903

2. The proposal reflects the scale and character of any existing development in the area; and
3. There is no unacceptable adverse effect upon the amenity of neighbouring property and the character and appearance of the area.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The parking space indicated would only be sufficient for the applicant's own use. The parking guidelines for Cumbria require one parking space for each letting bedroom together with additional space for employees. As these requirements cannot be met by the applicant, it is likely that the proposed use would lead to vehicles being parked on the public highway. Such parking would cause further congestion on the surrounding highway network and in this respect the Authority are not in favour of the proposal.

No doubt you will wish to consider the parking implications in connection with the bed and breakfast use before determining the matter.

Environmental Services: This division has no objections to this application.

Cumbria Fire Service: No objection. Further comments will be made at the Building Control approval stage.

English Nature: The proposal involves the type of building that may be used by bats. It is therefore advised that an informative note is attached to any planning permission.

Conservation Area Advisory Committee: No wish to raise any objections.

Summary of Representations:

This application has been advertised in the form of site and press notices and the direct notification of the occupiers of seven neighbouring properties. At the time of preparing the report one letter has been received stating that:

- Concerns exist over the additional parking requirements.
- There is no additional parking space in Etterby Street.
- Increasing numbers of people parking in Marlborough Gardens which is a private road.
- Lead to inconvenience for residents of the road which will only get worse by the proposed B & B which will potentially add four cars to the two the owners already park in Marlborough Gardens.

Details of Proposal/Officer Appraisal:

Planning History:

In 2000 under application reference number 00/0356 advertisement consent was granted for non-illuminated signage in the form of a projecting sign and a plaque by the front door.

In relation to the neighbouring property at 2 Marlborough Gardens planning permission was given in 1995, application number 95/0835, for the formation of a ground floor bedroom, storage and utility with a parking area. Last year, under 01/0605, advertisement consent was given for a bed and breakfast sign.

Details of Proposal:

This application relates to a two storey, terraced property located on the southern side of the road approximately 30 metres to the west of the junction of Etterby Street and Marlborough Gardens with Scotland Road. The primary use of 1 Etterby Street is a four bed house which provides ancillary bed and breakfast accommodation.

The neighbouring property at 2 Marlborough Gardens (Marlborough House) is also primarily a dwelling with a total of 5/6 bedrooms of which upto a maximum of 3 are used for bed and breakfast accommodation. 3 Etterby Street is a dwelling. Etterby Street as a whole is residential in character although there are commercial properties at numbers 6/8 (funeral parlour), 11 (hairdressers) and 30 (catering services).

The current proposal involves converting the loft to provide an additional two bedrooms with en-suite facilities and utilising the whole property primarily as a bed and breakfast establishment. The applicants' agent has pointed out that; i) there is an existing access via a back lane into a rear yard which can normally take two cars, but with some manoeuvring could accommodate three cars; ii) on street parking, fronting the property is not allowed by the owners because of the double yellow lines on the road and the close proximity to the bus stop; and iii) the owners also provide accommodation for the Cyclist Touring Association who do not require any car parking.

The submitted floor plans indicate that the loft is to be converted by inserting two velux windows in the roof facing Etterby Street, and, three velux windows on the southern elevation.

In considering this application it is felt that the following inter-related points need to be kept in mind:

- a) Parking and Traffic Safety

Ministerial advice contained in PPG13 "Transport" points out in paragraph 49 that the availability of car parking has a major influence on the means of transport people

SCHEDULE B: Reports Requiring Further Information

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choose for their journeys. PPG13 goes on to state in paragraphs 52 and 53 that:

"Policies in development plans should set maximum levels of parking for broad classes of development. Maximum standards should be designed to be used as part of package of measures to promote sustainable transport choices, reduce the land-take of development, enable schemes to fit into central urban sites, promote linked-trips and access to developments for those without use of a car and to tackle congestion. There should be no minimum standards for development, other than parking for disabled people.....

.....Local authorities should use their discretion in setting the levels of parking appropriate for small developments so as to reflect local circumstances."

The adopted "Parking Guidelines in Cumbria" (September 1997) state that a 3/4 bed dwelling would be expected to have 2.5 car parking spaces. By way of comparison a guest house is required to have a delivery space, a car space per resident staff, a space per guest bedroom, and, one space per 3 non-residential staff. In relation to the current proposal the existing off-street provision in the yard (albeit that access to which is along a narrow unlit and unsurfaced lane) theoretically complies with the above guidelines. The current proposal, with the requisite maximum need for at least six off-street spaces, falls short. Etterby Street is a busy, congested road with double yellow lining along the frontages of 1-11 Etterby Street. The properties along Etterby Street have limited off-street parking provision which results in vehicles parked almost continuously along both sides of the road. A residents parking scheme has also been implemented.

Although there are two bus stops within the immediate vicinity, the nature of the proposed use is, nevertheless, likely to lead to a reliance to some extent on car borne guests travelling along Scotland Road. The two other possibilities to provide car parking for guests would involve the use of Marlborough Gardens and Stanwix Car Park. In the case of Marlborough Gardens it is a private road, the relationship of which to Etterby Street for any visitors is not straight forward. At the time of the site visit 14 cars were also parked outside the frontages of 1, 2 and 3 Marlborough Gardens. Stanwix Car Park, which is located approximately 80 metres to the east of the application site, has 26 spaces; is a short-stay car park (maximum stay for 3 hours on Monday to Friday between 08.00 hrs and 20.00 hrs, and on Saturday 08.00 hrs to 18.00 hrs); although resident permit holders are exempt. The City Council's Car Parking Manager has indicated that, because of the lack of parking spaces to serve the existing terraced properties and the subsequent need for residents to permanently utilise the facility, there is never more than 10 spaces available to the general public at Stanwix Car Park to serve those visiting the existing shops, leisure and community facilities. In the context of the current applications Members may be aware that the Cumbria Park Hotel on Scotland Road is served by its own private car park. The neighbouring Angus Hotel/Almonds Bistro at 14/16 Scotland Road has guest house permits for customers to park on the neighbouring streets and at Stanwix Car Park.

b) Potential impact on the amenity of residents

In addition to the traffic generated potentially causing a hazard, inconvenience or amenity problems in itself, it is appreciated that a guest house, in comparison to a

SCHEDULE B: Reports Requiring Further Information

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dwelling, will also lead to an increase in the level of activity associated with guests staying at the premises.

In addition, Members need to be aware that the imposition of certain conditions, in order to reduce the impact of a guest house/B & B use, may be contrary to Ministerial advice. Any restriction of changes within the same use Class I (for example to a hotel) could be contrary to a Circular 13/87 except where there is "clear evidence that the use excluded would have serious adverse effects on the environment or on amenity". Circular 13/87 also advises that the identity of the user or the type of person to be accommodated in uses within Use Class C1 is not a land use planning issue. A stipulation on the numbers of persons to be accommodated is also likely fail the Circular 1/85 test of enforceability, as is any condition seeking to define the length of stay of residents.

c) Stanwix Conservation Area

Under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 there is a general duty on local authorities to pay special attention to "the desirability of preserving or enhancing the character or appearance of that area". The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed. This situation is re-iterated in paragraph 4.14 of PPG15 "Planning and the Historic Environment". Paragraph 4.16 goes on to say that:

"Policies will need to be designed to allow the area to remain alive and prosperous, and to avoid unnecessarily detailed controls over businesses and householders, but at the same time to ensure that any new development accords with the area's special architectural and historic interest."

The concern is that any exacerbation of the congested nature of the area would be contrary to the aim of preserving or enhancing the character of the area.

In conclusion the current proposal involves a comparatively small terraced house, with limited off-street parking provision and double yellow lines along the road frontage, located in the suburb of the City along a busy road within a designated Conservation Area. Ministerial advice contained in PPG13 "Transport" seeks to generally restrict the extent of private parking in order to discourage the use of cars. In the case of the current proposal there is a residents permit scheme in operation to restrict the nature of the car parking along the roads. The public car park within the immediate vicinity is also extensively used by local residents, and those spaces available are restricted to a maximum of 3 hours. There is also a duty of local authorities to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

The major concern is that the proposed use is, however, likely to be reliant on car borne guests which would add to existing levels of on-street parking and exacerbate the congested nature of the area, to the potential detriment of the flow of traffic, amenity and character of the area. The existing primary use of the property as a dwelling could, nevertheless, continue with the building in its current form. This also

SCHEDULE B: Reports Requiring Further Information

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being at a time when the primary use of the neighbouring property is currently a dwelling with ancillary B & B/guest house accommodation.

At the time of preparing the report further information is awaited from the applicants concerning the nature of the accommodation, number of rooms for guests, and, the type of guests anticipated to utilise the facility.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

Recommendation:

Reason for including report in Schedule B

At the time of preparing the report further information is awaited from the applicants.

3 no 6 rooms for B & B use

App -

CITY OF CARLISLE

DEPARTMENT OF PLANNING

RECEIVED

13 AUG 2002

2002/0903



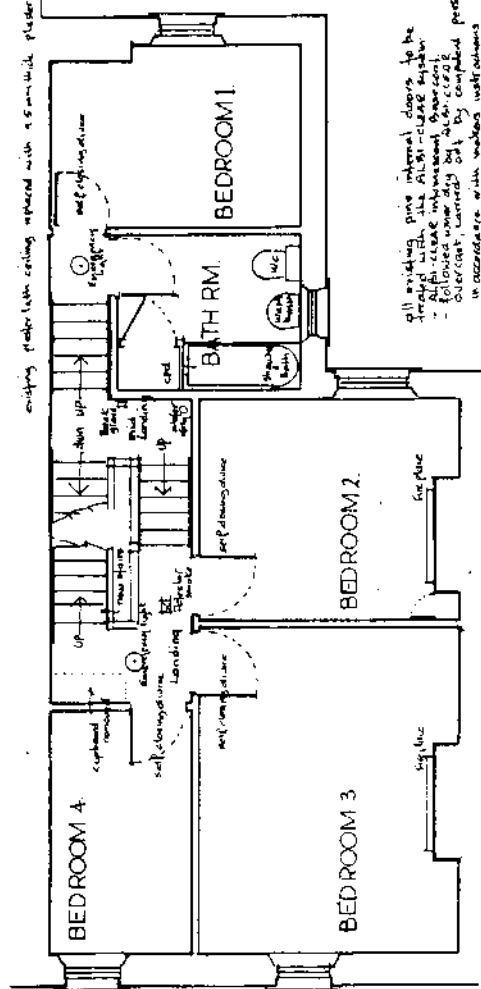
Town & Country Planning Act 1971 :
reproduced from the Ordnance Survey map
with the sanction of the controller of
H.M. Stationery Office :
Crown Copyright Reserved.

C. Cuthbert M.R.T.P.I.
Director of Planning

Date _____
Scale 1:1050

S. Station - 1/4" = 1'-0" (vertical)
 S. Station - 1/4" = 1'-0" (horizontal)

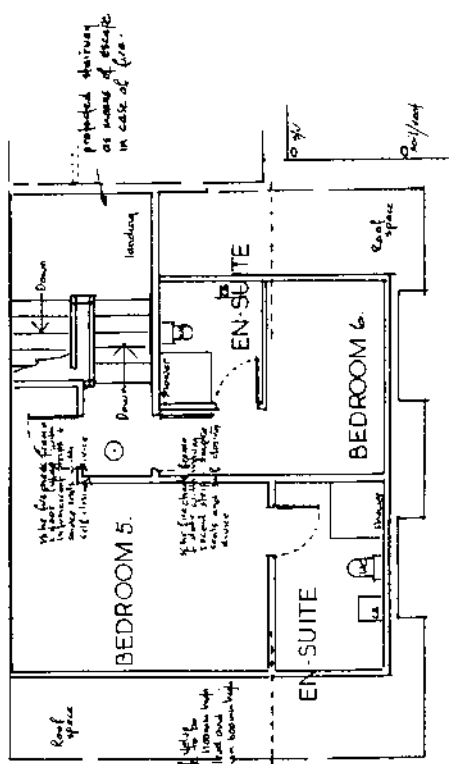
existing plaster/brick ceiling replaced with 4.5 mm thick plasterboard & down.



all existing pine internal doors to be treated with the ALBI-clad system
 - 20mm thick aluminium clad
 - 20mm thick plywood
 - 20mm thick plasterboard
 in accordance with relevant wall/ceiling

note: all ceiling rooms must have exit of 450mm diameter (black also provide noise insulation details behind each room door)

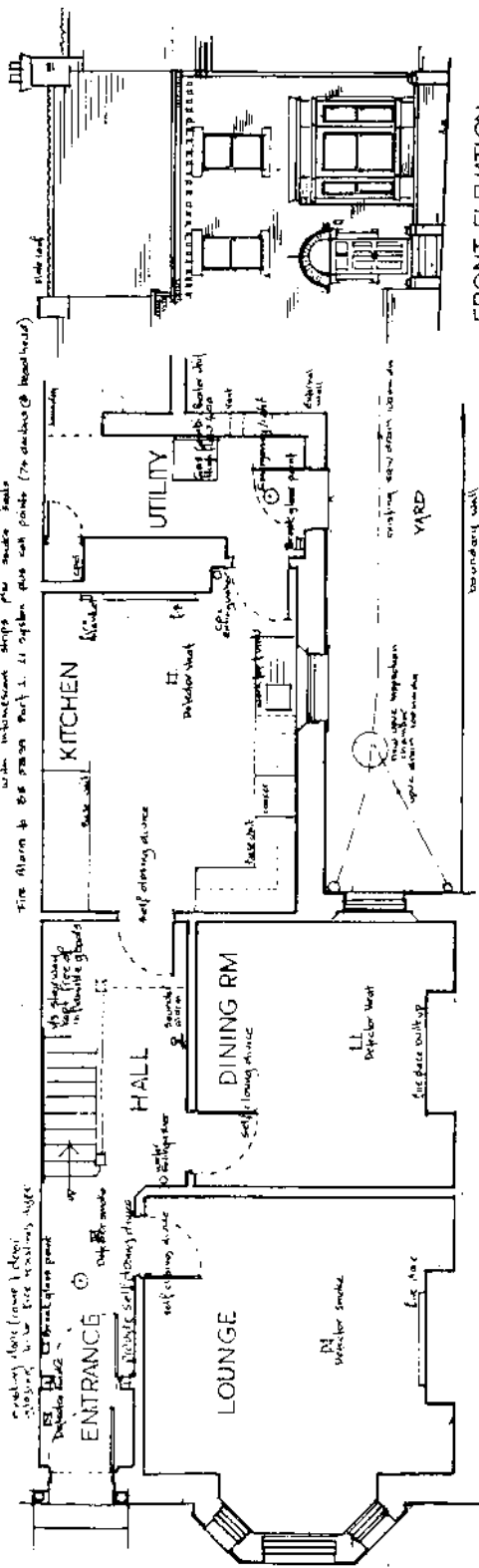
FIRST FLOOR PLAN



SECOND FLOOR PLAN

reference to confirm to the fire regulations Act 1971 (for building notices)
 existing ground floor door opening made 2100mm wide
 with aluminium strips plus smoke seals

fire alarm to BS 58 part 1, 21 system plus exit points (77 standard @ head level)



GROUND FLOOR PLAN

FRONT ELEVATION 1:100

PROPOSED ALTERATIONS/LOFT CONVERSION
 AT NUMBER ONE, ETTERBY STREET, STANWIX,
 FOR: MR. J. E. & MRS. S. NIXON
 CARLISLE

SCALE 1:50

2002/10/03

1/2" = 1' - 0" elevations

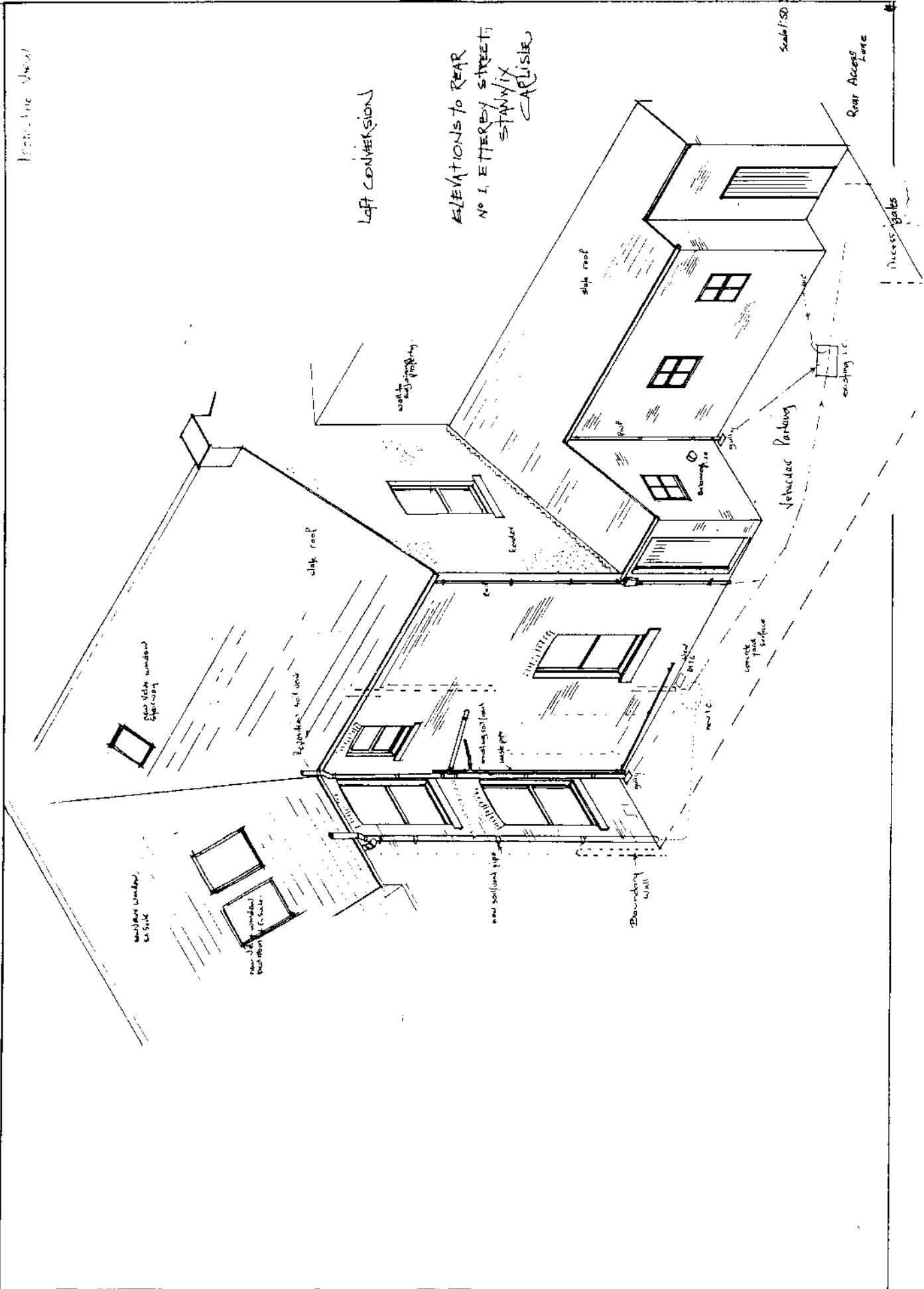
LOFT CONVERSION

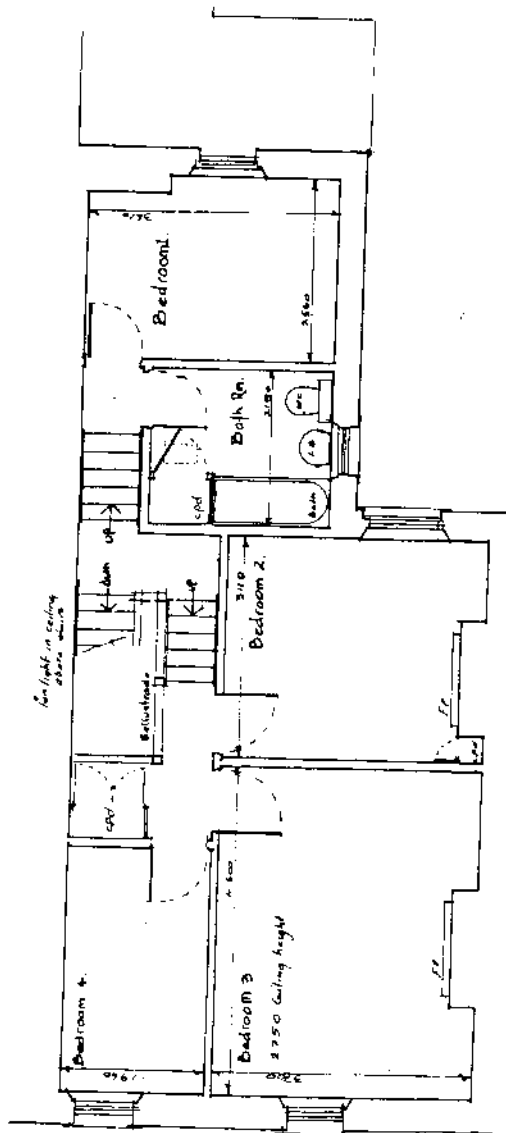
ELEVATIONS TO REAR
NO. 1, ETTYBY STREET,
STANWIX
CARLISLE

Scale 1/50

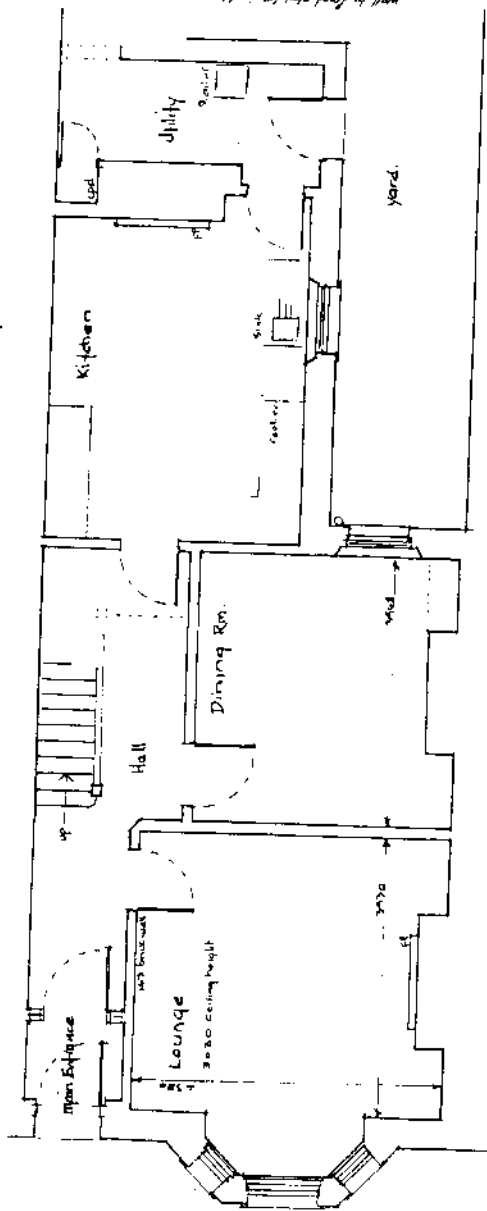
Rear Access Lane

Access Gates

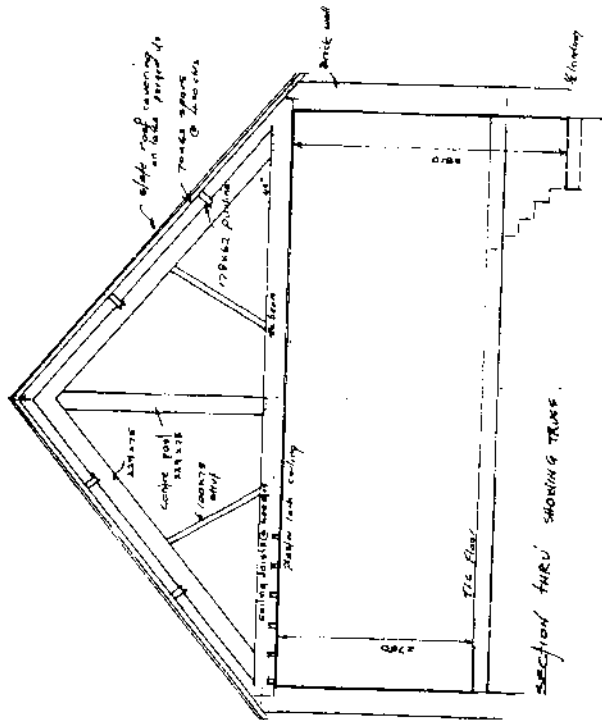




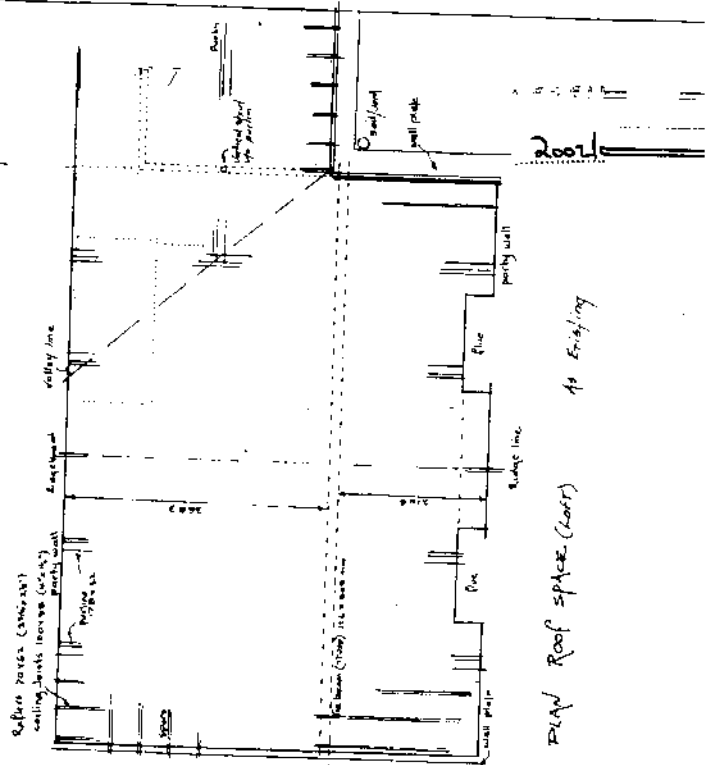
FIRST FLOOR AS ENDED



GROUND FLOOR AS ENDED



SECTION THRU SHOWING TRUSS



PLAN ROOF SPACE (LEFT) AS ENDED

SCHEDULE B: Reports Requiring Further Information

02/0914

Item No: 40

Date of Committee: 20/12/02

Appn Ref No:
02/0914

Applicant:
W Swainson

Parish:
Burgh-by-Sands

Date of Receipt:
03/09/02

Agent:
Taylor & Hardy

Ward:
Burgh

Location:
L/A Field 3300 adjacent to Moorpark Farm,
Thurstonfield, Carlisle

Grid Reference:
332291 556767

Proposal: Erection of agricultural workers bungalow and formation of new access
(outline)

Amendment:

Richard

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Carlisle District Plan Housing - Proposal H6

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

Carlisle District Plan Transport - Proposal T7

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Carlisle District Plan Environment - Policy E9

Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

Carlisle District Plan Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Moorpark Farm is already served by two existing vehicular accesses. This proposal would involve the construction of a further vehicular access onto this fast stretch of Class II road.

To construct this additional access would further add to traffic turning movements and interfere with the free flow of traffic and thereby increase the risk of accidents.

A visibility splay of 215m x 2m x 215m would be required and this would involve the removal of a substantial length of hedge.

I would therefore not be in favour of the application as submitted.

If however the applicant can prove an agricultural need and you have no objection to the development I would advise that the existing westerly farm access be used to serve the proposed bungalow.

Burgh-by-Sands Parish Council: No objections provided that the turning space is within the boundaries of the farm.

SCHEDULE B: Reports Requiring Further Information

02/0914

County Land Agent (Capita dbs): I visited the farm on the 22 January 2002 and sent you a copy of my report on the 14 February 2002 under your reference AMT/DC/01/0772. At that time I concluded that:

1. There was a clearly established functional need;
2. There was a labour requirement for just under three full time workers;
3. The business was financially viable;
4. The existing farmhouse satisfied the need to have one of those workers resident on the site.

Since January there have been a number of changes and the business has continued to expand. The major changes are:

- a. An increase in the area farmed from 90 ha to 114 ha due to the acquisition of extra land;
- b. An increase in livestock numbers to the following which are kept on the holding at the present time;

- 105 Dairy cows
- 35 In calf heifers
- 25 Bulling heifers
- 32 Cattle over 1 year old
- 61 Cattle under 1 year old
- 2 Bulls
- 12 Bull calves
- 400 Wintering sheep

As a result of these alterations, I have re-calculated the Net Farm Income and can confirm that the business remains financially viable and that the labour requirement has increased to around 3.8 full time workers. PPG7 requires this assessment to be based on the existing levels of stock. I understand it is proposed to increase dairy cow numbers further to around 120 to 130 and works are well advanced in the provision of buildings to accommodate these additional cattle. This will further increase the labour requirement.

I therefore conclude by advising that due to the increase area of the farm and the increased numbers of livestock kept at present, there is now a labour requirement of 3.8 full time workers on the Moor Park holding and it is reasonable to expect two of these workers to be resident on the Moor Park holding in the interests of the well being of the livestock, particularly during calving and for attention to young stock.

Design Services - Drainage Engineer: Comments as follows:

Surface water - I note that it is the applicant's intention to discharge surface water to an adjacent beck. The applicant must undertake full consultation with the Environment Agency in order to obtain the necessary consent.

Foul - The applicant is proposing to dispose of foul sewage via a septic tank and soakaway system. Assuming that this is a new system, percolation tests should be

SCHEDULE B: Reports Requiring Further Information

02/0914

carried out to confirm the suitability of the ground conditions. Furthermore, the applicant needs to consult the Environment Agency in order to obtain the necessary consents.

If the foul discharge is to be to an existing septic tank/ soakaway system, checks should be carried out to confirm that it is capable of dealing with the additional flows proposed.

Environment Agency (N Area (+ Waste Disp)): Note letter Ref. N6335 from the Agency.

"Under the provisions of the above legislation you do not automatically require the formal consent of the Agency for this category of discharge. However, if it is necessary the Agency can exercise control over the discharge by the issue of a Prohibition Notice, which may prevent the discharge or allow it subject to conditions.

The Agency has assessed the potential impact of the proposed discharge and provided the proposal remains in accordance with the details you have submitted it should not pose a risk of contamination to underground or surface waters. It is therefore not our intention to serve a Prohibition Notice in respect of this discharge at this stage. However, if the circumstances change and pollution is caused, a prohibition Notice may be served in the future."

Summary of Representations:

This application has been advertised by means of a site notice. At the time of writing this report no representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

There have been several previous applications relating to the erection of agricultural buildings and carrying out of related engineering works at the farmsteadings.

In January, 1981 planning permission was granted for the erection of a bungalow to replace the original farmhouse. That approval was subsequently carried out and the bungalow now functions as the farmhouse at Moor Park Farm.

Outline planning permission was refused for the erection of bungalow to house an agricultural worker on 15 March 2002, under application reference 01/0772.

Details of Proposal:

The current application has been submitted in outline form and seeks consent for the erection of a further agricultural workers dwelling and related vehicular access proposed in respect of a site fronting onto the Class II road to the north-east side of

SCHEDULE B: Reports Requiring Further Information

02/0914

the Moor Park Farm, Thurstonfield, Carlisle.

The site is situated in the open countryside some distance from any settlement and thus falls to be considered under the provisions of Policy H6. It makes clear that proposals for new dwellings in these locations will only be acceptable where there is a proven agricultural or forestry need.

Planning permission was refused under application reference 01/0772 for the following reason:

"The proposed site lies within the open countryside some distance from the nearest settlement in a location where there is a general presumption against further residential development unless supported by a proven agricultural or forestry need. Although an essential need has been claimed for an additional dwelling at Moor Park Farm that need has been unable to be substantiated and consequently the proposal is contrary to the provisions of Policy H6 of the Carlisle District Local Plan."

Since this time, there have been a number of changes to the livestock numbers on the holding. The applicants have employed the services of Scholefield & Co. to submit a report detailing the changes in the circumstances of the applicant and the farm business, and argues that the principle can now be substantiated. A full copy of this document is reproduced following this report.

Both Policy H6 and Planning Policy Guidance 7 (The Countryside - Environmental Quality and Economic and Social Development) require that applications for agricultural workers dwellings are assessed by means of a functional and financial test.

As is normal practice with proposals of this nature, the County Land Agent (now part of Capita db) has been asked for observations on this application. A detailed appraisal of the holding, its extent, nature, stock, fixed equipment, labour requirements and current accommodation, etc. has subsequently been undertaken and it is reproduced in full after this Report.

The functional test applied by the County land Agent clearly demonstrates that it is essential for the proper functions of the enterprise for one or more workers to readily available at most times. Furthermore, the business is financially viable and the proposal will support recent investment and expansion of the business made by the applicant.

Policy guidance also requires that the siting of the building is well related to the farm steading and that the building is commensurate to the agricultural business. It is considered that in this regard, the proposal is acceptable. Other matters such as the scale, design and materials will be dealt with during the course of a subsequent application.

The applicant has submitted details of percolation tests which were undertaken on the proposed site. The results are currently with the Drainage Engineer for comment.

SCHEDULE B: Reports Requiring Further Information

02/0914

Whilst the principle of development may now be accepted, there are other issues which are outstanding, primarily that of the means of vehicular access in light of the comments received from the Highway Authority. Discussions are currently taking place with the applicants, the Highway Authority and Officers to resolve this matter.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

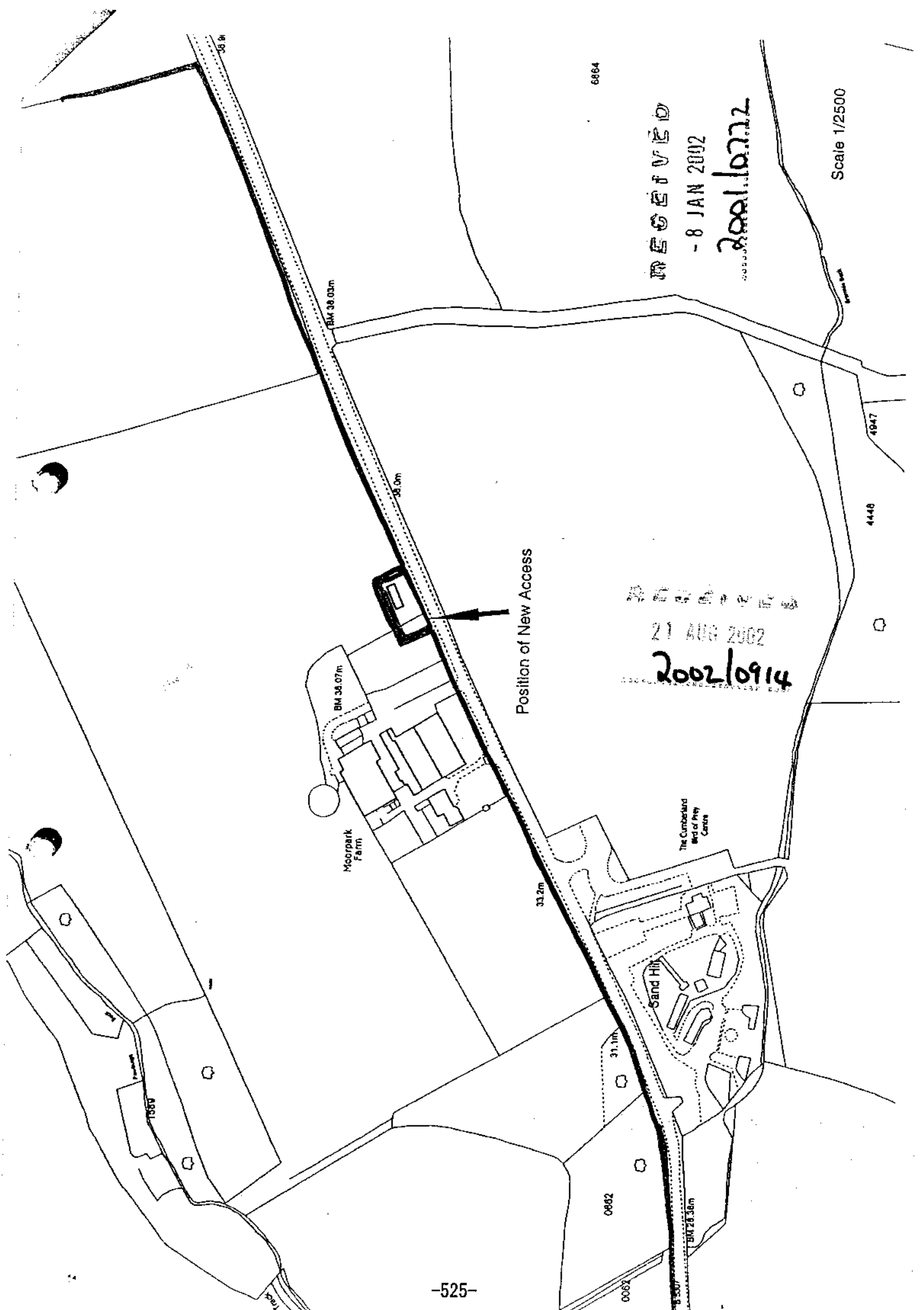
App ✓

Recommendation:

Reason for including report in Schedule B

A recommendation is unable to be made as further discussions are taking place with the Highway Authority and the applicant with a view to resolving the issue of the vehicular access.

Access issue



PREPARED
 - 8 JAN 2002
 2002/10914

Scale 1/2500

Position of New Access

21 AUG 2002
 2002/10914

**REPORT INTO THE NEED
FOR AN AGRICULTURAL DWELLING
AT MOOR PARK FARM, THURSTONFIELD,
CARLISLE**

21 AUG 2002
2002/0914

Prepared for: Messrs W Swainson & Son
Moor Park Farm
Thurstonfield
Carlisle
CA5 6HB

Prepared by: Nick Scholefield M.R.I.C.S.
SCHOLEFIELD & CO
15th August 2002

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1. INTRODUCTION

- 1.1 This report has been prepared on behalf of Messrs W Swainson & Son in connection with a proposal to erect a second dwelling for agricultural occupation at Moor Park Farm, Thurstonfield, Carlisle. Planning Policy Guidance: The Countryside – Environmental Quality and Economic and Social Development (PPG7, February 1997) Annex I, has been taken into account in the preparation of this report.
- 1.2 This report is based on information provided by Messrs Swainson, together with local knowledge and published information. The site was visited on 11th June 2002.
- 1.3 This report accompanies a resubmission of a previous planning application which was refused on the grounds of an unsubstantiated proven agricultural need. It is understood that the original application for the agricultural dwelling was appraised by Capita dbs who concluded that there was no need for the second dwelling on the farm.
- 1.4 The report author is in receipt of a copy of the original report completed by Capita dbs and reference will be made to that report during the forthcoming sections.

2 GENERAL INFORMATION

- 2.1 Moor Park Farm extends to a total of around 114.12ha (282 acres) with a further 16.19ha (40 acres) of grassland being taken on a seasonal basis in the locality. This figure is around 24 hectares greater than that shown in the Capita dbs report due to the recent acquisition of around 8 hectares of land adjoining Moor Park Farm and a little over 16 hectares held on a 5 year Farm Business Tenancy as detailed below.
- 2.2 The 114.12ha of land are held on the following tenures: -
70.82ha – owner occupied at Moor Park Farm.
27.11ha – held on a three generational full agricultural tenancy at The Flatt, Great Orton.
16.19ha – at Thursby held on a 5 year Farm Business Tenancy from 2002 which is expected to be extended at the end of that Term.
- 2.3 The farm business was decimated by foot and mouth when all the livestock were culled. Messrs Swainson are now rebuilding and expanding the dairy herd to 120 cows which is involving the construction of a new cow housing and silage clamp facility. This is major investment and shows their commitment to remaining in dairy farming long into the future.
- 2.4 The information in the following sections is based on the intended stocking and cropping when final stock numbers are achieved within the next 12 months.

3 FARMING SYSTEM

3.1 Cropping

3.1.1 The land held on seasonal licences has been discounted due to lack of security of tenure. However, it should be noted that there is every prospect of such land being available in future years as it is a traditional arrangement.

Spring barley	-	2.31
Winter barley	-	22.52
Winter wheat	-	5.67
Set-aside	-	4.00
Grass for silage (2 units)	-	30.00
Grass for grazing	-	49.62
Total	=	114.12 hectares

3.1.2 The above cropping figures differ from those shown in the Capita dbs report due to the acquisition of extra land as detailed above in section 2. Also, greater consideration has been given to the feed requirements for the stocking levels as detailed below.

3.2 Stocking

Dairy cows	-	120
Heifers-<1 year old	-	60
1 to 2 years old	-	60
>2 years old	-	60
Over wintered Hogs	-	400

3.2.1 The above figures are more precise than those detailed in the Capita dbs report due to the extra land secured and a clearer picture developing on the future of the business since the original planning application.

3.3 Farm Policy

3.3.1 The farm now carries 528,000 litres of wholesale milk quota. The intention is to purchase a further 150,000 litres before the end of this milk year.

3.3.2 Cows are calving all year round with all the heifers being reared for replacements to the dairy herd.

3.3.3 The dairy herd is housed and milked at Moor Park Farm. Heifer calves are kept at Moor Park Farm up to the age of 6 months. From 6 months onwards, they are housed through the winter in a range of buildings on the land at The Flatt, Great Orton. At around 2 months before calving, the heifers return to Moor Park Farm to be calved and enter the milking herd.

- 3.3.4 Bull calves are sold off the farm within a few weeks of being born.
- 3.3.5 Hogs are over-wintered on an agistment basis from October to March.
- 3.3.6 As well as grass silage, barley is kept for feeding on the farm. Contractors are used for silaging, combining, ploughing and sowing grain.

3.4 Farm Buildings

- 3.4.1 There are a good range of modern steel/concrete framed buildings at Moor Park Farm. Currently under construction are a new covered silage clamp, a new 100 cow cubicle building and new covered collecting yard which will incorporate calving boxes.
- 3.4.2 An existing building has cubicles for 75 cows adjacent to the 8 x 16 herringbone parlour. A further building is used for housing of cattle in a bedded system as well as for storage of hay and straw.
- 3.4.3 The traditional brick barn on the farm houses calving boxes, a 60 tonne grain bin and mill/mix unit.
- 3.4.4 Slurry and dirty water are stored in an above ground pre-cast concrete structure.
- 3.4.5 A further range of buildings are situated at The Flatt, Great Orton and house 90 cattle on a bedded system.

3.5 Labour

- 3.5.1 The farm is run by Mr Swainson and his son, Paul.
- 3.5.2 Mr W Swainson lives in the existing bungalow at Moor Park Farm. Paul lives in Kirkbampton about 1.5 miles away. The Capita dbs report incorrectly stated that Paul and his family lived in Thurstonfield village.

4 JUSTIFICATION FOR A NEW DWELLING AT MOOR PARK FARM

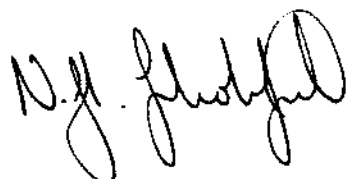
- 4.1 The farm is intensively stocked and the increase in cow numbers increases the demands on Mr W Swainson and his son to ensure the welfare of cows and young calves.
- 4.2 In particular, close supervision is required when cows are calving and emergency situations as well as for identifying cows at the critical stage for ovulation in order to ensure a high success rate of insemination.
- 4.3 Security is also a major problem on the farm. There have been several reported cases of theft and attempted break-ins. One such case involved the theft of a quad bike. It is proposed to site the new dwelling at the eastern side of the farm steading. The existing dwelling is situated on the western side. Thus, security will be greatly increased as both entry points to the steading will be overlooked.
- 4.4 Based on Standard Man Days, there is a labour requirement for in excess of 3 people to work on the farm. However, due to the use of contractors for certain field work and Mr W Swainson and his son working extremely long hours, the farm is able to be run by 2 labour units. Furthermore, the future buildings layout will assist Messrs Swainson in the day to day running of the farm.
- 4.5 The farm is financially viable and has every prospect of remaining so into the future thanks to the increase in cow numbers.
- 4.6 Paul Swainson currently lives around 1.5 miles away together with his wife and young family. Due to this, he sees little of his family and is finding it difficult to cover night time calving of cows and other emergency situations. This is exacerbated when his father is on holiday or otherwise away from the farm.
- 4.7 The need for the second dwelling is at Moor Park Farm where all the breeding stocks are kept together with young calves. Moor Park Farm is also where all cows are brought to calve. Hence the need for close supervision.

5 PPG7 AND THE NEED FOR AGRICULTURAL WORKERS DWELLINGS

- 5.1 In order to provide the LPA with a comparable assessment in this report, the following criteria contained in Paragraph 15 of Annex I to PPG7 have been considered as they were in the Capita dbs report.
- 5.2 *“There is a clearly established existing functional need.”*
- 5.2.1 There appears to be no dispute between the report author and Capita dbs that a clearly established functional need exists on the holding.
- 5.3 *“The need relates to a full-time worker, or one who is primarily employed in agriculture, and does not relate to a part-time requirement.”*
- 5.3.1 The need does relate to a full-time worker and, as detailed in section 4, there is a labour requirement for in excess of 3 people to work on the farm based on Standard Man Days.
- 5.4 *“The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least 1 of them, are currently financially sound and have a clear prospect of remaining so.”*
- 5.4.1 Again, there is no dispute with the Capita dbs report as we are in agreement that the unit is financially viable and has been established for in excess of 3 years.
- 5.5 *“The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation based in the area which is suitable and available for occupation by the workers concerned.”*
- 5.5.1 The Capita dbs report concluded that the existing farmhouse at Moor Park Farm was sufficient to fulfil the functional need on the unit.
- 5.5.2 On a farm of this size and type, it would normally be expected to have two specialist workers to live on or immediately adjacent to it. One specialist worker cannot be on hand to cope with all the potential emergency and welfare situations that can arise on a farm. Paul Swainson lives 1.5 miles away and is not able to effectively cover his father’s time away from the farm or to assist him in difficult calving situations and to share the burden of late night/early morning supervision of vulnerable livestock.
- 5.5.3 Therefore, a second dwelling is required on the farm in order to satisfy the functional need.

6 CONCLUSIONS

- 6.1 These conclusions are made by the report author based on the facts provided by Messrs Swainson in the previous paragraphs.
- 6.2 When considering the farming practises adopted at Moor Park Farm, they are suited to the holding and typical of farms in the locality.
- 6.3 Taking into account the farming system, there is a labour requirement for over 3 people working full time on the holding. Two men currently run the farm and this reflects the long hours they work together with the use of contractors for certain field works.
- 6.4 In common with most livestock enterprises the need for regular supervision is important for animal welfare and emergency situations, as well as for calving cows and identifying cows at the critical stage for ovulation to ensure a high success rate of insemination. Furthermore, in this case, security is a major factor following several thefts and attempted break-ins. It would, therefore, be expected on a farm of this size and type to have two people living on it.
- 6.5 For the stocking levels and farm policy, there exists a functional need at Moor Park Farm, as outlined in Annex I to PPG7, for two full time workers to be on the holding to carry out the necessary duties as described above and in previous section of this report.
- 6.6 Furthermore, it is considered that the farm is financially viable and capable of sustaining two families and dwellings on the holding.



Nick Scholefield M.R.I.C.S.
SCHOLEFIELD & CO
15th August 2002

**MOOR PARK FARM
THURSTONFIELD
CARLISLE**

**Report on the agricultural need for a proposed
agricultural workers dwelling**

CAPITA*db*s
Clint Mill
Cornmarket
PENRITH
CA11 7HP



February 2002

Proposed Agricultural Workers Dwelling – Moor Park Farm, Thurstonfield, Carlisle

1.0 Introduction

- 1.1 This report has been prepared at the request of Carlisle City Council who has asked if I will report on the agricultural need for a proposed agricultural workers dwelling at Moor Park Farm, Thurstonfield, Carlisle.
- 1.2 I met Mr William Swainson on behalf of the applicants W Swainson & Son on 22 January 2002 and inspected the steading at Moor Park Farm. The following information was provided by Mr Swainson.

2.0 Land Occupied

- 2.1 Moor Park Farm extends in total to around 90 hectares (222 acres) and is made up of the following blocks of land.
 - 2.1.1 63 hectares (155 acres) at Moor Park Farm. This land is owner occupied.
 - 2.1.2 27 hectares (67 acres) at The Flatt, Great Orton. This is a tenanted block of land about 2 miles from Moor Park Farm, held on a secure tenancy.
- 2.2 In addition to the above land the applicants regularly take around 16 hectares (40 acres) of seasonal grazing in the locality each year. The applicants are continually looking to expand and seeking to acquire additional land.

3.0 Livestock

- 3.1 Prior to the Foot and Mouth outbreak the applicants milked 60 Holstein dairy cows with a milk quota of 528,000 litres. They now wish to restock after Foot and Mouth and wish to expand their dairy herd to 100+ cows. At the present time they have 20 suckler cows and would normally have around 400 cattle on the farm. Bull calves are sold shortly after birth and heifers are reared as herd replacements.
 - 3.1.1 In addition to the cattle the applicants normally keep around 150 sheep on the holding over the winter months to eat off surplus grass. There is a sheep quota allocation for 136.

4.0 Cropping

4.1 The cropping on the farm normally comprises the following:-

4.1.1 15 hectares (35 acres) of winter barley for feeding to the livestock.

4.1.2 7 hectares (18 acres) of winter wheat.

4.1.3 24 hectares (60 acres) of silage for winter feed.

4.2 The remainder of the farm is in grass for feeding the livestock.

5.0 Farm Buildings

5.1 The dairy cows are housed in cubicles in steel/concrete portal frame buildings of modern construction. There is a traditional brick built barn on the steading which is now used for storing feedstuffs, grain and miscellaneous items. Silage is stored in outside pits and slurry in an above ground tank.

5.2 At the time of my visit considerable work was in progress to extend the capacity of the milking parlour and provide additional portal steel frame buildings with a collecting yard adjacent thereto. The applicant also advised they intended to erect a new covered silage pit in the near future.

5.3 All of these buildings are situated at Moor Park Farm but in addition there is a range of buildings on the rented land at The Flatt which will winter around 90 cattle.

6.0 Domestic Buildings

6.1 The farmhouse at Moor Park Farm comprises a 3 bedroom bungalow with rendered elevations under a tiled roof.

7.0 Labour & Residence

7.1 Mr William Swainson and his son work full time on the holding. They employ contractors for silage making, ploughing, sowing etc.

7.2 Mr W Swainson and his wife live in the bungalow and their son and his family live in an owner occupied premises in Thurstonfield village, a short distance from the farm.

8.0 Other Information

- 8.1 Mr Swainson advised that he needed his son to be on hand living on the holding to deal with calving cows during out of normal working hours. They were also having considerable problems with security and had a number of attempted break-ins over the last few years.

9.0 PPG 7 And The Need For Agricultural Workers Dwellings

- 9.1 The need for agricultural workers dwellings is covered in Planning Policy Guidance Note PPG7 "The Countryside - Environmental Quality and Economic and Social Development" (revised in February 1997) and in particular annex I of that publication.

- 9.2 Guidance is given on the criteria to be met for agricultural dwellings and in relation to a permanent agricultural workers dwelling these criteria are set out in paragraph I5 of annex I to PPG7. These criteria are: -

9.2.1 *There is a clearly established existing functional need*

A clearly established existing functional need will arise from the care of the livestock on the holding particularly when the cows are calving and when youngstock need attention. Most of this activity is centred in and around the steading at Moor Park Farm although there will be some need when cattle are housed away on the tenanted land in the winter months.

9.2.2 *The need relates to a full time worker, or one who is primarily employed in agriculture, and does not relate to a part-time requirement*

I have calculated the labour requirement on this holding based on the normal levels of livestock and areas of cropping and am able to advise there is a labour requirement of the equivalent of just under 3 full time workers. This figure includes the use of contractors.

9.2.3 *The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so*

Viability can be defined as offering a competent person the prospect of a sufficient livelihood. In practice this can mean a net farming income, after all expenses such as feed, fertilizer and property maintenance at least equivalent to an agricultural workers minimum wage, which is currently in the region of £9600 per annum. I have calculated the net farm income from the livestock normally kept on this holding and am able to advise that it is financially viable. The business has been established for in excess of 3 years.

9.2.4 *The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation based in the area which is suitable and available for occupation by the workers concerned*

Today it is only really necessary for specialist workers to live on or immediately adjacent to agricultural holdings. This is to be available at most times to attend to emergencies and the overall need to protect property. In the present case I am of the opinion that in the interests of the well-being of the livestock, particularly during calving and for attention to youngstock, the efficient running of the holding and overall security, it is essential for one person actively involved in the management of the holding at Moor Park Farm to be present on or immediately adjacent to it.

The availability of the existing farmhouse at Moor Park Farm will therefore meet the requirement for this worker. In addition the close proximity of the second worker in the nearby village will enable assistance to be available at short notice

9.2.5 *other normal planning requirements, eg on siting and access are satisfied.*

These are beyond my instructions.

10.0 **Conclusion**

10.1 I therefore conclude by advising as follows:-

10.1.1 There is clearly established existing functional need for a worker to be resident on this holding.

10.1.2 My calculations show that the labour requirement on the holding equates to just under 3 full time workers and therefore the test for a full time worker is met.

10.1.3 It is an established business and is financially viable and therefore the financial test is met.

10.1.4 The existing farmhouse at Moor Park Farm currently satisfies the need to house one worker.



A G Jackson BSc FRICS FAAV
CAPITAdbS
Clint Mill
Cornmarket
PENRITH

14 February 2002

Compliance with RICS Practice Statements

It is declared that:-

- a) this report has been compiled from factual information provided by the applicants/occupiers of the property which is the subject of the report and from published data.
- b) this report includes all facts which the Surveyor regards as being relevant to the opinion which he has expressed and that he has drawn to the attention of the Instructing Authority any matter which would affect the validity of that opinion; and
- c) this report complies with the requirements of the Royal Institution of Chartered Surveyors, as set down in "Surveyors Acting as Expert Witnesses: Practice Statement".
- d) it is believed that the matters put forward by the Surveyor are true and accurate.

SCHEDULE B: Reports Requiring Further Information

02/1040

Item No: 41

Date of Committee: 20/12/02

Appn Ref No:
02/1040

Applicant:
Mr & Mrs K Parr

Parish:
Wetheral

Date of Receipt:
30/09/02

Agent:
John Lyon Associates

Ward:
Wetheral

Location:
Orchard House, Broomfallen Road, Scotby, Carlisle,
CA4 8DF

Grid Reference:
344200 554140

Proposal: Subdivision and extension of existing dwelling house to form additional dwelling

Amendment:

Angus

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

SCHEDULE B: Reports Requiring Further Information

02/1040

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hailbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmeford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Waiton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan Housing - Proposal H18

Proposals for the subdivision of houses into smaller units, or for change of use to a house in multiple occupation will be acceptable provided that:

1. There is no loss of amenity to surrounding residential properties; and
2. Appropriate access and car parking provision can be achieved; and
3. The proposal does not result in the creation of substandard units; and

SCHEDULE B: Reports Requiring Further Information

02/1040

4. Adequate internal and external space is provided.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The proposal indicates the use of the existing access and parking area to serve both Orchard House and additional dwelling. This situation is likely to cause problems between the two separate house owners and lead to increased vehicular manoeuvres within the highway at a point where visibility from the access to the left is fairly restricted due to the bend in the road.

I understand that planning approval has been granted for the formation of a new vehicular access to the south of Orchard House and I would advise that this access be used to serve the additional dwelling and also include its own separate parking arrangements.

Wetheral Parish Council: The Council does not wish to make any representation on the application.

Environment Agency (N Area (+ Waste Disp)): No comment.

Design Services - Drainage Engineer: No comments or additions relating to the planning application. The proposed method of draining foul and surface water seems to be in order.

Summary of Representations:

This application has been advertised in the form of a site notice and the direct notification of the occupiers of three neighbouring properties. In response two letters have been received. The basic issues raised being:

- I viewed the proposals and note that there is no new entry onto Broomfallen Road that being so I have no comments to make.
- When I replied on 16.10.02 I did not know that approval had been given to reference 01/0523 which means a new access for one house (is allowed) onto this dangerous section, this was my original objection. Now if 02/1040 is approved it will mean 2 houses will be using this new access making for increased danger. Therefore, please ignore my letter of 16.10.02 and I object to the application 02/1040 because if this is granted there will be 100% increase in traffic from these two dwellings.
- Earlier this year, outline planning permission was granted to build a house on land adjoining Orchard House. It appeared on the plans for that development that a new access was to be created at the southern end of Orchard House and that the entrance was to be shared by the new

SCHEDULE B: Reports Requiring Further Information

02/1040

property and the existing dwelling. The proposed new entrance would be on a very dangerous bend on a road with no speed restrictions other than the statutory sixty miles per hour. This proposal has the undoubted potential to create a lethal accident black spot.

- We are now informed that the further dwelling is proposed with what seems to be another access on the village side of Orchard House. It is not at all clear from the plans whether this access is to be for the sole use of the new dwelling or if it is to be shared by Orchard House. Clarification on this matter is required as a matter of urgency.
- By granting permission for both an extension to Orchard House and for a completely new dwelling, Carlisle City Council would, at a stroke, be tripling the risk of accidents on a bend and on what is already a very dangerous stretch of road.
- Further development at Orchard House would also alter the character of what is a very rural area.
- As has been seen in other villages near to Carlisle City, extra development in the vicinity of farms inhibits farming practices and inevitably alters the characteristics of the area.
- Of further concern is the fact that the plans do not show all the developments that exist in close proximity to Orchard House. They did show the existence of Yew Tree Cottage but did not show the existence of The Quiet Woman, which is, in fact, adjacent to the property belonging to Orchard House.

Details of Proposal/Officer Appraisal:

Planning History:

In 1993, under reference number 93/0277, outline planning permission was given for the erection of a dwelling on land to the south of the current application site. In 1994, application number 93/0903, approval of reserved matters was granted for the dwelling.

Last year under application number 01/0523, outline planning permission was given for the erection of a dwelling in part of the garden adjoining Orchard House.

Details of Proposal:

Orchard House is a two story dwelling, with a third floor created by converting the attic, constructed externally by stone walling and a slate roof. To the south of the site there is the detached two storey house (The Quiet Woman) approved under application numbers 93/0277 and 93/0903, and, a dormer bungalow known as Yewcroft. To the north of Orchard House there is a converted former agricultural

SCHEDULE B: Reports Requiring Further Information

02/1040

building named The Barn and High Acres farmstead. Off street parking is situated to the north of Orchard House. The property is bounded along the Class III Scotby - Cumwhinton Road by a dwarf stone wall and a mature, largely evergreen hedgerow.

The current application involves erecting a first floor extension to provide two bedrooms and a bathroom, and, convert the resulting structure to form a four bed house. Externally the new build would consist of stone walling and a slate roof to match the existing.

In response to the initial observations from the Highways Authority the applicants have submitted a layout plan showing that Orchard House would be served by the access as approved for the dwelling under 01/0523. The proposed dwelling would utilise the existing access and garage serving Orchard House - see attached copies of plans.

The agent has also confirmed that his clients have agreed with the Highways Authority to a financial contribution to signage to reduce the present speed limit from 40 to 30 mph.

In considering this application it is felt that Members need to be aware of the following issues.

- a) In relation to the overall settlement pattern of Scotby, the current application site is part of a group of properties isolated by High Acres farmstead from the start of the substantially built-up frontage of Broomfallen Road. A distinction has, however, been drawn in the past between the properties based around High Acres Farm and less substantial and even more isolated properties including, and neighbouring, the dwelling known as Broom Hill. The current application, if approved, would not fundamentally change this situation.
- b) In the context of Ministerial advice contained in PPG3 "Housing", the proposal can be viewed as minor infilling which makes more efficient use of the property.
- c) At the time of preparing the report a formal response to the layout plan submitted on behalf of the applicants is awaited from the County Highways Authority.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

SCHEDULE B: Reports Requiring Further Information

02/1040

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

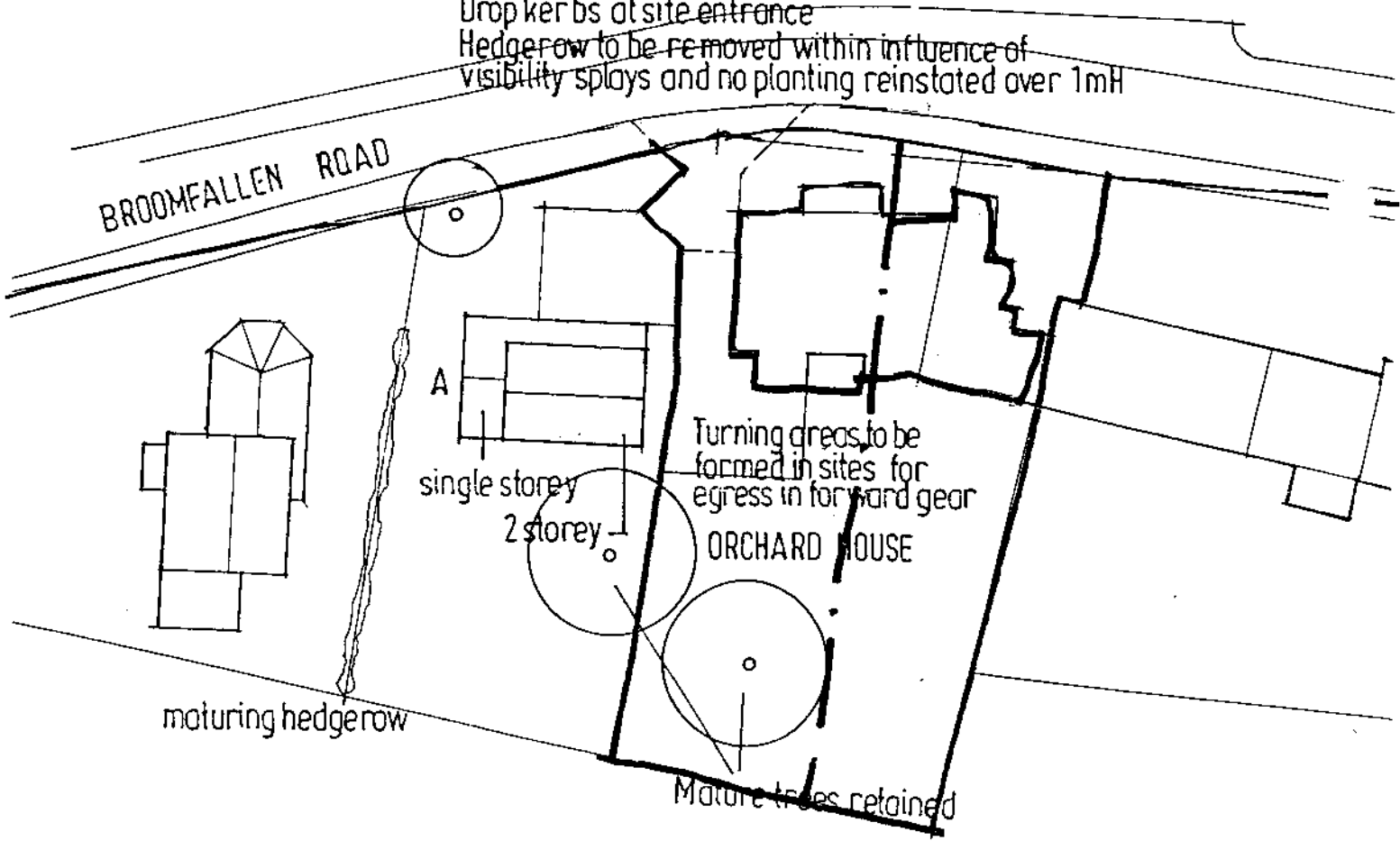
App ✓

Recommendation:

Reason for including report in Schedule B

At the time of preparing the report the formal observations of the Highways Authority are awaited in response to a layout plan submitted on behalf of the applicants.

New shared access 4m wide and splayed to
Co. Highways requirements
No gating within 5m of carriageway, gates to
open into site. Driveway to be bound surfaced.
Drop kerbs at site entrance
Hedgerow to be removed within influence of
visibility splays and no planting reinstated over 1mH

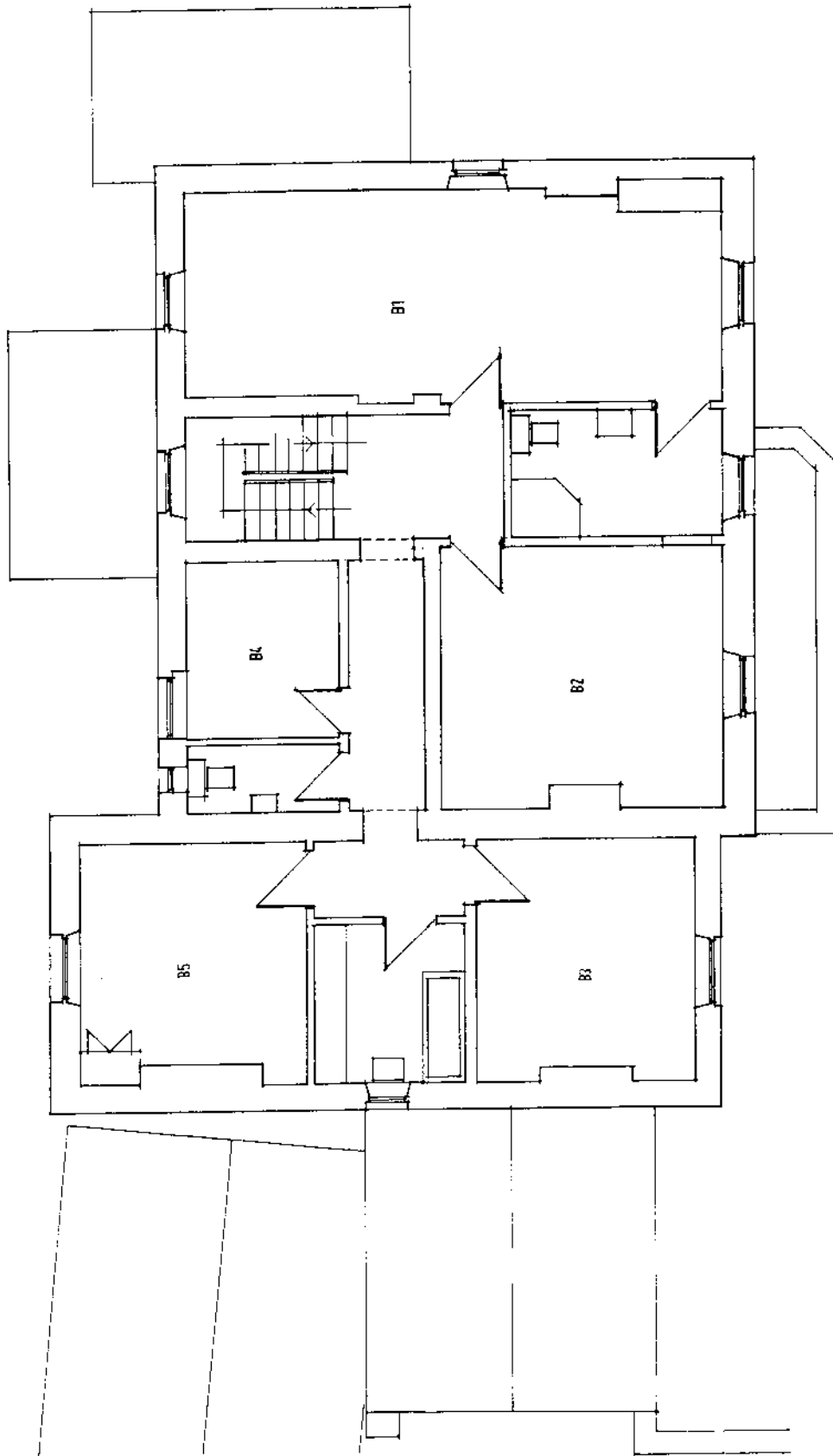


NB No windows to side A

Broomfallen Road · Scotby · Carlisle
Application for Single detached dwelling and shared access

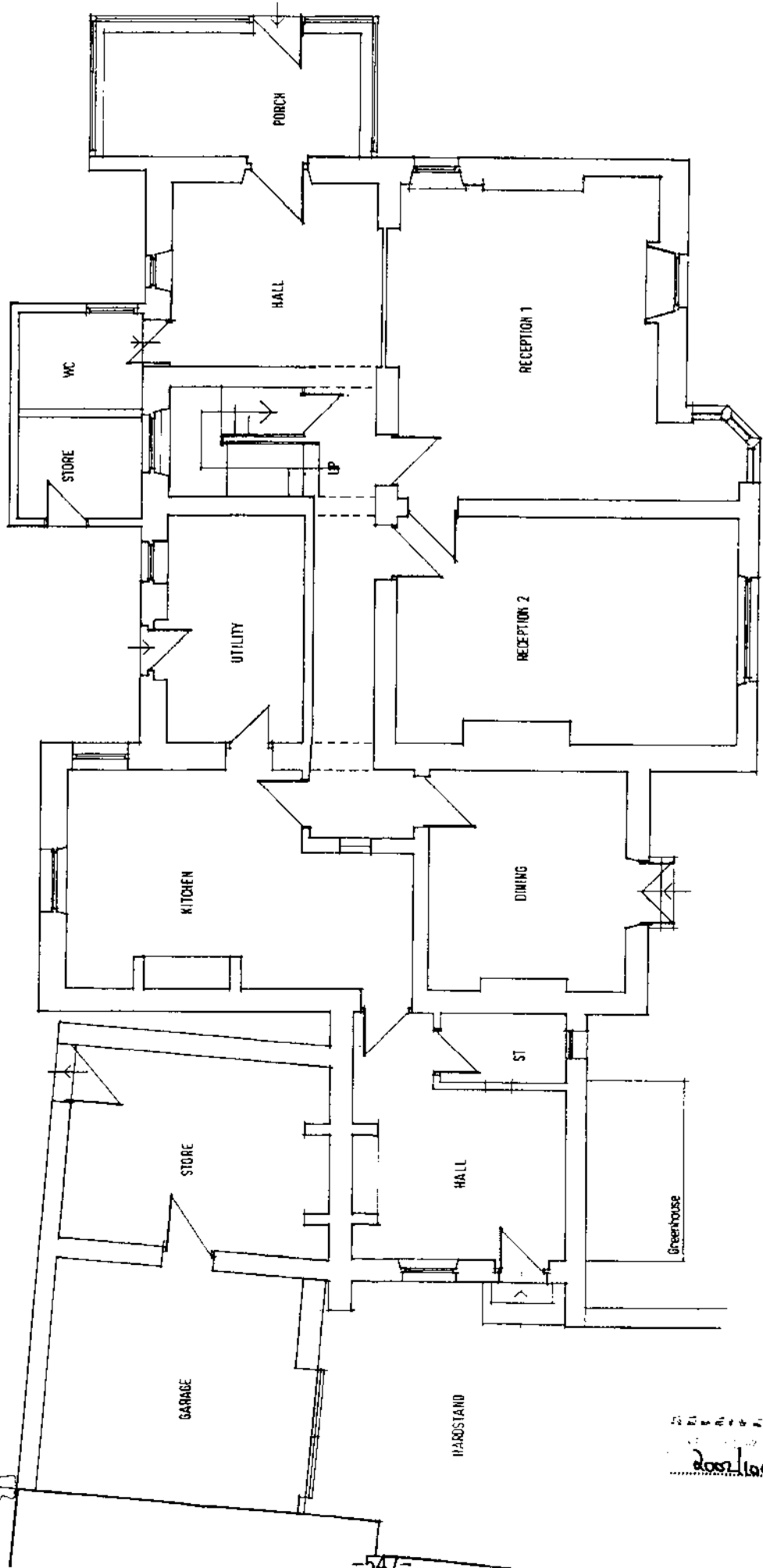
O.S EXTRACT

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15 NOV 2002
2002/1040



FIRST FLOOR LAYOUT AS EXISTING : ORCHARD HOUSE : BROOMFALLEN ROAD : SCOTBY : CARLISLE : Scale 1/50 : 07/2002

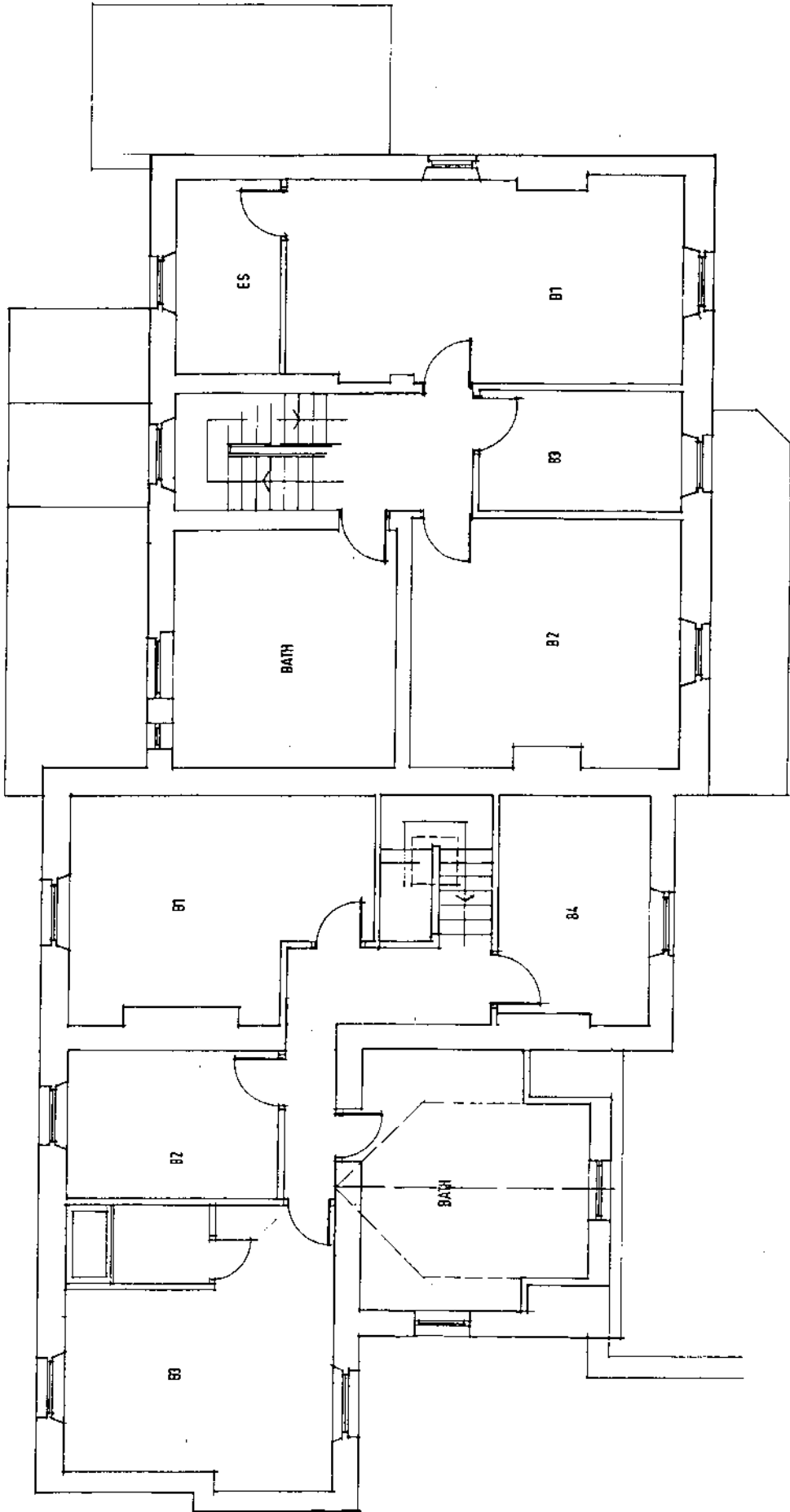
2002/10/06



ORCHARD HOUSE · BROOMFALLEN ROAD · SCOTBY · CARLISLE · GROUND FLOOR PLAN AS EXISTING · Scale 1/50

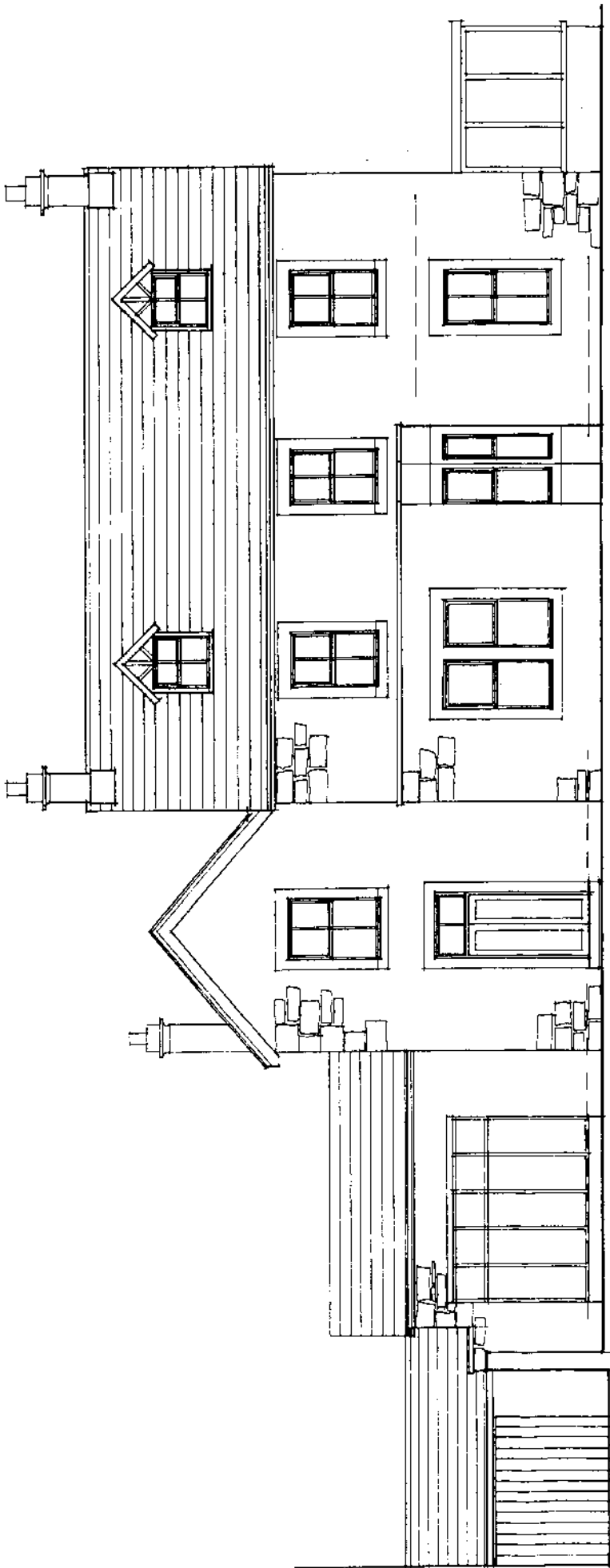
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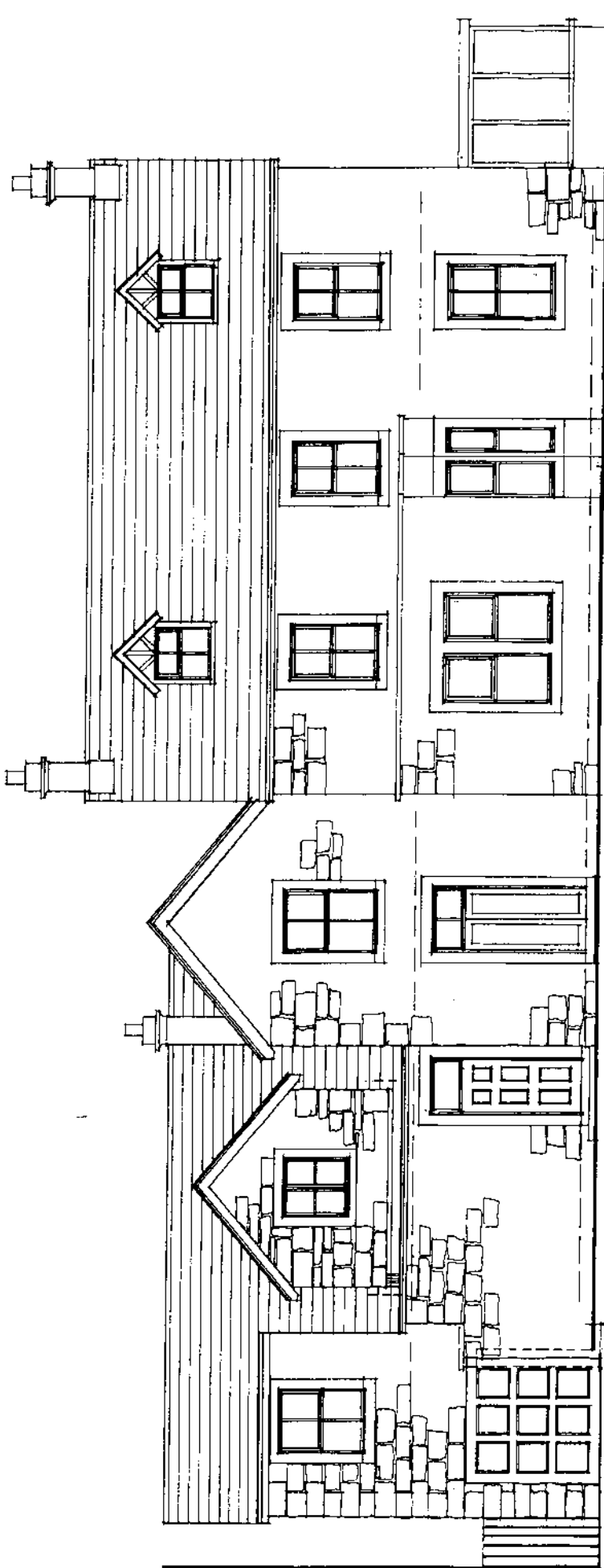
FIRST



REVISION
2002/10/40

09/2002

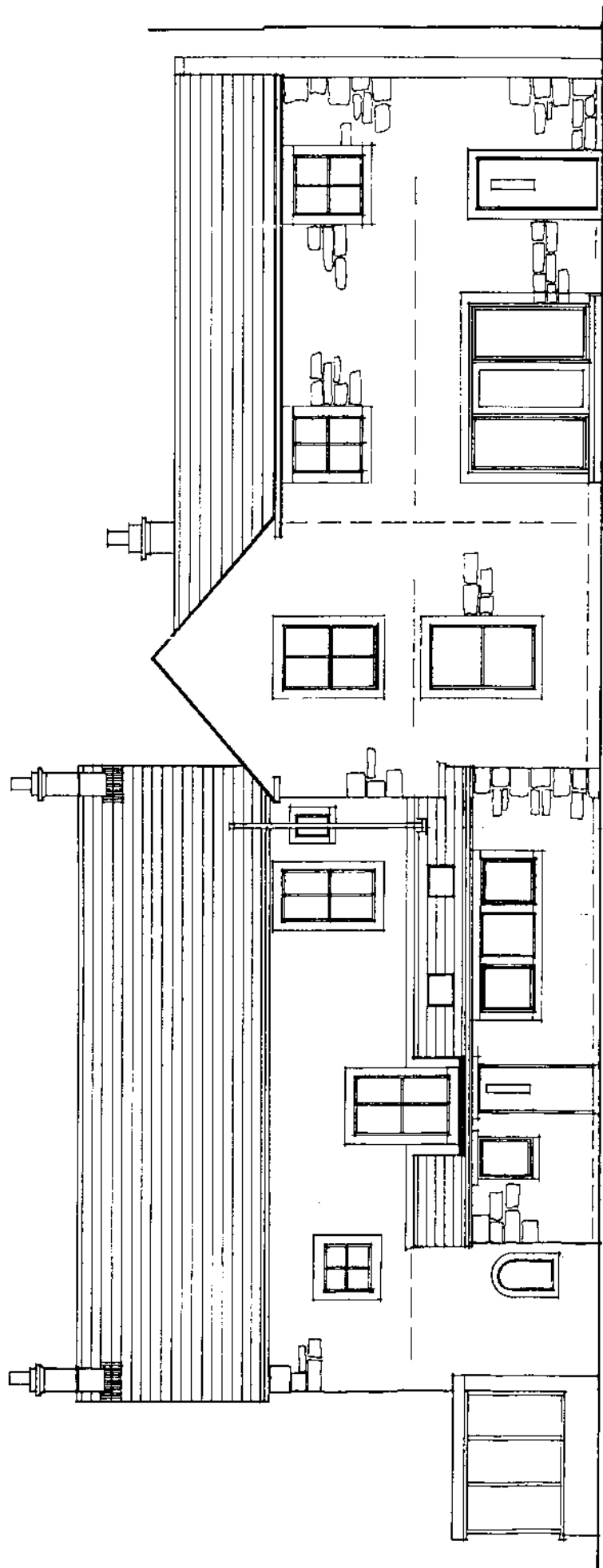
ORCHARD HOUSE · BROOMFALLEN ROAD · SCOTBY · Front Elevation As Existing · Scale 1/50



2002/10/40

ORCHARD HOUSE · BROOMFALLEN ROAD · SCOTBY · Front Elevation As Proposed · Scale 1/50

09/2002



20021016
20021016

ORCHARD HOUSE · BROOMFALLEN ROAD · SCOTBY · Rear Elevation As Proposed · Scale 1/50

09/2002

SCHEDULE B: Reports Requiring Further Information

02/1044

Item No: 42

Date of Committee: 20/12/02

Appn Ref No:
02/1044

Applicant:
Mr & Mrs Gray

Parish:
Bewcastle

Date of Receipt:
01/10/02

Agent:
A Roscoe

Ward:
Lyne

Location:
Saughs Farm, Bailey

Grid Reference:
351130 579620

Proposal: Two storey extension to provide enlarged lounge and study with en-suite bedroom above incorporating first floor balcony

Amendment:

Angus

Report

Planning Policies:

Public Footpath

The proposal relates to development which affects a public footpath.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and

SCHEDULE B: Reports Requiring Further Information

02/1044

7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, LyneholmeFord, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Housing - Proposal H6

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

Carlisle District Plan Housing - Proposal H7

Within the Remote Rural Area (as defined on the Proposals Map), large scale development will not be permitted. Proposals for small scale development within existing hamlets or groups of houses will be acceptable in principle provided that:

1. The proposal is well related to existing local landscape features and is sited in such a way as to make maximum use of such features for screening and does not adversely affect the landscape; and
2. The proposal complements the character and size of the hamlet or group of dwellings; and
3. Appropriate access and parking can be obtained.

In addition proposals will be acceptable for additional accommodation on farm complexes which contain an existing occupied dwelling. However, in these cases clear evidence of the need for such development must be given. Such consents will be limited to one additional dwelling per farm.

Carlisle District Plan Housing - Proposal H9

Notwithstanding Proposal H1 and Policies H2-H5 and H7, proposals for residential

SCHEDULE B: Reports Requiring Further Information

02/1044

development may be permitted in locations where such development would not usually be permitted, where the following conditions are met:

1. The proposal is for low-cost housing to meet an identified need; and
2. The proposal is supported by a detailed agreement which will satisfy the requirement that once built the residential units are retained for the benefit of successive as well as initial occupiers; and
3. The proposal is well related to the settlement where the need has been identified and does not involve a significant impact on the local landscape.

Carlisle District Plan Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Carlisle District Plan Transport - Proposal T15

Within the Plan area existing provision for cyclists and pedestrians will be protected. The improvement of provision for cyclists in the form of both highway improvements and secure parking facilities will be encouraged. All new development will be designed to provide safe and convenient access for cyclists and pedestrians. This should include the provision of secure cycle parking facilities where appropriate.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objections.

Bewcastle Parish Council: No wish to make any representations.

English Nature: The application involves the type of building that may be used by bats. It is therefore advised that the relevant information note is attached to any planning permission.

Summary of Representations:

This application has been advertised in the form of a site notice. No observations have been received at the time of preparing the report.

SCHEDULE B: Reports Requiring Further Information

02/1044

Details of Proposal/Officer Appraisal:

Planning History:

In 1999, under application reference number 99/0691, planning permission was given for the conversion of redundant farm buildings to form five units of self catering holiday accommodation.

In 2000, under application numbers 00/0326 and 00/0886, planning permission was given for the erection of a cattle shed, stable block and tack room.

In 2001, application numbers 01/0006 and 01/0156, planning permission and advertisement consent were granted for the erection of an agricultural storage building, and, a non-illuminated sign.

In August 2001, application number 01/0353, planning permission was refused for the conversion of a barn and erection of a link building to the existing house. The stated reason being:

"The site of the proposed development is located within an isolated farmstead associated with the open countryside. The proposal because of its scale and design, which is tantamount to the erection of a new dwelling, would result in an unsympathetic consolidation of residential development in the open countryside to the detriment of the rural character of the area. It would thus seriously detract from the objectives of Policies H5, H6, H7, H12 and H14 of the Carlisle District Local Plan."

Details of Proposal:

Saugh's Farm is located within the designated Remote Rural Area to the south of Kershope Forest. It is an isolated farmstead consisting of a four bedroomed farmhouse, a series of one and two storey stone walled outbuildings, and a metal corrugated sheeted barn. The applicants have to date formed some, but not all, of the holiday units from the stone walled outbuildings as approved under application number 99/0691.

To the north-east of the farmhouse and holiday units the new agricultural building, stable block and tack room have been erected. A public footpath runs through the site.

The applicants agent has indicated that the current proposal has arisen because of a need for an office at home from which Mrs Gray could organise the letting of the holiday cottages on site and Mr Gray can run his construction business; the existing lounge would become a play room and the proposed lounge for the family as a whole to relax within; and, the recently established horse riding facility may require a stable hand who could be accommodated in the house as well as any guests wishing to stay.

The current proposal involves erecting a two storey extension which measures, on

SCHEDULE B: Reports Requiring Further Information

02/1044

the ground floor, 6.3m by 13.5m and would be constructed externally in matching stonework/render and slates. The proposed accommodation would consist on the ground floor of a lounge and study with a new bedroom above - see attached plans.

There are, however, a number of reservations over the proposal as submitted, namely:

- a) the proposed elevational treatment is considered alien to the existing building and, in itself, to have insufficient character as a contrasting extension;
- b) the proposed extension is extremely large and, in floor area, is equivalent to two 4 person houses based on Parker Morris standards;
- c) there appears to be the duplication of existing facilities, for example the lounge; and
- d) altering the roof pitch over the flat roofed dormer window may be an unnecessary expense.

In overall terms the applicants have been advised to submit a revised scheme which, in terms of its scale and design, could be considered ancillary to the existing four bed farmhouse.

On this basis the City Architect has put forward some alternative options which involve setting back the extension from the "front" elevation, reflect the layout of traditional farmsteads, to tie in the existing dormer to a solid wall, reducing its overall size but also provide a reasonable level of accommodation, and, provide a view towards the Pennines.

At the time of preparing the report further discussions are taking place to resolve matters.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

SCHEDULE B: Reports Requiring Further Information

02/1044

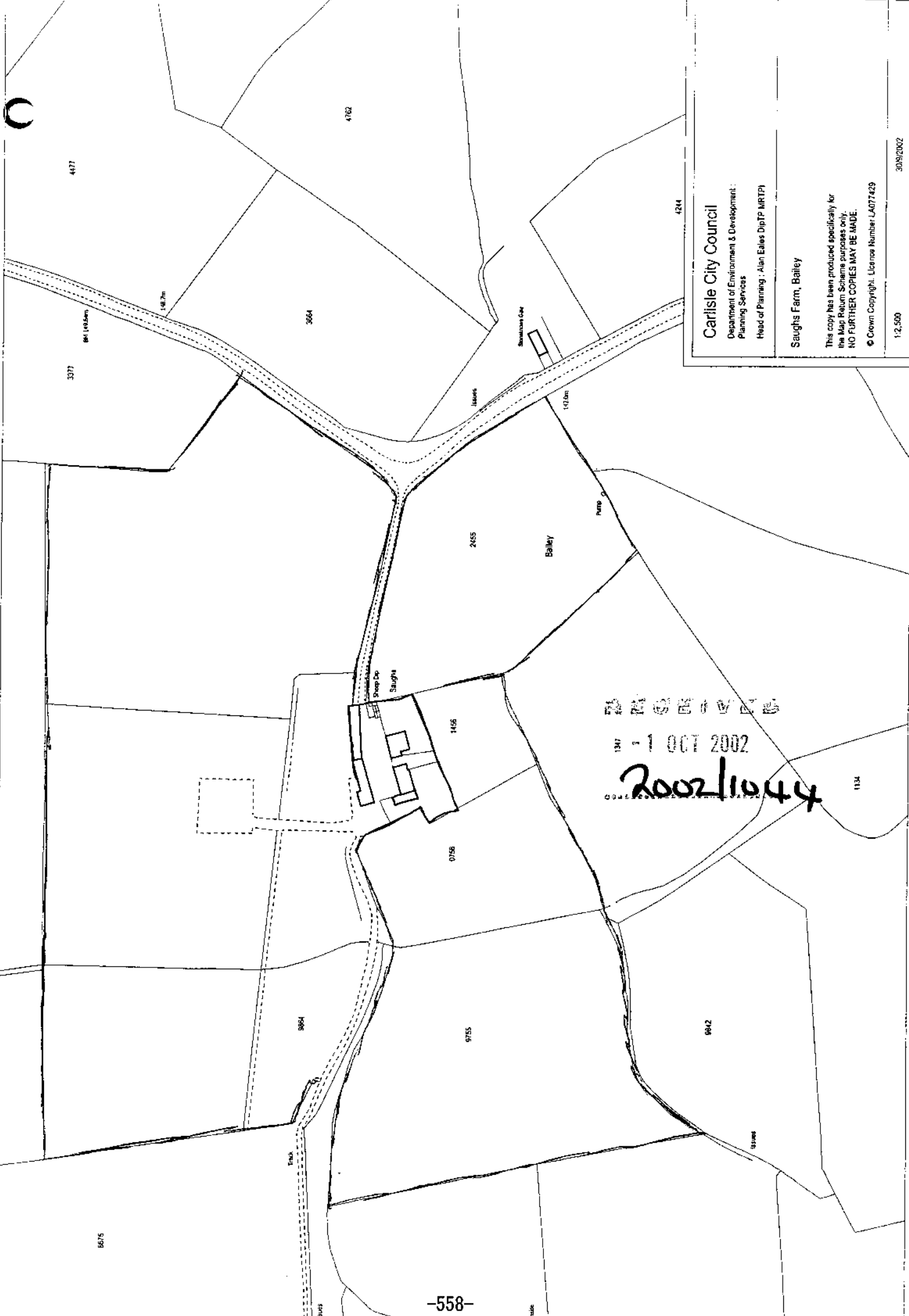
Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

Recommendation:

Reason for including report in Schedule B

At the time of preparing the report further negotiations are taking place with the applicants to try and achieve a more satisfactory solution.



Carlisle City Council
 Department of Environment & Development
 Planning Services
 Head of Planning : Alan Eales DipTP MRTPI

Saugha Farm, Bailey

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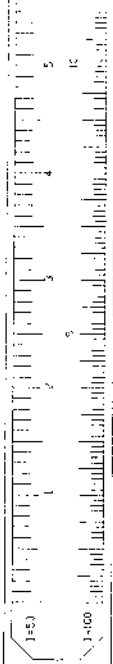
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2002/1044

New to 102

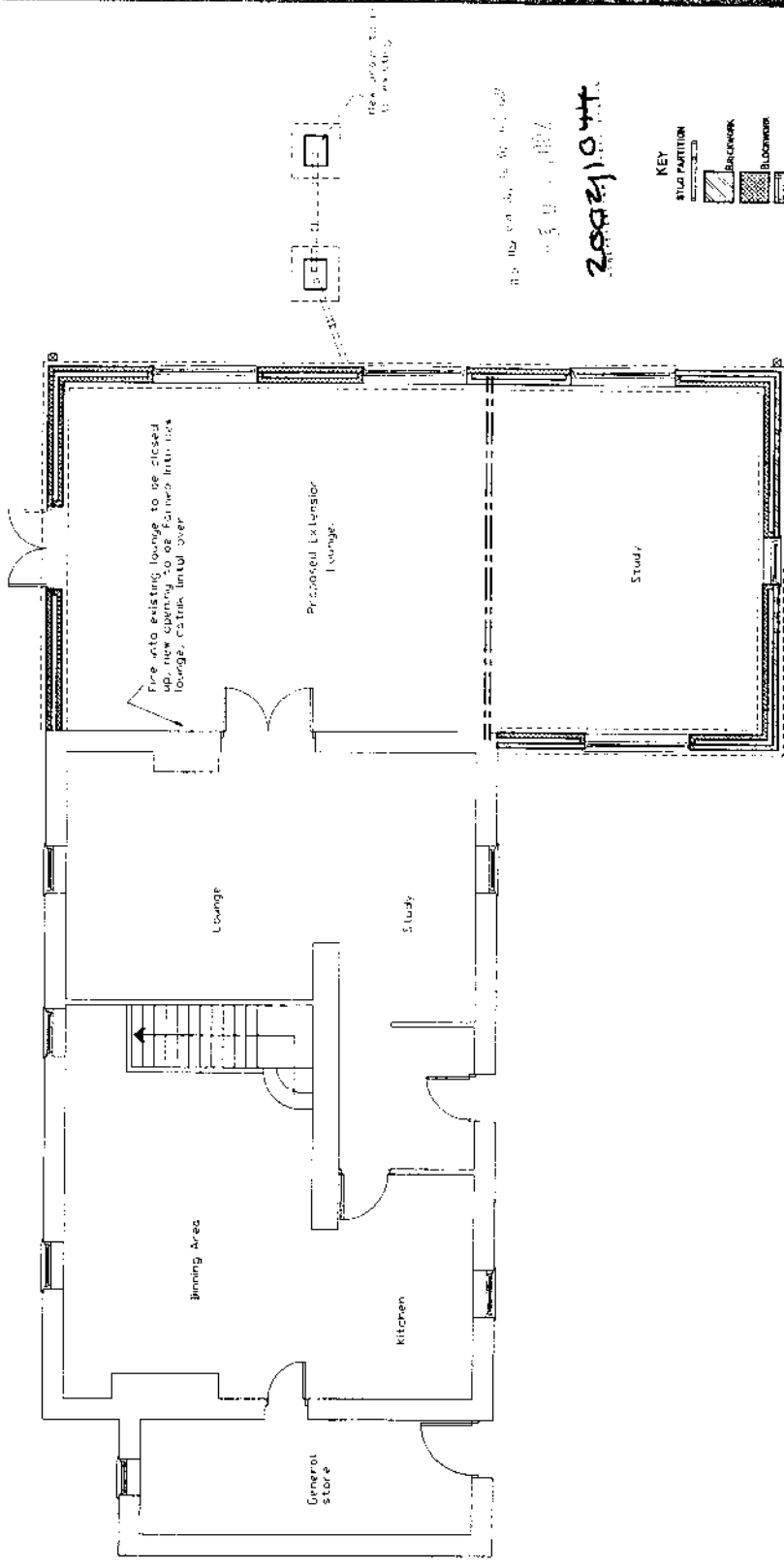


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29 ANTONINE WAY,
ROUGHTON,
CARLISLE,
CA3 0LE
Tel: 01228 535361



2009/10/11

for
Mr & Mrs K Gray
Tel No 016977 48346
scale = 1 : 100

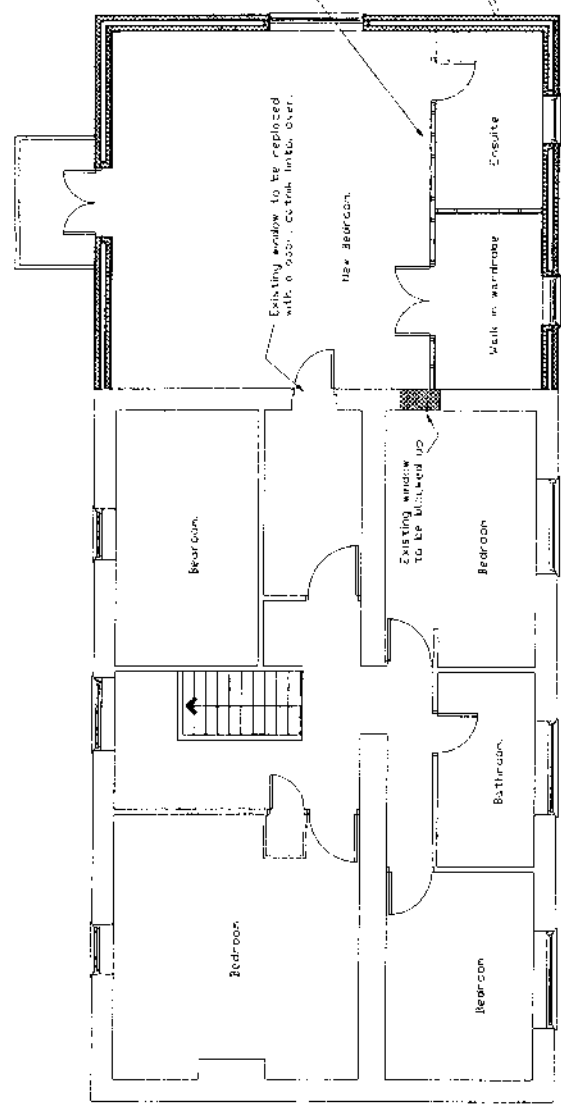
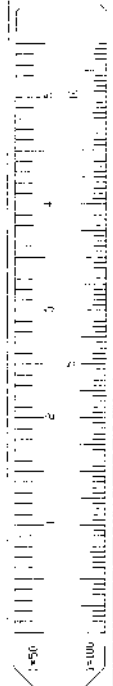
Dwg No
TD9 OTT/saugh5

CARLISLE

HANDY NUMBERS

BUILDERS MERCHANTS

New to 102
Local
Council



2002/1044

- KEY
- BRICKWORK
 - BLOCKWORK
 - TILED FLOOR

Proposed
Extension
to
Saugh's Farm
Bailey
Newcastleton
TD9 0TT

for
Mr & Mrs K Gray
Tel No 016977-48346
Scale - 1 - 100

Dwg No
TD9 0TT/saugh's 5

First Floor Plan

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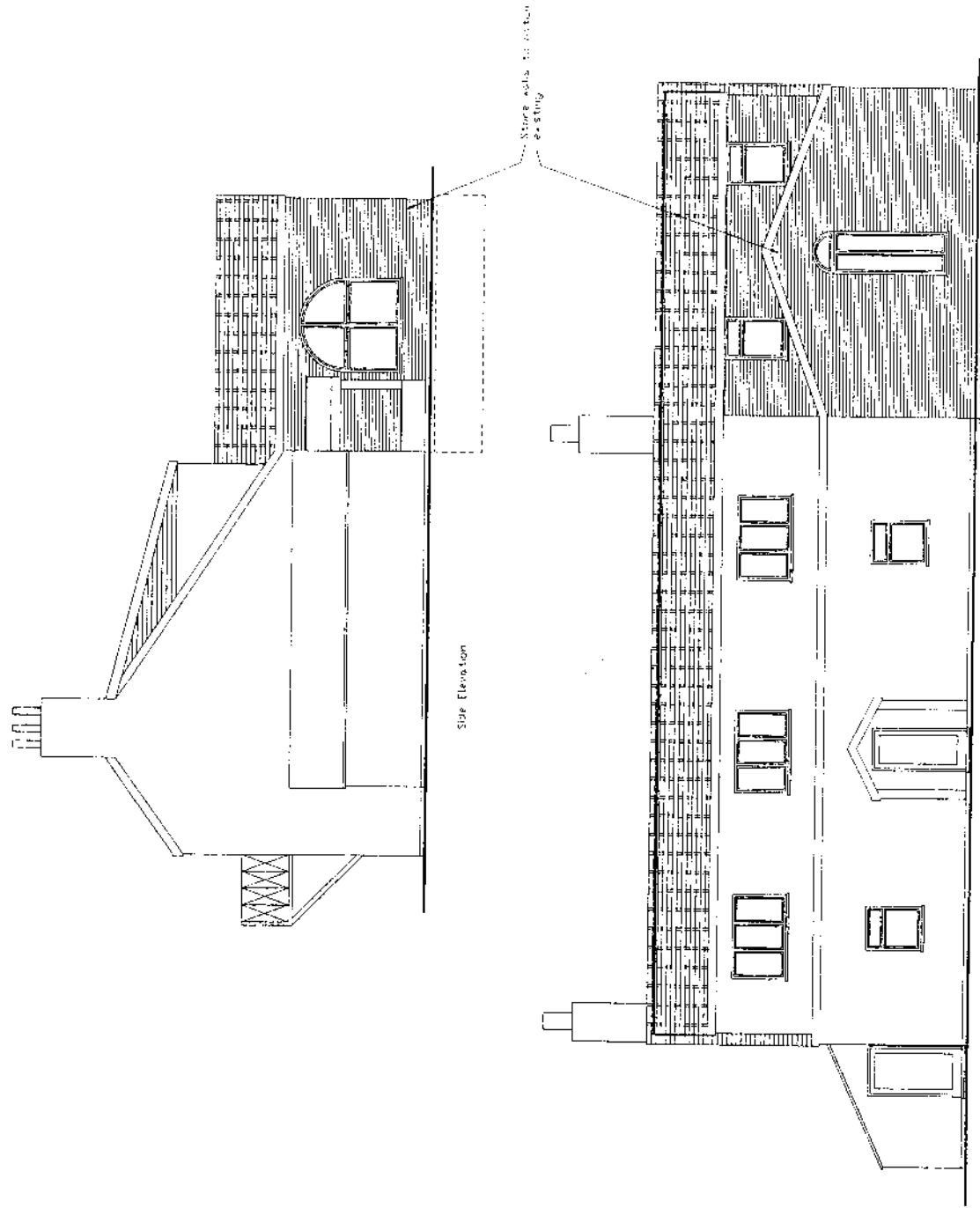
29 ANTONINE WAY
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CARLISLE,
CA3 0LG
Tel: 01228 583361

CARLISLE

HANDY NUMBERS

BUILDERS MERCHANTS

New
102
Local
Authorisation



Side Elevation

Front Elevation

2002/10/44

- KEY
- Blue Partition
 - Bluework
 - Bluework
 - Tiled Roof

Proposed Extension to Saughb Farm Bailey Newcastleton TD9 0TT

for Mr & Mrs K Gray Tel No 016977 48346 scale = 1 : 100

Dwg No TD9 0TT/saughb5

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- PREPARATION OF ENVIRONMENTAL STATEMENTS
- PREPARATION OF ACCESS STATEMENTS
- PREPARATION OF TREE SURVEYS
- PREPARATION OF HISTORIC BUILDINGS WORK STATEMENTS
- SUCCESSFUL APPEALS
- PREPARATION OF ENVIRONMENTAL STATEMENTS
- PREPARATION OF ACCESS STATEMENTS
- PREPARATION OF HISTORIC BUILDINGS WORK STATEMENTS
- SUCCESSFUL APPEALS
- PREPARATION OF ENVIRONMENTAL STATEMENTS
- PREPARATION OF ACCESS STATEMENTS
- PREPARATION OF HISTORIC BUILDINGS WORK STATEMENTS
- SUCCESSFUL APPEALS

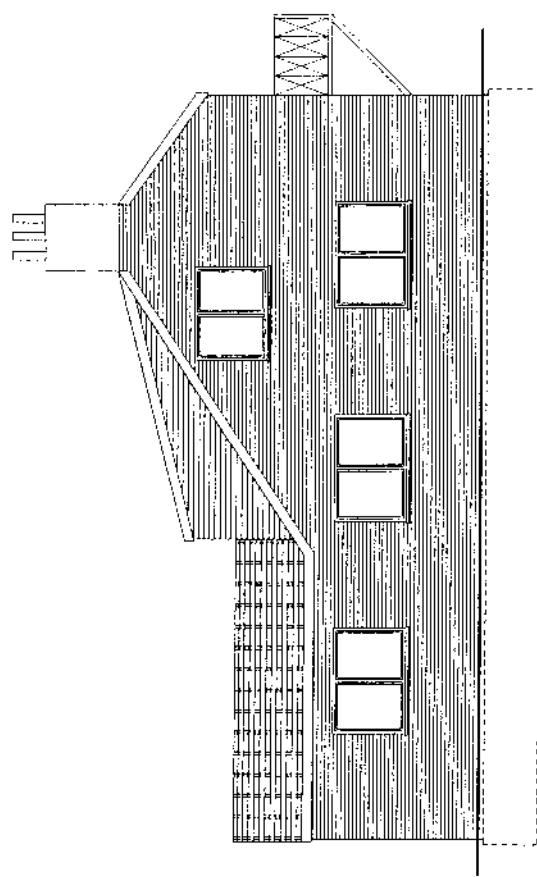
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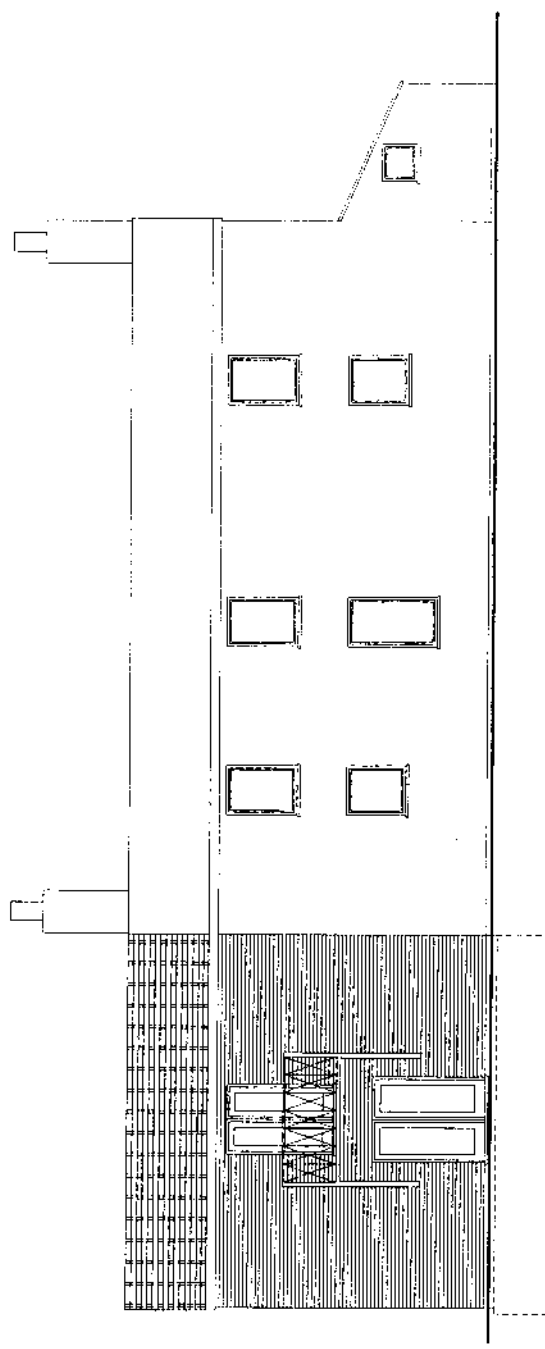
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New in 102 Local Authority

100m 200m 300m 400m 500m 600m 700m 800m 900m 1000m



Side Elevation



Rear Elevation

2007/1044

KEY

[Symbol]	PROP PARTITION
[Symbol]	GLAZING
[Symbol]	BLINDWORK
[Symbol]	TILED ROOF

Proposed Extension to Saughs Farm Bailey Newcastleton TD9 0TT

for Mr & Mrs K Gray
Tel No 016977 48346
scale = 1 - 100

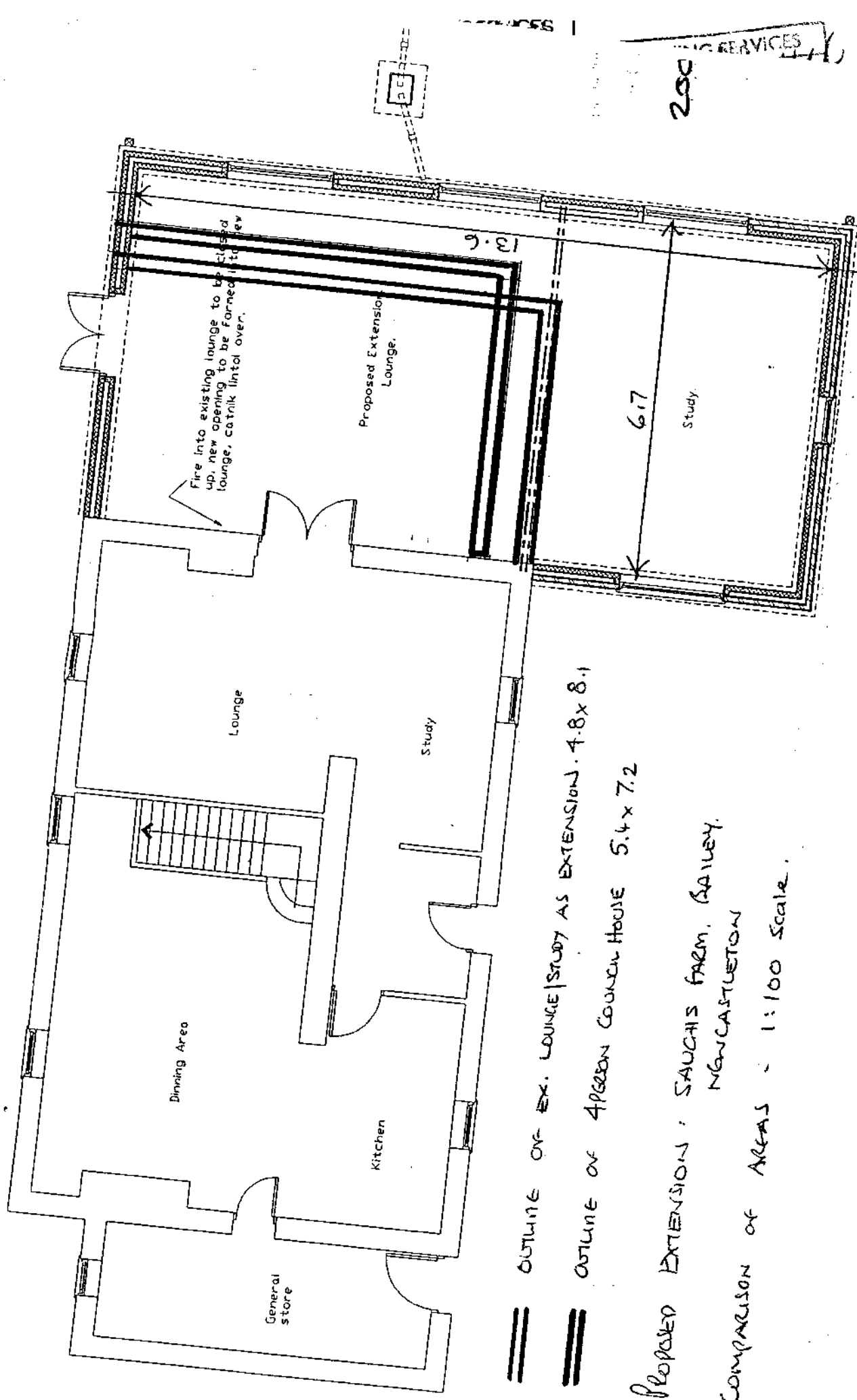
Dwg No TD9 0TT/saugh5

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CARLISLE,
CA3 0LD
Tel: 01228 335361



- === OUTLINE OF EX. LOUNGE/STUDY AS EXTENSION. 4.8 x 8.1
- === OUTLINE OF APPROX COUNCIL HOUSE 5.4 x 7.2

PROPOSED EXTENSION: SAUCHS FARM, BAILEY, NEWCASTLETON

COMPARISON OF AREAS - 1:100 SCALE.

le a
r
the







SCHEDULE B: Reports Requiring Further Information

02/1069

Item No: 43

Date of Committee: 20/12/02

Appn Ref No:
02/1069

Applicant:
Mr & Mrs R & J Jackson

Parish:

Date of Receipt:
14/10/02

Agent:

Ward:
Yewdale

Location:
19 Lodore Drive, Carlisle, Cumbria, CA2 7SG

Grid Reference:
336878 555218

Proposal: First floor extension to provide 2no. bedrooms

Amendment:

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection.

English Nature: No objection subject to the inclusion of a Supplementary Informative regarding bats.

Summary of Representations:

This application has been advertised by means of direct notification to the occupiers of six of the neighbouring properties. At the time of writing this report, one letter of objection has been received and the main issues raised are summarised as follows:

1. the street was originally planned to be a mixture of two and three bedroomed houses;
2. the distance between the two houses will be too narrow;
3. the adjacent property, number 18 Lodore Drive, already has a first floor extension and the two houses together will look out of character with the street; and
4. the proposed extension would cause a marked loss of light in afternoons and evening and overshadow number 37 Lodore Drive.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application seeks full planning permission for the erection of a two storey extension to number 19 Lodore Drive, Carlisle. The property is a two storey semi detached dwelling house constructed from facing brick under a tiled roof. The application seeks planning permission for the a first floor extension on the gable end of the dwelling over the existing garage. This would provide 2no. additional bedrooms at first floor.

The merits of each planning application must be assessed against material planning considerations, as required by Section 54A of the 1990 Act. In this instance, the original design of the estate is not significant and the emphasis should be placed on the policy guidance contained within the Local Plan policies.

In consideration of this application Policies H14 and H17 are relevant. Policy H14 of the Local Plan requires that extensions are of good design and are of an acceptable scale. The scale and design of the proposed extensions are considered to be appropriate to this semi detached dwelling.

This Policy also seeks to protect the amenity of adjacent properties from proposals

SCHEDULE B: Reports Requiring Further Information

02/1069

which adversely affect them, through inappropriate scale, design or unreasonable overlooking. The proposals which are being presented for consideration are modest in scale and design and would not be disproportionate or obtrusive.

The adjacent property, number 18 Lodore Drive, has a first floor extension adjacent to the boundary. The current proposal for number 19, would be constructed close to this gable end, with a gap of approximately 220 mm, thus resulting in a terraced effect upon the street scene. Amended drawings have been request from the applicants, which will show the proposed extension stepped back from the front elevation. This will have the desired effect of breaking up the physical appearance to the frontage and creating shadow lines to emphasise this aspect. These drawings are presently awaited.

The occupier of number 37 Lodore Drive has stated that the development will cause a loss of light in the afternoonons and overshadow their property. Number 37 is approximately 26 metres to the east of the application site. When the sun is setting in the west, it will alreedy be low in the sky and to the rear of the application site. It is not considered that the development would compound this situation and the development would not adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is not considered to be of an unacceptable scale or visually intrusive.

In conclusion, the proposed extension is of a scale and design that is appropriate to the dwelling and it is not considered that the occupier of the neighbouring properties would be adversely affected by the development, in accordance with the relevant Local Plan policies.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this

SCHEDULE B: Reports Requiring Further Information

02/1069

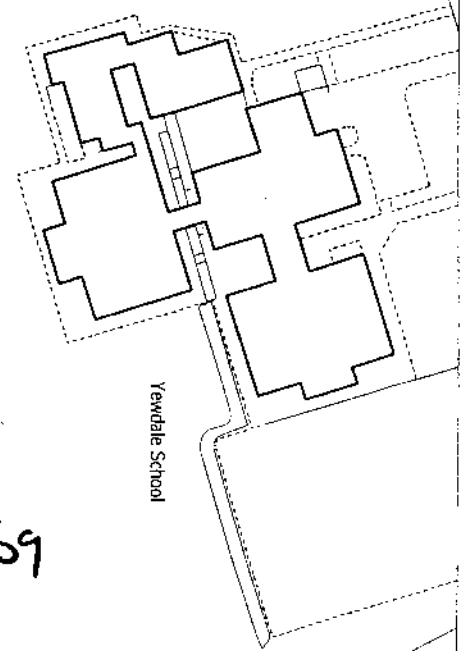
instance, it is not considered that there is any conflict.

Recommendation:

Reason for including report in Schedule B

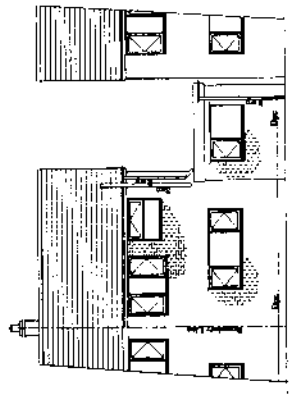
A recommendation is unable to be made as amended drawings are awaited from the applicant.

Revised drawings OK (Supp 156-57)
App ✓
A to I

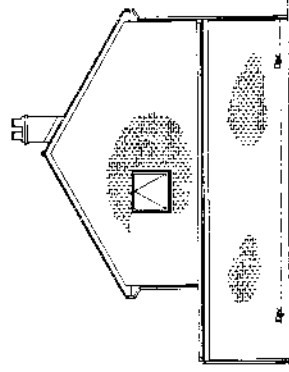


2002/1069

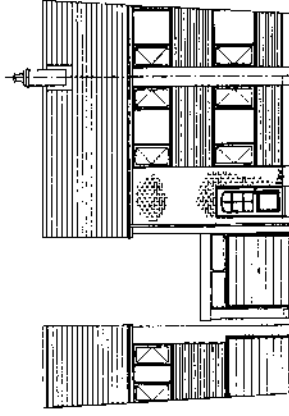
Department of Environment & Development
Planning Services
 Director, 11 Bannockburn Drive, PO Box 1000
 Planning Services Unit, Sandown Park, Sandown Park, Sandown Park, Sandown Park
 One Curlew Centre, Sandown Park, Sandown Park, Sandown Park, Sandown Park
 19 Loodre Drive
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 Licence Number LA077429 2001.
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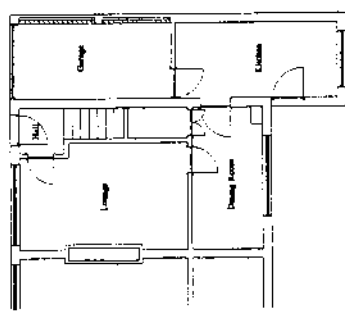
REAR ELEVATION AS EXISTING



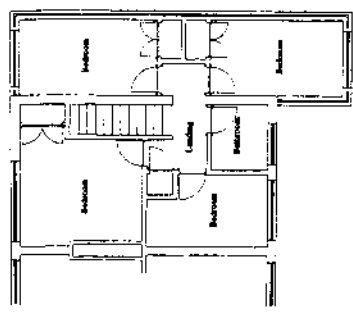
SIDE ELEVATION AS EXISTING



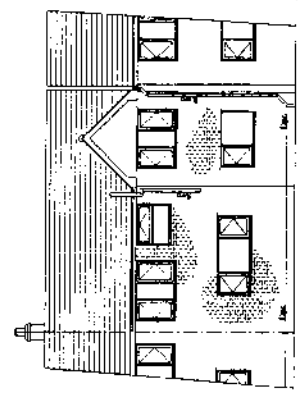
FRONT ELEVATION AS EXISTING



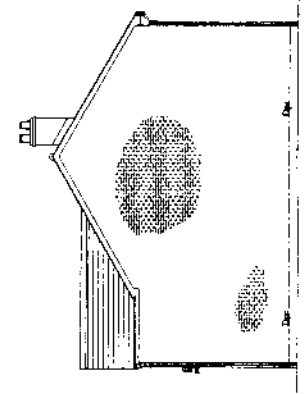
GROUND FLOOR PLAN AS PROPOSED



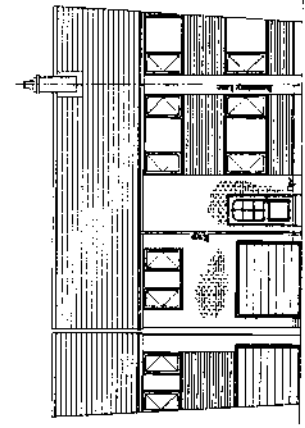
FIRST FLOOR PLAN AS PROPOSED



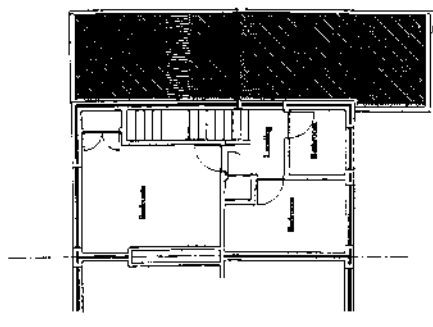
REAR ELEVATION AS PROPOSED



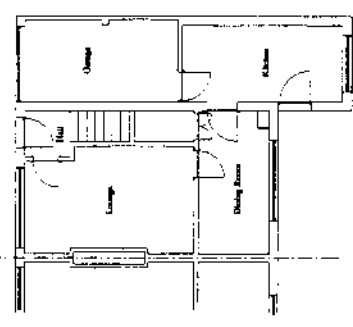
SIDE ELEVATION AS PROPOSED



FRONT ELEVATION AS PROPOSED



FIRST FLOOR PLAN AS EXISTING



GROUND FLOOR PLAN AS EXISTING

8009/1069

Drawn	Scale	DATE
Checked	DATE	DATE
DRG. No. EXTENSION/Sheet 1/2		

PROPOSED FIRST FLOOR EXTENSION FOR MR. & MRS. R. & J. JACKSON, 19 LODORE DRIVE, CARLISLE, CA 2783

PS/06	DATE	DATE	DATE
PS/06	DATE	DATE	DATE

SCHEDULE B: Reports Requiring Further Information

02/1084

Item No: 44

Date of Committee: 20/12/02

Appn Ref No:
02/1084

Applicant:
Messrs Splinter

Parish:
Stanwix Rural

Date of Receipt:
15/10/02

Agent:
Tsada Building Design
Services

Ward:
Stanwix Rural

Location:
Moss Cottage, Houghton, Carlisle, CA6 4JN

Grid Reference:
340800 561200

Proposal: Erection of general purpose shed for agricultural purposes
(retrospective)

Amendment:

John

Report

Planning Policies:

Carlisle District Plan Environment - Policy E2

Proposals for new farm buildings and extensions to existing agricultural buildings and other farm structures will be permitted, providing that:

1. The building or structure is sited where partial to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONB's and Conservation Areas, the design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable adverse effect on any adjacent properties.

Carlisle District Plan Employment - Proposal EM10

Within the remainder of the Plan area permission will not be granted for industrial, warehousing and commercial development. However, small scale development within existing settlements, the curtilage of existing employment premises, or groups of farm buildings, or moderate extensions to existing premises will be

acceptable provided:

1. There is no unacceptable adverse impact on the local landscape; and
2. There is no unacceptable adverse effect on nature conservation interests; and
3. Adequate access and appropriate parking provision can be achieved; and
4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

Carlisle District Plan Environment - Policy E8

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection.

Stanwix Rural Parish Council: No observations.

County Land Agent (Capita dbs): Comments awaited.

Environment Agency (N Area + Wast Dip): No objection, subject to conditions.

Summary of Representations:

This application has been advertised by means of a site notice. No representations

SCHEDULE B: Reports Requiring Further Information

02/1084

have been received.

Details of Proposal/Officer Appraisal:

Planning History:

In 1991, under application 91/0380, an application for the erection of an agricultural worker's dwelling was refused.

Details of Proposal:

Retrospective planning permission is sought for a building which has been erected on land adjacent to Moss Cottage, Houghton. The site is located at the northern end of an unadopted track leading from the C. class road from the A689 towards Scaleby. It is therefore in a relatively unfrequented and remote location. The existing complex of buildings at this location comprises a small bungalow, a residential caravan and various sheds of varying size. Adjoining this complex of buildings is a yard of some 1200 square metres, occupied by various items of plant and machinery. The building is located in the north western corner of the yard. It is described as a general purpose store, and is 12m x 8.6m in area (103m²). It is 5.3m high to the ridge, and is constructed of blockwork and cladding.

Although described as an agricultural building, its appearance and also the appearance and nature of the site raise the issue of exactly what the building is used for. At the time of writing, no information is available on the nature of the applicant's business or how much agricultural land is available to him. The County Land Agent's response will provide information on all these points.

Depending on the information provided by the Land Agent's report, there may be a good case for the retention of this building. Policy E2 of the District Plan presumes in favour of the erection of agricultural buildings, provided four criteria are met. Two of these require the siting of the building to be integrated with the other farm buildings, and be well related to them in terms of form and scale. In this case, the building is located on the far side of the yard, but given the nature of the yard, it would be difficult to justify refusal on these grounds. If on the other hand, the building is not used for agricultural purposes, it would have to be considered on the basis of Policy EM10. This policy contains no presumption of approval, and the circumstances and need for the proposal would have to be carefully examined before approval could be recommended.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests

SCHEDULE B: Reports Requiring Further Information

02/1084

may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application does not raise implications for the Human Rights Act.

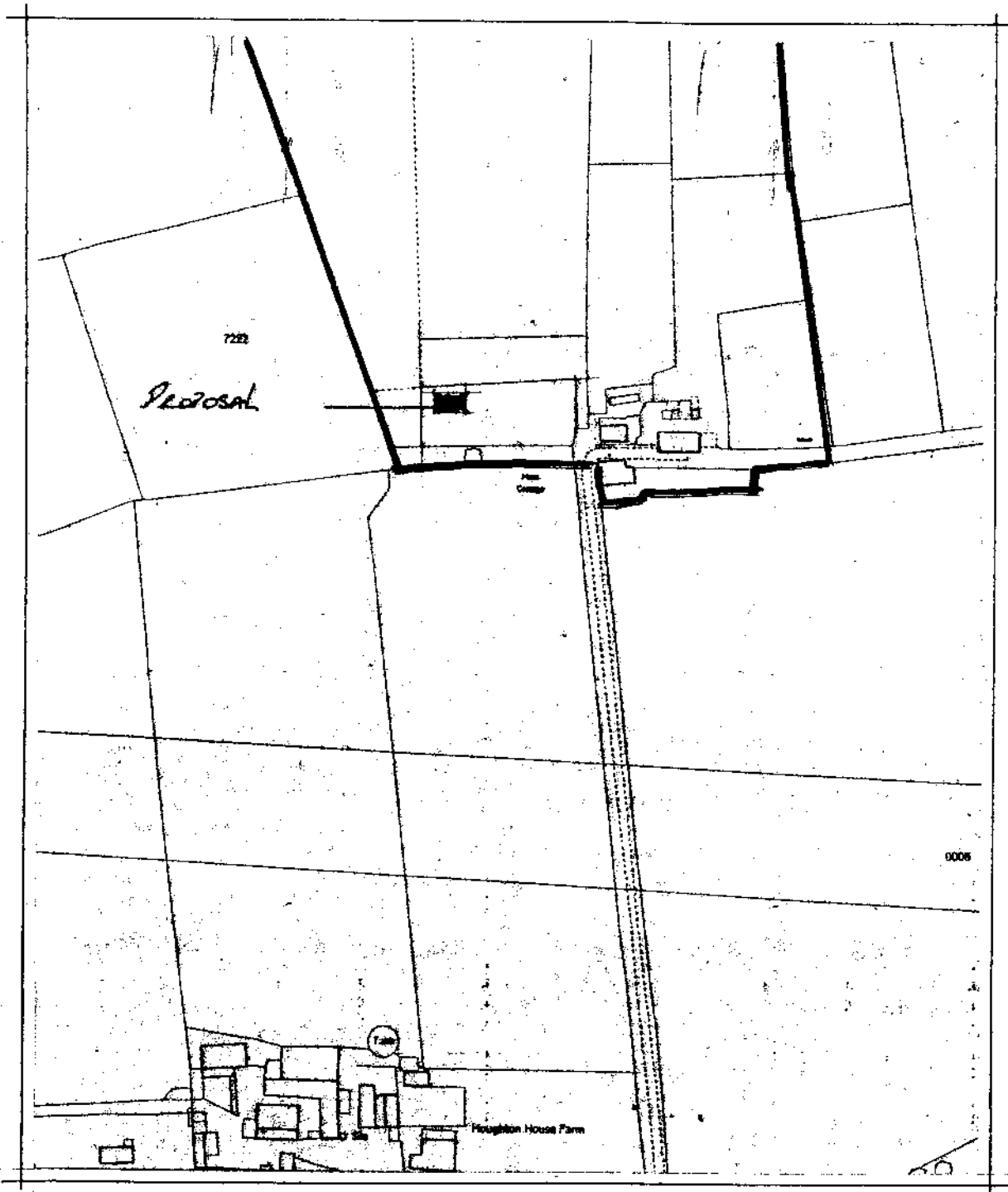
Recommendation:

Reason for including report in Schedule B

This application has been placed on Schedule B because the County Land Agent's report, dealing with the justification for the building and its use, is still awaited.

Supp P58-66 - Land Agent's Report

SU



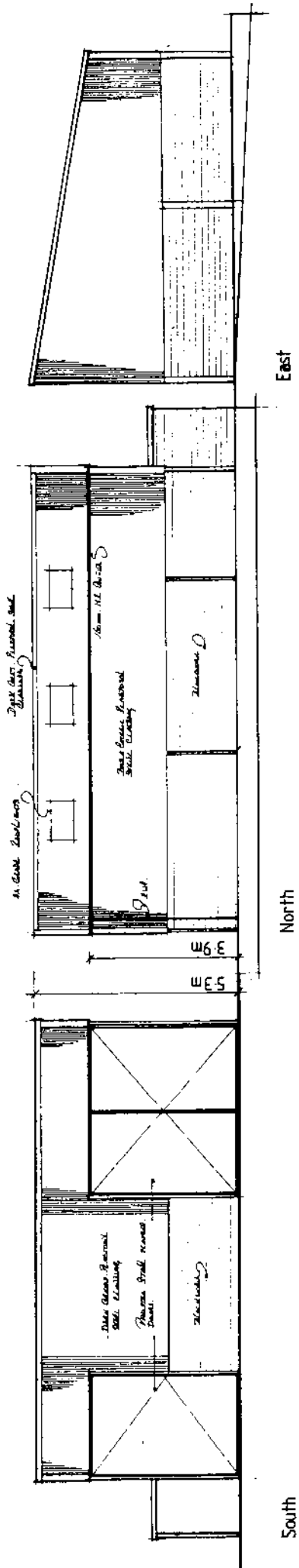
Location plan

1:2500

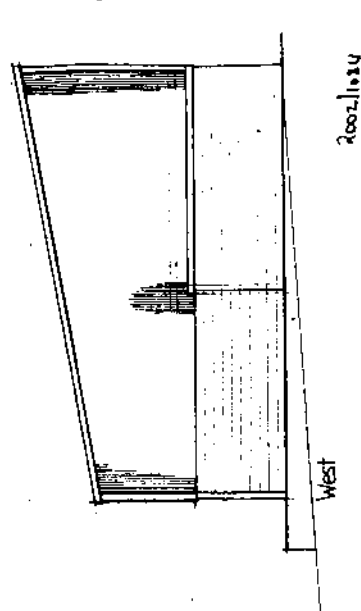
Drawing by

W.R. Faulder 577-

Amendments

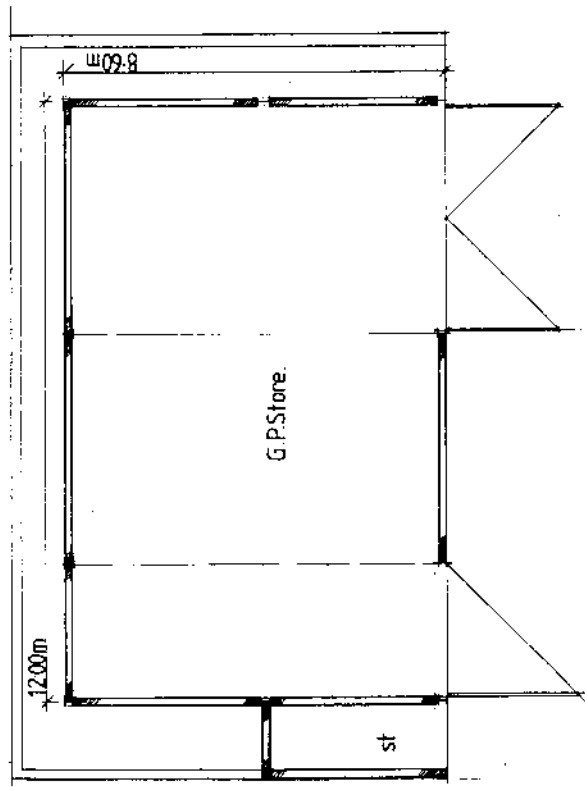
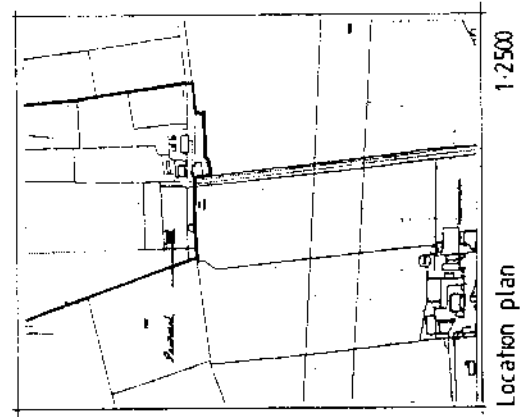


South
Elevations 1:50



TSADA BUILDING DESIGN SERVICES
 Trade Centre, Liphook, Cambs, Cambs CB25 9NA
 Telephone: 01228 791817
 Mobile: 07967 848172

Job title
 Proposed General purpose shed
 at Moss Cottage, Houghton



Layout plan 1:50

Drawing by WR Faulder	Amendments	Client Mr. G. Splinter Moss Cottage Houghton	Doc No. 92/2002/1
Date 12/10/2002			Scale As shown

SCHEDULE B: Reports Requiring Further Information

02/1173

Item No: 45

Date of Committee: 20/12/2002

Appn Ref No:
02/1173

Applicant:
Mr & Mrs D Cameron

Parish:
Brampton

Date of Receipt:
08/11/2002

Agent:
G R & A J Stephen

Ward:
Brampton

Location:
3 Ash Lea, Brampton, CA8 1TD

Grid Reference:
353200 561961

Proposal: Alteration and extension of garage to form dwelling

Amendment:

1. Alteration to the fenestration and erection of a 1.8 metre high close boarded wooden fence along the north western boundary of the site.

SJM

Report

Planning Policies:

Airport Safeguarding Area

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan Housing - Proposal H2

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and

4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity.

Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Transport - Proposal T7

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objection, subject to the attachment of two planning conditions to any notice of consent;

Brampton Parish Council: feel that the application should be refused on the following grounds;

1. likely to damage trees adjacent to the boundary;
2. loss of amenity for residents;
3. inappropriate development and overdevelopment of the site;
4. loss of privacy for neighbours.

The Parish Council is opposed to the principle of allowing the conversion of separate garages as dwellings and thereby creating an additional unit where a scheme has been approved with a specified number of houses.

Civil Aviation Authority: awaiting comments;

United Utilities (former Norweb & NWW): awaiting comments;

Environment Agency (N Area (+ Waste Disp)): no comment;

Design Services - Drainage Engineer: The applicant has indicated that foul and surface water will be disposed of via a tapping into the Public Sewers. The applicant should determine the levels of the nearby Public Sewers before any design or construction work is undertaken.

If the site is already served by existing private drains which subsequently connect to the public sewer, these could be used subject to them being in an acceptable condition and the usual building regulations.

The sewer record indicate the nearest public sewer to the site is in the road. If it is the intention of the developer to make a new connection to the public sewer to serve the site, he must ensure that he has full permission of owners to cross any private land.

If the developer wishes to construct a new connection to the Public Sewer, please request that they contact the Drainage Section for further advise.

Planning Services - Local Plans: The Local Plan states in para. 2.99 that 'particular attention will be given to trees that are on sites where there are proposals for development.... to ensure that the development proposals and building works required do not prejudice the future of the trees.'

A mature Horse Chestnut tree abuts the site boundary and overhangs the site with branches some 4 metres above the existing garage roof. The tree crown clearly projects over the development site by 6 metres. The Council's SPG 'Trees on Development Sites' states in the section about Site Layout and avoiding undesirable interference of trees with new development and preventing future problems that 'where the site layout accommodates mature trees in private gardens adjacent to dwellings, in order to maintain the growth of such trees any wall of the dwelling should be at least 10 metres from the edge of the crown spread of the tree.' The dwelling proposed lies under the crown of the Horse Chestnut and would stand only 2 metres from the tree trunk. This is unsatisfactory as the building foundations would interfere with the root zone of the tree, which is a feature of the street scene on Craw Hall. There would be a threat to the tree if development were to take place as suggested.

I would therefore recommend that negotiations take place with a view to an amended application to resite the bungalow nearer to the boundary with the adjacent house, No. 3 Ash Lea.

I would recommend that protective fencing be erected on the site at a distance corresponding to the branch spread of the tree, in order to protect the root area.

Summary of Representations:

This application has been advertised by means of a site notice and notification letters sent to nine neighbouring properties. In response six letters of objection have been received, the grounds for objection being;

1. the proposed dwelling is out of character with other properties on the estate;
2. the proposal will result in the over development of this part of the estate;
3. the cul-de-sac is quiet and secluded. It is felt that the proposed development would be detrimental to this;
4. if the proposal is granted planning permission neither 3 Ash Lea nor the

- proposed dwelling will have a garage. Given that the parking area for the proposed dwelling is steep it may result in vehicles using the turning point of the cul-de-sac to park their vehicles;
5. increased traffic generation;
 6. the proposal would set a precedent, which may encourage other property owners on the estate to apply for similar proposals. This would be detrimental to the overall appearance of the estate;
 7. the proposed development would have an overbearing effect on neighbouring properties;
 8. loss of privacy;
 9. adverse visual impact.

Details of Proposal/Officer Appraisal:

Planning History:

Planning permission was granted for the development of this estate in 1987 under application 86/0825.

Details of Proposal:

This application seeks planning permission for the alteration and extension of a detached double garage to form a bungalow at No.3 Ash Lea, Brampton. The double garage is within the ownership of No. 3 Ash Lea and is used by the occupants to provide parking facilities. The application site is situated at the head of a cul-de-sac within a modern estate. To the south west of the application site the land rises steeply to where the properties on the opposite site of the cul-de-sac are located. Directly to the north west is the applicant's property, 3 Ash Lea. The land to the north east of the application site is bounded by the B6413, leading to Brampton Cottage Hospital. The grounds of Ashmore enclose the site along its western boundary, along which there is a number of mature trees. A plan illustrating the location of the application site and its relationship to surrounding properties follows in the Schedule.

The application, as submitted, seeks planning permission for the alteration of a detached double garage to form a bungalow. The existing garage measures 6.4 metres in width by 6.4 metres in length, and 3.95 metres, at the peak of the pitched roof. It is constructed from facing brick with a tile roof, which matches the design of other properties on the estate. The existing garage would be converted to provide an entrance hall, bathroom and living room. The proposal involves the erection of an extension to the south east elevation of the garage to provide two bedrooms, one of which has an en-suite shower room. This extension measures approximately 4 metres in width, 9.4 metres in length, and 3.95 metres at the peak of the pitched roof. The proposal also involves an extension to the north east elevation of the garage to provide a kitchen and dining area. The extension would be sited at a lower level to the remainder of the dwelling. This extension measures 3.25 metres in width and 8.75 metres in length. The roof slope of the existing garage would slope downwards at the same gradient over proposed extension. The proposed dwelling would be finished in materials used to match those of the existing garage. Parking

provision is available for two vehicles on the existing driveway that would serve the proposed dwelling. In respect of the parking provision for No.3 Ash Lea it is the applicants intention to provide a parking bay for two vehicles.

Following negotiations with the applicant an amended plan has been received. The amendment omits a window in the north west elevation of the living room as well as a window in the north east elevation of the dining room/kitchen. In addition to this the applicant proposes to erect a 1.8 metre high close boarded wooden fence along the north western boundary that the proposed dwelling would share with No.3 Ash Lea. Copies of the amended plans have been reproduced in the Schedule, along with photographs of the application site.

This site is within a Primary Residential Area, where there is a presumption in favour of residential development, subject to the provisions of Policy H2 of the Carlisle District Local Plan. The issue in this case therefore is whether the proposed dwelling is consistent with the criteria of Policy H2. The submitted layout achieves a minimum distance of 22 metres between existing and proposed facing windows. This illustrates that the proposal achieves an acceptable level of privacy for the occupants of neighbouring properties. The materials to be used complement those materials used on other properties within the estate. Concern has been raised that the proposed dwelling will be out of character with other properties on the estate in terms of the scale of the development. It is acknowledged that the dwelling hereby proposed is smaller than other properties on this estate. However, this alone is insufficient reason to refuse the application. It will also be noted that the Highway Authority have no objection to the application, subject to the attachment of two planning conditions. It is recommended that a condition be imposed requiring the construction of two parking spaces for No.3 Ash Lea prior to work commencing of the dwelling hereby proposed. This will ensure that adequate parking provision is available for the occupants of No.3 Ash Lea.

Members will note that six objection letters have been received in response to this application. Five of the objection letters are from occupants of the cul-de-sac; the sixth letter of objection is from the occupant of a residential property positioned 32 metres to the north east of the application site. The concerns expressed by local residents have been addressed in the above paragraphs.

It will be noted that the Local Plans Section has concerns regarding the close proximity of the extension to the south east elevation of the garage in relation to the trees situated along the boundary, which the application site shares with Ashmore. The extension to the south east elevation lies under the crown of the Horse Chestnut tree and would stand only 2 metres from the tree trunk. This arrangement is considered to be unsatisfactory, as the building foundations would interfere with the root zone of the tree, which is a feature of the street scene on Craw Hall. Revised plans have been requested from the applicant to amend the proposed layout to ensure that there is no adverse impact upon the trees situated along the south east boundary of the application site.

At the time of writing this report amended plans are awaited from the applicant. On the basis that the above matter is successfully resolved the proposal will be recommended for approval.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

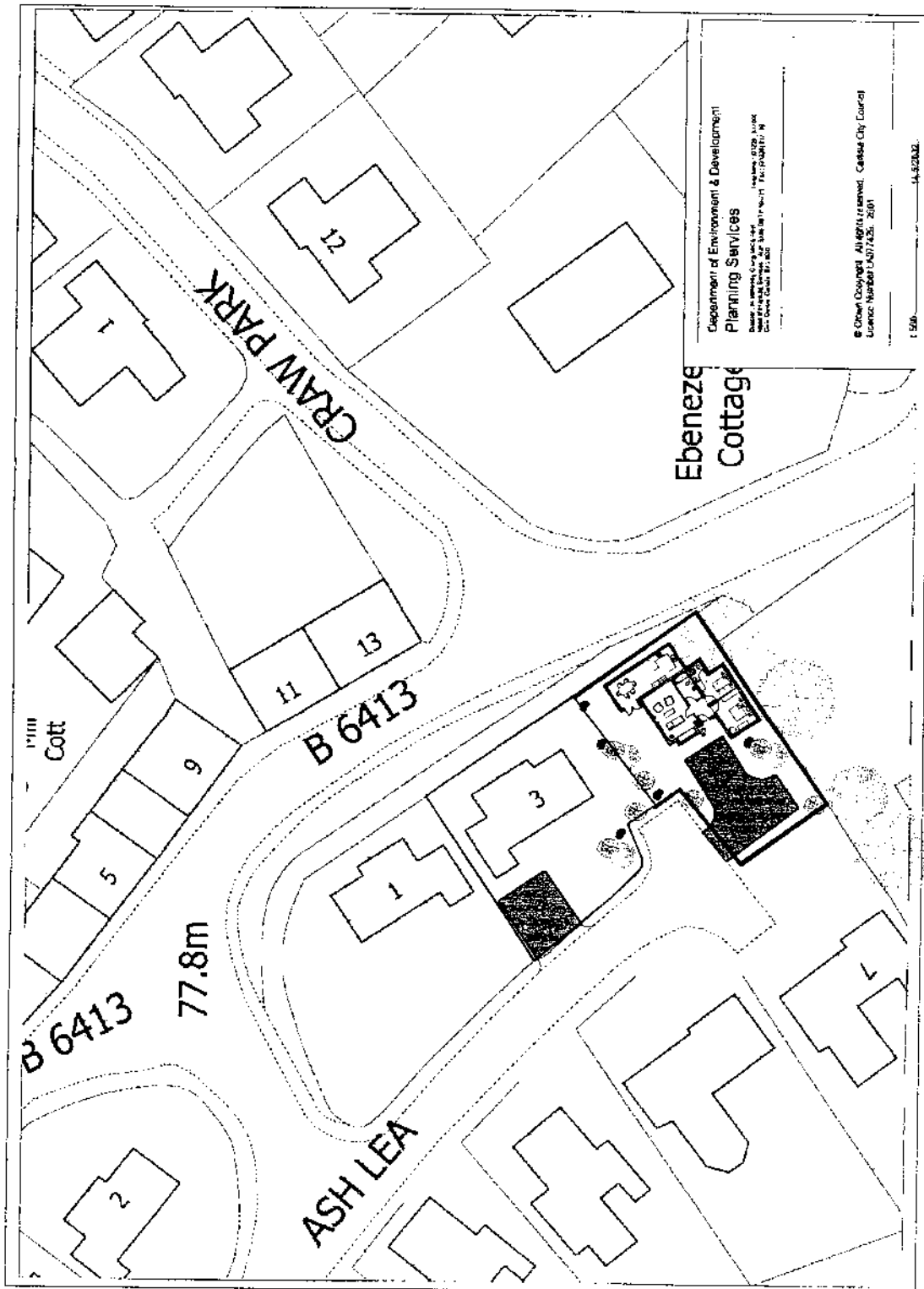
The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation:**Reason for including report in Schedule B**

Amended plans, revising the proposed layout, are awaited from the applicant to ensure that the proposed dwelling does not have an adverse impact upon the trees situated along the south east boundary of the application site.

Supp Page 67 (Revised plan)

A + I - APP



Department of Environment & Development
 Planning Services
 2002/03/02
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 1:500
 14/02/02

2002/03/02

GR & AJ STEPHEN
 The Barn,
 Crooked House,
 Longtown Road,
 Brampton,
 Cumbria
 Telephone 016977 3338
 email address: stephen@grajnae.nar

Job : 02/033 Scale : 1 : 500
 Date : July 2002 Revision :

Proposed house at
 No. 3a Ash Lea
 Brampton, Carlisle, Cumbria
 For Mr. & Mrs. D Cameron

Location Plan @ 1 : 500 01

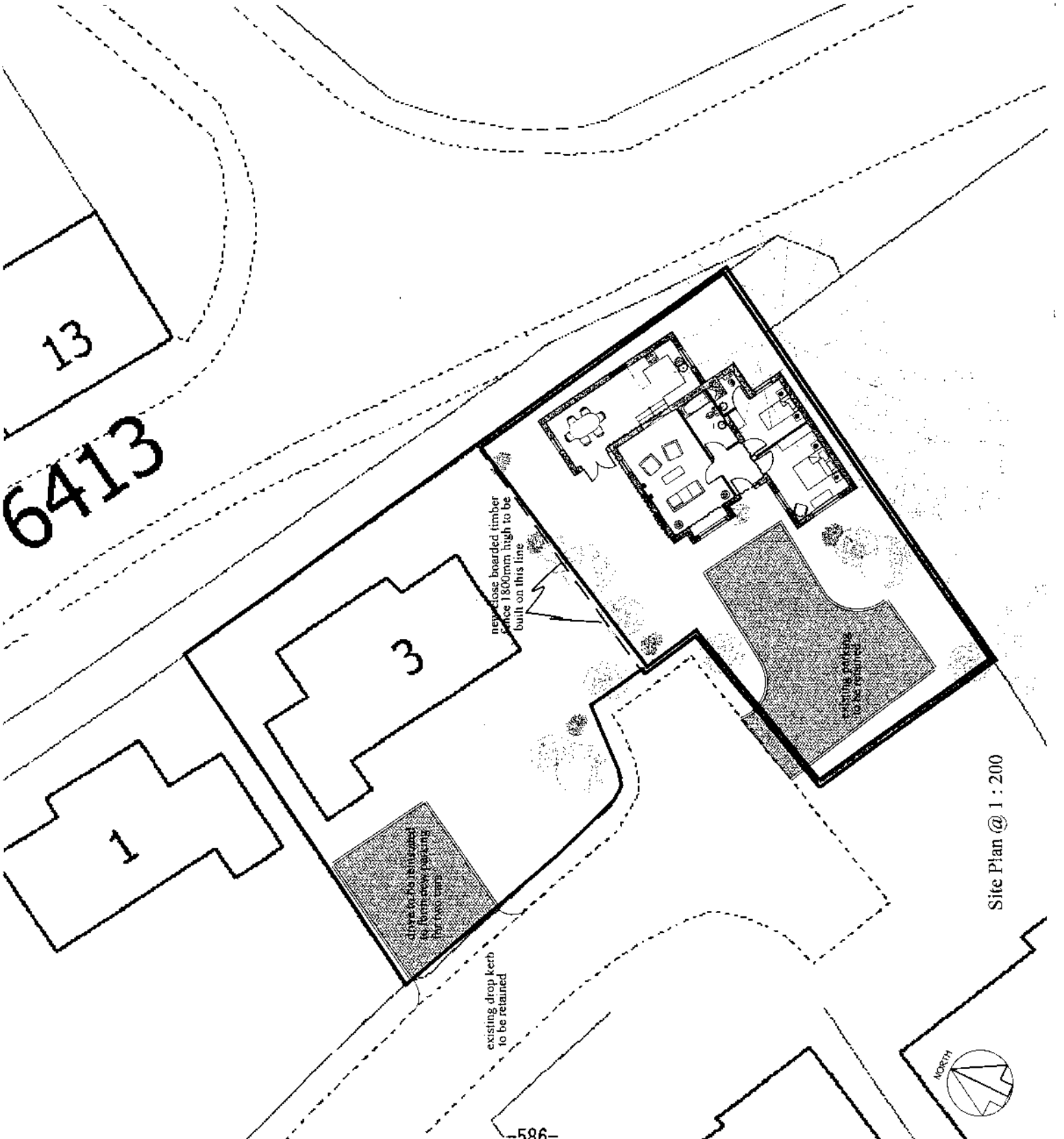
20021173

GR & AJ STEPHEN
 The Barn,
 Crooked Holme,
 Longtown Road,
 Brampton,
 Cumbria
 Telephone 016977 3338
 email address: stephen@ajstephen.net

Job : 02/033 Scale : 1 : 200
 Date : July 2002 Revision :

Proposed house at
 No. 3a Ash Lea
 Brampton, Carlisle, Cumbria
 For Mr. & Mrs. D Cameron

Site Plan @ 1 : 200 02a



13
 6413

1

3

drives to be retained
 to form drive leading
 to house

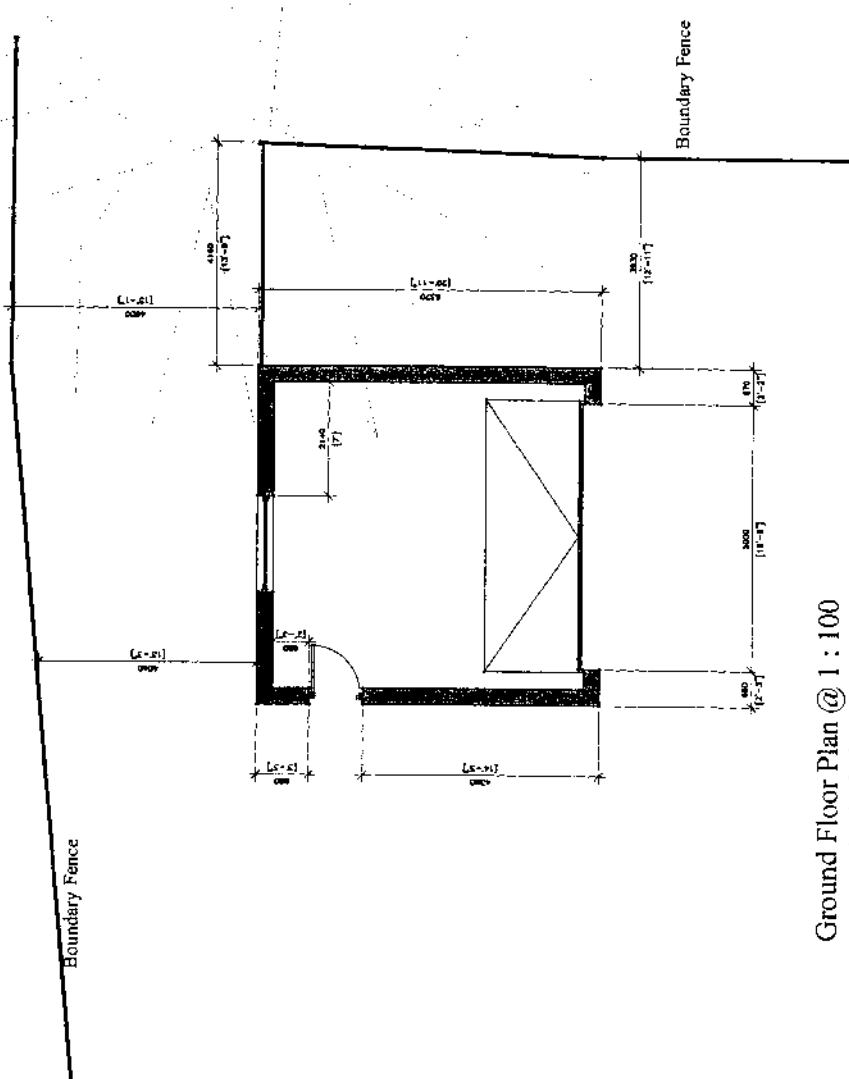
new fence boarded timber
 fence 1800mm high to be
 built on this line

existing drop kerb
 to be retained

existing driveway
 to be retained



Site Plan @ 1 : 200



Ground Floor Plan @ 1 : 100
As Existing

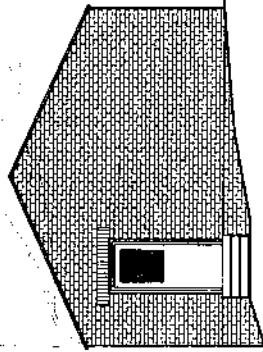
2002-1173

GR & AJ STEPHEN
The Barn,
Crooked Holme,
Longtown Road,
Brampton,
Cumbria.
Telephone 016977 3338
email: gaj@stephens-aj.co.uk

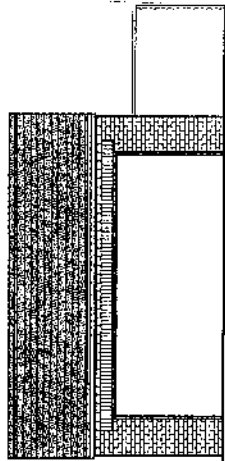
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Date : Sept. 2002 Revision :

Proposed house at
No. 3a Ash Lea
Brampton, Carlisle, Cumbria
For Mr. & Mrs. D Cameron

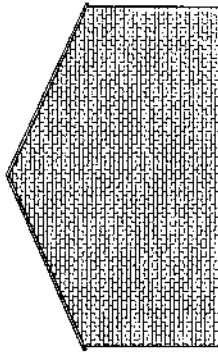
Existing Ground Flc Ians 03



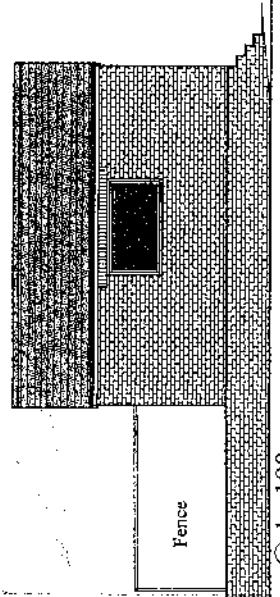
West Elevation @ 1 : 100



South Elevation @ 1 : 100



East Elevation @ 1 : 100



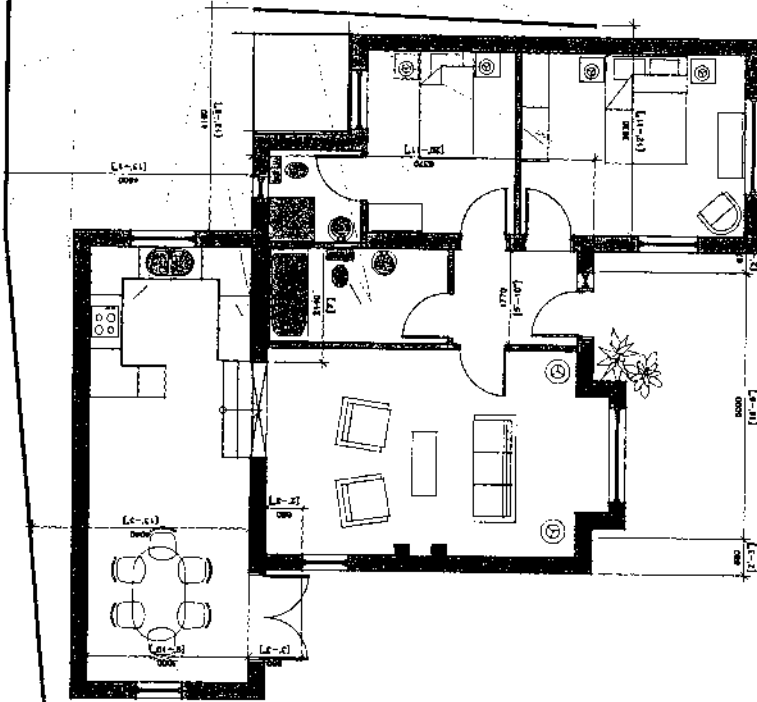
North Elevation @ 1 : 100

2002/1173

GR & AJ STEPHEN The Barn, Crooked Holme, Longtown Road, Brampton, Cumbria Telephone 016977 3338 email address: stephen@stephenaj.com	
Job : 02033 Date : Sept. 2002	Scale : 1 : 100 Revision :

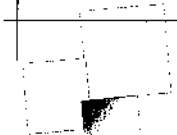
Proposed house at
 No. 3a Ash Lea
 Brampton, Carlisle, Cumbria
 For Mr. & Mrs. D Cameron

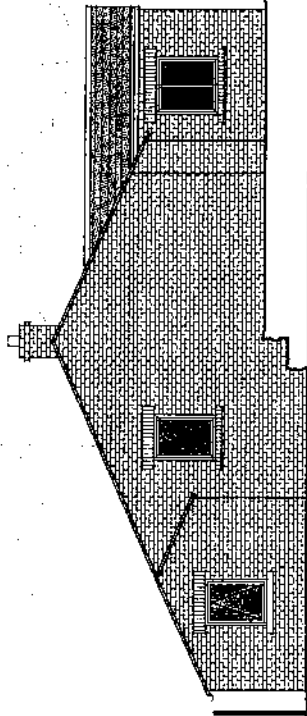
Existing Garage Elevations 05



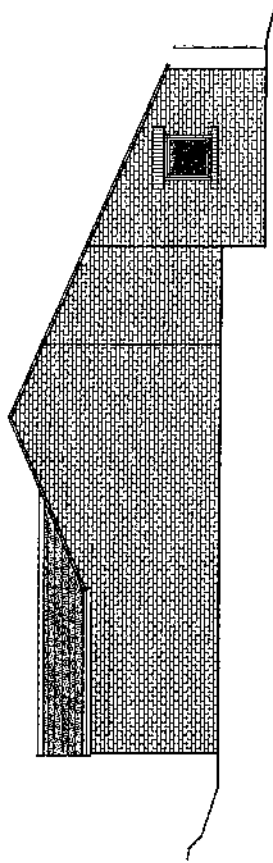
Ground Floor Plan @ 1 : 100
As Proposed

262-1173

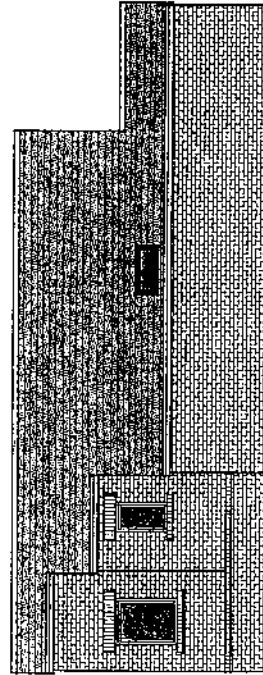
 <p>GR & AJ STEPHEN The Barn, Crooked Holmes, Longtown Road, Brampton, Cumbria Telephone 016977 3338 email address : stephens@quora.net</p>	<p>Job : 02/033 Scale : 1 : 100 Date : Sept. 2002 Revision :</p>	<p>Proposed house at No. 3a Ash Lea Brampton, Carlisle, Cumbria For Mr. & Mrs. D Cameron</p>	<p>Proposed Ground Fl. Plans 10a</p>
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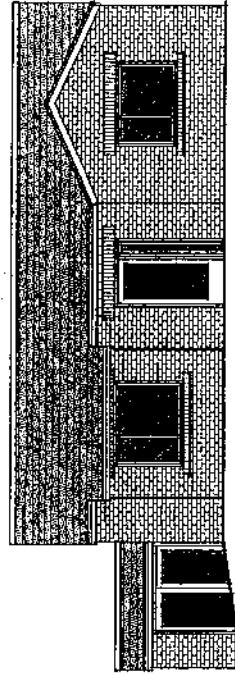
West Elevation @ 1 : 100



East Elevation @ 1 : 100



North Elevation @ 1 : 100



South Elevation @ 1 : 100

2621173

GR & AJ STEPHEN
 The Barn,
 Crooked Holme,
 Longtown Road,
 Brampton,
 Cumbria
 Telephone 016977 3338
 email address: stephens@cpurata.net

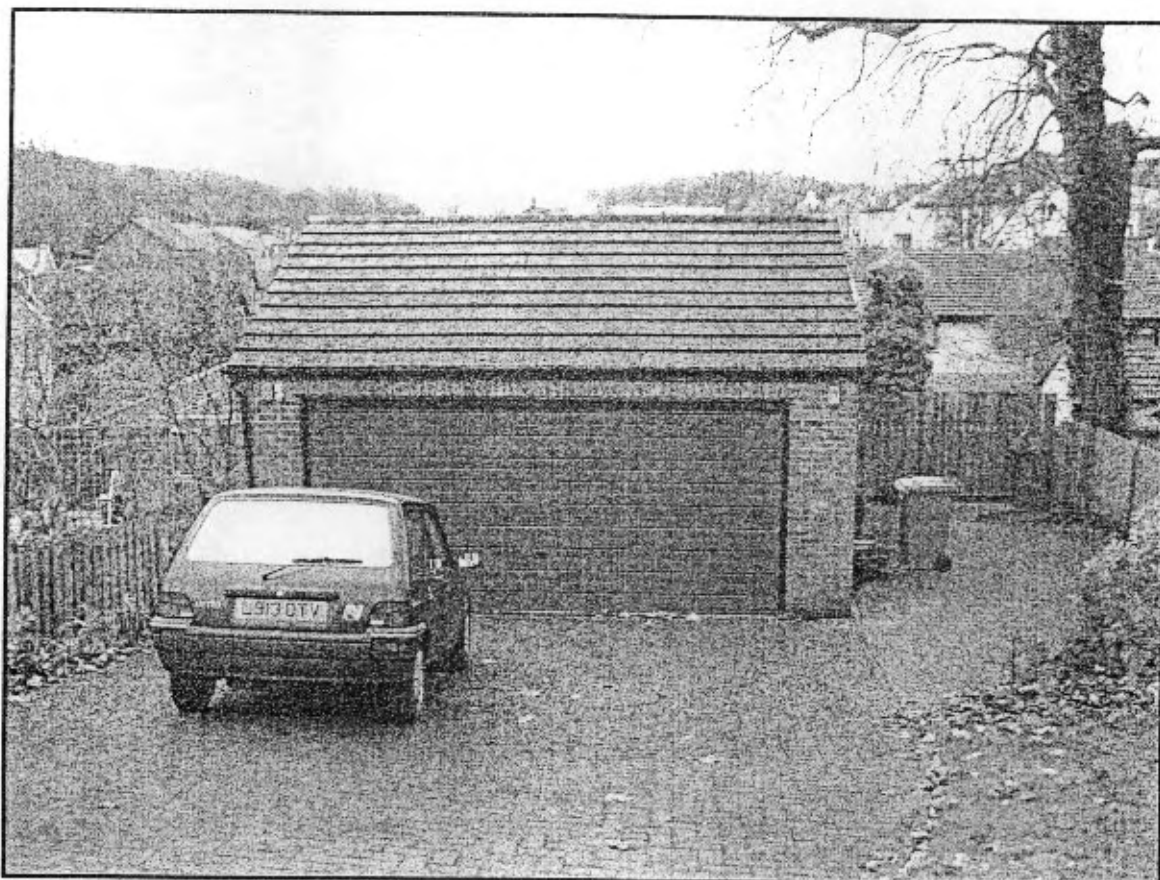
Job : 02/033 Scale : 1 : 100
 Date : Sept. 2002 Revision :

Proposed house at
 No. 3a Ash Lea
 Brampton, Carlisle, Cumbria
 For Mr. & Mrs. D Cameron

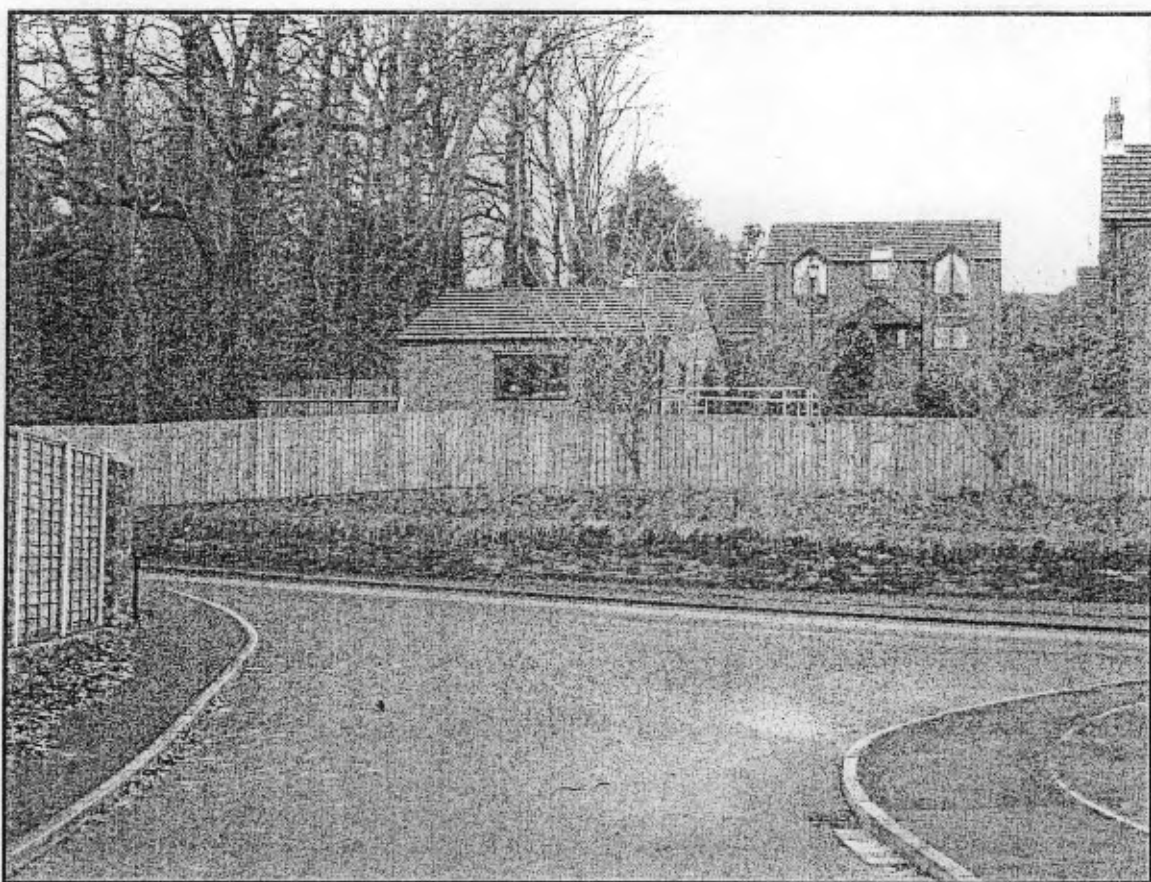
Proposed Elevations

11a

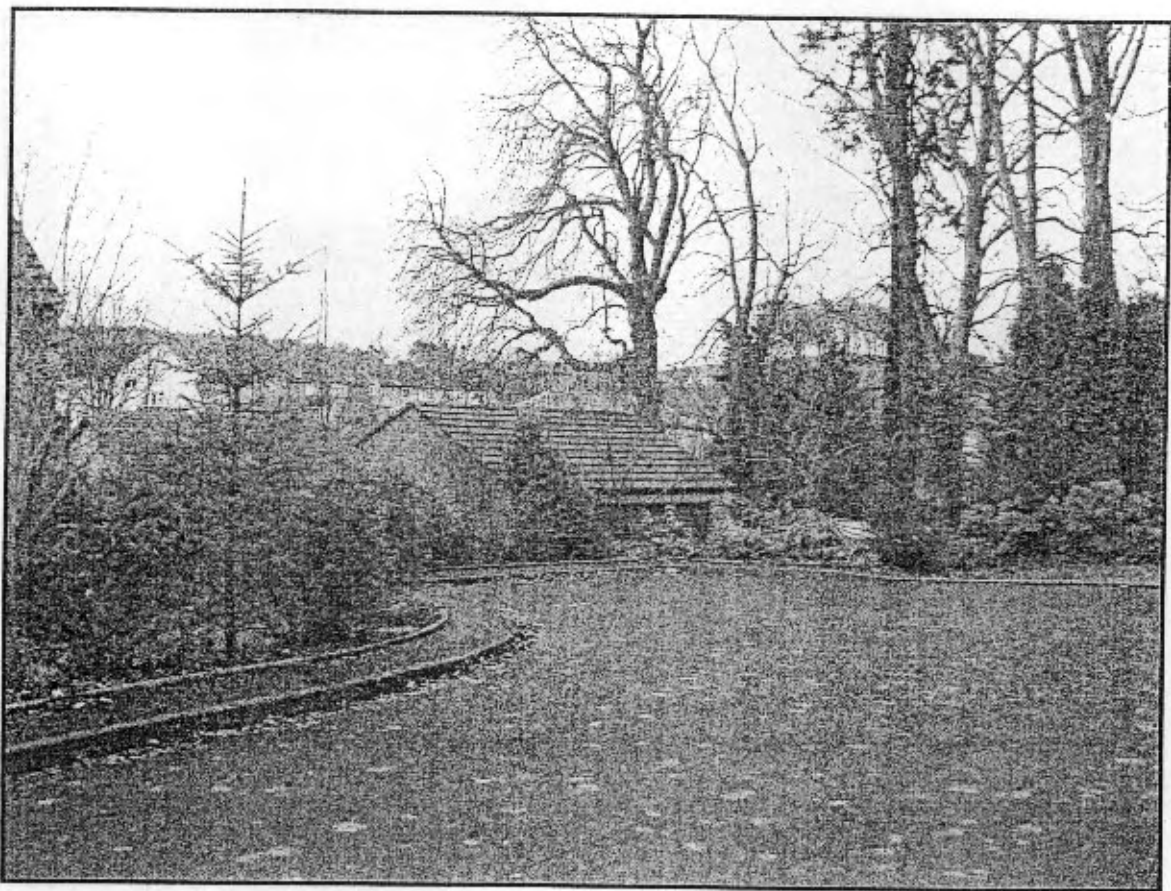
Photograph 1: Photograph of the detached double garage, which is subject to this current application.



Photograph 2: Photograph of the application site taken from Craw Park, looking southwards.



Photograph 3: Photograph of the application site taken from outside the applicant's property, No.3 Ash Lea.



SCHEDULE C

SCHEDULE C

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SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

01/0552

Item No: 46

Between 31/01/02 and 06/12/02

Appn Ref No:
01/0552

Applicant:
Mr Abdul Hafiz

Parish:
Carlisle

Date of Receipt:
29/06/01

Agent:

Ward:
Castle

Location:
Cassia (35-39), Cecil Street, Carlisle, Cumbria

Grid Reference:
340496 555648

Proposal: Removal of condition 03 and variation of condition 04 of planning approval 96/0873 to allow occupation of the second floor flat by persons not employed by the restaurant and to allow the restaurant to trade on Sundays from 5pm to 11.30pm

Amendment:

Report

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: Members may recall that this Appeal concerned the refusal of permission for the removal of condition 3 and variation of condition 4 of planning approval 96/0873 to allow occupation of the second floor flat by persons not employed by the restaurant, and, to allow the restaurant to trade on Sundays from 17.00 hours until 23.30 hours.

The Inspector identified the main issue in this case to be the effect on the living conditions of neighbouring residents, with respect to noise and disturbance.

In relation to condition 3, the Inspector considered that given the position of the flat, noise from the operation of the restaurant would be likely to cause noticeable disturbance to any occupiers. However, the Inspector felt that during part of the week any employee occupying the flat could well be at home while the restaurant is in use. Furthermore that person's dependants would be likely to be in residence and subject to disturbance whether or not the employee was working. In the Inspector's view to continue to tie the occupancy of the flat to persons solely or mainly employed in the restaurant would not achieve the objective of protecting the living conditions of the residents of this unit. It was also considered that such a condition would be unduly onerous and difficult to monitor and enforce. It was thus concluded that the retention of condition 3 was neither necessary nor reasonable.

SCHEDULE C: Applications Determined by Other Authorities

01/0552

When considering the variation to condition 4, the Inspector states that any extension of opening hours would cause significant disturbance for the residents of the second floor flat. Furthermore, restaurant customers and staff arriving and departing from the premises, whether on foot or by car, coupled with the activity associated with the permitted hot food deliveries, would generate noticeable street noise immediately around the site. In the Inspector's judgement such noise would cause significant disturbance for residents at a time when they could reasonably expect quiet. While the presence of the existing and proposed leisure uses on Botchergate may give rise to some disturbance to residents in the vicinity of the appeal premises, this was not considered sufficient to outweigh the harm that would be caused by the Sunday opening of the restaurant. The Inspector therefore concluded that to vary the hours of opening would be materially harmful to the living conditions of neighbouring residents, and, discourage the residential use of upper floors of nearby buildings in the Conservation Area contrary to PPG 15 and policies S15 and E43 of the Local Plan.

For these reasons the Inspector granted a new planning permission without condition 3 previously imposed, but, retain condition 4 and the relevant non-disputed conditions from the previous permission.

Appeal Decision: Appeal Part Allowed

Date: 06/11/02

SCHEDULE C: Applications Determined by Other Authorities

01/0969

Item No: 47

Between 31/01/02 and 06/12/02

Appn Ref No:
01/0969

Applicant:
Mr P J Ashworth

Parish:
Stanwix Rural

Date of Receipt:
26/10/01

Agent:
Taylor & Hardy

Ward:
Stanwix Rural

Location:
L/Adj The Far Boot, Townhead, Houghton, Carlisle,
Cumbria

Grid Reference:
340970 560165

Proposal: Erection of dwelling (outline)

Amendment:

Report

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: This appeal concerned an outline application for a single dwelling in the garden of a property known as The Far Boot, Houghton. The application was refused in December 2001.

The appeal raised a number of issues related to the interpretation of housing policies in the Local Plan, PPG3 and highway issues. Firstly, the Council has argued that the location of the site was outside any recognised settlement and that the proposal should be considered on the basis of paragraph 4.46 of the Plan whereby infill sites can be permitted outside recognised settlements in certain circumstances. The Inspector agreed with the Council on this point, but whereas the Council's view was that the grant of permission in this case would create precedents in other similar cases nearby, the Inspector considered that it was possible to each separate proposals on its own merits. There is no doubt that the decision to approved another similar application a short distance away in the summer of this year weakened the Council's argument on this point. The Inspector also stated that as land within a garden, the site could be regarded as brownfield, and concluded that in principle the site could be regarded as acceptable.

In relation to highway issues, the Inspector noted that the highway authority and the City Council had recommended a condition regarding visibility splays (70 metres x 2.4 metres) to the south west cannot be achieved, because the existing house intervenes.

SCHEDULE C: Applications Determined by Other Authorities

01/0969

The Inspector therefore dismissed the appeal on highway grounds.

Appeal Decision: Appeal Dismissed

Date: 14/11/02

SCHEDULE C: Applications Determined by Other Authorities

Item No: 48

Between 31/01/02 and 06/12/02

Appn Ref No:
01/9016

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
21/12/01

Agent:
Cumbria County Council

Ward:
Currock

Location:
Former Crown Courts, Citadel Chambers, English
Street,, Carlisle, Cumbria

Grid Reference:
340115 555622

Proposal: Remodelling of modern extension including glazed corridor and access
ramp

Amendment:

Report

City Council Observations on the Proposal:

Decision: City Council Observation - Raise Objection(s) **Date:** 31/01/02

Decision of:

Decision Type: Grant Permission **Date:** 31/01/02

A copy of the Notice of the decision of the Determining Authority is printed following
the report.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

NOTICE OF PLANNING CONSENT

To: CAPITA dbs
3 Alfred Street North
Carlisle
Cumbria
CA1 1PX

In pursuance of the powers under the above Act and Order and Regulation 3 of the Town and Country Planning General regulations 1992 the Cumbria County Council as local planning authority hereby permit the development described in your application and on the plans and drawings attached thereto received on 12 December 2001.

**VIZ: REMODELLING OF MODERN EXTENSION, INCLUDING GLAZED CORRIDOR AND ACCESS RAMP
FORMER CROWN COURTS, CITADEL CHAMBERS, CARLISLE**

Subject to due compliance with the following conditions:

- 1 the development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

Dated the 31st day of January 2002

On behalf of the Council



.....
Shaun Gorman
Assistant Director (Development Control)
Community, Economy and Environment

NOTE

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Economy and Environment or any other officer of Cumbria County Council shall be in writing.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 49

Between 31/01/02 and 06/12/02

Appn Ref No:

01/9017

Applicant:

Cumbria County Council

Parish:

Carlisle

Date of Receipt:

21/12/01

Agent:

Cumbria County Council

Ward:

Currock

Location:

Former Crown Courts, Citadel Chambers, English Street,, Carlisle, Cumbria

Grid Reference:

340115 555622

Proposal: Remodelling of modern extension including glazed corridor and access ramp (LBC)

Amendment:

Report

City Council Observations on the Proposal:


Decision: City Council Observation - Raise No Objection **Date:**

Decision of: Dept of Transport Local Gov & Regions

Decision Type: Grant Permission

Date: 19/03/02

A copy of the Notice of the decision of the Determining Authority is printed following the report.


GOVERNMENT OFFICE
FOR THE NORTH WEST

Jane Corry
Senior Planning Officer
(County Council & Strategic Developments)
Cumbria County Council
Council Offices
Kendal
CUMBRIA LA9 4RQ

Sunley Tower
Piccadilly Plaza
Manchester M1 4BE
Direct Line: 0161 952 4
Tel: 0161 952 4000
Fax: 0161 952 4
GTN: 4301
Email:
Internet Address:
www.go-nw.gov.uk

Your Reference: JLC/1/01/9017

Our Reference: PNW/5049/270/36

19 March 2002

Dear Madam

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT
1990
APPLICATION FOR LISTED BUILDING CONSENT**

1. I am directed by the Secretary of State for Transport, Local Government and the Regions to refer to your letter of 4th February 2002, enclosing an application for listed building consent in respect of the proposed remodelling of modern extension including glazed corridor and access ramp at Former Crown Courts, English Street Carlisle (Application No: 1/01/9017).
2. The details supplied in support of the application have been considered, together with the views of English Heritage. On the information before him, the Secretary of State sees no reason to refuse the application. Accordingly, he hereby grants listed building consent to carry out the above works in accordance with the application No: 1/01/9017, dated 6th December 2001, and the drawings submitted therewith. The works to which this consent relates shall be begun no later than 5 years from the date of this letter.
3. This letter does not convey any consent or approval required under any enactment, byelaw, order or regulation other than Section 8, 16, 17, and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



INVESTOR IN PEOPLE

4. A copy of this letter has been sent to Mr Peter Messenger at Carlisle City Council for information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M Farquhar', written in a cursive style.

M FARQUHAR

SCHEDULE C: Applications Determined by Other Authorities

Item No: 50

Between 31/01/02 and 06/12/02

Appn Ref No:
02/9021

Applicant:
Cumbria Waste
Management

Parish:
Rockcliffe

Date of Receipt:
06/08/02

Agent:
Cumbria County Council

Ward:
Longtown & Rockcliffe

Location:
Hespin Wood Landfill Site, Todhills, Rockcliffe,
Carlisle

Grid Reference:
336300 563300

Proposal: Construction of new leachate treatment plant to treat run-off from buried animal carcasses

Amendment:

Report

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 29/08/02

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 29/10/02

A copy of the Notice of the decision of the Determining Authority is printed following the report.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

NOTICE OF PLANNING CONSENT

To: Cumbria Waste Management Ltd
Unit 5A, Wavell Drive
Rosehill Estate, Carlisle
Cumbria
CA1 2ST

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on the 9th September 2002

viz: **New leachate treatment plant;
Hespin Wood Landfill Site, Todhills, Carlisle**

subject to due compliance with the following conditions:

TIME LIMITS

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. When the leachate treatment plant is no longer required it shall be removed and the site restored in accordance with the restoration proposals.

Reason: To secure the restoration of the site following this temporary development in accordance with Structure Plan Policy 62.

CONTROL OF NOISE

3. Noise levels generated by the development hereby permitted shall be controlled to ensure they cause no unacceptable impact on the residents of nearby properties.

Reason: To safeguard the amenities of local residents by ensuring noise does not constitute a nuisance in accordance with Policy 2 of the Minerals and Waste Local Plan.

CONTROL OF ODOUR

4. No odours arising from the development hereby permitted, capable of causing harm to human health or serious detriment to the amenities of the locality shall be detectable beyond the boundaries of the landfill site.

Reason: To safeguard the amenity of local residents by ensuring odour does not constitute a nuisance outside the boundary of the landfill site, in accordance with Policy 4 of the Minerals and Waste Local Plan

APPROVED DOCUMENTS

5. The approved documents for this planning consent shall comprise:
 - (i) the submitted planning application form
 - (ii) the Additional Information
 - (iii) the Modifications to Leachate Treatment Plant document prepared by Knox Associates

- (iv) The plans –
Location Plan Drawing No. 002
Plan showing Vehicular Access Drawing No. 003
Fencing Plan SDD5/0
Tank and Plant layout Drawing No. 1561101/C/1/2201 Issue B
“ “ “ “ “ “ 1561101/C/1/2202 Issue B
Site Elevation 1561101/C/1/2001 Issue A

Reason: To clarify which documents comprise the approved documents.

6. From the commencement of development to its completion a copy of this permission including the approved documents and other documents subsequently approved in accordance with this permission, shall always be available on site for inspection during normal working hours. Their existence and content shall be made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission.

Dated the 29th day of October, 2002



.....
Signed: Shaun Gorman,
Assistant Director (Development Control),
Community, Economy and Environment,
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Notification to Appellants.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Community, Economy and Environment or any other officer of Cumbria County Council, shall be in writing.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 51

Between 31/01/02 and 06/12/02

Appn Ref No:
02/9023

Applicant:
Natural Power Ltd

Parish:
Rockcliffe

Date of Receipt:
20/08/02

Agent:
Cumbria County Council

Ward:
Longtown & Rockcliffe

Location:
Hespin Wood Landfill Site, Todhills, Rockcliffe,
Carlisle

Grid Reference:
336300 563300

Proposal: Extension to existing generation/flare compound

Amendment:

Report

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 12/09/02

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 27/09/02

A copy of the Notice of the decision of the Determining Authority is printed following the report.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

NOTICE OF PLANNING CONSENT

To: Natural Power Ltd
Ener.G House
Salford
Manchester, M50 1DT

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on the 16th August 2002

viz: **Extension to existing generation/flare compound;
Hespin Wood Landfill Site, Todhills, Carlisle**

subject to due compliance with the following conditions:

TIME LIMITS

1. The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: To comply with the terms of Section 91 of the Town and Country Planning Act 1990.

FENCING

2. Prior to the commencement of development details of the type, height and finish of fencing around the compound shall be submitted to the local planning authority for approval. Only the fencing approved shall be erected.

Reason: To secure approval of details not submitted with the planning application.

REMOVAL AND RESTORATION

3. The compound and equipment hereby permitted shall be removed from the site when no longer required and the site restored in accordance with the restoration scheme approved under planning permission 1/00/9005.

Reason: To secure the removal of the development and appropriate restoration of the site when it is no longer required in accordance with Policy 62 of the Structure Plan and 21 of the Minerals and waste Local

Dated the 27th day of September, 2002



.....
Signed: Shaun Gorman,
Assistant Director (Development Control),
Community, Economy and Environment,
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Notification to Appellants.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Community, Economy and Environment or any other officer of Cumbria County Council, shall be in writing.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 52

Between 31/01/02 and 06/12/02

Appn Ref No:
02/9026

Applicant:
The School Governors

Parish:
Carlisle

Date of Receipt:
27/08/02

Agent:
Cumbria County Council

Ward:
Yewdale

Location:
Morton School, Wigton Road, Carlisle, CA2 6LB

Grid Reference:
337700 554500

Proposal: Provision of 1800mm palisade fencing

Amendment:

Report

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 19/09/02

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 21/11/02

A copy of the Notice of the decision of the Determining Authority is printed following the report.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

NOTICE OF PLANNING CONSENT

To: CAPITA dbs
Unit H, Barron Way
Kingmoor Business Park
Carlisle
CA6 4SJ

In pursuance of the powers under the above Act and Order and Regulation 3 of the Town and Country Planning General regulations 1992 the Cumbria County Council as local planning authority hereby permit the development described in your application and on the plans and drawings attached thereto received on 14 August 2002.

**VIZ: ERECTION OF PERIMETER FENCING
MORTON SECONDARY SCHOOL, WIGTON ROAD, CARLISLE**

Subject to due compliance with the following conditions:

- 1 the development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 the development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

Dated the 21st day of November 2002

On behalf of the Council



.....
Shaun Gorman
Assistant Director (Development Control)
Community, Economy and Environment

NOTE

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Economy and Environment or any other officer of Cumbria County Council shall be in writing.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 53

Between 31/01/02 and 06/12/02

Appn Ref No:
02/9027

Applicant:
St Michaels C of E School

Parish:
Dalston

Date of Receipt:
09/09/02

Agent:
Cumbria County Council

Ward:
Dalston

Location:
St Michaels C of E School, Carlisle Road, Dalston,
Carlisle, CA5 7LN

Grid Reference:
337021 550338

Proposal: Single storey office extension

Amendment:

Report

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 23/09/02

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 21/11/02

A copy of the Notice of the decision of the Determining Authority is printed following the report.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

NOTICE OF PLANNING CONSENT

To: CAPITA dbs
Unit H, Barron Way
Kingmoor Business Park
Carlisle
CA6 4SJ

In pursuance of the powers under the above Act and Order and Regulation 3 of the Town and Country Planning General regulations 1992 the Cumbria County Council as local planning authority hereby permit the development described in your application and on the plans and drawings attached thereto received on 2 September 2002.

**VIZ: SINGLE STOREY EXTENSION TO FRONT OF SCHOOL
ST MICHAEL'S CE SCHOOL, CARLISLE ROAD, DALSTON**

Subject to due compliance with the following conditions:

- 1 the development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 the development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

Dated the 21st day of November 2002

On behalf of the Council



.....
Shaun Gorman
Assistant Director (Development Control)
Community, Economy and Environment

NOTE

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Economy and Environment or any other officer of Cumbria County Council shall be in writing.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 54

Between 31/01/02 and 06/12/02

Appn Ref No:
02/9032

Applicant:
Client Services & Property
Unit

Parish:

Date of Receipt:
07/10/02

Agent:
Capita dbs Limited

Ward:
Yewdale

Location:
Morton School, Wigton Road, Carlisle, CA2 6LB

Grid Reference:
337700 554500

Proposal: Change of use from teaching areas to specialist teaching and office area with provision of additional car parking and childrens play area

Amendment:

Report

City Council Observations on the Proposal:

Decision: City Council Observation - Raise Objection(s) **Date:** 07/11/02

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 26/11/02

A copy of the Notice of the decision of the Determining Authority is printed following the report.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

NOTICE OF PLANNING CONSENT

To: CAPITA dbs
Unit H, Barron Way
Kingmoor Business park
Carlisle
CA5 4SJ

In pursuance of the powers under the above Act and Order and Regulation 3 of the Town and Country Planning General regulations 1992 the Cumbria County Council as local planning authority hereby permit the development described in your application and on the plans and drawings attached thereto received on 1 October 2002.

**VIZ: CHANGE OF USE FROM TEACHING AREAS TO SPECIALIST TEACHING AND OFFICE AREAS, CAR PARK AND CHILDREN'S PLAY AREA
MORTON SCHOOL, WIGTON ROAD, CARLISLE**

Subject to due compliance with the following conditions:

- 1 the development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 the development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

Dated the 26th day of November 2002

On behalf of the Council



.....
Shaun Gorman
Assistant Director (Development Control)
Community, Economy and Environment

NOTE

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Economy and Environment or any other officer of Cumbria County Council shall be in writing.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 55

Between 31/01/02 and 06/12/02

Appn Ref No:
02/9033

Applicant:
Cumbria County Council

Parish:

Date of Receipt:
10/10/02

Agent:
Cumbria County Council

Ward:
Castle

Location:
Cumbria County Council, Viaduct Estate Road,
Carlisle, Cumbria

Grid Reference:
339950 555600

Proposal: Renewal of temporary permission for temporary office accommodation

Amendment:

Report

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 31/10/02

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 21/11/02

A copy of the Notice of the decision of the Determining Authority is printed following the report.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

NOTICE OF PLANNING CONSENT

To: CAPITA dbs
3 Alfred Street North
Carlisle
CA1 1PX

In pursuance of the powers under the above Act and Order and Regulation 3 of the Town and Country Planning General regulations 1992 the Cumbria County Council as local planning authority hereby permit the development described in your application and on the plans and drawings attached thereto received on 4 October 2002.

**VIZ: RENEWAL OF TEMPORARY PERMISSION FOR TEMPORARY OFFICE ACCOMMODATION
LAND AT VIADUCT ESTATE ROAD, CARLISLE**

Subject to due compliance with the following conditions:

- 1 This permission shall be for a temporary period only, expiring on 31 October 2005 by which date the buildings shall have been removed from the site.

Reason: The application is for the retention of the buildings for a temporary period only.

Dated the 21st day of November 2002

On behalf of the Council



.....
Shaun Gorman
Assistant Director (Development Control)
Community, Economy and Environment

NOTE

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Economy and Environment or any other officer of Cumbria County Council shall be in writing.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 56

Between 31/01/02 and 06/12/02

Appn Ref No:
02/9034

Applicant:
The Governors

Parish:
Dalston

Date of Receipt:
23/10/02

Agent:
Cumbria County Council

Ward:
Dalston

Location:
Raughtonhead C of E School, Raughton Head,
Dalston, Carlisle, CA5 7DD

Grid Reference:
337921 545465

Proposal: Extension of existing accommodation module with freestanding covered walkway between module and the rear of the main school building

Amendment:

Report

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 28/11/02

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 25/11/02

A copy of the Notice of the decision of the Determining Authority is printed following the report.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

NOTICE OF PLANNING CONSENT

To: Mr DJJD Arter
South Skiprigg
Stockdalewath
Carlisle
CA5 7AN

In pursuance of the powers under the above Act and Order and Regulation 3 of the Town and Country Planning General regulations 1992 the Cumbria County Council as local planning authority hereby permit the development described in your application and on the plans and drawings attached thereto received on 14 October 2002.

**VIZ: EXTENSION OF PREFABRICATED ACCOMMODATION MODULE AND ERECTION OF A FREE STANDING COVERED WALKWAY
RAUGHTON HEAD CE SCHOOL, RAUGHTON HEAD, CARLISLE**

Subject to due compliance with the following conditions:

- 1 This permission shall be for a limited period only expiring on 1 September 2005, by which date the building and covered walkway, including foundations, shall have been removed from the site.

Reason: To secure the removal of the buildings and proper restoration of the site following the approved period for this temporary development.

Dated the 25th day of November 2002

On behalf of the Council



.....
Shaun Gorman
Assistant Director (Development Control)
Community, Economy and Environment

NOTE

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Economy and Environment or any other officer of Cumbria County Council shall be in writing.

SCHEDULE D

SCHEDULE D

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SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 57

Between 04/11/02 and 06/12/02

Appn Ref No:
01/0505

Applicant:
Barratt Manchester

Parish:
St Cuthberts Without

Date of Receipt:
14/06/01

Agent:

Ward:
Dalston

Location:
L/A Carleton Grange, Carlisle, Cumbria

Grid Reference:
342800 554000

Proposal: Substitution of house types on plots 1-70, 252-270, 287-359, 351A, 352A, 353A, 354A, 355A, 356A, 357A, 358A, 359A, omission of plots 71-76 (170no.plots)

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 15 November 2002 that authority was given to the Director of Environment and Development to issue approval subject to a deed of variation being secured in relation to the Section 106 agreement that covers the site. Agreement has now been reached and approval was issued on 2nd December 2002.

Decision: Granted subject to Legal Agreement

Date: 02/12/02

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials.

Reason: To ensure that materials to be used are acceptable.

3. Particulars of height and materials of all screen walls and boundary fences shall

SCHEDULE D: Reports on Previously Deferred Decisions

be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

4. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the local planning authority before building work commences and the trees and shrubs shall be retained and maintained to the satisfaction of the local planning authority; the scheme shall include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented.

6. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

7. Trees or hedges chosen for retention in the landscaping scheme shall not for the duration of the development works be damaged or destroyed, uprooted, felled, lopped or topped without prior written consent of the local planning authority.

Reason: To protect trees and hedges during development works.

8. For the duration of the development works existing trees to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation,

SCHEDULE D: Reports on Previously Deferred Decisions

tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works.

9. The detailed plans required by the aforementioned conditions shall incorporate full details of the proposed locations of all services and service trenches and these shall be designed and sited to avoid or minimise the damage to the roots of the existing established trees.

Reason: To protect trees and hedges during development works.

10. In the event of trenches or excavations exposing tree roots of 50mm/2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval of the local planning authority and where such approval is given, the roots shall be cut back to a smooth surface. Prior to the commencement of development, protective fencing shall be erected around the canopy areas of the major trees identified to be retained on drawing number 249/01 Revision T and no machinery or vehicles shall be parked within, or materials stored, dumped or spilled within that area.

Reason: To protect trees and hedges during development works.

11. Following completion of construction works and removal of site machinery and materials, protective fencing may be dismantled to permit ground preparation and cultivation works, if required, adjacent to the trees. Any such ground preparation and cultivation works shall be carried out by hand, taking care not to damage any roots encountered.

Reason: To protect trees and hedges during development works.

12. Adequate underground ducts shall be installed by the developers, to the satisfaction of the local planning authority, before any of the building(s) hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines, and in providing such ducts the developers shall co-ordinate the provision of such services with the respective undertakers; notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (B) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the local planning authority.

SCHEDULE D: Reports on Previously Deferred Decisions

Reason: To maintain the special visual character of the locality.

13. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes and to the satisfaction of the local planning authority and shall be of the type whereby the "tray" may be infilled with the appropriate surface materials.

Reason: To maintain the special visual character of the locality.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no garage shall be erected within the curtilage of any dwelling hereby permitted other than in accord with the design and finishes, including matching materials to the dwelling within the plot, of the standard garage details approved as part of the overall development.

Reason: The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting.

Item No: 58

Between 04/11/02 and 06/12/02

Appn Ref No:
02/0076

Applicant:
Mr & Mrs Miller

Parish:
Stanwix Rural

Date of Receipt:
24/06/02

Agent:
R E Banks FRICS

Ward:
Stanwix Rural

Location:
L/A Greenfield Farm, Houghton, Carlisle, Cumbria

Grid Reference:
340798 559099

Proposal: Conversion of disused stables to form one detached 2no. bedroomed dwelling

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 4th October 2002 that authority was given to the Director of Environment and Development to issue approval subject to officers clarifying with the applicant the extent of the curtilage of the proposed

SCHEDULE D: Reports on Previously Deferred Decisions

dwelling.

These details have been received and clarified and approval was issued on 12th October 2002.

Decision: Grant Permission

Date: 12/11/02

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling to be formed in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the local planning authority.

Reason: To ensure that the character and attractive appearance of the building(s) is not harmed by inappropriate alterations and/or extensions.

3. No dwelling shall be occupied until its drainage system is connected to a public sewer.

Reason: To ensure that adequate drainage facilities are available.

4. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building.

5. There shall be no interference with the public's right of way over Public Footpath No. 132010.

Reason: In order to prevent any obstruction to a public right of way.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting the Order, no fence or other means of enclosure shall be erected within the curtilage of the dwelling to be created.

SCHEDULE D: Reports on Previously Deferred Decisions

Reason: The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting.

Item No: 59 Between 04/11/02 and 06/12/02

Appn Ref No: 02/0757 **Applicant:** Irving Builders **Parish:** Carlisle

Date of Receipt: 10/07/02 **Agent:** **Ward:** Currock

Location: Mount Pleasant Hall, Blackwell Road, Currock, Carlisle **Grid Reference:** 340312 553812

Proposal: Demolition of church hall and erection of 2no. pairs of semi-detached 3no. bedroom homes

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 15 November 2002 that authority was given to the Director of Environment and Development to issue approval subject to the completion of the consultation period and no new planning issues being raised. No new issues have been raised and approval was issued on 22 November 2002.

Decision: Grant Permission

Date: 22/11/02

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the local

SCHEDULE D: Reports on Previously Deferred Decisions

planning authority. Such details shall include the type, colour and texture of the materials.

Reason: To ensure that materials to be used are acceptable.

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

4. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

5. No dwelling shall be occupied until its drainage system is connected to a public sewer.

Reason: To ensure that adequate drainage facilities are available.

6. The parking area shall be constructed in accordance with the approved plans before the dwellings are occupied and shall not be used except for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure adequate access is available for each occupier.

7. Full details of the proposed hedging defining the boundaries of the site shall be submitted to and approved by the local planning authority prior to the occupation of the dwelling hereby permitted. All works comprised in the approved details of hedge planting shall be carried out in the first planting and seeding season following the occupation of the dwelling.

Reason: To ensure that the appearance of the area is enhanced by the proper landscaping of the site.

SCHEDULE D: Reports on Previously Deferred Decisions

Appn Ref No: 02/0799 **Applicant:** Story Construction Ltd **Parish:** St Cuthberts Without

Date of Receipt: 30/07/02 **Agent:** **Ward:** Dalston

Location: Former Garlands Hospital, Carleton, Carlisle, Cumbria **Grid Reference:** 343249 553870

Proposal: Erection of 41no. dwellings (plots 56-96inc.) phase 4

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 4th October 2002 that authority was given to the Director of Environment and Development to issue approval subject to the receipt of a revised layout plan showing the adjustment of the siting of dwellings at particular plots to ensure the retention of established trees.

The revised layout plan has been received and the approval was issued on 12th November 2002.

Decision: Grant Permission

Date: 12/11/02

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by conditions 1 (part); 4; 5; 6 (part); 17; 20; and 41 attached to the outline planning consent (Reference Number 00/0693) to develop the site.

SCHEDULE E

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SCHEDULE E: Decisions Issued Under Delegated Powers

Between 04/11/2002 and 06/12/2002

Appn Ref No: 01/0661
Applicant: Harraby Catholic Football Club 1999
Parish: Carlisle

Date of Receipt: 13/08/2001
Agent: Michael Little
Ward: Harraby

Location: Harraby Community Centre Football Pitch, Edgehill Road,, Carlisle, Cumbria
Grid Reference: 342600 554320

Proposal: Siting of storage container to store football equipment
Amendment:

Decision: Grant Permission

Date: 19/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No: 02/0342
Applicant: Mr & Mrs G Stockdale
Parish: Burtholme

Date of Receipt: 27/03/2002
Agent: Green Design Group
Ward: Irthing

Location: Kingwater Equestrian Centre - Burthinghurst, Walton,, Brampton, Cumbria
Grid Reference: 355000 566137

Proposal: Conversion of outbuildings into 3no. dwellings
Amendment:

Decision: Grant Permission

Date: 22/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No: 02/0591
Applicant: Mr P Boulter
Parish: Wetheral

Date of Receipt: 24/05/2002
Agent: HTGL Architects
Ward: Wetheral

Location: L/A part of garden, 23 Scotby Road, Scotby, Carlisle, CA4 8BD
Grid Reference: 344010 555470

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection of dormer bungalow

Amendment:

Decision: Grant Permission

Date: 22/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0665

Applicant:
Mr N Thompson

Parish:
Hayton

Date of Receipt:
14/06/2002

Agent:
Edwin Thompson

Ward:
Hayton

Location:
L/A Fenton Farm, Fenton, Carlisle, Cumbria

Grid Reference:
350250 556080

Proposal: Erection of 7no. detached dwellings (outline)

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 13/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0681

Applicant:
Mr D I Wright

Parish:
Carlisle

Date of Receipt:
21/06/2002

Agent:

Ward:
Denton Holme

Location:
129-129A Denton Street, Carlisle, Cumbria, CA2
5EN

Grid Reference:
339785 555061

Proposal: Change of use from general store to hot food takeaway (A3)

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 06/11/2002

Between 04/11/2002 and 06/12/2002

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 02/0705
Applicant: Halladale Haworth
(Carlisle) Ltd
Parish: Carlisle

Date of Receipt: 15/07/2002
Agent: Finford Management Ltd
Ward: Castle

Location: Market Hall, Scotch Street, Carlisle
Grid Reference: 340008 556068

Proposal: Installation of new signage and repainting of external woodwork

Amendment:

Decision: Grant Permission

Date: 19/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No: 02/0706
Applicant: Halladale Haworth
(Carlisle) Ltd
Parish: Carlisle

Date of Receipt: 15/07/2002
Agent: Finford Management Ltd
Ward: Castle

Location: Market Hall, Scotch Street, Carlisle
Grid Reference: 340008 556068

Proposal: Installation of new signage; repainting of external woodwork; installation of pipework for sprinkler system; alterations required for system to be operational (LBC)

Amendment:

Decision: Grant Permission

Date: 19/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No: 02/0753
Applicant: Mr A Hodgson
Parish: Beaumont

Date of Receipt: 10/07/2002
Agent:
Ward: Burgh

Location: Beaumont Village Hall, Beaumont, Carlisle, CA5
Grid Reference: 335293 558665

Proposal:

SCHEDULE E: Decisions Issued Under Delegated Powers

Provision of improved access for disabled persons

Amendment:

Decision: Grant Permission

Date: 22/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0865

Applicant:
J Pinguey

Parish:
Dalston

Date of Receipt:
04/09/2002

Agent:
Smiths Gore

Ward:
Dalston

Location:
Haythwaite Lane Farm, Raughton Head, Dalston,
Carlisle, CA5 7DE

Grid Reference:
337765 545483

Proposal: Erection of livestock building for agricultural use

Amendment:

Decision: Grant Permission

Date: 22/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0876

Applicant:
Stephen Findley

Parish:
Carlisle

Date of Receipt:
09/09/2002

Agent:

Ward:
St Aidans

Location:
179 Warwick Road, Carlisle, CA1 1LP

Grid Reference:
341187 555930

Proposal: Change of use of ground floor from residential to solarium.

Amendment:

Decision: Grant Permission

Date: 29/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0907

Applicant:
The National Westminster
Bank

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
20/08/2002

Agent:
W S Atkins

Ward:
Castle

Location:
National Westminster Bank, 92 English Street,
Carlisle, CA3 8NF

Grid Reference:
340138 555743

Proposal: Erection of illuminated and non-illuminated signage

Amendment:

Decision: Grant Permission

Date: 28/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0909

Applicant:
TDC

Parish:

Date of Receipt:
14/10/2002

Agent:
Greens The Signmakers
Ltd

Ward:
Belah

Location:
Unit 4 Gearshill Road, Kingstown Industrial Estate,
Carlisle, Cumbria

Grid Reference:
339300 559400

Proposal: Erection of non-illuminated elevation signage

Amendment:

Decision: Grant Permission

Date: 18/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0921

Applicant:
George Wilkinson

Parish:
St Cuthberts Without

Date of Receipt:
27/08/2002

Agent:
Eskdale Business Services

Ward:
Dalston

Location:
Flat 1, Ratten Row Farm, Ratten Row, Durdar,
Carlisle, CA5 7AX

Grid Reference:
339445 549735

Proposal: Change of use of existing stable to form additional accommodation to 1st floor flat to convert it to provide a 2no. bedroom house

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 11/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0926

Applicant:
Mr J Grant

Parish:
Kingmoor

Date of Receipt:
28/08/2002

Agent:
Mr G R Stevens

Ward:
Stanwix Rural

Location:
L/A Crindledyke Estate, Crindledyke Estate,
Kingstown, Carlisle

Grid Reference:
338371 560638

Proposal: Erection of 2no dwellings (Phase 3-plots 16 & 17)

Amendment:

Decision: Grant Permission

Date: 02/12/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0946

Applicant:
S P & S E Calvert

Parish:
Carlisle

Date of Receipt:
03/09/2002

Agent:

Ward:
Denton Holme

Location:
58 Denton Street, Denton Holme, Carlisle, CA2 5EH

Grid Reference:
339790 555145

Proposal: Change of use from shoe repairers to seating area ancillary to adjacent sandwich take-away and 2no. bedroomed self contained flat above

Amendment:

Decision: Grant Permission

Date: 07/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0950

Applicant:
The Lord Henley

Parish:
Scaleby

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

12/09/2002

Smiths Gore

Stanwix Rural

Location:

L/A Field 4218, Scaleby, Carlisle

Grid Reference:

345430 563200

Proposal: Erection of two detached dwellings (outline)

Amendment:

Decision: Refuse Permission

Date: 20/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:

02/0951

Applicant:

Mr K Jackson

Parish:

Carlisle

Date of Receipt:

03/09/2002

Agent:

Ward:

Harraby

Location:

3 Gooseland Head, Carlisle, CA1 3HG

Grid Reference:

342500 553500

Proposal: Extension to form kitchen and dining room

Amendment:

Decision: Grant Permission

Date: 08/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:

02/0968

Applicant:

Carlisle City Council

Parish:

Carlisle

Date of Receipt:

12/09/2002

Agent:

Robin Beattie

Ward:

Currock

Location:

Currock Community Centre, Lediard Avenue,
Currock, Carlisle, CA3 8QG

Grid Reference:

340001 554205

Proposal: Installation of external disabled access ramp, including forming new doorway. Modification to existing shower to provide disabled shower and w.c. facilities. (LBC) (revised proposal)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 06/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0971

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
12/09/2002

Agent:
Robin Beattie

Ward:
Currock

Location:
Currock Community Centre, Lediard Avenue,
Currock, Carlisle, CA3 8QG

Grid Reference:
340001 554205

Proposal: Installation of external disabled access ramp, including forming new doorway. Modification to existing shower to provide disabled shower and w.c. facilities (revised proposal)

Amendment:

Decision: Grant Permission

Date: 06/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0977

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
12/09/2002

Agent:
Carlisle City Council

Ward:

Location:
Morton Community Centre, Wigton Road, Carlisle,
CA2 6JP

Grid Reference:
338275 554991

Proposal: Internal alterations to improve access including provision of lift, disabled w.c. and vision panels on doors; replacement of entrance doors and relocation of dark room (LBC)

Amendment:

Decision: Grant Permission

Date: 29/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0982

Applicant:
Messrs A Abbott

Parish:
Scaleby

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
13/09/2002

Agent:
Tsada Building Design
Services

Ward:
Stanwix Rural

Location:
Outbuilding Corriefield Farm, Scaleby, Carlisle, CA6
4JY

Grid Reference:
345029 564076

Proposal: Conversion of outbuilding to domestic dwelling

Amendment:

Decision: Grant Permission

Date: 21/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0992

Applicant:
Interserve FM Ltd

Parish:

Date of Receipt:
14/10/2002

Agent:
Steve Pearson

Ward:
Castle

Location:
Cumberland Infirmary, Newtown Road, Carlisle

Grid Reference:
338752 556100

Proposal: Siting of general purpose mobile container for the storage of dirty linen prior to removal from site

Amendment:

Decision: Grant Permission

Date: 06/12/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0998

Applicant:
Jean Bell

Parish:
Dalston

Date of Receipt:
18/09/2002

Agent:

Ward:
Dalston

Location:
4 Carlisle Road, Dalston, Carlisle

Grid Reference:
337090 550710

Proposal: Extension over existing kitchen to provide bedroom

Amendment:

1. Internal alterations resulting in an obscure bathroom window being placed in elevation overlooking number 3.

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 20/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/0999

Applicant:
Mr A Vaughan

Parish:
Walton

Date of Receipt:
18/09/2002

Agent:

Ward:
Irthing

Location:
High Dovecote, Walton, Brampton, CA8 2JR

Grid Reference:
353060 564200

Proposal: Two storey extension comprising ground floor kitchen with bedroom and shower room over

Amendment:

Decision: Grant Permission

Date: 14/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1003

Applicant:
Mr J A Atkinson

Parish:

Date of Receipt:
02/10/2002

Agent:

Ward:
Belle Vue

Location:
12 Birchdale Road, Belle Vue, Carlisle, CA2 7QU

Grid Reference:
336910 555929

Proposal: Erection of entrance porch

Amendment:

Decision: Grant Permission

Date: 05/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1004

Applicant:
Connexions Cumbria Ltd

Parish:

Date of Receipt:
02/10/2002

Agent:
Burnetts

Ward:
Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
The Exchange, Lonsdale Street, Carlisle, Cumbria

Grid Reference:
340276 555862

Proposal: Change of use of first floor from optical workshop to offices

Amendment:

Decision: Grant Permission

Date: 05/12/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1005

Applicant:
Mr & Mrs Hurley

Parish:
Carlisle

Date of Receipt:
19/09/2002

Agent:
Swarbrick Associates

Ward:
Belah

Location:
30 Moorville Drive, Lowry Hill, Carlisle, CA3 0AN

Grid Reference:

Proposal: Two storey extension to provide family room with dressing room and 1no. en-suite bedroom above.

Amendment:

Decision: Grant Permission

Date: 08/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1006

Applicant:
Northern Trust Company
Ltd

Parish:
Arthuret

Date of Receipt:
26/09/2002

Agent:
Whittle Jones North West

Ward:
Longtown & Rockcliffe

Location:
Units, 1A-1B Longtown Industrial Estate, Longtown,
Carlisle

Grid Reference:
338155 568418

Proposal: Erection of 2.4m high palisade fence with 5.8m wide access gates

Amendment:

Decision: Grant Permission

Date: 07/11/2002

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1008

Applicant:
Mr P D Ryan

Parish:
Burtholme

Date of Receipt:
19/09/2002

Agent:

Ward:
Irthing

Location:
Bridge End Cottage, Lanercost, Brampton, CA8
2HG

Grid Reference:

Proposal: Extension to form 3no. bedrooms, cloakroom and conservatory together with detached garage

Amendment:

Decision: Grant Permission

Date: 11/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1009

Applicant:
Mrs C P Logan

Parish:
Carlisle

Date of Receipt:
19/09/2002

Agent:

Ward:
Stanwix Urban

Location:
124 Knowe Park Avenue, Stanwix, Carlisle, CA3
9EN

Grid Reference:
340100 557525

Proposal: Two storey extension to provide enlarged kitchen, rear hall, utility and garage with 1no. bedroom and bathroom above

Amendment:

Decision: Grant Permission

Date: 04/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1011

Applicant:
Mr & Mrs D Mandle

Parish:
Brampton

Date of Receipt:
19/09/2002

Agent:
G R & A J Stephen

Ward:
Brampton

Location:
Garthowen, Lanercost Road, Brampton, CA8 1EN

Grid Reference:
353670 561370

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Extension to provide living room, utility and shower room

Amendment:

Decision: Grant Permission

Date: 08/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1015

Applicant:
Cumbria Magistrates Court Carlisle
Service

Parish:

Date of Receipt:
20/09/2002

Agent:
Capita dbs Limited

Ward:
Castle

Location:
Magistrates Courts, Rickergate, Carlisle, CA3 8QH

Grid Reference:
340072 556223

Proposal: Construction of disabled access ramp to main public entrance

Amendment:

Decision: Grant Permission

Date: 07/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1016

Applicant:
Mr Moses

Parish:
Carlisle

Date of Receipt:
30/09/2002

Agent:
Care & Repair

Ward:
Stanwix Urban

Location:
49 Scotland Road, Carlisle, CA3 9HS

Grid Reference:
339984 557203

Proposal: Reduction of chimney stack from 2.5m to approx 1m (LBC)

Amendment:

Decision: Grant Permission

Date: 05/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1021

Applicant:
Mr D Emerson

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
24/09/2002

Agent:
B Taylor

Ward:
Belah

Location:
82 Pinecroft, Newfield, Carlisle, CA3 0DB

Grid Reference:
339 750

Proposal: First floor extension to provide 2no. bedrooms

Amendment:

Decision: Grant Permission

Date: 05/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1027

Applicant:
Stuart Turnbull

Parish:
Carlisle

Date of Receipt:
30/09/2002

Agent:

Ward:
Belle Vue

Location:
46 Burgh Road, Carlisle, CA2 7NB

Grid Reference:

Proposal: Extension to form kitchen, utility and garage

Amendment:

Decision: Grant Permission

Date: 20/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1031

Applicant:
Mr A Bradley

Parish:
Carlisle

Date of Receipt:
27/09/2002

Agent:
Architects Plus

Ward:
Castle

Location:
36-38 Abbey Street, Carlisle, CA3 8TX

Grid Reference:
339770 555973

Proposal: Change of use from office accommodation to 2no. dwellings

Amendment:

Decision: Grant Permission

Date: 04/12/2002

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1032

Applicant:
Mr A Bradley

Parish:
Carlisle

Date of Receipt:
27/09/2002

Agent:
Architects Plus

Ward:
Castle

Location:
36-38 Abbey Street, Carlisle, CA3 8TX

Grid Reference:
339770 555973

Proposal: Change of use from office accommodation to 2no. dwellings (LBC)

Amendment:

Decision: Grant Permission

Date: 04/12/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1033

Applicant:
Mr M H Grey

Parish:
Burgh-by-Sands

Date of Receipt:
27/09/2002

Agent:
John Lyon Associates

Ward:
Burgh

Location:
The Hollies, Thurstonfield, Carlisle, CA5 6HD

Grid Reference:
331593 556650

Proposal: Conversion of outbuilding to form kitchen, dining room and snug together with reconstruction of east facing wall into courtyard

Amendment:

Decision: Grant Permission

Date: 04/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1034

Applicant:
Mr M H Grey

Parish:
Burgh-by-Sands

Date of Receipt:
27/09/2002

Agent:
John Lyon Associates

Ward:
Burgh

Location:
The Hollies, Thurstonfield, Cumbria,

Grid Reference:
331593 556650

Proposal: Conversion of outbuilding to form kitchen, dining room and snug together

SCHEDULE E: Decisions Issued Under Delegated Powers

with reconstruction of east facing wall into courtyard (LBC)

Amendment:

Decision: Grant Permission

Date: 04/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1039

Applicant:
Mr & Mrs Park

Parish:
Carlisle

Date of Receipt:
27/09/2002

Agent:
A Roscoe

Ward:
Belle Vue

Location:
99 Burgh Road, Carlisle, CA2 7NB

Grid Reference:
337341 556338

Proposal: Erection of a conservatory together with extension of existing garage

Amendment:

Decision: Grant Permission

Date: 08/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1041

Applicant:
Peter Jackson Jewellers
Ltd

Parish:

Date of Receipt:
04/10/2002

Agent:
Transform Shopfitters Ltd

Ward:
Stanwix Urban

Location:
Unit 11, East Tower Lane, The Lanes, Carlisle, CA3
8NS

Grid Reference:
340160 556115

Proposal: Display of internally illuminated lettering, non-illuminated fascia sign and projecting sign

Amendment:

Decision: Grant Permission

Date: 05/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1045

Applicant:
Mr & Mrs N Budden

Parish:
Arthuret

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
01/10/2002

Agent:
CIS Ltd

Ward:
Longtown & Rockcliffe

Location:
Arthuret House, Longtown, Carlisle, Cumbria

Grid Reference:
338010 567750

Proposal: Erection of replacement conservatory
Amendment:

Decision: Grant Permission

Date: 07/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1047

Applicant:
Mr & Mrs Rumney

Parish:

Date of Receipt:
04/10/2002

Agent:

Ward:
Morton

Location:
27 Levens Drive, Morton Park, Carlisle, Cumbria,
CA2 6JE

Grid Reference:
338705 554527

Proposal: Extension over existing kitchen to provide bathroom
Amendment:

Decision: Grant Permission

Date: 05/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1052

Applicant:
Peter Jackson Jewellers
Ltd

Parish:
Carlisle

Date of Receipt:
02/10/2002

Agent:
Transform Shopfitters Ltd

Ward:
Stanwix Urban

Location:
Unit 11, East Tower Lane, The Lanes, Carlisle, CA3
8NS

Grid Reference:
340160 556115

Proposal: New shop front
Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 21/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1053

Applicant:
Murray's Haulage Ltd

Parish:
Arthuret

Date of Receipt:
03/10/2002

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
Woodland Garage, White Syke, Longtown, Carlisle,
Cumbria

Grid Reference:
340575 567050

Proposal: Erection of transport office and boardroom

Amendment:

Decision: Grant Permission

Date: 13/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1055

Applicant:
Mr & Mrs T K Hughes

Parish:
Irthington

Date of Receipt:
03/10/2002

Agent:

Ward:
Stanwix Rural

Location:
Newtown Farm, Newtown, Irthington, Carlisle,
Cumbria, CA2 6DG

Grid Reference:
350000 562749

Proposal: Erection of single garage

Amendment:

Decision: Grant Permission

Date: 12/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1056

Applicant:
Mr & Mrs Coulter

Parish:
Wetheral

Date of Receipt:
03/10/2002

Agent:
A Roscoe

Ward:
Wetheral

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
18 Scotby Village, Scotby, Carlisle, CA4 8BS

Grid Reference:
344190 554838

Proposal: Single storey rear extension to provide 1no. bedroom

Amendment:

Decision: Grant Permission

Date: 07/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1058

Applicant:
Ms M E Foord

Parish:
Carlisle

Date of Receipt:
16/10/2002

Agent:

Ward:
Yewdale

Location:
Abrigo, 204 Wigton Road, Carlisle, CA2 6JZ

Grid Reference:
337960 554725

Proposal: Erection of free standing pole sign

Amendment:

Decision: Grant Permission

Date: 28/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1064

Applicant:
Mr Alan Mayson

Parish:
Wetheral

Date of Receipt:
07/10/2002

Agent:

Ward:
Wetheral

Location:
Garth Foot Cottage,, School Road, Cumwhinton,
Carlisle, CA4 8DU

Grid Reference:
345285 552788

Proposal: Single storey lounge extension and new garage with music studio

Amendment:

Decision: Grant Permission

Date: 29/11/2002

Between 04/11/2002 and 06/12/2002

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
02/1065

Applicant:
Richard Gray

Parish:
Orton

Date of Receipt:
07/10/2002

Agent:

Ward:
Burgh

Location:
Jefferies Wood, Orton Grange, Cardewlees,
Carlisle, Cumbria

Grid Reference:
334530 552147

Proposal: Replacement of existing single storey dwelling with two storey house
(revised application)

Amendment:

Decision: Grant Permission

Date: 11/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1070

Applicant:
Robert Carruthers

Parish:
Arthuret

Date of Receipt:
08/10/2002

Agent:

Ward:
Longtown & Rockcliffe

Location:
3 Woodside, Sandysike, CA6 5SP

Grid Reference:
338000 566120

Proposal: Extension to ground floor living accommodation

Amendment:

Decision: Grant Permission

Date: 29/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1071

Applicant:
Mr P Izon

Parish:
Brampton

Date of Receipt:
18/10/2002

Agent:
Northern Construction

Ward:
Brampton

Location:
12 Dacre Road, Brampton, CA18 1BJ

Grid Reference:
352775 561590

Proposal: Extension to provide porch, dining room and external store with 1no.

SCHEDULE E: Decisions Issued Under Delegated Powers

bedroom and bathroom above

Amendment:

Decision: Grant Permission

Date: 18/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1075

Applicant:
Sandra Hale

Parish:
Carlisle

Date of Receipt:
29/10/2002

Agent:

Ward:
Castle

Location:
Units 80 & 90, East Tower Lane, The Lanes,
Carlisle

Grid Reference:
340160 556115

Proposal: Erection of projecting signs

Amendment:

Decision: Grant Permission

Date: 29/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1076

Applicant:
Finesse Windows

Parish:

Date of Receipt:
11/10/2002

Agent:

Ward:
Denton Holme

Location:
Finesse Windows, Arrburn House, Denton Holme
Trade Centre, Chapel Place, Carlisle

Grid Reference:
339736 555700

Proposal: Extension to reception area

Amendment:

Decision: Grant Permission

Date: 03/12/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1077

Applicant:
Mrs Margaret A Hawley

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
11/10/2002

Agent:

Ward:
Botcherby

Location:
1 Westville, Harraby, Carlisle, Cumbria, CA1 3QE

Grid Reference:
342192 554665

Proposal: Erection of garage, utility store and entry porch

Amendment:

Decision: Grant Permission

Date: 22/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1078

Applicant:
Carlisle City Council

Parish:

Date of Receipt:
11/10/2002

Agent:

Ward:
Castle

Location:
Tullie House, Castle Street, Carlisle, Cumbria

Grid Reference:
339780 556044

Proposal: Erection of City Council Crest and Art Gallery Sign

Amendment:

Decision: Grant Permission

Date: 11/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1081

Applicant:
Robert Jeffrey

Parish:
Brampton

Date of Receipt:
14/10/2002

Agent:
Ian Simpson

Ward:
Brampton

Location:
Rosewood House, Station Road, Brampton, CA8
1EX

Grid Reference:
353910 561020

Proposal: Two storey extension to provide utility room and bathroom with 1 no. bedroom above

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 03/12/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1086

Applicant:
Mr & Mrs M Atkinson

Parish:
Brampton

Date of Receipt:
15/10/2002

Agent:

Ward:
Brampton

Location:
15 Mill Field, Brampton, CA8 1TT

Grid Reference:
353390 561000

Proposal: Erection of detached garage and store

Amendment:

Decision: Grant Permission

Date: 20/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1087

Applicant:
Mr & Mrs Mansfield

Parish:
Carlisle

Date of Receipt:
15/10/2002

Agent:

Ward:
Harraby

Location:
28 Forest Hill, Carlisle, CA1 3HF

Grid Reference:
342570 553480

Proposal: Two storey extension to provide enlarged kitchen and WC with en-suite bedroom above

Amendment:

Decision: Grant Permission

Date: 06/12/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1088

Applicant:
Mr A J Pitt

Parish:
Brampton

Date of Receipt:
15/10/2002

Agent:
Gordon

Ward:
Brampton

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

42 Beck Riggs, Longtown Road, Brampton, CA8
1AL

352600 561120

Proposal: Two storey extension to provide garage and en suite bedroom at first floor

Amendment:

Decision: Grant Permission

Date: 05/12/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1089

Applicant:
The Property Department

Parish:
Kingmoor

Date of Receipt:
15/10/2002

Agent:

Ward:
Stanwix Rural

Location:
Edinburgh Woollen Mill Distribution Centre, Site A,
Queens Drive, Kingmoor Park South, Kingmoor,
CA6 4SB

Grid Reference:
338300 558800

Proposal: Display of 1no. illuminated sign and 2no. non-illuminated signs

Amendment:

Decision: Grant Permission

Date: 18/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1090

Applicant:
Mr & Mrs R J Curtis

Parish:
Wetheral

Date of Receipt:
15/10/2002

Agent:

Ward:
Wetheral

Location:
Knott Hill Farm, Armathwaite, Carlisle, CA4 9SY

Grid Reference:
348615 550296

Proposal: Application for Certificate of Lawfulness for siting of static caravan

Amendment:

Decision: Grant Permission

Date: 04/12/2002

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 04/11/2002 and 06/12/2002

Appn Ref No: 02/1093
Applicant: Mrs S Lowther
Parish: Carlisle

Date of Receipt: 16/10/2002
Agent: HTGL Architects
Ward: St Aidans

Location: Lanercost, 13 St Aidans Road, Carlisle, CA1 1LS
Grid Reference: 341070 556053

Proposal: New entrance porch

Amendment:

Decision: Grant Permission

Date: 25/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No: 02/1096
Applicant: Mr & Mrs T Atkinson
Parish: Hayton

Date of Receipt: 16/10/2002
Agent:
Ward: Hayton

Location: Glen Cottage, How Mill, Carlisle, CA8 9JY
Grid Reference: 350600 556364

Proposal: Removal of porch to be replaced with utility room, WC & sun lounge

Amendment:

Decision: Grant Permission

Date: 22/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No: 02/1099
Applicant: J S & J Whitfield
Parish: Orton

Date of Receipt: 25/10/2002
Agent:
Ward: Burgh

Location: Orton Rigg Farm, Orton Rigg, Great Orton, Carlisle, CA5 6LL
Grid Reference: 333042 552351

Proposal: Erection of agricultural building to be used for housing cattle

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 02/12/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1106

Applicant:
The School Governors

Parish:
Carlisle

Date of Receipt:
18/10/2002

Agent:
Geoffrey Cowan &
Company

Ward:
St Aidans

Location:
Newman School, Lismore Place, Carlisle, CA1 1NA

Grid Reference:
340755 556220

Proposal: Extension to form new classroom

Amendment:

Decision: Grant Permission

Date: 22/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1108

Applicant:
Scottish & Newcastle Pub
Enterprises

Parish:
Carlisle

Date of Receipt:
18/10/2002

Agent:
Sunderland Peacock &
Associates

Ward:
Harraby

Location:
Harraby Inn, Harraby Grove, Carlisle, CA1 2QN

Grid Reference:
341630 554350

Proposal: New porch

Amendment:

Decision: Grant Permission

Date: 06/12/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1116

Applicant:
Carlisle City Council

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
21/10/2002

Agent:
Johnston & Wright

Ward:
Castle

Location:
The Sands Leisure Centre, The Sands Centre,
Carlisle

Grid Reference:
340190 556427

Proposal: Extension to fitness suite

Amendment:

Decision: Grant Permission

Date: 25/11/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1118

Applicant:
Mr J P D E Latour

Parish:
Carlisle

Date of Receipt:
21/10/2002

Agent:
Tsada Building Design
Services

Ward:
Stanwix Urban

Location:
Belah Cottage, Waverley Road, Carlisle

Grid Reference:
339735 557765

Proposal: Bedroom extension and ensuite bathroom with pitched roof to garage

Amendment:

Decision: Grant Permission

Date: 02/12/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1127

Applicant:
Mr I Turner

Parish:
Carlisle

Date of Receipt:
23/10/2002

Agent:

Ward:
Belle Vue

Location:
20 Grinsdale Avenue, Carlisle, CA2 7LX

Grid Reference:
337295 556223

Proposal: First floor extension to provide additional bedrooms

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 05/12/2002

Between 04/11/2002 and 06/12/2002

Appn Ref No:
02/1157

Applicant:
Mr B Jones

Parish:
Burgh-by-Sands

Date of Receipt:
31/10/2002

Agent:

Ward:
Burgh

Location:
Ashcroft, Thurstonfield, Carlisle, CA5 6HD

Grid Reference:
331715 556600

Proposal: Erection of agricultural building to house fodder and implements

Amendment:

Decision: Grant Permission

Date: 29/11/2002
