

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

Items 1 - 8

10th July 2009

Applications Entered on Development Control Committee Schedule

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Date of Committee: 10/07/2009

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16.	<u>08/1191</u> D	The Kingswood Educational Centre, Cumdivock, Dalston, Carlisle, CA5 6JW	<u>ARH</u>	208

The Schedule of Applications

This schedule is set out in five parts:

SCHEDULE A - contains full reports on each application proposal and concludes with a recommendation to the Development Control Committee to assist in the formal determination of the proposal or, in certain cases, to assist Members to formulate the City Council's observations on particular kinds of planning submissions. In common with applications contained in Schedule B, where a verbal recommendation is made to the Committee, Officer recommendations are made, and the Committee's decisions must be based upon, the provisions of the Development Plan in accordance with S54A of the Town and Country Planning Act 1990 unless material considerations indicate otherwise. To assist in reaching a decision on each planning proposal the Committee has regard to:-

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 26/06/2009 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 01/07/2009.

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

SCHEDULE A

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SCHEDULE A: Applications with Recommendation

09/0252

Item No: 01

Date of Committee: 10/07/2009

Appn Ref No:
09/0252

Applicant:
Mr Armitage

Parish:
Rockcliffe

Date of Receipt:
03/04/2009

Agent:
Planning Branch Ltd

Ward:
Longtown & Rockcliffe

Location:
Border Garden Centre, Harker, Carlisle, CA6 4DS

Grid Reference:
339524 560920

Proposal: Change Of Use Of Existing Garden Centre To Create Auction Site With Associated Office

Amendment:

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee as a Ward Councillor wishes to exercise his right to speak.

1. Constraints and Planning Policies

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol EC11 - Rural Diversification

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the applicant was proactive in obtaining advice from the Highway Authority at an early stage of this development. It was on this advice that Capita was commissioned by the developer to examine the traffic generation and its impact on the local highway network.

There are no figures on TRICS for traffic generation arising from auction sites. Therefore it is difficult to ascertain the traffic generation from such a development. A decision was taken that this authority would accept the traffic generation figures for a 50 space "car boot sale" (due to its size approximately 600m²). The applicant commissioned Capita Symonds to study and report on the likely difference between traffic associated with car boot sale and the current use as a garden centre.

The applicant has, in light of the study from Capita indicated 41 parking spaces even though there is land available for considerably more.

To calculate the parking allocation likely to be required, the location of the site and the traffic generation must both be taken into account.

Location - A usage like this would be better located in close proximity to a Key Service Centre. The application as it stands is however making use of an existing development (not only a garden centre but also has the benefit of further extant planning permission for B1/ B2 usage). This Authority therefore does not object to the location on sustainability grounds.

Traffic Generation - The study was done by a reputable firm of consultants, well versed with local conditions/ practices and the Highway Authority has no reason to doubt its findings. It shows a slight increase in traffic but this increase is well within the capacity levels of the surrounding highway network.

Parking - The level of parking proposed (41 spaces) is not as numerous as expected. The Highway Authority expect a development of this size, creating the tidal flows it engenders and being located in this location, to have considerably more parking spaces available for customers.

The 41 spaces shown can remain as a main car parking area but there needs to be an "overflow" car park of at least 50 spaces (whilst leaving enough space for servicing of the development) to ensure that no inappropriate parking occurs adjacent to the A7 or the road giving access to this development.

The Highway Authority therefore confirm that there is no objection to this application but would recommend that a condition be imposed requiring details of parking and manoeuvring facilities;

Development Services Planning & Housing Services - Access Officer: the Design and Access Statement has been noted but the following comments have been received:

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- As per item 4.2.1.3 or BS 8300 2009 on the basis of 41 parking spaces being available, it would be preferred if there was an additional disabled parking bay, (total three), and possibly two enlarged standard parking spaces.
- The existing and proposed floor and location plans do not identify any toilet facilities. Toilets will need to be provided for staff. Consideration should be given as to whether customers to the Auction Room have access to any toilet facilities. The provision of a disabled toilet is an asset and should be considered within the works to be carried out.
- Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. Applicants should be aware of their duties within the DDA;

Cumbria Constabulary - Crime Prevention: it is disappointing to note that the Design and Access Statement makes no reference of an intention to implement any crime prevention measures within this development (Paragraph 87 DCLG Circular 01/2006 - Guidance on Changes to the Development Control System). The DAS refers to the requirement to comply with Policy CP17 of the Local Plan, yet does not advise how this shall be fulfilled. In view of the proposed use of the building, it is believed that there shall be a significant risk of burglary, due to the items of value that may be stored inside.

A package of security measures is required in order to make an attack on the building or site as difficult and time-consuming as possible.

In order to reduce the opportunities for crime to occur as a result of the proposed development, the following issues should be clarified by the applicant:

- Site perimeter treatment;
- Access control measures;
- Security lighting;
- Physical security for exterior door and windows;
- Deterring unauthorised access to the roof;
- Intruder alarm system;
- CCTV;
- Deployment of specialist anti-burglary measures;
- Car park security;
- Provision of secure cycle parking;
- Cash handling; and
- Reception of Cash-in-Transit vehicles;

Development Services Planning & Housing Services - Local Plans: the former garden centre site is not situated within an identified settlement and therefore the location is considered to be open countryside. Proposals for development outside of the settlements listed in Policy DP1 [of the adopted Local Plan] must be assessed against the need to be in the specified location. The applicants have not stated the need for accommodating an auction on the former garden centre site and not a more

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sustainable location e.g. within the urban area, key service centre etc. The appropriateness of an auction room in a rural location is a concern while the goods to be sold in the main do not require a rural location. Furthermore, the hours of operation and the frequency of the proposed sales reinforce the potential incompatibility with the surrounding rural area. The urban area of Carlisle District already accommodates a couple of auction rooms which suggests that a more central location would be appropriate for an auction to be situated.

The type of goods specified to be sold at the auction is wide ranging some being large scale such as Plant and cars therefore requiring a relatively large site. The list of goods also includes an assortment of smaller goods which could quite feasibly be auctioned from a smaller more sustainably located building. In order to assess the type, scale and location of site required the proportions of goods to be sold needs to be quantified.

The nature of the proposal could result in a high level of trip generation for delivery of goods and by customers which would be reliant on private vehicles due to limited alternative transport options and the requirement for delivery of a large quantity of items and large scale goods. The catchment area for a facility of this nature could potentially be quite large, and not limited to the locality within which it is proposed. There are also concerns over the level of parking provision and whether there is sufficient space allocated to accommodate both the vehicles bringing goods to the auction and people wishing to purchase items. Additionally it would appear that access to the parking spaces for the businesses adjacent to the former garden centre (caravan centre and conservatory sales) is through the former garden centre site which could be problematical if the site was busy on auction days, particularly if the number of proposed parking spaces is insufficient.

Further comments [received on 12th June 2009] read as follows:

In respect of the evidence provided in support of the need for the auction – this would appear to be anecdotal referring to discussions with people within the Carlisle area to establish whether there was a need, with no further information to support the statement. It is unclear how the information regarding the car boot market or private newspaper advertisements are really relevant to this proposal for an auction.

The explanation for the auction use on the garden centre site also would appear to be lacking in its justification. Comparisons drawn with the auction at Rosehill refer to the similarities between the sites; however, Rosehill auction is situated within the urban area boundary whilst the garden centre site is located in open countryside near to the hamlet of Harker. Additionally the Cumbria Auction Rooms at Rosehill Industrial Estate takes place within the existing auction site buildings which were built and established for such a purpose. There appears to be some confusion as to whether the cafe is required to support the auction or the auction to support the cafe; either way it is not considered that this provides further justification of need for the auction on this site.

Previous comments raised by Local Plans Officers queried the type of goods proposed to be sold and the proportion of these in order to establish the size and nature of the building required. This information has not been provided, with the

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unacceptability of other sites being on the basis of cost, lack of free parking and access for deliveries.

With reference to the section on the sustainability of the site, Harker is not a local service centre despite this being implied in the statement. It is agreed that use of the site as an auction mart would increase visitors to the site; however, a conservatory centre and caravan business are not the types of uses you would normally associate with auction rooms. Consequently, the argument that the auction would support the other two businesses is rather weak.

In summary, the evidence of need for locating an auction room on the former garden centre site appears to be unsubstantiated and alone does not justify the use of the buildings as an auction. It is still considered that the use is not particularly compatible with a rural location and that a more sustainable option would be a site in Longtown, Brampton or within the urban area. The intensity of use of the site resulting from the number of auctions and length of opening hours is still also still a concern; however it is appreciated that hours of operation could potentially be appropriately conditioned.

Rockcliffe Parish Council: no comment;

Cumbria County Council - Transport & Spatial Planning: the application is not considered to be a Category 1 application and the County Council will not be responding from a strategic planning perspective.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
The Firs	07/04/09	Undelivered
Fairlane	07/04/09	
Harker Farm	07/04/09	
Garden Cottage	07/04/09	
Harker Lodge	07/04/09	Objection
Birchwood	07/04/09	Objection
Dale Garth	07/04/09	Objection
Drive Cottage	07/04/09	
The Orchard	14/04/09	Objection
Carlisle Caravan Centre Ltd	20/04/09	
Carlisle Window Systems	20/04/09	
Carwhinley Cars	20/04/09	
More Handles	20/04/09	
A1 Lap Fencing	20/04/09	
Acorn Curtains and Blinds	20/04/09	
Harker		Support
The Auction Centre		Comment Only
Longtown & Rockcliffe		Comment Only

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- 3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of eleven of the neighbouring properties. Four letters of objection have been received and the main issues raised are summarised as follows:
1. the existing roads are not suitable for any increase in traffic volume;
 2. the junction and the minor road leading from the A7 is unsuitable for lorries and vans accessing the auction site;
 3. the development will be detrimental to the Harker area which is mainly a residential and agricultural community;
 4. auctions should be located on industrial estates;
 5. the Robert Dalton site on Botchergate attracted several hundred people at peak times and 41 car parking spaces on the site is insufficient to accommodate this level of attendance;
 6. the minor road leading from A7 is subject to increased traffic to ASDA, Parkhouse, Kingstown and 14MU and is particularly heavily used by articulated vehicles;
 7. the junction arrangements on the A7 are inadequate and the protective hatchings do not give adequate distance to make a safe turn;
 8. articulated vehicles already struggle to pass each other on the minor road and any increase in traffic will make the problem worse; and
 9. a large amount of goods were stored outside on the Robert Dalton site which was in the City, not a residential area.
- 3.2 One letter of support has also been received which states that the use will be appropriate to the site and there will be no traffic problems as the former use was used by hundreds of people a week.
- 3.3 A letter providing comments on the application has also been received which raises the following issues:
1. Cumbria Auction Rooms is open Monday to Friday 9am to 5pm and Saturday from 9am to mid-day employing three full time and three part time staff. Margins in the business are tight. The application states the development will employ ten full time and five part time staff with three auctions a week which appears exceptional and unrealistically ambitious; and
 2. auction traffic comprises commercial and private vehicles. At peak times, Cumbria Auction Rooms require up to one hundred parking spaces and congestion is therefore likely to be a real issue.

4. Planning History

- 4.1 Advertisement consent was granted in 1990 for the erection of a free standing sign.
- 4.2 In 1990, planning permission was granted for the erection of a storage and workshop shed.
- 4.3 Planning permission was granted in 2006 for a finlog display chalet unit.
- 4.4 In 2008, an application for the change of use from a garden centre and coffee shop to 8no. commercial units was withdrawn prior to determination.
- 4.5 Planning permission was granted in 2008 for the change of use from a garden centre and coffee shop to 8no. commercial units (revised application).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks Full Planning permission for the change of use from a garden centre and coffee shop to an auction site at Border Garden Centre, Harker, Carlisle. The site is located adjacent to existing commercial units to the north of the City and west of the A7. The site is not designated in the Carlisle District Local Plan and is within open countryside.
- 5.2 The proposal seeks the reuse of the building formerly occupied as a garden centre. There are no external alterations or extensions proposed as part of this application and the building will provide a reception area, auction room and storage area. The existing kitchen and coffee shop will remain.
- 5.3 The existing parking area to the north of the building, that is also used by the adjacent businesses of Carlisle Window Systems and Carlisle Caravan Centre, will be used for customers of the auction.

Assessment

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP5, CP6, CP15, CP16, CP17, EC11 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following issues.
 - 1. Principle Of Development
- 5.5 The site is located in an area outwith any identified settlement. Policy DP1 which relates to development in such areas, requires that the overall quality of life within Cumbria should be enhanced through the promotion of sustainable

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development that seeks to protect the environment, ensure prudent use of resources and maintains social progress and economic growth.

- 5.6 The site was previously used as a garden centre and is adjacent to other commercial uses. Policy EC11 of the Carlisle District Local Plan supports the re-use of traditional buildings of permanent construction for commercial, industrial or recreational use with any new building required being well related to an existing group of buildings to minimise its impact. The applicant is proposing that the buildings be used as an auction centre and reference is made to the Robert Dalton site that formerly existed on Botchergate. It is stated in the Design and Access Statement that examples of goods sold will include:

- brick-a-brac
- boxes of nuts and bolts
- pallets of timber
- furniture
- household goods
- electrical goods
- garden equipment
- plant machinery
- timber sheds
- the occasional motor vehicle.

- 5.7 Initially, concerns were expressed by Local Plans Officers that whilst the site comprised of a former garden centre, the land is not within an identified settlement and is within open countryside. It was considered that there was insufficient need to locate the auction in an unsustainable location that would be contrary to current planning policies. Furthermore, concern was expressed regarding the appropriateness of the scale of the proposed development within the surrounding rural area.

- 5.8 In response to this, the applicant's agent submitted a supporting statement to counter the concerns raised. A copy is reproduced following this report but the document concludes by stating:

- there is a need for an additional auction within the Carlisle area;
- the site is easily accessible from the M6 and M74 in a sustainable location;
- the proposal would support an existing cafe on the site;
- the development would support the adjacent businesses through the generation of footfall to the site; and
- a regular bus service visits the site and there is adequate on-site parking.

- 5.9 Members will note from the preceding section of this report, that consideration has been given by the Council's Local Plans Officer to the points made in paragraph 5.8 to support the proposal. The advice in terms of planning policy is quite clear that the proposed location for the auction use is unsustainable and is not compatible with surrounding land uses or the character of the area. This is not to say that any redevelopment of the site

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would be unacceptable and, indeed, this is proven by the granting of planning consent in 2008 for the change of use from a garden centre and coffee shop to 8no. commercial units. This was primarily to provide accommodation for small rural based enterprises and was compliant with Local Plan policies.

- 5.10 The assessment of alternative sites that the applicant has considered and the justification for the principle of an auction and siting it in the proposed location are lacking in the application details. No business plan or other evidence-based material supports the application. In effect, the applicant is asking Members to approve the proposed scheme without any apparent compelling explanation/ justification of the benefits it would bring to the overall economic base of the area and which would thus overcome the general presumptions against development in the countryside. For these reasons, it is recommended that the application is refused.

2. Scale And Design

- 5.11 The proposal includes the reuse of an existing building with no alterations or extensions. In this respect, the proposed development is acceptable.
- 5.12 The applicant has not supplied details of anticipated numbers of people attending the auctions but it is proposed to be open everyday between 0700 hours and 1900 hours. The auction itself is proposed to operate on Saturdays, Tuesdays and Thursdays starting at 0930 hours and ending at 1500 hours. It is anticipated that the auction will employ ten full time staff and five part time staff on the site. Revised details indicate that a total of one hundred car parking spaces would be provided as part of the development. The potential number of vehicle movements, together with the potential size of vehicles visiting the site to delivery/ collect some of the proposed items, would be significantly different from the previous use of the site and would be disproportionate to the character of other commercial uses in the surrounding area.

3. Highway Issues

- 5.13 Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway. Furthermore, Policy T1 of the Local Plan requires that there is adequate provision of parking and infrastructure within the site.
- 5.14 The applicant has submitted a TRICS Data Report in support of the application. A TRICS report bases an assessment of the proposal on information gathered from the traffic survey database based on other similar uses throughout the country. In this instance, no direct comparison could be found for an auction of this nature and the data and assessment provided has been based on car boot sales. The TRICS report concludes by stating that:

"the trip rates show that any expected increase in trips from the application would not be expected to detrimentally impact on the operation of the local highway network."

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- 5.15 Whilst it is noted that there are no auction uses in the TRICS database, there are fundamental differences between the use of an auction room on the site and that of a car boot sale. An assessment against a car boot sale is viewed with some skepticism by Officers who consider that vehicle movements to an auction use would generally be high prior to the start of the auction and would then dissipate whereas a car boot use would be more constant throughout the day.
- 5.16 The Highway Authority has raised no objection subject to the imposition of a condition requiring the provision of turning facilities and additional car parking provision. Amended drawings have been received that illustrate two overflow car parking areas to accommodate forty and twenty cars respectively; however, no details have been provided to demonstrate that this volume of cars can be adequately accommodated. The revised drawing also shows an area adjacent to the northern boundary dedicated for car parking provision for the adjacent businesses. At the time of writing this report, no further comment has been received from the Highway Authority in respect of the amended drawing.
- 5.17 The Highway Authority has been asked to reconsider whether the comparison between an auction site and a car boot sale is reasonable in traffic grounds for the reasons outlined above. Again, at the time of writing this report, no formal response has been received.
- 5.18 Policies also seek to encourage accessibility through alternative means of transport. There is a bus stop adjacent to the site on the A7 but given the nature of many of the items to be sold/ purchased at the auction it would be unlikely that these could be carried by persons using public transport.

4. Effect On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 5.19 Adopted planning policies require that development should be appropriate in terms of quality to the surrounding area and development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. Given that there are residential properties in the vicinity of the application site, the living conditions of the occupiers of these properties needs to be protected from unacceptable levels of noise and disturbance during hours when they could reasonably expect peace and quiet.
- 5.20 Harker Lodge is located approximately 70 metres south of the application site and Birchwood, 80 metres to the east. Notably, there are also properties adjacent to the southern boundary of the site. As previously stated, there are no alterations to the building and the development would not result in an unreasonable loss of daylight or sunlight or result in overshadowing to the occupiers of the neighbouring properties.

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- 5.21 It is permitted, consideration would have to be given to the operating times of the site. The previous application for the creation of small commercial units restricted the use between the hours of 8am and 6pm. The applicant is currently challenging these hours and this matter is subject of an appeal to the Planning Inspectorate. A decision is awaited but it is considered that if planning permission is granted for the auction use, any proposed hours of operation should safeguard the living conditions of the occupiers of the neighbouring properties.

5. Designing Out Crime

- 5.22 Planning policies require that 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. Policy CP17 of the Local Plan identifies six criteria which should be taken into account to achieve this objective.
- 5.23 Cumbria Constabulary's Architectural Liaison Officer has no objection to the principle of development but has identified that the scheme requires additional clarification and the incorporation of additional measures to minimise the opportunity for crime.

Conclusion

- 5.24 In overall terms, whilst noting the arguments being put forward by the applicant, planning policies are quite clear in that new development should be directed towards sustainable locations, a point that is not adequately addressed in the documents submitted within the application.
- 5.25 Members should have careful regard to the advice within planning policies and, if minded to accept the applicant's case, should be satisfied that there are material considerations to allow consent of this application contrary to current advice which indicates that planning permission would not normally be forthcoming.
- 5.26 Given the location, scale and nature of the proposal and the lack of persuasive supporting evidence of the siting and economic justification, it is Officers' view that no over-riding exceptional circumstances exist to allow the development in an unsustainable location in open countryside.
- 5.27 On balance, it is considered that the application should be refused for the reason detailed.

6. Human Rights Act 1998

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

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

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

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

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

6.3 Article 8 and Article 1 of Protocol 1 of the Human Rights Act are relevant to this application, and should be considered when a decision is made. Members are advised that for the reasons identified in the report the impact of the development in these respects will be minimal and the separate rights of individuals under this legislation will not be prejudiced.

7. **Recommendation** - Refuse Permission

1. **Reason:** The site of the proposed development is located outwith the urban area or any other recognised settlement boundary. Although a particular need for this development is claimed, it is not supported by any evidence-based material that provides a compelling justification of the benefits to the overall economic base of the area and which would thus overcome the general presumptions against development in the countryside. In this location, the proposed development would harm the spatial strategy of the Local Planning Authority that seeks to direct development to sustainable locations. The proposal is contrary to the objectives of Policy DP1 (Sustainable Development Locations); and criteria 2 of Policy EC11 (Rural Diversification) of the Carlisle District Local Plan 2001-2016.
-



Revision Status	Initials
Rev Date Amendments	

Agent
GRAY ASSOCIATES LTD
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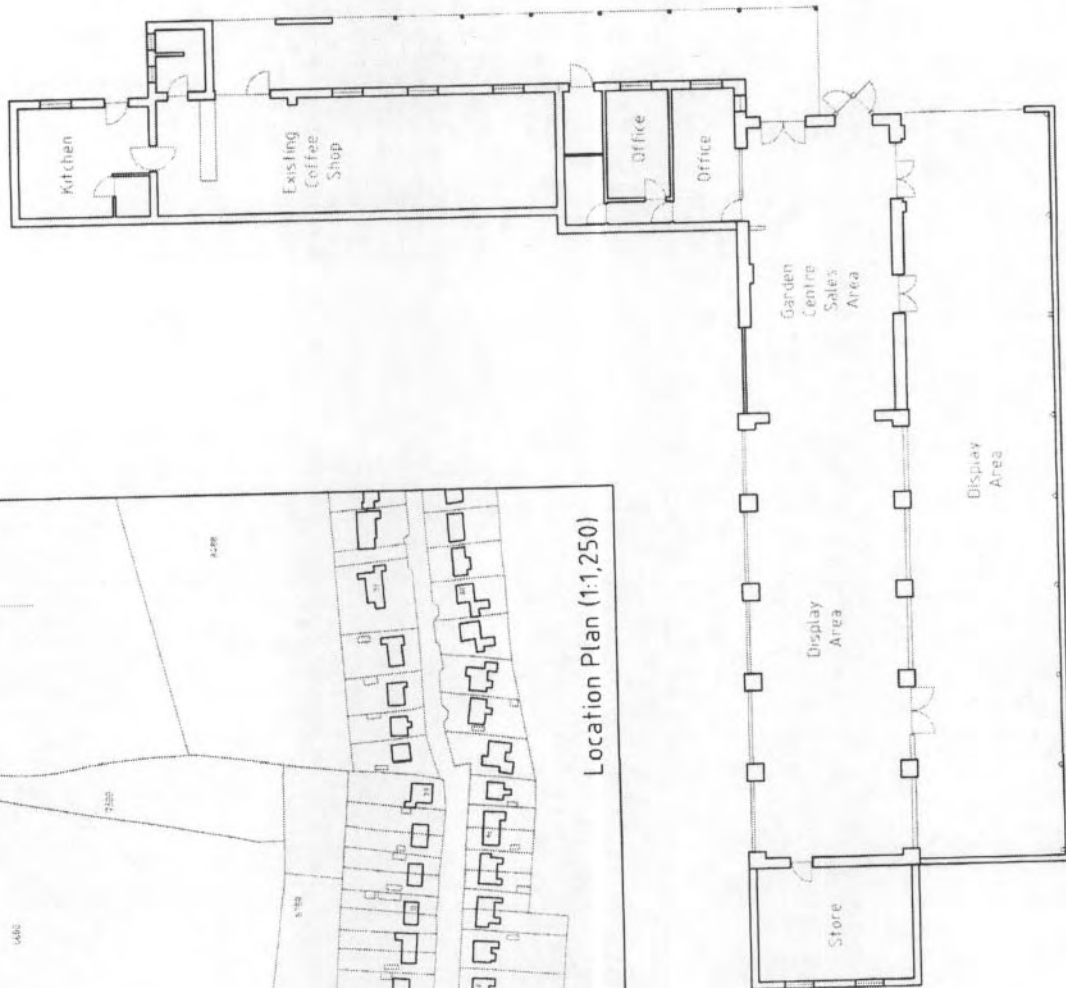
Drawing
Title: Location Plan
Scheme: Harker Garden Centre, Carlisle
Scale: 1:1,250
Date: Mar 09
Dwg No.: P3a
Drawn: D Gray

This drawing is protected by copyright and should not be copied without the prior consent of Gray Associates Limited. All work to comply with current Building Regs, British Standards, other relevant legislation & manufacturers current guidance.
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2009/0252

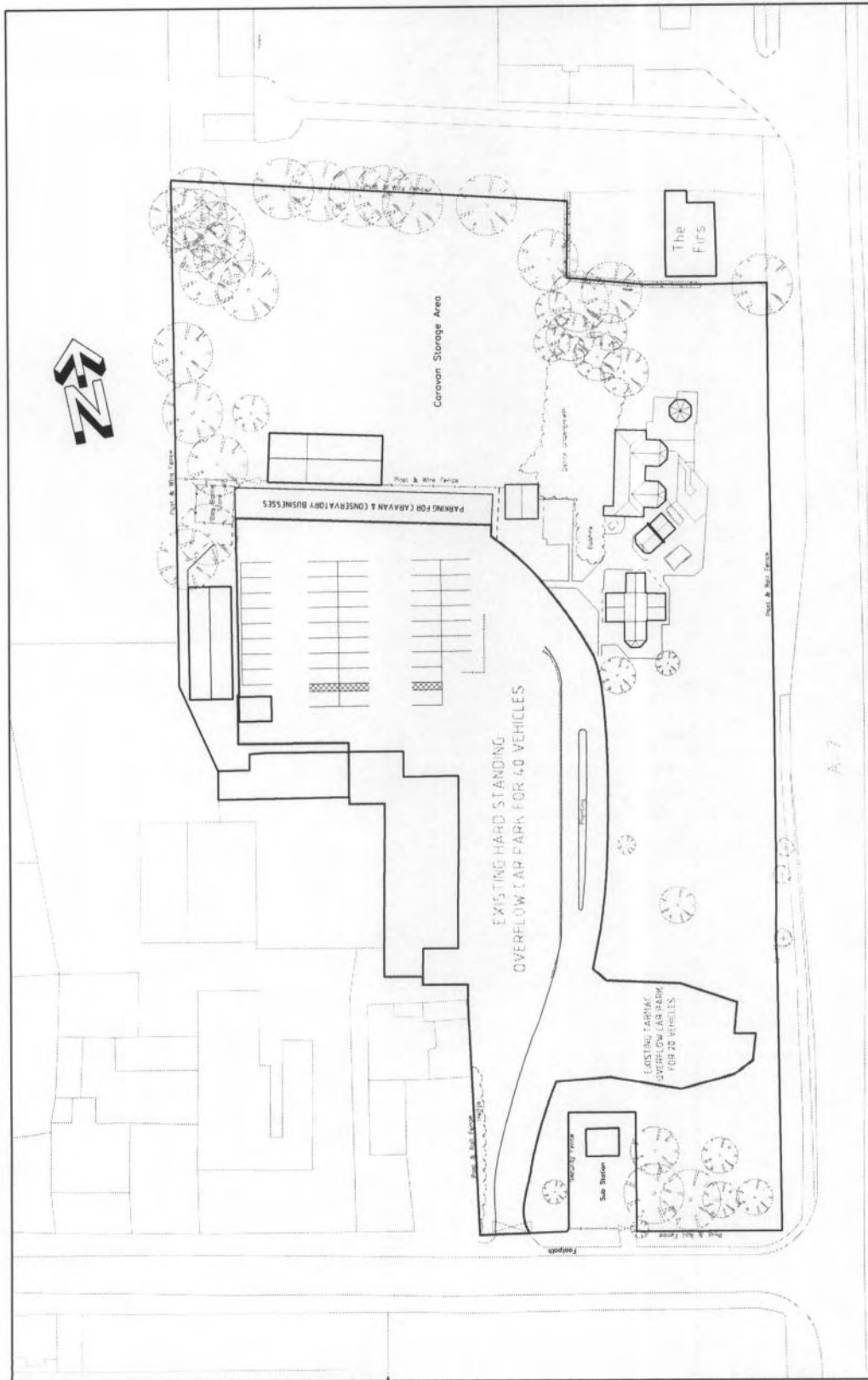


EXISTING FLOOR PLAN

Location Plan (1:1,250)



Project: Harker Garden Centre Date: 31 MAR 2003 Ref: 2009/0252	Agent: GRAY ASSOCIATES LTD Architectural & Building Surveying Services 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.	Client: Town & Country Estate Agents Limited 3 Victoria Place CARLISLE CA1 1EJ	Drawing: Existing Floor Plan & Location Plan No. 1001 Scale: 1:1000 Date: JUL 02 Drawn: J. Gray Checked: J. Gray
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Revision Status
Rev Date Amendments
Initials

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Drawing
Title: Site Plan
Scheme: Harker Garden Centre, Curfale
Scale: 1:500
Date: May 09
Dwg No: P20
Drawn: D Gray

SCHEDULE A: Applications with Recommendation

09/0302

Item No: 02

Date of Committee: 10/07/2009

Appn Ref No:
09/0302

Applicant:
Mr Charles Barton

Parish:
Dalston

Date of Receipt:
27/04/2009

Agent:
Mr Colin Holmes

Ward:
Dalston

Location:
Orton Grange Caravan Park, Great Orton, Carlisle,
Cumbria, CA5 6LA

Grid Reference:
335392 551982

Proposal: Demolition Of Caravan Site Shop, Change Of Use Of Land As Extension To Caravan Site For Siting Of 7No. 'Log Cabin' Style Static Caravans For Holiday Use

Amendment:

1. Caravan 1 has been repositioned four metres further into the site so that its south western gable is set back beyond the rear elevation of the neighbouring property, "Hill View". The proposed two metre high fence to be erected along the boundary that the site shares with "Hill View" is to be raised to 2.2 metres along the length of Caravan 1 to mitigate any loss of privacy.
2. Additional landscaping is proposed along the north eastern boundary of the site to provide additional screening from the existing caravan site.
3. Provision of a security barrier to prevent unauthorised access from the application site to the remainder of the caravan site.

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of eight letters of objection and a petition signed by twenty local residents. The Parish Council and the Ward Councillor, who has requested a "right to speak", also object to the proposal.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

The proposal relates to land or premises situated within or adjacent to the Gas

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Pipeline Safeguarding Area.

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP12 - Foul&Surf.Water Sewerage/Sew.Tr.

Local Plan Pol EC15 - Tourism Caravan Sites

Local Plan Pol H7 - Agric,Forestry and Other Occup.Dwgs

2. Summary of Consultation Responses

Environmental Services - Environmental Quality: have made the following observations:

1. To avoid the ponding of surface water on the site all roads and hard standings shall be laid to such falls as necessary to secure adequate run off from water and for that purpose a suitable surface water drainage scheme shall be provided;
2. Every caravan shall be stationed not less than 6 metres from every other caravan;
3. Due to the increase in the proposed usage of the existing septic tank it is essential that the septic tank is suitable and sufficient in size to cater for the proposal; and
4. It will be necessary for the site licence to be amended if the planning application is approved and implemented;

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

Community Services - Drainage Engineer: no comments received;

United Utilities (former Norweb & NWWA): no objections;

Dalston Parish Council: object to the proposal as the increase in the number of static caravans would exacerbate the density of caravans on the site. There are also concerns regarding sewerage capacity and the departure from the uniformity of the design with the introduction of "log cabin" style static caravans;

National Grid UK Transmission: has confirmed that the risk to their operational

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electricity and gas network is negligible due to the proximity of the site to this network;

Cumbria County Council - (Archaeological Services): no objections;

Environment Agency (N Area (+ Waste Disp)): has commented that the proposed means of foul drainage should be in accordance with DETR Circular 03/99 "Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development".

The applicant should ensure that the existing foul drainage system is in a good state of repair, regularly desludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of this proposal;

Development Services Planning & Housing Services - Local Plans (Trees): no objection, in principle, subject to the imposition of planning conditions that required the submission of a detailed landscaping scheme and appropriate tree protection barriers to be erected.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Corner Cottage	01/05/09	Objection
8 Orton Grange Caravan Park	01/05/09	
9 Orton Grange Caravan Park	01/05/09	Undelivered
10 Orton Grange Caravan Park	01/05/09	
11 Orton Grange Caravan Park	01/05/09	Undelivered
12 Orton Grange Caravan Park	01/05/09	
13 Orton Grange Caravan Park	01/05/09	Undelivered
14 Orton Grange Caravan Park	01/05/09	
15 Orton Grange Park	01/05/09	Objection
16 Orton Grange Caravan Park	01/05/09	
17 Orton Grange Caravan Park	01/05/09	
18 Orton Grange Caravan Park	01/05/09	Undelivered
19 Orton Grange Park	01/05/09	Objection
20 Orton Grange Caravan Park	01/05/09	
21 Orton Grange Caravan Park	01/05/09	
22 Orton Grange Caravan	01/05/09	Undelivered

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Park		
23 Orton Grange Caravan	01/05/09	Objection
Park		
24 Orton Grange Caravan	01/05/09	
Park		
25 Orton Grange Caravan	01/05/09	Undelivered
Park		
26 Orton Grange Caravan	01/05/09	
Park		
27 Orton Grange Caravan	01/05/09	Undelivered
Park		
28 Orton Grange Caravan	01/05/09	
Park		
29 Orton Grange Caravan	01/05/09	Undelivered
Park		
30 Orton Grange Caravan	01/05/09	Undelivered
Park		
31 Orton Grange Caravan	01/05/09	Undelivered
Park		
32 Orton Grange Caravan	01/05/09	Undelivered
Park		
Overdale	01/05/09	
Hazeldene	01/05/09	
Birch Close	01/05/09	
East Grange Cottage	01/05/09	Objection
Hill View	01/05/09	Objection
Wood Lea	01/05/09	
Hazeldene	01/05/09	
1 Orton Grange Caravan	01/05/09	
Park		
2 Orton Grange Caravan	01/05/09	
Park		
3 Orton Grange Caravan	01/05/09	Undelivered
Park		
4 Orton Grange Caravan	01/05/09	Undelivered
Park		
5 Orton Grange Caravan	01/05/09	Undelivered
Park		
6 Orton Grange Caravan	01/05/09	Undelivered
Park		
7 Orton Grange Caravan Park	01/05/09	Petition
Dalston		Objection

3.1 This application has been advertised by means of a site notice and notification letters sent to forty neighbouring properties. In response eight letters of objection has been received, together with a petition signed by twenty people. The grounds of objection are summarised as being;

1. Overdevelopment of the caravan park;
2. Loss of privacy;
3. The existing infrastructure is inadequate;
4. Water pressure on the park is already at an unacceptable low level;

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5. The soakaways serving East Grange Cottage drain into this land;
 6. Orton Grange is advertised as a residential park home for the over 50's, semi retired and retired, and as such the proposal is contrary to that;
 7. Holiday caravans would result in increased noise and disturbance;
 8. The existing caravan park is a haven for wildlife, including Red Squirrels, which would be affected by the disturbance generated;
 9. The proposed log cabins, which are large and intrusive, would not be in keeping with the existing park homes; and
 10. There is concern regarding the future maintenance of the proposed landscaping, particularly where it abuts neighbouring boundaries.
- 3.2 A letter has been received from Cllr Allison who has made representations on the local residents' behalf. In particular, he has expressed concern regarding the siting of holiday caravans adjacent to residential caravans that are predominantly occupied by senior citizens.
- 3.3 Cllr Allison acknowledges that the principle of the development has previously been established. If Members are minded to approve the application he has requested that conditions are imposed to regulate its use and avoid abuse.
- 3.4 Cllr Allison is aware that, historically, planning conditions have been used to restrict occupation of holiday caravans to three weeks at anyone time (with no return within a certain period). He believes that the seasonal occupancy restriction proposed, whereby the caravans could be occupied for holiday purposes for a set period, i.e. March through to January, would be more acceptable to the residents of the existing park; however, he still has concerns that the caravans could be used for short term holiday letting. He commented that the enforcement of any conditions imposed is an important aspect to consider.
- 3.5 Cllr Allison's letter also makes reference to the impact upon "Hill View", a bungalow located to the south of the entrance; however, he hopes that the amended plans received will allay the occupier's concerns.

4. Planning History

- 4.1 There are a number of planning applications relating to this site.
- 4.2 Planning permission was originally granted for the use of the land as a caravan site in 1961 (Application BA2669). A further extension to the caravan site was approved in 1976 (Application 76/0400).
- 4.3 In January 2001 permission was granted to increase the number of

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residential caravans on the site from twenty two to twenty three (Application 2000/0945).

- 4.4 In December 2003 planning permission was granted for the variation of condition 2 of planning consent 2000/0945 to allow an additional 10no. residential caravans and alterations to site layout. This approval has been implemented (Application 2002/1227).
- 4.5 In January 2005 planning permission was granted for the demolition/removal of the bungalow, shop and swimming pool and the use of the site as an extension to the residential caravan park, together with the variation of Condition 2 of planning consent 00/0945 to allow an increase in the number of residential caravans from 33 to 34 and 8 holiday caravans (Application 2004/1055). This permission has not been implemented.
- 4.6 In May 2006 planning permission was granted for the erection of a detached garage (Application 2006/0371).
- 4.7 In September 2006 temporary planning permission was granted for the erection of a sales office (Application 2006/0857).
- 4.8 In December 2007 planning permission was granted, retrospectively, for the erection of two electricity substations (Application 2006/1414).
- 4.9 In February 2008 planning permission was refused for the variation of Condition 2 of application 02/1227 to permit the siting of 54 permanent residential caravans (Application 2008/0139).
- 4.10 In October 2008 planning permission was granted for the erection of a detached garage (Application 2008/0886).
- 4.11 In May 2009 planning permission was granted for the erection of a detached garage (Application 2009/0240).

5. Details of Proposal/Officer Appraisal

- 5.1 This application seeks planning permission for the siting of seven holiday caravans at Orton Grange Caravan Park, Orton Grange, Carlisle. The caravan park is situated three miles to the southwest of Carlisle just off the A595 leading to Wigton. The existing site has access from the minor road that leads to Dalston from the A595. The application site lies within the confines of the existing caravan park, which has been in operation since the 1960's.
- 5.2 The land subject to this application was previously used as a recreation ground to serve the remainder of the caravan park located to the east of the site. The recreation ground previously comprised an area of informal open space, a swimming pool, a variety of play equipment and a plant room. All of the structures were removed approximately four-five years ago. The

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application site is enclosed by residential properties along its northern boundary and part of its southern boundary. The remainder of the southern boundary is bordered by a mushroom farm. To the east of the application site is the remainder of the caravan park.

- 5.3 The application site has a reasonable degree of screening, formed by hedges/fences, along all of its boundaries with the exception of the western boundary, which fronts the minor road.

Background

- 5.4 Some long standing Members of the Committee may recall that in January 2005 the Development Control Committee granted planning permission for the variation of Condition 2 of application 00/0945 to allow an increase in the number of residential caravans from 33 to 34 and also the siting of 8 holiday caravans (Application 04/1055).
- 5.5 This application comprised the demolition of the bungalow known as “Overdale”, and its substitution with a residential caravan on a “one to one” basis. It also involved the removal of the recreation ground and shop to accommodate 8 holiday caravans. With the exception of “Overdale” and its domestic curtilage, the current application site includes the same area covered by this previous application.
- 5.6 Since the 2004 application was approved “Overdale” has been renovated and sold off separately from the caravan park, although it never formed an intrinsic part of the park itself. The severance of “Overdale” and its domestic curtilage has meant that the applicant is unable to implement the approved scheme, hence the submission of this revised proposal. A copy of the 2004 approved layout has been reproduced following this report in the Schedule.
- 5.7 Although “Overdale” is now in separate ownership from the rest of the application site, the permission remains extant (it expires on January 1st 2010) and could “theoretically” be implemented.

The Proposal

- 5.8 The current application seeks planning permission for a revised layout, although “Overdale” and its domestic curtilage are excluded from the application site. It involves the removal of the former caravan park shop and the redevelopment of the recreation ground to enable the siting of seven static caravans, which would be occupied as holiday accommodation. The applicant’s agent has indicated whilst that the caravans would take on the appearance of a “log cabin” they will still conform to the definition of a caravan, as provided by The Caravan Sites and Control of Development Act 1960.
- 5.9 One parking space per holiday unit would be provided, with three visitor parking spaces located at the entrance to the caravan park. The junction of the access road with the County Highway would be narrowed slightly and the

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internal access road realigned to accommodate Caravan 1, which would be located nearest to the site entrance. The drive would be surfaced in tarmac, whereas the internal access road serving Caravan 3 to 7 is to be laid with block paviors.

- 5.10 As part of this application it is the applicant's intention to improve the site boundaries. A landscaped strip is proposed to the northern, eastern and part of the western boundary, which backs onto "Overdale". Additional planting is also proposed at the entrance to the site. Along the southern boundary the existing dilapidated boundary fence is to be replaced with a two metre high timber boarded fence, which is of a comparable height. This fence is to be raised to 2.2 in height metres along the length of Caravan 1 to mitigate any potential overlooking of the neighbouring bungalow, "Hill View".
- 5.11 It is proposed to discharge foul drainage to the existing treatment plant, with surface water disposed of through soakaways.

Assessment

- 5.12 In considering this application Policies DP1, CP3, CP5, CP6, CP12, EC15 and H7 of the Carlisle District Local Plan 2001-2016.
- 5.13 The proposals raise the following planning issues:
1. Principle Of The Development.
- 5.14 The principle of developing caravan sites is supported by Policy EC15 of the Carlisle District Local Plan, subject to compliance with the criteria identified in that policy and the other relevant policies contained within the Local Plan.
- 5.15 Policy EC15 states that the siting of additional holiday caravans at this location is acceptable provided that the position and scale of the development does not have an unacceptable adverse effect on the landscape character; that the site is adequately landscaped and contained within existing landscape features; and that adequate access and appropriate car parking can be provided.
- 5.16 Members are also reminded that the principle of allowing holiday caravans has also been established through the approval of a comparable scheme that was submitted in 2004, the layout of which is similar to that proposed. The position of Caravans 3-7 proposed by this application is unchanged from the layout of 2004 application. The position of Caravans 1 and 2 varies slightly from the approved layout, although this is largely as a consequence of the reduced site area and, in the case of Caravan 1, to overcome privacy issues.
2. Holiday Occupancy Conditions.
- 5.17 When planning permission was granted for the 2004 application, a condition was imposed that restricted the use of the holiday caravans solely to short term holiday letting, for not more than 21 days at anytime.

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5.18 The applicant's agent is aware that it is necessary to impose a condition that prevents permanent occupation of the holiday units; however, the agent has requested that a seasonal occupancy restriction is imposed. Such a condition would enable the caravans to be occupied for holiday use between a set period, i.e. March through to January. Outside of these months the units would not be able to be occupied.

5.19 The Council has imposed a seasonal occupancy condition in respect of holiday caravans that were permitted at Dalston Hall Holiday Park (07/1213) and at Irthing Vale Caravan Park (07/1020). The condition that was imposed in both cases is worded as follows:

"The lodges shall only be occupied between the 1st March and the 31st January the following year".

5.20 In light of the agent's request and to ensure that the developer of this site is not placed at a commercial disadvantage against other sites in the district, the use of the aforementioned condition is regarded as appropriate.

5.21 In order to ensure that the caravans are not used for permanent occupation a condition has been recommended that requires the site manager/owner to keep a register, which would provide details of the permanent address of those persons occupying the caravans, to ensure that they are used solely for holiday purposes.

2. Impact Upon The Living Conditions Of Surrounding Residential Properties.

5.22 One of the principal concerns raised by local residents relates to the siting of the holiday caravans and the potential disturbance that this may generate. These concerns have largely been raised by current occupiers of the caravan park, who have purchased their homes on the understanding that the caravan park was solely for the over 50's, retired or semi-retired.

5.23 In considering this concern Members should note that neither the current site license nor planning conditions restrict the occupancy of the park to persons falling within the above category. The basis under which the current occupiers of the park may have purchased their caravans is a civil matter to be resolved between the residents of the park and its owner, and this issue should not prejudice the determination of this application.

5.24 Notwithstanding the above, the issue of increased noise/disturbance is a matter for Members to take into consideration. It is acknowledged that the introduction of holiday caravans to the site is likely to result in an increase in activity and noise generated; however, any noise generated by the proposed development would not be significantly more than if the former recreation ground was used to its full potential, as could occur if the site was under different management.

5.25 There are no restrictions imposed that limit the use of the site to any specific

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groups (i.e. retired or semi retired) and the current site license also allows the site to be used by touring and motor caravans. In light of this, it is the Officer's view that it would be unreasonable to refuse the application on the grounds that the proposal would result in increased noise and disturbance, particularly as the noise generated by the proposed use is unlikely to be significantly higher than that which legitimately could be created by the lawful use of the site.

- 5.26 The occupiers of "Hill View" have voiced concern regarding the impact that Caravan 1 will have upon their living conditions through overdominance and loss of privacy. In considering this issue Members are reminded that the vacant shop, which is positioned on the boundary with "Hill View", is to be removed. The building has an overall length of 19.4 metres, an approximate eaves height of 2.5 metres and a ridge height of around 5 metres. The proposed caravan would be positioned 3 metres from the boundary and set back behind the rear elevation of "Hill View". In terms of overdominance, the proposed caravan would be less imposing than the existing structure.
- 5.27 With regard loss of privacy, the existing dilapidated 1.86 metre high fence along this section of the boundary is to be replaced with a 2 metre high boarded timber fence, which would be raised to 2.2 metres along the length of the caravan to minimise any potential overlooking. With the exception of the 2.2 metre high section the proposed fence would be "permitted development". The raised section of the fence would prevent any overlooking of the neighbouring dwelling. Whilst the fence is high, it would still be less dominant than the existing structure.

3. Whether The Layout Of The Development Is Acceptable.

- 5.28 The Parish Council and local residents have voiced concern that the proposal will result in the over development of the site. In respect of this issue Members should note that the development is taking place within the confines of the existing caravan park and that the proposed layout is in accordance with the requirements of the site license.
- 5.29 The layout of the development is acceptable and, subject to additional landscaping being provided, particularly along the western boundary of the site, the visual impact of the proposal will be limited.

4. Whether The Proposed Landscaping Is Acceptable.

- 5.30 The applicant is proposing additional landscaping along a number of the boundaries to soften the visual impact of the development. This landscaping will also screen the proposal from the neighbouring residential properties thereby lessening its impact. The landscaping is necessary to minimise the impact upon neighbouring residents; however, in order to ensure that the species planted will provide an effective screen a condition is recommended that requires a detailed landscaping scheme to be submitted. The condition would also require details of the proposed measures to safeguard those trees to be retained.

5. Whether The Foul Drainage System Is Adequate.

- 5.31 The applicant's agent has identified that the treatment plant is capable of serving 100 people, which is adequate to serve both the existing and proposed caravans. The Environment Agency has raised no objections to the development.

Conclusion

- 5.32 In conclusion, the principle of the proposed development is acceptable and has been established through the approval of the 2004 application. The visual impact that the proposed development would have upon the character of the local landscape would be limited and can be controlled through the attachment of appropriate conditions, which would require additional landscaping to be carried out along the boundaries of the application site.
- 5.33 The additional landscaping would also help ensure that the living conditions of the occupiers of those residential properties that adjoin the site would not be adversely affected by the proposal, as a result of loss of privacy or visual intrusion. The noise generated by the proposed use would not be significantly higher than that which potentially could be generated by the present use of the site. Appropriate conditions can also be imposed to ensure that the holiday caravans are not occupied as permanent homes. In all aspects the proposal is compliant with the relevant Local Plan policies.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the

SCHEDULE A: Applications with Recommendation

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individuals under this legislation will not be prejudiced.

7. **Recommendation** - 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 lodges shall only be occupied between the 1st March and the 31st January the following year.

Reason: The site is within an area where it is the policy of the Local Planning Authority not to permit permanent residential development in accordance with Policy H7 of the Carlisle District Local Plan 2001 -2016.

3. The site manager/owner shall keep a register to monitor the occupation of the 7 holiday caravans hereby approved. Any such register shall be available for inspection by the Local Planning Authority and shall include details of those persons occupying the holiday caravans, which shall include their name, permanent address and the period of occupation.

Reason: To ensure that the holiday caravans are not occupied as permanent residential accommodation and to ensure that the development complies with Policy EC15 of the Carlisle District Local Plan 2001 -2016.

4. The holiday caravans hereby approved shall not be occupied until they have been connected to the private treatment plant.

Reason: To ensure that foul sewage from the proposed development does not lead to the pollution of groundwater or surface waters in accordance with Policy CP12 of the Carlisle District Local Plan 2001 -2016.

5. No development shall commence until details of the proposed means of surface water disposal have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that an acceptable scheme is implemented in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

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6. No development shall take place until a detailed landscaping scheme, including identification of those trees/shrubs to be retained, has been submitted to and approved, in writing, by the Local Planning Authority. 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. The landscaping plan should identify the crown spread of the trees to be retained, including the crown spread of any trees that overhang the boundary, and those trees shall be protected by a suitable barrier in accordance with details to be submitted to and approved, in writing, 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.

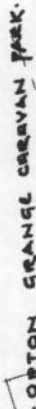
Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001 -2016.

7. No development shall commence until details the design and finish of the proposed timber boarded fence to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the design and materials to be used are acceptable and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001 -2016.

8. No development shall commence until details of the proposed security barrier to prevent unauthorised access from the application site to the remainder of the caravan park have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise disturbance to the existing residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.



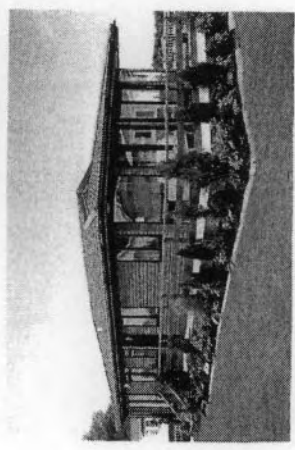
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NOTE: for year 2004 protection see Davis, No. 06-T-06

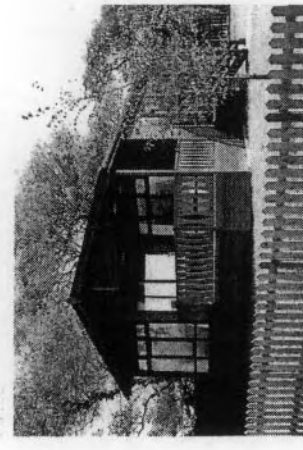
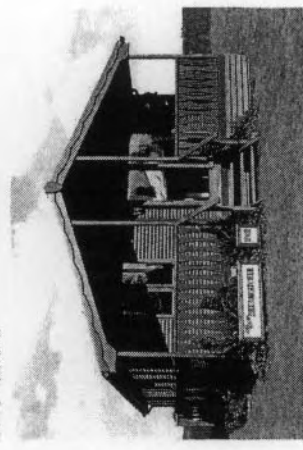
10-11-1981
 PROPOSED HOLIDAY CREATIONS
 OPEN HOUSE CELEBRATION SAT. 6/11/81
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Scale 1
1:200 1:2500
BARTON PARK HOMES.

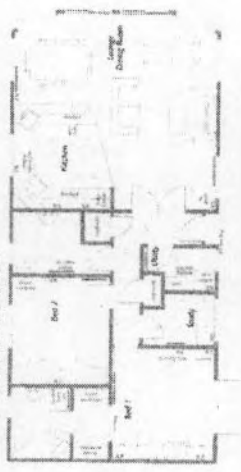
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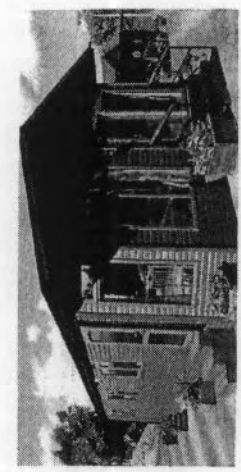
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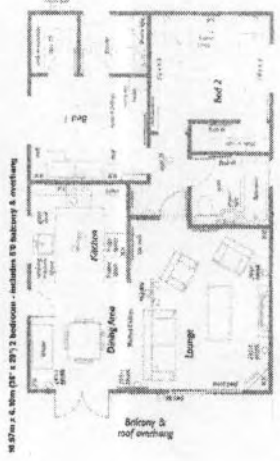
12.5m x 6.5m (26' x 27') 2 bedrooms 2 bathrooms



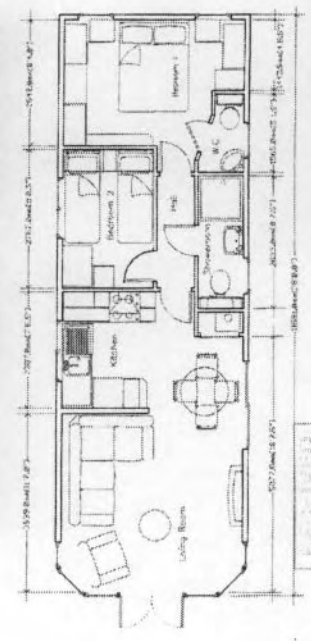
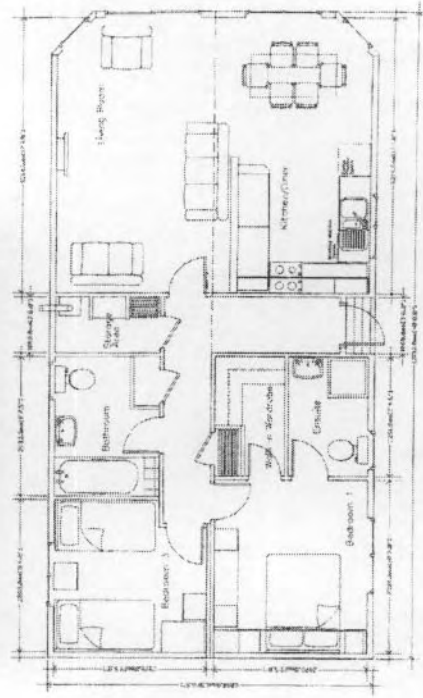
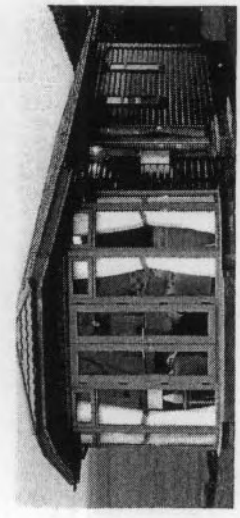
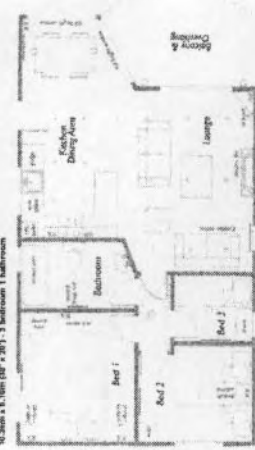
16.5m x 4.5m (26' x 27') 2 bedrooms - includes 1st bathroom & meeting



16.5m x 4.5m (26' x 27') 2 bedrooms - includes 1st bathroom & meeting



10.5m x 6.5m (26' x 27') 3 bedrooms 1 bathroom

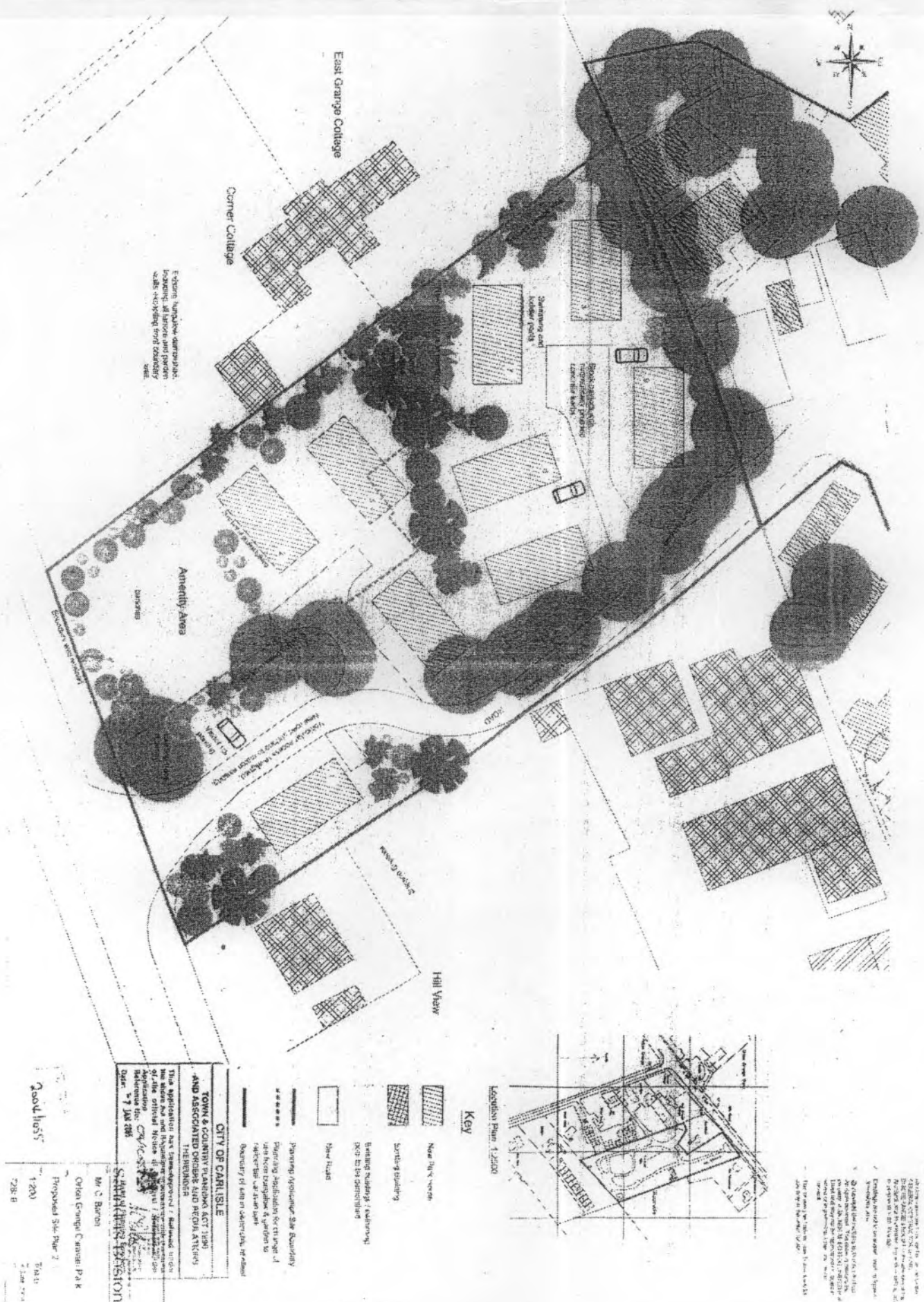


16.5m x 4.5m (26' x 27') 2 bedrooms - includes 1st bathroom & meeting

16.5m x 4.5m (26' x 27') 2 bedrooms - includes 1st bathroom & meeting

<p>PROPOSED HOLIDAY CARAVANS</p>	<p>TYPICAL PLANS/ELEVATIONS</p>	<p>LOG CABIN STYLE CARAVANS</p>
<p>06-P.S.K-07</p>	<p>NOT TO SCALE</p>	<p>06-P.S.K-07</p>

This plan illustrates the approved layout of the 2004 planning application (04/1055).



SCHEDULE A: Applications with Recommendation

09/0245

Item No: 03

Date of Committee: 10/07/2009

Appn Ref No:
09/0245

Applicant:
The Diocesan Trustees

Parish:
Carlisle

Date of Receipt:
27/03/2009

Agent:
Derek Hicks & Thew

Ward:
Stanwix Urban

Location:
Social Club And Field, St Augustines Church,
Waverley Gardens, Carlisle, CA3 4JU

Grid Reference:
339733 557884

Proposal: Proposed Residential Development On Social Club And Side Field Site
(Revised Application)

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

This application has been brought before the Development Control Committee due to the receipt of twelve letters of objection and a petition which has been signed by forty local residents and following deferral of consideration at the committee meeting held on 29 May 2009.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

The proposal relates to land or premises situated within or adjacent to the Gas Pipeline Safeguarding Area.

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol H3 - Residential Density

Local Plan Pol H5 - Affordable Housing

Local Plan Pol LC4 - Children's Play and Recreation Areas

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol CP5 - Design

Local Plan Pol CP12 - Foul&Surf.Water Sewerage/Sew.Tr.

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): recommends refusal of the application due to the inadequacy of pedestrian linkages to local bus services and local facilities/services, contrary to Cumbria County Council Transport Policies 9:01 and 7:01;

Environment Agency (N Area (+ Waste Disp)): no objection in principal and confirm that the layout as proposed is a feasible option, subject to a Land Drainage Consent;

Community Services - Drainage Engineer: no comments received;

United Utilities (former Norweb & NWWA): no objections;

Development Services Planning & Housing Services - Access Officer: comments awaited;

Cumbria Constabulary, Northern Community Safety Unit: the Design & Access Statement makes no reference of any intention to implement any crime prevention measures within this development. Consequently it is difficult to establish if this proposal complies with Policy CP17 of the Local Plan.

The provision of footpath links from the application site to Scotland Road and Waverley Road would undermine the security of the proposed development and the existing dwellings on Waverley Road and should be resisted;

Development Services Planning & Housing Services - Local Plans: the application site lies within a Primary Residential Area, where new residential development is acceptable under Policy H2 of the adopted Local Plan, subject to four criteria.

The first criteria relates to the safeguarding of open space and other amenity areas. Whilst the application site partly comprises an open grassed area, there is no access for the public, and it is not classed as a public open space. Therefore this criteria is satisfied.

Criteria 2 is intended to safeguard the amenity of adjacent residents. This is an assessment that will have to be made on site by the case officer.

Criteria 3 seeks to integrate the new development with that surrounding it. This can be done by careful design and layout, and the comments of the Council's Urban Designer should be sought.

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The fourth criteria relates to satisfactory access and appropriate car parking, and the advice of the Highway Authority will be relevant to this aspect, (although the parking levels appear appropriate in this location).

Policy H6 makes a requirement for affordable housing provision on development sites. In the urban area a contribution of 30% of units on site towards affordable housing will be expected. The five units proposed are marginally under this requirement, but this is acceptable as they are proposed to be available for socially rented accommodation. This is a good location for housing, (affordable and open market) as it is close to shops and a range of other services, close to large areas of public open space, and has good access by public transport. Carlisle's Housing Market Assessment indicates that there is a need for affordable family housing. I would advise that the units are integrated within the overall development to create a mixed community.

Subject to design, access and parking issues being satisfactory, there are no policy objections to the proposal;

Northern Gas Networks: no objections;

Environmental Services - Green Spaces: request a financial contribution of £38,902 towards the provision and maintenance of open space in the locality;

Planning & Housing Services - Housing Strategy, 7th Floor: the location, situated in an extremely popular area of the city, would be popular for housing - including affordable housing, as it is conveniently situated for shops, public transport, employment, and other services.

The property type (all 3 bedroom houses) would again be desirable, and in terms of the affordable housing element, meet with the need for more larger affordable family homes identified in the Housing Market Assessment (2006-11) for Carlisle City.

The Design and Access statement proposes 5 no. (30%) of the scheme should be affordable dwellings, either for discounted sale or rent. This percentage would be acceptable in terms of the revised 30% target in Carlisle's urban area, following the Local Plan Inspector's report in April 2008. In the case of discounted sale properties the discount is set at 70% of OMV, however RSLs would probably still struggle to pay as much as this without grant. We have therefore on occasion (usually on larger schemes than this) accepted slightly less units pro rata where rented units have been provided. However, as this is a relatively small scheme, we may also consider accepting the affordable units for discounted sale to maintain the no. of affordable properties.

3. Summary of Representations

Representations Received

Initial:

Consulted:

Reply Type:

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10 Waverley Road	31/03/09	
5 Waverley Gardens	31/03/09	Objection
7 Waverley Gardens	31/03/09	
9 Waverley Gardens	31/03/09	Objection
11 Waverley Gardens	31/03/09	
13 Waverley Gardens	31/03/09	
15 Waverley Gardens	31/03/09	
17 Waverley Gardens	31/03/09	
19 Waverley Gardens 31/03/09		Objection
21 Waverley Gardens	31/03/09	
23 Waverley Gardens	31/03/09	
25 Waverley Gardens	31/03/09	
27 Waverley Gardens	31/03/09	Objection
29 Waverley Gardens	31/03/09	
31 Waverley Gardens	31/03/09	Objection
33 Waverley Gardens	31/03/09	
114 Briar Bank	31/03/09	
116 Briar Bank	31/03/09	
118 Briar Bank	31/03/09	
120 Briar Bank	31/03/09	
122 Briar Bank	31/03/09	
124 Briar Bank	31/03/09	
126 Briar Bank	31/03/09	
128 Briar Bank	31/03/09	
130 Briar Bank	31/03/09	
27 Waverley Road	31/03/09	Objection
2 Gosling Drive	31/03/09	
23 Lowry Hill Road	31/03/09	
31 Waverley Gardens	31/03/09	Petition
68 Scotland Road	31/03/09	
Upwoods Corner	31/03/09	Objection
12 Waverley Road	31/03/09	
14 Waverley Road	31/03/09	
16 Waverley Road	31/03/09	
18 Waverley Road	31/03/09	
20 Waverley Road	31/03/09	Objection
22 Waverley Road	31/03/09	
24 Waverley Road	31/03/09	Objection
1 Waverley Gardens	31/03/09	Objection
3 Waverley Gardens	31/03/09	Objection
20 Liddle Close		Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to forty neighbouring properties. Twelve letters of objection and a petition signed by forty local residents have been received and these make the following points:

- The home owners of Waverley Gardens should not be subjected to a new access onto a very narrow road, when the church already has two existing accesses, Waverley Road and Briar Bank, which should be used, rather than introducing extra traffic into Waverley Road and Waverley Gardens;
- Briar Bank should be used for the access as it is wider and can cater for two-traffic and has traffic lights at the junction with Scotland Road;

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- The existing access onto Waverley Road is also more suitable than the proposed access;
- This development would lead to a further increase in traffic on Scotland Road/Kingstown Road, which is already very busy. Traffic joining the main road from Waverley Road often has to queue at peak times;
- The proposed development would result in over a 100% increase in traffic at the Waverley Gardens/ Waverley Road junction;
- Proposal will lead to increased traffic levels in Waverley Gardens which is a quiet street and is not adequate for more cars;
- Waverley Gardens is narrow and there would be safety issues if extra cars were using this road - the full width of the road is used to gain access to the existing dwellings;
- The church is developing the land so it should use its existing access;
- The new access would have limited visibility due to the incline and the hedge and this will increase the risk of accidents;
- The extra traffic would have an adverse impact on the amenity of the residents of Waverley Gardens;
- The site is lower than Waverley Gardens so traffic leaving the site would be travelling uphill, which would result in headlights shining straight into the living rooms of properties opposite the new access (nos. 1,3 & 5);
- Extra street lighting will affect the amenity of existing residents;
- Cars will end up parking on the main access road of the development and this will restrict access for emergency and municipal vehicles. This may also cause overspill parking onto Waverley Gardens;
- The traffic survey is 18 months out of date. It was taken at peak period but the majority of residents in Waverley Gardens would not be using their vehicles at this time so the results are not accurate. Traffic is busy during the daytime at weekends;
- Works traffic will create devastation for a small cul-de-sac;
- The former Belah School, behind Waverley Gardens, will be redeveloped and whatever happens on here will lead to more traffic and noise and a possible over-supply of family homes;
- Development would appear obtrusive;

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- There is no venue north of the river providing the full range of facilities currently available in the Social Club, which are enjoyed by Members, the wider community and the church for its own events;
- The Social Club provides a social point for the community. Closure of the club would destroy the social activities and links within the community. The development of the church community use does not compensate for the loss of the Social Club;
- Not aware that consultation has taken place with the community or social club members;
- The social club employs a number of staff who will be affected by this proposal;
- There will be a significant loss of light (at-least 50%) and privacy to properties on Waverley Road, due to the closer proximity of the houses than the social club and because the land to the rear is higher;
- There would be a loss of light for residents on Waverley Road, increasing their carbon footprint and increasing the risk of Seasonal Affective Disorder due to a lack of natural light;
- Surface water drainage is currently inadequate to dissipate rainwater, which causes flooding to gardens adjacent to the site. There is no mention of improving surface water drainage. The additional houses, pavements, roads and driveways will aggravate this already serious problem. Measures need to be put in place to prevent water run off from the development;
- The proposal will put extra pressure on existing drainage systems, which are already struggling to cope;
- The use of soakaways could exacerbate already existing problems on Waverley Road;
- Belah School has closed down so where will any children go to school? There will be extra pressure on local schools;
- Planning permission was refused for dwellings on this land in 1987 following objections from residents;
- The site is lower than Waverley Gardens, so the upper floors of the new dwellings will look directly into several living rooms of the bungalows on Waverley Road;
- The site should be developed for bungalows or dormer bungalows - semi-detached bungalows would be in character with the street;

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- Single-storey dwellings on the perimeter of the development would have less impact on the existing neighbourhood;
 - There is a concern that more than 2-storey buildings could be built - this would not be keeping with the existing area, which is all bungalows and would affect the amenity of residents;
 - Density is at the top end of the maximum limit and has no regard for the immediate residents;
 - There are already a lot of 3 bedroom properties in the north of the city which are not selling;
 - The development is totally out of character with the neighbourhood;
 - The destruction of the hedge along Waverley Gardens will affect wildlife in the area.
- 3.2 The same local residents were also consulted on the amended plans, which removed the footpath link from the application site to Scotland Road and Waverley Road. Four additional letters of objection have been received which request that the church use one of their two existing accesses, rather than create a new one onto Waverley Gardens.

4. Planning History

- 4.1 In November 2008, an outline application for residential development was withdrawn prior to determination (08/1035).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application is seeking outline planning permission for residential development on the site of the social club and side field at St Augustine's Church, Waverley Road, Carlisle.
- 5.2 Members will recall that the application was deferred at the last meeting of the Development Control Committee so that an alternative access to the site could be explored. A meeting has taken place with the applicant's agent and Highway Consultant to discuss using one of the two existing accesses. The applicant considers that the creation of an access to Waverley Gardens to serve the new development is best for the church and that the use of the one of the existing accesses would not be acceptable.
- 5.3 The Church and its representations have submitted some additional information on the proposed access and this makes the following points:

- The Church is intending to sell the land to a developer and wants to ensure that the vehicular and pedestrian access does not run through its own land;
- The only suitable access is, therefore, off Waverley Gardens - this allows church traffic and residential traffic to remain separate - an alternative access would compromise and conflict with the church site;
- The proposed road to Waverley Gardens is on the line of the culverted Gosling Syke, which cannot be built on, or designated as private land;
- The use of the existing Briar Bank access would mean less dwellings could be developed on the site;
- The Highway Audit recommends that the access to Waverley Gardens is the most favourable access;
- Waverley Gardens can accommodate the proposed access and predicted increase in traffic levels associated with the proposed development;
- The existing access to Briar Bank is sub-standard to accommodate the proposed traffic and would need to be widened;
- The existing Briar Bank access has a steep gradient which may make it unsuitable for disabled persons.

5.4 The applicant, therefore, wants to proceed with the application as submitted and retain the access to Waverley Gardens.

The Site

5.5 The application site lies to the south west of St Augustine's Church, with part of the site being occupied by the former St Augustine's Social Club, which closed in January 2008. The building is now run by the church as its parish centre. The remainder of the site is currently undeveloped grassland. Two existing vehicular accesses, one from Briar Bank and one from Waverley Road, serve the church and parish centre.

5.6 Semi-detached properties, which front onto Waverley Road, adjoin the site to the south-east. Waverley Gardens, which consists of a series of semi-detached bungalows, is located to the south-west of the site and is separated from it by a hedge. The north-west boundary of the site is abutted by 33 Waverley Gardens and some two-storey dwellings that front onto Briar Bank.

5.7 The site slopes uphill away from Waverley Road and is located at a lower level than the properties on Waverley Gardens. A culverted section of Gosling Syke, which is designated 'main river', runs along the south-east boundary of the site, to the rear of the properties that front onto Waverley Road.

Background

- 5.8 In November 2008, an application for residential development on this site was withdrawn prior to determination (08/1035).
- 5.9 In September 2008, planning permission was granted to extend St Augustine's Church to provide ancillary accommodation related to the church and parish functions (08/0733).

The Proposal

- 5.10 The proposal is seeking outline planning permission for residential development, with all matters being reserved for subsequent approval. An indicative layout plan shows 16 two-storey semi-detached properties, located within a cul-de-sac. Eight of these properties would back onto the church and the remainder would back onto Waverley Gardens. Each property would have front and back gardens and in-curtilage parking for 2 vehicles.
- 5.11 A new access road would be created onto Waverley Gardens and this would be located opposite no. 5. This would require the removal of a section of hedge, but the remainder of the hedge is shown as being retained. A new footpath would be created on the north east side of Waverley Gardens, between this new access and Waverley Road.
- 5.12 An 8m wide 'no build' zone would be left over Gosling Syke, as required by the Environment Agency. The proposed new access road and an area of informal open space would be located over this 'no build' zone.
- 5.13 The Design & Access Statement which accompanies the application, states that 5 of the dwellings would be affordable, either for discounted sale or rent under a Registered Social Landlord.
- 5.14 The existing car parking spaces that are located adjacent to the former social club are to be retained and incorporated into the exiting church car park.
- 5.15 The original plans showed a new footpath being created between the proposed development and the A7 (Kingstown Road). This footpath is no longer included in the current application.

Assessment

- 5.16 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, H2, H3, H5, LC4, T1, CP5 and CP12 of the Carlisle District Local Plan 2001-2016.
1. The Principle Of The Development
- 5.17 The application site, which lies within the urban area of Carlisle, is designated as a 'Primary Residential Area' in the adopted Carlisle District Local Plan

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2001-2016. 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 And Layout Of The Development

- 5.18 The indicative layout plan that accompanies the application, shows that all of the dwellings would have front and rear gardens and 2 car parking spaces. There would be a minimum of 24m between the front elevations of the new dwellings. The existing bungalows on Waverley Gardens (nos 7 to 19) would be a minimum of 29m away from the backs of the proposed dwellings, whilst those on Waverley Road would be at-least 24m from the side elevations of the proposed dwellings. The dwellings on Briar Bank would be a minimum of 16m away and would not directly face the proposed dwellings.
- 5.19 The culverted watercourse that traverses the site is safeguarded, as required by the Environment Agency, by the siting of the access road and an area of informal open space. The Environment Agency has no raised objections to the layout.
- 5.20 In light of the above, it is clear that 16 dwellings could adequately be accommodated on the site.

3. Impact Upon The Living Conditions Of The Occupiers Of Neighbouring Properties

- 5.21 The location of the dwellings, shown on the indicative layout plan, would ensure that there is no significant adverse impact on the living conditions on the occupiers of any neighbouring properties, through loss of light, loss of privacy or over-dominance. Whilst some objectors have stated that the dwellings should be bungalows or dormer bungalows, the distances, coupled with the change of levels between the application site and Waverley Gardens would ensure that two-storey dwellings would not have an unacceptable adverse impact on the residents of Waverley Gardens.

4. Access

- 5.22 A number of objectors are concerned about the creation of a new access into Waverley Gardens, particularly given that the church already has two existing accesses, one to Briar Bank and one to Waverley Road, which could be used.
- 5.23 Whilst County Highways would prefer the existing access to Briar Bank to be used to access the proposed dwellings, the proposed access into Waverley Gardens is acceptable from a highway point of view.
- 5.24 Members should note that this application is an outline application, with all matters, including access, reserved for subsequent approval. It is apparent from the red line area that the only street frontage available for vehicular access is Waverley Gardens. The Highway Authority has confirmed that an

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acceptable access can be constructed from Waverley Gardens. The construction details of the access would need to be addressed at the Reserved Matters stage.

- 5.25 County Highways would prefer the internal access road to be a shared surface and point out that the parking for plots 1 and 16 is unacceptable in the current layout. These issues can also be addressed at the Reserved Matters Stage.

5. Other Matters

- 5.26 Housing Services has requested that 5 of the dwellings should be affordable and these would need to be secured through a Section 106 Agreement. If Members were minded to approve the application, it would be necessary to grant authority to issue approval once this agreement was completed.

- 5.27 A response has been received from the Green Spaces Team requesting that the applicant make a financial contribution of £38,902 towards the provision and maintenance of open space in the locality. This will also need to be incorporated into the Section 106 Agreement.

- 5.28 The Police Architectural Liaison Officer has requested additional details on a number of matters, including boundary treatment, landscaping, security lighting, specification for doors and windows etc. All of these matters can be addressed at the Reserved Matters stage.

Conclusion

- 5.29 The development is acceptable in principle. The proposal shown on the indicative layout plan is acceptable. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, loss of privacy or over dominance. In all aspects the proposals are considered to be compliant with the objectives of the adopted Local Plan.

6. Human Rights Act 1998

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

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

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

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

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

6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation - Grant Subject to S106 Agreement

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, access 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. 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 local area and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and

SCHEDULE A: Applications with Recommendation

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approved 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 a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the privacy and amenity of the occupiers of the proposed dwellings and existing dwellings adjoining the application site, in accordance with Policies CP5 of the Carlisle District Local Plan 2001-2016.

6. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of drainage in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

7. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling and any associated garage shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

Reason: In order that the approved development overcomes any problems associated with the topography of the area and safeguards the amenity of neighbouring residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. The carriageway, footways, footpaths etc shall be designed, constructed, drained and lit to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval in writing before work commences on site. No work shall be commenced until a full specification has been approved. 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 to support Local Transport Plan Policies

LD5, LD7 and LD8.

9. The development shall not 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 provisions 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. Prior to the commencement of development the applicant shall provide full details of the proposed footpath link between the new access and Waverley Road (shown on Plan 5071 (PL).02 rev F1 received on 15 May 2009) and these details shall be agreed in writing by the Local Planning Authority. This footpath link shall be provided prior to the occupation of the first dwelling.

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

11. Before any development commences, a plan shall be submitted to, and approved in writing by the Local Planning Authority, reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

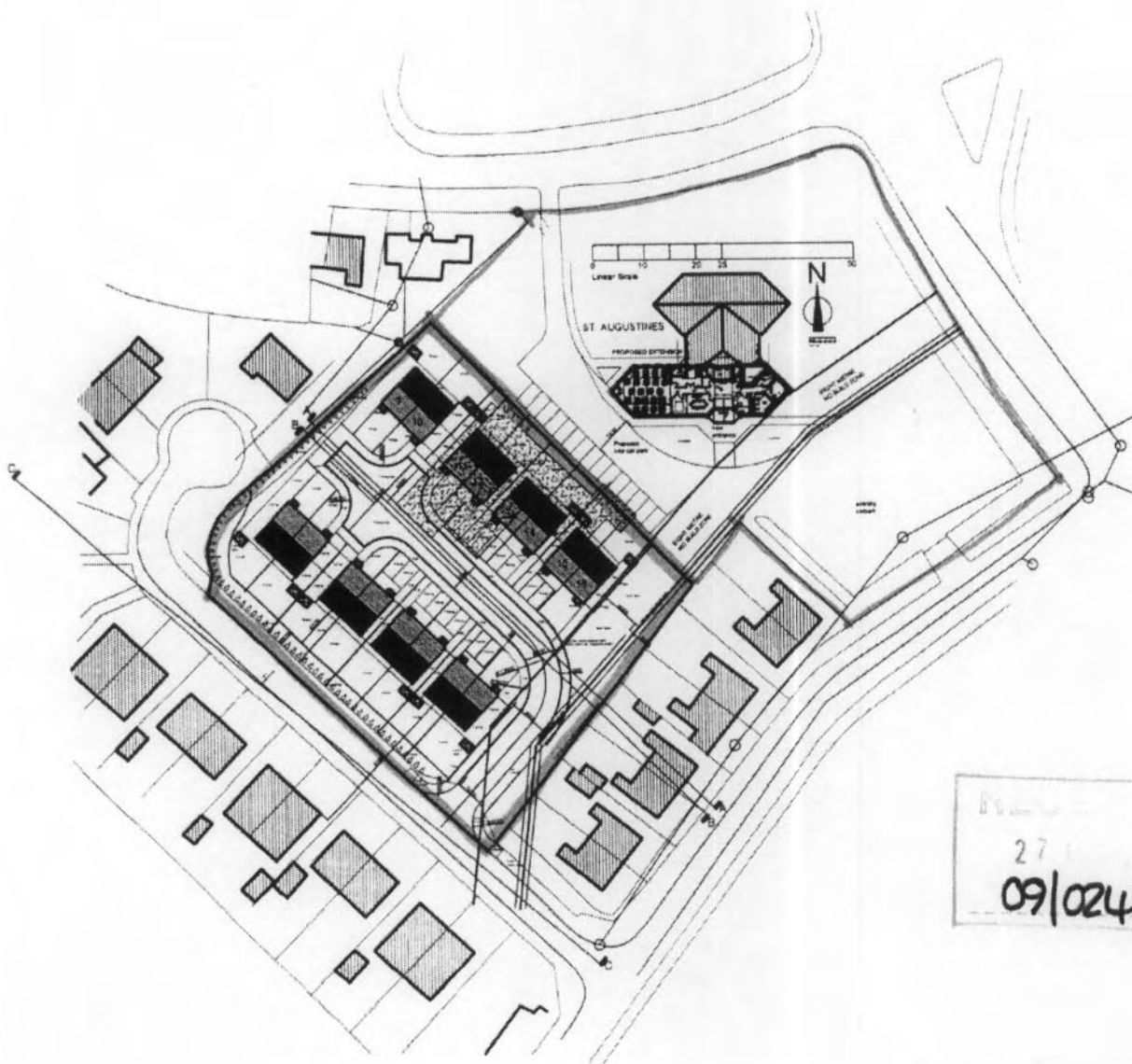
12. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

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

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Do not scale this drawing.

All heights, levels, areas and dimensions to be checked on site before any work is put to hand.



27
09/0245

Project:
Proposed Residential Dev.
Waverley Gardens
Carlisle

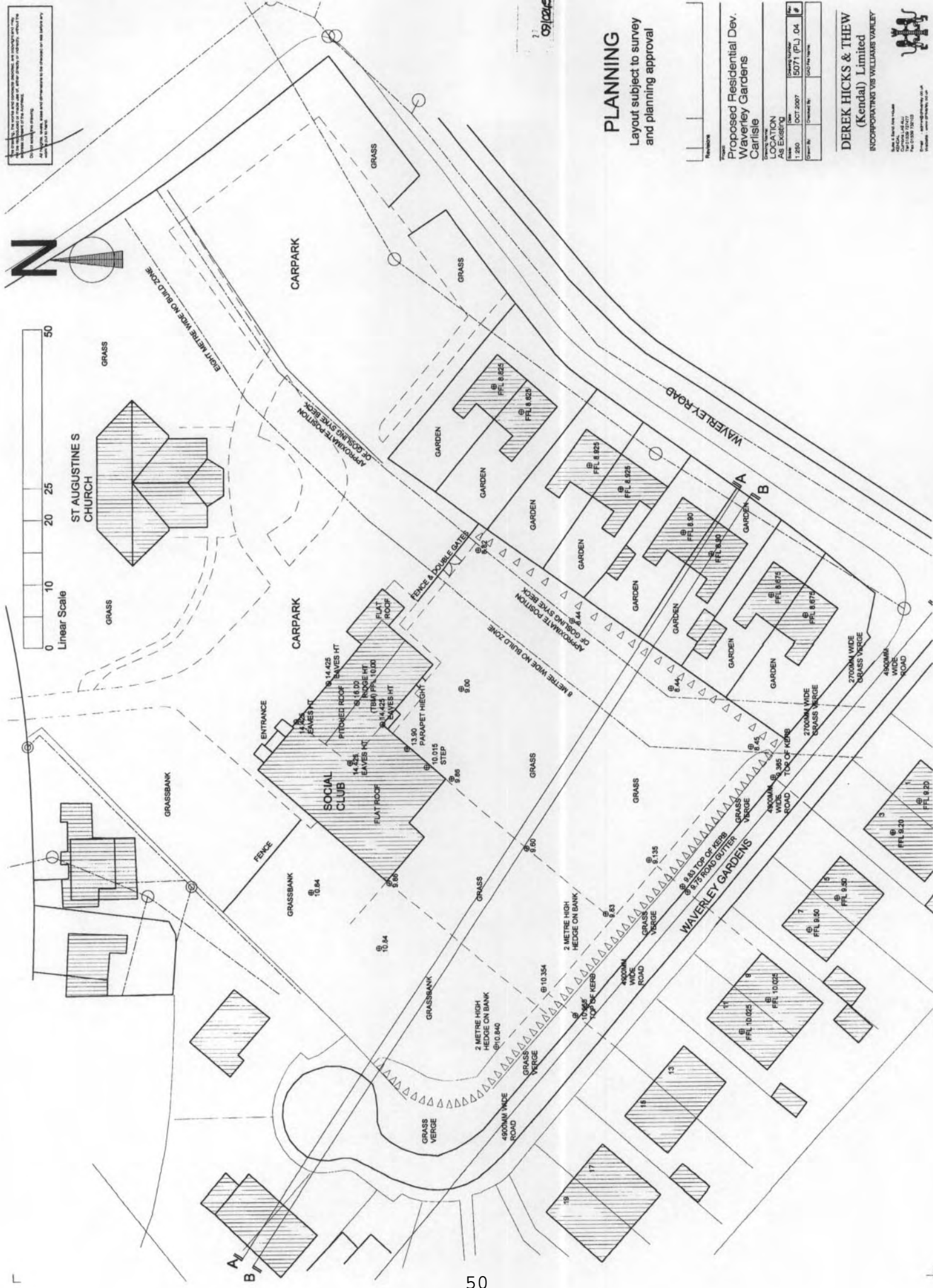
Drawing Name:
Proposed Location Plan

Scale 1:1250	Date SEPT 08	Drawing Number 5071(PL) 01	Rev. B
Drawn By: CP	Checked By:	CAD File Name:	

DEREK HICKS & THEW
(Kendal) Limited
INCORPORATING VIS WILLIAMS VARLEY

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KENDAL
Cumbria LA9 4JZ
Tel 01539 727477
Fax 01539 726103
Email: edmund@thetwelve.co.uk
Website: www.thetwelve.co.uk





PLANNING

Layout subject to survey and planning approval

Project Name		Proposed Residential Dev. Waverley Gardens Carlisle	
Location		As Existing	
Date	12/01/2007	Drawn By	5071 (PL) 04
Client No		Checked By	

DEREK HICKS & THEW (Kendal) Limited
INCORPORATING VBS WILLIAMS VARLEY



SCHEDULE A: Applications with Recommendation

09/0349

Item No: 04

Date of Committee: 10/07/2009

Appn Ref No:
09/0349

Applicant:
Mrs C Andrew

Parish:
Stanwix Rural

Date of Receipt:
12/05/2009

Agent:
Architects Plus (UK) Ltd

Ward:
Stanwix Rural

Location:
28 Whiteclosegate, Carlisle, CA3 0JD

Grid Reference:
341165 557907

Proposal: Erection Of 1No. Dwelling In Rear Garden Of No. 28 Whiteclosegate And Construction Of New Access To The Existing House (Outline Application)

Amendment:

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the Parish Council has objected to the scheme.

1. Constraints and Planning Policies

Ancient Monument

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP12 - Foul&Surf.Water Sewerage/Sew.Tr.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol H4 - Res.Dev.on Prev.Dev.Land&Phasing of Dev.

Local Plan Pol H9 - Backland Development

Local Plan Pol LE6 - Scheduled/Nat. Imp. Ancient Mon.

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections, subject to the imposition of three highway related planning conditions;

Community Services - Drainage Engineer: no comments received;

United Utilities: no objections, provided that the site is drained on a separate system, with only foul drainage connected to the foul sewer. Surface water should be discharged to the soakaway, as stated on the application form;

Development Services Planning & Housing Services - Local Plans (Trees): no objection to the proposals; however, there are concerns relating to the retention of the neighbours trees and the potential damage caused to them by the dwelling, as shown on the indicative layout plan. The applicant/agent should give these some consideration at this stage to avoid difficulties later.

In particular, the construction of the road and parking area is within the root protection area of these trees. This would be acceptable if this was carried out by means of a “no dig” method. To ensure that this can be accomplished details of the existing levels and finished levels will need to be provided. The positioning of the services to the dwelling should not be carried out within the root protection area of the trees.

A method statement will be required for construction within the root protection zone, along with details of the phasing of the work to ensure that the access is put in place before any other works commence on site;

Stanwix Rural Parish Council: have objected to the development stating that the proposal is contrary to Policy H9 (Backland Development) of the Carlisle District Local Plan.

The Parish Council take the view that to address the criteria identified by Policy H9, an “outline” application does not contain sufficient information to allow fully informed judgement in respect of the proposal’s appropriateness to the site. It states that it would be unwise to grant outline consent if it is unlikely that a “reserved matters” application would be approved.

These caveats notwithstanding, the Parish Council is of the opinion that:

- the proposed building would command views over surrounding properties and gardens. As a result, the proposal would be prejudicial to their residential amenity;
- the proposal is for a “tandem development”, the entrance/exit to which would be very narrow;

SCHEDULE A: Applications with Recommendation

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- egress would have a limited sightline to the east, due to the bend and gradient of the B6264, at a point where many vehicles are still reducing their speeds and are often in excess 60 mph;
- vehicles are frequently parked to the east and west of the existing entrance/ exit of 28 Whiteclosegate, further impeding sightlines.

In consideration of these points the Parish Council object to the proposal and urges refusal of the application;

English Heritage - North West Region: does not wish to comment; however, it is advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice;

Hadrians Wall Heritage Limited: no comments received;

Cumbria County Council - (Archaeological Services): does not wish to make any comments/recommendations.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
26 Whiteclosegate	13/05/09	
28 Whiteclosegate	13/05/09	
30 Whiteclosegate	13/05/09	
35 Millcroft	13/05/09	
39 Millcroft	13/05/09	
28 Millcroft	13/05/09	
32 Whiteclosegate		Objection

3.1 This application has been advertised by means of a site notice and notification letters sent to six neighbouring properties. In response one letter of objection has been received, which raises the following issues:

1. To the rear of Nos. 30, 32 and 34 Whiteclosegate there is a narrow track that provides access to the rear gardens of these properties. The track, which dates back to 1928, was only intended to be used for garden activities and should not be used as an access road;
2. In the deeds to these properties there is a building prohibition preventing development of the rear gardens of these dwellings;
3. The property would have no front garden, which would be out of keeping with other properties on Whiteclosegate;

4. Access to the site from Millcroft would be preferable.

4. Planning History

- 4.1 There is no planning history relating to this site.

5. Details of Proposal/Officer Appraisal

- 5.1 This application seeks "Outline" planning permission for the erection of a detached dwelling in the rear garden of 28 Whiteclosegate, Carlisle. The site is situated on the southern side of Brampton Road, at the north eastern fringe of the city. It is surrounded by residential properties on all sides, although a public footpath runs parallel with the south eastern boundary of the site.
- 5.2 No. 28 Whiteclosegate is a detached two storey dwelling, which is finished in wet dash render, with a slate roof. The existing vehicular access is located to the southern side of the property, which has a substantial rear garden that measures 76 metres in length.
- 5.3 The application site is enclosed by a combination of fencing and hedging, although the northern boundary, which crosses the existing garden, is undefined. A number of mature trees are located within the gardens of the neighbouring houses.

The Proposal

- 5.4 This is an "Outline" application with four of the five "standard" details, i.e. siting, design, external appearance and landscaping, "reserved" for subsequent approval. The applicant has indicated that the means of access is to be considered as part of this "outline" application.
- 5.5 It is proposed to divide the rear garden to create a building plot that measures 53 metres in length by 16.8 metres in width. A 23 metre deep garden would be retained to serve the "host" dwelling, No.28 Whiteclosegate.
- 5.6 A private vehicular access would be created along the southern boundary of the site to serve the proposed dwelling and a new vehicular access onto Whiteclosegate would be created to serve the existing property.
- 5.7 The indicative layout plan that accompanies the application illustrates that it is proposed to erect a detached dwelling with an 'L' shaped footprint, which would be part two storey and part single storey in height. The property would have a front and rear garden and provision for two car parking spaces on the driveway, together with two further parking spaces available within an integral double garage.

SCHEDULE A: Applications with Recommendation

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- 5.8 It is proposed to discharge surface water run-off to a soakaway, with foul drainage connected to the public sewer.
- 5.9 Members are reminded that this is an “outline” application with issues relating to layout, scale, appearance, and landscaping reserved for subsequent approval and, therefore, these aspects of the scheme could vary at a later stage.

Assessment

- 5.10 The relevant planning policies against which the application is required to be assessed are Policies CP4, CP5, T1, H2, H4, H9 and LE6 of the Carlisle District Local Plan 2001-2016.
- 5.11 The proposals raise the following planning issues:
 - 1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.12 The application site, which lies within the urban area of Carlisle, is designated 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.
- 5.13 As this proposal involves “backland” development Policy H9 of the Local Plan is of particular relevance, as it specifically deals with this type of proposal.
- 5.14 The supporting text of this policy states that “tandem development”, which involves one dwelling being erected directly behind the other, is generally unsatisfactory because of the impact upon the dwelling located at the front, as a result of disturbance and loss of privacy. Members will note that this is the principal concern raised by Stanwix Rural Parish Council.
- 5.15 Prior to the application being submitted pre-application advice was sought by the applicant. Officers initially expressed concern regarding the issue of “tandem development”, as when viewed on a location plan the relationship between the “host” dwelling and the proposed access road appears unsatisfactory. This was because of the potential impact upon the properties located either side of the access road, as a result of loss of privacy and disturbance.
- 5.16 Upon a site inspection it was apparent that this would not be the case. Neither 26 nor 28 Whiteclosegate have any primary windows located in the gable of either property that face on to the proposed access road.
- 5.17 In addition to the absence of primary windows in the gables of these dwellings, to the side elevation of No.26 Whiteclosegate there is an attached single garage that would abut the access road. This would act as a buffer to mitigate any noise generated by vehicles using the access road, although

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given the nature of this road it is unlikely that vehicles will be travelling at speed and, therefore, noise levels are likely to be low.

- 5.18 Members will also be aware that Whiteclosegate is the main route into the city from the north east and, therefore, there will generally be a certain level of background noise generated by vehicles using this route.
- 5.19 Any issues regarding overlooking of either property could be mitigated by appropriate boundary fencing, which has been shown on the indicative layout plan. At the rear of the Nos. 26 and 28 Whiteclosegate the proposed timber fencing is shown as being 1.8 metres high, which would be acceptable visually, but also effective in providing a screen to mitigate overlooking.
- 5.20 At the front of the property the proposed new access would be situated in close proximity of the bay window at the front of No.28, the “host” dwelling. To prevent any overlooking occurring, particularly from pedestrians using the private access, it is proposed to erect a 1.8 metre high rendered wall.
- 5.21 In principle, this aspect of the scheme would be acceptable; however, Officers would not wish to see the wall extended at this height to the footpath edge, as this may detract from the streetscene. The applicant’s agent has indicated that this wall would be reduced in height as it approaches the pavement. In order to ensure that the design of the wall is sympathetic to the surroundings it is recommended that a condition is imposed that requires details to be submitted as part of the “reserved matters” application.

2. Whether The Scale And Layout Of The Development Is Acceptable.

- 5.22 Members are reminded that as this is an “outline” application with the scale and layout reserved for subsequent approval and, therefore, these elements could change from the indicative layout provided.
- 5.23 The indicative position of the proposed dwelling shows that it is well related to the surrounding properties in terms of its siting, scale and plot width. The applicant has demonstrated that adequate parking and amenity space can be provided to serve the prospective dwelling.
- 5.24 The specific details regarding the height and detailing of the dwelling can be addressed through the “reserved matters” application to ensure that it is in keeping with the neighbouring properties.

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

- 5.25 The principal issue to consider in respect of the dwellings impact upon the adjacent properties relates to “tandem development”, which has been discussed above in paragraphs 5.14 to 5.21. For the reasons previously identified, the possible impact upon either No.26 or 28 would be within tolerable limits.

SCHEDULE A: Applications with Recommendation

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- 5.26 Although the siting of the dwelling on the layout plan is only indicative adequate separation distance can be maintained between the existing and proposed dwelling, thereby ensuring that the adjacent properties are not affected through loss of light, loss of privacy or overdominance.

4. Landscaping.

- 5.27 The Council's Landscape Architect has highlighted that there are issues relating to the retention of the trees situated in the neighbouring gardens. The access road and parking area are situated within the root protection area of these trees and, therefore, any work required to form these aspects of the proposal would need to be created by a "no dig" method, which could be secured through the imposition of a suitably worded condition.

- 5.28 The Landscape Architect has recommended that a method statement should be provided for any work within the root protection zone and that the access should be put in place before any works commences on the proposed dwelling in order to safeguard the root systems of the neighbouring trees.

- 5.29 The position of any services trenches also has the potential to impact upon the root systems of the nearby trees and, therefore, the Landscape Architect has recommended that the service strips are located outwith of the root protection zones.

5. Highway Matters

- 5.30 The proposed access arrangements have not been reserved for subsequent approval; however, the Highway Authority has raised no objections to the access to serve either the proposed dwelling or the existing property. It is recommended that three conditions relating to the construction of the access are imposed.

6. Other Matters.

- 5.31 A local resident expresses concern regarding the possible use of the track to the rear gardens of 30, 32 and 34 Whiteclosegate, as the vehicular access to serve the development.

- 5.32 In respect of this particular concern Members are reminded that the proposed means of access has not been reserved for subsequent approval and, therefore, this application does not propose to utilise this track.

Conclusion

- 5.33 In overall terms, the principle of the proposed development is acceptable. The indicative layout plan demonstrates that the dwelling could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, loss of privacy or over dominance. Adequate

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car parking and amenity space could also be provided to serve the dwelling.

5.34 In all aspects the proposal is compliant with the objectives of the Local Plan.

6. Human Rights Act 1998

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

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

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

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

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

6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

7. Recommendation - Grant Permission

1. Before any work is commenced, details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

2. 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:

SCHEDULE A: Applications with Recommendation

09/0349

- (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).

3. 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 buildings and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. Details shall be submitted of the proposed hard surface finishes within the proposed scheme and approved, in writing, by the Local Planning Authority before any site works commence.

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

5. Details of the proposed crossing of the highway verge and/or footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed.

Reason: To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

6. Before the new dwelling is commenced the new access shall be substantially completed in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority.

Reason: To minimise highway danger and to safeguard the root systems of the adjacent trees in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and Local Transport Plan Policies LD5, LD7 and LD8.

7. 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.

SCHEDULE A: Applications with Recommendation

09/0349

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

8. 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.

Reason: To ensure that the means of disposal is acceptable and to ensure compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

9. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees 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. No works shall be carried out within the fenced off area unless a method statement, detailing how those works shall be undertaken, has been submitted to and approved, in writing, by the Local Planning Authority. The protective fencing 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 to be retained on site in support of Policy CP5 of the Carlisle District Local Plan 2001-2016.

10. The access drive and parking area shall be of a “no dig” construction in accordance with details to be submitted to and approved, in writing by the Local Planning Authority. No development shall commence on the dwelling hereby approved until the access and parking area have been constructed in accordance with the approved details.

Reason: To ensure that the root systems of the neighbouring trees are safeguarded in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

11. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling and access/parking areas shall be submitted to and approved, in writing, by the Local Planning Authority before any site works commence.

Reason: To ensure that the root systems of the neighbouring trees are safeguarded and to ensure that the approved development overcomes any problems associated with the topography of the

SCHEDULE A: Applications with Recommendation

09/0349

area and safeguards the living conditions of neighbouring residents in accordance with Policies CP5 and H2 of the Carlisle District Local Plan 2001-2016.

12. No services trenches shall be positioned within the root protection area of those trees to be retained, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the root systems of the neighbouring trees are safeguarded in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

13. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved details, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the design and materials to be used are appropriate and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

24 APR 2003
09/0349



revision
Revision Date Description

Revised by

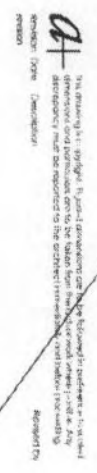
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PLUS

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Project
28 Whiteclosegate Carlisle
Mrs Andrew
Drawing
Location Plan

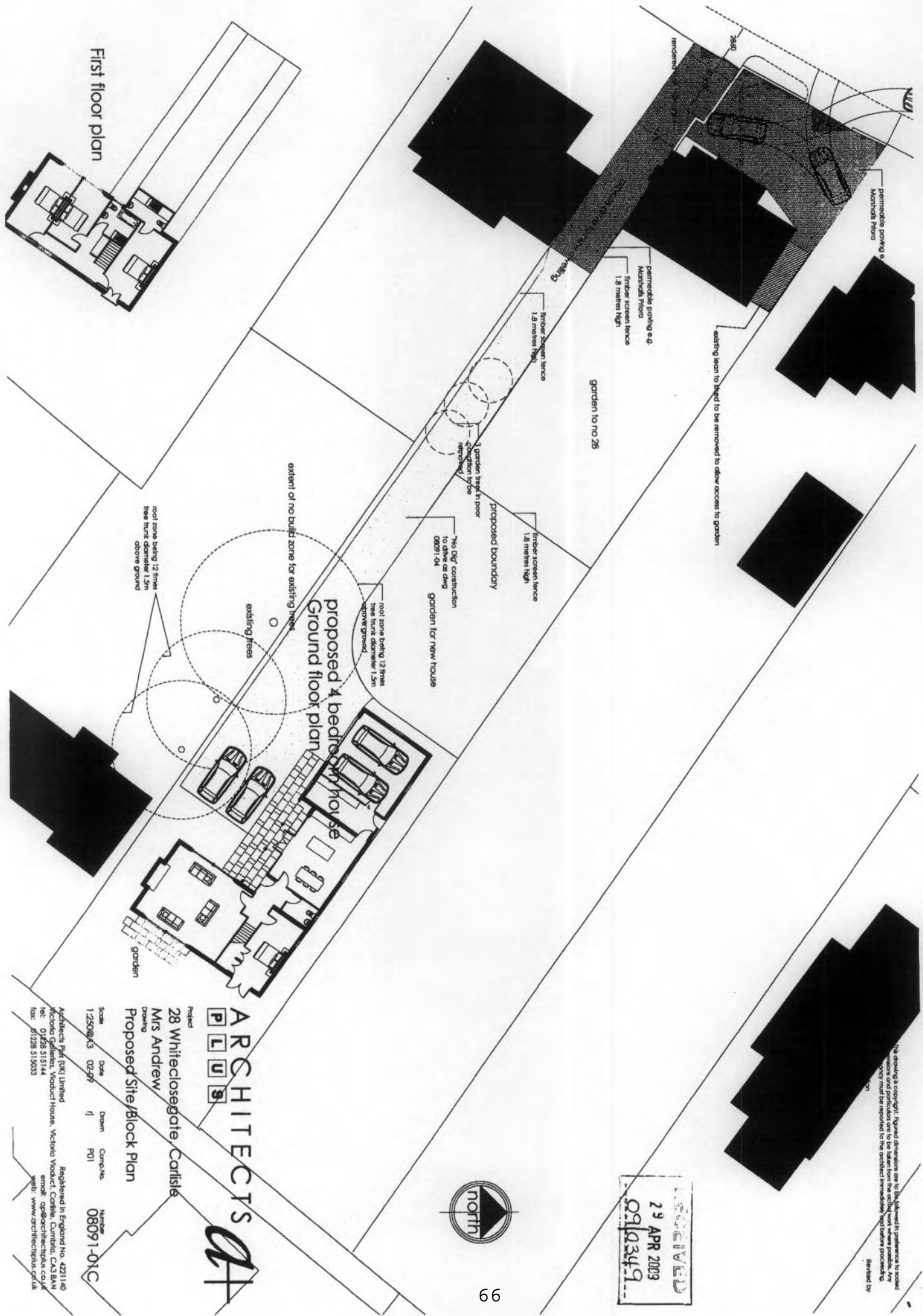
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ARCHITECTS
WITH PRACTICES

[illegible]



First floor plan

proposed 4 bedroom house
Ground floor plan

garden

ARCHITECTS
P L U S
28 Whiteclosegate, Carlisle
Mrs Andrew
Drawing
Proposed Site/Block Plan

Scale Date Drawn
1:250 @ A3 02-08 P01

Number
08091-01C



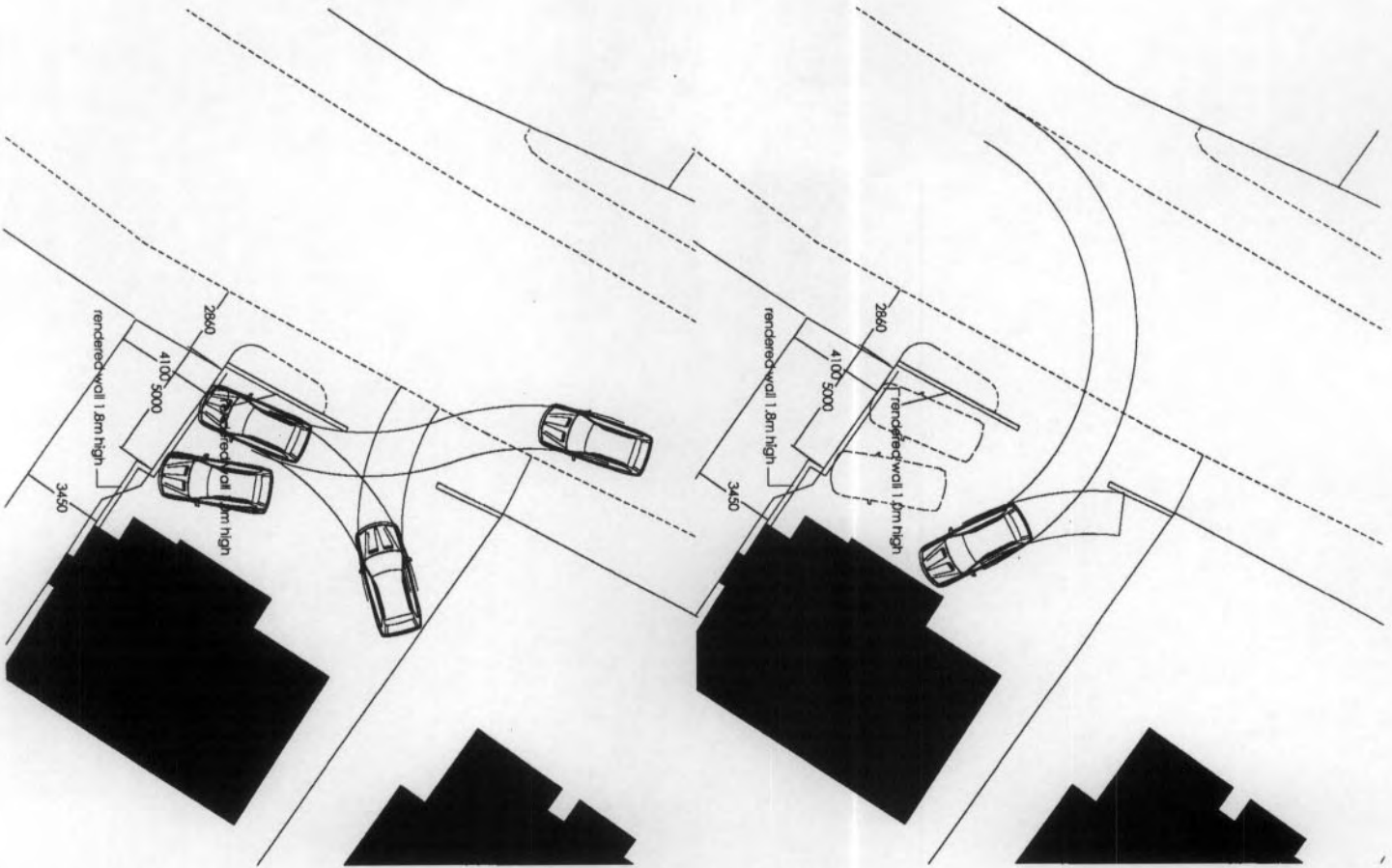
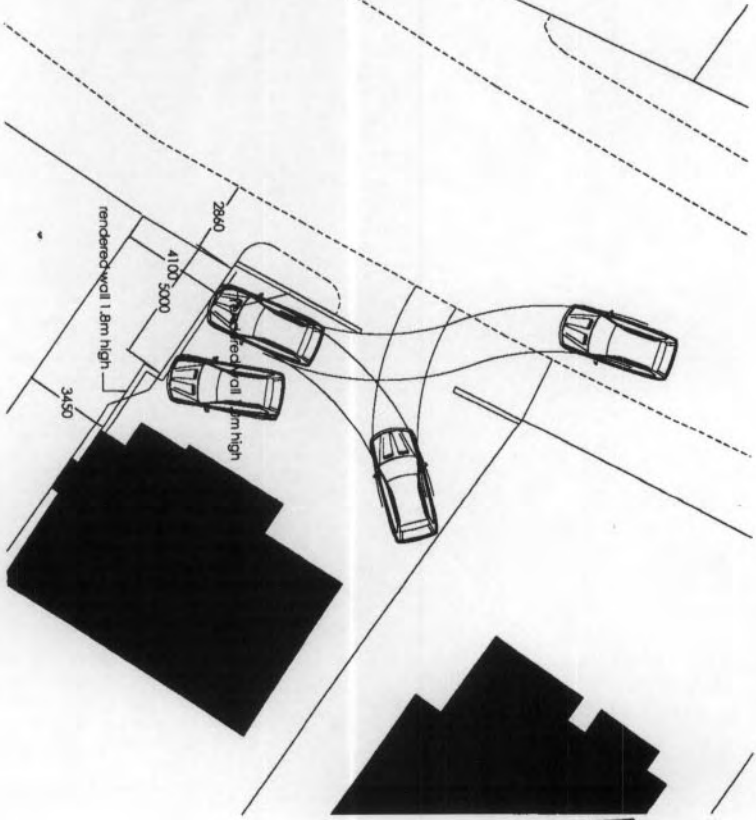
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Revised By

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Revised by: _____
 Date: _____
 Description: _____

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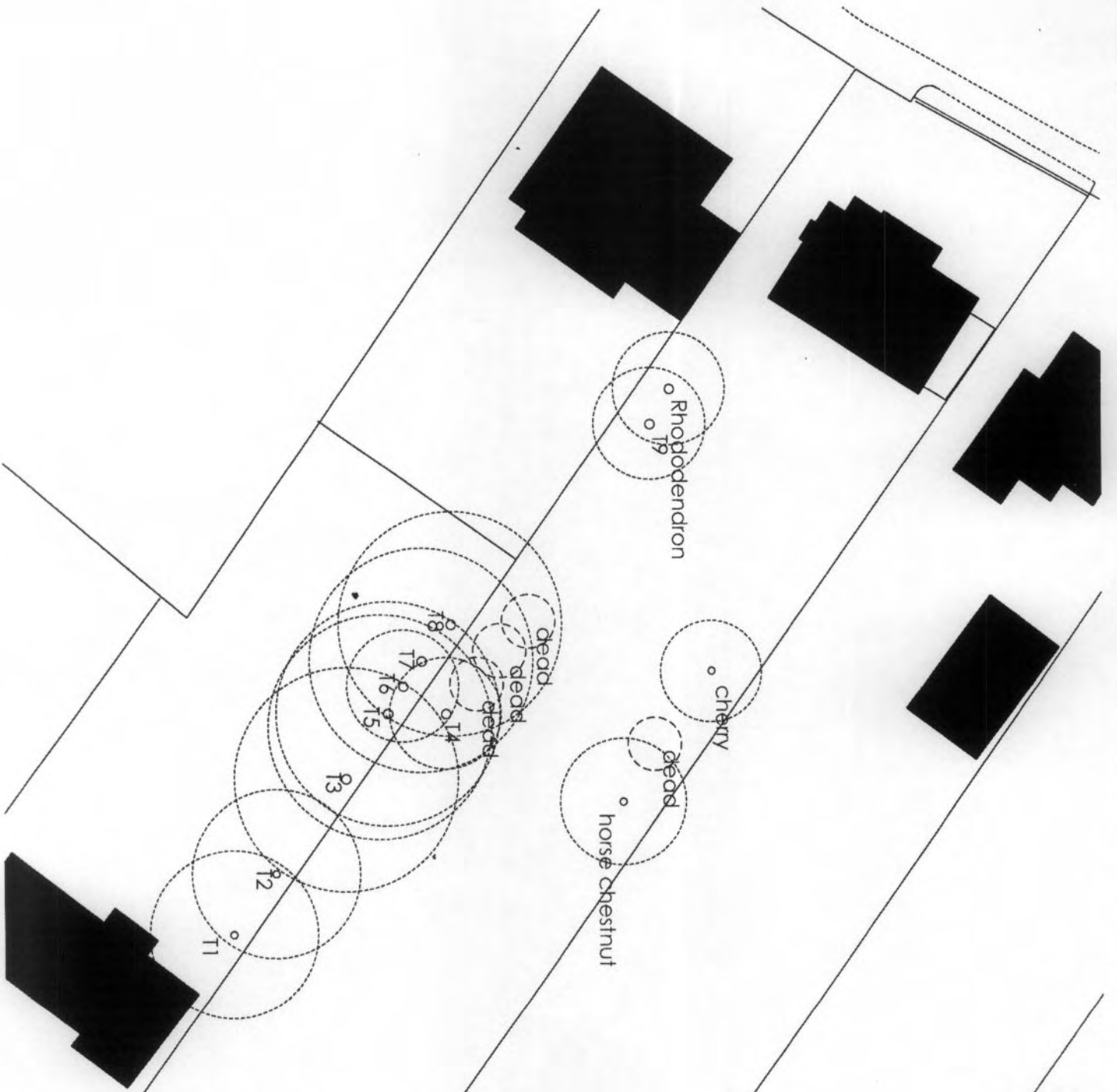


ARCHITECTS **A+**
P L U S

Project:
 28 Whiteclosegate, Carlisle
 Mrs Andrew
 Drawing:
 Parking for existing house

Scale: 1:200
 Date: 02-09-11
 Drawn: JF
 Compd: P01
 Number: 08091-02

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PLU S

28 Whiteclosegate, Carlisle
 Mrs Andrew
 Tree Survey

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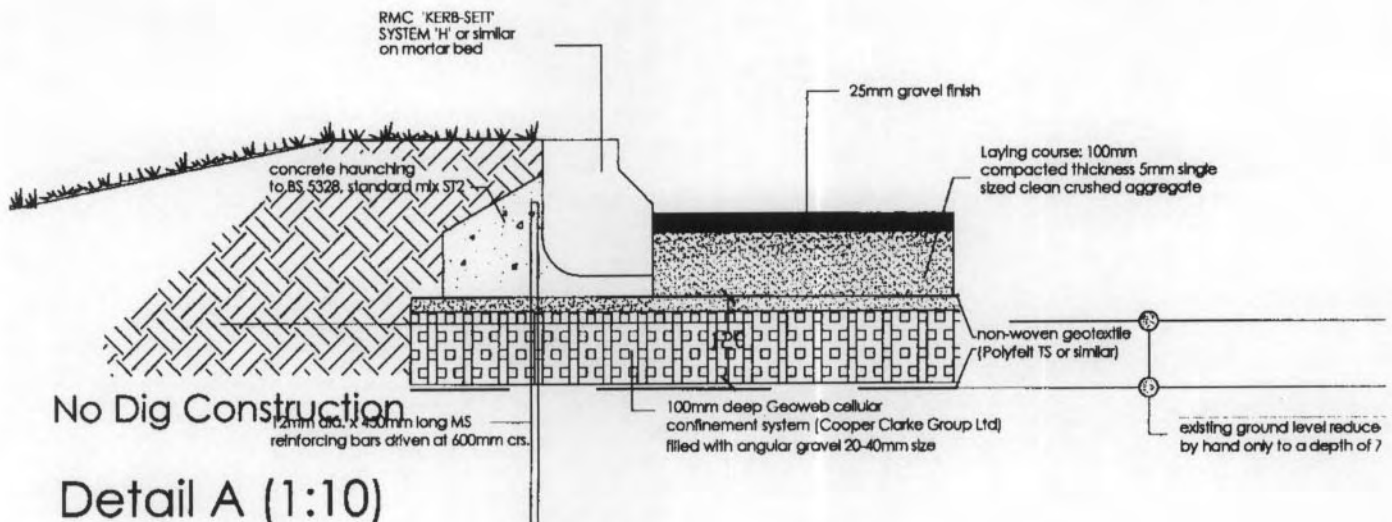
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The access drive to the property to be constructed to a No-Dig specification as detailed on drawing Detail A.

Work within this area to be carried out by hand without the use of excavators or dumpers.

- top/soil leaf litter should be removed carefully by hand to a maximum of 50mm, or less if roots are found near the surface.

-following levelling with soil or sand, a permeable, non-woven geotextile membrane should be laid.

-suitable cellular confinement system should then be constructed to manufacturers instructions on top of the membrane. (Suitable products include Geoweb supplied by Cooper Clarke Group Ltd. 01204 862 222, or Cellweb, supplied by Geosynthetics Ltd. 01455 617 139)

-the cellular confinement system should be filled with clean gravel to provide load support, while allowing air and moisture to permeate to the root zone.

-concrete haunching to kerb edges to be laid on top of the geotextile membrane and pinned in place by driven reinforcing rods, or similar.

-drive finished with concrete brick pavers laid to herringbone pattern on coarse sand bedding.

revision

Revision Date Description

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Revised by

Project

28 Whiteclosegate Carlisle

Mrs Andrew

Drawing

No Dig Drive Construction

Scale
1:10

Date
04-09

Drawn
rj

Comp No.
P01

Number
08091-04

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SCHEDULE A: Applications with Recommendation

09/0303

Item No: 05

Date of Committee: 10/07/2009

Appn Ref No:
09/0303

Applicant:
AMW Contractors Ltd

Parish:
Carlisle

Date of Receipt:
20/04/2009

Agent:
Manning Elliott

Ward:
Harraby

Location:
L/A 14/14A Lazonby Terrace, Carlisle, Cumbria,
CA1 2PZ

Grid Reference:
341427 554551

Proposal: Erection of 3no. 3 Bedroom Dwellings

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of five letters of objection.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

The proposal relates to land or premises situated within or adjacent to the Gas Pipeline Safeguarding Area.

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol CP5 - Design

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): objected to the original

SCHEDULE A: Applications with Recommendation

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proposal and recommend refusal as the layout indicated on DWG04 does not adequately show that the necessary 6 vehicle parking spaces plus clearance can be achieved and the space for the existing dwellings will be unusable;

The layout details shown on the revised plans are satisfactory, subject to the imposition of a condition requiring 6 parking spaces to be provided, each with a minimum measurement of 2.4m by 5m, with a 6m clearance behind;

Community Services - Drainage Engineer: comments awaited;

United Utilities (former Norweb & NWWA): no objections provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a soakaway/watercourse/ surface water sewer and might require the consent of the Environment Agency;

Development Services Planning & Housing Services - Local Plans: comments awaited;

Development Services Planning & Housing Services - Local Plans (Trees): no comments;

National Grid UK Transmission: risk is negligible.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
11 Herbert Street	01/05/09	
13 Lazonby Terrace	15/06/09	
13 Herbert Street	01/05/09	
15 Herbert Street	01/05/09	Objection
17 Herbert Street	01/05/09	Objection
19 Herbert Street	01/05/09	Objection
12 Lazonby Terrace	01/05/09	Objection
14 Lazonby Terrace	01/05/09	
14A Lazonby Terrace	01/05/09	
18 Lazonby Terrace	01/05/09	
20 Lazonby Terrace	01/05/09	
10 Lazonby Terrace		Objection

3.1 This application has been advertised by means of a site notice and notification letters sent to twelve neighbouring properties. Five letters of objection were received on the original application, which make the following points:

- Object to the balconies, which will overlook the rear yards of the properties on Herbert Street and lead to a loss of privacy for the occupiers of these properties;

- Concerned about the use of the back lane and the extra traffic that will be using it;
 - Concerned about parking - where will all the cars park? 14 Lazonby Terrace has already been converted into 5 bedsits. There is no parking for the bedsits and the extra traffic is already causing problems in the area. There are also a couple of B&Bs on the street and these are also detrimental to parking;
 - There is not adequate room for the car parking spaces proposed - the extra spaces would be a danger to people using the lane;
 - Concerned about parking spaces in the lane, which is not well lit. When cars have been parked in the back lane previously this has encouraged crime;
 - Extra traffic would put the children who play in the lane at extra risk;
 - Concerned that trees were removed from the site prior to the planning application being made;
- 3.2 Two additional letters of objection have been received following the re-consultation on the amended plans. These express concerns about lack of parking; increased traffic congestion; the use of the private back lane, which belongs to the residents of Herbert Street, to provide access; the blocking of the lane by contractors vehicles; and the removal of trees on the site.

4. Planning History

- 4.1 There is no planning history relating to this site.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The proposal is seeking planning permission to erect a terrace of 3 dwellings at 14/14a Lazonby Terrace, London Road, Carlisle. Number 14 Lazonby Terrace has recently been converted from a single dwelling to a House in Multiple Occupation for 6 persons, whilst number 14a, which lies to the rear of 14, is a separate 1 bedroom flat, which has recently been refurbished. The front elevation of the property is two-storey, with the rear elevation being three-storey. The new dwellings would be constructed in part of the garden of 14/14a Lazonby Terrace and this slopes downhill away from London Road. A block of 2/3 storey flats also adjoins the application site, whilst a road runs along the rear boundary of the site and this provides access to garages for properties facing both London Road and Herbert Street to the rear. A Primary Employment Area is located on the opposite side of London Road to the

application site.

The Proposal

- 5.2 The proposal is seeking to erect a terrace of 3 dwellings on the London Road frontage. The front elevation of the dwellings would be two-storey, with the rear elevation being three-storey, due to the change in levels across the site. A gable would be located in the middle of the front and rear elevations to add visual interest. The dwellings would comprise a lounge, dining room and kitchen on the lower ground floor, two bedrooms and a bathroom on the upper ground floor and an en-suite bedroom on the first floor. Each dwelling would have a small private rear garden, a storage area for bins and two car parking spaces, which would be located adjacent to the rear access road. The dwellings would be accessed via steps from London Road, with a landscaped strip being planted between the entrance stairs. The dwellings would be constructed of facing brick, with stone heads and sills and dark grey tiles.

Assessment

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, H2, T1 and CP5 of the Carlisle District Local Plan 2001-2016.
- 5.4 The proposal raises the following planning issues:
1. Whether The Scale And Design Of The Proposed Dwellings Is Appropriate
- 5.5 The eaves and ridge levels of the new dwellings would be comparable with those of the adjacent properties. The front elevation would be two-storey, with the rear elevation being three-storey, as is the case with the adjoining properties, due to the change in levels from the front to the rear of the site. The building would be set back beyond the front elevation of 14/14a Lazonby Terrace but forward of the front elevation of the adjacent flats. Steps would lead from the adjacent footpath to the front doors of the dwellings, with the areas between the steps being landscaped. Each dwelling would have a rear garden, a bin storage area and two dedicated car parking spaces, with vehicular access being taken from the existing rear access road. The building would be constructed of facing brick, with stone heads and sills under a grey tiled roof and gables would be added to the front and rear elevations to add visual interest. In light of the above, the scale and design of the proposed dwellings is acceptable and would complement the adjacent properties.
2. The Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 5.6 Number 14 Lazonby Terrace would have a number of windows in the side elevation which would face the new terrace. However, the majority of these serve non-habitable rooms (e.g. hall, landing, bathroom), with only one serving a bedroom and one a kitchen. The bedroom window would actually

lie forward of the proposed dwellings and given that the bedroom is also served by an additional window in the front elevation would be largely unaffected by the proposals. The kitchen window would be in line with the gardens of the proposed dwellings, rather than the building and would not be significantly adversely affected. The adjacent flats only have one obscure glazed window in the side elevation at ground floor level.

- 5.7 The new dwellings would have two windows in each of the side elevations but these would serve halls/landings and not habitable rooms and would, therefore, be acceptable.
- 5.8 Properties on Herbert Street are located to the rear of the proposed dwellings but would be some 25m away from the rear elevations of the dwellings. This distance is sufficient to ensure that there is no loss of privacy to the occupiers of these dwellings, particularly given the degree of overlooking that already occurs from existing properties on both Herbert Street and London Road.
- 5.9 With regard to potential loss of light, the adjacent flats would lie to the south of the proposed dwellings and would, therefore, be unaffected. Numbers 14 and 14a Lazonby Terrace, which are a House in Multiple Occupation and a flat respectively, have limited outdoor amenity space but given the position of this space in relation to the new dwellings, it would largely be unaffected by the proposals.
3. Car Parking & Access
- 5.10 Six car parking spaces would be provided to serve the three dwellings. County Highways is satisfied with the proposed number of car parking spaces (a condition has been added to ensure that the spaces are adequately sized) and with the use of the existing rear access road to service the spaces. There are, therefore, no highway objections to the proposals.

Conclusion

- 5.11 In overall terms, it is considered that the proposed scale and design of the dwellings would be acceptable. The proposal would not have a significant adverse impact on the living conditions of the occupiers of 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.

6. Human Rights Act 1998

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

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

SCHEDULE A: Applications with Recommendation

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whose interests may be affected by such proposals;

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

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

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

6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. **Recommendation** - 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. 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 adjacent buildings and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

3. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved 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 a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. No development shall commence until details of any walls, gates, fences and

SCHEDULE A: Applications with Recommendation

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other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the privacy and amenity of the occupiers of neighbouring properties and the proposed dwellings, in accordance with Policies CP5 and H2 of the Carlisle District Local Plan 2001-2016.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted in the side elevations of the dwellings without the prior consent of the Local Planning Authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policies CP5 and H2 of the Carlisle District Local Plan 2001-2016.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwellings to be erected in accordance with this permission and no out buildings shall be erected within the curtilages of the dwellings, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

Reason: In order to protect the living conditions of the occupiers of the proposed and neighbouring dwellings in accordance with Policies H2 and CP5 of the Carlisle District Local Plan 2001-2016.

7. The development of 3 dwellings shall be provided with 6 vehicle parking spaces. Each with a minimum measurement of 2.4 metres by 5 metres with a 6 metre clearance behind for manoeuvrability.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 and LD8.

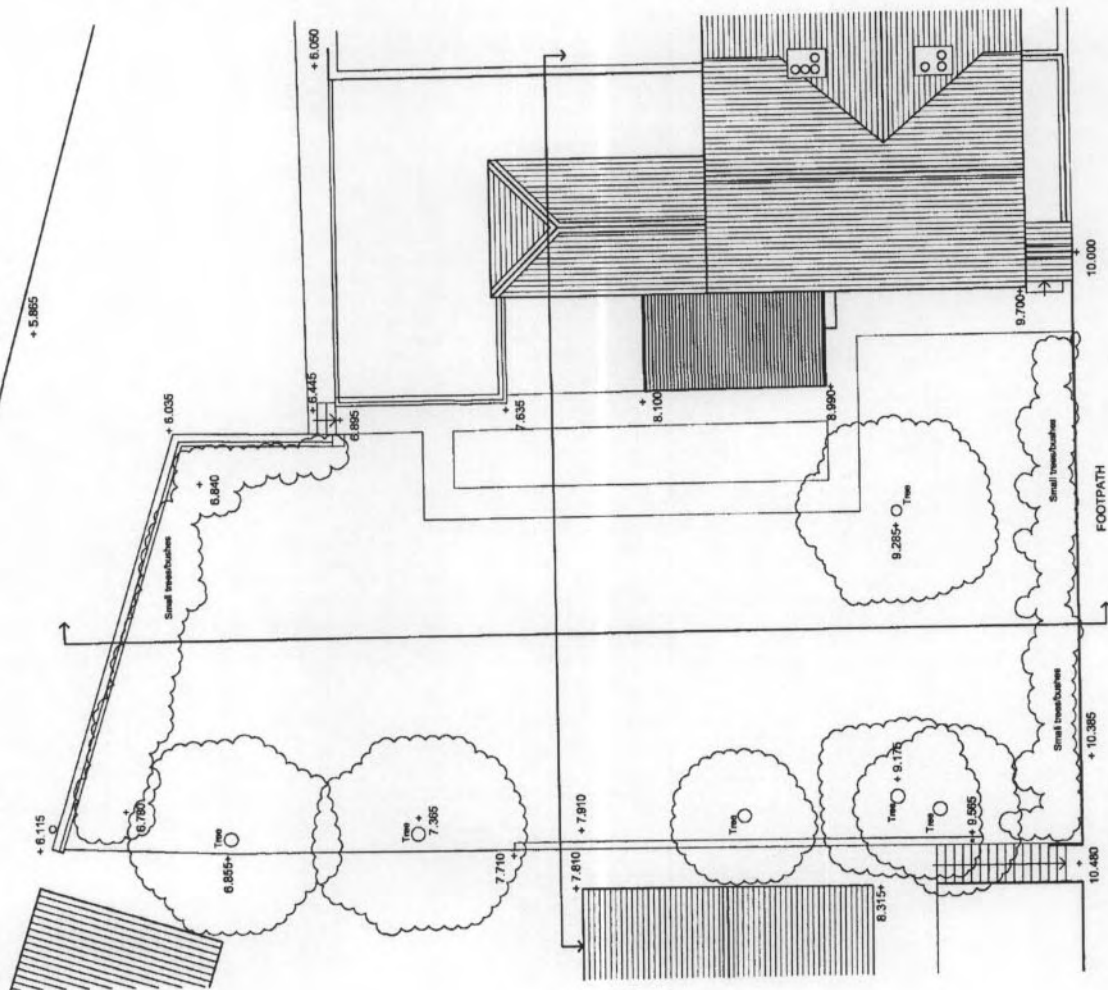
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SITE SURVEY PLAN 1:100

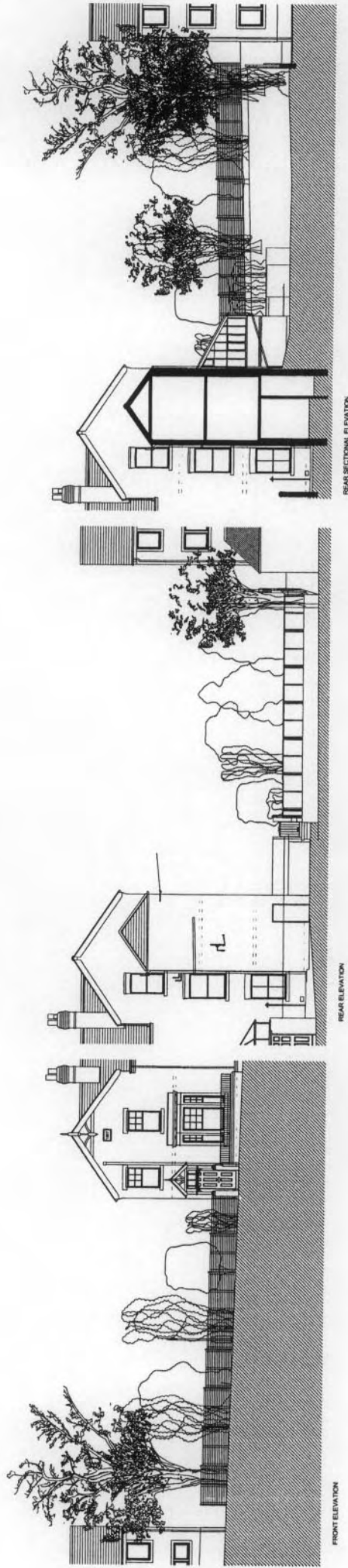
B. 07.04.06. Additional details.
 A. 26.03.06. Additional details.
 Revision.

MANNING ELLIOTT
 Chartered Architects
 and Designers

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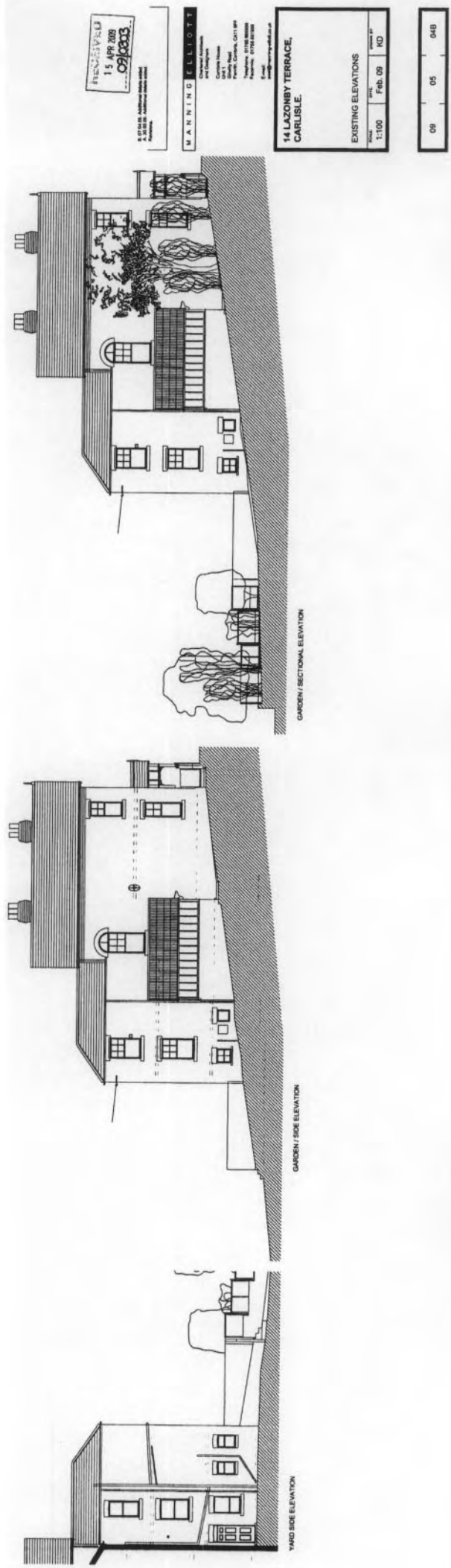
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 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED



REAR SECTIONAL ELEVATION

REAR ELEVATION

FRONT ELEVATION



GARDEN / SECTIONAL ELEVATION

GARDEN / SIDE ELEVATION

YARD SIDE ELEVATION

15 APR 2008
 09/03/08

A. 15 APR 2008
 09/03/08

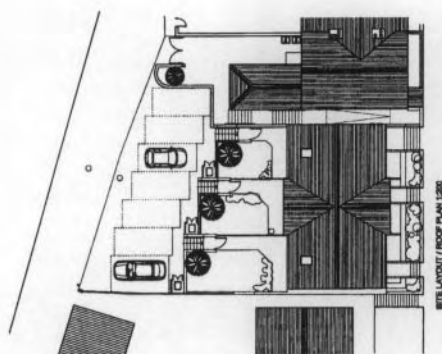
MANNING ELLIOTT
 15 APR 2008

15 APR 2008
 09/03/08

14 LAZONBY TERRACE
 CARLISLE

EXISTING ELEVATIONS
 SCALE 1:100
 DATE Feb. 09
 NO. 10

09 05 045

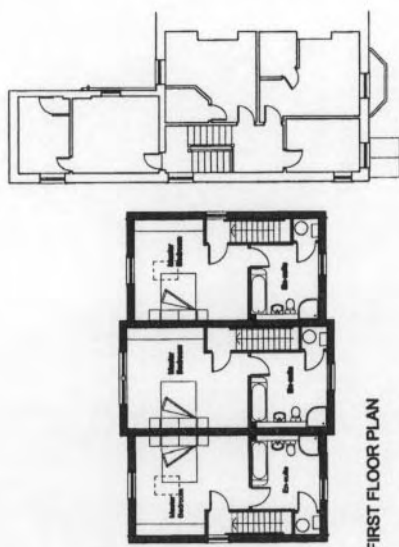
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MANNING FLEET

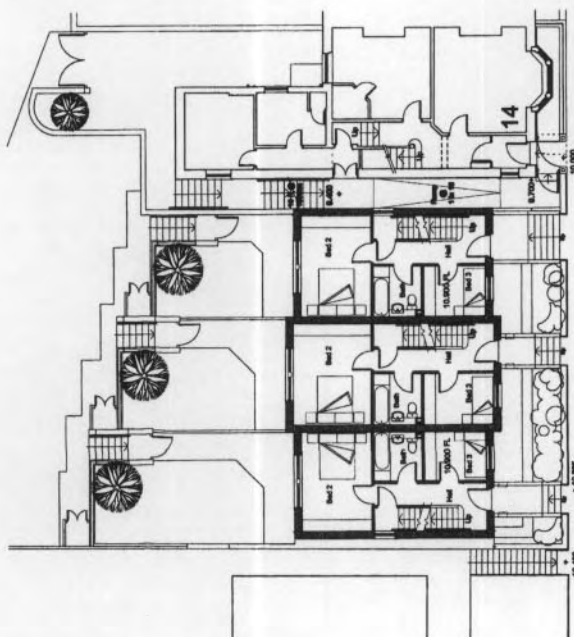
PROPOSED DEVELOPMENT
AT
No. 14 LAZONBY TERRACE,
CASHING

PROPOSED PLANS			ISSUED BY	DATE	REVISION
1	4-100-2000				

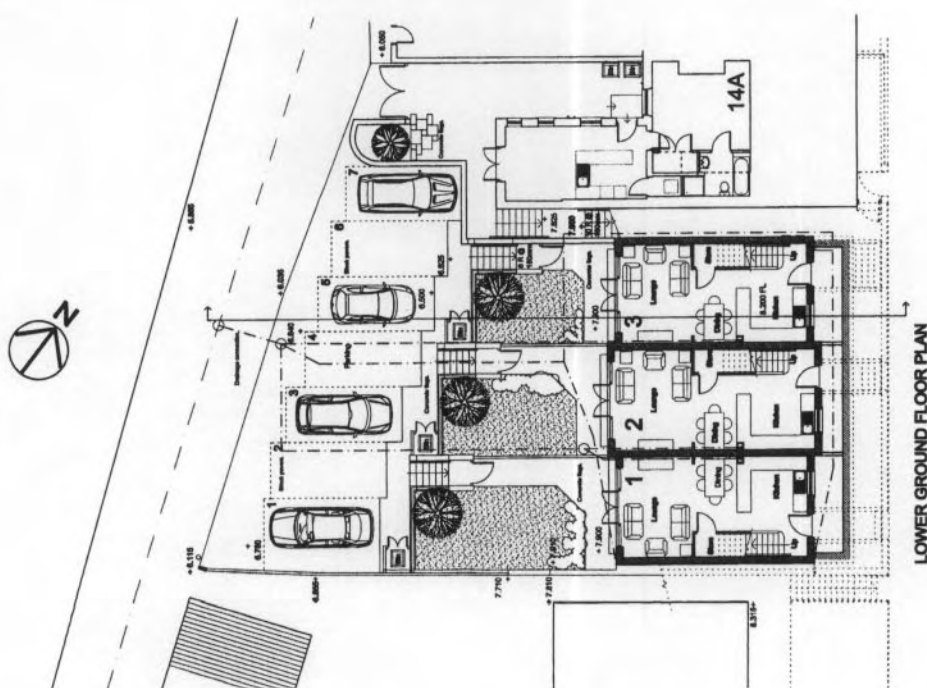
100
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FIRST FLOOR PLAN



UPPER GROUND FLOOR PLAN



LOWER GROUND FLOOR PLAN

WALLS.
Paving ballrooms with extruding ballroom ceiling.

WINDOWS / DOORS.
Walls open with window heads and ribs.

ROOF.
Dust they including concrete tile.
Pavement guide to be built open throughout.

SOLARIZATION / THERMOTRANS.
Thermal insulation with solar heating about
throughout ceiling with solar shields.

ACQUISITION / INSULATION.
Steel panel to parking layer above.
Concrete they come to landscape.

LANDSCAPING.
Sprinklers trees to reinforced garden.
Reinforced concrete and low level landscape.

D. 10.00. 100% value received, no value transferred
 C. 10.00. 100% value received, 100% value
 B. 10.00. 100% value received, 100% value
 A. 10.00. 100% value received, 100% value

MANNING ELLIOTT
Continued from page 10

Curbish House,
 300 L. Gladys Road,
 Pough, Quebec, G2H 1P7
 Telephone: 8776 3333
 Fax: 8776 3333
 E-mail:
info@curbish-house.ca

PROPOSED DEVELOPMENT
AT
14 LAZONBY TERRACE,
CARLSLE

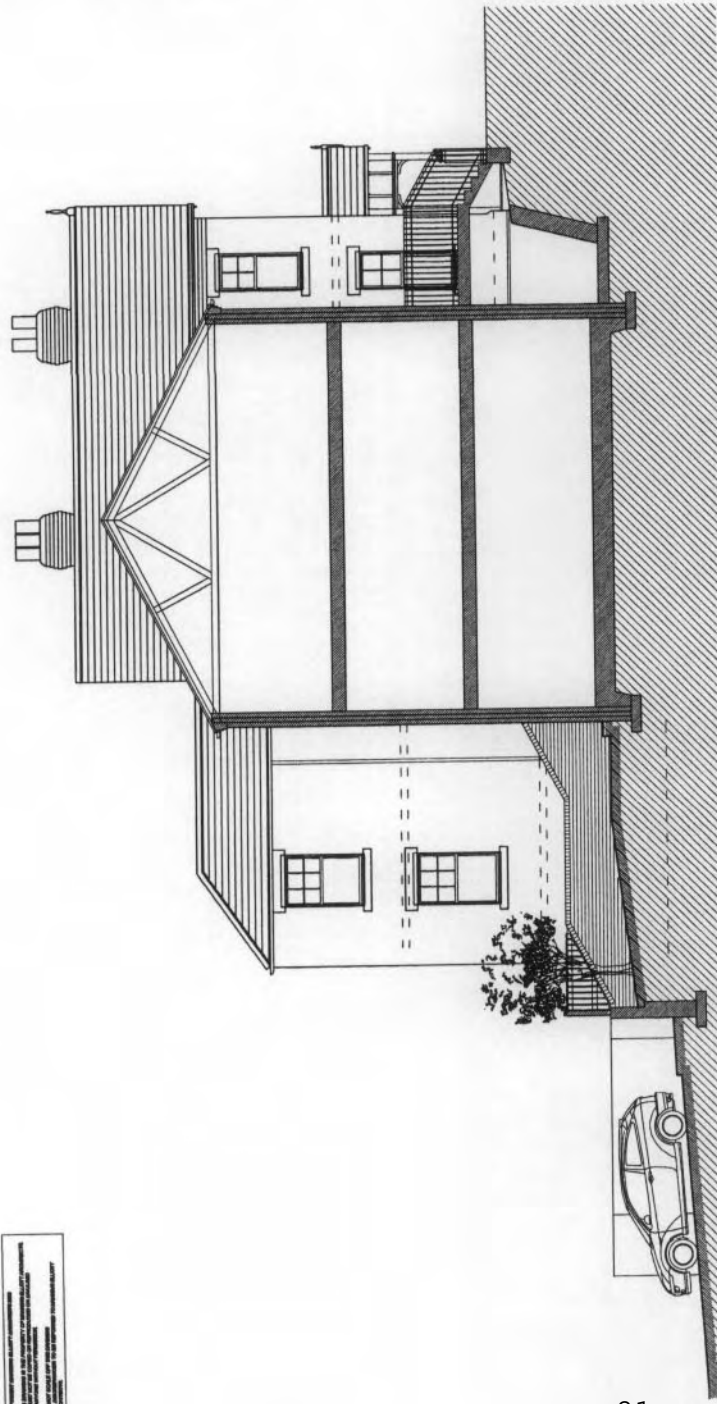
PROPOSED ELEVATIONS AND
SITE SECTION

DATE	DATE	BOOK NO.
1-508100	March 09	RJF

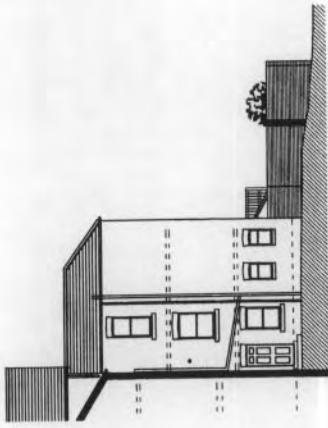
10

09 06 11D

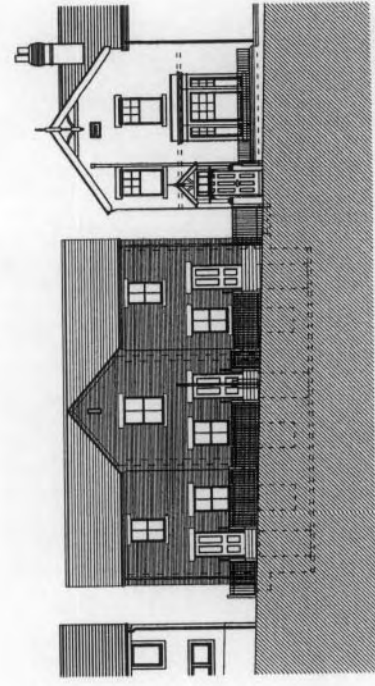
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- 5 JUN 2009
2009/0303



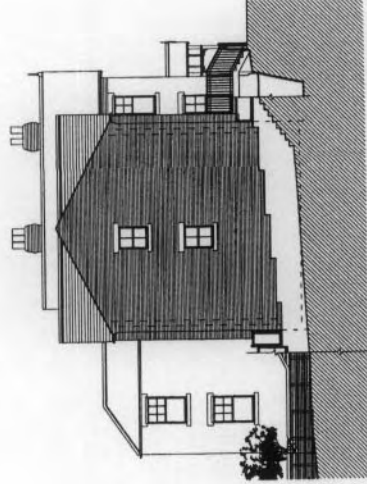
PROPOSED SITE SECTION



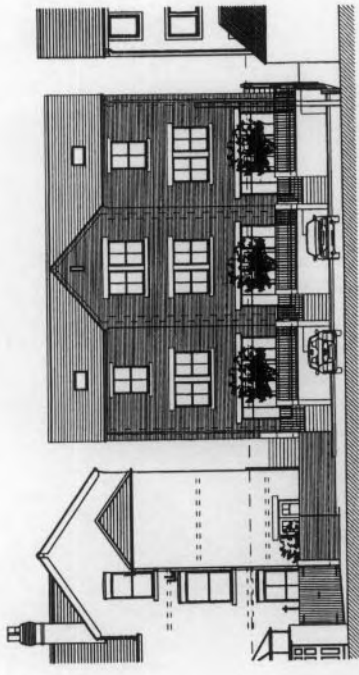
YARD SIDE ELEVATION



FRONT ELEVATION



END ELEVATION



REAR ELEVATION

The application site looking towards London Road.



The side elevation of 14/14a Lazonby Terrace



The side elevation of the adjacent flats



SCHEDULE A: Applications with Recommendation

09/0399

Item No: 06

Date of Committee: 10/07/2009

Appn Ref No:
09/0399

Applicant:
Ians Midi Coaches

Parish:
Dalston

Date of Receipt:
19/05/2009

Agent:

Ward:
Dalston

Location:
37 New Road, Dalston, Carlisle, CA5 7LA

Grid Reference:
337585 552081

Proposal: Variation Of Condition 5 Of Application 05/1041 To Increase Parking
From 4 Coaches to 6 Coaches

Amendment:

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due an objection having been received from the Parish Council and because it seeks to vary a condition restricting vehicle numbers imposed by Committee in relation to a previous application.

1. Constraints and Planning Policies

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol EC11 - Rural Diversification

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): after considering the

SCHEDULE A: Applications with Recommendation

09/0399

conditions contained in 01/1154, the Highway Authority has no objection to the proposed development as the layout details shown on the submitted plan read with the aforementioned conditions are considered satisfactory from a highway perspective; and

Dalston Parish Council: objection - too large a business operation for this domestic site with a difficult access.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
32 New Road	20/05/09	
33 New Road	20/05/09	
34 New Road	20/05/09	
35 New Road	20/05/09	
36 New Road	20/05/09	
Dalston	20/05/09	

- 3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of six of the neighbouring properties. At the time of writing this report, no representations have been received.

4. Planning History

- 4.1 Planning permission was granted in 1998 for the erection of a conservatory.
- 4.2 In 2002, planning consent was granted for the change of use of 1no. room from residential to office accommodation for a new business and creation of 1no. parking space for a bus.
- 4.3 Planning permission was granted in 2004 for an extension over the garage to provide an additional bedroom and two storey link to the main house.
- 4.4 In 2005, an application for planning consent for a change of use from agriculture/ hard standing to create a parking area for a maximum of 3no. private hire mini buses, retention of metal storage container and erection of 1.8 metre high security fence around part of the parking area was withdrawn prior to determination.
- 4.5 Planning permission was granted in 2005 for the erection of a conservatory.
- 4.6 Also in 2005, planning consent was granted for the change of use for the

parking of a 37 seat coach and an additional three vehicles together with the retention of a metal storage container.

- 4.7 Planning permission was granted in 2007 for the erection of a porch with office accommodation on the first floor.
- 4.8 In 2008, a revised application was approved for the erection of a porch with office accommodation above.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks Full Planning permission for the variation of a planning condition to allow the parking of six coaches at 37 New Road, Dalston, Carlisle. New Road is accessed from the main B5299 Carlisle to Dalston Road and is situated approximately 1.5 miles north of Dalston. The property which is the subject of this application is the first on the left, approximately 28 metres from the junction with the main road.

Background

- 5.2 This application seeks consent to park six coaches in conjunction with his coach hire business. Planning consent was previously granted in 2005 with the imposition of condition 5 which states:

“The premises shall be used for the parking of 1no. 37 seater bus; 1no. 27 seater mini bus; 1no. 24 seater mini bus; and 1no. 15 seater mini bus and for no other commercial purpose.”
- 5.3 Due to maintenance issues with vehicles and the nature of the contracts that are undertaken, the applicant considers that the wording of this condition is too restrictive and that the proposed variation would allow flexibility in the use of the site and continuation of the business.

Assessment

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP6, EC11 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following issues.
 - 1. The Principle Of Development
- 5.5 Paragraph 13 of Planning Policy Guidance 4 (Industrial, commercial development and small firms) states that:

"The planning system should operate on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance."

- 5.6 Policy EC11 of the Local Plan encourages the diversification and expansion of economic activities undertaken in rural areas provided that the use is compatible with the rural area and that adequate parking and access arrangements can be provided.
- 5.7 Policy CP1 of the Carlisle District Local Plan requires that development proposals in the open countryside do not adversely affect the character or appearance of the area. The proposal is largely contained within the existing curtilage of the property with a small area of land adjacent to the northern boundary measuring 14 metres in depth by 11 metres. The land that is subject of this application remains the same as that which was approved in 2005 when the principle of development was accepted. The scale of the parcel of land is considered to be proportionate and appropriate to the existing curtilage and would not be obtrusive.
- 5.8 The garden area between the dwelling and the main road is populated by trees, providing partial screening from the main road. The boundary along New Road, to the east of the access to number 37, consists of a line of conifer trees measuring approximately 3 metres in height. This provides adequate screening from the other residential properties along New Road, of which there is only one directly opposite the application site. A landscaping scheme was implemented following the previous planning consent for the use in 2005. This scheme is relatively new but is developing and as it does so, will provide further cloaking of the site.
- 5.9 The Parish Council has raised an objection on the basis that the expansion of the business operation is too large for this domestic site. The business was established in 2001 when planning permission was granted. Planning policies are supportive of the retention and growth of established rural-based businesses, subject to consideration against other relevant policies. Whilst the vehicles are glimpsed they are relatively unobtrusive and it is not considered that the parking of additional vehicles and of different sizes would be detrimental to the character of the area.

2. Effect On Living Conditions Of The Occupiers Of Neighbouring Properties

- 5.10 Policy CP6 of the Local Plan seeks to protect the residential amenity of local residents from inappropriate development. The nature of the site is such that the vehicles are partially screened from view, and wholly screened from certain viewpoints, in particular, from residential properties along New Road. There is sufficient land around the dwelling to position the vehicles towards the rear of the site. Although the development may be visible, on balance, it is not considered of sufficient intensity and to be detrimental to the visual

amenity such as to warrant refusal of the application.

- 5.11 The nature of the business is such that it primarily undertakes school contracts with other private hire work. The scale of the proposal is considered to be modest and given the relationship of the site with the residential properties, would not adversely affect the living conditions of the local residents.

3. Highway Issues

- 5.12 When leaving New Road to turn right onto the B5299 towards Carlisle, there is a sweeping bend which reduces the amount of visibility towards on-coming traffic. Policy EC11 of the Local Plan requires that as part of any proposal, adequate vehicular access and parking provision should be provided.
- 5.13 Dalston Parish Council has also objected to the application on highway grounds stating that the access is difficult. As part of previous planning consents the Highway Authority required that the applicant undertook improvement works to the junction between New Road and his property to improve the vehicular access and egress. Due to the intensification of the use proposed a visibility splay to the north of the site that measures 215 metres in length has been formed.
- 5.14 The applicant has undertaken extensive works to the vegetation to the frontage of his property with Dalston Road. This has involved removing much of the hedgerow leaving the remaining trees as screening to the site. The Highway Authority has raised no objection to this current proposal.

Conclusion

- 5.15 In overall terms, the principle of the expansion of this scale of rural-based businesses is acceptable. The proposal would not adversely affect the living conditions of the occupiers of neighbouring residential properties and the Highway Authority has raised no objection. In all aspects the proposal is considered to be compliant with the objectives of the relevant Local Plan policies.

6. Human Rights Act 1998

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

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

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

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

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

6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

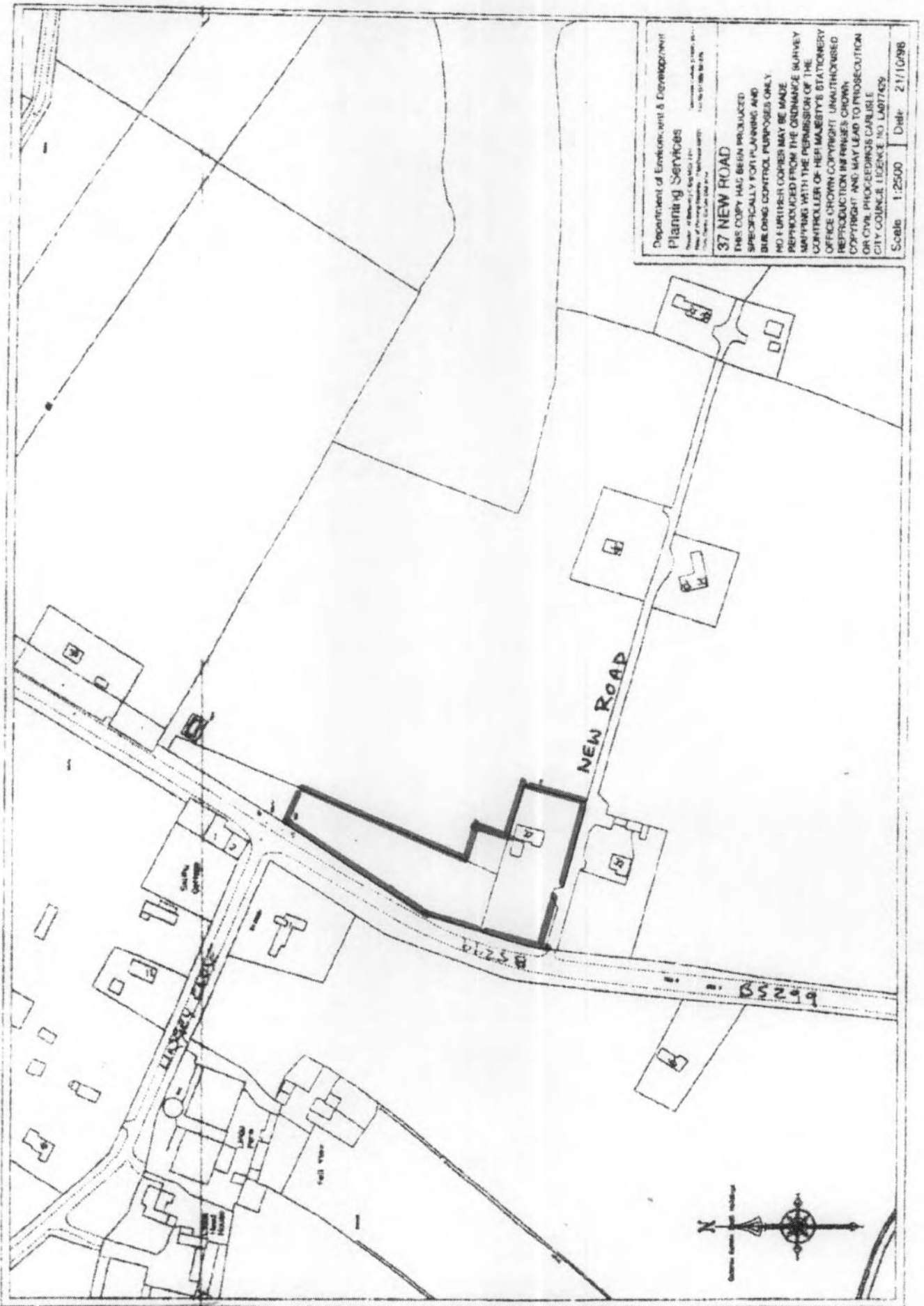
7. Recommendation - Grant Permission

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 premises shall be used for the parking of 6no. private hire coaches, each not exceeding 49 passenger seats, and for no other commercial purpose.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policy EC11 of the Carlisle District Local Plan 2001-2016.



RECEIVED
14 MAY 2009
09103999

19 MAY 2009

WOODLAND

SCALE 1:500.

Spore

← ALL BOUNDARY FENCING
TO BE POSTS WITH RYLOCK MESH
WITH RYLOCK BARBED WIRE
WHERE NOT ALREADY IN PLACE.

← SCREENING WITH TREES/SHRUBS

STORAGE CONTAINER

RECEIVED

14 MAY 2009

09/0399

PROPOSED
PARKING
AREA
HARD CORE
SUB BASE.

FOOT PATHS

GARAGE

37 HOUSE

LAWNS

CONIFER HEDGE

CONIFER HEDGE

NEW ROAD

TURNING
AREA
TO BE TARMACAM

30 MTS

30 MTS

BEECH

GRASS
AREA

OAK

BEECH

OAK

MAPLE

SILVER
BIRCH

VARIOUS
DECIDUOUS
TREES

FLOWERING
CHERRY

conifers

ACCESS FROM
B5299

B5299



SCHEDULE A: Applications with Recommendation

09/0456

Item No: 07

Date of Committee: 10/07/2009

Appn Ref No:
09/0456

Applicant:
Mr Richard Cullen

Parish:
Stanwix Rural

Date of Receipt:
03/06/2009

Agent:
Architects Plus (UK) Ltd

Ward:
Stanwix Rural

Location:
Crosshill, Blackford, Carlisle CA6 4DU

Grid Reference:
339987 561307

Proposal: Demolition of Existing Farmhouse and Erection of New Replacement Farmhouse

Amendment:

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the Friends of the Lake District has objected to the scheme.

1. Constraints and Planning Policies

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP12 - Foul&Surf.Water Sewerage/Sew.Tr.

Local Plan Pol H10 - Replacement Dwgs in Rural Area

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol LE8 - Archaeology on Other Sites

2. Summary of Consultation Responses

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

SCHEDULE A: Applications with Recommendation

09/0456

Community Services - Drainage Engineer: no comments received;

United Utilities: no objections;

Stanwix Rural Parish Council: the Parish Council is supportive of the application and the design of the replacement farmhouse;

Friends of the Lake District: the farmhouse and associated buildings are of a significant size, and is a prominent feature in the open countryside. Given these factors, it is key that any proposals for redevelopment are sympathetic in both design and local landscape terms.

Friends of the Lake District have concerns regarding the submitted design. The proposed scheme would increase the existing built footprint of the farmhouse to a notable extent. In their view, the design does not reflect the local vernacular traditions found in farmhouse in north Cumbria, featuring aspects such as a stone entrance portico, which is inappropriate to the context.

It is Friends of the Lake District's opinion that the proposal conflicts with the objectives of the "saved" Policy E37 of the Cumbria and Lake District Joint Structure Plan and Policies CP5, H10 and CP1 of the Carlisle District Local Plan;

Cumbria County Council - (Archaeological Services); the farmhouse proposed for demolition is shown on the first edition OS map and so dates back to at least the mid nineteenth century (Historic Environment Record No.41505). There is evidence in the plan and thickness of the walls to indicate that the building has earlier origins. The house is, therefore, of some historic importance and it is recommended that a condition is imposed that requires an archaeological building recording programme to be undertaken prior to the demolition of the house.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Lustrom	04/06/09	
Bridge House	09/06/09	

- 3.1 This application has been advertised by means of a site notice and notification letters sent to two neighbouring properties. No verbal or written representations have been made during the consultation period.

4. Planning History

SCHEDULE A: Applications with Recommendation

09/0456

- 4.1 In 1966 planning permission was refused for the change of use of the buildings to enable the manufacturing of agricultural equipment (Application BA 4394).
- 4.2 In 1973 planning permission was granted for the subdivision of the original farmhouse to create two dwellings (Application BA8028).
- 4.3 In 2000 planning permission was sought for the demolition of an existing farm building and the erection of a replacement structure (Application 00/0579). The application was withdrawn prior to determination.
- 4.4 In 2008 planning permission was granted for the erection of a general purpose agricultural building (Application 08/1020).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks approval to demolish an existing farmhouse, known as Crosshill, and erect a replacement dwelling. The property is located approximately 500 metres to the north of Harker, on the eastern side of the A7, which links Carlisle and Longtown. The site is surrounded by open countryside and the nearest residential property is situated 250 metres to the west of the site.
- 5.2 The farmhouse is situated at the western extent of a cobbled courtyard, which is enclosed by a variety of traditional farm buildings that are in various states of repair. Several of these buildings, including the farmhouse itself, are dilapidated, although some modern agricultural buildings have recently been erected to the east of the application site.
- 5.3 Crosshill is a two storey farmhouse that is finished in a combination of painted render and pebbledash, with a natural slate roof. The supporting Design and Access Statement identifies that the property suffers from damp, as well as mice and rat infestation from the adjoining farm buildings.
- 5.4 Due to the amount of refurbishment work required to bring the house up to modern day standards, the applicant states that it would be more economical to demolish the house and erect a replacement dwelling.

Background

- 5.5 In 1973 planning permission was granted to convert the original farmhouse into two dwellings. There is some evidence to suggest that this permission was implemented; however, the property has since been converted back to a single unit.

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The Proposal

- 5.6 It is proposed to demolish the farmhouse, which has a footprint of 169 square metres, and erect a replacement dwelling. The proposed dwelling, which would occupy a footprint measuring 188 square metres, would be constructed on the position of the original house.
- 5.7 The proposed dwelling comprises a porch, entrance hall, farm office, WC, lounge, conservatory and an open plan kitchen/dining room, with five bedrooms (three of which have ensuite facilities) and a bathroom to the first floor. The dwelling would be two storeys in height. The external walling of the property would be finished using facing brick, with natural slate used on the roof. All new windows are to be timber framed sliding sash units and the glazed elevations would be framed in oak. Six solar panels are proposed in the south facing roof slope.
- 5.8 It would be linked to the two storey barn that the existing house is attached to by a short glazed corridor. The architect has indicated that it is the applicant's intention to convert part of this barn to provide a workshop, together with provision for the storage of farm boots and coats. The alterations are internal and ancillary to the existing agricultural use. As such, permission is not required for this work and it does not form part of this application.

Assessment

- 5.9 The relevant planning policies against which the application is required to be assessed are Policies CP1, CP3, CP5, CP12, H10, LE8 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.10 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.11 The principle of erecting a replacement dwelling is not an issue subject to compliance with the criteria identified within Policy H10 of the Local Plan.
- 5.12 The key aspect of the policy is criterion 2, which requires that the footprint of the replacement dwelling is no greater than a 15% increase in the footprint of the original property. In this instance the replacement dwelling represents a 10% increase in the footprint of the original house, and, therefore, the proposal satisfies this aspect of the policy.
- 5.13 Although the replacement dwelling will be occupied in association with the working farm it would not be reasonable to impose an agricultural occupancy condition, as no such restriction exists on the existing property.
- 5.14 If, however, the applicant were to sell the property to person unconnected to the farm holding, which he would be entitled to do, it would prejudice future possibilities of obtaining permission for an agricultural workers dwelling at a

SCHEDULE A: Applications with Recommendation

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later stage, as Planning Policy Statement 7 (Sustainable Development in Rural Areas) advises that such a sale would demonstrate evidence of a lack of need.

2. Whether The Design Of The Dwelling Is Acceptable.

- 5.15 The replacement dwelling utilises traditional finishes and is largely conventional in appearance. Its design, however, also incorporates contemporary elements such as the large glazed elevations. Whilst certain elements of the design are not traditional, the prominent views of the site are from the A7, which is situated approximately 400 metres to the west. From the A7 the house would also be seen against the back drop of the existing agricultural buildings. As such, it is the Officer's view that there is no harm to the landscape character of the surrounding area, which itself is of no specific landscape designation.
- 5.16 In terms of its layout, the domestic curtilage of the property has been largely retained as existing, although a narrow strip of agricultural land has been included to provide access around the north of the proposed dwelling from the courtyard to the front garden.
- 5.17 The vehicular access arrangements are unchanged and adequate in-curtilage car parking/amenity space is available to serve the property.
- 5.18 The dwelling has been designed to make use of passive energy conservation and six solar panels are proposed on the southern roof slope, which would reduce the property's dependence upon non-renewable resources.
- 5.19 On balance, the design of the dwelling and its layout is acceptable. Whilst Friends of the Lake District have objected to the application on the basis that its design is inappropriate to the location, it is the Officer's firm view that the refusal of the application on this basis could not be substantiated.

3. Impact Upon Neighbouring Residential Properties.

- 5.20 There are no immediate neighbouring residential properties that would be directly affected by the proposed dwelling, as a result of loss of light, loss of privacy or overdominance.

4. Archaeology

- 5.21 Cumbria County Council's Historic Environment Officer has advised that the house is of some historic importance. It is recommended that a condition is imposed that requires an archaeological building recording programme to be undertaken prior to the demolition of the house.

5. The Impact Of The Proposal Upon Protected Species.

- 5.22 The application was supported by a bat and owl survey. There was no

SCHEDULE A: Applications with Recommendation

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evidence of the latter within the property or the adjacent barns; however, there was evidence that two long eared bats were roosting in the loft space of the house.

- 5.23 The applicant's bat consultant has recommended that the loss of the long eared bat roost must be mitigated for by providing a minimum of 5 bat boxes, 1 house box and the creation of a new loft roost in the adjacent barn. Details of the proposed roost would be part of the "disturbance license" that the applicant would need to obtain from Natural England; however, the consultant advises that it would generally be 2 metres in height at the apex and 5 metres long.
- 5.24 In order to ensure that these matters are appropriately dealt with a condition is recommended that requires full details of the mitigation measured to be agreed prior to any work commencing, including the demolition of the property.

Conclusion

- 5.25 In overall terms, the principle of the development is acceptable. The size of the replacement dwelling is in accordance with current policy guidance. The proposal will bring the accommodation up to modern standards, but also improve the quality of living for the future occupiers of this property.
- 5.26 The dwelling can be accommodated without detriment to any neighbouring residential properties or the qualities of the surrounding countryside landscape. Adequate amenity space, incutillage parking provision would be available to serve the dwelling.
- 5.27 In all aspects the proposals are compliant with the relevant Local Plan policies.

6. Human Rights Act 1998

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

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

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

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

SCHEDULE A: Applications with Recommendation

09/0456

- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

7. **Recommendation** - 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 existing dwelling shall be demolished and the site cleared before any work starts on the erection of the new dwelling.

Reason: To prevent over-intensive development of the site and to support Policy H10 of the Carlisle District Local Plan 2001-2016.

3. 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 buildings and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. Details shall be submitted of the proposed hard surface finishes within the proposed scheme and approved, in writing, by the Local Planning Authority before any site works commence.

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

5. Prior to the carrying out of any demolition works the existing building occupying the site shall be recorded in accordance with a Level 3 survey as described by English Heritage's document "Understanding Historic Buildings, A Guide to Good Recording Practise, 2006" and following its completion 3 copies of that survey report shall be furnished to the Local Planning Authority.

SCHEDULE A: Applications with Recommendation

09/0456

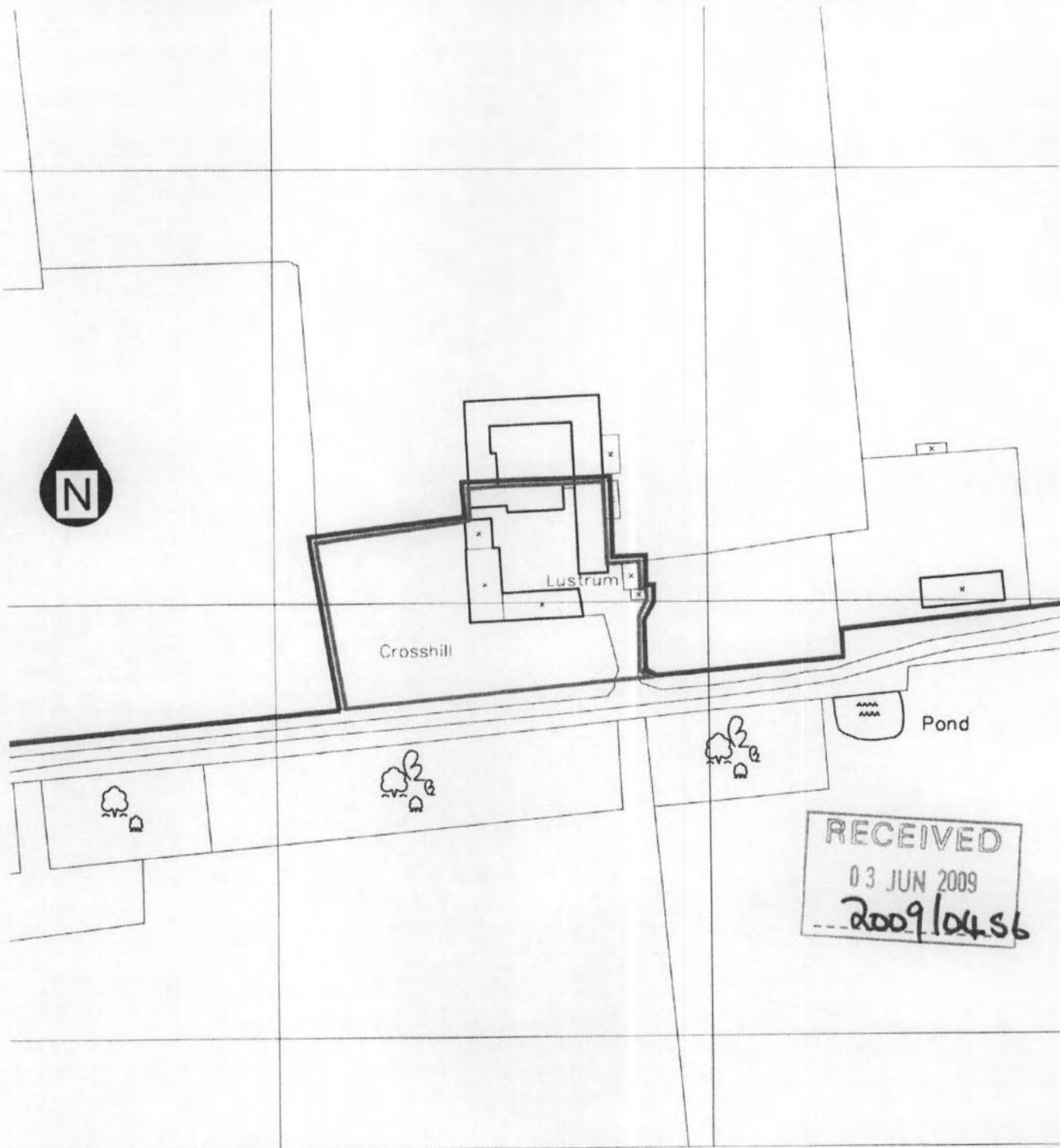
Reason: To ensure that a permanent record is made of the building of architectural and historic interest prior to its demolition as part of the proposed development in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

6. No development shall commence until details made for the provisions of relocating the bats at the premises, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order not to disturb or deter the nesting or roosting of bats, a species protected by the Wildlife and Countryside Act 1981 and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

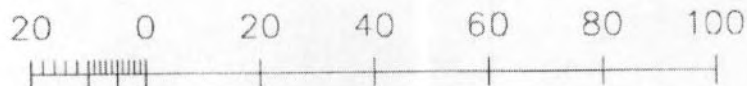
7. No development shall commence until details of the solar panels to be fitted on the south facing roof slope have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the works harmonise as closely as possible with the proposed building and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.



399

400



Metres

Project

Crosshill Farm, Blackford CA6 4DU

Mr and Mrs Cullen

Drawing

LOCATION PLAN

revision

Revision Date Description

Revised by

ARCHITECTS *a+*
P L U S

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Scale
1:1250

Date
MAY 09

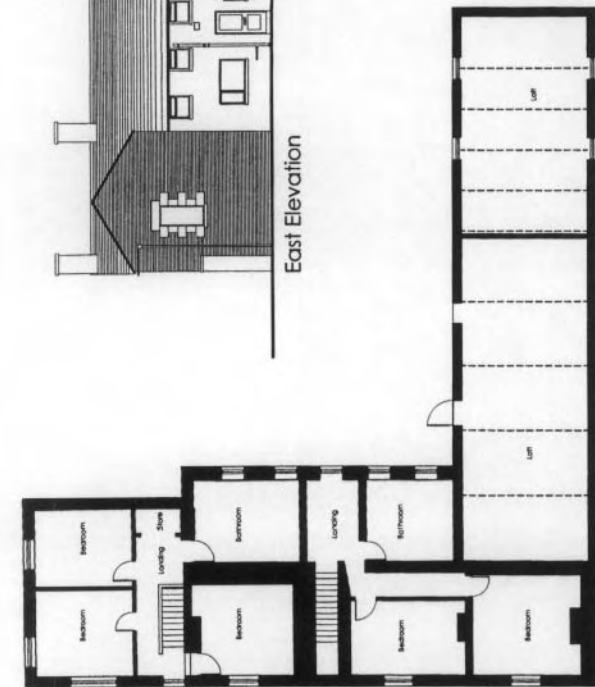
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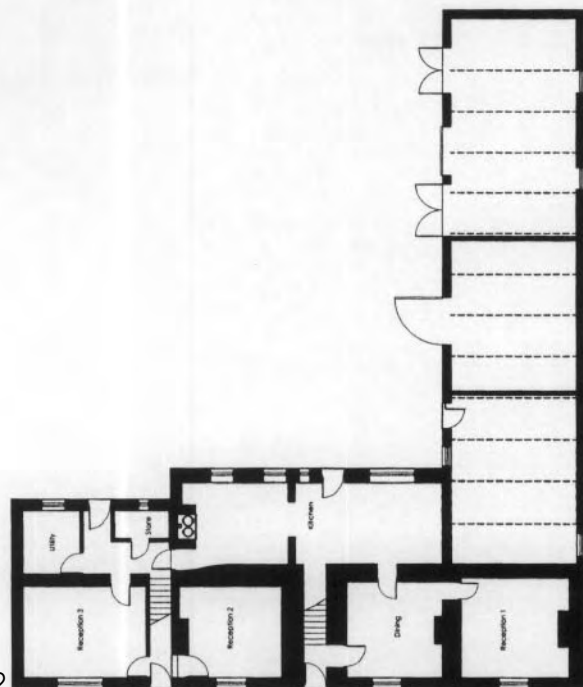
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tel: 01228 515144
fax: 01228 515033

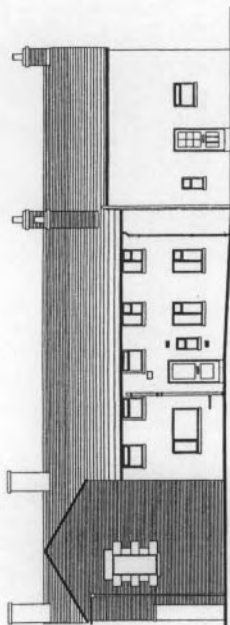
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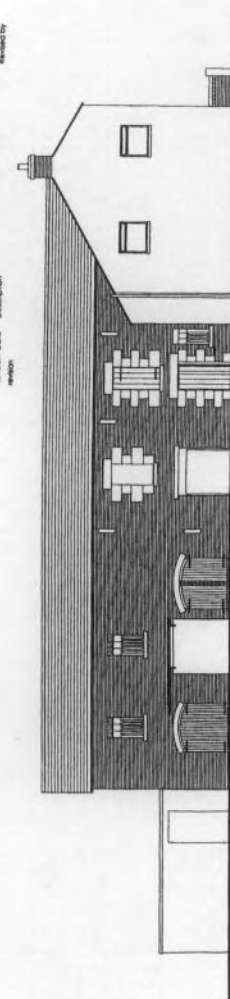
First Floor Plan



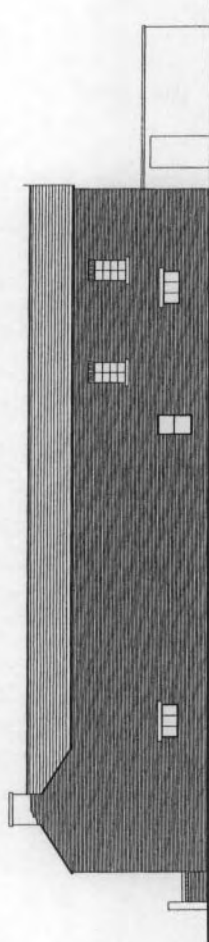
Ground Floor Plan



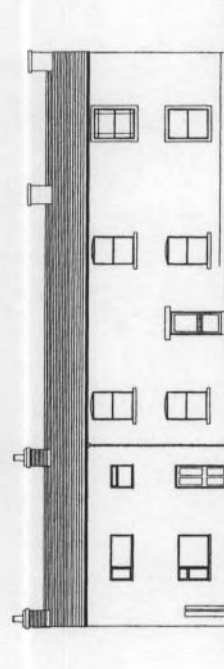
East Elevation



North Elevation



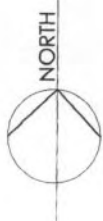
South Elevation



West Elevation



Site Plan
Scale 1:500



Architects
Revision Date Description
1/1/00



First Floor Plan

PROPOSED MATERIALS

ROOF

Natural slate with Redland Half Round Dry Ridge
Roofing tiles and Redland Half Round Dry Ridge
Roofing tiles and Redland Half Round Dry Ridge
Roofing tiles and Redland Half Round Dry Ridge

WALLS

Clay facing brickwork with Cream stone finish, all
and all
Existing built in clay brickwork to match
existing

WINDOWS AND EXTERNAL DOORS

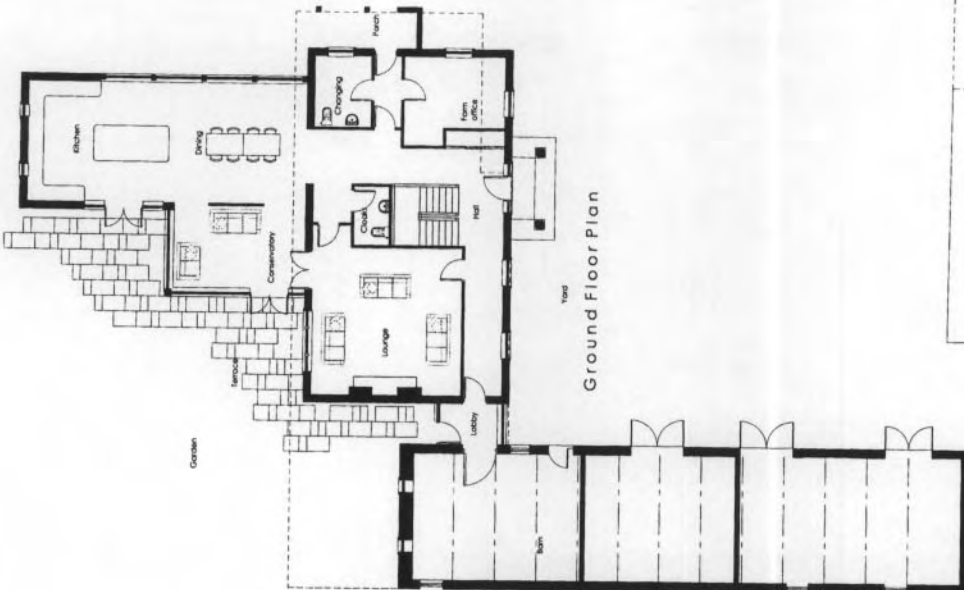
UPVC double glazed windows and doors
UPVC double glazed windows and doors
UPVC double glazed windows and doors

LANDSCAPING AND BOUNDARIES

Existing fencing to be replaced with UPVC
Existing trees and shrubs to be retained to West
and South garden areas are indicated

FOOTPATHS AND PAVING

Concrete block paving to courtyard and terrace
paving
paving
paving



Ground Floor Plan

ARCHITECTS
PLUS

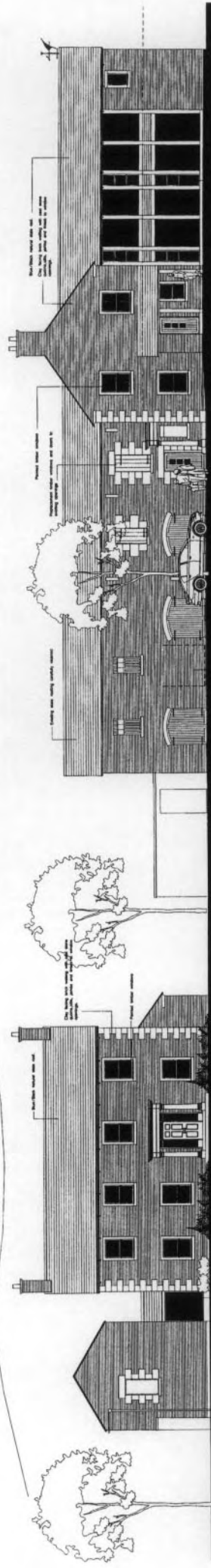
Proposed New Farmhouse, Blackford,
Mr and Mrs Cullen

Proposed Floor Plans and
Site Plan

Scale 1:100 Date 05-09 DB PO1
1:200

Architects Plus (UK) Limited
Registered in England No. 421140
Victoria Gardens, Victoria House, Victoria Road, Blackford, Cumbria, CA3 8AN
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Web: www.architectsplus.co.uk

Site Plan
scale 1:200



East Elevation

PROPOSED MATERIALS

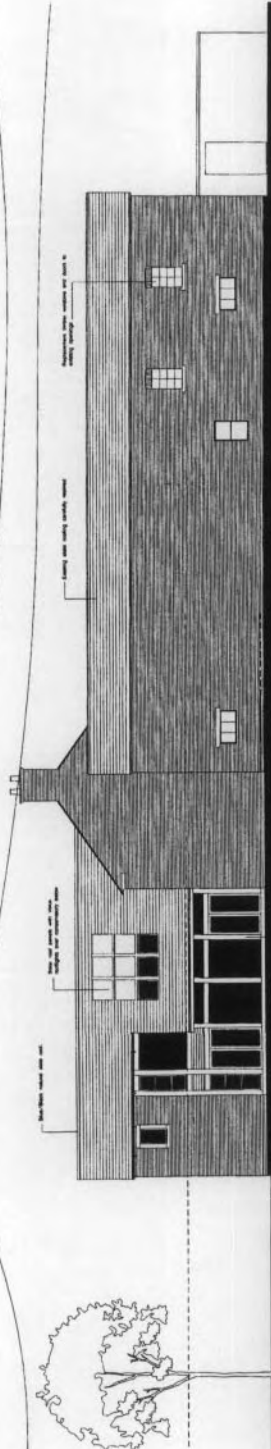
ROOF
 Natural slate with Redland Half Round Dry Ridge
 Copper cladding to the roofline
 Existing slate roof to be removed and replaced

WALLS
 Clay facing brickwork with Cast stone lintels, sills and surrounds, quoins etc.
 Existing stone wall to be removed and replaced with existing

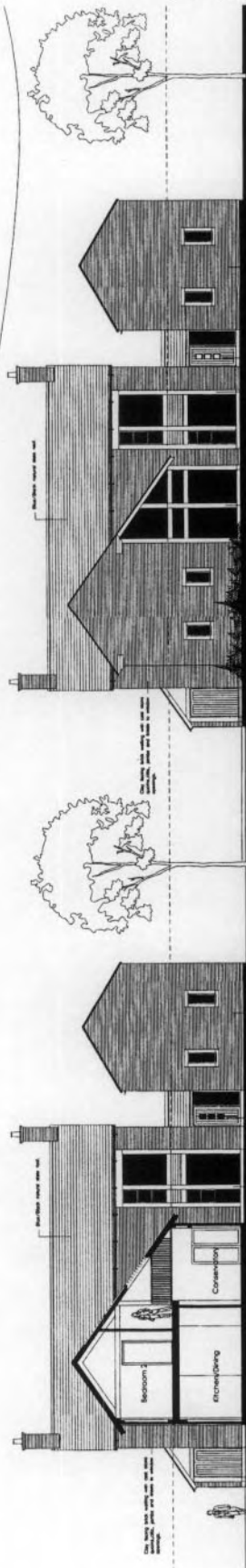
WINDOWS AND EXTERNAL DOORS
 Painted timber external doors and windows
 Oak grained sash windows and oak cladding

LANDSCAPING AND BOUNDARIES
 Existing fencing to be removed and replaced with new
 Existing trees and shrubs to be retained to West and South garden areas as indicated

FOOTPATHS AND PAVING
 Concrete block paving to courtyard and terrace
 Gravel and stone paving to garden to South and West of house.



South Elevation



Section

ARCHITECTS
PLU

Proposed New Farmhouse, Blackford
 Mr and Mrs Cullen
 Proposed Elevations
 Project
 Date 03-09
 Drawn DB
 Checked PDI
 Scale 1:1000
 09/01/03

Architects Plus Ltd Limited
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 Email: info@architectsplus.co.uk
 Web: www.architectsplus.co.uk

SCHEDULE A: Applications with Recommendation

09/0393

Item No: 08

Date of Committee: 10/07/2009

Appn Ref No:
09/0393

Applicant:
Mr E Norman

Parish:
Orton

Date of Receipt:
15/05/2009

Agent:
H & H Bowe Ltd

Ward:
Burgh

Location:
Field No 6219, Broomhills, Orton Road, Near Little
Orton, Carlisle, Cumbria

Grid Reference:
335640 554167

Proposal: Erection Of Free Range Poultry Building

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of six letters of objection.

1. Constraints and Planning Policies

Local Plan Pol LE25 - Agricultural Buildings

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

2. Summary of Consultation Responses

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

Local Plans (Tree Preservation), Development Services: no comments;

Orton Parish Council: The suggested species of tree shown in the landscaping

SCHEDULE A: Applications with Recommendation

09/0393

details would be too small and sparse to provide an effective screen and the building would be highly visible for some time.

The proposal involves large service vehicles turning into and out of the access, which lies in close proximity to other dwellings and onto a narrow county road. This would have a considerable impact on the neighbourhood. Many vehicles travel at high speed on this road and large vehicles moving slowly and turning would raise a number of road safety concerns.

The Parish council urges the Committee to make a site visit prior to the determination of the application;

Development Services Planning & Housing Services - Local Plans: PPS7 advises local planning authorities to support development that delivers diverse farming enterprises, that enables farmers to adapt to new and changing markets and that enables them to diversify into new agricultural opportunities. The RSS Policy RDF 2 refers to the need to support sustainable farming and to encourage a more diverse economic base in rural areas.

The site lies in the shallow valley of Spital Syke in open countryside which has no special countryside designation. The small stream, the Syke, bisects the application site. The land is currently down to pasture. There are some hedgerows with trees. The site is in the Cumbria Landscapes Classification Type 5a, Lowland Ridge and Valley. This landscape type is described as being undulating and gently rolling with large fields and patchy woodland. Longer views are interrupted by pylons.

The egg production unit is required to enable Little Orton Farm to diversify away from conventional stock rearing. The proposal would provide employment for three persons. Policy LE25 provides for new farm buildings provided that they take advantage of the contours of the land and/or be sited so as to integrate with existing farm buildings. The farm to which this proposal relates is sited in Little Orton, 1.8 miles away. The proposed development has good access to Carlisle and to Wigton. The policy states that new buildings should normally form part of a group. Planting is mentioned as a measure to assist the integration of the new building(s) into the landscape.

The site has relatively good access to classified roads, unlike Little Orton. The long production unit is a utilitarian farm shed, sited along the contours close to the bottom of the Syke valley. The approximate height of the unit is described as being 2.5 metres to the eaves and 5.2 metres high to the ridgeline. The site chosen will help to assimilate the building into the fall of the landscape. Also, some screening is proposed through tree planting although this could be achieved in a more natural form than shown on Plan 3 and be associated with hedgerows along the Syke. There are some concerns about vehicle generation to/from the site as no details seem to be given of lorry movements; the 'turnaround time' for the 12,000 birds is stated to be six weeks.

In summary, the proposal is for a new enterprise associated with an existing

SCHEDULE A: Applications with Recommendation

09/0393

agricultural enterprise which is seeking to diversify its operations. The poultry building is a long one and it is a pity that the length of the unit cannot be broken up in some way, but there are linear features in the landscape: straight roads emphasized by hedgerows and electricity transmission lines interrupted by pylons. Also the farm to the east has large farm buildings associated with it. The building has been sited to help integrate it into the fall of the landscape;

Environmental Services - Environmental Quality: the normal operation of the premises should not cause a statutory nuisance from noise, odour or flies.

3. Summary of Representations

Representations Received

Initial:		Consulted:		Reply Type:
Broomhills		20/05/09		Objection
Broomhills	20/05/09		Objection	
Little Broomhills Farm		20/05/09		Objection
Little Broomhills House		20/05/09		
Broomhills Farm		02/06/09		
Athena				Objection
Little Broomhill farm				Comment Only
Dalston				Objection

3.1 This application has been advertised by means of a site notice and notification letters sent to five neighbouring properties. Six letters of objection have been received which make the following points:

- The extra vehicles using the access will affect the residents of Hunters Croft and Athena, which lie directly opposite;
- Large vehicles will be using the site on a regular basis and this will damage the road and verges;
- Orton Road is very narrow at this point and vehicles turning into the access would need to drive onto the grass verge outside Hunters Croft and Athena. This contains the stop cocks for the properties which are frequently damaged - if these are damaged there could be a loss of water to these properties;
- The access would need to be widened considerably and this would make it look out of place in the area;
- Drains for the septic tanks for Hunters Croft and Athena go under the road and into the beck and these could be damaged - if these are damaged the toilets might become unusable;

SCHEDULE A: Applications with Recommendation

09/0393

- The access track runs adjacent to a ditch which is already showing signs of erosion. Heavy vehicles using the lane will lead to a high risk of land slip into the ditch;
- The access should be made the other side (western side) of the field;
- The building would be completely out of character with the area, which is grazing and arable land and will have an adverse visual impact on a very large area - everyone travelling along Orton Road will have a clear view of this large, unsightly building;
- All the trees proposed to screen the building are deciduous and the building will be clearly visible for over 7 months of the year;
- The building is to be painted brown and will stand out - the existing agricultural buildings are green and blend in better with the landscape;
- The smell from the hen shed will have an adverse impact on local residents - particularly when the sheds are cleaned out and the manure is disposed of;
- 12,000 hens will cause noise nuisance;
- The hens will attract vermin to the area;
- The building should be sited elsewhere, where it would not affect people's living space and would have better access;
- Water supply in the area is poor and if the proposal adversely affects it local residents might end up with no water during the day;
- The farmer will want to expand the operation in the future and increase the number of hens kept;
- The farmer might want to diversify further in the future, which could involve the development of a farm shop, B&B, children's farm, cafe, ice cream parlour, maze etc;
- What will happen to the building if the eggs are no longer needed by the supermarket?;
- The free range poultry building will increase the risk of disease, particularly botulism, to the cows that graze the neighbouring field. Botulism has been associated with contact with poultry litter containing carcasses or part carcasses. The contact may be direct but has been known to occur some distance from areas where litter is spread or stacked. Spread might be wind borne or transferred by wildlife. There has been an increase in botulism cases recently;

SCHEDULE A: Applications with Recommendation

09/0393

- The trees being planted next to the ditch will obstruct the adjacent farmers right of way to clean out the ditch - a 5m clearance should be left around the ditch to allow access to a JCB.
- 3.2 A letter has also been received from Cllr Trevor Allison which notes that the proposed access is directly opposite 2 bungalows on Orton Road. The residents are concerned about servicing the development from this entrance. He considers that a site visit by the Development Control Committee would be appropriate in order to assess the access.
- 3.3 A subsequent letter has also been received from Cllr Trevor Allison, following a meeting with the applicant. Cllr Allison was impressed by the business case that the applicants have made and how the proposal integrates into and complements the existing farming activity, as well as providing employment opportunities.

4. Planning History

- 4.1 There is no planning history relating to this site.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application is seeking full planning permission for the erection of a free range poultry shed at Field 6219, near Little Orton. The applicants currently run Little Orton Farm, Little Orton, which is a successful stock rearing business, and are seeking to diversify into free range egg production.
- 5.2 The application site is located to the rear of Field 6604, which lies adjacent to Orton Road and which slopes downhill away from the road. There is an accompanying planning application to site an agricultural workers dwelling in Field 6604 (09/0394). A ditch/beck and a hedge separates the two fields.
- 5.3 All of the surrounding land is in agricultural use. The application site is located in a hollow, with the surrounding land rising up away from the application site. A line of pylons runs across the fields to the rear, which also contain groups of trees and hedgerow. A group of agricultural buildings at Little Broomhills Farm, are located approximately 200m to the east of the proposed egg unit.
- 5.4 Access would be gained via an existing farm access track, from Orton Road. Two bungalows, Hunters Croft and Athena are located directly opposite this access. These dwellings would be located approximately 170m from the proposed building. A ditch/beck runs adjacent to the farm access track and

SCHEDULE A: Applications with Recommendation

09/0393

this is lined by a number of trees. The access crosses the ditch/beck at the bottom of Field 6604 before entering Field 6219.

- 5.5 The proposed building, which would accommodate 12,000 birds and a packing area, would measure approximately 74m long by 20m wide and would be 2.5m to the eaves and 5.2m to the ridge. The building would be constructed of concrete panels, concrete blocks and juniper green box profile sheeting. The roof would contain ventilation roof fans, whilst pop holes would be added in the side elevations to allow the hens to enter and exit the building. Two ten ton feed silos, which would each cover a floor area of 2.9 sq m and would be a maximum height of 5.1m, would be located adjacent (to the east) of the building. An area of hardstanding would be located to the south of the building and this would link into the existing access.
- 5.6 A number of trees would be planted to the east, west and south of the building and the types of trees to be planted have been agreed with the Council's Tree Officer. Large roaming areas (1 hectare per 1,000 birds) would also be provided for the birds in the fields adjacent to the proposed building and these would be enclosed by a 1.1m high post and wire fence electric fence.
- 5.7 The applicants have been offered a contract with Noble Foods Limited, who are one of the largest egg producers in the UK. Noble Foods requires all their producers to comply with the British Lion Quality Standard and comply with strict animal welfare standards. The poultry would arrive at 16 weeks and would lay eggs until they are replaced after a 14 month period. The turnaround period, which includes the cleaning of the building, would be 6 weeks before the new flock of birds arrive.
- 5.8 Manure produced from the proposed egg unit would be taken out of the shed and spread on other land which is owned by the applicants. If the land is not accessible for some reason (the land is too wet) the manure would be stored in the field until ground conditions allow for tractors to enter the field and the manure to be spread.
- 5.9 Two lorries would deliver the birds at the start of the cycle and collect them at the end of the cycle. A small egg collection lorry would come three times per week to collect the eggs, with a 6 wheel feed lorry coming every 3-4 weeks. During the cleaning out process, which will take place approximately every 14 months, tractors and muck spreaders would take the muck away over a one or two day period.

Assessment

- 5.10 The relevant planning policies against which the application is required to be assessed include Policies LE25, CP1, CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

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5.11 The proposal raises the following planning issues:

1. The Visual Impact Of The Proposal

5.12 Whilst it is acknowledged that the proposed free range egg unit would not be located in close proximity to an existing complex of farm buildings, it would be located in a hollow, with the land rising up on all sides. The height of the building has been kept relatively low, with the building measuring 5.2m to the ridge. It would be juniper green which would help it to blend in with the landscape. The land to the rear of the application site rises gently uphill, so the building would not sit on the skyline, thus reducing its visual impact and limiting views of the building. There are a number of existing trees and hedgerows in the vicinity which would help to screen the building. The applicant is also proposing to plant a number of additional trees and once established these would further reduce the visual impact of the building. A row of pylons runs to the rear of the proposed building and a group of agricultural buildings is located approximately 200m to the west of the proposed egg unit in close proximity to Orton Road. These existing features are fairly prominent in the landscape.

5.13 A large roaming area would also be created in the adjacent fields, to which the birds would have access. This would be enclosed by 1.1m high post and wire electric fence, which would not be readily visible in long distance views.

5.14 In light of the above, the proposal would not have an unacceptable adverse visual impact on the character of the area.

2. The Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties

5.15 Two bungalows, Hunters Croft and Athena, would be located directly opposite the proposed access to both the free range egg unit and the proposed dwelling. The egg unit would be located approximately 170m away from these dwellings and would be located at a significantly lower level. Existing trees and hedges would partially screen the building from these properties and the additional planting that is proposed adjacent to the building and hardstanding would further screen the building.

5.16 It is acknowledged that the proposed access would be located directly opposite the two bungalows and the re-siting of the access further to the west has been explored with the applicant. The re-siting of the access would result in the removal of a large section of hedgerow and a tree, which are currently in a stewardship scheme, and this would result in re-payment of funds to DEFRA. It would also lead to a longer and wider access, which would be more visually intrusive and would be significantly more expensive to construct.

5.17 The existing access has been in use for a number of years and is already

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used by large farm vehicles on a regular basis. The extra number of vehicle movements associated with the egg unit is relatively small. Once the birds are in place the only vehicle movements would be a small egg collection lorry 3 times per week, and a 6 wheel feed lorry visiting every 3-4 weeks. There would also be extra vehicle movements every 14 months when the birds are changed and the building is cleaned out but these would only be over 1 or 2 days. It is not considered that these extra vehicle movements would have a significant adverse impact on the living conditions of the occupiers of Hunters Croft or Athena.

- 5.18 The occupiers of Hunters Croft and Athena have also expressed concerns about smell and noise from the birds and the increase in vermin in the area. The City Council's Environmental Health Section has been consulted on these matters and considers that the normal operation of the premises should not cause a statutory nuisance from noise, odour or flies. If these issues do become a nuisance at any stage in the future, the Environmental Health Section would investigate the cause of the problem and deal with it accordingly.

3. Highway Matters

- 5.19 The re-siting of the access has been explored with the applicant but this is not a viable option for the reasons set out above. The Highway Authority considers that the access is acceptable and that it would be adequate for the small number of additional vehicle movements that would be generated by the proposed free range egg unit. The hardstanding area that would be created at the end of the access track, immediately to the south of the building, would be suitable for the parking and turning of the vehicles that would need to visit the building.

4. Other Matters

- 5.20 The farmer that grazes cows in the adjacent field has expressed concerns about the spread of botulism. The applicant has submitted a detailed response, which indicates that the proposal would not increase the risk of botulism in the cattle at the adjacent farm. Cllr Barry Earp has looked into this issue and has produced a brief report. He concludes that the risk is so miniscule that it should not be used as a reason to reject the application on health to cattle issues.

Conclusion

- 5.21 In overall terms, the visual impact of the proposal would be acceptable. The proposal would not have a significant adverse impact on the living conditions of the occupiers of any neighbouring properties. The proposed access is acceptable. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.

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6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation -

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 development shall not commence until visibility splays providing clear visibility of 2.4 metres by 215 metres measured down the centre of the access road and the centre of the road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions 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

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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.

3. The use shall not be commenced until a means of vehicle access has been constructed to Highway Standards in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. These plans are to include details of visibility splays, drainage details and surfacing materials.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 and LD8.

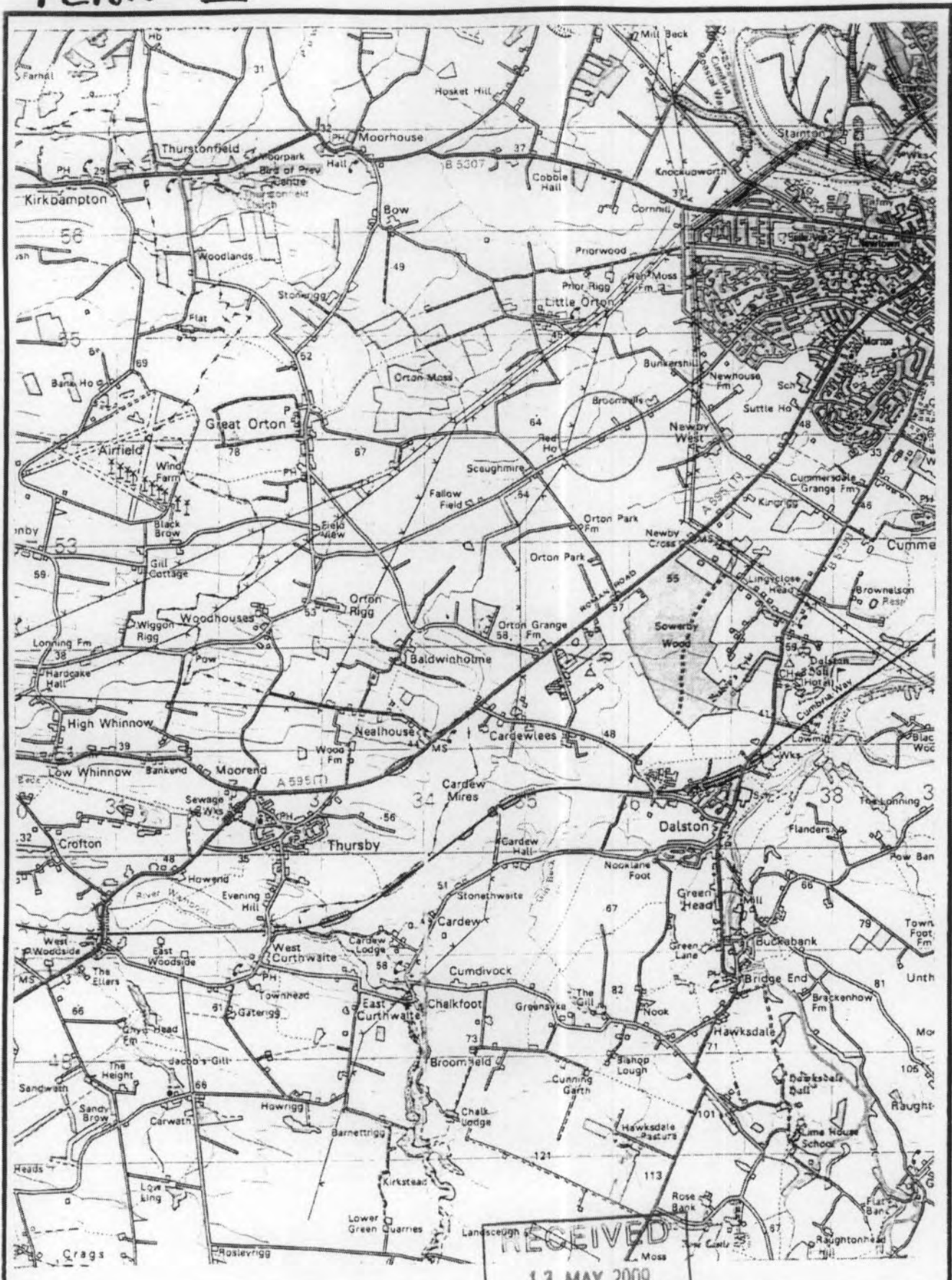
4. The building hereby approved shall be juniper green unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the building has an acceptable visual impact, in accordance with Policies LE25 and CP5 of the Carlisle District Local Plan 2001-2016.

5. The landscaping scheme, indicated on Plan OL2.2 (received on 16 June 2009) shall be implemented in strict accordance with the details contained in the Supporting Information - Proposed Tree Planting received on 25 June 2009. 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, unless otherwise agreed in writing by the Local Planning Authority.

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

PLAN 1



LITTLE ORTON FARM
(Scale: 1:50,000)

H & H Bowe Limited 09/0393

Borderway, Rosehill,
Carlisle, Cumbria. CA1 2RS

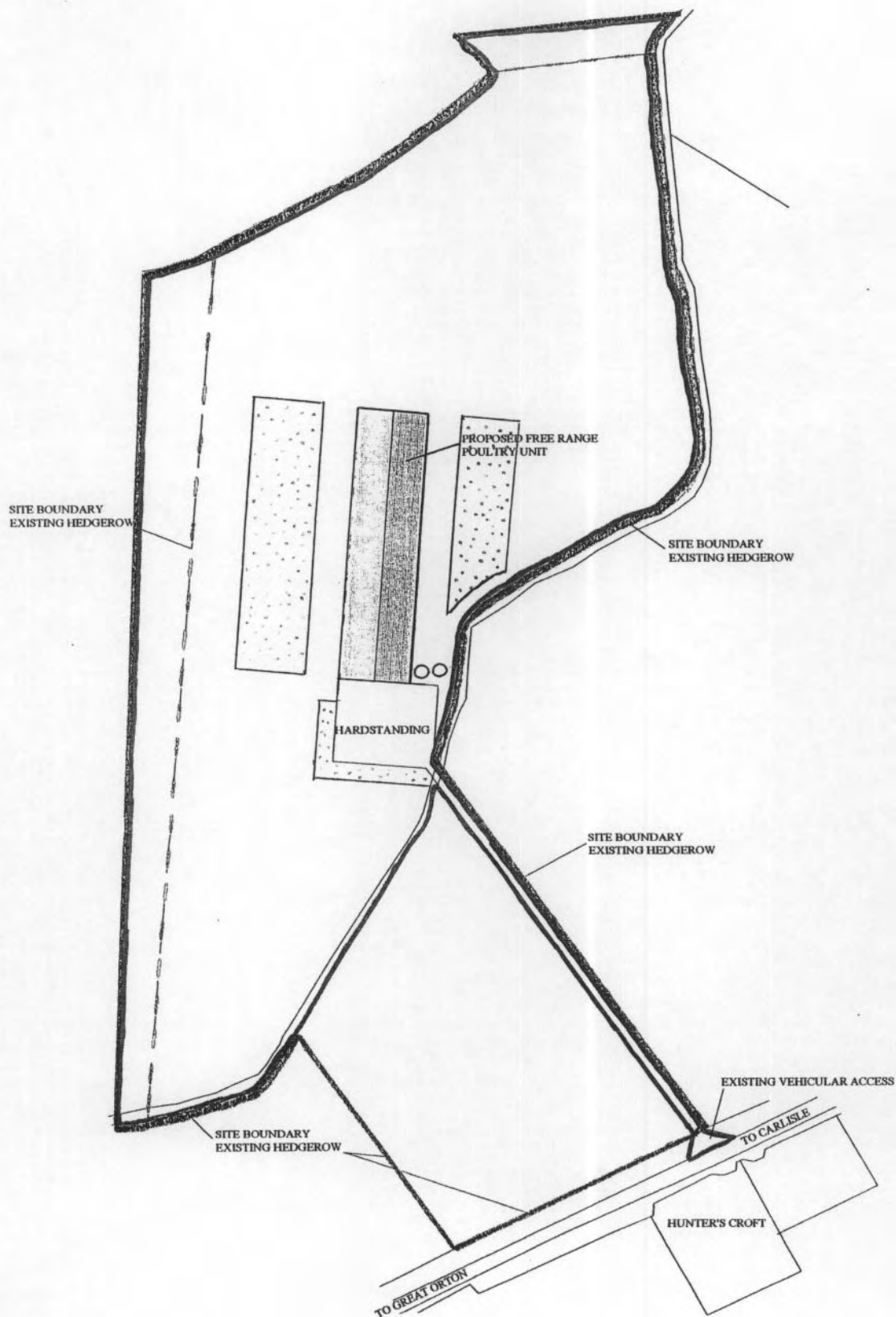
Tel: 01228 640920 115 Fax: 01228 640938



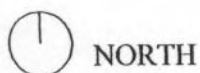
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PLAN 3.



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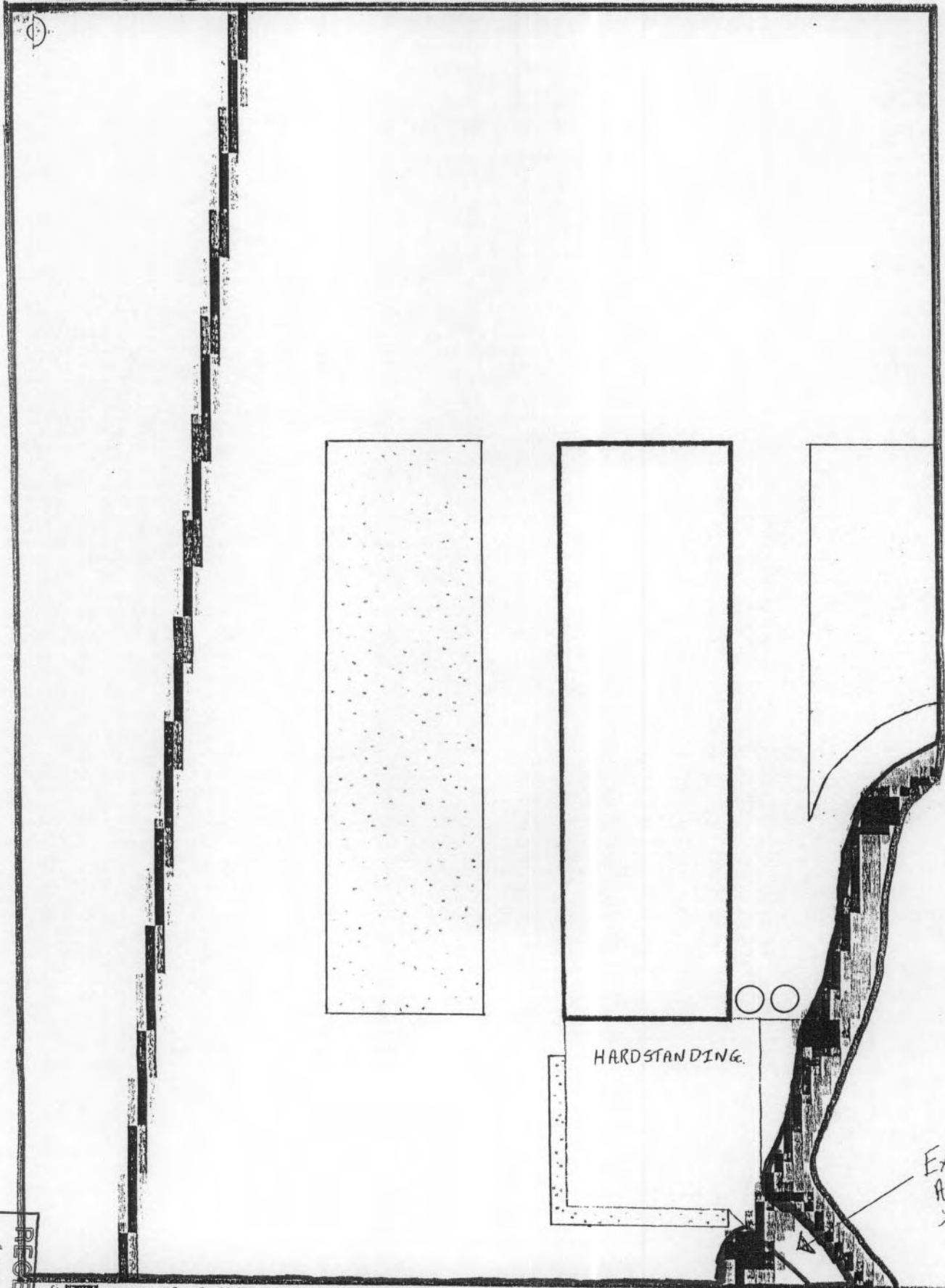
PROPOSED AGRICULTURAL
WORKER'S DWELLING AND
FREE RANGE POULTRY UNIT
LAND NEAR BROOMHILLS
LITTLE ORTON
CARLISLE 116

 = Trees to be planted

BLOCK PLAN AS PROPOSED

Drawing No. OL2.2
Scale 1:1250

PLAN 2.



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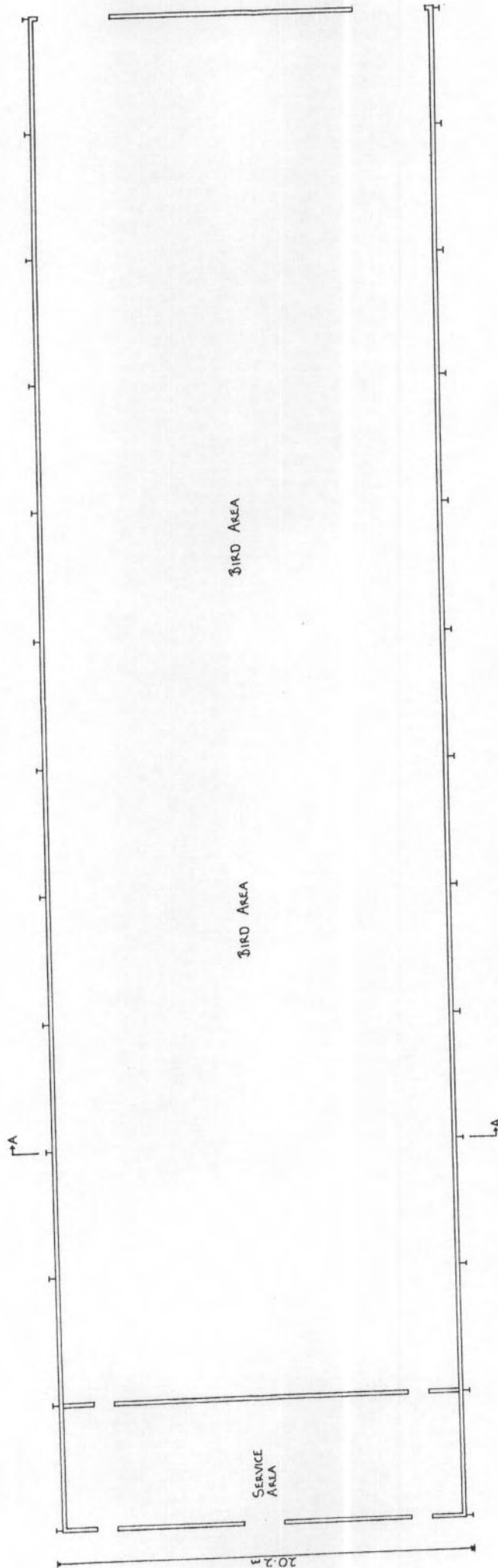
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= Trees to be planted.

H & H Bowe Limited, Borderway, Rosehill, Carlisle, CA1 2RS
T: 01228 406260 F: 01228 406261
www.hhbowe.co.uk

PROPOSED FREE RANGE POULTRY UNIT
 ES & E NORMAN
 LITTLE ORTON FARM
 CARLISLE, CA5 6EP

FLOOR PLAN:
PLAN 5

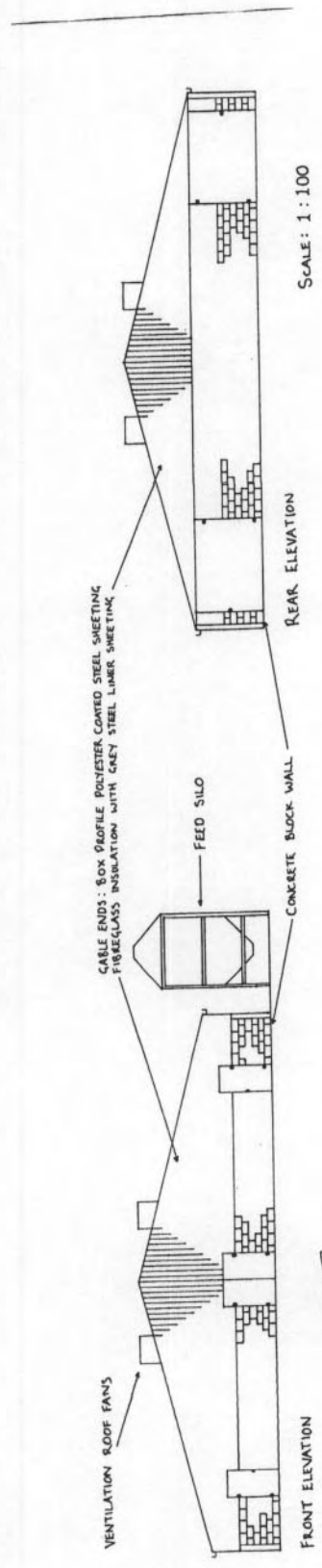
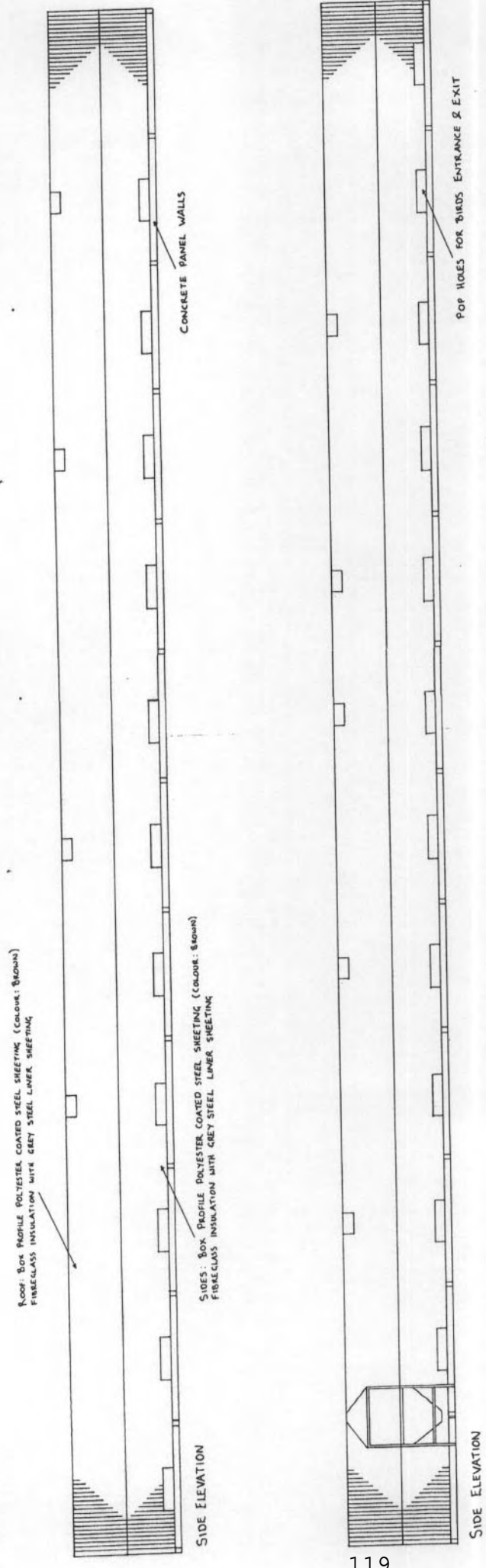


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PROPOSED FREE RANGE POULTRY UNIT
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 LITTLE OXTON FARM
 CARLISLE, CA5 6EP

ELEVATIONS:
PLAN 4



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