

# **Development Control Committee Main Schedule**

Schedule of Applications for  
Planning Permission

11th July 2008



## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	<u>08/0224</u> A	Gates Tyres, 54 Scotland Road, Stanwix, Carlisle CA3 9DF	<u>SG</u>	1
02.	<u>08/0266</u> A	1 Mulcaster Crescent, Carlisle, CA3 9EB	<u>CG</u>	43
03.	<u>08/0059</u> A	McDonald's Restaurant, Grearshill Road, Kingstown, Carlisle, Cumbria, CA3 0ET	<u>RJM</u>	62
04.	<u>08/0306</u> A	Woodhill Barn, Near Gilsland, Brampton, Cumbria, CA8 7DA	<u>BP</u>	78
05.	<u>08/0307</u> A	Woodhill Barn, Near Gilsland, Brampton, Cumbria CA8 7DA	<u>BP</u>	100
06.	<u>08/0571</u> A	47 Scotby Road, Scotby, Carlisle, CA4 8BD	<u>BP</u>	107
07.	<u>08/0579</u> A	25 The Green, Dalston, Carlisle, CA5 7QH	<u>ARH</u>	118
08.	<u>08/0584</u> A	Cottage & Barn, Rear No. 25 The Green, Dalston, Carlisle, Cumbria, CA5 JQH	<u>ARH</u>	134
09.	<u>08/0422</u> A	Land To The Rear Of 42 The Green, Carlisle, CA3 0LA	<u>SG</u>	145
10.	<u>08/0533</u> A	Kingswood Educational Study Centre, Greensyke, Cumdivock, Dalston, Carlisle, CA5 7JW	<u>ARH</u>	158
11.	<u>08/0434</u> A	Dunedin, 29 The Green, Houghton, Carlisle, CA3 0NG	<u>BP</u>	181
12.	<u>08/0028</u> A	Land Adjacent To Long Strumble, Armathwaite, Carlisle, Cumbria, CA4 9SY	<u>CHA</u>	188
13.	<u>08/0232</u> A	Wood End, Heads Nook, Carlisle, CA8 9AE	<u>SD</u>	205
14.	<u>08/0324</u> A	Land Adjacent To Townhead Road, Dalston, Carlisle	<u>SE</u>	228
15.	<u>08/0337</u> A	3 Dowbeck Road, Carlisle, CA2 7BX	<u>SD</u>	238

## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	<u>08/0350</u> A	Ghyll Bank Yard, Low Harker, Carlisle, CA6 4DG	<u>ARH</u>	252
17.	<u>08/0521</u> A	Land at The Enterprise Public House, Briar Bank Road, Carlisle CA3 9SN	<u>DNC</u>	281
18.	<u>08/0358</u> A	Penton Mill, Penton, Carlisle, CA6 5QU	<u>ARH</u>	299
19.	<u>08/0359</u> A	Penton Mill, Penton, Carlisle, CA6 5QU	<u>ARH</u>	310
20.	<u>08/0646</u> B	Moat School House, Kirkandrews Moat, Longtown, Carlisle, CA6 5PW	<u>DNC</u>	328
21.	<u>08/9012</u> C	Kingmoor Infant School, Hether Drive, Lowry Hill, Carlisle, CA3 0ES	<u>SD</u>	338
22.	<u>08/9013</u> C	St Aidans County High School, Lismore Place, Carlisle, CA1 1LY	<u>ST</u>	342
23.	<u>08/9008</u> C	Site C, Rockliffe Industrial Estate, Kingmoor, Carlisle, Cumbria, CA6 4RN	<u>SD</u>	345
24.	<u>07/0658</u> C	L/A Mill Cottage, Sark Bank, Gretna, DG16 5JA	<u>SG</u>	351
25.	<u>07/0719</u> C	The Barns, Raughtonhead Hill, Dalston, Cumbria CA5 7DD	<u>SG</u>	353
26.	<u>07/0720</u> C	The Barns, Raughtonhead Hill, Dalston, Carlisle, CA5 7DD	<u>SG</u>	355
27.	<u>07/1034</u> C	28 Smithy Croft, Houghton, Carlisle, CA3 0NS	<u>CG</u>	356



## **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 27/06/2008 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 02/06/2008.

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

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

## **SCHEDULE A: Applications with Recommendation**

08/0224

**Item No: 01**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0224

**Applicant:**  
Kans & Kandy (Properties) Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
04/03/2008

**Agent:**  
Sanderson Weatherall

**Ward:**  
Stanwix Urban

**Location:**  
Gates Tyres, 54 Scotland Road, Stanwix, Carlisle  
CA3 9DF

**Grid Reference:**  
340030 557276

**Proposal:** Erection of a Neighbourhood Convenience Store (464.5 sq m), Small Retail Unit (92.9 sq m) with 9 Residential Flats Above and Associated Parking

**Amendment:**

1. Alterations to the design of the proposed building, including a reduction in its height of the building by 2.9m and the number of residential units proposed to 11 flats.
2. Further modifications to the detailing and internal alterations reducing the number of flats to 9.

---

### **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 forty three letters of objection and as Cllr Stevenson and two local residents wish to exercise their right to speak.

### **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.

#### **Affecting The Setting Of A Listed Building**

#### **Conservation Area**

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

**Joint St. Plan Pol ST3: Principles applying to all new devel.**

**Joint St. Plan Pol H17: Scale of housing provision**

**Joint St. Plan Pol H18: Targets recycling of land and bldgs**

**Joint St. Plan Pol T30: Transport Assessments**

**Joint St. Plan Pol T31: Travel Plans**

**Joint St. Plan Pol E38: Historic environment**

**Joint St. Plan Pol L52: Town centres**

**Joint St. Plan Pol L54: Retails, leisure and office dev.**

**District E19 - Landscaping New Dev.**

**District E31 - Arch. on Other Sites**

**District E35 - Affecting LBC's**

**District E43 - Imps. to Cons. Areas**

**District T1 - Choice of Means of Travel**

**District T7 - Parking Guidelines**

**District H2 - Primary Residential Areas**

**District S8 - Neighbourhood Supermarkets**

**District S10 - Neighbourhood Shops**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. Pol CP7 - Renewable Energy**

**Rev Redeposit Pl. Pol CP11-Foul/Surf Water SewerSewage T/ment**

**Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists**

**Rev Redeposit Pl. Pol CP16 - Planning Out Crime**

**Rev Redeposit Pl. Pol H2 - Primary Residential Areas**

**Rev Redeposit Pl. Pol H3 - Residential Density**

**Rev Redeposit Pl. Pol H4 - Res.Dev.Prev.Dev.Land & Phasing**

**Rev Redeposit Pl. Pol LE9 - Other Sites/Monum.Of Arch.Signif.**

**Rev Redeposit Pl. Pol LE13-Proposals Affecting Listed Bldgs.**

**Rev Redeposit Pl. Pol LE20 - Conservation Areas**

**Rev Redeposit Pl. Pol LE30 - Land Affected By Contamination**

**Rev Redeposit Pl. Pol T1 - Parking Guidelines**

## **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** the Highway Authority was involved in considerable pre- application discussions with both City Planning Services and the applicant prior to this application being submitted. The applicant has sought to incorporate into their design all the elements required, which is to be commended.

The applicant has provided the traffic generation figures of a similar convenience store as well as the figures for a "Gates Tyres" type. This shows that there will be a slight increase in vehicle traffic, but it is considered that the disruption to traffic on this major arterial road will be less than the previous use, given the better layout provided. It would certainly be for less use than for a garage with petroleum retail, which existed prior to Gates Tyres use.

The development is providing 'within curtilage' parking in accordance with National criteria. In the Highway Authority's view this application could not be refused on traffic grounds.

A Developer Contribution is, however, required to introduce "No Waiting at any time" parking restrictions on Cheviot Road. It is proposed that these waiting restrictions cover the entire frontage of the site (southern and western side of Cheviot Road) and a section of the northern and eastern side of the road.

The developer has agreed to enter into a Unilateral undertaking to provide for the cost of the aforementioned possible Traffic Regulation Order (£3500) and it's signing/lining; however, this element (the introduction of the TRO) cannot be imposed as a Grampian style condition as the impact of development will be less than the current/previous use and until the statutory procedures have been completed (the outcome of which is not in the control of the applicant or the two Councils) such restrictions cannot be introduced.

The footway on the southern side of Cheviot Road corner will need to be

constructed in heavy duty construction, as this is the loading area extending up to the car park access. This entire "loading bay" will be provided with splay kerbs. These elements will, however, be properly dealt with under the Highway Act 1980 Licensing agreement needed to undertake works within the highway. The applicant will need to pay for the removal of redundant footway crossings and for the renewal of the footways surrounding the site as part of this process.

The resident's car park is regarded as acceptable subject to the proposed security barrier restricting entry to authorised persons being 2m from the carriageway and of the vertical lift type.

In summary, the Highway Authority has no objection to the application as submitted but recommends several conditions are included in any consent the City Council may grant;

**Environment Agency (N Area (+ Waste Disp)):** awaiting comments;

**Community Services - Drainage Engineer:** the applicant indicates disposal of foul sewerage to the mains (public) sewer, which is acceptable.

The applicant indicates disposal of surface water to the mains (public) sewer; however, in the first instance the applicant should investigate the use of soakaways for surface water disposal, as this is the most sustainable method.

There is no record of flooding issues at this site;

**United Utilities (former Norweb & NWWA):** awaiting comments;

**Cumbria County Council - (Archaeological Services):** existing records and the archaeological desk-based assessment indicate that the site lies in an area of high archaeological potential. It is located immediately to the north of Hadrian's Wall and the Roman fort at Stanwix and adjacent to the line of a Roman Road to Scotland. Archaeological investigations in the immediate vicinity of the site have revealed Iron Age agricultural features and the remains of the Roman road. It is therefore considered likely that archaeological remains may survive on the site and that they would be damaged or destroyed by the proposed development.

It is recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site is undertaken in advance of development. These can be secured through the imposition of two planning conditions;

**Development Services Planning & Housing Services - Local Plans:** the application is for a mixed development of retail and residential uses on the 0.18 hectare site of a former retail unit associated with the car trade. The site lies in a primary residential area and adjoins the Stanwix Conservation Area. It lies within the Stanwix district centre, the boundaries of which are not defined on the Proposals Map.

Policy H2 of the Revised Redeposit Draft Local Plan 2001-2016 is a relevant policy. It states that proposals for non-residential uses will be permitted in Primary



Residential areas where they do not adversely affect residential amenity. Considerations include noise, safety and traffic impact. Residential permissions granted in the 2007/08 year to the end of January 2008 were 99% of the Structure Plan figure for the City. Residential development will be expected to make a useful contribution to particular housing needs. A contribution (30%) towards affordable housing in the form of subsidised housing was initially referred to, but this is no longer applicable as the number of units has been reduced to 9, less than the threshold set out in Policy H5 of the emerging Local Plan.

Policy EC7 of the Revised Redeposit Draft Local Plan 2001-2016 provides for neighbourhood shopping facilities within or adjacent to district centres. Stanwix is a district centre with a centre some 100 metres to the south of the application site, although a small neighbourhood foodstore (139 sq. m.) is situated almost opposite the application site. Retail capacity is to be taken into account when considering any proposal for a new development. Planning Policy Statement 6 'Planning for Town Centres' definition of a district centre acknowledges that at least one supermarket or superstore may be present.

The Carlisle Retail Study Update 2006, prepared to inform the review of the Local Plan, concluded that if the permitted Tesco foodstore on the Viaduct Estate Road is developed there would be capacity for further convenience goods floorspace in the City up to a maximum of about 1,400 sq. m. by 2011, rising to 2,400 sq. m. by 2016. In January 2008 an update to the Retail Study was obtained by the City Council because of the restricted capacity for new convenience floorspace and the desirability for a store at Morton. Allowance was made in the rerun model for the development of an Aldi store at London Road. The retail forecasting model allowed for slightly higher growth in per capita expenditure. Thus the consultants forecast in January 2008 a retail capacity for about 2,800 sq. m. by 2016. By this latter date further growth in expenditure available to local shops would support 50 to 100 sq. m. net additional convenience goods floorspace which goes some way towards supporting this proposal. It is advised that the application would be supportable by available convenience goods expenditure and should be conditioned to the floorspace applied for.

Whereas the site has previously relied on entirely car borne trade the use proposed is intended to provide for pedestrian and cyclists' trade from the local catchment. This is likely to add to the viability of the district centre through additional walk-in trade.

The size of store proposed would not undermine the viability of City centre stores although it may have a detrimental effect on the neighbourhood Spar store located on the western side of Scotland Road.

The redevelopment of this previously developed site for a different retail use will offer enlarged convenience choice to Stanwix residents. The site forms the northern edge of the District Centre and is in a highly accessible location. There is some spare capacity for the convenience floorspace as demonstrated in the DTZ Retail Update. It would have a slight impact on the proposed store at Morton, but only by 200 sq. m., which is a marginal reduction.

It is recommended that the proposal is supported and that a condition to limit the gross floorspace is appended along the lines suggested in the DTZ letter (Appendix

1 of the Retail Assessment);

**Planning & Housing Services - Housing Strategy:** a number of comments were initially provided regarding the provision of affordable housing; however, as the number of units has been reduced to below 10 (the threshold above which affordable housing should be provided) these comments are no longer applicable;

**Environmental Services - Food, Health & Safety:** there is potential for nearby residential properties and the proposed flats to be affected by noise from:

1. early morning deliveries (0600 - 0700 hours); and
2. cooling units, fans or compressors located externally;

**Environmental Services - Environmental Quality:** advice is provided in relation to three distinct aspects of the development -

#### Noise

The proposed development site falls into Noise Exposure Category (NEC) 'C' as set out in PPG24.

This planning guidance recommends that for development sites that fall into NEC 'C' "planning permission should not normally be granted. Where it is considered that permission should be given for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against the noise".

If minded to approve this application, it is recommended that five planning conditions are imposed to minimise the potential impact upon the existing and proposed neighbouring residential properties through noise disturbance.

#### Air Quality

Based on the information provided, the proposed development is unlikely to cause significant impact on local air quality.

#### Contamination

The land was a former garage which sold petroleum and it is therefore likely that contaminants are present. Further to the Phase 1: Desk Top Study report the development cannot be classified as commercial for contamination and category purposes as residential properties are also part of this development and thus the sensitivity cannot be considered as low.

The conclusions and recommendations that the report draws are acceptable in that a Phase 2 Ground Investigation works must be carried out before development and a copy submitted to the Local Planning Authority for approval, along with a schedule for site remediation.

There is, however, an omission in relation to the possible contamination of perched water. It is therefore recommended that some borehole sampling occurs at depth to

show that no product from the decommissioned tanks has reached perched water, or that the product has not ponded on a clay lens below the base of the decommission tanks. This can be achieved through the imposition of planning conditions;

**Development Services Planning & Housing Services - Access Officer:** there are no details as to the floor layout of the convenience store, toilet facilities etc. There is also no firm decision whether the doors are to be automatic or manual.

The external provision explained within the documents provided is acceptable although the external trolley park is not marked on the plans. This may interfere with the access route from the customer disabled parking space to the entrance of the store. Further information is required to clarify this, which could be regulated by a planning condition;

**Cumbria Constabulary - Crime Prevention:** this locality is considered to be a low crime rate area, compared to other parts of the City; however, calls for police service tend to be related to youth disorder and nuisance. The presence of two off-licence outlets in the immediate vicinity have previously contributed to this issue, so the provision of an off-licence facility within the main retail unit may attract youngsters attempting to purchase intoxicants, likely creating a popular gathering place nearby. It would be preferable that youngsters did not gather on the development site and measures can be incorporated within the scheme to help deter this.

A number of comments relating to 'Secured by Design' principles have been provided. In brief the topics covered include:

#### The Creation of 'Defensible Space'

A primary objective in designing out crime is the demarcation of public and private space. The intention is to create an area over which residents feel they have responsibility and control over. This objective shall be difficult to achieve when a major part of the development is assigned to retail units, which invite public access. Problems arise in spaces where ownership is not clearly defined.

The west (front) boundary appears to be well defined with soft landscape elements formed around the retail car parking area. It is recommended that a triangular profile coping stone is incorporated along the entire wall, to deter climbing or sitting. Consideration should be given to gating the access to the car park. This measure shall also prevent unauthorised access to the Bin Store Area, which youths could use as a gathering place.

#### Building Layout and Orientation

Building lines should be kept as simple as possible. Complex building shapes create recesses, which reduce surveillance opportunities. They may also create hiding places and congregation points, which may become a focal point for crime and anti-social behaviour.

There is a deep recess created adjacent to the staircase and disabled parking bay. Forming windows in the ground floor south elevation would at least permit some

casual supervision of this area by retail staff.

### Car Parking

Statistics from the British Crime Survey 2006/2007 show that almost 68% of all vehicle related crime occurs within residential areas. Only 2% occurs within a private garden curtilage or garage. Clearly, these statistics support the measure to withdraw parked vehicles from the public domain into semi-private or private space. In order to discourage opportunist crime or anti-social behaviour the developer should maximise opportunities for natural surveillance of the car park.

### Cycle Parking

The 'Sheffield' Stand is considered to be best practice for this purpose, as it permits greater versatility for locking of frame and wheels to the stand. Separate provision should be made for retail customers and residents (i.e. within semi-public space and semi-private space). These facilities should be in prominent locations, to maximise surveillance opportunities.

### Security Lighting

This has a specific purpose and should not be confused with courtesy lighting, which is not always illuminated. The intention is to illuminate the exterior of the building throughout darkness hours, especially above doors, in recesses or in other vulnerable areas. Illumination need not be harsh or intrusive, but must be even, to minimise shadows. Lamps should be mounted as high as possible, to prevent tampering, within vandal resistant fittings. The use of halogen bulb floodlights, controlled by passive infrared detector is not appropriate as the lamp is always switched off, until a heat source activates the unit. This arrangement is prone to false activations by wildlife or domestic animals. The deployment of compact fluorescent tubes, controlled by photo-electric cell is the most common solution. The lighting scheme must be designed to prevent light pollution, annoyance or nuisance.

### Landscaping

It appears the only landscaping elements are contained within the front boundary treatment. Landscaping is an important crime prevention issue. It should not impede natural surveillance and must not create potential hiding places for intruders, especially adjacent to footpaths or close to buildings where it may obscure doors and windows. Frontages should be in open view. Shrubs and bushes should not exceed one metre in height and should have a compact habit. The location and species of trees should not be allowed to obscure lighting or CCTV (if deployed), nor become climbing aids to gain access to upper windows or flat roofs. Tree canopies should hang no lower than 2.5 metres above ground level. The specification should take account of maintenance needs to ensure continued compliance as plants grow. The correct use of certain species of plants can help prevent graffiti and loitering, and in addition to fencing may be used to define or reinforce boundaries. Defensive planting i.e. Berberis or similar may be utilised to achieve this purpose.

### Bin Storage

This facility requires careful location to prevent it being exploited as a climbing aid. The store must also be kept secure, to prevent the contents of bins or wheelie-bins being ignited. The vicinity must be well lit to reassure legitimate users.

### Physical Security

A number of recommendations were made with regard to the selection of appropriate physical protection for doors and windows. These are not specifically related to this application, but a matter for the developer to consider should permission be granted.

### Graffiti Removal

Consideration should be given to graffiti removal measures, in the event of ground floor walls being daubed. To reduce the associated costs for removal, it is recommended that the exterior surfaces (to a height of at least 2.5 metres) should be pre-treated with a protective coating;

**Cumbria Fire Service:** no specific comments; however, once occupied the development will be subject to the requirements of the Regulatory Reform (Fire Safety) Order 2005;

**Development Services Planning & Housing Services - Building Control:** awaiting comments;

**Development Services Planning & Housing Services - Urban Designer:** the proposal entails a ground floor in retail use and two floors of flats above. It abuts the Stanwix Conservation Area and is extremely prominent on the A7 approach to the City centre. The immediate neighbourhood of the site is the junction between high quality 2 storey Victorian terraces and interwar semi-detached housing.

The principle of a three-storey scheme at this site is appropriate given the width of Scotland Road and the need to provide a building of some substance at this triangular, almost flat iron site.

The design of the building, as it was originally submitted, raised several concerns:

- **Scale and Massing:** More effort could be made to reduce the bulk of the building. This could be partly achieved by pulling the eaves lower and making the second floor more within the roofspace. The expanse of roof on the main part of the building is also rather bulky. Bays or gablets might reduce this
- **Detailed Design:** There is an unfortunate expanse of brickwork between the ground floor and the small windows on the first floor, which needs to be addressed. This could be done by introducing a clearer hierarchy of window sizes, with the current first floor windows increased in scale to reduce this expanse, and perhaps brought to greater prominence by the use of rendered architrave as on the upper storey.

The treatment of the retail floor is somewhat uninspired, with a very functional approach to the provision of fascia and shopfront elements. Cornice, pilasters

and other traditional shopfront elements that would lend visual interest to the scheme are absent.

The doorways which serve the flats to the upper storeys are understated and lack the visual weight that is appropriate for a door serving many residences. The chimney stack, while welcome, is a tokenistic in scale. At least another well scaled stack is required, and if not used for a heating system, ventilation apparatus should be housed therein. No ventilation apparatus should protrude through the roofing material.

Regarding choice of materials, concrete tiles and UPVC windows illustrate the low aspirations of the proposal.

- Fenestration: As well as the proposed material and undersized windows to the first floor, the northern elevation would benefit from additional fenestration to relieve its extensive mass. Windows should be deep-set to articulate the façade and not brought close to the face of the brick. Opportunities should be taken to provide natural illumination to the central stairwells and bathrooms/kitchens abutting external walls.
- External space: The proposed landscaping treatment to Scotland Road is inadequate. Small scale soft landscaping should be limited and a preferred approach would be the provision of a row of extra heavy standard trees, pit planted with a root directing vertical membrane, and to a specification and watering regime agreed with the Council's Landscape Architect/Tree Officer.

Space to the rear labelled as 'bin store area' is 'space left over after planning' and should be given a proper function. A bin and recycling store could be integrated into the structure of the building, together with secure covered cycle storage for the flats. Cycle parking for the retail units should be provided in a more prominent location to the front of the store.

- Sustainability issues: No indication is given as to how the development expressly contributes to addressing sustainability issues through its design or layout.

In conclusion, there are significant shortcomings with the scheme and substantial changes are required before it could be considered for approval.

The Urban Designer has subsequently liaised with the developer to discuss these concerns and the scheme has now been amended.

In response to the amendments the Urban Designer has commented that the scale, massing and detailing of the scheme are now broadly acceptable for this site.

Some minor modifications could be included to improve the scheme. In brief these relate to the following:

- The window to the stairwell on Scotland Road would be better if it were moved upwards slightly so that the bulk of brickwork above was lessened and the smaller area of brickwork below increased. This would balance the composition of this element;

- An additional window could be incorporated, opaque if necessary, to serve the kitchen to the northern gable, to lend some relief to this area of masonry.
- Rainwater goods, soffits etc should be black or in a dark colour. White PVCu should not be used;
- An additional chimney stack serving the northern gable of the larger block would add some additional visual interest;

**Development Services Planning & Housing Services - Conservation Section:**

this application proposes to replace the existing garage and showroom buildings that are essentially one and a half to two storeys in height. These modest buildings are of no great architectural significance but they are not obtrusive nor are they a dominant element in the street scene. These factors are significant as the site occupies a prominent location on Scotland Road at the edge of the Stanwix Conservation Area and is adjacent to several important Listed Buildings.

In response to the original scheme submitted the Conservation Officer voiced a number of concerns, which, in summary related to the following:

- The applicant's Design and Access Statement is incorrect when it describes the neighbourhood as being "predominantly older properties 2/3 storeys in height." There are no three-storey buildings in the neighbourhood or along Scotland Road, nor are there any two and a half to three storey buildings on the development site.
- The original scheme submitted took little account of the size and scale of the existing urban fabric. The "generous vertical proportions" of the larger Victorian terraced houses described in the Design and Access Statement are not "a mixture of two and three storeys" – the buildings in the vicinity are only two storey, all of which would be dwarfed by the size and scale of this proposal, as originally submitted.
- The properties to the north are modest two storey semi-detached buildings, which are at complete variance with the proposed development. This is clearly visible in Figure 4 of the Design and Access Statement. The full height of the third floor finishes above the ridge line of the listed Victorian buildings to the south and this is capped by the huge hipped roof with dormer gables.
- The Access and Design Statement mentions only one building specifically as being of three storeys, at the corner of Scotland Road and Rosebery Road, and it uses this one building to justify the scale of the proposed development. The principal walls of this property are not taken up to a full three storeys. The property concerned is in fact a two storey building with two substantial dormers built into the roof, one of these surmounts a square bay built onto the corner of the property. Even if this were to be construed as making the building a full three storeys, this one example is not sufficient to sustain the argument that this is the predominant scale of buildings in the neighbourhood, it clearly is not.
- When approaching Carlisle from the north the frontage of the existing building is

visible and the proposed building line is only three metres behind this. The frontage of the proposed building, as originally submitted, will be almost as visible. What cannot be denied is that the height of the proposed structure will create a highly visible and unfortunate building that will dominate this entrance to the Conservation Area and the buildings around it. The size and scale of the roof structure and the poor detailing of the elevations and dormer gables will introduce discordant and unsatisfactory features that affect the setting of these Listed Buildings and the adjacent Conservation Area.

- The proposal, as originally submitted, is inappropriate by reason of its design, scale, massing and detailing which have an unacceptable impact on the setting and appearance of the adjoining Listed Buildings. It also has a detrimental effect on the approach to, and the setting of, the Stanwix Conservation Area.

The Conservation Officer was involved with the Urban Designer in negotiating with the developer to agree a variety of amendments to the scheme. It is the Conservation Officers view that the current scheme is now acceptable, in terms of its scale, massing and detail, in relation to the Listed Building and the setting of the Stanwix Conservation Area;

**Northern Gas Networks:** no objections;

**Carlisle and District Civic Trust:** objected to the original scheme on the basis that the building was too high. It was its view that it should be two storeys with all brick elevations with brick mountings etc and that there should also be adequate screening to the bin area at the rear of Cheviot Street. The Civic Trust have commented on the amended scheme stating that in the Trust's view the height of the building should be reduced to two storeys;

**Conservation Area Advisory Committee:** the Committee felt that the scale and massing of the original building proposed was out of keeping with the adjoining two storey domestic properties. The building, which was over three storeys in height and included a massive roof, would over-dominate the surrounding properties; as such it would be detrimental to the appearance and setting of both Listed Buildings and the Conservation Area. The building had three full floors and above these are blank dormers in the hipped roof. Not only was the building considered to be too dominant but also the Committee considered the scheme was over-fussy and cluttered with very poor detailing. Because of its intrusive nature the Committee were of the opinion that this application should be refused.

Since providing these comments the application has been amended and the recommendations of the Committee have been taken into account. The Advisory Committee was formally re-consulted on the amended scheme and it is their view that the amended scheme is a much better scheme than when it was originally submitted;

**Development Services Planning & Housing Services - Local Plans (Trees):** the site has at present has no associated landscaping. The redevelopment presents an opportunity to improve the site in particular and the location in general by the implementation of appropriate street tree planting.



The best location for this would be along the frontage with Scotland Road. The applicant should carry out any agreed planting in an appropriate manner for street trees. Details of street tree planting methods can be supplied on request.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 36 Scotland Road		Objection
[REDACTED] 36 Scotland Road	19/03/08	Objection
[REDACTED] 48 Scotland Road		
[REDACTED] 48 Scotland Road	19/03/08	
[REDACTED] 50 Scotland Road		
[REDACTED] 50 Scotland Road	19/03/08	
[REDACTED] 52 Scotland Road		
[REDACTED] 52 Scotland Road	19/03/08	
[REDACTED] 1 Mulcaster Crescent		
[REDACTED] 1 Mulcaster Crescent	19/03/08	
[REDACTED] 3 Mulcaster Crescent		
[REDACTED] 3 Mulcaster Crescent	19/03/08	
[REDACTED] 5 Mulcaster Crescent		
[REDACTED] 5 Mulcaster Crescent	19/03/08	
[REDACTED] 7 Mulcaster Crescent		
[REDACTED] 7 Mulcaster Crescent	19/03/08	
[REDACTED] 9 Mulcaster Crescent		
[REDACTED] 9 Mulcaster Crescent	19/03/08	
[REDACTED] 11 Mulcaster Crescent		
[REDACTED] 11 Mulcaster Crescent	19/03/08	
[REDACTED] 13 Mulcaster Crescent		Objection
[REDACTED] 13 Mulcaster Crescent	19/03/08	Objection
[REDACTED] 15 Mulcaster Crescent		
[REDACTED] 15 Mulcaster Crescent	19/03/08	
[REDACTED] 17 Mulcaster Crescent		
[REDACTED] 17 Mulcaster Crescent	19/03/08	
[REDACTED] 19 Mulcaster Crescent		
[REDACTED] 19 Mulcaster Crescent	19/03/08	
[REDACTED] 21 Mulcaster Crescent		
[REDACTED] 21 Mulcaster Crescent	19/03/08	
[REDACTED] 1 Cheviot Road		
[REDACTED] 1 Cheviot Road	19/03/08	
[REDACTED] 3 Cheviot Road		
[REDACTED] 3 Cheviot Road	19/03/08	
[REDACTED] 5 Cheviot Road		Comment Only
[REDACTED] 5 Cheviot Road	19/03/08	Comment Only
[REDACTED] 7 Cheviot Road		
[REDACTED] 7 Cheviot Road	19/03/08	
[REDACTED] 9 Cheviot Road		
[REDACTED] 9 Cheviot Road	19/03/08	
[REDACTED] 11 Cheviot Road		
[REDACTED] 11 Cheviot Road	19/03/08	
[REDACTED] 2 Cheviot Road		
[REDACTED] 2 Cheviot Road	19/03/08	
[REDACTED] 4 Cheviot Road		
[REDACTED] 4 Cheviot Road	19/03/08	
[REDACTED] 6 Cheviot Road		Objection
[REDACTED] 6 Cheviot Road	19/03/08	Objection
[REDACTED] 8 Cheviot Road		

	8 Cheviot Road	19/03/08	
	10 Cheviot Road		
	10 Cheviot Road	19/03/08	
	12 Cheviot Road		
	12 Cheviot Road	19/03/08	
	14 Cheviot Road		Objection
	14 Cheviot Road	19/03/08	Objection
	1 Knowe Road		Objection
	1 Knowe Road	19/03/08	Objection
	3 Knowe Road		Objection
	3 Knowe Road	19/03/08	Objection
	5 Knowe Road		Objection
	5 Knowe Road	19/03/08	Objection
	7 Knowe Road		Objection
	7 Knowe Road	19/03/08	Objection
	9 Knowe Road		Comment Only
	9 Knowe Road	19/03/08	Comment Only
	11 Knowe Road		
	11 Knowe Road	19/03/08	
	13 Knowe Road		
	13 Knowe Road	19/03/08	
	15 Knowe Road		
	15 Knowe Road	19/03/08	
	17 Knowe Road		
	17 Knowe Road	19/03/08	
	19 Knowe Road		Objection
	19 Knowe Road	19/03/08	Objection
	21 Knowe Road		
	21 Knowe Road	19/03/08	
	23 Knowe Road		
	23 Knowe Road	19/03/08	
	25 Knowe Road		
	25 Knowe Road	19/03/08	
	27 Knowe Road		
	27 Knowe Road	19/03/08	
	56 Scotland Road		Objection
	56 Scotland Road	19/03/08	Objection
	58 Scotland Road		
	58 Scotland Road	19/03/08	
	60 Scotland Road		
	60 Scotland Road	19/03/08	
	62 Scotland Road		
	62 Scotland Road	19/03/08	
	64 Scotland Road		
	64 Scotland Road	19/03/08	
	66 Scotland Road		
	66 Scotland Road	19/03/08	
	68 Scotland Road		
	68 Scotland Road	19/03/08	
	70 Scotland Road		
	70 Scotland Road	19/03/08	
	72 Scotland Road		
	72 Scotland Road	19/03/08	
	74 Scotland Road		
	74 Scotland Road	19/03/08	
	76 Scotland Road		
	76 Scotland Road	19/03/08	
	78 Scotland Road		
	78 Scotland Road	19/03/08	
	80 Scotland Road		
	80 Scotland Road	19/03/08	
	82 Scotland Road		

	82 Scotland Road	19/03/08	
	84 Scotland Road		
	84 Scotland Road	19/03/08	
	86 Scotland Road		
	86 Scotland Road	19/03/08	
	43 Scotland Road		
	43 Scotland Road	19/03/08	
	45 Scotland Road		
	45 Scotland Road	19/03/08	
	47 Scotland Road		
	47 Scotland Road	19/03/08	
	49 Scotland Road		
	49 Scotland Road	19/03/08	
	51 Scotland Road		
	51 Scotland Road	19/03/08	
	53 Scotland Road		
	53 Scotland Road	19/03/08	
	55 Scotland Road		
	55 Scotland Road	19/03/08	
	57 Scotland Road		
	57 Scotland Road	19/03/08	
	59 Scotland Road		
	59 Scotland Road	19/03/08	
	61 Scotland Road		
	61 Scotland Road	19/03/08	
	63 Scotland Road		Comment Only
	63 Scotland Road	19/03/08	Comment Only
	65 Scotland Road		
	65 Scotland Road	19/03/08	
		67	Objection
	Scotland Road		
		67	Objection
	Scotland Road		
	69 Scotland Road		
	69 Scotland Road	19/03/08	
	71 Scotland Road		
	71 Scotland Road	19/03/08	
	73 Scotland Road		
	73 Scotland Road	19/03/08	
	75 Scotland Road		
	75 Scotland Road	19/03/08	
	77 Scotland Road		
	77 Scotland Road	19/03/08	
	79 Scotland Road		
	79 Scotland Road	19/03/08	
	81 Scotland Road		
	81 Scotland Road	19/03/08	
	83 Scotland Road		
	83 Scotland Road	19/03/08	
	85 Scotland Road		
	85 Scotland Road	19/03/08	
	87 Scotland Road		
	87 Scotland Road	19/03/08	
	89 Scotland Road		
	89 Scotland Road	19/03/08	
	91 Scotland Road		
	91 Scotland Road	19/03/08	
	93 Scotland Road		
	93 Scotland Road	19/03/08	
	95 Scotland Road		
	95 Scotland Road	19/03/08	
	97 Scotland Road		

	97 Scotland Road	19/03/08	
	99 Scotland Road		Objection
	99 Scotland Road	19/03/08	Objection
	101 Scotland Road		
	101 Scotland Road	19/03/08	
	103 Scotland Road		
	103 Scotland Road	19/03/08	
	105 Scotland Road		
	105 Scotland Road	19/03/08	
	107 Scotland Road		
	107 Scotland Road	19/03/08	
	109 Scotland Road		
	109 Scotland Road	19/03/08	
	1 York Road		
	1 York Road	19/03/08	
	Crown PH		
	Crown PH	19/03/08	
	13 Cheviot Road		Objection
	13 Cheviot Road	19/03/08	Objection
	5 Cheviot Road		
	5 Cheviot Road	19/03/08	
	65 Scotland Road		
	65 Scotland Road	19/03/08	
	67 Scotland Road		
	67 Scotland Road	19/03/08	
	25 Scotland Road		
	25 Scotland Road	19/03/08	
	27 Scotland Road		
	27 Scotland Road	19/03/08	
	29 Scotland Road		
	29 Scotland Road	19/03/08	
	31 Scotland Road		Undelivered
	31 Scotland Road	19/03/08	Undelivered
	33a Scotland Road		Undelivered
	33a Scotland Road	19/03/08	Undelivered
	33b Scotland Road		
	33b Scotland Road	19/03/08	
	33 Scotland Road		Undelivered
	33 Scotland Road	19/03/08	Undelivered
	35 Scotland Road		
	35 Scotland Road	19/03/08	
	35a Scotland Road		
	35a Scotland Road	19/03/08	
	35b Scotland Road		
	35b Scotland Road	19/03/08	
	37 Scotland Road		
	37 Scotland Road	19/03/08	
	38 Scotland Road		
	38 Scotland Road	19/03/08	
	40 Scotland Road		
	40 Scotland Road	19/03/08	
	44 Scotland Road		
	44 Scotland Road	19/03/08	
	46 Scotland Road		Objection
	46 Scotland Road	19/03/08	Objection
	Wood Villa		Objection
	1 Stainton Road		Objection
	181 Lansdowne Crescent		Objection
	44 Belah Crescent		Comment Only
	36 Longlands Road		Objection
	12 High Garth Meadows		Objection
	12 Gilbert Road		Comment Only

[REDACTED] 12 Thornton Road	Objection
[REDACTED] 11 Rosebery Road	Objection
[REDACTED] 8 Lansdowne Crescent	Objection
[REDACTED] 12 Rosebery Road	Objection
[REDACTED] 19 Thornton Road	Objection
[REDACTED] 24 Rosebery Road	Objection
[REDACTED] 34 Thornton Road	Petition
[REDACTED] 33	Objection
[REDACTED]	
[REDACTED] 15 Kells Place	Objection
[REDACTED] Wood Villa	Petition
[REDACTED] 14 Mulcaster Crescent	Objection
[REDACTED] 23 Thornton Road	Objection
[REDACTED] 2 Knowe Park Avenue	Objection
[REDACTED] 10A Whalley Road	Objection
[REDACTED] 5 Andover Close	Petition
[REDACTED] 42 Scotland Road	Objection
[REDACTED] Petriana House	Objection
[REDACTED] 50 Knowe Road	Objection
[REDACTED] 22 Knowe Road	Objection
[REDACTED] 72 Etterby Road	Objection
[REDACTED] 46 Scotland Road	Petition
[REDACTED] 18 Knowe Road	Objection
[REDACTED] Petriana House	Objection
[REDACTED] 32 Scotland Road	Objection
[REDACTED] Aldinghma House	Objection
[REDACTED] 38 Knowe Road	Objection

3.1 This application has been advertised by means of a site notice and notification letters sent to one hundred and fifteen neighbouring properties. In response forty three local residents have objected to the original and the amended scheme submitted and a petition, opposing the development, has been submitted which is signed by in excess 534 persons.

3.2 The letters and petition identify the following issues:

1. increased traffic generation to the detriment of pedestrian and highway safety;
2. inadequate parking provision for staff and customers;
3. the design, scale and appearance of the building are out of keeping with the locality;
4. loss of light/overshadowing;
5. loss of privacy;
6. security issues;
7. increased noise generated by cars and delivery vehicles;

8. potential hours of operations are out of keeping with a residential area;
9. deliveries would commence at 6 a.m., which would be detrimental to nearby residents;
10. the bin stores will need to be adequately screened;
11. the area is adequately served by existing commercial premises and supermarkets;
12. increase in antisocial behaviour;
13. increased pollution;
14. increased parking on Cheviot Road would restrict access for emergency vehicles;
15. increased traffic on Scotland Road will make access from the side streets impossible;
16. possible presence of bats within the building;
17. the building is not in keeping with the Stanwix Conservation Area;
18. the site will be contaminated given its previous use as a petrol station;  
and
19. residents parking schemes should be provided for Cheviot Road, Mulcaster Road, Rosebery Road and Thornton Road.

#### **4. Planning History**

- 4.1 In 1969 planning permission was granted for revisions to the frontage, including demolition, to provide a larger forecourt, the installation of a new petrol tank, showrooms, showrooms, office and a store;
- 4.2 In 1969 advertisement consent was granted for the display of a pole sign;
- 4.3 In 1969 advertisement consent was granted for the installation of illuminated box signs;
- 4.4 In 1974 planning permission was granted for the erection of a forecourt canopy;
- 4.5 In 1974 advertisement consent was granted for the installation of an illuminated sign;
- 4.6 In 1994 planning and Listed Building consent were granted for the demolition of a dilapidated two storey building and an adjacent single storey building to facilitate the erection of single storey extensions to enable the premises to

provide a tyre fitting bay; and

- 4.7 In 1996 retrospective planning permission was granted for the display and sale of used cars.

## **5. Details of Proposal/Officer Appraisal**

### **Introduction**

- 5.1 This application seeks full planning permission for a mixed development of retail and residential uses on the 0.18 hectare site that was previously occupied by Gates Tyres, which retailed tyres and exhausts as well as offering MOT's and car repairs. The site is situated on Scotland Road, the main route into the City from the north and lies approximately 900m to the north of the City centre. The site is identified on the Proposals Map that accompanies the emerging Local Plan as being within a Primary Residential Area. It is also adjoins the Stanwix Conservation Area and it lies within the Stanwix district centre, the boundaries of which are not defined on the Proposals Map.
- 5.2 The site comprises the existing garage and former showroom buildings that are essentially one and a half to two storeys in height. These modest buildings are of no great architectural significance, but they are not obtrusive nor are they a dominant element in the street scene. The buildings are of red brick construction with corrugated sheet roofs. To the front of the site is a concrete hardstanding that serves as a parking area. The front boundary of the site, where it abuts the pavement of Scotland Road, is delineated with several bollards. The remainder of the site is occupied by buildings associated with the former garage. Along the northern and eastern boundaries of the site, which are enclosed by Cheviot Road, the building directly abuts the pavement. To the south of the site the buildings abut the boundary that the site shares with No.13 Cheviot Road.
- 5.3 To the south of the site, along Scotland Road, is a terrace of Grade II Listed Buildings. The premises at the northern extent of this terrace, adjacent to the application site, is occupied by 'Angels' hair and beauty salon. With the exception of 'Angels' and the other commercial premises located to the south, the surroundings to the site are predominantly residential. There are, however, three commercial properties located on the opposite side of Scotland Road, including a takeaway and two bed and breakfast premises.
- 5.4 The principal access to the site is from Scotland Road; however, three other access points exist onto Cheviot Road.

### **The Proposal**

- 5.5 The application, as originally submitted, sought consent for the erection of a replacement three storey building that would comprise two retail units to the ground floor with 12 flats proposed on the two floors above. Following negotiation with the Council's Urban Designer and Principal Conservation

Officer the scheme has been amended in respect of its scale, design and detailing.

- 5.6 Under the amended scheme the ground floor layout is largely unchanged; however, there has been a reduction in the number of residential units to be provided. On the first floor 5no. two bedroom flats are proposed, with a further 4no. two bedroom flats proposed on the second floor.
- 5.7 The building occupies a footprint measuring approximately 560 sq. m. and is set back 17 metres from the Scotland Road frontage, a further 3 metres beyond the front of the existing building. It is predominantly two and a half storeys in height with the residential accommodation to the second floor being provided within the roof void. The southern and northern gables of the building are stepped down in height to two storeys. The front and side ground floor elevations of the retail units would be finished using a textured 'sparstone' masonry, above which would be a reconstituted stone band. The remainder of the building would be finished using facing brick, with a 'Redland' Cambria slate roof. To the front elevation are three symmetrically positioned feature gables, in which there are 'Juliet' balconies serving the residential units. Two feature gables are also incorporated on the rear elevation, also with 'Juliet' balconies. The remainder of the windows within the upper residential floors are conventional in appearance and incorporate a rendered surround. All new windows and doors are to be powder-coated aluminium framed.
- 5.8 Along the Scotland Road frontage of the site a landscaped boundary is proposed, which would directly abut the retail car parking area. In total 16 parking spaces are proposed, which includes 2 disabled persons parking bays, and a cycle rack. Vehicular access to the retail parking area is obtained from the northern extent of Cheviot Road.
- 5.9 The retail units to be provided on the ground floor have a gross floor area of 464.5 sq. m and 92.9 sq. m. It is proposed that the smaller of the two units would be available for unrestricted A1 retail use, which includes a variety of retail uses ranging from shops, hairdressers or a post office etc. The larger unit would provide a neighbourhood convenience store. It has been suggested that this would be occupied by 'Sainsbury's'; however, Members should be aware that if permission were to be granted the occupation of this unit would be open to any convenience goods retailer.
- 5.10 There has been a certain degree of hyperbole regarding the size of the convenience store. To assist Members in gauging its size, the retail premises of 'Iceland', which is located within the City Centre has a gross floor area of 634 sq. m and a net floor area of 450 sq. m. As such the overall size of the proposed convenience store, including staff facilities and storage etc, would be marginally larger than the shop floor of 'Iceland'. Once the staff facilities etc has been taken into account the agent anticipates that the net floor area of the convenience store would be approximately 278 sq. m. (the Committee Chamber in which the Development Control Committee is being held measures 200 sq. m). Other retail stores, which may be useful as an indication of the size of the proposed convenience store, are the Co-op at



Brampton and Aldi on Kingstown Road. The Co-op has a gross floor area of 384 sq. m. and is served by a car park comprising 13 parking spaces, whereas the gross floor area of Aldi measures 1270 sq. m., approximately three times the size of the premises hereby proposed.

- 5.11 Whilst it is important to appreciate the size of the store, it is equally important to understand the likely number of customers, whether on foot or by car. The applicant's transport consultant anticipates that the convenience store will generate approximately 900 journeys per week. If approximately half of those trips are made by car (on the basis of the store being open 12 hours per day) it translates to 65 car trips per day, therefore, approximately 6 car trips per hour. Even if at peak times the number were four times this, as the average stay would be 10-15 minutes it has been suggested that 12 car parking spaces would suffice. In this instance, 16 parking spaces are proposed to serve the retail units.
- 5.12 At the north eastern extent of the site would be a service area that would be shared by both retail units. This area would be enclosed by a brick boundary wall in excess of 1.8m high. The units would also be served by a 2.7 metre wide loading bay located alongside the boundary that the site shares with Cheviot Road. It is proposed that the retail uses would be able to trade between 0700 hours to 2200 hours.
- 5.13 The car park serving the residential units is positioned at the south of the site and is accessed from Cheviot Road. 11 car parking spaces are proposed, including a disabled persons parking bay and two visitor parking spaces. The parking area would be enclosed by a brick boundary wall that would vary in height between 1.8m to 2.5m. Access to the parking area would be controlled by a barrier of some form, although the details have yet to be provided. The stairwell leading to the flats would be accessible from both the residential car park or from the Scotland Road frontage.

## **Assessment**

- 5.14 The relevant planning policies against which the application is required to be assessed are Policies ST3, H17, H18, T30, T31, E38, L52 and L54 of the Cumbria and Lake District Joint Structure Plan; Policies E19, E31, E35, E43, T1, T7, H2, S8 and S10 of the Carlisle District Local Plan and Policies CP4, CP5, CP7, CP11, CP15, CP16, H2, H3, H4, LE9, LE13, LE20, LE30 and T1 of the Carlisle District Local Plan Revised Redeposit Draft, as amended by the Inspector's report.
- 5.15 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.16 The two main issues to consider regarding the principle of the development relate to its location and whether it is suitable for either residential or retail development.
- 5.17 In respect of the former, the site is situated within the Primary Residential

Area, which is identified by Policy H2 of the emerging Local Plan as an acceptable location for new residential development. As such the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 of the emerging Local Plan and other relevant policies contained within the Development Plan.

- 5.18 Policy H2 of the emerging Local Plan also allows non-residential uses to be permitted in Primary Residential Areas where they do not adversely affect the living conditions of residential properties. Policy EC7 of the emerging Local Plan also makes allowances for the provision of neighbourhood shopping facilities within or adjacent to district centres. The site is positioned at the northern limit of the district centre, although a small neighbourhood foodstore (The Spar) is situated almost opposite the application site.
- 5.19 Retail capacity has to be taken into account when considering any proposal for a new foodstore development. Planning Policy Statement 6 'Planning for Town Centres' provides a definition of a district centre and acknowledges that at least one supermarket or superstore may be present. The Principal Local Plans Officer has advised that if the approved Tesco foodstore on the Viaduct Estate Road is developed there would be capacity for further convenience goods floorspace in the City up to a maximum of about 1,400 sq. m. by 2011, rising to 2,400 sq. m. by 2016. An update to the Carlisle Retail Study (The DTZ Retail Update) was undertaken to inform the review of the Local Plan and to assess whether there was sufficient need to support a new store at Morton.
- 5.20 In summary, the DTZ Retail Update demonstrates that there is spare capacity for a convenience of the scale hereby proposed. Whilst it would have a slight impact on the size of the proposed store at Morton, it would only require a marginal reduction in the size of the store (200 sq. m.). In addition, size of the convenience store would not undermine the viability of City Centre stores and, as such the principle of the retail development in this location would be acceptable, subject to compliance with the criteria identified in Policy EC7 of the emerging Local Plan and other relevant policies contained within the Development Plan.
- 5.21 It is acknowledged that the development may have a detrimental effect on the neighbourhood 'Spar' store located on the western side of Scotland Road; however, the impact of localised competition is not a material planning consideration for Members to take into account in the determination of this application.

## 2. Whether The Scale And Design Of The Building Is Acceptable In Relation To Its Setting.

- 5.22 The scale and design of this building has been the subject of much debate between Council Officers' and the applicant's agent. Since the application was submitted its overall height has been reduced by 2.9 m (from 14.6 metres to 11.6). The design of the building has also been significantly altered, with the effect of reducing its overall mass. For comparative purposes a copy of the originally submitted elevation drawings have been reproduced in the

schedule.

- 5.23 The building is still large in terms of its overall mass; however, it would be set back from the road frontage by 17.4 m. As a consequence, when looking either north or south along Scotland Road the existing street scene would be largely uninterrupted. If anything, it will be improved through the removal of the principal vehicular access to the former garage and the inclusion of soft landscaping. As the building would be stepped back from the road frontage the views into or out of the Conservation Area would be safeguarded, as would the setting of the Grade II Listed terrace.
- 5.24 Similarly, when viewed against the neighbouring two storey residential properties, due to its position within the site, the building would not appear overdominant. In respect of residents concerns regarding its scale Members are reminded that recent developments such as the three storey 'Miles McInnes' building on Stanwix Bank and the four storey 'Reiver Court' building have been sympathetically accommodated within a two storey street scene. On balance, its scale is not inappropriate to the locality.
- 5.25 The design/detailing of the scheme has been significantly improved and the building's façade would be predominantly finished in facing brick to complement the neighbouring terraced properties. The scheme also picks up some of the detailing of these properties, such as the archway above the access to the residential element, the feature gables and chimney stacks. The Council's Urban Designer and Principal Conservation Officer are of the view that the scheme is acceptable in terms of its scale, mass and detailing. The Urban Designer has suggested some further minor modifications; however, for the most part these have been discounted for practical reasons.
- 5.26 In summary, due to the fact that the building is set back from the road frontage and from those properties on Scotland Road and Cheviot Road its scale and mass would not appear incongruous. The modifications to the design and detailing are also acceptable. As such, it is the Officers firm view that the refusal of the application on the basis of its scale, mass or design could not be substantiated.

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

- 5.27 The potential impact of the building upon the living conditions of local residents concerns two particular areas. Firstly, the impact of the building through loss of light, privacy or overdominance and, secondly, the impact created by the use of the retail units.
- 5.28 In respect of the former, a distance of 34 metres is maintained between the properties on the opposite of Scotland Road and the front elevation of the proposed building. A distance of 27-34 metres is maintained between the rear elevation of the building and the rear of the properties positioned on Knowe Road (these properties back onto Cheviot Road and are most affected as a result of the buildings presence, not the terraced dwellings on Cheviot Road).

- 5.29 Members will be aware that as a 'good practice guide' a distance of 21 metres should be maintained between primary facing windows to ensure that new development does not comprise the living conditions of existing and proposed residential dwellings. A distance well in excess of 21 metres is achievable and, therefore, it is unlikely that the occupiers of those properties on Knowe Road and Scotland Road would be significantly affected through loss of light or overdominance.
- 5.30 The residents of Knowe Road, which back onto the site, have voiced concern that their rear gardens will be overlooked by the upper residential floors of the development. It is acknowledged that their garden will be overlooked to a greater degree than occurs at present; however, those rear gardens are already overlooked by neighbouring properties and also by pedestrians using the footpath on the eastern side of Cheviot Road. It is not considered that the increased impact through loss of privacy would be sufficient to justify refusal of the application.
- 5.31 There are two other properties positioned either side of the proposed building site that would be potentially affected by the development, No.13 Cheviot Road and No.56 Scotland Road. In respect of No.13 Cheviot Road, the applicant has amended the plans to confirm that the existing shared boundary wall along the northern boundary of No.13, which is approximately 4.5 metres high, will be retained. This will have the effect of screening the building, but also safeguarding the future privacy of its occupants. No.56 Scotland Road is positioned to the north of the site on the opposite side of Cheviot Road and, therefore, could potentially be affected through loss of light; however, a distance of 17 metres has been maintained between the gables of these two buildings. In addition, the scale of the northern extent of the proposed building is more domestic in proportion and there are no windows in the northern gable that would directly overlook this property or its curtilage. In consideration of these points, the living conditions of the occupiers of No.56 Scotland Road would not be adversely affected through loss of light, privacy or overdominance.
- 5.32 The Environmental Protection Services (EPS) Officer has identified that there is potential for the living conditions of the existing residential properties and the occupiers of the proposed flats to be affected by the noise generated by any coolant or extractor fans etc. Whilst the exact position and types of these units is not yet known the EPS Officer is satisfied that the living conditions of the surrounding residential properties can be safeguarded through the imposition of several planning conditions that could regulate this matter.
- 5.33 Another issue that has been raised by the EPS Officer relates to the position of the loading/delivery bay, which is positioned at the opposite side of Cheviot Road to No.56 Scotland Road, and the potential that this has to impact upon the occupiers of that property. In order to safeguard the living conditions of that property, as well as other neighbouring residents, the EPS Officer has recommended that deliveries are restricted to between 7.00 a.m. and 6.00 p.m. With regard to this particular point, Members should also take into account that the previous use of the premises as a garage, could operate

without restriction and, therefore, deliveries could be made at any time, from any of the access points, three of which are off Cheviot Road. In light of this and as from 7.00 a.m. onwards the use of Scotland Road by vehicular traffic becomes increasingly frequent, the living conditions of neighbouring residents would not be detrimentally affected through noise disturbance.

#### 4. Access And Parking Provision.

- 5.34 One of the principal concerns that this application has raised relates to the anticipated traffic generation and its potential effect upon highway safety and parking provision in the locality. When considering this matter it is important to keep the scale of the retail premises in perspective, particularly in respect of the convenience store. As explained in the description of the proposal the net size of the convenience store equates to approximately 278sq m., which is around double the net floor area of the 'Spar' store located on the opposite side of the road.
- 5.35 Public perception appears to have assumed the Council is dealing with a 'superstore'. Instead, it is a convenience outlet that would provide a limited range of essential basic food and related domestic articles and goods. Thus, taking into account the size of the store and the type of service it would provide, i.e. to 'top up' on supplies, it is not anticipated that the car borne traffic that it will generate will be as significant as some residents perceive. The applicants transport consultant calculates that on average the retail element will generate around 6 vehicle movements per hour, although this figure would undoubtedly rise during peak times. The Highway Authority accepts the likely trips generation figures and further considers that the car park serving the retail units is adequately sized and that it would not result an unacceptable level of parking on the surrounding residential streets, which are already congested.
- 5.36 Some residents have voiced concern that the car park will be taken up by staff working at the premises. This is a valid point; however, when considered practically it is against the retailers' interest for the majority of the car park not to be available for customers. Whilst most responsible retailers would ensure that this is the case, the Highway Authority has requested that a condition is imposed requiring the retailer to agree a 'travel plan' to encourage a modal shift away from the use of the private car for both customers and staff alike. It is also important not to forget the catchment population that this store is intended to serve, i.e. the residents of Stanwix, the majority of whom would be able to access the site on foot.
- 5.37 In order to alleviate the concerns of local residents Officers queried whether the introduction of a 'residents only' parking scheme could be introduced along Cheviot Road and Mulcaster Crescent. The Highway Authority dismissed this option for two reasons. Firstly, in light of the size of the car park serving both the retail and residential elements of the scheme, it was not considered necessary. Secondly, when an extension to the existing controlled zone was proposed in 2006 it was disregarded by a local committee. As such, it is the Highway Authority understanding that such a scheme would not be welcomed by local residents.

- 5.38 The development would require the extension of 'no waiting at any time' restrictions along Cheviot Road to enable delivery vehicles to negotiate the loading bay, as well as vehicles using the residential parking area to egress safely. The full extent of the extension to these areas has not been clarified; however, for Members benefit the Highway Officers have agreed to meet Members at the site visit that will take place in advance of the meeting to address the various highway related concerns.
- 5.39 If Members were minded to approve this application it would be necessary to grant 'authority to issue' the approval to enable the completion of a S.106 Agreement. The agreement would secure the funding of £3500 to pay for an amendment to the Traffic Regulation Order to extend the 'no waiting at any time' restrictions along Cheviot Road.
- 5.40 The local residents concerns regarding the access arrangements and increased traffic congestion are noted; however, as the Highway Authority does not share these concerns, a refusal of the application on this basis could not be substantiated.

#### 5. Whether Proposed Landscaping Is Acceptable.

- 5.41 No specific landscaping details of the proposed planting to be incorporated along the Scotland Road frontage have been provided at this stage. A landscaping condition can be imposed to ensure that the requests of the Council's Urban Designer and Landscape Architect are incorporated into the scheme.

#### 6. Contamination.

- 5.42 Given the site's former use as a garage and a petrol filling station there are issues of contamination. In order to address this issue the Council's Environmental Protection Services Department has recommended that a condition is imposed requiring further investigation into the nature and extent of potential contaminants within the site boundaries, together with the proposed remediation scheme and timetable should any contaminants be identified.

#### 7. Archaeology.

- 5.43 The County Archaeologist has identified that the site lies in an area of high archaeological potential. It is located immediately to the north of Hadrian's Wall and the Roman fort at Stanwix and adjacent to the line of a Roman Road to Scotland. Archaeological investigations in the immediate vicinity of the site have revealed Iron Age agricultural features and the remains of the Roman road. It is therefore considered likely that archaeological remains may survive on the site and that they would be damaged or destroyed by the proposed development. As such it is recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site is undertaken in advance of development, which can be secured through the imposition of two planning conditions;

## 8. Designing Out Crime.

- 5.44 Cumbria Constabulary's Architectural Liaison Officer (ALO) has made a number of recommendations based on the principles of 'Secured By Design'. The ALO also identified that there is the potential for the premises to become a gathering point for youths; however, it has not been suggested that this issue in its own right would warrant refusal of the application. The inclusion of the 'Secured By Design' principles within the design, such as natural surveillance, external lighting etc, minimise the potential for crime and antisocial behaviour.

## 9. Impact Upon Bats.

- 5.45 One local resident has objected to the proposals due to the impact the development would have upon bats that may be using the existing buildings as a roost or a foraging ground. The presence of bats cannot be ruled out; however, it is just a likely that the bats seen in the locality are roosting in the surrounding residential dwellings. Members should also take into account that the removal of these buildings in their own right does not require planning permission, only a Demolition Order be obtained from the Building Control. In order to address the local resident's concern a condition is recommended that requires a bat survey to be carried out and, if evidence of the presence of bats is found, a scheme of mitigation works to be submitted.

## Conclusion

- 5.46 In overall terms, the principle of the retail and residential aspect of the proposed development is acceptable. The scale, siting and design of the proposed building are acceptable in relation to the setting of the adjacent Stanwix Conservation Area and Grade II Listed terrace. Given the size of the proposed convenience store the anticipated traffic generated by the proposal would not be detrimental to highway safety nor are the parking facilities inadequate to serve the development. Subject to the imposition of several planning conditions, the use of the retail units will not detract from the living conditions of neighbouring properties through noise or disturbance. In respect of the residential accommodation, adequate separation distance has been maintained to ensure that the living conditions of neighbouring properties are not compromised as a result of loss of light, loss of privacy or overdominance. In all aspects the proposals are compliant with the objectives of the relevant adopted and emerging Development Plan policies.
- 5.47 If Members are minded to approve this application it is requested that 'authority to issue' approval is granted subject to the competition of S.106 Agreement. The S.106 Agreement would require the payment of £3500 to facilitate an amendment to the Traffic Regulation Order to increase the 'no waiting at any time' restriction along Cheviot Road.

## 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 Subject to S106 Agreement

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

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

2. The development hereby permitted shall not exceed 560 sq m gross Class A1 retail floorspace as defined in the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification; and there shall be no increase in Class A1 retail floor space by installation of a mezzanine floor or in any other way, unless permitted in writing by the Local Planning Authority.

**Reason:** To prevent an adverse impact upon the Council's proposals to achieve a new District Centre at Morton in accordance with Policy EC5 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report.

3. The larger retail store of 465 gross sq m Class A1 retail floorspace shall only be used for the purpose of a food store selling convenience goods, and not more than 10% of the net retail sales area shall be used for the sale of comparison goods.



**Reason:** To protect the vitality and viability of the City Centre and other defined centres, and to prevent adverse impact on the Council's proposals to achieve a new District Centre at Morton in accordance with Policy EC5 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report.

4. No work associated with the construction of the development hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy H17 of the Carlisle District Local Plan.

5. No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to and agreed in writing by the Local Planning Authority. This written scheme shall include the following components:

i) An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation; and

ii) An archaeological recording programme the scope of which shall be dependant upon the results of the evaluation and shall be in accordance with the written scheme of investigation.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report.

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

**Reason:** To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report.

7. Prior to the commencement of development a survey into the presence of

bats shall be completed, the results of which shall be submitted to the Local Planning Authority. If this survey identifies the presence of bats a scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

**Reason:** To ensure that the development does not result in any harm to a protected species in accordance with Policy ST3 of the Cumbria and Lake District Joint Structure Plan 2001 – 2016.

8. No development shall commence until particulars of the height and materials of all screen walls and boundary fences have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

9. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building 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 existing buildings and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

10. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the development shall be implemented in accordance with the approved scheme.

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policy H16 of the Carlisle District Local Plan.

11. The rainwater goods shall be finished in black upvc unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

12. No development shall commence until full details of the siting and design of the proposed trolley bay 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 existing buildings and to ensure compliance with Policy CP4 of

the Carlisle District Local Plan 2001-2016 Revised Redeposit  
Draft, as amended by the Inspectors Report.

13. No development shall commence until construction details of the proposed reconstruction of the Highway Footway shall be submitted to and approved, in writing, by the Local Planning Authority. The use shall not be commenced until the approved works have been completed.

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

14. The commercial and residential car parks shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is brought into use.

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

15. No development shall commence until full details of the barrier to the residential element, which shall be recessed no less than 2 metres as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree visibility splays to each side, have been submitted to and approved, in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and to safeguard the living conditions of neighbouring residents in accordance with Policy H17 of the Carlisle District Local Plan and to support Local Transport Plan Policies LD7 and LD8.

16. The existing access and parking/turning requirements shall be retained viable during demolition and building operations on the site so that construction traffic can be accommodated clear of the highway until such times as the replacement parking areas and associated accesses can provide alternative provision.

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

17. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval, in writing, prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

18. Within 6 months of the development (or any part thereof) opening for business, the developer shall prepare and submit to the Local Planning Authority for their written approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

**Reason:** To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies WS1 and LD4, as well as Policy T31 of the Cumbria and Lake District Joint Structure Plan.

19. An annual monitoring report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval annually for a period of 5 years from the full development opening.

**Reason:** To aid in the delivery of sustainable transport objectives to support Local Transport Plan Policies WS1 and LD4.

20. Prior to the occupation of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be constructed in accordance with the approved details and shall be provided before the occupation of any part of the development and retained at all times thereafter.

**Reason:** To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with Policy L5 of the Cumbria and Lake District Joint Structure Plan and to support Local Transport Plan Policies LD5, LD7 and LD8.

21. The proposed retail units hereby approved shall not be open for trading except between 0700 hours and 2200 hours on Mondays to Saturdays or between 1000 hours and 1600 hours on Sundays.

**Reason:** To prevent disturbance to nearby residential occupiers and in accordance with Policy S10 of the Carlisle District Local Plan.

22. No deliveries shall take place before 0700 hours and after 1800 hours on any day.

**Reason:** To prevent undue disturbance to neighbouring residential properties in accordance with Policy H17 of the Carlisle District Local Plan.

23. No development shall commence until a detailed scheme for the external

lighting of all proposed building, parking and servicing areas has been submitted to and approved, in writing, by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

**Reason:** To safeguard the character of the area and the living conditions of neighbouring residential properties in accordance with Policy H17 of the Carlisle District Local Plan.

24. Before the occupation of any residential unit, noise level measurements must be undertaken in at least one residential unit overlooking Scotland Road, at least one unit overlooking Cheviot Road to the side of the development and at least one unit overlooking Cheviot Road to the rear of the proposed development to verify that the internal noise levels do not exceed 35 dB LAeq 16 hours 0700 to 2300 hours (daytime) and that they do not exceed 30dB LAeq 8 hours 2300 to 0700 hours (night time). The measured noise levels are to be reported to and approved, in writing, by the Local Planning Authority. The noise level measurements shall be carried out in accordance with the following requirements:

- i) The night time period measurements must include LA max levels to ensure that the instantaneous noise levels due to external events do not exceed 45 dB Lmax fast;
- ii) The noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. Daytime noise levels are to be measured in living rooms and the night time levels are to be measured in bedrooms.
- iii) Before the measurements are undertaken a schedule of the residential units and rooms to be used must be submitted to and approved, in writing, by the Local Planning Authority and the work must not be undertaken before the schedule is agreed in writing.

**Reason:** To safeguard the living conditions of future residents of the development by providing satisfactory measures to reduce the noise disturbance resulting from the retail unit hereby approved in accordance with Policy H16 of the Carlisle District Local Plan.

25. All habitable rooms shall be provided with sound attenuating trickle ventilators or wall mounted acoustic air brick to allow the ventilation of rooms without the need to open windows. The vents shall not compromise the attenuation of the glazing.

**Reason:** To safeguard the living conditions of future residents of the development by providing satisfactory measures to reduce the noise disturbance resulting from the retail unit hereby approved in accordance with Policy H16 of the Carlisle District Local Plan.

26. The residential units shall not be occupied until the food store, which forms part of this approval, is open for business.

**Reason:** To enable adequate assessment of the potential noise impact of the fixed mechanical and refrigeration plant and to safeguard the living conditions of future residents of the development by providing satisfactory measures to reduce the noise disturbance resulting from the retail units hereby approved in accordance with Policy H16 of the Carlisle District Local Plan.

27. With regards to fixed mechanical and refrigeration plant, development shall not commence until details of the fixed plant serving the development hereby permitted and any mitigation measures to achieve this condition are submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from the fixed mechanical and refrigeration units associated with the site shall not exceed the minimum monitored background noise level during the daytime (0700 – 2300 hours), determined to be 43.1 dB(A) at 7 Knowe Road and 62.1 dB(A) at 56 Scotland Road; and night time (2300 – 0700), determined to be 37.3dB(A) at 7 Knowe Road and 41.3dB(A) at 56 Scotland Road seven days a week. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises to the proposed service and plant areas. The measurements and assessments shall be made according to BS4142:1992.

**Reason:** To safeguard the living conditions of future residents of the development by providing satisfactory measures to reduce the noise disturbance resulting from the retail unit hereby approved in accordance with Policy H16 of the Carlisle District Local Plan.

28. No part of the development hereby permitted shall commence until:

- i) A detailed site investigation has been carried out to determine the extent and severity of contamination on the site and to formulate such proposals as may be necessary for the remediation of the site. The remediation proposals must relate to human health and ground water;
- ii) There shall have been submitted to the Local Planning Authority the results in writing of the detailed site investigation;
- iii) Remediation measures as are identified in the detailed site investigation shall be submitted to the Local Planning Authority for approval in writing;
- iv) Remediation proposals agreed by the Local Planning Authority must be completed to the reasonable satisfaction of the Local Planning Authority; and
- v) Upon completion of the proposed Remediation measures a remediation report verifying the work must be submitted to the Local Planning Authority for approval in writing.

**Reason:** To protect the environment and prevent harm to human health in accordance with Policy LE30 of the emerging Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report.

---

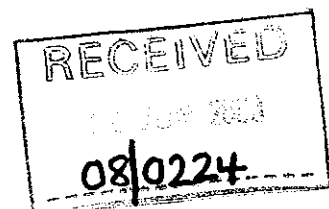
# Former Gates Tyres Site, Scotland Road, Carlisle



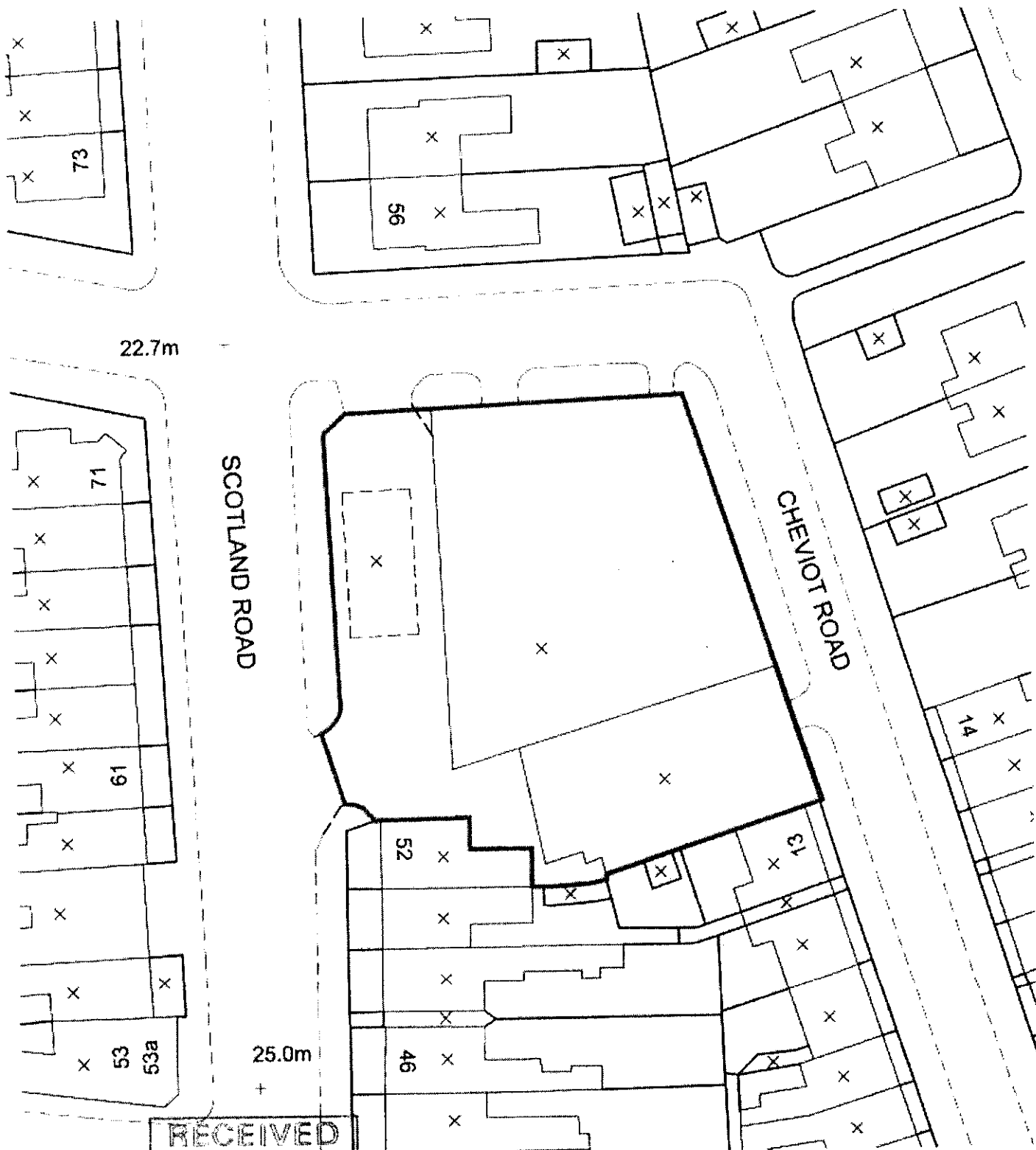
Ordnance Survey

© Crown Copyright 2008. All rights reserved. Licence number 100020449. Plotted Scale - 1:1250

1:1250







RECEIVED  
4 MAR 2008  
2008/0224

**ian Belsham**  
Associates  
Chartered Architects

Keel Row 4  
The Watermark  
Gateshead  
NE11 9SZ  
Tel. 0191 461 1411  
Fax. 0191 460 5223  
architects@belsham.com

GATES TYRES, CARLISLE

LOCATION PLAN

THIS DRAWING IS COPYRIGHT  
542/DWGS/LOCATION PLAN

DRAWN DT  
DATE 19.11.07  
SCALE 1:500@A4  
CHECK

542

(0)00



0 2 4 6 8 10  
1:200 Scale in m.

ALL DIMENSIONS ARE TO BE CHECKED ON SITE  
SCALED DIMENSIONS ARE NOT TO BE USED  
PROPOSALS ARE SUBJECT TO SITE SURVEY  
AND STATUTORY APPROVALS

<b>ian Belsham Associates</b>	Keel Row 4 The Watermark Gateshead NE11 9SE Tel 0191 481 1411 Fax 0191 481 1412 ian.belsham@ianbelsham.com
Chartered Architects	

<b>DEVELOPMENT SITE</b>
<b>GATES TYRES : SCOTLAND ROAD</b>
<b>CARLISLE</b>

<b>EXISTING SITE LAYOUT</b>
-----------------------------

<b>KANS &amp; KANDY PROPERTIES LTD</b>
--

DATE	21.11.07
SCALE	1:200@A2
DCW	DCW
CHWS	CHWS

Authorised by planning dept.
THE DRAWING IS COPYRIGHT

<b>542 (S)01</b>
------------------

14

CHEVIOT ROAD

13

RECEIVED  
- 4 MAR 2008  
2008/0224

56

52

SCOTLAND ROAD

22.7m

71

19

38

ALL DIMENSIONS ARE TO BE CHECKED ON SITE  
SCALED DIMENSIONS ARE NOT TO BE USED  
PROPOSALS ARE SUBJECT TO SITE SURVEY  
AND STATUTORY APPROVALS



RECEIVED  
20 JUN 2008  
08/0224

ian  
Belsham  
Associates  
Chartered Architects  
Keel Row 4  
The Watermark  
Galashiels  
NE11 5SZ  
Tel: 0179 461 1411  
Fax: 0179 461 5223  
info@belsham.com

DEVELOPMENT SITE GATES TYRES - SCOTLAND ROAD CARLISLE			
PROPOSED SITE LAYOUT			
KANS & KANDY PROPERTY DEVELOPMENTS LTD			
DATE	SCALE	POW	POW
21.02.08	1:2000@A2		
THIS DRAWING IS COPYRIGHT			
542 (S)03			

CHEVIOT ROAD

SCOTLAND ROAD

CHEVIOT ROAD

Existing access modified to create larger opening

Existing access modified to create larger opening

Existing access modified to create larger opening

New low level planting to site boundary

New low level planting to site boundary

Existing access off Scotland Road to be formed to L.A. approval

Line of existing building being demolished

Black parking line to car park

Car Parking for Retail Unit

Black parking line to car park

Black parking line to car park

Black parking line to car park

Black parking line to car park

Black parking line to car park

Loading Bay

Service Area

SALES AREA

BACKUP AREA

RETAIL UNIT

MAIN ENTRANCE

Service Area

Service Area

Existing Tarmac looppath

Existing Tarmac looppath

Existing Tarmac looppath

Existing Tarmac looppath

Existing Tarmac looppath

Existing Tarmac looppath

Existing Tarmac looppath

Existing Tarmac looppath

Existing access modified to create larger opening

Existing access modified to create larger opening

Existing access modified to create larger opening

Existing access modified to create larger opening

Existing access modified to create larger opening

Existing access modified to create larger opening

Existing access modified to create larger opening

Existing access modified to create larger opening

Existing access modified to create larger opening

Existing access modified to create larger opening

Existing access modified to create larger opening

Existing access modified to create larger opening

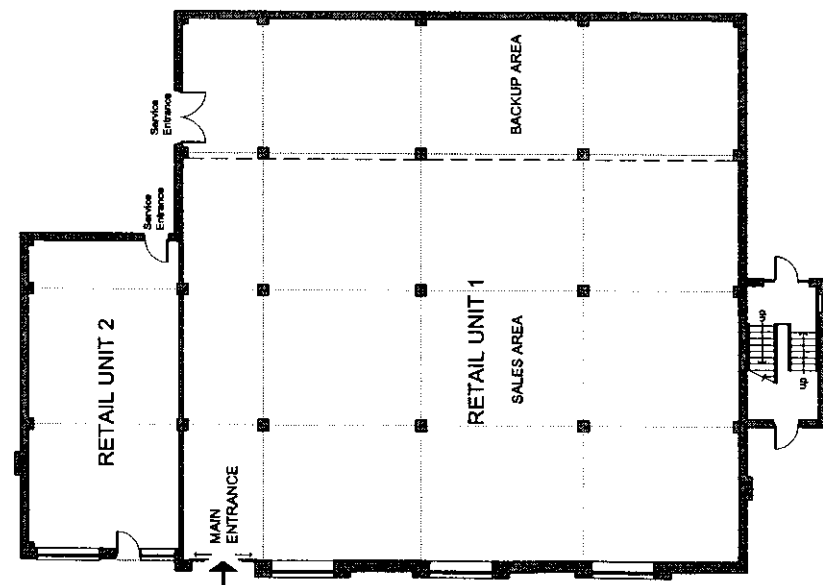
Existing access modified to create larger opening

Existing access modified to create larger opening

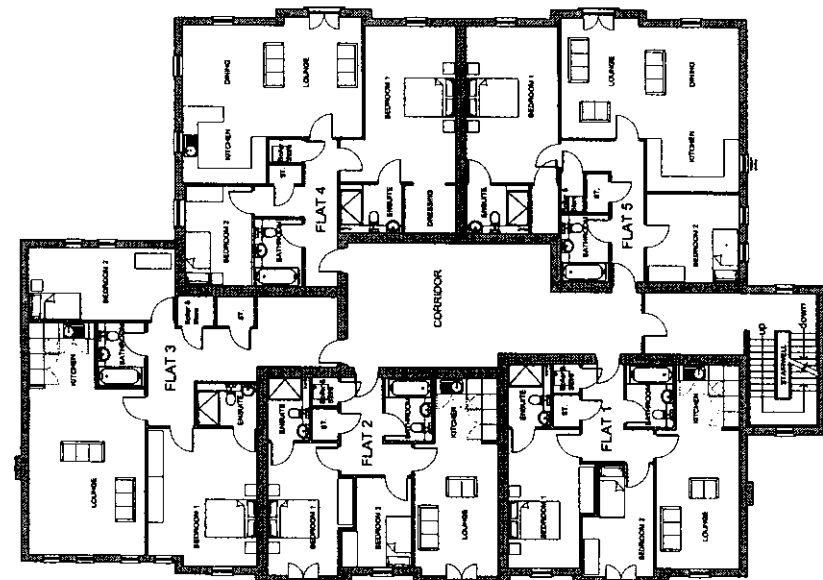
Existing access modified to create larger opening

Existing access modified to create larger opening

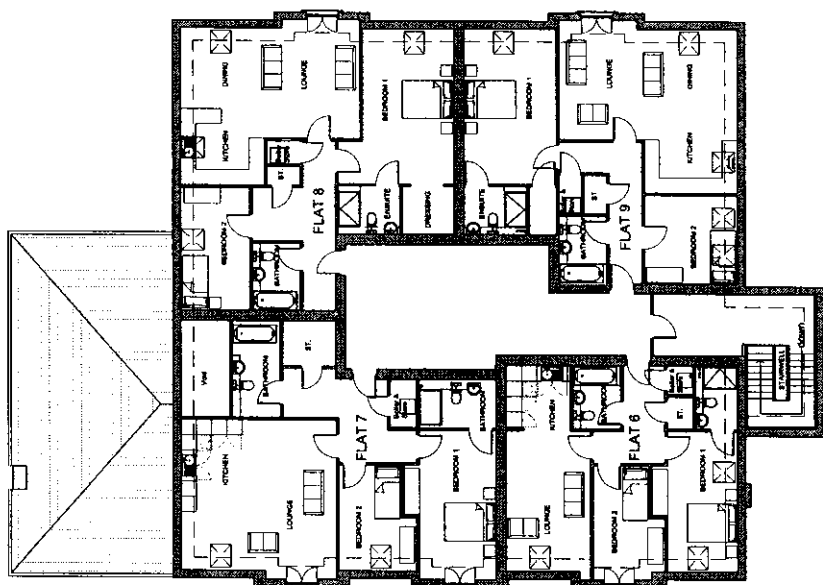
ALL DIMENSIONS ARE TO BE CHECKED ON SITE  
SCALED DIMENSIONS ARE NOT TO BE USED



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN



ian Belsham Architect		Architect	
Development Site GATES TYRES SCOTLAND ROAD CARLINLE		Proposed FLOOR PLANS	
KARS AND KANDY PROPERTY DEVELOPMENTS LTD		KARS AND KANDY PROPERTY DEVELOPMENTS LTD	
Scale	1:100 @ A1	20.02.06	542 (010)
Sheet	54	1:100 @ A1	20.02.06
Drawn	54	1:100 @ A1	20.02.06
Check	54	1:100 @ A1	20.02.06
Rev	54	1:100 @ A1	20.02.06
KARS AND KANDY PROPERTY DEVELOPMENTS LTD			



ALL DIMENSIONS ARE TO BE CHECKED ON SITE  
 ROADS DIMENSIONS ARE NOT TO BE USED  
 PROFILES ARE SUBJECT TO SITE SURVEY  
 AND EXISTING APPROVALS

# **MATERIALS**

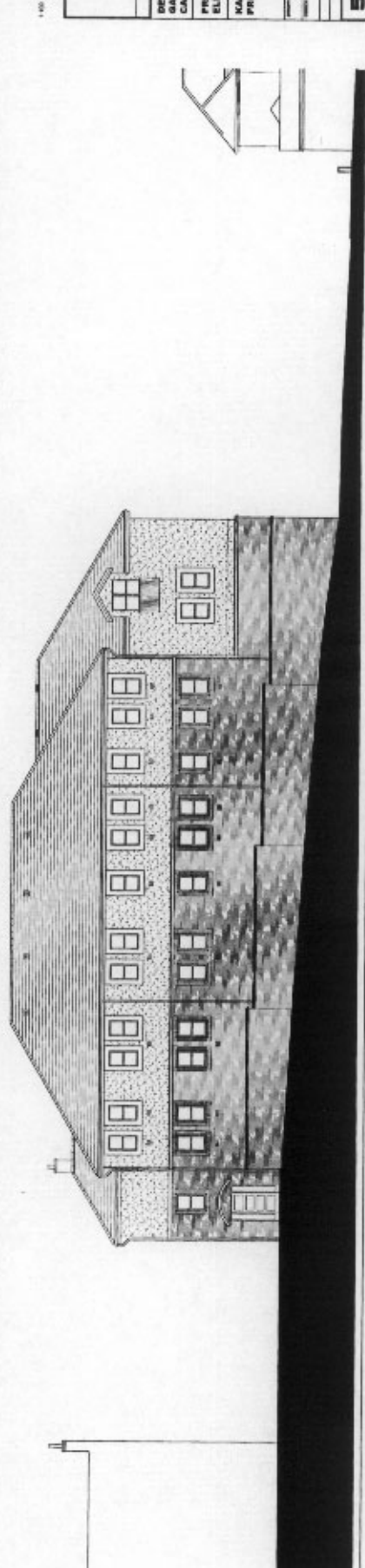
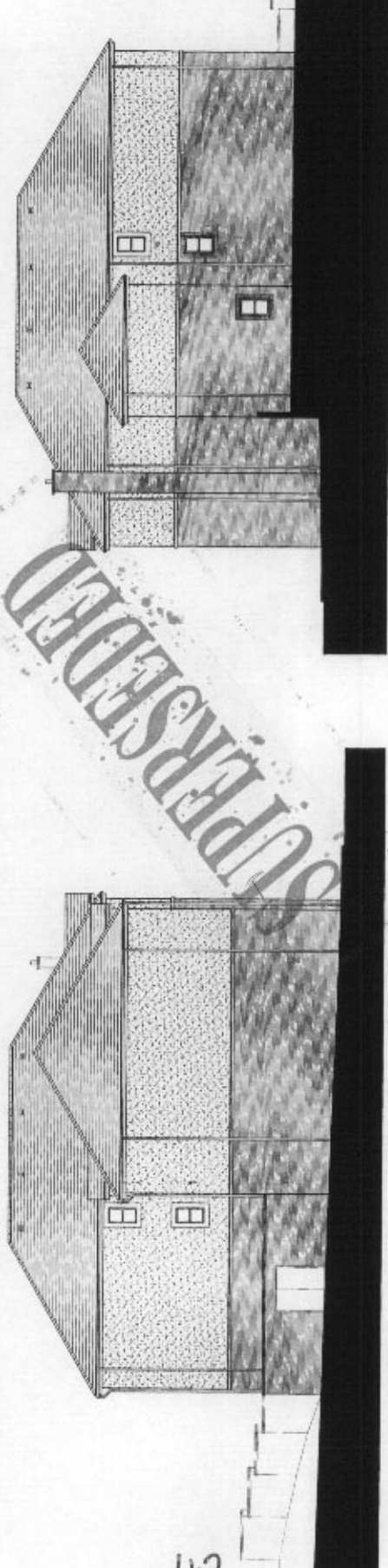
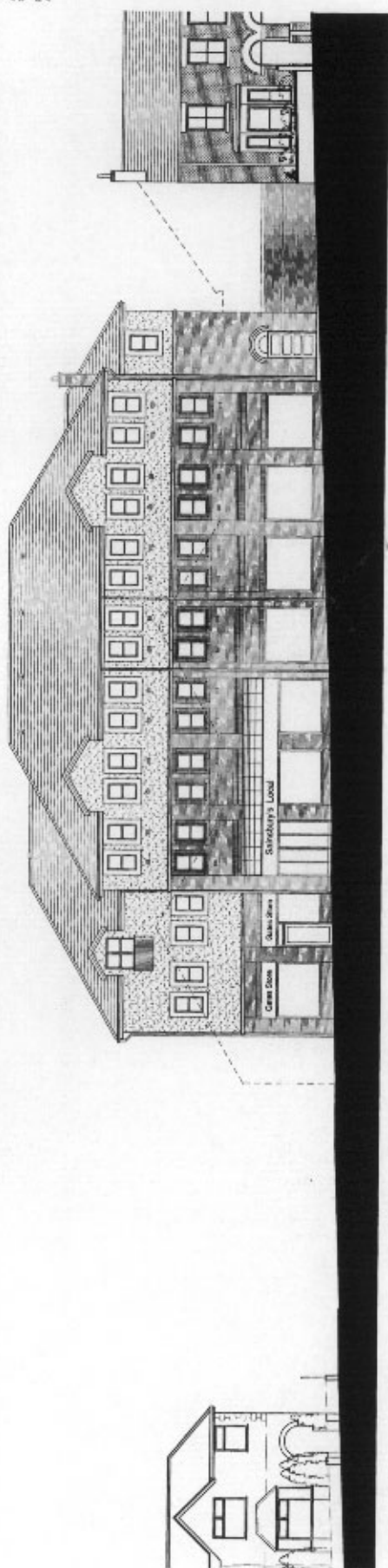
Roof: Concrete flat/locking tiles to  
 LA approval

Walls: Red mud facing bricks to  
 with smooth red facing brick all to  
 be approved by LA approval with  
 rendered finish above band course.

Doors: To be aluminium powder  
 coated framed units in white

Windows: To be white UPVC  
 framed double glazed units

Boundary Walls: Red mud facing  
 brickwork to match main building



Ian Belsham Architects 100, 101 & 102 The Watermark 100, 101 & 102 100, 101 & 102 100, 101 & 102		Received 14 MAY 2008 2008/01224
DEVELOPMENT SITE GATES TYNERS SCOTLAND ROAD CARLISLE		
PROPOSED ELEVATIONS ELEVATION TO SCOTLAND ROAD		
IAN AND KANDY PROPERTY DEVELOPMENTS LTD		
Date: 17/05/08 Drawn: K.P. Scale: 1:1000 A1 Date: 22/02/08	542 (0102)	

## SCHEDULE A: Applications with Recommendation

08/0266

---

**Item No: 02**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0266

**Applicant:**  
Ms Straughton

**Parish:**  
Carlisle

**Date of Receipt:**  
18/03/2008

**Agent:**  
Co-ordinate (Cumbria)  
Limited

**Ward:**  
Stanwix Urban

**Location:**  
1 Mulcaster Crescent, Carlisle, CA3 9EB

**Grid Reference:**  
340026 557189

**Proposal:** Change Of Use Of Existing Dwelling To Form A Hair, Health And Beauty Studio (Revised Application)

**Amendment:**

---

### REPORT

**Case Officer:** Colin Godfrey

#### Reason for Determination by Committee:

This application is brought before the Development Control Committee as the applicant and a Ward Councillor have requested their right to speak.

#### **1. Constraints and Planning Policies**

##### **Conservation Area**

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

##### **District H2 - Primary Residential Areas**

##### **District T7 - Parking Guidelines**

##### **Rev Redeposit Pl. Pol LE20 - Conservation Areas**

##### **Rev Redeposit Pl. Pol H2 - Primary Residential Areas**

##### **Rev Redeposit Pl. Pol T2 - Parking In Conservation Areas**

##### **Rev Redeposit Pl. Pol T1 - Parking Guidelines**

##### **Rev Redeposit Pl. Pol CP5 - Residential Amenity**

## SCHEDULE A: Applications with Recommendation

08/0266

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol EC7 - Neighbourhood Facilities

### 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** the application site seems to provide for one parking space off road, which will probably be for one of the employees and no other off road parking spaces. On the application form the applicant has however stated that the development would provide for 2 parking spaces and one disabled parking space (therefore 3 1/2 in total). It is not readily apparent how this provision could be accommodated within the space available. As you might be aware parking in Mulcaster Crescent and the surrounding area is already at a premium. With the ambiguity on the application form and the apparent lack of parking provision, the Highway Authority finds this type of application at this location unacceptable.

Following the receipt of additional information, the Authority have subsequently withdrawn their recommendation to refuse permission;

**Development Services Planning & Housing Services - Conservation Section:** there are no conservation issues relating to this application;

**Environmental Services - Food, Health & Safety:** Verbally expressed no objections;

**Development Services Planning & Housing Services - Access Officer:**  
Awaiting comments

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
[Redacted] Cumbria Park Hotel	27/03/08	
[Redacted] 3 Mulcaster Crescent	27/03/08	
[Redacted] 45 Scotland Road	27/03/08	
[Redacted] 47 Scotland Road	27/03/08	
[Redacted] 36 Scotland Road	27/03/08	Comment Only
[Redacted] 36 Scotland Road		Objection
[Redacted] Wood Villa		Objection
[Redacted] 18 Harker Park Road		Objection

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to 5 neighbouring properties. In response, four letters of objections have been received which are summarised below;



## SCHEDULE A: Applications with Recommendation

08/0266

1. The plans indicate two parking spaces and one additional disabled parking space; where are they to be located? there is insufficient room in the rear yard. There is no room on Mulcaster Crescent, Scotland Road or Cheviot Road for these spaces;
2. The idea that clients will choose to use Stanwix Car Park is total nonsense; people like to be able to get straight back in the car after a treatment, not walk for a few minutes to it; maybe some clients will get dropped off and picked up; but this will cause a hazard on the junction of Mulcaster and Scotland Road due to the location of the property;
3. The plans state that the proposals will be on a one to one basis and the turnover will be minimal. The salon has 4 treatment rooms, equating to 4 clients, 4 members of staff to attend them and 1 receptionist, so how many cars and will be going in and out of the parking area that is linked to my property;
4. The added car emissions into my property and the surrounding area will only add to the fact that Scotland Road is the most polluted area in Carlisle. Also the use of the garden will be disturbed by constant comings and goings of cars and clients due to the door into the salon being off the parking area.
5. This area should be protected from further development; there are plenty of other areas up town that would benefit from this type of business, further more we already have two hair salons in this area;
6. Having lived next door to a small hairdressers with two staff and one treatment room on Etterby Street, I am fully aware of parking pressures on residents that are associated with business premises operating on a residential street. This was especially aggravated by the parking demands of staff and a constant flow of customers in a heavily congested area;
7. The application misleadingly notes that treatment will be on a one-to-one basis and as such that the resultant impact on parking would be minimal. As there are five treatment rooms this allows the possibility of five members of staff and five customers at any one time. This could conceivably mean ten or more cars;
8. The Statement says there is 'unrestricted parking available on surrounding streets, including Mulcaster Crescent. Parking on Mulcaster Road is restricted by the existence of double yellow lines on both sides of the Scotland Road / Mulcaster Crescent junction, and a pelican crossing at this section; double yellow lines at the Cheviot Road / Mulcaster Crescent junction, entrance to the Cumbria Park Car Park and at Knowe Road junction. There is also a long section of restricted parking outside of Stanwix School which is accessed from Mulcaster Crescent;

## **SCHEDULE A: Applications with Recommendation**

08/0266

9. The remaining, unrestricted sections of Mulcaster Crescent are well utilised by residents parking their own vehicles outside of their own properties as these are properties without garages
10. Other surrounding streets such as Cheviot Road and Scotland Road also have double yellow lines and, as they are also properties without garages, the residents use the streets to park their own vehicles
11. In addition, the roads in the area are used by commuters, existing businesses and by parents taking children to school;
12. The plans show the parking to be located in an enclosed, gated yard at the rear of the property, accessed from Mulcaster Crescent, opposite the entrance to the Cumbria Park Hotel Car Park and alongside the back lane giving access to properties on Scotland Road. Access to and from this proposed parking area presents danger to pedestrians and drivers due to the congested, narrow streets;
13. Considering the five treatment rooms, potential for five staff and five customers at any one time, the on-site parking is wholly insufficient. It is misleading to suggest that parking is available in the local streets as clearly any additional parking would exacerbate an existing pressure and simply increase the danger to pedestrians and drivers, negatively impacting upon existing and well recorded local parking and traffic issues;

### **4. Planning History**

- 4.1 In 2008, under application reference 08/0190 an application was withdrawn for the change of use of existing dwelling to form a hair, health and well being studio and re-configuration of existing property to form a two bedroom dwelling.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 Members will be aware that this application was deferred at the Committee Meeting of 30 May 2008 to allow a site visit to be undertaken.
- 5.2 This is a revised application seeking approval for the change of use of a non-listed end-of-terrace house located on the corner of Scotland Road and Mulcaster Road in the Stanwix Conservation Area. The property is constructed from facing brick with a slate roof and is bounded by a dwarf brick wall.
- 5.3 It is intended to convert the property from a residential use into a hair, health

## SCHEDULE A: Applications with Recommendation

08/0266

and beauty studio. This will involve the internal reconfiguration of the property to provide two studios, a reception/washing/waiting room, kitchen and lobby to the ground floor and three studios, a shower room/W.C./kitchen and store room to the first floor. The only external changes proposed are the erection of a bike store in the enclosed rear yard and the widening of an existing doorway to provide improved access for disabled people. The applicant has indicated that two off-street parking spaces will be available in the rear yard area which is accessed directly from Mulcaster Crescent. The applicant is seeking approval to operate between the hours of 10.00 and 18.00 Monday to Saturday with extended opening until 20.00 hours on a Thursday. The studio will not open on a Sunday. On the basis that treatment will be provided on a one-to-one basis and the proposal provides for 5 studios, a maximum of 5 clients will be receiving treatment at any given time.

- 5.4 The relevant policies against which this application is required to be assessed are Policies H2 and T7 of the Carlisle District Local Plan and Policies LE20, H2, T2, T11, CP4, CP5 and EC7 of the Carlisle District Local Plan Revised Redeposit Draft.

- 5.5 The proposals raise the following planning issues:

1. The Principle of Development

- 5.6 The proposal fall within a Primary Residential Area as defined by Policy H2 of the Carlisle District Local Plan Revised Redeposit Draft. This Policy states that;

*'proposals for non-residential uses will be permitted in Primary Residential Areas provided they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable'.*

- 5.7 Although within a Primary Residential Area, the building is well related to the Stanwix District Centre which is served by a range of shops and other facilities. There are also examples of terraced houses within the immediate vicinity used for commercial purposes such as Bed & Breakfast accommodation and hairdressers. As such, it is considered that the principle of conversion in this area is acceptable.

- 5.8 In addition, given that the proposal is for a hair and beauty studio offering treatments on a one-to-one basis, it is not considered that excessive noise, smell or health and safety impacts would be generated. A neighbour has however objected on the basis that the flow of people leaving and entering the premises would compromise the enjoyment of her rear garden area. It should however be remembered that the property is located on a busy main road with dwellings to the immediate north and east. In this context, and given the nature of the proposal, it is considered that any additional adverse impact on her living conditions would be insufficient to warrant refusal of the application. However, to ensure the living conditions of neighbouring residents are protected, a condition would be attached to any permission

## SCHEDULE A: Applications with Recommendation

08/0266

which may be issued restricting the hours of operation to those requested by the applicant. The impact of the proposal on the local highway network is considered at 5.8.

### 2. Affect on Parking And Highway Safety

- 5.9 The major concern in relation to this application is the lack of dedicated parking to serve the studio. Objections have been received from two local residents and two Ward Councillors primarily on the basis that the inadequacy of the off-street parking arrangements will result in additional on-street parking, exasperating existing parking and congestion problems in the immediate vicinity, particularly on Mulcaster Crescent, Cheviot Road and Scotland Road. The objectors consider that this will lead to additional inconvenience and danger to users of the highway and pedestrians in the area. Objectors have also questioned the validity of the supporting Design and Access Statement which states that, *'There is also unrestricted parking available on surrounding streets, including Mulcaster Crescent'*. It is acknowledged that these are real concerns and that the proposal has the potential to further exasperate already stretched parking arrangements in the area. This is in the context where the pupils of Stanwix School can also gain access from Mulcaster Crescent. Additionally, access to the car park serving the Cumbria Park Hotel is also via Mulcaster Crescent.
- 5.10 Initially, the applicant stated that the rear yard area would provide two dedicated parking spaces (including one space for disabled people) and that the remainder of people visiting the studio by car would be able to park on the road or use the free public car park located approximately 150m to the south, adjacent to Church Street. On this basis Cumbria Highways originally objected to the proposal on the grounds that, *'The remoteness of the parking area from the development it serves would be likely to result in parking on the highway, with consequent additional dangers to all users of the road'*.
- 5.11 Subsequently, the applicant has submitted further information confirming that two spaces, exclusively reserved for customer use, will be located in the rear yard together with a covered bicycle/motorcycle store. The applicant has also confirmed that six parking spaces have been secured at the Crown & Thistle public house, located on Church Street, for the sole use of the studio's customers and staff. It should be noted however that as this relates to land outside of the application site, it is difficult for these parking spaces to be the subject of a planning condition requiring their retention. The applicant has also highlighted that the studio is on a major town centre bus route.
- 5.12 Nevertheless, this information has been provided to Cumbria Highways who have subsequently withdrawn their objection. While confirming that they would have preferred to see the building retained for residential use, they have noted that in light of the additional information, it would be *'impossible (or very difficult) to defend a recommendation of refusal at appeal'*. Cumbria Highways are aware that the spaces secured at the Crown & Thistle cannot be subject to a planning condition. They have however recommended that the on-site parking arrangements be conditioned.

- 5.13 The application therefore needs to be assessed in the context that 8 off-street parking places have been secured. In addition, a condition would be attached to any permission preventing the studio opening before 10.00 hours, avoiding the peak morning rush hour. Given the nature of the proposal, it is also likely that a proportion of the customers will be from the immediate area, negating the need to travel by car. The close proximity to a bus route provides further mitigation. As such, and bearing in mind the comments from Cumbria Highways, it is considered that on balance the proposal is unlikely to have a significant enough adverse impact to warrant refusal on highway grounds.

### 3. Impact On The Character Of The Conservation Area

- 5.14 The proposal will result in little change to the external appearance of the property, being limited to the erection of a bike store in an enclosed yard/parking area to the rear of the property and the enlargement of an existing doorway to provide improved access for disabled people. As such, it is not considered that the proposal would result in an adverse impact on the character of the Conservation Area. The Conservation Officer has raised no objection to the proposal.
- 5.15 In conclusion, it is considered that the proposal would not adversely impact on the living conditions of neighbouring residents, the character of the Conservation Area or the local highway network. In all aspects the proposals are considered to be compliant with the objectives of the Local Plan Policies and is therefore recommended for approval.

## 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

## SCHEDULE A: Applications with Recommendation

08/0266

was 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).

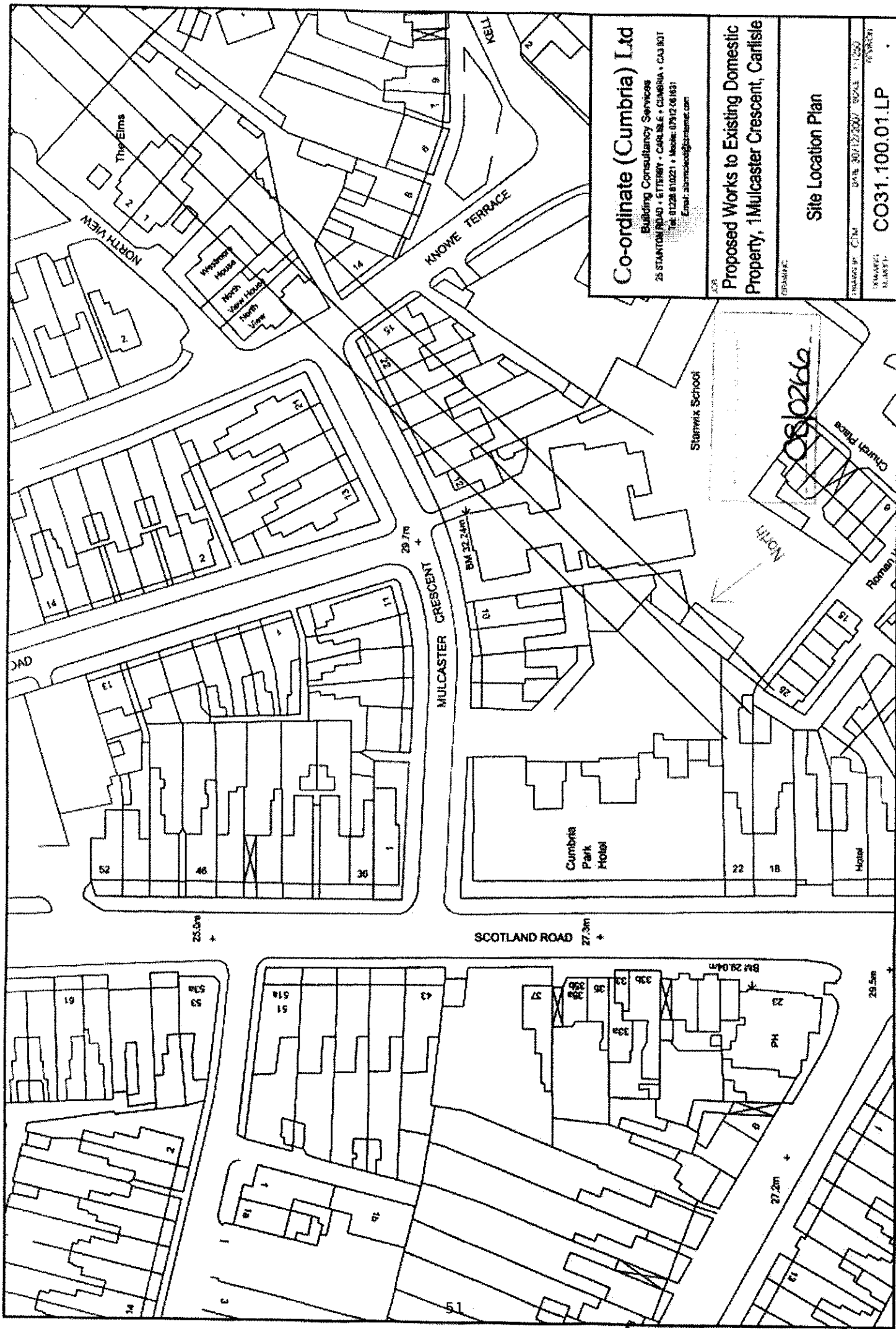
2. The use of the premises hereby permitted shall not commence before 10.00 hours Mondays to Saturdays or remain open after 18.00 hours on Mondays-Wednesdays and Fridays and Saturdays or after 20.00 hours on Thursdays and shall not operate at all on Sundays or statutory holidays.

**Reason:** To prevent disturbance: nearby occupants in accordance with Policy H17 of the Carlisle District Local Plan.

3. Two dedicated off-street parking spaces exclusively for use by clients shall be provided in the enclosed yard and shall be used for no other purpose without the prior approval of the local planning authority.

**Reason:** To ensure adequate off-street parking is available to serve the studio

---



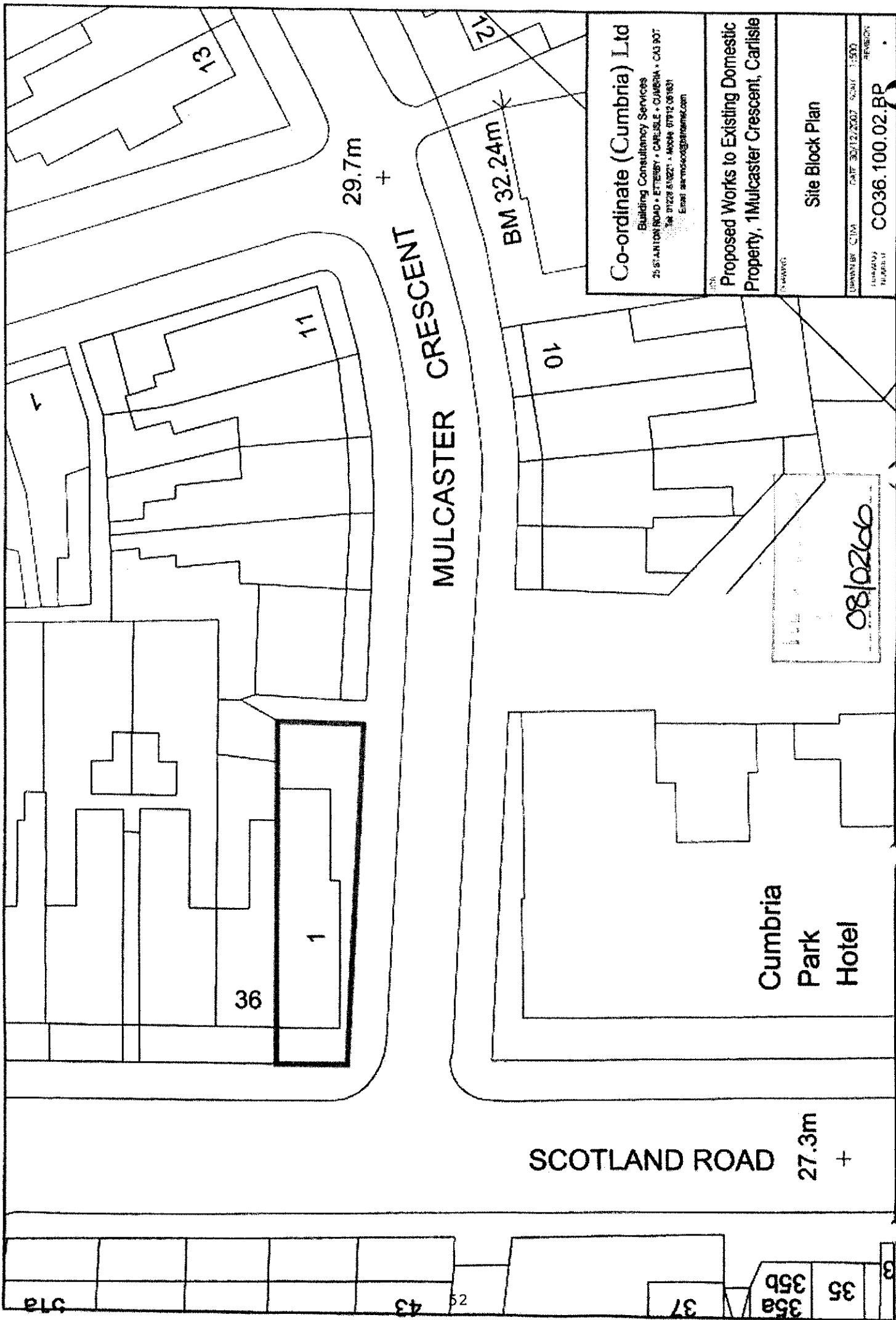
# Coordinate (Cumbria) Ltd

Building Consultancy Services  
 25 STANTON ROAD • STIRLING • CARLISLE • CUMBRIA • CA3 9JT  
 Tel: 01228 810221 • Mobile: 07912 061631  
 Email: admin@coordinate.co.uk

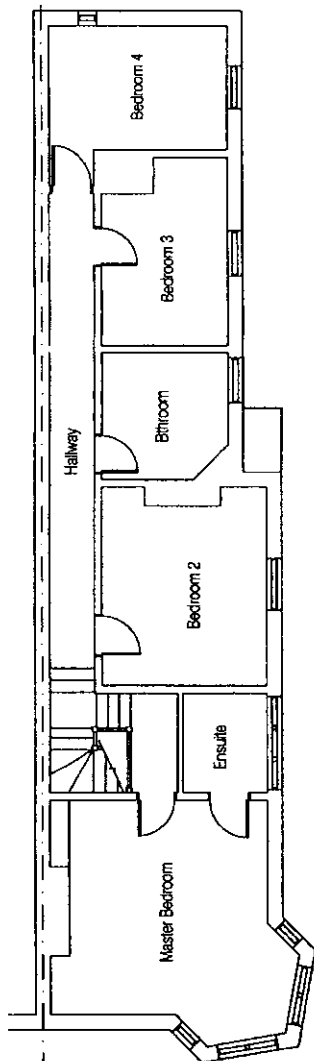
Proposed Works to Existing Domestic  
 Property, 1 Mulcaster Crescent, Carlisle

Site Location Plan

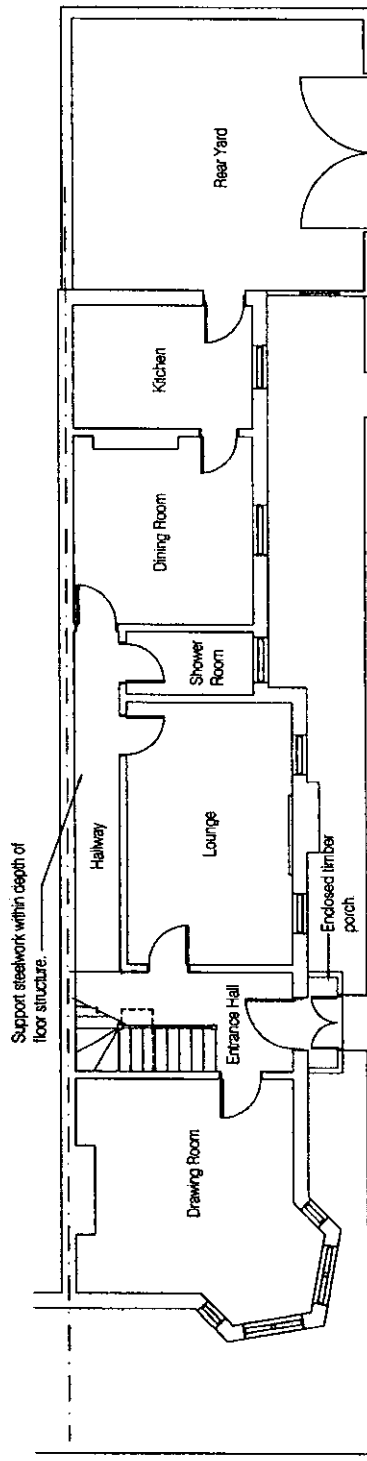
DATE: 30/12/2007 SCALE: 1:1250  
 DRAWING NO: CDM  
 PROJECT NO: CO31.100.01.LP







EXISTING FIRST FLOOR LAYOUT



EXISTING GROUND FLOOR LAYOUT

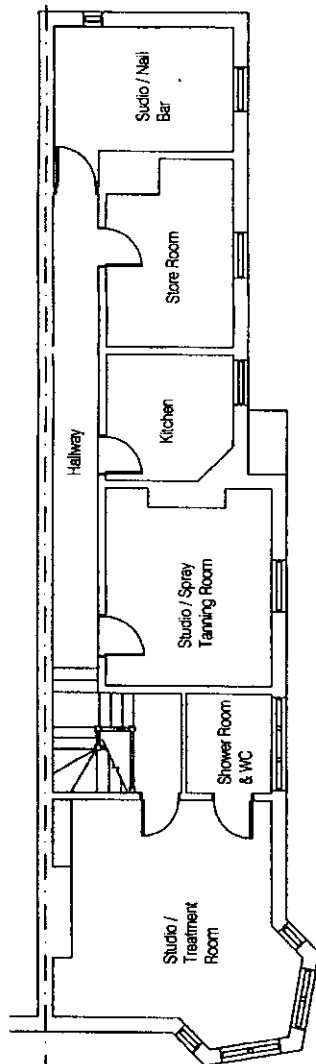
**Co-ordinate (Cumbria) Ltd**  
 Building Consultancy Services  
 25 FIMBURN ROAD • FIMBURN • CARLISLE • CUMBRIA • CA9 7ET  
 TEL: 01273 81821 • FAX: 01273 81821  
 Email: [enquiries@co-ordinate.co.uk](mailto:enquiries@co-ordinate.co.uk)

**Proposed Works to Existing Domestic Property, Mulcaster Crescent, Carlisle**

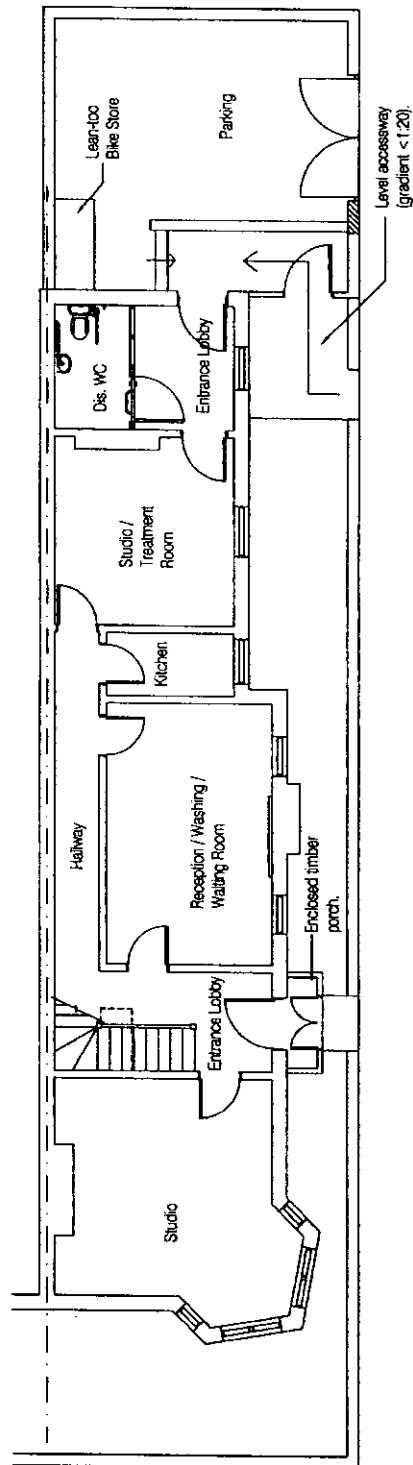
**Ground & First Floor Layouts As Existing**

Drawn by: C/M	Date: 30/12/2007	Scale: 1:100	Revision:
Drawing Number:	MC/001		

08/02/08



**PROPOSED FIRST FLOOR  
LAYOUT**



**PROPOSED GROUND FLOOR LAYOUT**

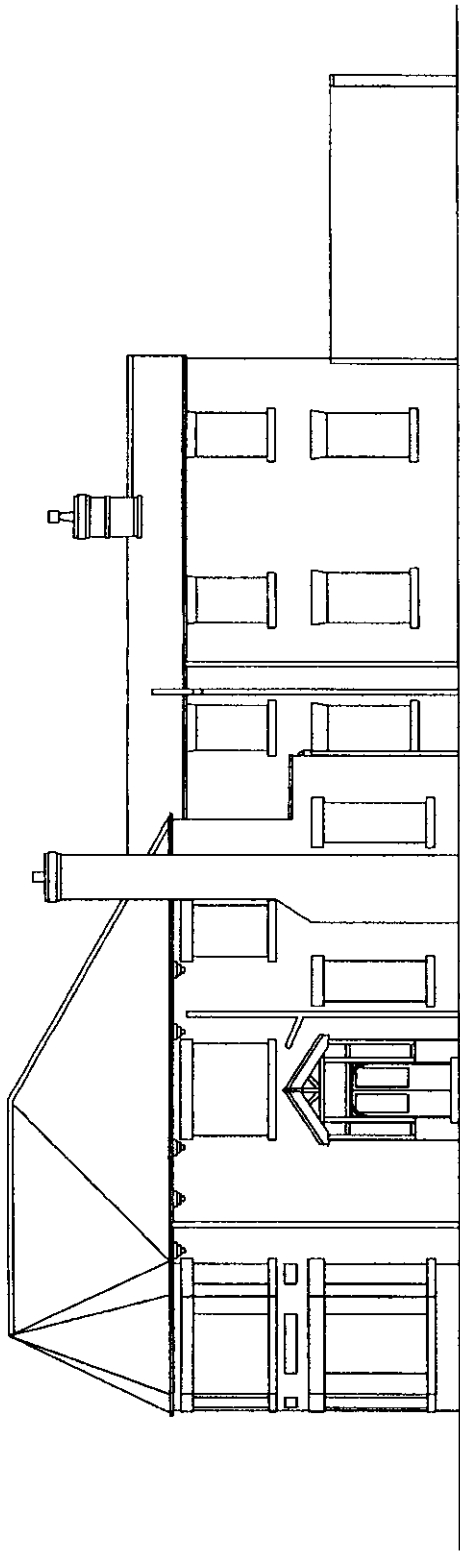
08/07/20

**Co-ordinate (Cumbria) Ltd**  
Building Consultancy Services  
25 STANTON ROAD • ETTHERBY • CUMBRIA • CA3 8DT  
Tel: 01288 810211 • Mobile: 07942 281821  
Email: info@co-ordinatecumbria.com

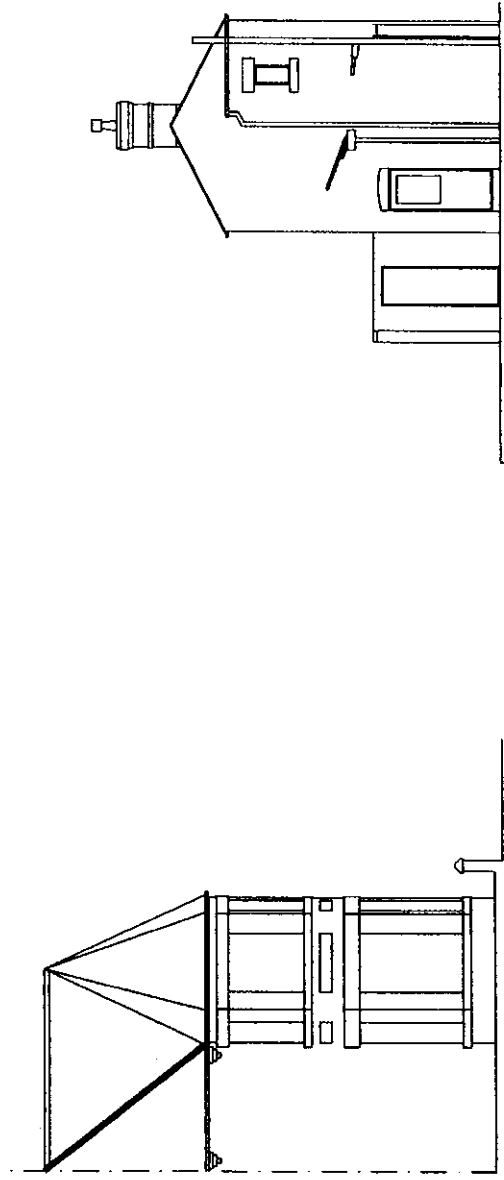
**Proposed Works to Existing Domestic  
Property, Mulcaster Crescent, Carlisle**

**Proposed Ground & First Floor Layouts**

Drawn By: CTA	Date: 30/12/2027	Scale: 1:100	Revision:
Drawn:	MC/003		B



EXISTING FRONT SOUTH ELEVATION

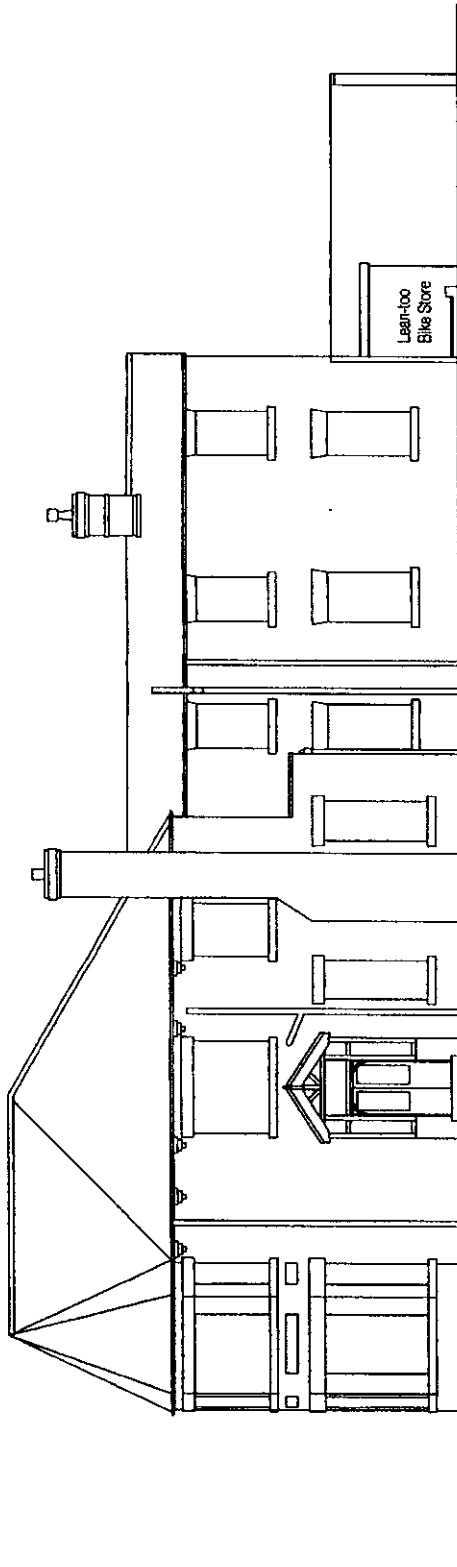


EXISTING WEST ELEVATION

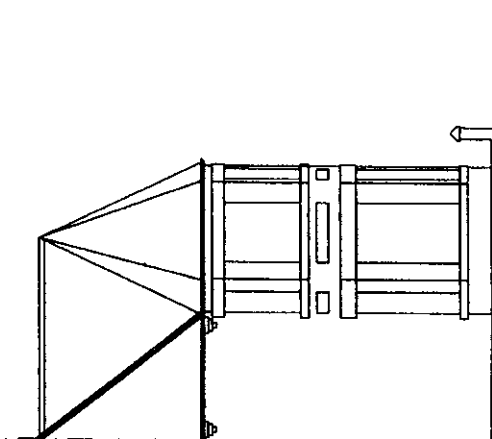
EXISTING EAST ELEVATION

08/02/10

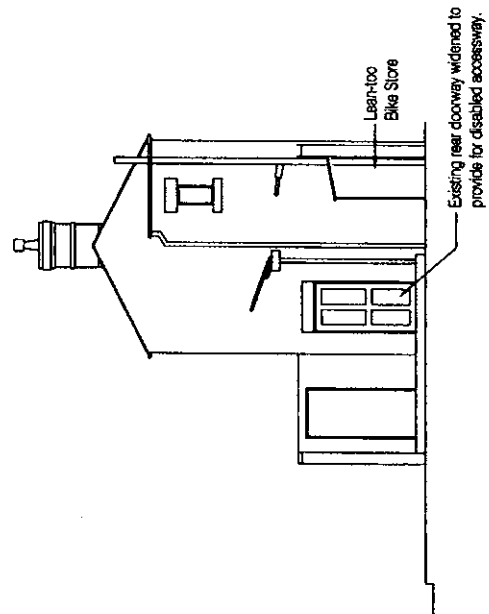
<b>Co-ordinate (Cumbria) Ltd</b>	
Building Consultancy Services	
25 STATION ROAD, STATION, CARLISLE, CUMBRIA, CA2 8DT	
Tel: 01283 410201 • Mobile: 07733 381821	
Email: <a href="mailto:enquiries@cumbria.co.uk">enquiries@cumbria.co.uk</a>	
<b>Proposed Works to Existing Domestic Property, Mulcaster Crescent, Carlisle</b>	
<b>Building Elevations As Existing</b>	
Drawing No:	MC/002
Drawing Date:	08/02/2007
Drawing Scale:	1:100
Drawing Author:	MC/002



EXISTING FRONT SOUTH ELEVATION



EXISTING WEST ELEVATION



EXISTING EAST ELEVATION

08/02/06

**Co-ordinate (Cumbria) Ltd**  
Building Consultancy Services  
25 Fawcett Road • E7 8JY • C.A. 020 8 51 0000 • C.A. 020 8 51 0001  
Tel: 01228 810221 • Mobile: 0799 1 01 01 01  
Email: [info@co-ordinate.co.uk](mailto:info@co-ordinate.co.uk)

**Proposed Works to Existing Domestic Property, Mulcaster Crescent, Carlisle**

**Building Elevations As Proposed**

DATE: 30/12/2007 SCALE: 1:100  
DRAWN BY: CJA  
CHECKED BY: MC/004  
REVISION: 8

**1 Mulcaster Crescent, Stanwix, Carlisle**



**Proposed change of use of existing dwelling to a hair, health and beauty studio.**

**Design and access statement to accompany an application for full planning permission.**

**Introduction:**

This statement is in support of this application which seeks planning permission for the creation of a hair, health and beauty studio.

**The existing property.**

The subject property is a traditional end-terraced dwelling house, the main part of which was built in the late nineteenth century, a two storey addition was added to the property at a later stage. To the rear of the property there is an external recreation area. The property is located within the Stanwix Conservation Area.

**Proposal, scale/amount of development.**

The proposal is to convert the existing accommodation into a hair, health and beauty studio. Very little alteration will be required to the property to facilitate the change.

**Access**

The property is located on the edge of the Stanwix local shopping area which offers a range of facilities including newsagent, bakery, pharmacy, butcher, florist, public house, restaurant and a hotel.

Within this local shopping area there is a public car park, approximately one minutes walk from the subject property, offering disc parking for up to three hours. At the time of our inspection approximately 50% of the spaces were vacant as indicated in Fig 1 below. There is also unrestricted parking available on surrounding streets, including Mulcaster Crescent. The property is located within 1 mile of Carlisle City Centre and well served by public transport.



**Fig 1: Stanwix Bank car park – 12.30pm 21 February 2008**

Given the property's location and proposed use, we would expect turnover to be low as the facilities offered are a one to one service and the resultant impact on parking would be minimal.

We also propose to create a covered bike store in the rear parking area to allow storage of employees/customers bicycles.

Level access will be provided to the studio via the entrance door from the parking area and we will also be installing a ground floor disabled W.C.

The hair, health and beauty studio has been designed to allow all services offered to be available from the ground floor accommodation.

### **Design**

Given the property's location within the conservation area, we propose to keep external alterations to a minimum. By providing level access to the rear of the property we are able to retain the original porch detail ensuring that the external fabric of the front elevation is preserved.

We propose to re-use stone pavers and bricks in creating the new footpaths to ensure the alterations blend in with the existing.

**Colin Godfrey**

**From:** Alan McLeod [alanmcLeod@btinternet.com]  
**Sent:** 12 May 2008 12:08  
**To:** Colin Godfrey  
**Cc:** Mark Walsh  
**Subject:** 1 Mulcaster Crescent

Hi Colin

Application No 08/0266

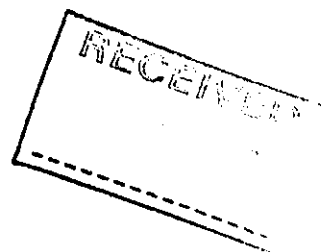
Further to your letter 9 May 2008 and our phone call regarding the proposed opening times of the Studio I can confirm that they will be as follows:

Mon – Sat: 10am – 6pm with late night opening until 8pm on Thursday.

I trust the above is acceptable

*Alan*

PLANNING & HOUSING SERVICES	
REF	08/0266
12 MAY 2008	
RECORDED	CG
SCANNED	
PASSED TO	CG
ACTION	



Alan McLeod

Co-ordinate (Cumbria) Limited

25 Stainton Road

Etterby

Carlisle

Cumbria

CA3 9QT

Tel - 01228 810221

Mob - 07912 061631

PLANNING & HOUSING SERVICES	
REF	08/0266
08 MAY 2008	
RECORDED	AN
SCANNED	CG
PASSED TO	
ACTION	

52 Lowry Hill Road  
Stanwix  
Carlisle  
CA3 0DQ

Mr Colin Godfrey  
Development Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

5 May 2008

Dear Colin

Re: Change of use of existing dwelling to form a hair, health and beauty studio.

Location: 1 Mulcaster Crescent, Carlisle, CA3 9EB

Appn Ref: 08/0266

Further to our meeting on Friday 8 May 2008 I write to provide further information regarding the parking provisions for the above-mentioned application.

Firstly, two spaces will be provided in the rear yard, these will be reserved for customer use only. A covered bicycle/motorcycle store will also be provided in the rear yard, although in reality this will most likely be used by staff, indeed one employee has indicated that they will be commuting via a scooter.

Secondly, six parking spaces have been secured at the Crown and Thistle public house, whose car park is accessed via Knowe Terrace, for the sole use of the studio's customers and staff. A copy of the agreement letter is attached for your information. The parking spaces will be clearly delineated and signage will be provided both at the car park itself and also at the studio – indicating where the parking facility is located. Directions to the car park will also be provided on all marketing material including the studio's web-site.

Employees will also be offered an interest free loan to facilitate the purchase of season tickets from the Stagecoach Bus Co should they wish to use the excellent public transport service that serves the property.

As discussed, I can confirm that I met with Pieter Barnard, Development Control Engineer, Cumbria Highways, on Tuesday 29 April 2008 and outlined the parking/travel arrangements as detailed above. Mr Barnard confirmed that the arrangements would satisfy the requirements of the Highways Authority and I believe he will be confirming this to you once he has received a copy of this letter.



Finally, as requested, I can confirm that either my agent or myself will be exercising our right to speak at the forthcoming meeting.

I trust that this clarifies matters, however if you have any further queries please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, reading "June Straughton". The script is cursive and fluid, with the first name "June" and last name "Straughton" clearly legible.

June Straughton

## SCHEDULE A: Applications with Recommendation

08/0059

---

**Item No: 03**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0059

**Applicant:**  
McDonalds Restaurants  
Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
21/01/2008

**Agent:**  
Savills

**Ward:**  
Belah

**Location:**  
McDonald's Restaurant, Gearshill Road,  
Kingstown, Carlisle, Cumbria, CA3 0ET

**Grid Reference:**  
339400 559457

**Proposal:** Application To Vary Condition 4 Of Planning Permission 97/0203 To  
Allow The Restaurant To Open Between The Hours Of 6.30am To 11pm  
Sunday To Thursday, 6.30am Friday To 1am Saturday And 6.30am To  
1am Sunday.

**Amendment:**

1. Reduction in proposed opening hours from 3am on Friday, Saturday and Sunday mornings to 1am on Saturday and Sunday mornings.

---

**REPORT**

**Case Officer:** Richard Maunsell

**Reason for Determination by Committee:**

This application is brought for determination by Members of the Development Control Committee due to the number of objections received from the occupiers of neighbouring properties with one person wishing to exercise his right to speak.

**1. Constraints and Planning Policies**

**District EM2 - Primary Employment Areas**

**District H17 - Residential Amenity**

**District S15 - Food and Drink**

**Rev Redeposit Pl. Pol EC1 - Primary Employment Areas**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. Pol EC10 - Food And Drink**

### 2. Summary of Consultation Responses

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

**Environmental Services - Environmental Quality:** Environmental Services do not object to this application given that the distance between the premises and nearby residential premises is great enough to ensure that there should not be any problems with direct noise transmission. Whilst the proposed hours of operation may lead to some increase in traffic flows, this is not an issue that can be dealt with by Environmental Services. Historically there have been complaints about litter emanating from the premises although none have been received for over a year. If the application is successful then the applicant must ensure that steps are taken to control refuse during the extended hours of opening.

Further comments received on 19th May 2008 raise no observations;

**Development Services - Property Services:** comments awaited;

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

**Cumbria Constabulary - Crime Prevention:** Cumbria Constabulary has liaised with the Local Policing Team Inspector for this area and carried out a brief search of the incident logging and crime recording databases for this location. There has been one call for police service to these premises over the past 12 months relating to an incident of theft from a cloakroom.

The present late opening retail food outlets are generally grouped around the Botchergate area, which permits a more convenient patrol pattern during the night time economy. Premises of this nature do generate alcohol-related disorder incidents. However, Cumbria Constabulary has no evidence to suggest that legitimate customers may cause disorder or nuisance at the proposed premise as there have been no reported incidents under the present permitted trading hours. Consequently, there is no objection to this proposal;

Further comments received on 16th May 2008 read as follows:

The proposed amendments do not affect the observations previously submitted.

### 3. Summary of Representations

#### **Representations Received**

Initial:	Consulted:	Reply Type:
T A Bingley - Dealer Principal, Lloyd Motors Limited	29/01/08	

# SCHEDULE A: Applications with Recommendation

08/0059

[REDACTED] 3 California Road	29/01/08	
[REDACTED] 1 California Road	29/01/08	
[REDACTED] 306 Kingstown Road	29/01/08	Objection
[REDACTED] 89 Etterby Lea Crescent	29/01/08	Objection
[REDACTED] 1 California Road	29/01/08	
[REDACTED] 238 Kingstown Road	29/01/08	Objection
[REDACTED] Westerly	29/01/08	
[REDACTED] Westerly	29/01/08	
[REDACTED] 42 Kingstown Road	29/01/08	
[REDACTED] 324 Kingstown Road	29/01/08	Objection
[REDACTED] 7 Park Place	29/01/08	Undelivered
[REDACTED] 101	29/01/08	
Pinecroft		
[REDACTED] 4 Pinecroft	29/01/08	
[REDACTED] 51 Newfield Drive	29/01/08	
[REDACTED] 324 Kingstown Road	29/01/08	Objection
[REDACTED] 77 Park Place	29/01/08	Undelivered
[REDACTED] 84 Pinecroft	29/01/08	
[REDACTED] 40 Pinecroft	29/01/08	
[REDACTED] 89 Pinecroft	29/01/08	
[REDACTED] 76 Newfield Drive	29/01/08	
[REDACTED] 69 Pinecroft	29/01/08	
[REDACTED] 99 Pinecroft	29/01/08	
[REDACTED] 91 Pinecroft	29/01/08	
[REDACTED] 148 Lowry Hill Road	29/01/08	
[REDACTED] 1 Teasdale Road	29/01/08	
[REDACTED] 6 Swinburn Drive	29/01/08	
[REDACTED] 1 Lowry Close	29/01/08	
[REDACTED] 39 Lowry Hill Road	29/01/08	
[REDACTED] 16 Brunstock Close	29/01/08	
[REDACTED] 9 Moorville Drive	29/01/08	
[REDACTED] 38 Pinecroft	29/01/08	
[REDACTED] 176 Lansdowne Crescent	29/01/08	
[REDACTED] 110 Newfield Drive	29/01/08	
[REDACTED] 62 Pinecroft	29/01/08	
[REDACTED] 98 Newfield Drive	29/01/08	
[REDACTED] 18 Ritson Close	29/01/08	
[REDACTED] 25 Wentworth Drive	29/01/08	
[REDACTED] 4 South Wakefield Close	29/01/08	
[REDACTED] 2 Netherby Drive	29/01/08	
[REDACTED] 19 Lowry Hill Road	29/01/08	
[REDACTED] 164 Lowry Hill Road	29/01/08	
[REDACTED] 9 Ritson Close	29/01/08	
[REDACTED] 15 Sanderson Close	29/01/08	
[REDACTED] 20 Swinburn Drive	29/01/08	
[REDACTED] 9 Brunstock Close	29/01/08	
[REDACTED] 51 Sark Close	29/01/08	
[REDACTED] 26 Sanderson Close	29/01/08	
[REDACTED] Lyne Close	29/01/08	
[REDACTED] 11 Moorvill Drive	29/01/08	
[REDACTED] 47 Sark Close	29/01/08	
[REDACTED] 5 Lowry Hill Road	29/01/08	Undelivered
[REDACTED] 21 Bailey Road	29/01/08	
[REDACTED] 21 Bailey Road	29/01/08	
[REDACTED] 28 Swinburn Drive	29/01/08	
[REDACTED] 15 Brunstock Close	29/01/08	
[REDACTED] 22 Brunstock Close	29/01/08	
[REDACTED] 24 Ritson close	29/01/08	
[REDACTED] 27 Lowry Hill Road	29/01/08	
[REDACTED] 25 Moorville Drive	29/01/08	

# SCHEDULE A: Applications with Recommendation

08/0059

[REDACTED] 23 Moorville Drive	29/01/08	
[REDACTED] 32 Harker Park Road	29/01/08	
[REDACTED] 4 Wentworth Drive	29/01/08	
[REDACTED] 12 Etterby Lea Crescent	29/01/08	
[REDACTED] 102 Newfield Drive	29/01/08	
[REDACTED] 41 Lowry Hill Road	29/01/08	
[REDACTED] 38 Newfield Drive	29/01/08	
[REDACTED] Marwin	29/01/08	
[REDACTED] 45 Harker Park	29/01/08	
[REDACTED] 14 Lochinvar Close	29/01/08	
[REDACTED] 16 Nook Street	29/01/08	
[REDACTED] Beechwood Avenue	29/01/08	Undelivered
[REDACTED] 32 Harker Park	29/01/08	
[REDACTED] 32 Harker Park	29/01/08	
[REDACTED] 34 Harker Park	29/01/08	
[REDACTED] 24 Harker Park Road	29/01/08	
[REDACTED] 38 Harker Park	29/01/08	
[REDACTED] 40 Harker Park Road	29/01/08	
[REDACTED] 45 Harker Park	29/01/08	
[REDACTED] 41 Harker Park	29/01/08	
[REDACTED] 41 Harker Park	29/01/08	
[REDACTED] 29 Harker Park Road	29/01/08	
[REDACTED] 33 Harker Park	29/01/08	
[REDACTED] 33 Harker Park	29/01/08	
[REDACTED] 29 Sanderson Close	29/01/08	Undelivered
[REDACTED] 24 Sanderson Close	29/01/08	
[REDACTED] 12 Moorville Drive South	29/01/08	Objection
[REDACTED] 8 Teasdale Road	29/01/08	
[REDACTED] 75 Lowry Hill Road	29/01/08	
[REDACTED] 13 Netherby Drive	29/01/08	
[REDACTED] 13 Oakshaw Close	29/01/08	
[REDACTED] 17 Sanderson Close	29/01/08	
[REDACTED] 7 Swinburn Drive	29/01/08	
[REDACTED] 30 Sanderson Close	29/01/08	Undelivered
[REDACTED] 27 Brunstock Close	29/01/08	
[REDACTED] 4 Ritson Close	29/01/08	
[REDACTED] 1 Oakshaw Close	29/01/08	
[REDACTED] 18 Oakshaw Close	29/01/08	
[REDACTED] 73 Lowry Hill Road	29/01/08	
[REDACTED] 7 South Wakefield Close	29/01/08	
[REDACTED] 22 Teasdale Road	29/01/08	
[REDACTED] 145 Lowry Hill Road	29/01/08	
[REDACTED] 22 Moorville Drive	29/01/08	
[REDACTED] 178 Lowry Hill Road	29/01/08	
[REDACTED] 15 Ritson Close	29/01/08	Objection
[REDACTED] 4 Netherby Drive	29/01/08	Undelivered
[REDACTED] 22 Swinburn Drive	29/01/08	
[REDACTED] 16 Moorville Drive South	29/01/08	
[REDACTED] 139 Lowry Hill Road	29/01/08	
[REDACTED] 137 Lowry Hill Road	29/01/08	
[REDACTED] 2 Oakshaw Close	29/01/08	
[REDACTED] 8 Moorville Drive South	29/01/08	
[REDACTED] 49 Lowry Hill Road	29/01/08	Undelivered
[REDACTED] 147 Lowry Hill Road	29/01/08	
[REDACTED] 65 Lowry Hill Road	29/01/08	Undelivered
[REDACTED] 7 Kirkbeck Close	29/01/08	
[REDACTED] 206 Lowry Hill Road	29/01/08	Undelivered
[REDACTED] 8 Swinburn Drive	29/01/08	
[REDACTED] 1 Sark Close	29/01/08	
[REDACTED] 128 Lowry Hill Road	29/01/08	
[REDACTED] 162 Lowry Hill Road	29/01/08	

# SCHEDULE A: Applications with Recommendation

08/0059

[REDACTED] 103 Pinecroft	29/01/08	
[REDACTED] 54 Pinecroft	29/01/08	
[REDACTED] 3 St Peters Drive	29/01/08	
[REDACTED] 40 Moorville Drive	29/01/08	
[REDACTED] 40 Moorville Drive	29/01/08	
[REDACTED] 42 Harker Park	29/01/08	
[REDACTED] 43 Harker Park	29/01/08	
[REDACTED] 6 Moorviel Drive	29/01/08	
[REDACTED] 2 Liddle Close	29/01/08	
[REDACTED] 1 Liddle Close	29/01/08	
[REDACTED] 2 Gelt Close	29/01/08	
[REDACTED] 53 Moorville Drive South	29/01/08	
[REDACTED] 5 Swinburn Drive	29/01/08	
[REDACTED] 17 Ritson Close	29/01/08	
[REDACTED] 25 Liddle Close	29/01/08	
[REDACTED] 20 Hether Drive	29/01/08	
[REDACTED] 22 Sanderson Close	29/01/08	
[REDACTED] 196 Lowry Hill Road	29/01/08	
[REDACTED] 39 Sark Close	29/01/08	
[REDACTED] 18 Sanderson Close	29/01/08	
[REDACTED] 1 Troon Close	29/01/08	
[REDACTED] 22 Moorville Drive South	29/01/08	
[REDACTED] 34 Liddle Close	29/01/08	
[REDACTED] 31 Liddle Close	29/01/08	
[REDACTED] 83 Lowry Hill Road	29/01/08	
[REDACTED] 10 St Peters Drive	29/01/08	
[REDACTED] 15 Teasdale Road	29/01/08	
[REDACTED] 122 Lowry Hill Road	29/01/08	
[REDACTED] 11 Oakshaw Close	29/01/08	
[REDACTED] 72 Newfield Park	29/01/08	
[REDACTED] 5 Church Place	29/01/08	
[REDACTED] 11 Moorville Drive South	29/01/08	
[REDACTED] Eric Hagan	29/01/08	
(Chairman)		
[REDACTED] 24 St Peters Drive	29/01/08	
[REDACTED] 26 Gelt Close	29/01/08	
[REDACTED] Mr B Twedde (Managing Director)	29/01/08	
[REDACTED] 28 Sanderson Close	29/01/08	Undelivered
[REDACTED] 4 St Peters Drive	29/01/08	
[REDACTED] 45 Lowry Hill Road	29/01/08	
[REDACTED] 41 Sark Close	29/01/08	
[REDACTED] 2 Swinburn Drive	29/01/08	
[REDACTED] 8 Netherby Drive	29/01/08	
[REDACTED] 22 Gelt Close	29/01/08	
[REDACTED] 1 Hether Drive	29/01/08	
[REDACTED] 3 Teasdale Road	29/01/08	
[REDACTED] 67 Lowry Hill Road	29/01/08	
[REDACTED] 75 Knowe Park Avenue	29/01/08	
[REDACTED] 3 Teasdale Road	29/01/08	
[REDACTED] 3 Teasdale Road	29/01/08	
[REDACTED] 32 MNoorville Drive	29/01/08	
[REDACTED] 123 Lowry Hill Road	29/01/08	
[REDACTED] 126 Lowry Hill Road	29/01/08	Undelivered
[REDACTED] 2 Hether Drive	29/01/08	
[REDACTED] 78 Lowry Hill Road	29/01/08	
[REDACTED] - Financial Controller	29/01/08	
[REDACTED] 19 Moorville Drive South	29/01/08	
[REDACTED] 1 Ritson Close	29/01/08	
[REDACTED] 21 St Peters Drive	29/01/08	
[REDACTED] 144 Lowry Hill Road	29/01/08	
[REDACTED] 6 Teasdale Road	29/01/08	

# SCHEDULE A: Applications with Recommendation

08/0059

[REDACTED] 16 Sanderson Close	29/01/08	
[REDACTED] 28 Esk Road	29/01/08	
[REDACTED] 16 St Peters Drive	29/01/08	
[REDACTED] 13 Wentworth Drive	29/01/08	
[REDACTED] 10 Bewcastle Close	29/01/08	
[REDACTED] 26 Moorville Drive	29/01/08	
[REDACTED] 23 Liddle Close	29/01/08	Undelivered
[REDACTED] 20 California Road	29/01/08	
[REDACTED] 39 Brunstock Close	29/01/08	
[REDACTED] 5 Bailey Road	29/01/08	
[REDACTED] 43 Lowry Hill Road	29/01/08	
[REDACTED] 26 Hether Drive	29/01/08	
[REDACTED] 74 Lowry Hill Road	29/01/08	
[REDACTED] 104 Lowry Hill Road	29/01/08	
[REDACTED] 7 Lowry Hill Road	29/01/08	
[REDACTED] 32 Lowry Hill Road	29/01/08	
[REDACTED] 47 Liddle Close	29/01/08	Undelivered
[REDACTED] 28 Richmond Green	29/01/08	
[REDACTED] 159 Holmerook Road	29/01/08	
[REDACTED] 190 Green Lane	29/01/08	
[REDACTED] 28 Richmond Green	29/01/08	
[REDACTED] 88 Lowry Hill Road	29/01/08	
[REDACTED] 42 Lowry Hill Road	29/01/08	Undelivered
[REDACTED] 16 Kershope Road	29/01/08	
[REDACTED] 61 Lowry Hill Road	29/01/08	
[REDACTED] 141 Lowry Hill	29/01/08	
[REDACTED] 55 Sark Close	29/01/08	
[REDACTED] 53 Sark Close	29/01/08	
[REDACTED] 18 Hether Drive	29/01/08	
[REDACTED] J E Cave, "Fingals Cave"	29/01/08	
[REDACTED] 43 Sark Close	29/01/08	
[REDACTED] 2 Teasdale Road	29/01/08	
[REDACTED] 58 Lowry Hill Road	29/01/08	
[REDACTED] 3 Kershope Road	29/01/08	
[REDACTED] 5 Naworth Drive	29/01/08	
[REDACTED] 232 Kingstown Road	29/01/08	
[REDACTED] 4 Bewcastle Close	29/01/08	
[REDACTED] 204 Lowry Hill Road	29/01/08	
[REDACTED] 53 Moorville Drive South	29/01/08	
[REDACTED] 26 St Peters Close	29/01/08	
[REDACTED] 4 Gelt Close	29/01/08	
[REDACTED] 10 Kershope Road	29/01/08	
[REDACTED] 136 Lowry Hill Road	29/01/08	
[REDACTED] 33 Brunstock Close	29/01/08	
[REDACTED] 11 Crookburn Close	29/01/08	
[REDACTED] 68 Lowry Hill Road	29/01/08	
[REDACTED] 34 MNoorville Drive South	29/01/08	
[REDACTED] 45 Moorville Drive South	29/01/08	
[REDACTED] 12 Sanderson Close	29/01/08	
[REDACTED] 47 Brunstock Close	29/01/08	
[REDACTED] 4 Lowry Close	29/01/08	
[REDACTED] 152 Lowry Hill Road	29/01/08	
[REDACTED] 31 Swinburn Drive	29/01/08	
[REDACTED] 20 Wentworth Drive	29/01/08	
[REDACTED] 278 Kingstown Road	29/01/08	Objection
[REDACTED] House of Commons	29/01/08	
[REDACTED] 324 Kingstown Road	29/01/08	
[REDACTED] 13 Ritson Close	29/01/08	
[REDACTED] 8 Harker Park	29/01/08	Objection
[REDACTED] 8 Harker Park	31/01/08	Objection
[REDACTED] 42 Kingstown Road	29/01/08	

## SCHEDULE A: Applications with Recommendation

08/0059

[REDACTED] Greymoor House	29/01/08	
[REDACTED] Wylock House	29/01/08	
[REDACTED] Serck Marston	29/01/08	
[REDACTED] Vestric	29/01/08	
[REDACTED] Central Tyres	29/01/08	Undelivered
[REDACTED] Kings Road Tyres	29/01/08	
[REDACTED] - General Manager, Corrugated Products Ltd	29/01/08	Undelivered
[REDACTED] Telfords Citroen	29/01/08	
[REDACTED] 324 Kingstown Road	29/01/08	Objection
[REDACTED] 326 Kingstown Road	29/01/08	
[REDACTED] Property Services	29/01/08	
[REDACTED] 274 Kingstown Road	29/01/08	
[REDACTED] 272 Kingstown Road	29/01/08	
[REDACTED] 292 Kingstown Road	29/01/08	
[REDACTED] Border Cars		Objection
[REDACTED] 276 Kingstown Road		Objection
[REDACTED] 201 Kingstown Road		Objection
[REDACTED] 262 Kingstown Road		Objection
[REDACTED] 230 Kingstown Road		Objection
[REDACTED] 89 Etterby Lea Crescent		Objection

3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of two hundred and sixty properties. At the time of writing this report, fourteen letters of objection were initially received and the main issues raised are summarised as follows:

1. the applicants have ignored previous planning restrictions and close late in the evenings;
2. additional opening hours will generate additional traffic, litter and noise in the area;
3. the existing litter problem leads to an influx of seagulls;
4. the additional opening hours will attract 'boy racers' to the area;
5. the emergency services will be divided between Botchergate and Kingstown;
6. there is passing traffic between the hours of 11pm and 3am and any motorway traffic is already catered for at Southwaite and Gretna; and
7. there are already a large number of heavy good vehicles parking overnight with the noise of refrigeration units running. Approval of this application will attract more similar traffic.

3.2 Following the revision to the application details seeking a reduction in the originally proposed opening hours, occupiers of the same properties were reconsulted. At the time of writing this report, four letters of objection have been received that reiterate the original comments received and state that the amended application does not address the original concerns.

## 4. Planning History

4.1 In 1997, planning permission was granted for the erection of a restaurant



## **SCHEDULE A: Applications with Recommendation**

08/0059

(Class A3) together with associated drive through facility and ancillary staff storage and office accommodation including height restrictor barrier.

- 4.2 Advertisement consent was granted in 1997 for the erection of an internally illuminated pole mounted free standing sign.
- 4.3 In the same year, advertisement consent was granted for the erection of 4no. company name sign and logo signs.
- 4.4 Also in the same year, advertisement consent was granted for the display of 10no. information/ directional signs.
- 4.5 In 2005, advertisement consent was granted for the erection of a single sided internally illuminated roof mounted sign.
- 4.6 Later in the same year, planning permission was granted for the variation of condition 4 attached to planning consent 97/0203 to allow the premises to trade from 0630 until 2300 hours seven days a week.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 Full planning permission is sought for the variation of planning condition four relating to application 97/0203. This permission relates to McDonald's Restaurant, Grearshill Road, Carlisle. The building is sited on the northern edge of the city and within Kingstown Industrial Estate, which is designated as a Primary Employment Area within the Carlisle District Local Plan.
- 5.2 The premises comprise a 90 seat restaurant with cooking and storage facilities and associated 'Drive Thru' facilities and parking provision.

#### **Background**

- 5.3 When planning permission was approved for the development on 27th June 1997, condition number 4 stated that:

*"The premises shall not be open for trading except between the hours of 0700 and 2300 on any day."*

The reason given states:

*"To prevent disturbance: nearby occupants."*

- 5.4 When submitted in 2004, the application for a variation of the trading hours sought planning consent to open until midnight. During the consideration of the application, additional information was submitted for Member's attention which stated that the company normally trades from 0700 to 2300 hours but

## SCHEDULE A: Applications with Recommendation

08/0059

that in view of this location they wished to increase their trading hours to attract customers employed in businesses based at Kingstown on a 7 day a week basis.

- 5.5 Under this same planning application, consent was granted for the variation of this condition to allow trading from 0630 hours however, through discussions with the applicant it was considered that the earlier closing time of 2300 hours was more appropriate and the application was amended accordingly.

### Proposal

- 5.6 The current proposal seeks to extend the current closure time from 2300 hours until 0100 hours on Fridays and Saturdays. On the remaining days of the week the business would trade as it currently does between 0630 hours and 2300 hours. A short covering letter has been submitted by the applicant's agent, a copy of which is reproduced following this report. Of particular interest, the author cites some history of the site with specific reference to the application in 2005 that was originally recommended for refusal and only subsequently approved following a reduction in the closing time from 0000 hours to 2300 hours.
- 5.7 The crux of the applicant's supporting statement reads:

*"Although the restaurant will be primarily geared towards catching passing trade, we accept that there will be some increase in vehicles in the area. However, having regard to the distance to residential properties and more importantly its location on a busy road (which already experiences higher than average ambient noise levels), the increase in hours over the weekend will not impact on the amenity of the area or surrounding occupiers by reason of increased traffic and noise."*

### Assessment

- 5.8 The relevant planning policies against which the application is required to be assessed are Policies EM2, H17 and S15 of the Carlisle District Local Plan and Policies EC1, EC10 and CP5 of the Carlisle District Local Plan Revised Redeposit Draft 2001 – 2016 as amended by the Inspector's report.
- 5.9 The proposals raise the following planning issues:
1. The Principle Of Development
- 5.10 Policy S15 of the Carlisle District Local Plan, which relates to existing establishments, seeks to protect the living conditions of the occupiers of neighbouring properties. This policy specifically relates to food and drink uses and allows for the provision of development within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) provided that the proposal does not involve disturbance to occupiers of residential properties. There is no specific guidance in terms of restriction to

## **SCHEDULE A: Applications with Recommendation**

08/0059

the opening times for premises outside of the City Centre Shopping Area. However, the policy does state that elsewhere within the Local Plan area, opening hours will be imposed having regard to the surrounding uses, the character of the area and possibility of disturbance to residential uses.

### **2. The Impact On The Occupiers Of Neighbouring Properties**

- 5.11 Although the site is located on the edge of an industrial estate, there are in the wider area, a number of residential properties, the closest of which are 324 and 326 Kingstown Road, which are approximately 114 metres from the east of the restaurant building and 63 metres from the closest point of the adjacent car park.
- 5.12 The application site is dissected from the nearby residential properties by Kingstown Road, which is a major arterial route leading from the north into the city. The question that arises is whether there would be a significant increase in traffic during the proposed extended opening hours; whether this would lead to a material increase in the level of noise generated; and whether this, in turn, would exceed the ambient noise levels. The application seeks consent to extend the opening hours for two out of the seven days per week and a balanced decision has to be made as to whether, during this limited period, there would be a prejudicial and unacceptable effect on the living conditions on the occupiers of the residential properties. At present, few complaints have been received regarding the business and those that have, relate mainly to the issue of litter discarded in the area.
- 5.13 The formal response received from colleagues in Environmental Protection Services (EPS) states that there is sufficient distance between the application site and the neighbouring properties to suppress any noise transmission issues. EPS does not wish to object to this current application. It is accepted that the site is separated by a main arterial route into the City Centre but during the hours for which a variation is sought, traffic levels will be low compared to peak flows and therefore, ambient noise levels will be much reduced.
- 5.14 Whilst in the terms of the comments received from in EPS, the development may not raise issues in terms of a statutory noise nuisance, the objectors remain of the opinion that the general congregation of people and associated conversation noise, closing of car doors and general engine noise, together with the noise of air brakes from heavy goods vehicles which may also visit the site, would be detrimental to the living conditions of the occupiers of neighbouring properties through increased noise and disturbance over and above the ambient noise levels. Clearly, Members must form a balanced view on this matter. The neighbours are of the opinion that the increased trading hours will result in increased noise and disturbance during times when they can reasonably expect to enjoy peace and quiet. On the other hand, the site is some distance from these properties and the separation by Kingstown Road and the associated traffic, albeit at a reduced flow, must also be a consideration. On balance, the proposal is considered acceptable in this respect.

### **3. Other Matters**

- 5.15 One of the issues raised following the consultation process with EPS is that litter is discarded in and around the site and historically there have been complaints about litter emanating from the site.
- 5.16 The applicant's agent has submitted additional information that attempts to address some of the issues raised by the objectors. A copy of his correspondence has been reproduced following this report. Essentially, it states that there are dedicated members of staff employed to collect litter within a one mile radius of the site between the hours of 0600 hours and 1400 hours and again between 1500 hours and 2100 hours. This is stated to be operated in consultation with the Council's EPS Officers. Obviously litter from the premises can be found much further afield but provided the issue continues to be managed effectively, this seems a reasonable effort to deal with the matter in the immediate locality.
- 5.17 A further area of concern raised in the letters of objection relates to the fact that the premises allegedly closes 'very late in the evenings and even though this was reported to the Council, no action was taken'. Following the approval for the variation in the opening hours, Officers made periodic site visits at about 2300 hours and during each visit, the business was no longer trading. Furthermore, Planning Enforcement Officers responded to complaints about late night trading after the hours restricted by the planning consent. The Manager of the restaurant stated that the tills are switched off at the required closing time but sometimes staff remain on the premises cleaning and restocking supplies for the business the next day. No breach of the planning conditions has so far been proven.

### **Conclusion**

- 5.18 In conclusion, the merits of this application are finely balanced. On the one hand, planning policies seek to encourage economic expansion and provision of shops and facilities to meet with the increasingly varied demand as society's needs change. The opposing view is the potential impact that the increase trading hours could have on the living conditions of the occupiers of the nearby residential properties as a result of unacceptable levels of noise and disturbance. Given the marginal increase in trading hours together with the comments from the statutory consultees and the presence of Kingstown Road that bisects the application site from the neighbouring residential properties, on balance the proposal will not conflict with current Local Plan policies and is considered to be acceptable.

## **6. Human Rights Act 1998**

- 6.1 Several provisions of the above Act can have implications in relation to the

## SCHEDULE A: Applications with Recommendation

08/0059

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 hereby permitted shall not commence trading before 0630 hours or remain open for business after 2300 hours on Sunday to Thursday; or before 0630 hours on Friday or remain open for business after 0100 on Saturday morning; or before 0630 hours on Saturday or remain open for business after 0100 hours on Sunday.

**Reason:** To protect the living conditions of the occupiers of neighbouring residential properties in accordance with the objectives of Policy H17 of the Carlisle District Local Plan.

3. The proposed vehicular access, and the intended service vehicle lay-by, shall be sealed, outside those times when the premises are open for business or receiving deliveries respectively, by the erection of lockable bollards which preclude access by motor vehicles.

**Reason:** To prevent encroachment within the site when it is unattended or unsupervised in the interests of the living conditions of the occupiers of neighbouring residential properties in accordance

## **SCHEDULE A: Applications with Recommendation**

08/0059

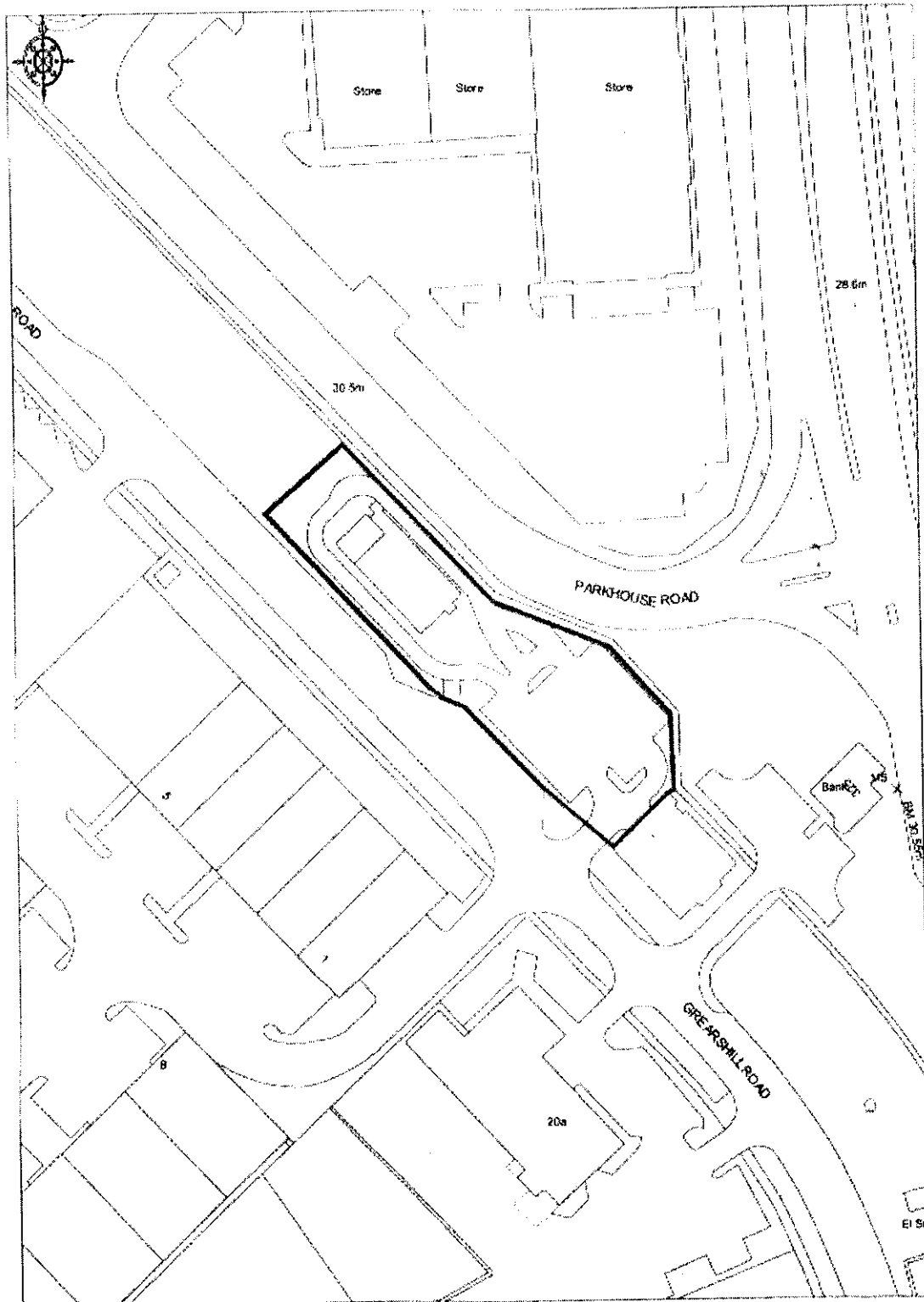
with the objectives of Policies S15 and H17 of the Carlisle District Local Plan.

4. Fencing and landscaping shall be maintained at all times along the frontage of the site to Parkhouse Road and at no time shall any form of pedestrian or vehicular access be formed or allowed to be used from that frontage.

**Reason:** In the interests of highway safety.

---

RECEIVED  
21 JAN 2008  
08/0059

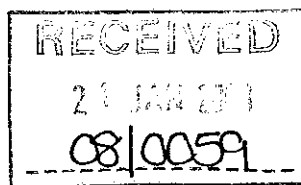


Ordnance  
Survey

© Crown Copyright 2008. All rights reserved. Licence number 100020449. Plotted Scale - 1:1250

# SAVHD01: Site Location Plan McDonald's Restaurant, Kingstown, Carlisle

14 January 2008  
BB/Ph5/2007



savills

Head of Planning  
Carlisle City Council  
Department of Environment and Development  
Planning Services Division  
Civic Centre  
Carlisle  
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	
21 JAN 2008	
RECORDED	
SCANNED	
PASSED TO	RSM
ACTION	

Baldip Basi  
E: bbasi@savills.com  
DL: +44 (0) 908 508 213  
F: +44 (0) 908 520 358  
  
23 Furzton Lake  
Shirwell Crescent  
Furzton  
Milton Keynes MK4 1GA  
T: +44 (0) 1908 508 200  
savills.com

VAT No. 2605138

Dear Sir

**Town & Country Planning Act 1990, Section 73  
Application To Undertake Development Granted By Planning Permission 97/0203 Without Complying  
with Condition 4  
McDonald's Restaurant, Grearshill Road, Kingstown, Carlisle, Cumbria CA3 0ET**

On behalf of our clients, McDonalds Restaurants Ltd, we enclose an application under Section 73 of the Town & Country Planning Act 1990 (as amended). This seeks planning permission to undertake development granted by planning permission 97/0203 without complying with Condition 4.

For the avoidance of doubt the enclosed application is effectively an application to vary Condition 4 of planning permission 97/0203 to allow the restaurant to open between the hours of 6.30 am to 11 pm Sunday to Wednesday and 6.30 am to 3 am Thursday to Saturday.

The application comprises:

- 4 copies of this letter (no forms are required for applications made under Section 73);
- 4 copies of Plan HDL01 – Site Location Plan;
- 4 copies of Certificate B incorporating Agricultural Holdings Certificate; and
- Cheque for £135 being the requisite application fee.

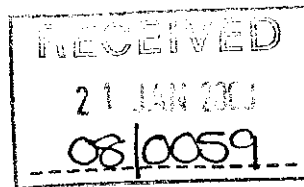
Please acknowledge receipt of the application and enclosed fee in due course.

On 5<sup>th</sup> March 1997 planning application reference no. 97/0203 was approved for the development of a McDonald's Restaurant. Condition 4 restricted the opening hours of the Restaurant and read:

*"The premises shall not be open for trading except between the hours of 0700 and 2300 on any day".*

In 2005, planning permission was sought to allow the restaurant to trade between the hours of 6 am to midnight seven days a week. Although there was no objection from Environmental Health, there were three objections received from the 300 (approx) residents consulted. As a result the application was referred to committee for determination.





The Case Officer in his report to committee commented that in terms of amenity issues, the nearest residential properties are located over 125 metres from the restaurant and that the site is physically dissected from the nearby residential properties by Kingstown Road which is a major arterial route leading to the city.

Although it was accepted that the property was a sufficient distance from nearby residential properties the case officer was minded to refuse the application. As a result, the application was amended reducing the hours. The application was eventually approved allowing the restaurant to trade between the hours of 6.30 am and 11 pm seven days a week.

At the time of determination, there were a number of other issues which may have clouded the issues including litter and that the fact that the restaurant had been opening outside its permitted hours. Since the approval of this application and following on from the advice of the Council, litter issues have been significantly improved. The restaurant employs several people to carry out litter patrols daily between the hours of 6 am and 9 pm. With regard to the opening hours, we can confirm that the restaurant has only been opening within its permitted hours.

We can confirm that we have held discussion with the Environmental Health team who have confirmed that there have been no noise complaints at this site for a number of years. They have also stated that due to the distance to the nearest residential properties, they would not expect there to be any issues. With regard to increased noise levels caused by additional trade at the restaurant, they have again confirmed that due to the commercial nature of the area, existing ambient noise levels are already high. This is principally caused by HGVs. On this basis, they do not have any concerns relating to increased noise arising from the restaurant extending its opening hours.

On behalf of our client, McDonald's Restaurants Ltd, we hereby apply for the further variation of Condition 4 of planning decision reference no. 97/0203 to enable the McDonald's Restaurant to open between the hours of 6.30 am to 11 pm Sunday to Wednesday and 6.30 am to 3 am Thursday to Saturday.

Although the restaurant will be primarily geared towards catching passing trade, we accept that there will be an some increase in vehicles in the area. However, having regard to the distance to residential properties and more importantly its location on a busy road (which already experiences higher than average ambient noise levels), the increase in hours over the weekend will not impact on the amenity of the area or surrounding occupiers by reason of increased traffic and noise.

We look forward to discussing the application with you in due course, however, in the meantime should you have any queries or require any further information please contact me.

Yours faithfully

Baldip Basi  
Planner

Enc:

## SCHEDULE A: Applications with Recommendation

08/0306

---

**Item No: 04**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0306

**Applicant:**  
Mr Ian Douglas

**Parish:**  
Waterhead

**Date of Receipt:**  
11/04/2008

**Agent:**

**Ward:**  
Irthing

**Location:**  
Woodhill Barn, Near Gilsland, Brampton, Cumbria,  
CA8 7DA

**Grid Reference:**  
362410 566885

**Proposal:** Conversion Of Outhouses To Family Room And Bathroom

**Amendment:**

1. Southern elevations amended to illustrate existing window serving storage area.
  2. Location of existing greenhouse indicated on drawings.
  3. Location of internal doorway serving proposal.
- 

**REPORT**

**Case Officer:** Barbara Percival

**Reason for Determination by Committee:**

This application has been brought before Members of the Development Control Committee due to a neighbour exercising his right to speak.

**1. Constraints and Planning Policies**

**Listed Building**

The proposal relates to a building which has been listed as being of Special Architectural or Historic Interest.

**Ancient Monument**

**Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol LE7-Buff.Zone/Had'sWall World Her.Site**

**Rev Redeposit Pl. Pol LE14 - Alterations To Listed Building**

## SCHEDULE A: Applications with Recommendation

08/0306

### 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** the existing access and car parking is acceptable in connection with the proposed development. The Highway Authority has no objections to the proposal;

**Waterhead Parish Council:** do not wish to make any representation on the proposal;

**Hadrians Wall Heritage Limited:** comments awaited;

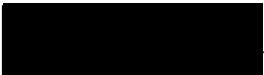
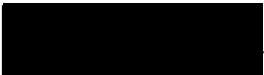
**Development Services Planning & Housing Services - Conservation Section:** no objection to this proposal;

**English Heritage (Hadrians Wall) - NE Region:** do not wish to offer any comments on this occasion;

**Cumbria County Council - (Archaeological Services):** do not wish to make any recommendations or comments.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
 The Hill	16/04/08	Objection
 The Hill Farmhouse	16/04/08	Objection

3.1 This application has been advertised by the direct notification of receipt of the application to the occupiers of two neighbouring properties coupled with the posting of site and press notices. In response, two letters of objection have been received.

3.2 The letters identify the following issues:

1. the buildings form part of one side of the former farmyard having buildings around all four sides, save for a gap for the entrance to the farmyard;
2. one of the objectors owns the property comprising The Hill Farmhouse and its associated barns and outbuildings. The Hill Farmhouse's existing residence forms part of the southern side of the farmyard and part of the western side;
3. the objectors (2 above) opposes the change of use of the application of buildings to residential use on the basis that it will affect the privacy and amenity of their property. The existing washroom, which faces directly

## SCHEDULE A: Applications with Recommendation

08/0306

south to the windows of their property at a distance of approximately 19 metres to windows of one of the objectors' habitable rooms being the hall and dining area. The objectors do not have a separate dining room but utilise a kitchen/breakfast room which has a table in it, but their main formal dining area is part of the hall and the family piano is also located there, thus the objectors maintain it is a habitable room. They also believe there will be a significant impact upon their privacy, as the window from the washroom looks directly into one of their habitable rooms. Similarly, they consider that one of the windows to their living room is also affected;

4. the remainder of the stone building (owned by the objector) and located on the western side of the courtyard has the benefit of planning permission to make a 3/4 bedroom house. A number of windows that would serve that building are closer to the application premises than the objectors property, including windows to what will be habitable rooms forming part of that development. Two of these windows, at the entrance to the courtyard, are located in close proximity to one of the existing windows shown as the washhouse to the applicants' property, the nearest of these being a mere 1.6 metres away and almost directly opposite. Thus, again, the objector considers there will be a diminution of the privacy of the habitable rooms of the building possessing permission but has which to be converted to residential use;
5. Furthermore, that particular window on the washroom is proposed to be enlarged and, should permission be granted for the overall development in spite of the writers' objections, the writers would still be opposed to the enlargement of the existing opening. They request that the window aperture should be retained as current and be subject to a condition for obscure glazing;
6. the same writers object on the basis of infringement of amenity of their existing properties. The applicants have a limited right of way across part only of the farmyard. They do own two small parcels of the farmyard being where the land on which the current greenhouse stands (and no more) and an even smaller parcel where a former greenhouse use to stand. The writers believe that the applicants have already exceeded the extent of their rights of way by storing various items on part of the area of land with the rights of way and generally use some areas beyond the extent of the land they own. If this application is granted and this part of the building group becomes residential use, then the use of those areas will inevitably increase whether it be by the applicants or by successors in title. Any activities in these areas, notwithstanding any infringements of rights, is considered likely to affect the amenity value of the objectors' property and land including the yard itself. Once again, such increased usage impacts also on privacy, through people coming and going and using those parts of the yard onto which a number of habitable rooms, both in the objectors' existing house and in their authorised barn development, directly face;

## SCHEDULE A: Applications with Recommendation

08/0306

7. the changed use and potentially higher level of access and egress will also have an impact in noise generated and thus, disturbance to the writers and the future occupiers of the barn once that is developed;
8. additionally, the writers object on the basis that the design does not have a way through from Woodhill Barn and that it is stated to be as an extension to the property or ancillary to the property. It is residential use that is in fact quite detached from Woodhill Barn, thus it is effectively, notwithstanding the stated aim in the application, a separate residential unit that is leading to an increased number of residential units on the site;
9. there is also an issue about the access since there is to be an entrance via The Barn on the northern side. The Barn on the northern side is not part of this planning application yet it would effectively become one of the entrance way/ hall? Is this not inadvertently making that part of the barn by default into a residential use?;
10. it is proposed to fit a wood burning stove. The chimney from that would extend above the rooflines and such a change would be inconsistent with the buildings within the curtilage of the listed building of The Hill and will be an eyesore from the Hill Farmhouse rooms and those of the occupiers of The Hill;
11. the writers acknowledge that it is possible to take the view that these objections are hypocritical given their own barn development plans. However, they seek to dispel such a view. The current owners and occupants of the three existing residential units on this site all purchased subsequent to 1999 and by then the existing and current planning permission for the writers' barn was already in place. Further, Woodhill Barn was already (since 1992) subject to restrictive covenants not to extend or add to the single residential unit of Woodhill Barn, such covenants being for the benefit of the retained land, which includes The Hill and The Hill Farmhouse;
12. a separate writer raises the issue of privacy. The window of the proposals washroom is in line with their downstairs bedroom, approximately 15 metres distance. It is appreciated that this has been the same ever since they purchased their home (The Hill), but the traffic at the moment is minimal. However, should the proposed alterations take place then there are likely to be people around on a more constant basis;
13. noise is also an issue. Access to the "new rooms" could be from the rear entrance of the property and as this is even closer to the objectors' private quarters, there could be a serious disruption of their peace and quiet;
14. the objectors own a Bed and Breakfast and one of their biggest selling points is the peace and tranquility they have to offer. Should the applicants, for instance, have parties in the "games room" as they suggested to us some years ago, this could cause serious noise issues.

## SCHEDULE A: Applications with Recommendation

08/0306

Would there be spotlights to the back of their house? Again another intrusion;

15. the objectors consider that with the proposed amenities being fitted in the barn, i.e. shower, kitchen facilities, wood burning stove, it would not be too much of a leap of the imagination to think that this unit would become a separate residential unit. Taking the issue of the wood-burning stove, the chimney is likely to be above the rooflines and therefore look quite out of place in a Listed Building;
  16. as mentioned in a phone call to the Council's offices, the writers were not notified by the applicants of their intended planning proposal. It is noted on the application form that a question asked is "Have you informed your neighbours" to which the applicants answered Yes. This is considered to suggest a lack of creditability and integrity as to whether the applicants are being completely honest about the barn's ultimate use.
- 3.3 An additional two letters of objection has been received following the receipt of amended drawings. The letters identify the following issues:
1. both of the objectors want their previous objections to stand;
  2. the first writer also wished to add that on drawings 2 and 3 a doorway, immediately to the east of the greenhouse, is referred to as 'existing'. The objectors allege that this is incorrect. Explaining that this is the site of a former doorway that has been built up many years ago. It is not partially block up and has been built up using stone and mortar. On the outside just one of two stones are loose or missing at the very top. This has been the case, in the objectors view, since January 2001. Thus, they feel that to all intents and purposes is a 'new' opening;
  3. the objectors agree that the doorway and opening to the washroom fronting the yard are 'existing'; however, their main concern is the internal change of use of the building. This change of use they feel will have an effect of diminution of privacy and amenity. The current use of the buildings for storage means that there is limited physical human presence, almost entirely confined to daytime, and in practice it is rare for there to be activity after early evening. The objectors consider that if this proposal becomes part of the general residence then this is likely to change with their dwelling much more likely to be overlooked and observed at any time day or night;
  4. without prejudice, should permission be granted, would it not be preferable for the existing 3 rooflights be removed with the proposed velux rooflights being inserted on the other side of the roof slope. These would then not be visible from the objectors dwelling and that of their neighbours, The Hill. It is their opinion that this would enable just as much light into the building whilst improving the appearance. The objectors consider that this would also allow for additional rooflights on that slope as they would be invisible from The Hill Farmhouse and The

Hill;

5. the second writer considers that should the outhouses be converted, they feel that there would be more activity in the courtyard 24/7. This they feel would impact on their privacy and also that of their guests, of their Bed and Breakfast establishment, and ultimately stop their enjoyment of their home and business.

#### **4. Planning History**

- 4.1 In 1992, under application reference 92/0609, planning permission was granted for the conversion of an outbuilding to dwelling.
- 4.2 In 2001, under planning reference 01/0245 and 01/0246, planning and listed building consent was granted for the conversion of garage and outbuildings to artists studio, workshop and office.
- 4.3 In 2007, under planning reference 07/0718, retrospective listed building consent was granted for the provision of windows in south elevation of workshop.
- 4.4 A Listed Building Application, under planning reference 08/0307, is also current for this scheme.

#### **5. Details of Proposal/Officer Appraisal**

##### **Introduction**

- 5.1 Woodhill Barn is a single storey barn conversion which forms part of a courtyard development which lies to the north west of the village of Gilsland. One of the properties, The Hill, is a Grade II Listed Building. Woodhill Barn together with The Hill Farmhouse and its associated barn (which has planning permission for conversion into a dwelling) are curtilage listed.
- 5.2 The dwelling is constructed from natural stone with a slate roof. Its southern and western boundaries forms part of the courtyard with its northern and western boundaries formed by the garden of the property with agricultural fields beyond.

##### **Background**

- 5.3 This application seeks Full Planning Permission for the conversion of outhouses to a family room and bathroom. The submitted drawings indicate that the only external alterations would be the installation of a flue, formation of 3no. velux rooflights in the western elevation, the enlargement of an existing wash house window by 19cm and installation of replacement stained

## SCHEDULE A: Applications with Recommendation

08/0306

timber windows frames and doors. The total internal floor area of the proposal is 52.44 square metres.

- 5.4 Alterations of ancillary outbuildings into habitable rooms are normally permitted development by reason of Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995. However, in the case of this application, condition 3 attached to Planning Approval 92/0609 removed the permitted development rights for enlargement or alterations to the dwelling unit, hence the requirement for Full Planning Permission.

### Assessment

- 5.5 The relevant planning policies against which the application is required to be assessed are Policies H11, CP4, LE7 and LE14 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).

- 5.6 When assessing this proposal it is considered that the main issues revolve around the impact on the living conditions of the neighbouring residents, the effect on the character and appearance of the Listed Building and the possible impact on Hadrian's Wall World Heritage Site Buffer Zone.

#### 1. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 5.7 As stated earlier in the report, this application is only required due to the removal of Permitted Development rights attached to the 1992 planning approval. The application therefore has to be assessed against Policies H11 and CP4 of the Revised Redeposit Draft as amended by the Inspector. These policies seek to ensure that proposals do not have an adverse impact on the living conditions of neighbouring properties through poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight.
- 5.8 As Members will be aware, the occupiers of two neighbouring properties have lodged objections to the proposal (copies of which have been included within the Third Party Representation Schedule). In order to assist Members this report has summarised the objections:
- 5.9 overlooking - it is acknowledged that the southern windows and doors of the proposal are within 16 metres of the two other residential properties, The Hill and The Hill Farmhouse. These are, however, existing openings which already overlook this courtyard development as do the openings serving the main dwelling. It is therefore considered that this proposal would not have a significant adverse impact on the living conditions of neighbouring residents. With regard to the window serving the proposed shower room, this would be within 2.5 metres of an as yet unimplemented barn conversion. In mitigation, however, this would serve a shower room and be obscurely glazed. In order to safeguard the living conditions of the future occupiers of the barn conversion a condition is recommended ensuring that this window would remain obscurely glazed.



## **SCHEDULE A: Applications with Recommendation**

08/0306

- 5.10 increase in activity/noise - this proposal seeks the incorporation of 52.44 square metres of floorspace into the main dwelling. As these outbuildings are already ancillary to the main dwelling, occupied by a retired couple, it is considered that the proposal would not result in a significant increase in activity. Should any undue increase in noise occur, this would be subject to Environmental Health legislation.
- 5.11 access - the submitted revised plans indicate that access to the proposal would be via the main dwelling and through existing doorways. One of the objectors have raised objections with regard to a right of way. This, however, is a civil matter and, therefore, is not a material planning consideration.
- 5.12 flue - the proposal seeks the installation of a wood burning stove and associated flue. From the courtyard it is considered that any visual impact would be negligible as it would be viewed against the backdrop of an existing open barn attached to Woodhill Barn. Woodhill Barn is curtilage listed, therefore, the City Council's Conservation Officer has been consulted and has confirmed that there are no objections to the proposal.
- 5.13 spot lights - the submitted proposal does not include the installation of spot lights; however, light pollution is again subject to Environmental Health legislation.
- 5.14 separate residential unit - concern has been expressed about the future possibility of the formation of a separate residential unit. This application is for the incorporation of the outbuildings into the main dwelling and has to be assessed as such. Future possible uses of the buildings therefore can not be taken into account; however, a condition is recommended ensuring that the proposal remains ancillary to Woodhill Barn.
- 5.15 relocation of velux rooflights - these would replace existing rooflights and would correspond with existing velux rooflights currently serving the main dwelling. The City Council's Conservation Officer has been consulted and confirmed that there are no objections to the proposal.

### **2. The Impact On The Grade II Listed Building And Hadrian's Wall World Heritage Site Buffer Zone**

- 5.16 The proposal seeks the adaptation of existing ancillary domestic outbuildings into the main dwelling with limited external alterations. Following normal practice English Heritage, Cumbria County Council's Historic Environment Officer and the City Council's Conservation Officer have all been consulted and have no objections to the proposal. It is therefore considered that this proposal would not impact on either the Grade II Listed Building nor Hadrian's Wall World Heritage Site Buffer Zone.

## **Conclusion**

- 5.17 In overall terms it is considered that the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable

overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed modifications are considered acceptable in relation to the dwelling and would not impact on either the Grade II Listed Building or Hadrian's Wall World Heritage Site Buffer Zone. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging development 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 Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the shower room window in the western elevation of the building shall be obscure glazed to a minimum of Factor 3, and thereafter retained as such to the satisfaction of the Local Planning Authority.

## **SCHEDULE A: Applications with Recommendation**

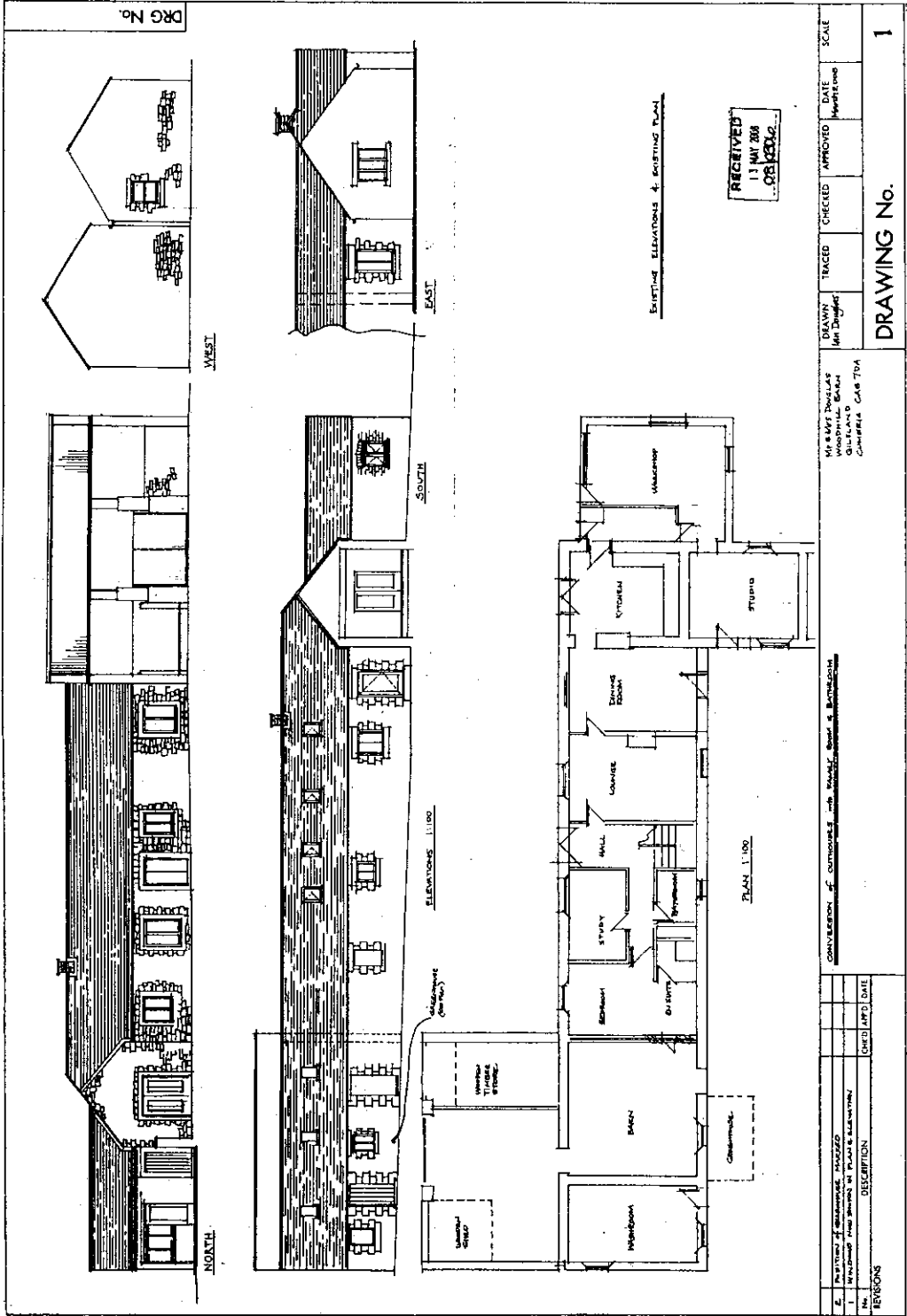
08/0306

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies H11 and CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Drat (as amended by the Inspector).

3. The premises shall be occupied as a single, self contained family dwellinghouse, and at no time shall any part be sub-divided and occupied independently of the remainder of the property.

**Reason:** The local planning authority are not prepared to permit the establishment of a separate unit of accommodation on this site.

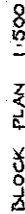
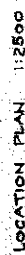
---







DRG No.



EX-151-12

RECEIVED  
11 APR 2008  
09 0306

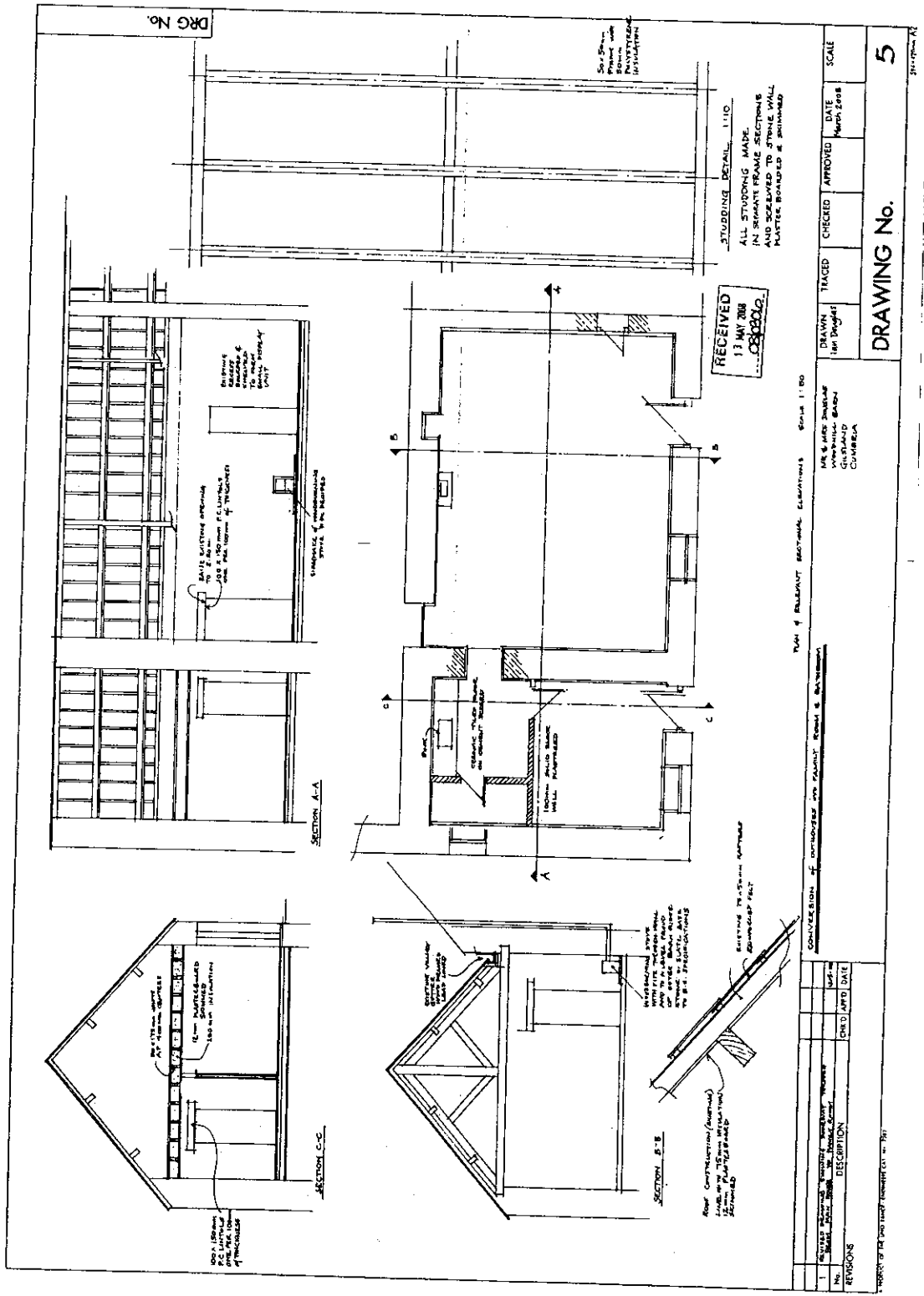
CONVERSION OF OUTDOORS INTO FAMILY ROOM & BATHROOM

MR. & MRS. DOUGLAS WOODHILL BACH GUSLAND GUMBERA CAROTTA	DRAWN JIM DOUGLAS	TRACED	CHECKED	APPROVED	DATE March 2008	SCALE
---	----------------------	--------	---------	----------	--------------------	-------

DRAWING No.

30





RECEIVED 13 MAY 2008 080000		STUDDING DETAIL 1:10 ALL STUDDING MADE IN SHEDS AND SCALED TO MATCH BOARD & SHIMMED		DRAWN 10/10/08	CHECKED 10/10/08	APPROVED 10/10/08	DATE 10/10/08	SCALE 1/4" = 1'-0"
DRAWING No. 5								
TITLE: BUILDING ELEVATIONS								
PROJECT: BUILDING ELEVATIONS								
DRAWING No. 5								



Woodhill Barn

Gilstand

08/0306 & 08/0307. Cumbria

CAB TDA

21st May 2008

11 MAY 2008

MH

BP

Dear Barbara

In reply to Mr Rackstraw's objections

How can our application 08/0306 and 08/0307 affect the privacy & amenity of their property? The Barn is already there and we use both the Barn and the Washroom

How can it have "significant impact" when it is already there and is used by us.

The Washroom window is already there and to our knowledge hasn't caused any problems.

The window at the western end of the Barn is to be a shower & toilet and by its very nature have obscure glass - I have already told Mr Rackstraw this

This window is going to be approx 19 cm. deeper to enable us to reach it from inside. As it will have obscure glass this will not cause a problem with the window opposite.

We do have access to the greenhouses (one no longer there) and the Washroom and we don't understand how we "exceed the extent of our rights by way of storing various items on part of the land with right of way

(unless a bag of compost and a watering can & garden hose cause concern) and "generally use some? of those areas beyond the extent of the land they own" - I admit I have used my leaf blower every year to Hoover up the leaves in the whole of the farmyard and I also clean the moss & algae from the alley between the barns every year - Mr & Mrs Rackstraw probably don't notice this.

The "changed use & higher level of access" is not an issue. There will NOT be a higher level of access since the same people will be using the building - also more access is likely from the north side through the Barn from the garden to the new toilet. ∴ cutting down access from the washroom ~~access~~ entrance (which we already have access to)

No more noise will be generated by this proposal. The design does have a way through from the main house to the new family room see Drawn & amended 12.05.08 making the proposal part of the house — It was always meant to be part of the house and its description as a FAMILY room is absolutely what it is.

The "issue" about the access via the Barn on the north side is a red herring "some sort of entrance way/hall?" The doorway is already there it happens to be in the barn.

This cannot possibly make that part of the Barn into "residential use"

To turn this Barn into "residential use" would surely require a planning application.

The woodburning stove. - How can this be inconsistent with the buildings being in the curtilage of a listed building when both the Hill and the Hill farmhouse have woodburning chimneys. The Hill farmhouse chimney extending close to a metre above the roof line.

We are not adding another residential unit but are simply using what we own for the benefit of our family.

I hope this answers Mr Rackstons objections.

Yours sincerely

PLANNING & HOUSING SERVICES	
REF	00/0306
28 MAY 2008	
RECORDED	AW
SCANNED	
INDEXED	RP
ACTION	

Woodhull Barn

Gilstrand

Cumbria

CAS 7 DA

24th May 2008

Dear Barbara

I enclose the following information as requested:

We moved into Woodhull Barn on 6th Sept 2000

We moved from a much larger house in Buckinghamshire - using two removal lorries from George Bernard Shaw removals in Hexham - One of these contained all my tools equipment & wood which were immediately put in the barns together with two freezers, bikes garden equipment - garden furniture and many boxes of books

The Barns have continued to be used for storage of some of these items as well as for studio space for art works (sculpture & painting)

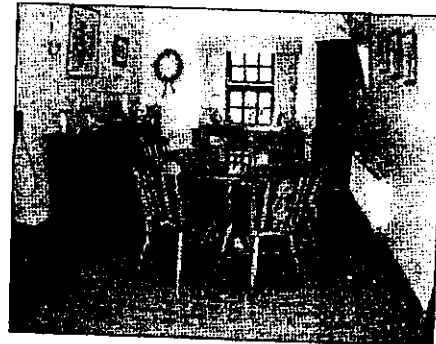
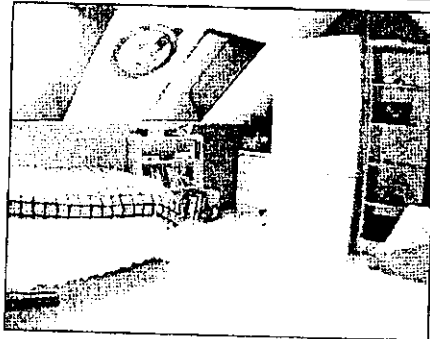
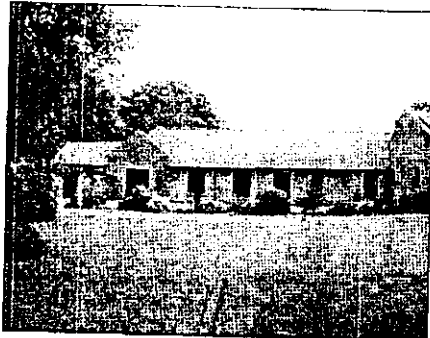
I enclose a copy of the estate agents details of the whole property

The "rear barn" relates to the space we want to make the family room and the "further rear barn" is what we call the "wash room" as it still has the original Washhouse sign on the door and washroom facilities.

Prior to our purchase of Woodhull Barn in September 2000 the previous owners had used

the "rear barn" for storage of all kinds of things including bikes, garden equipment, wood, toys and some furniture. The "further rear barn" (washroom) was used for storage of garden materials toys, tools, paint etc.

Yours sincerely



### ADDRESS

Woodhill Barn  
Brampton  
CA8 7DA

### PRICE

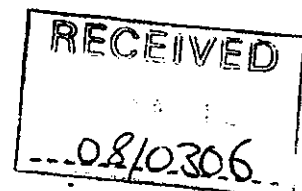
£145,000 Guide Price

### VIEWING

To arrange a viewing call  
in at our Brampton office or  
telephone 01697 72999

### DETAILS

- Barn Conversion
- Four Bedrooms
- Two Reception Rooms
- En-Suite To Master Bedroom
- Includes Barn For Poss Conversion
- Oil Central Heating
- Surrounding Gardens
- Rural Location



Your Move, 3 High Cross Street, Brampton, Cumbria, CA8 1RP Tel: 01697 72999

Whilst we endeavour to make our sales details accurate and reliable, if there is any point which is of particular importance to you, please contact the office and we will be pleased to check the information. Do so particularly if travelling some distance.

**Overheadman  
Scheme**

[www.your-move.co.uk](http://www.your-move.co.uk)

**YOUR MOVE** Ltd. (Incorporated in England)

100 High Cross Street, Brampton, Cumbria, CA8 1RP Tel: 01697 72999

Registered Office: 100 High Cross Street, Brampton, Cumbria, CA8 1RP Tel: 01697 72999

**YOUR MOVE** Ltd. is a member of the National Association of Estate Agents (NAEA) and is regulated by the Financial Conduct Authority (FCA) under the Financial Services and Markets Act 2000 (FSMA).

**CGU**



RECEIVED

CS/C306

## Woodhill Barn Brampton

The mention of any appliances and/or services within these sales particulars does not imply that they are in full efficient working order.

**DIRECTIONS:** Head out of Brampton via Main Street past Moat side and bearing left following signs for Lanercost continue for some time on this road going through Lanercost past Birdswald and you will reach a T-junction. At this junction turn right and the property can be found at the end of an elevated drive on your left hand side shortly after turning right.

### DESCRIPTION:

An opportunity to purchase a four bedroom, barn conversion with attached \*barn offering possibility for conversion (subject to planning). Woodhill Barn occupies an elevated position on the road between Birdswald and Gilsland and is a detached (including barn) one of three properties to occupy this picturesque site on 'The Hill'. Benefits include four bedrooms, two reception rooms, garage, further off road parking, gardens, oil central heating and double glazing. Viewing of this property is highly recommended.

### ENTRANCE HALL:

Access from outside via stained timber doors and offering understairs storage cupboard, spindle balustrade staircase to first floor, telephone point and a single panel radiator

### LOUNGE:

5.08m x 3.45m (16' 8" x 11' 4") With double glazed box sash style windows the rear elevation and double glazed windows to front elevation. The focal point to this room is the cast iron fireplace with tiled inset and wood surround housing an open fire. A television point and a double panel radiator are also offered in this room.

### DINING ROOM:

5.08m x 3.61m (16' 8" x 11' 10") Having exposed wood floor, double glazed box sash style windows to rear, double glazed windows to front elevation and a double panel radiator.

### KITCHEN:

3.48m x 3.48m (11' 5" x 11' 5") With Front aspect, part tiled and offering a range of fitted base and wall units incorporating sink and drainer, plumbing for automatic washing machine. This delightful breakfasting kitchen give access to the utility and garage and also offers timber french doors leading out onto the attractive gardens to the front of this property.

### UTILITY ROOM:

Having storage cupboard with louvre doors housing central heating boiler, utility offers plumbing for an automatic washing machine and is vented for tumble dryer. There is also access to the garage.

### BEDROOM:

3.66m x 2.31m (12' 0" x 7' 7") Currently being used as a study this bedroom offers a double glazed window to the front elevation, a television point and a radiator.

### BEDROOM:

5.26m x 3.30m (17' 3" x 10' 10") Offering a fitted bedrooms suite, double glazed windows to front and rear elevations, telephone and television points, radiator, telephone point and an en-suite shower room.

### EN-SUITE SHOWER/WC:

Being part tiled and offering a WC, pedestal wash hand basin and a shower cubicle housing electric shower.

### FAMILY BATHROOM/WC:

With rear aspect, part tiled and being fitted with a three piece suite comprising of a panelled bath with ornate mixer taps incorporating shower head, WC and a pedestal wash hand basin.

### FIRST FLOOR:

#### HALF LANDING:

With double glazed velux window.

#### GALLERIED LANDING:

Giving access to:-

#### BEDROOM:

3.48m x 3.43m (11' 5" x 11' 3") (measurements taken into eaves) With part sloping ceilings incorporating velux windows. Double panel radiator.

#### BEDROOM:

3.68m x 3.45m (12' 1" x 11' 4") (measurements taken into eaves) With part sloping ceilings incorporating velux window. Double panel radiator.

### OUTSIDE:

The gardens are mainly to the front and side of the property and consists of mainly lawn with various trees, shrubs and flower beds scattered attractively around the grounds. There is also several gravelled parking areas and additional covered parking in the attached barn. To the rear the property can be accessed via a shared courtyard and offers two lean-to green houses and a potting shed which is attached to the rear of the house.

### GARAGE:

6.10m x 5.03m (20' 0" x 16' 6") narrowing to 3.05m (10' 0") L-Shaped. With window to the side elevation, power and light and a water tap.

### OFF STREET PARKING:

### OUTBUILDING:

Woodhill Barn has an attached barn which subject to planning permission may well be suitable for Conversion. At present the barn is divided as follows:-

Front Barn:- Currently used for parking and storage this part of the barn would suitable for a garage conversion.

Rear Barn:- measuring 7.16m X 5.31m (23' 6" X 17' 5")

Further Rear Barn:- measuring 5.33m X 3.35m (17' 6" X 11' 0") access via shared courtyard and currently used as a wash house.

Your Move, 3 High Cross Street, Brampton, Cumbria, CA8 1RP Tel: 01697 72999

Whilst we endeavour to make our sales details accurate and reliable, if there is any point which is of particular importance to you, please contact the office and we will be pleased to check the information. Do so particularly if travelling some distance.

On the move  
Schemes

www.your-move.co.uk

YOUR MOVE

YOUR MOVE is a company in the United Kingdom which is regulated by the Financial Services Authority and is a member of the Financial Services Compensation Scheme (FSCS).

CGU

## SCHEDULE A: Applications with Recommendation

08/0307

---

**Item No: 05**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0307

**Applicant:**  
Mr Ian Douglas

**Parish:**  
Waterhead

**Date of Receipt:**  
11/04/2008

**Agent:**

**Ward:**  
Irthing

**Location:**  
Woodhill Barn, Near Gilsland, Brampton, Cumbria  
CA8 7DA

**Grid Reference:**  
362410 566885

**Proposal:** Conversion Of Outhouses To Family Room And Bathroom. Existing Doors And Windows Which Are Rotten To Be Renewed. Toilet And Shower To Be Incorporated Into Existing Washroom (LBC)

**Amendment:**

1. Southern elevations amended to illustrate existing window serving storage area.
  2. Location of existing greenhouse indicated on drawings.
  3. Location of internal doorway serving proposal.
- 

**REPORT**

**Case Officer:** Barbara Percival

**Reason for Determination by Committee:**

This application has been brought before Members of the Development Control Committee due to a neighbour exercising his right to speak.

**1. Constraints and Planning Policies**

**Listed Building**

The proposal relates to a building which has been listed as being of Special Architectural or Historic Interest.

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol LE14 - Alterations To Listed Building**

**2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** It is considered that the existing



## SCHEDULE A: Applications with Recommendation

08/0307

access and car parking facility is acceptable in connection with the proposed development. Confirm that the Highway Authority has no objection to the proposal;

**Development Services Planning & Housing Services - Conservation Section:** no objection to this proposal;

**Waterhead Parish Council:** do not wish to make any representation on the proposal.

### 3. Summary of Representations

#### Representations Received

Initial:

Consulted:

Reply Type:

 The Hill  
 The Hill Farmhouse

Objection

3.1 This application has been advertised by the direct notification of receipt of the application to the occupiers of two neighbouring properties coupled with the posting of site and press notices. In response, two letters of objection have been received.

3.2 The letters identify the following issues:

1. the buildings form part of one side of the former farmyard having buildings around all four sides, save for a gap for the entrance to the farmyard;
2. one of the objectors owns the property comprising The Hill Farmhouse and its associated barns and outbuildings. The Hill Farmhouse's existing residence forms part of the southern side of the farmyard and part of the western side;
3. the objectors (2 above) opposes the change of use of the application of buildings to residential use on the basis that it will affect the privacy and amenity of their property. The existing washroom, which faces directly south to the windows of their property at a distance of approximately 19 metres to windows of one of the objectors' habitable rooms being the hall and dining area. The objectors do not have a separate dining room but utilise a kitchen/breakfast room which has a table in it, but their main formal dining area is part of the hall and the family piano is also located there, thus the objectors maintain it is a habitable room. They also believe there will be a significant impact upon their privacy, as the window from the washroom looks directly into one of their habitable rooms. Similarly, they consider that one of the windows to their living room is also affected;
4. the remainder of the stone building (owned by the objector) and located

on the western side of the courtyard has the benefit of planning permission to make a 3/4 bedroom house. A number of windows that would serve that building are closer to the application premises than the objectors property, including windows to what will be habitable rooms forming part of that development. Two of these windows, at the entrance to the courtyard, are located in close proximity to one of the existing windows shown as the washhouse to the applicants' property, the nearest of these being a mere 1.6 metres away and almost directly opposite. Thus, again, the objector considers there will be a diminution of the privacy of the habitable rooms of the building possessing permission but has which to be converted to residential use;

5. Furthermore, that particular window on the washroom is proposed to be enlarged and, should permission be granted for the overall development in spite of the writers' objections, the writers would still be opposed to the enlargement of the existing opening. They request that the window aperture should be retained as current and be subject to a condition for obscure glazing;
6. the same writers object on the basis of infringement of amenity of their existing properties. The applicants have a limited right of way across part only of the farmyard. They do own two small parcels of the farmyard being where the land on which the current greenhouse stands (and no more) and an even smaller parcel where a former greenhouse use to stand. The writers believe that the applicants have already exceeded the extent of their rights of way by storing various items on part of the area of land with the rights of way and generally use some areas beyond the extent of the land they own. If this application is granted and this part of the building group becomes residential use, then the use of those areas will inevitably increase whether it be by the applicants or by successors in title. Any activities in these areas, notwithstanding any infringements of rights, is considered likely to affect the amenity value of the objectors' property and land including the yard itself. Once again, such increased usage impacts also on privacy, through people coming and going and using those parts of the yard onto which a number of habitable rooms, both in the objectors' existing house and in their authorised barn development, directly face;
7. the changed use and potentially higher level of access and egress will also have an impact in noise generated and thus, disturbance to the writers and the future occupiers of the barn once that is developed;
8. additionally, the writers object on the basis that the design does not have a way through from Woodhill Barn and that it is stated to be as an extension to the property or ancillary to the property. It is residential use that is in fact quite detached from Woodhill Barn, thus it is effectively, notwithstanding the stated aim in the application, a separate residential unit that is leading to an increased number of residential units on the site;
9. there is also an issue about the access since there is to be an entrance

## SCHEDULE A: Applications with Recommendation

08/0307

via The Barn on the northern side. The Barn on the northern side is not part of this planning application yet it would effectively become one of the entrance way/ hall? Is this not inadvertently making that part of the barn by default into a residential use?;

10. it is proposed to fit a wood burning stove. The chimney from that would extend above the rooflines and such a change would be inconsistent with the buildings within the curtilage of the listed building of The Hill and will be an eyesore from the Hill Farmhouse rooms and those of the occupiers of The Hill;
11. the writers acknowledge that it is possible to take the view that these objections are hypocritical given their own barn development plans. However, they seek to dispel such a view. The current owners and occupants of the three existing residential units on this site all purchased subsequent to 1999 and by then the existing and current planning permission for the writers' barn was already in place. Further, Woodhill Barn was already (since 1992) subject to restrictive covenants not to extend or add to the single residential unit of Woodhill Barn, such covenants being for the benefit of the retained land, which includes The Hill and The Hill Farmhouse;
12. a separate writer raises the issue of privacy. The window of the proposals washroom is in line with their downstairs bedroom, approximately 15 metres distance. It is appreciated that this has been the same ever since they purchased their home (The Hill), but the traffic at the moment is minimal. However, should the proposed alterations take place then there are likely to be people around on a more constant basis;
13. noise is also an issue. Access to the "new rooms" could be from the rear entrance of the property and as this is even closer to the objectors' private quarters, there could be a serious disruption of their peace and quiet;
14. the objectors own a Bed and Breakfast and one of their biggest selling points is the peace and tranquility they have to offer. Should the applicants, for instance, have parties in the "games room" as they suggested to us some years ago, this could cause serious noise issues. Would there be spotlights to the back of their house? Again another intrusion;
15. the objectors consider that with the proposed amenities being fitted in the barn, i.e. shower, kitchen facilities, wood burning stove, it would not be too much of a leap of the imagination to think that this unit would become a separate residential unit. Taking the issue of the wood-burning stove, the chimney is likely to be above the rooflines and therefore look quite out of place in a Listed Building;
16. as mentioned in a phone call to the Council's offices, the writers were not notified by the applicants of their intended planning proposal. It is noted

## SCHEDULE A: Applications with Recommendation

08/0307

on the application form that a question asked is "Have you informed your neighbours" to which the applicants answered Yes. This is considered to suggest a lack of creditability and integrity as to whether the applicants are being completely honest about the barn's ultimate use.

3.3 An additional two letters of objection has been received following the receipt of amended drawings. The letters identify the following issues:

1. both of the objectors want their previous objections to stand;
2. the first writer also wished to add that on drawings 2 and 3 a doorway, immediately to the east of the greenhouse, is referred to as 'existing'. The objectors allege that this is incorrect. Explaining that this is the site of a former doorway that has been built up many years ago. It is not partially block up and has been built up using stone and mortar. On the outside just one of two stones are loose or missing at the very top. This has been the case, in the objectors view, since January 2001. Thus, they feel that to all intents and purposes is a 'new' opening;
3. the objectors agree that the doorway and opening to the washroom fronting the yard are 'existing'; however, their main concern is the internal change of use of the building. This change of use they feel will have an effect of diminution of privacy and amenity. The current use of the buildings for storage means that there is limited physical human presence, almost entirely confined to daytime, and in practice it is rare for there to be activity after early evening. The objectors consider that if this proposal becomes part of the general residence then this is likely to change with their dwelling much more likely to be overlooked and observed at any time day or night;
4. without prejudice, should permission be granted, would it not be preferable for the existing 3 rooflights be removed with the proposed velux rooflights being inserted on the other side of the roof slope. These would then not be visible from the objectors dwelling and that of their neighbours, The Hill. It is their opinion that this would enable just as much light into the building whilst improving the appearance. The objectors consider that this would also allow for additional rooflights on that slope as they would be invisible from The Hill Farmhouse and The Hill;
5. the second writer considers that should the outhouses be converted, they feel that there would be more activity in the courtyard 24/7. This they feel would impact on their privacy and also that of their guests, of their Bed and Breakfast establishment, and ultimately stop their enjoyment of their home and business.

## 4. Planning History

- 4.1 In 2001, under planning reference 01/0245 and 01/0246, planning and listed building consent was granted for the conversion of garage and outbuildings

to artists studio, workshop and office.

- 4.2 In 2007, under planning reference 07/0718, retrospective listed building consent was granted for the provision of windows in south elevation of workshop.
- 4.3 A Full Planning Application, under planning reference 08/0306, is also current for this scheme.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 Woodhill Barn is a single storey barn conversion which forms part of a courtyard development which lies to the north west of the village of Gilsland. One of the properties, The Hill, is a Grade II Listed Building. Woodhill Barn together with The Hill Farmhouse and its associated barn (which has planning permission for conversion into a dwelling) are curtilage listed.
- 5.2 The dwelling is constructed from natural stone with a slate roof. Its southern and western boundaries forms part of the courtyard with its northern and western boundaries formed by the garden of the property with agricultural fields beyond.

#### Background

- 5.3 This application seeks Listed Building Consent for the conversion of outhouses to a family room and bathroom. The submitted drawings indicate that the only external alterations would be the installation of a flue, replacement of 3no. rooflights with 3no. velux rooflights in the western elevation, the enlargement of an existing washhouse window by 19cm and installation of replacement stained timber windows frames and doors.

#### Assessment

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies CP4 and LE14 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).
- 5.5 When assessing this proposal it is considered that the main issues revolve around the effect on the character and appearance of the Listed Building.
1. The Impact Of The Proposal On The Grade II Listed Building
- 5.6 The proposal seeks the adaptation of existing ancillary domestic outbuildings into the main dwelling with limited alterations. Following normal practice English Heritage, Cumbria County Council's Historic Environment Officer and

## SCHEDULE A: Applications with Recommendation

08/0307

the City Council's Conservation Officer have all been consulted and have no objections to the proposal. It is therefore considered that this proposal would not have an adverse impact on the Grade II Listed Building nor Hadrian's Wall World Heritage Site Buffer Zone.

### Conclusion

- 5.7 In overall terms it is considered that the proposed modifications are considered acceptable in relation to the dwelling and would not have an adverse impact on the Grade II Listed Building. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging development 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 Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

### 7. Recommendation - Grant Permission

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

**Reason:** In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

## SCHEDULE A: Applications with Recommendation

08/0571

---

**Item No: 06**

**Date of Committee:** 11/07/2008

**Appn Ref No:**  
08/0571

**Applicant:**  
Mr Scott-Lamont

**Parish:**  
Wetheral

**Date of Receipt:**  
04/06/2008 07:30:10

**Agent:**  
Edenholme Building &  
Architectural Surveyors

**Ward:**  
Wetheral

**Location:**  
47 Scotby Road, Scotby, Carlisle, CA4 8BD

**Grid Reference:**  
344071 555637

**Proposal:** Extension Over Existing Garage To Provide 1no. Ensuite-Bedroom And  
1no. Bedroom (Revised Application)

**Amendment:**

---

### REPORT

**Case Officer:** Barbara Percival

#### Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee due to a neighbour exercising his right to speak.

#### 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.

**Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises**

**Rev Redeposit Pl. Pol CP4 - Design**

#### 2. Summary of Consultation Responses

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

**Wetheral Parish Council:** no observations.

#### 3. Summary of Representations

## SCHEDULE A: Applications with Recommendation

08/0571

### Representations Received

Initial:

Consulted:

Reply Type:

[REDACTED] 45 Scotby Road  
[REDACTED] 49 Scotby Road  
[REDACTED] 58 Scotby Road

05/06/08  
05/06/08  
05/06/08

Objection

- 3.1 This application has been advertised by the direct notification of three neighbouring properties. In response, one letter of objection has been received.
- 3.2 The letter identifies the following issues:
1. the extension will enlarge the house by 75% of its original size making the level of development such that the impact would be detrimental to the objector's property. This, he considers would affect his amenity on the basis of loss of light, air and over dominance;
  2. the major concern is that if this application were approved then it would set a precedent which, in his opinion, would lead to the 1920's semi detached dwellings appearing to be link houses or a staggered terrace row. No other semi-detached houses on Scotby Road have two storey side extensions but many have single storey extensions. He acknowledges that one property has a rear two storey extension and the objector would not object to a rear two storey extension;
  3. the objector continues by stating that this section of semi-detached dwellings along Scotby Road are on a long bend in the road thereby creating a staggered building line. The objector considers that the building line presents no problem with ground floor extensions but has a greater impact on neighbouring properties if two storey extensions are added. Some dwellings have side entrances as does the objectors property, number 45, he considers that this would have a greater impact on light and air. If a similar extension were to be built at number 45 there would only be 3 feet between the two properties thereby giving a terraced effect;
  4. the particular style and age of semi-detached dwellings along the west side of Scotby Road are distributed in three sections and include 15 buildings or 30 homes. The objector considers that a precedence of this type of two storey development between dwellings would have a detrimental impact on the character of these properties and, as two of the three sections are built in traditional rustic red brick, introducing a large rendered wall (even if brick coloured) would not be in keeping. He feels that if other properties followed it would not be in the public interest as it would change the character of this part of Scotby Road making it undesirable;



5. it is felt that the original builder foresaw that future extensions could possibly be a problem and included a restrictive covenant in the original deeds of the dwellings;
6. the objector concludes that he is aware that championing the individual and being the guardians of the community is not an easy position, but out of place developments/extensions favour no one.

#### **4. Planning History**

- 4.1 Earlier this year, under planning reference 08/0288, an application for an extension over an existing garage to provide 1no. en-suite bedroom and bedroom was withdrawn.

#### **5. Details of Proposal/Officer Appraisal**

##### **Introduction**

- 5.1 The applicant's dwelling at 47 Scotby Road is a semi-detached dwelling located on the west side of Scotby Road, Scotby. The property is constructed of facing bricks with rendering above first floor level on its rear elevation. The property has been previously extended by the addition of single storey side and rear extensions constructed of facing bricks. Its boundaries are made up of a combination of larch lap/bamboo fencing approximately 1.8 metres in height. The adjoining property, number 45, has a garage which runs along the shared boundary.

##### **Background**

- 5.2 This application seeks Full Planning Permission for a first floor extension over an existing garage to provide 1no. ensuite bedroom and 1no. bedroom. The side extension, would be 3 metres wide and extend rearwards by 8.2 metres with the ridge line following that of the existing dwelling. The proposed materials are facing bricks to the front elevation with rendering to the rear and side elevations with a slate roof.

##### **Assessment**

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies H11 and CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).
- 5.4 The proposal raises the following planning issues:

1. The Impact Of The Proposal On The Living Conditions Of Neighbouring

## **SCHEDULE A: Applications with Recommendation**

08/0571

### **Residents**

- 5.5 Policies H11 and CP4 of the Revised Redeposit Draft (as amended by the Inspector) seek to protect the amenity of adjacent properties from proposals which adversely affect them, through poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight.
- 5.6 As Members will be aware, the occupiers of a neighbouring property has lodged an objection to the proposal and will address Members of the Development Control Committee.
- 5.7 It is acknowledged that the proposal is for an extension above an existing garage with the ridge line following that of the existing dwelling. In mitigation, however, the adjacent property, 45 Scotby Road, has an entrance porch and has no windows in its northern elevation. Due to the orientation of the properties, although the rear of the proposal would be 4.5 metres away from the front elevation of 45 Scotby Road, it would project forwards away from the adjacent property. As such it is unlikely that the extension would be overbearing or result in unreasonable loss of light to the occupiers of number 45 Scotby Road.
- 5.8 No windows are to be inserted into the southern elevation thereby preventing loss of privacy. In order to further safeguard the living conditions of the occupiers of 45 Scotby Road a condition is recommended removing Permitted Development rights to insert additional openings on that elevation. It is therefore considered that the proposal would not have a significant impact on the living conditions of the adjoining property through overlooking.

### **2. Whether The Proposal Is Appropriate To The Dwelling**

- 5.9 Adopted and emerging policies also seek to ensure that proposals are appropriate to the dwelling, its design and setting. This proposal is for an extension above an existing garage to a property located on a slight bend. It is considered that the proposed extension is comparable to the existing dwelling. It would be constructed from materials to harmonise with existing dwelling, and would employ similar detailing thereby not creating an adverse impact on the character of the area. Accordingly, it is considered that the proposed side extension would complement the existing dwelling in terms of design and materials to be used.

### **Conclusion**

- 5.10 In overall terms it is considered that the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed extension is considered acceptable in relation to the dwelling. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging Development 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 Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

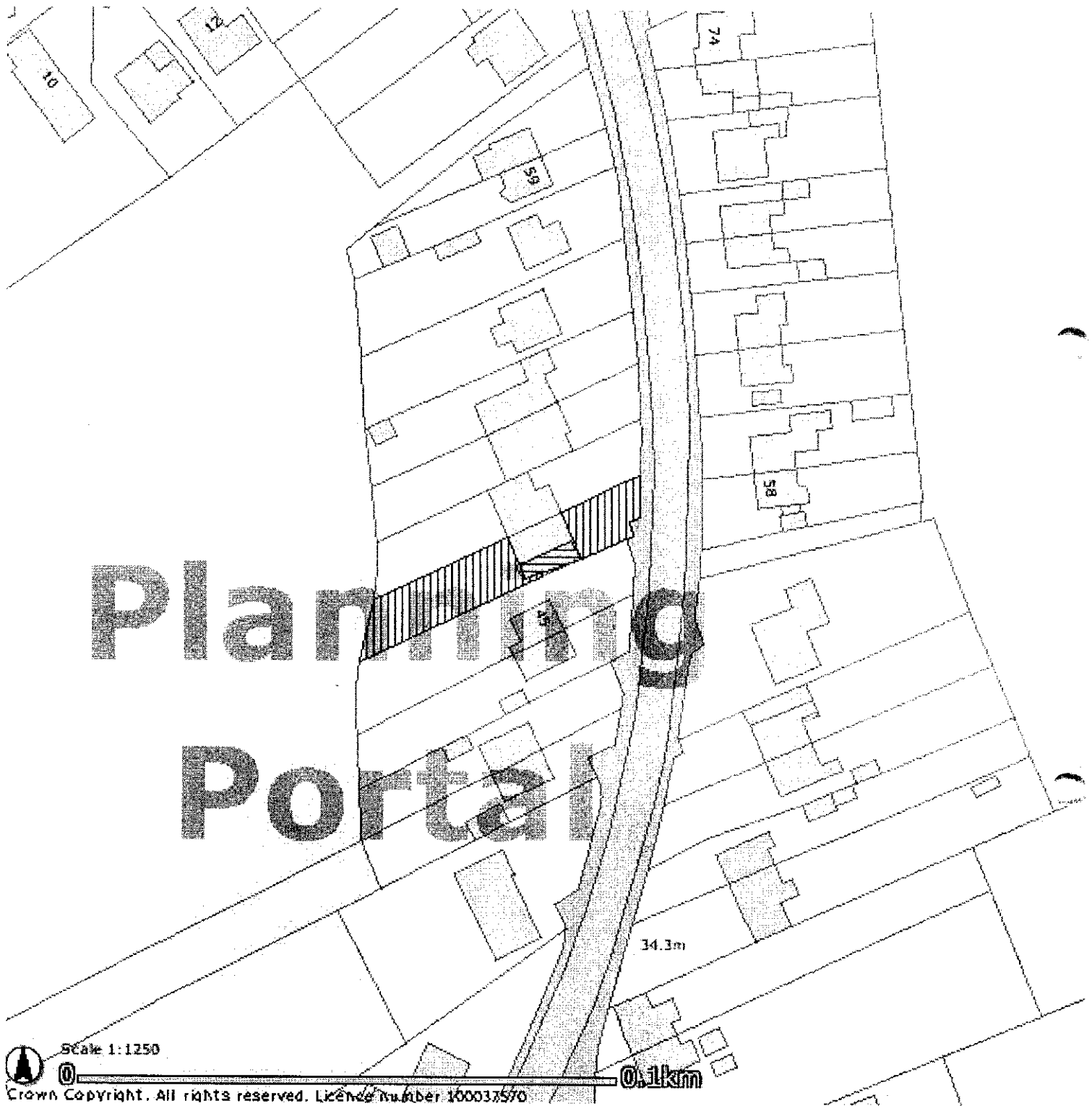
### 7. Recommendation - Grant Permission

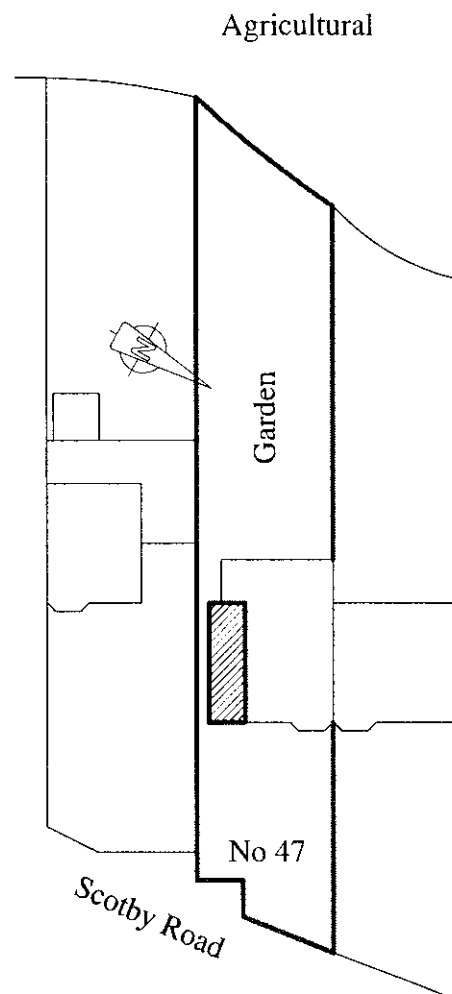
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**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. 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 above the ground floor on the south elevation 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 Policy H11 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).





# Edenholme

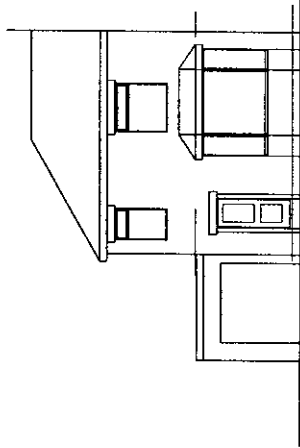
Building & Architectural Surveyors

Block Plan scale 1:500

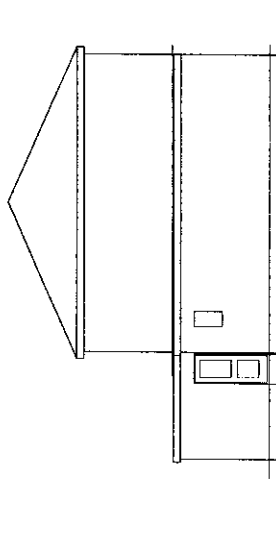
Date 20.03.2008

This drawing and information displayed must not be copied or used for any purpose without the written permission of Edenholme Building & Architectural Surveyors  
All dimensions to be checked on site.  
Do not scale from this drawing.  
Copyright ©

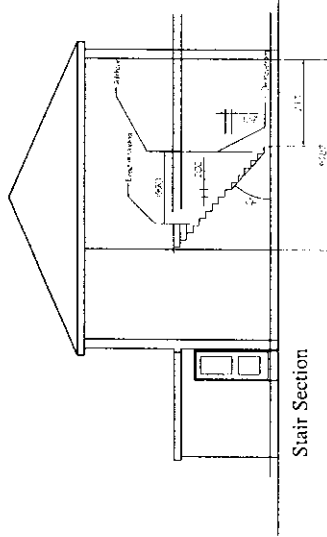
# 47 Scotby Road Carlisle.



Front Elevation

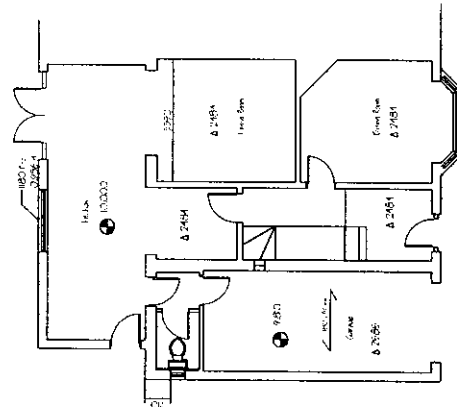


Side Elevation

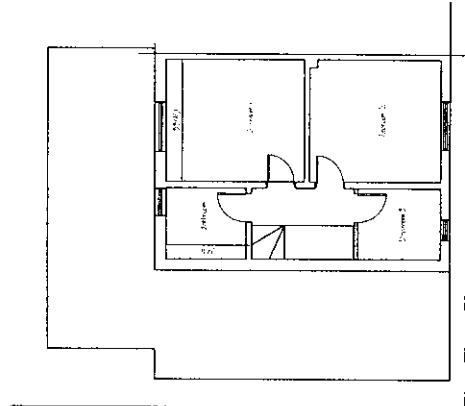


Rear Elevation

Stair Section



Ground Floor Plan



First Floor Plan

FINISHES

REVISIONS

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

DATE

REVISION

BY

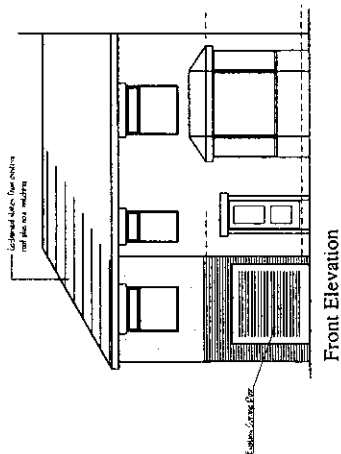
DATE

REVISION

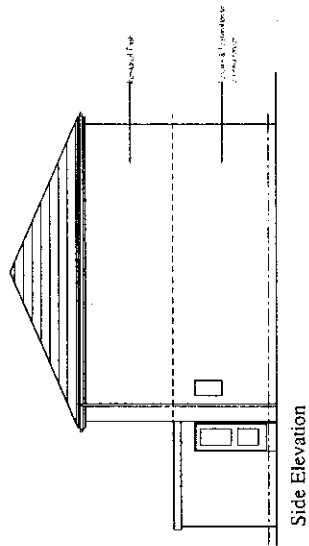
BY

DATE

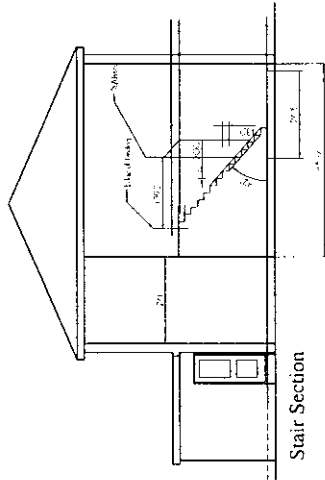
# 47 Scotby Road Carlisle.



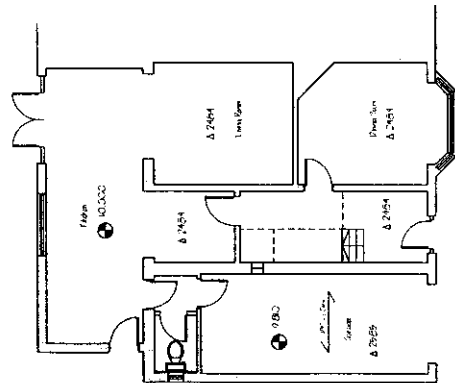
Front Elevation



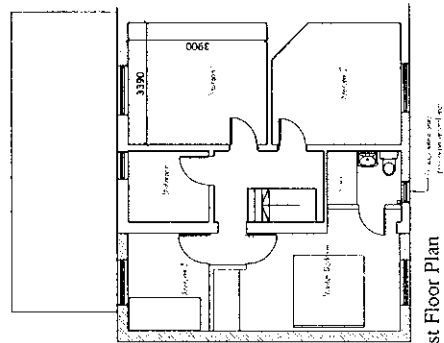
Side Elevation



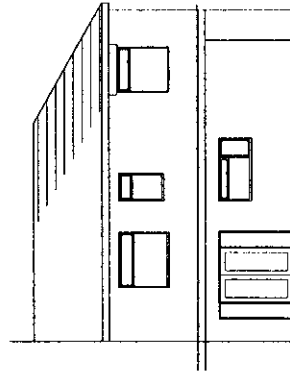
Stair Section



Ground Floor Plan



First Floor Plan



Rear Elevation



SCALE BAR

FINISHES:

REVISIONS  
DATE  
BY  
10/10/2007

**Edenholme**  
Building & Architectural Surveyors

9 St. Joseph's Gardens,  
Carlisle, Cumbria  
LA1 1JL  
Tel: 01753 344433  
Fax: 01753 344434

Client  
Mr & Mrs Scott - Lamont

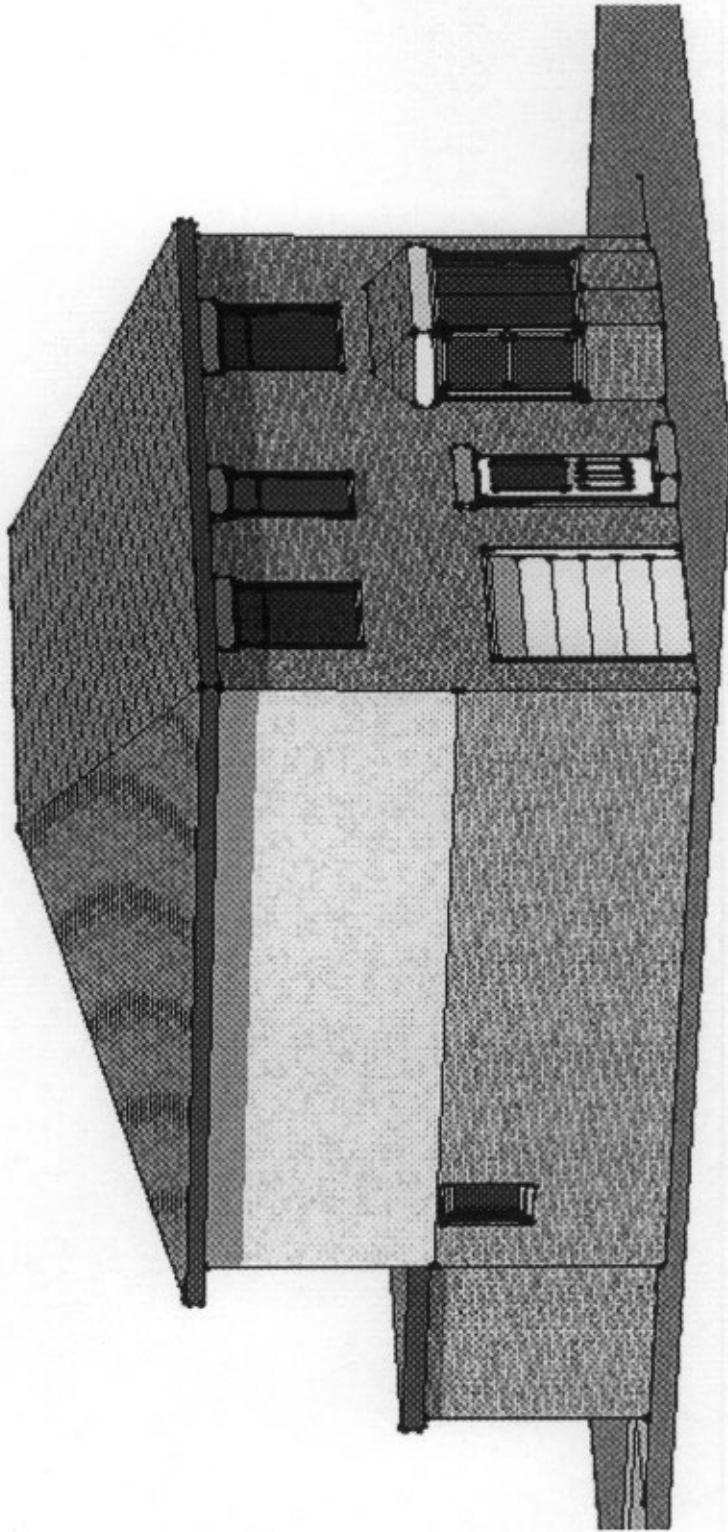
Project  
47 Scotby Road  
Carlisle CA4 8BD

Proposed  
PLANS & ELEVATIONS

Scale  
1:100@A2  
Date  
30.10.2007  
JDS

The drawings and information contained herein are the property of Edenholme Building & Architectural Surveyors. They are not to be used for any other purpose without the written consent of Edenholme Building & Architectural Surveyors.

Drawn by  
ED/11/8/As Proposed

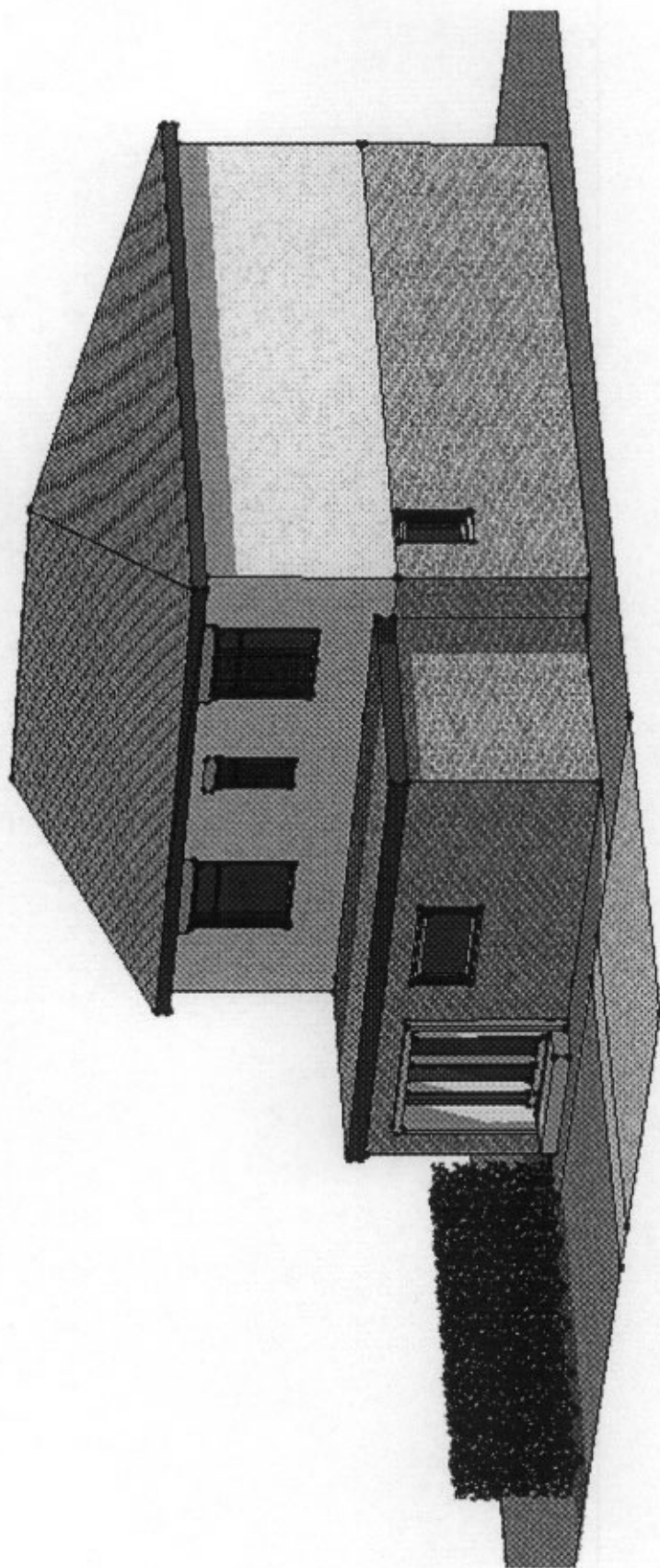


Edenholme

SK002

Not To Scale Copyright.





Edenholme

SK001

Not To Scale Copyright.

## SCHEDULE A: Applications with Recommendation

08/0579

---

**Item No: 07**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0579

**Applicant:**  
Mr Alan Dinning

**Parish:**  
Dalston

**Date of Receipt:**  
13/06/2008

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**  
Dalston

**Location:**  
25 The Green, Dalston, Carlisle, CA5 7QH

**Grid Reference:**  
336871 549654

**Proposal:** Erection Of 1no End Of Terrace Town House (Revised Application)  
**Amendment:**

---

### REPORT

**Case Officer:** Angus Hutchinson

#### Reason for Determination by Committee:

A neighbouring resident has expressed a desire to exercise their Right to Speak.

#### 1. Constraints and Planning Policies

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol H1-Location of New Housing Development

Rev Redeposit Pl. Pol H3 - Residential Density

Rev Redeposit Pl. Pol H4 - Res.Dev.Prev.Dev.Land & Phasing

Rev Redeposit Pl. Pol H9 - Backland Development

Rev Redeposit Pl. Pol LE20 - Conservation Areas

Rev Redeposit Pl. Pol LE28 - Developed Land In Floodplains

Rev Redeposit Pl. Pol T1 - Parking Guidelines

### 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** comments awaited;

**Dalston Parish Council:** comments awaited;

**Environment Agency (N Area (+ Waste Disp)):** The proposed development falls into a grey cell on the Flood Risk Matrix i.e. Householder development within Flood Zone 2 and therefore falls outside the scope of referrals we would wish to receive/

However, the Environment Agency have advised Mr Armstrong of Hogg and Robinson Ltd in a pre-planning enquiry that:

The Flood Risk Assessment (FRA) has been produced in accordance with the current guidance and standing advice for householder and other minor extensions. Finished floor levels are to be set no lower than existing and flood proofing measures are included. The FRA adequately address the main areas of concern.

**Community Services - Drainage Engineer:** comments awaited;

**United Utilities (former Norweb & NWWA):** no objections, however there may be apparatus in the area that may be at risk during construction works and should the application be approved, then the developer should contact us directly to discuss requirements;

**Cumbria County Council - (Archaeological Services):** comments awaited;

**Development Services Planning & Housing Services - Local Plans:** this application is for the erection of a new dwelling by extending the existing terrace. The Local Plan to which this response refers to is the Revised Redeposit Local Plan (as amended by the Inspectors Report April 2008).

The proposed dwelling is in a sustainable location as it lies within the village settlement boundary of Dalston, as identified by policies DP1 and H1. As the development lies within Dalston Conservation Area due attention must be given to the design and materials to enhance the character of the area in line with Policy LE20, this revised application offers a far more sympathetic design. This application does not raise any issues with regard to policy CP5 Residential Amenity. The scale is appropriate, the design reflects the local character, the residential use is appropriate and there is sufficient distance between the proposed dwelling and the existing No. 26, allowing for a good sized garden in between the two properties, to minimise any overlooking issues. However, the reference to the identified need of the Dalston Housing Needs Survey is inaccurate.

The proposed new dwelling is in Flood Zone 2 as identified by the Environment Agency's Flood Zone Maps (please note that the Councils Strategic Flood Risk Assessment identifies the site as Flood Zone 3(a), however the EA data is more up to date). This application is for a new dwelling therefore it cannot be considered as minor development in terms of PPS25 and must pass the sequential test. Due to

## SCHEDULE A: Applications with Recommendation

08/0579

the amount of reasonably available land suitable to accommodate a proposal of this scale, in Flood Zone 1, and within Flood Zone 2 but at a lower probability of flooding (the proposed site is only just lies in Flood Zone 2 as opposed to Zone 3a), within Dalston Village settlement boundary, this application has not passed the sequential test. The applicant has not submitted any information contrary to this availability. The exception test cannot be applied to this application (as per table D3 PPS25) as it is not to be used to justify development.

As this application is for a more vulnerable use in Flood Zone 2, it must also be accompanied by a FRA (table D1 PPS25). This is also required to meet policy LE28.

The Design & Access Statement refers to a letter from the EA, dated 18<sup>th</sup> May, stating that the FRA is adequate. However this letter refers to the proposed development as an 'extension' and is mistakenly classed as minor development. As discussed this application cannot be considered as minor development, therefore the Environment Agency must be consulted on the FRA for this application in this light.

In terms of policy LE28, the proposed dwelling does not meet the first criterion as other lower risk alternative sites exist (as per sequential test). The FRA submitted (with application 08/0584 but is also to cover this application as well) covers all of the other criterion of this policy, however a little more detail is required to meet criterion 2: The FRA states that a flood barrier will be fitted to the external door. Whilst this is a reasonable means of providing flood protection, no indication of the type of barrier or mountings on the exterior wall of the premises are shown on the plans.

A judgement needs to be made as to what weight is given to the failed sequential test, compared to this revised application meeting other policy requirements.

**Development Services Planning & Housing Services - Access Officer:** no wish to make any comments on this application;

**Development Services Planning & Housing Services - Local Plans (Trees):** comments awaited;

**Development Services Planning & Housing Services - Conservation Section:** comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 24 The Green	16/06/08	
[REDACTED] 26 The Green	16/06/08	
[REDACTED] Dalston Bowling Green	16/06/08	
[REDACTED] 9 Finkle	16/06/08	
[REDACTED] Street		
[REDACTED]	16/06/08	

## **SCHEDULE A: Applications with Recommendation**

08/0579

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to two neighbouring properties. In response a neighbouring resident has verbally confirmed an intention to object and desire to exercise a Right to Speak.

### **4. Planning History**

- 4.1 In June and August of last year, under application reference numbers 07/0867 and 07/0868 planning permission was applied for a third floor extension; the erection of a three storey house and conversion of cottage/barn to a house. The aforementioned applications were withdrawn prior to determination.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 25 The Green is approximately 0.5km south of the centre of Dalston. The proposed plot is bordered by 26 The Green to the south; Dalston Bowling Club to the west; and, open fields on the opposite side of the road to the east. The site has a total area of approximately 750 square metres and falls within the Dalston Conservation Area.

#### **Background**

- 5.2 This application and the following item, reference no. 08/0584, seek planning permission to erect an end of terrace house and convert a former cottage/barn to the rear of 25 the Green to provide a two storey detached house.
- 5.3 The proposed terraced house is shown to adjoin the southern elevation of 25 The Green and comprise two bedrooms and bathroom on the ground floor; kitchen, lounge and W.C. on the first floor; and, a single bedroom, shower room with access to a roof void on the second floor. The proposal also shows the construction of a second floor extension to serve 25 The Green. The front elevation of the proposed dwelling is to be constructed from natural sandstone with the side and rear elevations having a rendered finish to match the neighbouring properties. The new roof areas are to be constructed in slate.

#### **Assessment**

- 5.4 When considering this application it is considered that the policies of particular relevance are CP4, CP5, H1, H3, H9, LE20, LE28 and T1 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit) (as amended by

## SCHEDULE A: Applications with Recommendation

08/0579

the Inspector's Report April 2008). The relevant Ministerial advice is contained in PPS 3 "Housing", PPG 7 "The Countryside - Environmental Quality and Economic and Social Development", PPG 13 "Transport", PPG 15 "Planning and the Historic Environment", PPS 25 "Development and Flood Risk", and, Circular 04/2006. As such the main issues are held to be whether the advantages outweigh the disadvantages with regard to: i) the impact on the character of Dalston Conservation Area; ii) the impact on living conditions of neighbouring residents; iii) highway safety; and, iv) the risk of flooding.

- 5.5 In relation to i) it is evident that the applicant has sought to replicate the appearance of the existing dwelling in terms of detailing, materials and means of enclosure. An existing lawned area is in part retained at the front and side with the off-street parking provided at the rear.
- 5.6 The main residents to be affected by this proposal are considered to be the occupiers of the neighbouring properties at 24 and 26 The Green. In the case of 24 The Green the submitted plans show the formation of a new path around the proposed dwelling. Any alteration in such a path is, however, a civil matter distinct from the planning process. The proposed second floor extension at 25 The Green is to be formed by the roofing over of the existing flat roofed extension. The extension is modest in size and, given that the house already projects to this extent at the first floor level, will not introduce any new aspect from the first floor window of the neighbouring property, 24 The Green. In addition, no windows will face towards the neighbouring property. As such it is considered that any loss of sunlight over and above that associated with the existing first floor extension would be minimal and insufficient to warrant refusal of the application.
- 5.7 The gable end of the proposed house is shown to be over 12 metres from the end wall of 26 The Green. The submitted plans also indicate that all the windows on the south/side elevation facing 26 The Green will be obscurely glazed. On this basis, and in the context of the existing residential use of 25 The Green, it is considered that the proposal will neither lead to additional problems associated with direct overlooking nor losses in light.
- 5.8 It is appreciated that the proposal has the potential to lead to additional disturbance from traffic as well as any ancillary use of the garden and drive area by occupiers of the proposed developments. However, this is considered to be of such a scale (whether assessed individually or cumulatively with application 08/0584) that would not merit the refusal of permission. In addition, anecdotal evidence has indicated that the previous use of the building(s) was a builder's yard.
- 5.9 When considering highway safety, PPG 13 "Transport" states that parking policies should be used alongside other planning and transport measures to promote sustainable transport choices and reduce reliance on the car for work and other journeys. Paragraphs 49-56 of PPG13 explains that..." **the availability of car parking has a major influence on the means of transport people choose for their journeys...Reducing the amount of parking in new development (and in the expansion and change of use in**

existing development) is essential, as part of a package of planning and transport measures, to promote sustainable travel choices. At the same time, the amount of good quality cycle parking in developments should be increased to promote more cycle use.

In developing and implementing policies on parking, local authorities should: 1) ensure that, as part of a package of planning and transport measures, levels of parking provided in association with development will promote sustainable transport choices; 2) not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety...; 3) encourage the shared use of parking...; 4) take care not to create perverse incentives for development to locate away from town centres....; 7) require convenient safe and secure cycle parking in development at least at levels consistent with the cycle strategy in the local transport plan; and 8) consider appropriate provision for motorcycle parking."

- 5.10 In such a context when the overall emphasis is on reducing the growth in the length and number of motorised journeys and encourage alternative means of travel which have less environmental impact (hence reduce reliance on the private car), it is considered that the proposed provision of off-street parking is acceptable.

- 5.11 Finally, with regard to flood risk, it is a material consideration clearly identified in paragraph 31 of the PPG 3 determining the allocation and release of sites for new housing. PPG 3 also requires priority to be given to re-using previously developed land within urban areas, bringing empty homes back into use and converting existing buildings in preference to the development of green-field sites.

- 5.12 PPS 25 emphasises that authorities apply a sequential test that matches types of development to degrees of flood risk. Paragraph D1 of PPS 25 explains that the Sequential Test should be applied at all stages of planning - its aim is to steer new development to areas at the lowest probability of flooding (Zone 1). Paragraph D5 goes on to say that:

**"Where there are no reasonably available sites in Flood Zone 1, decision-makers..determining applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required."**

- 5.13 When looking at the availability of alternative sites, the latest figures from the 1st April 2008 indicate for the rural area of the District there are 483 units with permission i.e. representing a 7.4 years supply based on the provisions of the Structure Plan (65 units per annum) and 5.3 years supply when compared against the requirements of the draft Regional Spatial Strategy (90 units per annum). For Dalston Parish, there are 28 dwelling units outstanding with

## SCHEDULE A: Applications with Recommendation

08/0579

planning permission of which only two are within the settlement boundary which is a Local Service Centre. This is also within the historical context where a significant percentage of Dalston is located within Flood Zone 2.

- 5.14 Table D.1 of PPS 25 explains that appropriate uses within Zone 2 fall within the "less vulnerable" and "more vulnerable" uses. The more vulnerable uses include buildings used for dwelling houses. In effect the proposal is an acceptable use within Zone 2. It is also noted that the "Exception Test" stipulated in paragraph D9 includes development on "developable previously developed land".

### Conclusion

- 5.15 It is evident that there are alternative sites within the District and Dalston which fall within Flood Zone 1. However, the current options for Dalston are limited. It is, nevertheless, also apparent that the proposal involves the more effective use of brownfield land within a designated Local Service Centre for a use which is compatible for Flood Zone 2; will not exacerbate flooding elsewhere; can take account of any flood risk based on the predicted 1:100 year model; and, involves a scheme which is considered neither to be detrimental to the character of Dalston Conservation Area nor the living conditions of the neighbouring residents. On the basis that no substantive objections are received from interested parties in the intervening period, the proposal will be recommended for approval.

## 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 any conflict was to be alleged it is considered not to be significant enough to warrant the refusal of permission.



## SCHEDULE A: Applications with Recommendation

08/0579

### 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions to the dwelling hereby permitted shall be carried out without the permission of the local planning authority.

**Reason:** The local planning authority wishes to retain full control over the matters referred to in order to safeguard the character of the area and the living conditions of neighbouring residents.

3. 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 above the ground floor on the south elevation of the dwelling hereby permitted 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 Policy H14 of the Carlisle District Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the windows on the southern elevation of the dwelling hereby permitted shall be obscurely glazed to a minimum of factor 3 prior to occupation and thereafter retained as such.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies H2 and H16 of the Carlisle District Local Plan.

5. The parking area shall be constructed in accordance with the approved plans before the dwelling hereby permitted is occupied and shall not be used except for the parking of vehicles in connection with the development hereby approved.

**Reason:** To ensure adequate access is available for each occupier in accord with Policy T7 and H2 of the Carlisle District Local Plan.

6. Before the commencement of development details of the proposed flood

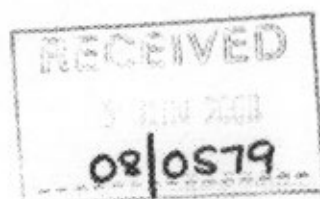
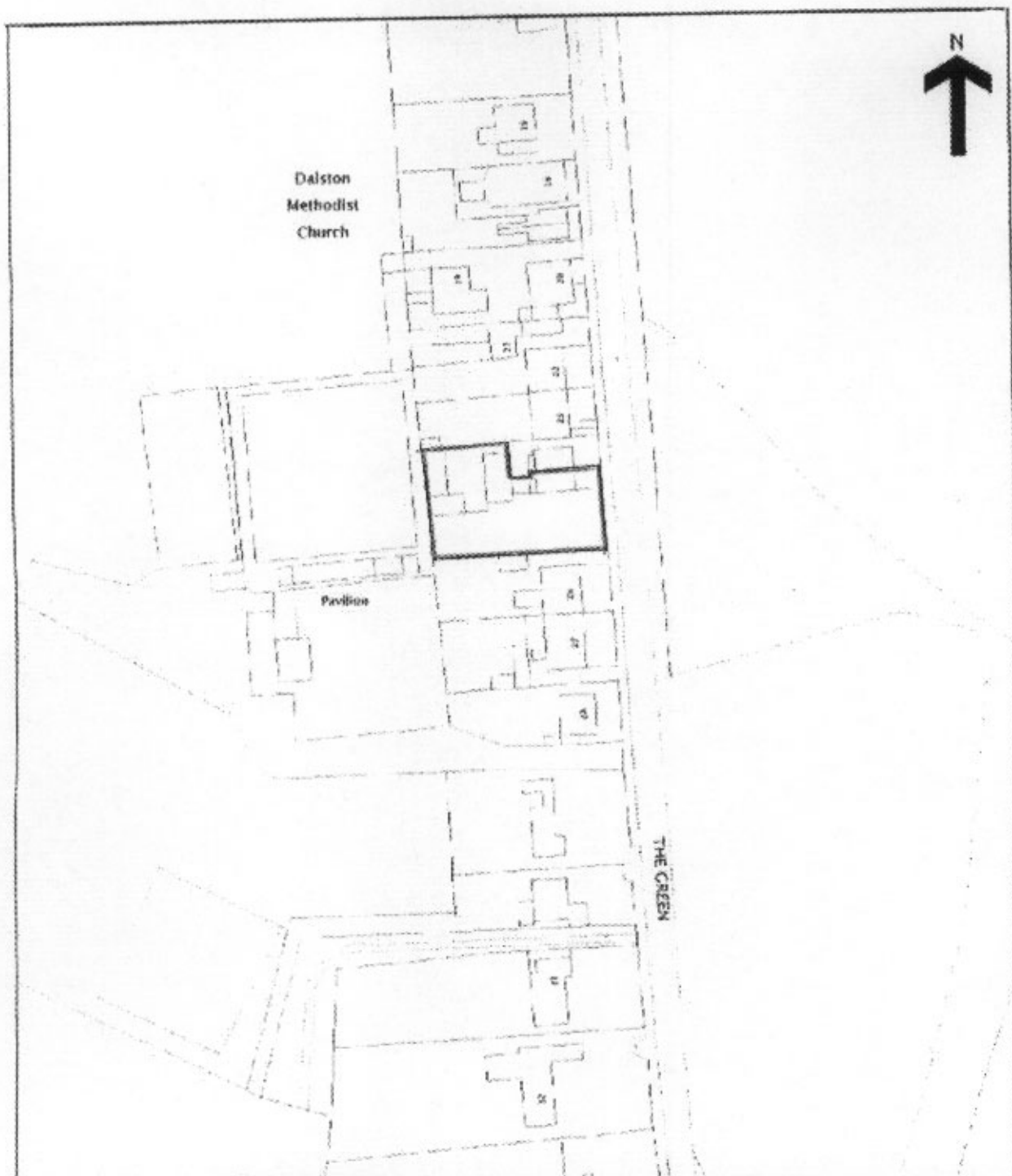
## **SCHEDULE A: Applications with Recommendation**

08/0579

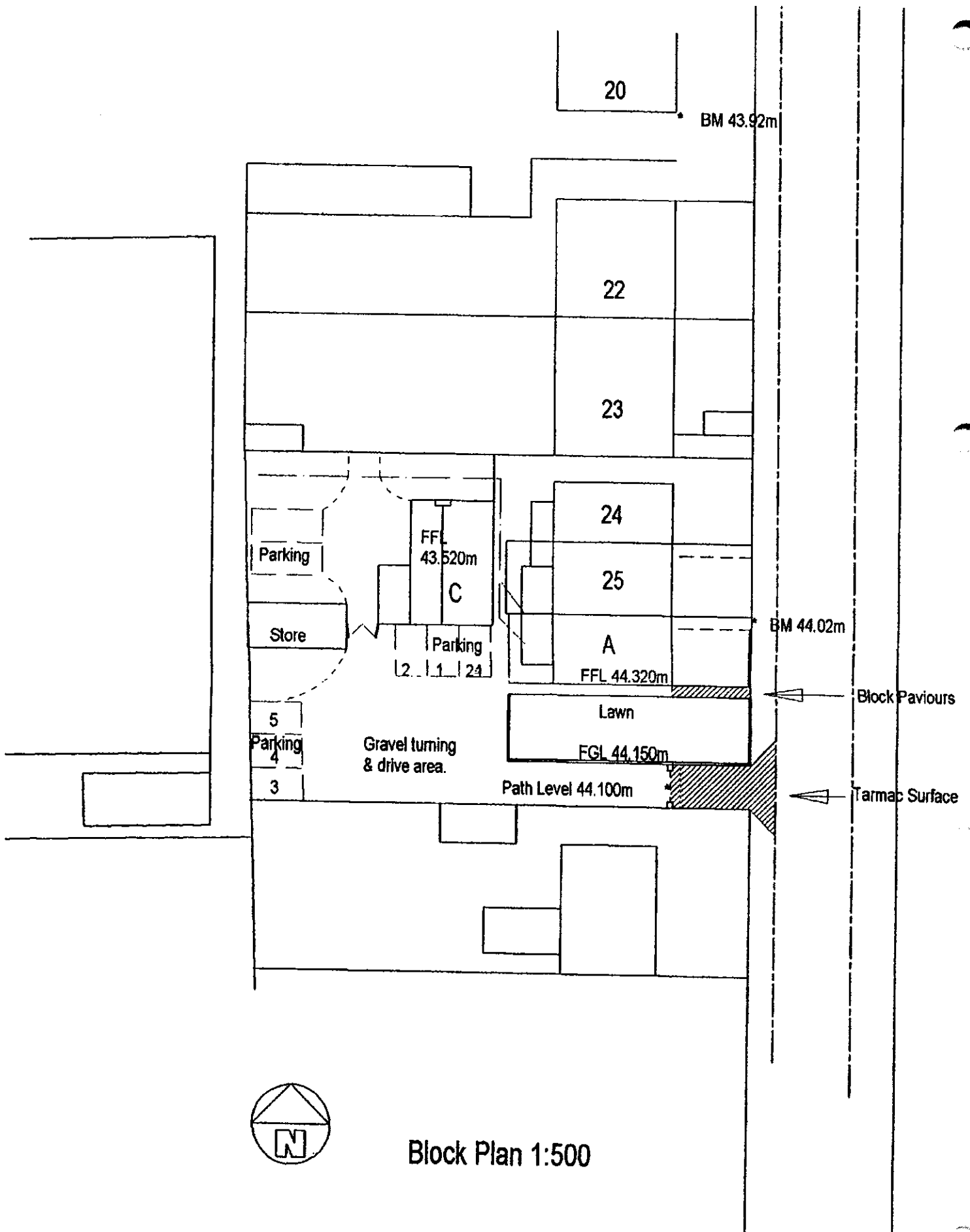
barrier shall be submitted to and aproved in writing by the local planning authority.

**Reason:** For the avoidance of doubt.

---



SCALE 1:1250  
02-030608-LP





RECEIVED

08/05/19

**DESIGN AND ACCESS STATEMENT****25 The Green, Dalston, Carlisle**

We have considered this site in conjunction with current LA policies, Environmental Agency Flood Risk Assessments and Local Dalston Village Housing Needs Survey.

We consider this site to be a whinfall site within the Dalston area and therefore in compliance with Policy H1 Location of New Housing Development that is in the area of small scale development located in accordance with Policy CD1 points Nos. 1 to 7 that identified Dalston as one of the settlements that can be judged against the above criteria.

In relation to this proposal we have carried out a survey of currently approved applications for either new development or conversion in the Dalston area and found that there are few developments actually in Dalston Village that have current Planning approval, hence the need identified in the Dalston Housing Needs Survey for residential facilities. We are providing a conversion to the rear courtyard which previously had been domestic use, now brought up to present day standards that will not affect any other facility in the area. This therefore retains a building that has its own identity within the village structure providing more domestic facilities. These changes are all within the Flood Zone 2 mapping area <sup>which</sup> have been extensively researched <sup>as to what is</sup> required for this type of development – please see 'Flood Risk Assessment' data. This has now been identified as adequately addressing the main area of concern "ref letter 19 May 2008 No./2008/101037/01-L01. Policy CP20 Undeveloped Land in Floodplains identifies 1 to 7 criteria, these have been addressed.

Flood Risk Matrix have been followed: -

- Development and flood risk: When to consult Environment Agency
- Householder and other minor extensions

- Evidence for applying the flood risk Sequential Test to Planning Applications

Table D.1: Flood Zones

Table D.2: Flood Risk Vulnerability Classification

The proposed application is formulated through the need to up-date existing accommodation at number 25 The Green, Dalston together with the need to maintain the character of existing buildings that are currently to the rear of the proposed site. These have in the past been used for domestic accommodation but recently have been used for storage and builder's yard.

The design and use of this site and property have been considered fully with representatives of the local Planning Department together with our clear understanding that this development is in an area of significant importance to the local area. It is within a conservation area that has some very prominent buildings fronting onto the area of The Green.

We have also taken into account the way in which some of the current back courtyard development, that exists along other parts of the road, have been simulated by providing an enclosed private rear courtyard facility. This also allows us to retain the character and shape of existing structures.

The character of existing buildings either side have been particularly incorporated through the height of the building, shape of windows and the material facings to the elevations.

## **SITE ANALYSIS**

This development will improve the standard of accommodation at No. 25 The Green through adjusting the internal arrangements and provide a degree of sound proofing to

the adjacent building which was a previous concern to the neighbour. The other concerns to the neighbour have also been addressed through providing a parking space to the rear 'for No. 24 specifically' and an access path down the side of the extension to allow direct contact to the front area as existing. The over shadowing by providing a pitched roof over the existing flat roof will not be any worse than the existing flat roof.

Major features of the existing site will be retained through the detailing to front windows and door openings that are reflected in adjacent buildings. These will be supported with sandstone finishes to the front elevations, jambs, cills and heads that match the existing windows adjacent. We have considered the site constraints of adjacent buildings by providing the access to the site parallel to No. 26 The Green which will maintain a wide open visual path separation between structures. This will also take into account the impact of new development to the existing windows on the gable side of No. 26. These we understand are not the principal windows serving the rooms affected. We have designed the new building to have sufficient distance between not to impact on these. We have also provided the gable end to be rendered to match existing gable at No. 25 so that the visual impact of this gable from the road and driveway will have the same aspect as at present. We will also provide obscure glazing to the non habitable windows facing No. 26.

The provision of low level garden and footway access walls will match those adjacent with gates and posts of cast iron construction. It is intended to retain all the sandstone walls surrounding the site with minimal repair and pointing where necessary.

### **DESIGN PRINCIPALS**

The aim of the scheme is to provide 1 no. new unit that is cost effective to develop but will also provide smaller affordable domestic accommodation. 2/3 bedroom facilities that will encourage first time buyers to this popular area with a design based upon three levels with the main living space at first floor allowing views to the front over the wide open green area.



All design principals used are significant features that exist within adjacent buildings which we believe create desirable image within this conservation area.

Access to the site will allow off street parking for 6 no. vehicles related to No. 25 and Unit A extension with 1 no. for No. 24. The conversion property will have its own provision for 2 no. vehicles all inside its closure.

Conversion/alterations of the existing rear buildings use the existing structures in the main with a small extension used to form a family room, kitchen which will be built with similar materials to the existing with slate roofs. Features that are considered within these buildings are provision in the garden room/store for the wildlife population i.e. birds etc.

Security of the site is primarily through maintaining the existing stone wall surround, which in part is 2.0M high therefore restricting access from others.

The front entrance will have a timber lockable gate with key access to residents and guest situated at some 8M into the site allowing unobstructed off road parking prior to entry.

All other access links are provided by public transport, pedestrian footways, cycle access, vehicle parking have been catered for.

We feel that the current proposal has taken into account criteria contained in Policy documents and local Environmental needs and believe the impact will maintain the visual attraction of this conservation area.

## SCHEDULE A: Applications with Recommendation

08/0584

---

**Item No: 08**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0584

**Applicant:**  
Mr Alan Dinning

**Parish:**  
Dalston

**Date of Receipt:**  
13/06/2008

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**  
Dalston

**Location:**

Cottage & Barn, Rear No. 25 The Green, Dalston,  
Carlisle, Cumbria, CA5 JQH

**Grid Reference:**

336871 549654

**Proposal:** Conversion Of Existing Cottage to 3no Bed Dwelling (Revised  
Application)

**Amendment:**

---

**REPORT**

**Case Officer:** Angus Hutchinson

**Reason for Determination by Committee:**

A neighbouring resident has expressed a desire to exercise their Right to Speak.

**1. Constraints and Planning Policies**

**Flood Risk Zone**

**Conservation Area**

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

**Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. Pol H1-Location of New Housing Development**

**Rev Redeposit Pl. Pol H3 - Residential Density**

**Rev Redeposit Pl. Pol H4 - Res.Dev.Prev.Dev.Land & Phasing**

**Rev Redeposit Pl. Pol H9 - Backland Development**

**Rev Redeposit Pl. Pol LE20 - Conservation Areas**

**Rev Redeposit Pl. Pol LE28 - Developed Land In Floodplains**

**Rev Redeposit Pl. Pol T1 - Parking Guidelines**

## **2. Summary of Consultation Responses**

**Dalston Parish Council:** comments awaited;

**Environment Agency (N Area (+ Waste Disp)):** EA has no comments to make as the proposal falls outside the scope of referrals they would wish to receive. The proposed development falls into a grey cell on the Flood Risk Matrix i.e. Householder development within Flood Zone 2 and therefore requires a standard response from the City Council;

**Community Services - Drainage Engineer:** comments awaited;

**United Utilities (former Norweb & NWWA):** comments awaited;

**Cumbria County Council - (Archaeological Services):** comments awaited;

**Development Services Planning & Housing Services - Access Officer:** no wish to make any comments on this application;

**Development Services Planning & Housing Services - Local Plans:** this application is for the conversion of the existing building ('Cottage'), currently used as storage, into a dwelling house. The Local Plan to which this response refers to is the Revised Redeposit Local Plan (as amended by the Inspectors Report April 2008).

The proposed conversion is in a sustainable location as it lies within the village settlement boundary of Dalston, as identified by policies DP1 and H1. As the development lies within Dalston Conservation Area due attention must be given to the design and materials to enhance the character of the area in line with Policy LE20. This application does not raise any issues with regard to policy CP5 Residential Amenity as the scale is appropriate, the design is sympathetic and converting this building back to residential use is appropriate for this residential area.

The proposed development is in Flood Zone 2 as identified by the Environment Agencies Flood Zone Maps (please note that the Councils Strategic Flood Risk Assessment identifies the site as Flood Zone 3(a), however the EA data is more up to date). As this application is for a change of use, the sequential test does not need to be applied (as per para D15 PPS25).

As this application is for a more vulnerable use in Flood Zone 2, it must also be

## SCHEDULE A: Applications with Recommendation

08/0584

accompanied by a FRA (table D1 PPS25). This is also required to meet policy LE28. The Design & Access Statement refers to a letter from the EA, dated 18<sup>th</sup> May, stating that the FRA is adequate. However this letter is found on the related file 08/0579 and is in reference to that (related) application. The letter does not mention the proposed conversion, therefore the Environment Agency must be consulted on the FRA for this application in its own right.

In terms of policy LE28, the FRA submitted covers most of the criteria but requires a few points confirming, namely criterion:

2) The FRA states that a flood barrier will be fitted to the external door. Whilst this is a reasonable means of providing flood protection, no indication of the type of barrier or mountings on the exterior wall of the premises are shown on the plans. The FRA also states that the flood barrier will be linked to the flood alert system within the *new unit*. I am unsure whether there is a typing error or a matter overlooked as this FRA covers two applications, however this proposed conversion, being independent of the related application 08/0579, should have its own flood alert system.

5) The FRA is confusing as to what the finished floor level of the conversion will be, heightened floor levels would help to keep the occupants safe and mitigate the effects of flooding, therefore this needs to be confirmed.

The principal of converting this building back to residential is acceptable and this application does not require the sequential test of PPS25. The submitted FRA should go into a little more detail in places, specific to this application, to ensure safe future occupancy;

**Development Services Planning & Housing Services - Local Plans (Trees):**  
comments awaited;

**Development Services Planning & Housing Services - Conservation Section:**  
comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 24 The Green	16/06/08	
[REDACTED] 26 The Green	16/06/08	
[REDACTED] Dalston Bowling Green	16/06/08	
[REDACTED] 9 Finkle Street	16/06/08	
[REDACTED]	16/06/08	

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to two neighbouring properties. In response a

## **SCHEDULE A: Applications with Recommendation**

08/0584

neighbouring resident has verbally confirmed an intention to object and desire to exercise a Right to Speak.

### **4. Planning History**

- 4.1 In June and August of last year, under application reference numbers 07/0867 and 07/0868 planning permission was applied for a third floor extension; the erection of a three storey house and conversion of cottage/barn to a house. The aforementioned applications were withdrawn prior to determination.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 25 The Green is approximately 0.5km south of the centre of Dalston. The proposed plot is bordered by 26 The Green to the south; Dalston Bowling Club to the west; and, open fields on the opposite side of the road to the east. The site has a total area of approximately 750 square metres and falls within the Dalston Conservation Area.

#### **Background**

- 5.2 This application and the previous item, reference no. 08/0579, seek planning permission to erect an end of terrace house and convert a former cottage/barn to the rear of 25 the Green to provide a two storey detached house.
- 5.3 The proposed conversion will provide a lounge, kitchen, W.C. and utility room to the ground floor and three bedrooms and a bathroom to the first floor. While the proposal will largely make use of the existing fabric of the building, a single storey stone/rendered extension of 4.3m x 2.5m is proposed for the rear. The intention is to also retain the existing outbuilding to provide a garden store with parking part of an enclosed courtyard.

#### **Assessment**

- 5.4 When considering this application it is considered that the policies of particular relevance are CP4, CP5, H1, H3, H9, LE20, LE28 and T1 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit) (as amended by the Inspector's Report April 2008). The relevant Ministerial advice is contained in PPS 3 "Housing", PPG 7 "The Countryside - Environmental Quality and Economic and Social Development", PPG 13 "Transport", PPG 15 "Planning and the Historic Environment", PPS 25 "Development and Flood Risk", and, Circular 04/2006. As such the main issues are held to be whether the advantages outweigh the disadvantages with regard to: i) the impact on

## SCHEDULE A: Applications with Recommendation

08/0584

the character of Dalston Conservation Area; ii) the impact on living conditions of neighbouring residents; iii) highway safety; and, iv) the risk of flooding.

- 5.5 In relation to i) it is considered that the proposal represents a sympathetic conversion which involves the re-use of a traditional building associated with the historic character of this part of Dalston Conservation Area.
- 5.6 The main residents to be affected by this proposal are considered to be the occupiers of the neighbouring properties at 24 and 26 The Green.
- 5.7 In the case of 24 The Green, the submitted plans show the insertion of two conservation type Velux rooflights in the eastern elevation which would serve a bathroom, en-suite and the staircase. The bottom of the proposed rooflights are approximately 1.9 metres above the proposed floor level of the bathroom and en-suite and follow the plane of the roof. The proposed eaves and ridge heights of the existing building are not shown to be altered. On this basis it is considered that the proposal will not harm the living conditions of the occupiers of 24 The Green in terms of overshadowing or losses in privacy.
- 5.8 In regard to 26 The Green, the gable end of the proposed house is shown to be at right angles and nearly 14 metres from the boundary wall of 26 The Green. On this basis, and the existing use of 25 The Green as a dwelling, it is considered that the proposal will neither lead to additional problems associated with direct overlooking nor losses in light.
- 5.9 It is appreciated that the proposal has the potential to lead to additional disturbance from traffic as well as any ancillary use of the drive area by occupiers of the proposed developments. However, this is considered to be of such a scale (whether assessed individually or cumulatively with application 08/0579) that would not merit the refusal of permission. Anecdotal evidence has indicated that the previous use of the building(s) was a builder's yard.
- 5.10 When considering highway safety, PPG 13 "Transport" states that parking policies should be used alongside other planning and transport measures to promote sustainable transport choices and reduce reliance on the car for work and other journeys. Paragraphs 49-56 of PPG13 explains that...." **the availability of car parking has a major influence on the means of transport people choose for their journeys...Reducing the amount of parking in new development (and in the expansion and change of use in existing development) is essential, as part of a package of planning and transport measures, to promote sustainable travel choices. At the same time, the amount of good quality cycle parking in developments should be increased to promote more cycle use.**

**In developing and implementing policies on parking, local authorities should: 1) ensure that, as part of a package of planning and transport measures, levels of parking provided in association with development will promote sustainable transport choices; 2) not require developers to**

provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety...; 3) encourage the shared use of parking...; 4) take care not to create perverse incentives for development to locate away from town centres....; 7) require convenient safe and secure cycle parking in development at least at levels consistent with the cycle strategy in the local transport plan; and 8) consider appropriate provision for motorcycle parking."

5.11 In such a context when the overall emphasis is on reducing the growth in the length and number of motorised journeys and encourage alternative means of travel which have less environmental impact (hence reduce reliance on the private car), it is considered that the proposed provision of off-street parking is acceptable.

5.12 Finally, with regard to flood risk, it is a material consideration clearly identified in paragraph 31 of the PPG 3 determining the allocation and release of sites for new housing. PPG 3 also requires priority to be given to re-using previously developed land within urban areas, bringing empty homes back into use and converting existing buildings in preference to the development of green-field sites.

5.13 PPS 25 emphasises that authorities apply a sequential test that matches types of development to degrees of flood risk. Paragraph D1 of PPS 25 explains that the Sequential Test should be applied at all stages of planning - its aim is to steer new development to areas at the lowest probability of flooding (Zone 1). Paragraph D5 goes on to say that:

**"Where there are no reasonably available sites in Flood Zone 1, decision-makers..determining applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required."**

5.14 When looking at the availability of alternative sites, the latest figures from the 1st April 2008 indicate for the rural area of the District there are 483 units with permission i.e. representing a 7.4 years supply based on the provisions of the Structure Plan (65 units per annum) and 5.3 years supply when compared against the requirements of the draft Regional Spatial Strategy (90 units per annum). For Dalston Parish, there are 28 dwelling units outstanding with planning permission of which only two are within the settlement boundary which is a Local Service Centre. This is also within the historical context where a significant percentage of Dalston is located within Flood Zone 2.

5.15 Table D.1 of PPS 25 explains that appropriate uses within Zone 2 fall within the "less vulnerable" and "more vulnerable" uses. The more vulnerable uses include buildings used for dwelling houses. In effect the proposal is an acceptable use within Zone 2. It is also noted that the "Exception Test" stipulated in paragraph D9 includes development on "developable previously developed land".

### Conclusion

- 5.16 It is evident that there are alternative sites within the District and Dalston which fall within Flood Zone 1. However, the current options for Dalston are limited. It is, nevertheless, also considered that the proposal involves the sympathetic re-use of a traditional building within Dalston Conservation Area; allows the more effective use of a brownfield site within a designated Local Service Centre; involves a use which is compatible for Flood Zone 2; will not exacerbate flooding elsewhere; can take account of any flood risk based on the predicted 1:100 year model; and, involves a scheme which is not held to be detrimental to the living conditions of the neighbouring residents to such an extent as to merit the refusal of permission. On the basis that no substantive objections are received from interested parties in the intervening period, the proposal will be recommended for approval.

### 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 any conflict was to be alleged 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



## SCHEDULE A: Applications with Recommendation

08/0584

and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions to the dwelling hereby permitted shall be carried out without the permission of the local planning authority.

**Reason:** The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting.

3. 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, rooflights and/or dormer windows shall be inserted in the dwelling hereby permitted 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 Policy H14 of the Carlisle District Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the proposed Velux rooflights on the eastern elevation of the dwelling hereby permitted shall be obscurely glazed to a minimum of factor 3 prior to occupation and thereafter retained as such.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies H2 and H16 of the Carlisle District Local Plan.

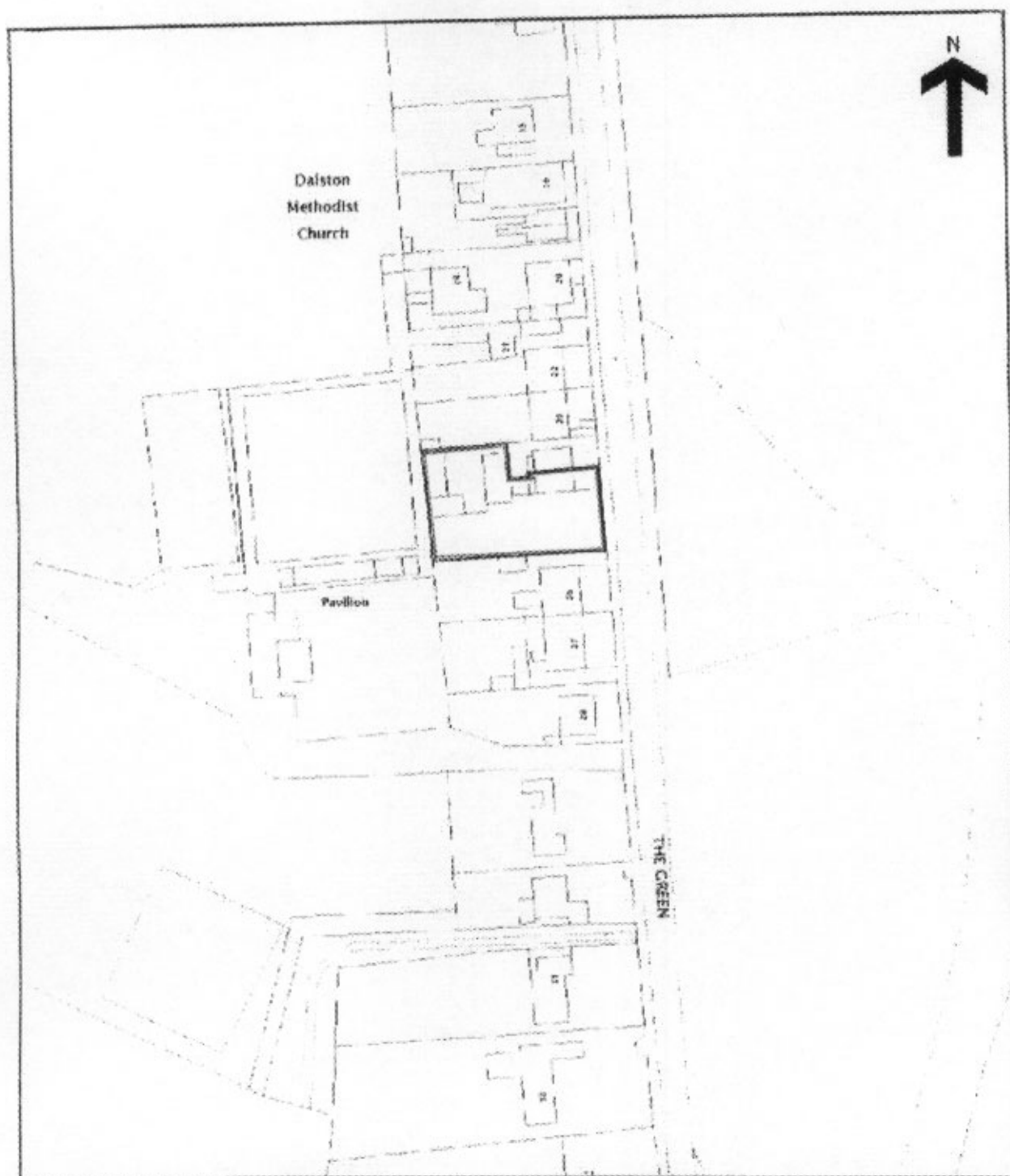
5. The parking area shall be constructed in accordance with the approved plans before the dwelling hereby permitted is occupied and shall not be used except for the parking of vehicles in connection with the development hereby approved.

**Reason:** To ensure adequate access is available for each occupier in accord with Policy T7 and H2 of the Carlisle District Local Plan.

6. Before the commencement of development details of the proposed flood barrier shall be submitted to and approved in writing by the local planning authority.

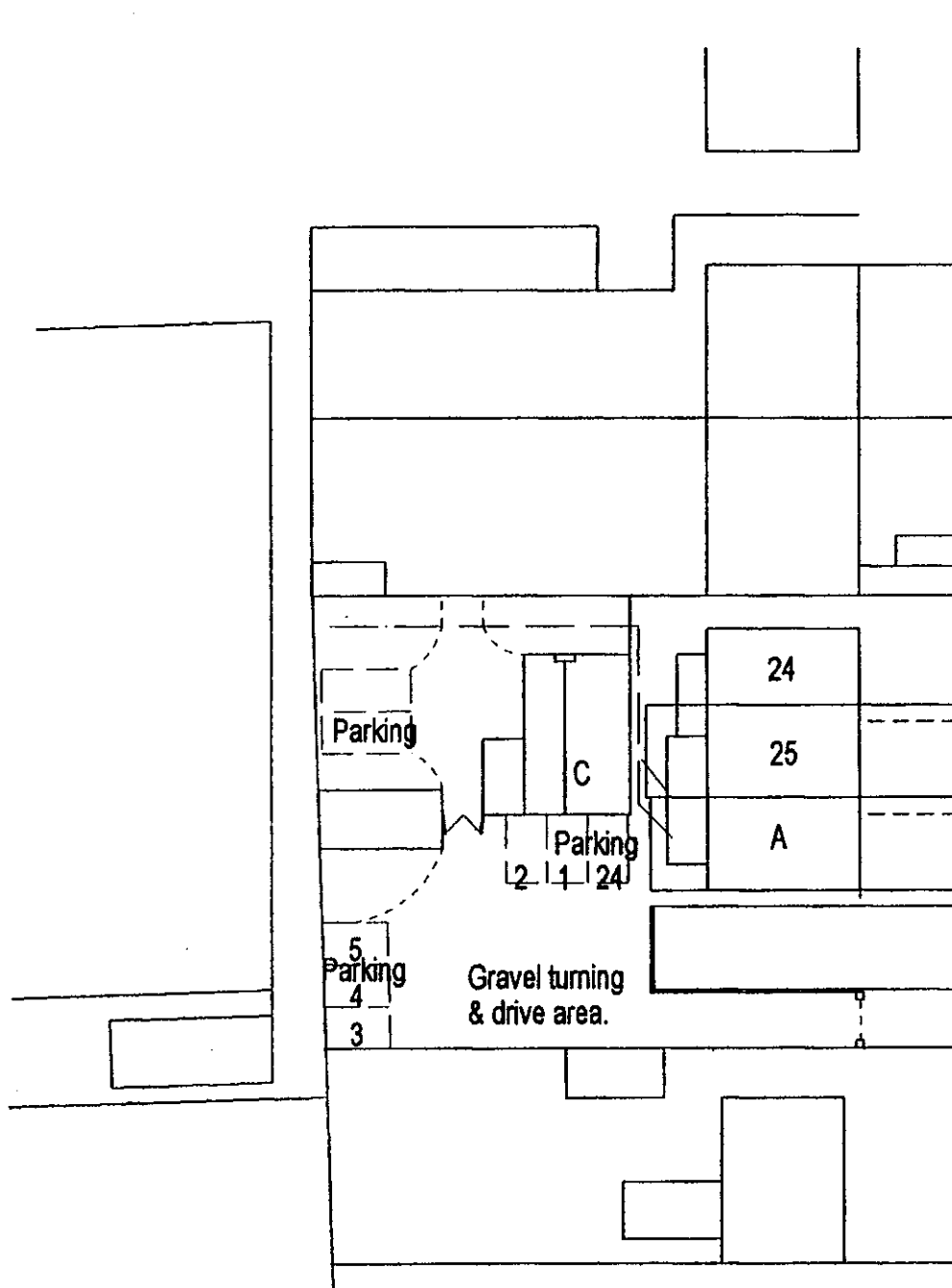
**Reason:** For the avoidance of doubt.

---

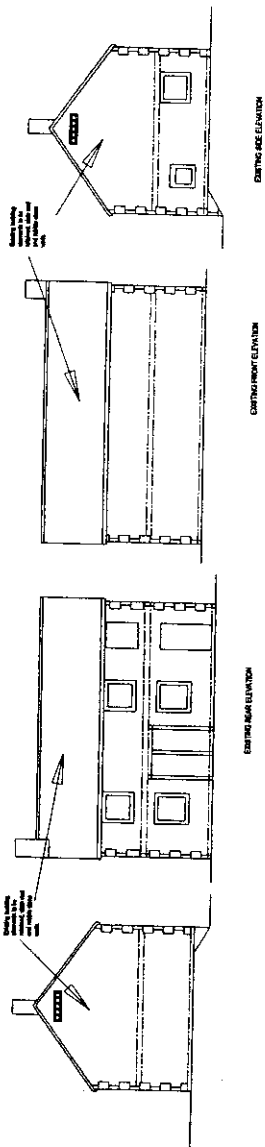
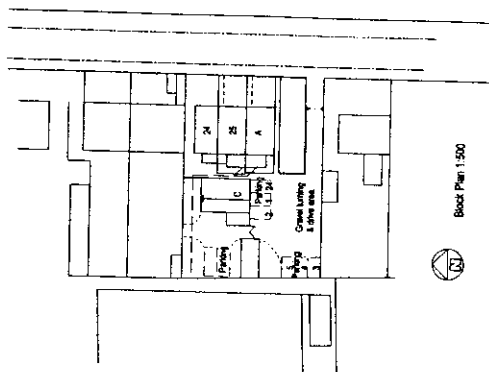


RECEIVED  
- 5 JUN 2013  
08/0584

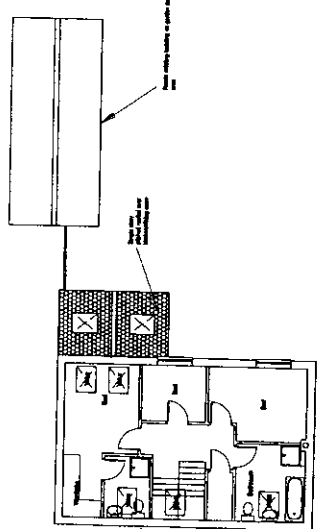
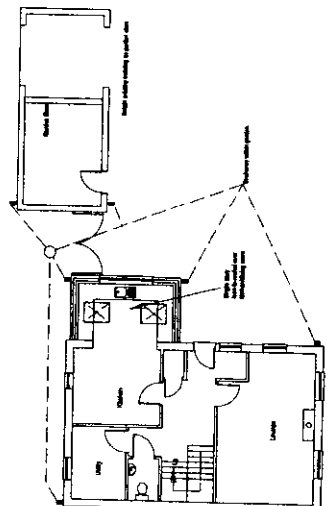
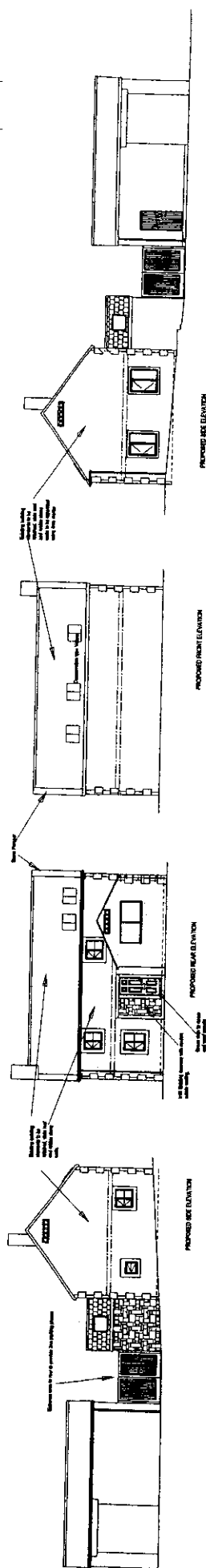
SCALE 1:1250  
02-030608-LP



Block Plan 1:500



Existing to include the front porch and the existing rear porch to be removed and replaced with a new porch. The existing rear porch is to be removed and replaced with a new porch. The existing rear porch is to be removed and replaced with a new porch.



PROPOSED  
08/05/86

**HOGG & ROBINSON BUILDERS LTD.**  
**DESIGN SERVICES**

PROPOSED TO CONSTRUCT A NEW 1000 SQ. M. BUILDING FOR THE USE OF A RETAIL STORE.

DATE: 1986/05/08

SCALE: 1:100

PROJECT: 08/05/86

CLIENT: HOGG & ROBINSON BUILDERS LTD.

DESIGNER: HOGG & ROBINSON BUILDERS LTD.

LOCATION: 1000 SQ. M. BUILDING FOR THE USE OF A RETAIL STORE.

## SCHEDULE A: Applications with Recommendation

08/0422

---

**Item No: 09**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0422

**Applicant:**  
A & S Developments

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
25/04/2008 07:30:54

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Stanwix Rural

**Location:**  
Land To The Rear Of 42 The Green, Carlisle, CA3  
0LA

**Grid Reference:**  
340926 559183

**Proposal:** Erection Of 3no. Bungalows With Intergrated Garages (Revised  
Application)

**Amendment:**

1. Alterations to the roof design of the bungalow to be positioned on Plot A and internal alterations to the layout of the bungalows on Plots B and C.
2. Omission of the kitchen window in the south west elevation of the bungalow on Plot A.

---

**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**

**District E19 - Landscaping New Dev.**

**District H2 - Primary Residential Areas**

**District H16 - Design Considerations**

**District T7 - Parking Guidelines**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

## SCHEDULE A: Applications with Recommendation

08/0422

Rev Redeposit Pl. Pol H1-Location of New Housing Development

Rev Redeposit Pl. Pol T1 - Parking Guidelines

### 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** no objections subject to the imposition of six planning conditions relating to highway matters;

**Stanwix Rural Parish Council:** object to the development on the following grounds;

- Although the proposal will reduce overdominance in respect of neighbouring properties it is not in keeping with the previously developed parts of the site;
- The increased density will result in the overcrowding of this cramped site; and
- The increase in dwellings will prejudice road safety by increasing vehicle movements, whilst reducing manoeuvring areas;

**Environment Agency (N Area (+ Waste Disp)):** awaiting comments;

**Community Services - Drainage Engineer:** awaiting comments;

**United Utilities (former Norweb & NWWA):** awaiting comments;

**Development Services Planning & Housing Services - Local Plans:** awaiting comments;

**National Grid UK Transmission:** awaiting comments;

**Development Services Planning & Housing Services - Local Plans (Trees):** has requested that a tree survey is submitted in accordance with British Standard 5837: 2005.

Once this information is received an informed decision can be made regarding the trees on the site and, if necessary, an agreement reached regarding the provision of tree protection barriers.

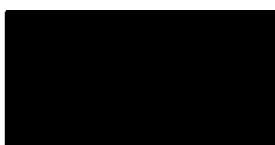
### 3. Summary of Representations

#### Representations Received

Initial:

Consulted:

Reply Type:



39 The Green  
40 The Green  
41 The Green  
160 Houghton Road

02/05/08  
02/05/08  
02/05/08  
02/05/08

Undelivered

## SCHEDULE A: Applications with Recommendation

08/0422

	162 Houghton Road	02/05/08
	14 Beech Grove	02/05/08
	15 Beech Grove	02/05/08
	16 Beech Grove	02/05/08
	61 Tribune Drive	02/05/08
	63 Tribune Drive	02/05/08

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

### **4. Planning History**

- 4.1 In 1996 outline planning permission was sought for the erection of a dwelling. The application was withdrawn prior to determination (Application 96/0313).
- 4.2 In 1996 outline planning permission was granted for the erection of a dwelling and the formation of a vehicular access from Beech Grove (Application 96/0710).
- 4.3 In 1999 the renewal of a previous outline consent was granted for the erection of a dwelling (Application 99/0358).
- 4.4 In 2006 outline planning permission was granted for the erection of a three dwellings within the rear garden area of The Beeches (Application 06/1115).
- 4.5 In 2007 reserved matters approval was granted pursuant to the above outline consent (Application 07/0351).
- 4.6 In 2007 full planning permission was granted for the erection of a fourth dwelling (Application 07/0353).
- 4.7 In 2008 full planning permission was granted for a revision to application 07/0353 to include an annex (Application 08/0285).

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 This application seeks full planning permission for the erection of three detached bungalows on land to the rear of 42 The Green, which is situated off Houghton Road, close to the centre of Houghton, and about 25 metres north of the village green. The application site is situated within part of the former garden of No.42, which is a substantial two storey property of traditional construction, finished in facing brick with a slate roof, incorporating traditional features such as stone quoins and window surrounds. The site is identified

## **SCHEDULE A: Applications with Recommendation**

08/0422

within the adopted and emerging Carlisle District Local Plan as being within a Local Service Centre and a Primary Residential Area.

- 5.2 The surroundings to the application site are wholly residential with the exception of Houghton School located beyond the southern boundary. To the east of the site lie two dormer bungalows that occupy the head of the cul de sac of Beech Grove. To the south lies a bungalow, No. 61 Tribune Drive. To the west lies another bungalow, No. 162 Houghton Road and the 'host' dwelling No. 42 The Green. To the north of the application site is a recently constructed two storey dwelling and a bungalow that share the same access as the dwellings hereby proposed. Excluding No. 42 The Green, the surrounding properties, which are of modern construction, are predominantly single storey/one or a half storey in height.

### **Background**

- 5.3 In 2006 outline planning permission was granted by the Development Control Committee for the erection of a bungalow and two dormer bungalows. Following the approval of a Reserved Matters application the bungalow has been built; however, due to concerns over the current housing market the applicants now seek to erect three bungalows on the land that has planning permission to be occupied by the two dormer bungalows.

### **The Proposal**

- 5.4 It is proposed to erect three modestly proportioned bungalows with integral garages on similarly sized plots. Plot A, which is the largest of the three plots would accommodate a three bedroom bungalow, whereas the remaining two smaller plots would accommodate two identical two bedroom bungalows. The dwellings, which are proportionate to the size of the individual plots, are to be finished in a combination of facing brick and natural stone with slate roofs.
- 5.5 Vehicular and pedestrian access to the site would be by means of a private access road that has been formed between No.42 The Green and the neighbouring property, Spring Grove, as part of the previously agreed scheme. Each dwelling has parking provision for two vehicles on the driveway with further provision within the proposed garages. Two visitor car parking spaces are also available within this cul de sac development.
- 5.6 The existing boundary treatment, which incorporates a mixture of fencing and hedging, is to be retained. Substantial parts of this former well landscaped garden have been removed to facilitate implementation of the approved 'Reserved Matters' application; however, the applicants have retained several semi-mature trees around the periphery of the site which would be incorporated within the new landscaping scheme.
- 5.7 As agreed as part of the approved scheme to redevelop this site, a new wall has been erected to the rear of No.42 The Green, to form a walled garden that provides private amenity space to serve that property, which is to be retained in residential use. Pedestrian and vehicular access to No.42 The



Green will remain as existing and would be unaffected by this current application.

### Assessment

- 5.9 The relevant planning policies against which the application is required to be assessed are Policies E19, H2, H16, H17 and T7 of the Carlisle District Local Plan and Policies DP1, CP4, CP5, CP9, H1 and T1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report.
- 5.10 The proposals raise the following planning issues:
1. Principle of Development
- 5.11 The application site lies within the settlement boundary of Houghton, which is identified as a Local Service Centre by Policy H1 of the emerging Local Plan. The principle of residential development is therefore acceptable, subject to compliance with the criteria identified in Policy H1 of the Revised Redeposit Draft and the other relevant policies contained within the adopted and emerging Local Plan.
- 5.13 In respect of this particular site, the principle of development for residential purposes has been established by the approval of an outline application and the subsequent 'Reserved Matters' application (Applications 06/1115 and 07/0351 respectively).
2. Scale and Layout of the Development
- 5.14 The proposed dwelling types, which are of a similar scale and height, and the size of the plots within which they are situated, are comparable to the surrounding properties. The site location plan that has been reproduced in the schedule illustrates that the plot sizes are comparable to the neighbouring bungalows at 161 Houghton Road and 61 Tribune Drive. Adequate parking provision and amenity space has also been provided to serve the individual units.
3. The Impact of the Proposal on the Living Conditions of Neighbouring Residents
- 5.15 The proposed house types, which are single storey only, have been chosen and positioned in such a way so as to minimise their impact on the neighbouring properties. The existing landscaping to the site boundaries is to be retained to further soften the visual impact of the development. It will also act as a barrier to ensure that the privacy of neighbouring properties is safeguarded.
- 5.16 Whilst the upper section of the bungalows and the roofs are likely to be visible from neighbouring properties, given that the buildings are single storey in height, it is unlikely that the living conditions of the occupiers of these existing properties would be adversely affected through loss of light or

## SCHEDULE A: Applications with Recommendation

08/0422

overdominance.

### 4. Highway Safety

- 5.17 The Parish Council had expressed concern regarding the access arrangements when outline permission was sought and these concerns have been reiterated in respect of this current application. The proposed vehicular access, which has now been formed, is unchanged from the approved outline application. If Members are minded to approve the application it would result in five dwellings using the access, as opposed to the four approved dwellings which could potentially use it. The Highway Authority does not share the concerns of the Parish Council and has raised no objection on highway grounds. It has recommended that the same highway related planning conditions that were attached to the original outline consent are re-iterated; however, some of these conditions are no longer applicable as the access road has already been formed. In light of the Highway Authority's comments it is the Officers firm view that a refusal on highway related matters could not be substantiated.

### 5. Landscaping

- 5.18 When outline permission was sought the City Council's Landscape Officer commented that although the garden of No. 42 was well stocked with trees and shrubs, a number of which are interesting or unusual for this area, the trees were not worthy of statutory protection by means of a Tree Preservation Order. The trees that are present are relatively small with very limited public visibility, and, as such, there would not be a significant loss of public amenity if these trees were removed.
- 5.19 The majority of the landscaped features that existed have been removed to facilitate the implementation of the 'Reserved Matters' application. Several semi-mature trees have been retained, with a view to incorporating them into the gardens of the proposed dwellings. The Landscape Officer has requested that a survey of these trees is undertaken; however, an appropriately worded condition can ensure that these trees are retained and properly protected during the construction phase should permission be granted.

### 6. Other Matters

- 5.20 Councillor Bainbridge has voiced concern on behalf of local residents that, if the scheme were approved, construction traffic/works would cause undue disturbance to neighbouring residents. It is normally reasoned that such disturbance is an inevitable temporary manifestation of any development project and is not the concern of the planning system unless there would be exceptional harm to amenity. Where this is the case, a planning condition restricting the construction hours could be applied. Whilst there is sympathy for the immediate neighbours, the construction of these dwellings is unlikely to cause exceptional harm to their living conditions of the neighbouring residents and, therefore, in this instance, Members are advised that the imposition of such a condition is not appropriate.

## **SCHEDULE A: Applications with Recommendation**

08/0422

- 5.21 In overall terms, the principle of the development is acceptable. The dwellings can be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or overdominance. Adequate amenity space, in-curtilage parking provision and visitor car parking would be available to serve the dwellings. The access serving the development is capable of accommodating the traffic associated with a further dwelling and the anticipated increase in the level of traffic generated by the proposal would not prejudice highway safety. Sufficient parking and amenity space would also be retained to serve No.42 The Green. In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging 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 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).

## SCHEDULE A: Applications with Recommendation

08/0422

2. The materials to be used shall be in accordance with those details submitted to the Local Planning Authority and discharged under condition 3 of application 06/1115 unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that materials to be used are acceptable and to ensure compliance with Policy CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft 2001-2016, as amended by the Inspector's Report.

3. The hard surface materials to be used shall be in accordance with those details submitted to the Local Planning Authority and discharged under condition 4 of application 06/1115 unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that materials to be used are acceptable and to ensure compliance with Policy CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft 2001-2016, as amended by the Inspector's Report.

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 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 an acceptable landscaping scheme is prepared and to ensure compliance with Policy E19 of the Carlisle District Local Plan.

5. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees and hedges to be retained in accordance with B.S. 5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 50mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policy E19 of the Carlisle District Local Plan.

6. The development shall not commence until visibility splays providing clear

## SCHEDULE A: Applications with Recommendation

08/0422

visibility of 2.4 metres by 25 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.

7. Prior to the access being brought into use a 2.4 metre x 2.4 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

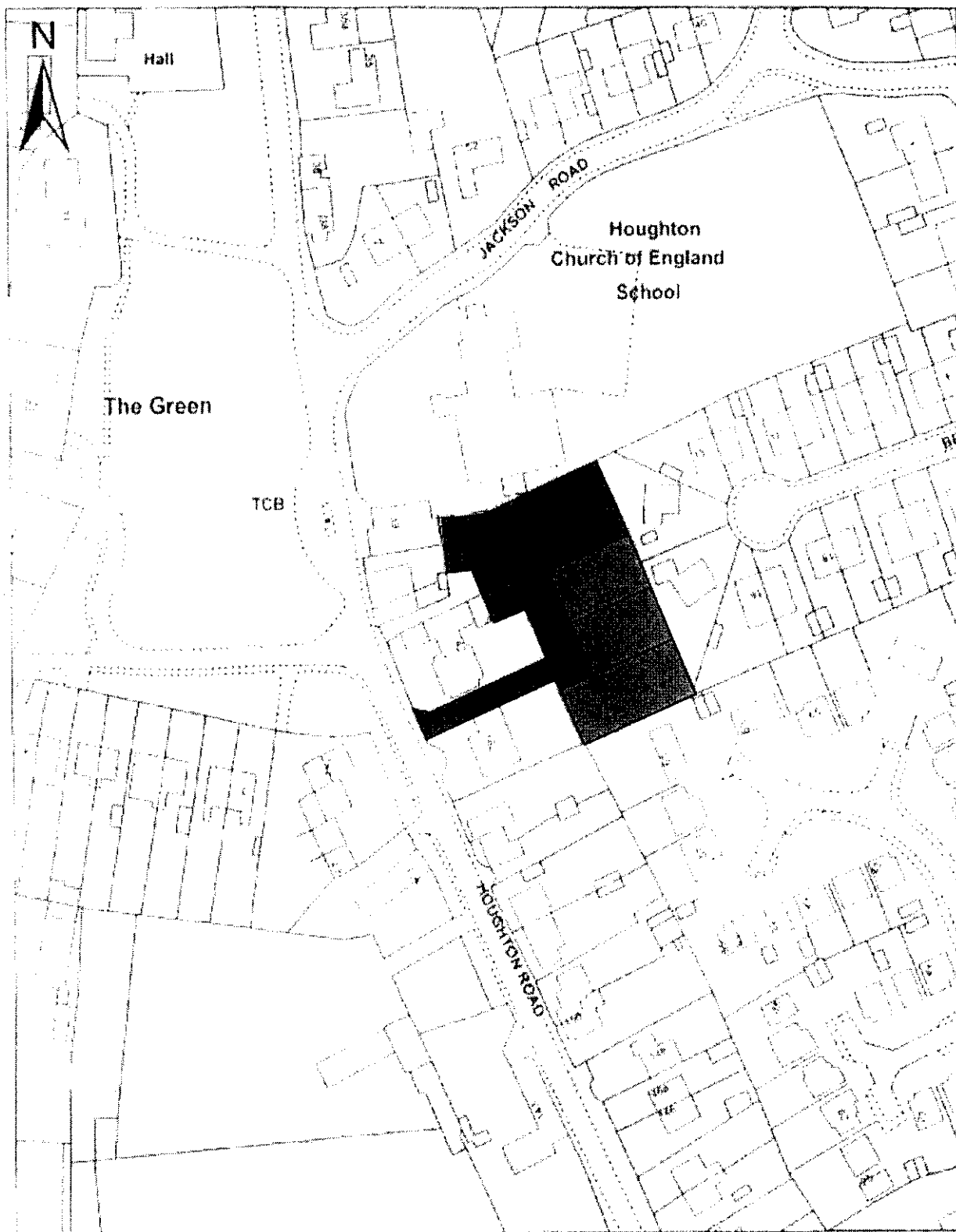
**Reason:** To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway in accordance with Local Transport Policies LD7 and LD8.

8. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for visitors, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

**Reason:** The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Policies S3, LD7, P10 and LD5.

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

**Reason:** The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Policies S3 and LD9.

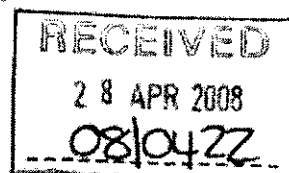


Houghton Road, Houghton

Scale: 1:1,250 Date: 13/06/2006



Civic Centre  
Rickergate  
Carlisle



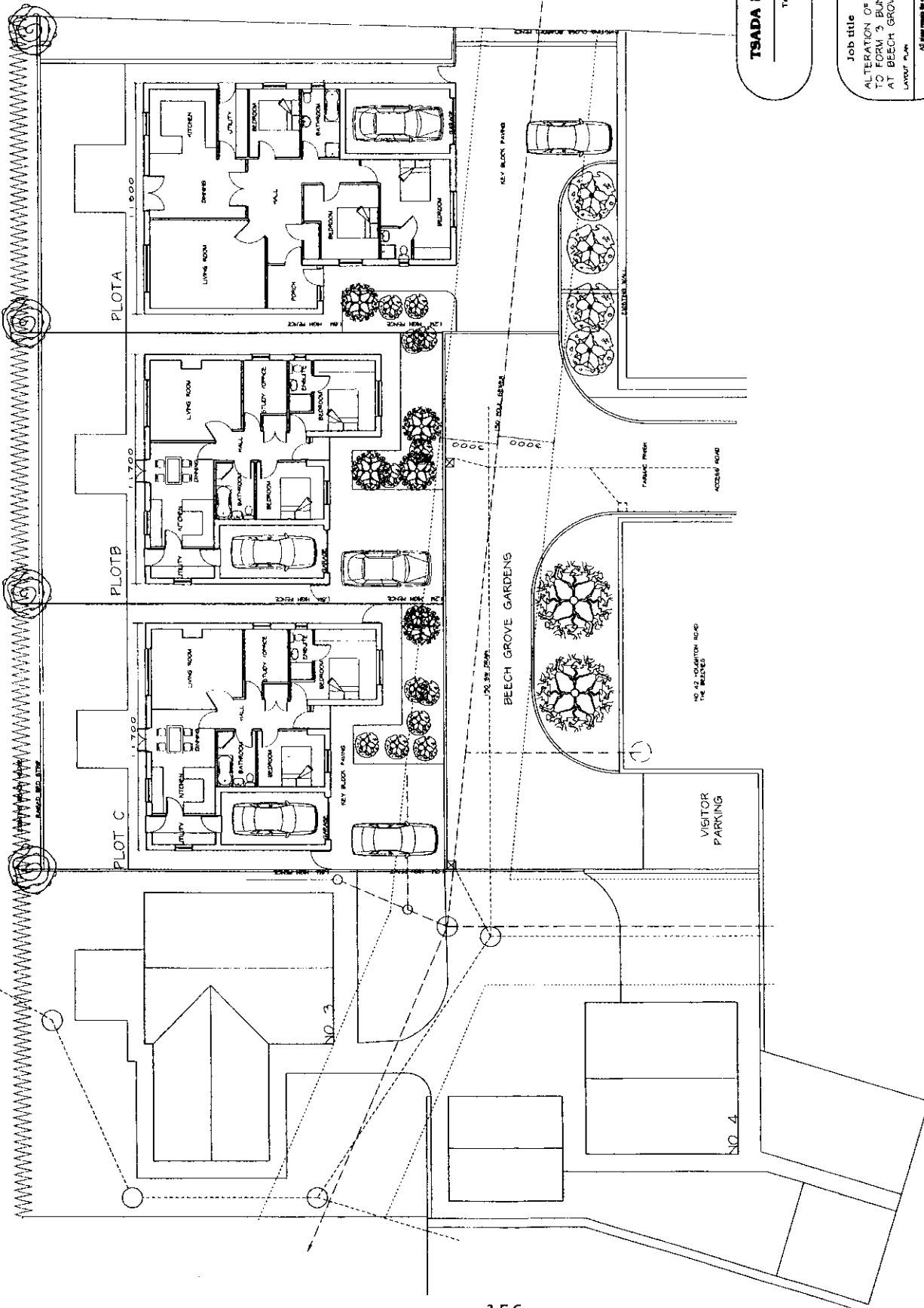
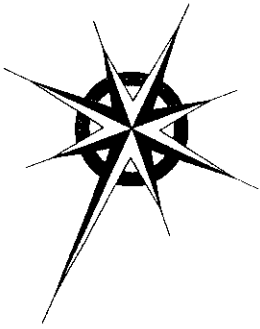
[illegible]

BOOKS BY LUI &  
TUNG TAK +  
RELATION, PAK, etc.

All plans transfer the responsibility of "safe drinking" (proper storage and use) to the consumer of the Company.

All other recommendations would be subject to a critical assessment and be subject to the differentiating marketing strategy, such as timing in the release of work.

BLOCK PLAIN 200



RECEIVED  
20/04/2006

**TSADA BUILDING DESIGN SERVICES**

Tsada Conno, Longtown, Carlisle, Cumbria CA6 5NA  
Telephone: (01228) 791407

**Job title**

ALTERATION OF HOUSE DESIGN TO PLOTS 142  
TO FORM 3 BUNGALOWS PLOTS  
AT BEECH GROVE GARDENS

LAYOUT PLAN

All plans remain the copyright of Tsada Building Design Services and must not be copied, used or reproduced  
without the written permission of Tsada Building Design Services. Any infringement will be reported to the relevant  
authorities.

Drawing by  
W.R. FAULDER

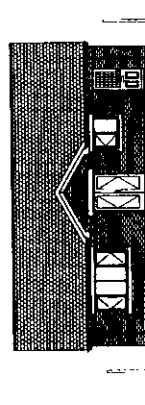
Date  
20/4/2006

Client  
A & S DEVELOPMENTS  
6 DYDES TERRACE  
CARLISLE

Amendments  
1. REVISION 1.00  
2. REVISION 1.01  
3. REVISION 1.02  
4. REVISION 1.03  
5. REVISION 1.04  
6. REVISION 1.05  
7. REVISION 1.06  
8. REVISION 1.07  
9. REVISION 1.08  
10. REVISION 1.09  
11. REVISION 1.10  
12. REVISION 1.11  
13. REVISION 1.12  
14. REVISION 1.13  
15. REVISION 1.14  
16. REVISION 1.15  
17. REVISION 1.16  
18. REVISION 1.17  
19. REVISION 1.18  
20. REVISION 1.19  
21. REVISION 1.20  
22. REVISION 1.21  
23. REVISION 1.22  
24. REVISION 1.23  
25. REVISION 1.24  
26. REVISION 1.25  
27. REVISION 1.26  
28. REVISION 1.27  
29. REVISION 1.28  
30. REVISION 1.29  
31. REVISION 1.30  
32. REVISION 1.31  
33. REVISION 1.32  
34. REVISION 1.33  
35. REVISION 1.34  
36. REVISION 1.35  
37. REVISION 1.36  
38. REVISION 1.37  
39. REVISION 1.38  
40. REVISION 1.39  
41. REVISION 1.40  
42. REVISION 1.41  
43. REVISION 1.42  
44. REVISION 1.43  
45. REVISION 1.44  
46. REVISION 1.45  
47. REVISION 1.46  
48. REVISION 1.47  
49. REVISION 1.48  
50. REVISION 1.49  
51. REVISION 1.50  
52. REVISION 1.51  
53. REVISION 1.52  
54. REVISION 1.53  
55. REVISION 1.54  
56. REVISION 1.55  
57. REVISION 1.56  
58. REVISION 1.57  
59. REVISION 1.58  
60. REVISION 1.59  
61. REVISION 1.60  
62. REVISION 1.61  
63. REVISION 1.62  
64. REVISION 1.63  
65. REVISION 1.64  
66. REVISION 1.65  
67. REVISION 1.66  
68. REVISION 1.67  
69. REVISION 1.68  
70. REVISION 1.69  
71. REVISION 1.70  
72. REVISION 1.71  
73. REVISION 1.72  
74. REVISION 1.73  
75. REVISION 1.74  
76. REVISION 1.75  
77. REVISION 1.76  
78. REVISION 1.77  
79. REVISION 1.78  
80. REVISION 1.79  
81. REVISION 1.80  
82. REVISION 1.81  
83. REVISION 1.82  
84. REVISION 1.83  
85. REVISION 1.84  
86. REVISION 1.85  
87. REVISION 1.86  
88. REVISION 1.87  
89. REVISION 1.88  
90. REVISION 1.89  
91. REVISION 1.90  
92. REVISION 1.91  
93. REVISION 1.92  
94. REVISION 1.93  
95. REVISION 1.94  
96. REVISION 1.95  
97. REVISION 1.96  
98. REVISION 1.97  
99. REVISION 1.98  
100. REVISION 1.99  
101. REVISION 1.100

LAYOUT PLAN 1:100





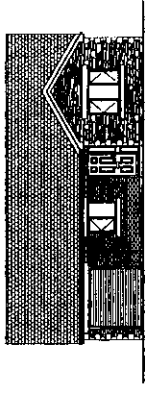
NORTH WEST



NORTH EAST



SOUTH WEST

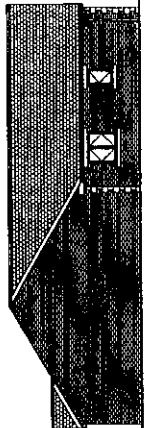


SOUTH EAST

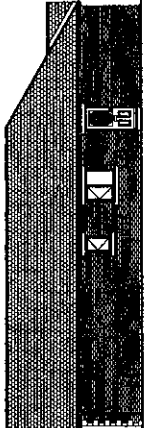
PLOT B & C ELEVATIONS 1:100



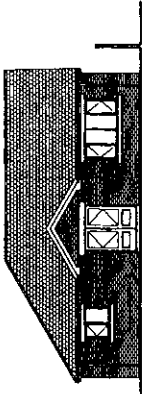
SOUTH EAST



NORTH EAST



SOUTH WEST

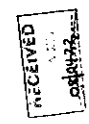


NORTH WEST

PLOT A ELEVATIONS 1:100

EXTERNAL FINISHES

- ROOF GREEN NATURAL SLATE TO MATCH PLOTS 3 & 4 WITH WOODGRAINED BROWN UPVC GUTTERS AND FACIAS
- WALLS- TYRONE CARALLAN CLAY BRICK WITH BUFF STONE CILLS AND LINTOLS TO FRONT ELEVATION AND BRICK ON EDGE TO REAR GARDENS, RED SANDSTONE FEATURE FACING WITH BUFF CILLS AND LINTOLS
- WINDOWS & DOORS- BROWN UPVC WOOD GRAINED DOORS AND WINDOWS PATHS AND PATIO RIVEN STONE KEY BLOCKS
- FENCING TIMBER CLOSE BOARDED TIMBER STAINED FENCING



**TSADA BUILDING DESIGN SERVICES**  
Trade Cottage, Longwood, Carlisle, Cumbria CA5 5NA  
Telephone: (01228) 791807

Job title  
ALTERATION OF HOUSE DESIGN TO PLOTS 1&2  
TO FORM 3 BUNGALOWS PLOTS  
AT BEECH GROVE GARDENS  
ELEVATIONS

All drawings are copyright of TSADA Building Design Services and must be treated with care by users.  
No other documents shall be taken from these drawings and any reproduction shall be reported to the client.  
Drawing Number: 1/4/2008/28

Drawing by	Client	Drng No.
W.R.FALLDER	A & S DEVELOPMENTS 8 DYKES TERRACE STANWIX CARLISLE	1/4/2008/28
Date	Scale	
20/4/2008	1:100	

## SCHEDULE A: Applications with Recommendation

08/0533

---

**Item No: 10**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0533

**Applicant:**  
Cliff Walsingham &  
Company

**Parish:**  
Dalston

**Date of Receipt:**  
30/05/2008

**Agent:**

**Ward:**  
Dalston

**Location:**  
Kingswood Educational Study Centre, Greensyke,  
Cumdivock, Dalston, Carlisle, CA5 7JW

**Grid Reference:**  
335369 548364

**Proposal:** Variation Of Condition 10 From Six Months To Twelve Months,  
Retention Of Access Road In Current Position

**Amendment:**

---

### REPORT

**Case Officer:** Angus Hutchinson

#### Reason for Determination by Committee:

In the light of the history of the site and forthcoming Hearing.

#### 1. Constraints and Planning Policies

**District E8 - Remainder of Rural Area**

**District E14 - Protected Species**

**District E22 - Sewers & Sew. Treat. Work**

**District E30 - Arch. Evaluation Prior**

**District E31 - Arch. on Other Sites**

**District EM11 - Rural Diversification**

**District EM15 - Small Scale Tourism**

**District T1 - Choice of Means of Travel**

**District T3 - Affecting Road Network**

## **SCHEDULE A: Applications with Recommendation**

08/0533

**District H17 - Residential Amenity**

**District L4 - Leisure Development**

**Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations**

**Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. Pol CP11-Foul/Surf Water SewerSewage T/ment**

**Rev Redeposit Pl. Pol CP14 - Accessibil.Mobility & Inclusion**

**Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists**

**Rev Redeposit Pl. Pol LE8 - Archaeology On Other Sites**

**Rev Redeposit Pl. Pol LE10 - Archaeological Field Evaluation**

**Rev Redeposit Pl. Pol EC11 - Rural Diversification**

**Rev Redeposit Pl. Pol LC1 - Leisure Development**

## **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** the variation of Condition 10 applies for an extension from six to twelve months for the condition that 'no students, shall be present, attend or reside at the site until the proposed access and parking have been fully constructed, surfaced and drained in accordance with details approved beforehand by the Local Planning Authority'

The Highway Authority considered at that time that the development has been operating for a sufficient amount of time. As you are aware, it was in fact operating in its existing use before permission was granted in 2004.

Since the previous Application more than a year has passed there is no reason for yet a further extension of time. The Highway Authority would once again question why this work has not been completed or enforcement action taken.

It is Cumbria Highways opinion that this delay is unacceptable, that any further delay should be opposed and that enforcement action should commence without further delay.

Cumbria Highways are perplexed as to why the application has been made as it is understood that this Condition is in fact the subject of a Planning Inspectorate appeal Ref no APP/E0915/A/07/2060191 & 2060188. It is the intention of Cumbria Highways to oppose this at appeal hearing;

## SCHEDULE A: Applications with Recommendation

08/0533

Development Services Planning & Housing Services - Local Plans (Trees):  
awaiting comments.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] Greensyke Cottage	27/06/08	
[REDACTED] Hollyoaks	27/06/08	
[REDACTED], Middle Farm	27/06/08	
[REDACTED] Bellgate House	27/06/08	
[REDACTED] 2 High Forge	27/06/08	
[REDACTED] 5 Bishops Mill	27/06/08	
[REDACTED] Rose Villa	27/06/08	
[REDACTED] Royal House	27/06/08	
[REDACTED] Bellgate House	27/06/08	
[REDACTED] Cartner House	27/06/08	
[REDACTED] The Gill	27/06/08	
[REDACTED] Greenlaw	27/06/08	
[REDACTED] Bannerdale	27/06/08	
[REDACTED] Ashbridge	27/06/08	
[REDACTED] - Dalston	27/06/08	
[REDACTED] The Green Business	27/06/08	
Centre		
[REDACTED] Clerk to Dalston Parish Council	27/06/08	
[REDACTED] Cobbetts Manchester	27/06/08	
[REDACTED] Bellgate House	27/06/08	
[REDACTED] The White House	27/06/08	
[REDACTED] Tarn Rigg	27/06/08	
[REDACTED] Poplar House	27/06/08	
[REDACTED] Ref MEH/J/C01/140	27/06/08	
[REDACTED] Gill House	27/06/08	
[REDACTED] Carlisle House	27/06/08	
[REDACTED] Fountain Head	27/06/08	
[REDACTED] Birch Garth	27/06/08	
[REDACTED] DEFRA, Animal Health Office	27/06/08	
[REDACTED] Pin Cushion	27/06/08	
[REDACTED] Boulder Garth	27/06/08	
[REDACTED] Stonethwaite	27/06/08	
[REDACTED] Primrose Hill	27/06/08	
[REDACTED] Ladywood	27/06/08	
[REDACTED] Lakerigg Cottage	27/06/08	
[REDACTED] Cartner House	27/06/08	
[REDACTED] Gambling Croft	27/06/08	
[REDACTED] Gray Garth	27/06/08	
[REDACTED] Cardew Lodge	27/06/08	
[REDACTED] Broomfield Farm	27/06/08	
[REDACTED] North Cumbria Acute Hospitals	27/06/08	
[REDACTED] Lime House Estates	27/06/08	
[REDACTED] Brackenbrae	27/06/08	
[REDACTED] Cumdivock House	27/06/08	
[REDACTED] Wannaroo	27/06/08	
[REDACTED] 46a Cromwell Road	27/06/08	
[REDACTED] 28 Glendarvon Street	27/06/08	

## SCHEDULE A: Applications with Recommendation

08/0533

[REDACTED] Park Lodge	27/06/08
[REDACTED] Nook Lane Head	27/06/08
[REDACTED] Oakdale Cottage	27/06/08
[REDACTED] 'Sondela'	27/06/08
[REDACTED] Hillside	27/06/08
[REDACTED] Hollin Bush	27/06/08
[REDACTED] House of Commons	27/06/08
[REDACTED] 122 Feckenham Road	27/06/08
[REDACTED] Longthwaite	27/06/08
[REDACTED] Greenhead	27/06/08
Cottages	
[REDACTED] Nooklane Cottage	27/06/08
[REDACTED] in, Nook	27/06/08
[REDACTED]	27/06/08
[REDACTED] Broomfield House	27/06/08
[REDACTED] 17 Barras Close	27/06/08
[REDACTED] Holme Cottage	27/06/08
[REDACTED] The Gill	27/06/08
[REDACTED] Cumbria	27/06/08
Constabulary	
[REDACTED] Fountain Cottage	27/06/08
[REDACTED] (PNW/MBB/WI1089.09995)	27/06/08

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to 68 neighbouring properties. Responses are awaited at the time of preparing the report.

## 4. Planning History

- 4.1 The extensive history of the site has been detailed in the Background section of the Officer's report. Members should, nonetheless, be aware that the Council are also in the process of handling additional applications in the form of:
1. appn. 08/0532 seeking to discharge of condition 10 of approved application 04/1203;
  2. appn. 08/0567 seeking permission for a mixed use development comprising (a) alterations and minor extensions to some of the existing buildings (b) change of use of the building known as Windermere from Use Class C2 to Use Class B1 (c) change of use of the remaining buildings as altered and/or extended (as relevant) from Use Class C2 to Use Class C3 (12 single dwellinghouses) (d) erection of car ports to serve the dwellinghouses (e) the alteration of existing access ways (f) the provision of parking areas for the offices and for visitors to the dwellinghouses (g) landscaping following removal of mounds surrounding the quad bike track and removal of other earthworks and apparatus associated with existing activities
  3. appn. 08/0644 seeking the variation of Condition 5 attached to 04/1203 to increase the number of students from 160 To 200.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 Greensyke House is a substantial Victorian property set within attractive grounds to the east of a farmhouse and outbuildings associated with the original steading. A cottage lies to the immediate north of Greensyke House. The property is located on the northern side of the Cumdivock Road, opposite Holly Oaks and the junction with the Broomfield Road. The White House is approximately 120 metres to the east of the driveway serving Greensyke House, whilst Bellgate is 320 metres to the north-west of the main access serving Greensyke Farmhouse and Greensyke House. A public footpath runs through field number 2874 between Bellgate and Greensyke and to the west of Holly Oaks.
- 5.2 The educational study use commenced in March 2002 and, as of September 2003, consists of:
- The "farmhouse" on the ground floor has two classrooms, a staff kitchen and toilet, and, a two bed sanatorium/first aid room. The first floor has a staff common room, activity store, male and female staff toilets, Senior Instructor's office, and NVQ staff room.
  - Coniston (The Barn) is used for fencing and as an evening recreational room on the first floor with a laser tag facility on the ground floor.
  - The ICT Centre has 5 laboratories and a manager's office.
  - The Forum comprises on the ground floor the kitchen, dining/evening recreational/entertainment's room, toilets, and, reception. The first floor has the centre manager's office and the visiting teachers staff room.
  - The Cottage is the centre manager's residence adjoining which there are a drying room, linen room and laundry.
  - The indoor recreational areas comprise Coniston (The Barn), the dining room of The Forum, and, part of Lakerigg, which includes karaoke.
  - Teachers and children's accommodation comprise The Green, Windermere (Greensyke House), Ullswater, Lakerigg, and, Lakerigg Annexe.
- 5.3 The accommodation is arranged in each of the dormitories in the following manner: Ullswater: 58 students and 6 teachers; Windermere: 34 students and 5 teachers and a potential common room; Lakerigg Annexe: 20 students and 5 teachers; Lakerigg: 40 students and 5 teachers; and, The Green: 22 students and 6 teachers.
- 5.4 The Centre is currently closed.

### Background

5.5 The site has an extensive planning history suffice to say that on the 9<sup>th</sup>-11<sup>th</sup> March 2004 a Public Inquiry was held concerning the following:

- a) Application ref. No 03/0843 – refusal of permission for the use of the land and buildings as an educational study centre;
- b) Application ref. No. 03/0844 – refusal to grant a lawful development certificate for the use of the premises for the provision of short residential courses for groups of school children;
- c) Application ref. no. 01/1013 – enforcement notice issued seeking the cessation of the use of the site as an educational activity centre;
- d) Application ref. no. 03/0024 – enforcement notice issued requiring the removal from the land of the dining/function hall, kitchens and teachers' retreat;
- e) Application ref. no. 03/0025 – enforcement notice issued requiring the removal from the land of the above ground caving system;
- f) Application ref. no. 03/0026 – enforcement notice requiring the removal from the land of the challenge course;
- g) Application ref.no 03/0027 – enforcement notice requiring the removal from the land of the quad bike track;
- h) Application ref. no. 03/0028 – enforcement notice requiring the removal of the "low ropes" and "nightline" challenge courses;
- i) Application ref.no. 03/0029 – enforcement notice requiring the removal of a mechanical generator;
- j) Application ref.no. 03/0030 – enforcement notice requiring the removal from the land of the climbing wall and shelter;
- k) Application ref. no. 03/0031 – enforcement notice requiring the discontinuance of use of a barn for the purposes of "laser tag";
- l) Application ref. no. 03/0032 – enforcement notice requiring the discontinuance of the use of dormitory accommodation;
- m) Application ref. no. 03/0033 – enforcement notice requiring the discontinuance of the former dining room as student accommodation.

5.6 In relation to items a), d), e), f), g), h) and j) the appeals were dismissed but the remainder allowed. In effect the use of the land and previously

## SCHEDULE A: Applications with Recommendation

08/0533

authorised buildings for residential courses for groups of school children was certified as lawful. The Inspector, nevertheless, dismissed those appeals relating to the various buildings and structures that had been constructed without planning permission and which enabled the site to be used in a more intensive manner than when it was a boarding school.

- 5.7 In reaching this decision the Inspector considered that the development has the potential to cause unacceptable harm to the living conditions of nearby residents through noise and disturbance, but that this harm could be overcome through effective management measures (para.37). The Inspector, nevertheless, concluded that the then Management Code proposed by the applicants/appellants would not prevent the developments having an unacceptable impact on the living conditions of near neighbours through noise and disturbance. In the absence of a satisfactory Management Code the Inspector concluded that the developments were unacceptable (para 43).

- 5.8 In paragraph 44 of the Decision Letter the Inspector, however, stated that:

*"It will be apparent from my decision that, had there been a satisfactory Management Code, I would have come to a different conclusion on these appeals. That being so, I propose to extend the period for compliance with the enforcement notices to 12 months to give the appellants the opportunity of revising the code and re-applying for planning permission should they choose to do so".*

- 5.9 In October 2006, under application 04/1203, planning permission was given for operational development comprising:

- a) The retention of the dining/function hall and teachers' retreat, the underground caving system and shelter, the boundary fence, sub-station enclosure, souvenir shop, air handling plant room; and, drainage arrangements.
- b) Revise the location of a challenge course, quad bike track and shelter, and, low ropes and nightline course;
- c) The formation of an archery enclosure and shelter;
- d) Amendments to the alignment of the access road and new parking layout;
- e) Installation of external lighting system; and,
- f) Landscaping and earth moving to create a planted soil bund.

- 5.10 The aforementioned permission, which had previously been considered by Members at their Meetings on the 19th November 2004, 7th January 2005, and, the 6th June 2005, was subject to a total of 26 conditions and the completion of a Section 106 Agreement. The aforementioned Section 106 Agreement covered:



## SCHEDULE A: Applications with Recommendation

08/0533

- a) The applicant agreeing to the non-implementation of the permissions for the science labs approved under 95/0879 and dormitory annexe approved under 97/0312;
- b) An annual review of the Green Travel Plan; and,
- c) Adherence to the Management Code.

5.11 On the 4th April 2007 the following applications were received from the Kingswood Learning and Leisure Group:

- Application ref. no. 07/0374 - Amendment to condition 12 of 04/1203 to allow an extension of time to three planting seasons.
- Application ref. no. 07/0375 - Extension of period for compliance from six to twelve months (Condition 16 re. the implementation of the approved Green Travel Plan).
- Application ref. no. 07/0376 - Variation of time scale from four to three weeks – Condition 26 (ensuring that no students are present during a consecutive period commencing at any time during the last week of July or the first week of August in each year).
- Application ref. no. 07/0377 - Extension of time for twelve months from 05.04.07 to 04.04.08 with regard to conditions 21 and 24 concerning noise issues (i.e. the approval of a scheme of noise mitigation measures and a system for continuous monitoring of noise emanating from the site).
- Application ref. no. 07/0378 - Variation of condition 14 to allow for an extension of time from six to twelve months (re. the relocation of the climbing wall).
- Application ref. no. 07/0379 - Variation of condition 10 from six months to twelve months for retention of access road in current position.

5.12 In addition, letters and accompanying details were also received on the 4th April 2007 seeking not only to discharge conditions 10 (access) and 11 (landscaping), but also approval to relocate archery and the "nightline", and, to extend the area of the quad bike track pursuant to condition 7. On the 10th April the Council received application ref. no. 07/0392 for the widening of an existing service access.

5.13 The aforementioned planning applications were reported at the Meeting of the Development Control Committee on the 1st June 2007 during which it was decided that applications 07/0375, 07/0377 and 07/0378 be refused permission, and, the Head of Planning and Housing Services was authorised to serve relevant Breach of Condition Notices. Application 07/0376 was withdrawn prior to determination.

## SCHEDULE A: Applications with Recommendation

08/0533

- 5.14 In the case of application 07/0374, Members resolved to give authority on the basis that the extension in time was restricted to a single planting season and subject to: a) the results of a bat survey; and, b) the completion of a Deed of Variation to the existing Section 106 Agreement.
- 5.15 In regard to applications 07/0379 and 07/0392 Members resolved to give authority to issue approval subject to no objections from the Highway Authority, results of a bat survey, and, completion of a Deed of Variation to the existing Section 106 Agreement. In error, the decision notice concerning application 07/0392 was issued prior to the completion of the required Deed of Variation.
- 5.16 Condition 11 was subsequently discharged in a letter from the City Council dated the 12<sup>th</sup> July 2007.
- 5.17 The applicant has subsequently lodged appeals against the failure of the City Council to determine four "applications":
- a) APP/E0915/A/07/2060181 – Amendment to condition 12 of planning permission 04/1203 to allow an extension of time to three planting seasons (App. Ref. 07/0374);
  - n) APP/E0915/A/07/2060185 – Relocation of existing activities from the approved siting pursuant to condition 7 of planning permission 04/1203;
  - o) APP/E0915/A/07/2060188 – Details as required by condition 10 of planning permission 04/1203; and,
  - p) APP/E0915/A/07/2060191 – Variation of condition 10 from 6 months to twelve months and retention of access road in current position (App. Ref. 07/0379).
- 5.18 All the appeals have been submitted on the grounds that "the LPA have not made a decision". Nevertheless, a fundamental reason with regard to two of the appeals concerning applications 07/0374 and 07/0379 appears to be reluctance by the appellant to enter into a Deed of Variation to the Section 106 Agreement completed as part of the planning permission granted under 04/1203.
- 5.19 The current application represents a re-submission of application 07/0379 involving the variation of condition 10 from six months to twelve months and the retention of the access road in its current position. The submitted forms indicate that the application has been submitted on the basis of avoiding the current appeal and in order to allow a reasonable period of time to undertake the proposed works.

## SCHEDULE A: Applications with Recommendation

08/0533

### Assessment

- 5.20 When assessing this application it is considered that the main issue revolves around ensuring that it does not derogate from the principle of the development based upon the planning permission already granted and the Section 106 Agreement referred to above which was the subject of extensive discussion.
- 5.21 In the case of condition 10 and the associated appeals ref. APP/E0915/A/07/2060188 and 2060191 the Council has confirmed to the applicant's/appellant's agent that the submitted details are considered acceptable.
- 5.22 At the time of preparing this report the fundamental issue with regard to two of the appeals (APP/E0915/A/07/2060181 and /2060191) appears to be an unwillingness on behalf of the appellant to enter into a Deed of Variation to the Section 106 Agreement completed as part of the planning permission granted under 04/1203. This is in the context where the applicant/appellant has submitted an application to increase the number of pupils in the near future from the currently restricted number of 160 to 200 (appn. 08/0644). In relation to this matter, and the forthcoming appeal Hearing, it is considered that the following seven points need to be kept in mind.
- a) Paragraph 4.8 of the Section 106 Agreement provides that, "nothing in this Agreement shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than one related to the Development as specified in the Planning Application) granted (whether or not on appeal) after the date of this Agreement."
  - b) In the first instance, applications 07/374, 07/379 and 08/0533 (current application) are made under Section 73 of the Town and Country Planning Act 1990 and are clearly linked to the Development. If granted, they will be new planning permissions. The amended permissions, with their new conditions, would stand as alternatives to permission 04/1203.
  - c) The Section 106 Agreement is relevant to planning; necessary to make the proposed development acceptable in planning terms; directly related to the (proposed) development; fairly and reasonably related in scale and kind to the (proposed) development; and, reasonable in all other respects. The same criteria must apply to the proposed Deed of Variation and the same judgement is the only one available.
  - d) If the relevant criteria were fulfilled in relation to Conditions 10 & 12 of 04/1203 then the same position must apply in relation to the applied for conditions in 07/374, 07/379 and 08/0533.
  - e) In its capacity as Local Planning Authority the Council determined that the applications the subject of the appeal be approved subject to a Deed of Variation in order that there was certainty to the effect that the 'new'

## **SCHEDULE A: Applications with Recommendation**

08/0533

conditions were part and parcel of the Development (which they are) and that there existed no doubt that the Development, in its entirety, was bound by the obligations of the Section 106 Agreement. The variation of this Agreement does not seek to impose any new restrictions on the development.

- f) Agreements, whether pursuant to Section 106 of the Town & Country Planning Act 1990 or otherwise, exist to bring certainty to arrangements. By not varying the Section 106 Agreement there would be a needless area of doubt. Why would or should the City Council have previously required a planning permission relating to the site's use as an educational establishment to be subject to a Section 106 but then determine applications related to the same use and not require such permissions to be similarly bound?
- g) In terms of an issue of significance the attention being afforded to the need for a Deed of Variation is considered to be disproportionate. A simple draft Deed of Variation was prepared by the City Council and, in the light of expressions of concern from the appellant, an offer was made to cap the Council's fees for its work at £100 (excluding disbursements) as opposed to the usual £300 or so. Thus the costs of entering into the Deed of Variation are minimal and the appellant will not be bound by any different obligations than it is already.

### **Conclusion**

- 5.23 The Council has confirmed to the applicant's/appellant's agent that the submitted details are considered acceptable.
- 5.24 However, there appears to be a reluctance on behalf of the applicant/appellant to complete a Deed of Variation to the existing Section 106 Agreement entered into as part of the approval granted under 04/1203. It is considered that a Deed of Variation is consistent with the advice contained in Circular 05/2005 and the permission granted under 04/1203; avoids doubt; would involve minimal costs; and, does not lead to the applicant/appellant having to be bound by any additional obligations.
- 5.25 In addition, it is considered necessary to re-impose all the conditions imposed under application 04/1203 in accordance with *Reid v the SoS for Transport and Local Government and the Regions, Mid-Bedfordshire District Council, 2002*.
- 5.26 The recommendation is therefore to seek authority to issue an approval subject to the applicant completing a Deed of Variation and the re-imposition of the conditions imposed under application 04/1203.

## **6. Human Rights Act 1998**

## SCHEDULE A: Applications with Recommendation

08/0533

- 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 was 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or an Order revoking and re-enacting or amending that Order), or the Town and Country Planning (Use Classes) Order 1987 (as amended) (or an Order revoking and re-enacting that Order), the operational development hereby approved shall not be used for purposes other than as a residential activity and educational centre (which means a centre where students are accompanied by teachers from their school for the purposes of partaking in recreational and educational facilities).

**Reason:** The premises contain a range of facilities which either individually or collectively could be used for purposes outside of a residential activity and educational centre and thus not under the direct control and management of the applicant. The condition has therefore been imposed to preclude the possibility of the use of the premises for purposes inappropriate in the locality which would be detrimental to the amenities of the neighbouring residents in accordance with policies EM11, T1 and H17 of the Carlisle District Local Plan.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting or amending that Order), no permanent or temporary

## SCHEDULE A: Applications with Recommendation

08/0533

building and/or structure shall be erected within or brought onto the site of the residential activity and educational centre hereby permitted (other than those expressly authorised by this permission) without the prior permission of the local planning authority and the approval by it of the design, siting and external appearance of such structures.

**Reason:** The local planning authority wishes to retain full control over the matters referred to in order to protect the character of the area and safeguard the amenities of neighbouring residents in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policies EM11 and H17 of the Carlisle District Local Plan.

3. Before installation details of the design, height, external finish, location and level of illumination of all floodlighting shall be submitted to and approved in writing by the local planning authority. The aforementioned details shall include a plan showing all existing floodlighting on the site which is proposed to remain.

**Reason:** In order to safeguard the amenities of the area in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policy EM11 of the Carlisle District Local Plan..

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting or amending that Order) no floodlighting or other external lighting of the site shall be installed other than those expressly authorised by this permission, without the permission of the Local Planning Authority.

**Reason:** In order to safeguard the amenities of the area in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policy EM11 of the Carlisle District Local Plan.

5. No more than 160 students shall be present, attend or be resident at the site at any one time.

**Reason:** The local planning authority wish to control the number of students in order to ensure that the nature of the proposal is not inappropriate for its location and the amenities of neighbouring residents are safeguarded in accordance with Policies EM11 and T1 of the Carlisle District Local Plan.

6. A register of students showing dates of arrival and departure shall be maintained by the site manager/ess and shall be freely available for inspection without notice during working hours by officers of the Local Planning Authority.

**Reason:** In order to ensure the effective monitoring and compliance with condition 5 in order to ensure that the proposal is not inappropriate for its location and the amenities of neighbouring

## SCHEDULE A: Applications with Recommendation

08/0533

residents are safeguarded in accordance with Policies EM11 and T1 of the Carlisle District Local Plan.

7. The outdoor activities hereby approved comprise: a caving system; climbing wall; quad bike track; challenge course; low ropes course; nightline course; problem solving course; and, archery enclosure. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting or amending that Order) or the Town and Country Planning (Use Classes) Order 1987 (as amended) (or an Order revoking and re-enacting or amending that Order) no additional outdoor activities shall be introduced on the site or the permitted activities relocated without the prior approval in writing by the local planning authority.

**Reason:** In order to ensure that the proposal is not inappropriate for its location and the amenities of neighbouring residents are safeguarded in accordance with Policy EM11 of the Carlisle District Local Plan.

8. The use by students of all of the outdoor areas and activities on the site hereby permitted (with the exception of the central courtyard) shall not commence before 09.00 hours or remain in operation after 18.15 hours.

**Reason:** In order to safeguard the amenities of neighbouring residents in accordance with Policy EM11 of the Carlisle District Local Plan.

9. The use by students of the central courtyard hereby permitted shall not commence before 08.00 hours or remain in operation after 21.30 hours.

**Reason:** In order to safeguard the amenities of neighbouring residents in accordance with Policy EM11 of the Carlisle District Local Plan.

10. At the expiration of 12 months from the granting of this permission no students shall be present, attend or reside at the site unless the proposed access and parking have been full constructed, surfaced and drained in accordance with details approved beforehand by the Local Planning Authority.

**Reason:** In the interests of highway safety in accordance with Policy EM11 of the Carlisle District Local Plan.

11. At the expiration of six months from the date of this permission no students shall be present, attend or reside at the site unless a detailed landscaping scheme (including a management scheme) have been submitted to the local planning authority. The aforementioned scheme(s) shall include details of the species of all planted material including particulars of the proposed heights and planting densities. If considered satisfactory, the said scheme(s) shall be approved in writing by the Local Planning Authority.

## SCHEDULE A: Applications with Recommendation

08/0533

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policy of the Carlisle District Local Plan.

12. At the expiration of six months from the date of approval by the Local Planning Authority of the landscaping scheme (subject to the aforementioned condition 11) no students shall be present, attend or reside at the site unless all works comprised in the approved details of landscaping have been fully carried out in accordance with the approved details.

**Reason:** To ensure that a satisfactory landscaping and noise mitigation scheme is implemented in accordance with Policies EM11 and E19 of the Carlisle District Local Plan.

13. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

**Reason:** To ensure as far as possible that the landscaping scheme is fully effective in compliance with Policies EM11 and E19 of the Carlisle District Local Plan.

14. At the expiration of six months from the date of this permission no students shall be present, attend or be resident on the site unless the applicant has relocated the climbing wall as shown on the approved site layout plan.

**Reason:** In order to safeguard the amenities of neighbouring residents in accordance with Policy EM11 of the Carlisle District Local Plan.

15. At the expiration of four months from the date of this permission no students shall be present, attend or be resident on the site until the applicant has submitted to and obtained approval in writing from the Local Planning Authority of the mechanism for review of the Green Travel Plan (as identified in Appendix B of the MVA report dated September 2003).

**Reason:** In order to ensure a choice of means of travel to and from the site which takes account of local infrastructure in accordance with Policy T1 of the Carlisle District Local Plan.

16. At the expiration of six months from the date of this permission and the dates of the subsequent reviews to be approved under condition 16 no students shall be present, attend or be resident at the site until all the measures identified in the approved Green Travel Plan and subsequent reviews have been fully implemented.

**Reason:** In order to ensure a choice of means of travel to and from the



## SCHEDULE A: Applications with Recommendation

08/0533

site which takes account of local infrastructure in accordance with Policy T1 of the Carlisle District Local Plan.

17. At the expiration of three months from the date of this permission no students shall be present, attend or be resident on the site unless all the measures identified in the hereby approved Management Code have been fully implemented, and, shall be complied with at all times thereafter.

**Reason:** In order to safeguard the amenities of neighbouring residents in accordance with Policy EM11 of the Carlisle District Local Plan.

18. Any retail activities carried out at the premises shall be confined to the shop specified in the submitted plans; ancillary to the principal use; and, limited to sales to students attending courses and their supervisors.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with the underlying objectives of Policies T1 and S12 of the Carlisle District Local Plan.

19. Noise from the playing of electrically amplified music and / or electrically amplified speech that emanates from the site shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and / or calculation at those boundaries of residential property nearest to the site the subject of this approval and as shown delineated on the attached plan in red Ref Plan1 dated the 21/09/2006 which is used for identification purposes only:

- a) Between 18.15 hours and 08.00 hours on any day, all day Sunday, additionally between 13:00 and 18:15 on Saturdays and at anytime on Bank Holidays:

45dB one eighth of a second average equivalent energy level (45dB Leq(125m/s)) in the 63 Hz octave band, not more than 10 times in any 5 minute period.

28dB one eighth of a second average equivalent energy level (28dB Leq(125m/s)) in the 125 Hz octave band not more than 10 times in any 5 minute period.

- b) Between 08:00 hours and 18:15 hours on any day (that is not covered in paragraph a) above):

52dB one eighth of a second average equivalent energy level (52dB Leq(125m/s)) in the 63 Hz octave band not more than 10 times in any 5 minute period.

35dB one eighth of a second average equivalent energy level (35dB Leq(125m/s)) in the 125 Hz octave band not more than 10 times in any 5 minute period.

## SCHEDULE A: Applications with Recommendation

08/0533

**Reason:** To protect residential amenity in accordance with Policy EM11 of the Carlisle District Local Plan.

20. Details shall be submitted of all machinery, plant and equipment to be installed, located or used on the site (other than motor vehicles) that is audible outside of the site boundary, (when it is in use or operation). Details to include the maximum (L<sub>Amax(f)</sub>) 'A' weighted sound levels produced by this equipment. All such machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. Any approved noise mitigation measures and the conditions attached to approval of the machinery, plant and equipment shall be fully implemented and thereafter maintained in accordance with the approved details.

**Reason:** To protect residential amenity in accordance with Policy EM11 of the Carlisle District Local Plan.

21. This consent is subject to the written approval by the Local Planning Authority of a scheme of noise mitigation measures designed to minimise the impact from permitted activities. Written approval by the Local Planning Authority, of the scheme, must be obtained within 6 months of the date of this approval. The approved scheme of measures shall be fully implemented in accordance with the approved details and thereafter maintained in accordance with those details.

**Reason:** To protect residential amenity and minimise the impact of noise in accordance with Policy EM11 of the Carlisle District Local Plan.

22. Noise emanating from the site arising from human voices and in particular screaming, shouting, whoops or cheering shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and / or calculation at the boundaries of residential property that are nearest to the site the subject of this approval. These are delineated and shown on the attached plan in red Ref Plan 1 dated 21/09/2006 which plan is used for identification purposes only:

- a) Between 18.15 hours and 08:00 hours on any day:  
  
35dB L<sub>Amax(f)</sub> not more than twice in any five minute period.
- q) Between 08:00 hours and 18:15 hours on any weekday and 08:00 and 13:00 hours on any Saturday:  
  
40dB L<sub>Amax(f)</sub> not more than ten times in any hour.
- c) At any time on a Sunday or Bank Holiday and between

## SCHEDULE A: Applications with Recommendation

08/0533

13:00 and 18:15 hours on a Saturday.

40dB LA<sub>max</sub>(f) not more than five times in any hour.

The levels and requirements of this condition are subject to two exceptions.

- a) It shall not apply during three separate periods occurring between 08:00 and 18:15 hours on any weekday and 08:00 and 13:00 hours on any Saturday. The periods shall not exceed 30 minutes in length.
- b) Where the exceedances are in accordance with the prior written approval of the Local Planning Authority (such approval not to be given by the Local Planning Authority without consulting persons in the locality beforehand) and the conditions of that approval are met.

**Reason:** To protect residential amenity in accordance with Policy EM11 of the Carlisle District Local Plan.

23. Noise emanating from the site arising from the use of motorised and mechanical sporting or motorised and mechanical recreational equipment (including motor vehicles and in particular motor bicycles and quad bikes) shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and / or calculation at the boundaries of residential property that are nearest to the site the subject of this approval. These boundaries are delineated and shown on the attached plan in red Ref Plan 1 dated the 21/09/2006 which plan is used for identification purposes only:

- a) Between 18.15 hours and 08:00 hours on any day:  
  
33dB LA<sub>max</sub>(f) not more than twice in any five minute period
- r) Between 08:00 hours and 18:15 hours on any weekday and 08:00 and 13:00 hours on any Saturday:  
  
40dB LA<sub>max</sub>(f) not more than ten times in any hour.
- c) At any time on a Sunday or Bank Holiday and between 13:00 and 18:15 hours on a Saturday.  
  
35dB LA<sub>max</sub>(f) not more than five times in any hour.

**Reason:** To protect residential amenity in accordance with Policy EM11 of the Carlisle District Local Plan.

## SCHEDULE A: Applications with Recommendation

08/0533

24. At the expiration of six months from the date of this permission no students shall be present, attend or be resident on the site unless the applicant has submitted to and received approval in writing from the local planning authority the details and design of a system for continuous monitoring of noise emanating from the site. Such system shall provide for not fewer than two monitoring points at positions to be agreed in writing by the local planning authority. The systems shall provide both measured noise levels and audio recordings of all events likely to exceed the levels contained in any of conditions 19, 22 and 23 at the boundaries of the noise sensitive properties. Once the locations of the noise monitors have been agreed, the exceedance trigger level at each of the monitoring positions shall then be agreed with the local planning authority, these trigger levels to take account of the difference in distance from the noise sources to the monitoring positions and the noise sources and the noise sensitive premises. The systems so approved shall be installed and commissioned to the written satisfaction of the local planning authority within three months of the date of their approval of the system. It shall then be maintained and operated to the satisfaction of the local planning authority on that basis.

**Reason:** To enable monitoring of noise emanating from the site to accord with conditions 19, 22 and 23.

25. The information obtained from the approved system of noise monitoring detailed in Condition 24 above shall be submitted to the local planning authority in such form and at such time intervals as agreed in writing by the local planning authority when the system is approved.

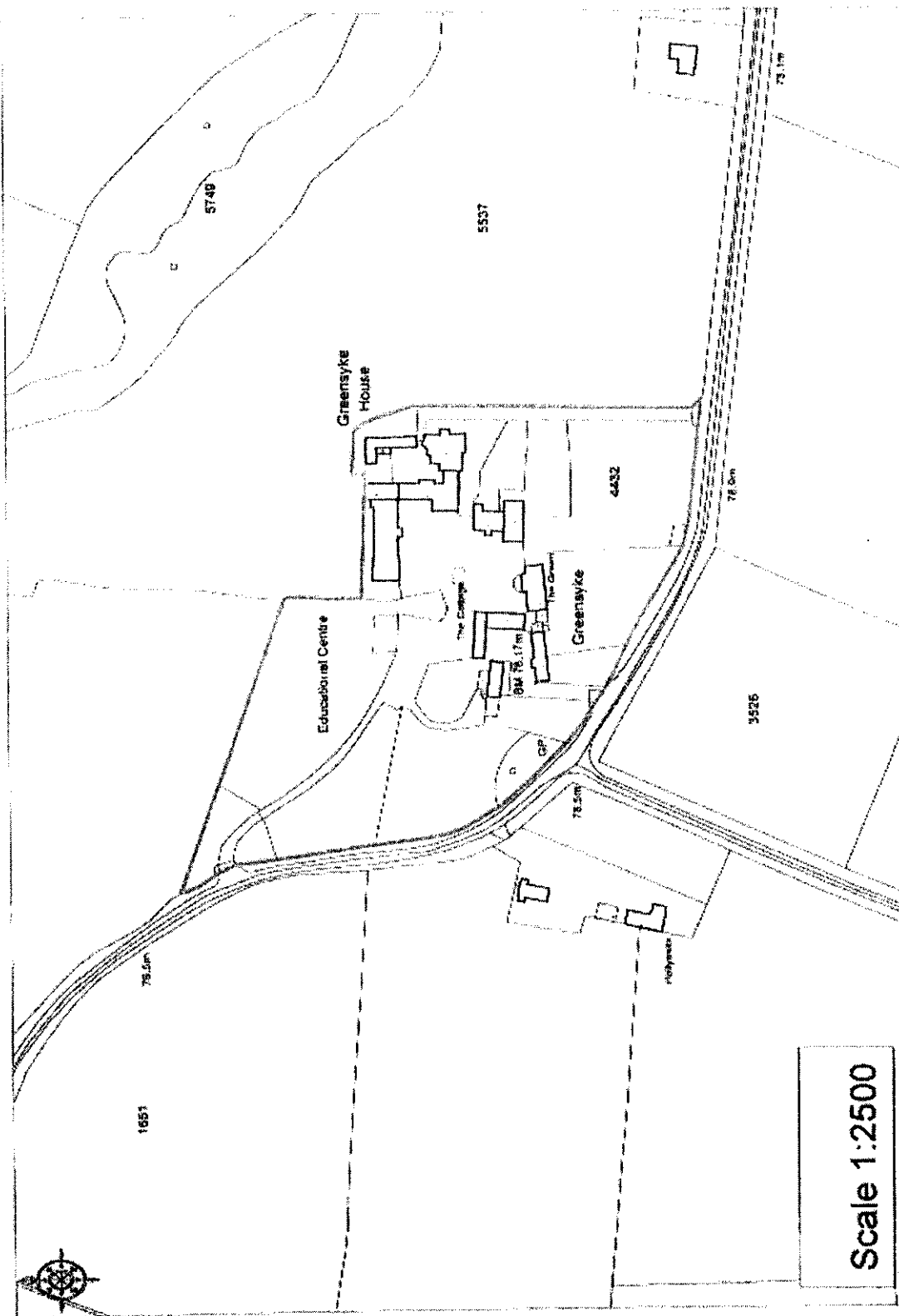
**Reason:** To enable the local planning authority to monitor compliance with conditions 19, 22 and 23.

26. No students or organised groups shall be present/attend/or be resident on the site at any time during a consecutive period of four calendar weeks commencing at any time during the last week of July or the first week of August in each year.

**Reason:** To protect residential amenity in accordance with Policy EM11 of the Carlisle District Local Plan.

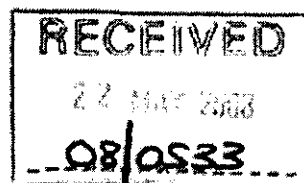
---

The Kingswood Centre, Greensyke,  
Carlisle, Cumbria, CA5 7JW

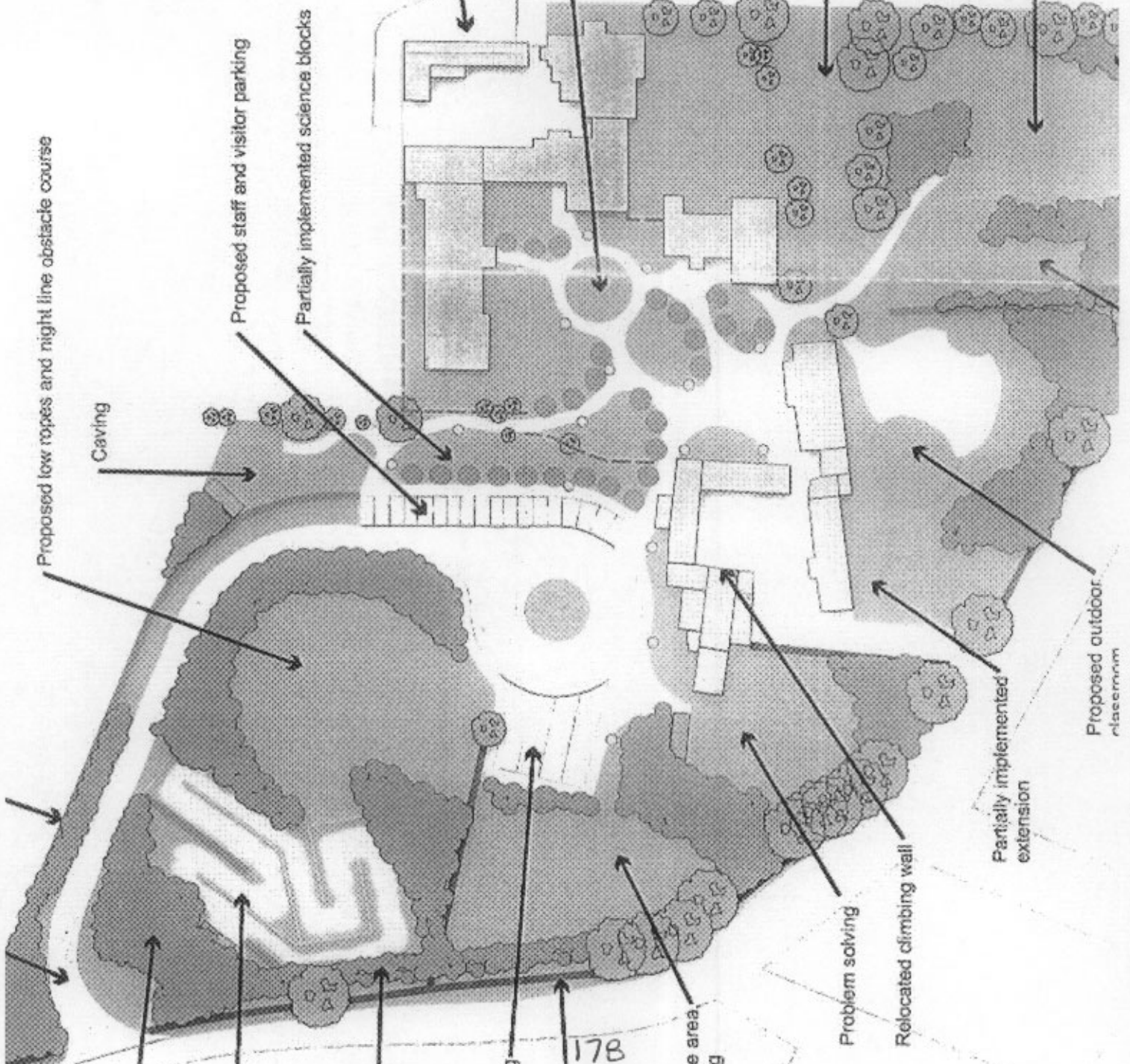


OS Ordnance Survey  
© Crown Copyright 2007 All rights reserved. Licence number 100020443 Plotted Scale - 1:2500

Cliff Walsingham & Company, Brandon House, King Street, Knutsford, Cheshire WA16 6DX  
Tel: 01565 757500 Fax: 01565 757501  
Email: knutsford@walsinghamplan.co.uk



- Proposed grass areas
- Existing trees and hedgerows
- Proposed low level lighting bollards
- Proposed signage



**TOWN & COUNTRY PLANNING  
AND ASSOCIATED ORDERS AND REGULATIONS  
THEREUNDER**

This application has been Approved  
the above Act and Regulations in accordance  
of the official Notice of Approval /  
Application No: 04/1203  
Reference No: 04/1203

Date: 05 OCT 2008

Head of

203

SCANNED

03 JUN 2008

03 JUN 2008

**Kingswood  
and Educational Centre**









## SCHEDULE A: Applications with Recommendation

08/0434

---

**Item No: 11**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0434

**Applicant:**  
Mr Spedding

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
28/04/2008

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Dunedin, 29 The Green, Houghton, Carlisle, CA3  
ONG

**Grid Reference:**  
340889 559411

**Proposal:** Erection Of Detached Double Garage

**Amendment:**

---

### REPORT

**Case Officer:** Barbara Percival

#### **Reason for Determination by Committee:**

This application is being brought before Members of the Development Control Committee as the Stanwix Rural Parish Council has objected to the proposal.

#### **1. Constraints and Planning Policies**

**District H14 - Extensions to Dwellings**

**Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises**

**Rev Redeposit Pl. Pol CP4 - Design**

#### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** no objection.

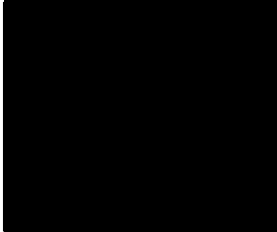
**Local Plans (Tree Preservation), Development Services:** no comments/observations to make on the proposal;

**Stanwix Rural Parish Council:** object to the proposal on the grounds that:

- be intrusive to and over dominant of, neighbouring residential properties;
- prejudice residential amenity of neighbouring properties;
- be intrusive and visually prejudicial to the residential street scene.

**3. Summary of Representations****Representations Received**

Initial:



28 The Green  
30 The Green  
25 The Green  
26 The Green  
22 Smithy Croft  
24 Smithy Croft  
26 Smithy Croft

Consulted:

02/05/08  
02/05/08  
02/05/08  
02/05/08  
02/05/08  
02/05/08  
02/05/08

Reply Type:

- 3.1 This application has been advertised by the direct notification of the occupiers of seven neighbouring properties. No verbal or written representations have been made during the consultation period.

**4. Planning History**

- 4.1 In 1989, under planning reference 89/0614, planning permission was granted for a sun room and hall extension and alterations to garage and dormer roof.

**5. Details of Proposal/Officer Appraisal****Introduction**

- 5.1 Dunedin, 29 The Green, Houghton is a detached dwelling located on the east side of the road which runs through the village of Houghton. The property is constructed of rustic red facing bricks with grey concrete roof tiles. Its boundaries are made up of a combination of leylandii hedges and walls ranging in height from approximately 1 metre to 2 metres.

**Background**

- 5.2 This application seeks Full Planning Permission for the erection of a detached double garage in the south west corner of a large plot. The proposed garage would be 6.235 metres in length by 7 metres wide with a ridge height of 4.2 metres. The proposed materials are red rustic facing bricks with timber detailing on the gable elevations at eaves level with grey concrete roof tiles in keeping with the existing dwelling.

**Assessment**

- 5.3 The relevant planning policies against which the application is required to be

## SCHEDULE A: Applications with Recommendation

08/0434

assessed are Policies H11 and CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).

5.4 The proposal raises the following planning issues:

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

5.5 Policies H11 and CP4 of the Revised Redeposit Draft (as amended by the Inspector) seek to protect the amenity of adjacent properties from proposals which adversely affect them, through poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight.

5.6 It is acknowledged that the garage at its nearest point would be 3.7 metres from the gable of the adjacent property, 30 The Green, which has a doorway and secondary window serving the lounge. In mitigation, however, the garage has been located as to not be directly in front of either the window or door of the adjacent property. It should also be noted that several large conifers which currently limit light into the property would be removed as part of the proposal.

5.7 In order to further alleviate any possible impact that the garage may have on its neighbours, the scheme has incorporated a leylandii hedge along part of its southern boundary. Stained timber boarding at eaves level on the garages' gable has also been incorporated, thereby introducing another texture to that elevation and to match in with the existing dwelling. It is therefore considered that the proposal would not have a significant impact on the living conditions of the adjoining property through overdominance or loss of light.

2. Whether The Proposal Is Appropriate To The Dwelling And Street Scene

5.8 Adopted and emerging policies also seek to ensure that proposals are appropriate to the dwelling, its design and setting and respect local landscape character. This proposal is for a double garage set within a large plot which would be partially obscured from view by an existing 2 metre high wall and leylandii hedge along its western boundary.

5.9 It is acknowledged that the garage would come forward of the building line; however, any impact the proposal may have would be softened by the planting of a leylandii hedge along its southern boundary, and the use of materials to match the existing dwelling. According, it is considered that the proposed garage would complement the existing dwelling in terms of design and materials used and would not have an adverse impact on the character of the area or impact on the street scene.

### Conclusion

5.10 In overall terms it is considered that the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable

overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed garage is considered acceptable in relation to the dwelling and the character of the area. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging Development 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 Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning 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. All planting comprised in the approved details of landscaping shall be carried out in the first planting seasons following the occupation of the garage or the completion of the garage, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next

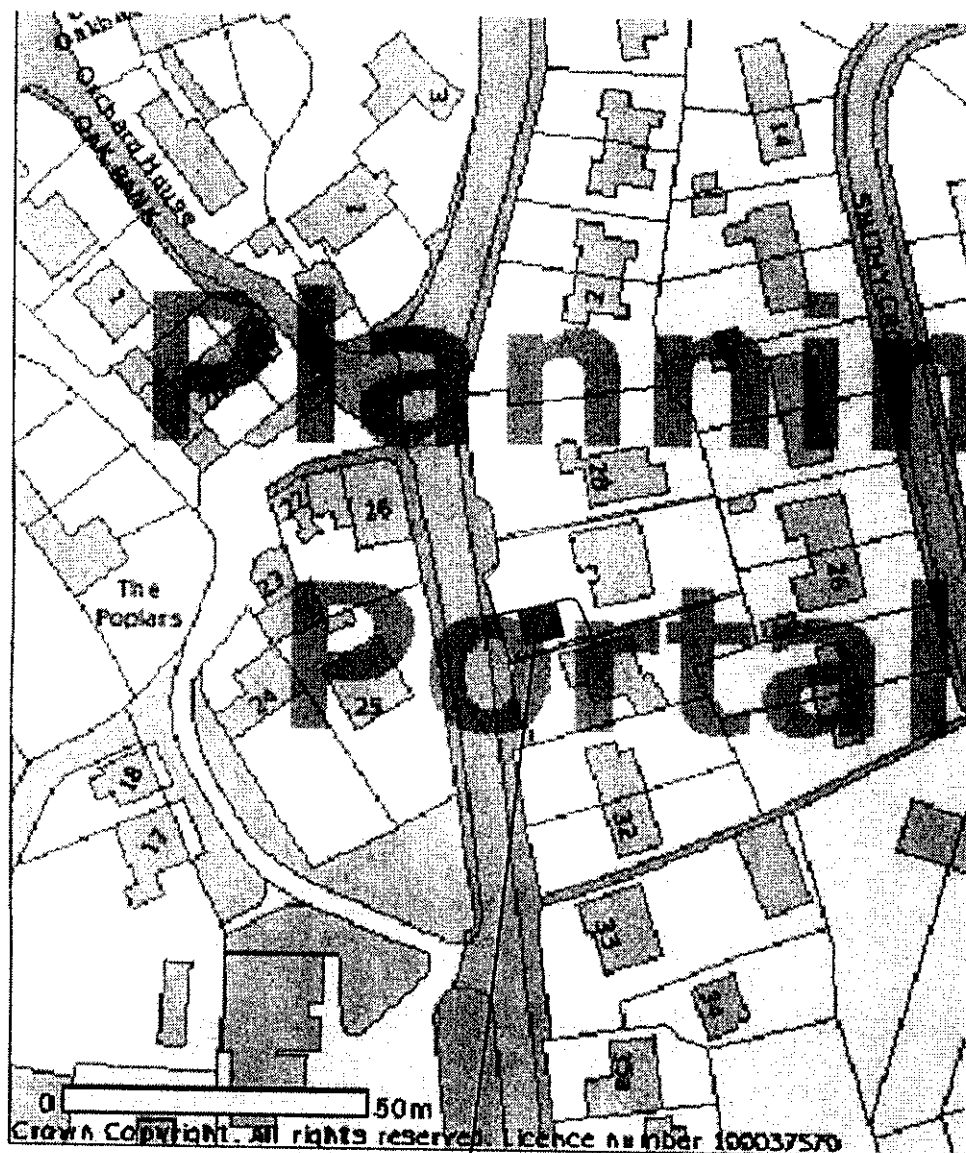
## SCHEDULE A: Applications with Recommendation

08/0434

planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

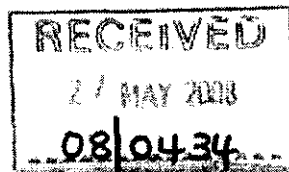
**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).

---

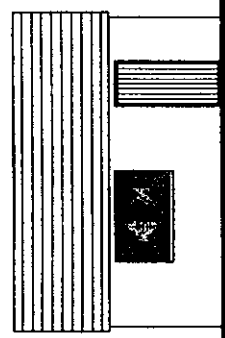


SITE LOCATION PLAN  
SCALE 1:1250

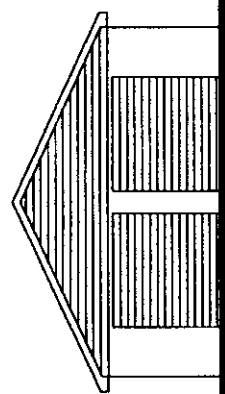
NORTH



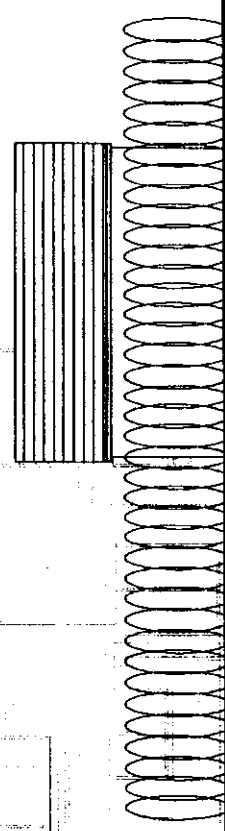
DUNEDIN, 29 THE GREEN, HOUGHTON  
SITE LOCATION PLAN AND BLOCK PLAN  
Drawing No H27G20A



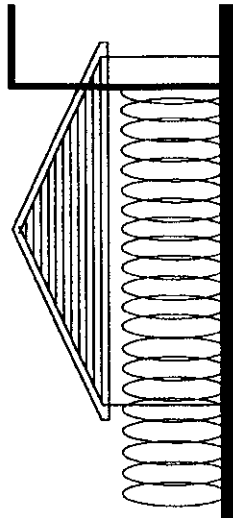
EAST ELEVATION @ 1:100



NORTH ELEVATION @ 1:100



WEST ELEVATION @ 1:100



SOUTH ELEVATION @ 1:100

EXTERNAL FINISHES

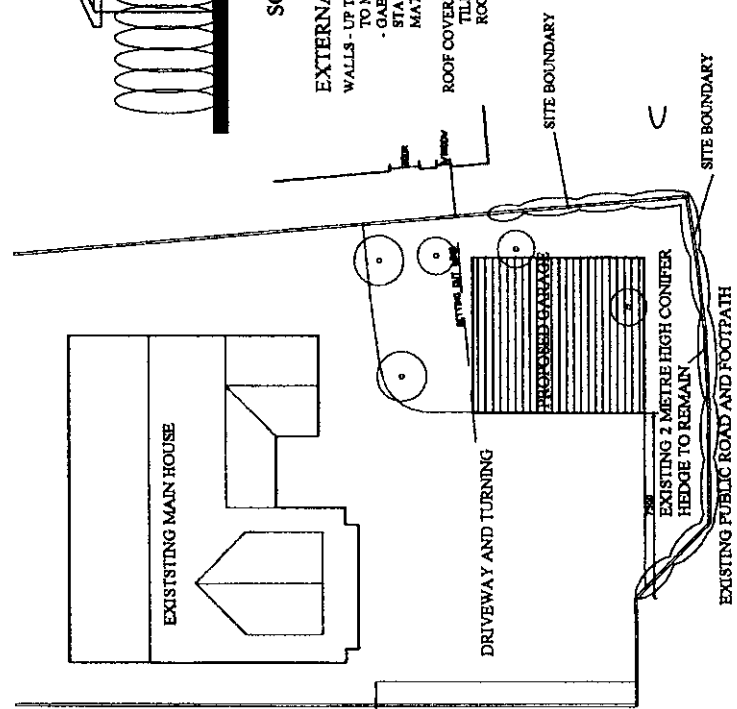
- WALLS - UP TO EAVES LEVEL - RED RUSTIC FACING BRICK TO MATCH EXISTING MAIN HOUSE WALLS.
- GABLES ABOVE EAVES LEVEL - DARK BROWN STAINED SHIP LAP TIMBER BOARDING TO MATCH MAIN HOUSE DORMER.

ROOF COVERING - GREY FLAT CONCRETE ROOF TILES TO MATCH EXISTING MAIN HOUSE ROOF COVERING.

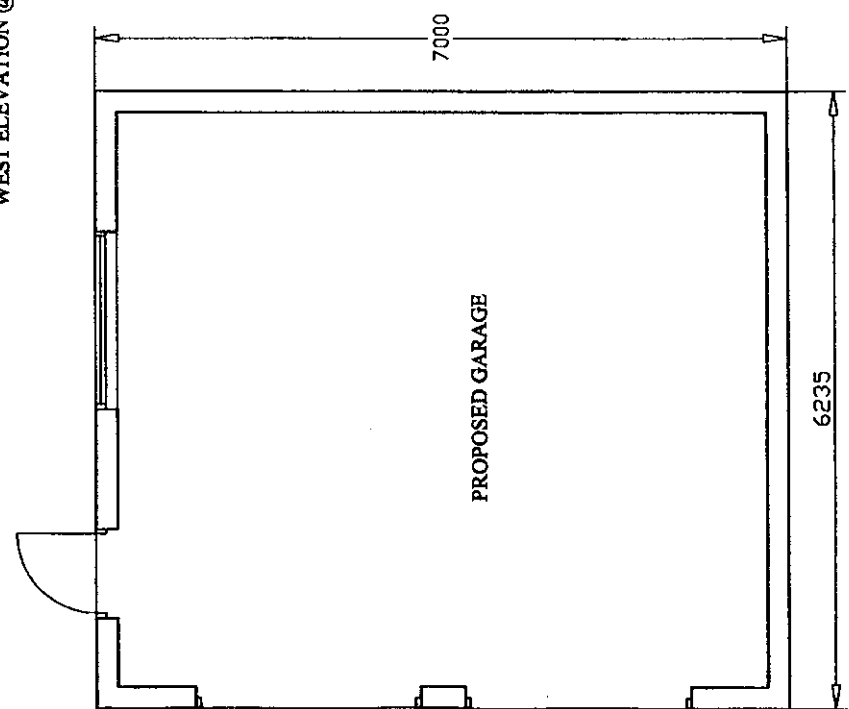
RECEIVED  
08/04/34

DUNEDIN  
29 THE GREEN  
HOUGHTON  
PROPOSED NEW  
GARAGE

Drawing No H28G/21B



SITE PLAN @ 1:200



GROUND FLOOR PLAN @ 1:50

## SCHEDULE A: Applications with Recommendation

08/0028

---

**Item No: 12**

**Date of Committee:** 11/07/2008

**Appn Ref No:**  
08/0028

**Applicant:**  
Mr Lee Nixon

**Parish:**  
Wetheral

**Date of Receipt:**  
17/01/2008

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Land Adjacent To Long Strumble, Armathwaite,  
Carlisle, Cumbria, CA4 9SY

**Grid Reference:**  
348548 550638

**Proposal:** Erection of 1no. Agricultural Worker's Dwelling (outline application and resubmission)

**Amendment:**

---

### REPORT

**Case Officer:** Chris Harrison

#### **Reason for Determination by Committee:**

This application raises parallels with a similar application previously brought before and refused by the Development Control Committee. The purpose of bringing this application is to outline the differences between the applications and the reasoning behind the recommendation for approval.

#### **1. Constraints and Planning Policies**

**District E8 - Remainder of Rural Area**

**District E19 - Landscaping New Dev.**

**District E22 - Sewers & Sew. Treat. Work**

**District H6 - Ag. & Forestry Need**

**District T7 - Parking Guidelines**

**Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP11-Foul/Surf Water SewerSewage T/ment**



**Rev Redeposit Pl. Pol H7 - Agricultural And Forestry Need**

**Rev Redeposit Pl. Pol T1 - Parking Guidelines**

### 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** no objection to the proposal, given the sole means of access to the site will be off the current private drive to Long Strumble. It is considered that the proposal will not have a material affect on existing highway conditions;

**County Land Agent (Capita dbs):** The report on the agricultural need in relation to a proposed permanent agricultural worker's dwelling concludes by advising the following:

1. There is a clearly established existing functional need in relation to this holding for 1 full time worker, actively involved in the management of the unit to be resident on or immediately adjacent to it.
2. The calculated labour requirement on this holding in the region of 2 full time workers and therefore the labour requirement test is met.
3. The holding, together with its diversified enterprises is financially viable and therefore the financial test is met.
4. At the present time, the existing dwelling at Long Strumble could fulfil the requirement to house the full time worker actively involved in the management of the unit who is required to be resident on the holding;

**Community Services - Drainage Engineer:** no consultation response received;

**United Utilities (former Norweb & NWWA):** no objections to the proposal in principal. Two advisory notes are attached.

However, the proposed site is located within the sensitive River Eden Catchment. United Utilities abstract water from the River Eden and the developer must ensure that the permission is obtained for the septic tank and discharge to the watercourse from the Environment Agency if necessary.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999;

**Wetheral Parish Council:** no objections regarding this proposal, providing Cumbria Highway Authority is satisfied that a safe access to and from the development site can be achieved onto the local road.

## SCHEDULE A: Applications with Recommendation

08/0028

### 3. Summary of Representations

#### Representations Received

Initial:

Consulted:

Reply Type:

[REDACTED] Long Strumble

23/01/08

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

### 4. Planning History

- 4.1 In July 2001 permission was granted for the erection of a potato storage shed (application reference 01/0007/AGD).
- 4.2 In May 2007 outline planning permission was refused for the erection of 1No. agricultural workers dwelling (application reference 07/0282) for the following reason:

"The proposed site lies some distance from the nearest settlement in a location where there is a general presumption against further residential development unless it is supported by a proven agricultural or forestry need. In this instance, however, while the Council recognises that there is a need for one full-time agricultural worker to be resident within the holding, it is considered that the existing farmhouse and related farm buildings satisfies any functional need associated with the operation of the holding. In the light of these circumstances it is not considered appropriate to permit an additional unit of accommodation since, to do so, would be contrary to the guidance provided in PPS7 "Sustainable Development in Rural Areas", and in conflict with the objectives of adopted Policy H6 of the Carlisle District Local Plan and emerging Policy H7 of the Carlisle District Local Plan Redeposit Draft."

- 4.3 In August 2007 permission was granted for the erection of 1No. 190 ton round grain silo (application reference 07/0013/AGD).

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 This application seeks full planning permission for the erection of an agricultural worker's dwelling on land adjacent to Long Strumble, Armathwaite, Carlisle.

- 5.2 Long Strumble is located approximately 3.7 miles north-west of Armathwaite directly adjacent to the minor classified highway linking Wetheral and Armathwaite. The holding is approximately 54.04 hectares in area, extending from the highway to the banks of the River Eden although, intersected by the Settle to Carlisle Railway lines. The land is held freehold with the exception of a single field measuring approximately 7.23 hectares, which is tenanted under an Agricultural Holdings Act 1986 tenancy from Carlisle City Council.
- 5.3 The application site is located within the domestic curtilage of the existing farm house located directly south of the farm holding and extends to an area of 525 square metres. The site is located directly adjacent to the access to the holding; is bound to the south-east by open fields utilised for the grazing of livestock and to the south by the highway. Screening is provided to the west by the existing agricultural buildings and mature deciduous hedgerows and trees.
- 5.4 The site is effectively open countryside within the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 as amended by the Inspector's Report and is in close proximity to a Site of Special Scientific Interest, Settle to Carlisle Conservation Area, an Area of County Landscape and a Wildlife Site.

**Proposal**

- 5.5 It is proposed to construct a single storey dwelling for occupation by an agricultural worker. This application seeks outline planning consent with all matters reserved for subsequent approval. Although the application is in outline form, the supporting Design and Access Statement indicates that the dwelling would be a single storey dormer dwelling located centrally within the site. It would measure approximately 7 metres in width and 13 metres in length with a ridge height of 5.5 metres.
- 5.6 Access to the site is to be via the existing private access to the holding and the proposed dwelling would be set back approximately 4 metres from the access. Although external materials are a reserved matter, the statement indicates that the dwelling will be designed to complement to the appearance of the existing sandstone dwelling located to the east of the holding, utilising a sandstone coloured facing brick and slate.
- 5.7 The foul and surface water are to be disposed to a septic tank and the existing water course respectively.

**Background**

- 5.8 Long Strumble has been under the ownership of the Nixon family since 1951 and is presently owned by Mr Christopher Nixon (the applicant's father). The holding has been farmed in partnership by the applicant and his father for a period of 16 years, with the applicant instated as a financial partner in the business in 2001. Long Strumble is now held on a self-renewing agricultural

## SCHEDULE A: Applications with Recommendation

08/0028

tenancy by the applicant following the planned retirement of Mr Christopher Nixon from the business in June 2007. It is now managed and operated solely by the applicant with the aid of casual labour.

- 5.9 Both arable and pastoral practices are undertaken on the holding. The livestock presently kept on the holding comprise 407 breeding ewes and followers and 198 store lambs. The farm supports the following a variety of crops and uses: 2.5ha of turnips 75% of which are fed in situ and the remainder lifted for sale, 21ha of spring barley, 6ha of grassland for hay and silage and 7ha of main crop potatoes which form part of the applicant's wholesale potato sales enterprise. The remainder of the land (16ha) is utilised for the rough grazing of livestock. No changes to the farming practises have been implemented following the transition of the management.
- 5.10 A traditional two-storey farmhouse is located on the application site and offers 3 bedroom accommodation, a bathroom, kitchen, two reception rooms and an office. The dwelling is occupied by Mr Christopher Nixon (the applicant's father) and has been for a continuous period of 56 years. The applicant presently resides within Carlisle and commutes to and from the holding. Following his retirement, Mr Christopher Nixon chose to remain in the existing dwelling on the holding. The applicant occupies the holding as a tenant so is unable to control this situation.

### Assessment

- 5.11 The relevant planning policies against which the application is required to be assessed are Policies E8, E19, E22, H6 and T7 of the Carlisle District Local Plan and Policies CP1, CP4, CP11, H7 and T1 of the Carlisle District Local Plan Revised Redeposit Draft as amended by the Inspector's Report. The proposal raises the following planning issues:
1. The Principle Of Residential development;
- 5.12 Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) published in July 2004 is relevant to this application, as it sets out the Government's planning policies for rural areas that should be taken into consideration when making planning decisions.
- 5.13 Paragraph 1 of PPS7, states that "new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled". By doing so it is the Government's aim to safeguard the character and beauty of the countryside, the diversity of its landscapes, heritage and wildlife, and its natural resources.
- 5.14 Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of,

## SCHEDULE A: Applications with Recommendation

08/0028

their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside; however, there will be some cases where the nature and demands of the work concerned make it essential for one or more persons engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

- 5.15 In assessing permanent agricultural dwellings such as that proposed, the four criteria outlined within Paragraph 3 of Annex A of Planning Policy Statement 7 are required to be considered. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing that:

*i. there is a clearly established existing functional need;*

- 5.16 A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night. If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.

- 5.17 In relation to the current proposal, the County Land Agent considers that there is a clearly established existing functional need for 2 full-time workers, actively involved in the management of this unit to be resident on, or immediately adjacent to, this holding. This functional need relates to labour requirement for the all year round welfare of the livestock, particularly at lambing time when careful monitoring and regular attention during a period extending to several weeks in late winter/early spring and the management of the insulated potato storage building which requires regular attention for mechanical heating or ventilation during extremes of outside temperatures.

*ii. the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;*

- 5.18 In relation to the second criteria, relating to the requirement for a full-time worker or one who is primarily employed in agriculture, the total requirement for labour is in the region of 2 full time workers as calculated by the County Land Agent. This figure excludes the additional labour required by the applicant for the operation of the potato marketing business.

*iii. the unit and the agricultural activity concerned has been established for at least three years, has been profitable for at least one of those, is currently financially sound, and has a clear prospect of remaining so;*

- 5.19 The Nixon family have owned Long Strumble since the 1950's and have seen

## SCHEDULE A: Applications with Recommendation

08/0028

the fortunes of the agriculture industry vary considerably in that time. With the Foot and Mouth crisis came the opportunity for farm diversification, which was taken by the applicant to develop a potato marketing business. The labour requirement is presently fulfilled by the full time work of the applicant together with casual labour at busy times.

5.20 Financial viability can be defined as offering a competent person the prospect of a sufficient livelihood. In practice this can mean a Net Farm Income after all expenses such as feed, fertiliser and property maintenance, at least equivalent to an Agricultural Worker's minimum wage, which is currently in the region of £12,600 per annum.

5.21 The County Land Agent has calculated the Net Farm Income that the farm is likely to achieve this and by including the premium return likely to be achieved by the potato marketing business is able to advise that the holding is financially viable.

*iv. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;*

5.22 Today it is only really necessary for specialist workers to live on or immediately adjacent to agricultural holdings. This is to be available at most times in case animals or agricultural processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or products.

5.23 The County Land Agent states that in the interest and the well-being of the livestock, for the efficient running of the holding and overall security, it is essential that one full time worker, actively involved in the management of the farm be present on, or immediately adjacent to it.

5.24 The County Land Agent states that Christopher Nixon has retired, granting a farm business tenancy (FBT) to the applicant and has remained in the farmhouse, placing pressure on Lee Nixon (the applicant) to operate the business from his home in Carlisle. In this regard, the County Land Agent stated that existing dwelling whilst suitable is not available. The active involvement of Mr Christopher Nixon in the operation of the holding and his ability to deal with any out of hours emergencies were raised by the County Land Agent. The applicant has confirmed that Mr Christopher Nixon no longer has a role in the management of the farm following his retirement in June 2007 due to the deterioration of health and the onset of arthritis. In this regard he has no wish to take part in the operation of the farm and any out of hours emergencies, which are the sole responsibility of the applicant.

5.25 Further to this, the County Land Agent has stated that Paragraph 5 of Annex A of PPS7, which considers the issue of system abuse, although specifically referring to a sale, could be utilised with reference to a disposal, and clearly the grant of a FBT on the land and buildings only, may be evidence of a lack of need for a dwelling on the land within the FBT. Whilst this advice is correct,

it fails to consider the specific circumstance of the application. In this instance, the applicant as a tenant of the holding has no control or influence over the actions of Mr Christopher Nixon, the landowner, who has retained the dwelling for his own occupation. Given the dwelling has no restrictions on its occupancy and is not tied to the holding this is legitimate. In this regard the dwelling occupied by Mr Christopher Nixon cannot be considered available for occupation by the applicant.

- 5.26 The County Land Agent questioned the classification of the business. It is identified that the Mr Christopher Nixon and the applicant have worked in partnership for a period of 16 years, with the applicant instated as financial partner in the business in 2001. Following the granting of the FBT in 2007 and the passing of sole responsibility for the management to the applicant, the County Land Agent has stated that the business should be considered as new farming activity on an established unit and therefore consent for temporary accommodation should be granted. Whilst a FBT has been granted, the applicant has been actively involved in the management and operation of the holding for a period of 16 years and no material changes to the operations on the holding have been implemented post June 2007. In this regard the farm business should be considered as the continuation of an existing enterprise. A permanent dwelling is therefore appropriate. To require the applicant to apply for the temporary consent for a caravan, as would be normal in the establishment of a new farming enterprise, is not appropriate in this instance.

- 5.27 The level of security held by the applicant was also questioned by the County Land Agent. At the time of commenting, the full details of the FBT were unclear. The applicant has subsequently furnished the Local Planning Authority with a copy of the FBT, which confirms that the tenancy is self-renewing until the demise of the Tenant, with a rental review period of 4 years. In this regard, the level of security held by the applicant is considered sufficient to justify a permanent dwelling on the holding.

## 2. The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties and the Character of the Area.

- 5.28 Based on the proposed siting of the house, there is a distance of 17 metres between the adjacent dwelling and any proposed dwelling. Subject to detailed design, it is considered that the dwelling could be built without adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of unreasonable loss of light, loss of privacy or over-dominance.
- 5.29 Given the location of the applicant site, and subject to siting, design and external appearance, it is not considered that the development will adversely affect the character or appearance of the area.

### Other Matters.

- 5.30 Cumbria Highway Authority has confirmed that the access arrangements are

acceptable and has raised no objections to the proposal.

### Conclusion

- 5.31 In overall terms, the issue centres on the personal circumstances of the applicant. A need for the agricultural worker to be resident on the farm has been proven. The applicant holds no control over the existing dwelling on the site. In this regard it would be unreasonable and the applicant would be unable to require Mr Christopher Nixon to surrender and vacate or share the dwelling with the applicant. The principle of the development, subject to the imposition of a restrictive occupancy condition, is acceptable. The proposal accords with all the relevant tests contained within PPS7. The development will not adversely affect the character or appearance of the area and will not affect the living conditions of adjacent properties by unreasonable scale or overlooking. In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging 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 Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

## 7. Recommendation - Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not



## SCHEDULE A: Applications with Recommendation

08/0028

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. Prior to the commencement of development hereby approved, particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy E8 of the Carlisle District Local Plan and Policies CP1 and CP4 of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 as amended by the Inspector's Report.

- 4. Prior to the commencement of development hereby approved samples or full details of all materials to be used on the exterior of the dwelling shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP4 of the Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016 as amended by the Inspector's Report.

- 5. Prior to the commencement of development hereby approved details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved in writing by the Local Planning Authority.

**Reason:** To ensure that materials to be used are acceptable and in

## SCHEDULE A: Applications with Recommendation

08/0028

compliance with the objectives of Policy CP4 of the Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016 as amended by the Inspector's Report.

6. The occupation of the dwelling shall be limited to persons solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or dependants of such persons residing with him or her, or a widow or widower of such a person.

**Reason:** The unrestricted use of the dwelling would be contrary to the provisions of Policies E8 and H6 of the Carlisle District Local Plan and Policy H7 of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 as amended by the Inspector's Report which seek to prevent additional sporadic development in the countryside unless demonstrated to be essential in the interests of agriculture or forestry.

7. Prior to the commencement of development hereby approved a scheme for the provision of surface water drainage works shall be 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 surface water disposal and in accord with Policy E22 of the Carlisle District Local Plan and Policy CP11 of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 as amended by the Inspector's Report.

8. Prior to the commencement of development hereby approved a scheme for the conveyance of foul drainage to septic tank shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

**Reason:** To prevent pollution of the water environment in accordance with Policy E22 of the Carlisle District Local Plan and Policy CP11 of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 as amended by the Inspector's Report.

9. Prior to the commencement of development hereby approved, a scheme for the planting of trees and shrubs shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner

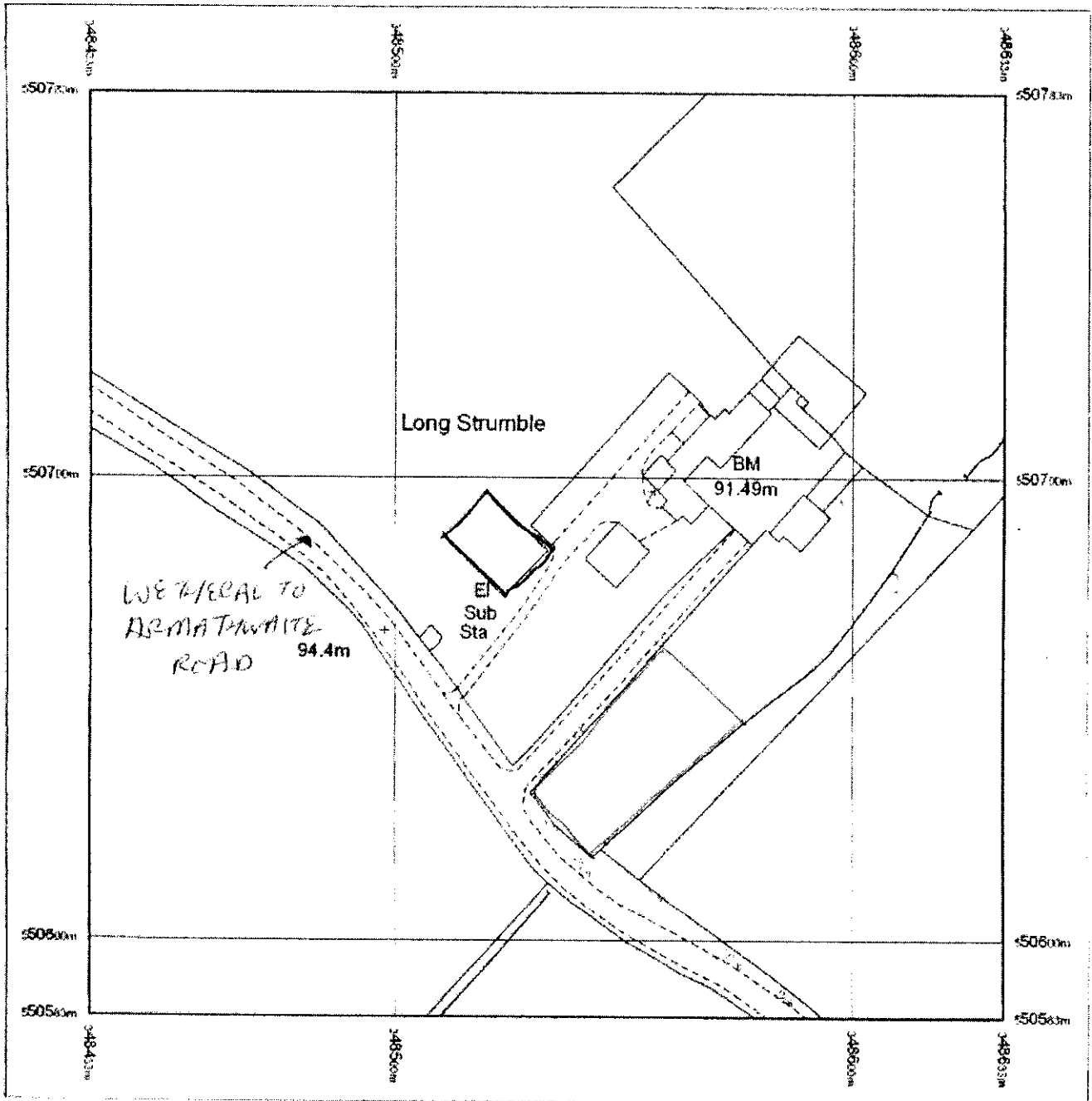
**Reason:** To ensure that a satisfactory landscaping scheme is prepared

## **SCHEDULE A: Applications with Recommendation**

08/0028

in accordance Policy E19 of the Carlisle District Local Plan and  
Policies CP1 and CP4 of the Carlisle District Local Plan  
Revised Redeposit Draft 2001-2016 as amended by the  
Inspector's Report.

---



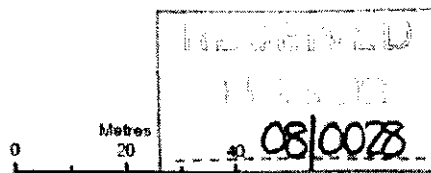
Produced 06.03.2007 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2007.

Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS Sitemap is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

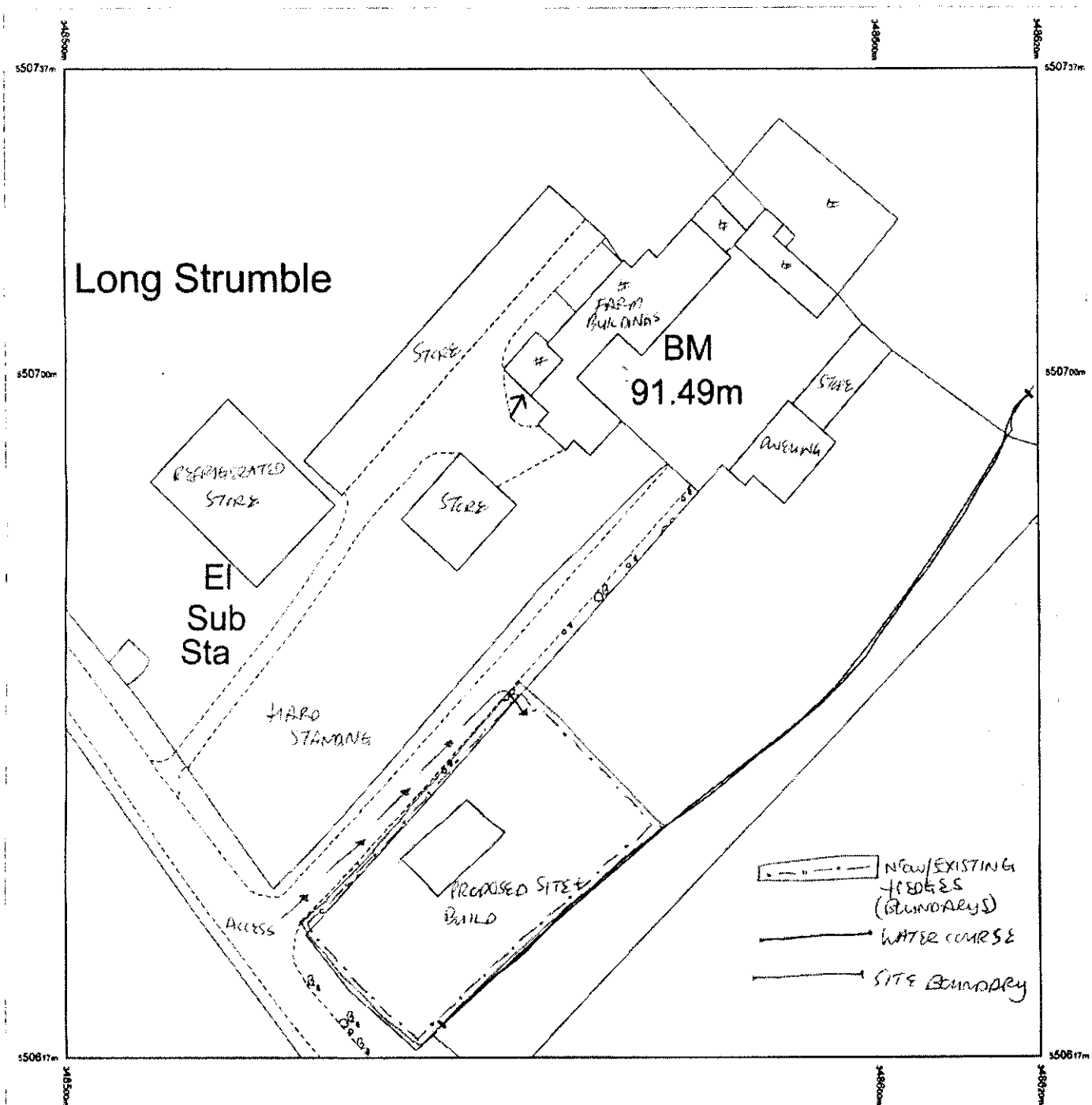


Scale 1:1250

Supplied by: Outlet User  
Serial number: 00083400  
Centre coordinates: 348533 550683

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:  
[www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk)

APPENDIX A



Produced 10.03.2007 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2007.

Reproduction in whole or part is prohibited without the permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS Sitemap is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

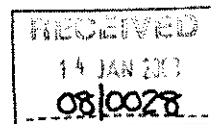
The representation of features as lines is no evidence of a property boundary.

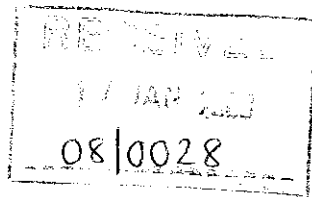


Scale 1:500

Supplied by: Outlet User  
Serial number: 00108000  
Centre coordinates: 548580 550677

Further information can be found on the OS Sitemap information leaflet or the





Mr Lee Nixon  
23 Wellside Walk  
Carleton Grange  
CARLISLE  
Cumbria, CA1 3TP  
Tel No: [01228] 560383

16 January 2008

The Head of Planning Services  
Carlisle City Council  
Civic Centre  
CARLISLE  
Cumbria  
CA3 8QG

Dear Sirs

**APPLICATION FOR PERMISSION TO DEVELOP LAND**  
**RESUBMISSION OF OUTLINE PLANNING - 08/0028**  
**LONG STRUMBLE, ARMATHWAITE, CARLISLE, CUMBRIA, CA4 9SY**

Please find below the measurements of the proposed build as requested in your letter dated 15<sup>th</sup> January 2008

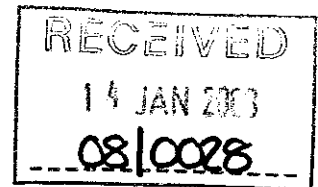
Width= 7 metres      Length= 13 metres      Height = 5.5 metres

If you require any additional information to assist with my application at this stage please do not hesitate to contact me on the above telephone number.

Yours faithfully

LEE NIXON

PLANNING & HOUSING SERVICES	
REF	
17 JAN 2008	
RECORDED	
SCANNED	
PASSED TO	KS
ACTION	



Application Number: 07/0282

Proposal: Erection of 1 No. agricultural worker's dwelling  
(RESUBMISSION OF OUTLINE PLANNING)

Location: Land adjacent to Long Strumble, Armathwaite, Carlisle,  
Cumbria, CA4 9SY

## DESIGN AND ACCESS STATEMENT

- 1) Consideration and the grounds for this proposal are fully explained and surveyed in the second Agricultural Appraisal carried out for me by Nigel Harris F.R.I.C.S. for and on behalf of C & D Property Services
- 2) As explained in my original application letter dated 15<sup>th</sup> March 2007 the site position of my application has been concluded as a result of written and verbal advice from Jessica Taylor and David Cartmel of your department and a site visit in 2006 from Jessica Taylor. An initial site location different to the proposed was submitted to your department last year and I was informed that at that point in time I would definitely not obtain planning permission for this site due to it being too far away from the existing farm holdings.

The most suitable position of the proposed build on the holding has derived from advice sought from your department, the Environmental Agency with regard to the regulations on the disposal of foul sewage, and a Building Civil Engineer with regards the use of a substructure

I am very conscious of the sensitivity of this proposed build and have considered various build options that will respond sympathetically to the surrounding architecture and neither will *swamp* or *squander*.

Please find below the proposed concept.

### Amount

Proposed build is a 1½ storey dormer dwelling only, there are no existing buildings on site that may be used as a agricultural worker's dwelling. This is explained in full in the Agricultural Appraisal.

### Layout

The nearest building which may be affected by this build is adjacent and is an occupied 2 storey dwelling, as shown on block plan Appendix B. The distance between the 2 storey dwelling and the proposed new build is suffice in that neither dwelling shall overlook one another. The proposed would be built centrally on the plot taking heed of the regulations as to distance away from the main road and the small water course.

### **Scale**

This build will be intentionally lower in height than the nearest existing building and will not hinder. The plot of land is on a sloping gradient, therefore, (as the existing dwelling) a substructure will be needed, regardless of the substructure the build will still be lower than the existing adjacent dwelling.

### **Landscaping**

There are no modern "town" fences on the existing holding, therefore, the build will be in keeping with this and boundaries shall be a combination of existing and new hedges only. There will be no adverse landscaping carried out, purely making good from the build and again in keeping with the surrounding existing landscaping. Any small fruit trees that will make way for this build will be replaced with new small fruit trees in the available areas left after the build. There are no paving stones on the existing holding, therefore, road materials for the access to the new site will be as the original access off the main road.

### **Appearance**

The adjacent/nearest building is an occupied sandstone 2 storey dwelling currently poorly rendered and eventually the rendering will be removed and the wooden sash windows to be repaired. Therefore, in keeping with the eventual appearance of the existing building the proposed new build would be built from a sandstone colour brick only (not sandstone), with a slate roof to match existing. The windows and doors would be of a PVC material in a wood effect which would be neither too dark nor too bright so that they would integrate with the surroundings.

### **Access**

As per Ordnance Survey Block Plan Appendix B access for the proposed site would be from the private road belonging to Long Strumble, this private road leading onto the main Wetheral to Armathwaite road. There will be no need for the build of a new access road from the public highway to the property. Once on the proposed site vehicular parking and circulation will be kept in keeping as per the existing holding.



## SCHEDULE A: Applications with Recommendation

08/0232

---

Item No: 13

Date of Committee: 11/07/2008

**Appn Ref No:**

08/0232

**Applicant:**

William Bone

**Parish:**

Wetheral

**Date of Receipt:**

12/03/2008

**Agent:**

**Ward:**

Great Corby & Geltsdale

**Location:**

Wood End, Heads Nook, Carlisle, CA8 9AE

**Grid Reference:**

349398 555089

**Proposal:** Erection of 1no. Dwelling

**Amendment:**

Alterations have been made to the windows at first floor level to improve the symmetry of the fenestration in the dwelling and a pitched roof has been added to the front portico.

---

### 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 four letters of objection.

#### **1. Constraints and Planning Policies**

##### **Waste Disposal Site**

The proposal site is within or adjacent to a Waste Disposal Site.

**District E9 - Landscaping of New Dev.**

**District E19 - Landscaping New Dev.**

**District H5 - Village Development**

**District H16 - Design Considerations**

**District H17 - Residential Amenity**

**District T7 - Parking Guidelines**

## SCHEDULE A: Applications with Recommendation

08/0232

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol CP11-Foul/Surf Water SewerSewage T/ment

Rev Redeposit Pl. Pol H1-Location of New Housing Development

Rev Redeposit Pl. Pol T1 - Parking Guidelines

### 2. Summary of Consultation Responses

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

Community Services - Drainage Engineer: comments awaited;

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

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

Wetheral Parish Council: no objections.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] Woodend	10/04/08	
[REDACTED] Westwood	10/04/08	
[REDACTED] Briar Hay	10/04/08	Objection
[REDACTED] The Mount	10/04/08	
[REDACTED] Wildwood Mount	10/04/08	
[REDACTED] Woodlands	10/04/08	Comment Only
[REDACTED] Station House		Objection
[REDACTED] Eden Holme		Objection
[REDACTED] Farthing House		Objection

3.1 This application has been advertised by means of notification letters sent to six neighbouring properties. In response four individual letters of objection have been received regarding the proposed development.

3.2 The letters identify the following issues:

- A previous application for a two storey dwelling was refused and the subsequent appeal was dismissed;

## SCHEDULE A: Applications with Recommendation

08/0232

- The proposed development is out-of-scale and character with this part of the Edwardian planned estate;
- Dormer bungalows/ single-storey properties are the accepted norm in this area;
- The west facing balcony and sun room will lead to the removal of the trees which are an essential part of the wooded lane's seclusion;
- Tree Preservation Orders should be used to protect the holly hedge, hedge trees and rhododendrons;
- The site contains several more semi-mature trees than shown on the plans;
- If approved, the proposal will set an undesirable precedent;
- The development will lead to loss of amenity through further development in an area of natural seclusion, peace and quiet;
- The development will lead to the creation of increased disturbance and noise;
- The access is unsatisfactory - the lane is in a poor state of repair and any increase in traffic would aggravate this problem;
- The unmade character of the lane is valued;
- Any surfacing of the east-west part of the lane will increase surface water runoff and lead to the further erosion of the north-south part of the lane;
- The exit to the main road has poor visibility and egress is often difficult due to parked vehicles close to the entrance;
- The services are outdated, worn and barely adequate and would not withstand further development;
- Any building works access should be from the east-west part of the lane and all parking should be within the site curtilage; and
- Should development be permitted, chestnut paling fencing should be erected to protect the trees on the north boundary with Westwood.

### 4. Planning History

- 4.1 In June 1990, outline planning permission was refused for the erection of a dwelling on part of this site (90/0255). A subsequent appeal was dismissed.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 This application seeks full planning permission for the erection of one dwelling at Wood End, Heads Nook. The site currently forms part of a large garden to an existing property Wood End, which is a large detached bungalow. The application site measures 44m by 39m and contains a number of trees, the majority of which are located around the periphery of the site. A 2m high solid timber fence forms the site boundary, which together with the trees/ hedge, largely screens the site from the adjacent lane. This lane, which connects to the adopted highway, runs along the southern and western boundaries of the site and provides the access to a number of properties. The lane also provides pedestrian access to a woodland area, which is located to the west of the application site.
- 5.2 A property known as Westwood adjoins the northern boundary of the application site. There are a number of trees on the site boundary and within the garden of Westwood. As a consequence, this neighbouring dwelling is barely visible from within the application site. There is also a property (Briar Hey) located to the south-east of the application site, on the opposite side of the lane. The gable of this property faces the application site. The trees/ hedge on the boundary of the application site largely screen it from views from Briar Hey.

#### Background

- 5.3 In June 1990, an outline application (90/0255) for the erection of one dwelling, within part of the application site at Woodend, was refused planning permission for the following reasons:

*" 1. The proposal would result in an inappropriate backland development adversely affecting the character of the area which comprise of a number of extensive gardens extending into the adjoining countryside and could lead to further similar applications on adjoining sites.*

*2. The proposal involves the erection of a dwelling in the open countryside unrelated to any existing settlement; such development being contrary to the policy of the Local Planning Authority would result in an unsatisfactory form of development.*

*3. The proposed access to the development is adequate".*

- 5.4 A subsequent appeal was dismissed in January 1991, with the Inspector considering that the proposal could lead to the opening up of the western boundary to the site which would bring into view buildings and domestic activities and begin an unacceptable process of change and urbanisation in this area at the fringe of the village.
- 5.5 Members should be aware that this earlier application related to a much

smaller site than the current proposal, and was located along the south-west boundary of the site. This area contains a number of mature trees, some of which would have had to be removed in order to provide a satisfactory access to the site. The removal of these trees would have an adverse impact on the character of the area. The current application site is much larger and access would be taken from the south-east corner of the site. A small section of hedge will need to be removed but the mature trees along the south-west boundary of the site, which are located in close proximity to an area of woodland would be retained. A Tree Preservation Order has recently been placed on the site, in response to concerns raised by local residents, to ensure that the trees on the periphery are not removed. This order will be reviewed once the Council's Tree Officer has undertaken a detailed assessment of all the trees on the site to determine which are worthy of long-term protection. This will ensure that the rural character of the area is maintained.

- 5.6 At the time of the earlier application, Heads Nook was identified as a settlement where infill development was acceptable. One of the reasons for refusal related to the fact that the application site was not an infill plot, as it did not lie within an otherwise built up frontage. This policy position has now changed. Policy H1 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report) identifies Heads Nook as a Local Service Centre, where small-scale residential development is acceptable in principle. The whole of the application site lies within the defined settlement boundary (see attached plan).
- 5.7 The 1990 application was also refused due to the proposed access to the development being inadequate. County Highways is satisfied that the proposed access to the current application is acceptable.
- 5.8 In conclusion, the nature of the application and the planning policies relating to the site have changed since the application was refused in 1990 and the subsequent appeal was dismissed in 1991. As such, Members are advised that due to changes in planning policy and the differences between the application site in the 1990 application, the outcome of the earlier application should not prejudice this application.

### **The Proposal**

- 5.9 The proposed dwelling would be a two-storey, four-bed detached dwelling. The dwelling, which would be positioned in the centre of the plot, would measure 5.9m to the eaves and 9.2m to the ridge. It would be constructed of a mottled clay facing brick with sandstone quoins and a natural slate roof. Windows would be wood effect upvc.
- 5.10 The proposed dwelling would comprise an integral double garage, entrance hall, kitchen, lounge, dining room, study, utility room, garden room, wet room and toilet to the ground floor with four en-suite bedrooms to the first floor. The garden room, which would be attached to the west elevation of the dwelling, would be single-storey with a balcony over. The dwelling would

## SCHEDULE A: Applications with Recommendation

08/0232

have a portico on the front elevation, which would consist of a pitched roof supported on circular columns.

- 5.11 A new access would be created in the south-east corner of the site, from the lane. This would lead to the removal of a section of existing hedge. The remainder of the trees around the periphery of the site would be retained.
- 5.12 It is proposed to discharge surface water and foul drainage to the main sewer.

### Assessment

- 5.13 The relevant planning policies against which the application is required to be assessed include Policies H5, H16, H17, E9, E19 and T7 of the Carlisle District Local Plan and Policies H1, CP4, CP5, CP11 and T1 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report).
- 5.14 The proposal raises the following planning issues:
1. The Principle Of Residential Development
- 5.15 Policy H1 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report) deals with the location of new housing development. Heads Nook is identified as a Local Service Centre within the Policy and the application site lies within the defined settlement boundary. Small-scale residential development on this site is, therefore, acceptable in principle.
2. The Impact Of The Proposal On The Character Of The Area
- 5.16 The proposed dwelling would be largely screened from view from outside the site due to the presence of a solid 2m timber fence, mature trees and a hedge along the site boundary. A Tree Preservation Order has recently been placed on the site, in response to concerns raised by local residents, to ensure that the trees on the periphery are not removed. This order will be reviewed once the Council's Tree Officer has undertaken a detailed assessment of all the trees on the site to determine which are worthy of long-term protection. The protection of the trees around the periphery of the site will help to ensure that the proposed dwelling would be largely hidden from view from outside the site and this will help to maintain the the rural character of the area. Members are advised that the trees around the periphery of the site, which the Tree Preservation Order is seeking to protect, will be unaffected by the proposed development. This matter should not, therefore, preclude the granting of permission.
3. The Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 5.17 The 'host' dwelling Woodend would be located 16m from the side elevation of

the attached double garage and 22m away from the east elevation of the dwelling. This elevation would only contain one window at ground floor level and none at first floor level. The erection of suitable boundary treatment, which is proposed to be conditioned, would ensure that the occupiers of Woodend are not adversely affected by the proposal through loss of privacy.

- 5.18 Westwood is located to the north of the application site and the rear elevation of the proposed dwelling, which contains a number of windows at ground and first floor, would face the garden of this property. There are, however, a number of mature trees on this boundary, which would be located 15m from the proposed dwelling, and these would screen the garden of Westwood from view.
- 5.19 A further property, Briar Hey, is located to the south-east of the site, on the opposite side of the lane. The gable of this property would face the application site. The front elevation of the proposed dwelling would be 26m from this property. Again, the extensive vegetation on the boundary would screen this dwelling from the application site and would ensure that the living conditions of the occupiers of this dwelling would not be adversely affected.
- 5.20 In summary, the distances between the proposed dwelling and the neighbouring properties and the presence of extensive planting around the periphery of the application site would ensure that the living conditions of the occupiers of neighbouring properties would not be adversely affected through loss of light, loss of privacy or over dominance.

#### 4. Whether The Design Of The Proposed Dwelling Is Appropriate

- 5.21 The dwelling and attached garage would be constructed of a mottled clay facing brick, with sandstone quoins. The principal front entrance would be a feature entrance portico supported on circular columns. The roof of the dwelling, garage and porch would be natural slate. The majority of the windows on the front and rear elevations of the dwelling (all of those at first floor level) would be the same size and would be spaced at regular intervals. In light of the above, the design of the proposed dwelling is acceptable.

#### Conclusion

- 5.22 In overall terms, the proposed dwelling would not have an adverse impact on the character of the area, or on the living conditions of the occupiers of neighbouring properties due to loss of light, loss of privacy or over dominance. The design of the proposed dwelling is acceptable. In all aspects, the proposal is compliant with the relevant policies contained within the adopted and emerging Local Plan.

## 6. Human Rights Act 1998

## SCHEDULE A: Applications with Recommendation

08/0232

- 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. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.
- Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP4 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report).
3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas 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 CP4 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report).



## SCHEDULE A: Applications with Recommendation

08/0232

4. No development shall take place until full landscaping details, including identification of those trees/shrubs to be retained, 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 E19 of the Carlisle District Local Plan.

5. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees and hedges to be retained in accordance with B.S. 5837:2005 fig. 2 at a distance corresponding with the root protection area of the tree or hedge, 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, no excavations are permitted, no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon without the written prior agreement of the Local Planning Authority. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policy E19 of the Carlisle District Local Plan.

6. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been 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 surface water disposal in accordance with Policy CP11 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report).

7. 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 Woodend and the proposed dwelling, in accordance with Policy CP5 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report).

8. Notwithstanding the provisions of the Town and Country Planning (General

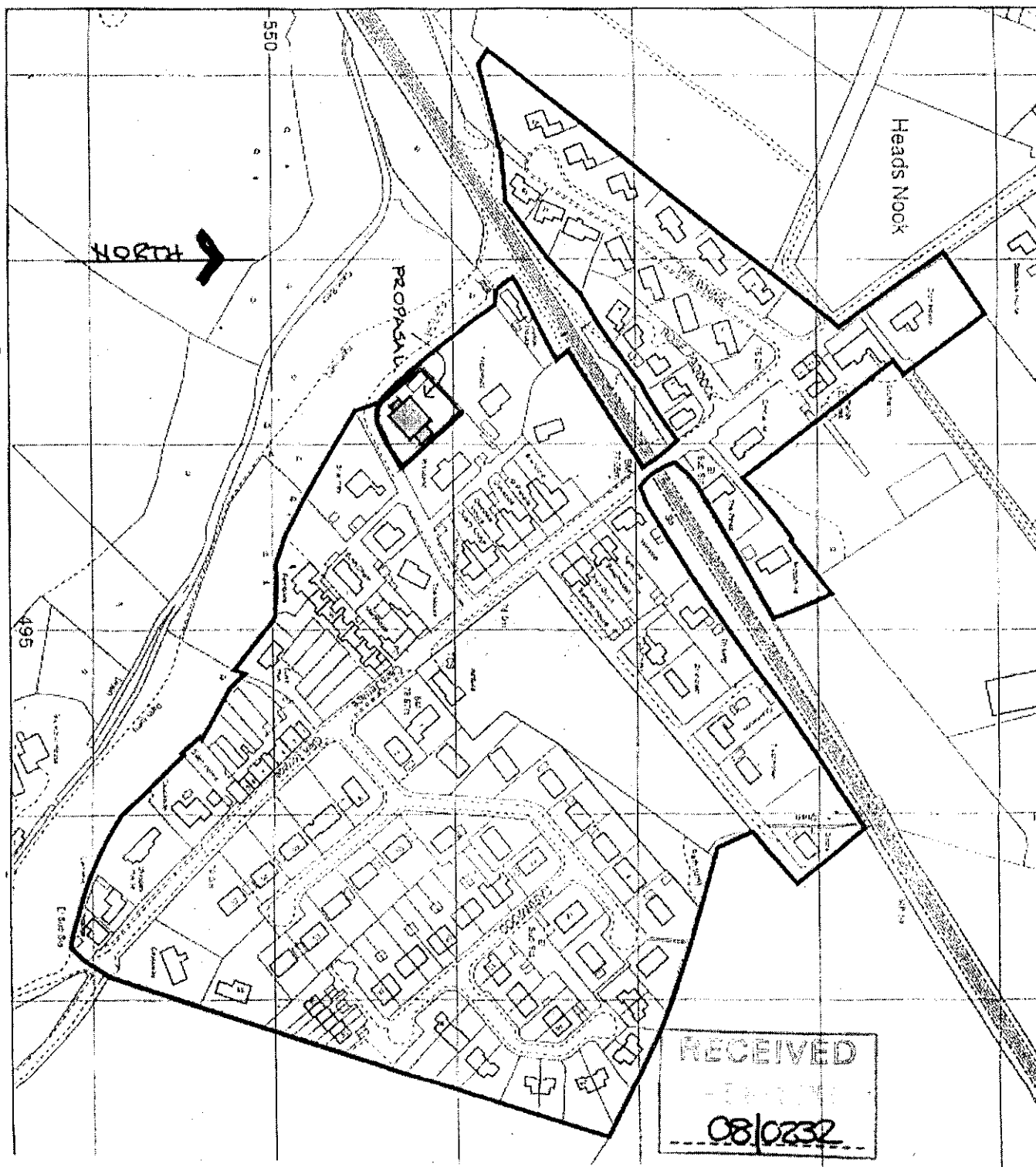
## SCHEDULE A: Applications with Recommendation

08/0232

Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted above the ground floor on the east elevation of the dwelling 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 Policy H16 of the Carlisle District Local Plan.

---

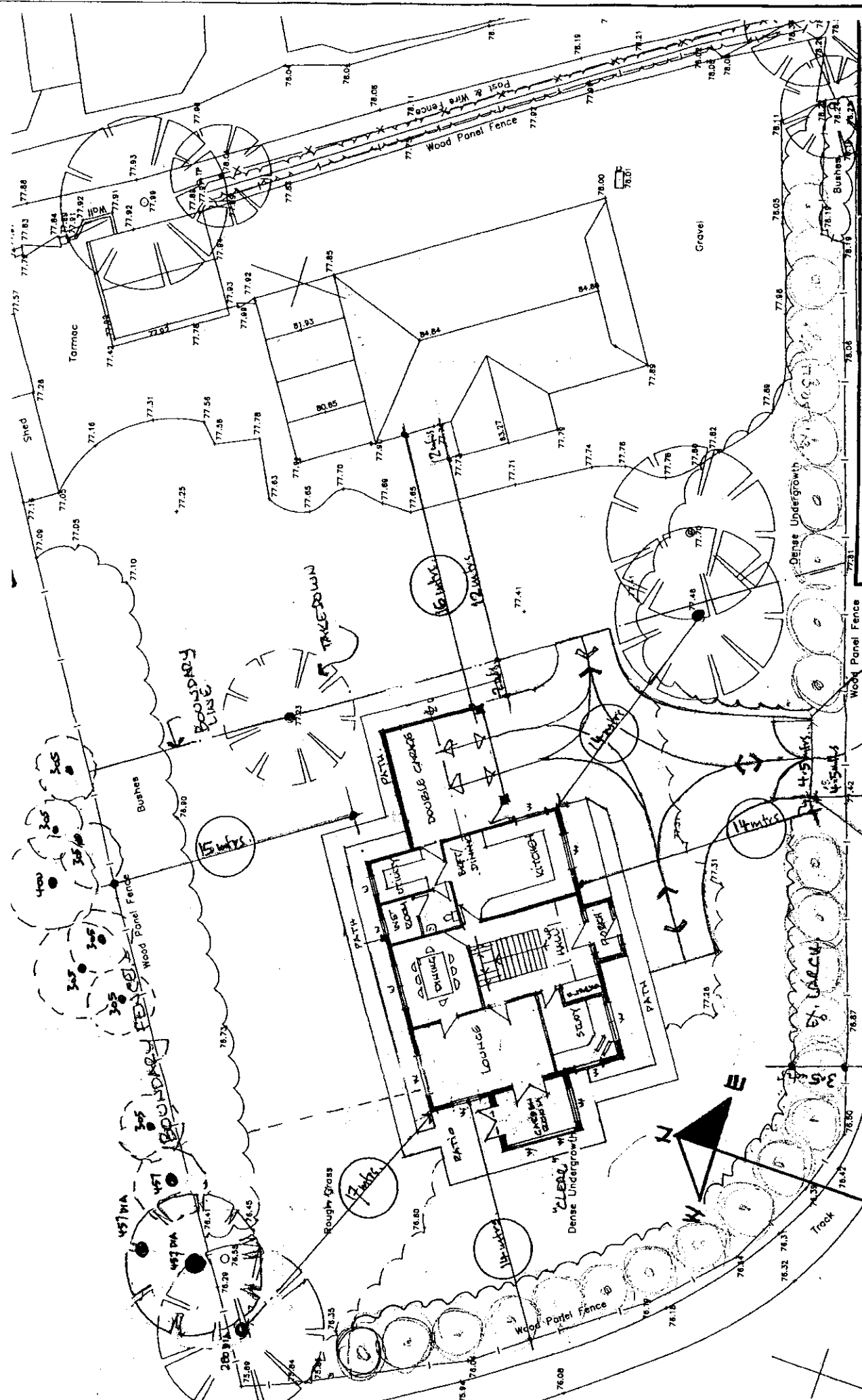


**PROPOSED DWELLING 4 BEDROOMS AT**  
**'WOODEND' HEADS NOOK, CARLISLE**  
**FOR MR. B. BONE.**

RECEIVED  
 12 MAR 2008  
 08/0232

HIGGINS DESIGN SERVICES  
 PLANRITE HOUSE  
 24 CHISWICK STREET  
 CARLISLE  
 CUMBRIA, CA1 1HQ  
 TEL/FAX: 01228 529329  
 MOB: 07710 600 426  
 E-MAIL: [david.higgins@freenet.co.uk](mailto:david.higgins@freenet.co.uk)

SCALE 1:12500

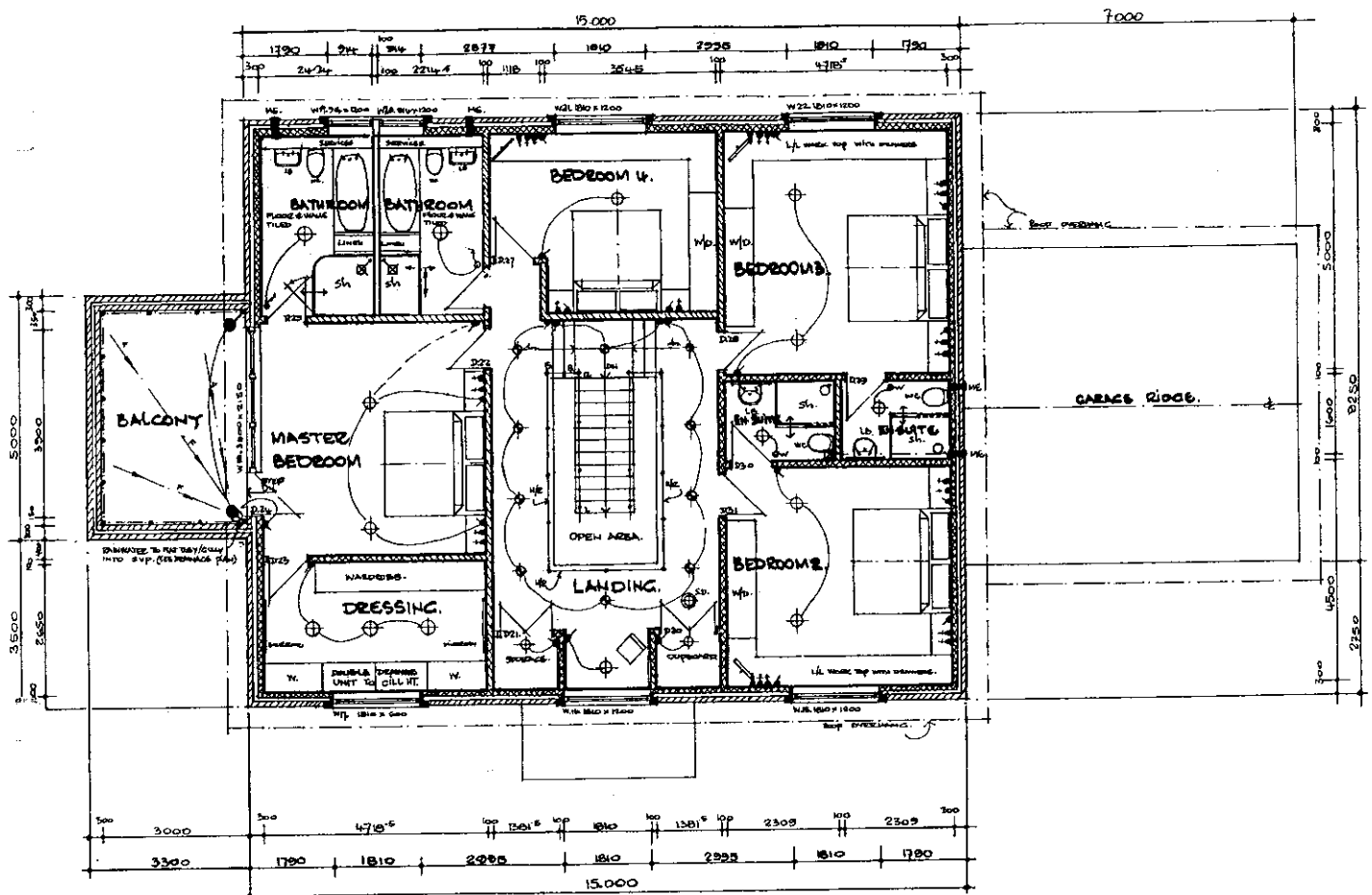


HIGGINS DESIGN SERVICES  
 PLANITTE HOUSE  
 24 CHISWICK STREET  
 CARLSLE  
 CUMBRIA, CA1 1HQ  
 TEL/FAX: 01228 520320  
 MOB: 07710 600 426  
 E-MAIL: [info@higginsdesign.co.uk](mailto:info@higginsdesign.co.uk)

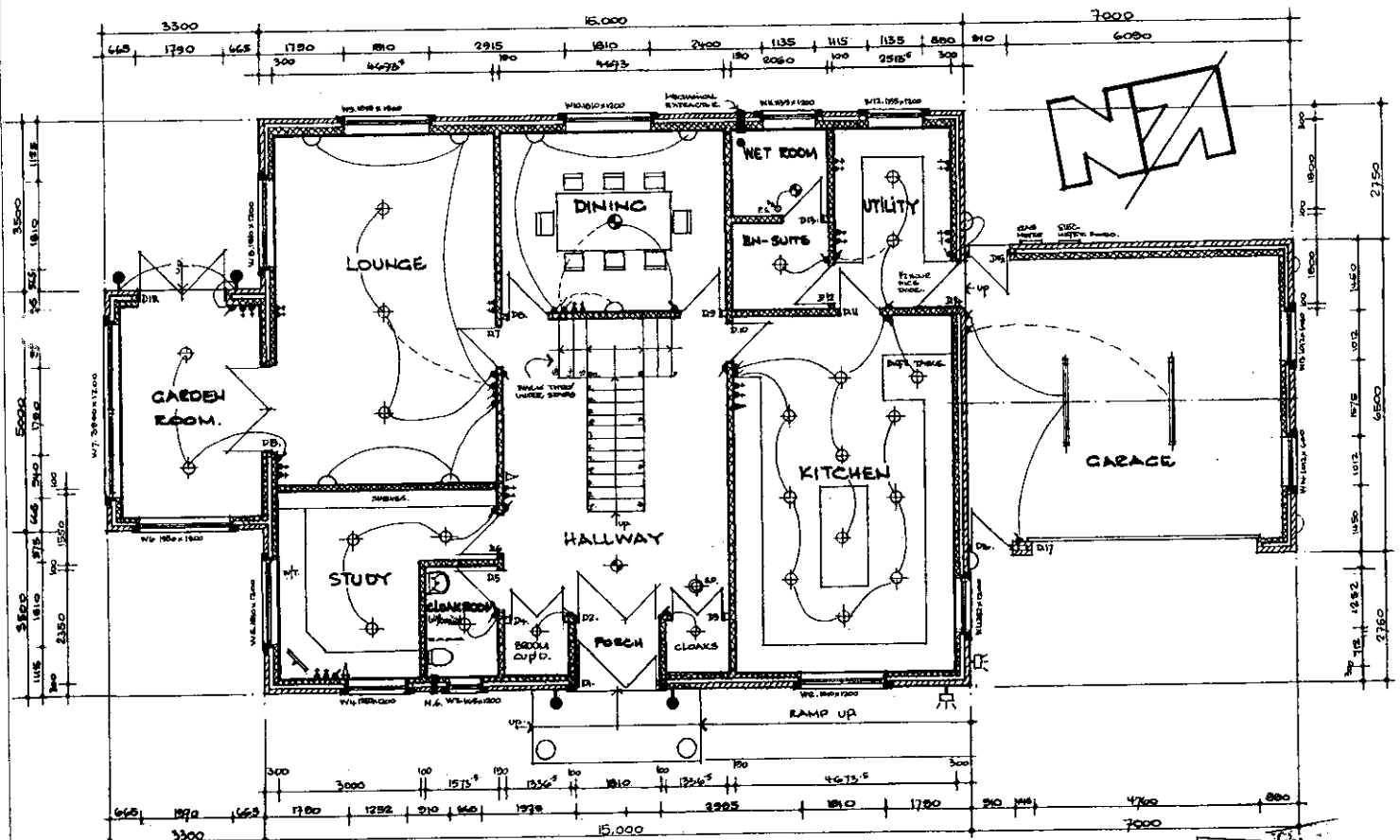
PROPOSED DWELLING 4 - BEDROOMS FOR  
 MR. W. BONE, 16, BEDFORD ROAD, CARLSLE.  
 CA2 5QE.  
 SITE: WOOD END, HEADS NOOK, CARLSLE.  
 Drawn D.R.Higgins. Scale 1:200. Date 4-11-07

DRAWING NO. 106717/B

RECEIVED  
 08/02/07  
 08/02/07



FIRST FLOOR PLAN.



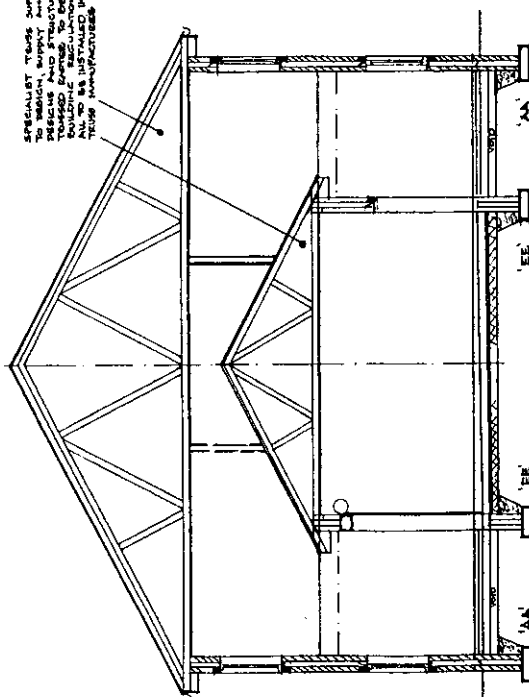
GROUND FLOOR PLAN.

REVISION A 20.04.08  
 WINDOW TO DINING ROOM F.P. 15.00  
 WINDOW TO HALLWAY F.P. 15.00  
 ALICE HUNTER ADVICE TO HALLWAY  
 HALLWAY ADVICE TO HALLWAY

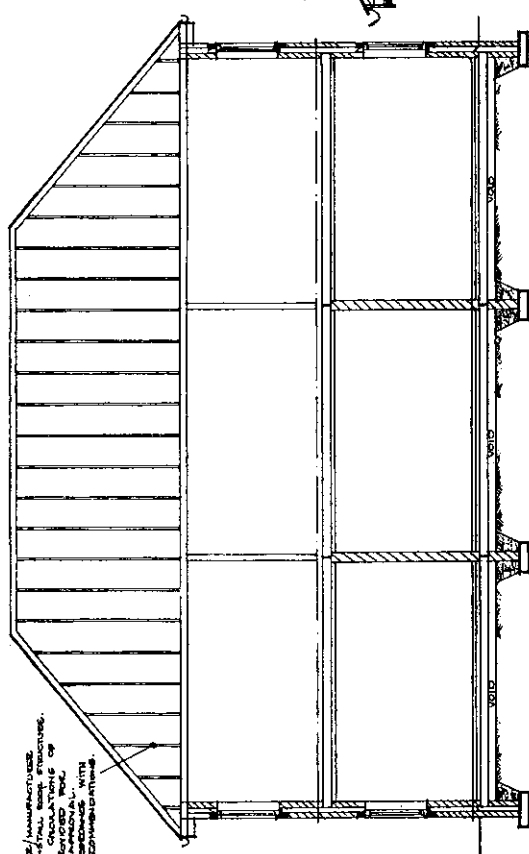
**PROPOSED DWELLING 4 BEDROOMS AT  
 WOOD END HEADS NOOK CARLISLE  
 FOR MR. BONE**

HIGGINS DESIGN SERVICES  
 PLANNING HOUSE  
 24 CHURCH STREET CARLISLE CUMBRIA CA1 1HD  
 TEL 01228 432528 MOBILE 07710 800 428  
 E-MAIL DAVID.HIGGINS@PRENET.CO.UK

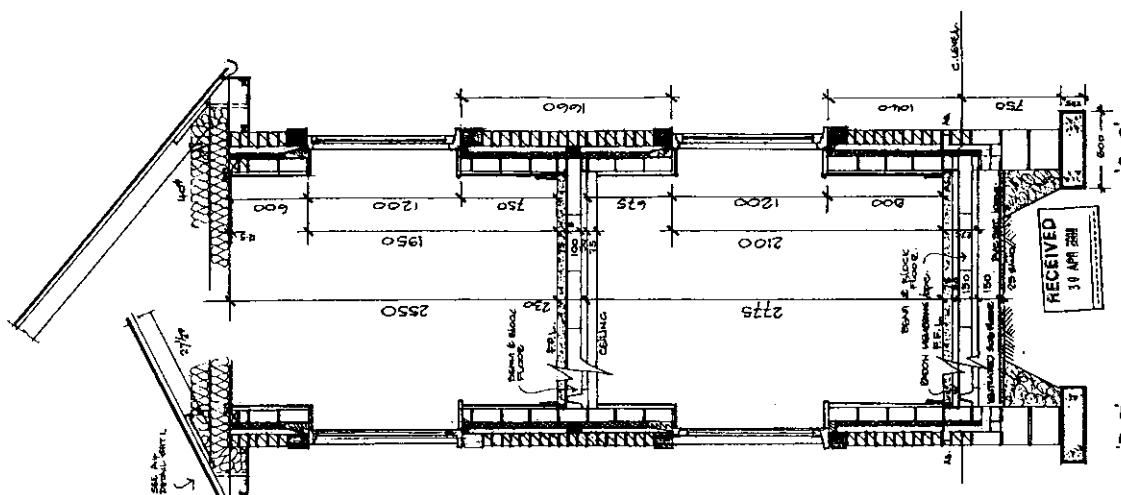
DATE 20TH FEB 2008  
 SCALE 1:50  
 DRAWN DR. HIGGINS  
 DWGNO. 022/B/SA



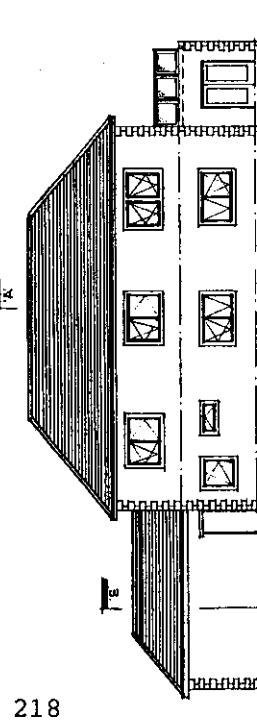
CROSS SECTIONS 'AA' & 'EE'



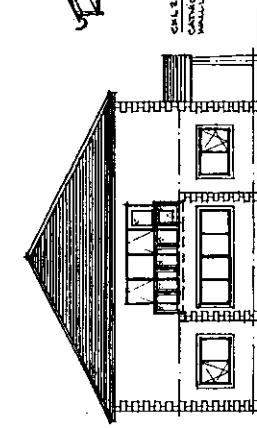
LONGITUDINAL SECTION 'BB'



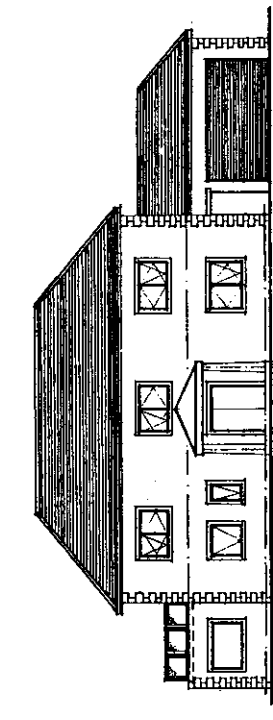
C-C



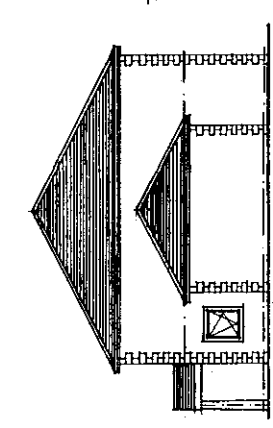
REAR ELEVATION (NORTH WEST)



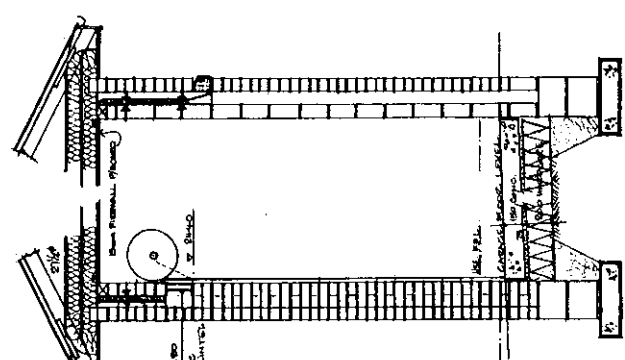
GABLE ELEVATION (SOUTH WEST)



FRONT ELEVATION (SOUTH EAST)



GABLE ELEVATION (NORTH EAST)



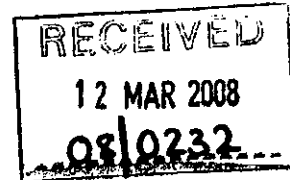
EE

DATE 18TH FEB 2008  
 SCALE 1:100 / 1/80 / 1/50  
 DRAWN D.M.C.  
 DWG 022101A  
 HIGGINS DESIGN SERVICES  
 PLANNING HOUSE  
 TEL: 01223 412323 MOBILE: 0774 000 408  
 EMAIL: DAVID.HIGGINS@HIGGINSDESIGN.CO.UK  
 RECEIVED  
 10 APR 2008

PROPOSED DWELLING 4 BEDROOMS AT  
 WOOD END HEADS NOOK CARLISLE  
 FOR MR. BONE

WOOD END, HEADS NOOK FOR W BONE

DESIGN & ACCESS STATEMENT



GENERAL

The land to be redeveloped is indicated on Higgins Design Services drawing numbers 1067/7/B, and 022/8/1 to 3 inclusive, which include topographical levels which are indicated on drawing 7/B.

It comprises of part of the large garden to the existing Wood End property, which has been recently purchased by the Applicant from the current owner of Wood End. The approximate area of the development site is 44 metres x 39 metres (0.17 ha), and it lies to the West of the Wood End property. There is a slight downward slope on the site from East to West, away from the Wood End property. It is understood that the land is 'green field', and was previously undeveloped prior to the construction of the Wood End property.

There are a number of mature trees on the site, generally being at the northwest and southeast corners, and there is a single tree toward the northeast edge. Excepting the eastern boundary adjacent to the existing Wood End property, there are hedges/bushes along all the perimeter of the site.

Along the South and West edges of the site is an existing lane which is understood to be of private ownership. This extends from the adopted highway approximately 60m to the East of the existing Wood End property, in a westerly and then northerly direction to the existing privately owned Heads Nook Station House. This lane is currently not particularly well maintained, and is surfaced in aged bituminous surfacing and compacted hardcore.

/Contd...

### **DESIGN PRINCIPLES**

The proposed development is a two storey four bedroom detached dwelling with attached double garage, which is to be served via a new access, from the existing lane, through the existing perimeter hedging toward the southeast corner of the site, as indicated on drawing 1067/7/B.

The position of the new dwelling has been devised to minimise the impact on the surrounding features, notably only one significant tree is to be removed at the northeast edge of the site, and the property is generally located toward the middle of the development area. Generally all of the existing hedging/boundary vegetation, is to remain. The minimum distance from the new property to the existing Wood End property is approximately 14m, with the new property being located approximately 2m from the East boundary.

The outlook from the new building toward the existing Wood End property has been considered, with only one ground floor window directly facing same.

The materials chosen for the external finishes are mottled clay facing brickwork, with feature sandstone corner quoin stones, and natural slate roof coverings, window finishes are to be wood effect upvc. All of which are considered to be sympathetic to the surrounding buildings and area.

### **ACCESS**

Access into the property is to be formed with a discrete new opening through the existing hedging at the southeast corner of the site, directly off the existing lane. The new entrance gates will be set back from the edge of the existing lane, to allow a vehicle to pause off the highway, prior to gaining access through the gates and into the property. The driveway is to include two integral turning areas, to allow vehicle circulation entirely within the site boundary.

/Contd...



The principle front entrance of the property includes a feature entrance portico supported on circular columns, with an adjacent access ramp suitable to be disabled compliant.

A ground floor disabled compliant wc is located off the main hallway, and a further en-suite wc and wet room will be located in the rear ground floor right hand corner of the property.

All ground floor entrance/exit doors should have level access provision onto paved areas.

### **CRIME & COMMUNITY SAFETY**

The new main entrance to the property will be provided with secure gates. The existing dense vegetation along the site boundary will be retained to ensure a secure boundary adjacent to the existing lane.

It is envisaged that the existing private lane surfacing would be improved, by the Applicant, as part of the development works, at least from its easterly end where it abuts the adopted highway, until a point 10m to the West of the centre of the new access into the development, all subject to confirmation of current ownership of the lane. This will be pursued during the course of the application consideration period, by the Applicant.

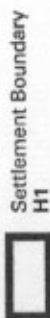
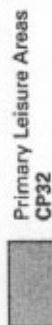
All new windows and doors will be fitted with standard security locks.

# Carlisle District Local Plan 2001 - 2016

Deposit Draft July 2004

Heads Nook

## KEY



Scale 1:3,000



Date July 2004

CARLISLE  
CITY COUNCIL



www.carlisle.gov.uk

## Planning Services

Head of Planning Services:

A C Eales Dip.TP MRTPI

Civic Centre • Rickergate • Carlisle • CA3 8QG

Tel: 01228 817000 Fax 01228 817199

Inset 14

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office.  
© Crown Copyright.  
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
Carlisle City Council. Licence No. 100024459, 2004

Digitally produced by ESR Cartography Ltd, Maidenhead, Berkshire, SL6 8PH, 200



**Photograph 1:** Photograph of the application site, showing the trees on the south-west boundary, which have recently been protected by a Tree Preservation Order.

08\_0232 Wood End, Heads Nook 07 15.04.2008.jpg @ 50% (RGB/8)



**Photograph 2:** Photograph of the 'host' dwelling, Woodend.

08\_0232 Wood End, Heads Nook 03 15.04.2008.jpg @ 50% (RGB/8)





**Photograph 3:** Photograph taken from within the site, looking towards Westwood, which adjoins the application site to the north.

08\_0232 Wood End, Heads Nook 09 15.04.2008.jpg @ 50% (RGB/8)



**Photograph 4:** Photograph showing the lane to the south-east of the application site and the boundary treatment on the south-east boundary of the site.

08\_0232 Wood End, Heads Nook 11 15.04.2008.jpg @ 50% (RGB/8)



**Photograph 5:** Photograph showing the lane to the south-west of the application site and the mature trees on the south-west boundary of the site, which have recently been protected by a Tree Preservation Order.

08\_0232 Wood End, Heads Nook 10 15.04.2008.jpg @ 50% (RGB/8)



## SCHEDULE A: Applications with Recommendation

08/0324

---

**Item No: 14**

**Date of Committee:** 11/07/2008

**Appn Ref No:**  
08/0324

**Applicant:**  
Mrs Alison Allen

**Parish:**  
Dalston

**Date of Receipt:**  
15/04/2008

**Agent:**

**Ward:**  
Dalston

**Location:**  
Land Adjacent To Townhead Road, Dalston,  
Carlisle

**Grid Reference:**  
335948 549888

**Proposal:** Erection Of Wooden Shelter For Ponies (Retrospective)

**Amendment:**

---

### REPORT

**Case Officer:** Suzanne Edgar

#### **Reason for Determination by Committee:**

This application has been brought before Members of the Development Control Committee as the Parish Council have raised an objection to the application.

#### **1. Constraints and Planning Policies**

District E1 - Agricultural Land

District E8 - Remainder of Rural Area

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity

Rev Redeposit Pl. Pol CP3 - Agricultural Land

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol LE25 - Equestrian Development

Rev Redeposit Pl. Pol T1 - Parking Guidelines

#### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** the Highway Authority has no



## SCHEDULE A: Applications with Recommendation

08/0324

objection to the proposed development as it is considered that the proposal does not affect the highway;

**Environmental Services - Environmental Quality:** no objections to the above proposal;

**Dalston Parish Council:** the Parish Council objects to the proposal as it was felt to be an intrusion into the landscape and open countryside as per Policy CP1 - Landscape Character of the Carlisle District Local Plan.

### 3. Summary of Representations

#### Representations Received

Initial:

Consulted:

Reply Type:

- 3.1 This application has been advertised by means of a site notice. No verbal or written representations have been made during the consultation period.

### 4. Planning History

- 4.1 There is no relevant planning history on this site.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 This application seeks retrospective permission for the erection of a wooden shelter for two ponies on land adjacent to Townhead Road, Dalston. The application site relates to an open field 1.51 ha in extent which is delineated by hawthorn hedging. There are no other buildings located within this field with the nearest residential dwelling situated 230 metres to the east.

#### Background

- 5.2 The proposed shelter measures approximately 3.65 metres by 7.2 metres to a height of 2.9 metres. The building is constructed from timber walls under a brown profile sheeted roof.
- 5.3 The applicant resides at Ellerslea, Bridge End which is situated approximately 2.4 km (1.5 miles) from the application site. It is the applicant's intention to use the shelter for her children's two ponies with the rest of the field to be used as associated grazing land. No formal paddock area has been

## SCHEDULE A: Applications with Recommendation

08/0324

requested nor a change of use of the field from agriculture. The proposed shelter is for the personal use of the applicant and her family.

### Assessment

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies E1 and E8 of the Carlisle District Local Plan together with Policies DP1, CP1, CP3, CP4, LE25 and T1 of the Carlisle District Local Plan Revised Redeposit Draft.
- 5.5 The proposal raises the following planning issues:
- 5.6 1. Whether The Principle Of The Development Is Acceptable
- 5.7 Policy DP1 of the Carlisle District Local Plan Revised Redeposit Draft seeks to ensure that all proposals for development are assessed against their ability to promote sustainable development. In this instance the location of the proposed field shelter is detached from the village of Dalston. As previously stated the applicant resides at Ellerslea which is 2.4km from the application site. The applicant has confirmed that travel to the site will be by car, cycle or walking depending on the weather, once a day and there will be no additional travel as a result of the shelter because the ponies are already using the site. It is noted that Policy T1 of the Carlisle District Local Plan Revised Redeposit Draft and PPG13 seek to reduce reliance on the private car however in relation to the aforementioned matters it is considered that the proposal would not result in undue reliance on the use of the private car. In order to control the nature of the use it is considered appropriate to impose a personal condition restricting the use of the stables.
- 5.8 2. The impact on the surrounding countryside
- 5.9 The application site appears isolated from the village of Dalston and is situated within open countryside. The Parish Council have objected to the proposal on the basis that they consider it to be an intrusion into the landscape and open countryside contrary to Policy CP1 of the Carlisle District Local Plan Revised Redeposit Draft Local Plan.
- 5.10 The field shelter is situated adjacent to the northern boundary of the field and is sited so that it takes advantage of existing natural screening, which is formed by mature hawthorn hedging along all the boundaries of the application site. The field shelter is not visible from the approach to Townhead Road. In such circumstances it is considered that the proposed shelter will not adversely affect the character and appearance of the surrounding countryside.
- 5.11 3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents.
- 5.12 The nearest residential property is sited 230 metres from the proposed shelter. In view of this, the development will not adversely affect the living

## SCHEDULE A: Applications with Recommendation

08/0324

conditions of those residents nearest the site through loss of light, overdominance or potential noise and smells generated.

### 5.13 Other Matters

- 5.14 The submitted Design and Access Statement indicates that an owl nesting area has been created within the roof of the shelter and that it has already started to be used by barn owls. At the time of the Officer site visit, there was sufficient evidence to suggest that owls may be present. It was also evident that either house martins or swallows were/had been using the shelter to nest.
- 5.15 Members should be aware that under the terms of the Wildlife & Countryside Act 1981 (as amended), all wild birds, their nests and eggs are protected against deliberate damage or destruction. In addition, as Barn Owls are included within Schedule 1 of the Act, they are specially protected and it is therefore also an offence to disturb them, or their young/eggs, while at the nest.
- 5.16 Section 40(1) of the Natural Environment and Rural Communities Act (2006) places a duty on Local Authorities to conserve biodiversity. In addition, one of the key principles of Planning Policy Statement 9: Biodiversity and Geological Conservation is that planning decisions should aim to maintain, enhance, restore or add to biodiversity and geological conservation interests. It is clear that the shelter is being used by local wildlife and its removal would therefore have a slight adverse impact for local biodiversity.
- 5.17 However, notwithstanding the above, should Members be mindful to refuse the application and require the applicants to remove the shelter, to ensure that the Council could not seem to be advocating the undertaking of an illegal Act, it would be necessary for the Council to arrange for a suitably qualified person to survey the shelter prior to its removal to ensure nesting birds were no longer present.

### Conclusion

- 5.18 In overall terms it is considered that the proposal is compliant with the objectives of the relevant adopted and emerging Local Plan policies. In such circumstances approval is recommended.

## 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;

## SCHEDULE A: Applications with Recommendation

08/0324

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

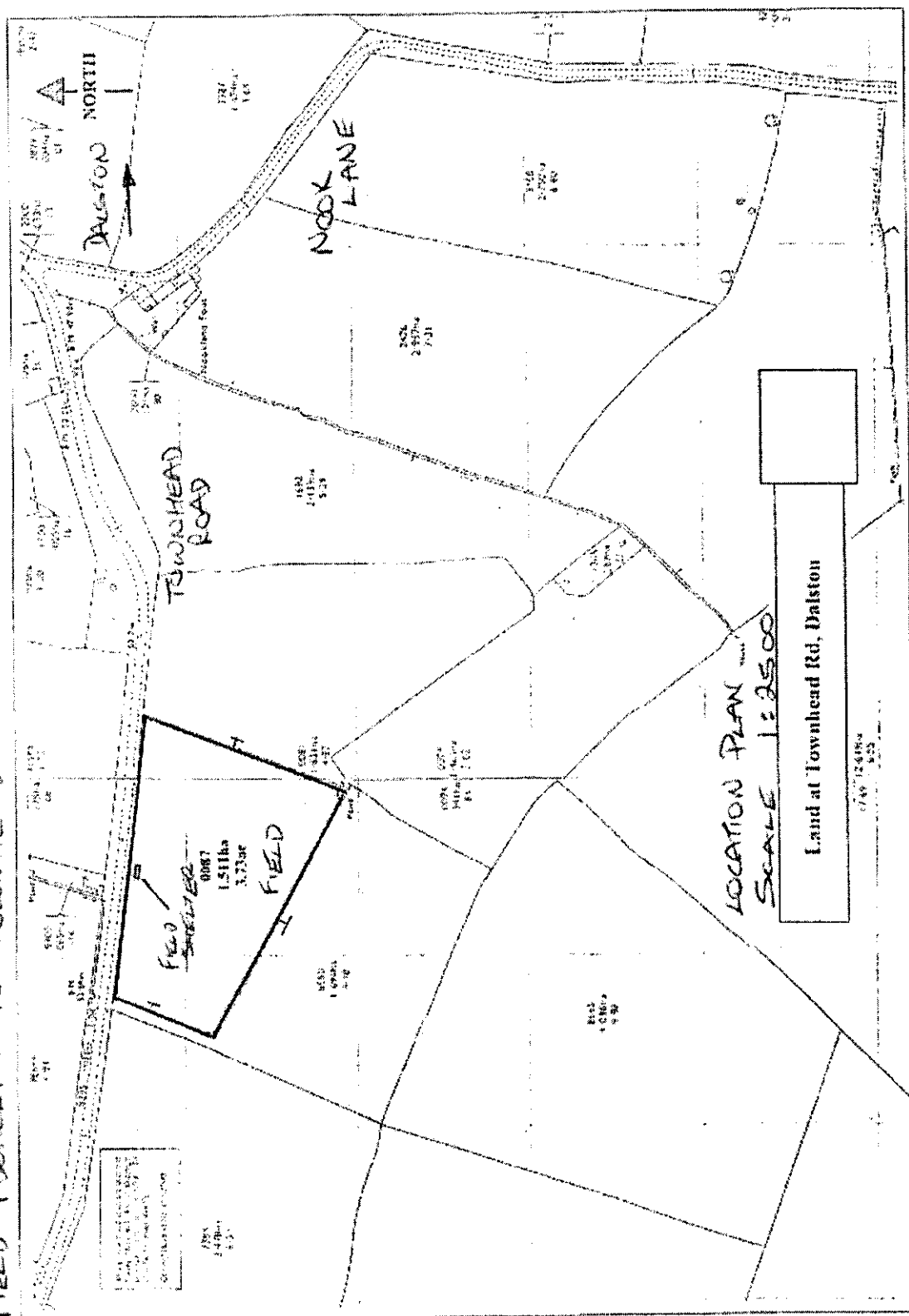
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The field shelter shall be used only for the private use by the applicants for the sheltering of horses and shall at no time be used for any commercial purposes including for livery, stabling, equestrian tuition or leisure rides.

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

---

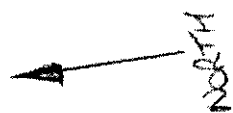
08/0324



MRS ALISON ALLEN - POXY FIELD SHELTER  
FIELD ADJACENT TO TOWNHEAD ROAD DALSTON

MRS ALISON ALLEN - RAY FIELD SHELTER  
 FIELD ADJACENT TO TOWNHEAD ROAD DALSTON

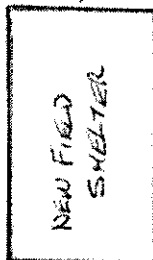
BLOCK PLAN



EXISTING ROAD (TOWNHEAD ROAD)

→ DALSTON

VERGE



7 METRES

EXISTING GATEWAY  
TO FIELD

EXISTING  
HAWTHORN  
HEDGE

FIELD

1:1  
3 METRE

SCALE 1:200

DATE: 15/04/03  
 1 APR 2003  
 08/0324

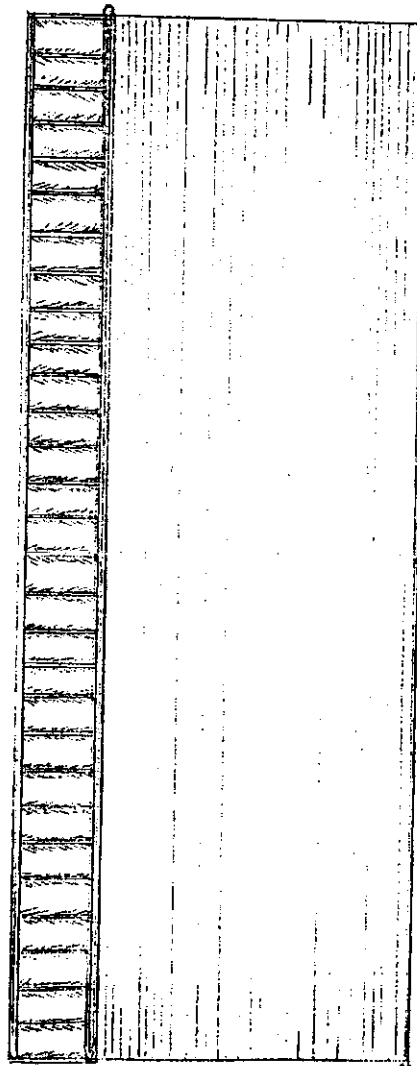
MRS ALISON ALLEN - PONY FIELD SHEETER

FIELD ADJACENT TO TOWNHEAD ROAD DALSTON

ELEVATIONS

THERE ARE NO WINDOWS. THE CONSTRUCTION IS OF WOOD WITH TWO ENTRANCE DOORWAYS IN THE FRONT.

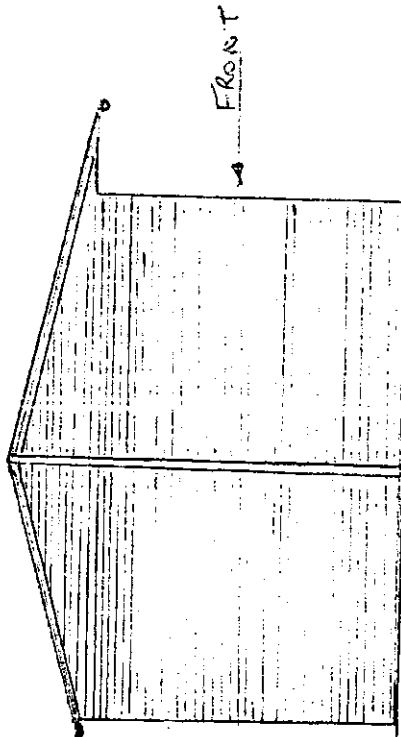
RECEIVED  
17 APR 2008  
08/0824



1 METRE

VIEW FROM BACK  
WITH HEDGE CUT AWAY TO  
SHOW BACK OF SHEETER

SCALE 1:50



SIDE  
ELEVATION  
FACING TO EAST

MRS ALISON ALLEN - PONY FIELD SHELTER  
FIELD ADJACENT TO TOWNHEAD ROAD, DALESTON.

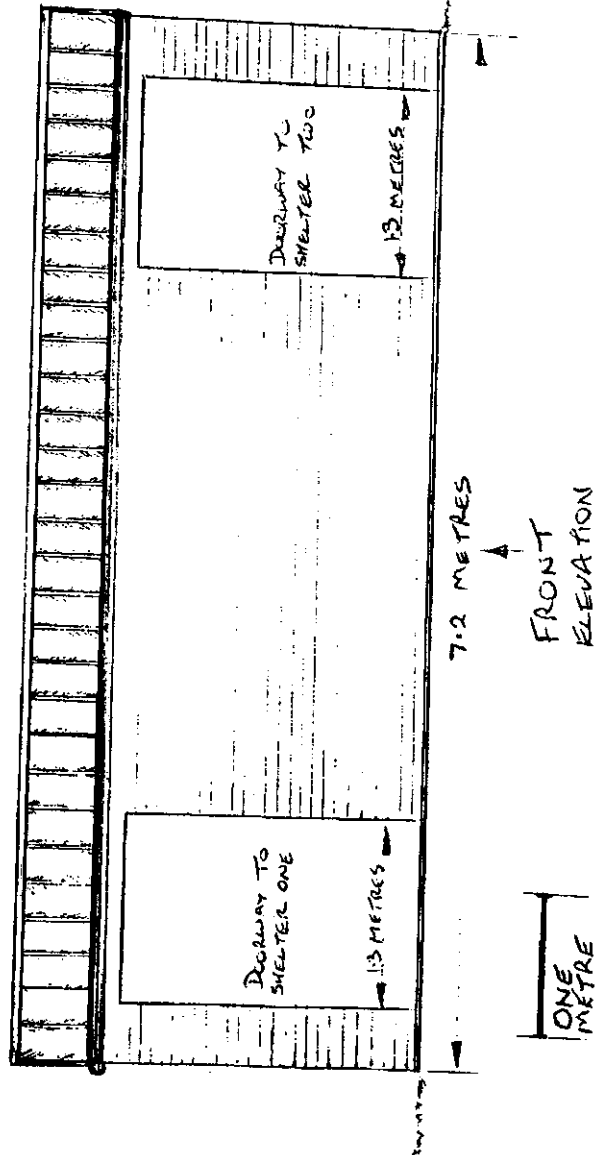
# ELEVATIONS

ALL WALLS OF 100mm x 50mm FRAMEWORK COVERED BY TONGUE AND GROOVE HOISBOARD - WEATHER PROOF STAIN.

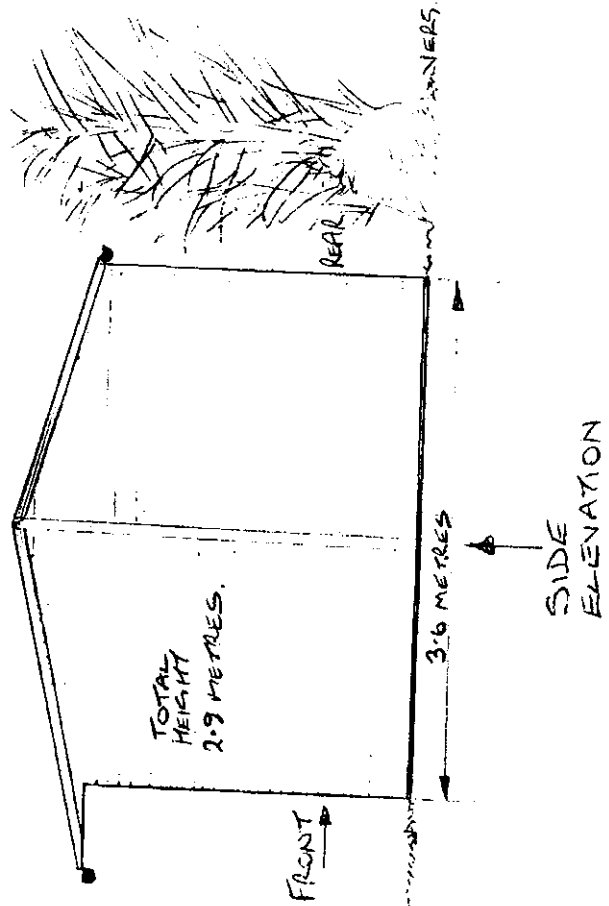
ROOF OF BROWN BOB PROFILE PLASTIC COATED SHEET.

PLASTIC RAINWATER GUTTERS TO DRINKING TROUGH AND SURPLUS SOAKAWAY TO FIELD.

OPEN FLOORS TO NATURAL EARTH.



EXISTING HAWTHORN HEDGE TO ROADSIDE ALLOWED TO GROW ABOVE HEIGHT OF NEW SHELTER



SCALE 1:50

AP 21.3.08



**Mrs Alison Allen**

**Wooden Field Shelter – Field adjacent to Townhead Road Dalston Carlisle**

**Design and Access Statement**

The construction of the field shelter provides an opportunity to provide shelter from wind and rain for two children's ponies in accordance with current Horse Society welfare requirements.

In building the shelter there is also an opportunity to provide accommodation for barn owls.

**Scale:** The field shelter is 7.2m long by 3.6m wide by 2.9m high. It is not intrusive in the countryside and is not visible from any houses.

**Landscaping:** The shelter is in a field. It will have grass around three sides and a hawthorn hedge along the back.

**Appearance:** Construction is of treated timber with a brown profile roof. It is sympathetic to the surroundings.

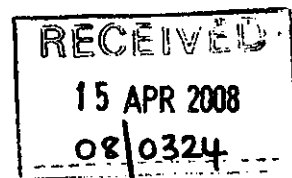
**Access:** The shelter is constructed within the field and separated from the road by a hawthorn hedge. It is positioned within easy access of the field gate.

**Disability Discrimination Act:** The shelter is positioned within easy access of the road and field gate. It provides the best access possible in the circumstances.

**Wildlife:** The best wildlife opportunity afforded by the shelter is to barn owls. An owl nesting area has been constructed within the roof of the shelter. The shelter has already started to be used by a barn owl.

**Safety:** Construction is of 100mm x 50mm timber clad in smooth timber boards. It has been designed to be as safe as possible to animals and humans.

**Environment:** There is no ongoing energy usage or carbon footprint created by the building. Rainwater is collected from the rainwater downspout for animal drinking water.



## SCHEDULE A: Applications with Recommendation

08/0337

---

**Item No: 15**

**Date of Committee:** 11/07/2008

**Appn Ref No:**

08/0337

**Applicant:**

Mrs L J Eplett

**Parish:**

Carlisle

**Date of Receipt:**

03/04/2008

**Agent:**

Jock Gordon

**Ward:**

Denton Holme

**Location:**

3 Dowbeck Road, Carlisle, CA2 7BX

**Grid Reference:**

339153 555378

**Proposal:** Erection Of Timber Decking & Handrails To Front And Side Of Property  
**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 retrospective nature of the application and because of its scale and potential impact on the street scene.

#### **1. Constraints and Planning Policies**

**District H14 - Extensions to Dwellings**

**District H17 - Residential Amenity**

**District E19 - Landscaping New Dev.**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises**

#### **2. Summary of Consultation Responses**

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

#### **3. Summary of Representations**

## SCHEDULE A: Applications with Recommendation

08/0337

### Representations Received

Initial:

Consulted:

Reply Type:

	1 Dowbeck Road	16/04/08
	5 Dowbeck Road	16/04/08
	7 Dowbeck Road	16/04/08
	8 Dowbeck Road	16/04/08
	10 Dowbeck Road	16/04/08

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

### 4. Planning History

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

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 This is a retrospective application which seeks approval for the erection of timber decking and handrails at 3 Dowbeck Road, Carlisle. The property is a semi-detached brick built dwelling, which is part rendered on the front elevation and has a tiled roof. The property, which is surrounded by residential development, has gardens to the front, side and rear. The dwelling is elevated above Dowbeck Road, which runs downhill from Weardale Road, past the property. A 1m solid wooden fence, with a concrete base and posts, separates the dwelling from the highway.

#### The Proposal

- 5.2 The decking and handrails, which are constructed of timber, are located to the front and side of the dwelling. Due to the change in levels, the height of the decking varies from 0.9m, adjacent to 1 Dowbeck Road, to 1.6m, adjacent to the applicant's own garden. 1.2m high handrails run along the edge of the decking. The decking is approximately 3m wide at the front of the dwelling, where it comes within 1m of the front boundary fence. To the side of the dwelling, the decking projects outwards by 3.7m and sits adjacent to the remainder of the applicant's side garden.
- 5.3 The dwelling is located at a higher level than the road, and the front and side gardens of the property. The applicant has added the decking, which is at the same level as the house, to increase the useable space within the curtilage.

## **SCHEDULE A: Applications with Recommendation**

08/0337

A table and chairs and a two seater swing chair were sited on the decking, at the time of the site visit. For Members benefit, photographs of the decking have been reproduced in the Schedule.

### **Assessment**

5.4 The relevant planning policies against which the application is required to be assessed include Policies H14 and H17 of the Carlisle District Local Plan and Policies CP4, CP5 and H11 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report).

5.5 The proposal raises the following planning issues:

#### **1. Whether The Proposal Is Appropriate To The Dwelling**

5.6 Given the height of the decking, together with the handrails, and given that it extends some 3m out from the front of the dwelling, it is visually very prominent and looks incongruous when viewed against the brick/ render property. The visual impact could, however, be reduced by providing some planting adjacent to, or on, the base of the decking.

5.7 Whilst the decking is prominent, given that landscaping could be used to reduce its visual impact, it is not considered to be so visually harmful to warrant refusal of the application. The submission and implementation of a landscaping scheme could be secured by a condition. It is worth noting that there have been no objections from local residents to the proposed development.

#### **2. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

5.8 The decking is located to the front and side of the dwelling and is in close proximity to the boundary with adjacent residential dwellings. The residential properties on the opposite side of Dowbeck Road, which are at a lower level than the decking, are 15m away from the front of the decking. This distance is adequate to ensure that the living conditions of the occupiers of these properties are not harmed, through loss of privacy.

5.9 The boundary with 5 Dowbeck Road lies in close proximity to the decking, which is 1.1m high at this point. There is a 2m high solid wooden fence between the properties and this reduces the impact of the decking. Whilst the height of the decking would enable a degree of overlooking of the neighbouring garden (No. 5), this is not significantly worse than would occur without the decking being present, given the difference in ground levels between the two properties. In terms of direct overlooking of the property itself, this would be limited due to the angle at which the dwelling sits in relation to the decking.

#### **3. Other Issues**

## SCHEDULE A: Applications with Recommendation

08/0337

- 5.10 If the Development Control Committee decides that the decking, in its current form, is unacceptable, it would need to decide what would be acceptable. Enforcement action would then be required to remove the element of the decking that is considered to be unacceptable.

### Conclusion

- 5.11 In overall terms, the visual impact of decking is acceptable, provided that landscaping is provided along, or on, the base of the decking. The decking would not have an adverse impact on the living conditions of the occupiers of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight. In all aspects, the proposal is compliant with the relevant policies contained within the adopted and emerging 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 Permission

1. Within 1 month from the date of this permission, a detailed landscaping scheme, shall be submitted to and approved in writing by the Local Planning Authority. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the date of this permission and maintained thereafter to the satisfaction of the Council; and

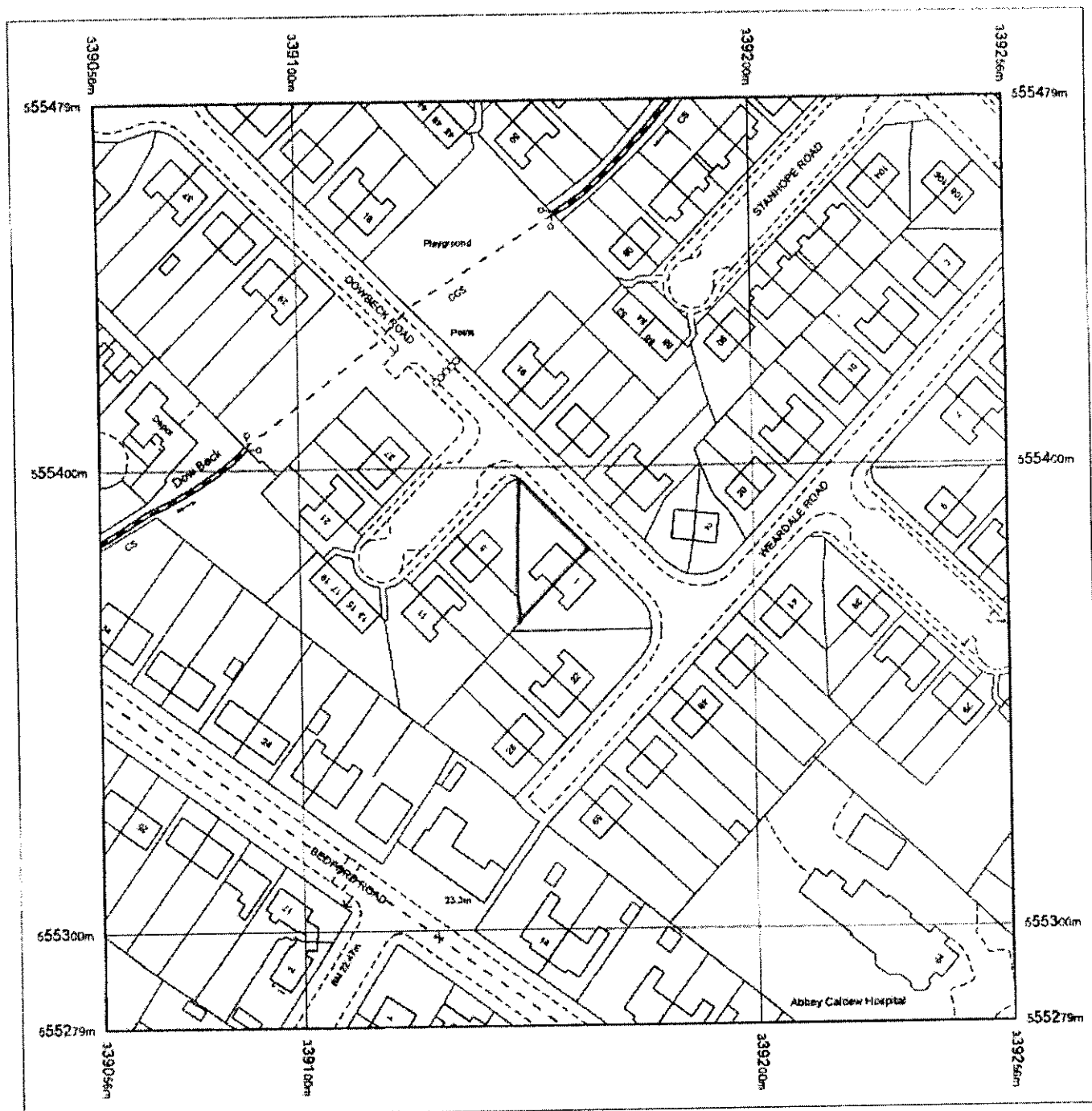
## SCHEDULE A: Applications with Recommendation

08/0337

any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an acceptable landscaping scheme is prepared in accordance with Policy E19 of the Carlisle District Local Plan and Policy CP4 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report)

---



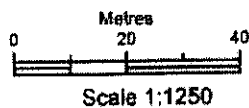
Produced 20.03.2008 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2008.

Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS Sitemap is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

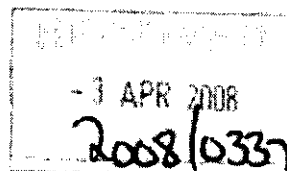
The representation of a road, track or path is no evidence of a right of way.

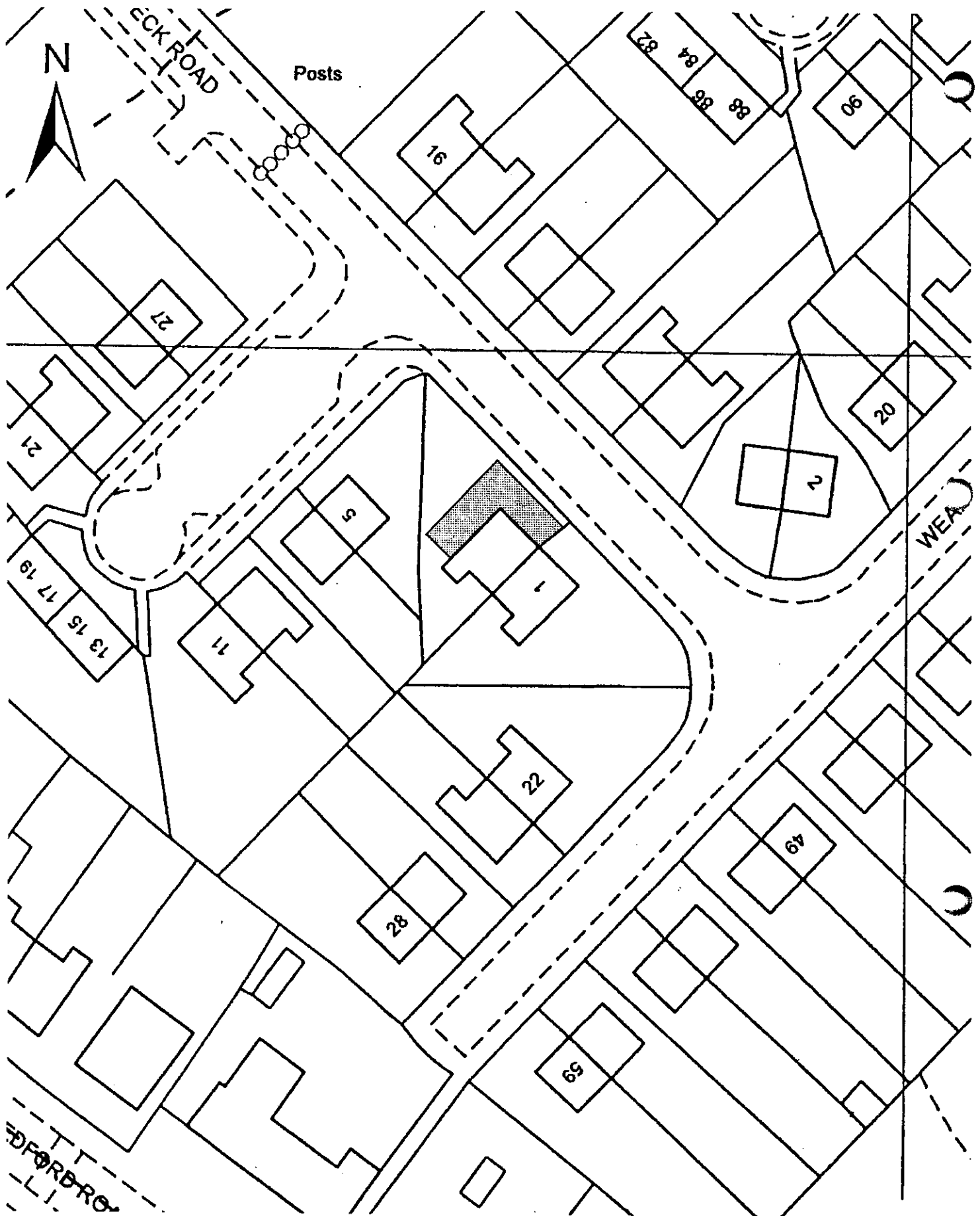
The representation of features as lines is no evidence of a property boundary.



Supplied by: Blackwells  
Serial number: 00143800  
Centre coordinates: 339158 555379

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:  
[www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk)





**PROPOSED DECKING**

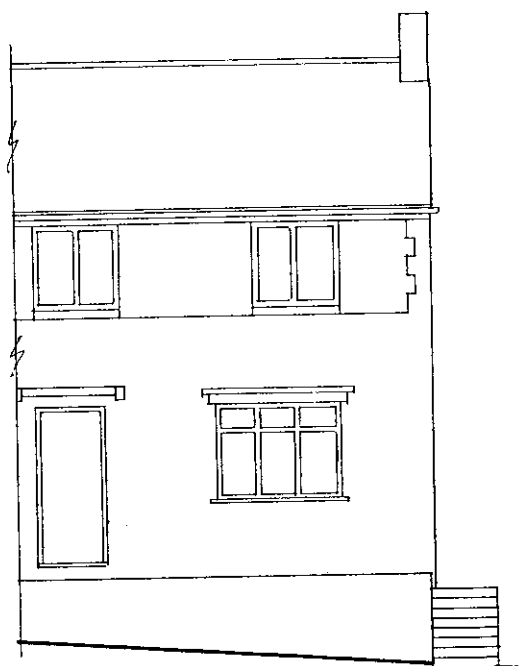
3 APR 2008  
2008/0337

**SITE PLAN**

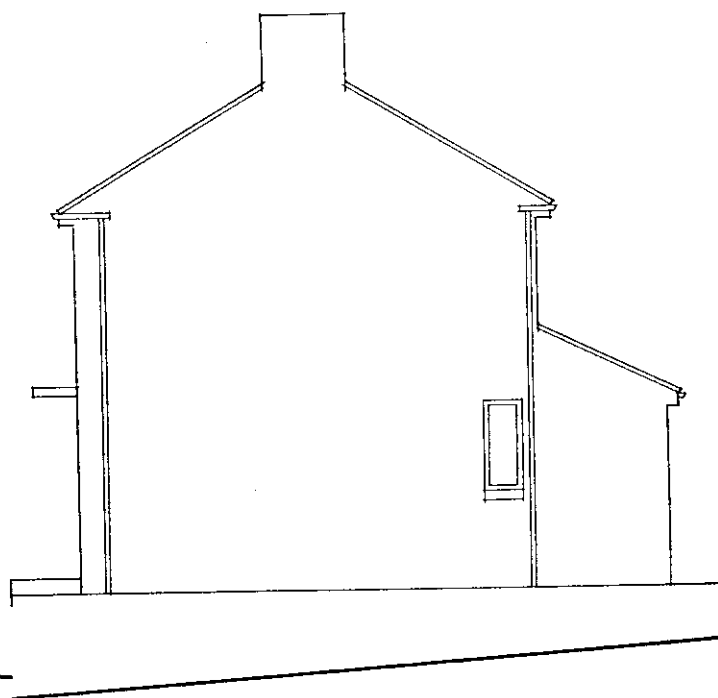
**3 DOWBECK ROAD - CARLISLE**

**SCALE : 1-500**

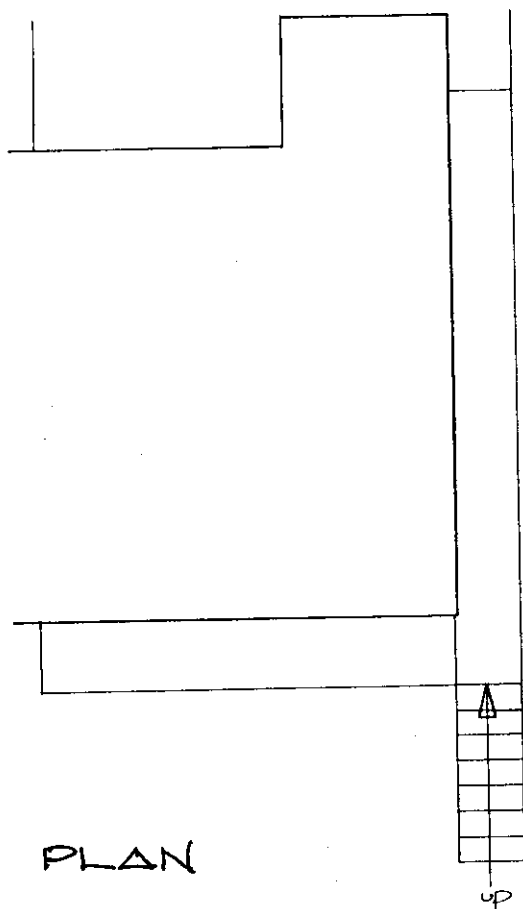




FRONT ELEVATION

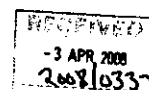


SIDE ELEVATION



PLAN

AS EXISTING

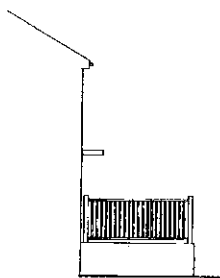


PROPOSED DECKING  
3 DOWBECK ROAD - CARLISLE

DRG. No. 1767/1

SCALE: 1-50

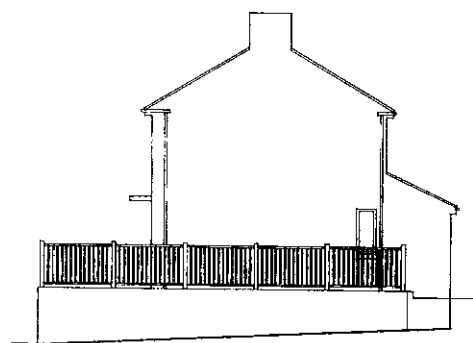
DATE: NOV. 2007



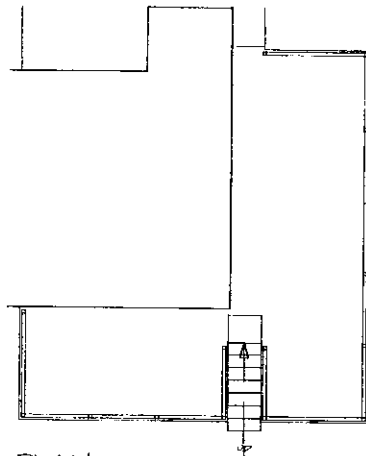
SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION



PLAN

AS PROPOSED



PROPOSED DECKING  
3 DOWBECK ROAD - CARLISLE

CONS. No. 1767 / 2  
SCALE: 1:50  
DATE: NOV 2007

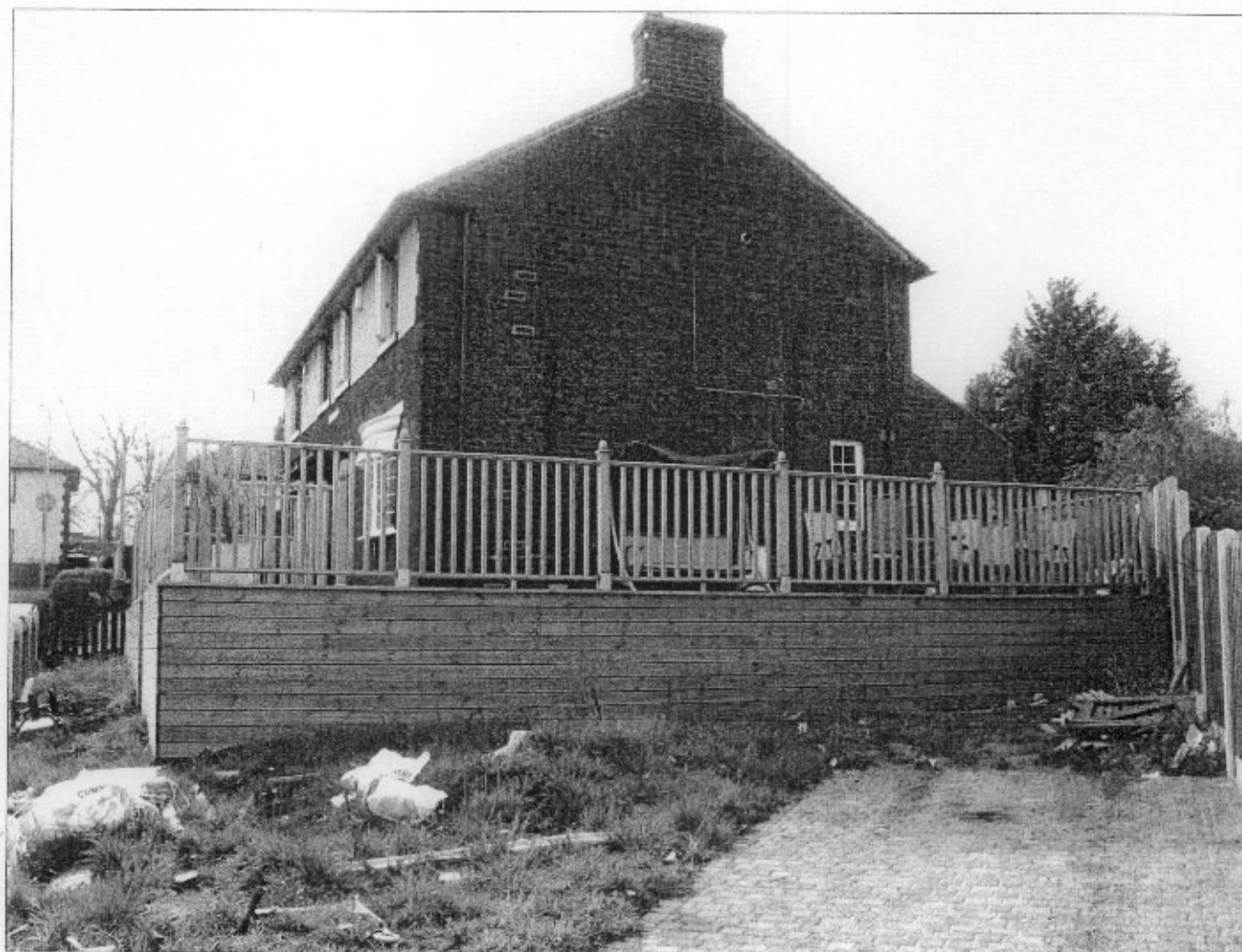
**Photograph 1:** Photograph of the decking taken from Dowbeck Road – the impact of the decking could be reduced by some appropriate landscaping.

08\_0337 3 Dowbeck Road, Carlisle 02 22.04.2008.jpg @ 50% (RGB/8)



**Photograph 2:** Photograph of the decking taken from the applicant's side garden – the impact of the decking could be reduced by some appropriate landscaping.

08\_0337 3 Dowbeck Road, Carlisle 03 22.04.2008.jpg @ 50% (RGB/8)



**Photograph 3:** Photograph of the decking to the front of the dwelling.

08\_0337 3 Dowbeck Road, Carlisle 01 22.04.2008.jpg @ 50% (RGB/8)



**Photograph 4:** Photograph taken from the decking to the front of the dwelling – showing the dwellings on the opposite side of Dowbeck Road.

08\_0337 3 Dowbeck Road, Carlisle 05 22.04.2008.jpg @ 50% (RGB/8)





**Photograph 5:** Photograph of the decking to the side of the dwelling, which shows its relationship with 5 Dowbeck Road.

08\_0337 3 Dowbeck Road, Carlisle 04 22.04.2008.jpg @ 50% (RGB/8)



## SCHEDULE A: Applications with Recommendation

08/0350

---

**Item No: 16**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0350

**Applicant:**  
Mr Young

**Parish:**  
Rockcliffe

**Date of Receipt:**  
16/04/2008

**Agent:**  
Heine Planning  
Consultancy

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Ghyll Bank Yard, Low Harker, Carlisle, CA6 4DG

**Grid Reference:**  
338443 560750

**Proposal:** Change Of Use To Caravan Site For Two Caravans, Amenity Block,  
Septic Tank/ Cesspool, Stable Barn

**Amendment:**

---

### REPORT

**Case Officer:** Angus Hutchinson

#### **Reason for Determination by Committee:**

In the light of the history of the neighbouring site and the on-going efforts of the Council in addressing the current shortfall in provision.

#### **1. Constraints and Planning Policies**

**District E8 - Remainder of Rural Area**

**District E9 - Landscaping of New Dev.**

**District T1 - Choice of Means of Travel**

**Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP9 - Sustainable Drainage Systems**

**Rev Redeposit Pl. Pol H14 - Gypsies And Travellers**

#### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** the layout details shown on the



## SCHEDULE A: Applications with Recommendation

08/0350

submitted plan are considered satisfactory from a highway perspective;

**Community Services - Drainage Engineer:** comments awaited;

**United Utilities (former Norweb & NWWA):** no objection to the proposal.

Our water mains may need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers;

**Department for Transport (Highways Agency):** it is noted that there are to be no alterations to access from the public highway, either vehicular or pedestrian; and, that the site does not form a boundary with the A74 trunk road.

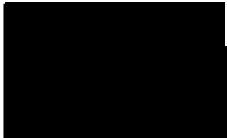
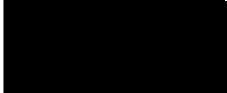
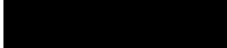
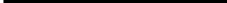
It should also be emphasised, however, that any drainage system or disposal of effluent ought in no way to connect to the existing or proposed drainage system for the A74 /M6 highway improvement scheme.

Subject to the above therefore, the Agency has no objections to this proposal;

**Rockcliffe Parish Council:** the Parish Council wish the matter to be left in the hands of the Planners.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
 Ghyll Bank Stables	15/05/08	Support
 Ghyll Cottage	15/05/08	Undelivered
 Ghyll Bank House	23/05/08	
 Caravan Park	23/05/08	

3.1 This application has been advertised in the form of a site notice and the direct notification of the occupiers of two neighbouring properties. At the time of preparing the report verbal concerns have been expressed on behalf of the owners of adjoining land concerning the proposed means of foul drainage.

3.2 The occupiers of Cryndlebeck Stables have written to explain that they are in full support of the proposal because they are not harming anyone, and they just want to bring up their family with the basic amenities most people take for

granted such as education and doctors.

### 4. Planning History

- 4.1 In relation to Ghyll Bank Stables planning permission was given in 2006, under application 06/0561, planning permission was given for the change of use from waste ground to land for keeping of horses with erection of stable block with midden and hardstanding.
- 4.2 In July 2007, application 07/0522, a temporary permission for 3 years was given for Ghyll Bank Stables to be used by a single Gypsy family.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 Members will recollect that during the previous Meeting it was resolved to defer consideration of the proposal in order to allow Officers to clarify the situation regarding land ownership, the possible presence of sewers/drains within the site and to obtain a revised layout plan which re-orientates the proposed stable barn. At the time of preparing this report the applicant's agent has explained that her client's solicitor is working on the land registry transfer and it should be sorted in a few days. If there was to be a problem it could be resolved by the completion of "Certificate B"/serving of an appropriate Notice on the land owner. In the case of the proposed barn the possibility exists to turn it 90 degrees along the back fence to keep it off the "front" hedge.
- 5.2 This application seeks approval for the change of use to a private Gypsy -Traveller site on land to the immediate south of Ghyll Bank House at Ghyll Bank, Low Harker. The site currently comprises 3 tourers, a portaloo and timber shed. Mr W H and Mrs M Young reside at the premises with their three children aged 10, 8 and 6.
- 5.3 The site is located to the east of the A74 with access achieved via an unclassified lane to the west of Ghyllwood, opposite the Harker electricity sub-station and buildings occupied by FPL and Haulage Express Ltd. There is a mature hedge approximately 3 metres high along the frontage with the access lane. The northern and western boundaries are delineated by a 2 metre high timber panel fence; the southern boundary by palisade fencing. To the immediate north and west there is a caravan storage compound (i.e. "Carlisle Caravan Storage" ) based from Ghyll Bank House; and, to the south an existing private Gypsy -Traveller site for a single family known as Cryndlebeck Stables (formerly Ghyll Bank Stables). The site is also set within the general context of Ghyll Bank Caravan Park which is located to the north. The applicant's agent has indicated her understanding that the site was a

## SCHEDULE A: Applications with Recommendation

08/0350

surfaced yard previously ancillary to the Carlisle Caravan Storage premises.

- 5.4 This application seeks permission for the change of use of to a private Gypsy-Traveller site comprising two caravans, an amenity block and, stable. The caravans would comprise a mobile home and tourer. The amenity block, which is shown to measure 4 metres by 5 metres and constructed externally with brick walling and a tiled roof, would provide the necessary bathroom, laundry and cooking facilities. The proposed amenity block would be served by a septic tank or cess pool depending on ground conditions. The proposed barn is located in the south-western corner and measures 13.7 metres by 7.6 metres with a ridge height of 3.9 metres. The submitted plans indicate the barn to be constructed utilising brickwork and galvanised sheeting.
- 5.5 The application is accompanied by an explanatory letter from the agent, a Design and Access Statement and a letter from the Headteacher of Houghton C of E School copies of which have been attached to this report. The agent has also explained that if permission is granted it is intended to connect to water and electricity supplies jointly with the occupiers of Cryndlebeck Stables.

### Background

- 5.6 Prior to May 2007 there was provision for at least 100 caravans for use by the Gypsy community comprising two "private" gypsy sites within the District, namely Hadrians Park and Ghyll Bank (Caravan) Park.
- 5.7 In the case of Hadrians Park there is planning permission for 30 permanent pitches and 30 transit pitches for one caravan each. The relevant site licence conditions allow for a total of 70 caravans on the site. Of these, 16 of the pitches are not restricted to occupation by Gypsies and thus there is capacity for 54 exclusively Gypsy caravans at Hadrians Park.
- 5.8 In relation to Ghyll Bank there is permission for 15 permanent pitches and 15 pitches that allow occupation for up to 28 days. Although having been used by Gypsy families, there are, however, no conditions that restrict occupation of any pitch to Gypsies or Travellers.
- 5.9 The official biannual counts of Gypsy caravans show that between January 2004 and January 2006 the number of caravans at Ghyll Bank and Hadrians Park varied between 64 and 94. During the same period there were 3 occasions when unauthorised caravans were noted – 3 in July 2004, 6 in January 2005 and 4 in January 2006. A count by the City Council on the 5<sup>th</sup> September 2006 notes 15 caravans at Ghyll Bank and 50 at Hadrians Park. As such there were vacancies although this was likely to be on the transit rather than the permanent pitches.
- 5.10 In the intervening period there have, however, been a series of changes in the provision for Gypsies and Travellers with regard to both Hadrians Park and Ghyll Bank. In addition, the University of Salford has subsequently published in March 2008 a draft final report of the Cumbria Gypsy and

## SCHEDULE A: Applications with Recommendation

08/0350

### Traveller Accommodation Needs Assessment (GTAA).

- 5.11 On the 1<sup>st</sup> May the transit site at Hadrians Park was closed and the caravans removed. On the 20<sup>th</sup> November 2007 during a Special Neighbourhood Forum meeting held at Houghton School, the proprietor allegedly explained that he wanted the freehold of Hadrian's Park; he would be willing to spend his own money to carry out all necessary upgrades; and, he was intending to re-open the transit site. At the time of preparing this report, the transit site has yet to be upgraded at Hadrian's Park although there is anecdotal evidence of a limited and restrictive re-use.
- 5.12 Following a visit on the 24<sup>th</sup> October 2007, it became apparent that Ghyll Bank Caravan Park was being referred to as Ghyll Bank Park and marketed on the basis of "creating a relaxed lifestyle for the over 50's" with one park home in situ. On the 15<sup>th</sup> May 2008, the owner's son verbally confirmed that, apart from members of the family there were no other individuals residing at the premises.
- 5.13 The Report of the Panel into the North West Draft Regional Spatial Strategy (RSS) Examination in Public was concerned that the Strategy is deficient in a number of respects, including the failure to deal with gypsies and travellers. The Panel recommended in paragraph R2.1 that a partial review of the RSS is carried out as soon as possible, with a view to publication of the revised RSS not later than 2009 and that this should include Accommodation for Gypsies and Travellers.
- 5.14 In May 2007 the North West Regional GTAA was published which identified a need for more site accommodation for Gypsies and Travellers within the North West region. Over the next 5 years (2006-2011) the quantified need was for around 332-386 additional permanent pitches and between 55-139 transit pitches across the North West. The regional accommodation need was broken down so that in the case of Cumbria the total additional residential need between 2006-2011 was identified as 12 plus 16 pitches for Travelling Show people. The total additional residential need for Cumbria between 2011-2016 was then estimated to be 30 i.e. a total additional need between 2006-2016 of 42 plus 16 pitches for Travelling Show people.
- 5.15 In March 2008 the University of Salford subsequently published a draft final report of the Cumbria GTAA. The aforementioned report of the Cumbria GTAA has concluded that between 2007-2016 there is an additional need within Carlisle District for 39 pitches and plots and an additional transit need in Cumbria as a whole between 2007-2016 of 35 pitches.
- 5.16 In the context of the findings of the draft final report of the Cumbria GTAA, the "closure" of the transit site at Hadrians Park and the apparent change in circumstances with regard to the use of Ghyll Bank Park, this has naturally raised concerns over provision within the District. As a result of which there have been an ongoing series of meetings in order to address matters. A report was submitted to the Executive on the 29<sup>th</sup> May 2008 seeking

## SCHEDULE A: Applications with Recommendation

08/0350

approval to submit a bid for funding to the Regional Assembly and Department of Communities and Local Government.

- 5.17 Members will also be aware that under application reference numbers 07/0522 and 07/1083 temporary planning permission has been given for private Gypsy-Traveller sites not only at Ghyll Bank Stables but also Parkfield Stables, Newtown.

### Assessment

- 5.18 At a general level, government advice is contained in Circular 8/93 "Award of Costs incurred in Planning and other Proceedings" and Circular 11/95. Consideration also needs to be made with regard to the Human Rights Act 1998 and the Race Relations (Amendment) Act 2000.
- 5.19 Specific advice is contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites". Circular 01/2006 seeks, amongst other things, to create sustainable communities where gypsies have fair access to suitable accommodation, education, health and welfare provision. It advises that Development Plan Documents must allocate sufficient sites for gypsies and travellers, and that sites must be demonstrably suitable, and likely to be made available.
- 5.20 Circular 01/2006 also highlights that material considerations will include the existing and planned provision of, and need for, sites in the area, the accuracy of the data used to assess need, information on pitch availability on public and private sites, personal circumstances and alternative accommodation options. Paragraphs 45 and 46 explain that where there is unmet need but no available gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need (as in this case), local planning authorities should give consideration to granting a temporary permission. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site.
- 5.21 The Cumbria and Lake District Joint Structure Plan does not contain any policy on Gypsies and Travellers. Policy H14 of the Carlisle District local Plan 2001 –2016 Revised Redeposit Draft (as amended by the Inspector) does provide guidance. The aforementioned Policy requires that where there is an identified need the City Council will consider the provision of Gypsy and Traveller sites and that they will be acceptable providing that they meet five criteria. Namely, the proposal will not compromise the objectives of the designation of an Area of Outstanding Natural Beauty or Landscape of County Significance; there would be no adverse impact on the local landscape; appropriate access and parking can be achieved; the proposed site is reasonably accessible to community services; and, the proposal would not adversely affect the amenities of adjacent occupiers by way of noise, vehicular or other activities on site.

## SCHEDULE A: Applications with Recommendation

08/0350

- 5.22 On this basis it is considered that the main issues with regard to this application are:
- 1) the effect of the proposal on the character/appearance of the surrounding area;
  - 2) any adverse impact on the upgrading of the A74;
  - 3) the suitability of the site for such purposes adjoining the A74 and with regard to any means of drainage;
  - 4) the impact on the living conditions of neighbouring residents; and,
  - 5) whether there are any other considerations sufficient to clearly outweigh any harm with specific regard to the need for and availability of sites generally, the specific needs of the applicant and his family, and the matter of their Human Rights.
- 5.23 When considering the impact of the proposal on the character and appearance of the area, the site is read as being within an area of scattered development associated with the countryside. It could therefore be argued that the development would have the effect of interrupting the rural character of the area. In mitigation, the site is neighboured by development in the form of Ghyll Bank House and the associated commercial storage of caravans and, Cryndlebeck Stables. The site is also screened by the existing mature hedge along the road frontage.
- 5.24 In regard to the upgrade of the A74, the Highways Agency have not raised any objections providing that any drainage system or disposal of effluent does not connect to the existing or proposed drainage system for the A74 /M6 highway improvement scheme.
- 5.25 In the absence of noise mitigation measures, it is unclear whether this site represents a longer-term solution. Nevertheless, it is appreciated that a residential dwelling in the form of Ghyll Cottage neighbours the site. The imposition of a condition requiring the provision of suitable noise attenuation is considered to be an onerous burden should Members consider that the proposal meets a short term need. The potential implications associated with the alleged crossing of the site by drains has yet to be assessed.
- 5.26 When considering the living conditions of neighbouring residents, with particular regard to Cryndlebeck Stables and Ghyll Bank House it is evident that the proposed structures are sited away from the respective boundaries. The proposed stable barn, whilst at a higher level than Ghyll Bank Stables does not run the whole length of the relevant boundary and should be partially screened by the planting on both sides of the site. The principle outlook from the mobile home at Ghyll Bank Stables is south into the yard area. This aside, the opportunity does exist to re-position the proposed stable barn to minimise any impact. Clarification has also been sought on the anticipated number and type of animals associated with the use of the proposed structure.
- 5.27 In regard to the question of need, it is not contested that there is a national,

regional and county need for gypsy site provision. In the case of the Carlisle area, the re-opening of the transit site at Hadrians Park will not address the alleged need for permanent pitches.

- 5.28 The applicant and his family also have a current and immediate need for accommodation. The applicant and his wife have 3 children. If planning permission were to be refused this would inevitably lead to moves to evict them from the site. In the event of this happening, and if considered that there is no suitable alternative accommodation, eviction would undoubtedly disrupt the education of the children with little hope of any continuity being achieved from an itinerant roadside existence.
- 5.29 Members should also be aware that, if it were considered there is no suitable alternative accommodation, forcing the applicant and his family to leave the site would result in them losing their homes. This would represent an interference with their home and family life, respect for which is incorporated in Article 8 of the European Convention on Human Rights. Furthermore, in the light of the recently published draft final report of the Cumbria GTAA, the Council will be expected to make adequate provision for Gypsy accommodation in the area. Consequently any interference with the applicant and his family's human rights resulting from eviction from the site could be considered disproportionate to the harm caused to the public interest by the retention of the site particularly if for a limited time period.

## **6.0 Conclusion**

- 6.1 The proposal inevitably raises questions over how the Council addresses the general need for the area which is, in itself, dependent on the submission of a successful grant bid to the Department of Communities and Local Government.
- 6.2 On the basis of the foregoing and the acknowledged short-term need, the recommendation is for authority to grant a temporary permission subject to:
- 1) satisfactory clarification on land ownership, the possible presence of sewers/drains within the site, and, the receipt of a revised layout plan which re-orientates the proposed stable barn; and,
  - 2) the imposition of relevant conditions restricting occupation of the site, the number of caravans, prohibiting the use of the site for commercial activity including the storage of goods/materials, materials for the amenity block and stables, and, the means of foul and surface water drainage.

## **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:

## SCHEDULE A: Applications with Recommendation

08/0350

**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 the Right to respect for private and family life. Article 1 of protocol 1 relates to the Protection of Property and bestows the Right for the Peaceful enjoyment of possessions. If the applicant is given permission for a gypsy site because the Council cannot fulfil its obligation to provide sufficient designated gypsy sites and a neighbouring resident becomes unable either to sell their home/business or to experience the Right for Peaceful enjoyment of possessions then it could be alleged that the Council will have contravened the above Human Rights.

6.4 In response, it is considered that noise from any generator and nature of the use of the site can be controlled through the imposition of relevant conditions. In such circumstances any noise and disturbance from the applicant's family and vehicles can also be considered commensurate with that of a family dwelling and therefore not unreasonable.

6.5 Conversely, the applicant and his wife have 3 children. If planning permission were to be refused this would inevitably lead to moves to evict them from the site. In the event of this happening, and if considered that there is no suitable alternative accommodation, eviction would undoubtedly disrupt the education of the school age children with little hope of any continuity being achieved from an itinerant roadside existence. Forcing the applicant and his family to leave the site would also result in them losing their homes. This would represent an interference with their home and family life, respect for which is incorporated in Article 8 of the European Convention on Human Rights. Furthermore, in the light of the recently published draft final report of the Cumbria GTAA the Council, will be expected to make adequate provision for Gypsy accommodation in the area. Consequently any interference with the applicant and his family's human rights resulting from eviction from the site could be considered disproportionate to the harm caused to the public interest by the retention of the site particularly if for a limited time period.

7. **Recommendation** - Grant Permission



## SCHEDULE A: Applications with Recommendation

08/0350

1. The occupation of the site shall be carried on only by the following and their immediate family: Mr William Henry Young, Mrs Margaret Young nee Brough, Ms Nicole Young, Master William Henry Young, and Master Noey Young, and shall be for a limited period being the period of 3 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.

**Reason:** But for the special circumstances of the applicants permission would not have normally been forthcoming.

2. When the land ceases to be occupied by all of the following: Mr William Henry Young, Mrs Margaret Young nee Brough, Ms Nicole Young, Master William Henry Young, and Master Noey Young or at the end of 3 years (whichever shall first occur), the use hereby permitted shall cease, all materials and equipment brought onto the land in connection with the use shall be removed, and the land shall be restored to its former condition.

**Reason:** But for the special circumstances of the applicants permission would not have normally been forthcoming.

3. No more than a total of 2 caravans as defined in the Caravan Sites and Control of Development Act 1968 shall be stationed on the land at any time.

**Reason:** To safeguard the character of the area.

4. The site shall only be used for residential purposes and the keeping/breeding of horses and no other commercial, industrial and/or retail activity shall take place on any part of it.

**Reason:** To safeguard the character of the area.

5. No vehicle over 7.5 tonnes shall be stationed, parked, or stored on the land.

**Reason:** To safeguard the character of the area.

6. Notwithstanding the provisions of Condition 1 (above), the residential use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days if any of the following requirements are not met:

- i) within 3 months of the date of this approval a scheme, including a timetable for implementation and full design details, has been submitted to the Local Planning Authority providing:
  - a) the removal of the existing unauthorised structures (timber shed) chattels (caravan) and any generator and connection of the site to the mains electricity supply;
  - b) samples or full details of materials to be used externally on the hereby permitted amenity block and stable barn; and,

## SCHEDULE A: Applications with Recommendation

08/0350

d) the removal of the existing portable toilet and the connection of the amenity block to a septic tank/cess pool.

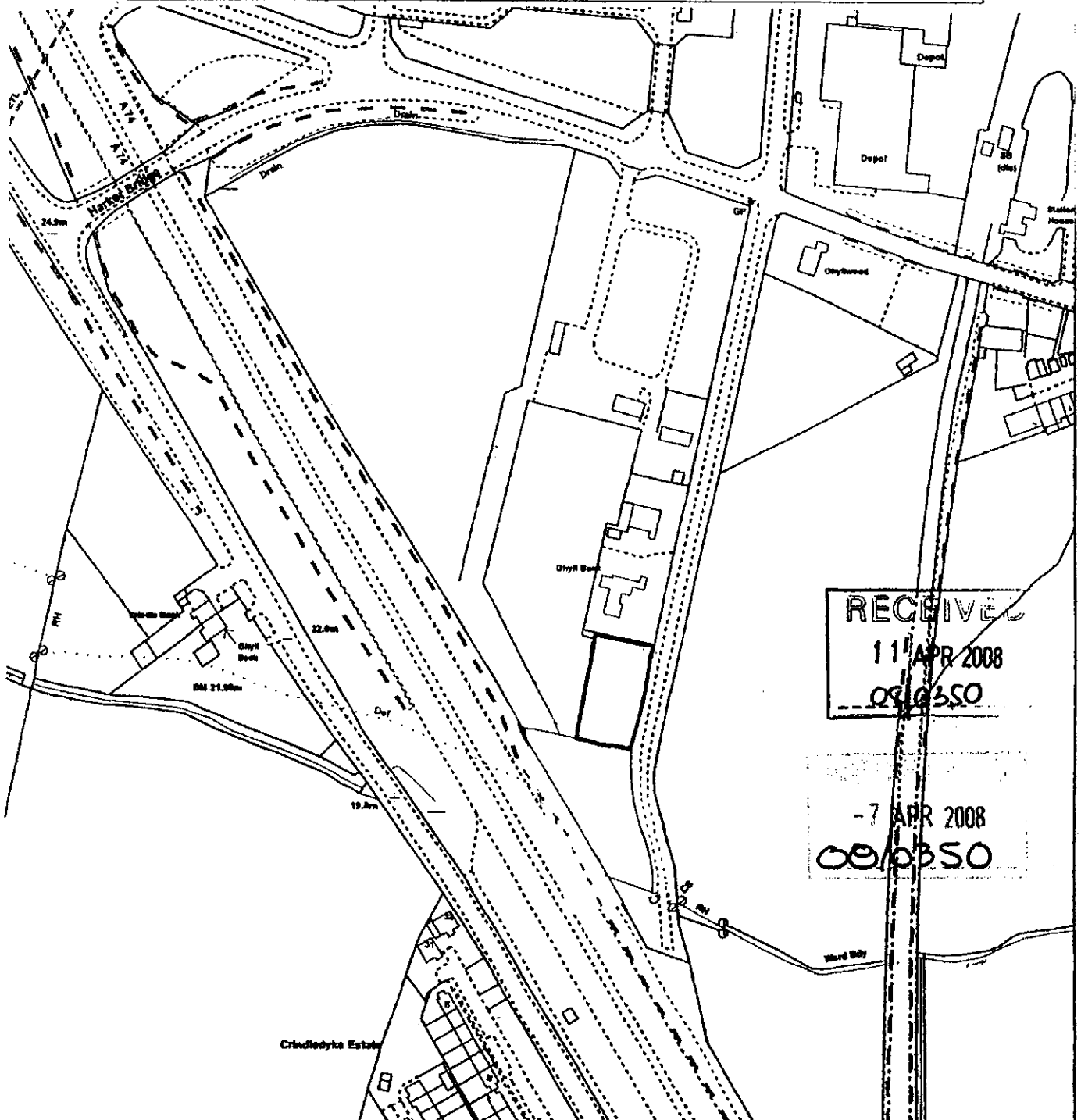
**Reason:** To safeguard the character of the area, the living conditions of the neighbouring residents and ensure the effective provision of foul and surface drainage.

---

## Location Plan

Scale: 1:1250

25



Yard off Ghyll Bank, Low Harker, Carlisle  
Mr and Mrs W Young

# Block Plan

Scale: 1:500

MH Plinth for Mobile Home

D Day Room

Existing timber panel fencing

Existing trees and shrubs

Hardstanding

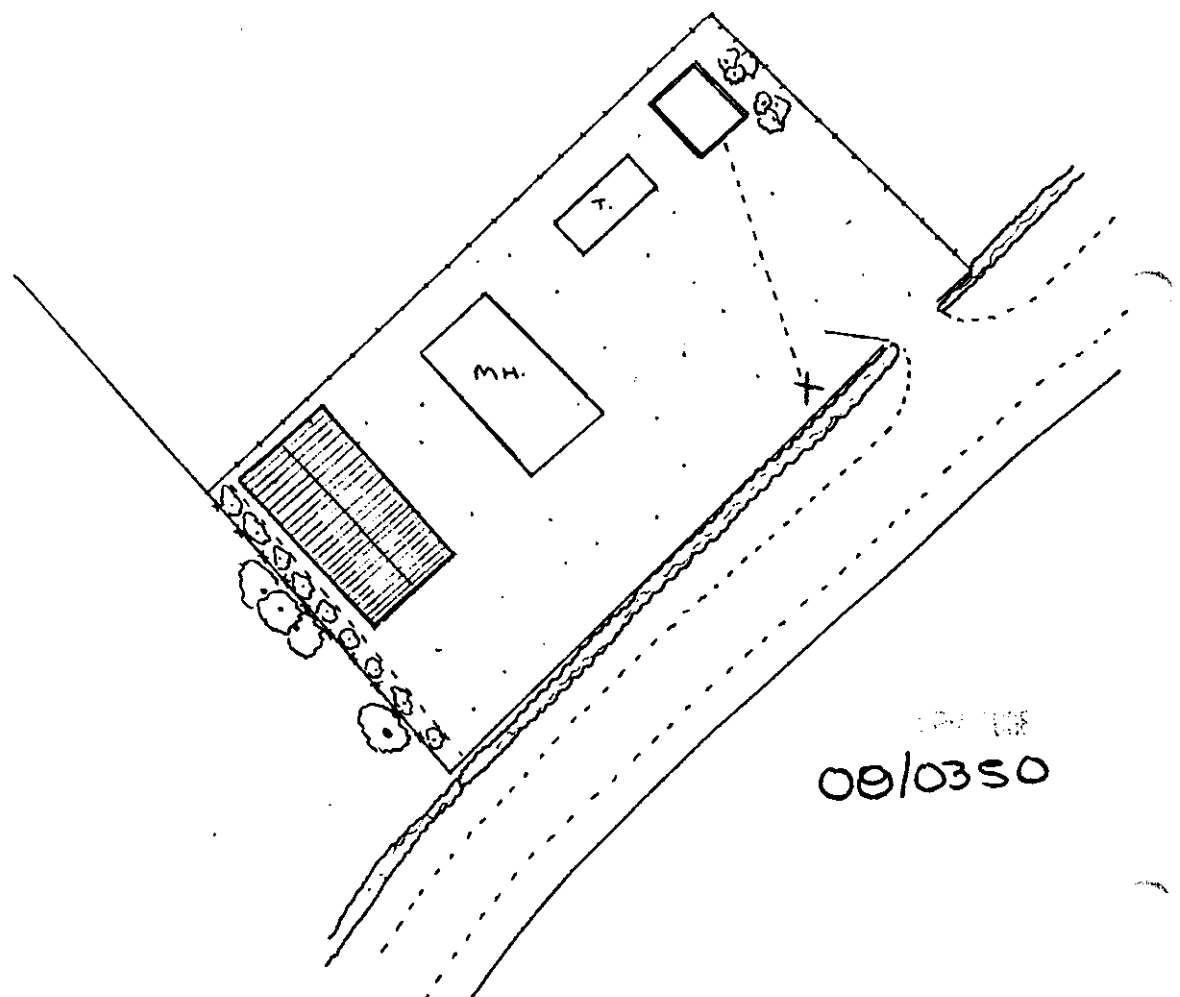
T Touring van

Stable barn

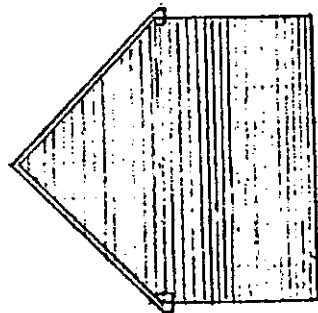
Existing steel fencing

Existing hedgerow to retain

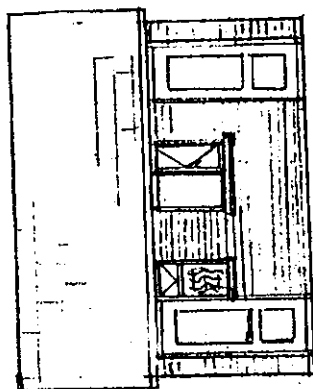
X Septic tank



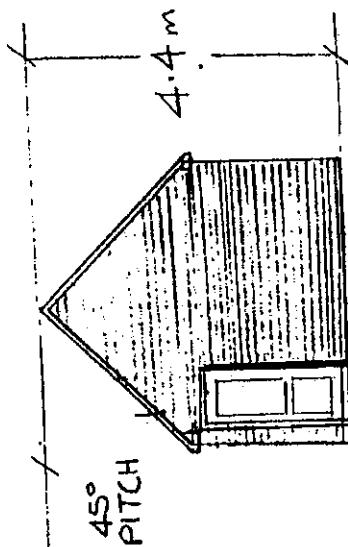
00/0350



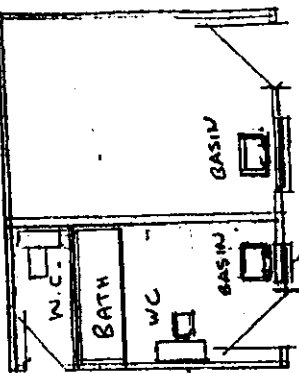
END ELV.



VIEW "A"

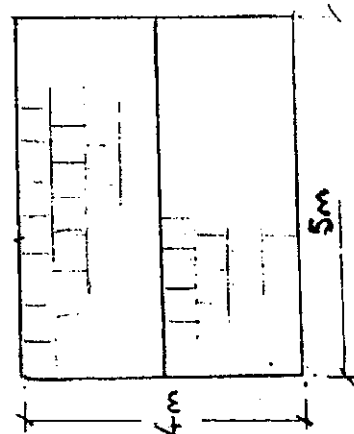


END ELV.



FLOOR PLAN

"A" →



PLAN VIEW

# **Proposed Utility/ Bathroom block**

Scale 1/100

Face brickwork to suit LPA

Tiles to suit LPA

Foul water to septic tank

Surface water to new soakaway

00/0350

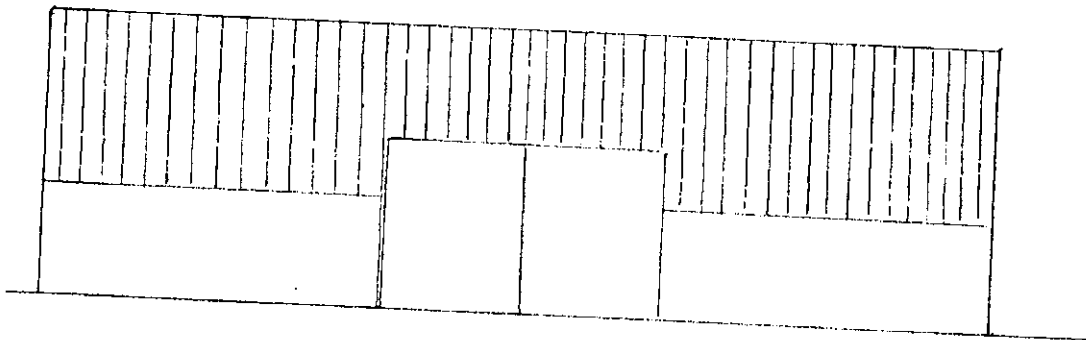
Yard off Ghyll Bank, Low Harker, Carlisle  
Mr and Mrs W Young

## PLAN AND ELEVATION FOR STABLE BARN

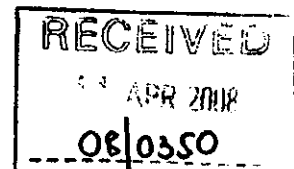
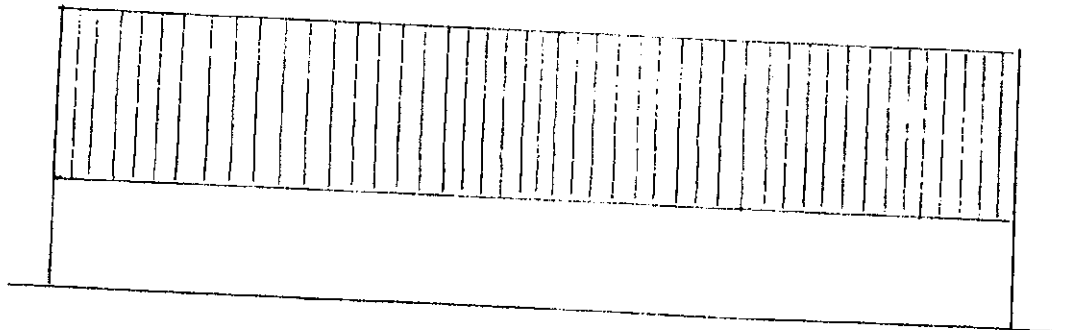
Scale: 1:100

Specification: 7.6m wide, 13.7m long, 3.9m high  
Concrete plinth, steel frame, brick base for lower 1.5m, profile galvanised sheets to upper wall and roof

FRONT ELEVATION



REAR ELEVATION



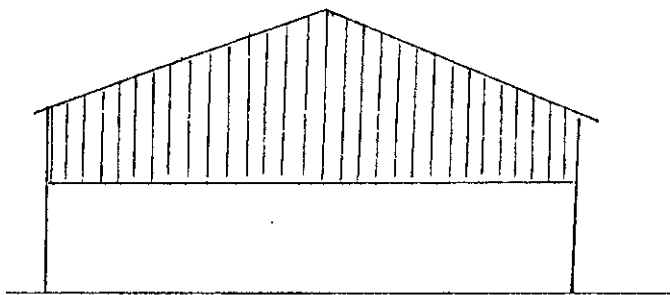
Yard off Ghyll Bank, Low Harker, Carlisle  
Mr and Mrs W Young

## PLAN AND ELEVATION FOR STABLE BARN

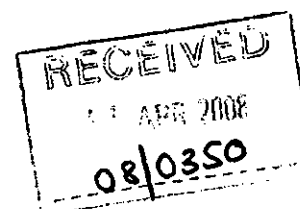
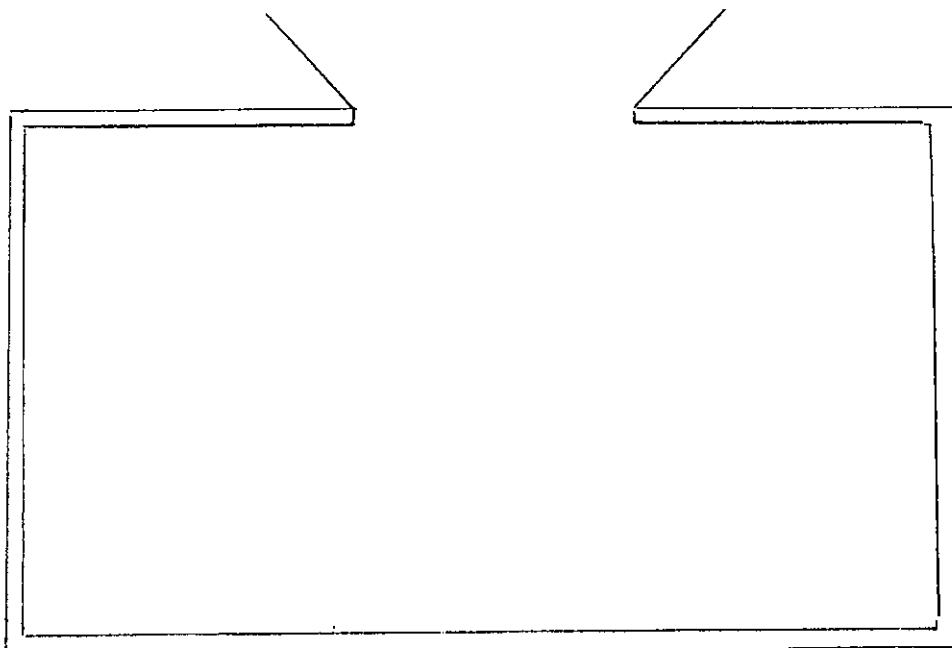
Scale: 1:100

Specification: 7.6m wide, 13.7m long, 3.9m high  
Concrete plinth, steel frame, brick base for lower 1.5m, profile galvanised sheets to upper wall and roof

SIDE ELEVATION



FLOOR PLAN



**YARD OF GHYLL BANK, LOW HARKER, CARLISLE  
CARAVAN SITE with STABLE BARN  
Design and Access Statement**

08/0350

Permission is sought for a change of use of this land for private caravan park for 2 caravans to be occupied by a single Gypsy-Traveller. I refer also to the supporting statement submitted with this application.

**A. Design**

Use

Use of the site is as a private residential Gypsy-Traveller site. Use is made of an existing yard area which formed part of the adjoining caravan storage yard. The land is all laid to hardstanding with an access off Ghyll Bank.

The local plan fails to identify suitable locations for Gypsy-Traveller sites in this District nor does it provide any guidance or layout criteria for Gypsy-Travellers sites.

There are no standards for Gypsy sites but regard must be had to the requirements of standard Caravan Site Licences. Regard can also be had to the draft guidance issued in May 2007 by DCLG for the socially provided sites and entitled 'Draft Guidance on the design of sites for Gypsies and Travellers'. Annex B of Circular 1/94 provided guidance as to the characteristics of such sites. For long term sites there is a need for

- access from properly surfaced roads
- hardstandings for caravans
- parking space for cars and caravans
- safe playing area for children
- electricity and drinking water supplies
- washing facilities
- sewerage disposal
- refuse collections
- boundary treatment

These are all provided/ capable of being provided.

Amount

Permission is sought for two caravans – a static or mobile home and a touring caravan, an Amenity Block with footprint measuring 5m x 4 and providing toilet, bathroom and utility/ cooking facilities and a cess pool/ septic tank depending on ground conditions..

Permission is also sought for a stable barn measuring 7.6m wide, 13.7m long and 3.9m high.

Layout

Use is made of an existing yard area which is already laid mostly to hardstanding and is enclosed by a mature hedgerow to the road frontage and with post and panel fencing/ steel fencing.



The caravans would be site on the back boundary close the entrance, 6m apart.

The stable barn would be sited at the SW corner of the site.

The septic tank would be site just behind the gate for ease of maintenance/ emptying.

#### Scale

The site would be occupied by one family.

#### Appearance

The design and appearance of touring and static vans can not be prescribed as these can be changed just like a motor vehicle. The caravans occupied by the applicant on this site are typical of most caravan sites. These are low level structures which provide compact living accommodation. The touring caravan is of design commonly seen in the drives of many residential properties. Mobile home vans are often relied on to provide low cost accommodation in rural areas for agricultural workers.

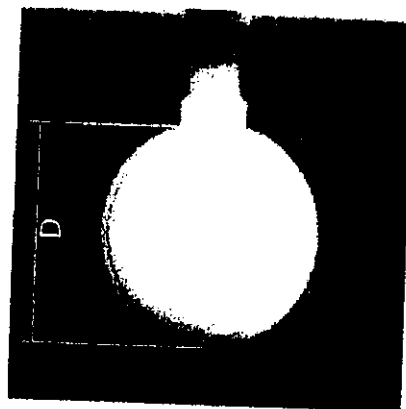
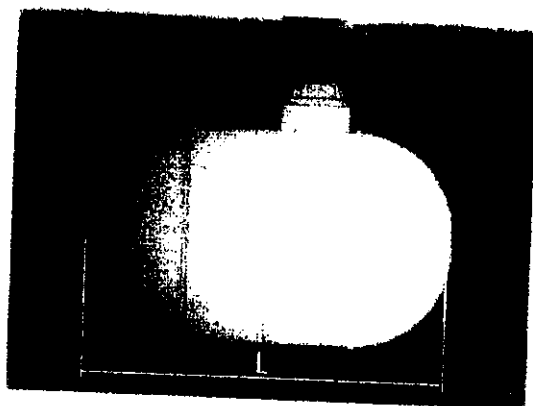
The Amenity Block would be constructed from brick with a tiled roof in a choice of materials to be agreed with the local authority.

The stable barn would be constructed off a concrete base with a steel frame, brick base galvanised steel sheeting to the top half of the walls and roof. It would have one double door.

#### **B. Access**

Use is made of an existing access that is already constructed from bound materials. This leads to the yard area which is already laid to hardstanding with plenty space for the parking and manouevring of vehicles/horse boxes. There is a broad grass verge along both sides of the road. The gateway measures 5m wide with inward opening gate. Ghyll Bank is a no through road. It serves very few properties. There is just one other property to the south on this road.. The site is on a straight length of the road with good visibility in both direction.

Design and Access statement  
Ghyll Bank  
Heine Planning  
April 2008



A Klargester cesspool provides a reliable solution for locations without mains drainage, where the discharge of treated effluent is not permissible due to unsuitable ground conditions, or where infrequent or seasonal use, such as a holiday home, would prevent the successful functioning of a BioDisc packaged treatment plant, for example.

- **Quality and reliability at a competitive price**  
Klargester cesspools have been successfully installed throughout the world since 1967. They are constructed from non-corrosive materials, designs in accordance with BS 6297: 1983. Klargester is an accredited company under BS EN ISO 9002 quality management systems - a total approach to quality, ensuring this reliable cesspool can be installed with complete peace of mind for years of trouble free operation. All cesspools are covered by Klargester's 12 month warranty.
- **Factory tested**  
Every cesspool is tested to ensure that it is watertight and structurally sound.
- **Easy to install and maintain**  
Delivered as a complete unit ready for installation, each cesspool must be installed in a level condition and bedded on, and surrounded with, 225mm thickness of concrete. The cesspool will need to be ballasted internally with water and remain so until the concrete has set. Full installation instructions are provided with each unit, but are also available on request. Cesspools are for storage only and their contents have to be emptied at regular intervals by tanker. A 'high level' alarm is available for monitoring the cesspool for optimum usage.
- **Lockable manhole cover**  
For added safety, cesspools can be supplied with a lockable manhole cover.
- **Capacity**  
For a single dwelling 18180 litres (4000 gallons) is the minimum allowable capacity. From April 2002 this capacity will be suitable for two residents only. This size should be increased by 6800 litres (6.8m<sup>3</sup>) for each additional user. For non domestic applications refer to Titan Pollution Control for advice on the capacity and type of tank required.

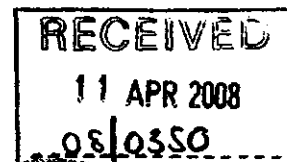
#### • Tank selection

Nominal Litres	Capacity Gallons	Length mm	Approx. Complete Installations in
18,180	4,000	4,320	9.0
22,500	5,000	5,090	11.0
27,000	6,000	6,190	13.0
36,000	8,000	7,740	16.0
45,000	10,000	9,460	19.5
55,000	12,000	11,180	23.0

For inlet depths down to 1m, a standard duty tank is acceptable. A heavy duty cylindrical cesspool is available in 18180 litre size suitable for inlet invert depths between 1m & 1.5m for all other configurations please consult Klargester. Other size cesspools are available on a made to measure basis.

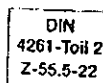
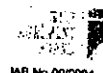
- **Nationwide availability**  
Klargester products can be sourced from your local builders merchant or through local pollution control specialists.
- **Other products from Klargester**  
Klargester has a complete range of waste water treatment, surface water treatment and bulk liquid storage products, including: Septic tanks, BioDisc sewage treatment plant, Effluent pumping packages, Crude sewage pumping stations, Grease traps, Forecourt enviroceptors, Light liquid separators, Fuel storage tanks and Silage effluent tanks.

**Klargester**  
Treatment Systems



Klargester Environmental Limited  
Head Office  
College Road, Aston Clinton, Aylesbury,  
Buckinghamshire HP22 5EW  
Sales Office: 01296 633033  
Tel: 01296 633000 Fax: 01296 633001  
Internet: <http://www.kingspanec.com>  
email: [uksales@klargesterc.co.uk](mailto:uksales@klargesterc.co.uk)  
Associate Companies  
Norway, Portugal, Sweden and the USA

Manufacturing & Distribution units also in:  
Scotland - Tel: 01355 248484  
Northern Ireland - Tel: 01232 365664



## Tank selection

The specified invert depth of 1 metre **MUST NOT** be exceeded. Failure to adhere to these design parameters will render any warranty null and void and may cause severe structural damage to the tank. The following sizing chart indicates the relevant tank sizes to suit from 4 to 22 persons, based on the sizing criteria in BS 6297 which is 180 litres/person /day plus 2000 litres for sludge storage.

It should be noted that the use of waste disposal units increases the daily flow substantially and for these applications the higher figure of 250 litres/day should be used.

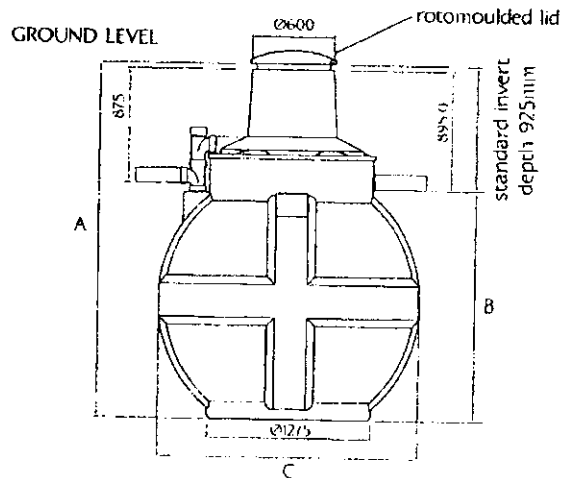
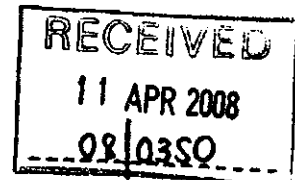


Figure 2 - Tank selection

Tank dimensions (see fig 3)			
Tank	A	B	C
BST 27	2430	1510	1860
BST 38	2665	1745	2060
BST 45	2790	1870	2180
BST 60	3030	2110	2380

All dimensions are approximate (mm).



TANK SELECTION CHART				
Septic Tank	Stock Number Standard	Tank capacity Litres / Gallons	Pop. served at 180l person / day	Pop. served at 250l person / day
BST 27	00-001-BST	2728 / 600	1 to 4	1 to 3
BST 38	00-002-BST	3800 / 836	5 to 10	4 to 7
BST 45	00-003-BST	4546 / 1000	11 to 14	8 to 10
BST 60	00-004-BST	6000 / 1320	15 to 22	11 to 16

## Siting

BS6297 states that sewage treatment works serving more than one building should be situated as far away as possible and a minimum of 25m from any habitable buildings. Some local authorities however do not deem septic tanks to be classed as a sewage treatment works, and will permit them to be installed considerably closer. 15 metres is generally regarded as the minimum distance, however this may vary from area to area. Approval for the tank position should therefore always be sought from the controlling authority at an early stage.

The direction of the prevailing wind should also be taken into account when considering the siting of the tank.

The tank should not be situated close to a driveway or roadway, or anywhere there is a risk of it being subjected to additional superimposed loads.

Good access must be provided for the sludge emptying tanker to within approximately 30m,

and maximum head lift of 5m must be taken into consideration.

Ensure that there is room on the site to allow an excavator to operate, for the removal of soil and for delivery of concrete, gravel etc.

## Installation details

### Storage before installation

Tanks should be set on a smooth level base and securely tied or propped to prevent them from overturning and causing damage or injury.

### Handling and craneage during transport/installation

The rotationally moulded polyethylene tanks should be handled by crane or other suitable equipment using the Ø50mm lifting eyes provided (Lift only when empty), for confirmation of product weights and dimensions, please contact Balmoral Tanks.

02/0350

## **Heine Planning Consultancy**

**Allison T Heine B.Sc, M.sc, MRTPI**

**10 Whitehall Drive, Hartford, Northwich, Cheshire CW8 1SJ**

**Tel: 01606 77775 e-mail: [heineplanning@btinternet.com](mailto:heineplanning@btinternet.com)**

L1- J54-CCC

2 April 2008

Carlisle City Council  
Planning and Housing Services  
Civic Centre  
Rickergate  
Carlisle  
CA3 8QG

Dear Sir/ Madam

**Re: Planning application for Change of Use of land from yard area to caravan site for stationing of 2 caravans for single Gypsy family with cesspool/ septic tank, Amenity Block and stable barn**

**Applicants: Mr and Mrs W Young**

**Site: Land off Ghyll Bank , Low Harker, Carlisle CA4 4DG**

I am instructed to submit an application for the change of use of land off Ghyll Bank for a private caravan site for a single Gypsy family. The application is made retrospectively. The family are already in occupation of the site.

The application is submitted electronically with this supporting statement and design and access statement. The following are posted separately:-

1. Four location plans with the application site edged red
2. Four copies of the site plan showing the proposed siting of the caravans and day room
3. Four copies of the plan and elevations of the proposed utility block.

4. Four copies of the plan and elevations for a stable barn
5. Letter from Mrs Tyler Headteacher of Houghton C of E School for March 2008

The applicant will pay the planning fee of £265 over the counter.

### Site

The site is well known to you. The site lies to the NE of Carlisle in Low Harker off an unclassified no-through road, in an area of mixed development on the edge of the city. The southern boundary adjoins the stable and private caravan site of Mr and Mrs P Swailes which lies at a slightly lower level. The western boundary adjoins a caravan storage area where there is a single dwelling. Beyond this is Ghyll Bank Caravan Park where in June 2005 permission was granted for 15 permanent mobile home pitches (LPA ref 05/0263). There are two industrial estates in Low Harker.

The site measures approximately 50m in length and 25m in width. There is a high mature hawthorn hedge to the road frontage and a row of silver birch trees along the southern boundary. There is timber panel fencing to the northern and western boundary and steel palisade fencing to the south. It is understood the site formed part of the adjoining caravan storage area. The land was previously laid out as a surfaced yard with access gate off Ghyll Bank. The applicant has had no need to carry out any work to the site to make it ready for a caravan site.

### Proposal

Permission is sought to station 2 caravans on the land together with a septic tank or cess pool depending on ground conditions, amenity block and stable barn. The amenity block would provide proper bathroom/ laundry and cooking facilities . The barn would provide stabling for horses and storage for horse feed and tack. The caravans would all be laid on a concrete base to comply with Caravan Site regulations.

The site would be occupied by a single Gypsy family. Living on the site would be Mr William Henry Young (35) , his wife Mrs Margaret Young nee Brough (35) and their 3 children Nicole – 10, William Henry- 8 and Noey -6.

Mr Young was born in Penrith. At the time this was the only Gypsy-Traveller site in the County. He is an English Gypsy. His family travelled all over northern England when he was a lad. He would describe himself as a general dealer and a horse trader. The family go to all the traditional Gypsy fairs. Before he was married his parents rented a pitch on the private site at Penrith before moving into a bungalow in Carlisle. He lived with them in the house for a few months but did not like it. He moved onto Hadrian's Park shortly afterwards, when he got married. He has continued to travel for work , sometimes by himself when his wife and children where on Hadrian's Park. He would typically travel around Northern England and southern Scotland. In the last year he has stopped with friends on the Honeypot Lane site in Darlington, on a private site with friends in Stockton on Tees and on John Connors' private site at Larkhall near Glasgow.

Mrs Young is a Scottish Traveller. She travelled with her parents on the road until she was aged about 10-11. She was one of 6 children. The family then settled in a house in Kirkpatrick Fleming where her parents still live. They used this as winter home and continued to travel in their caravan during the summer. They travelled all over northern England, North Wales and Scotland. They usually stopped on other Gypsy sites when travelling.

The couple married some 11 years ago and moved onto a pitch on Hadrian's Park. The family had to fit out their own day room with their own bathroom furniture, tiled the walls and fitted their own kitchen to make it fit for purpose. Their children attend Houghton Junior School in Carlisle. Nicole has just been offered a place at Newmans Secondary School where she will continue into her education in September 2008.

The family have strong family connections to the Carlisle area. Both sets of parents live in Carlisle or nearby. Mrs Young has younger brothers and sisters who live with her parents in Kirkpatrick Fleming. Her brother John Brough has a pitch on Hadrian's Park. All the children's friends live on the site or nearby sites and most of the children attend Houghton School.

The family had been living on Hadrian's Park for some 8 years when in 2006 the owner told them he wanted them to leave in a matter of days. Accusations were made against the family that were later proved to be untrue and matters got out of hand. The family sought assistance and immediately contacted:

- a) Housing Services at Carlisle City Council who wrote to Mr Bowman to remind him of the rights of Mr and Mrs Young.
- b) the Community Law Centre in Carlisle who contacted Mr Bowman on their behalf
- c) the Rt Hon David Maclean MP at his surgery in Appleby in 2006. Mr Maclean wrote to United Utilities on their behalf and also wrote to Cumbria County Council to ask them for a full investigation.
- d) Ms Janet Smith of We're Talking Homes Northern Network- an organisation set up to assist the homeless problem of Gypsy-Travellers in the NW region.

I have copies of this correspondence if you require to see this, but it will be on your records and I do not consider it appropriate for such confidential information to be in the public domain. Mr and Mrs Young were cleared of any wrong doing but there then followed an incident on the site and the family decided to leave Hadrian's Park. On 1<sup>st</sup> May 2007 the transit area of Hadrian's Park was cleared and families who had been living in this transit area were all made homeless. The intentions of Mr Bowman are not known but it is unlikely this and any other family forced off the site would return until some security of tenure and improved facilities could be provided and guaranteed by the City Council.

Mrs Young was anxious not to disrupt the childrens' education and went to live with her parents at their house in Kirkpatrick Fleming. Mr Young has travelled around and stopped in his caravan on the drive of his parent's property at 33 The Green Houghton, in Carlisle. Mrs Young was offered a house in Carlisle but felt she could not live in a house having spent the last 11 years living in a caravan. There is no way her husband would live in housing. Mr Young was able to buy the site earlier this year from Mr Francis so that the family could live together again..

#### Policy

Government advice is given in C 1/2006. A partial review of the RSS is to be carried out with a view to publication of the revised RSS by 2009 to address the need for more Gypsy-Traveller sites in the region.

In March 2007 the NW Regional Gypsy and Traveller Accommodation Need Assessment was published. This identified a need for between 332-386 additional pitches in the North West region over a 5 year period from 2006. For Cumbria the need was identified as 12 pitches plus 16 pitches for Travelling show people. The study reported just before the transit site at Hadrian's Park was closed. A sub regional GTAA has since been carried out by Salford University for Cumbria. The results will be known to you. The report is to be launched at a public meeting later this month April.

The land is located in open countryside unprotected for any other reason. There is no policy for Gypsy sites in the Structure Plan. The Development Plan comprises Policy H14. This is not informed by a needs assessment as was recommended by Circular 1/94, PPG 3, PPG 12 and letter sent to all local authorities, and as now recommended by Circular 1/2006 and required by the Housing Act 2004. It is a criteria based policy which states that proposals for Gypsy site will be acceptable provided that



1. The site is not within an AONB or County Landscape.
2. There would be no adverse impact on the local landscape
3. Appropriate access and parking can be achieved
4. The site is reasonably accessible to community services
5. The proposal would not adversely affect the amenities of adjacent occupiers by way of noise, vehicular or other activities on site.

There is existing hard standing, landscaping, existing access with good visibility in both directions, and screen fencing. It is a generous sized plot with plenty space for the parking/ turning of vehicles. The site adjoins another private Gypsy caravan site and a large caravan storage area. It is on the same road as Ghyll Bank Caravan Park which has planning permission for 15 permanent mobile home pitches for year round occupation. When granted the Council considered this a suitable location for a Gypsy site although it is understood the owner has since decided to let make the homes available to a different sector of the housing market. The site is located on the edge of Carlisle within reasonable distance of shops and other community facilities such as schools etc. The proposal is small scale and can be accommodated on the site. It is considered that the 5 criteria of Policy H14 are capable of being complied with. The Council came to a similar conclusion when they determined the application for Ghyll Bank Caravan Park in 2005 and the private site for Swailes family in 2007.

Regard should also be had to guidance on housing issued by way of PPS3 Housing in November 2006 and to be taken into consideration when making decision after 1 April 2007. Paragraph 71 states that where Local Planning Authorities cannot demonstrate an up to date five year supply of deliverable sites, for example where Local Development Documents have not been reviewed to take account policies in the PPS or there is less than 5 years supply of deliverable sites, they should consider favourably planning applications for housing having regard to other policies of the PPS.

With regards the proposed barn this would provide stabling. The keeping of horses is an ancillary feature found on many private Gypsy sites. Keeping and breeding horses is for many a traditional way of life for Gypsy-Travellers. There was provision for the keeping of horses on Hadrian's Park. National Guidance PPS7 supports equine developments in the open countryside and groups these with agricultural / forestry interests rather than leisure interests. National policy now recognises the importance of equine developments to the rural economy. A single structure is proposed and this would be sited on the southern boundary. The use proposed is for the keeping of horses which are grazed off site. Horses would only be kept on site to over winter or when in foal. For most of the year they will graze off site. The barn would provide storage for feed, tack and riding carriages.

#### Assessment

Permission is sought for a private caravan site. Use is made of a brownfield site in open countryside. The family rely on their Gypsy-Traveller status. There is no alternative provision at present. The applicant's had a plot on Hadrian's Park but had to leave. Many families were subsequently made homeless with the closure of the transit site at Hadrian's Park in 2007. This was entirely unexpected and could not have been foreseen by the Council. Nonetheless, in the absence of a GTAA it would appear that no one was aware of the extent to which families were residing on the transit site and making do with very substandard facilities. The needs of Gypsy-Travellers has been assessed by Salford University but the report is not yet published.

Guidance in PPS3 states that where local authorities do not have a 5 year deliverable supply of sites for new housing they should consider favourable new applications for housing. PPS3 recognises the special housing needs of Gypsy-Travellers.

The adopted local plan relies on a criteria based policy which provides little guidance as to where would be considered suitable for a site. However, the Council has previously

accepted that Low Harker is a suitable location for private caravan sites. The Council has also approved permission for a third site at Newton of Rockcliffe which is about 1km to the north.

This is a land use that is difficult to accommodate in urban areas or in protected rural areas. National guidance now accepts that sites in the open countryside not otherwise designated or protected on account of their landscape, historic or conservation interests are acceptable in principle. Sites at risk from flooding are not considered suitable.

This development is capable of complying with adopted policy H14 which requires consideration of 5 criteria. Very little work would be required to make this site suitable for use as a caravan site. No business use is proposed from the site.

The provision of stabling is also an appropriate use in the open countryside. The Council has authorised stables on the adjoining private caravan site.

The family have strong connections to the Carlisle areas. Their children are educated at Houghton C of E School and Nicole will start secondary school in September 2008. I attach a letter from Mrs Tyler the acting headteacher who confirms that the childrens' attendance is good but that William Henry has an IEP to address his special needs and Noey is in the process of being assessed for special needs as he is below the level he should be at. She confirms that Nicole is only the fourth Travellers pupil from the school to continue into secondary education and states that it is very important that she does so and acts as a role-model for his siblings and other Traveller children. She concludes that it would be very detrimental to the well being and achievement of the children if they could not attend Houghton School where they are so settled. In my opinion the educational needs of these children is a consideration capable of carrying significant weight.

If you require any further information or wish to discuss any aspect of this case, please do not hesitate to contact me. I trust that you can recommend approval for this private Gypsy site with stabling.

Yours faithfully

Mrs Alison T Heine

## SCHEDULE A: Applications with Recommendation

08/0521

---

**Item No: 17**

**Date of Committee:** 11/07/2008

**Appn Ref No:**

08/0521

**Applicant:**

Punch Taverns PLC

**Parish:**

Carlisle

**Date of Receipt:**

21/05/2008 11:27:47

**Agent:**

Caldecotte Consultants

**Ward:**

Belah

**Location:**

Land at The Enterprise Public House, Briar Bank  
Road, Carlisle CA3 9SN

**Grid Reference:**

339023 557895

**Proposal:** Erection of 6no. Dwellings, Access, Parking and Associated  
Landscaping (Revised Application)

**Amendment:**

---

### REPORT

**Case Officer:** Dave Cartmell

#### **Reason for Determination by Committee:**

As a petition was submitted objecting to the previous planning application (which was withdrawn), objections and/or a petition may be anticipated in relation to this revised application. The period for representations expires on 27th June and the application is being placed on the agenda for determination by the Committee in the event that a petition or objections signed by more than three persons is submitted within the statutory time scale.

#### **1. Constraints and Planning Policies**

**Rev Redeposit Pl. Pol CP2 - Trees And Hedges On Dev. Sites**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. Pol CP14 - Accessibil.Mobility & Inclusion**

**Rev Redeposit Pl. Pol H2 - Primary Residential Areas**

**Joint St.Plan Pol ST3: Principles applying to all new devel.**

**Rev Redeposit Pl. Pol CP16 - Planning Out Crime**

**Rev Redeposit Pl. Pol LC4-Children's Play & Recreation Areas**

### 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** advise that the application has provided for only 6 parking spaces for the 6 no 3 bed roomed houses. The *Parking Guidelines in Cumbria (September 1997)* states that each 3 bedroom dwelling should provide 2.5 spaces. The development should therefore have provided 15 parking spaces. The one space to one dwelling is therefore well below standards. Have however noticed that there is precedent for this parking allocation in the surrounding properties. I am of the opinion that this combined with the proximity of the bus stop on Briar Bank, would make defending a refusal for lack of off road parking provision at appeal very difficult. I wish to however point out that all parking areas should be at least 2.4 metres wide and should be at least 5m in length.

I can therefore confirm that I have no objection in principal to the application as shown on drawing number 5027/02/K submitted with this application and would therefore recommend that the following conditions are included in any consent you may grant:

The whole of each of the access areas bounded by the carriageway edge ( the vehicular crossings over the footway including the lowering of kerbs), shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure a suitable standard of crossing for pedestrian safety and in the interests of road safety.

To support Local Transport Plan Policies: LD5, LD7, LD8

Ramps shall be provided on each side of junction, to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions/ footways in relative safety.

To support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy L5.

Before the dwellings are occupied the existing access shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority.

Reason: To minimise highway danger and the avoidance of doubt.

To support Local Transport Plan Policies: LD5, LD7, LD8

The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

## **SCHEDULE A: Applications with Recommendation**

08/0521

Reason: To ensure a minimum standard of access provision when the development is brought into use.

To support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy: T32;

**Community Services - Drainage Engineer:** comments awaited;

**United Utilities (former Norweb & NWWA):** advise no objection to the proposal, however the applicant should be aware that there is a public sewer which will be located in the proposed rear gardens and we will not permit building over or near to it. We will require an access strip of no less than 7 metres, measuring at least 3.5 metres either side of the centre line of the pipe for maintenance or replacement.

United Utilities, in its role as statutory undertaker under the Water Industry Act 1991, is required to provide and maintain the public sewer system. The access strip requested is necessary to enable the Company to comply with its statutory duty.

The applicant should be aware that where a building threatens the integrity of one of our assets and/or makes operational activity more difficult, expensive or impossible common law allows the Company to protect its assets by removal of the building so it can carry out the necessary repairs/replacement. There is no requirement for the Company to rebuild or compensate.

Due to the size and depth of the sewer any excavation could not be carried out manually and the access strip allowed would need to be outside of the zone of influence of the sewer to ensure that the trench does not collapse. Also if the sewer were to collapse the footings on any construction within this zone could be severely affected.

Because of the statutory requirement upon us to maintain our assets in perpetuity the prospective purchasers should be alerted to the onerous nature of the forgoing clauses and although we have statutory powers of entry it is recommended that a formal easement is agreed to ensure that successors in title are also alerted to the presence of the 525 mm diameter sewer.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

The development is shown to be adjacent to/include our electricity apparatus. The applicant should be aware of the potential difficulties caused by trees and should

## SCHEDULE A: Applications with Recommendation

08/0521

consider this when carrying out planting near to the underground cables. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to a relevant document produced by the Health and Safety Executive, which are available from The Stationary Office Publications Centre and The Stationary Office Bookshops, and advised to follow the guidance given.

The document is as follows: -

HS(G) 47 - Avoiding danger from underground services.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant;

### **Development Services Planning & Housing Services - Local Plans (Trees):**

comments made in respect of a previous application Ref. 08/0061 on this site remain valid and are repeated below.

A number of trees that formed a screen between the neighbouring residential properties and the development site have been felled prior to the submission of this application. A landscaping scheme will be required to redress this loss of screening and to beef up the old field hedge to the rear of the site.

Tree protection barriers to the specification set out in BS 5839 Trees in relation to construction & recommendations will be required to protect the old field hedge during construction works

No detailed landscaping scheme has been submitted neither has any details of the means of protection of the old hedgerow and remaining trees;

**Northern Gas Networks:** no objections but advise that there may be apparatus in the area that may be at risk during construction works. If the application is approved the developer should contact Northern Gas Networks direct to discuss their requirements.( Informative required);

**Environmental Services - Food, Health & Safety:** advise that although the Spice Enterprise is primarily operating as a restaurant, it remains a public house. As long as it remains a public house there will always be the potential for a statutory nuisance to occur by way of noise, odour etc and affect the proposed residential dwellings;

**Cumbria Constabulary - Crime Prevention:** refer to my previous comments (pre-application correspondence ) dated 15 April and 28th April (My ref C/349/08), outlining the various security considerations for this proposal. I note the comments by the Urban Design Officer regarding his preference to place in-curtilage parking arrangements at the rear of the dwellings. This option would not compromise vehicle security but raises issues for the whole site which I trust I have already addressed.



## SCHEDULE A: Applications with Recommendation

08/0521

In pre-application correspondence the Architectural Liaison Officer:

1. welcomed the proposal to form a 1.8m high boundary along the northern side to meet the existing wall which should prevent casual and unwelcome intrusion to the development from the north ( ie from the rear of the Enterprise site and the adjacent footpath network) The ALO points out that the incorporation of a triangular profile coping will deter climbing.
2. advised against the positioning of a footpath directly adjacent to the gable end wall and as an alternative forming a narrow strip of soft landscaping against the wall to create an ad hoc buffer zone
3. welcomed the intention to incorporate windows in the gable end elevation; and
4. following submission of a range of alternative layouts for the provision of garages to the rear, suggested that consideration be given to dispensing with the garages and providing each dwelling with in-curtilage parking spaces in larger rear gardens as this would significantly reduce the chances of them targets for crime.( If this approach is followed, the ALO suggests that consideration be given to the provision of street lighting or security lighting to each dwelling to improve surveillance opportunities throughout darkness);

**Development Services Planning & Housing Services - Housing Strategy:** as the proposal is only for 6 units with the affordable housing threshold for the urban area being 10 units. Housing Services will not be required to comment on the proposal;

**Environmental Services - Green Spaces:** advise that as there is no on-site provision for public open space, in accordance with the provisions for POS made in Policy LC4 of the Revised Redeposit Draft Local Plan, a commuted sum of £14,588.34 is required.

( Policy LC2 seeks commuted sums where the Council Can demonstrate that there is a deficiency of play space in the local area judged against the Audit Of Open Space. An amended reply is awaited to justify the requirement);

**Development Services Planning & Housing Services - Urban Designer:** informally reviewed this previous application but as I was broadly happy with its elevational treatment and with its relationship with the street I made no formal comment. However, I now see that a fresh application has been made which now exhibits elements that I would consider to be detrimental.

My main concern is that the frontage is now entirely dominated by hard landscaping in order to provide in- curtilage parking to the front of each unit. Frontage parking, especially where plot widths are so narrow as to preclude meaningful landscaping, invariably produces a poor streetscape and a car-dominated frontage, with a continuous array of vehicle crossovers at the footpath, and associated dropped kerbs. If repeated this precedent creates an unpleasant and alienating, car-dominated environment. The previous application discreetly housed the parking behind the units and this problem did not arise.

## SCHEDULE A: Applications with Recommendation

08/0521

I note the ALOs comments on vehicle security but consider that his concerns could have been met through design changes to the rear parking access, and stronger definition of this parking area from the general street, rather than removing this method of parking entirely and placing it to the front.

Further to this, the applicant has modified the terrace so that the central section recedes rather than comes to the fore. This is visually weaker than in the 08/0061 version.

### Recommendation

I would recommend that the applicant is requested to revise this scheme and to return to the principle of bringing the face of the units closer to the street, fronted by small front gardens behind dwarf walls, with in-curtilage parking to the rear of each dwelling.

It is to be regretted that some attractive and substantial trees were removed from the site recently. In curtilage, frontage tree-planting should be included to create some additional definition to the street.

Further to this, any utility meters associated with the properties should be semi-concealed (set within the ground), located on discreet elevations and/or painted out.

Rainwater goods should be in black and white PVCu should not be used.

No details are apparent of proposed door and window specifications but it is recommended that they should be in FSC timber and to an SBD standard. If glazing bars are used these should appear on the outside face of the window and should not be solely applied to the interior or between the face of the panes. Windows should be set at least a brick's depth from the face of the building.

### 3. Summary of Representations

#### Representations Received

Initial:

Consulted:

Reply Type:

	48 Caird Avenue	28/05/08
	50 Caird Avenue	28/05/08
	52 Caird Avenue	28/05/08
	1 Kirkbeck Close	28/05/08
	3 Kirkbeck Close	28/05/08
	5 Kirkbeck Close	28/05/08
	7 Kirkbeck Close	28/05/08
	9 Kirkbeck Close	28/05/08
	11 Kirkbeck Close	28/05/08
	17 Kirkbeck Close	28/05/08
	139 Lowry Hill Road	28/05/08

- 3.1 Publicity was given to this revised proposal by both site and press notice and by direct notification of the occupiers of neighbouring properties. The period for representations expires on 27th June and at the time of writing this report none have been received.

### **4. Planning History**

- 4.1 A previous application for six dwellings, access, parking and landscaping (08/0061) was withdrawn by the applicant. He had been advised that a petition objecting to the application signed by twenty persons, had been received and that the application would be recommended for refusal on the basis that, as advised by the Architectural Liaison Officer, there is an existing problem in this location with youth disorder and crime. It was considered that the layout was likely to exacerbate this problem contrary to the objectives of PPS1 and Policy CP16 of the Revised Redeposit Draft Local Plan (2001 - 2016) as amended by the Inspector in April 2008.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 This is an application for full planning permission for the erection of six terraced dwellings, with associated in-curtilage carparking, access and landscaping, on an existing carpark ( 0.145 hectares) to the west of the former Enterprise public house which lies on the north side of Briar Bank opposite an area of public open space. The former public house is now an Indian restaurant (The Spice Enterprise).
- 5.2 The site lies within a Primary Residential Area as defined in the Revised Redeposit Draft Local Plan (2001 - 2016) as amended by the Inspector in April 2008. To the north the site is bounded by a sporadic hedge( beyond which is a footpath running along the rear fence of properties in Kirkbeck Close); to the west the site boundary is a 2m high vertical closeboarded fence which forms the rear boundary of both established and recently completed housing. To the south the site is not enclosed and overlooks public open space on the opposite side of Briar Bank.
- 5.3 Each of the terraced houses, which comprises a combined living/dining room and kitchen on the ground floor and three bedrooms and a bathroom on the upper floor, has a total gross floor area of 90 square metres. The front elevation of the central pair of houses is set back 7.5m from the heel of the footpath, while the ' wing' pairs are set 6m. Each plot has in-curtilage parking for one vehicle. The eaves height is 5.2m and the ridge height 8.2m and the proposed external materials are redbrown brick up to first floor level with render above and concrete rooftiles.
- 5.4 Substantial rear gardens ( 17 - 21m in length) are enclosed by 1.8m high

## SCHEDULE A: Applications with Recommendation

08/0521

close boarded fence with a wall of the same height along the west side of the access road. Front gardens will be landscaped with 0.6m high dwarf walls along Briar Bank to define public and private spaces.

- 5.5 The existing access to the carpark will be closed and realigned leading to a servicing area for the Spice Enterprise and while foul sewage will be disposed of to the main sewer, surface water will be disposed of to a soakaway.

### Background

- 5.6 An earlier application ( 08/61) also for six dwellings but with six garages/carports to the rear of the site served by an access between the development and The Enterprise was withdrawn following a petition objecting to the development and concerns raised by the Architectural Liaison Officer. The ALO considered that the layout should be reviewed in order to (1) form a secure perimeter which deters casual intrusion and contributes to complying with DOCRA and (2) provide a more secure parking arrangement that can easily be overlooked and supervised by tenants.

### Assessment

- 5.7 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the development plan unless material considerations (including Government Policy, as expressed through Planning Policy Guidance notes / Planning Policy Statements, and objections) indicate otherwise. In consideration of this application Policies CP2, CP4, CP5, CP14, CP16, H2 and LC4 of the Revised Redeposit Draft (2001 - 2016) ( as amended by the Inspector in April 2008) and Policy ST3 of the adopted Cumbria and Lake District Joint Structure Plan 2001-2016, are relevant. The relevant aspects of these policies seek to ensure that new residential development:
1. is focussed in Carlisle, Brampton and Longtown, with priority being the re-use of previously developed land
  2. complements or enhances existing residential areas and their amenity
  3. does not adversely affect the the amenity of adjacent residential properties
  4. has satisfactory access and appropriate parking arrangements
  5. results in the retention of existing trees or hedges and provides additional landscaping where appropriate to integrate new development into existing areas
  6. achieves the highest standard of accessibility and inclusion for all potential users regardless of disability, age or gender

## SCHEDULE A: Applications with Recommendation

08/0521

7. contributes to creating a safe and secure environment integrating measures for security and crime prevention and minimising the opportunity for crime
  8. does not generate an increase in surface water runoff likely to create or exacerbate flooding problems
  9. makes a commuted payment towards the provision of play space in the locality where there is a deficiency of play space in the local area.
- 5.8 This revised application was submitted following pre-application discussions involving the Architectural Liaison Officer and County Highways and seeks to address the concerns expressed about the original proposal by the ALO and adjacent residential occupiers.
- 5.9 With regard to the development plan objectives, issues raised by consultees and the material considerations raised by neighbours in relation to the previous application:
1. the proposed development is located on a brownfield site within a designated Primary Residential Area in Carlisle where there is presumption in favour of development subject to satisfying the appropriate criteria. At a density of 41 dwellings to the hectare, the development is above the minimum density set out in PPS 3 ( Housing) and is considered reasonable given the existing density and development form of the area.
  2. it is considered that the proposed development generally complements the character of the area which is typified by two storey semi-detached and terraced housing with properties set back approximately 6m from the footway on either side of the road. There are few variations in house type/styles in the area, the other characteristics of which include the presence of chimneys and the use of red rustic brown bricks and render to elevations under a double roman profiled roof tile.

Front gardens in the area are typically enclosed by low hedges/fences but many have been converted/ partly converted into off-street parking spaces. The narrow (5m) plots could result in a frontage dominated by hard landscaping. If this form of development was to be repeated, I agree with the Urban Designer that it could create a poor streetscape and a car-dominated frontage with a continuous array of vehicle crossovers at the footpath and associated dropped kerbs. However this is a small scale development on a frontage totalling 34m opposite a large area of open space, which it is considered, complements and, by replacing a carpark, enhances the visual amenity of the area.

Appropriate soft landscaping to the front of the house should also help to reduce the visual prominence of the hardstanding. It should also be borne in mind that the original concept of having parking to the rear of the houses was abandoned to address the issues regarding the possibility of

## SCHEDULE A: Applications with Recommendation

08/0521

exacerbating antisocial behaviour raised by local residents and the Architectural Liaison Officer.

3. the design, siting and layout has sought to minimise the impact on the living conditions in existing residential properties to the north and west by the proposed boundary fencing, 17 - 21m long gardens, setting forward the western pair of houses, and ensuring that there are no windows in the west gable or primary windows directly facing other primary windows.
4. subject to appropriate conditions being attached, County Highways consider the access and parking arrangements to be satisfactory. While the provision of a single parking space per house is below standard, Highways point out that there is precedent for this parking allocation in the surrounding properties and are of the opinion that this combined with the proximity of the bus stop on Briar Bank, would make defending a refusal for lack of off road parking provision at appeal very difficult. Given the underuse of the parking areas, the availability of 43 ( potentially 60) parking spaces within the remaining carpark to the east of the Enterprise building is considered to be sufficient to accommodate anticipated needs.
5. trees which formed a screen between the carpark and housing to the west were removed in advance of the application being submitted. Given the proposed use of the site for housing, it is not considered necessary to reinstate the planting. The partial hedge which forms the northern boundary needs to be reinforced. Conditions can be attached to require submission of details and implementation of overall landscaping proposals including the front gardens and within the access road. Details are also required of measures to protect the hedge during construction works.
6. in accordance with Part M of the Building Regulations, level access thresholds will be provided at front doors and within dwellings all requirements of Part M will be met.
7. the removal of parking to the rear, the erection of a 1.8m close boarded fence along the northern boundary to deter unrestricted access, the proposal for soft landscaping along the gable within the new access, and the inclusion of windows in that gable, have addressed the major concerns expressed by the Architectural Liaison Officer and residents in relation to the previous ( withdrawn) application. It is considered that the revised proposal contributes to creating a safe and secure environment integrating measures for security and crime prevention and minimising the opportunity for crime.
8. as the surface water is to be discharged via a soakaway, and the current site is a totally sealed surface, it is considered that the current situation will be improved and that it is unlikely that surface water runoff will create or exacerbate flooding problems. An informative can be attached to advise the applicant that surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent

of the Environment Agency.

9. Greenspace have requested that a commuted sum of £14,588.34 is sought from the applicant towards provision of play space in the locality. Before agreeing to enter a Section 106 Agreement in relation to this sum, the applicant has requested confirmation that there is a deficiency of play space in the local area. A reply is awaited from Greenspace.
10. Environmental Services point out that although the Spice Enterprise is primarily operating as a restaurant, it remains a public house and as long as it remains a public house there will always be the potential for a statutory nuisance to occur by way of noise, odour etc and affect the proposed residential dwellings. It is noted that the police, through the Architectural Liaison Officer, have no objection to the principle of residential development of the site. It is considered that the possibility for a statutory nuisance to occur is an insufficient material consideration to override the presumption in favour of residential development on a brownfield site within a Primary Residential Area. Should such a nuisance arise, resolution would be sought through the Environmental Protection legislation.

### Conclusion

- 5.10 It is considered that the development of this land will address several planning objectives seeking to make better use of vacant and underused land within sustainable urban areas for new housing development. The form, layout, scale and appearance of the dwellings have been designed to ensure that the dwellings positively respect the character and appearance of their surroundings. It is also considered that the relationship with, and privacy of neighbouring dwellings, would not be compromised ensuring future residential amenities are of a suitable standard, with access and parking provided to meet the needs of residents.
- 5.11 It is considered that the proposed development accords with the provisions of the Development Plan and, as there are no material considerations which indicate that it should be determined to the contrary, it will be determined in accordance with the Development Plan. Subject to confirmation from Greenspace that there is a deficiency of play space in the local area, the application is recommended for approval subject to appropriate conditions.

## 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

08/0521

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 giving due regard to the provisions of the Act. It is not considered that the proposal would conflict with the Act. Where any conflict is perceived it is not considered that such conflict would be significant enough to warrant refusal of the application.

### 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. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

**Reason:** To ensure that materials to be used are acceptable and in accord with Policy CP4 of the Revised Redeposit Draft Local Plan (2001 - 2016) as amended by the Inspector in April 2008.

3. The whole of the access area bounded by the carriageway edge (the vehicular crossings over the footway including lowering of the kerbs) shall be constructed and drained to the specification of the local planning authority.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety and in the interests of road safety and to support Local Transport Policies LD5, LD7 and LD8.

4. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so



## SCHEDULE A: Applications with Recommendation

08/0521

approved shall be constructed as part of the development.

**Reason:** To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD5, LD7, LD8 and Structure Plan Policy L5.

5. Before the dwellings are occupied the existing access shall be permanently closed and the highway crossings and boundaries shall be reinstated in accordance with details which shall be submitted to and approved by the local planning authority.

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

6. The use shall not commence until the access and parking arrangements have been completed in accordance with the approved plan. Any such access or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority

**Reason:** To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7, LD8 and Structure Plan Policy T32..

7. No development shall take place until details of a landscaping scheme, including proposals to retain and reinforce the hedge along the northern boundary of the site, have been submitted to and approved by the local planning authority.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with Policies CP2 and CP4 of the Revised Redeposit Draft Local Plan (2001 - 2016) as amended by the Inspector in April 2008.

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

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policies CP2 and CP4 of the Revised Redeposit Draft Local Plan (2001 - 2016) as amended by the Inspector in April 2008.

## SCHEDULE A: Applications with Recommendation

08/0521

9. For the duration of the development works existing trees and hedges to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

**Reason:** To protect trees and hedges during development works in accordance with the objectives of Policies CP2 and CP4 of the Revised Redeposit Draft Local Plan (2001 - 2016) as amended by the Inspector in April 2008.

10. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development until a planning obligation pursuant to s.106 of the said Act relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the persons submitting the same that it is to the Local Planning Authority's approval. The said planning obligation will provide for the payment of a commuted sum of £14,588.34 towards the provision and maintainance of play facilities in the locality.

**Reason:** In accordance with Policy LC4 of the Revised Redeposit Draft Local Plan (2001 - 2016) as amended by the Inspector in April 2008.

---

ARCHITECTURAL SERVICES & PROJECT MANAGEMENT  
**SURSHAM TOMPKINS & PARTNERS** est 1961

THE ENTERPRISE  
CARLISLE

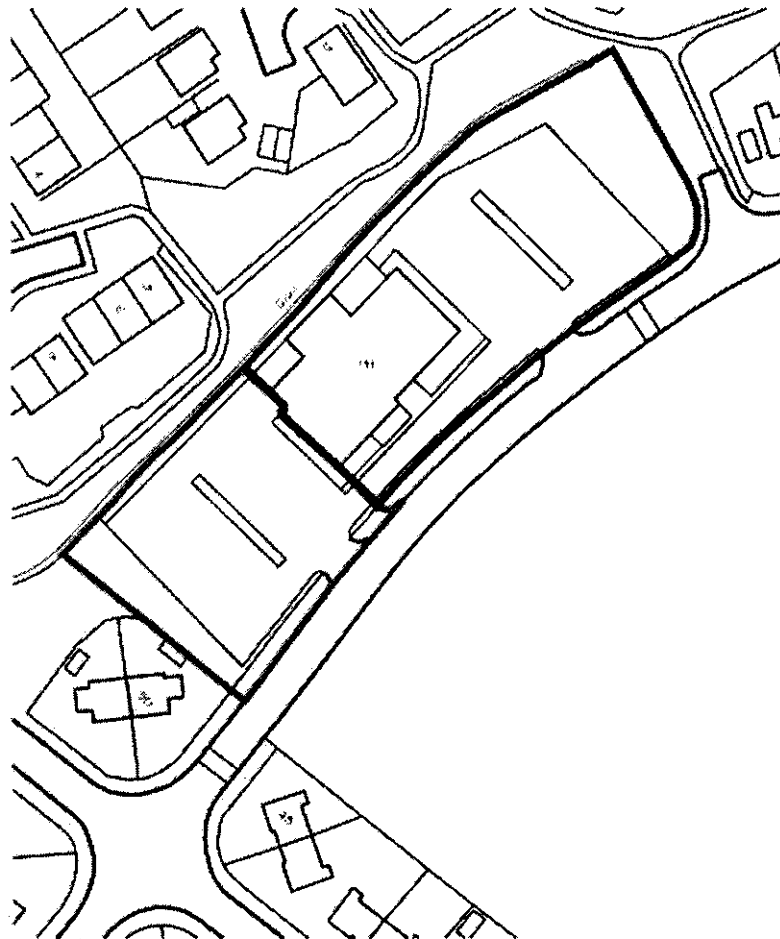
CALDECOTTE CONSULTANTS

Cottage Farm  
Mears Ashby Road  
Sywell  
Northampton  
NN6 0BJ

Telephone: 01604 64 65 66  
Facsimile: 01604 64 63 62  
e-mail: [sursham.tompkins@virgin.net](mailto:sursham.tompkins@virgin.net)

LOCATION PLAN, scale 1:1250

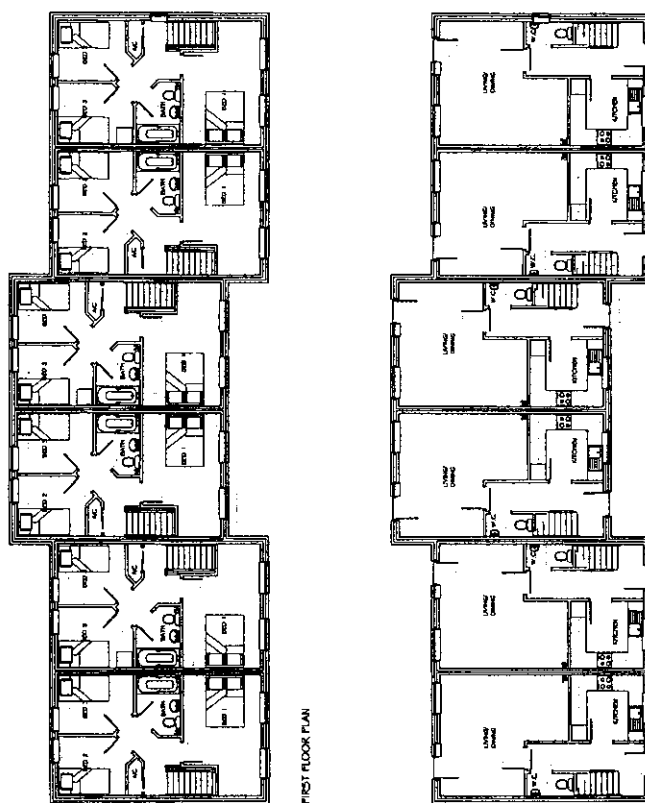
DRG NO: 5027/00



© Crown Copyright 2007. All rights reserved. Licence number 100020449

21 MAY 2008  
2008/0521



[illegible][illegible]



## SCHEDULE A: Applications with Recommendation

08/0358

---

**Item No: 18**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0358

**Applicant:**  
Mr S Harrison

**Parish:**  
Nicholforest

**Date of Receipt:**  
04/04/2008

**Agent:**  
Rol Design Ltd

**Ward:**  
Lyne

**Location:**  
Penton Mill, Penton, Carlisle, CA6 5QU

**Grid Reference:**  
343327 577272

**Proposal:** Temporary Siting Of A Static Caravan During The Construction Of  
Adjacent Log Cabin. Max. Period 2 Years (Revised Application)

**Amendment:**

---

### REPORT

**Case Officer:** Angus Hutchinson

#### **Reason for Determination by Committee:**

This application has been brought before Members of the Development Control Committee because the Parish Council have raised objections to the proposed development.

#### **1. Constraints and Planning Policies**

##### **Site Of Nature Conservation Significance Public Footpath**

The proposal relates to development which affects a public footpath.

##### **Flood Risk Zone**

**Joint St. Plan Pol E34: Areas&feat. nat. & int.conservation**

**Joint St. Plan Pol E37: Landscape character**

**District L5 - Rights of Way**

**District E8 - Remainder of Rural Area**

**District E11 - SSSI**

**Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol LE2-Sites of International Importance**

**Rev Redeposit Pl. Pol LE28 - Developed Land In Floodplains**

**Rev Redeposit Pl. Pol LC8 - Rights of Way**

## 2. Summary of Consultation Responses

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

**Environment Agency (N Area (+ Waste Disp)):** further to the Agency's response dated 22 April 2008 in which we objected to the above proposal pending the receipt of evidence to demonstrate the implementation of the Sequential Test and Exception Tests.

We are now in receipt of the evidence of the Sequential and Exception Tests which has determined that the development as proposed satisfies parts (a), (b) and critically part (c) of the Exception Test – demonstrating that the development is 'safe'.

The Environment Agency therefore deems that formal comment on the Flood Risk Assessment prepared by G A Noonan on behalf of Mr Simon Harrison dated March 2008 is not required and withdraw our objection.

The Flood Risk Assessment which has been prepared by G A Noonan dated March 2008 to support application number 08/0359 suggests that the Q100 flood level is 47.5mAOD.

On the basis of this assessment the siting of the temporary caravan at a level of 49.5 mAOD is shown as being sited 2 metres above the Q100 level placing it in Flood Zone 2.

According to Table D.2.of Planning Policy Statement 25- Development and Flood Risk (PPS 25) the proposal is classed as 'more vulnerable' in Flood Zone 2 and is considered acceptable.

The Agency therefore has no objection in principle providing a condition is imposed restricting the siting of the caravan;

**Nicholforest Parish Council:** Nicholforest Parish Council wishes to withdraw support of the proposed building of a camping barn on the site of the old disused mill at Penton Linns. The Parish Council originally understood the development was for a cabin as a rest and refreshment area for fishermen. The plans now being considered are for a camping barn which is overnight sleep overs and perhaps eventually a self catering unit or dwelling.



## SCHEDULE A: Applications with Recommendation

08/0358

As local residents we witness the river in spate many times and as recently as the 25th July 1983 a several foot wall of water came down this river from the Hermitage area scouring the river bed taking all its path including the footbridge just north of this proposed development. Newcastleton village has also been severely flooded several times in living memory. We therefore feel the flood risk assessment carried out by Mr.Harrison's agent, is not accurate (we have learned from recent experience that a paper assessment does not give an accurate picture) and the risk of flooding is too great to proceed with these plans.

Access to the mill was through a gateway used by a horse and cart in the days of horse and carts. It has never been a car park which presently scars this beauty spot. The Council wish you to emphasize to the Highways department that the exit is in a most dangerous position and an accident waiting to happen.

Penton Linns is an area enjoyed by locals and by people from far and wide; this development will restrict the enjoyment of many people. The council feels it paramount to safe guard the visual amenities of the area for the public.

The Parish Council wish to have it on record that, based on the rivers history and local knowledge, it considers this development too prone to flooding and coupled with the car park's precarious exit, the plan presents too many dangers to the occupants of the development and public and wish to withdraw their support for the application.

A letter recieved on the 29th May 2008 confirms that the Parish Council objects to the proposal.

**East Cumbria Countryside Project (ECCP):** Comments awaiting.

**Ramblers Association:** Comments awaiting.

**English Nature:** Please refer to my comments previously given in November 2007:

**Open spaces Society:** Because of the difference in scaling of the application map and the Ordnance Survey map, it was not possible to accurately discern if the caravan would be partly on the footpath. I would appreciate confirmation that it will not.

**Cumbria County Council - (Archaeological Services):** I do not wish to make any recommendations or comments.

### 3. Summary of Representations

#### Representations Received

Initial:



Mill House

Consulted:

16/04/08

Reply Type:

## **SCHEDULE A: Applications with Recommendation**

08/0358

3.1 This application has been advertised by means of press and site notices and a notification letter sent to one neighbouring property. No verbal or written representations have been made during the consultation period.

### **4. Planning History**

4.1 In 2007 an application was received seeking full planning permission for the construction of a log cabin to form a sporting bothy/camping barn together with a retrospective application for the temporary siting of a static caravan during the construction of the cabin, for a maximum period of two years. The application was withdrawn prior to determination.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 This application and the following item, application 08/0359, both relate to the same site which consists of the now derelict Penton Corn Mill located on the southern banks of Liddel Water approximately 150 metres to the east/upstream of Penton Bridge. There is an existing vehicular access and associated hard standing area, leading to a gated track.
- 5.2 The former Mill building comprises remnant sandstone walls and a detectable route of what would have been the millrace. The caravan lies to the east of the Mill. A post and wire fence delineates the boundary. A stile provides access to the riverbank.
- 5.3 The application site is adjacent to the Penton Linns SSSI and located not only within Flood Zone 3 (high probability) as defined in Table D2 of PPS 25 but also a designated County Landscape.

#### **Background**

- 5.4 The current proposal seeks retrospective permission for the temporary siting of a static caravan during the re-construction of the former Mill to provide a base on top of which it is proposed to erect a log cabin to form a sporting bothy/camping barn which is subject to application 08/0359. The caravan is partially obscured by existing trees that delineate the application site.
- 5.5 A Flood Risk Assessment has been submitted with the application, from which the following points can be highlighted.
1. The site is adjacent to and on the flood plain of the fast flowing Liddel Water and is 160m upstream of Penton Bridge carrying the B6318 over Liddel Water. The estimated 1 in 100 year flood level at the site is 47.5m AOD. This is on the assumption that there are no major blockages downstream at Penton Bridge. The bridge has a large span and

blockages are most unlikely.

2. There will be no significant change in the permeability of the site from the existing old mill to the proposed sporting bothy/camping barn.
3. The surface water drainage will be fed directly into Liddel Water and foul drainage will be to a storage tank.

### Assessment

- 5.6 When assessing this application and the associated application for the sporting bothy/camping barn it is considered that the main issues revolve around whether the advantages in the form of enhancing an existing social and recreational facility outweigh the harm with regard to:
  - 1) the consistency of the proposal with regard to Ministerial advice and policy concerning the risk from flooding – Policy LE28 of the CDLP 2001-2016 (Revised Redeposit Draft);
  - 2) the impact on any wildlife interest - Policy E34 of the Cumbria and Lake District Joint Structure Plan and Policy CP1 of the CDLP 2001-2016 (Revised Redeposit Draft); and,
  - 3) the impact on the character of the area – Policy E37 of the Cumbria and Lake District Joint Structure Plan and Policy CP1 of the CDLP 2001-2016 (Revised Redeposit Draft).
- 5.7 Government advice contained in PPS 25 “Development and Flood Risk” explains that the aims of policy are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.
- 5.8 Paragraph 8 of PPS 25 highlights that LPAs should in determining applications:
  1. have regard to the policies in this PPS and, as relevant, in the RSS for their region;
  2. ensure that planning applications are supported by site-specific flood risk assessments as appropriate;
  3. apply the sequential approach at a site level to minimise risk by directing the most vulnerable development to areas of lowest flood risk, matching vulnerability of land use to flood risk;
  4. give priority to the use of SUDS; and,

## SCHEDULE A: Applications with Recommendation

08/0358

5. ensure that all new development in flood risk areas is appropriately flood resilient and resistant, including safe access and escape routes where required.
- 5.9 Paragraphs 14 - 17 of PPS 25 explain that a sequential risk-based approach to determining the suitability of land for development in flood risk areas is central and should be applied at all levels of the planning process. In areas at risk of river/sea flooding, preference should be given to locating new development in Flood Zone 1. If there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development (Table D.2, Annex D) can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. Within each Flood Zone new development should be directed to sites at the lowest probability of flooding from all sources.
- 5.10 Paragraph 18 goes on to state that if, following application of the Sequential Test in Annex D, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones of lower probability of flooding, the Exception Test can be applied as detailed in paras. D9 – D14. The Exception Test is only appropriate for use when there are large areas in Flood Zones 2 and 3, where the Sequential Test alone cannot deliver acceptable sites. It may also be appropriate to use it where restrictive national designations, e.g. SSSIs, prevent the availability of unconstrained sites at lower risk areas.
- 5.11 For the Exception Test to be passed it must be demonstrated that: a) the development provides wider sustainability benefits to the community that outweigh flood risk; b) the development should be on developable previously-developed land or, if not on previously developed land, that there are no reasonable alternatives; and, c) a FRA must demonstrate that the development will be safe, and, where possible, will reduce flood risk overall.
- 5.12 When assessing the proposal with regard to flooding, the application site falls within Flood Zone 3 which is not usually a suitable location for holiday accommodation. In mitigation, it is apparent that the development of the adjoining land is constrained by its designation as an Ancient Woodland; the current proposal seeks to preserve as much of the Mill as possible; and, directly relates to the fishing rights of this stretch of Liddle Water. As such there are not considered to be any suitable alternative sites within this locality. The Environment Agency have not raised any objections and confirmed that the development as proposed satisfies parts (a), (b) and critically part (c) of the exception test demonstrating that the development is safe. The site level of the caravan is above the 1 in 100 year flood level. On this basis it is considered that the proposed caravan will not be adversely affected by flooding.
- 5.13 Furthermore, it is considered that the proposal in the context of the existing backdrop and relationship to the adjacent SSS1 should not be detrimental to any wildlife interest. The caravan is not particularly attractive although this is mitigated by the fact that permission is sought for its siting on a temporary basis.

### Other Matters

- 5.14 The Parish Council have objected to the proposed development on several grounds with particular regard to the allegation that the flood risk assessment is not accurate and the risk of flooding is too great to proceed with these plans; and, because the car parks exit is in a dangerous position. Since receiving the Parish Council's comments, the applicant has responded by explaining that: the Mill base, even in its historic crumbling state, has survived each and every flood, including 1983; and, the renovation and reinforcement of the stone base will only improve the situation with no effect to the flow of the river in normal or flood conditions. In addition, the applicant has confirmed that Messrs Harrison have owned the old Mill and surrounding farm and have lived in the area since 1968 and are well aware of each and every event that has happened on the stretch of river. The applicant goes on to state that the flood risk assessment has been conducted professionally and to the full satisfaction of the Environment Agency. With regard to access, the applicant has confirmed that the existing access has been used since the 1970s for access to the Mill and the previously sited static caravan, and the fishing and shooting as well as agricultural use, and to the best of the applicant's knowledge there has never been an accident there.
- 5.15 In such circumstances, and bearing in mind the formal consultation responses of the Highway Authority and Environment Agency, it is considered that the proposed development will not have an adverse impact in terms of the issues raised by the Parish Council.

### Conclusion

- 5.16 The proposal is therefore recommended for a temporary approval.

## 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

08/0358

- 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 caravan hereby permitted shall be discontinued not later than the 31st day of July 2010 unless in the meantime a further application has been submitted to and approved by the local planning authority.

**Reason:** The local planning authority wish to review the matter at the end of the limited period specified.

2. The temporary caravan hereby permitted shall be sited at a level no lower than 49.5m AOD.

**Reason:** To ensure that the temporary accommodation and its occupants are located on a safe level above the predicted high risk Flood Zone 3.

---



**COPY**

08/0352

**Old Mill - Penton  
Flood Risk Assessment**

19 MAR 2008

**1. Introduction**

In November 2007 Mr. Simon N Harrison of Liddel Valley Estates (LVE) asked G A Noonan, Consulting Engineer (GAN) to prepare a Flood Risk Assessment for a Site at The Old Mill, Penton (The Site) where there is a proposal to erect a Sporting Bothy/Camping Barn on the Site of the derelict Old Mill (The Site).

The information in this report is based on the following:

Details of The Site and developments  
Flood flow data

Liddel Valley Estates  
Environment Agency (EA)

**2. The Development Site**

The Site is located as shown on the attached Plan, no. 0712/2 and is at NGR NY 433 773.

The total development includes a single storey Sporting Bothy/Camping Barn, an improved access road, small car park and a wildlife area. The Site is on the south bank of the relatively steep Liddel Water Valley. The proposed Sporting Bothy/Camping Barn will be built at an elevated level on the old repaired and strengthened foundations of the old derelict water mill.

**3. Flood Risk**

The Site is adjacent to and on the flood plain of the fast flowing Liddel Water and is 160m upstream of Penton Bridge carrying the B6318 over Liddel Water. The river flows adjacent The Site are estimated to be:

1 in 10 year return	342 m <sup>3</sup> /sec
1 in 50 year return	441 m <sup>3</sup> /sec
1 in 100 year return	491 m <sup>3</sup> /sec

and, with an effective river bed level of 44.0m AOD adjacent to The Site, would give estimated river levels of:



COPY

2.

Based on the assumption that there will be no major debris trapped by Penton Bridge, the afflux at the bridge is estimated to be 0.9m for 1 in 100 year return storm. However the fall in the river bed between The Site and Penton Bridge means that the backwater effect of the afflux at The Site is not significant.

#### **4. Effect of the Development on Other Sites**

There will be no significant change in the permeability of The Site from the existing old mill to the proposed Sporting Bothy/Camping Barn. Therefore the development will not effect downstream sites

#### **5. Surface Water Drainage**

The surface water drainage from the proposed building will be into drains which will be fed directly into Liddel Water.

#### **6. Foul Water Drainage**

Foul Drainage will be by gravity into a storage tank which will be ventilated but sealed to above river flood level. The sewage tank will be emptied as necessary.

#### **7. EA Requirements**

7.1 The floor level of the proposed building should be 0.6m above the estimated 1 in 100 year flood level plus 0.2m to allow for climate change. This gives a minimum floor level of 48.3m AOD.

7.2 Land Drainage Consent is required from the EA for any works, permanent or temporary, within 8m of the river bank and must be obtained before any works are carried out at The Site. Land Drainage Consent is still required even if Planning Permission is granted.

#### **8. Summary**

8.1 The proposed new development is adjacent to Liddel Water and is on the river flood plain.

8.2 The estimated 1 in 100 year flood level at The Site is 47.5m AOD. This is on the

## SCHEDULE A: Applications with Recommendation

08/0359

---

**Item No: 19**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0359

**Applicant:**  
Mr S Harrison

**Parish:**  
Nicholforest

**Date of Receipt:**  
04/04/2008

**Agent:**  
Rol Design Ltd

**Ward:**  
Lyne

**Location:**  
Penton Mill, Penton, Carlisle, CA6 5QU

**Grid Reference:**  
343327 577272

**Proposal:** Construction Of Log Cabin To Form Sporting Bothy/Camping Barn  
(Revised Application)

**Amendment:**

---

### REPORT

**Case Officer:** Angus Hutchinson

#### **Reason for Determination by Committee:**

This application has been brought before Members of the Development Control Committee as the Parish Council have raised objections to the proposed development.

#### **1. Constraints and Planning Policies**

##### **Site Of Special Scientific Interest**

The proposal relates to land or premises situated within or adjacent to a Site of Special Scientific Interest.

##### **Public Footpath**

The proposal relates to development which affects a public footpath.

##### **Flood Risk Zone**

**Joint St. Plan Pol E34: Areas&feat. nat. & int.conservation**

**Joint St. Plan Pol E37: Landscape character**

**District L5 - Rights of Way**

**District E8 - Remainder of Rural Area**

## **SCHEDULE A: Applications with Recommendation**

08/0359

**District E11 - SSSI**

**Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol LE2-Sites of International Importance**

**Rev Redeposit Pl. Pol LE28 - Developed Land In Floodplains**

**Rev Redeposit Pl. Pol LC8 - Rights of Way**

### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** no objection.

**Environment Agency (N Area (+ Waste Disp)):** further to the Agency's response dated 22 April 2008 in which we objected to the above proposal pending the receipt of evidence to demonstrate the implementation of the Sequential Test and Exception Tests.

We are now in receipt of the evidence of the Sequential and Exception Tests which has determined that the development as proposed satisfies parts (a), (b) and critically part (c) of the Exception Test – demonstrating that the development is 'safe'.

The Environment Agency therefore deems that formal comment on the Flood Risk Assessment prepared by G A Noonan on behalf of Mr Simon Harrison dated March 2008 is not required and withdraw our objection.

We have no further comments to make on the proposal;

**Nicholforest Parish Council:** Nicholforest Parish Council wishes to withdraw support of the proposed building of a camping barn on the site of the old disused mill at Penton Linns. The Parish Council originally understood the development was for a cabin as a rest and refreshment area for fishermen. The plans now being considered are for a camping barn which is overnight sleep overs and perhaps eventually a self catering unit or dwelling.

As local residents we witness the river in spate many times and as recently as the 25th July 1983 a several foot wall of water came down this river from the Hermitage area scouring the river bed taking all its path including the footbridge just north of this proposed development. Newcastleton village has also been severely flooded several times in living memory. We therefore feel the flood risk assessment carried out by Mr.Harrison's agent, is not accurate (we have learned from recent experience that a paper assessment does not give an accurate picture) and the risk of flooding is too great to proceed with these plans.

## SCHEDULE A: Applications with Recommendation

08/0359

Access to the mill was through a gateway used by a horse and cart in the days of horse and carts. It has never been a car park which presently scars this beauty spot. The Council wish you to emphasize to the Highways department that the exit is in a most dangerous position and an accident waiting to happen.

Penton Linns is an area enjoyed by locals and by people from far and wide; this development will restrict the enjoyment of many people. The council feels it paramount to safe guard the visual amenities of the area for the public.

The Parish Council wish to have it on record that, based on the rivers history and local knowledge, it considers this development too prone to flooding and coupled with the car park's precarious exit, the plan presents too many dangers to the occupants of the development and public and wish to withdraw their support for the application.

A letter recieved on the 29th May 2008 confirms that the Parish Council objects to the proposal;

**East Cumbria Countryside Project (ECCP):** no comment to make except that Public Footpath 126013 must be kept open at all times, during and after development;

**Ramblers Association:** comments awaiting;

**English Nature:** comments awaiting;

**Open Spaces Society:** would appreciate confirmation that the parking area is not partly on the footpath (response made 28.05.08);

**Cumbria County Council - (Archaeological Services):** the County Historic Environment Record Indicates the proposed log cabin is to be located on the structural remains of Penton Corn Mill, which is shown on the first edition OS map and therefore dates from at least the mid 19th century (Historic Environment Record no.1191). It is therefore considered that the building is of historic importance and that the proposed development will affect the historic fabric and substantially alter its character and appearance. A section of the former mill race will also be affected by the proposed development.

Consequently, it is recommended that an archaeological building recording programme be undertaken in advance of development to record the structural remains of the mill and former mill race. This recording should be in accordance with a level 3 survey as described by English Heritage *Understanding Historic Buildings A Guide to Good Recording Practice, 2006*. It is advised that this be secured by attaching a negative condition to any planning consent you may otherwise be minded to grant.

The applicant should be advised that such archaeological investigations are liable to involve some financial outlay.

## **SCHEDULE A: Applications with Recommendation**

08/0359

### **3. Summary of Representations**

#### **Representations Received**

Initial:

Consulted:

Reply Type:

██████████ Mill House

11/04/08

- 3.1 This application has been advertised by means of site notice, press notice and a notification letter sent to one neighbouring property. No verbal or written representations have been made during the consultation period.

### **4. Planning History**

- 4.1 In 2007 an application was received seeking full planning permission for the construction of a log cabin to form a sporting bothy/camping barn together with a retrospective application for the temporary siting of a static caravan during the construction of the cabin, for a maximum period of two years. The application was withdrawn prior to determination.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 This application relates to the now derelict former Penton Corn Mill dating from the mid-nineteenth century located on the southern banks of Liddel Water approximately 150 metres to the east/upstream of Penton Bridge. There is an existing vehicular access and associated hard standing area, leading to a gated track serving the former Mill building and an unauthorised caravan, on the opposite side of the B6318 road to the property known as Mill House.
- 5.2 The former Mill building comprises remnant sandstone walls and a detectable route of what would have been the mill race. The caravan lies to the east of the Mill. The boundary is delineated by a post and wire fence. A stile provides access to the river bank.
- 5.3 The application site is adjacent to the Penton Linns SSSI and located not only within Flood Zone 3 (high probability) as defined in Table D2 of PPS 25 but also a designated County Landscape.

#### **Background**

- 5.4 Further to the report accompanying application 08/0358, this application involves stabilising, reinforcing and levelling the remnant walls of the former

## SCHEDULE A: Applications with Recommendation

08/0359

Mill to provide a base for a log cabin with an overhanging timber deck. The log cabin measures 8 m by 12.8 m with the proposed accommodation consisting of two bunk rooms, wash/w.c., food preparation area and rest room. The proposed balustrade is in the form of timber posts and hemp rope rails. The mill race is to be re-excavated to form a wetland habitat to the immediate south of which is also proposed a wild life habitat shelter. Foul drainage is in the form of a cesspool. A Design and Access Statement and Flood Risk Assessment accompany the application.

5.5 The Design and Access Statement highlights, amongst other things, seven points.

1. The Mill and the adjoining stretch of fishing on Liddel Water have been in the ownership of Messrs Harrison since the 1960's.
2. Up until 5 years ago, the fishing was successfully let each season. In recent years the fishing has been poor on the Upper Esk and Liddel Water, and has proved very difficult to let, resulting in no fishing income for the period 2004-2007.
3. The Harrison family have been in discussion over a number of years to find a way of preserving as much of the mill building as possible, whilst establishing a more secure income from the sporting rights to make it self-financing.
4. The proposal is to create simple, low impact overnight accommodation, the provision of which will enhance the letting viability of the fishing, whilst also making accommodation available to walkers and cyclists using the neighbouring long distance paths and cycle routes.
5. Log construction has been chosen because of its inherent ability to cantilever out over the existing stone structure and create a building which will weather naturally into the landscape.
6. Where possible services will be by sustainable means. Heating and hot water will be provided by a wood burning stove and photovoltaic panels on the west facing roof plane. Rainwater is to be discharged to the wildlife pond.
7. The intention is to create a facility which would be accessible to everyone. The timber deck will allow level access and form an open gallery at tree canopy level. The cabin has also been designed to enable unimpeded wheelchair access internally.

5.6 The submitted Flood Risk Assessment explains:

1. The site is adjacent to and on the flood plain of the fast flowing Liddel Water and is 160m upstream of Penton Bridge carrying the B6318 over Liddel Water. The estimated 1 in 100 year flood level at the site is 47.5m AOD. This is on the assumption that there are no major blockages

downstream at Penton Bridge. The bridge has a large span and blockages are most unlikely.

2. There will be no significant change in the permeability of the site from the existing old mill to the proposed sporting bothy/camping barn
3. The surface water drainage will be fed directly into Liddel Water and foul drainage will be to a storage tank
4. The minimum flood level required by the EA is 48.30m AOD. The proposed floor level is 50.0m AOD - 1.7m above the EA requirement.

### **Assessment**

- 5.7 As per the report accompanying application 08/0358 it is considered that the main issues revolve around whether the advantages in the form of enhancing an existing social and recreational facility outweigh the harm with regard to:
- 1) the consistency of the proposal with regard to Ministerial advice and policy concerning the risk from flooding – Policy LE28 of the CDLP 2001-2016 (Revised Redeposit Draft);
  - 2) the impact on any wildlife interest - Policy E34 of the Cumbria and Lake District Joint Structure Plan and Policy CP1 of the CDLP 2001-2016 (Revised Redeposit Draft); and,
  - 3) the impact on the character of the area – Policy E37 of the Cumbria and Lake District Joint Structure Plan and Policy CP1 of the CDLP 2001-2016 (Revised Redeposit Draft).
- 5.8 Government advice contained in PPS 25 “Development and Flood Risk” explains that the aims of policy are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.
- 5.9 Paragraph 8 of PPS 25 highlights that LPAs should in determining applications:
1. have regard to the policies in this PPS and, as relevant, in the RSS for their region;
  2. ensure that planning applications are supported by site-specific flood risk assessments as appropriate;
  3. apply the sequential approach at a site level to minimise risk by directing the most vulnerable development to areas of lowest flood risk, matching

vulnerability of land use to flood risk;

4. give priority to the use of SUDS; and,
  5. ensure that all new development in flood risk areas is appropriately flood resilient and resistant, including safe access and escape routes where required.
- 5.10 Paragraphs 14 - 17 of PPS 25 explain that a sequential risk-based approach to determining the suitability of land for development in flood risk areas is central and should be applied at all levels of the planning process. In areas at risk of river/sea flooding, preference should be given to locating new development in Flood Zone 1. If there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development (Table D.2, Annex D) can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. Within each Flood Zone new development should be directed to sites at the lowest probability of flooding from all sources.
- 5.11 Paragraph 18 goes on to state that if, following application of the Sequential Test in Annex D, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones of lower probability of flooding, the Exception Test can be applied as detailed in paras. D9 – D14. The Exception Test is only appropriate for use when there are large areas in Flood Zones 2 and 3, where the Sequential Test alone cannot deliver acceptable sites. It may also be appropriate to use it where restrictive national designations, e.g. SSSIs, prevent the availability of unconstrained sites at lower risk areas.
- 5.12 For the Exception Test to be passed it must be demonstrated that: a) the development provides wider sustainability benefits to the community that outweigh flood risk; b) the development should be on developable previously-developed land or, if not on previously developed land, that there are no reasonable alternatives; and, c) a FRA must demonstrate that the development will be safe, and, where possible, will reduce flood risk overall.
- 5.13 When assessing the proposal with regard to flooding, the application site falls within Flood Zone 3 which is not usually a suitable location for holiday accommodation. In mitigation, it is apparent that the development of the adjoining land is constrained by its designation as an Ancient Woodland; the current proposal seeks to preserve as much of the Mill as possible; and, directly relates to the fishing rights of this stretch of Liddle Water. As such there are not considered to be any suitable alternative sites within this locality. The Environment Agency have not raised any objections and confirmed that the development as proposed satisfies parts (a), (b) and critically part (c) of the exception test demonstrating that the development is safe. The site level of the log cabin is above the 1 in 100 year flood level. On this basis it is considered that the proposed log cabin will not be adversely affected by flooding.
- 5.14 Furthermore, it is considered that the proposal in the context of the existing



## **SCHEDULE A: Applications with Recommendation**

08/0359

backdrop and relationship to the adjacent SSS1 should neither be detrimental to any wildlife interest nor the character of the area.

### **Other Matters**

- 5.15 The Parish Council have objected to the proposed development on several grounds with particular regard to the allegation that the flood risk assessment is not accurate and the risk of flooding is too great to proceed with these plans; and, because the car parks exit is in a dangerous position. Since receiving the Parish Council's comments, the applicant has responded by explaining that: the Mill base, even in its historic crumbling state, has survived each and every flood, including 1983; and, the renovation and reinforcement of the stone base will only improve the situation with no effect to the flow of the river in normal or flood conditions. In addition, the applicant has confirmed that Messrs Harrison have owned the old Mill and surrounding farm and have lived in the area since 1968 and are well aware of each and every event that has happened on the stretch of river. The applicant goes on to state that the flood risk assessment has been conducted professionally and to the full satisfaction of the Environment Agency. With regard to access, the applicant has confirmed that the existing access has been used since the 1970s for access to the Mill and the previously sited static caravan, and the fishing and shooting as well as agricultural use, and to the best of the applicant's knowledge there has never been an accident there.
- 5.16 In such circumstances, and bearing in mind the formal consultation responses of the Highway Authority and Environment Agency, it is considered that the proposed development will not have an adverse impact in terms of the issues raised by the Parish Council.

### **Conclusion**

- 5.17 In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies. The proposal is therefore recommended for approval.

## **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;

## SCHEDULE A: Applications with Recommendation

08/0359

**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. 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 log cabin hereby permitted shall be used either for holiday accommodation and/or in association with the recreational angling of this part of the Liddle Water and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning [Use Classes] Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**Reason:** There is a strong presumption against development in rural areas and the unrestricted use of the log cabin would be contrary to the provisions of the Local Plan which seeks to prevent additional sporadic development in the countryside.

3. The log cabin hereby permitted shall not be let or occupied to any person or connected group of persons for a period exceeding 21 consecutive weeks in any one calendar year.

**Reason:** There is a strong presumption against development in rural areas and the unrestricted use of the lodge would be contrary to the provisions of the Local Plan which seeks to prevent additional sporadic development in the countryside.

4. A bound register of all occupants of the log cabin hereby permitted shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall comprise consecutively numbered pages which shall be kept in order, and each entry shall contain the name and address of the principal occupier together with the dates of occupation

## SCHEDULE A: Applications with Recommendation

08/0359

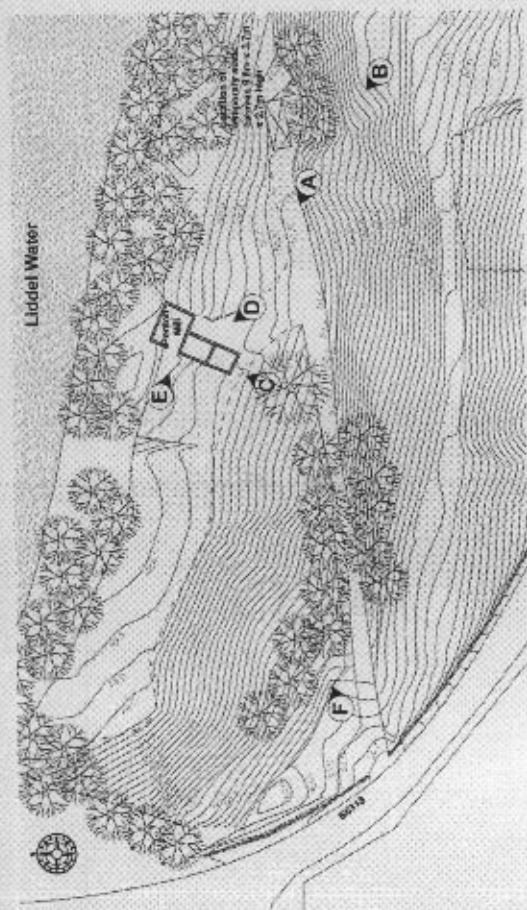
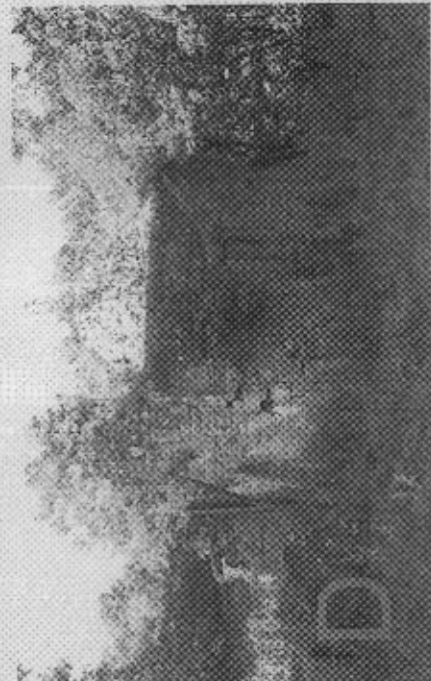
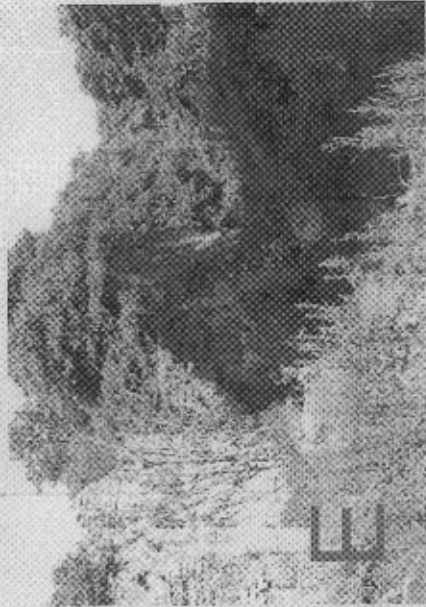
**Reason:** There is a strong presumption against development in rural areas and the unrestricted use of the lodge would be contrary to the provisions of the Local Plan which seeks to prevent additional sporadic development in the countryside.

5. Prior to the carrying out of any construction works the remnants of the former Penton Mill 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 Practice, 2006 and, following its completion, 3 copies of that survey shall be furnished to the Local Planning Authority.

**Reason:** To ensure that a permanent record is made of the building of architectural and historic interest prior to its alterations as part of the proposed development.

---





Location of photographs

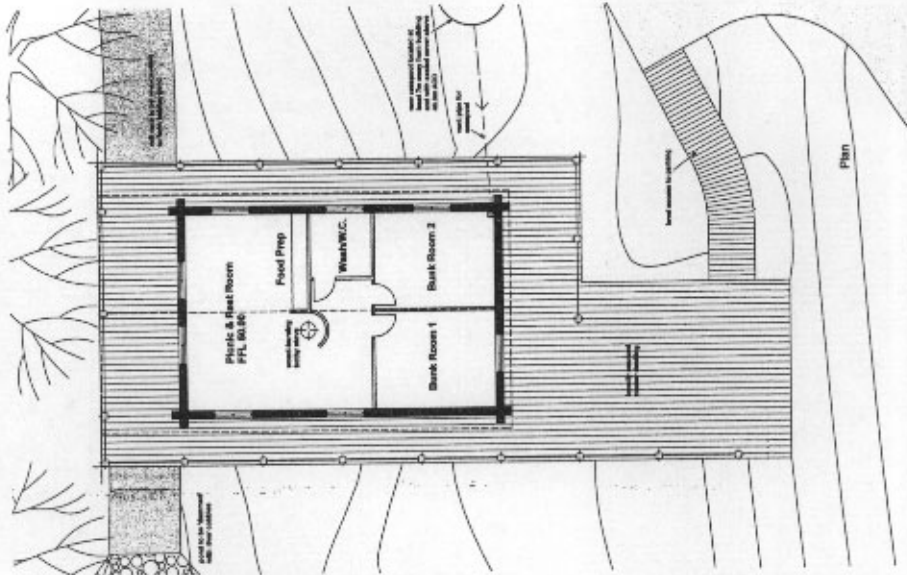
09/03/99

**DESIGN**  
ARCHITECTURE  
INTERIORS  
GRAPHICS

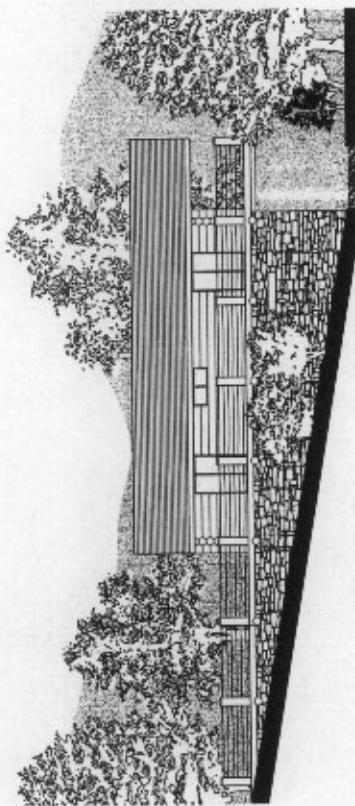
Project Name: Liddel Valley Estate  
Client: Messrs. C.J. & S.A. Hamilton  
Address: 100, Liddel Valley Estate  
Permitted by: Planning Dept., Perth  
Site and building as existing

Scale: 1:1000  
Date: 09/03/99  
Drawing Title: SCALE PLAN N 25  
Drawing No: 07/1201

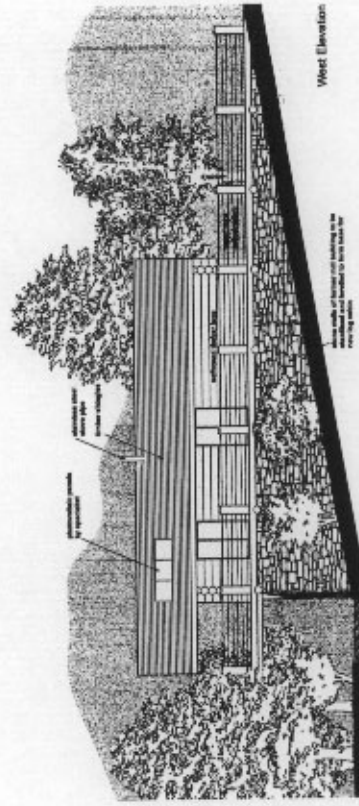




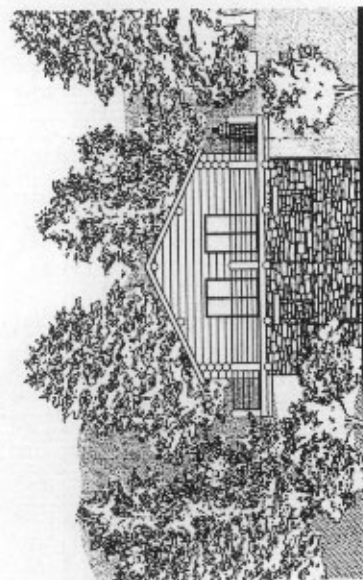
Plan



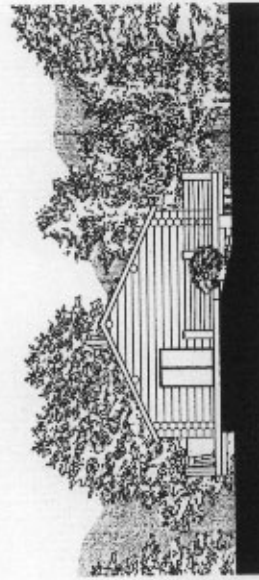
East Elevation



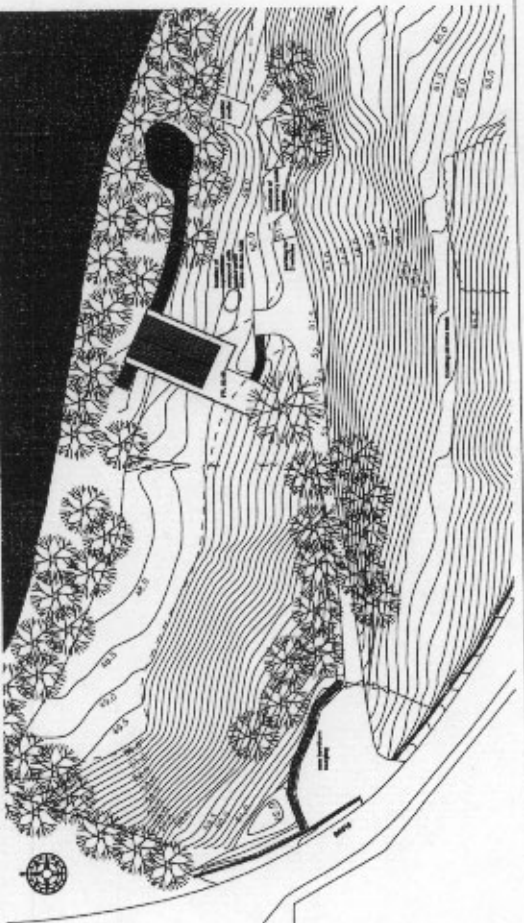
West Elevation



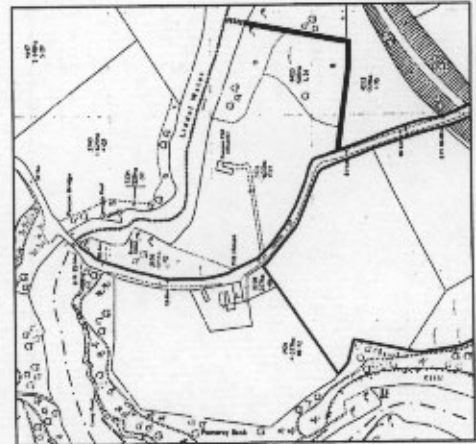
North Elevation



South Elevation



Location plan 1:2500



Scale 1:10000 (Not to scale)



Project Name  
Project Location  
Project Date  
Project Status

Client  
Architect  
Engineer  
Interior Designer  
Landscape Architect  
Structural Engineer  
Mechanical Engineer  
Electrical Engineer  
Civil Engineer  
Environmental Engineer  
Historic Preservation  
Archaeologist  
Geologist  
Hydrologist  
Soil Scientist  
Vegetation Specialist  
Wildlife Specialist  
Cultural Resources Specialist  
Public Works Specialist  
Transportation Specialist  
Aeronautics & Space Specialist  
Nuclear Energy Specialist  
Other Specialist

Project Description  
Proposed log cabin to form  
supporting facility / camping barn at  
Preston Mill, Preston  
(County Name)

Plans and elevations as proposed

Drawn By  
Date  
Project

Checked By  
Date  
Project

Scale 1:1000  
SCALE AS SHOWN

0712002 B

Project Name  
Project Location  
Project Date  
Project Status

### Materials

Base walls

Building sandstone with walls  
to be m-interior and levelled

Walls

Traditional hand cut log cabin  
timber locally sourced softwood  
timber

Windows/Doors

Locally sourced softwood

Roof

Timber shingles

Decorations

Softwood log posts and beams  
rope rails

COPY

08/0359

## Old Mill - Penton Flood Risk Assessment

19 MAR 2008

### 1. Introduction

In November 2007 Mr. Simon N Harrison of Liddel Valley Estates (LVE) asked G A Noonan, Consulting Engineer (GAN) to prepare a Flood Risk Assessment for a Site at The Old Mill, Penton (The Site) where there is a proposal to erect a Sporting Bothy/Camping Barn on the Site of the derelict Old Mill (The Site).

The information in this report is based on the following:

Details of The Site and developments	Liddel Valley Estates
Flood flow data	Environment Agency (EA)

### 2. The Development Site

The Site is located as shown on the attached Plan, no. 0712/2 and is at NGR NY 433 773.

The total development includes a single storey Sporting Bothy/Camping Barn, an improved access road, small car park and a wildlife area. The Site is on the south bank of the relatively steep Liddel Water Valley. The proposed Sporting Bothy/Camping Barn will be built at an elevated level on the old repaired and strengthened foundations of the old derelict water mill.

### 3. Flood Risk

The Site is adjacent to and on the flood plain of the fast flowing Liddel Water and is 160m upstream of Penton Bridge carrying the B6318 over Liddel Water. The river flows adjacent The Site are estimated to be:

1 in 10 year return	342 m <sup>3</sup> /sec
1 in 50 year return	441 m <sup>3</sup> /sec
1 in 100 year return	491 m <sup>3</sup> /sec

and, with an effective river bed level of 44.0m AOD adjacent to The Site, would give estimated river levels of:

1 in 10 year return	46.7m AOD
1 in 50 year return	47.2m AOD
1 in 100 year return	47.5m AOD

These flood levels are based on estimated normal flows adjacent to The Site.

**COPY**

2.

Based on the assumption that there will be no major debris trapped by Penton Bridge, the afflux at the bridge is estimated to be 0.9m for 1 in 100 year return storm. However the fall in the river bed between The Site and Penton Bridge means that the backwater effect of the afflux at The Site is not significant.

#### **4. Effect of the Development on Other Sites**

There will be no significant change in the permeability of The Site from the existing old mill to the proposed Sporting Bothy/Camping Barn. Therefore the development will not effect downstream sites

#### **5. Surface Water Drainage**

The surface water drainage from the proposed building will be into drains which will be fed directly into Liddel Water.

#### **6. Foul Water Drainage**

Foul Drainage will be by gravity into a storage tank which will be ventilated but sealed to above river flood level. The sewage tank will be emptied as necessary.

#### **7. EA Requirements**

7.1 The floor level of the proposed building should be 0.6m above the estimated 1 in 100 year flood level plus 0.2m to allow for climate change. This gives a minimum floor level of 48.3m AOD.

7.2 Land Drainage Consent is required from the EA for any works, permanent or temporary, within 8m of the river bank and must be obtained before any works are carried out at The Site. Land Drainage Consent is still required even if Planning Permission is granted.

#### **8. Summary**

8.1 The proposed new development is adjacent to Liddel Water and is on the river flood plain.

8.2 The estimated 1 in 100 year flood level at The Site is 47.5m AOD. This is on the assumption that there are no major blockages downstream at Penton Bridge. The Bridge has quite a large span and blockages are most unlikely.

8.3 The minimum floor level required by the EA is 48.30m AOD. The proposed floor level is 50.0m AOD - 1.7m above the EA requirement.



## DESIGN AND ACCESS STATEMENT

**Proposal:** Construction of log cabin to form sporting bothy / camping barn.

**Location:** Penton Mill, Penton CA6 5QU

08/0359

### **Site and Context**

Penton Mill is located on the southern bank of Liddel Water, approximately 150m upstream from Penton Bridge on the B6318. The site consists of the ruinous remains of the former mill building itself, surrounded by 3.2 ha of grazing land and deciduous woodland with approximately 340m of river frontage. The mill building is accessed from the 'B' road by a well-established cart-track.

### **History**

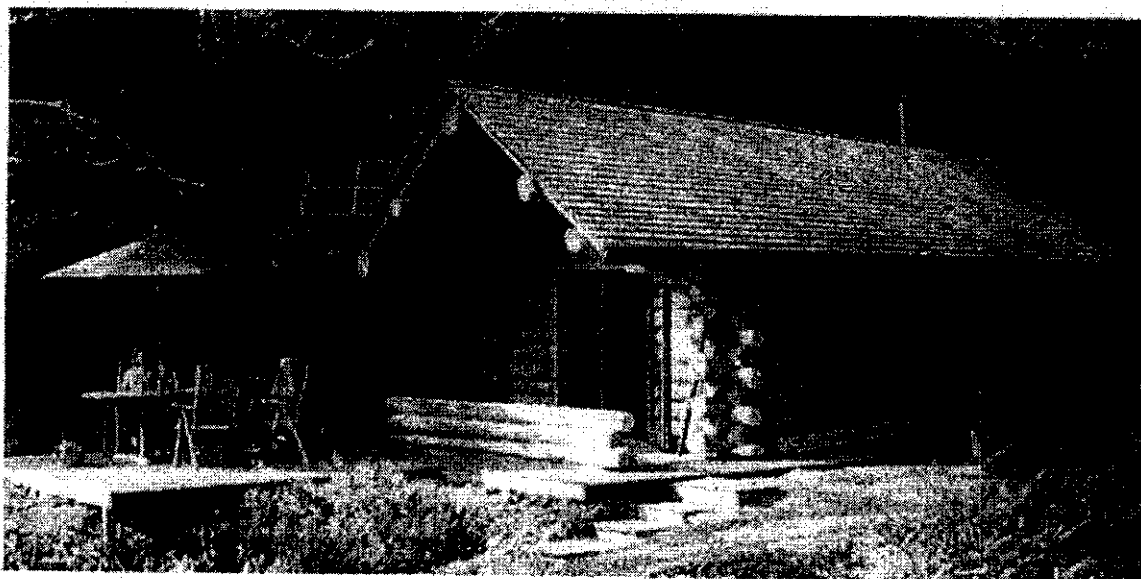
Penton Mill and the adjoining stretch of fishing on Liddel Water have been in the ownership of Messrs Harrison since the 1960's. Up until five years ago the fishing was successfully let each season, providing sufficient income to maintain the paths and banks. In recent years however the fishing has been poor on the Upper Esk and Liddel Water, and has proved very difficult to let, resulting in no fishing income for the period 2004 to 2007. The water-mill building has been disused for many years, and has deteriorated due to weathering and access by livestock. In addition, the mill race has silted up. The Harrison family have been in discussion over a number of years to find a way of preserving as much of the mill building as possible, whilst establishing a more secure income from the sporting rights to reinvest in the mill and the surrounding habitat and make it self-financing.

### **Proposal**

The proposal is to create simple, low impact overnight accommodation, the provision of which will enhance the letting viability of the fishing, whilst also making accommodation available to walkers and cyclists using the neighbouring long-distance paths and cycle routes.

### **Design and appearance**

It is intended to stabilise and level the sandstone walls of the former mill building to form a platform base for a new log cabin at a height above any risk of flooding. Log construction has been chosen because of its inherent ability to cantilever out over the existing stone structure and create a building which will weather naturally into the landscape. The cabin would be built by local craftsmen (Cumbrian Cabins Ltd.) using sustainable materials, locally sourced where possible.



*Example of a log cabin constructed by Cumbrian Cabins Ltd.*

Were possible, services will be by sustainable means. Heating and hot water will be provided by a centrally positioned wood-burning stove, and photovoltaic panels on the west-facing roof plane will generate sufficient electricity to provide basic electric lighting. Surface water from roof etc. will be discharged into the wildlife pond.

### **Landscaping**

The intention is to enhance the immediate surroundings of the cabin by creating a habitat for local wildlife to flourish. A section of the former mill-race will be re-excavated, together with a feeder pool, to form a wetland area and still-water pond which will be naturally replenished by rainwater and winter flooding of Liddel Water. In addition, a wildlife shelter will be constructed nearby to create a variety of habitats to attract bats, owls, small mammals etc.

### **Access**

The intention from the outset has been to create a facility which would be accessible and life-enhancing to use, both by the able-bodied and those who are less mobile. The timber deck will provide level access from the parking area, and form an open gallery at tree-canopy level for wheelchair users. The cabin has been generously planned to enable unimpeded wheelchair access internally.



SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

## SCHEDULE B: Reports Requiring Further Information

08/0646

---

**Item No: 20**

**Date of Committee: 11/07/2008**

**Appn Ref No:**  
08/0646

**Applicant:**  
Mrs & Mr Janet & David  
Blair

**Parish:**  
Kirkandrews

**Date of Receipt:**  
25/06/2008

**Agent:**  
Mr David Blair

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Moat School House, Kirkandrews Moat, Longtown,  
Carlisle, CA6 5PW

**Grid Reference:**  
341105 574066

**Proposal:** Amendments To Planning Permission 04/0123 Including Removal Of Chimney, Increased Window Size, Two Additional Windows To West Elevation, 4 Windows Removed From East Elevation And Relocation Of Side Door.

**Amendment:**

---

### REPORT

**Case Officer:** Dave Cartmell

#### Reason for Determination by Committee:

As the application is made by a Council employee, it is being brought before the Committee for determination.

#### 1. Constraints and Planning Policies

Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises

Rev Redeposit Pl. Pol DP9 - Landscapes Of County Importance

Rev Redeposit Pl. Pol CP8 - Dev. Energy Cons. And Efficiency

Joint St.Plan Pol ST3: Principles applying to all new devel.

#### 2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): reply awaited;

## SCHEDULE B: Reports Requiring Further Information

08/0646

Parish Council: reply awaited.

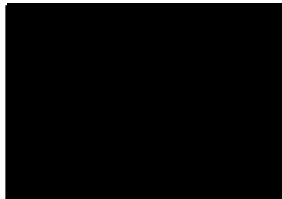
### 3. Summary of Representations

#### Representations Received

Initial:

Consulted:

Reply Type:



Holme Lea  
The Orchard  
14 Kirkandrews  
13 Kirkandrews  
Cello Dene  
Moat Village Hall

- 3.1 Publicity is being given to this application by direct notification of neighbouring properties.

### 4. Planning History

- 4.1 Planning permission was granted in 2004 ( 04/123) for a two storey extension to a detached house to provide a bathroom ,utility,wine store and cinema room on the ground floor with an en-suite bathroom with an associated balcony on the upper floor.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 This is a revised application for amendments to a planning permission granted in 2004 ( 04/123) for a two storey extension to Moat School House, Moat. While the external dimensions of the extension will remain the same, the internal layout is being revised and the elevational details are being changed. The revised accommodation comprises a morning room, bathroom and utility on the ground floor with a bedroom and ensuite on the upper floor.
- 5.2 The external changes include the deletion of a proposed chimney, increased window size, and two additional windows, on the west elevation and the deletion of four windows and relocation of a door on the elevation. The modifications arise from a combination of changed personal circumstances and the applicant's desire to achieve energy conservation and efficiency in the design and choice of construction materials in the extension.
- 5.3 External materials will be sandstone side walls with white dash on the gable and a slate roof. The walls were previously all to be sandstone.

## SCHEDULE B: Reports Requiring Further Information

08/0646

### Background

- 5.4 Planning permission was granted in 2004 ( 04/123) for a two storey extension to a detached house to provide a bathroom, utility, wine store and cinema room on the ground floor with an en-suite bathroom with an associated balcony on the upper floor and was subject to a condition regarding the external materials to be used.
- 5.5 No representations were received in relation to the previous application.

### Assessment

- 5.6 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the development plan unless material considerations (including Government Policy, as expressed through Planning Policy Guidance notes / Planning Policy Statements, and objections) indicate otherwise. In consideration of this application Policies DP9, CP8 and H11 an of the Revised Redeposit Draft (2001 - 2016) ( as amended by the Inspector in April 2008) and Policy ST3 of the adopted Cumbria and Lake District Joint Structure Plan 2001-2016, are relevant. The relevant aspects of these policies seek to ensure that:
1. extensions to existing residential premises are appropriate to the dwelling, its design and setting and do not adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight.
  2. the distinctive landscape character and features of Landscapes of County Importance are protected; and
  3. development proposals take into account the need for energy conservation and efficiency in their design, layout and choice of materials.
- 5.7 As the application is in the process of registration, responses from consultees are awaited, a site visit is outstanding and the period for representations will not expire until after the date of the Committee. An update and appropriate recommendation will be presented to the Committee.

## 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;

## **SCHEDULE B: Reports Requiring Further Information**

08/0646

**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 application is being considered with due regard to the above Protocol.

### **7. Recommendation**

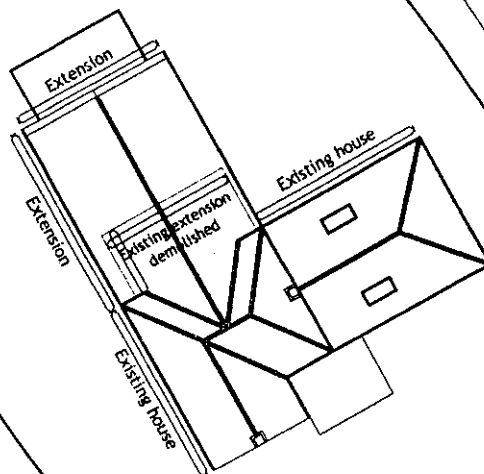
#### **Reason For Including Report In Schedule B**

Replies are awaited to statutory consultations and period for publicity will not expire until after the Committee. An update will be presented to the Committee and an appropriate recommendation made.

---

RECEIVED  
21 JUN 2008  
08/0646

Site



**White Hill**

DESIGN & STUDIO

Annan Water  
Moffat DG10 9LS  
Tel: 01683 221898  
Fax: 01683 221897

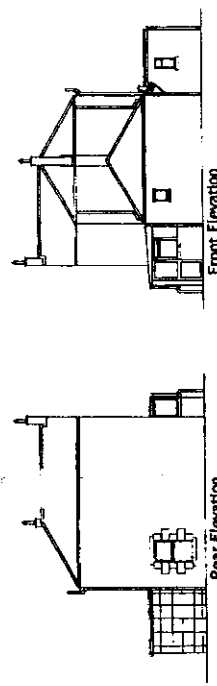
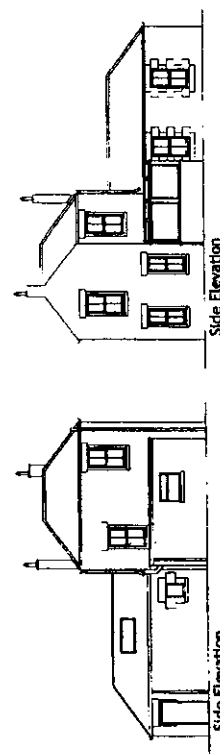
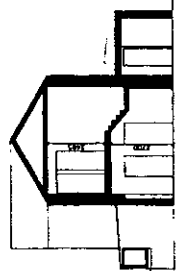
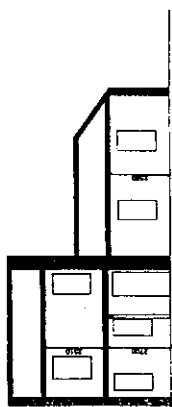
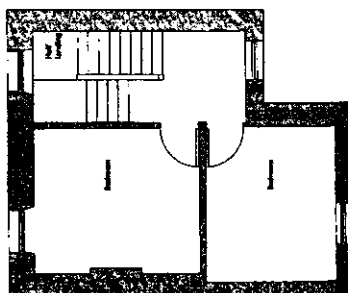
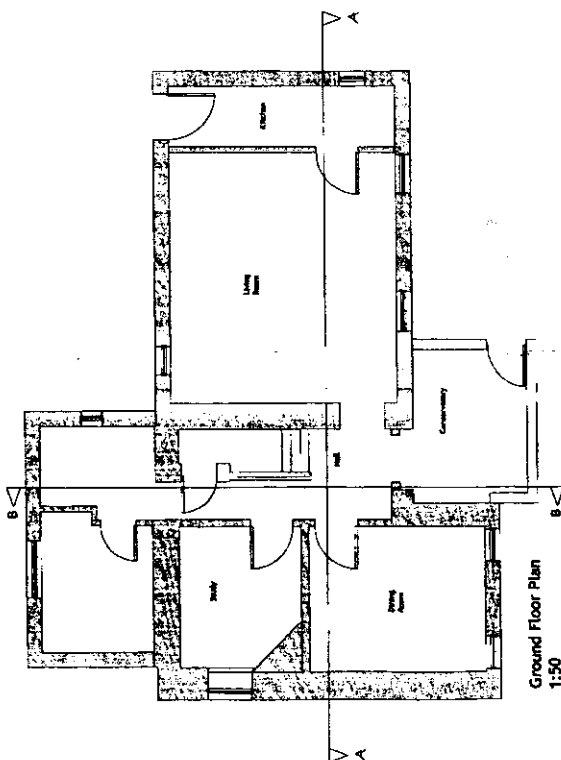
e-mail: info@whitehilldesignstudio.com  
Web: www.whitehilldesignstudio.com

Client <b>Mr D Blair</b>			
Project <b>The School House, Moat Proposed Extension</b>			
Drawing <b>Site Plan</b>			
drawing number <b>329(03)102</b>		revision	
scale <b>1:200</b>	drawn <b>djm</b>	checked	date <b>May '08</b>

ORIGINAL DRAWING SIZE A3







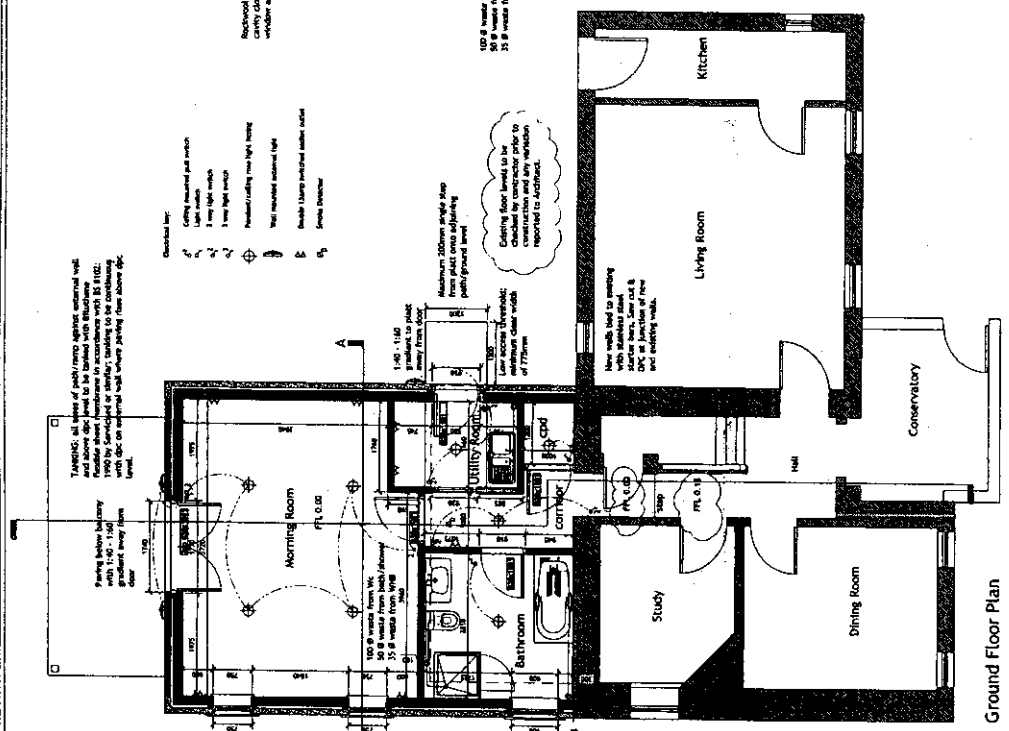
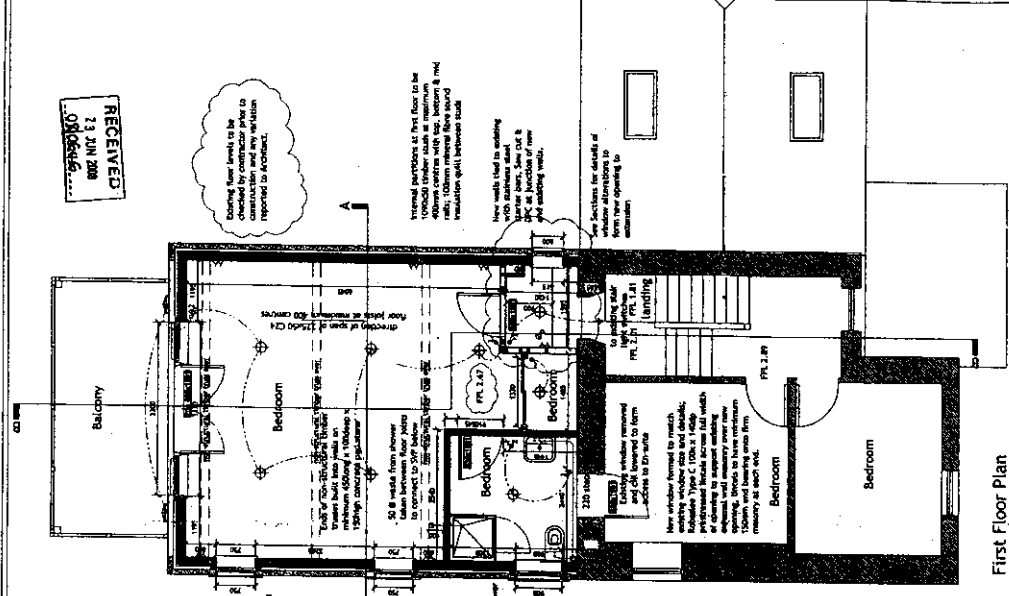
THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT HIS WRITTEN PERMISSION. ANY REPRODUCTION OR COPIING OF THIS DRAWING WITHOUT HIS WRITTEN PERMISSION IS A VIOLATION OF THE ARCHITECT'S RIGHTS AND MAY BE PROSECUTED IN A COURT OF LAW.

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT HIS WRITTEN PERMISSION. ANY REPRODUCTION OR COPIING OF THIS DRAWING WITHOUT HIS WRITTEN PERMISSION IS A VIOLATION OF THE ARCHITECT'S RIGHTS AND MAY BE PROSECUTED IN A COURT OF LAW.

White Hill  
DESIGN & BUILD  
ARCHITECTS  
1000 10th Ave  
S.W.  
Seattle, WA 98101  
Phone: 206-461-1111  
Fax: 206-461-1112  
E-mail: info@whitehill.com

Client: Mr. D. Miller  
Project: The School House  
Main  
Drawing Number: 329-03-001  
Drawing Title: Existing Plans, Elevations & Sections  
Drawing Date: 03/03/01  
Drawing Scale: 1/8" = 1'-0"



[illegible][illegible]

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

## SCHEDULE C: Applications Determined by Other Authorities

---

**Item No: 21**

Between 13/05/2008 and 27/06/2008

**Appn Ref No:**  
08/9012

**Applicant:**  
Property Unit

**Parish:**  
Carlisle

**Date of Receipt:**  
15/04/2008

**Agent:**  
Cumbria County Council

**Ward:**  
Belah

**Location:**  
Kingmoor Infant School, Hether Drive, Lowry Hill,  
Carlisle, CA3 0ES

**Grid Reference:**  
339181 558493

**Proposal:** Installation Of Temporary Portakabin To Allow School To Carry Out The  
Full Curricullam Whilst New Nursery Is Under Construction

**Amendment:**

### REPORT

**Case Officer:** Stephen Daniel

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 15/05/2008

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 29/05/2008

A copy of the Notice of the decision of the Determining Authority is printed following the report.

---

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER, 1995**

**NOTICE OF PLANNING CONSENT**

To: Ms Simpson - Property Unit  
Childrens Services  
Education Asset Management Office  
Portland Square  
Carlisle  
Cumbria  
CA1 1PE

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 9 April 2008.

**viz: Installation of temporary portakabin to allow school to carry out full curriculum whilst new nursery is under construction  
Kingmoor Infant School, Hether Drive, Lowry Hill, Carlisle, Cumbria,  
CA3 0ES**

subject to due compliance with the following conditions:

- 1 The development hereby permitted shall be for a temporary period of two years from the date of this permission by which time the building hereby permitted shall have been removed from the site and the site shall be restored to grassland within a further period of 3 months.

*Reason: The temporary nursery is only required to overcome an immediate shortage of accommodation at the school pending the construction of permanent accommodation.*

- 2 The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

*Reason: To ensure the development is carried out to an approved appropriate standard.*

- 3 Temporary protective fencing shall be erected to define the construction exclusion zone around trees Birch Ref 0707 and Oak Ref 0708 as indicated in Appendix 2 of the Arboricultural Report, dated 18 March 2008 Ref KIJS/0308/AHTS-TR, prior to installation and removal of the temporary nursery and for the duration of the construction works of the new nursery under planning permission 1/08/9010.

*Reason: To safeguard amenity*

- 4 The species, size, staking and planting specification of an appropriate replacement tree is to be agreed with the Local Planning Authority, following removal and restoration of the temporary building, to compensate for the loss of the beech tree proposed for removal.

*Reason: To safeguard amenity*

Dated the 29<sup>th</sup> day of May 2008



.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

#### NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Community, Economy and Environment or any other officer of Cumbria County Council, shall be in writing.



**CUMBRIA COUNTY COUNCIL**  
**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)**  
**ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. Key development plan policies that were taken into account by the County Council before granting permission are referred to in the reasons for the conditions of the planning permission.
3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 29<sup>th</sup> day of May 2008



.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

## **SCHEDULE C: Applications Determined by Other Authorities**

---

**Item No: 22**

Between 13/05/2008 and 27/06/2008

**Appn Ref No:**  
08/9013

**Applicant:**  
Cumbria County Council

**Parish:**  
Carlisle

**Date of Receipt:**  
17/04/2008

**Agent:**  
Cumbria County Council

**Ward:**  
St Aidans

**Location:**  
St Aidans County High School, Lismore Place,  
Carlisle, CA1 1LY

**Grid Reference:**  
340896 556020

**Proposal:** Proposed Relocation Of Existing Temporary Building Within Schoolsite  
To Provide Transitioned 6th Form Accommodation

**Amendment:**

### **REPORT**

**Case Officer:** Shona Taylor

#### **City Council Observations on the Proposal:**

**Decision:**

**Date:**

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 14/05/2008

A copy of the Notice of the decision of the Determining Authority is printed following the report.

---

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER, 1995**

**NOTICE OF PLANNING CONSENT**

To: Childrens Services - CCC  
Cumbria County Council  
The Courts  
Carlisle  
Cumbria  
CA3 8LZ

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 14 April 2008.

**viz: Relocation of existing temporary building within school site to provide transitional 6th form accommodation.  
St Aidan's School, Lismore Place, Carlisle, Cumbria, CA1 1LY**

subject to due compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

- 2 The development hereby permitted shall be for a temporary period until 31 December 2011 by which time the building, including foundations, hereby permitted shall have been removed from the site.

*Reason: The temporary classroom/store is only required to overcome the shortage of accommodation at the school during construction of new buildings and their design and materials used in their construction would not be appropriate for a permanent permission.*

Dated the 14<sup>th</sup> day of May 2008



.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. Key development plan policies that were taken into account by the County Council before granting permission are referred to in the reasons for the conditions of the planning permission.
3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 28<sup>th</sup> day of May 2008



.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

## SCHEDULE C: Applications Determined by Other Authorities

---

**Item No: 23**

Between 13/05/2008 and 27/06/2008

**Appn Ref No:**  
08/9008

**Applicant:**  
Envirotyre Limited

**Parish:**  
Rockcliffe

**Date of Receipt:**  
20/03/2008

**Agent:**  
Cumbria County Council

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Site C, Rockcliffe Industrial Estate, Kingmoor,  
Carlisle, Cumbria, CA6 4RN

**Grid Reference:**  
336518 560883

**Proposal:** Erection Of Temporary Shelter For Storage, Siting Of Cabin For Use As Office, Toilet & Mess Facilities, And Use Of External Yard Areas For Handling, Shredding And Bulk Storage Of Tyres & Shredded Rubber

**Amendment:**

### REPORT

**Case Officer:** Stephen Daniel

### City Council Observations on the Proposal:

**Decision:** City Council Observation - Observations

**Date:** 01/05/2008

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 22/05/2008

A copy of the Notice of the decision of the Determining Authority is printed following the report.

---

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER, 1995**

**NOTICE OF PLANNING CONSENT**

To: Architects Plus (UK) Ltd - Mr D Armstrong  
Victoria Galleries  
Victoria Viaduct  
Carlisle  
Cumbria  
CA3 8AN

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 18 March 2008.

**viz: Erection of temporary shelter for storage, siting of cabin for use as office, toilet & mess facilities, and use of external yard areas for handling, shredding and bulk storage of tyres & shredded rubber  
Kingmoor Rockcliffe Industrial Estate, Rockcliffe, Carlisle, Cumbria, CA6 4RN**

subject to due compliance with the following conditions:

**TIME LIMITS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.*

**APPROVED OPERATIONS PROGRAMME**

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. Any variation to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

*Reason: To ensure that the site operates in accordance with the approved scheme.*

**HOURS OF WORKING**

3. No operations, including the loading, unloading or transportation of waste, shall take place on site outside the hours:

07.00 to 19.00 hours Mondays to Fridays  
07.00 to 13.00 hours on Saturdays.  
No working on Sundays or Public Holidays

Working outside these hours may be permitted with the prior written agreement of the Local Planning Authority to effect emergency transfer of waste.

However this condition shall not operate so as to prevent the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

*Reason: To ensure that no operations hereby permitted take place outside normal working hours which would have an unacceptable impact upon the amenity of local residents.*

4. Notwithstanding Condition 3 above, no processing (ie. shredding and/or chipping) of tyres shall take place on any part of the site except between the hours of 08.00 to 18.00 hours on Mondays to Fridays inclusive and 08.00 to 12.00 hours on Saturdays, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that no operations hereby permitted would have an unacceptable impact upon the amenity of local residents, in accordance with 'saved' Policy 2 of the Cumbria Minerals and Waste Local Plan 1996-2006.*

## **CONTROL OF NOISE**

5. Following notification of a noise complaint to the Local Planning Authority, a noise control scheme shall be submitted to the Local Planning Authority for approval. This scheme shall include details of a survey of existing background noise levels at the nearest noise sensitive properties or other appropriate accessible locations as agreed, carried out in accordance with British Standard: 4142, 1997. The scheme shall include mitigation and contingency measures to ensure that noise levels (dB(LAeq)(1 hour)) from the facility do not exceed background levels by more than 10dBa. Once approved, the scheme shall be implemented in its entirety.

*Reason: To protect the amenities of local residents, in accordance with 'saved' Policy 2 of the Cumbria Minerals and Waste Local Plan 1996-2006.*

6. All plant, machinery and vehicles used on site shall be effectively silenced at all times in accordance with the manufacturers' recommendations.

*Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site, in accordance with 'saved' Policy 2 of the Cumbria Minerals and Waste Local Plan 1996-2006.*

## **CONTROL OF DUST**

7. The operator shall maintain on site at all times a water bowser or other dust suppression system together with an adequate supply of water to suppress dust arising on the access road, haul roads, working areas, processing area, plant area and stockpiling areas with water in order that it does not constitute a nuisance outside the site.

*Reason: To safeguard the amenity of local residents by ensuring that dust does not constitute a nuisance outside the boundaries of the site in accordance with 'saved' Policy 4 of Minerals and Waste Local Plan 1996-2006.*

8. The stockpiles of tyres and shredded rubber shall not exceed 3 metres in height, except with the prior approval of the Local Planning Authority.

*Reason: To minimise the visual impact of the development and to safeguard the amenity of local residents, in accordance with 'saved' Policies 4 and 7 of the Minerals and Waste Local Plan 1996-2006.*

#### **CONTROL OF ODOUR**

9. Following notification of an odour complaint to the Local Planning Authority, an odour abatement scheme shall be submitted to the Local Planning Authority for approval. Once approved, the scheme shall be implemented in its entirety.

*Reason: To safeguard the amenity of local residents, in accordance with 'saved' Policy 4 of the Minerals and Waste Local Plan 1996-2006.*

#### **LANDSCAPING SCHEME**

10. The trees and shrubs planted and grass sown in accordance with the landscaping scheme approved under the terms of planning permission 1/06/9004 shall be maintained for the duration of on site operations. Any trees or shrubs that die or become diseased shall be replaced with plants of a similar size and species unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure satisfactory screening of the site to reduce the visual impact of the development, in accordance with 'saved' Policy 7 of the Minerals and Waste Local Plan 1996-2006.*

#### **DRAINAGE**

11. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there will be no pollution or flooding of watercourses and other land by the approved development.

*Reason: To avoid the pollution of any watercourses or groundwater resource or flooding of other land.*

12. Any facilities for the storage of fuels, oils or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for written approval and once



approved shall be implemented in their entirety. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least 110% of the capacity of the largest tankage, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

*Reason: To prevent pollution of the water environment.*

### TRAFFIC ROUTING

13. Following the opening of the Carlisle Northern Development Route (CNDR), Heavy Goods Vehicles (HGVs) leaving the site shall turn left onto the public highway, unless travelling to locations which cannot reasonably be accessed by that route.

*Reason: To reduce the amount of HGVs on rural roads in the vicinity of Rockcliffe village, in the interests of highway safety.*

Dated the 22<sup>nd</sup> day of May 2008



.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

### NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Community, Economy and Environment or any other officer of Cumbria County Council, shall be in writing.

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. Key development plan policies that were taken into account by the County Council before granting permission are referred to in the reasons for the conditions of the planning permission.
3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 22<sup>nd</sup> day of May 2008



.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

## SCHEDULE C: Applications Determined by Other Authorities

07/0658

---

Item No: 24

Between 13/05/2008 and 27/06/2008

**Appn Ref No:**  
07/0658

**Applicant:**  
Mr Douglas Armstrong

**Parish:**  
Kirkandrews

**Date of Receipt:**  
14/06/2007

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
L/A Mill Cottage, Sark Bank, Gretna, DG16 5JA

**Grid Reference:**  
332849 567006

**Proposal:** Two Storey Detached Building To Provide Garage And Store/office On Ground Floor And Office Space To First Floor

**Amendment:**

---

### REPORT

**Case Officer:** Sam Greig

#### Decision on Appeals:

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** This appeal refers to an application that sought permission for the erection of a two storey detached office building, with associated storage, within the garden of a detached house, which is situated 180 metres northwest of the Guardsmill roundabout off the A74 (M). Not including the 'host' dwelling there are residential properties positioned to the northeast and southwest of the appeal site, although the surroundings are predominantly rural in character.

The application was determined by the Head of Planning and Housing Services under the Council's delegated powers procedure on 9th August 2007, when it was resolved to refuse permission for the following reasons:

- i. *"The site and its surroundings are situated in a rural location outwith any recognised settlement boundary. In the absence of any demonstrable essential need for the business to be established in this location the proposal represents an unsustainable form of development, which would harm the spatial strategy of the Local Planning Authority that seeks to direct development to sustainable locations. The proposed development would therefore be contrary to the objectives of Planning Policy Guidance Note 7 "Sustainable Development in Rural Areas"; the objectives of Policy ST1 "A Sustainable Vision for Cumbria" of the Cumbria and Lake District*

## SCHEDULE C: Applications Determined by Other Authorities

07/0658

*Joint Structure Plan and criteria 1 and 2 of Policy ST3 "Principles Applying to all New Development" of the Cumbria and Lake District Joint Structure Plan; the objectives of Policy T1 "Choice of Means of Travel" of the Carlisle District Local Plan and the objectives of Policy DP1 "Sustainable Development Locations" of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft".*

- ii. *"The application proposes the formation of a new commercial premises, which is not small in scale or related to an established business in this location. As such, the proposed development would be detrimental to the open character of the countryside landscape. The proposal would therefore be contrary to the objectives of Planning Policy Guidance Note 7 "Sustainable Development in Rural Areas"; criterion 1 of Policy EM15 "Employment Development in Rural Areas" of the Cumbria and Lake District Joint Structure Plan; criterion 1 of Policy E8 "Remainder of the Rural Area" of the Carlisle District Local Plan and criterion 1 of Policy EM10 "Remaining Areas" of the Carlisle District Local Plan; the objectives of Policy CP1 "Landscape Character/Biodiversity" of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft and criteria 1 and 2 of Policy EC11 "Rural Diversification" of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft".*

The Inspectorate concurred with the Council's view stating that the provision of the offices adjacent to the appellant's residence would be advantageous for the appellant, but this would fall short of demonstrating a need for the development in the manner sought by Policy DP1 of the emerging Local Plan, thereby undermining the Policy's objectives of achieving sustainable locations for new development.

The Inspector also shared the council's concerns that the development would harm the landscape character of the surrounding countryside landscape. The Inspector acknowledged the site's close proximity to Gretna, but stated that further development in this location, outwith the settlement boundary, would have the effect of blurring the distinction between town and countryside.

Due to the unsustainable location of the proposed development and its likely harm upon the countryside landscape the Inspector concluded that there was a "clear cut objection to the development" and dismissed the appeal.

**Appeal Decision:** Appeal Dismissed

**Date:** 09/06/2008

## SCHEDULE C: Applications Determined by Other Authorities

07/0719

---

**Item No: 25**

Between 13/05/2008 and 27/06/2008

**Appn Ref No:**  
07/0719

**Applicant:**  
Hallyards Developments  
(NE) Ltd

**Parish:**  
Dalston

**Date of Receipt:**  
07/08/2007

**Agent:**  
Spence & Dower

**Ward:**  
Dalston

**Location:**  
The Barns, Raughtonhead Hill, Dalston, Cumbria  
CA5 7DD

**Grid Reference:**  
338006 546256

**Proposal:** Conversion And (Replacement) Extension Of Grade II Listed  
Outbuildings Into A Dwelling.

**Amendment:**

1. Modification to proposed plot boundaries.
- 

**REPORT**

**Case Officer:** Sam Greig

**Decision on Appeals:**

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** This appeal refers to an application that sought planning permission for the conversion of and extension to a Grade II Listed barn to provide a residential dwelling at Raughtonhead Hill Farm, Raughtonhead, Dalston. The application site is situated amongst a small cluster of buildings comprising four residential properties located within the open countryside, approximately 900 metres to the north of the village of Raughtonhead.

The application was determined by the Head of Planning and Housing Services under the Council's delegated powers procedure on 8th October 2007, when it was resolved to refuse permission for the following reason:

*"This application seeks permission for the conversion of, and erection of an extension to, a Grade II Listed barn sited within a small cluster of buildings comprising four residential properties. The site is located within the open countryside, approximately 900 metres to the north of the village of Raughtonhead. Three of the four dwellings forming this cluster are Grade II Listed Buildings. The proposed extension, because of its size, scale and detailing, relates poorly to the original barn, and would create an inappropriate and incongruous element which would detract*

## SCHEDULE C: Applications Determined by Other Authorities

07/0719

*from the character and appearance of the Listed Building and setting of the adjacent listed properties. The proposed development would therefore be contrary to the objectives of Planning Policy Guidance Note 15 (Planning and the Historic Environment); criterion 6 of Policy ST3 (Principles Applying to All New Development) of the Cumbria and Lake District Joint Structure Plan; criteria 2 and 3 of Policy H12 (Conversions in the Rural Area) of the Carlisle District Local Plan, the objectives of Policy E34 (Alterations to Listed Buildings) of the Carlisle District Local Plan and the objectives of Policy E35 (Proposals Affecting Listed Buildings) of the Carlisle District Local Plan; criteria 1 and 3 of Policy CP4 (Design) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, criteria 3, 4 and 6 of Policy H8 (Conversion of Existing Premises) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, the objectives of Policy LE13 (Proposals Affecting Listed Buildings) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft and the objectives of Policy LE14 (Alterations to Listed Buildings) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft”.*

The Council's concerns did not relate to the conversion of the barn, but the demolition of an existing structure, albeit of little architectural merit, and its replacement with a contemporary extension. The Inspectorate disagreed with the Council's view stating that “although higher than the existing shed, replacement extension would be a simple, contemporary, high quality addition to the outbuilding, which would sit naturally alongside it; visually separate and subordinate but complementary to it and which would enhance its robust simplicity”. As such the Inspector concluded that the extension would not harm the special architectural and historic interest of the Listed Building or the setting of the adjacent Listed Buildings. The appeal was therefore allowed.

**Appeal Decision:** Appeal Allowed with Conditions

**Date:** 16/05/2008

## SCHEDULE C: Applications Determined by Other Authorities

07/0720

---

**Item No: 26** Between 13/05/2008 and 27/06/2008

**Appn Ref No:**  
07/0720

**Applicant:**  
Hallyards Developments  
(NE) Ltd

**Parish:**  
Dalston

**Date of Receipt:**  
19/06/2007

**Agent:**  
Spence & Dower

**Ward:**  
Dalston

**Location:**  
The Barns, Raughtonhead Hill, Dalston, Carlisle,  
CA5 7DD

**Grid Reference:**  
338006 546256

**Proposal:** Conversion of Grade II Listed Outbuildings to Domestic Accommodation,  
Demolition of adjoining Farm Shed and Replacement with Extension to  
Provide Living Areas to New Dwelling (LBC)

**Amendment:**

---

### REPORT

**Case Officer:** Sam Greig

#### Decision on Appeals:

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** This appeal refers to an application that sought Listed Building Consent for the conversion of a barn to a dwelling at Raughtonhead Hill Farm, Raughtonhead, Dalston.

It is linked to the planning application, which precedes this report in the Schedule (Application 07/0719). The application was refused for the same reason; however, as this application related solely to the alterations to the Listed Building this was reflected in the policies that were quoted in the reason for refusal.

For the reasons stated in the earlier report the Inspector allowed the appeal.

**Appeal Decision:** Appeal Allowed with Conditions      **Date:** 16/05/2008

## SCHEDULE C: Applications Determined by Other Authorities

07/1034

---

**Item No: 27**

Between 13/05/2008 and 27/06/2008

**Appn Ref No:**  
07/1034

**Applicant:**  
Mr Andrew Kennon

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
21/09/2007

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
28 Smithy Croft, Houghton, Carlisle, CA3 0NS

**Grid Reference:**  
340926 559395

**Proposal:** Erection Of En-Suite Bedroom Above Existing Garage

**Amendment:**

---

### REPORT

**Case Officer:** Colin Godfrey

#### Decision on Appeals:

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** This application sought approval for the erection of an en-suite bedroom above an existing garage to the side of 28 Smithy Croft, a semi-detached property located to the western side of a residential street in Houghton. The application was refused for the following reason;

*The proposed extension over the existing single storey garage would result in the formation of a two storey gable that would be located approximately 5 metres from the side elevation of the adjacent property at No.26 Smithy Road, within which a primary window to a principal room is located. Policy CP5 of the Carlisle District Local Plan 2001-2016 Revised Re-Deposit Draft requires that a minimum distance of 12 metres is provided between a proposed extension and any existing primary window of a neighbouring property. While the existing garage is within 12 metres of the gable end of No.26 Smithy Road, due to the scale, size, location and proximity of the proposed extension in relation to the bedroom window on the ground floor of that adjacent property, the living conditions of the occupiers of No.26 Smithy Road would be seriously impaired as a result of the extension being oppressive and overbearing. The proposal is, therefore, contrary to the objectives of Policy H14 of the Carlisle District Local Plan, together with the objectives of Policies CP4, CP5 and H11 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.*

The inspector agreed with the Council that the addition of the proposed full



## **SCHEDULE C: Applications Determined by Other Authorities**

07/1034

height gable closer to No 26's side window would have an adverse effect on outlook. It was also concluded that as the extension would be to the south of the window, there would almost certainly be some loss of sunlight. However, the inspector noted that as the extension would stop short of the common boundary, the effect would not be oppressive and that any loss of outlook must be weighed against the significant improvement in privacy due to the elimination of overlooking from the first floor side window at no 28.

In reference to the Policies quoted by the Council in refusing the application, the Inspector noted that while draft Policy CP5 of the Carlisle District Local Plan Revised Redeposit Draft required a minimum distance of 12m between a gable end and a primary facing window, no definition of 'primary window' was given within the Policy. However, the Inspector concluded that based on the supporting text, it referred to windows serving main habitable rooms on the front and rear elevations of standard dwellings. Where the dwelling is not of traditional format, primary windows would be the large windows of sitting rooms and kitchens. Side windows would not be included. On this basis, and were CP5 to be adopted Policy, the Inspector suggested that the objection to the appeal proposal would no longer apply, as the affected window is a side window serving a bedroom. It should be noted that the distance criteria which formed the Council's basis for refusal have subsequently been removed from the Carlisle District Local Plan Revised Redeposit Draft as amended by the Inspectors Report.

In conclusion, the Inspector accepted that there would be a loss of outlook from the affected window, but not that the extension would be so close to it as to appear overbearing and that he would not regard the reduced outlook as significantly below the threshold that should be expected from a side window serving a bedroom rather than a main living room. He also noted that the loss of outlook would be offset by the improvement in privacy and there would not be an unacceptable effect on living conditions in the bungalow.

As such, the Inspector allowed the appeal subject to conditions.

**Appeal Decision:** Appeal Allowed

**Date:** 13/05/2008

SCHEDULE D

SCHEDULE D

SCHEDULE D

NO APPLICATIONS INCLUDED IN SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE E

SCHEDULE E

SCHEDULE E

SCHEDULE E

SCHEDULE E

SCHEDULE E

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
07/0916

**Applicant:**  
Fiona Stoddart & Con  
Maguire

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
07/08/2007

**Agent:**  
Green Design Group

**Ward:**  
Burgh

**Location:**  
Paddock Hall, Burgh by Sands, Carlisle, CA5 6AW

**Grid Reference:**  
332818 559073

**Proposal:** Single storey rear extension to provide greenhouse/garden room

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
07/1235

**Applicant:**  
East Cumbria Moto Cross

**Parish:**  
Hayton

**Date of Receipt:**  
16/11/2007

**Agent:**

**Ward:**  
Hayton

**Location:**  
Field No. 0056, Low Gelt Bridge Farm, Townhead,  
Hayton

**Grid Reference:**  
352091 558547

**Proposal:** Variation Of Condition 2 Of Permission 99/0066 For The Continuation Of Use Of Land For Agriculture And Motorcross On 10 Days Per Year Together With Associated Car Parking And Ancillary Structures Plus Overnight Car Parking By Competitors In Cars, Motor Caravans And Caravans

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
07/1257

**Applicant:**  
Calvert Developments  
(Cumbria) LTD

**Parish:**  
Hayton

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**  
16/11/2007

**Agent:**

**Ward:**  
Hayton

**Location:**  
Field View, Faugh, Heads Nook, Brampton, CA8  
9EG

**Grid Reference:**  
350809 555017

**Proposal:** Demolition Of Existing House And Construction Of Replacement Dwelling, 2no. 3 Bedroom And 1no. 2 Bedroom Affordable Dwellings.

**Amendment:**

**Decision:** Granted Subject to Legal Agreement  
**Date:** 06/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
07/1342

**Applicant:**  
Tuddenhams (Longtown)  
Ltd

**Parish:**  
Arthuret

**Date of Receipt:**  
07/12/2007

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Bridge Street Garage, Longtown, Cumbria, CA6  
5UD

**Grid Reference:**  
337832 568791

**Proposal:** Demolition Of Former Storage Building/Workshop And Replacement With Workshop, Storage Area And Office.

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0025

**Applicant:**  
Mr & Mrs Dockerty

**Parish:**  
Carlisle

**Date of Receipt:**  
11/01/2008

**Agent:**  
G R & A J Stephen

**Ward:**  
Stanwix Urban

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**  
75 Etterby Street, Carlisle, CA3 9JD

**Grid Reference:**  
339704 557171

**Proposal:** Extension And Conversion Of Existing Garage And Storage Space To Dwelling (revised application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0044

**Applicant:**  
Messrs C F & J M  
Streatfield

**Parish:**  
Hayton

**Date of Receipt:**  
01/02/2008

**Agent:**  
Mr Nick Scholefield

**Ward:**  
Hayton

**Location:**  
Fenton Lane Head, Fenton, Brampton, Cumbria,  
CA8 9JZ

**Grid Reference:**  
350686 555579

**Proposal:** Proposed Replacement Sow Housing Building, including the Diversion of Public Footpath 117009

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0077

**Applicant:**  
Property Unit

**Parish:**  
Carlisle

**Date of Receipt:**  
03/03/2008

**Agent:**  
Ken Rattray

**Ward:**  
St Aidans

**Location:**  
Newman Catholic School, Lismore Place, Carlisle,  
CA1 1NA

**Grid Reference:**  
340727 556219

**Proposal:** New Sports Hall And Associated Accommodation

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 02/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0098

**Applicant:**  
Mr Clive Wall

**Parish:**  
Carlisle

**Date of Receipt:**  
21/04/2008

**Agent:**  
Phoenix Architects

**Ward:**  
Denton Holme

**Location:**  
Flat 9 Higginson Mill, Denton Holme, Carlisle CA2  
5NZ

**Grid Reference:**  
339607 554531

**Proposal:** Installation Of Mezzanine Floor To Provide Additional Room For  
Study/Home Office (Retrospective ) (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0128

**Applicant:**  
Russell Armer Ltd

**Parish:**  
Dalston

**Date of Receipt:**  
12/02/2008

**Agent:**

**Ward:**  
Dalston

**Location:**  
Hawksdale Pasture, Welton Road, Dalston, Carlisle,  
CA5 7EJ

**Grid Reference:**  
336025 547130

**Proposal:** Conversion And Extension Of Existing Buildings To Provide 3no. 2  
Bedroom Dwellings, 1no. 3 Bed Dwelling And 1no. New 4 Bed Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/05/2008

---

Between 17/05/2008 and 27/06/2008

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
08/0154

**Applicant:**  
Hadfield House

**Parish:**  
Wetheral

**Date of Receipt:**  
10/04/2008

**Agent:**

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Hadfield House, Allen Grove, Heads Nook,  
Brampton, Cumbria, CA8 9AP

**Grid Reference:**  
348405 556652

**Proposal:** Change of Use and Extension of Timber Frame Building To Provide Day Nursery

**Amendment:**

**Decision:** Refuse Permission

**Date:** 11/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0163

**Applicant:**  
Mr Todd

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
27/02/2008

**Agent:**  
Finesse

**Ward:**  
Dalston

**Location:**  
Beech House, Durdar, Carlisle, Cumbria, CA5 7LJ

**Grid Reference:**  
340149 550965

**Proposal:** Single Storey Side and Rear Extension to Provide Conservatory and Swimming Pool. Erection of Detached Pump Room (revised application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0165

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
06/03/2008

**Agent:**  
Dennis Riddick

**Ward:**  
St Aidans

**Location:**  
Greystone Community Centre, Close Street,

**Grid Reference:**  
340777 555339



## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Carlisle, CA1 2HA

**Proposal:** Provision Of Modular Building To Provide Nursery Facility

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0170

**Applicant:**  
Mr G G Reay

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
17/04/2008

**Agent:**

**Ward:**  
Burgh

**Location:**  
The Beeches, Boustead Hill, Burgh by Sands,  
Carlisle, CA5 6AA

**Grid Reference:**  
329191 559018

**Proposal:** Change Of Use From Agricultural Land To Equestrian Centre With Floodlights. Change Of Use Of Agricultural Building To Stables And Tackroom With Associated Car Park

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0203

**Applicant:**  
Ms E McDonagh

**Parish:**  
Hethersgill

**Date of Receipt:**  
27/03/2008

**Agent:**

**Ward:**  
Lyne

**Location:**  
Land And Buildings Rigg Head Cottage, Hethersgill,  
Carlisle

**Grid Reference:**  
347832 567486

**Proposal:** Change Of Use Of Agricultural Building For Use As Housing For Domestic Pets Whilst Owners Undergo Hospice Treatment

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 22/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0255

**Applicant:**  
Mr & Mrs J Underwood

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
12/03/2008

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
18 Jackson Road, Houghton, Carlisle, Cumbria,  
CA3 0NW

**Grid Reference:**  
340973 559541

**Proposal:** Replace Flat Roof With Gable Pitched Roof

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0261

**Applicant:**  
Mr John Cooper

**Parish:**  
Wetheral

**Date of Receipt:**  
26/03/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Wetheral

**Location:**  
25 Broomfallen Road, Scotby, Carlisle, CA4 8DE

**Grid Reference:**  
344156 554466

**Proposal:** Reroofing of Main House, Alterations to Front Facade, First Floor Side Extension over Existing Flat Roof Lounge to provide En-Suite Master Bedroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0262

**Applicant:**  
Miss J Henderson

**Parish:**  
Farlam

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**  
31/03/2008

**Agent:**

**Ward:**  
Irthing

**Location:**  
Williamsgill Cottage, Kirkhouse, Brampton,  
Cumbria, CA8 1JY

**Grid Reference:**  
357083 559581

**Proposal:** Loft Conversion With Insertion Of 4no. Dormer Windows

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0263

**Applicant:**  
Starbucks Coffee Co (UK)  
Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
15/04/2008

**Agent:**  
Pegasus Planning Group

**Ward:**  
Castle

**Location:**  
64 Scotch Street, Carlisle, CA3 8PN

**Grid Reference:**  
340083 556000

**Proposal:** Use Of Land To Permit Outdoor Seating

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0268

**Applicant:**  
Phil Pattinson

**Parish:**  
Wetheral

**Date of Receipt:**  
25/03/2008

**Agent:**  
Hogg & Robinson  
(Builders) Limited

**Ward:**  
Wetheral

**Location:**  
Oak Bank Farm, Styend Cottage, Scotby, Carlisle

**Grid Reference:**  
344088 555496

**Proposal:** Conversion Of Existing Barns Into 2no Dwellings Comprising One 3

## SCHEDULE E: Decisions Issued Under Delegated Powers

Bedded Unit And A 4 Bedded Unit Both With Off Street Parking (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0269

**Applicant:**  
Mr And Mrs T Darling

**Parish:**  
Hayton

**Date of Receipt:**  
25/03/2008

**Agent:**  
Green Design Group

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Rose Cottage, Talkin, Brampton, Cumbria, CA8 1LT

**Grid Reference:**  
355120 557185

**Proposal:** Erection of two storey side extension to provide double garage, utility and storage at ground floor level and sitting room, ensuite bedroom, study and relocated kitchen at first floor level.

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0272

**Applicant:**  
Mr Paul Rae

**Parish:**  
Carlisle

**Date of Receipt:**  
19/03/2008

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
141 Green Lane, Belle Vue, Carlisle CA2 7QE

**Grid Reference:**  
337221 555789

**Proposal:** Two Storey Side And Rear Extension To Provide Kitchen, Store, Utility Room And W.C., On Ground Floor With 1No. Bedroom And Study On First Floor Level

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 09/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0274

**Applicant:**  
Mr Poole

**Parish:**  
Carlisle

**Date of Receipt:**  
03/04/2008

**Agent:**  
Paramount Windows &  
Conservatories

**Ward:**  
Yewdale

**Location:**  
11 Hebden Avenue, Carlisle, Cumbria, CA2 6TW

**Grid Reference:**  
337505 554735

**Proposal:** Erection Of Conservatory To Rear Elevation  
**Amendment:**

**Decision:** Grant Permission

**Date:** 23/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0275

**Applicant:**  
Mr Paul Button

**Parish:**  
Carlisle

**Date of Receipt:**  
25/03/2008

**Agent:**  
Tyler Design Services

**Ward:**  
Belah

**Location:**  
35 Brunstock Close, Lowry Hill, Carlisle, CA3 0HL

**Grid Reference:**  
339233 558180

**Proposal:** Erection of pitched roof to the rear flat roof extension and mono-pitched roof above existing porch/baywindow.

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0279

**Applicant:**  
Petteril Bank Community  
Centre

**Parish:**  
Carlisle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**

10/04/2008

**Agent:**

**Ward:**

Upperby

**Location:**

Petteril Bank Community Centre, Burnett Road,  
Carlisle, CA1 3BX

**Grid Reference:**

341866 553467

**Proposal:** Siting Of Storage Unit Storing Garden Equipment

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**

08/0285

**Applicant:**

A&S Developments

**Parish:**

Stanwix Rural

**Date of Receipt:**

26/03/2008 09:35:22

**Agent:**

Tsada Building Design  
Services

**Ward:**

Stanwix Rural

**Location:**

42 The Green, Houghton, CA3 0LL

**Grid Reference:**

340926 559183

**Proposal:** Demolition Of Artist Studio, Garage And Part Demolition Of Outbuildings  
And Erection Of 3 Bedroom Dwelling House With Garage , Conversion  
Of Remaining Out Building To Games / Study Bedroom Annex  
(Revised/Retropective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**

08/0289

**Applicant:**

Ms Shaw

**Parish:**

Hayton

**Date of Receipt:**

26/03/2008 09:40:13

**Agent:**

Ashton Design

**Ward:**

Hayton

**Location:**

Kinrara, Hayton, Brampton, CA8 9HR

**Grid Reference:**

350730 557762

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Two Storey Rear Extension To Provide Kitchen, Living Room And Utility To Ground With 2no. Bedrooms, 2no. En Suites, And Bathroom To First Floor (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0292

**Applicant:**  
Mr & Mrs J & S House

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
26/03/2008

**Agent:**  
R H Turnball

**Ward:**  
Dalston

**Location:**  
51 Durdar Road, Carlisle, CA2 4SB

**Grid Reference:**  
340268 553196

**Proposal:** Erection Of Single Storey Extension To Rear Elevation To Provide Kitchen

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0295

**Applicant:**  
Mr & Mrs Storr

**Parish:**  
Irthington

**Date of Receipt:**  
26/03/2008

**Agent:**  
D Parr

**Ward:**  
Stanwix Rural

**Location:**  
Mireside, Laversdale, CA6 4PJ

**Grid Reference:**  
347500 562250

**Proposal:** Conversion Of Barns To Form 2no Live/Work Units

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 21/05/2008

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0297

**Applicant:**  
Mr & Mrs Le Brocq

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
26/03/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Moor House, Rickerby, Carlisle, CA3 9AA

**Grid Reference:**  
341799 557576

**Proposal:** Conversion And Extension Of Existing Single Storey Building And  
Garage To Two Storeys To Provide Additional Bedrooms, Studio And  
Billiard Room

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 20/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0298

**Applicant:**  
Mr & Mrs Le Brocq

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
31/03/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Moor House, Rickerby, Carlisle, CA3 9AA

**Grid Reference:**  
341801 557580

**Proposal:** Conversion And Extension Of Existing Single Storey Building And  
Garage To Two Storeys To Provide Additional Bedrooms, Studio And  
Billiard Room (LBC)

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 20/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0299

**Applicant:**  
Mr & Mrs S Humm

**Parish:**  
Carlisle



## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**  
26/03/2008

**Agent:**  
B F Child

**Ward:**  
Belle Vue

**Location:**  
24 High Meadow, Belle Vue, Carlisle, CA2 7PZ

**Grid Reference:**  
337708 555837

**Proposal:** Two Storey Side Extension To Provide Kitchen/dining Room And Wc On  
The Ground Floor With A Bedroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0300

**Applicant:**  
Jeremy Melling

**Parish:**  
Brampton

**Date of Receipt:**  
01/04/2008

**Agent:**

**Ward:**  
Brampton

**Location:**  
Brackenfell, Capon Tree Road, Brampton, Cumbria,  
CA8 1QL

**Grid Reference:**  
352862 559847

**Proposal:** Repairs And Alterations To Exterior Of Building (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0304

**Applicant:**  
Gamesa Energy UK

**Parish:**  
Kirkandrews

**Date of Receipt:**  
22/04/2008

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Solway Moss Peat extraction site, Blackbank,  
Gretna

**Grid Reference:**  
334392 569248

**Proposal:** Renewal Of Temporary Permission For 70m Anemometry Mast

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0305

**Applicant:**  
Mr & Mrs Forrester

**Parish:**  
Westlinton

**Date of Receipt:**  
22/04/2008

**Agent:**  
Jock Gordon

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Down By Rigg Farm, Westlinton, Carlisle, Cumbria,  
CA6 6AE

**Grid Reference:**  
340359 564195

**Proposal:** Erection Of Agricultural Workers Dwelling And Garage (Reserved  
Matters Application pursuant to Outline Application 07/0908)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0309

**Applicant:**  
Connexions Cumbria  
Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
11/04/2008

**Agent:**

**Ward:**  
Castle

**Location:**  
28 Lowther Street, Carlisle, Cumbria, CA3 8DH

**Grid Reference:**  
340256 555858

**Proposal:** Provision Of Contraceptive Services At Advice Centre

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/06/2008

---

Between 17/05/2008 and 27/06/2008

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
08/0311

**Applicant:**  
Rodney Jeremiah

**Parish:**  
Nicholforest

**Date of Receipt:**  
07/04/2008

**Agent:**

**Ward:**  
Lyne

**Location:**  
Hirst Head, Penton, CA6 5QH

**Grid Reference:**  
346470 579350

**Proposal:** Conversion Of Two Existing Cottages To Form One Residential Unit.  
Conversion Of Existing Stone Barn To Form One Residential Unit.

**Amendment:**

1. Revised plan received on the 9th June 2008 showing revisions to the proposed conversion of the barn.

**Decision:** Grant Permission

**Date:** 11/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0312

**Applicant:**  
Mr Little

**Parish:**  
Askerton

**Date of Receipt:**  
10/04/2008

**Agent:**  
Rodney Jeremiah

**Ward:**  
Irthing

**Location:**  
Whitebeck, Bewcastle, CA6 6PT

**Grid Reference:**  
356573 574255

**Proposal:** Erection of Stable Block

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0314

**Applicant:**  
T-Mobile UK Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
31/03/2008 15:34:10

**Agent:**  
A & K Solutions Ltd

**Ward:**  
Castle

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

Civic Centre, Rickergate, Carlisle, CA3 8QG

**Grid Reference:**

340159 556263

**Proposal:** Installation Of 2 X 300mm Diameter Transmission Dishes On Existing  
Rooftop Telecommunications Structure

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**

08/0315

**Applicant:**

Mr Ian Cropley

**Parish:**

Carlisle

**Date of Receipt:**

08/04/2008

**Agent:**

**Ward:**

Stanwix Urban

**Location:**

42 Eden Street, Carlisle, CA3 9LR

**Grid Reference:**

339561 557418

**Proposal:** Replace Existing Dormer With Double Dormer To Front Elevation  
(Revised Application).

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**

08/0320

**Applicant:**

Mrs Sue Lingard

**Parish:**

Hayton

**Date of Receipt:**

15/04/2008

**Agent:**

**Ward:**

Hayton

**Location:**

Land at part field 6948, Hayton

**Grid Reference:**

350747 557696

**Proposal:** Erection Of A Secure Storage Unit

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 22/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0322

**Applicant:**  
Messrs T W Martin

**Parish:**  
Orton

**Date of Receipt:**  
08/04/2008

**Agent:**

**Ward:**  
Burgh

**Location:**  
Tempest Tower, Little Orton, Carlisle, CA5 6EP

**Grid Reference:**  
334886 555241

**Proposal:** Erection Of Portal Steel Framed Building To Provide Cubicle  
Accommodation For Cattle

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0326

**Applicant:**  
Mr Ralph Townsley

**Parish:**  
Wetheral

**Date of Receipt:**  
14/04/2008

**Agent:**

**Ward:**  
Wetheral

**Location:**  
2 Old Nursery Croft, Warwick On Eden, Carlisle,  
CA4 8PX

**Grid Reference:**  
346566 556438

**Proposal:** Two Storey Rear Extension To Provide Sun Lounge On Ground Floor  
With 1no. En-Suite Bedroom Above (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0328

**Applicant:**  
Barclays Bank plc

**Parish:**  
Carlisle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**

07/04/2008

**Agent:**

Stride Treglown

**Ward:**

Botcherby

**Location:**

Barclays Bank Plc, Montgomery Way, Rosehill  
Industrial Estate, CA1 2RT

**Grid Reference:**

342877 555699

**Proposal:** Installation Of 7 External Air Condensers In Cages At The Rear Of The  
Branch

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**

08/0329

**Applicant:**

Mr Brown

**Parish:**

Carlisle

**Date of Receipt:**

03/04/2008 09:32:44

**Agent:**

John Lyon Associates Ltd

**Ward:**

Stanwix Urban

**Location:**

1 Stanwix Bank, Carlisle, CA3 9AH

**Grid Reference:**

340016 556847

**Proposal:** Change of use of dwellinghouse to 2No. podiatry consulting rooms on  
the ground floor and a flat on the first floor

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**

08/0330

**Applicant:**

Mr Brown

**Parish:**

Carlisle

**Date of Receipt:**

03/04/2008 09:33:36

**Agent:**

John Lyon Associates Ltd

**Ward:**

Stanwix Urban

**Location:**

1 Stanwix Bank, Carlisle, CA3 9AH

**Grid Reference:**

340016 556847

**Proposal:** Minor Internal Alterations And Provision Of 2no Conservation Rooflights  
To Front Elevation And 2no To The Rear Elevation To Replace Non

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Original Dormer (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0331

**Applicant:**  
Story Homes

**Parish:**  
Carlisle

**Date of Receipt:**  
08/04/2008

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
Land between 75 To 87 Burgh Road, Burgh Road,  
Carlisle

**Grid Reference:**  
337421 556223

**Proposal:** Variation Of Ascot House Type On Plots 3, 16, 18, 24, 26 & 28 For The  
Removal Of External Side Garage Door And Change To Retaining Wall  
Between Plots 18 & 19

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0334

**Applicant:**  
Mr Adrian Sowerby

**Parish:**  
Beaumont

**Date of Receipt:**  
03/04/2008

**Agent:**

**Ward:**  
Burgh

**Location:**  
Hillgarth, Beaumont, Carlisle, CA5 6ED

**Grid Reference:**  
334656 559169

**Proposal:** Demolition Of Existing Garage. Erection Of A Single Storey Garage,  
Bedroom, Bathroom And Utility Room To Side Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/05/2008

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/05/2008 and 27/06/2008

**Appn Ref No:** 08/0335      **Applicant:** Gillford Park Football Club      **Parish:** Carlisle  
**Date of Receipt:** 24/04/2008      **Agent:**      **Ward:** Harraby  
**Location:** Gillford Park Stadium, Carlisle and District Railway Club, Petterill Bank Road, Carlisle, CA1 3AF      **Grid Reference:** 341301 553993  
**Proposal:** Erection Of Six Floodlights  
**Amendment:**

**Decision:** Grant Permission

**Date:** 19/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:** 08/0336      **Applicant:** ECM (Vehicle Delivery Service) Ltd      **Parish:** Irthington  
**Date of Receipt:** 03/04/2008      **Agent:** HTGL Architects Ltd      **Ward:** Stanwix Rural  
**Location:** R.O. Hangar 115, Carlisle Airport, Carlisle      **Grid Reference:** 347764 561298  
**Proposal:** New Security Boundary Perimeter Fencing and Gates (Revised Application)  
**Amendment:**

**Decision:** Grant Permission

**Date:** 23/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:** 08/0338      **Applicant:** Draper Properties      **Parish:** Carlisle  
**Date of Receipt:** 03/04/2008      **Agent:** HTGL Architects Ltd      **Ward:** St Aidans



## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

9-11 London Road/3 Charles Street, Carlisle, CA1  
2JU

**Grid Reference:**

340666 555303

**Proposal:** Change Of Use To Ground Floor Shop To Provide Kitchen And Bedroom  
Addition Together With Internal Alterations To Premises In Multiple  
Occupancy To Provide Additional 6 Bed Spaces.

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 27/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**

08/0340

**Applicant:**

Smiths Gore

**Parish:**

Carlisle

**Date of Receipt:**

09/04/2008

**Agent:**

Smiths Gore

**Ward:**

Castle

**Location:**

66 Warwick Road, Carlisle, Cumbria, CA1 1DR

**Grid Reference:**

340440 555760

**Proposal:** Change Of Use From Office To A Flat (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**

08/0342

**Applicant:**

Magnus Homes Limited

**Parish:**

Brampton

**Date of Receipt:**

10/04/2008

**Agent:**

Black Box Architects  
Limited

**Ward:**

Brampton

**Location:**

Plot 8, Hemblesgate, Tarn Road, Brampton, CA8  
1QX

**Grid Reference:**

353548 560506

**Proposal:** Erection Of bedroom And Bathroom Above Existing Garage. Alterations

## SCHEDULE E: Decisions Issued Under Delegated Powers

To Existing Utility Roof And Door (Revised House Type)

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0344

**Applicant:**  
Mr Phillip Armstrong

**Parish:**  
Westlinton

**Date of Receipt:**  
29/04/2008

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Alstonby Grange, Westlinton, Carlisle, CA6 6AF

**Grid Reference:**  
340530 564676

**Proposal:** Formation of 3No. Dormers To Replace Existing Roof Windows

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0346

**Applicant:**  
Mr David Rackstraw

**Parish:**  
Walton

**Date of Receipt:**  
15/04/2008

**Agent:**

**Ward:**  
Irthing

**Location:**  
The Hill Farmhouse, The Hill, Gilsland, Brampton,  
CA8 7DA

**Grid Reference:**  
362377 566899

**Proposal:** Erection Of A Single Storey Dwelling (Outline)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 06/06/2008

---

Between 17/05/2008 and 27/06/2008

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Appn Ref No:**  
08/0348

**Applicant:**  
Mr & Mrs Ivinson

**Parish:**  
Carlisle

**Date of Receipt:**  
04/04/2008

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Urban

**Location:**  
59 Etterby Lea Road, Carlisle, Cumbria, CA8 9TB

**Grid Reference:**  
339739 557393

**Proposal:** Single Storey Side And Rear Extension To Provide Garage, Kitchen, Utility And W.C.

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0349

**Applicant:**  
Mr Thompson

**Parish:**  
Kirkandrews

**Date of Receipt:**  
16/04/2008

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Longtown & Rockcliffe

**Location:**  
High Gaitle Caravan Park, Gaitle Bridge, Gaitle,  
CA6 5LU

**Grid Reference:**  
336515 568516

**Proposal:** Erection Of Dwelling House, Revised Proposal To Include Attic Accomodation (Part Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0354

**Applicant:**  
Mr H Swan

**Parish:**  
Hayton

**Date of Receipt:**  
23/04/2008

**Agent:**  
S Buttler, Riba

**Ward:**  
Hayton

**Location:**

**Grid Reference:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Barn Attached To 'Riverside', Low Gelt Bridge,  
Hayton, Brampton, CA8 1SX

351985 559123

**Proposal:** Conversion Of Attached Barn And Stone Workshop Opposite To Holiday  
Let Unit and Summerhouse

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0360

**Applicant:**  
Mr Clarry Smith

**Parish:**  
Cumrew

**Date of Receipt:**  
11/04/2008

**Agent:**  
Q.S Dimensions Ltd

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Cumrew Farm, Cumrew, CA8 9DD

**Grid Reference:**  
355090 550370

**Proposal:** Conversion Of Barn 3 To Domestic Dwelling (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0361

**Applicant:**  
Lloyds Pharmacy

**Parish:**  
Carlisle

**Date of Receipt:**  
08/04/2008 11:31:21

**Agent:**  
t3 Retail Design Ltd

**Ward:**  
Castle

**Location:**  
Lloyds Pharmacy, 46 -50 Warwick Road, Carlisle,  
CA1 1DN

**Grid Reference:**  
340376 555737

**Proposal:** Construction Of Disabled Access Ramp (Revised Application)

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 28/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0362

**Applicant:**  
Mr & Mrs Hubball

**Parish:**  
Kingmoor

**Date of Receipt:**  
11/04/2008

**Agent:**  
Finesse Windows Ltd

**Ward:**  
Stanwix Rural

**Location:**  
63 Edenside, Cargo, Carlisle, CA6 4AQ

**Grid Reference:**  
336813 559583

**Proposal:** Erection Of Conservatory To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0364

**Applicant:**  
CJ City Properties

**Parish:**  
Carlisle

**Date of Receipt:**  
07/04/2008 11:30:48

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Stanwix Urban

**Location:**  
62 Etterby Street, Carlisle, CA3 9JD

**Grid Reference:**  
339784 557189

**Proposal:** Formation Of New Window And A Set Of Double Doors To The Rear  
Elevation; Internal Alterations (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0365

**Applicant:**  
Mr Rackstraw

**Parish:**  
Waterhead

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

17/04/2008

Tsada Building Design  
Services

Irthing

**Location:**

The Hill Farmhouse, Gilsland, CA8 7DA

**Grid Reference:**

362410 566853

**Proposal:** Conversion And Alteration To Domestic Storage Area And Old Bothy To  
Form Two 2 Bed Dwellings And Additional Kitchen, Utility, & WC

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 06/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**

08/0366

**Applicant:**

Mr Rackstraw

**Parish:**

Waterhead

**Date of Receipt:**

21/04/2008

**Agent:**

Tsada Building Design  
Services

**Ward:**

Irthing

**Location:**

The Hill Farmhouse, Gilsland, CA8 7DA

**Grid Reference:**

362410 566853

**Proposal:** Conversion And Alteration To Domestic Storage Area And Old Bothy To  
Form Two 2 Bed Dwellings And Additional Kitchen, Utility, & WC (LBC)

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 06/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**

08/0368

**Applicant:**

Signet Trading Limited

**Parish:**

Carlisle

**Date of Receipt:**

14/04/2008

**Agent:**

NJSR Chartered Architects  
LLP

**Ward:**

Castle

**Location:**

Ernest Jones, 7 Grapes Lane, The Lanes, Carlisle,

**Grid Reference:**

340153 555971

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

CA3 8NH

**Proposal:** Erection of 2no. Internally Illuminated Fascia Signs

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0372

**Applicant:**  
Signet Trading Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
16/04/2008

**Agent:**  
NJSR Chartered Architects  
LLP

**Ward:**  
Castle

**Location:**  
Ernest Jones, 7 Grapes Lane, The Lanes, Carlisle,  
CA3 8NH

**Grid Reference:**  
340153 555971

**Proposal:** Proposed New Shopfront And Internal Refurbishment

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0375

**Applicant:**  
Mr Michael Cosham

**Parish:**

**Date of Receipt:**  
22/04/2008

**Agent:**  
Building Plan Services  
Limited

**Ward:**  
Belah

**Location:**  
Fell Hall, 316 Kingstown Road, Carlisle, CA3 0BL

**Grid Reference:**  
339505 559408

**Proposal:** Change Of Use From Church Hall To Residential Unit

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 12/06/2008

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0377

**Applicant:**  
Mr Dickinson

**Parish:**  
Dalston

**Date of Receipt:**  
21/04/2008

**Agent:**  
Gray Associates Limited

**Ward:**  
Dalston

**Location:**  
Holly Cottage, 9 The Green, Dalston, Carlisle, CA5  
7QB

**Grid Reference:**  
336864 549827

**Proposal:** Two Storey Extension To Side And Rear Of Dwelling (Revised  
Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/05/2008

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0379

**Applicant:**  
Religious Of The Sacred  
Heart Of Mary

**Parish:**  
Carlisle

**Date of Receipt:**  
24/04/2008

**Agent:**  
William Surveyors Ltd

**Ward:**  
Castle

**Location:**  
St Gabriel's Convent, 52 Victoria Place, Carlisle,  
CA1 1HP

**Grid Reference:**  
340654 556108

**Proposal:** Demolition Of Existing Chapel

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/06/2008

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0380

**Applicant:**  
Mr Michael Crawshaw

**Parish:**  
Carlisle



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
24/04/2008

**Agent:**

**Ward:**  
Botcherby

**Location:**  
Durrhill Lodge, Durrhill Road, Carlisle, CA1  
2RQ

**Grid Reference:**  
342685 555141

**Proposal:** Replacement Of Driveway Gate And Side Gate And Erection Of Railings  
On Top Of Existing Brick Wall

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0382

**Applicant:**  
Mr Michael Crawshaw

**Parish:**  
Carlisle

**Date of Receipt:**  
24/04/2008

**Agent:**

**Ward:**  
Botcherby

**Location:**  
Durrhill Lodge, Durrhill Road, Carlisle, CA1  
2RQ

**Grid Reference:**  
342685 555141

**Proposal:** Replacement Of Driveway Gate And Side Gate And Erection Of Railings  
On Top Of Existing Brick Wall (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0383

**Applicant:**  
Mr A J Watts

**Parish:**  
Brampton

**Date of Receipt:**  
24/04/2008

**Agent:**

**Ward:**  
Brampton

**Location:**  
9 Hemblesgate Court, Brampton, Cumbria, CA8  
1QX

**Grid Reference:**  
353548 560506

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Erection Of Garden Shed

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0386

**Applicant:**  
Mr David Middleton

**Parish:**  
Carlisle

**Date of Receipt:**  
15/04/2008

**Agent:**  
S & H Construction

**Ward:**  
Morton

**Location:**  
17 Rashdall Road, Carlisle, Cumbria, CA2 6HS

**Grid Reference:**  
338543 554277

**Proposal:** Two Storey Side Extension To Provide Extended Kitchen, Utility & Porch  
On Ground Floor With Study Room & Additional Bathroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0387

**Applicant:**  
Starbucks Coffee Co (UK)  
Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
30/04/2008

**Agent:**  
Pegasus Planning Group

**Ward:**  
Castle

**Location:**  
64 Scotch Street, Carlisle, CA3 8PN

**Grid Reference:**  
340083 556000

**Proposal:** Installation Of Air Conditioning Units And Associated Works

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/06/2008

---

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0390

**Applicant:**  
Mr Teesdale

**Parish:**  
Hethersgill

**Date of Receipt:**  
15/04/2008 13:30:41

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Lyne

**Location:**  
Dunquakin, The Quaker Meeting House, Kirklington,  
CA6 6DR

**Grid Reference:**  
344620 566508

**Proposal:** Erection Of First Floor Extension To Provide Bathroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0391

**Applicant:**  
Mr Teesdale

**Parish:**  
Hethersgill

**Date of Receipt:**  
15/04/2008 13:30:41

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Lyne

**Location:**  
Dunquakin, The Quaker Meeting House, Kirklington,  
CA6 6DR

**Grid Reference:**  
344620 566508

**Proposal:** First Floor Bathroom Extension To Listed Building (Listed Building)

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0392

**Applicant:**  
Mr William Bimson

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
24/04/2008

**Agent:**  
Mr Mark Dennett

**Ward:**  
Burgh

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

Land Adjoining Monkhill Farm, Monkhill, Carlisle,  
CA5 6DB

**Grid Reference:**

334422 558602

**Proposal:** Erection Of Two Storey Dwelling With Integral Garage

**Amendment:**

**Decision:** Refuse Permission

**Date:** 12/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**

08/0396

**Applicant:**

Mr Farrer

**Parish:**

Irthington

**Date of Receipt:**

16/04/2008 13:30:40

**Agent:**

Ashton Design

**Ward:**

Stanwix Rural

**Location:**

Down Holme, Newby East, Wetheral, Carlisle, CA4  
8QX

**Grid Reference:**

347458 558305

**Proposal:** Single Storey Extension To Provide A Conservatory And Porch. A Two  
Storey Rear Extension To Provide 1no. Ensuite Bedroom To Ground  
Floor With 1no. Ensuite Bedroom Above (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**

08/0400

**Applicant:**

Mr & Mrs Neil Davison

**Parish:**

Stanwix Rural

**Date of Receipt:**

17/04/2008

**Agent:**

Ian Ward Architects

**Ward:**

Stanwix Rural

**Location:**

29 Wolsty Close, Carlisle, Cumbria, CA3 0PB

**Grid Reference:**

340095 558475

**Proposal:** Erection Of Single Storey Rear Extension

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 12/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0403

**Applicant:**  
Mr David Farrell

**Parish:**  
Wetheral

**Date of Receipt:**  
18/04/2008

**Agent:**  
Mr Les Armstrong

**Ward:**  
Wetheral

**Location:**  
Wheelbarrow Hall, Holme Lane, Aglionby, Carlisle,  
CA4 8AD

**Grid Reference:**  
343841 556288

**Proposal:** Removal Of Porch And Installation Of Sash Window. Revision Of Approval 07/0101 Involving Amended Layouts To Barn And Extension Incorporating External Lift Shaft, Canopy To Extension And Garage/Store Layout (Revised Application)

**Amendment:**

1. Revised plan received 29th May 2008, drawing no. F WH 230508 15b G, showing amendments to the proposed design of the garage.

**Decision:** Grant Permission

**Date:** 10/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0406

**Applicant:**  
Carlisle Housing  
Association

**Parish:**  
Carlisle

**Date of Receipt:**  
21/04/2008

**Agent:**

**Ward:**  
Upperby

**Location:**  
44 Baird Road, Petteril Bank, Carlisle, Cumbria,  
CA1 3AD

**Grid Reference:**  
341751 553951

**Proposal:** Erection Of Store To Provide Space For Mobility Scooter

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 20/05/2008

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0407

**Applicant:**  
Top Notch Contractors Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
21/04/2008 13:31:12

**Agent:**  
Hyde Harrington

**Ward:**  
Harraby

**Location:**  
Top Notch Contractors, 4A Brunel Way, Durrhill  
Industrial Estate, Carlisle, CA1 3NQ

**Grid Reference:**  
341853 554526

**Proposal:** Creation Of New Window Opening.

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/05/2008

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0408

**Applicant:**  
Mr Swainson

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
21/04/2008 13:34:42

**Agent:**  
Gray Associates Limited

**Ward:**  
Burgh

**Location:**  
Moor Park Farm, Thurstonfield, CA5 6HB

**Grid Reference:**  
332291 556767

**Proposal:** Single Storey Rear Extension To Provide Sun Room And Home Office  
(revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/06/2008

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0409

**Applicant:**  
Chris Nichol Construction  
Ltd

**Parish:**  
Orton

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**  
21/04/2008 13:33:09

**Agent:**  
CAPITA

**Ward:**  
Burgh

**Location:**  
Plot 3, Low House Farm, Baldwinholme, CA5 6LJ

**Grid Reference:**  
333858 552072

**Proposal:** Construction Of 3 Storey, 5 Bedroom Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0411

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
22/04/2008

**Agent:**  
Ms Elizabeth Allnutt

**Ward:**  
St Aidans

**Location:**  
Adelaide Street Allotments, Delagoa Street, Carlisle

**Grid Reference:**  
341300 555200

**Proposal:** Erection Of 2.4m High Steel Palisade Security Fencing

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/05/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0413

**Applicant:**  
Mr & Mrs Dawson

**Parish:**  
Brampton

**Date of Receipt:**  
01/05/2008

**Agent:**  
Carlisle Window Systems

**Ward:**  
Brampton

**Location:**  
Bramleigh, Tree Road, Brampton, CA8 1TX

**Grid Reference:**  
353616 560908

**Proposal:** Replacement Conservatory To Rear Elevation

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 02/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0415

**Applicant:**  
Story Construction

**Parish:**  
Carlisle

**Date of Receipt:**  
23/04/2008 15:30:18

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
Story Construction Ltd, Marconi Road, Burgh Road  
Industrial Estate, CA2 7NA

**Grid Reference:**  
337739 556244

**Proposal:** Erection Of Storage Building And Additional Office Space With First  
Floor Link

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0416

**Applicant:**  
Mr Cooke

**Parish:**  
Arthuret

**Date of Receipt:**  
28/04/2008

**Agent:**  
Ashton Design

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Oakbank, Whiteclose, Shankhill, Longtown, CA6  
5TY

**Grid Reference:**  
346766 570906

**Proposal:** Erection Of Ground Floor Side Extension; Addition Of En-Suite And  
Dressing Area To Master Bedroom At First Floor Level; Erection Of First  
Floor Balcony And External Staircase

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/06/2008

---

Between 17/05/2008 and 27/06/2008



## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Appn Ref No:**  
08/0417

**Applicant:**  
Mr McCamish

**Parish:**  
Kirklington Middle

**Date of Receipt:**  
24/04/2008 07:30:24

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Lyne

**Location:**  
Gilestown, Blackford, Carlisle, CA6 4EW

**Grid Reference:**  
341353 564488

**Proposal:** Two Storey Side Extension To Provide Garden Storage At Ground Floor Level, With Sun Room And Balcony Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0419

**Applicant:**  
The Governors

**Parish:**  
Irthington

**Date of Receipt:**  
24/04/2008

**Agent:**  
Capita Symonds Limited

**Ward:**  
Stanwix Rural

**Location:**  
Irthington Primary School, Irthington, Carlisle, CA6  
4NJ

**Grid Reference:**  
349800 561560

**Proposal:** Single Storey Extension to Provide a Multi Purpose Resource Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0421

**Applicant:**  
Mr Graham

**Parish:**  
Arthuret

**Date of Receipt:**  
25/04/2008 07:30:15

**Agent:**  
Mr Rodney Jeremiah

**Ward:**  
Longtown & Rockcliffe

**Location:**  
7 Cliff Road, Sandsyke, Carlisle, Cumbria, CA6 5SU

**Grid Reference:**  
339401 565839

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Erection Of Summer House With Storage Area In Roof Space  
(Retrospective)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 09/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0423

**Applicant:**  
Egertons Recovery Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
25/04/2008

**Agent:**  
Jock Gordon

**Ward:**  
Belle Vue

**Location:**  
Caxton Road, Newtown Industrial Estate, Carlisle  
CA2 7HS

**Grid Reference:**  
338054 556147

**Proposal:** Change of Use of Depot to Recovery and Storage of Vehicles involved in  
Accidents And Erection Of Palisade Fencing (Retrospective Application)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 20/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0424

**Applicant:**  
Mr Keith McIntosh

**Parish:**  
Cummersdale

**Date of Receipt:**  
25/04/2008

**Agent:**

**Ward:**  
Dalston

**Location:**  
42 Grace Lane, Dalston Road, Carlisle, CA2 6DA

**Grid Reference:**  
338370 552900

**Proposal:** Extension To Store And Stock Shelter; Detached Stable, Store And  
Workshop

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 20/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0426

**Applicant:**  
United Co-op Pharmacy

**Parish:**  
Carlisle

**Date of Receipt:**  
02/05/2008

**Agent:**  
Frodsham Signs (Evolve  
Group)

**Ward:**  
Currock

**Location:**  
Co-Op Pharmacy (Ex Bowman Chemist), 28  
Blackwell Road, Carlisle, CA2 4EQ

**Grid Reference:**  
340519 554542

**Proposal:** Display Of 2no. Non-Illuminated Fascia Signs And 1no. Internally  
Illuminated Projecting Sign

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0429

**Applicant:**  
Mr Grame Thomson

**Parish:**  
Carlisle

**Date of Receipt:**  
07/05/2008

**Agent:**

**Ward:**  
Yewdale

**Location:**  
2 Cartmel Drive, Carlisle, Cumbria, CA2 7SE

**Grid Reference:**  
336911 555298

**Proposal:** Replacement Of Existing Conservatory With Single Storey Rear  
Extension

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0430

**Applicant:**  
Mrs Bullock

**Parish:**  
Upper Denton

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
30/04/2008

**Agent:**  
Fishpool

**Ward:**  
Irthing

**Location:**  
White Cottage, Denton, CA8 7AG

**Grid Reference:**  
361648 565331

**Proposal:** First Floor Extension To Provide 1no. Bedroom and 1no. Sitting room  
**Amendment:**

**Decision:** Grant Permission

**Date:** 24/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0433

**Applicant:**  
Stanwix Wine Bar Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
01/05/2008

**Agent:**  
PPM Ltd

**Ward:**  
Stanwix Urban

**Location:**  
The Hour Glass, 1 Scotland Road, Carlisle CA3  
OLJ

**Grid Reference:**  
339983 556997

**Proposal:** Change Of Use Of First Floor Residential Accommodation To Kitchen  
And Store For The Hourglass Wine Bar

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0436

**Applicant:**  
United Co-op Pharmacy

**Parish:**  
Carlisle

**Date of Receipt:**  
02/05/2008

**Agent:**  
Frodsham Signs (Evolve  
Group)

**Ward:**  
Morton

**Location:**  
Co-op Pharmacy (Ex Bowmans Chemist), 29  
Stonegarth, Morton, Carlisle, CA2 6PO

**Grid Reference:**  
338194 554652

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Display Of Internally Illuminated Fascia Sign And Projecting Sign

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0437

**Applicant:**  
United Co-op Pharmacy

**Parish:**  
Carlisle

**Date of Receipt:**  
02/05/2008

**Agent:**  
Frodsham Signs (Evolve  
Group)

**Ward:**  
Denton Holme

**Location:**  
Co-op Pharmacy (Ex Bowmans Chemist), 139  
Denton Street, Carlisle, CA2 5HB

**Grid Reference:**  
339774 555028

**Proposal:** Display Of 2no. Non-Illuminated Fascia Signs And 1no. Internally  
Illuminated Projecting Sign

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0439

**Applicant:**  
Mr & Mrs T Nixon

**Parish:**  
Brampton

**Date of Receipt:**  
08/05/2008

**Agent:**  
Cowen Consultancy

**Ward:**  
Brampton

**Location:**  
Crawhall, Brampton, CA8 1TN

**Grid Reference:**  
353249 561054

**Proposal:** Change Of Use Of Existing Car Sales Area To A Car Park For Use By  
WCF LTd

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/06/2008

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0440

**Applicant:**  
Mr & Mrs Norman

**Parish:**  
Carlisle

**Date of Receipt:**  
02/05/2008

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Urban

**Location:**  
45 Scotland Road, Carlisle, Cumbria, CA3 9HS

**Grid Reference:**  
339983 557187

**Proposal:** Demolition Of Outside WC. Closure Of External Doorway And Formation Of New External Doorway. Removal Of Internal Wall In Kitchen. Replacement Of Two Windows In Kitchen. Installation Of WC In Understairs Cupboard, Erection Of Frontage Railings And Gate (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0446

**Applicant:**  
Mr Craig Wykes

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
30/04/2008

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Moor Park House, Crosby Moor, Crosby On Eden,  
Carlisle, CA6 4QX

**Grid Reference:**  
346260 559754

**Proposal:** Two Storey Rear & Side Extensions To Provide New Kitchen, Sun Lounge And Utility Room At Ground Floor Level, With 1 No. Bedroom, Bathroom And En-Suite Study Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0447

**Applicant:**  
J Fell & Son

**Parish:**  
Wetheral

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**  
19/05/2008

**Agent:**

**Ward:**  
Wetheral

**Location:**  
The Farm House, Wheelbarrow Hall, Aglionby,  
Carlisle, Cumbria, CA4 8AD

**Grid Reference:**  
343854 556296

**Proposal:** Change Of Use From Farm Storage To Office Record Storage And  
General Storage

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0449

**Applicant:**  
Ms Rachel Hamblin

**Parish:**  
Brampton

**Date of Receipt:**  
01/05/2008

**Agent:**  
Jock Gordon

**Ward:**  
Brampton

**Location:**  
6 Craw Park, Brampton, Cumbria, CA8 1UZ

**Grid Reference:**  
353398 561071

**Proposal:** Erection Of First Floor Extension Over Existing Attached Garage To  
Provide 2 No. Bedrooms

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0450

**Applicant:**  
Andrew McKeown

**Parish:**  
Wetheral

**Date of Receipt:**  
02/05/2008

**Agent:**  
Jock Gordon

**Ward:**  
Wetheral

**Location:**  
Longlands, Wetheral, Carlisle, CA4 8HE

**Grid Reference:**  
346427 554225

**Proposal:** Erection of 3 Bedroom Detached Dwelling (Reserved Matters)

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 23/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0452

**Applicant:**  
Mr Brian Walkden

**Parish:**  
Brampton

**Date of Receipt:**  
02/05/2008

**Agent:**  
Jock Gordon

**Ward:**  
Brampton

**Location:**  
West Cottage, Easby Lane End, Brampton,  
Cumbria, CA8 2EZ

**Grid Reference:**  
354530 562305

**Proposal:** Single Storey Extension To South & West Elevations To Provide Lounge  
& Garage

### Amendment:

**Decision:** Grant Permission

**Date:** 24/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0456

**Applicant:**  
Mr & Mrs Fell

**Parish:**  
Carlisle

**Date of Receipt:**  
06/05/2008

**Agent:**  
Jock Gordon

**Ward:**  
Belle Vue

**Location:**  
27 Beaver Road, Carlisle, CA2 7PS

**Grid Reference:**  
337388 555983

**Proposal:** Erection of Single Storey Side Extension to Provide Utility Room, WC, &  
Extended Living Room

### Amendment:

**Decision:** Grant Permission

**Date:** 09/06/2008

---

Between 17/05/2008 and 27/06/2008



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
08/0464

**Applicant:**  
Mr Christopher Fuller

**Parish:**  
Carlisle

**Date of Receipt:**  
13/05/2008

**Agent:**  
Co-ordinate (Cumbria)  
Limited

**Ward:**  
Botcherby

**Location:**  
18 Wood Street, Carlisle, Cumbria, CA1 2SF

**Grid Reference:**  
342273 555620

**Proposal:** Removal Of Load Bearing Wall To Enlarge Kitchen/Dining Area.  
Remove Side Wall To Stair And Introduce New Posts And Balustrading.  
Replace Existing Single Glazed Sash To Double Glazed Sash Window  
(LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0465

**Applicant:**  
Miss Amanda Steele

**Parish:**  
Carlisle

**Date of Receipt:**  
13/05/2008

**Agent:**  
Eskvale Business Services

**Ward:**  
Botcherby

**Location:**  
15 Oakleigh Way, Botcherby, Carlisle, CA1 2TE

**Grid Reference:**  
342438 555363

**Proposal:** Single Storey Side Extension To Provide Extended Bathroom And  
Bedrooms

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0466

**Applicant:**  
Mr P Byers

**Parish:**  
Hethersgill

**Date of Receipt:**  
07/05/2008

**Agent:**  
Rodney Jeremiah

**Ward:**  
Lyne

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

Croft Farm, Hethersgill, Carlisle, Cumbria, CA6 5QE

**Grid Reference:**

347712 567138

**Proposal:** Discharge Of Conditions 3, 4 And 5 Attached To Planning Approval  
07/0618

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0467

**Applicant:**  
Mr Gary Sisson

**Parish:**  
Hayton

**Date of Receipt:**  
07/05/2008

**Agent:**

**Ward:**  
Hayton

**Location:**

27 Cairn Crescent, Corby Hill, Carlisle, Cumbria,  
CA4 8QH

**Grid Reference:**  
347820 557120

**Proposal:** Erection Of A Two Storey Rear Extension To Provide Dining Room On  
Ground Floor With Bedroom Above (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0476

**Applicant:**  
Mr Johnstone

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
08/05/2008 15:36:24

**Agent:**  
Edenholme Building &  
Architectural Surveyors

**Ward:**  
Stanwix Rural

**Location:**

41 Jackson Road, Houghton, Carlisle, CA3 0NP

**Grid Reference:**  
341034 559466

**Proposal:** First Floor Rear Extension To Enlarge Bathroom

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 12/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0480

**Applicant:**  
AR Building Services Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
15/05/2008

**Agent:**

**Ward:**  
Castle

**Location:**  
Land Between 97-103 Newtown Road, Carlisle,  
Cumbria, CA2 7JB

**Grid Reference:**  
338627 555923

**Proposal:** Discharge of conditions 4 (materials); 5 (screen walls and boundary fences); 6 (hard surface finishes); 7 (access and parking provisions) and 10 (ground/floor levels) of application 05/0808

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0481

**Applicant:**  
Mr Richard Fox

**Parish:**  
Carlisle

**Date of Receipt:**  
09/05/2008

**Agent:**

**Ward:**  
Castle

**Location:**  
66 Shaddongate, Carlisle, CA2 5UD

**Grid Reference:**  
339426 555634

**Proposal:** Erection Of First Floor Rear Extension To Provide Bathroom (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/06/2008

---

Between 17/05/2008 and 27/06/2008

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
08/0483

**Applicant:**  
Mr Steven Hewitt

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
12/05/2008

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Rural

**Location:**  
13 Jackson Road, Houghton, Carlisle, Cumbria,  
CA3 0NW

**Grid Reference:**  
340958 559601

**Proposal:** Erection Of Two Storey Side Extension To Provide Replacement  
Garage, Utility, And Extended Kitchen On Ground Floor, With En-Suite  
Bedroom Above. Erection Of Single Storey Rear Extension To Provide  
Living Room & Lounge

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0485

**Applicant:**  
Mr Johnstone

**Parish:**  
Kingmoor

**Date of Receipt:**  
16/05/2008

**Agent:**  
Finesse PVCU Ltd

**Ward:**  
Stanwix Rural

**Location:**  
66 Edenside, Cargo, Carlisle, Cumbria, CA6 4AQ

**Grid Reference:**  
336829 559620

**Proposal:** Erection Of Conservatory To Rear

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0494

**Applicant:**  
Mr Alan Dane

**Parish:**  
Carlisle

**Date of Receipt:**  
16/05/2008

**Agent:**

**Ward:**  
Belah

**Location:**

**Grid Reference:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

1 Naworth Drive, Lowry Hill, Carlisle, Cumbria, CA3 339370 558662  
0DD

**Proposal:** Removal of Flat Roof over Kitchen and Erection of Single Pitched Roof  
**Amendment:**

**Decision:** Grant Permission

**Date:** 24/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0496

**Applicant:**  
Mr Barker

**Parish:**  
Carlisle

**Date of Receipt:**  
14/05/2008

**Agent:**  
Finesse Windows Ltd

**Ward:**  
Upperby

**Location:**  
Tudor Rose, Embleton Road, Upperby, Carlisle CA2  
4JU

**Grid Reference:**  
340867 553762

**Proposal:** Erection Of Rear Conservatory  
**Amendment:**

**Decision:** Grant Permission

**Date:** 23/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0497

**Applicant:**  
Mr Philip Day

**Parish:**  
Hayton

**Date of Receipt:**  
14/05/2008

**Agent:**  
Jock Gordon

**Ward:**  
Hayton

**Location:**  
Hayton House, Edmond Castle, Corby Hill, Carlisle,  
CA4 8QD

**Grid Reference:**  
349724 558592

**Proposal:** Discharge of Conditions 2 & 3 of Planning Approval 07/0669  
**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 13/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0498

**Applicant:**  
Mr Philip Day

**Parish:**  
Hayton

**Date of Receipt:**  
14/05/2008

**Agent:**  
Jock Gordon

**Ward:**  
Hayton

**Location:**  
Hayton House, Edmond Castle, Corby Hill, Carlisle,  
CA4 8QD

**Grid Reference:**  
349724 558592

**Proposal:** Discharge of Conditions 2 & 3 Of Planning Approval 07/0668 (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0499

**Applicant:**  
Mr Joseph Losh

**Parish:**  
Cumwhitton

**Date of Receipt:**  
15/05/2008

**Agent:**  
Jock Gordon

**Ward:**  
Great Corby & Geltsdale

**Location:**  
The Chapel, Cumwhitton, Carlisle, Cumbria, CA8  
9ER

**Grid Reference:**  
350800 552567

**Proposal:** Discharge Of Condition 4 (Reinstatement Of Boundary Wall) And 6  
(Details Of Verge Crossing) Of Application 08/0158

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0501

**Applicant:**  
Mr William Kirkup

**Parish:**  
Arthuret

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**  
15/05/2008

**Agent:**  
Jock Gordon

**Ward:**  
Longtown & Rockcliffe

**Location:**  
35 Swan Street, Longtown, Carlisle, CA6 5UZ

**Grid Reference:**  
338073 568737

**Proposal:** Discharge Of Condition 3 (Details Of Materials) Of Application 07//0500  
**Amendment:**

**Decision:** Grant Permission

**Date:** 24/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0511

**Applicant:**  
Mr Maurice Armstrong

**Parish:**

**Date of Receipt:**  
19/05/2008

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**

**Location:**  
Fauld Cottages, Longtown, Cumbria, CA6 5SN

**Grid Reference:**  
337978 566658

**Proposal:** Single Storey Rear Extensions To Provide 2 No. Bedrooms And Internal  
Alterations To Both Dwellings

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0550

**Applicant:**  
The Governors

**Parish:**  
Carlisle

**Date of Receipt:**  
27/05/2008

**Agent:**  
Crellin Surveying Services  
Ltd

**Ward:**  
St Aidans

**Location:**  
St Aidans County High School, Lismore Place,  
Carlisle, CA1 1LY

**Grid Reference:**  
340896 556020

**Proposal:** Discharge Of Conditions 2 (Access), 3 (Visibility Splays); 4 (Construction

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

And Drainage) And 5 (Access And Turning/ Parking Requirements) Of  
Application 08/0205

**Amendment:**

**Decision:** Partial Discharge of Conditions  
24/06/2008

**Date:**

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0553

**Applicant:**  
Mrs Sawyers

**Parish:**  
Carlisle

**Date of Receipt:**  
02/06/2008

**Agent:**  
John Lyon Associates Ltd

**Ward:**  
Morton

**Location:**  
72 Langrigg Road, Carlisle, CA2 6DH

**Grid Reference:**  
338802 554797

**Proposal:** Erection Of Single Storey Rear Extension To Provide Extended Kitchen  
**Amendment:**

**Decision:** Grant Permission

**Date:** 26/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0569

**Applicant:**  
Scaleby Parish Parochial  
Church Council

**Parish:**  
Scaleby

**Date of Receipt:**  
02/06/2008

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Scaleby Parish Church Hall, Scaleby, Carlisle

**Grid Reference:**  
344673 563105

**Proposal:** Discharge Of Condition 4 (Programme Of Archaeological Works) Of  
Application 08/0137

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/06/2008



## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/0570

**Applicant:**  
Mr Scott Fraser

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
03/06/2008

**Agent:**

**Ward:**  
Dalston

**Location:**  
Stable Cottage, Carleton, Carlisle, Cumbria, CA1  
3DZ

**Grid Reference:**  
342866 552805

**Proposal:** Discharge Of Condition 2 (Approval Of Materials) Of Application 07/0849  
**Amendment:**

**Decision:** Grant Permission

**Date:** 16/06/2008

---

Between 17/05/2008 and 27/06/2008

**Appn Ref No:**  
08/9015

**Applicant:**  
Humax Horticulture Ltd

**Parish:**  
Kirkandrews

**Date of Receipt:**  
22/05/2008

**Agent:**  
Cumbria County Council

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Solway Moss Works, Mill Hill, Gretna DG16 5TU

**Grid Reference:**  
333900 568250

**Proposal:** Peat Screen, Bunkers & Building, Feed Hoppers and Conveyors  
**Amendment:**

**Decision:** City Council Observation - Raise No Objection  
**Date:** 20/06/2008

---

