

Committee Minutes

Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

Item no: 01

Appn Ref No:
09/1082

Applicant:
Tesco Stores Limited

Parish:
Carlisle

Date of Receipt:
11/12/2009 08:01:39

Agent:
GL Hearn

Ward:
Yewdale

Location:
Bowling Green Adjacent to Horse & Farrier Public House, Wigton Road, Carlisle

Grid Reference:
338326 555195

Proposal: Erection Of A Convenience Foodstore (Revised Application)

Members resolved to give authority to the Assistant Director (Economic Development) to issue approval for the proposal subject to the competition of s.106 Agreement. The s.106 Agreement would require the subsequent developer to;

1. repair and refurbish the public house in accordance with a minimum schedule of work to be agreed with Council Officers. This work would be carried out contemporaneously with the development of the store;
2. market the public house for a period of six months commencing not later than the store opening to trade; and
3. pay £3500 upon commencement of development to facilitate an amendment to the Traffic Regulation Order to provide "no waiting at any time" restrictions along Orton Road.

Item no: 02

Appn Ref No:
10/1035

Applicant:
Tesco Stores Ltd

Parish:
Carlisle

Date of Receipt:
16/11/2010 13:02:24

Agent:
GL Hearn

Ward:
Yewdale

Location:

Walls & Railings to the front of Horse & Farrier
Public House, Wigton Road, CA2 7EY

Grid Reference:

338326 555195

Proposal: Alterations To The Wall And Railings Of The Public House To Create A Pedestrian Access Off Wigton Road And A Vehicular Access Off Orton Road, Together With The Demolition Of An Existing Garage Fronting Onto Orton Road In Order To Facilitate The Erection Of A Convenience Store On The Bowling Green Of The Horse And Farrier (LBC)

Members resolved to give authority to the Assistant Director (Economic Development) to issue approval for the proposal subject to the approval of the "Full" application to redevelop the site (reference 09/1082).

Item no: 03**Appn Ref No:**

10/1008

Applicant:

Messrs D I & P A Bimson
& Martin

Parish:

Burgh-by-Sands

Date of Receipt:

09/11/2010

Agent:**Ward:**

Burgh

Location:

Field No.8620, (Land To North Of Langwath
Cottage), Moorhouse, Carlisle

Grid Reference:

332862 557205

Proposal: Erection Of A Free Range Poultry Unit (Revised Application)

Members resolved to give authority to the Assistant Director (Economic Development) to issue approval for the proposal subject to the position of the new access track being agreed with the Council's Landscape Officer.

Item no: 04**Appn Ref No:**

10/1091

Applicant:

Mr David Harding

Parish:

Burtholme

Date of Receipt:

06/12/2010

Agent:

Stephen Crichton
Chartered Architects
Limited

Ward:

Irthing

Location:

Land North of Newgate House, Banks, Brampton,

Grid Reference:

357133 564842

Proposal: Change Of Use Of Land To Create Camping Site For Walkers Of
Hadrian's Wall

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the Design and Access Statement;
3. Supplementary Information supplied by Stephen Crichton Limited dated 12th January 2011;
4. Drawing Number 1050PL01;
5. Drawing Number PL02 and associated Tree Survey Schedule;
6. Drawing Number PL03;
7. the Notice of Decision; and
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. This permission relates solely to the development of a camp site which shall be used solely for short term holiday letting for not more than 21 days at any time and following the expiry of such period those persons occupying the tent pitches shall not re-occupy any pitch within 28 days.

Reason: The site is within an area, where to preserve the character of the countryside it is the policy of the Local Planning Authority not to permit permanent residential development and to ensure compliance with Policy DP1, DP10, LE7 and EC16 of the Carlisle District Local Plan 2001-2016.

4. The site manager/owner shall keep a register to monitor the occupation of the camp site hereby approved. Any such register shall be available for inspection by the Local Planning Authority at any time when so requested and shall contain details of those persons occupying the tent pitches, their name, normal permanent address, period of occupation and method of transportation.

Reason: To ensure that the tent pitches are not occupied as permanent residential accommodation and to ensure that the development complies with Policies H1 and EC16 of the Carlisle District Local Plan 2001 - 2016.

5. Prior to the commencement of use of the camp site hereby permitted, details of the proposed temporary sanitary facilities together with details and location of a secure cycle storage facility and the BBQ shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is no detrimental visual impact on the character and setting of either the Buffer Zone on the Hadrian's Wall World Heritage Site or Landscape of County Importance in accordance with Policies LE7 and DP10 of the Carlisle District Local Plan 2001-2016.

6. Public Right of Way PROW Number 107018 lies adjacent to/runs through the site. The applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

Reason: To ensure a minimum standard of access provision when the development is brought into use in accordance with Policy LC8 of the Carlisle District Local Plan 2001-2016. To support Local Transport Plan Policies: LD5, LD7, LD8.

Summary of Reasons for the Decision

The application site is a 'triangular' parcel of land which lies to the north of Newgate House in the hamlet of Banks in open countryside. Located approximately 190 metres along Public Right of Way Number 107018, an area of mixed woodland lies to the north whilst to the east and west is farmland. The site's boundaries are delineated by a stock proof fence interspersed by mature trees and hedgerow. The application site is identified in the Carlisle District Local Plan 2001-2016 as within the Buffer Zone on Hadrian's Wall World Heritage Site and partially within a Landscape of County Importance.

The application seeks Full Planning Permission for the change of use of land to create a camping site for walkers of Hadrian's Wall. The potential users of the site is reiterated in the Design and Access Statement submitted as part of the application; however, discussions with the applicant's wife together with supplementary information received from the agent has highlighted that they also intend to offer the use of the site to cyclists.

The Design and Access Statement highlights that it has been recognised that *"there*

is an opportunity to support the growing numbers of walkers following the Hadrians Wall route as it passes through the village of Banks by providing space for pitching tents along with basic sanitary facilities".

The relevant planning policies against which the application is required to be assessed are Policies DP1, DP10, CP1, CP2, CP3, CP5, CP12, EC16, LE7 and LC8 of the Carlisle District Local Plan 2001-2016.

The proposals raise the following issues:

1. Whether The Principle of Development Is Acceptable

Policy DP1 of the Carlisle District Local Plan 2001-2016 sets out the broad development strategy for the area. It establishes a settlement hierarchy with Carlisle's Urban Area being the highest order of priority for most additional new development, followed by the Key Service Centres of Brampton and Longtown and, finally, 20 villages identified as Local Service Centres. Outside these locations, development will be assessed against the need to be in the location specified.

The hamlet of Banks falls outwith the settlement hierarchy identified in Policy DP1; however, Policy EC16 recognises the importance of Hadrian's Wall World Heritage site as a major attraction for sustainable tourism, contributing towards the economic and physical regeneration of the area. Proposals for new tourism development which aim to promote the enjoyment and understanding of the World Heritage Site will be permitted providing compliance with six criteria are achievable on site.

The proposal seeks permission for an informal camp site with basic sanitary provision. The Design and Access Statement outlines that due to the constraints of the site the area would provide pitches for around 25 small tents of the type normally carried by walkers. It goes on to highlight that the site would be strictly targeted at walkers carrying their own camping gear; however, discussions with the applicant's wife together with supplementary information provided by the agent has also intimated that cyclists would also be targeted.

The site is located approximately 190 metres to the north of the route of the Hadrian's Wall Path, in a slight hollow delineated with existing mature trees and hedgerows. The nearest residential property (not in the applicants ownership), The Plough, is approximately 260 metres south east of the site. In this instance, the relevant criteria are met and, on this basis, the principle of tourism development is considered acceptable. The issues raised are discussed in more detail in the analysis which follows.

2. Impact On Visual Character Of The Area

The application site is located within the Buffer Zone on Hadrian's Wall World Heritage Site and partially located within a Landscape of County Importance, as such Policies LE7 and DP10 are relevant. The underlying objectives of both of the aforementioned policies are to maintain and protect the distinctive character, features and setting of the area from proposals which would have an unacceptable adverse impact. The overall character and distinctive features of the area must be taken into

account when assessing applications for new development. These objectives are also reiterated in Policy EC16 of the Local Plan which aims to promote the enjoyment and understanding of the World Heritage Site without impacting on the landscape and character of the area.

In assessing this application, it is evident that the proposed camp site is located in open countryside approximately 190 metres to the north of the hamlet of Banks. However, the constraints of the site together with the targeted users (walkers and cyclists only) limits the number of pitches available. In the context of the likely differing levels of use during the seasons and scale of the operation, well screened by existing landform and landscaping, the proposal accords with the objectives of Policies LE7, DP10 and EC16 of the Local Plan.

English Heritage has been consulted and raise no objections to the proposal as it is considered that the proposal does not impact on the ability to comprehend Roman military planning and land use. As such, they consider that the proposal would not have an adverse impact on the setting of Hadrian's Wall World Heritage Site.

3. Impact Of The Proposal On Archaeology

The site lies within an area of high archaeological sensitivity due to its proximity to Hadrian's Wall World Heritage Site, therefore, the views of both English Heritage and Cumbria County Council's Heritage Environment Officer have been sought. As the proposal avoids the need for any ground works within the vicinity of Hadrian's Wall and vallum, English Heritage and Cumbria County Council do not object to the proposal. The proposal, therefore, would not have a detrimental impact on archaeology.

4. Impact Of The Proposal On Highway Safety

Several neighbouring residents have expressed concerns about the impact of the proposal on highway safety. Their main concerns appear to centre on the potential of the camp site to generate increased parking pressure within Banks and the location of the access track in relation to the county highway. As previously mentioned, the camp site would be targeted only at walkers or cyclists following Hadrian's Wall Path. The only vehicles used in connection with the camp site would be fortnightly transit-sized vehicles to service the temporary sanitary facilities.

The Highways Authority has been consulted and given that no visitor would access the site by vehicle have no objections to the proposal subject to the imposition of a condition ensuring that Public Right of Way Number 107018 remains unobstructed during or after completion of the site works. In such a context it is considered that the use of the camp site by walkers and cyclists would not have a detrimental impact on highway safety.

5. Impact Of The Proposal On Biodiversity

Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.

When assessing this application it is evident that an area of mixed woodland is located immediately to the north of the application site. Local residents and neighbouring landowners have highlighted that the woodland is a haven for "*rare and unusual*" varieties of flora and fauna and provides a refuge for doe deer and nesting birds. The advice of Cumbria County Council's Ecologist has been sought who has responded based on information contained within the GIS Cumbria Biodiversity Evidence Base. The Evidence Base confirms that the woodland is not a SSSI, County Wildlife Site or Ancient Woodland and that there are no recorded sighting of any UK protected species or UK Biodiversity Action Plan (UK Priority/Species of Principal Importance in England). However, the County Ecologist highlights that this does not preclude the potential for rare species to be present as they may not have been recorded, citing in particular that Toothwort is relatively uncommon and recommends that a Informative be included should permission be forthcoming.

On the basis of the foregoing assessment and given that the woodland is outwith the application site, it is considered that there should be no significant impact from the proposal, and that there will be no harm the favourable conservation of any protected species or their habitats.

6. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

The proposal would provide an additional facility for walkers and cyclist to Hadrian's Wall Path, recognised as a major tourist attraction. Given that the proposal would be approximately 260 metres from the nearest residential property and that the existing landform and landscaping would help minimise any potential for noise. It is considered that the proposal would not have an adverse impact on the living conditions of neighbouring residents through intensification of use.

7. Other Matters

Further issues raised by neighbouring residents include concerns about the use of open camp fires, litter and the potential of campers to stray onto adjoining land. Additional information has been supplied by the agent which satisfactorily addresses all of the aforementioned issues; however, these relate to the management of the site and are not covered by planning legislation.

Neighbouring residents have also requested that camping is restricted to one nights stay only. Their concerns have been noted; however, such a restrictive condition is considered to be unreasonable in light of other similar permissions which have been granted within the District.

In overall terms, the principle of development is acceptable. The applicant has taken

appropriate measures to ensure that the development would accord with Policy LE7, DP10 and EC16 of the Local Plan ensuring that there would be no adverse impact on the character and setting of the Buffer Zone on World Heritage Site or the Landscape of County Importance. The proposed camp site would also provide an additional facility for visitors to the World Heritage Site, contributing towards the economic and physical regeneration of the area, promoting the enjoyment and understanding of the World Heritage Site.

The application site is located approximately 260 north east of the closest residential property not in the control of the application. The existing landform and landscaping, minimising the potential to have an adverse impact on the living conditions of neighbouring residents through intensification of use.

The application is recommended for approval, as it is considered that the proposal is compliant with the objectives of the adopted Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations re considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly

the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016 Spatial Strategy And Development Principles - Policy DP10 - Landscapes Of County Importance

Within Landscapes of County Importance, permission will only be given for development provided that:

- 1 there is no detrimental impact on the distinctive landscape character and features of the area; and
- 2 the proposal preserves or enhances the special features and character of the particular landscape within which it is to be sited.

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

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP1 - Landscape Character

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas.

Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

the landform and natural patterns of drainage;

- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP2 - Biodiversity

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals

should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a

- well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
 - 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
 - 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
 - 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
 - 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

Carlisle District Local Plan 2001 - 2016
Economic & Commercial Growth - Policy EC16 - Tourism Development

Priority will be given for tourism related development in the City of Carlisle in accordance with Structure Plan Policy EM15. Proposals will be supported in Carlisle and elsewhere where they contribute towards the economic and physical regeneration of an area provided that the following criteria are met:

- 1 The scale and design of the development are compatible with the surrounding area; and
- 2 There would be no unacceptable adverse impact on the landscape/townscape; and
- 3 Adequate access by a choice of means of transport, including sustainable modes of travel such as cycling or long distance walking, and appropriate car parking can be achieved; and
- 4 The level of traffic generated can be adequately accommodated within the local road network without detriment to the particular rural character of the area; and
- 5 If the proposal is within a rural area it is well related to an established tourist attraction or an existing group of buildings, or would form an important element of a farm diversification scheme; and
- 6 The distinctive environment, culture and history of the area are safeguarded.

Hadrian's Wall World Heritage Site is a major attraction for sustainable tourism and proposals for new tourism development which aim to promote the enjoyment and understanding of the WHS whilst meeting the above criteria will be permitted.

Carlisle District Local Plan 2001 - 2016
Leisure & Community Uses - Policy LC8 - Rights Of Way

Carlisle City Council will seek to retain all existing footpaths, bridleways and other rights of way and to establish new routes wherever possible. New development will seek to maintain the existing rights of way network and where possible local improvements and extensions will be sought as part of new developments. Proposals to close or divert existing rights of way will not be permitted unless an alternative route is available which is attractive, serves the same area and is not significantly longer than the original route.

Item no: 05

Appn Ref No:
10/1106

Applicant:
Mr Terry Dixon

Parish:
Wetheral

Date of Receipt:
08/12/2010

Agent:
Planning Branch Ltd

Ward:
Wetheral

Location:
Moor Yeat and L/A Moor Yeat, Plains Road,
Wetheral, Carlisle, CA4 8LE

Grid Reference:
346151 555350

Proposal: Erection Of 1no. Detached Dwelling And Detached Garage; Creation Of New Access & Driveway And The Realignment Of The Existing Driveway To Moor Yeat

Refuse Permission

- Reason:** The application relates to a rectangular shaped site of 931m.², located adjacent to residential dwellings. Consent is sought for a dwelling to be sited within a part of the village of Wetheral where the existing development pattern is characterised by large detached properties situated within substantial curtilages, generally set back into their plots but with extensive frontages to the highway, and laid out in an informal and loose knit form. In contrast, due to its restricted size, shape and depth, the development of the site in the manner proposed would result in an over intensive development within the site. The resulting form would be bulky in appearance that would create an unsatisfactory and cramped development that would detract from the character of housing on this part of Plains Road contrary to PPS 3

(Housing); criteria 2 and 3 of Policy H1 (Location of New Housing Development); and criteria 1 and 4 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016.

2. **Reason:** Within the application site are several mature trees that are protected by Tree Preservation Order (No. 13). The trees along Plains Road provide a significant degree of amenity and are a visually attractive feature of the character of the approach into Wetheral and its Conservation Area. The proposed development involves the formation of a new access, driveway and construction of a detached garage that would encroach into the root protection area of the protected trees. In the absence of any up to date information relating to the extent and potential impact of the development on the root protection area, the development may adversely affect the future health and viability of the protected trees, contrary to the objectives of Policy CP3 (Trees And Hedges On Development Sites) of the Carlisle District Local Plan 2001-2016.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area City of Carlisle

Key Service Centres Brampton
 Longtown

Local Service Centres	Burgh by Sands	Heads Nook
	Castle Carrock	Houghton
	Cummersdale	Irthington
	Cumwhinton	Raughton Head
	Dalston	Rockcliffe
	Gilsland	Scotby
	Great Corby	Smithfield
	Great Orton	Thurstonfield
	Hallbankgate	Warwick Bridge
	Hayton	Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016 **Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites**

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016 **Core Development Policies - Policy CP5 - Design**

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP6 - Residential Amenity

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.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure 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.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)	Wetheral	

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

Carlisle District Local Plan 2001 - 2016

Housing - Policy H2 - Primary Residential Areas

Within the Primary Residential Areas defined on the Inset Maps for Carlisle, Brampton and Longtown, 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 non-residential uses will be permitted in Primary Residential Areas provided that 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. The traffic impact of new development upon existing residents through inconvenience and detrimental effect will be taken into account. 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.

Outside the Primary Residential Areas and sites allocated under Proposal H16 for Carlisle, Brampton and Longtown, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be only be permitted provided that:

- 1 satisfactory housing conditions can be achieved; and
- 2 the proposal will complement the existing character of the area; and
- 3 the proposal will not adversely affect the amenity of the area; and
- 4 satisfactory access can be provided; and
- 5 appropriate parking arrangements can be made.

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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 updated by additional requirements in PPG 13;
- 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.

Appn Ref No:
10/1053

Applicant:
Mr W Highton

Parish:
Beaumont

Date of Receipt:
22/11/2010

Agent:

Ward:
Burgh

Location:
Field 4818, Beaumont, Carlisle

Grid Reference:
335477 560177

Proposal: Renewal Of Application 09/0949 For Temporary Siting Of Residential Caravan During Building Works

Grant Permission

1. The mobile home hereby permitted shall solely be occupied by the applicant and his family and shall be removed from the site before 31 December 2011 or when the accommodation is no longer required by the applicant for occupation, whichever is the sooner.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality, in accordance with Policy H1 of the Carlisle District Local Plan 2001-2016.

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the Design & Access Statement (received 22nd November 2010);
3. Supporting Information (received 22nd November 2010);
4. Site Location Plan (Plan 1 - received 22nd November 2010);
5. Block Plan (Plan 2 - received 22nd November 2010);
6. Elevations (Plan 3 - received 22nd November 2010);
7. the Notice of Decision; and
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

Summary of Reasons for the Decision

This proposal is seeking planning permission for the retention of a temporary residential caravan at Field 4818, Beaumont.

The site, which extends to 1.4 hectares, is located 970 metres north east of Beaumont Village, within the Solway Coast Area of Outstanding Beauty and the Hadrian's Wall Military Zone World Heritage Site Buffer Zone. The site is bounded on all sides by hedging and is accessed by an unmade track.

An agricultural building, which was granted planning permission in April 2007, is currently under construction on the site. The site currently contains an agricultural building which has been completed and which is used for storing equipment and animal feed; three hen houses with runs, which currently house hens and geese; a piggery which includes pig shelters and which contains a number of pedigree pigs; worm beds; a poly-tunnel which is used for growing fruit and vegetables; the residential caravan (which is the subject of this application); a caravan which is used for storage; storage containers; and large areas of hardcore.

Temporary planning permission for the residential caravan was granted at Committee on 29 January 2010, following a Members site visit. However, this permission expired on 31st December 2010.

In April 2007, planning permission was granted for the erection of an agricultural building at this site. The site is being used to establish whether sustainable farming can be achieved and the applicant intends to grow fruit, vegetables and some varieties of plants on the site and to produce fertiliser and compost. The intention is for the process to be self sustainable with no external influences required in the growing process. The agricultural building will enable the applicants to produce renewable energy through various means (solar, waste, compost), to produce fertiliser and compost and to re-use rainwater.

The proposal is seeking to retain the caravan on site for a further 12 month period, whilst the agricultural building is completed. The caravan (which is two caravans joined together) has a floor area of 60 sq m. One of the caravans measures 9.5m by 3.8m, with the other measuring 7.9m by 3m and both have a maximum height of 2.8m. The caravan has a cassette toilet, which the applicant takes off-site to be emptied.

The applicant has submitted some supporting information, which explains what work has been undertaken in the last twelve months (since the Members site visit in January 2010) and which seeks to justify why a residential caravan is needed on the site for a further 12 month period. The following works has been completed in 2010:

- landscaping of part of the site;
- erection of three hen houses and runs;
- erection of pig shelters;

- laying of new drains and water pipes;
- laying of hardcore on part of the site;
- creation of worm beds;
- erection of a poly-tunnel.

The caravan is needed for security purposes, whilst the second agricultural building is under construction. In September 2007, steel for the building was removed from the site within 24 hours of delivery and two trailers have been stolen from the site, one in the summer of 2007 and one at the end of 2007. There have also been instances of trespass, ill treatment of animals and vandalism. The project is privately funded and the applicant estimates that it will cost in the region of £200,000 to test all the projects involved. The grants that were originally available have dried up and obtaining funding from the bank has become more difficult. The applicant is hoping to have funding in place and the building completed within the next 12 months, at which point the caravan would be removed from the site.

The relevant policies against which the application is required to be assessed include Policies DP1, DP9, H1, H7 and CP5 of the Carlisle District Local Plan 2001-2016.

The proposal raised the following planning issues:

1. The Principle Of The Development

The proposal is seeking planning permission for a further 12-month period for a residential caravan, whilst the agricultural building, which is currently under construction on the site, is completed. Whilst a permanent dwelling in this location would be contrary to planning policy, a temporary permission is considered to be acceptable, given the need for a security presence on the site whilst the building is under construction. The completion of the building should improve the appearance of the site and would allow some more of the sustainable farm projects to be started.

There is concern that the funding might not be forthcoming in the next twelve months and that the building could remain unfinished at the end of 2012. If this is the case, then no further temporary consents should be granted and the caravan should be removed from the site. It is considered that two years is sufficient time for the applicant to complete the building, find alternative accommodation and remove the caravan from the site.

2. The Impact Of The Proposal On The Character Of The Solway Coast AONB And On The World Heritage Site

The caravan would be located in close proximity to a hedge which runs around the periphery of the site and would not be readily visible from outside the site. The Solway Coast AONB Unit has raised no objections to the caravan, provided that only a temporary twelve month permission is granted and that the caravan is removed from the site at the end of this period. English Heritage has raised no objections to the proposal. In light of the above, the proposal would not have an adverse impact on the AONB or on the World Heritage Site

A permanent residential dwelling on the site would be contrary to planning policy.

However, a temporary planning permission for a further twelve month period would give the applicants a security presence on the site whilst the building work is completed. The caravan would not have an adverse impact on the character of the Solway Coast AONB or on the World Heritage Site. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016
Spatial Strategy And Development Principles - Policy DP9 - Areas Of Outstanding Natural Beauty

Within the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, and their settings, permission will not be given for development that would harm the special characteristics and landscape quality of the areas. Development proposals must conserve or enhance the natural beauty of the areas, including scenic qualities, landform, ecology, geology, cultural interests, and the historic environment, so that these qualities can be enjoyed by present and future generations.

Major development of a national scale will only be permitted in exceptional circumstances where it can be demonstrated to be in the public interest. Development required to meet local infrastructure needs which cannot be located anywhere else will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

Carlisle District Local Plan 2001 - 2016
Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure 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.

Settlement boundaries have been drawn for the following Local Service Centres

within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)	Wetheral	

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

Carlisle District Local Plan 2001 - 2016

Housing - Policy H7 - Agricultural, Forestry And Other Occupational Dwellings

Outside of those areas covered by Policy H1 and Proposal H16, permission will not be given for dwellings other than those essential to agriculture, forestry or any other rural-based enterprise and supported by a proven need. The size of dwelling should be commensurate with the scale of the business to which it relates. Occupancy conditions will be used to ensure that such dwellings are only occupied by those working in agriculture, forestry or any other rural-based enterprise.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a

- well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
 - 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
 - 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
 - 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
 - 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Item no: 07

Appn Ref No: 10/0908	Applicant: The Tranquil Otter Limited	Parish: Burgh-by-Sands
Date of Receipt: 07/10/2010 08:00:23	Agent:	Ward: Burgh
Location: The Lough House, Thurstonfield, CA5 6HB	Grid Reference: 331934 556494	

Proposal: Construction Of Housing For Bio-Mass Energy Centre For The Lough House And Lodges At The Tranquil Otter Limited

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;

2. Design & Access Statement (received 13th October 2010);
3. Method Statement (received 26th October 2010);
4. Tree Survey (received 23rd October 2010);
5. Site Location Plan (Plan 1 - received 25th November 2010);
6. Block Plan (Plan 2 - received 25th November 2010);
7. Block Plan (Plan 3 - received 25th November 2010);
8. Pipe Run (Plan 4 - received 26th October 2010);
9. Tree Survey (Plan 5 - received 23rd November 2010);
10. Existing Plans (drawing TO/KT/10/01 - received 13th January 2011);
11. Proposed Plans (drawing TO/KT/10/02 - received 13th January 2011);
12. Sections (drawing TO/KT/10/03 - received 22nd November 2010);
13. Tree Protection Plan (received 23 January 2011);
14. the Notice of Decision; and
15. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained on drawing TO/KT/10/02 (received on 13th January 2011), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016 are met and to ensure a satisfactory external appearance for the completed development.

4. Notwithstanding the details contained within the application, the flue shall be painted a light grey colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: To improve the visual appearance of the flue, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. The proposal hereby approved shall be carried out in strict accordance with the details contained within the Method Statement (received 26th October 2010).

Reason: In order to protect existing trees, in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

6. 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. Prior to the commencement of the development hereby approved, the protective fencing shown on the Tree Protection Plan (received on 23rd January 2011) shall be erected and retained in place under the construction work is completed.

Reason: The Local Planning Authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

7. Where works to excavate the connection pits or drilling pits are required to be carried out within the root protection area of any trees, as determined using the formula in BS 5837: 2005 Trees in relation to construction recommendations, this must be done by hand tools only.

Reason: In order to protect existing trees, in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

This proposal is seeking planning permission for the construction of a bio-mass energy centre to serve the Lough House and holiday lodges at the Tranquil Otter, Thurstonfield. The Tranquil Otter consists of large detached dwelling, a large detached garage with offices above and eight timber holiday lodges, which are set in woodland adjacent to Thurstonfield Lough, which is designated as a Site of Special Scientific Interest (SSSI).

The proposal is seeking planning permission to erect a new bio-mass energy centre, which would serve both the dwelling and the lodges. The bio-mass plant would be attached to the northern gable of the detached garage, on a gravel area that is currently used for parking. The building, which would be constructed of red brick, under a flat roof, would measure 8m by 6.1m and would be 2.7m high. It would contain the biomass boiler and a wood store/ garage. The logs to be burnt would come from the woodland, as regular felling and coppicing of trees already takes place as part of an agreed restoration plan, which seeks to restore the natural environment of the site to favourable condition.

A 0.3m diameter stainless steel flue would project through the roof of the building and would be attached to the gable end of the garage. The top 3m would project above the ridge height of the garage. A series of pipes would then connect the biomass boiler to the Lough House and the holiday lodges. The routes for the pipes would be dug by moling (which involves digging a series of drill pits and then tunnelling between the drill pits below the roots of the trees) rather than trench digging, in order to reduce the impact on the trees. The applicant has submitted a plan which shows the location of the drill pits and the route of the pipes and a method statement which provides details of how the pipes would be installed.

The relevant policies against which the application is required to be assessed include Policies CP2, CP3, CP5 and CP8 of the Carlisle District Local Plan 2001-2016.

The proposal raised the following planning issues:

1. The Visual Impact Of The Proposed Development

Whilst the building would be attached to the side of the garage and would be small in scale and not visible from outside the site, the top of the flue would project 3m above the ridge of the garage and would be visible from outside the site. The flue would, however, be narrow (0.3m) and a condition has been added to ensure that it is painted a light grey colour. It would not, therefore, have a significant adverse visual impact. Given the environmental benefits that the project would bring, this is considered to be sufficient to outweigh the visual harm of the top section of the flue.

2. The Impact Of The Proposal On Existing Trees

A method statement has been submitted, which details how the pipes would be laid from the bio-mass boiler to Lough House and the holiday lodges. The applicant is proposing to dig the routes for the pipes by moling rather than trench digging. Small drill pits would be dug to allow the mole access. The mole would then tunnel at a depth of more than 1.5m, so that it passes below the tree roots. The Council's Tree Officer has raised no objections to the proposal proving that a scheme of tree protection is put in place during construction works and where any excavation works occur within the Root Protection Areas of trees, this is undertaken by hand tools. Both of these issues can be dealt with by condition.

3. The Impact Of The Proposal On Thurstonfield Lough SSSI

Natural England considers that the proposed development would not materially or significantly affect the SSSI provided that the method statement includes measures to ensure all machinery and equipment is clean before entering the site. This is to ensure that invasive species and disease cannot be introduced to the SSSI. This can be secured by condition.

4. Other Matters

The County Council's Countryside Officer has noted that Footpath 106009 runs adjacent to the proposed development and this route must not be obstructed or damaged and user safety must be ensured at all times. Footpath 106009 also runs

into the surrounding woodland and if this route is used for timber extraction the current surface condition would have to be improved to avoid damage to its surface condition. A informative will be added to the planning permission to cover these issues.

In overall terms, the proposal would have an acceptable visual impact and it would not have an unacceptable impact on any existing trees are on the Thurstonfield Lough SSSI. In all aspects the proposal is compliant with the relevant policies contained within the adopted Local Plan.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP2 - Biodiversity

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by

tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP8 - Renewable Energy

Proposals for renewable energy will be favourably considered provided that all of the following criteria are satisfied:

- 1 there is no unacceptable visual impact on the immediate and wider landscape and townscape;
- 2 there is no adverse impact on biodiversity;
- 3 any new structures would be sensitively incorporated into the surrounding landscape/ townscape and/or habitat and respect the local landscape character;
- 4 measures are taken to mitigate any noise, smell or other nuisance or pollutants likely to affect nearby occupiers, amenities and/or neighbouring land uses;
- 5 any waste arising as a result of the development is minimised and dealt with using a suitable means of disposal;
- 6 there would be no unacceptable levels of harm to features designated as of

- local, national or international importance;
- 7 adequate provision can be made for access and parking and the potential impact on the road network;
 - 8 there would be no unacceptable conflict with any existing recreational facilities or routes;
 - 9 there would be no unacceptable cumulative effects when proposals are considered together with any extant planning approvals or other existing renewable energy developments.

Item no: 08

Appn Ref No:
10/1018

Applicant:
Mr Kevin Bell

Parish:
Burgh-by-Sands

Date of Receipt:
15/11/2010

Agent:

Ward:
Burgh

Location:
Land to rear of 11 & 12 Amberfield, Burgh By
Sands, Carlisle

Grid Reference:
332720 558912

Proposal: Erection Of A Pair Of Semi-Detached Houses (Outline Application)

Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year 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 3 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. (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the layout, scale, appearance and 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. The approved documents for this Outline/Planning Permission comprise:

1. the submitted planning application form;
2. the Design and Access Statement;
3. the Pollution Assessment;
4. Drawing Number ABBS/KB/FS/01;
5. Drawing Number ABBS/KB/FS/02;
6. Drawing Number ABBS/KB/FS/03 Rev A;
7. Drawing Number ABBS/KB/FS/04 Rev A;
8. Drawing Number ABBS/KB/FS/05 and associated photomontage;
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

4. No development hereby approved by this permission shall be commenced until details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that the living conditions of the occupiers of neighbouring properties are not adversely affected by inappropriate development in accordance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. No development shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved in writing 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 in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. Before development commences, particulars of the height and materials of any new screen walls and boundary fences to be erected shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter carried out in accordance therewith.

Reason: In the interests of privacy and visual amenity in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

7. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the 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 examination and recording of such remains in accordance with the objectives of Policy LE10 of the Carlisle District Local Plan 2001-2016.

8. Where appropriate, an archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and submission of the results for publication in a suitable journal as approved beforehand by the Local Planning Authority shall be carried out within one year of the date of commencement of the hereby permitted development or otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with the objectives of Policy LE10 of the Carlisle District Local Plan 2001-2016..

9. No development shall commence until visibility splays providing clear visibility of 2.4 metres by 43 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. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

10. The use of the development shall not be commenced until the access has been formed to give a minimum carriage way width of 4.1 metres, and that part of the access road extending 5 metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority.

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

11. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to the development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and to environmental management and to support Local Transport Plan Policies LD7 and LD8.

12. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

13. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.

Summary of Reasons for the Decision

The application site is located in part of the rear elongated gardens of numbers 11 and 12 Amberfield, a pair of semi-detached houses located on the southern fringe of Burgh By Sands. The rear garden of number 10 Amberfield runs along the site's northern boundary. Ludgate House and Ludgate Cottage, a detached house and detached bungalow respectively, are located on elevated sites immediately to the south of the application site. Ludgate Hill, a cul-de-sac of semi-detached houses, flats and bungalows lies to the east. The application site's flanks consist of 1.8 metre high wooden fences whilst its rear boundary is made up of a 1 metre high bank planted with a natural hedgerow.

The application seeks Outline Planning Permission for the erection of a pair of semi-detached houses on a parcel of land of approximately 435 square metres. As previously explained, the application is in outline, and as such the submitted

drawings are indicative only; however, the drawings illustrate that the proposed dwellings would be centrally located within the parcel of land. The overall width of both of the properties would be 11 metres with a maximum length of 11 metres (including the porches). The ridge height would be 7.8 metres.

The submitted Design and Access Statement together with the drawings illustrate that the accommodation provided in each of the dwellings would comprise of a porch, w.c., living room, kitchen/dining with 3no. bedrooms and bathroom above. Access to the dwellings would be via Ludgate Hill with off-street parking for 2no. vehicles provided within the curtilage of the properties.

The design, scale and massing of the proposed dwellings would be similar to those of its immediate neighbours. The proposed materials are brown/red facing brickwork with uPVC windows and doors with a pitched roof covered with grey plain interlocking concrete tiles all of which are in keeping with other properties within the immediate vicinity.

The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP12, H1, H9 and T1 of the Carlisle District Local Plan 2001-2016.

The proposals raise the following issues:

1. Whether The Principle of Development Is Acceptable

The main thrust common to planning policies is that new development in the rural area will generally be focussed upon established settlements where there are appropriate services, facilities and amenities.

Policy DP1 of the Carlisle District Local Plan 2001-2016 sets out the broad development strategy for the area. It establishes a settlement hierarchy with Carlisle's Urban Area being the highest order of priority for most additional new development, followed by the Key Service Centres of Brampton and Longtown and, finally, 20 villages identified as Local Service Centres. Within these locations, development proposals will be assessed against the need to be in the location specified. In relation to rural settlements, boundaries have been identified for those villages that fulfil the Key Service and Local Service Centre functions and these are intended to be used to judge proposals for development within those settlements. Outside these locations, development will be assessed against the need to be in the location specified.

Policy H1 of the Carlisle District Local Plan 2001-2016 elaborates, in relation to development for housing, on the settlement hierarchy. It reiterates that the primary focus for new housing development will be the urban area of Carlisle, followed in order by the Key Service Centres of Brampton and Longtown (which have a broad range of amenities and services) and finally, selected villages which perform a service role within the rural area. These latter villages are sub-divided into two groups, the first group being the 20 larger villages that act as Local Service Centres where the scale and nature of additional development will be determined by local form and character. The second group of 21, essentially small, villages that possess

very limited facilities and, hence, provide basic service provision, is regarded as being capable of accommodating only small scale infill development, which is required to be evidenced by local need to be in that location.

The application site lies within Burgh-by-Sands, which is identified as a Local Service Centre under Policy H1 of the adopted Local Plan, and is located within the settlement boundary identified on the Proposals Maps that are part of the adopted District Local Plan). Policy H1 of the Local Plan states that, in principle, small scale housing development will be acceptable within the settlement boundaries of Local Service Centres providing that compliance with seven specific criteria is achievable on site. In this instance, the relevant criteria are met and, on this basis, the principle of residential development is considered acceptable. The issues raised are discussed in more detail in the analysis which follows.

Policy H9 of the Local Plan makes provision for development in large back gardens subject to compliance with certain criteria amongst which are that the scale, design and siting is appropriate, there is no loss of amenity to surrounding properties and that adequate access and parking can be achieved. This is considered that the current proposal complies with all of the aforementioned criteria.

Members will be aware of the revisions to Planning Policy Statement 3 (PPS3) that occurred on 9th June 2010 that removes gardens from the definition of “brown field” land. This means that gardens are no longer considered as previously developed land for the purposes of meeting brown field targets; however, the revision to PPS3 does not prevent all gardens from being developed.

In most towns and cities the majority of residential properties will be located within the settlement boundaries. In areas where there is a good supply of brown field sites there will remain a presumption in favour of developing brown field land before considering other alternatives; however, in areas where the supply of brown field sites is more limited or does not exist at all, the development of larger residential gardens will often provide a valuable source of development land which will help to reduce pressure on greenfield sites on the edge of existing settlements.

Where no available brown field sites exist, some presumption in favour of developing sites including larger residential gardens within settlement boundaries, can still have planning merits. Thus the declassification of domestic gardens does not necessarily preclude development. In all cases, the character of the area will be the 'key' consideration.

The revision to the definition of 'brown field' offers Local Authorities more control over the protection of the character of the area, where appropriate, and greater scope as to whether development of residential gardens should be allowed.

2. Whether The Scale And Design Of The Dwellings Are Acceptable

Burgh-By-Sands Parish Design Statement (adopted November 2003) highlights that there are currently very few remaining gap sites alongside the mains streets that run through the village. Any future development would need to be of a high standard, particularly in terms of design and materials, in order to be in keeping with the local

vernacular. In respect of new buildings it outlines that building styles and materials should be in keeping with the local vernacular and reflect and respect the nearby colours, textures, materials, shapes, styles and proportions of existing traditional buildings and the character of the surrounding area.

The submitted drawings illustrate that the proposed dwellings would be of a similar scale and massing to those of its immediate neighbours and other properties within the immediate vicinity. The Design and Access Statement, submitted as part of the application, indicates that the proposed materials would also complement the existing dwellings. Furthermore, the proposal would achieve adequate amenity space and off-street parking.

In summary, the scale and design of the proposed dwellings are considered acceptable and that the proposed dwellings would not form a discordant feature in the street scene.

3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

Adopted Policies H11 and CP5 of the Local Plan seek to protect the living conditions of adjacent properties. In February 2009, the City Council produced a draft Supplementary Planning Document (SPD) entitled "Achieving Well Designed Housing". Guidance contained within this draft SPD requires that a minimum of 21 metres between dwellings should usually be allowed between primary facing windows (12 metres between a gable end and primary window; however the document states 14 metres but this was a drafting error).

The proposed dwellings would be so orientated so as to achieve the adequate separation distances outlined in the SPD between the proposed dwellings and the existing residential properties bordering the site. The application site is also at a lower level than the properties to the south, Ludgate House and Ludgate Cottage. Given the physical relationship of the application site with adjacent properties, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance.

4. Impact Of The Proposal On Highway Safety

Several occupiers of neighbouring properties have raised objections in respect of highway safety and parking problems during school term times. Members should be aware however, that the proposal seeks approval for the formation of new vehicular accesses which would provide 2no. off-street parking spaces serving each of the dwellings within the curtilages of the properties.

Following normal practice consultation has been undertaken with the Highway Authority. The Highway Authority do not object to the proposal subject to the imposition of five conditions.

The local resident's concerns regarding highway safety and parking problems are

noted; however, since the Highway Authority do not share these concerns it is the Officers view that a refusal of the application on this basis could not be substantiated.

5. Impact Of The Proposal On Buffer Zone On The Hadrian's Wall World Heritage Site

The site is located within the Buffer Zone on Hadrian's Wall World Heritage Site and as such English Heritage and Cumbria County Council's Historic Environment Officer have been consulted. In their responses, both consultees have identified that the site is of high archaeological significance due to its location 150 metres south of the Roman fort at Burgh in an area that formed part of the associated Roman civilian settlement. In light of the archaeological sensitivity of the site, English Heritage and Cumbria County Council recommend that a scheme of archaeological recording, secured by the imposition of two conditions, be undertaken in advance of any development.

Policy LE7 of the Local Plan seeks to protect the World Heritage Site for developments which would have an unacceptable impact on its character and/or setting. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of the Development Plan. The proposal seeks permission for the erection of two dwellings of similar scale and design within the village envelope of Burgh By Sands. In such a context the proposal would not have a detrimental impact on the character and/or setting of the World Heritage Site.

6. Impact Of The Proposal On Foul And Surface Water Drainage

The Parish Council and local occupiers have raised concerns in respect of the possible impact of the development on existing surface water drainage capacity as it is alleged that there is existing flooding issues within the vicinity.

Drainage details submitted as part of the application indicate that surface water will be disposed of to a soakaway whilst the foul drainage will be connected to the existing public sewer system via a new foul drain. United Utilities and the City Council's Drainage Engineer have been consulted and are satisfied with the drainage proposals for the development.

7. Other Matters

Several local occupiers have highlighted the possible presence of services within the curtilage of the site, therefore, the advice of the relevant service providers have been sought. Northern Gas Networks, in its response, has confirmed that whilst there is no objection to the proposal there may be apparatus in the area that may be at risk during construction works and require the promoter of the works to contact them directly. Electricity North West (ENW) has also confirmed that the proposal would not impact on Electricity Distribution System Infrastructure or other ENW assets.

Members should be aware, however, that should any diversion of services be required to implement the proposal, then this would be a matter to be resolved between the applicant and the utility providers. For clarity, an Informative would be

included within the decision notice drawing the applicants attention to this requirement.

A further issue highlighted by local residents was the possible ownership of the strip of land, which would provide access to the application site, by Two Castles Housing Association. Two Castles Housing Association has subsequently been formally consulted and has not responded; however, land ownership relates to Civil Law and not planning legislation.

In overall terms, the principle of development is acceptable. Whilst the application involves backland development, the applicant has taken appropriate measures to ensure that the development would accord with Policy H9 of the Local Plan and the criteria outlined in the Burgh-By-Sands Parish Design Statement. The scale, design and use of materials in the proposal would positively contribute to the character of the area with adequate car parking, access and amenity space provided within the curtilage of the proposed dwellings. The proposal would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings.

The application is recommended for approval, as it is considered that the proposal is compliant with the objectives of the adopted Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of

the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations are considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure 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.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)	Wetheral	

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhiton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

Carlisle District Local Plan 2001 - 2016

Housing - Policy H9 - Backland Development

Proposals for housing development, where appropriate, 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 Local Plan 2001 - 2016

Local Environment - Policy LE7 - Buffer Zone On Hadrian's Wall World Heritage Site

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 impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this Plan, 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.

Within the outer visual envelope, beyond the Hadrian's Wall Military Zone World Heritage Site, proposals for major development which would have an adverse effect on the character of the World Heritage Site will not be permitted unless the need for the development outweighs the environmental costs.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE10 - Archaeological Field Evaluation

On all scheduled and other nationally important monuments, sites of archaeological significance and other sites of high archaeological potential, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated either before planning applications are determined or in exceptional circumstances by the use of condition. Planning permission will not be granted without adequate assessment of the archaeological implications.

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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 updated by additional requirements in PPG 13;
- 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.

Appn Ref No:
10/1070

Applicant:
Mrs K Burns

Parish:
Dalston

Date of Receipt:
26/11/2010

Agent:

Ward:
Dalston

Location:
Low Flanders, Dalston, Carlisle, CA5 7AF

Grid Reference:
338073 550160

Proposal: Proposed Two Storey Extension To The Side Elevation To Provide Lounge/Kitchen At Ground Floor Level And En Suite Bedroom At First Floor Level (Revised Application)

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. the Design & Access Statement (received 26th November 2010);
 3. Site Location Plan (received 26th November 2010);
 4. Block Plan (received 26th November 2010);
 5. Proposed Front Elevation (drawing MB3/EXT/001 Rev A, received 26th November 2010);
 6. Proposed Side & Rear Elevations (drawing MB3/EXT/002 Rev A, received 26th November 2010);
 7. Proposed First Floor Plan (drawing MB3/EXT/003 Rev A, received 26th November 2010);
 8. Sections (drawing MB3/EXT/004 Rev A, received 26th November 2010);
 9. Existing Front Elevation (drawing MB3/EXT/005 Rev A, received 26th November 2010);

10. Existing Ground Floor Plan (drawing MB3/EXT/006 Rev A, received 26th November 2010);
11. Proposed Ground Floor Plan (drawing MB3/EXT/007 Rev A, received 26th November 2010);
12. Existing/ Proposed Side Elevation (drawing MB3/EXT/008 Rev A, received 26th November 2010);
13. Existing First Floor Plan (drawing MB3/EXT/009 Rev A, received 26th November 2010);
14. the Notice of Decision; and
15. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the objectives of Policies LE13 and CP5 of the Carlisle District Local Plan 2001-2016 and to ensure a satisfactory external appearance for the completed development.

Summary of Reasons for the Decision

This proposal is seeking planning permission for the erection of a two-storey side extension at Low Flanders, Dalston. The existing dwelling, which is a Grade 2 Listed Building, is a three bedroom property, which is finished in render, under a slate roof. The dwelling has white timber painted sliding sash windows and white timber painted doors, which have stone surrounds. Chimneys are located at both ends of the roof.

Low Flanders is located on the southern side of a courtyard and has large garden to the front. A listed bank barn, which has planning permission for conversion to a dwelling, sits on the eastern side of the courtyard, whilst a single-storey dwelling (The Honeypot) is located on the northern side.

An application for Listed Building Consent (10/1071) for the extension has also been received.

A single-storey extension, which has the same footprint as the proposed two-storey extension, was granted planning permission in April 2006 and is currently under construction. No application for Listed Building Consent was requested for the

single-storey extension.

This proposal is seeking planning permission for the erection of a two-storey side extension. The extension would be 7m square, with the front and rear elevations being stepped back behind the line of the front and rear elevations of the main dwelling. A kitchen/ dining area would be provided on the ground floor, with an en-suite bedroom above. The upper floor would largely be contained within the roofspace of the extension. A dormer window, which would sit at eaves level, would be added to the front elevation, with two rooflights being added to the rear roofslope. The eaves and ridge heights of the extension would be lower than those on the main dwelling. The front elevation of the extension would be constructed of stone, with the side and rear elevations being rendered to match the existing dwelling. The windows would be timber sliding sash to match those on the main dwelling and the French doors in the front elevation would be timber. Stone quoins and stone door and window surrounds would be incorporated and a chimney would be added to the western end of the roof.

The proposal needs to be assessed against Policies H11, LE13 and CP5 of the Carlisle District Local Plan 2001-2016.

The proposal raises the following planning issues:

1. Whether The Scale And Design Are Appropriate To The Listed Building

Dalston Parish Council has objected to the proposal, as it considers that the extension is out of keeping with, and unsympathetic to, the existing Listed Building, in terms of character and materials. In particular, it considers that the dormer window, roofline and corner quoin stones are incongruous features.

Planning permission already exists for a single-storey extension and this has a stone front elevation and incorporates corner quoin stones. The existing dwelling also has corner quoin stones under the render and the applicant is intending to remove the render so these become visible.

The City Councils Conservation Officer has been involved in the development of this scheme, which is seeking to provide some accommodation in the roofspace, whilst also minimising the effect of this on the Listed Building. Whilst it is acknowledged that the roof pitch differs from that on the main dwelling, this is not uncommon and does not adversely affect the Listed Building. Similarly, the introduction of a small dormer window at eaves level is not untypical of smaller domestic properties within the villages surrounding Carlisle and does not detract from the Listed Building. The extension would be constructed of stone and render, with stone quoins and window and door surrounds, under a slate roof and would incorporate timber sliding sash windows and timber doors. Given that the approved extension incorporated a stone front elevation and corner quoin stones and the main dwelling has stone quoins under the render (which the applicant is intending to remove), the choice of materials is acceptable. The Councils Conservation Officer has, therefore, raised no objections to the proposal. In light of the above, the scale and design of the proposed extension would be acceptable and it would not adversely affect the listed building.

2. The Impact On The Living Conditions Of The Occupiers Of Any Neighbouring Dwellings

The windows in the front and side elevations of the proposed extension would face onto the applicants own garden. Whilst it is acknowledged that the window in the ground floor of the rear elevation would directly face the rear elevation of the Honeypot, this dwelling would be over 22m away and has no windows in its rear elevation. There are also rooflights in the rear roofslope of the extension, but these are too high to allow overlooking of the rooflights in the rear elevation of the Honeypot. Given the height of the extension and the distance to the Honeypot, there would be no issues of loss of light or over-shadowing to this property. In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

In overall terms, the scale and design of the proposal would be acceptable and it would not have an adverse impact on the listed building. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. In all aspects the proposal is compliant with the relevant policies contained within the adopted Local Plan.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Housing - Policy H11 - Extensions To Existing Residential Premises

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. Extensions must be of an appropriate scale and not dominate the original dwelling.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE13 - Alterations To Listed Buildings

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 have an unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;

4. the extent to which the proposed works would bring substantial benefits for the community.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Item no: 10

Appn Ref No:
10/1071

Applicant:
Mrs Burns

Parish:
Dalston

Date of Receipt:
26/11/2010

Agent:

Ward:
Dalston

Location:
Low Flanders, Dalston, Carlisle, CA5 7AF

Grid Reference:
338073 550160

Proposal: Proposed Two Storey Extension To The Side Elevation To Provide Lounge/Kitchen At Ground Floor Level And En Suite Bedroom At First Floor Level (LBC) (Revised Application)

Grant Permission

1. The works shall be begun not later than the expiration of 3 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. The approved documents for this Listed Building Consent comprise:
 1. the submitted planning application form;
 2. the Design & Access Statement (received 26th November 2010);
 3. Site Location Plan (received 26th November 2010);
 4. Block Plan (received 26th November 2010);
 5. Proposed Front Elevation (drawing MB3/EXT/001 Rev A, received 26th November 2010);
 6. Proposed Side & Rear Elevations (drawing MB3/EXT/002 Rev A, received 26th November 2010);
 7. Proposed First Floor Plan (drawing MB3/EXT/003 Rev A, received 26th November 2010);
 8. Sections (drawing MB3/EXT/004 Rev A, received 26th November 2010);
 9. Existing Front Elevation (drawing MB3/EXT/005 Rev A, received 26th November 2010);
 10. Existing Ground Floor Plan (drawing MB3/EXT/006 Rev A, received 26th November 2010);
 11. Proposed Ground Floor Plan (drawing MB3/EXT/007 Rev A, received 26th November 2010);
 12. Existing/ Proposed Side Elevation (drawing MB3/EXT/008 Rev A, received 26th November 2010);
 13. Existing First Floor Plan (drawing MB3/EXT/009 Rev A, received 26th November 2010);

14. the Notice of Decision; and
15. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the objectives of Policy LE13 of the Carlisle District Local Plan 2001-2016 and to ensure a satisfactory external appearance for the completed development.

Summary of Reasons for the Decision

This proposal is seeking Listed Building Consent for the erection of a two-storey side extension at Low Flanders, Dalston. The existing dwelling, which is a Grade 2 Listed Building, is a three bedroom property, which is finished in render, under a slate roof. The dwelling has white timber painted sliding sash windows and white timber painted doors, which have stone surrounds. Chimneys are located at both ends of the roof.

Low Flanders is located on the southern side of a courtyard and has large garden to the front. A listed bank barn, which has planning permission for conversion to a dwelling, sits on the eastern side of the courtyard, whilst a single-storey dwelling (The Honeypot) is located on the northern side.

An application for planning permission (10/1070) for the extension has also been received.

A single-storey extension, which has the same footprint as the proposed two-storey extension, was granted planning permission in April 2006 and is currently under construction. No application for Listed Building Consent was requested for the single-storey extension.

This proposal is seeking planning permission for the erection of a two-storey side extension. The extension would be 7m square, with the front and rear elevations being stepped back behind the line of the front and rear elevations of the main dwelling. A kitchen/ dining area would be provided on the ground floor, with an en-suite bedroom above. The upper floor would largely be contained within the roofspace of the extension. A dormer window, which would sit at eaves level, would be added to the front elevation, with two rooflights being added to the rear roofslope. The eaves and ridge heights of the extension would be lower than those on the main dwelling. The front elevation of the extension would be constructed of stone, with the

side and rear elevations being rendered to match the existing dwelling. The windows would be timber sliding sash to match those on the main dwelling and the French doors in the front elevation would be timber. Stone quoins and stone door and window surrounds would be incorporated and a chimney would be added to the western end of the roof.

The proposal needs to be assessed against Policy LE13 of the Carlisle District Local Plan 2001-2016.

The proposal raises the following planning issues:

1. Whether The Scale And Design Are Appropriate To The Listed Building

Dalston Parish Council has objected to the proposal, as it considers that the extension is out of keeping with, and unsympathetic to, the existing Listed Building, in terms of character and materials. In particular, it considers that the dormer window, roofline and corner quoin stones are incongruous features.

Planning permission already exists for a single-storey extension and this has a stone front elevation and incorporates corner quoin stones. The existing dwelling also has corner quoin stones under the render and the applicant is intending to remove the render so these become visible.

The City Councils Conservation Officer has been involved in the development of this scheme, which is seeking to provide some accommodation in the roofspace, whilst also minimising the effect of this on the Listed Building. Whilst it is acknowledged that the roof pitch differs from that on the main dwelling, this is not uncommon and does not adversely affect the Listed Building. Similarly, the introduction of a small dormer window at eaves level is not untypical of smaller domestic properties within the villages surrounding Carlisle and does not detract from the Listed Building. The extension would be constructed of stone and render, with stone quoins and window and door surrounds, under a slate roof and would incorporate timber sliding sash windows and timber doors. Given that the approved extension incorporated a stone front elevation and corner quoin stones and the main dwelling has stone quoins under the render (which the applicant is intending to remove), the choice of materials is acceptable. The Councils Conservation Officer has, therefore, raised no objections to the proposal. In light of the above, the scale and design of the proposed extension would be acceptable and it would not adversely affect the listed building.

In overall terms, the scale and design of the proposal would be acceptable and it would not have an adverse impact on the listed building. In all aspects the proposal is compliant with the relevant policies contained within the adopted Local Plan.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE13 - Alterations To Listed Buildings

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 have an unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.

Item no: 11

Appn Ref No:
10/1107

Applicant:
Mr G Batey

Parish:
Stanwix Rural

Date of Receipt:
10/12/2010

Agent:
HTGL Architects

Ward:
Stanwix Rural

Location:
Parkfoot, The Knells, Houghton, Carlisle, CA6 4JG

Grid Reference:
341115 560247

Proposal: Internal Alterations To Provide First Floor Within Roof Space; Installation Of Velux Rooflights And Single Storey Extension To Provide Day Room

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the Location Plan drawing no. 1726.14 received 15th December 2010;
3. the Block/ Site Plan As Proposed drawing no. 1726.13 received 10th December 2010;

4. the Plan As Existing drawing no. 1726.06 received 10th December 2010;
5. the Section & Elevations As Existing drawing no. 1726.07 received 10th December 2010;
6. the Ground Floor Plans As Proposed drawing no. 1726.10A received 10th December 2010;
7. the First Floor Plan & Section DD As Proposed drawing no. 1726.11A received 10th December 2010;
8. the Elevations & Sections As Proposed drawing no. 1726.12A received 10th December 2010;
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

Summary of Reasons for the Decision

The application seeks "Full" planning permission for an extension and alterations to Parkfoot, The Knells, Houghton, Carlisle. The proposal relates to a detached property located within a large curtilage. Park Foot is located within the settlement to the east of the County highway. 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.

The proposal involves the conversion of the first floor to provide additional living accommodation. This would comprise of 2no. bedrooms that would share ensuite facilities together with an additional ensuite bedroom. To facilitate the conversion, 1no. window would be installed on the north-east elevation to serve the shared ensuite facilities. It is proposed to install 6no. rooflights on the north-west roof slope and 2no. roof lights on the south east facing roof.

On the ground of the north-east elevation, it is proposed to extend the dining area to form a day room together with a covered veranda. The extension would be constructed from a brick plinth, painted render and cast stone quoins. The roof would be finished from natural slate and all materials would match those of the existing building.

The property is located within the settlement and adjacent to residential properties. The house is set back 15 metres from the County highway and has a relatively narrow frontage of 13 metres in width. As the site extends to the south-west and the footprint of the property starts, the width of the site widens and as it does so, the garden wraps around the rear of the adjacent curtilage, Parkside. The garden runs eastwards before returning south-east parallel with the opposite site boundary.

There would be a glimpsed view of the site along the northern boundary between the

applicant's garage and the gable of the adjacent property; however, given the distance from the boundary and the intervening outbuildings, views of the day room extension would be minimal. The site is also bounded to the front by a brick wall and pillars with timber panel fencing that further serves to screen the site. The rooflights on the north-west roof slope would be visible from outwith the site but would not be unduly obtrusive or conspicuous. Accordingly, neither the extension nor the alterations to the roof would adversely affect the character or appearance of the area.

The proposed extension would be built on the gable of the property and would be visible from the neighbouring property and as previously stated, there would be marginal glimpsed views from outwith the site. As such, the extension would affect the character and appearance of the property; however, the extension would measure 5 metres in length by 7.4 metres in width and the footprint would, therefore, be proportionate to the property. The materials would match those of the existing property. The ridge height of the extension would be lower than the existing eaves height and would appear subservient and a sympathetic extension to the property.

The structure of the roof of the property would be unaltered with only internal alterations and the insertion of the rooflights required providing the habitable accommodation. The rooflights would not detract from the overall character or appearance of the building.

The adjacent property, Park Side faces the application site and the extension and alterations to the roof would be visible from the neighbouring property. Park Side has windows on the rear elevation that would face the application site, it is appropriate to consider the development against the draft Supplementary Planning Document "Achieving Well Designed Housing". It requires that a distance of 12 metres is provided between primary windows and a blank gable and 21 metres between primary facing windows.

The two sites are separated by a timber fence that is approximately 1.7 metres in height. The extension would be approximately 17.2 metres from the nearest window of the neighbouring property that serves a bedroom. No windows are proposed in the elevation that would face the neighbouring property and this fact, coupled with the distance between the extension and the adjacent property, the boundary treatment, and, to a degree, the intervening outbuildings of both the applicant and the objector, the extension will not result in overlooking or loss of privacy to the occupiers of the neighbouring property.

The nearest rooflight would be approximately 18 metres from the bedroom window of the neighbouring property. There would be an oblique angle between the two windows and whilst it will be possible to look out from the rooflight, this is more difficult than a conventional window due to the height above floor level. Again, no loss of privacy or overlooking would occur from this aspect of the development.

The ridge height of the dwelling would be 4 metres extending to 4.8 for the area above the veranda. Given the physical relationship of the application site with adjacent property that is to the north-west, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. The extension will be visible from the neighbouring property but the siting, scale and design of the development will not

adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance.

The extension to the footprint of the building is minimal and no objection has been raised by English Heritage. The proposal would, therefore, not adversely affect the character or setting of the Buffer Zone or prejudice any archaeological issues.

In overall terms, the proposal would not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the extension to the property is appropriate to the site and the character and appearance of the area would not be adversely affected. In all aspects the proposal would be compliant with the objectives of the relevant Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP6 - Residential Amenity

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.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H11 - Extensions To Existing Residential Premises

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. Extensions must be of an appropriate scale and not dominate the original dwelling.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE7 - Buffer Zone On Hadrian's Wall World Heritage Site

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 impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this Plan, 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.

Within the outer visual envelope, beyond the Hadrian's Wall Military Zone World Heritage Site, proposals for major development which would have an adverse effect on the character of the World Heritage Site will not be permitted unless the need for the development outweighs the environmental costs.

Item no: 12

Appn Ref No:
10/0965

Applicant:
Citadel Estates

Parish:
Hayton

Date of Receipt:

Agent:

Ward:

26/10/2010 08:00:24

Sandy Johnston

Great Corby & Geltsdale

Location:

Former Laboratories, Talkin, CA8 1LE

Grid Reference:

354900 557449

Proposal: Demolition Of Existing Laboratory Building; Erection Of Terrace Of 4No. Dwellings

Members resolved to give authority to the Assistant Director (Economic Development) to issue approval for the proposal subject to the completion of a Section 106 agreement to ensure that two properties remain available for rent at an affordable level in perpetuity.

Item no: 13

Appn Ref No:

10/0577

Applicant:

Citadel Estates Ltd.

Parish:

Brampton

Date of Receipt:

21/06/2010 13:00:30

Agent:

Holt Planning Consultancy

Ward:

Brampton

Location:

Tarn End House Hotel, Talkin, CA8 1LS

Grid Reference:

354388 558357

Proposal: Removal Of The Effects Of Conditions 2, 3, 4, 5 And 6 Attached To The Grant Of Full Planning Permission Under Application 06/0693 (Conversion To 8no. Holiday Units) To Enable Unrestricted Residential Occupation

Members resolved to defer consideration of the proposal in order to await the receipt of the formal views of GVA Grimley concerning the Viability Report submitted on behalf of the applicant, and to await a further report on the application at the next meeting of the Committee.

Item no: 14

Appn Ref No:

10/0050

Applicant:

J. J. Lattimer Limited

Parish:

Dalston

Date of Receipt:

19/01/2010 13:02:52

Agent:

Swarbrick Associates

Ward:

Dalston

Location:

Dalston Agricultural Showfield, Glave Hill, Dalston, CA5 7QA

Grid Reference:

336831 549981

Proposal: Formation Of Car Parking Areas To Serve Dalston Medical Practice Along With Proposed Convenience Store/Two Residential Units; Subject Of Planning Application Ref: 08/1254. Provision Of Reinforced Grass Surfacing To Area Between Two Car Parking Areas. Formation Of Access To Dalston Medical Practice From Townhead And Access Convenience Store/Two Residential Units From Glave Hill (08/1254)

Members will recall at Committee meeting held on 12th March 2010 that authority was given to the Assistant Director (Economic Development) to issue approval subject to (1) completion of a section 106 Agreement for Highway works associated with a related application for a convenience store and three residential units (08/1254) (2) the conditions set out in the Supplementary Schedule (with condition 9 modified to require an extension to the proposed landscaping on the southeast boundary of the convenience store car park) and (3) an additional condition requiring submission of details of the trolley parks. The Section 106 agreement relating to application 08/1254 has been completed and the relevant conditions amended. Approval was issued on 16th December 2010.

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. No development shall commence on the surgery car park until visibility splays providing clear visibility of 2.4 metres by 43 metres measured down the centre of the exit road and the nearside channel line of the trunk 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 and to support Local Transport Plan Policies: LD7, LD8

3. The new access to the surgery as detailed on Drawing No 1411/p/02 revA shall be constructed and brought into use prior to any works commencing on the new surgery car park.

Reason: To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety (and general amenity)

and to support Local Transport Plan Policies: LD5, LD7, LD8

4. Before the surgery car park is open for use, the existing access (to the surgery car park) shall be permanently closed and the highway crossings and boundary shall be reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise highway danger and the avoidance of doubt and to support Local Transport Plan Policies LD5, LD7 and LD8.

5. The whole of each of the access areas bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained in accordance with specifications to be submitted to the Local Planning Authority prior to the commencement of development.

Reason: In the interests of road safety and to support Local Transport Plan Policies: LD5, LD7, LD8

6. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management and to support Local Transport Plan Policies LD7 and LD8.

7. The proposed 18 no car parking spaces and related trolley stores located within the "area of store car park" denoted on drawing number 1411/p/02 Rev A shall be constructed, drained, surfaced and marked out so that they are capable of use when the associated development of the proposed convenience store and 3 no residential units [approved under application reference 08/1254] is completed and is available for occupation. That part of the proposed overall development permitted under application 10/0050 shall not, thereafter, be removed, reduced or otherwise altered unless alternative, equivalent parking and trolley store facilities have been provided in accordance with details to be approved in writing by the Local Planning Authority.

Reason: To ensure appropriate parking provision in accordance with the objectives of Policies CP6 (Criteria 3), T1 and T2 of the Carlisle District Local Plan (2001-2016)

8. 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 substantial completion of the construction works.

Reason: In the interests of road safety and to support Local Transport Plan Policies: LD7, LD8.

9. No development shall take place in either of the car parks until details of a landscaping scheme for that car park have been submitted to and approved by the Local Planning Authority, which details shall include proposals to extend, in a south-westerly direction, the landscaping proposed for southeast boundary of the convenience store car park.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with the objectives of Policy CP5 (Criteria 7) of the Carlisle District Local Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping for each car park shall be carried out in the first planting and seeding seasons following the commencement of the use of that car park 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 and that it fulfils the objectives of Policy CP5 (Criteria 7) of the Carlisle District Local Plan.

11. For the duration of the development works in the convenience store car park, existing trees to be retained shall be protected by a suitable barrier, details of which shall be submitted for the written approval of the Local Planning Authority and erected, prior to the commencement of development, in the locations specified in the letter of 6 June from Treescape Consultancy Ltd. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works in accordance with the objectives of Policy CP5 (Criteria 6) of the Carlisle District Local Plan.

12. An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the proposed development in accordance with a written scheme which has been submitted by

the applicant and approved by the Local Planning Authority in advance of the permitted development. Within two months of the completion of the permitted development, 3 copies of the report shall be furnished to the Local Planning Authority.

Reason: To afford a reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains in accordance with the objectives of Policy LE8 of the Carlisle District Local Plan.

13. No development shall take place in either of the car parks until details of external lighting for that car park have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of the locality in accordance with the objectives of Policies CP5 (Criteria 5), CP6 (Criteria 4), CP17 (Criteria 6) and LE19 of the Carlisle District Local Plan.

14. Details shall be submitted of the proposed hard surface finishes, and grass reinforcement, 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 and in compliance with the objectives of Policies CP5 (Criteria 1) and LE19 of the Carlisle District Local Plan.

15. Prior to the commencement of development, the applicant shall submit details of (1) a gate to secure the car park for the convenience store and two residential units and (2) arrangements to allow continuous access for occupants of the two residential units, for the written approval of the Local Planning Authority, which gate shall remain locked during the hours of closure of the convenience store approved under reference 08/1254.

Reason: To accord with the objectives of Policy CP17 of the Carlisle District Local Plan.

16. The stone wall along the southeast side of the car park for the convenience store and two residential units shall be 1.8 metres high and shall be erected prior to the commencement of development.

Reason: To accord with the objectives of Policies CP5 (Criteria 5), CP6 (Criteria 1) and CP17 (Criteria 1) of the Carlisle District Local Plan.

17. Before any development takes place a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the increased risk of flooding by ensuring a satisfactory means of surface water disposal in accordance with Policy CP10 of the Carlisle District Local Plan (2001 - 2016).

18. Prior to the commencement of development the applicant shall submit details of the metal fencing to be used to define the car parks.

Reason: To ensure appropriate boundary treatment in accordance with the objectives of Policy LE19 of the Carlisle District Local Plan.

19. Prior to the commencement of development of the car park for the convenience store and two residential units, the applicant shall submit, for the written approval of the Local Planning Authority, details of the trolley parks.

Reason: To ensure appropriate development in accordance with the objectives of Policies CP6 and LE19 of the Carlisle District Local Plan.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016 **Core Development Policies - Policy CP4 - Agricultural Land**

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 Local Plan 2001 - 2016 **Core Development Policies - Policy CP5 - Design**

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP10 - Sustainable Drainage Systems

Sustainable drainage systems (SUDS) should be incorporated into development proposals when the following conditions apply:

- 1 The development will generate an increase in surface water run-off; and
- 2 The rate of surface water run-off is likely to create or exacerbate flooding problems

Where SUDS are incorporated the following details shall be provided:

- 1 The type of SUDS; and
- 2 Hydraulic design details/calculations; and
- 3 Pollution prevention and water quality treatment measures together with details of pollutant removal capacity; and
- 4 Operation, maintenance and adoption details (SUDS structures will not be adopted by the statutory sewerage undertaker unless maintenance and legal agreements are in place).

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP17 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE8 - Archaeology On Other Sites

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure

that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE12 - Proposals Affecting Listed Buildings

Proposals for new development which adversely affects a listed building or its setting will not be permitted. Any new development within the setting of a listed building should preserve the building's character and its setting. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE19 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be 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.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

- 1 the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
- 2 the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
- 3 development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
- 4 wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
- 5 individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
- 6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;

- 7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP15 - Access, Mobility And Inclusion

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- 1 The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;
- 2 The location of any development proposal in relation to its potential users;
- 3 Accessibility to all transport modes and provision of adequate parking for disabled people;
- 4 Provision of on-site facilities such as public toilets, and appropriate signage

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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 updated by additional requirements in PPG 13;
- 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 Local Plan 2001 - 2016

Transport - Policy T2 - Parking In Conservation Areas

Within conservation areas, off-street vehicle parks will not be permitted, unless they:

- 1 are small in scale; and
- 2 have no adverse impact on the street frontage or character; and
- 3 have no detrimental effect on neighbouring properties; and
- 4 have satisfactory access.

Appn Ref No:
10/0818

Applicant:
Riverside Carlisle

Parish:
Carlisle

Date of Receipt:
07/09/2010 13:01:23

Agent:
Ainsley Gommon Architects

Ward:
Morton

Location:
Land at Seatoller Close, Morton, Carlisle, CA2 6LQ

Grid Reference:
338180 554212

Proposal: Erection Of 23 Dwellings To Be Made Affordable By Means Of Social Rent And Shared Ownership

Members will recall at Committee meeting held on 12th November 2010 that authority was given to the Assistant Director (Economic Development) to issue approval subject to the completion of a Section 106 Agreement, requiring the properties to remain affordable in perpetuity and the payment of a commuted sum for maintenance of open space in the area.

The Section 106 Agreement has been completed and signed and the approval was issued on 24th December 2010.

Granted Subject to Legal Agreement

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. the location plan numbered 1241-SI-01 and dated 21st September 2010;
 3. the existing site layout numbered 1241-SI-03 and dated 21st September 2010;
 4. the proposed site layout numbered 1241-SI-07 revision C, dated 17th December 2010;
 5. the temporary stopping up layout numbered 1241-SI-15 and dated 7th September 2010;
 6. the proposed boundary treatments numbered 1241-EW-400 and dated 19th October 2010;

7. the further fencing details numbered 1241-EWD-01 and dated 19th October 2010;
8. the proposed landscaping plan numbered 1241-EW-401 (Revision A) and dated 20th October 2010;
9. the elevational drawings numbered 1241-BG-DT-220, 1241-BG-ET-220; 1241-3B-GE-220, 1241-3B-ET-220, 1241-2B-GE-220, 1241-2B-ET-220, 1241-3B-MT-220, 1241-4B-GE-220, 1241-4B-ET-220, 1241-4B-MT-220, 1241-BG-MT-220, all dated 7th September 2010;
10. the topographical survey numbered 1241-SI-02 and dated 7th September 2010;
11. the existing site sectional elevations numbered 1241-SI-10-01 and dated 7th September 2010;
12. the proposed site sectional elevations numbered 1241-SI-10-02 and dated 7th September 2010;
13. the proposed Plot 01 site section numbered 1241-SI-16 and dated 19th September 2010;
14. the schedule of materials dated 20th October 2010;
15. the planning support document dated 7th September 2010;
16. the geotechnical report dated 8th September 2010;
17. the pre-development arboricultural report dated 7th September 2010;
18. the bat survey dated 7th September 2010;
19. the bat species natural England method statement documents 1 and 2 dated 20th October 2010;
20. the Notice of Decision; and
21. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained within the submitted schedule of materials, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the objectives of Policy CP5 of the Carlisle District Local

Plan 2001-2016 are met and to ensure a satisfactory external appearance for the completed development.

4. The carriageway, footways, footpaths, cycleways etc 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 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 complete.

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

5. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwelling.

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

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. This contamination would then need to be risk assessed and a remediation scheme prepared. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016.

7. The landscaping scheme shall be implemented in accordance with the proposed landscape layout received 20th October 2010 (Drawing No. 1241-EW-401 (Revision A) unless otherwise agreed, in writing, by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees and hedges to be retained in accordance with B.S. 5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater, unless otherwise agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no gates, fences, walls or other means of enclosure shall be erected or constructed in front of the forwardmost part of the front of the dwellings indicated as plots 1-23 on the approved site plan, Drawing No. 1241-SI-07 (Revision C) received 19th October 2010, without the permission of the Local Planning Authority.

Reason: To ensure that any form of enclosure to the front gardens of the properties is carried out in a co-ordinated manner in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

10. No dwelling shall be occupied until its foul drainage system is connected to a public sewer.

Reason: To ensure that adequate foul drainage facilities are available and to ensure compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

11. No development shall commence until the proposed means of surface water disposal have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

Reason: To ensure an acceptable means of surface water disposal in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

This application seeks "Full" Planning Permission for the erection of 23 dwellings, together with associated parking, landscaping and the formation of a new access road, on land at Seatoller Close, Morton, Carlisle. The site, which is identified within the Carlisle District Local Plan 2001-2016 as being within a Primary Residential Area, covers an area of approximately 0.73 hectares and is currently occupied by seven blocks of two-storey maisonettes.

Several public footpaths run through the site, in particular Loughrigg Terrace to the south, but also several others which give access from the south and west, through Seatoller Close, to the neighbourhood centre on Newlaithes Avenue. A number of mature trees are located both within and surrounding the site. There is a significant change in levels across the site, with the land rising from the northern to the southern boundaries of the site.

The existing dwellings on Seatoller Close, both the owner-occupied semi-detached dwellings and maisonettes that are owned by the housing association, adjoin the application site to the east. Westrigg Road bounds the site to the north, Loughrigg Terrace to the south, and a large area of open space, which is also owned by Riverside, lies beyond the western boundary.

The application site is owned by Riverside Housing Association and was transferred from the City of Carlisle to Carlisle Housing Association in 2002. Tenants have purchased a number of the semi-detached properties within the estate under the "right-to-buy" scheme, although over time it has proved increasingly difficult for Riverside to let the maisonettes within Seatoller Close. The last tenant moved out in 2007 and as such all of the properties within the application site are vacant.

The application proposes the erection of 23 affordable dwellings for social rent and shared ownership by Riverside Housing Association. Seven of the dwellings would be located within a cul-de-sac, which would lie to the south of the site and be accessed via an existing cul-de-sac off Ashness Drive. These would comprise two

pairs of semi-detached dwellings, one of which would be two-storey, with the other pair being single-storey bungalows. There would also be a terrace of three single storey bungalows.

Three further pairs of two-storey semi-detached dwellings and three terraces of three two-storey dwellings would be located to the northern part of the site, accessed separately via Seatoller Close, off Westrigg Road. A detached bungalow, accessed from Seatoller Close at the end of the cul-de-sac, is proposed on an area currently referred to as "The Square", adjacent to 33-36 Seatoller Close.

The proposed dwellings would be constructed using a mixture of facing brick with some rendered walls, with concrete tiled roofs. They have been designed to achieve Level 3 of the Code for Sustainable Homes, a requirement of the Homes and Communities Agency, which is financially supporting the development. It is proposed that the dwellings would encourage environmentally responsible living by providing adequate space for the storage of recyclable refuse, space for the collection of rainwater for watering the garden and external storage for bicycles to encourage the use of non-polluting means of personal transport. Each unit will feature a solar generation panel.

All of the dwellings would have private rear gardens with direct street access for bins and recycling. To the street frontages the properties have manageable private garden spaces screened by shrub planting, with access paths and in most cases incurtilage car parking. The boundary treatment would consist of a mixture of timber close boarded fences and hedging at a height of 1.5m high between properties, raised to 2.1m privacy screening where the party fence abuts the dwelling, and 1.8m high on all interface boundaries. Front boundaries and any corners vulnerable to "short-cutting" will be protected by way of a low wall and railings between 0.9 and 1m high.

The County Council's footpaths officer was concerned about the 1.8m high fencing alongside the existing footpaths, as he considered that this would make the footpath uninviting, and recommended lowering this stretch of fencing to 1.5m. It is appreciated that a balance needs to be struck between addressing these concerns and ensuring the site is secure, as required by the Crime Prevention Officer. As such, Riverside have agreed to lower the close boarded element of these fences to 1.5m but above this will erect 0.3m of trellis, ensuring that both parties' comments are satisfied.

Vehicular and pedestrian access to the dwellings would be provided from Westrigg Road onto Seatoller Close and from Ashness Drive, as well as pedestrian access via Newlaithes Avenue and Loughrigg Terrace. The existing footpaths and road layout would also provide access to the recreation area/open space that lies to the west of the application site.

Twenty-six car parking spaces would be provided across the site, with nineteen of these being provided in-curtilage and seven being provided in marked parking bays, which would be overlooked by properties. Each dwelling would have one car parking space, with the remaining three being for visitor parking.

The application is accompanied by a Schedule of Materials, Planning Support Document, an Ecology Report, a pre-development Arboricultural Report, a Geotechnical and Ground Contamination Desk Top Assessment, and details of consultation responses from both statutory consultees and the public, which were provided in respect of a pre-application and consultation exercise.

The relevant planning policies against which the application is required to be assessed are Policies CP2, CP3, CP5, CP6, CP12, CP15, CP17, H1, H2, LC4 and T1 of the Carlisle District Local Plan 2001-2016.

The proposal raises the following planning issues:

1. Principle Of Development

The application site is situated within an extensive area that is identified as a Primary Residential Area in the adopted Carlisle District Local Plan. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 and other relevant Local Plan policies.

2. Scale, Layout And Design Of The Development

The proposed development is well laid out and will compliment the existing housing development within Morton. There are a range of house types, including semi-detached, detached and terraces of three properties, both single storey and two storey, which incorporate a range of finishes, helping to create a visually interesting development. The dwellings incorporate reasonably sized rear gardens that are comparable to the size of the units that they serve, thereby ensuring that the development does not appear cramped or overdeveloped.

Soft landscaping has been incorporated into the scheme, with trees shrubs and hedging all being planted. The mature trees present around the site are to be retained.

The design of the houses includes sustainable elements that will improve the energy efficiency of the dwellings. Each property has a dedicated parking space, with an additional three visitor spaces also being provided throughout the site and a pull-in visitor parking area adjacent to plot 1.

Due to the permeability of the site, the agents are aware that the scheme will not achieve Secured by Design Certification as a whole, however, they are seeking to achieve the required standards for each individual plot.

In light of the above, the scale, layout and design of the proposals are acceptable.

3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

The distance between the side elevation of plot 7 lies a minimum of 10.5m away from the rear elevations of plots 8-10. The applicants have confirmed that this distance cannot be altered, due to the designation of the open space to the west as a village green and the minimum space required for the driveways to the front of the terrace.

It is also worth noting that the only window in the gable is a secondary living room window. It is therefore considered that this issue is not so significant that it justifies refusal of the application.

The dwellings to be accommodated on Plots 19 and 20 have been relocated since the application was first submitted so that the recommended minimum distances are achieved. As such the separation distances within the proposed development and between the new dwellings and the existing properties at Seatoller Close, Loughrigg Terrace and Westrigg Road are acceptable and the proposal would not, therefore, have a significant adverse impact on the occupiers of any of the existing or proposed dwellings through loss of light, loss of privacy or over-dominance.

There have been a number of objections received from the occupiers of the surrounding properties. In the main, these relate to the construction of a dwelling on highway land and the proposed retention of the grassed areas adjacent to the pavements. These objections are noted, but for the reasons detailed within this report, have not been addressed.

4. Landscaping And Tree Issues

The application is accompanied by a Pre-Development Arboricultural Report, the content of which is acceptable to the Council's Landscape Architect. A condition is recommended that requires protective fencing to be erected around any trees/hedges to be retained, and for the fencing to be kept in place for the duration of the development.

In order to offset the loss of existing trees the Council's Landscape Architect requested that larger species of trees are planted where space allows either within the development itself or within areas within the applicant's control in the area. A revised proposed landscaping scheme was submitted, changing the tree planting within plots 21-23. The Landscape Architect has confirmed that this revision is acceptable.

5. Affordable Housing

The land is presently owned by Riverside Housing Association, and the whole site is being developed for affordable housing. In order to secure the provision of these affordable properties, in perpetuity, Riverside has agreed to enter into a Section 106 Agreement to regulate this matter. If Members are minded to approve this application it is requested that authority to issue an approval is granted subject to the completion of the Section 106 agreement.

6. Open Space

The large area of open space to the west of the application site is designated as 'village green', as such there are strict development regulations on this area of land, which is why, despite the land being under the ownership of Riverside, the Council's Urban Designer's comments regarding the relocation of plots 18 and 19 cannot be accommodated.

Given that the site is being developed for mostly family housing, the Council's Green Spaces Department has requested a financial contribution of £14,481 towards the maintenance of amenity space and children's play space in the locality. The provision of this money would be secured through the completion of a Section 106 Agreement.

7. Highway Issues

Local Councillors and residents consider that there is insufficient parking within the development. The Highway Authority is, however, satisfied with the level of parking provision, which equates to 1 space per dwelling plus three visitor parking spaces. It has, however, recommended that the grass verges within the development are replaced with block paved pull in areas.

The applicant's agent has confirmed that it is not possible to replace the grassed area to the front of the site, along Westrigg Road, due to the proximity of the entrances to plots 1-5. They have, however, replaced an area of verge adjacent to plot 1 with parking bays.

Neighbouring residents had requested that the grassed areas to the opposite side of Seatoller Close were also removed, in order to prevent them being destroyed by residents of the new development using them for parking. However, the agents for the application have confirmed that this is not possible due to the location of fibre-optic cables located within these verges.

8. Flooding And Drainage Issues

The Environment Agency has confirmed that the site is within land assessed as Flood Zone 1 - Land at a low risk of flooding. Therefore, it relies on the Agency's Standing Advice, which relates to surface water management and government policy, and strongly recommends that a sustainable drainage system (SUDS) is incorporated into developments.

The Council's Drainage Engineer has also recommended that the applicant should investigate the use of either a SUDS or soakaways for surface water disposal. These comments have been relayed to the applicant. As yet a response has not been received, although one is expected before this application is due to be determined by the Committee.

United Utilities note that a public sewer crosses the south western boundary of the site. However, provided the applicants comply with various conditions outlined in the "Summary Of Representations" section of the report, United Utilities has no objections to the proposal.

9. Contamination Issues

The Geotechnical and Ground Contamination desk top assessment indicates that the potential for the presence of contamination is low. A condition has been recommended requiring the applicant to inform the Council in the event that any contamination is found when carrying out the development which has not previously been identified.

10. Ecology

The Ecology Report identified that block 25-28 Seatoller Close has in the past been home to a pipistrelle bat; however, at the time of the latest survey no bats were found. It is acknowledged that during the demolition the roost will be destroyed and as such a European Protected Species Licence will be required. Various methods of mitigation have been recommended within the survey, including raised 'bat-tiles'.

Further information has been received from the applicants, detailing the proposed mitigation methods, which includes the erection of six bat boxes on trees within the site, along with the insertion of four roof crevice units within Plot 23 of the proposed development, accessed via raised tiles.

In overall terms, the principle of the development is acceptable. The scale, layout and design of the proposals are acceptable and the development would not have an adverse impact on the surrounding area. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or over dominance. Adequate amenity space and car parking provision would be available to serve the dwellings. In all aspects the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP2 - Biodiversity

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected

- by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP6 - Residential Amenity

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.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP15 - Access, Mobility And Inclusion

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- 1 The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;
- 2 The location of any development proposal in relation to its potential users;
- 3 Accessibility to all transport modes and provision of adequate parking for disabled people;
- 4 Provision of on-site facilities such as public toilets, and appropriate signage

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP17 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of

- escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
 - 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure 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.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)	Wetheral	

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may

be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

Carlisle District Local Plan 2001 - 2016

Housing - Policy H2 - Primary Residential Areas

Within the Primary Residential Areas defined on the Inset Maps for Carlisle, Brampton and Longtown, 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 non-residential uses will be permitted in Primary Residential Areas provided that 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. The traffic impact of new development upon existing residents through inconvenience and detrimental effect will be taken into account. 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.

Outside the Primary Residential Areas and sites allocated under Proposal H16 for Carlisle, Brampton and Longtown, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be only be permitted provided that:

- 1 satisfactory housing conditions can be achieved; and
- 2 the proposal will complement the existing character of the area; and
- 3 the proposal will not adversely affect the amenity of the area; and
- 4 satisfactory access can be provided; and
- 5 appropriate parking arrangements can be made.

Carlisle District Local Plan 2001 - 2016

Leisure & Community Uses - Policy LC4 - Children's Play and Recreation Areas

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of play space provision:

Outdoor playgrounds 150m² per hectare

Informal playspace 270m² per hectare

In addition to the above, on development sites of 5 hectares or over, 0.1 hectares of sports ground development per hectare will be required.

On smaller housing sites the developer will be required to make commuted payments towards the provision of play space in the locality if there is a deficiency of play space in the local area judged against the Audit of Open Space currently being carried out by the City Council as required by PPG 17.

Children's play and recreation areas required by this policy will be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to 10 year's maintenance costs will be required.

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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 updated by additional requirements in PPG 13;
- 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.

Item no: 16

Appn Ref No:

08/1254

Applicant:

JJ Lattimer Ltd

Parish:

Dalston

Date of Receipt:

19/12/2008

Agent:

Swarbrick Associates

Ward:

Dalston

Location:

Ben Hodgson Bodyworks, Dalston Service Station,
The Square, Dalston, Carlisle, CA5 7QA

Grid Reference:

336861 550000

Proposal: Removal Of Existing Garage Buildings And Erection Of Convenience Store And Three Residential Units (Revised Proposals Submitted on 7th July 2009)

Members will recall at Committee meeting held on 2nd October 2009 that authority was given to the Assistant Director (Economic Development) to issue approval subject to (1) the applicant entering into a Section 106 Agreement relating to Highway works and (2) the previously agreed planning conditions with Condition 2 modified to substitute reference 10/0050 for 09/0358. The Section 106 agreement

has been completed and the relevant planning conditions modified. Approval was issued on 16th December 2010.

Granted Subject to Legal Agreement

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The convenience store and residential units hereby approved shall not be occupied until the area providing 18 no parking spaces and related trolley stores, identified as the "area of store car park" on drawing number 1411/p/02 Rev A approved under reference 10/0050, has been implemented fully in accordance with that approved plan. Those 18 no parking spaces and trolley stores shall be capable of use when the development is completed and shall not be removed, reduced or otherwise altered without the prior written consent of the Local Planning Authority.

Reason: To ensure appropriate parking provision in accordance with the objectives of Policies CP6 (Criterion 3), T1 and T2 of the Carlisle District Local Plan 2001-2016.

3. The whole of the access area(s) shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety and to support Local Transport Plan Policies: LD5, LD7, LD8

4. The use shall not be commenced until the access road, footways, parking and servicing requirement details have been approved and constructed in accordance with these approved plans. All such provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: In the interests of road safety and to support Local Transport Plan Policies: LD5, LD7, LD8

5. 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 substantial completion of the construction works.

Reason: In the interests of road safety and to support Local Transport Plan Policies: LD7, LD8

6. Before the development is occupied the existing, unused access to the highway 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 minimise highway danger, the avoidance of doubt and to support Local Transport Plan Policies: LD5, LD7, LD8.

7. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. Additional site investigation is required to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To ensure that appropriate measures are taken treat, contain and control contaminated land in accordance with the objectives of Policies LE29 and CP11 of the Carlisle District Local Plan 2001-2016.

8. 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 in accordance with the objectives of Policy CP5 (Criterion7) of the Carlisle District Local Plan 2001-2016.

9. 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 in accordance with the objectives of Policy CP5 (Criterion 7) of the Carlisle District Local Plan 2001-2016.

10. 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, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works in accordance with the objectives of Policy CP5 (Criterion 6) of the Carlisle District Local Plan.

11. No development shall commence within the site 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 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 or recording of such remains and to ensure compliance with Policy LE10 of the Carlisle District Local Plan 2001-2016

12. Where appropriate, an archaeological post-evaluation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and the publication of the results in a suitable journal as approved beforehand by the Local Planning Authority (LPA) shall be carried out within two years of the date of commencement of the hereby permitted development or otherwise agreed in writing by the LPA..

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

Policy LE10 of the Carlisle District Local Plan 2001-2016.

13. Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority before any work on the site is commenced.

Reason: To protect the amenities of the occupiers of the locality in accordance with the objectives of Policies CP5 (Criterion 5), CP6 (Criterion 4) and CP17 (Criterion 6) of the Carlisle District Local Plan 2001-2016.

14. 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 and to ensure compliance with the objectives of Policy CP5 (Criterion 1) of the Carlisle District Local Plan 2001-2016.

15. 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 related site works commence.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy CP5 (Criterion 1) of the Carlisle District Local Plan 2001-2016.

16. The premises hereby permitted shall not commence trading before 07-00 hours or remain open for business after 22-00 hours on any day.

Reason: To prevent disturbance to nearby occupants in accordance with the objectives of Policies CP5 (Criterion 5) and CP6 (Criterion 3) of the Carlisle District Local Plan 2001-2016.

17. No vehicles exceeding 9m in length shall access/leave the site after 0900 hours or before 1900 hours on any day. All such movements shall leave and access the public highway in a forward direction.

Reason: In the interests of road safety and to support Local Transport Plan Policy LD8.

18. No deliveries shall take place between the hours of 10-00pm on one day and 7-00am the following day.

Reason: To prevent disturbance to nearby occupants in accordance with the objectives of Policies CP5 (Criterion 5) and CP6 (Criterion 3) of the Carlisle District Local Plan (2001-2016).

19. Prior to the commencement of development, the applicant shall submit, for the written approval the Local Planning Authority, details of:

1. a 3 metre length of 1.8 metre high solid fencing to be erected along the boundary with No 1 The Green adjacent to the raised sitting area; and

2. a barrier to be erected adjacent to the parking area for Unit No 1 to prevent direct access to the convenience store entrance. The fence shall be erected prior to the commencement of works on site and the barrier shall be erected prior to the commencement of the use of the shop.

Reason: To accord with the objectives of Policy CP 17 of the Carlisle District Local Plan (2001-2016).

20. The proposed ranch style fencing adjacent to the bin store shall be replaced by a welded mesh fence details of which shall be submitted for the written approval of the Local Planning Authority prior to the commencement of the use of the shop.

Reason: To accord with the objectives of Policy CP 17 of the Carlisle District Local Plan (2001-2016).

21. Prior to the installation of the air conditioning system, the applicant shall submit, for the written approval the Local Planning Authority, details (including sound levels) of the air conditioning external condensers.

Reason: To prevent potential disturbance to nearby occupants in accordance with the objectives of Policies CP5 (Criterion 5) and CP6 (Criterion 3) of the Carlisle District Local Plan (2001-2016).

Summary of Reasons for the Decision:

- 5.1 This is an application for Planning Permission and Conservation Area Consent to demolish existing buildings and erect a convenience store and three residential units at Blain's Garage, Glave Hill, Dalston. The application site, extending to 0.154ha, lies immediately south of The Square and is bounded by an area of open space to the north; the B5299, No 1 The Green and Dalston Show Field to the east and south; and by the Victory Hall car park to the west.
- 5.2 The application site lies within the Dalston Conservation Area and adjacent to Grade II Listed Buildings (numbers 1 & 3 The Green). Dalston is designated a Local Service Centre in the Carlisle District Plan

Background

- 5.3 The revised proposal comprises the demolition of the existing garage buildings and the erection of a convenience store (with approximately 290 square metres of retail space and 80 square metres of storage space) and three residential units. The residential units will comprise a two bedded unit on both the ground and first floor (accessed from the proposed car park in the Show Field) with a three bedded unit extending to the floor over the retail space and accessed from a ground floor lobby fronting onto the B5299. The other major amendment since Members last saw the application is the proposal to service the building from the rear with a lay-by being provided for service vehicles parallel to the access to the associated car park (the Report on which follows under App Ref 09/0358). The access road will be 4.8 metres wide with a 2 metre wide footpath linking the car park with the store entrance and Glave Hill. There is also a footpath link from the store entrance to the junction and a short path linking the entrance to the B5299 opposite the entrance to Kingsway. The bin storage area and air conditioning units will be sited to the rear of the building.
- 5.4 The orientation of the main street frontage now follows the dominant building line on the B5299 before returning on the corner opposite the entrance to Kingsway. The scheme is designed to look like three separate buildings with the highest section being in the centre. This section, containing the rear part off the retail floor space, part of the storage space and the three bedroom unit above, has an eaves height of 5 metres and a ridge height of 10 metres. The entrance elevation faces the southern entrance to The Square. The other components comprise (1) a single storey element containing the front of the retail unit which has an eaves height of 3.5 metres and a ridge height of 8 metres and (2) the residential units (with a ridge at right angles to the main building) to the south abutting the commercial element and with measurements of 4 metres to the eaves and 8 metres to the ridge.
- 5.5 The detailed design of the building has been substantially modified to reflect the vernacular of other buildings within the centre of Dalston. Features such as gable projections, half dormers, chamfered corners and stone copings which, together with steeper roof pitches, have been incorporated in the revised design. There are three shop windows on the east elevation and one on the north elevation all with arched lintels. The entrance door has a similar arched feature and smaller domestic scale windows either side.

- 5.6 The proposed materials are predominantly coloured render to walls with feature quoins to some external corners with stonework (natural or reconstituted) being used on the projecting gable of the central section; stone copings and ridge tiles; roof coverings in natural slate; shop front windows and rainwater goods in polyester powder coated aluminium with other windows in UPVC. Roofs will be covered in natural slate and external areas will be surfaced with paviors/setts to footways and the entrance area with tarmac to car parks and entrance roads. The delivery area is linked by a ramp to the entrance.
- 5.7 The original proposal to retain the trees along the northwest boundary has been modified and it is now intended to remove all of the trees and plant a new tree screen. It is also proposed to retain and reinforce the existing screen planting and timber fence in the southwest corner of the site while a scheme of shrub planting is proposed on the northeast part of the site and along the boundary between the service lay-by and the residential element.
- 5.8 In consideration of this application Policies DP1, DP2, RDF2, EM1(C), CNL1 and CNL2 of the North West of England Plan Regional Spatial Strategy to 2021 and Policies DP1, CP5, CP6, CP7, CP9, CP15, CP16, CP17, H1, LE10, LE12, LE17, LE19, LE27, LE29 and T1 of the Carlisle District Local Plan are pertinent.5.20

With regard to the Development Plan objectives, the issues raised by consultees and the material planning considerations raised in representations:

1. the development of a replacement convenience store and residential accommodation in the centre of Dalston which is a Local Service Centre is considered to be appropriate in principle;
2. the required archaeological evaluation of the site, which lies on the edge of the medieval village of Dalston, can be the subject of a condition;
3. the applicant has advised that it is intended to include high levels of insulation in excess of Part 2A of the Building Regulations (as there is a mixture of domestic and retail space there will also be acoustic separation in the construction to accord with the Building Regulations);
4. the issue concerning the trees adjacent to the northwest boundary has been resolved by proposed replacement planting of a new tree screen. Submission of details and implementation of a landscaping scheme can be required by a condition;
5. the Environmental Agency has no objection in relation to flooding;
6. levels of illumination have been specified and can be controlled by condition. Illuminated signage will have to be the subject of an application for Advertisement Consent;

7. with regard to the need for trolley management, a trolley park will be located in the proposed car park in the Show Field;
8. the submitted plans are considered adequate to allow the environmental impact of the proposal to be assessed;
9. as the old Co-op building is not in the ownership of the applicant, it is not possible to control its future use. Planning permission would however be needed for a change of use from shop;
10. the applicant has amended the store opening hours to between 7am and 10.00pm and delivery times can be the subject of a condition;
11. surface water is to be discharged to a surface water sewer. Given that the existing site has a hard surface, it is unlikely that the proposed development will result in a greater level of runoff. An informative can be attached requiring the applicant to contact United Utilities regarding the possible need for attenuation;
12. although the air conditioning external condenser is now located to the rear of the building, it is within 25 metres of the nearest dwelling (from which it is separated by the building). Dwellings on Townhead lie within 50 metres and, given the possibility of noise nuisance, a condition could be attached requiring submission of details
13. the applicant has submitted an Environmental Risk Assessment in relation to ground contamination associated with the previous and current uses. The Environment Agency has withdrawn its original objection subject to a condition being attached which requires (1) additional site investigation to provide information for detailed risk assessment for all receptors that may be affected; (2) the site investigation results; (3) the detailed risk assessment; (4) a remediation strategy and (5) a verification plan to demonstrate that the works are complete and any necessary monitoring is in place.
14. County Highways consider the upgraded access to be suitable and the level of parking for the development adequate. The wider issue of the need for additional town centre parking remains to be tackled. Highways are also satisfied that the increase in levels of traffic above that which could be generated by the garage would not result in congestion in the immediate vicinity, or cause danger to pedestrians and other road users provided that (1) waiting restrictions are introduced at the junction of Carlisle Road, Townhead and Kingsway and (2) a pedestrian refuge is installed on Townhead Road. A contribution of £13,585 is required towards the cost of installing the pedestrian refuge on Townhead Road, the improvement of the bus infrastructure and the advertisement of waiting restrictions
15. With regard to impact on residential amenity and the setting of a listed

building, the proposed building is almost 40m from residential properties in Townhead. Their outlook is mainly onto the single storey parts of the building and will be partly screened by planting. However the outlook from the northern window of the living room of No 1 The Green is directly onto the gable of the highest part of the development which has a ridge height of 10m and obliquely onto the gable of the residential element which has a ridge height of 8m. It has become the practice of the Council to seek a minimum distance of 12m between primary windows and a directly facing gable. The distance between the window of No1 The Green and the facing gable of the stair access to Unit 3 is approximately 14m. Although the distance from the same window to the side of the store (which is viewed at an angle) is less (approximately 7m) the outlook could be partly screened by appropriate boundary treatment. It should be borne in mind that the existing outlook is to garage buildings and a forecourt. The issue as to whether the proposed development has created a heightened security risk is currently under discussion.

16. With regard to the impact on the character of the Conservation Area, the design includes vernacular features and materials. However, the ridge of the central part of the proposed development is 2m higher than that of the building originally proposed. As the floor level has been reduced by 0.8m, the actual height of the central 'feature' element is therefore 1.8m higher than the existing garage. This part of the proposal amounts to only a third of the floor space with other elements (the residential element and the first floor of the retail element) having a slightly lower ridge height than the existing building. However, it is accepted that the footprint of the building is 60% greater than that of the existing building (occupying 30% of the site opposed to 19%) and it has a greater mass. The proposed development will result in the Co-op relocating to a new larger unit (290 square metres of retail space instead of 165 square metres) on an existing commercial site to the southwest of The Square with, unlike the existing store, dedicated servicing and parking space (09/0358).
17. The applicant advises that the new unit will carry 60% more stock items which will tend to reduce the need to travel to supermarkets elsewhere.
18. The applicant has advised that the telephone box which has to be removed to allow the access road to be widened will be replaced.

Conclusion

- 5.9 It is considered reasonable to conclude that the proposal will (1) increase shopping choice for all members of the community and (2) contribute to reducing travel to other food stores outwith Dalston, thereby contributing to sustainable development objectives.
- 5.10 The proposal also has the advantage of removing non-traditional buildings from a prominent site in juxtaposition to the village centre within Dalston and, by removing a major traffic generator from The Square, provide an opportunity to achieve environmental improvements in that location. The new structure

and car park, and the additional activity generated by them, will clearly have a potential impact on (1) the living conditions of the occupiers of adjacent and nearby residential properties (2) the character of the Dalston Conservation Area and (3) the setting of the listed building. I consider however that the impact has been partly mitigated by the changes made to the siting and design of the building and associated landscaping and that further mitigation can be achieved through the attachment of appropriate conditions.

5. 11 It is considered that the proposed development accords with the provisions of the Development Plan. As there are no material considerations which indicate that it should be determined to the contrary, it has been determined in accordance with the Development Plan.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE12 - Proposals Affecting Listed Buildings

Proposals for new development which adversely affects a listed building or its setting will not be permitted. Any new development within the setting of a listed building should preserve the building's character and its setting. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE19 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be 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.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

- 1 the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
- 2 the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
- 3 development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;

- 4 wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
- 5 individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
- 6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
- 7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE10 - Archaeological Field Evaluation

On all scheduled and other nationally important monuments, sites of archaeological significance and other sites of high archaeological potential, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated either before planning applications are determined or in exceptional circumstances by the use of condition. Planning permission will not be granted without adequate assessment of the archaeological implications.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge

- of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
 - 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP6 - Residential Amenity

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.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP7 - Use Of Traditional Materials

In order to sustain the local environment consideration will be given to locally sourced traditional materials to maintain the local character of buildings and their environment.

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 Local Plan 2001 - 2016

Core Development Policies - Policy CP9 - Development, Energy Conservation And Efficiency

Development proposals should take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss.

These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy. Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

Designers will be encouraged to include systems for collecting roof water to enable its re-use.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP15 - Access, Mobility And Inclusion

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- 1 The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;
- 2 The location of any development proposal in relation to its potential users;
- 3 Accessibility to all transport modes and provision of adequate parking for disabled people;
- 4 Provision of on-site facilities such as public toilets, and appropriate signage

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP17 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban

area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure 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.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)	Wetheral	

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhiton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

Carlisle District Local Plan 2001 - 2016

Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote

sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE27- Developed Land In Floodplains

Development on previously developed land which is at risk of flooding will only be permitted provided that a Flood Risk Assessment has been submitted with the planning application that confirms:

- 1 no other lower risk alternative site exists in the case of proposed development in Zone 3 (High Probability of river and/or sea flooding); and
- 2 flood defence measures to the appropriate standard are already in place or can

- be provided; and
- 3 adequate flood plain storage capacity can be provided; and
- 4 the development will not interfere with flood flows nor increase flood risk elsewhere; and
- 5 access and egress could be reasonably maintained at times of flood risk; and
- 6 adequate flood warning and evacuation procedures will be provided; and
- 7 mitigation measures will be provided where necessary; and
- 8 the building materials are appropriate for a flood risk area.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE29 - Land Affected By Contamination

Development on land known or thought to be contaminated will be permitted provided that contaminant sources, pathways and human and environmental receptors are clearly identified in a risk assessment and measures taken to treat, contain and control contamination so as not to:

- 1 Expose the occupiers of a development and neighbouring land uses to unacceptable risk;
- 2 Cause the contamination of adjoining land or allow contamination to continue;
- 3 Lead to the contamination of any watercourse, water body or aquifer;
- 4 Have an unacceptable adverse effect on habitats and ecosystems;
- 5 Cause harm to buildings, animals or crops

The Policy will also apply to proposed development on or within 250 metres of an existing landfill or a site known to be used for landfill within the last 30 years.

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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 updated by additional requirements in PPG 13;
- 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 Local Plan 2001 - 2016

Transport - Policy T2 - Parking In Conservation Areas

Within conservation areas, off-street vehicle parks will not be permitted, unless they:

- 1 are small in scale; and
- 2 have no adverse impact on the street frontage or character; and
- 3 have no detrimental effect on neighbouring properties; and
- 4 have satisfactory access.

The North West Of England Plan Regional Spatial Strategy To 2021

Policy DP 2: Promote Sustainable Communities

Building sustainable communities – places where people want to live and work - is a regional priority in both urban and rural areas. Sustainable Communities should meet the diverse needs of existing and future residents, promote community cohesion and equality and diversity, be sensitive to the environment, and contribute to a high quality of life, particularly by:

- fostering sustainable relationships between homes, workplaces and other concentrations of regularly used services and facilities;
- taking into account the economic, environmental, social and cultural implications of development and spatial investment decisions on communities;
- improving the built and natural environment, and conserving the region's heritage;
- improving the health and educational attainment of the region's population, reducing present inequalities;
- promoting community safety and security, including flood risk (see map 2.11);
- encouraging leadership, joint working practices, community consultation and engagement;
- reviving local economies, especially in the Housing Market Renewal Areas and other areas in need of regeneration and housing restructuring such as Blackpool, Fleetwood and Morecambe;
- integrating and phasing the provision public services (including lifelong learning) and facilities to meet the current and future needs of the whole community, ensuring that those services are conveniently located, close to the people they serve, and genuinely accessible by public transport;
- promoting physical exercise through opportunities for sport and formal / informal recreation, walking and cycling.

The guiding principles of the UK Sustainable Development Strategy 2005 or its successors and the basic elements of sustainable communities as set out in 'Sustainable Communities: People, Places and Prosperity (A Five Year Plan)' should be followed.

The North West Of England Plan Regional Spatial Strategy To 2021

Policy EM 1: Integrated Enhancement And Protection Of The Region's Environmental Assets

The Region's environmental assets should be identified, protected, enhanced and managed.

Plans, strategies, proposals and schemes should deliver an integrated approach to conserving and enhancing the landscape, natural environment, historic environment and woodlands of the region.

Plans and strategies should define spatial objectives and priorities for conservation,

restoration and enhancement as appropriate, and provide area-based guidelines to direct decisions and target resources. These will be founded on a sound understanding of the diversity, distinctiveness, significance and sensitivity of the region's environmental assets, and informed by sub-regional environmental frameworks. Special consideration will be given to the impacts of climate change and adaptation measures.

Priority should be given to conserving and enhancing areas, sites, features and species of international, national, regional and local landscape, natural environment and historic environment importance.

Where proposals and schemes affect the region's landscape, natural or historic environment or woodland assets, prospective developers and/or local authorities should first avoid loss of or damage to the assets, then mitigate any unavoidable damage and compensate for loss or damage through offsetting actions with a foundation of no net loss in resources as a minimum requirement.

With regard to specific elements of this integrated approach, the following should be taken into account:

The North West Of England Plan Regional Spatial Strategy To 2021

Policy RDF 2: Rural Areas

Plans and strategies for the Region's rural areas should support the priorities of the Regional Rural Delivery Framework and:

- maximise the economic potential of the Region's rural areas;
- support sustainable farming and food;
- improve access to affordable rural housing;
- ensure fair access to services for rural communities;
- empower rural communities and address rural social exclusion;
- enhance the value of our rural environmental inheritance.

Key Service Centres

Plans and Strategies should identify a subset of towns and villages as Key Service Centres which:

- act as service centres for surrounding areas, providing a range of services including retail, leisure, community, civic, health and education facilities and financial and professional services; and
- have good public transport links to surrounding towns and villages, or the potential for their development and enhancement.

Development in rural areas should be concentrated in these Key Service Centres and should be of a scale and nature appropriate to fulfil the needs of local communities for housing, employment and services, and to enhance the quality of rural life.

Local Service Centres

Small scale development to help sustain local services, meet local needs, or support local businesses will be permitted in towns and villages defined as Local Service Centres in Local Development Documents which already provide a more limited range of services to the local community.

Outside Key and Local Service Centres

In remoter rural areas particularly the 'sparse' rural areas of the region, more innovative and flexible solutions to meet their particular development needs should be implemented and targeted towards achieving:

- more equitable access to housing, services, education, healthcare and employment; and
- a more diverse economic base, whilst maintaining support for agriculture and tourism.

Exceptionally, new development will be permitted in the open countryside where it:

- has an essential requirement for a rural location, which cannot be accommodated elsewhere (such as mineral extraction);
- is needed to sustain existing businesses;
- provides for exceptional needs for affordable housing;
- is an extension of an existing building; or
- involves the appropriate change of use of an existing building.

LDDs should set out criteria for permitting the re use of buildings in the countryside in line with PPS7