

# **Development Control Committee Main Schedule**

Schedule of Applications for  
Planning Permission

16th December 2005



## **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 \*22/10/2001 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 \*26/10/2001.

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



## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	05/0490 A	4 Cartmel Drive, Belle Vue South, Carlisle, CA2 7SE	DNC	1
02.	05/0767 A	Barclose Farm, Barclose, Scaleby	AJ	14
03.	05/1041 A	37 New Road, Dalston, CA5 7LA	RJM	49
04.	05/1078 A	Moorhouse Courtyard, Moorhouse Hall, Warwick-on-Eden, CA4 8PA	RJM	62
05.	05/1133 A	Gallo Rosso, Parkhouse Road, Kingstown, Carlisle, CA6 4BY	CJH	78
06.	05/1142 A	Gelt Mill, Castle Carrock, CA8 9NH	JT	88
07.	05/1146 A	2 Alby Terrace, Cumwhinton, Carlisle, CA4 0AU	JT	101
08.	05/1176 B	The Abattoir, Brunthill Road, Kingstown Industrial Estate, Carlisle	DNC	109
09.	05/1022 A	12 Vestaneum, Low Crosby, Carlisle, CA6 4PN	CJH	125
10.	05/0434 A	Land adjacent Eden Golf Club, Newby Grange, Carlisle, CA6 4RA	CJH	135
11.	05/0497 A	Watts Storage Depot, London Road, Carlisle	ARH	152
12.	05/0961 A	Cairn Garth Cottage, Heads Nook, Brampton,	ARH	209
13.	05/0967 A	Former Telephone Exchange, Cecil Street, Carlisle	AJ	218
14.	05/1035 A	Jesmond Street Garage, Jesmond Street, Carlisle, CA1 2DE	AMT	239
15.	05/1024 B	Flood Defence for River Eden & River Petteril, Carlisle	AMT	293

## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	05/9024 C	Yewdale School, Yewdale Road, Carlisle, CA2 7SD	RL	320
17.	03/1158 D	L/A between Graham Cottages and Cherry Garth, Talkin, Brampton	CJH	323
18.	04/0275 D	Creighton Rugby Football Club, Caxton Road, Newtown Industrial Estate, Carlisle	AMT	326
19.	05/0963 D	Dalston Library, 14 The Square, Dalston, CA5 7PY	BP	330
20.	05/1034 D	Dalston Library, 14 The Square, Dalston, CA5 7PY	BP	331
21.	05/1067 D	Dalston Library, 14 The Square, Dalston, CA5 7PY	BP	333
22.	05/1070 D	Dalston Library, 14 The Square, Dalston, CA5 7PY	BP	334
23.	05/1130 D	Greenlea, Buckabank, Dalston, CA5 7AA	RL	335

SCHEDULE A

SCHEDULE A

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SCHEDULE A

SCHEDULE A

## SCHEDULE A: Applications with Recommendation

05/0490

Item No: 01

Date of Committee: 16/12/2005

**Appn Ref No:**  
05/0490

**Applicant:**  
Paul Haliburton

**Parish:**  
Carlisle

**Date of Receipt:**  
18/05/2005

**Agent:**  
Mr G Tyler

**Ward:**  
Yewdale

**Location:**  
4 Cartmel Drive, Belle Vue South, Carlisle, CA2  
7SE

**Grid Reference:**  
336915 555285

**Proposal:** Erection of car port with bathroom above ( revised proposal)

**Amendment:**

1. Amended plans were submitted on the 11th November indicating on upper storey extension over the front half of the garage and a canopy extending from the front of the garage.

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### REPORT

#### Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination because a decision on the application was deferred at the Development Control Committee on 28th August to allow submission of revised plans and renotification of neighbours.

#### Planning Policies:

##### **Carlisle District Plan Housing - Proposal H14**

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

##### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy H11 Extensions to Existing Residential Premises**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and



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

05/0490

setting.

Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted. Extensions must be of an appropriate scale and not dominate the original dwelling.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP4 (CP15) Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objections.

### **Summary of Representations:**

#### **Representations Received**

## SCHEDULE A: Applications with Recommendation

05/0490

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 6 Cartmel Drive	19/05/05	
Mr & Mrs N Hird, 29 Lodore Drive	19/05/05	Objection
The Occupier / Owner, 1 Cartmel Drive	19/05/05	
Mr G A Thomson, 2 Cartmel Drive	19/05/05	Objection
The Occupier / Owner, 3 Cartmel Drive	19/05/05	
The Occupier / Owner, 30 Lodore Drive	19/05/05	

Publicity was given to the revised proposal by direct notification to the occupiers of adjoining properties. One verbal objection has been received from a neighbouring occupier who is concerned at the possible implications of soakaway while the method of disposal of surface water is addressed under the Building Regulations it should be noted that there is no increase in the area of hard surfacing or roof area.

Comments have also been received from a neighbour seeking assurances with regard to the bathroom window (which is to be fixed and with opaque glazing) materials (to match the existing), eaves and porch details (to ensure that they do not project into adjacent property) and clarification of the ownership boundary.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

A previous application for the erection a full depth two storey extension to provide a carport with one bedroom and bathroom above was withdrawn on 20 May 2005. (05/44).

Comments have also been received from a neighbour seeking assurances with regard to the bathroom window, (which is to be fixed and of opaque glazing) materials (to match existing), eaves and porch details (to ensure that they do not project into the adjacent property) and clarification of the boundary.

#### **Details of Proposal:**

Consideration of this application was deferred at the meeting of the Development Control Committee on 15 July 2005 for a site visit and to allow the applicant to exercise his right to speak. A decision on the application was further deferred at the Development Control Committee on the 28th August to allow submission of revised proposals and renotification of neighbours.

The application is for full planning permission for the erection of (1) a first floor extension to provide a bathroom and (2) a canopy to the side of a semi-detached property at 4 Cartmel Drive.

The proposed extension (which measures 4m by 2.8m) is above the front half of the garage and has a dual pitched roof with the ridge set back some 4m from the ridge of the main building and a metre lower.

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

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It will be constructed in materials to match the existing building. The sole window will be front facing.

The canopy will extend the full-width of the drive 2.4 metres to the front of the existing garage to provide a covered area between the side door and the garage, and will be supported by a single column adjacent to the boundary.

The application has to be considered against the objectives of Policy H14 of the Carlisle District Local Plan and Policy CP4 of the 2001-2016 Redeposit Draft and other material considerations. The aspects of these policies which apply to this proposal seek to ensure that:

1. extensions are appropriate to the dwelling, its design and setting; and,
2. the amenity of adjacent properties is protected from proposals which may adversely affect them through inappropriate scale, design or unreasonable overlooking.

The revised proposal is of a slightly unusual appearance which is the outcome of an iterative process which sought to find a satisfactory compromise between a requirement for enhanced accommodation on one hand and a neighbour rights to protection of residential amenity on the other. It is considered that the scale and form of the extension has been reduced and modified sufficiently to (1) minimise the dominant appearance of the extension when viewed from the neighbouring property and (2) provide an acceptable design solution.

The canopy, which is attached to the house wall and garage, is supported by a single column on the boundary with no.2. Although the canopy extends beyond the front door of the neighbouring property this is not considered to comprise an oppressive feature. (It should be borne in mind that the applicant could erect a 2m high fence along the boundary under permitted development rights).

With regard to impact on privacy of neighbouring properties, the bathroom window is front facing and at right angles to but approximately one and a half metres from the landing window of no.2. Provided the bathroom window is fixed and opaque there should not be a loss of privacy.

On balance therefore it is considered that the proposal accords with the provisions of the Development Plan and is recommended for approval.

### **Officer Appraisal:**

Section 54a of the Town and Country planning Act 1990 ,and 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 objections) indicate otherwise.

In consideration of this application Policy H14 of the Carlisle District Local Plan and

## SCHEDULE A: Applications with Recommendation

05/0490

Policy 25 of the Cumbria and Lake District Joint Structure Plan are relevant. Policy 25 requires that the siting, appearance, and, where appropriate, landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should also be in keeping with the local character of the townscape and, where appropriate, be in keeping with the local vernacular traditions. Policy H14 of the Local Plan requires that extensions are of good design and are of an acceptable scale.

The application represents revised proposals designed to address the issues raised during consideration of a previous application for a larger extension. While the scale has been reduced to minimise the dominant appearance of the extension when viewed from the neighbouring property, the amended proposals include a dormer window. Although this feature is set back behind the established building line it represents the introduction of an incongruous feature into the street scene.

Policy H14 also seeks to protect the amenity of adjacent properties from proposals which adversely affect them, through inappropriate scale, design or unreasonable overlooking.

A feature of both the applicant's and the objector's property is that both have the main house door and a landing window on the side of the house and the separation distance between the side wall (and their associated directly facing doors and windows) is only 4m. The distance from the side door and landing window of number 2 to the wall of the proposed extension will be substantially reduced if this proposal goes ahead.

The extension wall will present a dominant feature when viewed from number 2 and because the ground level of the applicant's property is approx 300mm higher than that of number 2, the effect will be exacerbated. Although the mass of the original proposal has been reduced, and the issue of the lack of privacy which results from the current overlooking situation has been addressed, the outlook direct from the door of number 2 will be onto a wall over 4m high only 1.3m away. The wall continues towards the street (with the height reducing to 3m) for a distance of over 2m.

The direct outlook from the window will also be mainly towards the wall 1.3m away and, indirectly upwards towards the side of a dormer, a further 0.5m away.

Attempts to seek a compromise by: (1) the use of columns instead of brick work to support the upper floor; and, (2) constructing a first floor extension over the existing garage as an alternative, have not achieved a mutually acceptable solution.

With regard to the issues raised by the objector:

1. The drawings are sufficiently accurate to demonstrate the relationship between the applicant's and the objector's properties
2. The issues regarding design and impact on residential amenity have been addressed above.

## SCHEDULE A: Applications with Recommendation

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The other issues raised are not considered to be material planning considerations.

On balance I consider that, although the revised proposal has come a considerable way in reducing the impact on the amenity of the adjacent property which arose from the original application, it has introduced an incongruous form of development into the street scene and, because of its scale and siting, will still have an unacceptable adverse effect on the amenity of the adjacent residential property.

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### Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above. The rights of the objectors are respected but in this instance it is not considered that there is any conflict significant enough to warrant the refusal of permission.

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### Recommendation: Grant Permission

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

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

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

**Reason:** To ensure the works harmonise as closely as possible with the

## SCHEDULE A: Applications with Recommendation

05/0490

- existing building and to ensure compliance with Policy CP4 of the Redeposit Draft Carlisle District Local Plan 2001-2016.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the bathroom window shall be obscure glazed (factor three or above) and non-opening, and thereafter retained as such, to the satisfaction of the Local Planning Authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policy H214 of the Carlisle District Local Plan and Policies CP4 and H11 of the Redeposit Draft (2001-2016).

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**Planning Services**

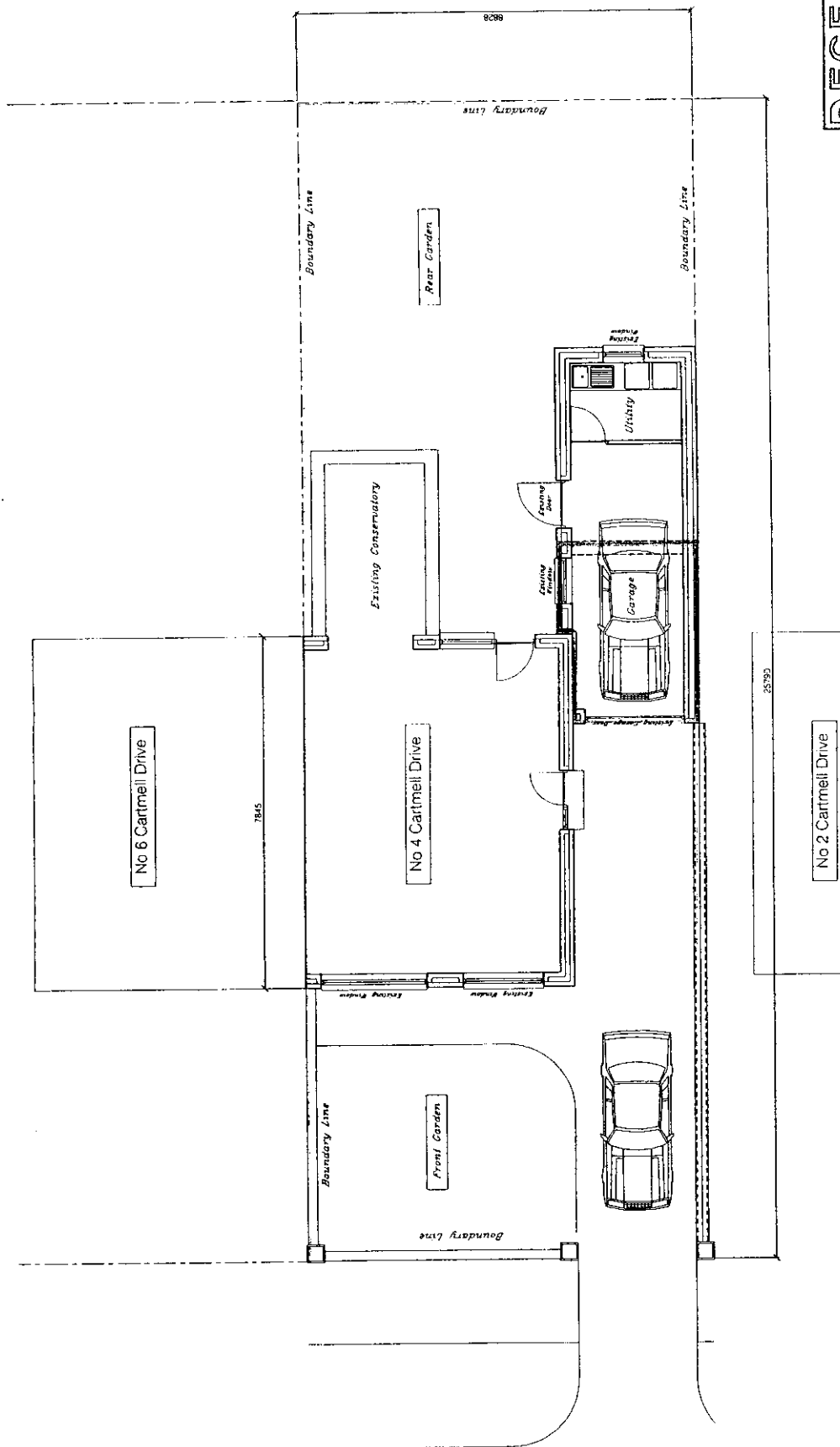
Head of Planning Services: Alan Eales DipTP MRTP  
 Civic Centre, Canine, CA3 8DC  
 Tel: (01223) 817000  
 Fax: (01223) 817199

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2005 0490

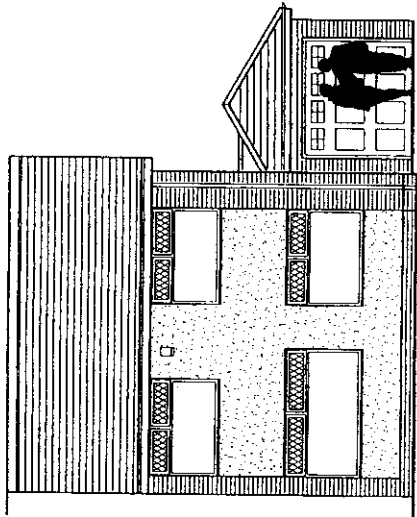


Site Block Plan  
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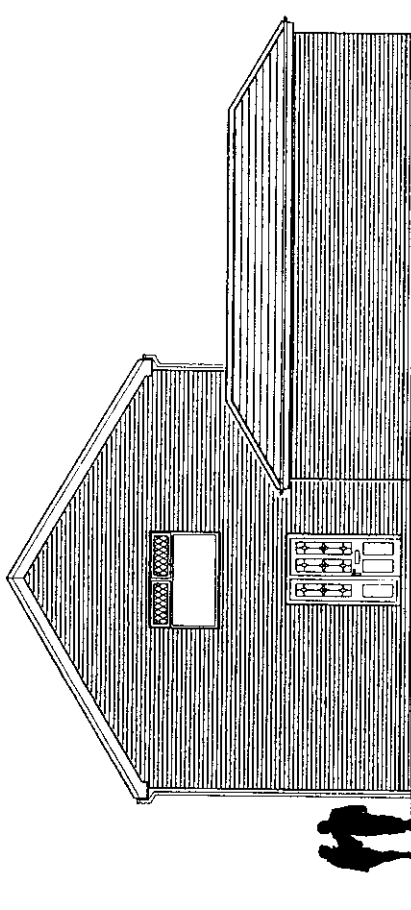
Rev	B	10/11/05	Amended Layout	Drawn By	G. Tyler
	A	01/10/05	Original Issue		Scale
					1:100
					Date
					1st October, 2005
					Drawing No
					PH/EXT/SBP Rev B
Proposed Bathroom Extension above Existing Garage to the Side Elevation of No4 Cartmel Drive, Carlisle, Cumbria for Mr. & Mrs. P. Halliburton					



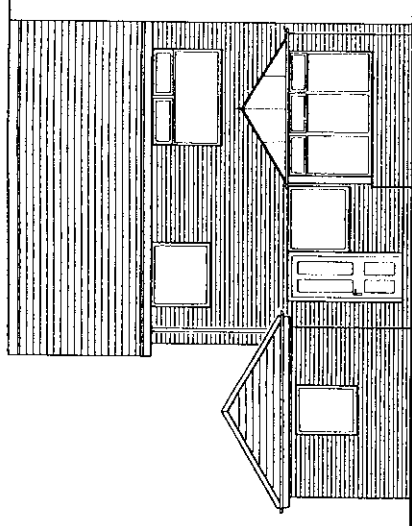
ROOF - All tiles to match existing in style, colour & texture  
 BRICKWORK - All brickwork to match existing in style, colour & texture  
 WINDOWS - Double UPVC Double Glazed



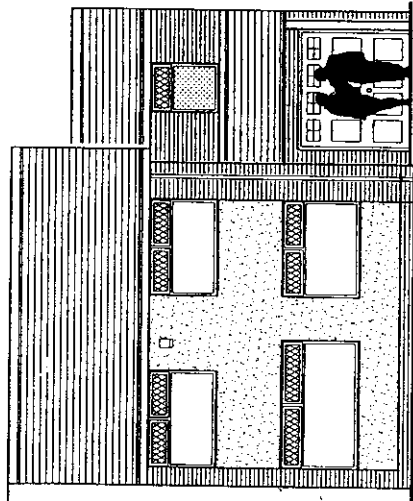
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 Scale 1:100



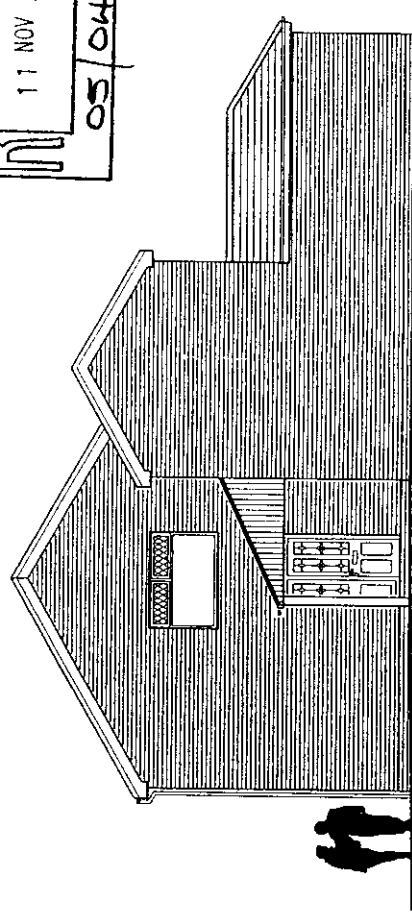
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 Scale 1:100



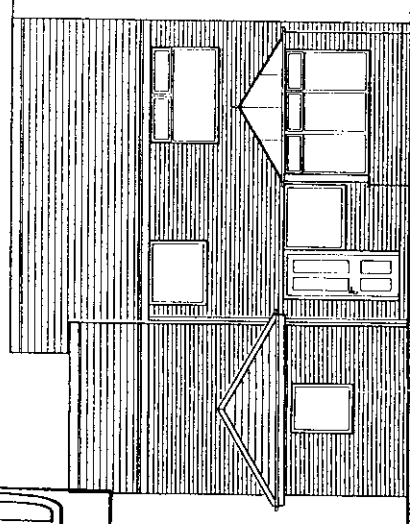
Existing Rear Elevation  
 Scale 1:100



Proposed Front Elevation  
 Scale 1:100



Proposed Side Elevation  
 Scale 1:100

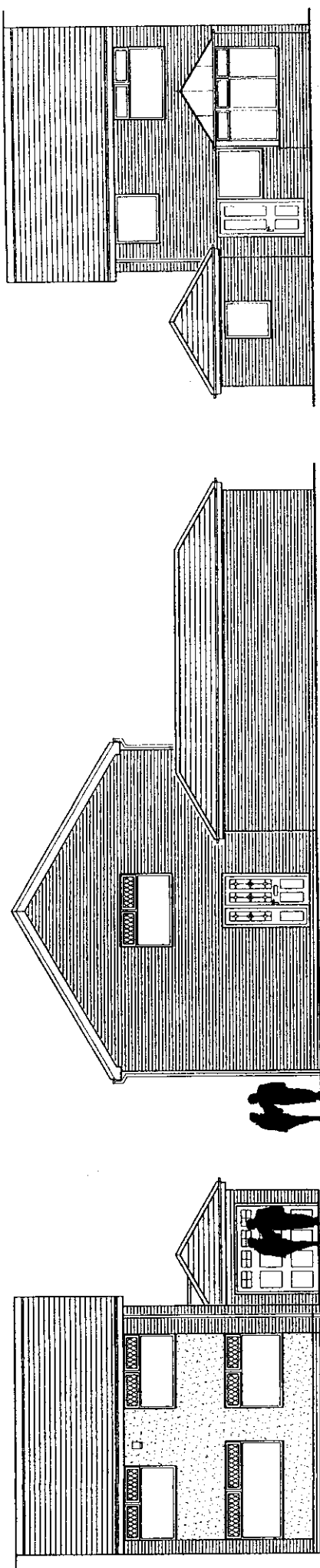


Proposed Rear Elevation  
 Scale 1:100

RECEIVED  
 11 NOV 2005  
 05/0490

Proposed Bathroom Extension above Existing Garage to the Side Elevation of No4 Cartmel Ave, Carlisle, Cumbria for Mr. & Mrs. P. Ouburton		Drawn By G. Tyler
Rev B A	Date 10/11/05 01/10/05	Scale 1:100
Description Amended Layout Original Issue	Drawing No PH/EXT/001 Rev B	Date 1st October 2005

ROOF - All tiles to match existing in style, colour & texture  
 BRICKWORK - All brickwork to match existing in style, colour & texture  
 WINDOWS - Pk10 UPVC Double Glazed



Existing Front Elevation  
 Scale 1:100

Existing Side Elevation  
 Scale 1:100

Existing Rear Elevation  
 Scale 1:100

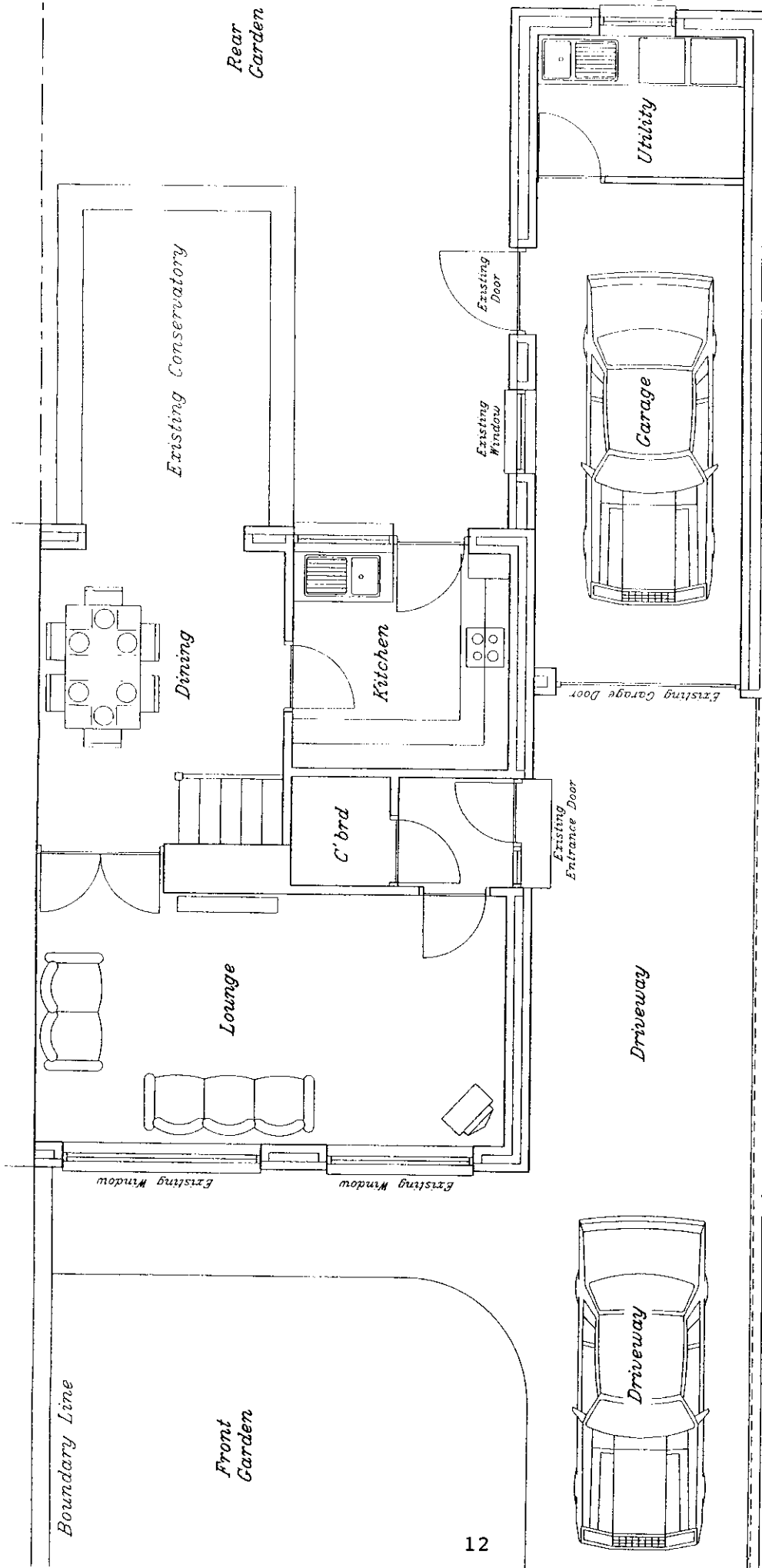
Proposed Front Elevation  
 Scale 1:100

Proposed Side Elevation  
 Scale 1:100

Proposed Rear Elevation  
 Scale 1:100

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 11 NOV 2005  
 DS 0490

Proposed Bathroom Extension above Existing Garage to the Side Elevation of No4 Cartmel Drive, Carlisle, Cumbria for Mr. & Mrs. P. Halliburton		Drawn By	G. Tyler
B	10/11/05	Amended Layout	Scale 1:100
A	01/10/05	Original Issue	Date 1st October, 2005
Rev	Date	Description	Drawing No PH/EXT/002 Rev B



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11 NOV 2005  
05/0490

Existing Ground Floor Plan  
Scale 1:50

Proposed Bathroom Extension above Existing Garage to the Side Elevation  
of No4 Cartmel Ave, Carlisle, Cumbria for Mr. & Mrs. P. H. Burton

Rev	Date	Description
B	10/11/05	Amended Layout
A	01/10/05	Original Issue

Drawn By	G. Tyler
Scale	1:50
Date	1st October 2005
Drawing No	PH/EXT/003 Rev B



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

05/0767

**Item No: 02**

**Date of Committee: 16/12/2005**

**Appn Ref No:**  
05/0767

**Applicant:**  
Mr & Mrs C Hogg

**Parish:**  
Scaleby

**Date of Receipt:**  
27/07/2005

**Agent:**  
Mr R Wood

**Ward:**  
Stanwix Rural

**Location:**  
Barclose Farm, Barclose, Scaleby

**Grid Reference:**  
344200 562870

**Proposal:** Conversion of redundant outbuilding to 50 seater restaurant with kitchen and car parking

**Amendment:**

1. Changes to the extent of the extension and parking arrangements and access.

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## **REPORT**

### **Reason for Determination by Committee:**

The application is before the Committee due to the receipt of both letters of support and objection in relation to the proposal.

### **Planning Policies:**

#### **Carlisle District Plan Environment - Policy E8**

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any existing wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open

countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

### **Carlisle District Plan Employment - Proposal EM11**

Within the rural area proposals for the reuse and adaptation of buildings (of permanent construction) for commercial, industrial or recreational uses will be acceptable subject to the following criteria:

1. The form, bulk and general design of the buildings are in keeping with the surroundings;
2. Adequate access and appropriate parking arrangements are made;
3. Any increased traffic generated by the proposal can be accommodated by existing highway network;
4. There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape.

### **Carlisle District Plan Transport - Proposal T1**

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

### **Carlisle District Plan Transport - Proposal T7**

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

### **Carlisle District Plan Housing - Proposal H17**

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or

3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

### **Carlisle District Plan Environment - Policy E26**

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable adverse impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted providing that:

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

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft POLICY LE7 Buffer Zone of Hadrian's Wall World Heritage Site**

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable adverse impact on the character and/or setting of the World Heritage Site will not be permitted.

Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this Plan, providing that:

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

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

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP5 Residential Amenity**

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

1. is for a use inappropriate for residential areas; and/or
2. is of an unacceptable scale; and/or

3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy EC10 Food and Drink**

Within the Plan area, proposals for uses within Use Class A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) will be approved provided that:

1. The proposal does not involve unacceptable disturbance to occupiers of residential property; and
2. The proposal does not involve unacceptable intrusion into open countryside; and
3. The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
4. Appropriate access and parking can be provided; and
5. Throughout the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

Proposals for A3, A4 and A5 related uses should be situated in accessible locations, within or adjacent to existing centres in line with the sequential approach in PPS6 unless material considerations dictate otherwise.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy EC11 Rural Diversification**

Development proposals to diversify and expand upon the range of economic activities undertaken in rural areas will be encouraged where the proposal re-uses or adapts existing traditional buildings (of permanent construction) for commercial, industrial or recreational uses. Any new building required as part of a diversification scheme must be well related to an existing group of buildings to minimise its impact, blending satisfactorily into the landscape through the use of suitable materials, design and siting. Proposals should:

1. Be complementary to or compatible with the agricultural operations in the rural area; and
2. Be compatible with the character and scale of the operation and its landscape character; and
3. Not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and
4. Be capable of providing adequate access and parking arrangements.

Conversion of premises (of permanent construction) to live/ work units will be



acceptable providing that they maintain the character of the original building and be in the region of 60% residential to 40% employment use. Permission for later conversion of the employment part will not be acceptable unless replacement employment use is provided in adjacent premises.

#### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy EC12 Sustaining Rural Facilities and Services**

Outside the key service centres of Brampton and Longtown, the change of use of a local shop, public house, post office, doctor's surgery, dental surgery, school, bank, church/ chapel, village hall or other facility considered important to the community will only be permitted where it can be demonstrated that:

1. Its current use is no longer viable and there is currently scope for an alternative community use; and
2. There is adequate alternative provision in the locality to serve the local community; and
3. All options for their continuance have been fully explored.

Proposals for the development of or extension to village services and facilities, including proposals which will assist in their retention, will be permitted provided that:

1. The scale and design does not adversely affect the local built environment and respects local landscape character; and
2. It does not have an adverse impact upon residential amenity; and
3. Appropriate parking and servicing arrangements can be made.

#### **Carlisle District Local Plan 2001 - 2016 Redeposit draft POLICY T1 Parking Guidelines**

The level of car parking provision for development will be determined on the basis of the following factors:

1. the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
2. the availability of public car parking in the vicinity;
3. the impact of parking provision on the environment of the surrounding area;
4. the likely impact on the surrounding road network; and
5. accessibility by and availability of, other forms of transport.

#### **Cumbria & Lake District Joint Structure Plan Policy 1**

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

#### **Cumbria & Lake District Joint Structure Plan Policy 25**

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

### **Cumbria & Lake District Joint Structure Plan Policy 38**

In rural areas, the development or conversion of premises for small scale employment uses will normally be permitted, except where there is a damaging impact on the local environment or in the case of new development where the proposal is in the undeveloped open countryside.

### **Cumbria and Lake District Joint Structure Plan 2001 – 2016 Modifications Policy ST3: - Principles applying to all new development**

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
  - a) the appropriate reuse of existing buildings worthy of retention, followed by
  - b) the reuse of previously developed land and only then
  - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
  - a) sites with little or no flood risk, followed by
  - b) sites with low or medium flood risk, and only then
  - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public

and private open spaces,

7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

### **Cumbria and Lake District Joint Structure Plan 2001 – 2016 Modifications Policy ST7: Development to sustain rural communities**

Small scale development to help sustain local services, meet local needs or support rural businesses will be permitted in towns and villages defined as Local Service Centres in Local Plans. It will be the exception for new development to be located in the open countryside.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objection subject to a number of highway conditions.

Further comments received on 2 November 2005 read as follows:

Twenty one parking spaces are indicated on the submitted plan, which includes one disabled space and two spaces for the residents. The disabled space is located some distance from the public entrance to the restaurant. For 'end on parking' arrangements, a parking space length of 6m would be required in order for vehicles to be safely manoeuvred into and out of each parking bay. Therefore, four cars parked in bays 15 to 18 would in effect block the disabled space and parking bay 1. It would only be possible to park one vehicle in bays 13/14 and in the residents parking area. This would result in the loss of some four or five parking spaces. With regard to service delivery vehicles, it would not be possible to turn within the curtilage of the site. This would result in this type of vehicle having to manoeuvre onto or off the public highway, which would be detrimental to road safety.

**Scaleby Parish Council:** No objections subject to the imposition of appropriate planning conditions to safeguard the amenity of adjoining and nearby residents.

**English Heritage:** We do not wish to comment in detail, but offer the following general observations. Although the site lies within the defined setting of the Hadrian's Wall World Heritage Site, in our opinion its scale and nature is such that it is highly unlikely to have an adverse impact on this setting. As such, although we would always suggest that you should consult with your own conservation staff when

conversion of a farm building is proposed, in this case we would not wish to sustain an objection. We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However if you would like further advice please contact us to explain your request.

**English Nature:** No written response but a verbal one stating no objection subject to an informative relating to bats, details of bat survey consultants were also provided.

**Commercial & Technical Services - Drainage Engineer:** The applicant indicates disposal of foul sewage to a private sewage treatment plant or septic tank. The applicant must make sure through the Building Control process that the plant is adequately sized to meet treatment demand. The applicant must also obtain any necessary consent for the plant from the Environment Agency and planning permission if the plant serves more than one property.

The applicant indicates disposal of surface water to a watercourse. However, in the first instance the applicant should investigate the use of soakaways for surface water disposal rather than to a watercourse, as this is the most sustainable method. The proposed site is located within a flood risk area and as such the applicant should consult with the Environment Agency for advice.

**Environmental Protection Services:** This Division has no objections in principle to this application, however to minimise possible odour nuisance the applicant has agreed to ensure that the extract ventilation system will exit at the far side of the building away from the domestic residences. Also no openable windows will be placed on the side nearest to the resident's bungalows.

**Planning Services - Access Officer:** This appears to be OK as far as access is concerned. However, the design details are important. I have attached a list of design guidance details, for information, which should be followed in order to comply with the new Approved Document M. The relevant areas on the list are checked on any Building Regulations application.

One area of concern is the door position and location of the wheelchair accessible WC. The regulations state that it should 'not be located in a way that compromises privacy' Opening straight onto to the dining area could be considered as lacking in privacy for a disabled person and not a very nice view for diners. Perhaps the architect might like to consider an alternative before making an application for Building Regulations approval.

Further verbal comments have been received on the 30 November raising the following concerns:

The access and approach for Disabled People from the parking place to the entrance has to be safe. Concerned over the distance of the disabled parking space from the entrance. A hatched area is required to the rear of the parking space to allow for rear access to the vehicle.

**Environment Agency (N Area (+ Waste Disp)):** No objection subject to a condition

relating to the foul drainage.

**Cumbria County Council - (Archaeological Services):** No objection subject to a condition requiring an implementation of a programme of archaeological works condition.

**Planning Services - Local Plans:** Verbal concerns expressed in relation to the scale and location.

Further comments have been received which raise the following:

Having considered the proposal it appears to raise some significant policy issues.

Barclose is a small isolated hamlet in the open countryside situated in Scaleby Parish in the north of the district. Due to its size, approximately 22 houses and expansion and as such has not been identified in Policy DP1 of the Redeposit Carlisle District Local Plan as a sustainable development location.

Policy DP1 of the redeposit Carlisle District Local Plan, Sustainable Development Locations, identifies locations within which development will be considered favourably, development outside the listed settlements is severely restricted due to the location being considered unsustainable it is therefore necessary for the applicant to demonstrate the need for the proposed development to be situated in the location specified. No settlements within the entire Scaleby Parish are identified in Policy DP1 of the redeposit draft, which reflects the isolated nature of the settlements within the parish, and as a result the limited alternative transport options on offer.

Policy ST3 of the JSP Proposed Modifications (September 2005) sets out the principles that should be applied to all new development including alterations to existing buildings. The key points of the policy that specifically relate to this proposal are to 1) seek locations which are sustainable and reduce the need to travel, 2) seek sites that are or will be made accessible by public transport, walking or cycling, this proposal is contrary to these criteria as it is unlikely that the majority of customers would choose to walk or cycle or have the opportunity to utilise public transport to visit the proposed restaurant. The JSP modifications states that all new development in the rural area should be directed to key and local service centres as defined in the redeposit local plan.

Policy ST7 'Development to Sustain Rural Communities' recognises the importance of supporting small scale development to help sustain local services and support rural businesses, it however states that this should be focused in local service centres and that only in exceptional circumstances should it be located in the open

countryside. There is a question about the scale of the proposal, 40 seat capacity and whether this is actually providing for local needs and whether this policy is relevant in assessing this application.

The nature of this proposal, being a restaurant in an isolated hamlet it is likely to generate a large number of visits that will be reliant upon the private car as its location restricts any alternatives. PPS7 Sustainable Development in Rural Areas states that accessibility should be a key consideration in all development decisions. Most developments which are likely to generate a large number of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling, this guidance is consistent with policies set out in PPG13 Transport.

Aside from the issue of sustainability the proximity of the proposed restaurant to the adjacent residential property appears to be unsatisfactory on residential amenity grounds. The limited distance between the proposed kitchen and the neighbouring property raise concerns about noise as well as other adverse effects, which may be detrimental to the neighbouring occupiers, which is contrary to Policy H17 of the Carlisle District Local Plan.

In summary questions are raised over the principle of this type and scale of development in the proposed location on the grounds of sustainability, additionally there is a significant residential amenity issue.

I also to refer to policy S10 Food and Drink in relation to the amenity issue and location and EC10 Food and Drink (redeposit draft) which is essentially the same as S10 but includes the requirement for A3, A4, A5 uses to be located in accessible locations refers to the sequential approach.

### **Summary of Representations:**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
The Occupier / Owner, The Beeches	27/07/05	
The Occupier / Owner, Wayside	27/07/05	
The Occupier / Owner, Alby House	27/07/05	
The Owner / Occupier, Beech Tree	01/08/05	
Chris & Jen Blagden, Waterbeck	01/08/05	Objection
The Owner / Occupier, The Oaks	01/08/05	
The Owner / Occupier, The Shrubbery	08/08/05	
Mr & Mrs Grieves, West View	08/08/05	Support
Penrith Farmers and Kidd, Agricultural Hall		Objection
Mr & Mrs Marston, East Highberries Farm		Support
Scaleby Welfare Committee, c/o Judith Abbott		Petition

Revd D B Mills, The Barn	Support
Mr & Mrs Thornlinson, Park View Farm	Support
D R & M Potts, 2 Scaleby Hall Cottages	Support
T & G Moore, Meadow House	Support
Mrs J C Harrison, Highberries Lodge	Support
Mr & Mrs Marston, Greenacres	Support
J A Thompson, Woodhead	Support
James & Clare Bell, Croft House	Support
Mr & Mrs P Sheenam, Highfield Grange	Support
T A & M H Thompson, Oaklands	Support
Jean Musgrave, Brown Dyke	Support
N & J Davis, Motte Cottage	Support
John Marston & Joanne Scott, Tanside	Support
Cllr Mrs M L Bowman - Stanwix Rural	Comment Only
Cllr E Firth - Stanwix Rural	Comment Only

This application has been advertised by means of a site notice and notification letters sent to seven neighbouring properties.

Seventeen letters of support have been received one of which is anonymous but stating that a group named 'The Supporters of Barclose Bistro/Restaurant Association' has been set up. One of the letters is from Scaleby Welfare Committee which has been signed by 13 people. The letters raise the following points.

- This is a much needed facility in this rural area
- Existing establishment run by the Applicant is very good
- This will help bring village life back
- Will encourage people to live and work in the rural area
- Parish Council are in favour of it
- There is adequate parking
- The issues relating to noise, smell and light pollution can be governed by planning
- Currently need to travel to Carlisle to eat out

Three letters of objection have been received one is from an Agent who is acting on behalf of a number of local residents, one letter is also from the same Agent in response to the amended plans the letters raise the following concerns.

- The site boundary is not accurate
- The proposal would be build on the objectors land in that the foundations would underpin.
- The proposal is contrary to sustainability advice contained within PPS7 in that it is in a location that would encourage the use of the car
- The proposal does not comply with CP1 of the Local Plan
- That the proposal would have an effect on the World Heritage site in that there would be an increase in traffic.
- Proposal is contrary to Local Plan Policy EC11 in that there is not adequate parking and the proposal would have an affect on the residential amenity of the neighbouring property
- A disabled parking space has been identified on the forms but not on the plans, where is it?
- Concern that overspill parking would occur on the grass verges and affect highway safety

- The level of parking is below the standard set in the Parking Guidelines
- It is debatable whether the parking spaces proposed could be used
- Disturbance from activity, noise and smells
- Concern over the effect of the lighting
- The site location plan is out of date as the neighbouring properties are not identified on the plan
- Details of the drainage system should be submitted as part of the application as to cope with the proposal it would have to be a large system

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

There is no planning history related to this actual site.

#### **Details of Proposal:**

This application seeks full planning permission for the conversion and extension of a barn to provide a restaurant to seat 40 people. The extension provides approximately a further 40 sqm in floor area. 19 car parking spaces have been offered. The barn is associated with Barclose Farm, (which is no longer an operating farm), which is part of the collection of properties known as Barclose situated within otherwise open countryside. The site is located adjacent to existing residential properties and is within the buffer zone area of the Hadrian's Wall World Heritage Site.

There are a number of issues relating to this proposal, which will be addressed within this report.

In consideration of this application a number of local plan policies within the adopted Carlisle District Local Plan and the Redeposit draft version are of relevance. These are:

Carlisle District Local Plan – E8, EM11, T1, T7, H17, and E26  
 Redeposit - LE7, DP1, CP5, EC10, EC11, EC12 and T1  
 Cumbria and Lake District Joint Structure Plan – Modification – ST3 and ST7.

PPS7 - Sustainable Development in Rural Areas, PPS1 - Delivering Sustainable Development and PPG 13 - Transport are also relevant in the determination of this proposal.

A number of letters of support (17) in total have been received in relation to this scheme, out of the 17, three are from residents of Barclose and the remaining are from residents of either the nearby village of Scaleby or the Carlisle area.

#### **The Location and Principle of development**

It is considered that there are no objections to the design of the proposed conversion, the main issue is the proposed use.



PPS7 states that *'away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together. This should help to ensure these facilities are served by public transport and provide improved opportunities for access by walking and cycling. These centres (which might be a country town, a single large village or a group of villages) should be identified in the development plan as the preferred location for such development.'* The Agent has stated in his supporting information that this quote is in relation to developments that generate a large number of trips, it is considered that although the agent has suggested that only 14 additional cars would visit the site (excluding service vehicles) due to the remote location this represents a large increase in vehicle movement for this location. The application form states that 20 cars plus 2 vans are expected to visit the site daily.

Barclose is a small isolated hamlet in the open countryside situated in Scaleby Parish in the north of the district. Due to its size, approximately 22 houses, and lack of services it has not been identified in Policy DP1 of the Redeposit Carlisle District Local Plan as a 'sustainable development location'.

Policy DP1 of the Redeposit Carlisle District Local Plan, 'Sustainable Development Locations', identifies locations within which development will be considered favourably. Development outside the listed settlements is restricted due to the location being considered unsustainable. It is therefore necessary for the applicant to demonstrate the need for the proposed development to be situated in the location specified. No settlements within Scaleby Parish are identified in Policy DP1 of the redeposit draft, which reflects the isolated nature of the area.

Policy ST3 of the Joint Structure Plan Proposed Modifications (September 2005) sets out the principles that should be applied to all new development including alterations to existing buildings. The key points of the policy that specifically relate to this proposal are to 1) seek locations which are sustainable and reduce the need to travel, 2) seek sites that are or will be made accessible by public transport, walking or cycling. This proposal is contrary to these criteria as it is unlikely, given the location of the premises, that the majority of customers would choose to walk or cycle or have the opportunity to utilise public transport to visit the proposed restaurant. The Joint Structure Plan modifications state that all new development in the rural area should be directed to key and local service centres as defined in the Carlisle District Local Plan Redeposit Draft.

Policy ST7 'Development to Sustain Rural Communities' recognises the importance of supporting small scale development to help sustain local services and support rural businesses. However, the Policy states that this development should be focused in local service centres and that only in exceptional circumstances should it be located in the open countryside.

The nature of this proposal, being a restaurant in an isolated hamlet, is likely to generate a large number of visitors that will be reliant upon the private car as its location restricts alternatives. PPS7 Sustainable Development in Rural Areas states that accessibility should be a key consideration in all development decisions. Most developments which are likely to generate a large number of trips should be located

in or next to towns or other service centres that are accessible by public transport, walking and cycling. This guidance is consistent with policies set out in PPG13 Transport.

The site is located within the open countryside in the small hamlet of Barclose. The principle of a development of this scale in this location is a primary factor in the determination of this application. It is considered that the siting of a restaurant in this location is unsubstantiated and contrary to Policies DP1 of the Redeposit Local Plan and ST3 and ST7 of the Structure Plan (Modifications).

### **Identified need**

PPS7 further requires that a need is to be identified for new or expanded services to strengthen the role of a particular local service centre. The Agent is correct in stating in the supporting information that paragraph 4 of PPS7 states that the LPA should allow development in non service centres and remote areas to meet a need.

PPS7 does support rural diversification and reuse of buildings for commercial use if there is an identified need.

However in this instance, no specific need has been identified and submitted as part of this application other than the reliance on the 17 supporting letters that have been received as part of the consultation process. It is considered that there has been insufficient justification provided to outweigh the environmental disbenefits of the proposal contrary to Policy DP1 of the Carlisle District Local Plan Redeposit Draft, ST3 of the Cumbria and Lake District Joint Structure Plan Modifications to allow the proposal as an 'exception' to the general advice of Policy ST7.

Policy EC10 Food and Drink (redeposit draft) is essentially the same as S10 but includes the requirement for A3, A4, A5 uses to be located in accessible locations referring to the sequential approach. No sequential approach has been carried out and thus the proposal is contrary to Policy EC10.

### **Highway issues**

The original scheme was for a 50 seater restaurant and provided 16 car park spaces. However, after concerns being raised, the scheme has been amended to a 73.5m<sup>2</sup> restaurant area and 12.2m<sup>2</sup> bar area and 21 car parking spaces provided (including 2 spaces for the existing dwelling). The description of the scheme has changed from referring to number of seats to square metres to allow the Highway Authority to assess the number of parking spaces required in relation to floor area and not seats since seating numbers could change. The amendments proposed to allow for the increase in car parking spaces relocate the existing entrance to further away from the road junction utilise part of the existing highway verge.

In consideration of the highway element of this proposal all of the Local Plan policies make reference to the requirement for adequate parking provision and for no unacceptable impact to occur on the existing road network. Policy T1 of the adopted plan seeks to ensure that developments can be accessed by a range of transport modes. However due to the location of the development, the car (either private or taxi) is the only option, other than in limited circumstances by bike due to the rural

location.

The parking spaces are to serve not only the proposed restaurant, but also the staff parking and parking for the existing dwelling at Barclose Farm. The applicants are the residents of the property and they will also run the restaurant. The application form indicates that only 3 people will be employed in this business. The Applicants have confirmed in a supporting letter that they will be working in the restaurant and intend to recruit staff from Barclose and within walking distance. If future transport is required the applicants will collect and deliver staff from their homes. Although the applicant has the best of intentions, it would be impossible for the Planning Authority to control where staff live and, therefore, parking spaces must be made available for staff unless the permission is linked to the dwelling. Cycle parking is provided within the scheme to accommodate an alternative mode of transport.

Due to its location in an area where there is no regular bus service and it is not within a service settlement, the users of the restaurant would generally arrive by vehicle therefore adequate parking is an important factor. In the event that the car park is full the only area to park would be on the adjacent narrow country lanes, which could potentially cause a road traffic safety issue and would be a potential nuisance to the nearby neighbours.

Members will note that in response to the amended plans, the Highway Authority has raised concerns over the parking provision. Although 21 spaces have been identified on the plan (which is the required number), they are not the recommended length which results in only 16 of the required 21 being usable. These 16 spaces would serve the restaurant, the residents and the staff for the development. No provision for service delivery vehicles has been identified. However the agent has stated that the car park will be empty at the times when the service delivery arrives in the morning. This cannot be guaranteed and in the absence of dedicated service provision would result in the service vehicles either driving into the site and then reversing out, or reversing in, both of which are potential highway hazards. It is considered that this inadequate provision of parking spaces for a development and service delivery provision is unacceptable. Due to the location the development being heavily reliant on the private car and having inadequate parking provisions it is considered the proposal is contrary to Policy T7 of the adopted Local Plan and T1 of the Redeposit Draft and criteria 3 of Policy E8 of the Adopted Plan and criteria 2 of Policies EM11 and EC12.

### **Residential Amenity**

The site is adjacent to residential properties. The original scheme has been amended as the proposal encroached on the boundary with the neighbouring property. The scheme has now been amended to ensure that the entire proposal is within the applicants ownership including the foundations and guttering. The kitchens have been proposed within the western part of the barn, which is closest to the windows and side door of the adjacent residential property (photographs A and B are reproduced after this report to illustrate the relationship). Members will also recall the close proximity of the residential unit from the site visit.

The bin store is proposed adjacent to the side door. Within the amended scheme minimal details of the extraction system and external lighting have been provided.

However in the event of an approval these could be conditioned. The occupier of the neighbouring property has expressed concerns relating to the proposal and photographs and plans are reproduced after this report to show the close proximity of the existing barn from the neighbouring property.

In relation to residential amenity, it is difficult to substantiate an objection in relation to the close proximity of the immediate residential property as this relationship is replicated many times within the Carlisle District area and elsewhere. However it is considered that, given the quiet nature of this rural area, the introduction of a restaurant of this size would have a wider adverse effect on the amenities of the neighbouring residents in relation to levels of noise, traffic generation and disturbance particularly in the evening. It is considered that the proposal is contrary to Policy EC10 of the redeposit and S15 of the adopted Local Plan.

### **Conclusion**

In conclusion, the proposal is considered unacceptable on three grounds; no need has been established to justify this use in an unsustainable location; due to site constraints insufficient parking provision has been provided which would be to the detriment of the surrounding area; and the introduction of this use in this quiet countryside location would have implications on increase in noise, odour and general level of visitors to the area to the detriment of the quality of amenity of neighbouring residents.

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### **Human Rights Act 1998**

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

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

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

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

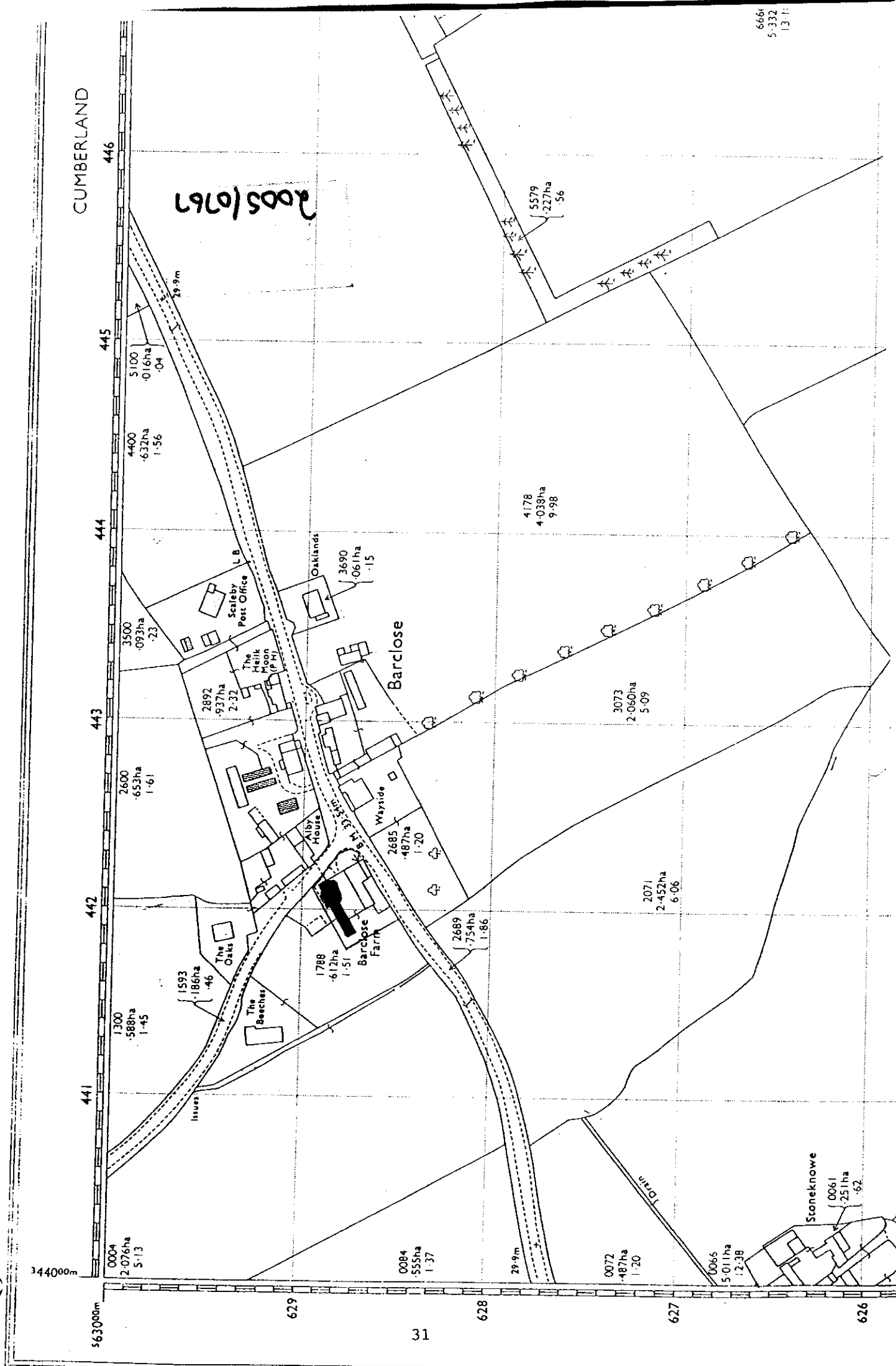
**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

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

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### **Recommendation: Refuse Permission**

- 1. Reason:** Insufficient usable parking spaces have been provided to serve the restaurant, the residents and the staff for this development, also no provision for service delivery has been identified. It is considered that this inadequate provision of parking spaces for a development in this location and no service delivery provision is unacceptable. Due to the location and the development being heavily reliant on the private car it is considered that this inadequate parking provision could lead to highway safety problems contrary to Policy T7, criteria 3 of Policy E8 and criteria 2 of EM11 of the Carlisle District Local Plan and T1 and EC12 of the Carlisle District Local Plan Redeposit Draft.
  - 2. Reason:** The site is located within the open countryside within the small hamlet of Barclose. The principle of the development of this scale in this location is a primary factor in the determination of this application and it is considered that the siting in this location is unsubstantiated and in this instance no specific need has been identified and submitted as part of this application other than the reliance on the 17 supporting letters that have been received as part of the consultation process. It is considered that there has been insufficient justification provided to outweigh the environmental disbenefits of the proposal contrary to Policy DP1 of the Carlisle District Local Plan Redeposit Draft and Policies ST3 and ST7 of the Cumbria and Lake District Joint Structure Plan Proposed Modifications (September 2005) and the principles of PPS7. Also insufficient information has been submitted to ensure that all alternative options for the siting of this proposal have been thoroughly assessed in accordance with Policy EC10 of the Carlisle District Local Plan Redeposit and PPS6.
  - 3. Reason:** The quiet nature of this rural area and the introduction of this proposal would have an adverse effect on the residential amenity of the neighbouring residents and the surrounding area by virtue of the increase in visitor numbers and noise associated with this. It is considered that the proposal is contrary to policy EC10 of the Carlisle District Local Plan Redeposit and S15 of the adopted Carlisle District Local Plan.
-



This architectural floor plan depicts a building with a semi-circular dome on the right side. The interior is divided into several rooms and corridors. A large, open space occupies the lower right, adjacent to the dome. To its left is a long, narrow corridor or hallway. Further left, there are several smaller rooms and a larger, irregularly shaped space. The plan includes numerous lines representing walls, doors, and furniture, such as what appears to be a long table or counter in the central area. The overall layout suggests a functional building, possibly a school or administrative building, given the presence of a dome and the organized arrangement of spaces.

**TSADA BUILDING DESIGN SERVICES**

**Trends Collage, Langhorne, Curly's, Cumbria, CA6 5HA**  
Telephone: (0)1287 79180  
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**Job title**

STOCKS AND BONDS  
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### Arbeitsvertrag

Client

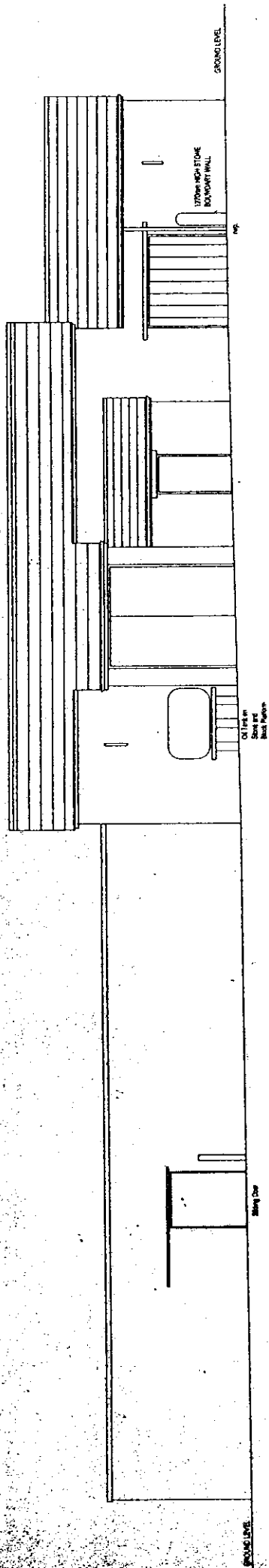
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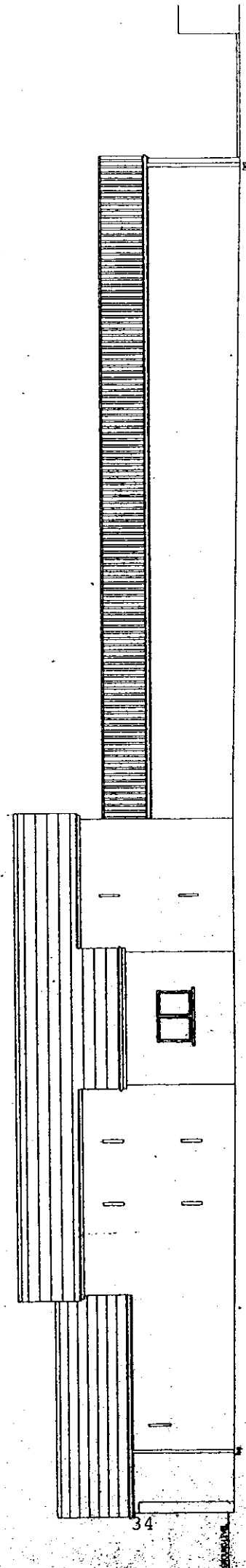
**Dr. N.**



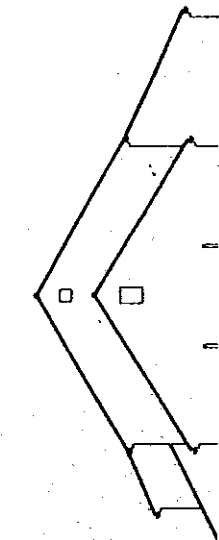
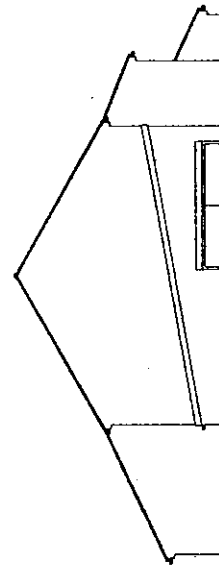




EXISTING FRONT ELEVATION Scale 1:50



EXISTING REAR ELEVATION Scale 1:50



# TSADA BUILDING DESIGN SERVICES

TSADA Building Design Services, LLC  
10000 10th Street, Suite 100  
Boulder, CO 80501  
Phone: (303) 440-1111  
Fax: (303) 440-1112

Drawn by  
J. SANDERSON

Date  
13/08/05

Assemblies

Client  
Mr & Mrs C Hoag

Barbours Farm

Scenery

Carriage

Dwg No.

3/72005/3

Scale

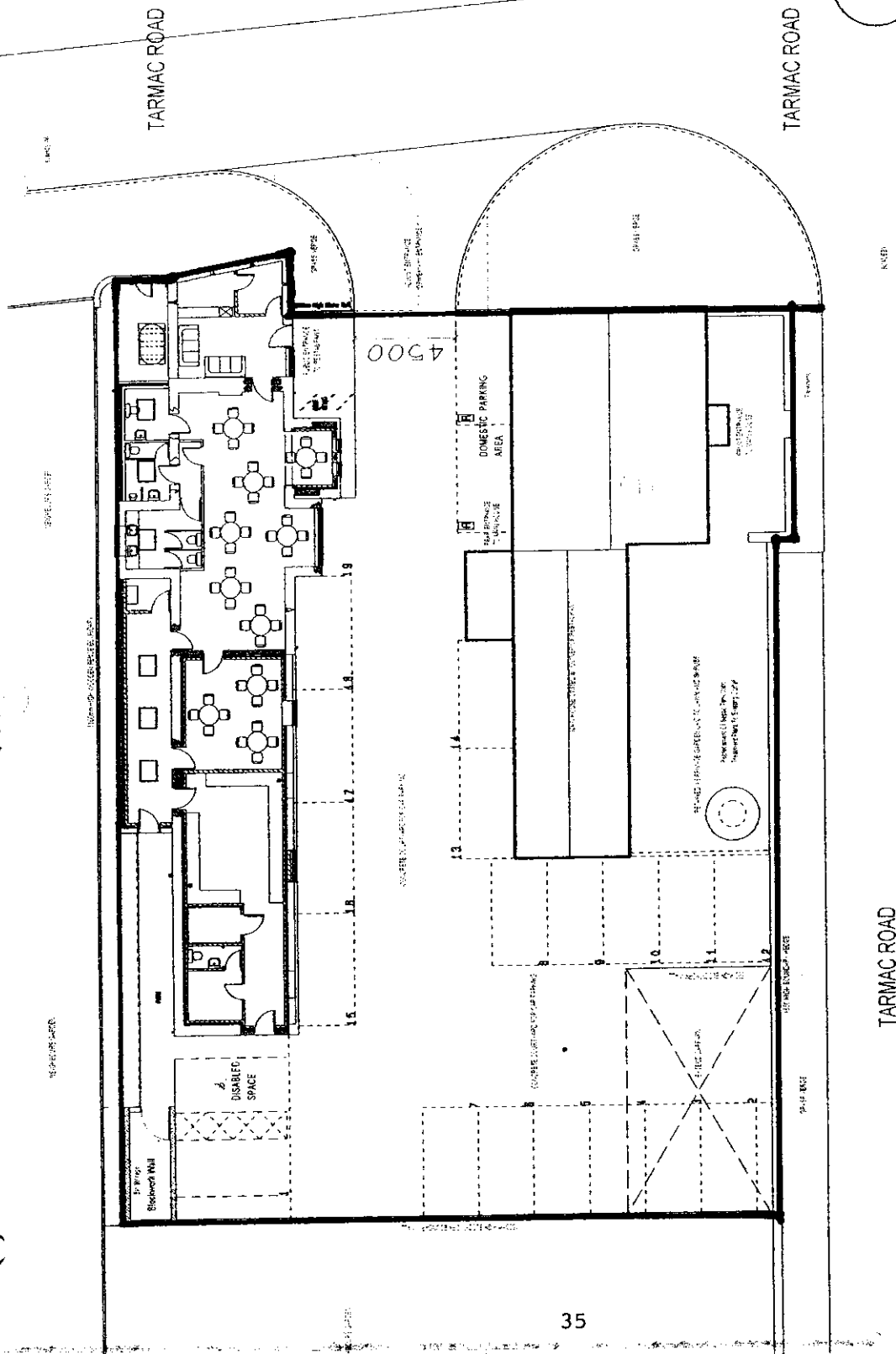
1:50

0

0

0

0



TSADA BUILDING DESIGN SERVICES

PROPOSED CONVERSION OF EXISTING  
BARN TO RESTAURANT at Baricose Farm  
PROPOSED SITE / BLOCK PLAN.

SITE / BLOCK PLAN. SCALE 1:200

J. SANDERSON

02/06/05

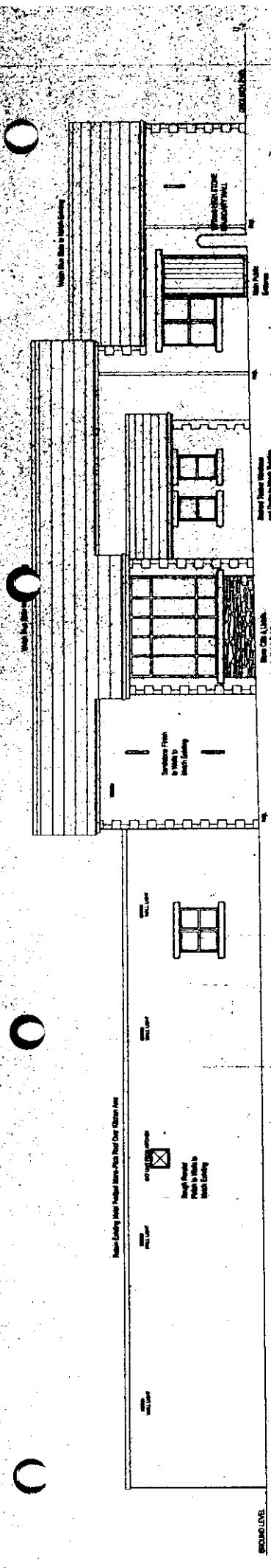
A 2010/2002 Planning And Entrance Amended

Mr & Mrs C Hogg  
Baricose Farm  
Scotby  
Cairn

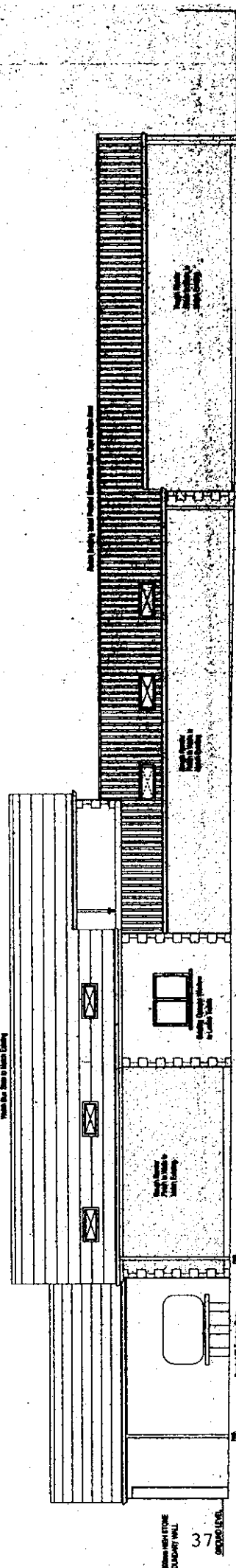
37/00056A

1.200





PROPOSED FRONT ELEVATION Scale 1:50

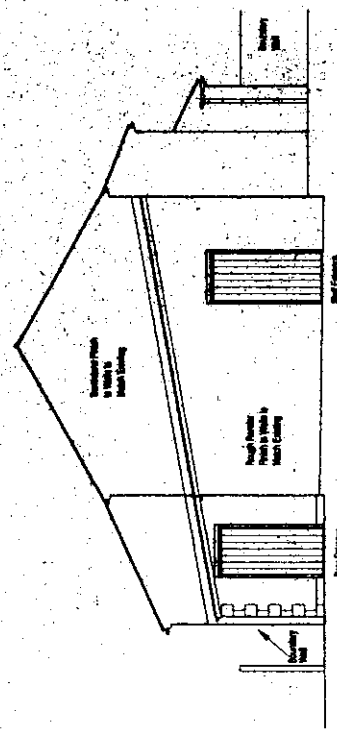


PROPOSED REAR ELEVATION Scale 1:50

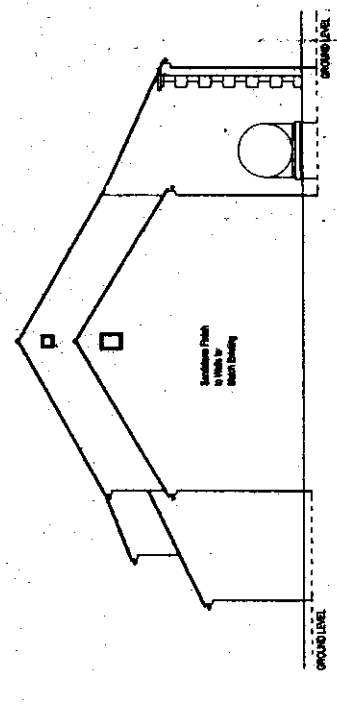
**FINISHES:**  
 ROOF: White Blue Slate to match existing.  
 WALLS: Natural Sandstone or Concrete Render  
 Finish to match existing.  
 Stained Timber to Doors & Windows  
 Black Cast Iron Gutters & Downpipes

**TSADA BUILDING DESIGN SERVICES**  
 100, Kingsway, London, W8 7AH  
 Tel: 020 8996 1000  
 Fax: 020 8996 1001  
 Email: tsada@tsada.co.uk

**PROPOSED CONVERSION OF EXISTING  
 BARN TO RESTAURANT AT BARCLOSE FARM**  
**PROPOSED ELEVATIONS:**



PROPOSED SIDE ELEVATION Scale 1:50



PROPOSED SIDE ELEVATION Scale 1:50

Drawn by <b>J. SANDERSON</b>	Checked by <b>TSADA</b>	Date <b>20/7/05</b>	Scale <b>1:50</b>	Project No. <b>27720052 A</b>	Client <b>Mr &amp; Mrs C. Hogg Barclose Farm Scully Culterly</b>
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RECEIVED  
 21/7/05  
 05:25 (S/L)

Our Ref: 30/05  
Your Ref: 05/0767  
Date: 20.10.05

**rp wood**  
planning consultancy

1 Meadowfield Court  
Meadowfield Industrial Estate  
Ponteland  
Newcastle upon Tyne NE20 9SD

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Email [info@rpwoodplanning.com](mailto:info@rpwoodplanning.com)  
Web [www.rpwoodplanning.com](http://www.rpwoodplanning.com)

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

FAO Anthea Jones

Dear Mrs. Jones

**Amendment to Scheme and Additional Information**  
**Proposed Restaurant – Barclose Farm**

PLANNING SERVICE	
REF	
24 OCT 2005	
RECORDED	
SCANNED	
PASSED TO ACTION	AS 1-1

I write with reference to the above and further to our discussions regarding the current application. I have been asked to submit amendments and further information on behalf of the applicants Mr. and Mrs. C Hogg. A number of issues relating to the current planning application have been identified by the LPA and objectors which have required further consideration/amendment by the applicants in order to address these concerns. This letter sets out the amendments which have been undertaken and further supporting information in respect of general issues affecting the proposal and our assessment of relevant planning policy. I would be grateful if the submitted plans and this letter can be treated as amendments to the application. I would appreciate a revised assessment of the proposal by you and your colleagues in planning policy in light of this submitted information.

### Car Parking

Objector's observations and consultation with the County Highway Authority have identified that the scheme as originally submitted does not include sufficient on site car parking space. The manner in which this parking space requirement should be calculated has also been the subject of some confusion. For clarity it is considered that the appropriate way to determine the car parking requirement is based on the net floor area of the proposed restaurant. This is the most appropriate method of assessment and is consistent with the adopted Cumbria County Parking Guidelines. This is also consistent with the methodology adopted by PFK Planning in the comments submitted by them on behalf of objectors on 11 August 2005.

The parking guidelines require 1 space per 5 m<sup>2</sup> of net dining area plus 1 space per 3 m<sup>2</sup> of bar area. Additionally 1 disabled space per 5% car requirement as well as 2 cycle parking spaces.

As detailed the originally proposed scheme could not meet this requirement and therefore the net dining area has been required to be reduced. This has been achieved through deletion of the proposed mezzanine first floor dining area. This had a floor area of over 23 m<sup>2</sup>. Amended plans showing the deletion of this area are submitted as part of the application.

- The resulting net dining area of the restaurant as now proposed is 73.5 m<sup>2</sup>. The parking requirement to serve this is 14 spaces.
- The bar area has a floor area of 12.2 m<sup>2</sup> with a parking requirement of 4 spaces.
- 1 additional disabled parking space is required based on county standards.
- The total parking requirement for the restaurant is therefore 19 spaces.

Additional parking for the owners own dwelling is also required and this has been established as 2 spaces. These are marked on the parking plan. Extra parking is also available within the dwellings garage in addition to the 21 spaces marked.

The total parking requirement for the entire site is therefore 21 spaces. A revised parking plan for the site has now been prepared which accommodates this parking requirement. These plans are submitted as a formal amendment to the scheme. It is considered that this compliance with county parking standards addresses the objectors concerns on car parking and provides the maximum requirement that can be sought by the LPA. In the context of PPG13 transport the revised proposal address local circumstances relating to parking requirements and in this respect are now compliant with national guidance and local planning policy T1 of the 2005 Carlisle Local Plan Redeposit Draft and T2 of the 2004 Deposit Draft of the Local Plan. The scheme has therefore addressed concerns in relation to parking off site and its effect on residential amenity and road safety.

#### **Development Boundary**

In consultation on the planning application a discrepancy in the ownership of land sited between the application site and the dwelling Waterbeck to the North West has also been highlighted. This discrepancy relates to land included within the red line application boundary and specifically the alignment of the North West elevation of the proposed restaurant.

Although a separate civil matter the application is being amended, without prejudice, in order to realign North West elevation so that it is sited completely within land on which there exists no ongoing ownership discrepancy. It should be noted this amendment is made solely for the purpose of simplifying issues related to the planning application and does not infer any acceptance or resolution on the applicants part of any ownership discrepancies which may be sought to be resolved at a later date through appropriate separate civil law procedures. It does however remove any contention that the planning application may not be lawful as certificates have not been served on the owners of adjoining land. An amended red line application plan and layout plan are submitted detailing this change and the reduction in depth of the proposed rear extension.

#### **Impact on Neighbouring Amenity.**

PFK planning on behalf of neighbours expressed concern at potential disturbance and impact on their residential amenity. Reference was particularly made to the neighbouring dwelling Waterbeck. Consideration has been given to this issue and the policy context and the following observations and amendments can be made.

In respect of noise disturbance it can be noted that all public entrances to the site and the building itself are sited within the internal yard of the site. As a consequence the restaurant building itself provides a buffer between any activity in the parking area and the neighbouring dwelling to the North West. The building has a height of up to 5.7 metres and this coupled with the orientation of the building to face away from the neighbouring dwelling, will therefore act as a significant screen which will ameliorate noise arising from vehicles movements or diners arriving or departing from the restaurant. The orientation of the neighbouring dwelling, Waterbeck is also one which presents its own side elevation to the rear of the restaurant, thereby further ameliorating any noise to primary elevation habitable room windows.

Further to this, the scale and nature of the proposed use must also be considered. The proposal is for a relatively small high quality restaurant. The nature of this use does generate significant noise or disturbance. If further safeguards in this respect were required it would also be accepted that a permission could have operating hours conditions attached to it. Such conditions could acceptably address specific concerns over closing times for the restaurant and the departure of any diners. This provides further safeguards for adjoining residents.

In relation to the specific issue of odors and their affect on neighbour's amenity, the application has also been amended to address these concerns. The existing layout plan has been amended in order to show that all extraction vents are sited so as to face into the applicants own yard. All venting will take place on the opposite side of the restaurant to the neighbouring dwelling and no vent will face in the direction of the dwelling. In conjunction with this it is proposed and would be expected, that a detailed specification for the extraction equipment would be required to be submitted for approval prior to any use on the site commencing. This too would be expected and accepted as a condition of any approval.

Finally in relation to the concern over light pollution, again the scheme has been amended in order to address neighbours concerns. It is proposed that any lights would be sited at low level or on the elevation of the restaurant which faces into the application site. In this way no light would be directed toward the neighbouring dwelling. The submission of a detailed lighting scheme for the car park would also be expected to be submitted for approval prior to any use commencing.

The specific concerns in relation to neighbours amenity have therefore been addressed through the amendments submitted or can be fully controlled through use of conditions. No material reasons why these issues should prevent permission being granted can be identified and government guidance contained in circular 8/93 makes it clear that schemes should not be refused permission where imposing relevant conditions would allow proposed development to proceed. All the concerns expressed where not already addressed through amendments can acceptably be addressed through appropriate planning conditions. The applicants are happy to discuss prior to determination any conditions that the LPA consider appropriate.

In a policy context it should also be noted that PFK Planning's submission on policy EC11 Food and Drink omits a changed wording now included in Policy EC10 Food and Drink of the August 2005 Redeposit Draft of the Local Plan. Their submission states that new restaurants are required *to not involve disturbance to occupiers of residential property*. This reference omits a key word now highlighted within the text of Policy EC10, which states that proposals should not involve **unacceptable** disturbance to occupiers of residential property. In the context of this site, the amendments undertaken and the applicability of relevant conditions, it can not be identified how the proposal

would generate unacceptable levels of disturbance to the neighbouring dwelling. Accordingly the proposal is consistent with the requirements of policy EC10 of the Redeposit Draft Local Plan. As this has now been the subject of completed public consultation on changes to the 2004 Deposit Draft Local Plan it is considered that this version of the local plan must be given significant weight in any determination of planning applications.

#### **Location of Development.**

Extensive comment has been made on the location of the development and the policy relating to new development. It is considered that a full appraisal of relevant national and local plan policy, coupled with an assessment of the restaurants locality, demonstrates that policy supports commercial development in this location and that the site maintains the principles of sustainable development. It will be demonstrated that the specific location of Barclose, in the context of the local population, the actual public transport provision available locally and the nature of restaurant use, is an appropriate and acceptable one for this development.

#### **Planning Policy Statement 7**

Reference in the assessment of the proposal has been made to the content of PPS7 and the suggestion that all development of this type should be located in local service centres where they can be accessed by a range of transport means. Whilst the substantiality aims of PPS7 in particular in relation to housing location are supported it must be highlighted that the policy does not state as contended that all development must be located in local service centres.

Paragraph 1 section (iii) advises in relation to PPS1 that development which is likely to *generate a large number of trips* should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling. A first point is that in this context it is considered that a proposal for a small rural restaurant can not be identified as a development which is likely to generate a large number of trips. The proposal is for a small development which may generate a maximum of approximately 14 vehicle movements per day. This is not a large scale of development in any context. Therefore it is not accepted that the proposal must automatically be located in a town or other service centre. A second point PPS1 generates which will be considered in detail subsequently is also the question of whether the alternative local service centres near the application site are any more accessible by a range of public transport for the purposes of serving a restaurant?

The contention that PPS7 requires all development to be located in town or local service centres is also shown to be incorrect when PPS7 is examined further. PPS7 paragraph 4 specifically on the location of development confirms that development in villages, outside towns and service centres, should be encouraged by the LPA specifically where their location is remote with poor public transport links. Para 4 states:

*Planning authorities should set out in LDDs their policies for allowing some limited development in, or next to, rural settlements that are not designated as local service centres, in order to meet local business and community needs and to maintain the vitality of these communities. In particular, authorities should be supportive of small scale development of this nature where it provides the most sustainable option in villages that are remote from, and have poor public transport links with, service centres.*

PPS7 therefore makes specific provision for development of small scale development which will help maintain the vitality of a rural area. It is considered that a restaurant is a



form of development which can help in this aim. The development of a restaurant at Barclose, in a location which will be demonstrated to be a sustainable one, is therefore supported by PPS7.

Paragraph 5 of PPS7 also reinforces the positive approach that should be adopted by LPAs to such proposals by advising:

*Planning authorities should support a wide range of economic activity in rural areas.*

The positive approach that should be taken is further reinforced in PPS7 in relation to the reuse of buildings as proposed in this application. Paragraph 18 advises:

*Local planning authorities should be particularly supportive of the reuse of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses.....*

It should also be noted that this extract does not advise that these towns or villages must be key service centres.

Overall therefore it can be identified that PPS7 does not prevent, as has been suggested, development of this type in the location proposed. It actively encourages such economic development and re use of buildings and makes provision for their location outside service centres where it can be shown that they offer the most accessible location in remote rural areas.

#### **2005 Redeposit Draft Local Plan Policy EC11 – Rural Diversification**

The location considerations and encouragement for the form of development proposed, as contained in PPS7, are reiterated in the LPAs own latest version of local plan policy EC11 – Rural Diversification. This policy, formerly policy EC12, states that:

*Development proposals to diversify and expand upon the range of economic activities undertaken in rural areas will be encouraged where the proposal re-uses or adapts existing traditional (buildings of permanent construction) for commercial, industrial or recreational uses.*

In relation to the location of such development paragraph 4.42 of the policy specifically states that:

*Whilst the preferred location for new development will be in key service centres and local service centres, changes in agriculture over recent decades have resulted in a decline in farm related jobs. As a result there is now a need to strengthen the economy in rural areas. There are often opportunities for reusing or adapting surplus existing rural land and buildings for commercial, industrial, recreational or environmental uses such as guesthouses, farm shops, rural workshops or other small business premises, helping the countryside to diversify, flourish and sustain itself.*

The LPA in its own revision to the Deposit Draft Local Plan are therefore promoting commercial reuse of buildings outside key service centres and local service centres in locations such as Barclose.

#### **2005 Redeposit Draft Local Plan Policy DP1 – Sustainable Development Locations**

Local plan Policy DP1 (formerly CP1) identifies locations considered sustainable for future development by virtue of the facilities which exist and their public transport

provision. The principal form of development addressed through this policy is undoubtedly housing although it is recognised that all development is now addressed through this policy. In relation to rural areas these sustainable locations are identified as Local Service Centres. Within the rural area of Barclose the two Local Service Centres identified in policy DP 1 are the villages of Smithfield and Irthington. Paragraph 2.22 (formerly 3.1) advises that in order to ensure a Sustainable Strategy is pursued development will be focused on those locations which provide alternative opportunities for transport. Outside these locations the policy advises that development will be assessed against the need to be in the location specified.

The policy therefore sets out a clear aim of locating development with the aim of ensuring a sustainable strategy is pursued. Accessibility and the minimisation of the need to travel are central to this strategy.

### **Assessment of Application Location in the Policy Context**

In assessing the location of the proposed restaurant it has been clearly demonstrated that national and local policy actively encourages the commercial reuse of redundant buildings. It has also been demonstrated that policy does not dictate that all development must be located in local service centres and that where local factors such as need and maintenance of rural vitality can be secured development will be allowed.

In this context the specific location of Barclose can be considered. Geographically it can be identified that the village is located almost exactly equidistant between Carlisle, Brampton and Longtown. It is approximately 8km to all three of these centres and Barclose is located centrally between all three. Within this central rural area are located 5 parishes including Scaleby Parish within which Barclose falls. At the 2001 Census the population of these 5 parishes totaled 4,832. Scaleby Parish itself has a population of 349.

At this point it must be highlighted that within this area there effectively exists no public transport for the purposes of traveling to and from a restaurant during the actual evening hours when people visit eating establishments. This applies to any restaurant or eating establishment and not just the application site. Whilst day time public transport bus services may exist in the area (Barclose is on the 97 bus route) none of the villages including the local service centres of Irthington and Smithfield have public transport provision which allows residents of the area to travel to and from a restaurant during normal evening opening hours. An assessment of local bus routes shows the 94 and 97 bus routes which serve the application area cease operating from approximately 5 pm onwards and no bus services to the main centres of Carlisle, Brampton or Longtown are available after this time. Links to local service centres such as Smithfield and Irthington are certainly not available and no links from these villages to other centres are available. A copy of the relevant bus timetable is attached for reference.

The only late running bus service is between Carlisle and Longtown. The reality which has to be accepted is effectively therefore that anyone living outside Carlisle to the east of the Carlisle - Longtown route, wishing to visit a restaurant, must either travel by private car or taxi. The concept that local service centres such as Smithfield or Irthington are more sustainable due to public transport links, in relation to any evening uses, is completely inaccurate. It has to be accepted that in relation to evening uses the local service centres are no more sustainable or accessible than Barclose or any other village in the area. It can be noted that even Brampton is not accessible in the evening by public

transport. The private car or a taxi is the only way in which residents in most of rural Cumbria have of accessing such facilities.

It can be identified therefore that in relation to the provision of facilities such as a restaurant or eating establishment, that the area to the east of Carlisle and Longtown is remote from and has poor public transport links with service centres. In such circumstances PPS7 para.4 advises that LPAs should be supportive of development not in rural service centres where such development provides the most sustainable option for development which will maintain the vitality of communities. It is considered that Barclose and the proposed restaurant falls to be considered in this manner.

In such circumstances where it must be accepted that public transport is not available, any measure of what represents the most sustainable option as expressed in PPS7, must be based on an assessment of whether a location serves to reduce private car travel distances. Where no alternative transport exists a sequential approach dictates that the reduction of length of journeys is a key consideration in pursuing sustainability objectives.

As previously detailed Barclose is centrally located between all three main centres and has a surrounding population, not including the main 3 centres, of over 4000. All of this population must effectively either use private car or taxis to reach an eating establishment. By being so centrally located Barclose represents the most sustainable location in terms of minimising travel distance for this local population. This also applies not just to surrounding villages but also the main centres of Longtown, Carlisle and Brampton. The central location provided by Barclose serves to reduce overall travel distances from all the main habitable locations of the area. In this respect the proposed location represents the most sustainable option in an area with poor public transport links to service centres. As such the location complies with PPS7 requirement in relation to location.

### **Local Provision**

The necessity to travel outside any of the villages in the area surrounding Barclose clearly would not exist if these locations were well served by existing restaurants. A survey of the area shows however that this is not the case. Existing provision of such facilities is sparse and varied. Within the Local service centres, Smithfield has one pub, The Robin Hood, which does not serve food. The village does contain a restaurant, The Skitby House, but this now caters for functions only. Laversdale has one pub only which serves a limited menu. Irthington similarly has a public house which does serve food. Outside these villages there also exists limited facilities, with no provision in Longtown and limited provision in Brampton. The area is not therefore well served by restaurants and as such does not meet community needs in respect of this type of service. That there is community demand for such a development as a means of increasing the vitality of the area is confirmed in the number of supporting letters submitted in response to consultation on this application. These letters expressly comment that following the closure of the village pub, this proposal would increase the vitality of Barclose and the surrounding area.

It is considered therefore that the development of the restaurant in Barclose specifically complies with PPS7 in that provides a local business which maintains the vitality of the community, which is located in the most sustainable location in the absence of any public transport. In this respect the proposal also therefore meets Local Plan policy requirements contained in Policy DP1 which translate the requirements of PPS7 to a local level. Specifically it can be demonstrated that the proposal provides a facility within the local community, which at present does not exist.

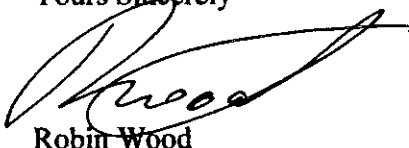
## Conclusion

The submitted amendments and supporting information, specifically address the outstanding issues related to this application. In relation to site specific issues related to design and parking these issues have been addressed and it is considered that any further safeguards can be appropriately conditioned as part of any permission. No reason for refusal on site specific material grounds can therefore be identified to remain.

In relation to location it is clear that both national and local plan policy actively encourage the commercial reuse of redundant buildings. Policy identifies this as key to promoting and maintaining a diversified and vibrant rural economy. Clearly issues of sustainability must complement such aims, however it is considered that it has been demonstrated that policy does not prevent commercial development in such locations and that where no public transport exists such development is in fact encouraged. When all material considerations are balanced in the assessment of this application it can be identified that the proposal represents the opportunity to allow the development of a new business which will help to sustain the vitality of the rural area. Its location is one which maintains sustainability principles in a rural context by minimising the necessary travel distances. Overall it is considered that the scheme is appropriate in planning terms and is consistent with national and local plan policy.

I trust that this supporting information and the amendments are of assistance to you and that the application can now be recommend accordingly. If you require any further information or have any questions I trust you will not hesitate to contact me. I thank you for your help in this matter and look forward to hearing from you.

Yours Sincerely



Robin Wood

Enc.

**Monday to Saturday**

	860	84	87	84	880	188	880	84	188	84	880	188	880	Set
	Coll		WVF	MTTh	PST	M-F	Sch							
Hadbankgate	0815	-	-	0911	1051	-	1252	1348*	-	-	1616	-	1836	
Milton	0820	-	-	0918	1054	-	1254	1353*	-	-	1619	-	1839	
<b>BRAMPTON, Market Place</b>	<b>0825</b>	<b>-</b>	<b>0917</b>	<b>0925</b>	<b>1100</b>	<b>1124</b>	<b>1300</b>	<b>1400</b>	<b>1423</b>	<b>1540</b>	<b>1625</b>	<b>1714</b>	<b>1845</b>	
Ruleholme, Golden Fleeca	0830	-		0830	1104	1129	-	1405	1428	1547	1630	1719	1850	
Irlington		-		0834			-							
Newtown Green		-	0828	0837			-							
Laversdale		-		0841			-							
Watish Cross		-		0846			-	1406						
Crosby-on-Eden, School	0835	0910		0849	1109	1133	-	1409	1432	1552	1634	1723	1854	
Linslock Village			0956	0956			-							
Linslock Road End	0838	0913h	0959	0959	1112	1135	-	1413	1436	1555	1637	1725	1857	
Whitecote	0840	0919	1002	1002	1114	1138	-	1416	1439	1558	1639	1728	1859	
<b>CARLISLE, The Crescent</b>	<b>0855c</b>	<b>0930b</b>	<b>1015</b>	<b>1015</b>	<b>1124</b>	<b>1147</b>	<b>-</b>	<b>1430</b>	<b>1446</b>	<b>1606</b>	<b>1649</b>	<b>1737</b>	<b>1909</b>	

**Monday to Saturday**

	94 MTTH	94	680	168	680	PST	168	MTTH	94	WFF	97	680	94	168	94	168	94	680	94	680	Set
CARLISLE, English Street	-	0852	0855	0935	-	1150	1240	1240	1240	1240	1240	1430	1440	1455	1640	1655c	1655				
West Tower Street	-	0854	0858	0938	-	1152	1242	1242	1242	1242	1242	1423	1442	1457	1642	1658					
Whitehousegate	-	0900	0905	0943	-	1158	1250	1250	1250	1250	1250	1430	1450	1508	1650h	1714	1705				
Linstock Village	-	-	-	-	-	-	1256	1256	-	1456	-	-	-	-	-	-	-	-	-	-	-
Linstock Road End	-	0903	0907	0944	-	1159	1259	1259	1259	1432	1459	1508	1656	1717	1707						
Crosby on Eden, School	-	0906	0910	0952	-	1207	1302	-	1435	1502	1512	1659	1720	1710							
Watch Cross	-	-	-	-	-	-	1305	-	-	1505	-	1702	-	-	-	-	-	-	-	-	-
Laversdale	-	-	-	-	-	-	1310	-	-	1510	-	1707	-	-	-	-	-	-	-	-	-
Newtown Green	-	-	-	-	-	-	1315	1324	-	1515	-	-	-	-	-	-	-	-	-	-	-
Irthington	-	-	-	-	-	-	1318	-	-	1518	-	-	-	-	-	-	-	-	-	-	-
Ruleholme, Golden Fleece	-	-	0914	0956	-	1211	1321	-	1436	1521	1518	-	1724	1717							
BRAMPTON, Market Place	0855	-	0919	1001	1130	1216	1328	1336	1444	1528	1521	-	1730	1719							
Milton	0900	-	0925	-	1136	-	1333	-	1450	-	-	-	1733	1725							
Hallbarrow	0907	-	0928	-	1139	-	1340	-	1453	-	-	-	1735	1728							

# Carlisle - Castle Carrock

Monday to Friday			Monday to Friday		
	97 W/F	94 W/F	97 W/F	97 W/F	97 W/F
Castle Carrock	0902	1350	-	CARLISLE, English Street	1240
Talkin Village	0906	-	-	CARLISLE, Market	1243
Talkin Tam, Road End	0912	1355	-	Whiteclosegate	1250
BRAMPTON	0917	1400	-	Linstock Road End	1259v
Walton, Road End	0923	-	-	Barclose	1306
Walton, Green	0925	-	-	Scaley, Castle Gate	1307
Walton, Road End	0927	-	-	Smithfield	1311
Newtown Green	0928	-	-	Heddersgill Crossroads	1317
Heddersgill Crossroads	0935	1714	-	Newtown Green	1324
Smithfield	0941	1720	-	Walton, Road End	1325
Scaley, Castle Gate	0945	1724	-	Walton, Green	1329
Barclose	0946	1725	-	Walton, Road End	1333
Linstock Road End	0959v	1413	-	BRAMPTON	0852
Whiteclosegate	1002	1416	1735	Talkin Tam, Road End	0857
CARLISLE, Market	1008	1422	1741	Talkin Village	1346
CARLISLE, The Crescent	1015	1430	1745	Castle Carrock	0902

M-F	Mondays to Fridays	Sat	Saturdays only
W/F	Wednesday & Friday	MTTh	Monday, Tuesday & Thursday

★ **Monday, Tuesday & Thursday**

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**Coll during Carlisle College term only**

**Travel via Hethersgill-picks up from opposite side of road to**

**normal stop**

**Bus Station**

**Warwick Road NOT English Street**

runs via Houghton Village

opoES into Linstock village

Your ref: AJ/DC/05/0767  
Our ref: 05/0767GC/LJH

31 October 2005

Carlisle City Council  
Department of Environment & Development  
Planning Services Division  
Civic Centre  
CARLISLE  
CA3 8QG

PLANNING SERVICES	
REF	
- 7 NOV 2005	
RECORDED	mm
SCANNED	
PASSED TO	13/10/05 AT
ACTION	

COUNTY COUNCIL

**Cumbria Highways**

The Courts, Carlisle  
Cumbria CA3 8NA  
Fax: 01228 606577  
Telephone: 01228 606110  
geoff.cameron@cumbriacc.gov.uk

Dear Sirs

**CONSULTATIONS WITH PLANNING AUTHORITIES  
PROPOSED 50 SEATER RESTAURANT  
BARCLOSE FARM, BARCLOSE, SCALEBY**

I refer to your letter dated 24 October 2005 with amended layout details and would make the following comments.

Twenty one parking spaces are indicated on the submitted plan which includes one disabled space and two spaces for the residents.

The disabled space is located some distance from the public entrance to the restaurant.

For 'end on parking' arrangements a parking space length of 6m would be required in order for vehicles to be safely manoeuvred into and out of each parking bay.

Therefore, four cars parked in bays 15 to 18 would in effect block the disabled space and parking bay 1.

It would only be possible to park one vehicle in bays 13/14 and in the residents parking area.

This would result in the loss of some four to five parking spaces.

With regard to service delivery vehicles, it would not be possible to turn within the curtilage of the site. This would result in this type of vehicle having to manoeuvre onto or off the public highway which would be detrimental to road safety.

I hope the above information is of assistance to you.

Yours faithfully



Geoff Cameron  
Assistant Development Control Engineer

# Carlisle City Council

Environmental Protection Services  
Food Safety

PLANNING	
REF	
- 3 NOV 2005	
RECORDED	MS
SCANNED	
PASSED TO	AO

## INTERNAL MEMORANDUM

**From:** Principal Environmental Health Officer  
**To:** Head Of Planning  
**FAO:**

**Please ask for:** Mike Shaw  
**Extension:** 7335  
**E-mail:** Mike Shaw  
**Your ref:**  
**Our ref:** K5/MS/LM  
02 November 2005

### CONSULTATION ON PLANNING APPLICATION APPLICATION NUMBER 05/0767

**PROPOSAL: CONVERSION OF REDUNDANT OUTBUILDING TO 50 SEATER  
RESTAURANT WITH KITCHEN AND CAR PARKING**

**LOCATION: BARCLOSE FARM, BARCLOSE, SCALEBY**

This Division has no objections in principle to this application, however to minimise possible odour nuisance the applicant has agreed to ensure that the extract ventilation system will exit at the far side of the building away from the domestic residences. Also no openable windows will be placed on the side nearest to the residents bungalows.

The applicant has agreed to submit further plans detailing this.



**M Shaw**  
Environmental Health Officer

## SCHEDULE A: Applications with Recommendation

05/1041

Item No: 03

Date of Committee: 16/12/2005

**Appn Ref No:**  
05/1041

**Applicant:**  
Mr I Murray

**Parish:**  
Dalston

**Date of Receipt:**  
10/10/2005

**Agent:**

**Ward:**  
Dalston

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

**Grid Reference:**  
337585 552081

**Proposal:** Change of use for the parking of a 37 seat coach and an additional three vehicles. Retention of metal storage container

**Amendment:**

---

### REPORT

#### Reason for Determination by Committee:

This application is brought for determination by the Development Control Committee due to one objection having been received from a local resident who is also exercising their right to speak.

#### Planning Policies:

##### **Cumbria & Lake District Joint Structure Plan Policy 13**

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

##### **Cumbria & Lake District Joint Structure Plan Policy 25**

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where



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

05/1041

appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

2. or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
3. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

### **Cumbria and Lake District Joint Structure Plan 2001– 2016 Modifications Policy E39: Enhancement of the built and natural environment**

Development that includes measures to regenerate and upgrade rural, urban and urban fringe environments, both built and natural, will be supported, particularly where this protects, enhances or restores biodiversity, landscape and amenity value. Priority will be given to schemes that promote:

1. economic and physical regeneration , or
2. the attractiveness of approaches into key service centres, important transport corridors and entry points to the county, or
3. reuse of previously developed land with the emphasis in open countryside on forestry, woodland, agriculture and other uses which respect the character of the countryside, or
4. restoration and remediation of derelict or contaminated land.

### **Carlisle District Plan Environment - Policy E8**

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and

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

05/1041

2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

### **Carlisle District Plan Housing - Proposal H17**

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

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

### **Carlisle District Plan Employment - Proposal EM10**

Within the remainder of the Plan area permission will not be granted for industrial, warehousing and commercial development. However, small scale development within existing settlements, the curtilage of existing employment premises, or groups of farm buildings, or moderate extensions to existing premises will be acceptable provided:

1. There is no unacceptable adverse impact on the local landscape; and
2. There is no unacceptable adverse effect on nature conservation interests; and
3. Adequate access and appropriate parking provision can be achieved; and
4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

### **Carlisle District Local Plan 2001 - 2016 Redeposit Draft Policy CP1 (CP4) Landscape Character/ Biodiversity**

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

05/1041

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas. Planning permission will not be granted for new development in the open countryside which is detrimental to defined landscape character.

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

### **Carlisle District Local Plan 2001 - 2016 Redeposit Draft Policy CP5 (CP16) Residential Amenity**

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

1. is for a use inappropriate for residential areas; and/or
2. is of an unacceptable scale; and/or
3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** It is noted that the applicant has recently undertaken works in order to improve the visibility for the existing junction to the satisfaction of the Highway Authority. I can therefore confirm that the Highway Authority has no objection to the proposal.

**Dalston Parish Council:** Concern that correct interceptor facilities were available on site for washing vehicles.

There is no indication of the type of the additional three vehicles.

Continues concerns regarding access and visibility. Suggested that a fuller landscaping scheme should be provided.

### **Summary of Representations:**

#### **Representations Received**

## SCHEDULE A: Applications with Recommendation

05/1041

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 32 New Road	12/10/05	
The Occupier / Owner, 33 New Road	12/10/05	
The Occupier / Owner, 34 New Road	12/10/05	
A E Leslie, 35 New Road	12/10/05	Objection
The Occupier / Owner, 36 New Road	12/10/05	
E M Steele, Killoran	12/10/05	
Cllr Mr T Allison - Dalston	12/10/05	

This application has been advertised by means of a site notice and direct notification to the occupiers of 5 of the neighbouring properties. At the time of writing this report, 1 letter of objection has been received. The letter simply states that the authors wishes to object to the proposal but having discussed the matter with the objector, the issues raised are those previously presented, namely:

1. The Carlisle to Dalston road is extremely fast and dangerous;
2. The visibility splay for south-going motorists on the approach to New Road is 95 metres which is half that of the recommended standard;
3. The previous application for 1 bus showed little regard for road safety and The current application proposes 5 buses from a dangerous exit;
4. The traffic on the road has increased and it is possible that the western relief road may also increase traffic; and
5. A private commercial operation should not be of greater importance than the safety of the public.

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

In 1998, planning permission was granted for the erection of a conservatory. This was followed in 2001, when planning consent was granted for the change of use of 1no. room from residential to office accommodation for new business and creation of 1no. parking space for a bus.

In 2003, planning permission was granted for an extension over the garage to provide an additional bedroom and a two storey link to the main house.

Earlier this year, an application was received but later withdrawn for the change of use from agriculture/ hardstanding to create parking area for a maximum of 3no. private hire mini buses, retention of metal storage container and erection of 1.8 metre high security fence around part of parking area.

An application for planning consent is currently being considered for the erection of a conservatory to the rear of the property.

#### **Details of Proposal:**

## SCHEDULE A: Applications with Recommendation

05/1041

Members will recall that this application was deferred at the November meeting of this Committee in order that a site visit could be undertaken and that further comments could be sought from the Highway Authority.

New Road is accessed from the main B5299 Carlisle to Dalston Road and is situated approximately 1.5 miles north of Dalston. The property which is the subject of this application is the first on the left, approximately 28 metres from the junction with the main road.

This application seeks full planning permission for the use of additional hardstanding space for the parking of 5no. private hire vehicles together with the retention of a metal storage container and the erection of a 2 metre high security fencing.

The vehicles range in size from a 37 seat coach, which benefits from planning permission granted under reference 01/1154, to several smaller 'mini bus' size vehicles. Associated with the business and the use of the site, are several trailers that are used for transporting passenger's luggage.

Paragraph 13 of PPG4 (Industrial, commercial development and small firms) states that:

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

In consideration of this application, it is considered that there are three main issues that are relevant, namely the potential impact on the highway network and road users; the impact of the character of the area; and the effect on the amenity of neighbouring residents.

### Highway Issues

The main issue in consideration of this application is that of the highway issues. This is the main objection in the letter that has been received from a local resident. When leaving New Road to turn right onto the B5299 towards Carlisle, there is a sweeping bend which reduces the amount of visibility towards on-coming traffic. Policy EM10 of the Carlisle District Local Plan requires that as part of any proposal, adequate vehicular access and parking provision should be provided.

The Highway Authority have previously stated in their consultation response to the earlier application reference 05/0438, that as part of the consent granted under reference 01/1154, the applicant undertook improvement works to the junction between New Road and his property to improve the vehicular access and egress. Due to the intensification of the use proposed, what is required is a visibility splay to the north of the site that would be 215 metres in length.

The applicant has undertaken extensive works to the vegetation to the frontage of his property with Dalston Road. This has involved removing much of the hedgerow leaving the remaining trees as screening to the site. The Highway Authority have

confirmed that they no longer have any objections with regard to the proposal.

Following consideration of this matter at the November meeting of this Committee, Members requested that confirmation be sought from the Highway Authority that the improvement works to the junction with Dalston Road have been completed to their satisfaction. At the time of writing this report, the Highway Authority have verbally indicated that the junction arrangements were undertaken to their satisfaction but a formal written response is awaited and this should be available for publication in the Supplementary Schedule.

### **Impact on the character of the area**

Policy 13 of the Cumbria and Lake District Joint Structure Plan, Policy E37 of the Cumbria and Lake District Joint Structure Plan Proposed Modifications, Policy E8 of the Local Plan and Policy CP1 of the Carlisle District Local Plan Redeposit Draft require that development proposals in the open countryside do not adversely affect the character or appearance of the area. The proposal is largely contained within the existing curtilage of the property with a small area of land adjacent to the northern boundary measuring 14 metres in depth by 11 metres in width being the subject of a change of use from agricultural land.

Policy 25 of the Structure Plan and Policy ST3 of the Structure Plan Proposed Modifications seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. The scale of the parcel of land is considered to be proportionate and appropriate to the existing curtilage and the built structures would not be obtrusive.

The garden area between the dwelling and the main road is relatively densely populated by trees, providing partial screening from the main road. The boundary along New Road, to the east of the access to number 37, consists of a line of conifer trees measuring approximately 3 metres in height. This provides adequate screening from the other residential properties along New Road, of which there is only one directly opposite the application site.

The photographs reproduced following this report, illustrate some of the vehicles in the context of the curtilage. From these pictures, it is clear that whilst the vehicles are visible they are relatively unobtrusive. It is not considered that the parking of these additional vehicles would be detrimental to the character of the area.

The applicant has previously indicated to Officers through correspondence that the applicant has worked for coach companies in the Dalston area and operates the coach from his home leading up to retirement. The main area of work is given to be school contracts.

### **Residential Amenity**

Policy H17 of the Local Plan and Policy CP5 of the Local Plan Redeposit Draft seek to protect the residential amenity of local residents from inappropriate development.

## SCHEDULE A: Applications with Recommendation

05/1041

The nature of the site is such that the vehicle could be partially screened from view, and wholly screened from certain viewpoints. There is sufficient land around the dwelling to position the coach towards the rear of the site. Although the development may be visible, on balance, it is not considered of sufficient intensity and to be detrimental to the visual amenity and therefore, warrant refusal of the application. Furthermore, the scale of the proposal is considered to be modest in scale and would not adversely affect the amenity of the local residents.

In conclusion, the principle of the use of the site for the siting of an addition 3no. vehicles is considered acceptable in terms of the effect on the amenity of the occupiers of neighbouring residents. The area of hardstanding to be formed is proportionate to the existing curtilage and the site is relatively well screened from the B5299 Dalston Road. Furthermore, no objections have been raised by the Highway Authority following improvement works by the applicant to the visibility splay.

---

### Human Rights Act 1998

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

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

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

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

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

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

---

### 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

## SCHEDULE A: Applications with Recommendation

05/1041

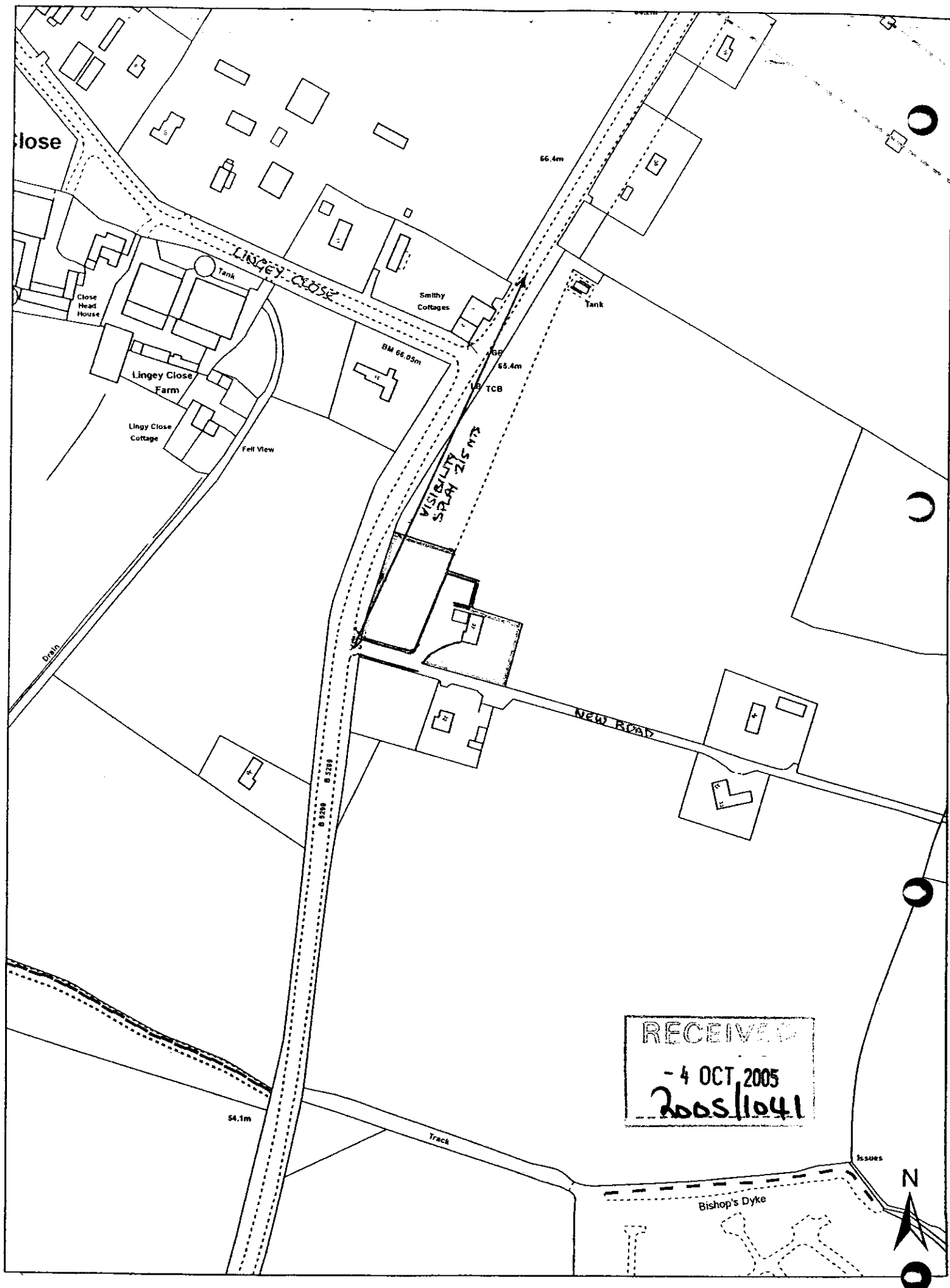
Planning and Compulsory Purchase Act 2004).

2. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays provided as part of this application .

**Reason:** In the interests of highway safety, to ensure compliance with Criterion 3 of Policy EM10 of the Carlisle District Local Plan.

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Scale: 1:2,500

Date: 26/09/2005

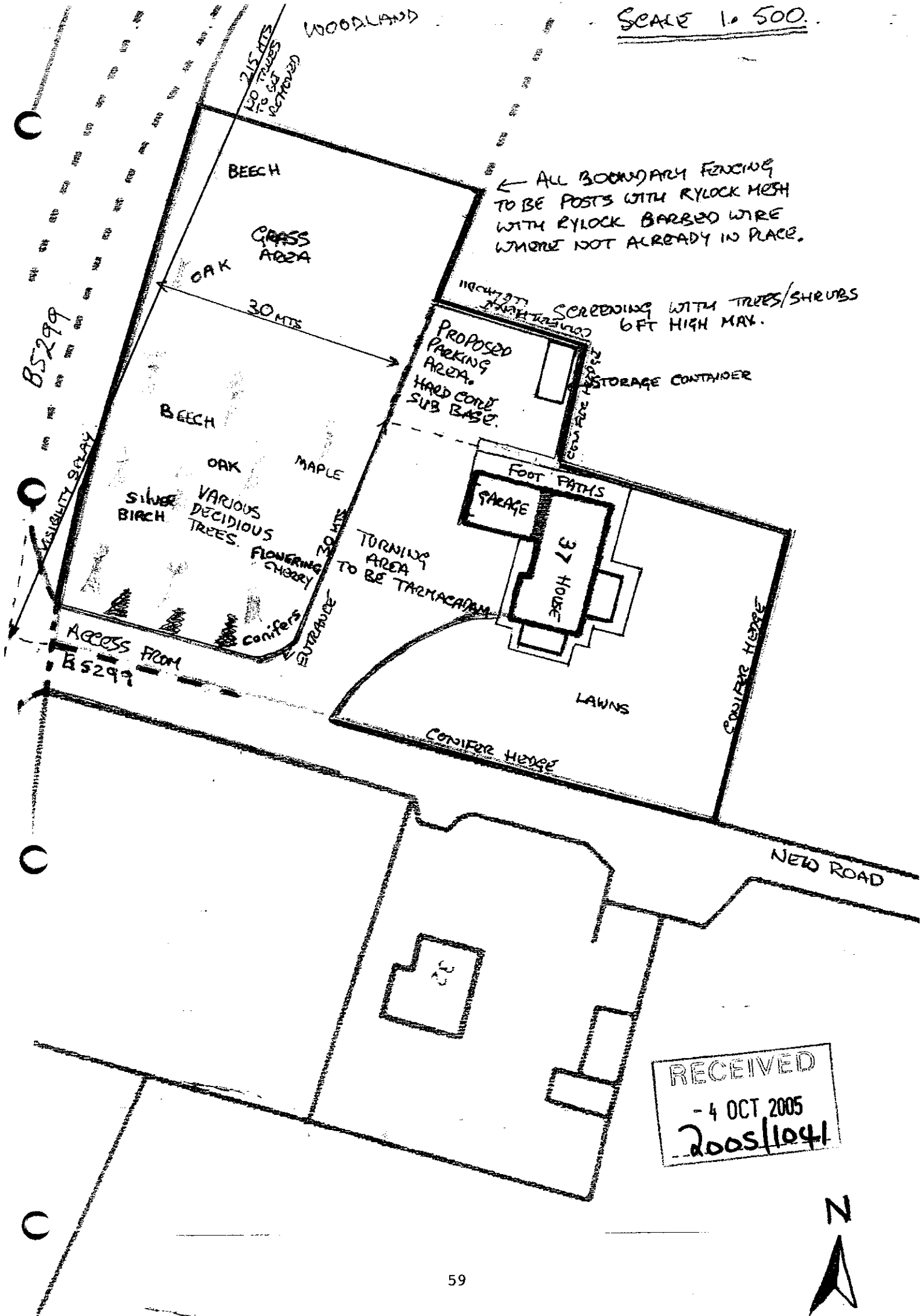
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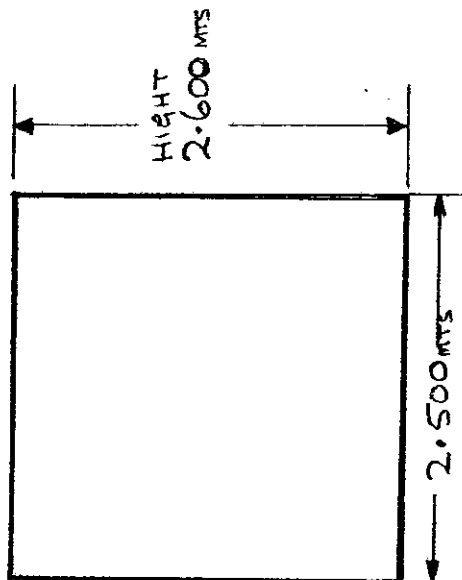
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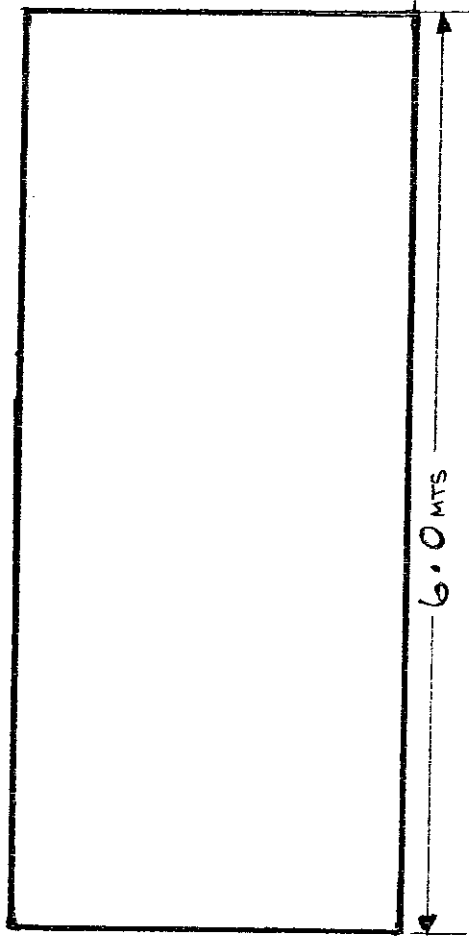
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- 4 OCT 2005  
2005/1041

# STORAGE CONTAINER FOR HOUSEHOLD USE.

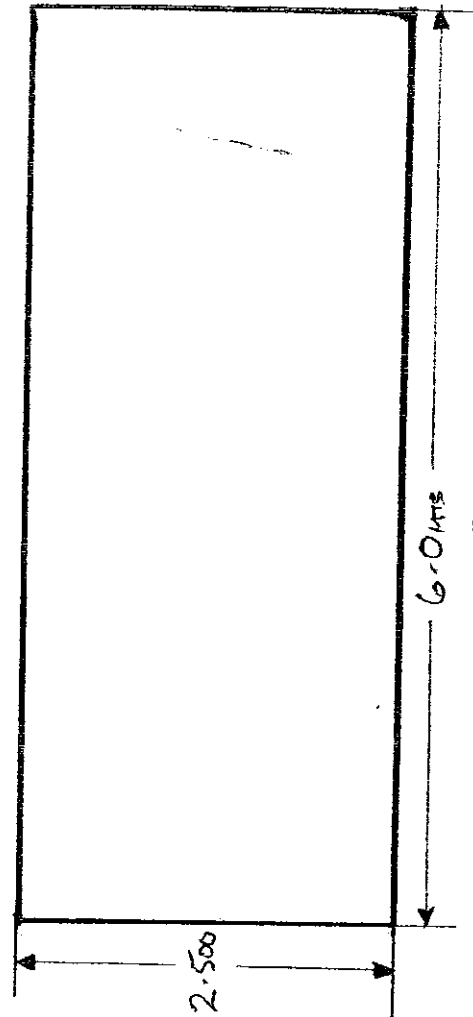
END ELEVATION



SIDE ELEVATION



FLOOR PLAN/AREA.



SCALE 1:50

CONSTRUCTION IS STEEL  
WITH CORRUGATED SHEETING  
ON THREE SIDES, NO WINDOWS,  
DOUBLE DOORS ON ONE END  
FOR FULL ACCESS.

RECEIVED

- 4 OCT 2005

2005/1041



## SCHEDULE A: Applications with Recommendation

05/1078

Item No: 04

Date of Committee: 16/12/2005

**Appn Ref No:**  
05/1078

**Applicant:**  
David Farrell

**Parish:**  
Wetheral

**Date of Receipt:**  
19/10/2005

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Moorhouse Courtyard, Moorhouse Hall,  
Warwick-on-Eden, CA4 8PA

**Grid Reference:**  
346166 556160

**Proposal:** Change of use from offices to nursery school and provision of an outdoor play area (revised plans)

**Amendment:**

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## REPORT

### Reason for Determination by Committee:

This application is brought for determination by the Development Control Committee as the applicant wishes to utilise his right to speak.

### Planning Policies:

#### **Public Footpath**

The proposal relates to development which affects a public footpath.

#### **Conservation Area**

The proposal relates to land or premises situated within the Warwick-on-Eden Conservation Area.

#### **Cumbria & Lake District Joint Structure Plan Policy 13**

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

## **Cumbria & Lake District Joint Structure Plan Policy 25**

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

### **Cumbria and Lake District Joint Structure Plan 2001– 2016 Modifications Policy ST3: - Principles applying to all new development**

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
    - a) the appropriate reuse of existing buildings worthy of retention, followed by
    - b) the reuse of previously developed land and only then
    - c) the use of previously undeveloped land,
  2. seek sites that are or will be made accessible by public transport, walking or cycling,
  3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
    - a) sites with little or no flood risk, followed by
    - b) sites with low or medium flood risk, and only then
    - c) sites in areas of high flood risk
- Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems
4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
  5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
  6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
  7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure

environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

**Cumbria and Lake District Joint Structure Plan 2001– 2016 Modifications**  
**Policy: EM15 Employment development in rural areas**

Outside key service centres developments which promote business and employment opportunity will be permitted where they are of a scale and type sympathetic to the character of the area within which they are proposed. Developments will be encouraged where they:

1. utilise existing well-suited buildings, especially traditional structures that make a positive contribution to landscape character
2. do not have a significant adverse transport impact.

**Cumbria and Lake District Joint Structure Plan 2001– 2016 Modifications**  
**Policy E39: Enhancement of the built and natural environment**

Development that includes measures to regenerate and upgrade rural, urban and urban fringe environments, both built and natural, will be supported, particularly where this protects, enhances or restores biodiversity, landscape and amenity value. Priority will be given to schemes that promote:

1. economic and physical regeneration , or
2. the attractiveness of approaches into key service centres, important transport corridors and entry points to the county, or
3. reuse of previously developed land with the emphasis in open countryside on forestry, woodland, agriculture and other uses which respect the character of the countryside, or
4. restoration and remediation of derelict or contaminated land.

**Carlisle District Plan**  
**Environment - Policy E8**

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and

3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

#### **Carlisle District Plan Employment - Proposal EM12**

Within the Rural Development Area, the City Council will work with the Rural Development Commission in providing suitable locations for the development of industrial land and workshop units.

#### **Carlisle District Plan Leisure - Proposal L5**

The City council will seek to retain all existing bridleways, footpaths and rights of way and to establish new routes wherever possible. New development should seek to maintain the existing rights of way network and provide replacement routes for any lost to new development.

#### **Carlisle District Plan Transport - Proposal T7**

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

#### **Carlisle District Plan Environment - Policy E35**

Proposals for new development which adversely affect a listed building or its setting will not be permitted. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

#### **Carlisle District Local Plan 2001 - 2016 Redeposit Draft Policy CP1 (CP4) Landscape Character/ Biodiversity**

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas. Planning permission will not be granted for new development in the open countryside which is



detrimental to defined landscape character.

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

**Carlisle District Local Plan 2001 - 2016 Redeposit Draft  
Policy EC12 (EC13A) Sustaining Rural Facilities and Services**

Outside the key service centres of Brampton and Longtown, the change of use of a local shop, public house, post office, doctor's surgery, dental surgery, school, bank, church/ chapel, village hall or other facility considered important to the community will only be permitted where it can be demonstrated that:

1. Its current use is no longer viable and there is currently scope for an alternative community use; and
2. There is adequate alternative provision in the locality to serve the local community; and
3. All options for their continuance have been fully explored.

Proposals for the development of or extension to village services and facilities, including proposals which will assist in their retention, will be permitted provided that:

1. The scale and design does not adversely affect the local built environment and respects local landscape character; and
2. It does not have an adverse impact upon residential amenity; and
3. Appropriate parking and servicing arrangements can be made.

**Carlisle District Local Plan 2001 - 2016 Redeposit Draft  
Policy T1 (T3) Parking Guidelines**

The level of car parking provision for development will be determined on the basis of the following factors:

1. the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
2. the availability of public car parking in the vicinity;
3. the impact of parking provision on the environment of the surrounding area;
4. the likely impact on the surrounding road network; and
5. accessibility by and availability of, other forms of transport.

**Carlisle District Local Plan 2001 - 2016 Redeposit Draft  
Policy LC8 (CP31) Rights of Way**

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

significantly longer than the original route.

### **Carlisle District Local Plan 2001 - 2016 Redeposit Draft Policy LE13 (CP11) Proposals Affecting Listed Buildings**

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

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** Not in favour of the proposed play area as this is sited away from the nursery, adjacent to existing car park and would involve the children having to cross and re-cross the approach road which serves the office development and this would be detrimental to road and pedestrian safety.

Further comments received on 17 November 2005 read as follows:

The application should be refused for the following reason:

"The proposed outdoor play area would be sited away from the nursery school on the opposite side of the approach road serving the office development and adjacent to a car parking area. This would result in nursery school children having to cross and re-cross the approach road which would be detrimental to road and pedestrian safety."

**Wetheral Parish Council:** No objection.

**Ramblers Association:** Provided that there is no interference with the public right of way over Public Footpaths 138002 and 138003 that run close to the site, then there is no objection.

**East Cumbria Countryside Project:** Comments awaited.

### **Summary of Representations:**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
The Owner / Occupier, Moorhouse Hall	24/10/05	
The Owner / Occupier, Moorhouse Farmhouse	24/10/05	
The Owner / Occupier, Moorhouse Farm	24/10/05	
The Owner / Occupier, Warwick-on-Eden	24/10/05	Undelivered
Mrs Mary Beaty, Belvedere	24/10/05	Comment Only
A & CRH Baker, Daisy Hill	24/10/05	

This application has been advertised by means of a site notice and direct notification to the occupiers of 6 nearby properties. At the time of writing this report, no representations have been received.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

Planning permission was granted in 2003 for the change of use of redundant farmhouse and buildings into office accommodation including minor alterations to buildings.

Earlier this year, planning consent was granted for the change of use of one of the units from offices to nursery school for pre school children.

#### **Details of Proposal:**

This application seeks full planning permission for change of use of a building at Moorhouse Courtyard, Warwick-on-Eden. The building is a two storey converted agricultural building that is constructed from natural sandstone and brickwork under a slate roof. The building is one of several buildings in a courtyard that were converted for office accommodation, located close to Moorhouse Hall, approximately 350 metres east of Warwick-on-Eden in open countryside.

Planning permission was approved for the change of use of the building from office accommodation to that of a pre school nursery for children earlier this year. This current application is a revised proposal that seeks to include a play area for children attending the nursery.

In consideration of this application, Policy 13 of the Cumbria and Lake District Joint Structure Plan, Policy E39 of the Cumbria and Lake District Joint Structure Plan Proposed Modifications, Policy E8 of the Carlisle District Local Plan and Policy CP1 of the Carlisle District Local Plan Redeposit Draft require that development proposals in the open countryside do not adversely affect the character or appearance of the area. The building is sited within an existing group of converted buildings which is accessed along a private road 140 metres in length to the south of the County highway.

Policy EM12 of the Local Plan and Policy EC12 of the Local Plan Redeposit Draft provide guidance on the issue of rural diversification. These policies encourage development proposals that diversify and expand upon the range of economic activities in rural areas where the proposal re-uses or adapts existing buildings, subject to the relevant policy criteria.

Only two of the adjacent buildings within the courtyard are occupied and are both used for office accommodation. The proposed use would not be discordant with these uses and would be compatible with the agricultural operations in the surrounding area. Similarly, the building has already been converted and forms part

of a cohesive group of courtyard buildings. As such, it is considered that there is no adverse effect on the landscape setting.

Paragraph 4.46 of the supporting text requires that proposals will have to ensure that there is no adverse effect on the amenity of adjacent properties. The applicant has indicated that the building would accommodate 31 - 33 children and would be in use between 0800 and 1800 hours Monday to Friday. The nature and level of the use would not adversely affect the amenity of adjacent occupiers by virtue of the fact that the building would not be used over intensively and would be in operation during reasonable hours.

Furthermore, the access to the site is considered to be satisfactory, with passing places already in place from the access road leading from the County highway and there is sufficient parking provision within the site. This is also echoed in Policy T7 of the Local Plan and Policy T1 of the Redeposit Draft. Although the nature of the use will mean that parking demand will not be at a premium due to the fact that parents' are more likely to simply only stop for short periods to drop their children off.

Policy CP1 of the Local Plan Redeposit Draft requires that all proposals for development will be assessed against their ability to promote sustainable development. Although Warwick-on-Eden does not feature within the list of villages it is not considered that the proposal will compound any sustainability issue. It is likely that the nursery will be used by commuters travelling between Carlisle and Brampton for example, as well as people from more immediate places.

Although there is a public right of way adjacent to the site, it is not considered that the proposed use would interfere with the public's right to use this footpath in accordance with the requirements of Policy L5 of the Local Plan and Policy LC8 of the Redeposit Draft.

Moorhouse Hall is a listed building and Policy E35 of the Local Plan and Policy LE13 of the Redeposit Draft states that proposals for new development which adversely affect a listed building or its setting will not be permitted. The building that is the subject of the current application is a significant distance from Moorhouse Hall and notwithstanding this, is adequately screened by existing landscaping. The setting of the listed building would not be adversely affected by this proposal.

There is no objection to the principle of the conversion of the building following planning permission that was granted earlier this year. Indeed, the conversion works have been completed. However, the Highway Authority have objected to the principle of the play area which would be sited outwith the boundaries of the courtyard, to the north of the nursery building.

The play area would be separated from the main building by the access road that serves the courtyard development. This road is not a through road and only serves the courtyard, which consists of 5 units. The applicant proposes to install a sign warning drivers of the fact that there are children in the area. This would be located to the east of the access road before the road separates to serve Moorhouse Hall and the courtyard.

The play area would be enclosed by a timber fence measuring 1.2 metres in height.

A timber storage building akin to a domestic garden shed would be sited in the corner of the play area, adjacent to an existing agricultural building, to allow for the storage of any play equipment.

The children would be accompanied out of the building and through the adjacent car park, immediately to the west of the building. A door exists within the stone wall through which the children would pass. A fence would be constructed to form an enclosed walkway leading north and at the point at which the fence meets the access road, a gate would be installed. Having crossed the road, a similar enclosed area would lead the children into the play area. The applicant has verbally stated that the children would be accompanied at all times.

The Highway Authority have objected on the basis that the proposal would involve people having to cross and re-cross the access road to access the play area which would be detrimental to both pedestrian and road user safety. Officers have considered possible alternative locations in and around the courtyard with the applicant, but for varying reasons, none have been found to be suitable.

The merits of the proposal are finely balanced. As previously mentioned, three other sites have been explored and have been discounted on the basis that services are located underground; a public footpath runs through the site and the land is used for car parking within the courtyard and may also result in an amenity issue for the occupiers of some of the courtyard businesses.

The applicant has indicated taken measures to ensure the safety of children accessing the play area i.e. the fence and gate should ensure that they are unable to run straight out into the road. This would continue to be a management issue should planning consent be forthcoming.

The speed of traffic is not excessive on this road. When approaching from the Warwick-on-Eden road, the access is long with a number of passing places. After approximately 135 metres, the narrow road separates with one portion leading straight on to Warwick Hall and the road itself continuing round at ninety degrees to the courtyard development. Given the character and nature of this road, coupled with the warning signs that the applicant proposes, any potential risk to pedestrian or driver safety is considered to be minimal.

In conclusion the principle of the re-use of the building is considered to be an acceptable form of rural diversification and provides a relevant facility for the occupiers of adjacent buildings together with the wider community. The nursery itself does not result in any significant highway issues and it is not considered that the amenity of the occupiers of neighbouring properties would adversely affect the character of the area, in accordance with current planning policies.

The issue of road and pedestrian safety is somewhat more subjective. It is clear that the siting of the play area is not ideal in terms of the severance from the nursery by the access road. However, given the character, nature and frequency of vehicles that use the road is considered to be minimal and the applicant has attempted to address the issue of safety through the infrastructure proposed and the future management of the site.

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## Human Rights Act 1998

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

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

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

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

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

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

---

## 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. Details and siting of the advanced warning signs shall be submitted to and approved in writing by the local planning authority. The signs shall be installed in accordance with the approved details prior to the play area being brought into use.

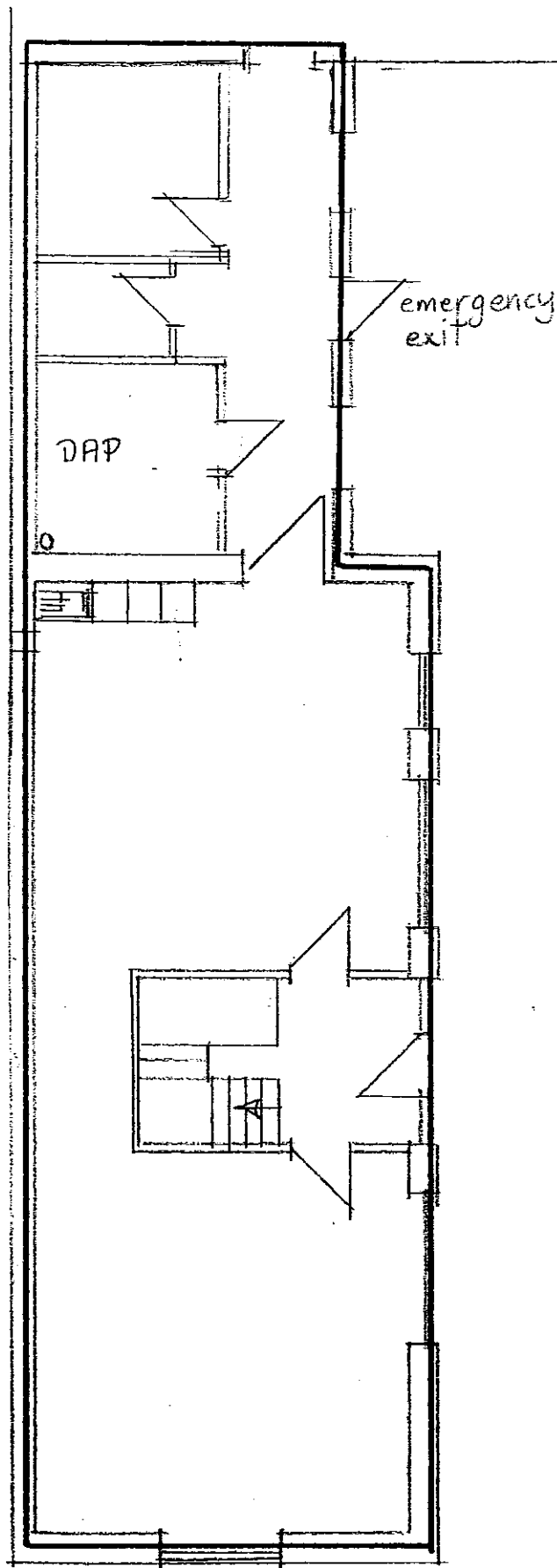
**Reason:** In the interests of highway and pedestrian safety in accordance with the objectives of Policy EC12 of the Carlisle District Local Plan Redeposit Draft.

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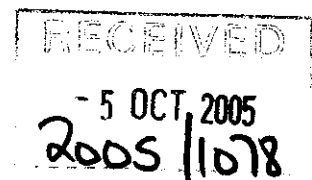
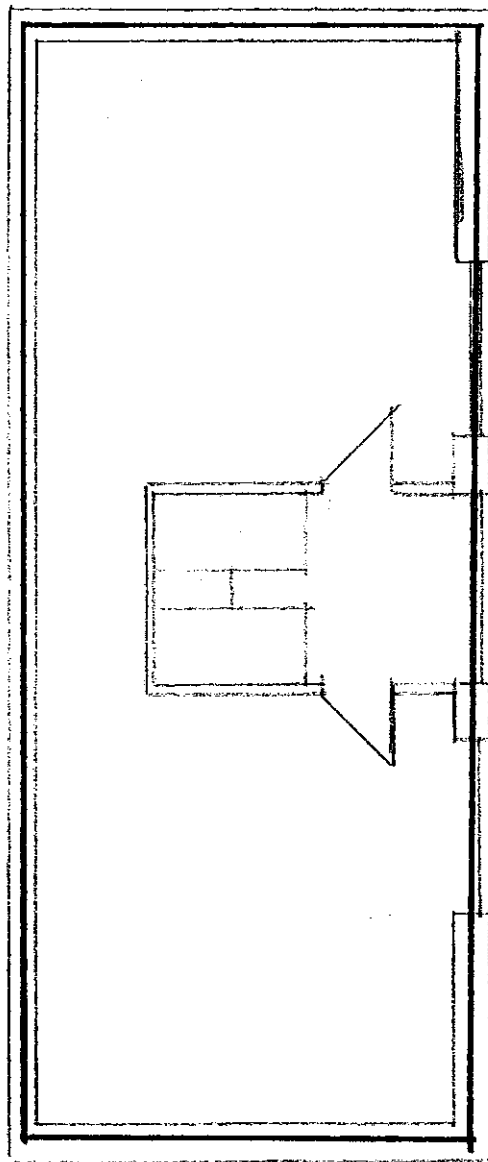
Block A  
Ground Floor Existing

MOORHOUSE COURTYARD  
WARWICK ON EASEN  
CARLISLE CA4 8PA  
APPLICANT DAVID FARRELL

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MOORHOUSE COURTYARD  
WARWICK ON EDEN  
CARLISLE, CA4 8PA

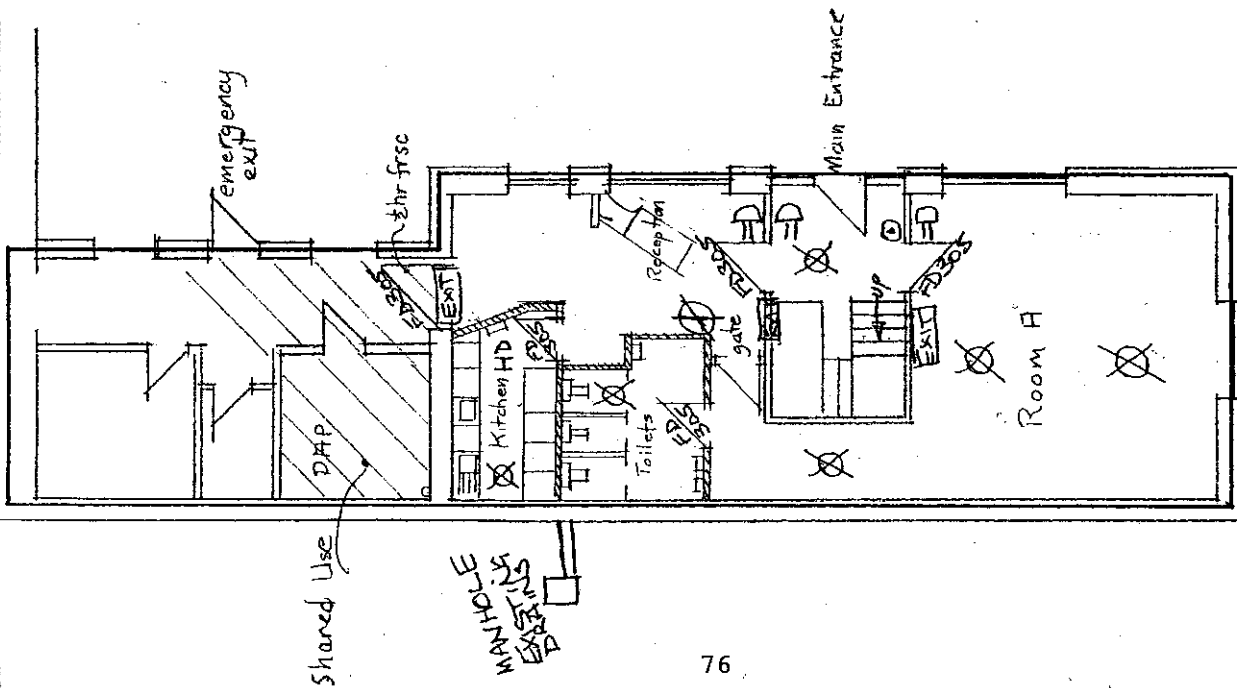
Applicant David Farrell



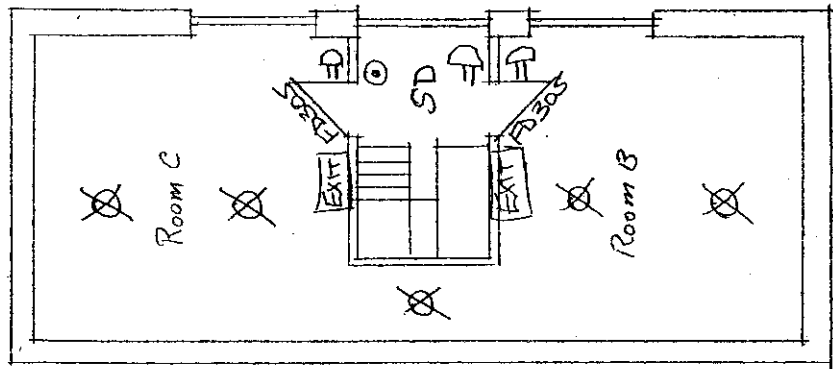
Block A  
1st Floor Existing

MOORHOUSE COURTYARD  
WARNICK ON EDEN  
CARLISLE. CA14 8PA

APPLICANT: DAVID FARRELL



Block A  
Ground Floor Proposed

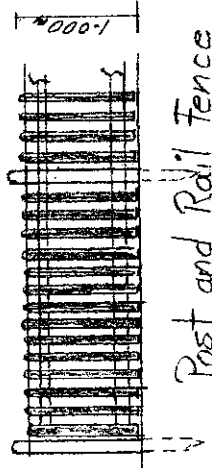
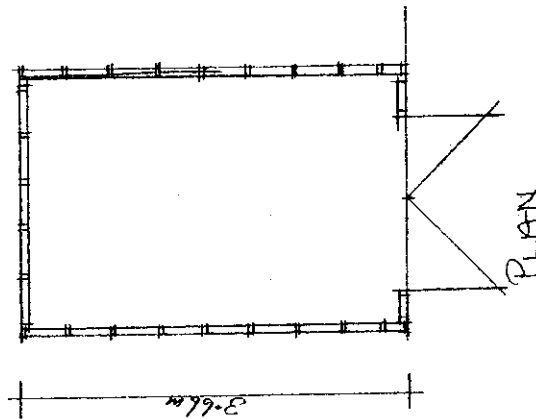


Block A  
1st Floor Proposed

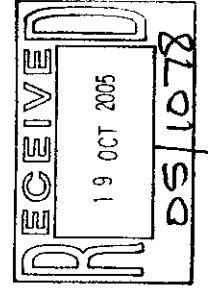
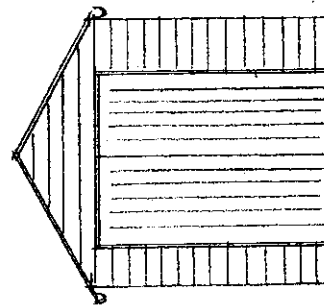
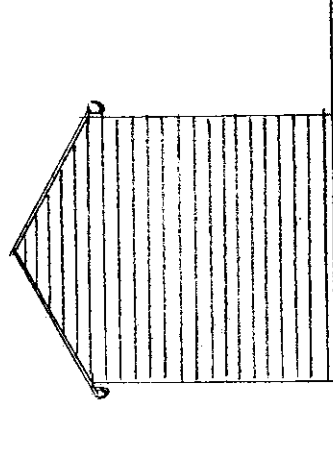
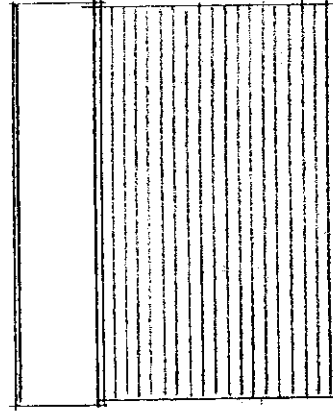
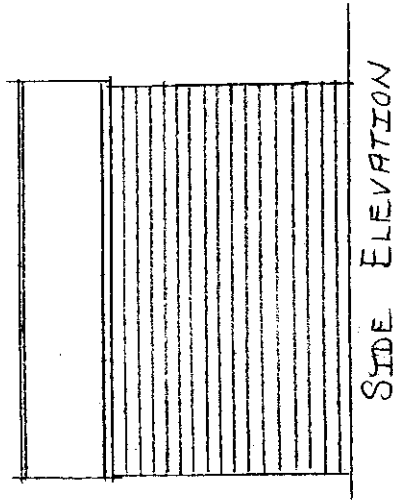
- [EXIT] - Exit signs to BS5499 Pt 4 2000
- ⊗ - Emergency Lights to BS5266 Pt 1 1999
- SD - Smoke Detector
- HD - Heat Detector
- ⊙ - Break Glass
- FD305 - 1/2 hour fire Doors.
- ⇒ - Sanders for Fire Alarm System.

RECEIVED  
5 OCT 2005  
2005/1078

# MOORHOUSE COURTYARD



APPLICANT DAVID FARRELL



Scale 1:50

## SCHEDULE A: Applications with Recommendation

05/1133

Item No: 05

Date of Committee: 16/12/2005

**Appn Ref No:**  
05/1133

**Applicant:**  
Mr G Guarracino

**Parish:**  
Kingmoor

**Date of Receipt:**  
19/10/2005

**Agent:**  
Alpha Design

**Ward:**  
Stanwix Rural

**Location:**  
Gallo Rosso, Parkhouse Road, Kingstown, Carlisle,  
CA6 4BY

**Grid Reference:**  
338625 560187

**Proposal:** Proposed travel accommodation incorporating 10no. en-suite bedrooms,  
external store and associated additional parking/landscaping

**Amendment:**

---

### REPORT

#### Reason for Determination by Committee:

The application is reported to Committee following receipt of objections from neighbouring residents.

#### Planning Policies:

##### **Cumbria and Lake District Joint Structure Plan 2001 – 2016 Modifications Policy EM16: Tourism**

New tourism facilities will be directed to Key Service Centres and to locations that enable the economic and physical regeneration of an area, where they bring benefit to the local community.

Tourism development will be permitted where this does not prejudice Cumbria's distinctive environmental, cultural and historic character and visitors enjoyment and understanding of it. The emphasis should be on sustaining these attributes and adding quality.

Tourism proposals in the Lake District National Park and AONBs will only be permitted where the statutory purposes of the designated areas are not contravened.

In the Lake District National Park changes of use or conversions which result in the loss of important tourism accommodation or public amenities will not be permitted unless they are demonstrated to be unviable.

Tourism development within or affecting the Lake District National Park and AONBs will only be permitted where:

1. it would not conflict with the special qualities of the designated areas or diminish opportunities for quiet enjoyment,
2. it would not introduce inappropriate activities or levels of use, or otherwise be of a nature and scale, detrimental to the character and quality of the environment, and
3. it would not result in the loss of serviced accommodation and of touring caravan pitches to other tourist uses.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft POLICY EC15 Tourism Development**

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

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

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

### **Summary of Consultation Responses:**

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

**Environmental Protection Services:** Comments awaited.

**Kingmoor Parish Council:** Comments awaited.

## SCHEDULE A: Applications with Recommendation

05/1133

**Commercial & Technical Services - Drainage Engineer:** Comments awaited.

### Summary of Representations:

#### **Representations Received**

Initial:	Consulted:	Reply Type:
The Occupier / Owner, The Bungalow	24/10/05	
The Owner / Occupier, The Beeches Bungalow	09/11/05	
Mr & Mrs Green, Bank House	09/11/05	Objection
Mr & Mrs J G Earl, Kingswood		Objection

The application has been advertised by means of a site notice and neighbour notification. At the time of writing, two letters of objection have been received. This lists the following objections to the development:

1. Development of this remaining green space would be unsightly, noisy, unneighbourly, and would result in the loss of wildlife habitat.
2. There would be an increase in traffic and litter.
3. Loss of value of property.
4. Light pollution.
5. There is no need or requirement for this development.

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

In November 2000, approval was given under ref.00/0759, for the erection of an extension to incorporate w.c./cellar/dry store/dining area.

#### **Details of Proposal:**

Permission is sought for the erection of a single storey development to the rear of the Gallo Rosso bar/restaurant in Parkhouse Road, comprising 10no. en-suite bedrooms, an external store and associated parking/landscaping. The development would be substantially sited on a lawned area to the rear of the existing building, extending forward into the parking area to the side and rear of the building. Five additional parking spaces are proposed within the lawned area to the north of the proposed building, making thirty one spaces in total. The proposal is therefore L-shaped, with each unit comprising an en-suite bedroom. An existing store would be removed and replaced by an extension at the end of the proposed building.

To the north of the site are two recently constructed dwellings, to the south is

## SCHEDULE A: Applications with Recommendation

05/1133

Kingmoor Nature Reserve and Industrial Estate, while to the rear there is the former Waverley Railway Line, with the Kingmoor Business Park on the far side.

The application raises the issue of whether this development is appropriate in this location, and whether it would impinge on the amenity on nearby residents. In this regard, members should note that in the replacement local plan 2001-2016, the application site is of a small area of white land, which extends to the north of Kingmoor Nature Reserve up to the point where the Rockcliffe Road crosses over the former Waverley Line.; this area includes the application site and houses to the north.

It follows that there is no policy presumption against this development which may be viewed as an extension to the existing pub/restaurant facility. It is also apparent that in recent years, with the development of the Parkhouse Industrial Estate to the south, Kingmoor Park to the north and west, and the development between the Rockcliffe Road and the A74 (Carlisle Brass and the Solway Business Centre), that this site is now virtually surrounded by development.

Although the site is on the periphery of the urban area, the scale of development in the immediate vicinity in recent years has not only changed the character of the area, but also has created a demand for ancillary services and accommodation.

As far as the relationship with the adjacent residential development is concerned, it will be noted that the proposed development is single storey, and is 13m. from the northern boundary, where a hedge is to be planted in addition to the existing close boarded fence. Whilst the proposal undoubtedly extends into what is currently an undeveloped area, it is not considered that this would impinge on the amenity of neighbouring residents.

The details of the proposal are in character with the existing building, and in summary, the proposal is considered to be acceptable and approval is recommended.

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### Human Rights Act 1998

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

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

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

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

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right



## SCHEDULE A: Applications with Recommendation

05/1133

for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application raises issues arising from Article 8 of the Human Rights Act, which should be considered when a decision is made.

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### **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 parking area shall be constructed in accordance with the approved plans before the building 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.

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

**Reason:** To ensure that adequate drainage facilities are available.

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

**Reason:** To ensure that a satisfactory landscaping scheme is prepared. and to ensure compliance with Policy H16 of the Carlisle District Local Plan

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

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy E9 of the Carlisle District Local Plan.

## SCHEDULE A: Applications with Recommendation

05/1133

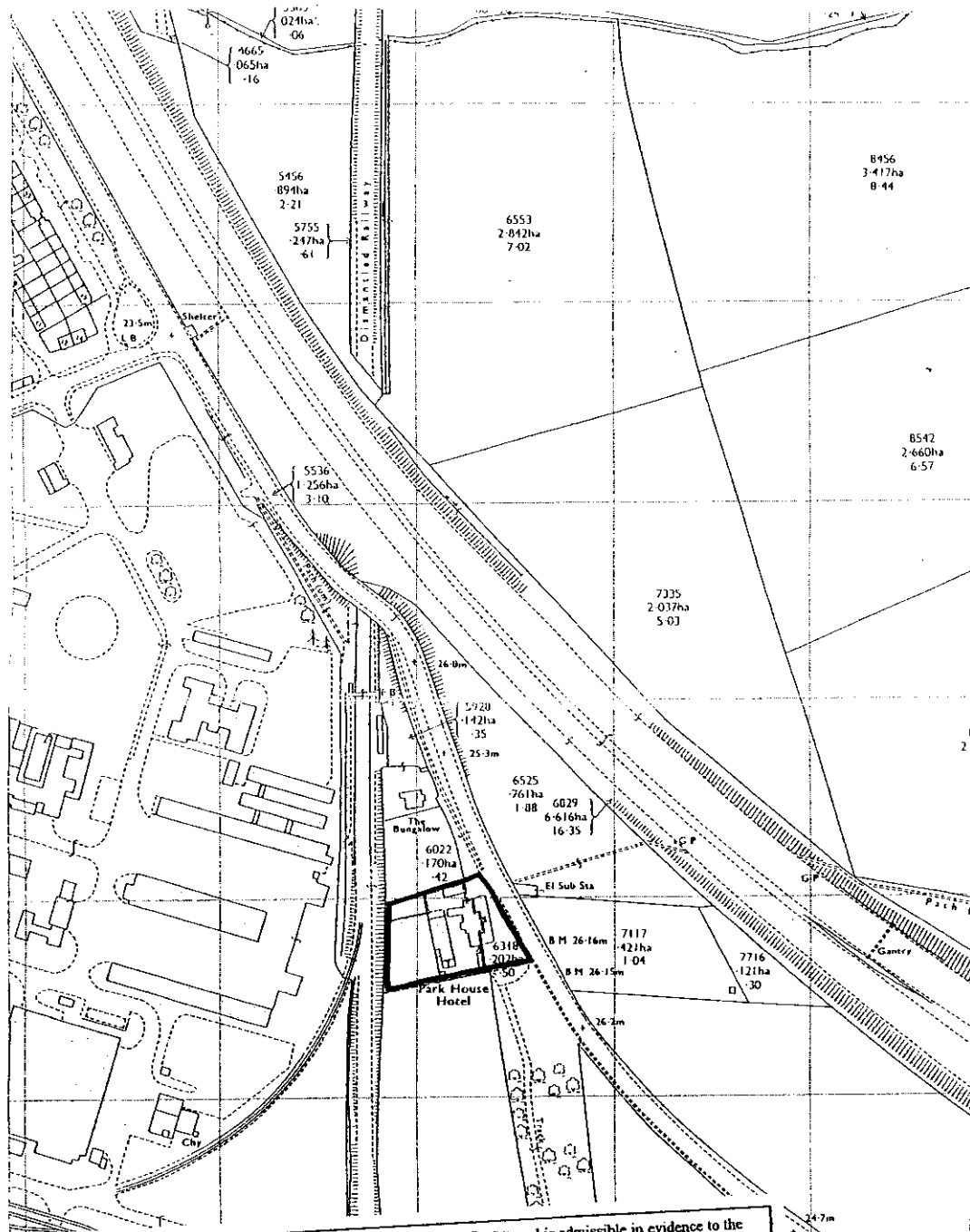
6. The development hereby approved shall be operated solely in conjunction with the existing Gallo/Rosso.

**Reason:**

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H.M. LAND REGISTRY		TITLE NUMBER CU 40996	
ORDNANCE SURVEY PLAN REFERENCE	NY 3860	Scale 1/2500	
COUNTY	CUMBRIA	DISTRICT	CARLISLE
			© Crown Copyright

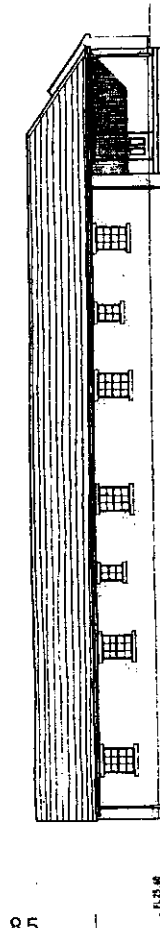
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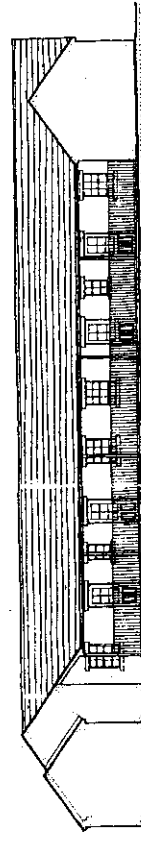
This OFFICE COPY shows the state of the title plan on 21 MAR 2000 and is admissible in evidence to the same extent as the original. This office copy of the title plan may be subject to minor distortions in scale. Issued on 22 MAR 2000 by the Durham (Baldon House) District Land Registry. Crown copyright. Produced by HMLR. Further reproduction in whole part is prohibited without the prior written permission of Ordnance Survey. Licence Number GD272728



19 OCT 2005



**.west.**



east.

**·south·**



Note:

1. All levels are in met as and are related to the OSBM on the corner of the Gallo Rosso Restaurant; publisher value of 26.15m.
2. The local grid is orientated to magnetic North.
3. The services indicated are 'as found' on site.

Legend

0	Gutter
1	Man Meter
2	Invert Level
3	Center Level
4	Manhole
5	Manhole Cover
6	Stop Sign
7	Blue Notice
8	Fire Hydrant
9	British Telecom
10	Electric
11	Gas
12	Water
13	Water Pipe
14	Water Main
15	Water Valve
16	Water Meter
17	Water Stop
18	Water Stop
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19 OCT 2005  
2005/11/33

Client	Alpha Design
Project	Gallo Rosso Restaurant, Parkhouse, Carlisle.
Task	Tonographic Survey.
Survey Station	Survey Station 7.1m above datum, Carlisle, C44 400 1000m above datum
Scale	1:200 File 41000422
Surveyed	5th September, 2005.
Drawn	6th September, 2005.

PARKHOUSE ROAD

Rev. A 26/05/05 Detail in the Front of the Restaurant

## SCHEDULE A: Applications with Recommendation

05/1142

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**Item No: 06**

**Date of Committee:** 16/12/2005

**Appn Ref No:**  
05/1142

**Applicant:**  
Mr Simon Marsden Baker

**Parish:**  
Hayton

**Date of Receipt:**  
19/10/2005

**Agent:**

**Ward:**  
Hayton

**Location:**  
Gelt Mill, Castle Carrock, CA8 9NH

**Grid Reference:**  
353696 556539

**Proposal:** Erection of 1.24 metre 5 bar timber post and rail fencing (retrospective application)

**Amendment:**

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### REPORT

#### Reason for Determination by Committee:

This application is being brought before members of the Development Control Committee due to an objector wishing to exercise their right to speak.

#### Planning Policies:

##### **Public Footpath**

The proposal relates to development which affects a public footpath.

##### **Flood Risk Zone**

##### **Cumbria & Lake District Joint Structure Plan Policy 12**

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

##### **Cumbria & Lake District Joint Structure Plan Policy 18**

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

05/1142

Development and other land use changes which are detrimental to nature conservation interests of international importance will not normally be permitted. Exceptions will be made only:

- a. Where an overriding public interest can be demonstrated to outweigh the international conservation interest, and
- b. Where the need for the development or land use change cannot be met in other locations where they would be less damaging or by reasonable alternative means.

### **Cumbria & Lake District Joint Structure Plan Policy 25**

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

### **Cumbria & Lake District Joint Structure Plan Policy 26**

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

### **Carlisle District Plan Environment - Policy E4**

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

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

### **Carlisle District Plan Environment - Policy E10**

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar Site will be subject to the



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

05/1142

most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

1. There is no alternative solution; and
2. There are imperative reasons of overriding public interest for the development;

Where the site concerned hosts a priority natural habitat type and/or a priority species, development will not be permitted unless the Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

### **Carlisle District Plan Environment - Policy E11**

Development which would adversely affect the nature conservation (including the geological) interest of Sites of Specific Scientific Interest will be subject to special scrutiny and will not be permitted unless:

1. The reasons for the development clearly outweigh the nature conservation value of the site as part of the national series of SSSI's; or
2. The nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

### **Carlisle District Plan Environment - Policy E20**

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

### **Carlisle District Plan Environment - Policy E35**

Proposals for new development which adversely affect a listed building or its setting will not be permitted. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

### **Carlisle District Plan Leisure - Proposal L5**

The City council will seek to retain all existing bridleways, footpaths and rights of way and to establish new routes wherever possible. New development should seek

## SCHEDULE A: Applications with Recommendation

05/1142

to maintain the existing rights of way network and provide replacement routes for any lost to new development.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE27 (CP20) Undeveloped Land in Floodplains**

Development in areas at risk of flooding on undeveloped land will only be permitted where a Flood Risk Assessment has been submitted with a planning application that confirms:

1. no other lower risk alternative site exists; and
2. flood defences provide an acceptable standard of protection; and
3. access and egress can reasonably be maintained at times of flood risk; and
4. adequate floodplain storage capacity can be provided; and
5. the development will not interfere with flood flows; and
6. mitigation measures will be provided where necessary; and
7. the development will not increase flood risk elsewhere.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy DP9 (CP3) County Landscapes of County Importance**

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

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

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

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE2 (CP5) Sites of International Importance**

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

1. there is no alternative solution; and
2. there are imperative reasons of overriding public interest for the development.

Where the site concerned hosts a priority natural habitat type and/ or a priority species, development will not be permitted unless the Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

## SCHEDULE A: Applications with Recommendation

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### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE3 (CP6) Sites of Special Scientific Interest**

Development proposals within or likely to affect the nature conservation or geological interest of Sites of Special Scientific Interest will be subject to special scrutiny and will not be permitted unless:

1. the reasons for the development clearly outweigh the nature conservation value of the site as part of the national series of SSSIs; or
2. the nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE13 (CP11) Proposals Affecting Listed Buildings**

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

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objection provided there is no interference with the public's right of way over footpath No 117028.

**Hayton Parish Council:** No objection

**Ramblers Association:** No objection

**East Cumbria Countryside Project:** No objection

### **Summary of Representations:**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Robery & Julie Swales, Swaledale Farm	24/10/05	Objection
Robery & Julie Swales, Swaledale Farm	22/11/05	Objection
Mr R A Bird, Greenwell		Objection
Craig Routledge, Netherton Farm		Objection

The application has been advertised in the form of a site notice. Three letters of

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

05/1142

objection have been received. The following concerns were raised:

1. The ownership of the land.
2. Problems with vehicles turning round as the village is a no through road.
3. The fence obstructs pedestrians from walking off the road.
4. The fence prevents difficulties for tractors and trailers to get down the lane at the side of the land.
5. The fence takes the openness of Greenwell.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

In 1973, under application reference number BA 7994, planning permission was given for the conversion of the mill to a dwellinghouse.

In 1979, application number 79/0159, permission was given for alterations, extension, and, change of use to provide additional living accommodation.

#### **Details of Proposal:**

Gelt Mill, which is a grade II Listed Building, forms part of the northern approach to the hamlet of Greenwell and is sited on the eastern side of the main road to the south and west of the River Gelt. The house is set within a relatively large paddock approximately 50 metres from the highway. A public footpath runs from the main road along the northern boundary of the application site and connects with a foot bridge crossing of the River Gelt. The property is located within a designated County Landscape and the River Gelt is part of a Site of Special Scientific Interest.

The current application, which is seeking retrospective permission, is for the erection of a 1.24 metre high 5 bar post and rail fence enclosing part of the paddock. The fence initially runs from the entrance to Gelt Mill around the edge of the grassed area, adjacent to a hedge, and then continues along the boundary of the site between the applicants grassed area and a track to access a field.

When considering this application, in the context of the policies of the Development Plan and the comments received from interested parties, it is felt that the three main issues revolve around:

- a) Whether the proposal is detrimental to the character of either the setting of a Listed Building and/or the area, which is a designated County Landscape;
- b) Whether the proposal would be detrimental to highway safety and/or inhibit access along a public footpath; and,

## SCHEDULE A: Applications with Recommendation

05/1142

c) Whether the proposal would be detrimental to either wildlife and/or flood flows.

When considering a) it should be noted that the proposal is modest in terms of its height being only 1.2 metres high. In effect, the proposal only requires planning permission because the section of fence adjacent to the highway is 0.2 metres above that allowed under the (General Permitted Development) Order 1995. This aside, a timber post and rail fence is a typical feature of a rural area. Concerns have been raised regarding the loss of openness to the village by the erection of the fence. In response it is evident that the proposal does not involve the encroachment by development into the existing paddock. In the light of the design and height of the proposed fence it is not considered to be detrimental to the setting of the Listed Building or the character of the area.

In relation to b), objections have been received regarding highway issues concerning such matters as the difficulties experienced by drivers when turning their vehicles because the village is a no through road, the fence obstructing pedestrians from walking off the road, and, the fence presenting difficulties for tractors and trailers from getting down the lane at the side of the land. However, the Highways Authority have not raised any objections to the proposal. Their comments no doubt reflecting the existing traffic levels and the nature of the road which would restrict traffic speed.

Finally, the majority of the proposed fence falls outside Flood Zones 2 and 3. This aside it is considered that the style of the fence should not act in itself as a significant barrier to flood flows or harm wildlife.

In conclusion, the application is therefore recommended for approval.

### OTHER MATTERS

Objections have been received regarding the ownership of the land. The submitted application is accompanied by the completion of "Certificate A" in which the applicant states that he is the owner of the land. As such, any dispute over ownership would be a civil matter.

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### Human Rights Act 1998

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

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

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

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

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

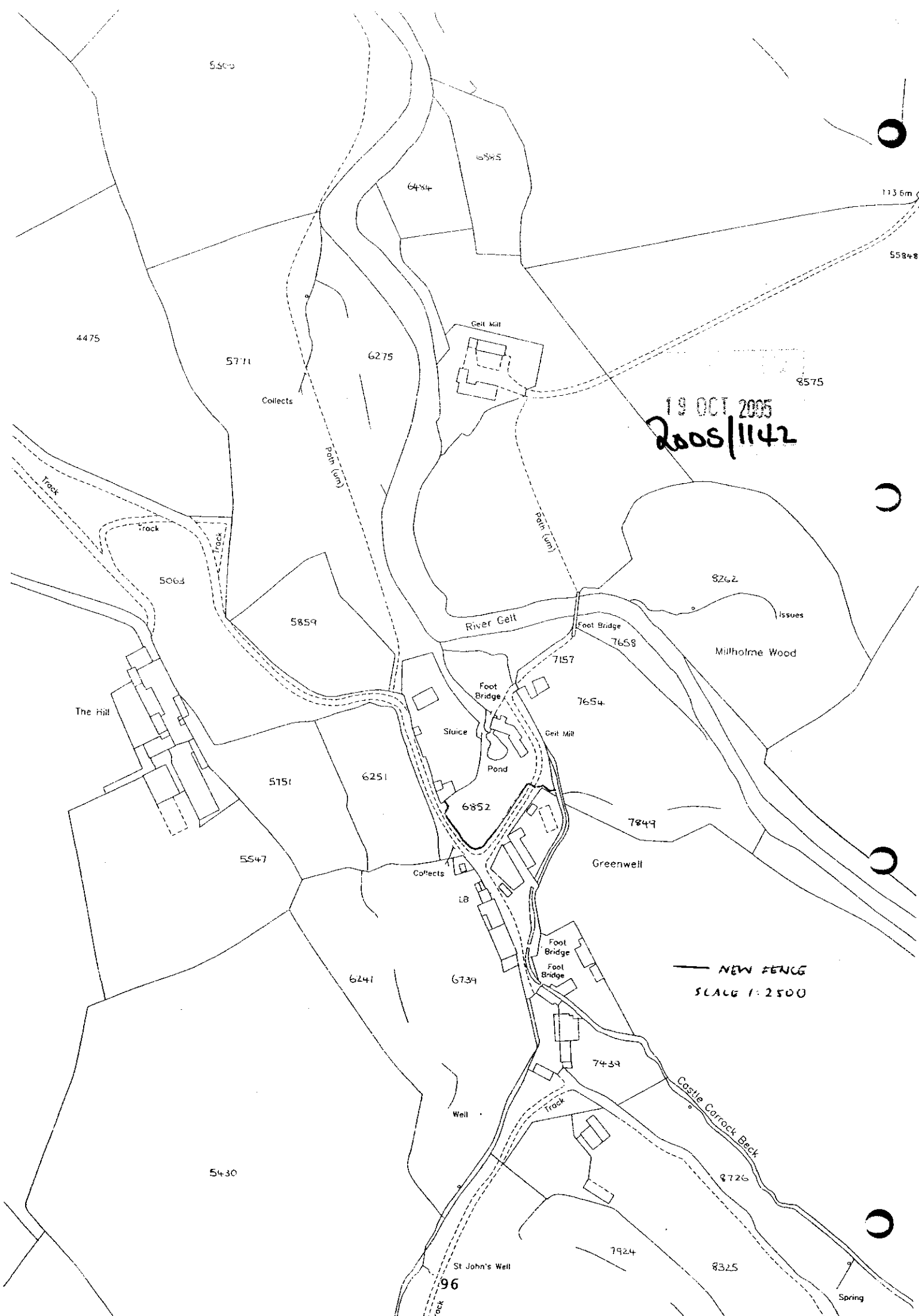
**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

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

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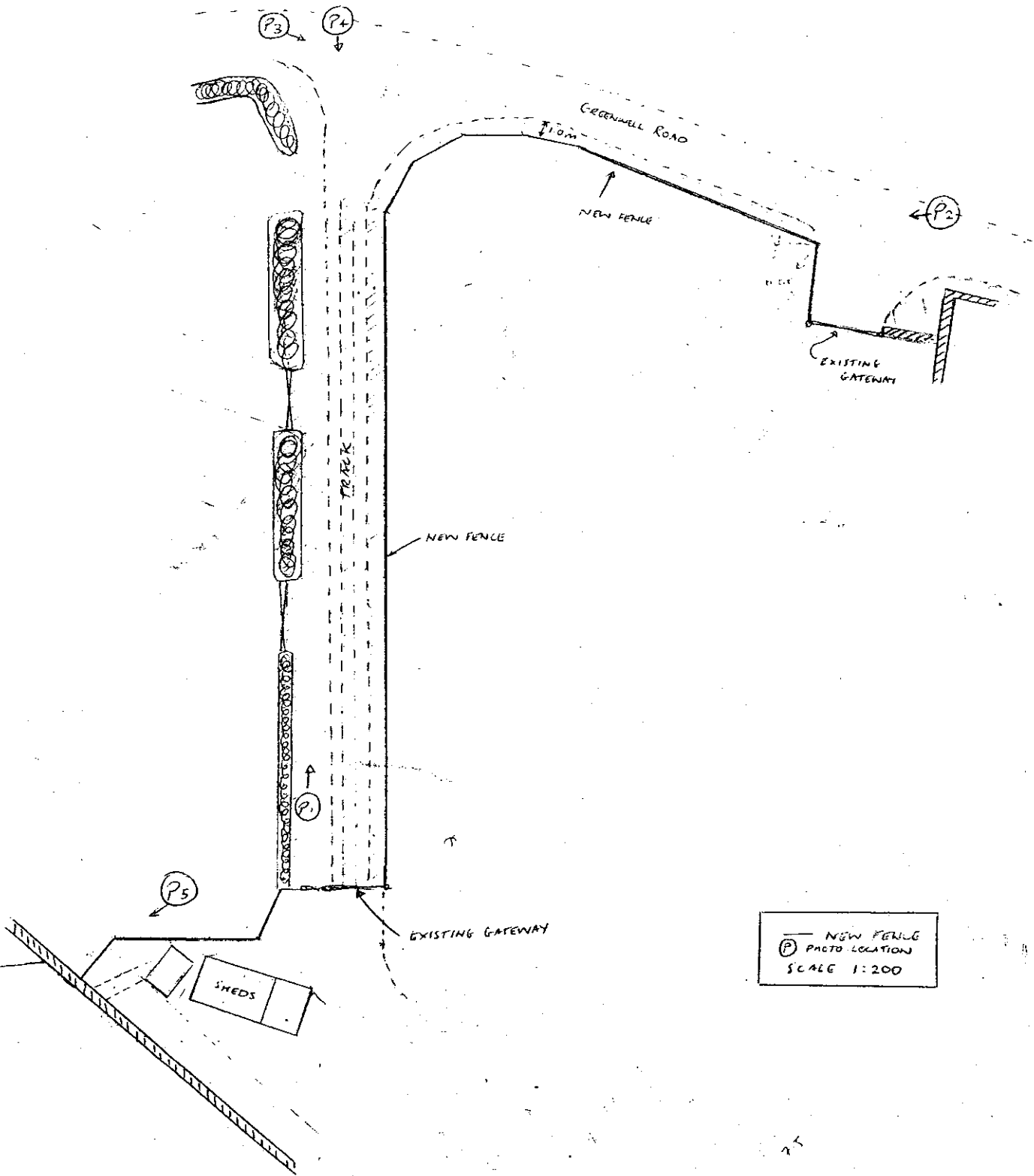
**Recommendation:** Grant Permission

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19 OCT 2005  
2005/1142

— NEW FENCE  
SCALE 1:2500



19 OCT 2001  
2005/1142





RECEIVED  
19 OCT 2005  
2005/1142







RECEIVED  
19 OCT 2005  
2005/1142







RECEIVED  
19 OCT 2005  
2005/1142

## SCHEDULE A: Applications with Recommendation

05/1146

Item No: 07

Date of Committee: 16/12/2005

**Appn Ref No:**  
05/1146

**Applicant:**  
Mr Hebson

**Parish:**  
Wetheral

**Date of Receipt:**  
01/11/2005

**Agent:**  
Mr A Turnbull

**Ward:**  
Wetheral

**Location:**  
2 Alby Terrace, Cumwhinton, Carlisle, CA4 0AU

**Grid Reference:**  
346360 551270

**Proposal:** Two storey side extension to provide garage with 2no. bedrooms above with rear single storey extension to provide extended kitchen

**Amendment:**

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### REPORT

#### Reason for Determination by Committee:

This application is being brought before members of the Development Control Committee due to a neighbour wishing to exercising their right to speak.

#### Planning Policies:

##### **Gas Pipeline Safeguarding Area**

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

##### **Carlisle District Plan Housing - Proposal H14**

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

##### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP4 (CP15) Design**

The suitability of any new development or redevelopment will be assessed against

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

05/1146

the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Carlisle District Local Plan 2001-2016 Redeposit Draft POLICY H11 Extensions to Existing Residential Premises**

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

#### **Policy CP5 (CP16) Residential Amenity**

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

1. is for a use inappropriate for residential areas; and/or
2. is of an unacceptable scale; and/or
3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12

## SCHEDULE A: Applications with Recommendation

05/1146

metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy H11 Extensions to Existing Residential Premises**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting.

Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted. Extensions must be of an appropriate scale and not dominate the original dwelling.

### **Summary of Consultation Responses:**

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

**Wetheral Parish Council:** No objection

### **Summary of Representations:**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Mr & Mrs Dock, 3 Alby Terrace	28/11/05	Objection
The Occupier / Owner, 1 Alby Terrace	02/11/05	
Mr & Mrs Dock, 3 Alby Terrace	02/11/05	Objection
The Owner / Occupier, Orchard House	02/11/05	
The Owner / Occupier, Orchard Cottage	02/11/05	

This application has been advertised in the form of direct notification of four neighbouring properties. Two letters of objection have been received which highlight the following concerns:

1. The property is shown as extending to within one metre of the objectors boundary and will no doubt detract from the visual amenity and lead to losses in privacy.
2. The disposal of surface water.
3. Construction of the foundations may cause slippage or undermining to the objectors boundary and edge of the driveway.

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

05/1146

4. Concerns over the retention of the boundary fence and hedge.
5. The possible use of the garage for commercial purposes.
6. Movement and parking of vehicles at the property.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

In 2001, under application number 01/0521, planning permission was given for the erection of a storm porch.

#### **Details of Proposal:**

2 Alby Terrace, Cumwhinton is a two storey semi detached house constructed externally with pebble dashed walls and a tiled roof. The property is located on the eastern side of the Cumwhinton/Cotehill road to the immediate south of the lane leading to Alby House and the railway line associated with the British Gypsum plaster works at Cocklakes.

The current application involves the erection of a two storey side extension to provide a garage with 2 bedrooms above and a rear single storey extension to provide a kitchen.

In consideration of this application Policies H14 of the Carlisle District Local Plan and Policies CP4, CP5 and H11 of the Carlisle District Local Plan 2001-2016 Redeposit Draft are relevant. The aforementioned policies require that extensions are appropriate to the dwelling, of a good design, are of an acceptable scale, and, do not adversely affect the amenities of adjacent properties.

Concerns from the occupiers of the neighbouring property have been raised regarding privacy and amenity issues. When assessing the application in the light of these comments it is evident that the proposed extension does not have any windows on the gable of the side extension. The proposed single storey does have windows on the side elevation. However, in mitigation, the existing rear projection has windows and there would be a separation distance of 10.5 metres. Although Policy CP5 indicates a guideline distance of 12 metres between a gable end to a primary facing window it is considered that, in this case, the proposal is acceptable given the existence of a mature hedge between the two properties. It is not, therefore, considered that the proposal would lead to any demonstrable harm caused by loss of privacy or overlooking.

It is also considered that the scale of the proposed extension is appropriate in relation to the scale of the existing dwelling and plot size. The proposed pitch roof is in keeping with the existing roof in term of design and pitch.

A concern has been made regarding the possible future use of the garage for

## SCHEDULE A: Applications with Recommendation

05/1146

commercial purposes. It is appreciated that the applicant operates a commercial nursery on land to the east of the application site, however, this already served by its own buildings on a separate parcel of land. The application has not submitted on the basis that it would be used for commercial purposes and there is no information to indicate otherwise. This aside, it is recommended that a condition is attached to any permission to avoid any doubt.

The remaining concerns raised by the objector relating to the construction of the proposed extension are considered not to be of sufficient weight to determine the application and/or are either civil matters or subject to separate legislation, for example the Building Regulations.

In conclusion, the design and scale of the proposal is considered to be acceptable to the existing dwelling and would not have an adverse affect on the character of the area. In addition, It is held that the occupiers of the neighbouring properties would not be adversely affected by the proposal and therefore the application accords with the criteria of Policy H14 of the Carlisle District Local Plan and Policies CP4, CP5 and H11 of the Carlisle District Local Plan Redeposit Draft. The application is therefore recommended for approval.

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### Human Rights Act 1998

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

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

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

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

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

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

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**Recommendation:** Grant Permission



## SCHEDULE A: Applications with Recommendation

05/1146

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

**Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy H14 of the Carlisle District Local Plan.

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

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality and to ensure compliance with Policy H14 of the Carlisle District Local Plan.

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General Notes  
For all notes refer to drawing 02

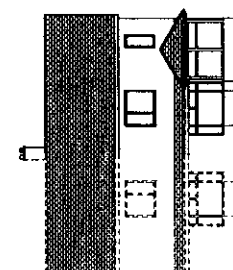
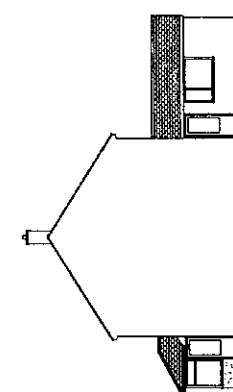
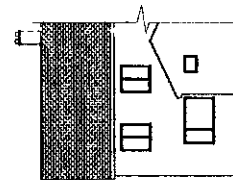
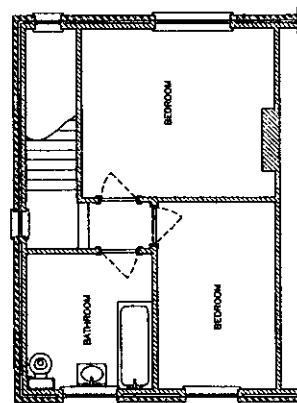
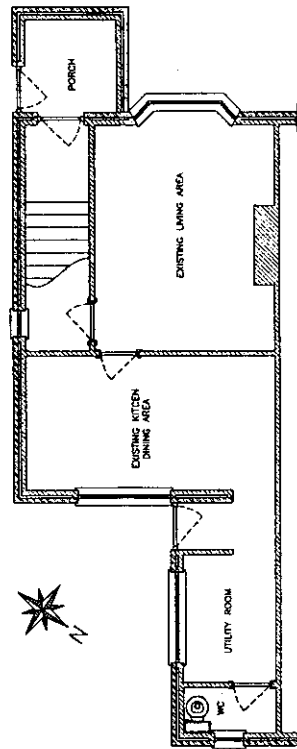
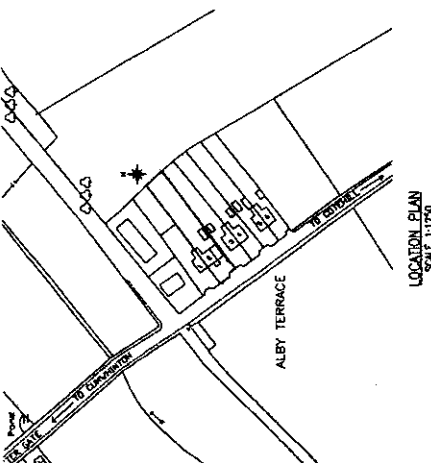
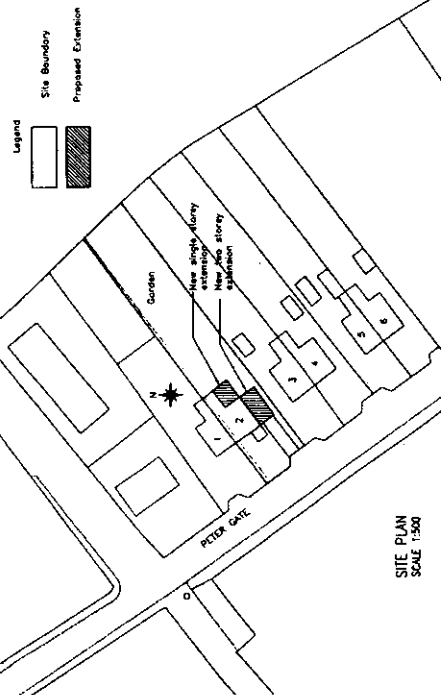
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Original Drawing A1

Building Property  
2 Albany Terrace  
Cobhill  
County Cork

Original Drawing A1

DW0501	1 Of 2
August 2006	AS SHOWN



**ROOF**

Interlocking clay tiles to match the existing house, laid on pre-formed timber battens @ 400mm c/c's. A roof from topsoil and underpinning to be provided below solid concrete raft beams to be inserted into brick/footings with 30 x 75mm galvanized steel straps secured at minimum at 3 corners and built onto 3 corners at Macclesfield to provide island support, all to BS5268 Part 2:1985. All new timbers to be 20+ grade and treated with preservative.

Callings to be 12-20mm absorbent with one side

**WALLS**  
120mm fluting joints, 120mm cavity, 100mm  
upright block, 400mm Cullen laid to one side at  
cavity, steel ties between, 750x150mm c/s and  
300mm c/s at joints. Plaster and skim inside, new  
to be layed to cavity with a vertical J.C.  
New first floor partition wall to be 75mm battens  
120mm c/s with noggins, 800mm vertical c/s  
12.5mm plaster board with 5mm skin, 75.25mm  
insulation between battens.

**Ground floor** of 100mm concrete on 100mm polyethylene slab insulation, on 1200 gauge DPC on 100mm concrete. **First floor** to be 130mm concrete and timbered hangers. **Top floor** to be 130mm concrete (minimum mass per sqm 12kg/m<sup>2</sup>) on 195 x 47mm joists @ 400mm c/c, joists bearing on 195 x 47mm joists of gables and secured to walls with 30 x 2mm galvanneal steel straps connecting to reinforcement of 1 joists and wall ties 2 courses of reinforcement. **Roofs** to be continuous with rafting. **Ground floor joists** to be 115mm galvanneal with 195 x 47mm joists. **Joists** to be formed with all pipe work welded to avoid air paths between rooms.

[illegible]

manufacturers, leading to confusion on existing products. The proposed changes to be listed for the 1984-1985 calendar year will be provided to all dealers of the product in their country.

**HEATING**

For radiators for vehicles manufactured to existing systems and for those with individual thermostats.

**REPAIRS**

As new wiring to conform to BS 7671 1992, all vehicles produced between 1980 and 1983 must have a 200mm high floor level. Suitable detectors must be incorporated and cabling routed,

and direct to visit him at a supervised drug site, a self-checking history pack. Efficient Internet shopping in all new rooms (strong efficient bar village fluorescent tubes/fluorescent tubes).

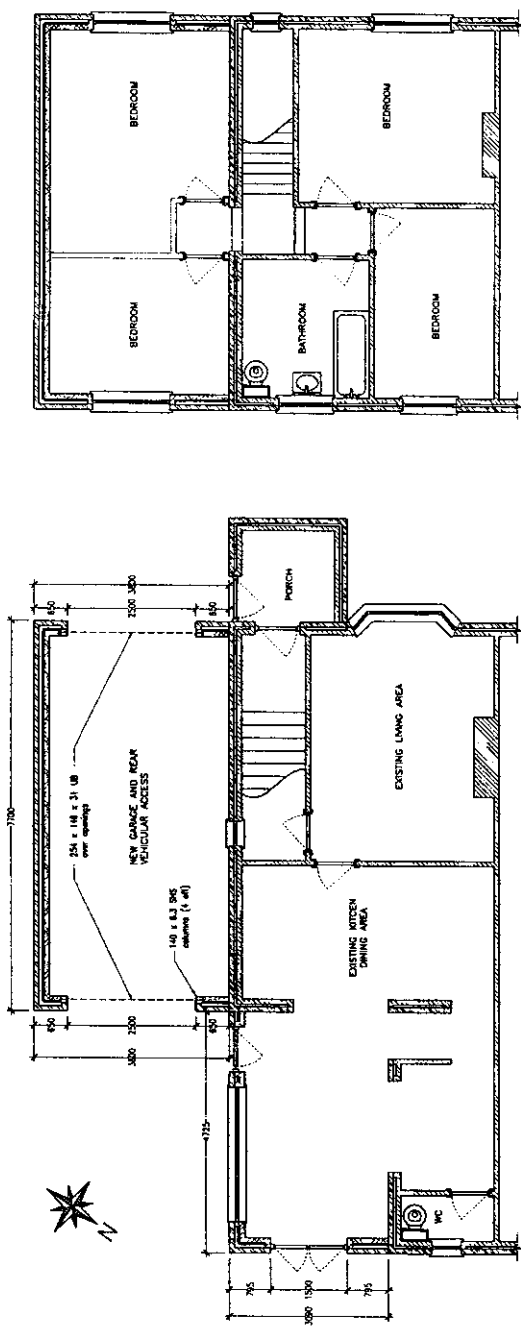
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No.	Date
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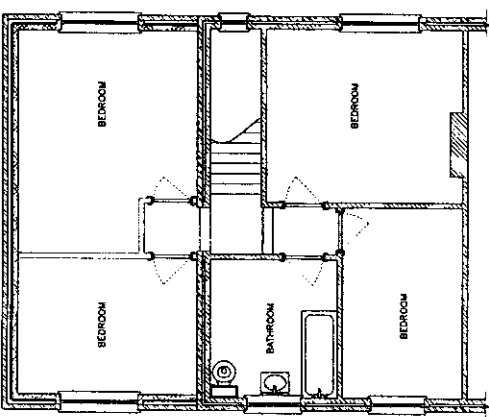
**Proposed New  
Extension for  
2 Abby Terrace  
Cotehill  
Carlisle**

Original Drawing A1	Sheet	2 OF 2
Drawn	DATE	DATE
D-H05/02	OCT 2005	AS SHOWN

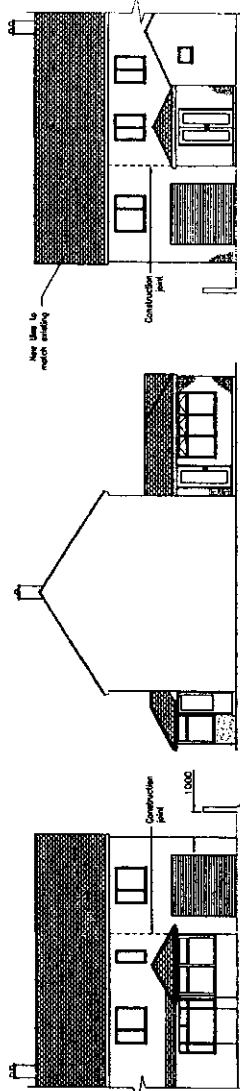
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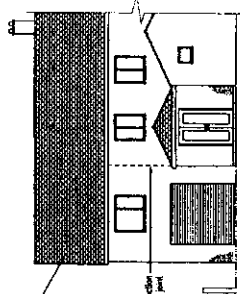
**PROPOSED GROUND FLOOR PLAN**  
SCALE 1:50



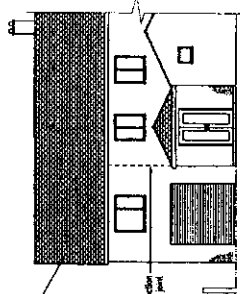
**PROPOSED FIRST FLOOR PLAN**  
SCALE 1/50



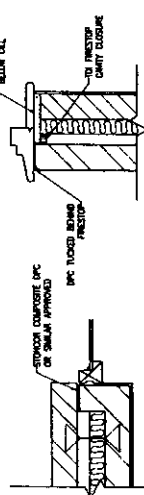
PROPOSED FRONT ELEVATION



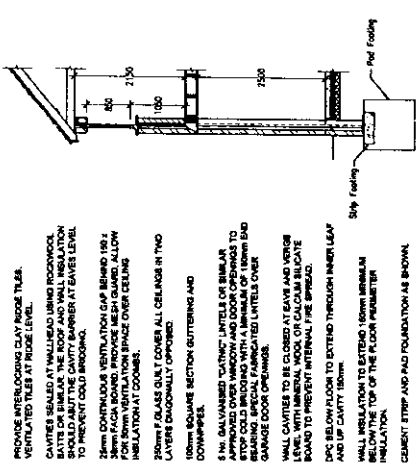
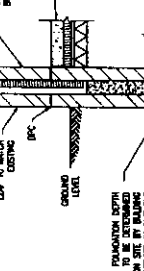
PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



### DETAIL OF VERTICAL CLOSURE



### SECTION THROUGH GARAGE OPENING

## SCHEDULE B: Reports Requiring Further Information

05/1176

Item No: 08

Date of Committee: 16/12/2005

**Appn Ref No:**  
05/1176

**Applicant:**  
West Scottish Lamb Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
03/11/2005

**Agent:**  
John Coward Architects  
Limited

**Ward:**  
Belah

**Location:**  
The Abattoir, Brunthill Road, Kingstown Industrial  
Estate, Carlisle

**Grid Reference:**  
338787 559005

**Proposal:** Extension to Slaughter hall to accomodate a cattle killing line.

**Amendment:**

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### REPORT

#### Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination because a substantial number of objections have been received to the proposed development.

#### Planning Policies:

##### **Health & Safety Executive Consultation**

The proposal relates to development involving or affected by hazardous substances or noise.

##### **Carlisle District Plan Employment - Proposal EM2**

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

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and

3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft  
Policy EC1 (EC2) Primary Employment Areas**

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

1. the existing use of the site adversely affects or could adversely affect adjacent residential properties or the local environment; or
2. the proposed alternative use provides for needed community building or public amenity space; or
3. the proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
4. the alternative development would be appropriate in terms of scale and design to the surrounding area and the amenity of adjacent properties would not be prejudiced.

Proposals for public sales floorspace within employment units will be restricted to no more than 5% of the available floorspace. Restrictions will be placed on the hours of operation in order to ensure that the use remains ancillary to the prime use of the unit.

Employment uses have now become established at the former RAF14MU outlying sites at Harker, Heathlands and Rockcliffe. The sites are designated as Primary Employment Areas.

In the Sandysike/ Whitesyke areas proposals for the redevelopment and extension to existing industrial and warehousing premises will be acceptable provided:

1. the proposal does not have an adverse impact on the landscape; and
2. the proposal does not involve the loss of existing tree cover; and
3. where appropriate, opportunities are taken to reinforce existing landscaping; and
4. adequate access and appropriate parking are provided.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft  
Policy CP4 (CP15) Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.

4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Cumbria and Lake District Joint Structure Plan 2001 – 2016 Modifications Policy ST3: - Principles applying to all new development**

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
  - a) the appropriate reuse of existing buildings worthy of retention, followed by
  - b) the reuse of previously developed land and only then
  - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
  - a) sites with little or no flood risk, followed by
  - b) sites with low or medium flood risk, and only then
  - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems
4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or

re-establish, important nature conservation features,

6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

#### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objections as the proposal will not have a material effect on existing highway conditions.

**Environmental Protection Services:** Advise that the department has had long standing problems with odour nuisance complaints due to poor storage of animal by-products on the abattoir site and to a lesser extent noise nuisance complaints arising from slaughter house operations, particularly during the summer months. There is concern that an increase in throughput will exacerbate these problems and they wish to lodge a holding objection until the following additional information has been received:

- (1) Total throughput per day once the cattle line is operational.
- (2) A written management scheme which addresses
  - (a) how putrescible animal by products, including blood, will be stored on site and
  - (b) what measures will be adopted to prevent odour nuisance arising from the storage and collection of these animal by products
- (3) Hours of operation of -
  - (a) the killing line
  - (b) on site vehicle movements
- (4) Whether lairage facilities are proposed for cattle overnight.
- (5) Whether the development will result in additional 'noisy' plant and machinery e.g. compressors and generators, on site

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

**Property Services:** Advise that:

(1) Property Services have had a request for landlord's consent for the extension to the killing line as per the planning application.

(2) The abattoir has presented a number of problems in recent years particularly in relation to:

(a) unauthorized caravans and tents for workers

(b) the use of a large unsurfaced part of the site for the processing of skins/animal products in the open with pollutants running off into unmade ground and;

(c) the storage of chemicals, animal products, rubbish and scrap in the open

(3) There has been a constant stream of complaints about the noxious smells arising from the plant due to blood tanks not being emptied or maintained properly.

As Property Services are concerned that the proposal to increase the capacity at the abattoir may lead to an intensification of these problems, they object to the application unless it can address the continuing problem.

**Cumbria County Council - (Archaeological Services):** No comment..

### Summary of Representations:

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Carlisle Refridgeration, Westmoor Road	15/11/05	
Bells Fishmongers, Westmoor Road	15/11/05	
Charles Robertson, Meat Hygiene Service	02/12/05	
On-Line Systems, Westmoor Road	15/11/05	Objection
Business Systems (Unit 8), Brunthill Road	15/11/05	
Wight Cable (Unit 10a), Brunthill Road	15/11/05	
Lowry Hill Residents Association	15/11/05	Objection
Mr & Mrs J Cave & Dr S Cave, Fingals Cave		Objection
C W Lilley, 4 Netherby Drive		Objection
Mrs T Boothroyd, 1 Sark Close		Objection
Mr & Mrs Hopper, 76 Lowry Hill Road		Objection
Mr A Fazakerley, 9 Sark Close		Objection
Mr & Mrs Davidson, 90 Lowry Hill Road		Objection
Elaine Douthwaite, Border Food Machinery		Objection
Mrs L S Lilley, 4 Netherby Drive		Objection
John Campbell, 104 Lowry Hill Road		Objection
Julia Smithers, 7 Sycamore Close		Objection
Janet Freeman, 5 Alexandra Drive		Objection
David W Smith, 25 Sark Close		Objection
Mrs D M Lancaster, 1 Lowry Close		Objection
E M Larking, 62 Lowry Hill Road		Objection
The Owner / Occupier, 36 Lowry Hill Road		Objection
Mr A S & Mrs T J Maxwell, 10 Sark Close		Objection



The Owner / Occupier, 13 Gelt Close	Objection
Mr & Mrs B S Maddison, 82 Lowry Hill Road	Objection
J Brunskill, 98 Chesterholm	Objection
Cllr A Toole, 89 Etterby Lea Crescent	Objection
Mrs J Newstead, 6 Houghton Road	Objection
Mr I C Wallace, Southwich Home Farm	Objection
Mrs M Athroll, 43 Lowry Hill Road	Objection
Mrs D S Causey, 78 Lowry Hill Road	Objection
Mr G Whitaker BEng(Hons) AALCD, 49 Lowry Hill Road	Objection
Mr Mike McGarva, 52 Carvoran Way	Objection
Mr David Holmes, Flat 8	Objection
Miss J Simpson, 1 Teasdale Court	Objection
Robert Fulton, 35 Pennington Drive	Objection
Mary Warwick, 80 Lowry Hill Road	Objection
Mr R Latimer, 74 Lowry Hill Road	Objection
Claire Binnie, 47 Lowry Hill Road	Objection
Mr & Mrs Drobczyk, 1 Netherby Drive	Objection
Mr J S Finnigan, 3 Netherby Drive	Objection
Mr M Tweddle, 5 Sark Close	Objection
Mr & Mrs O'Neil, 6 Netherby Drive	Objection
Stuart Knubley, Salon Services	Objection

Publicity was given to the proposal by a site notice, press notice and direct notification of the occupiers of adjacent industrial and commercial premises.

The Lowry Hill Residents Association were also consulted. and have commented that" grossly intrusive odours originating from the abbatoir have caused grave discomfort to occupants and workers in its surrounding area,including a substantial number of residents of the Lowry Hill Estate,not only outside but also within their houses.In addition to this the noise made by animals at the abbatoir has frequently been unpleasant and disturbing."

The Association are uncertain about what bearing the proposed development could have on these issues in the future but are sure that the Committee,in giving consideration to the application will expect to have to hand the abbatoir companies firm and sincere assurance,supported by sound independent professional opinion, that the environs of the factory will not be adversely affected by the development proposed.

The Association recognise however that it will be difficult to give such an assurance about animal noise as it is the Association`s understanding that the proposal encompasses a substantial increase in the number of animals to be dealt with.

At the time of writing this report 39 letters of objection from residents and persons employed on Kingstown Industrial Estate had been received. The major grounds of concern are as follows:

- (1) Odour problems associated with the existing operation will be made worse.
- (2) Noise problems associated with the existing operation will be made worse.
- (3) Additional traffic.

Several respondents make the point that the odour problem is already jeopardising

the viability of existing businesses and will deter new businesses from locating on Kingstown Industrial Estate.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

Since 1988 planning permissions have been issued for incremental alterations and extensions as follows:

- |      |  |
|------|--|
| 1988 | Erection of pre-fabricated building for office use (88/0005)       |
| 1992 | Extensions and alterations (92/829)                                |
| 1993 | Extensions, alterations and refurbishment (93/123)                 |
| 1994 | Erection of reserve boiler house and flue                          |
| 1995 | Construction of a loading bay (94/977)                             |
| 2000 | Livestock building (00/409)<br>Extension to sheep lairage (00/598) |
| 2004 | Extension to slaughter hall (04/326)                               |

#### **Details of Proposal:**

##### **Description:**

This is an application for full planning permission for the erection of an extension to accommodate a separate cattle killing live at the Abattoir, Brunthill Road. This is a revision to a previous planning permission for an extension to the slaughter house to provide a pig killing line (04/326) and if granted would supersede that proposal.

The proposed extension is to the rear of the existing slaughter hall, partly on the site of a lean to building which is to be demolished. The floor area of the building (80 square metres) is the same as that already approved but will have a lower profile. The roof of corrugated mineral fibre is double pitched with the pitches sloping inward towards a valley gutter in the centre of the building presenting a mono-pitch to the south. The building will be lit by a large roof light and the walls will be of facing brick.

It is also proposed to raise the height of an adjacent flat-roofed building by approximately a metre

##### **Officers Appraisal:**

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 objections) indicate otherwise.

In consideration of this application, Policy EM2 of the Carlisle District Local Plan, Policies EC1 and CP4 of the Redeposit Draft (2001-2016) and Policy ST3 of the Joint Structure Plan 2001-2016 modifications are relevant.

Policies EM2 and EC4 make it clear that light and general industrial and storage uses are acceptable in Primary Industrial Areas.

Policies ST3 and CP4 set out the criteria against which the suitability of all new development, including alterations to existing buildings, should be assessed. The relevant criteria for this extension seek to ensure that:

- (1) Proposals have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing
- (2) Proposals should not adversely affect the residential amenity of existing areas, nor adjacent land uses
- (3) There should be no reduction in air quality and the quality of groundwater and surface waters and;
- (4) There should be minimal levels of light pollution and noise.

The current use falls within the definition of general industrial (Class B2 in the Town and Country Planning Use Classes (amendment) Order 2005) and the principle of extending the existing use is therefore acceptable in terms of the Local Plan policies.

In considering the application it should be recognised that planning permission already exists for an extension to the slaughter hall with the same floor area.

Apart from the type of animals being slaughtered the only difference between the applications relates to the:

- (1) form, height and construction materials being used in the extension and
- (2) raising the height of an existing flat roof

Although the proposed building is of non-traditional appearance, there are a range of styles of building materials and a variety of roof pitches. Given the context and the siting of the building it is not considered that it significantly impacts on the visual amenity of the area

It is evident however from the responses from consultees and letters of objection, that there has been a major odour problem which has affected the amenity of both residential properties and businesses on Kingmoor Industrial Estate. There have also been complaints regarding noise.

In response to a request from Environmental Services the applicants have supplied

some of the information clarifying aspects of their development and setting out their proposals to address the odour issue. Further information has been requested from the applicant and a detailed response is awaited from Environmental Services.

A response is also awaited from the Meat Hygiene Service.

An update will be presented to the Development Control Committee.

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### **Human Rights Act 1998**

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

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

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

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

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

The application is being considered against the provisions of the above protocol of the Act.

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### **Recommendation:**

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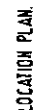


John Edward, 85, 4401 S. Elmwood, died at home.

PROPOSED SITE + LOCATION. PLAN  
CARLISLE ABATTOIR • BRUNNILL ROAD  
KINGSTOWN ESTATE • CARLISLE  
for CARLISLE BUTCHERS (1962) LTD.

[illegible]

Leafy vegetable - watercress is sold at \$1.00 per lb.

[illegible]

RECEIVED  
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2005/1176

JOHN CORNWALL ARCHITECTS LIMITED  
Derivative Buildings  
Central Campus  
L11 9PH  
Tel: 01938 647366  
Fax: 01938 647375

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## SCHEDULE A: Applications with Recommendation

05/1022

Item No: 09

Date of Committee: 16/12/2005

**Appn Ref No:**  
05/1022

**Applicant:**  
Mr & Mrs McDonald

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
28/09/2005

**Agent:**  
Green Design Group

**Ward:**  
Stanwix Rural

**Location:**  
12 Vestaneum, Low Crosby, Carlisle, CA6 4PN

**Grid Reference:**  
344625 559620

**Proposal:** Two storey rear extension to provide garden room, dining area and utility room on ground floor with 2no en-suite bedrooms above

**Amendment:**

revised drawing received reconfiguring and lowering the roof

### REPORT

#### Reason for Determination by Committee:

The application is reported to Committee following an objection from the occupiers of a neighbouring property.

#### Planning Policies:

##### Flood Risk Zone

##### Carlisle District Plan Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

##### Carlisle District Plan Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and



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

05/1022

setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No observations.

**Stanwix Rural Parish Council:** No objections.

**Environment Agency (N Area (+ Waste Disp)):** The property is in Flood Zone 2 (Low to Medium Risk). A simple Flood Risk Assessment is required, acknowledging the flood risk with conditions imposed regarding floor level to be no lower than existing and electrical points positions at a higher level.

### **Summary of Representations:**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 10 Vestaneum	03/10/05	
Mr N C & Mrs S McKerr, 14 Vestaneum	03/10/05	Objection

The application has been advertised by means of a site notice and neighbour notification. One letter has been received, objecting to the application for the following reasons:

1. Loss of daylight and sunlight from the rear of the property
2. Loss of privacy/overlooking
3. The plans are not in keeping with the rest of the estate
4. Construction of the extension would necessitate the moving of an oil storage facility and garden shed, possibly closer to the objector's property.

These comments were made in the originally submitted proposals. Any additional comments on the revised proposals will be reported at the meeting.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

Outline planning permission for the development of this estate of 20 dwellings was granted in July 1995, with reserved matters approved in June 1996.

### Details of Proposal:

This application was deferred at the meeting of the Committee on 11th November to enable members to visit the site. It will be recalled that permission is sought for the erection of a side/ rear extension at 12 Vestaneum, Low Crosby. The property is currently a detached house, with an attached double garage and it is proposed to build a first floor extension over the garage, providing two additional bedrooms with en-suite facilities. The extension projects 3.7m beyond the existing rear wall with a rear facing gable, providing a utility room and dining room on the ground floor.

The application raises issues related to Policy H.14 of the Carlisle District Local Plan, in terms of the scale and design of the extension, and its impact on neighbouring residents. Policy E20 related to flood risk is also relevant.

Where an extension such as this, above a double garage is proposed, the result can be unattractive, as the front elevation appears a uniform 'slab'. It is therefore desirable to make the extension subsidiary to the rest of the property in terms of scale and in particular to achieve a break in the ridgeline.

This approach has been followed in this case, and as amended the proposal has a ridgeline 400mm lower than the main house, with dormer windows on the front elevation. This design is considered to be acceptable in terms of Policy H.14.

Large side extensions can also sometimes impinge on the amenity of nearby residents. In this case, the adjoining property which has a sunroom extension to the rear is sited at right angles to No. 12, with a detached garage adjacent to the boundary. The effect of this is that although the distance from the sunroom on No. 14 to the nearest point of the proposed extension is only some 7m, the view of the extension will be oblique rather than direct. Loss of sunlight has been cited as an objection to the proposal, but this would occur during the afternoon when the sun will be at a lower angle. In relation to the issues raised, members will be aware that oil storage facilities and garden sheds are normally permitted development, allowing them to be erected anywhere within the rear garden area.

In relation to flood risk, the property is flood zone 2 (low to medium risk). A Flood Risk Assessment has been submitted which recognises the degree of risk and agrees to sensible precautions.

In summary, therefore, the amended proposal, with a stepped ridgeline is considered to be acceptable, and the application is recommended for approval.

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### Human Rights Act 1998

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

## SCHEDULE A: Applications with Recommendation

05/1022

- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The applications raises issues related to Article 8 of the Human Rights Act. This should be borne in mind when a decision is made.

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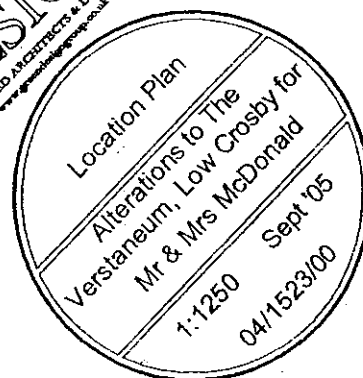
### Recommendation: Grant Permission

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 external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the Local Planning Authority.  
  
**Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy 25 of the Cumbria and Lake District Joint Structure Plan.
  3. Finished floor levels with the extension shall be no lower than the existing dwelling, and electrical services shall be set not less than 900mm above the finished floor level in accordance with details to be submitted to and approved by the local planning authority.  
  
**Reason:** To minimise risk from flooding.
-

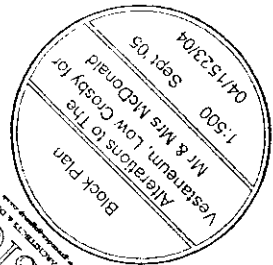


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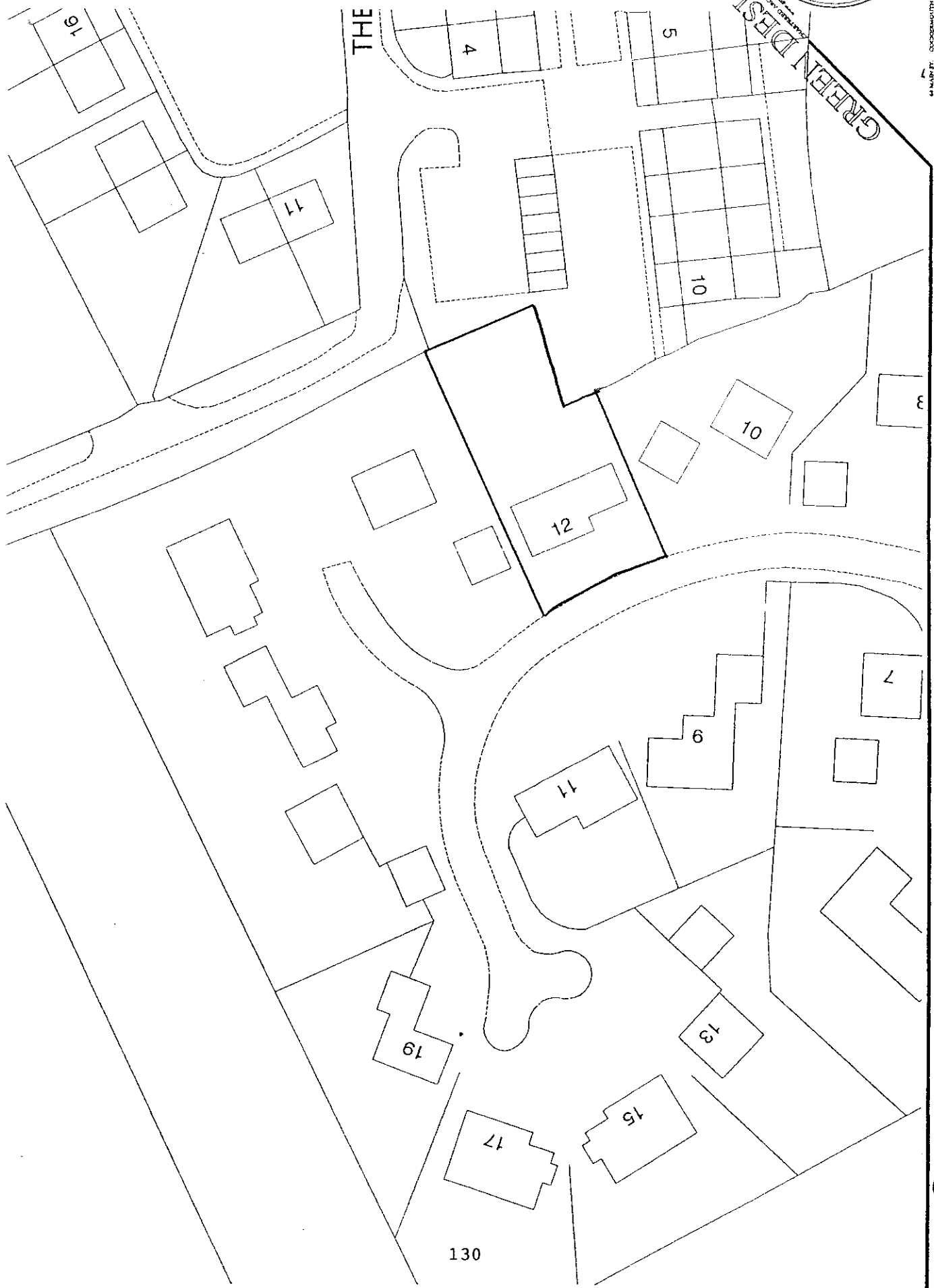
**GREEN DESIGN GROUP**  
CHARTERED ARCHITECTS & DESIGNERS

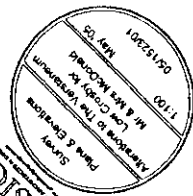






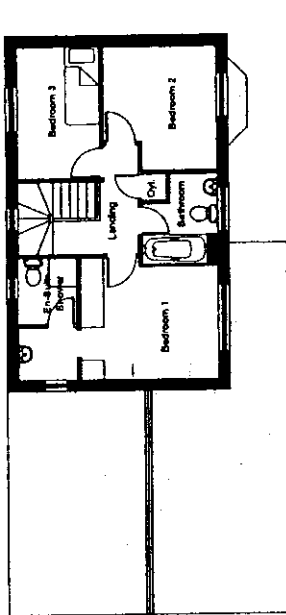
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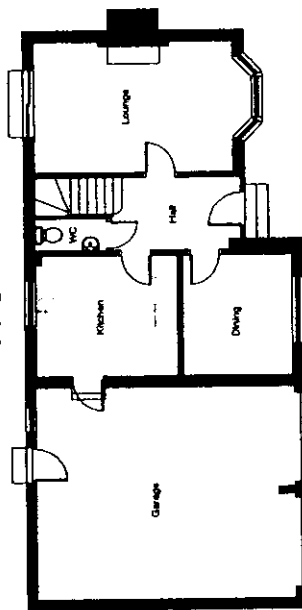


**GREEN DESIGN GROUP**

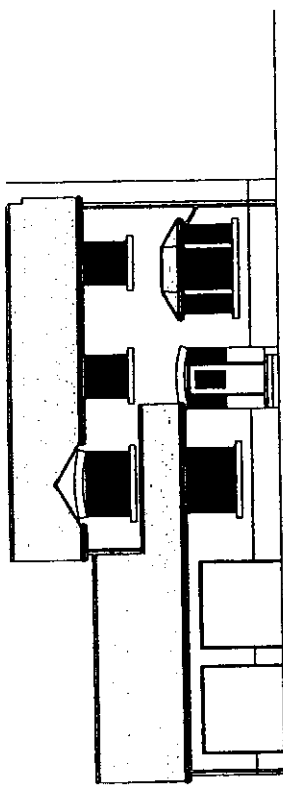
2005/10/22



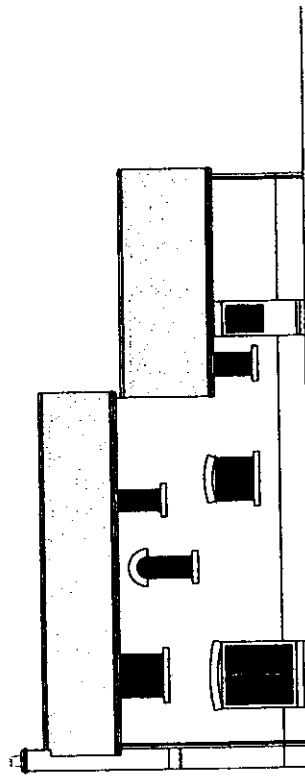
First Floor Plan



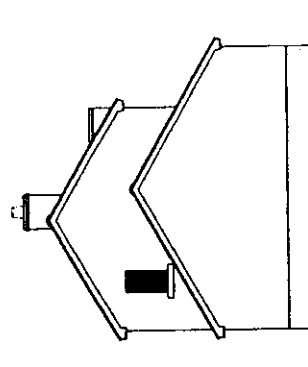
Ground Floor Plan



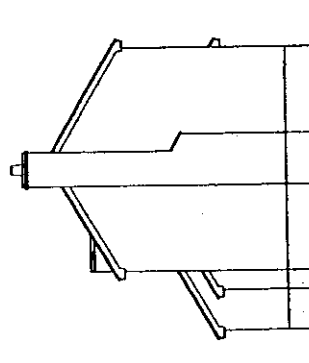
Front Elevation



Rear Elevation



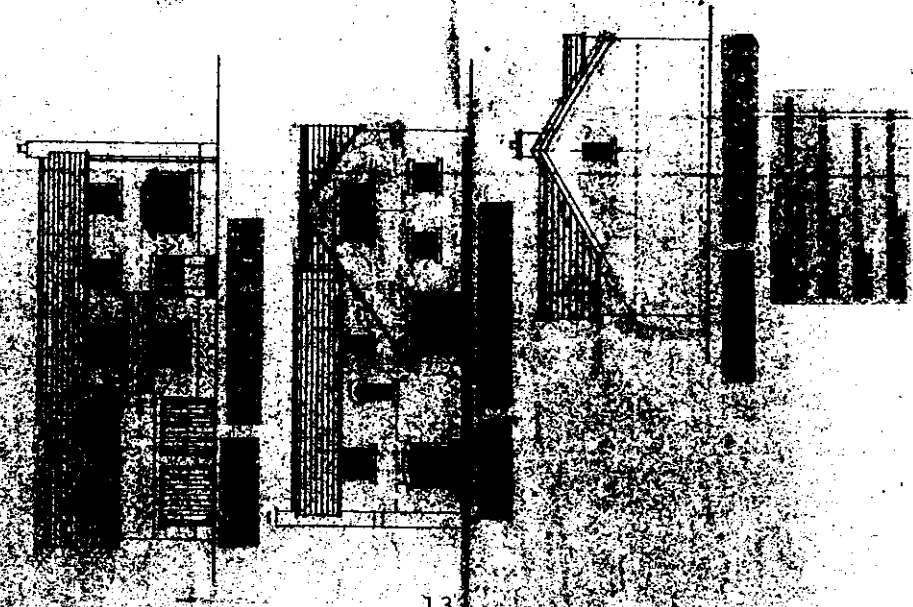
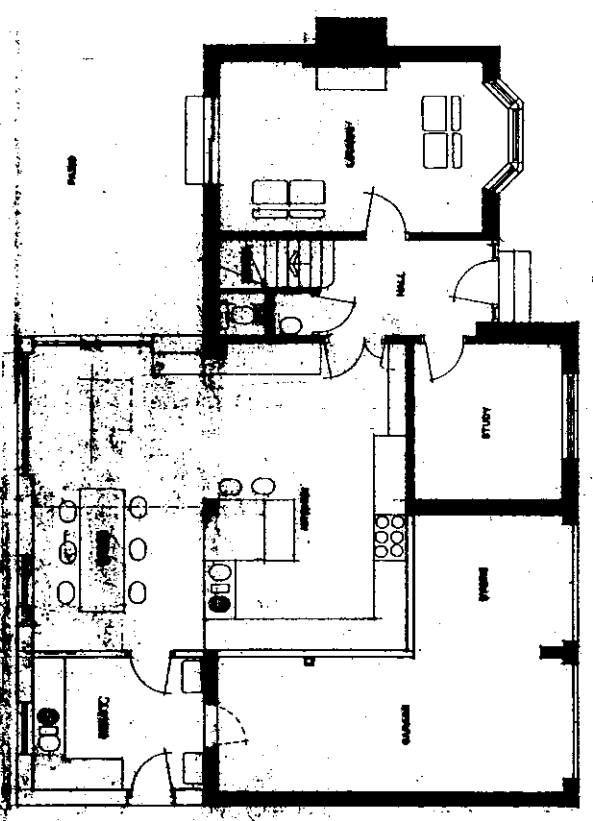
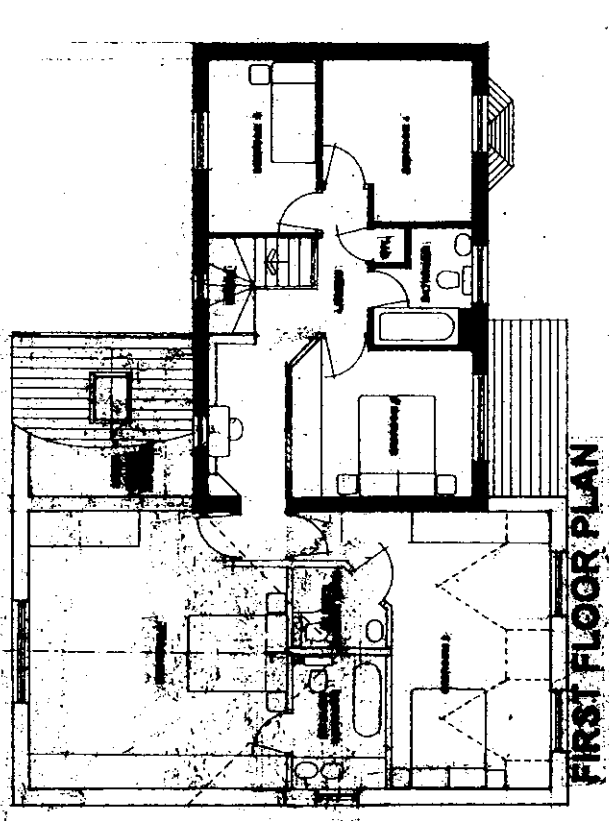
Side Elevation



Side Elevation

GREEN DESIGN GROUP  
 OFFICE OF ARCHITECTURE & INTERIOR DESIGN  
 1000 15th St, Suite 100  
 Berkeley, CA 94710  
 Tel: 415.863.1234  
 Fax: 415.863.1235  
 Email: info@greendesigngroup.com

RECEIVED  
 21 OCT 2005  
 1:50  
 Mr. & Mrs. McConelli  
 Attention: To The Architect  
 05/15/2005  
 05/15/2005

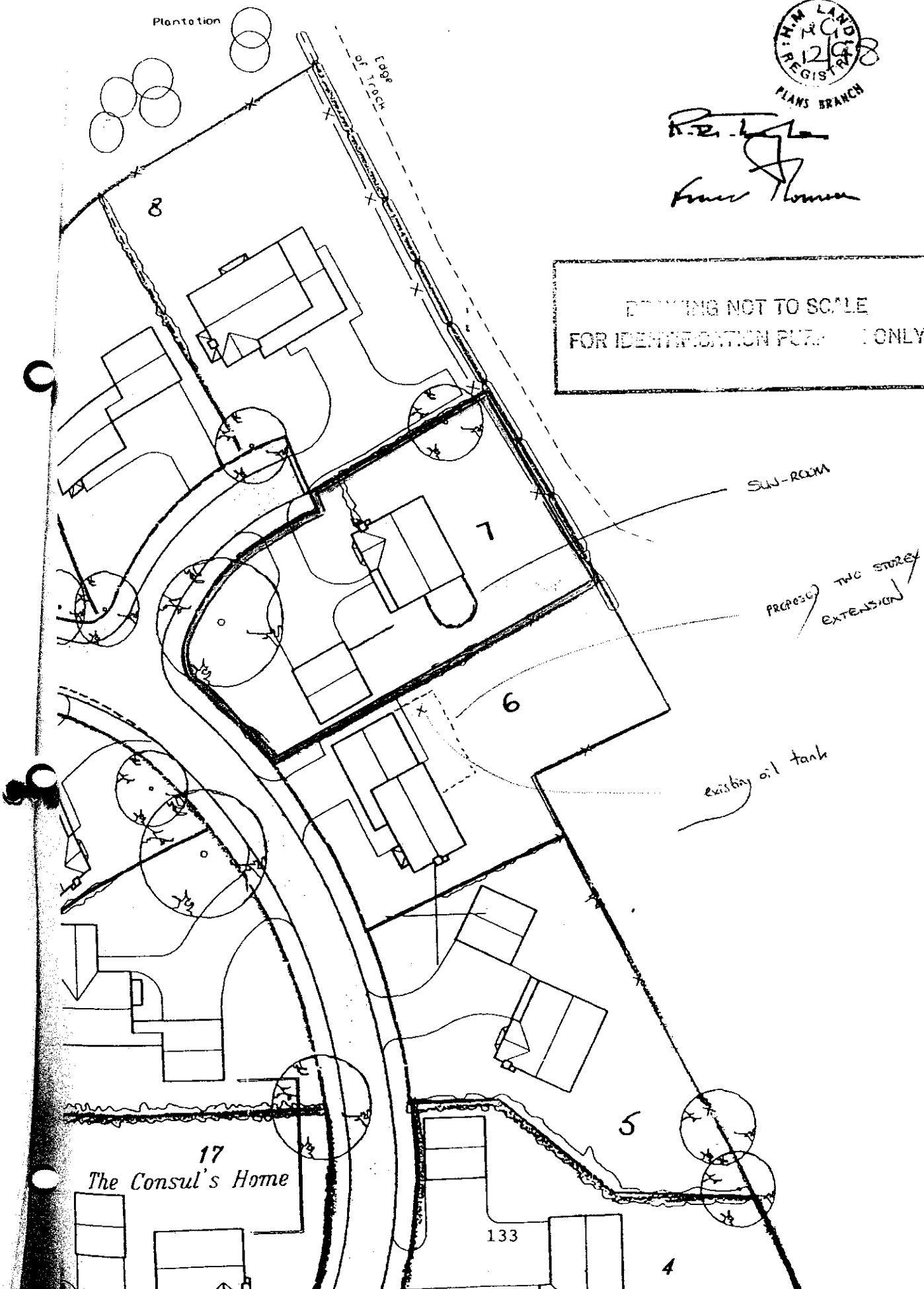


# OFFICE COPY



*R.E. [Signature]*  
*Amir [Signature]*

DRAWING NOT TO SCALE  
FOR IDENTIFICATION PURPOSES ONLY



Your ref: CJH/DC/05/1022  
Our ref: 05/1022/GC/RLP

28 October 2005

Carlisle City Council  
Planning Services Division  
The Civic Centre  
Carlisle  
CA3 8QG

PLANNING SEC	
REF	
- 1 NOV 2005	
RECORDED	MB
SCANNED	
PASSED TO	CJM
ACTION	

COUNTY COUNCIL

**Cumbria Highways**

**Client Services**

**Highways & Infrastructure**

Upper Gaol Yard

The Courts, Carlisle

Cumbria CA3 8NA

Fax: 01228 606577

Tel: 01228 606111

[geoff.cameron@cumbriacc.gov.uk](mailto:geoff.cameron@cumbriacc.gov.uk)

Dear Sir/Madam

#### CONSULTATIONS WITH PLANNING AUTHORITIES

**Proposal:** Two storey rear extension to provide garden room, dining area and utility room on ground floor with 2 no. en-suite bedrooms above

**Address:** 12 Vestaneum, Low Crosby, Carlisle, CA6 4PN

I refer to the above consultation dated 26 October 2005.

I can confirm that the Highway Authority has no objection to the proposed development as it is considered that the proposal does not affect the highway.

Yours faithfully



Geoff Cameron  
Assistant Development Control Engineer

## SCHEDULE A: Applications with Recommendation

05/0434

Item No: 10

Date of Committee: 16/12/2005

**Appn Ref No:**  
05/0434

**Applicant:**  
Eden Golf Centre Ltd

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
04/05/2005

**Agent:**  
Taylor & Hardy

**Ward:**  
Stanwix Rural

**Location:**  
Land adjacent Eden Golf Club, Newby Grange,  
Carlisle, CA6 4RA

**Grid Reference:**  
345600 558600

**Proposal:** Operations to form an extension to the existing golf course to provide 4 holes

**Amendment:**

---

### REPORT

#### Reason for Determination by Committee:

The application is reported to Committee following receipt of an objection from the Campaign for the Preservation of Rural England.

#### Planning Policies:

##### **Public Footpath**

The proposal relates to development which affects a public footpath.

##### **Carlisle District Plan Environment - Policy E8**

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and

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

05/0434

3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

### **Policy E37: Landscape character**

Development and land use change should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub types.

Proposals will be assessed in relation to:

1. locally distinctive natural or built features,
2. visual intrusion or impact,
3. scale in relation to the landscape and features,
4. the character of the built environment,
5. public access and community value of the landscape,
6. historic patterns and attributes,
7. biodiversity features, ecological networks and seminatural habitats, and
8. openness, remoteness and tranquillity.

### **Carlisle District Plan Environment - Policy E27**

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

### **Carlisle District Plan Environment - Policy E20**

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

### **Summary of Consultation Responses:**

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

**Stanwix Rural Parish Council:** No observations.

**Commercial & Technical Services - Drainage Engineer:** Awaiting comments.

## SCHEDULE A: Applications with Recommendation

05/0434

**Cumbria County Council - (Archaeological Services):** An archaeological field walking and metal detecting survey has been carried out which revealed nothing of significance. there is therefore no requirement for further action.

**English Nature:** Awaiting comments.

**Cumbria County Council (Strategic Planning Authority):** Awaiting comments.

**Environmental Protection Services:** Awaiting comments.

**East Cumbria Countryside Project:** No objection in principle, but some concerns that there may be conflict between golf course users and pedestrians on the footpath, the onus is on the golf course to avoid such conflicts and appropriate signage can help to avoid this.

**Ramblers Association:** No objection.

**United Utilities (former Norweb & NWWA):** Awaiting comments.

**Council for Protection of Rural England:** The C.P.R.E objects to this application on the grounds that the footpath marks the natural boundary of the course and the proposed extension therefore increases the area and would result in unacceptable landscape change

**Environment Agency (N Area (+ Waste Disp)):** No further comments to add to those made in respect of the previous application.

### Summary of Representations:

#### Representations Received

Initial:	Consulted:	Reply Type:
The Owner / Occupier, Fell View	20/09/05	
The Owner / Occupier, 2 Crosby Grange	20/09/05	
The Owner / Occupier, 3 Crosby Grange	20/09/05	
The Owner / Occupier, 4 Crosby Grange	20/09/05	
The Proprietor, Crosby Grange	20/09/05	
The Owner / Occupier, Bantams End	20/09/05	
The Owner / Occupier, Garden Cottage	20/09/05	
The Owner / Occupier, Crosby Grange	11/05/05	
The Owner / Occupier, Belt House	11/05/05	
The Owner / Occupier, Newby Grange	11/05/05	
The Owner / Occupier, Sunnyside	11/05/05	Undelivered



## SCHEDULE A: Applications with Recommendation

05/0434

The Owner / Occupier, Marlow	11/05/05
The Owner / Occupier, The Lodge	11/05/05
The Owner / Occupier, Batt House	11/05/05
Mr J Ridley, Ashlea	11/05/05

The application has been advertised by means of a site visit and neighbour notification. No responses have been received.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

The original golf course was approved in June 1989 under ref 89/0133. Subsequently separate applications were approved in 1992 for a clubhouse and a driving range.

In October 2004, under ref 04/1347 approval was given for a new nine hole course adjacent to the existing 18 hole course.

#### **Details of Proposal:**

This application seeks permission for an extension to the Eden Golf course, at Crosby-on-Eden. Members will recall that on the 24th February this year, approval was granted for a nine hole extension to the golf course. The current application concerns two additional areas, which will enable an amended more extensive layout to be achieved for the 9 hole course. The first of these areas (3.95ha) is located at the western end of the course and adjacent to the main 18 hole course. The other, larger area (8.31ha) is at the eastern end of the course. These two areas would accommodate four holes with the remaining five holes reconfigured within the existing approved area. Members may recall that the bulk of this land is flat and lies at a lower level within the floodplain of the river Eden, while the eastern end of the site, including part of the current application site is at a higher level. There is a public footpath, which marks the boundary between the existing approved area and the proposed extension.

The application raises issues similar to the previous submission, with particular reference to the additional areas, and whether environmental and other impacts would be significantly increased.

In this regard, members should note the following points; -

1. Although the creation of the golf course has involved the change of use of a substantial area of land, and the club house and car parking areas etc. create a centre of built development, the overall effect on the character of the landscape is minimal. Therefore, although the current proposal would result in a further increase in the area of the course, officers consider that there is no objection on the basis of Policy E8 of the adopted local plan or Policy E37 of the new Structure Plan.
2. With regard to the public footpath which separates the eastern portion of the

## SCHEDULE A: Applications with Recommendation

05/0434

application site from the existing approval, the character of the land on both sides of the boundary is similar (i.e. pasture). The line of the footpath therefore has no special significance in landscape terms. Pedestrians are only allowed to walk along the line of the footpath – there is no right of way over the rest of the golf course. Problems of conflict between golfers and footpath users can be avoided by appropriate design of the course and sensible management measures. The fairway of one hole crosses the footpath but there is good visibility in both directions at this point; condition 5 requires appropriate notices to be erected which will make it clear that pedestrians have priority, and in these circumstances, the proposals are considered acceptable.

Officers therefore consider that there is no objection to the application and approval is recommended.

---

### Human Rights Act 1998

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

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

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

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

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

This application does not raise issues arising from the Human Rights Act.

---

### Recommendation: Grant Permission

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

**Reason:** In accordance with the provisions of Section 91 of the Town and

## SCHEDULE A: Applications with Recommendation

05/0434

Country Planning Act 1990.

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

**Reason:** To ensure that a satisfactory landscaping scheme is prepared, and to ensure compliance with Policy H16 of the Carlisle District Local Plan

3. 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 Policy E9 of the Carlisle District Local Plan.

4. Before development commences, full details of all proposals for ponds, watercourses and mounding shall be submitted for approval by the applicant. The approved proposals shall then be completed before the development is brought into use. The proposals shall ensure that the overall level within the site remains the same and that the total volume of all mounding is at least compensated by an equivalent volume of ponds or watercourses.

**Reason:** \*To ensure that proposals for ponds and watercourses enhance the site and accord with Policies E9 and E19 of the Carlisle District Local Plan and to ensure that the development does not exacerbate the risk of flooding at other locations within the functional flood plain of the River Eden.

5. Details of signs to be erected on the site shall be submitted to the Local Planning Authority for approval. The signs shall be to inform users of the golf course and pedestrians of the existence of the public right of way and to minimise any conflict between the respective parties, and shall be erected before use of the extended golf course commences.

**Reason:** To minimise conflict between users of the golf course and pedestrians on the public right of way.

---





9 Finkle Street  
Carlisle  
Cumbria CA3 8UU

TAYLOR & HARDY

Tel: (01228) 538886  
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Taylor & Hardy Limited. Registered in England No. 3977505  
Registered Office: 9 Finkle Street, Carlisle, Cumbria CA3 8UU

Chartered Town Planners

**BY FAX & POST**

\*\*\*\*\*

Our Ref : MEH/J/C04/186

Your Ref : CJH/DC/05/0434

Mr. John Hamer,  
Planning Services,  
Carlisle City Council,  
Civic Centre,  
CARLISLE.  
CA3 8QG

30<sup>th</sup> November, 2005

Dear John,

**FULL PLANNING APPLICATION**  
**OPERATIONS TO FORM AN EXTENSION TO THE**  
**EDEN GOLF COURSE, CROSBY-ON-EDEN, CARLISLE**  
**FOR EDEN GOLF CENTRE LTD.**

I am writing following our telephone conversation of a few days ago when you confirmed that Jeremy Parsons had advised the Local Planning Authority that the archaeological aspects of the proposal described above have been satisfactorily addressed and that on this aspect no further work was required.

You then commented that the only outstanding point was the one that had been raised by Andrew Nicholson, East Cumbria Countryside Project, in his email of 3<sup>rd</sup> June 2005. This point being the direction of Holes 5 & 6 in relation to Public Footpath 132004. Andrew was concerned that the drives were aimed "... *in approximately opposite directions in relation to the footpath*".

There is legislation and guidance on the safety issues raised where, as occurs in many locations throughout the British Isles, golf courses and public footpaths are in close proximity. In the article from the Ramblers' Association Newsletter which Andrew drew to our attention this legislation is referred to. It is advised that the Health and Safety at Work Act 1974 is applicable, Section 3 requiring every employer to ensure the safety of people not employed by that business. This provision covering club members, visiting players and the general public using footpaths and bridleways across any Golf Course.

As elaborated in the article the effect of the legislation is that:

- the Golf Club must ensure that their proposals/activities do not endanger people using any footpath or bridleway that cross the course;
- an individual player could be liable for any injury caused through carelessness to a user of a footpath or bridleway;
- a path user should exercise caution when crossing a golf course.

It is emphasised that my Clients are aware of their responsibilities under the legislation referred to and have given careful regard to this when: designing the layout of the extension to the Course; devising their proposals for notices to advise both walkers and golfers; and considering their proposals for planting in the vicinity of the footpath, i.e. the management of the planting which exists and the new planting to be introduced. The latter aspects referred to having been covered in my letter to you of 30<sup>th</sup> June 2005, a further copy of which is attached for ease of reference.

As a follow on to those details and our discussions at the site meeting earlier this morning, at this stage, my Clients' additional comments about the orientation of Holes 5 and 6 in relation to the public footpath are as follows:

- the layout of the extension to the Golf Course, including Holes 5 and 6, has been designed with safety in mind;
- as we saw this morning the tee of Hole 5 is positioned so that a golfer about to hit a ball has a clear direct view of the length of footpath over which the hole crosses. If the golfer saw anyone on the footpath the Notices referred to in my earlier letter would be a clear reminder that the shot ought not to be played until the walker was out of sight;
- similarly, a golfer at the tee to Hole 6 would be in a position which gave a clear view of the footpath in the vicinity, as above signs would be displayed to advise that play should be suspended if there was a walker nearby, until they were out of sight. Furthermore, it is noted that Hole 6 does not cross the footpath and that the actual hole itself is some 20 m or so from the footpath.

I trust the above answers your queries and that the application will be recommended for approval at the Development Control Committee Meeting on 16<sup>th</sup> December 2005. If, however, you wish to discuss please do ring.

Yours sincerely,

  
MARGARET HARDY

Copy to : Mr. A. Wannop, Linstock Castle, Linstock, Carlisle, CA6 4PZ

COPY

Our Ref : MEH/J/C04/186

Your Ref : CJH/DC/05/0434

Mr. John Hamer,  
Planning Services,  
Carlisle City Council,  
Civic Centre,  
CARLISLE.  
CA3 8QG

30<sup>th</sup> June, 2005

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**OPERATIONS TO FORM AN EXTENSION TO THE**  
**EDEN GOLF COURSE, CROSBY-ON-EDEN, CARLISLE**  
**FOR EDEN GOLF CENTRE LTD.**

Thank you for passing on to me the Consultation Responses of the:

- Archaeological Officer, Cumbria County Council -  
letter dated 27<sup>th</sup> May 2003;
- East Cumbria Countryside Project -  
email dated 3<sup>rd</sup> June 2005 and 'follow up' extract from a journal;
- Friends of the Lake District -  
letter dated 31<sup>st</sup> May 2005.

As we have discussed, the responses raise 3 principal issues which need to be addressed. I am writing at this stage to comment on 2 of these, as follows:

**i. Safety of Users of the Public Footpath 132004**

As stated in the Consultation Responses the proposed extension of the Golf Course onto the parcel of land to the north-east of the golf course as approved on 24<sup>th</sup> February 2005 (L.P.A. Reference No. 04/1347) is beyond the route followed by Public Footpath No. 132004.

The Course as now proposed to be extended would be to either side of a 400 m, approximately, length of this footpath.

For this 400 m the existing post and wire fencing will be removed but the hedgerow planting, which is presently somewhat dilapidated, will be retained and enhanced. The precise route of the footpath will continue to be defined as existing and there will be no rights for walkers to roam



across the golf course. Access along the footpath will not be restricted during or after development.

It ought also to be noted that any tree planting on the golf course, to both sides of the footpath, will be sited so as not to obstruct views of the footpath from the tees. In addition, hedgerows between the course and the footpath will be maintained so as to allow clear unobstructed views between walkers and golfers.

Whilst noting all the above, prompted by the Consultation Responses, further consideration has now been given as to how the safety of users of the footpath can be safeguarded and in this regard my Clients confirm that they will follow the recommendations of the Ramblers Association. Based on the journal extract provided by Andrew Nicholson, East Cumbria Countryside Project, these measures will be as follows:

- (a) a plan will be displayed in the Club House which will show the public right of way and remind Members and Visitors to the Golf Course that people have a right to use the footpath at all times;
- (b) notices will be erected at all appropriate points warning golfers not to play shots while walkers are in sight and to advise walkers to take care;
- (c) the public footpath will be clearly sign-posted at both ends and, as appropriate, along the route.

It is considered that the measures set out above will minimise the risk to users of the footpath.

## **ii. Change to the Agricultural Character of the Land**

The views of the Friends of the Lake District on this aspect are noted. It is, however, considered that their concerns are over-stated.

Whilst it is clear that my Client's proposal for the parcel of land beyond the public footpath to the north east will involve a change to its appearance consideration of this aspect needs to be assessed carefully in the context of all the criteria to Policy LC7 of the Deposit Draft of the Carlisle District Local Plan, July 2004.

In particular, it is noted that this part of the extension which is proposed relates to an area of land which extends to 8.31 hectares. This is a modest increase overall. The existing course extends to 60 hectares; the extension to the course approved on 24<sup>th</sup> February 2005 extends to 28 hectares; and the other parcel of land subject of the current application which is not subject of The Friends of the Lake District objections is 3.95 hectares.

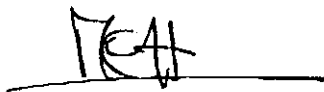
The visual change to the land will be limited to the area within its principal boundaries. The hedges to the perimeter will remain mainly unchanged and, when viewed from the principal public vantage points, the land will be seen against a foreground of the golf course of the same character as that proposed.

The changes which are proposed are fairly limited and comprise the formation of only 2 holes (No's. 5 and 6) and limited tree planting. The works will largely follow the existing landform.

It is considered that these works will not have **"... an adverse impact on the landscape ..."** and are acceptable within the policy context of LC7. Support for this view is drawn from The Reasons/ Explanations to the policy at paragraph 8.21 which state that: **"It seems certain that any new golf course would be within the rural area. By their very nature, golf courses are an acceptable "open" use in the countryside, providing groups of trees and a varied landform. ..."** The proposal is not one of the exceptions identified in the text **"... where a golf course would not be acceptable ..."** these being stated as **"... if any existing woodland or other site with nature conservation or landscape interest were to be cleared to make way for the course or if the development would lead to an irreversible loss of the best and most versatile agricultural land. ..."**

The third issue which requires attention is archaeology. On this aspect you may like to note that I am liaising with Jeremy Parsons over the precise nature of the proposed works and their impact on the archaeology. I will keep you informed as matters progress. In the meantime if you wish to discuss please ring.

Yours sincerely,



MARGARET HARDY

9 Finkle Street  
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Cumbria CA3 8UJ

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# TAYLOR & HARDY

Taylor & Hardy Limited. Registered in England No. 3977505  
Registered Office, 9 Finkle Street, Carlisle, Cumbria CA3 8UJ

Chartered Town Planners

Our Ref : MEH/J/C04/

Mr. John Hamer,  
Planning Services,  
Carlisle City Council,  
Civic Centre,  
CARLISLE.  
CA3 8QG

PLANNING SERVICES	
REF	05/0434
- 1 JUL 2005	
RECORDED	
SCANNED	
PASSED TO	(AS)
ACTION	

Your Ref : CJH/DC/05/0434

30<sup>th</sup> June, 2005

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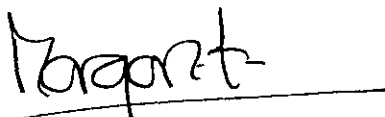
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Yours sincerely,



MARGARET HARDY

# OF THE LAKE DISTRICT

Carlisle City Council  
Planning Services  
Civic Centre  
Carlisle  
Cumbria  
CA3 8QG

PLANNING SERVICES	
REF	05/0434
DATE	
DATE	MS
DATE	2011

Murley Moss  
Oxenholme Road  
KENDAL  
Cumbria  
LA9 7SS  
(Registered Office)

Tel: 01539 720788  
Fax: 01539 730355  
E-mail: info@fld.org.uk  
www.fld.org.uk

31 May 2005

FAO John Hamer

Dear Sir

**Planning and Compulsory Purchase Act 2004**  
**Planning Application 05/0434**  
**Extension of Golf Course on Land adj. Eden Golf Club, Newby Grange,**  
**Carlisle**

Thank-you for the consultation on the above.

FLD notes the original consent was in 1989 and that further extension was allowed in 2005. It is with some concern therefore to find 2 more areas of land proposed for further extensions. In particular our concern relates to the larger area to the north-east beyond the line of a public right of way.

It is considered that the line of the right of way forms a strong physical barrier to the existing approved site and that any extension beyond that would introduce a significant change to the agricultural character of the land with the introduction of a more managed and manicured form of landscape. There is also the risk of conflict between users of the right of way and people playing golf. Overall therefore it is considered that the harm arising from the proposal outweighs any benefits and as such the proposal should be refused.

Please record these representations as those of the **Campaign to Protect Rural England (CPRE – Cumbria Association)**. I should be grateful to receive a copy of the decision in due course.

Yours faithfully

*Graham Hale*

*pp* Graham Hale BA (Hons) MSc MRTPI  
Planning Officer

**President:**  
Sir John Johnson KCMG

**Vice Presidents:**  
Sir Chris Bonington CBE  
K S Himsforth CBE  
Lord Chorley

**Chairman:**  
Brian Jones

**Hon. Treasurer:**  
Ken Andrews

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Ian Brodie

**Executive Director:**  
Andrew Forsyth

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**Planning Officer:**  
Graham Hale

**Communications Officer:**  
Martin Varley

**Membership Officer:**  
Cassie Nelson

**Administration Assistant:**  
Carol Dean



Campaign to Protect  
Rural England

## SCHEDULE A: Applications with Recommendation

05/0497

Item No: 11

Date of Committee: 16/12/2005

**Appn Ref No:**  
05/0497

**Applicant:**  
Barratt Manchester

**Parish:**  
Carlisle

**Date of Receipt:**  
19/05/2005

**Agent:**

**Ward:**  
Harraby

**Location:**  
Watts Storage Depot, London Road, Carlisle

**Grid Reference:**  
341200 555100

**Proposal:** Residential development comprising 2no 2 bed houses, 35no 3 bed houses, 35no 4 bed houses, 2no 1 bed flats, 16no 2 bed flats and associated parking/garages

### **Amendment:**

1. Revised layout plan received 11.08.05 showing 6m drive lengths and amended parking to plots 27-44.
2. Revised layout plan, drawing number 327/01 rev K, received 12.09.05 showing amendments to proposed plots 80 and 81.

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## **REPORT**

### **Reason for Determination by Committee:**

This is a major application which is a departure from the Local Plan, has generated a number of objections from local residents, and raises interesting issues concerning the use of neighbouring sites.

### **Planning Policies:**

#### **Cumbria & Lake District Joint Structure Plan Policy 1**

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

#### **Cumbria & Lake District Joint Structure Plan Policy 23**

Proposals for the development of potentially unstable or contaminated land will

normally not be considered without a satisfactory site investigation and appropriate measures to remedy any identified hazards.

#### **Cumbria & Lake District Joint Plan Policy 24**

The erection of buildings or the raising of land, will not normally be permitted where there would be a direct risk from erosion or flooding, or be likely to increase the risk of flooding elsewhere.

#### **Cumbria & Lake District Joint Structure Plan Policy 25**

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

#### **Cumbria & Lake District Joint Structure Plan Policy 26**

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

#### **Cumbria & Lake District Joint Structure Plan Policy 30**

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

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

#### **Cumbria & Lake District Joint Structure Plan Policy 31**

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



### **Cumbria & Lake District Joint Structure Plan Policy 33**

Sufficient employment land will be provided to ensure that in each District, subject to Policies 39 and 41 there exists at any one time a minimum of a five year supply of readily available land in each of the following market sectors:

- i business park
- ii strategic employment site
- iii local employment site

### **Cumbria & Lake District Joint Structure Plan Policy 34**

Permission will not normally be given for the redevelopment or use for other purposes of employment sites or buildings which already exist or are identified in Local Plans.

### **Cumbria & Lake District Joint Structure Plan Policy 70**

Large flows of bulk commodities and all dangerous materials should be transported by rail wherever possible in order to reduce the growth in heavy goods haulage by road and to reduce the possibility of serious damage to the environment. Steps to facilitate this should include:

- i the location of new development generating such movements on sites where this traffic can be handled by rail freight services, and
- ii the favourable consideration of proposals for interchange facilities between road and rail and for the rail freight servicing of existing industry.

### **Carlisle District Plan Environment - Policy E19**

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

### **Carlisle District Plan Environment - Policy E20**

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their

tributaries which are all subject to periodic flooding.

**Carlisle District Plan**  
**Environment - Policy E21**

The City Council, in conjunction with the Environment Agency, will seek to promote the concept of river corridors as important areas of open space. It will promote, where appropriate, initiatives to conserve the quality and value of rivers, particularly for nature conservation purposes, and will identify appropriate locations for public access and water-related sport and recreation.

**Carlisle District Plan**  
**Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

**Carlisle District Plan**  
**Environment - Policy E24**

Proposals for development which in the opinion of both the City Council and the Environment Agency would pose an unacceptable risk to the quality of groundwater, surface or coastal water will not be acceptable.

**Carlisle District Plan**  
**Environment - Policy E31**

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

**Carlisle District Plan**  
**Environment - Policy E43**

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

**Carlisle District Plan**  
**Environment - Policy E55**

Proposals for the reclamation of derelict, redundant and vacant land and buildings will be permitted provided that the use is appropriate to the location and the development and landscaping are in keeping with the surroundings.

**Carlisle District Plan**

## **Housing - Proposal H8**

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

## **Carlisle District Plan Housing - Proposal H15**

Within the Plan area, where there is evidence of need, developers will be encouraged to meet the needs of disabled people. In these instances dwellings should be readily accessible for disabled people and be capable of adaptation to meet the needs of any future disabled resident.

## **Carlisle District Plan Housing - Proposal H16**

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

## **Carlisle District Plan Transport - Proposal T1**

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

## **Carlisle District Plan Transport - Proposal T7**

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

## **Carlisle District Plan Employment - Proposal EM2**

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

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or

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

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** Based on the latest revised plan, drawing no. 327/01 revision M, the proposed development is considered acceptable subject to the imposition of 5 conditions.

In overall terms, it is evident that the current proposal for 90no. dwellings is a significant reduction when compared to the 130 proposed in the earlier application for which a Transport Assessment was submitted. It is therefore considered that the existing London Road/St Cuthberts street junction is sufficient in order to accommodate the traffic associated with the proposed development i.e. the current proposal does not necessitate this junction to be signalised.

**Environmental Protection Services:** Comments awaited.

**United Utilities (former Norweb & NWWA):** No objection to the proposal providing that the site is 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 many require the consent of the Environment Agency. A water supply for the development can only be made available by connecting to the 300mm main on London Road. It is therefore important to recognise that provision will be required for a water main to be laid from London Road onto the site with appropriate access and wayleaves.

A separate metered supply to each unit will be required at the developer's expense. Water pressure in this area is regulated to around 20 metres head. This should be taken into account when designing the internal plumbing. The developer must undertake a complete soil survey and results submitted along with an application for water. This will aid in the design of the pipework to eliminate the risk of contamination to the local water supply;

**Leisure & Comm Dev - Landscape Services:** Comments awaited.

**Strategic Rail Authority:** Comments awaited.

**Conservation Area Advisory Comm:** The new scheme seemed to be in an improvement on the earlier one but there was still a big problem over the treatment of the rear elevations of nearly all the residential units, which are devoid of any interest or character and made the scheme desperately unpleasant. there was still concern about the impact of this development on the traffic onto Lindisfarne Street and London Road.

Following the meeting on 3rd August 2005 the CAAC submitted further comments.

These were:

The proposed bund and fence when properly landscaped would probably be acceptable, however, there does not appear to be any information on the materials the fence is to be made of. The Committee also asked about the future maintenance of this boundary and whose responsibility it would be. Presumably this will be covered in the Section 106 Agreement and it was felt that this needed to be carefully controlled.

**Cumbria County Council - (Archaeological Services):** It is recommended that an archaeological evaluation, a building recording programme, and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development and advise that these works be secured by attaching a negative condition to any planning consent.

**Network Rail:** No objections in principle, subject to compliance of the standard terms and conditions re. protection of railway.

**Economic & Community Development Services:** Comments awaited.

**Commercial & Technical Services - Drainage Engineer:** The applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable.

The applicant indicates disposal of surface to an existing drain. However, in the first instance the applicant should investigate the use of soakaways for surface water disposal rather than to an existing drain, as this is the most sustainable method.

There is no knowledge of flooding issues at this site.

**Cumbria Constabulary - Crime Prevention:** Encouraged to note the cul-de-sac layout of the proposed estate, which has one designated access point via Lindisfarne Street. The dwellings are arranged in such a manner that they overlook each other, to enhance natural surveillance around the site. However, the drawings do not give an indication of the proposed site boundary treatment.

The play area has been positioned at the south boundary but appears to be only directly overlooked by three dwellings.

**Environmental Protection Services - Housing Strategy:** Comments awaited.

**Environment Agency (N Area (+ Waste Disp)):** The recommended planning conditions and information contained in previous correspondence in respect of this site remain pertinent.

The Agency's comments in respect of the site investigation, piling and risk assessment have not yet been addressed. These issues should be resolved prior to development.

**Council for Protection of Rural England:** Notes that the development would involve the re-use of brownfield site within the built up part of Carlisle, and would result in a density of around 29/ha (gross total site area of 3.12ha) or 42/ha (net site

area of 2.16 ha). In the circumstances there is no comment to make other than to welcome the proposal.

**Cumbria County Council (Schools Organisation):** No objections to the proposed development on Educational grounds. The Authority has a duty to provide sufficient pupil places wherever they are required and would make every effort to ensure that they are available as and when proposed houses are ready for occupation.

The nearest primary school Brook Street is projected to have sufficient places for any pupils who may move into the proposed new housing. There is however no guarantee that a place will be available in any particular year group at that School.

In the unlikely event that that may happen there will be places available in other schools such as The Bishop Harvey Goodwin or Petteril Bank. There are plenty of available places at secondary school level in Carlisle but it is not, however, possible to guarantee a place at any specific school.

### **Summary of Representations:**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 2 Lindisfarne Street	26/05/05	
The Occupier / Owner, 8 Lindisfarne Street	26/05/05	
The Occupier / Owner, 9 Lindisfarne Street	26/05/05	
The Occupier / Owner, 1 Lindisfarne Street	26/05/05	
The Occupier / Owner, 4 Lindisfarne Street	26/05/05	
The Occupier / Owner, 5 Lindisfarne Street	26/05/05	
The Occupier / Owner, 6 Lindisfarne Street	26/05/05	
The Occupier / Owner, 10 Lindisfarne Street	26/05/05	
The Occupier / Owner, 11 Lindisfarne Street	26/05/05	
The Occupier / Owner, 13 Lindisfarne Street	26/05/05	
The Occupier / Owner, 15 Lindisfarne Street	26/05/05	
The Occupier / Owner, 17 Lindisfarne Street	26/05/05	
The Occupier / Owner, 18 Lindisfarne Street	26/05/05	
The Occupier / Owner, 19 Lindisfarne Street	26/05/05	
The Occupier / Owner, 21 Lindisfarne Street	26/05/05	
The Occupier / Owner, 23 Lindisfarne Street	26/05/05	
The Occupier / Owner, 24 Lindisfarne Street	26/05/05	
The Occupier / Owner, 25 Lindisfarne Street	26/05/05	
Mrs M Brumwell, 27 Lindisfarne Street	26/05/05	
The Occupier / Owner, 29 Lindisfarne Street	26/05/05	
The Occupier / Owner, 31 Lindisfarne Street	26/05/05	
The Occupier / Owner, 33 Lindisfarne Street	26/05/05	
The Occupier / Owner, 34 Lindisfarne Street	26/05/05	
The Occupier / Owner, 35 Lindisfarne Street	26/05/05	
The Occupier / Owner, 37 Lindisfarne Street	26/05/05	
The Occupier / Owner, 39 Lindisfarne Street	26/05/05	
The Occupier / Owner, 41 Lindisfarne Street	26/05/05	
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The Occupier / Owner, 61 Lindisfarne Street	26/05/05	
The Occupier / Owner, 63 Lindisfarne Street	26/05/05	
The Occupier / Owner, 64 Lindisfarne Street	26/05/05	
The Occupier / Owner, 65 Lindisfarne Street	26/05/05	
The Occupier / Owner, 66 Lindisfarne Street	26/05/05	Undelivered
Miss E Harbord, 67 Lindisfarne Street	26/05/05	Objection
The Occupier / Owner, 68 Lindisfarne Street	26/05/05	Undelivered
The Occupier / Owner, 69 Lindisfarne Street	26/05/05	
The Occupier / Owner, 70 Lindisfarne Street	26/05/05	Undelivered
The Occupier / Owner, 71 Lindisfarne Street	26/05/05	
The Occupier / Owner, 72 Lindisfarne Street	26/05/05	Undelivered
Mr D McGlasson, 73 Lindisfarne Street	26/05/05	
The Occupier / Owner, 74 Lindisfarne Street	26/05/05	Undelivered
The Occupier / Owner, 75 Lindisfarne Street	26/05/05	
The Occupier / Owner, 76 Lindisfarne Street	26/05/05	Undelivered
The Occupier / Owner, 77 Lindisfarne Street	26/05/05	
The Occupier / Owner, 78 Lindisfarne Street	26/05/05	Undelivered
The Occupier / Owner, 79 Lindisfarne Street	26/05/05	
The Occupier / Owner, 80 Lindisfarne Street	26/05/05	Undelivered
The Occupier / Owner, 81 Lindisfarne Street	26/05/05	
The Occupier / Owner, 82 Lindisfarne Street	26/05/05	
The Occupier / Owner, 83 Lindisfarne Street	26/05/05	
The Occupier / Owner, 84 Lindisfarne Street	26/05/05	Undelivered
The Occupier / Owner, 85 Lindisfarne Street	26/05/05	
The Occupier / Owner, 86 Lindisfarne Street	26/05/05	
The Occupier / Owner, 87 Lindisfarne Street	26/05/05	
The Occupier / Owner, 88 Lindisfarne Street	26/05/05	Undelivered
The Occupier / Owner, 89 Lindisfarne Street	26/05/05	
The Occupier / Owner, 2 Delagoa Street	26/05/05	
The Occupier / Owner, 4 Delagoa Street	26/05/05	
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The Occupier / Owner, 22 Delagoa Street	26/05/05	
The Occupier / Owner, 24 Delagoa Street	26/05/05	
The Occupier / Owner, The Linton Holme Public House	26/05/05	
HSS Hire Group, 127 London Road	26/05/05	
The Occupier / Owner, 1 Lindisfarne Court	26/05/05	
The Occupier / Owner, 2 Lindisfarne Court	26/05/05	
The Occupier / Owner, 3 Lindisfarne Court	26/05/05	
The Occupier / Owner, 4 Lindisfarne Court	26/05/05	
The Occupier / Owner, 5 Lindisfarne Court	26/05/05	
A Lyons, 6 Lindisfarne Court	26/05/05	
The Occupier / Owner, 7 Lindisfarne Court	26/05/05	
The Occupier / Owner, 8 Lindisfarne Court	26/05/05	
The Occupier / Owner, 9 Lindisfarne Court	26/05/05	
The Owner / Occupier, 123 London Road	26/05/05	
The Owner / Occupier, 125 London Road	26/05/05	
The Owner / Occupier, 3 St Cuthberts Street	26/05/05	
The Occupier / Owner, 1 Oswald Street	26/05/05	
The Occupier / Owner, 2 Oswald Street	26/05/05	

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The Occupier / Owner, 27 Melbourne Road	26/05/05	
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The Occupier / Owner, 33 Melbourne Road	26/05/05	
The Occupier / Owner, 34 Melbourne Road	26/05/05	
The Occupier / Owner, 35 Melbourne Road	26/05/05	
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The Occupier / Owner, 46 Melbourne Road	26/05/05	
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The Occupier / Owner, 48 Melbourne Road	26/05/05	
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The Occupier / Owner, 50 Melbourne Road	26/05/05	
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The Occupier / Owner, 2 Sybil Street	26/05/05	
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The Occupier / Owner, 32 Sybil Street	26/05/05	
Miss W Dominic, 33 Sybil Street	26/05/05	Objection
The Occupier / Owner, 34 Sybil Street	26/05/05	
The Occupier / Owner, 35 Sybil Street	26/05/05	
Mr and Mrs Wilson, 36 Sybil Street	26/05/05	Objection
The Occupier / Owner, 37 Sybil Street	26/05/05	
The Occupier / Owner, 38 Sybil Street	26/05/05	Objection

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The Occupier / Owner, 84 Sybil Street	26/05/05
Mr A Willison-Holt, Armstrong Payne Associates	26/05/05
Neil Curtis, Direct Rail Services Limited	26/05/05
The Occupier / Owner, 12 Lindisfarne Street	26/05/05
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The Occupier / Owner, 28 Lindisfarne Street	26/05/05
The Occupier / Owner, 30 Lindisfarne Street	26/05/05
The Occupier / Owner, 32 Lindisfarne Street	26/05/05
The Occupier / Owner, 36 Lindisfarne Street	26/05/05
The Occupier / Owner, 38 Lindisfarne Street	26/05/05
The Occupier / Owner, 40 Lindisfarne Street	26/05/05
The Occupier / Owner, 42 Lindisfarne Street	26/05/05

The Occupier / Owner, 44 Lindisfarne Street	26/05/05	
The Occupier / Owner, 46 Lindisfarne Street	26/05/05	
The Occupier / Owner, 48 Lindisfarne Street	26/05/05	
The Occupier / Owner, 50 Lindisfarne Street	26/05/05	
The Occupier / Owner, 54 Lindisfarne Street	26/05/05	
The Occupier / Owner, 58 Lindisfarne Street	26/05/05	
The Occupier / Owner, 60 Lindisfarne Street	26/05/05	
The Occupier / Owner, 62 Lindisfarne Street	26/05/05	Undelivered
The Occupier / Owner, 3 Lindisfarne Street	26/05/05	
The Occupier / Owner, 7 Lindisfarne Street	26/05/05	
Mr & Mrs Bamber, 59 Oswald Street		Objection
Mr & Mrs Bamber, 59 Oswald Street		Petition
Direct Rail Services Ltd, Kingmoor Depot		Comment Only
Mrs A Bamber, 59 Oswald Street		

This application has been advertised in the form of press and site notices, and, the direct notification of the occupiers of neighbouring properties. In response four letters of objection and a petition with 30 signatures against the proposal has been received from local residents. A neighbouring resident has also verbally objected to the proposal.

Letters have also been received from English, Welsh and Scottish Railway Ltd (EWS) concerning the London Road coal yard, and, Direct Rail Services Ltd (DRS) re. the London Road Railway Depot and Sidings. In addition, e-mails have been received from EMR Ltd.

The local residents have objected to the proposal on the basis that:

- They prefer to have residential development than employment purposes. However, a major concern is that there is only one entrance/exit on Lindisfarne Street.
- Shame that the original brick warehouses cannot be utilised as houses/flats.
- Lindisfarne Street is currently a one way street with access gained to it primarily via Sybil Street. The proposal to build 90 residences in Watts Yard would effectively increase the amount of traffic along Sybil Street on 2 fronts:
  - a) Demolition and development of the site leading to HGVs and machinery over a long period of time.
  - b) The proposed site is not on a current bus route therefore it is reasonable to expect that the proposal will increase traffic along Sybil Street by at least 90 vehicles per day.
- There is a safety issue. This is a residential area with parking on both sides of the street, children play in the street and it is also a main route of access to Melbourne Park.
- A residential development that is not accessible via public transport thus

encouraging residents to use their own transport surely goes against Government Policy to promote use of public transport and contributes further to current congestion problems within the City.

- Detrimental impact on the foundations of the properties on these side street. The only acceptable access route would be from London Road.
- The side streets were never intended to take the volume of traffic this development would bring.

Direct Rail Services Ltd (DRS) have written to point out that whilst a final decision has not yet been taken, they are interested in acquiring the London Road Railway Depot and Sidings. Negotiations are currently being held with the landowners in relation to this site. The use of the Depot and Sidings to date has included storage and transfer of materials, and, DRS wish to continue this use in the future. In addition, DRS would look to utilise the site for expansion of the company's commercial fleet of wagons and to centralise its wagon maintenance operations. There is also potential for other rail business opportunities to be developed using this site.

EWS Ltd have written to say, amongst other things, that whilst the proposed development does not physically prevent the company from making use of the adjoining coal yard, there is great concern about the proximity of residential use to railway yard.

- Whilst the rail served coal depot has come to an end, EWS Rail use of the site is soon to resume in the form of a location for loading scrap metal for re-cycling to rail wagons.
- As the rail site is only separated from the development by the River Petteril and its road access runs immediately alongside, there is a concern that the proposed residential use is not an appropriate neighbour.
- They are not aware of any previous complaints about operations on the site in its life as a coal yard, and are convinced that this is a consequence of the current neighbours being industrial or open space uses.
- Railway sites of this nature are essential to the operations of an effective rail freight system. They are sure that the Council would not countenance any development that prejudices this, or for that matter exposes residents to the noise, vibration or dust synonymous with railway yard operations.
- Furthermore, the process of metal re-cycling by rail surely has environmental benefits, not only is this re-cycling of a valuable resource but in being transported by rail is saving many road miles.

The correspondence from EMR Ltd explains that they have sites in Liverpool and Sheffield, although the Carlisle site would not be of a similar size to that at Liverpool.

The access to the London Road site is more than adequate bearing in mind its previous use for road delivered coal transshipment, a level more intensive than their

proposal. EMR Ltd take the view that the loading and unloading of rail wagons is permitted development under the GDO.

EMR Ltd also feel that there exists planning guidance on the preservation of rail facilities. Once these sites are lost, then they are almost impossible to retrieve. The retention of such sites is very important for the long term development of rail freight, which rising road haulage costs and congestion will make inevitable. In the long term the site could be used for additional rail freight opportunities to make it more competitive and decrease cost for consumers and industry in Carlisle.

EMR Ltd have also verbally confirmed that they have already undertaken a trial run from the former coal yard site. It is envisaged that they would have started to move scrap metal from the site by September 2005.

Members may also recollect that at their previous Meeting, Mrs Bamber exercised her right to speak when she explained that:

- wagons full of building materials would affect the foundations of the neighbouring properties.

- The existing side roads were not built to withstand the impact of constant heavy vehicles which, it is alleged, would damage the road structure.

- Due to the one way system any traffic wanting to enter the site from London Road would have to come down Oswald Street which is a very narrow and heavily parked street with a very tight 90 degree turn at the bottom. Even the refuse wagon has great difficulty negotiating it - it has to pull forward and reverse back about 3 times to make the angle and in some instances they must knock on doors and ask residents to move vehicles so they can get round.

- The increase in traffic also raises the risk of death or injury to the local children. To reduce this in the past the Council has already installed traffic calming measures.

- Believe the only acceptable access route to this site would be directly in from London Road.

#### **Details of Proposal/Officer Appraisal:**

##### **Planning History:**

In 1954 and 1970, under application reference numbers TP311 and TP2203 permission was given for the erection of lock up garages. In 1970, application reference number TP2206, permission was given to use the land and buildings for road and rail storage.

In 1971 and 1972, application numbers TP2368 and 31385, permission was granted for the erection of a new warehouse, workshops, offices and canteen.

In 1974, application 74/0665, permission was given for the change of use to the repair of vehicles and wagons. In 1978, 1986 and 1988 (applications 78/0220,



86/0611 and 88/0979) permission was given for the erection of warehouses. In 1992, application 92/0009/HAZ, deemed consent was given for the storage and dispatch of ammonium nitrate and compound fertilizers.

In 1996, a County Matter application (number 96/9008) for a materials recovery facility was submitted but subsequently withdrawn.

Earlier this year, application number 04/1036, for the residential development of the site was withdrawn.

## **Details of Proposal:**

### **1. SITE DESCRIPTION**

The application site, which is approximately 3.1ha in extent, is located off the eastern side of London Road to the immediate north of the Carlisle-Settle railway line and has a boundary with a section of the western bank of the River Petteril. The site principally has six buildings of varying ages with a combined floorspace of approximately 14,000 square metres. The majority of the site has a tarmac surface although there is an area which has been covered with gravel hardcore. The premises are primarily used to provide "third party storage" i.e. the warehouses do not have tenants but rather J & W Watt have contracts with local companies to store goods. In the recent past there were, in addition, tenanted elements in the form of a vehicle repair workshop, garage, and, warehouse for an electrical wholesaler.

At the time of processing the previous application, reference number 04/1036, J & W Watt employed five staff.

Vehicular access to the site is via London Road, although this land appears to be owned by the Strategic Rail Authority (SRA). In order to retain access onto London Road J & W Watt have to renew a licence from the SRA every six months. Lindisfarne Street and Oswald Street operate as a clockwise one way system.

The south-western corner of the site lies within the Carlisle-Settle Conservation Area.

### **2. BACKGROUND INFORMATION ON THE APPLICATION**

The application involves the demolition of the existing structures and the re-development of the site for residential purposes comprising:

- 2, two bed houses;
- 35, three bed houses;
- 35, four bed houses;
- 2, one bed flats; and

- 16, two bed flats.

Based on the most recently submitted layout plan the scheme involves: vehicular access from Lindisfarne Street; a play area centrally located along the southern boundary; the provision of a landscaped earth mound 2 - 2.5 metres high above which there would be a 1.8 metre high fence along the boundary with the railway track; a landscaped buffer zone along the boundary with the allotments and the Petteril River; the provision of a land drain at the base of the embankment with the allotments; the provision of public open space along the southern boundary; and, pedestrian access to the footpath which runs along the Petteril.

At the time of dealing with application 04/1036 the applicant had explained that 18 units would be affordable with the mix comprising 12 flats, four 2 bed houses, and, two 3 bed houses. The intention was for the aforementioned units to be discounted at 70% of open market value.

The submitted forms and plans which accompanied the previous application and current proposal are:

- A series of letters and e-mails from the applicant.
- A Transport Assessment.
- An "Employment Analysis" report.
- A Site Investigation Report.
- An Archaeological Desk Based Assessment.
- A total of three noise assessments and a letter dated 8th June 2005 from Martec Environmental Consultants Ltd.
- Planning and Highway reports, supporting Planning and Design Statement, and, Road Safety Audit Stage 1.
- Two letters from an agent acting on behalf of the existing landowners.

The letters and e-mails from the applicant explain that:

- The dwellings adjacent to the Conservation Area will be constructed in red brick with re-constituted stone and brick detailed features, and, re-constituted slate on the roofs.
- When considering the height of the proposed dwellings reference should be made to the existing large buildings on the site.
- Site access for the duration of construction will be via the existing access to and from London Road. When the access from Lindisfarne Street is complete, this will only be used for residents/light vehicles only.
- Construction working hours will be restricted to 8.00am - 6.00pm

Monday-Friday and 8.00am -1.00pm Saturdays. Construction delivery traffic will be restricted to 9.30 am - 4.00pm Monday to Friday. No work will take place on Sundays and Bank Holidays.

The Transport Assessment concludes that:

- The traffic impact of the proposed development on London Road is considered immaterial.
- The proposed development originally included the introduction of traffic signals at the London Road/St Cuthbert's Street junction (although the Highways Authority have indicated that this is no longer necessary).
- The proposed development complies with PPG13 in that it is accessible on foot, by bicycle and by public transport to a wide range of jobs, shops, services etc.

The Employment Land Analysis highlights, amongst other things, that:

- Peill & Co have been marketing the vacant premises to let since the year 2000 with no lettings accomplished.
- Disposal of the site for its existing use is problematical due to the fact that the access onto London Road is dependent upon a short period of notice.
- Since this problem was realized, investment in the site has been limited.
- Demand to rent such buildings has declined with competition from sites closer to the motorway junctions.
- When the Northern Relief Road is completed these other sites will prove even more popular.
- The proposal to develop the site for residential purposes with an access from Lindisfarne Street is one which provides a viable alternative use.

The Site Investigation Report explains that, given the risk from contamination, it will be necessary to carry out a number of remedial measures to protect the development. The necessary remedial action being:

- The removal of some hydrocarbon impacted material.
- The removal of some of the fill around the drains and interceptor together with a significant volume of hydrocarbon impacted water.
- Areas (such as the two railway turning circles, former fuel tanks and railway sidings) may be impacted with diesel, fuel oils, greases etc.
- A former millrace is located in the eastern area of the site which may have partly silted up. It would be prudent to allow for removal of the infill silt deposits to landfill.

- Need to locate an abstraction well which will require treatment, infilling and capping.
- The existing soils pose a potential risk to future end users of the site. Remedial measures will therefore be required for garden areas/open space including the provision of clean inert cover.
- Elevated carbon dioxide concentrations were recorded across the site. Remedial measures to prevent the ingress of ground gas into buildings will be required.

The Archaeological Assessment concludes that the potential for surviving archaeology from the upper 3 metres of the site is very low. If the development will not impact below 3 metres, there does not appear to be a threat to any archaeology which, if it survives, will be preserved by the overburden. If it is found necessary to remove the modern debris covering the site, it is likely that any surviving archaeology will be impacted upon. In this instance, a programme of archaeological evaluation will need to be carried out across the site.

The Rail Noise Assessment recommendations highlight from PPG24 Annex 6 that standard thermal glazing reduces diesel train noise by 32dBA; therefore the predicted night time train noise level of 52 dBA, should be reduced to less than 35 dBA with "standard" thermal glazing in 1994. Recent changes to the Building Regulations have meant that thermal glazing will have better acoustic properties i.e. it should reduce diesel train noise by more than 32dBA.

Under Annex 2 of PPG24, for daytime noise a site would be placed into NEC "B" because garden noise levels exceeded 55 LAeq. However, because there is no requirement to reduce garden noise levels to less than 55LAeq no recommendations are made in this regard.

The Revised Noise Assessment concludes that:

- Based on the available information, it is considered that the noise impact of the railway line and industrial noise on the development does not require any special measures to be made acceptable.
- The predicted noise impact of road traffic generated by the development is well within acceptable levels.
- With regard to the suggestions that the railway depot may be brought back into use, suggestions for noise control have been made along the lines indicated by the Strategic Rail Authority, namely: upgraded thermal glazing and acoustic mechanical ventilation for habitable rooms facing the railway line and former depot; and, an acoustic barrier as shown on the layout plan.

The noise report dated the 17th March 2005 concludes that that there are several noise issues that could affect this site, but on examination it is considered that the proposed attenuation measures by way of acoustic glazing, mechanical ventilation,

and, a 4 metre high barrier along the southern boundary, could adequately control noise.

The letter from Martec Environmental Consultants Ltd dated the 8th June 2005 states that the presence of the proposed residential development would not materially alter the acceptability of the reactivated depot because:

- a) The nearest new properties under the latest proposals would be 45 metres from the site. There are 7 existing properties closer to the site than this. In addition, the new properties would have acoustic glazing, mechanical glazing, and, do not face on to the noise i.e. the existing properties on the north side of the depot are likely to be significantly more affected.
- b) The 4 metre barrier would screen new and existing properties alike. Therefore, the development of the Watts Yard site would in fact reduce the likelihood of complaints about "depot noise" from properties to the north.
- c) The north side of the depot building has no windows or other openings. Hence it seems likely that more "depot noise" would be generated on the south side of the depot and would propagate towards the south. Thus the existing properties to the south are more likely to be affected by "depot noise" than properties to the north.
- d) The proposed residents would be 24dBA "better protected" against noise than the existing residents. Therefore many existing properties are likely to be more affected by "depot noise" than the proposed properties.

On this basis it is argued that there is no requirement to perform a detailed analysis of any noise that DRS might generate. Martech have, nevertheless, submitted a further report dated the 10th August 2005 based upon readings taken of scrap metal being loaded onto railway freight wagons.

The Supporting Planning and Design Statement primarily sets out to assess two key issues, namely: a) whether the proposal would be unduly detrimental to the amenities of neighbouring residents; and, b) whether the proposal is appropriate in light of its proximity to the London Road Goods Depot.

When considering the impact on residential amenities the Statement highlights that:

- A significant material consideration is the fact that this site enjoys a lawful use for Class B8 purposes. The scope for potentially more intensive B8 type operations and the obvious problems of noise/disturbance has to be carefully weighed against any impact which the proposed development may have upon residents living along Lindisfarne Street and Oswald Street.
- The scale of development envisaged is not unreasonable to expect for such an urban location. The sustainability credentials of the site should positively promote trips by non-car modes.

- Fairhursts have considered the traffic impact on the local highway network and have concluded that there will be no threat to highway safety or traffic congestion.

In considering the relationship to the Goods Depot the Statement goes on to state:

- There are no definitive proposals put forward by the SRA at this stage for re-opening the disused goods yard. It is understood that the yard has remained vacant for in excess of 10 years. Accordingly, it is difficult to see how their objection can be legitimately treated as a weighty material planning consideration.
- In the event the depot is reactivated the scheme incorporates noise attenuation measures.

In addition, and in brief, the Statement also highlights that the Watts Storage yard has been allocated for residential development under the Carlisle District Local Plan (Deposit Draft 2001-2016). There are no objections to the Deposit Draft allocation and as such maximum weight should be attached to it.

The letters from the agent acting on behalf of the landowners states that:

- A "scrap discharging facility" is nothing more than a scrap yard with the scrap being brought to the site and taken away from the site in bulk with no care taken in the handling because damage is not a problem.
- For the Council to insist noise readings are needed based on the facility at Liverpool infers that it is a use which would be considered for the old coal yard. It is thought that if the local residents or Members of the Committee or even the local paper thought for one moment that the Barratt scheme was being prejudiced by an unpleasant Third World type use they would be seriously concerned. Regardless of the Barratts scheme the quality of life for the existing residents will be seriously diminished and London Road will be a nightmare in terms of traffic movement.
- Need to be prepared to allow the planning application to move forward on the basis that not only is it extremely unlikely that the former coal yard will be used for a metal storage type use.

### 3. **ASSESSMENT OF THE PROPOSAL**

In the light of consultation responses it is considered that the main planning issues in the case of this application are whether the advantages outweigh the disadvantages with regard to:

- Whether the application is premature in advance of the preparation of the Carlisle District Local Plan (Redeposit Draft)
- Whether the proposed residential development of the site is appropriate in the light of its allocation for employment use in the current Local Plan,

and, proximity to the railway line and commercial uses;

- iii) Whether the proposal is appropriate in the light of national and local planning objectives for sustainable development;
- iv) Whether the proposal meets the objectives of the Development Plan with regard to the provision of affordable housing;
- v) Whether the proposal would be detrimental to the amenities of neighbouring residents;
- vi) Whether the proposal would be detrimental to the character of the Carlisle-Settle Conservation Area; and,
- vii) Whether the proposed play area and associated public open space is appropriate.

It is appreciated that these issues inter-relate to a certain degree. A wealth of material has also been submitted by and on behalf of the applicant. In addition, some of the arguments put forward appear to be contradictory. In particular, the Employment Land Analysis report implies that the premises are unlikely to stay in employment use whilst the Supporting Planning and Design Statement stresses the detrimental impact the continuation of the lawful use could have on the amenities of neighbouring residents.

In order to clarify matters the aforementioned issues will be separately assessed.

- i) **Whether the application is premature in advance of the preparation of the Carlisle District Local Plan (Redeposit Draft)**

When considering this issue it is felt that the following points need to be kept in mind:

- a) Ministerial advice contained in the attachment to PPS1, "The Planning System: General Principles", identifies in paragraph 17 that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan (DP) is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DP by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DP.

Paragraph 34 of PPG3 "Housing" indicates that plan proposals should make provision for at least the first five years or first two phases. In a speech by the Minister Keith Hill in 2003 on the Sustainable Communities Plan, he stated that "Local Authorities should provide for at least ten years potential supply of housing".

b) The Council's Local Plans and Conservation Manager has previously explained in relation to application 04/1036 that on the 31st March 2004 the number of residential units available with planning permission in the urban area was 899. Set against the targets in the Structure Plan these equate to approximately a four year supply. Furthermore, there are about 200 completions within the urban area in the last six months. This is set against the context of issuing 380 permissions in the first six months of this financial year. This means that there is still a less than five year supply which is no where near the ten years envisaged by the Minister.

c) There were no objections to the specific allocation of this site for residential purposes under the Deposit Draft Local Plan. In the context of the policy in the Deposit Draft Plan, the housing allocation included a residual 1000 brownfield houses where sites are still required to be found plus 1000 units on a greenfield allocation. Given that the application site is brownfield and sequentially closer than the greenfield allocation, over 2000 other brownfield sites closer to the City Centre would have to be found before it could be argued that giving permission on this site would significantly prejudice the plan strategy. In such circumstances it is considered that this application does not demonstrate a prejudicial effect with regard to prematurity.

It should also be noted that under Policy H15 of the Deposit Draft Local Plan the site was allocated for 120 units. Under Policy H16 of the Redeposit Draft Local Plan the allocation has been increased to 130 units.

ii) **Whether the proposed residential development of the site is appropriate in the light of its allocation for employment use in the current Local Plan, and, proximity to the railway line and commercial uses**

In considering this matter PPG4 "Industrial and Commercial Development and Small Firms" advises that a range and quality of sites should be maintained. It could also be argued that the potential exists because the land could become accessible to the existing railway line.

However, the Employment Land Analysis report has highlighted that the property has been unsuccessfully marketed since the year 2000, the access onto London Road is subject to a 6 month licence, and, demand to rent such buildings has declined. The size of the existing buildings and site constraints may also mean that employment purposes would not be viable.

When considering the proximity and nature of neighbouring uses PPG1 (paragraph 54) and PPG24 "Planning and Pollution Control" recognise that the impact of noise is a material planning consideration in determining planning applications.

Paragraph 2 of PPG24 highlights firstly, that it is important that **"new development involving noisy activities should, if possible, be sited away from noise sensitive land uses."** Secondly, it then goes on to say: **"Where it is not possible**



***to achieve such a separation of land uses, local planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations".***

Paragraph 10 of PPG24 states:

***"Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions".***

Paragraph 13 of PPG24, which relates to ways of reducing noise impact, identifies three measures that may be taken; i) engineering; ii) layout and, iii) administrative. Engineering measures are defined as including the reduction of noise at point of generation, such as would ensue from using quiet machines or methods of working, the insulation of noise generating buildings or the provision of purpose built barriers around sites or the insulation of the affected buildings. Layout is defined as adequate distance between the sources and noise-sensitive buildings or screening by natural barriers including other buildings or non-critical rooms within a building. Administrative measures are stated to be limits on the operating time of the noise source or the specification of an acceptable noise limit.

Annexes 1 and 2 elaborate on the concept of NECs (Noise Exposure Categories) related to noise from existing sources affecting new residential development, and Annex 3 provides detailed guidance on noise from different sources such as roads, railway and aircraft.

In the case of this site it appears to be in a "Catch 22" situation. On the one hand evidence indicates that the premises are unlikely to stay in employment use. On the other hand, because of its relationship to the railway line there are concerns over the proposed residential use as submitted.

It is not considered that the use of either the former coal yard or the London Road Railway Depot and Sidings neighbouring the application site have been abandoned. In the case of the former coal yard the prospective tenants have indicated the intention to use the site by September of this year for the loading of scrap metal; the nature of this use would not be as intensive as an existing site in Liverpool; and, that it is unlikely to be as intensive as the previous coal yard. In relation to the London Road Railway Depot and Sidings, DRS have indicated that they are interested in acquiring the premises. In such a context, it is considered necessary to establish whether the proposed noise attenuation measures would result in an acceptable residential environment. The Council have therefore commissioned independent noise consultants (Applied Acoustic Design) to look at the situation.

Based upon the latest information from Martech submitted on behalf of the

applicant, Applied Acoustic Design no longer wish to raise any objections to the proposal and have recommended the imposition of a relevant condition.

**iii) Whether the proposal is appropriate in the light of national and local planning objectives for sustainable development**

Under PPG3 "Housing" (revised 2000) priority is given over greenfield housing development to the re-use of brownfield land. A need to create sustainable housing developments is emphasised, and ways of building are advised which would create "more sustainable patterns of development ... which would exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services". A national 2008 target of 60% of additional housing to be provided on brownfield land or by conversions, is introduced. In the future local authorities should avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare) and encourage housing which makes more efficient use of land (between 30 and 50 dwellings per hectare).

PPG13 "Transport" also emphasises the Government's objective of reducing the need to travel, especially by car. In regard to housing, the advice stated in paragraphs 28-31 and 69-71 in PPG3 is re-iterated.

In proposing a total of 90 units within 3.1ha of land, the density of development is 28.8 dwellings per hectare. Whilst this is just short of the guidelines contained in PPG3, the reduced density stems from the desire to safeguard the amenities of the neighbouring residents with particular regard to the environmental capacity of the adjoining road network. In this context it is felt that the re-development of the site for residential purposes would, nevertheless, meet the objectives of PPG3 and PPG13.

**iv) Whether the proposal meets the objectives of the Development Plan with regard to the provision of affordable housing**

Circular 06/98 and PPG3 establishes that a community's need for low cost/subsidised housing is a material planning consideration. The Government's advice recognises that it may be desirable in planning terms for new housing on sites which are large enough to incorporate a reasonable mix and balance of house types and sizes to cater for a range of housing needs. Paragraph 10 of Circular 06/98 explains that the seeking of affordable housing should generally only be applied to housing developments of 25 or more dwellings or residential sites of 1 hectare or more. Decisions about what affordable housing types should be built should reflect local housing need and individual site suitability and be a matter for discussion and agreement between the parties involved provided that it will contribute to satisfying a local need for affordable housing as demonstrated by a rigorous and realistic assessment of local need.

The proposed number, type and tenure of the discounted units was previously agreed by the Council's Housing Strategy Officer.

**v) Whether the proposal would be detrimental to the amenities of neighbouring residents**

This matter not only covers the relationship of the proposed development with the

existing residential properties in terms of overshadowing and losses of light, but also, whether the proposal would cause unacceptable conditions for residents in terms of the impact of construction traffic and the "environmental capacity" of the road network. The "environmental capacity" in this sense encompassing factors such as degrees of disturbance and intrusion caused by traffic and the difficulty faced by pedestrians when crossing a road.

When looking at the relationship to existing properties there were concerns over the proximity of the proposed unit to the south of 24/26 Lindisfarne Street. It is, nevertheless, considered that the latest revised layout plan submitted by the applicant successfully addresses this issue.

In the case of the environmental capacity, Design Bulletin 32 "Residential Roads and Footpaths" (1992) explains in paragraph 2.22 (c) that for a residential road serving upto 300 dwellings there would be a need for two points of access, or, the road layout should form a circuit. In relation to the application site, the existing roads serve approaching 224 units which, when combined with the current proposal for 90 units, takes it over 300 dwellings. This is in the context where Lindisfarne Street and Oswald Street do not adhere to the standards advocated in DB 32.

As a result of these concerns the Council commissioned independent consultants (Capita Symonds) who suggested that the maximum number of properties that could be accommodated on this development should be below the 100 dwelling threshold albeit that this was in excess of the advice contained in DB32.

vi) **Whether the proposal would be detrimental to the character of the Carlisle-Settle Conservation Area**

PPG15 "Planning and the Historic Environment" identifies that planning is an important instrument for protecting and enhancing the environment in town and country, and preserving the natural and built heritage (paragraph 1.2).

PPG15 advises in paragraph 4.17 that many conservation areas include gap sites that make no positive contribution to the area. Their redevelopment should be a stimulus to imaginative, high quality design. **"What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own"**. PPG15 goes on to advise that special regard should be had to matters such as scale, height, form, massing and respect for the traditional pattern of frontages.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

As a result of the observations of the Conservation Area Advisory Committee (CAAC), the applicants have pointed out that the layout shows the proposed units away from the southern boundary.

**vii) Whether the proposed play area and associated public open space is appropriate**

PPG17 "Sport and Recreation" advises a plan led approach with authorities urged to adopt their own standards. Circular 1/97 "Planning Obligations" states in paragraph B10 that it is reasonable to seek a planning obligation from developers towards community facilities such as reasonable amounts of open space or play facilities.

**4. CONCLUSION**

In conclusion it is considered that dealing with the application would not be premature in advance of the preparation of the Local Plan (Redeposit Draft). In principle the residential development of the site would meet the objectives of PPG3 and PPG13.

In such circumstances it is considered that the main issue for consideration revolves around the environmental capacity of the road network to accommodate the additional traffic. Members are in the position of having to make a subjective judgement but in the context of the independent advice from Capita Symonds and Policy H16 of the Local Plan (Redeposit Draft) which allocates 130 units for the site. Members will, nevertheless, be aware that consideration of the application was deferred at their last Meeting in order to allow a fuller exploration of whether there are any effective alternative access points and/or ways of mitigating the situation. At the time of preparing the report the formal response is awaited from the applicant.

Subject to the awaited information, the recommendation is to seek authority to issue approval subject to the completion of a Section 106 Agreement concerning the provision of the discounted residential units, and, the maintenance and dedication of the public open space. It also needs to be kept in mind that the proposal represents a departure from the Local Plan and therefore, if minded to approve the application, the Government Office for the North West would also need to be consulted prior to the issuing of the decision notice.

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**Human Rights Act 1998**

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

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

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

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

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

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

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**Recommendation:** Grant Subject to S106 Agreement

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

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

2. Prior to the commencement of development there shall be submitted to, and approved in writing by the Local Planning Authority, a plan and/or programme showing the proposed phasing of the development. The development shall thereafter proceed only in accordance with the approved phasing and/or programme or such variation to that plan and/or programme as may subsequently be agreed in writing by the local planning authority.

**Reason:** To secure in the public interest a satisfactorily correlated order of development.

3. No part of the development hereby permitted shall commence until:
  - (a) there has been submitted to and approved by the Local Planning Authority ("the LPA") in writing a methodology for site investigations and assessments,
  - (b) following approval of the methodology by the LPA as provided for in paragraph (a) above such site investigations and assessments as are referred to therein have:
    - (i) been carried out in accordance with British Standard 10175:2001 "Investigation of potentially contaminated sites – code of practice" and current Government and Environment Agency guidance, and by appropriately qualified personnel; and
    - (ii) identified the types, nature and extent of contamination present, risks to receptors and potential for migration within and beyond the site boundary and the laboratories used for analysis of samples shall be registered to the ISO 17025:2000 quality standard,
  - (c) following the carrying out of such site investigations and assessments as provided for in paragraph (b) above there has been submitted to and

approved in writing by the LPA a remediation scheme ("the Remediation Scheme"), which shall:

- (i) include an implementation timetable ("the Implementation Timetable"), monitoring proposals,
  - (ii) include a remediation and verification methodology comprising a sampling and analysis programme to confirm the adequacy of decontamination; and
  - (iii) provide for an appropriately qualified person to oversee the implementation of all remediation ("the Remediation Scheme").
- (d) all measures as are identified in the Remediation Scheme have been undertaken in accordance with the Implementation Timetable and any measures at variance with the Remediation Scheme have been submitted to and agreed in writing with the LPA in advance of such Remediation Measures being undertaken; and ,
- (e) there has been submitted to and approved by the LPA a report which shall include details of the following:
- i) results of the verification programme of post remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met,
  - (ii) confirmation that all remediation measures have been carried out fully in accordance with the Remediation Scheme; and
  - (iii) future monitoring proposals and reporting

**Reason:** To protect the environment and prevent harm to human health.

4. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

The written scheme shall include the following components:

- a) An archaeological evaluation and building recording programme to be undertaken in accordance with the agreed written scheme of investigation;
- b) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation;
- c) Where appropriate, a post excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the local planning authority, completion of an archive report, and publication of the results in a suitable journal.

**Reason:** To afford reasonable opportunity for an examination to be made to

determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains in accordance with Policy E31 of the Carlisle District Local Plan.

5. Before the occupancy of any residential unit, noise level measurements must be undertaken in at least one residential unit overlooking the railway yard/line and at least one residential unit overlooking the industrial area to the east of the site, to verify that the internal noise levels do not exceed 40 dB LAeq 16 hr 07.00 to 23.00 (daytime) and that they do not exceed 35 dB LAeq 8 hr 23.00 to 07.00 (night.time).

Additionally, for the night time period, measurements must include LAmax levels to ensure that instantaneous internal noise levels, due to external events, do not exceed 45 dB LAmax fast. In order to determine how regular the occurrence of LAmax events in excess of 45 dB may be, they should be determined over at least 1 minute intervals during the eight hour night time period.

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, with one example on each floor in blocks of flats, and the night time levels to be measured in bedrooms again with one example on each floor in blocks of flats. The rooms chosen must overlook either the railway yard/line or the industrial area to the east of the site.

Before the measurements are undertaken a schedule of the properties and rooms to be used must be submitted in writing to the Local Planning Authority and the work must not be undertaken before the schedule is agreed in writing.

The measured noise levels are to be reported in writing to the local planning authority. If the Local Planning Authority is satisfied with the reported noise levels the developer must ensure that all of the residential units hereby approved will, before they are occupied, be constructed to the same sound insulation standard as the properties listed in the aforementioned schedule. If not satisfied, the Local Planning Authority may require further noise measurements to be carried out and a further report to be submitted.

**Reason:** To protect the internal amenity of the future occupiers of the proposed residential units.

6. Before the completion (by the plastering out) of the 45th residential unit of the development hereby given permission the proposed acoustic screen fence and associated earth mound along the railway/southern boundary shall be fully implemented and planted in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

**Reason:** To protect the amenity of future occupiers of the proposed residential units.

7. Details of the relative heights of the existing and proposed ground levels

(including within the existing River Petteril bank/valley of the site) and the height of the proposed finished floor levels of the residential units shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

**Reason:** In order that the approved development overcomes any problems associated with the topography of the area, safeguards the character of the area and amenities of any neighbouring residents, and, to protect the River Petteril in accordance with the objectives of Policies H16 and E43 of the Carlisle District Local Plan.

8. Adequate underground ducts shall be installed by the developers, in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority, before any of the residential units hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines, and in providing such ducts the developers shall co-ordinate the provision of such services with the respective undertakers; notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (B) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the local planning authority.

**Reason:** To safeguard the character of the area in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policy H16 of the Carlisle District Local Plan.

9. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes in accordance with details submitted to and approved beforehand by the Local Planning Authority and shall be of the type whereby the "tray" may be infilled with the appropriate surface materials.

**Reason:** To maintain the character of the area in accordance with Policy 26 of the Cumbria and Lake District Joint Structure Plan and Policy H16 of the Carlisle District Local Plan.

10. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

**Reason:** To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to support Local Transport Plan Policies S3, LD11 and LD7



12. No development shall commence until visibility splays providing clear visibility of 4.5 metres by 4.5 metres by 4.5 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

**Reason:** In the interests of highway safety, to ensure compliance with Local Transport Plan Policies S3 and LD7.

13. All vehicles engaged in the construction operations associated with the development hereby approved shall access the site via London Road at all times until completion of the construction works.

**Reason:** To safeguard the amenity of neighbouring residents and in the interests of highway safety in accordance with Policy H4 of the Carlisle District Local Plan and Local Transport Plan Policies S3 and LD9.

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

**Reason:** 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 Policies S3 and LD9.

15. No residential unit hereby approved shall be occupied until the estate road to serve such unit has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.

**Reason:** To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and in accordance with the objectives of Policy 25 of the Cumbria and Lake District Structure Plan.

16. No work associated with the construction of the residential units hereby approved shall be carried out before 08.00 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 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.

17. Before any residential unit is occupied its associated off-street parking space(s)/garage shall be provided together with vehicular access thereto in accordance with the approved plans. The garage/parking space(s) shall be used for no other purpose without the prior approval of the local planning authority.

**Reason:** To ensure that the dwelling is provided with parking and garage space to the satisfaction of the local planning authority and thus comply with Policy T7 of the Carlisle District Local Plan.

18. Before the commencement of development a detailed plan of the proposed childrens play area to be provided at the expense of the developer (including the equipment, safety surfacing and boundary fencing) shall be submitted to, and approved in writing by the Local Planning Authority.

**Reason:** In order to secure the proper provision for the recreational needs of the area in accordance with Policy L9 of the Carlisle District Local Plan.

19. The play area shown on the approved plan shall be fully equipped (including the provision of safety surfacing and fencing) and available for use prior to the occupation of the 45th residential unit completed (by the plastering out) within the development hereby given permission.

**Reason:** In order to secure a satisfactory standard of development and to make proper provision for the recreational needs of the area in accord with Policy L9 of the Carlisle District Local Plan.

20. The development (including the boundary adjacent to the River Petteril) shall be landscaped in accordance with details to be submitted to and approved by the Local Planning Authority, and, shall include details of any regrading/engineering of slopes and the proposed type and species of all planted material including particulars of the proposed heights and planting densities.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared which also protects the River Petteril in accordance with Policies E19, E21 and H16 of the Carlisle District Local Plan.

21. All works comprised in the approved details of landscaping for the constituent phases of development shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following the completion of that phase of the development, as specified in the phasing plan and/or programme required to be submitted by condition 2. Any trees, hedgerows, shrubs or ground cover planting shown to be retained or planted within the relevant landscaping scheme for the constituent phase which, within 5 years of completion of that phase, die or are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented in accordance with the objectives of Policies E19 and H16 of the Carlisle District Local Plan.

22. Prior to the completion (by the plastering out) of the last residential unit of the constituent phases of the development hereby approved, and as identified on the phasing plan and/or programme under condition 2, all public open space associated with that phase shall be formed and planted in accordance with the approved landscaping proposals (or any such variation to those proposals as may be subsequently agreed in writing by the Local Planning Authority).

**Reason:** To ensure that adequate public open space is provided.

23. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

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

24. 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 25 of the Cumbria and Lake District Structure Plan.

25. 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 approved scheme shall be implemented in accordance with a phasing scheme for the conversion works hereby approved.

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policy 25 of the Cumbria and Lake District Joint Structure Plan.

26. Before the completion (by the plastering out) of the 45th residential unit of the development hereby given permission the land drain to be provided along the northern boundary with the allotments shall be completed in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

**Reason:** To ensure adequate surface water drainage along the northern boundary.

27. No development approved by this permission shall be commenced until a

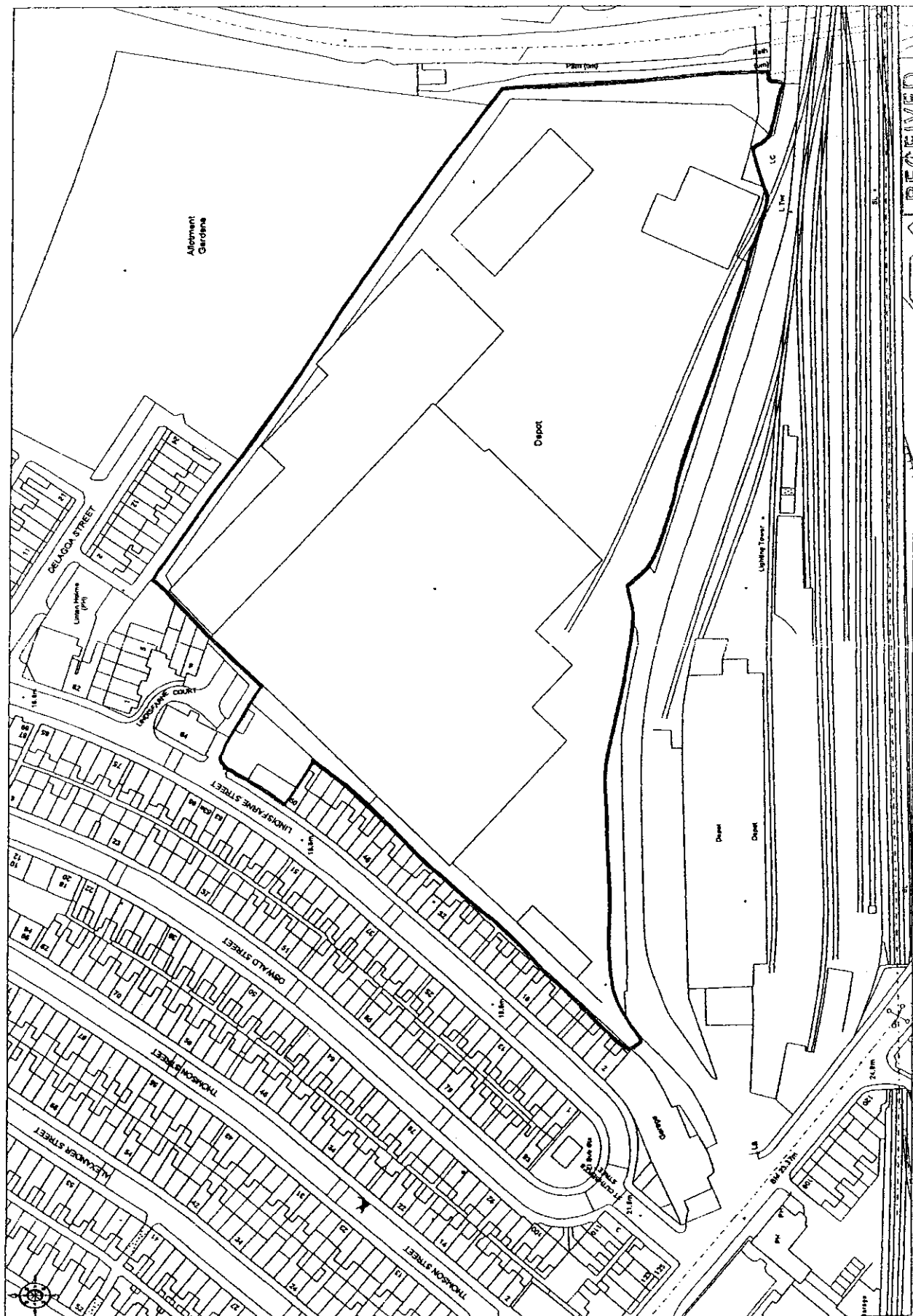
scheme for the provision of surface water drainage works has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

**Reason:** To ensure a satisfactory means of surface water disposal and in accord with Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E22 of the Carlisle District Local Plan.

28. No residential unit hereby approved shall be occupied until its foul drainage system is connected to a public sewer in accordance with details to be submitted to and approved in writing beforehand by the Local Planning Authority.

**Reason:** To ensure that adequate drainage facilities are available in accordance with Policy E22 of the Carlisle District Local Plan.

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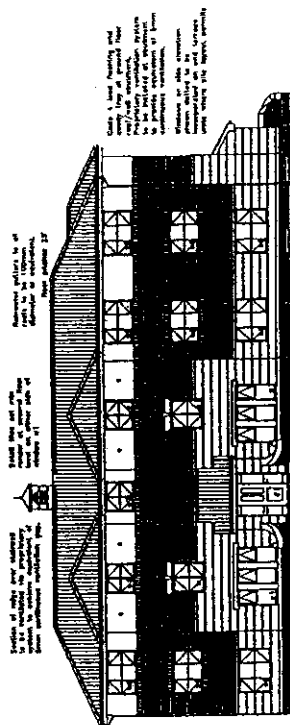


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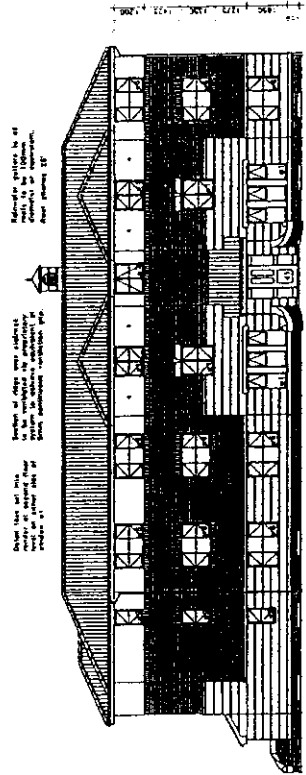




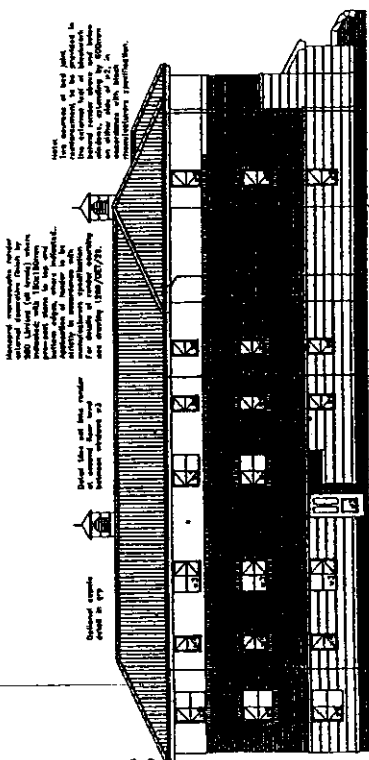
It is the policy of the Board of Standards and Specifications to provide for the health, safety and general welfare of the community by establishing and enforcing minimum standards for the construction of buildings. These standards are intended to be minimum standards and do not constitute a guarantee of quality or a warranty of performance. The Board reserves the right to amend these standards at any time without notice.



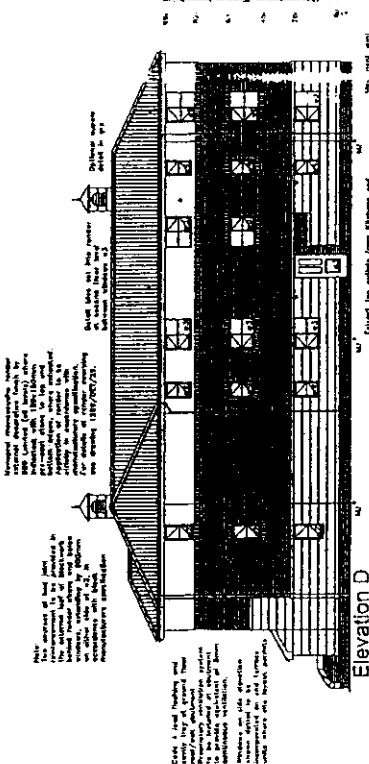
Elevation A



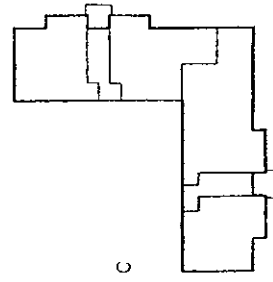
Elevation B



Elevation C



Elevation D



Elevation A

ELEVATION C

ELEVATION B

ELEVATION D



Board of Standards and Specifications  
Premier House Builder

683 Chester Road  
Wilmington, DE 19806  
Telephone: 302-438-7332  
Fax: 302-438-7333

PAUL J. BLOCK (HONORED)  
(NEW PREMIER)  
STATESMAN RANGE  
"METRON" ELEVATIONS  
3 STONE WITHOUT BALCONY

Item	Quantity	Unit	Price
1.00	1.00	sq. ft.	11.01.00
2.00	1.00	sq. ft.	11.01.00
3.00	1.00	sq. ft.	11.01.00
4.00	1.00	sq. ft.	11.01.00
5.00	1.00	sq. ft.	11.01.00
6.00	1.00	sq. ft.	11.01.00
7.00	1.00	sq. ft.	11.01.00
8.00	1.00	sq. ft.	11.01.00
9.00	1.00	sq. ft.	11.01.00
10.00	1.00	sq. ft.	11.01.00



STATION 1000

[illegible]

ROOM	SCHEDULE	THERMAL
Living Room	15: 1000 h, 13: 5000 h	
Dining Room	9: 200 h, 8: 100 h	
Breakfast Kitchen	11: 500 h, 9: 200 h	
Bedroom 1	5: 300 h, 3: 200 h	
Bedroom 2	5: 300 h, 3: 200 h	
Bedroom 3	17: 400 h, 9: 200 h	
Garage	17: 400 h, 9: 200 h	
Bedroom 4	11: 300 h, 9: 100 h	
Bedroom 5	5: 300 h, 3: 200 h	
Bedroom 6	11: 300 h, 9: 200 h	
Bedroom 7	10: 1000 h, 8: 500 h	
Bedroom 8	10: 1000 h, 8: 500 h	
Bedroom 9	8: 1000 h, 6: 500 h	
Bedroom 10	8: 1000 h, 6: 500 h	
TOTAL FLOOR AREA		96.5 sq. m. 1050 sq. ft.

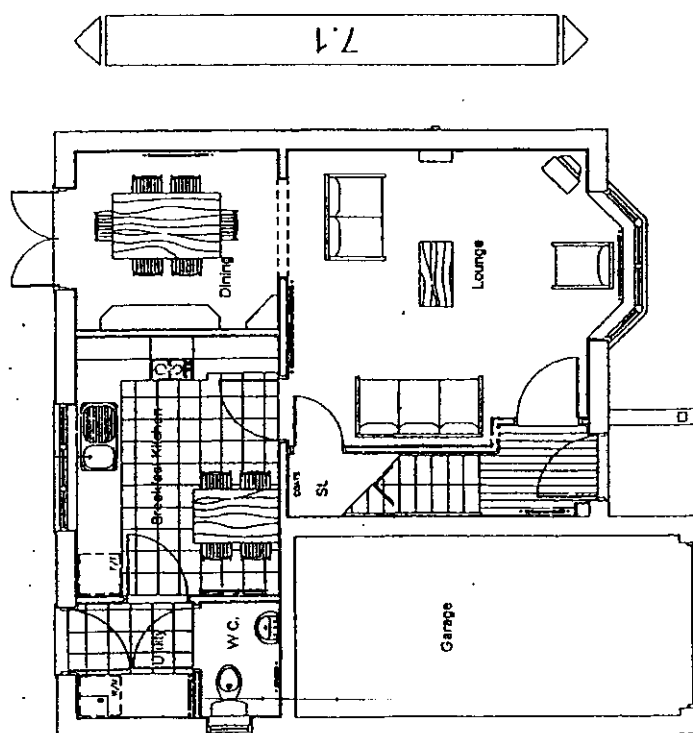
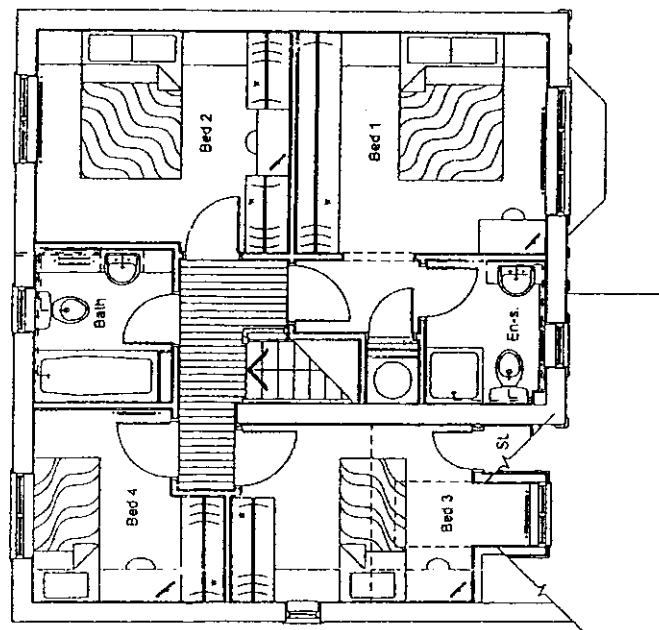
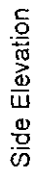
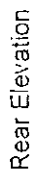
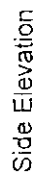
Rev 0 - 19 11 03  
Minor retaction of primer window, Total Floor Area adjusted to  
sqft

**BARRATT**  
DESIGN GROUP

House Type  
BUCKINGHAM (NEW PREMIER)  
- AMBASSADOR RANGE

## PLANS & ELEVATIONS

Scale 1/50 & 1/100	Drg No
Date JAN 03	2205/BU B

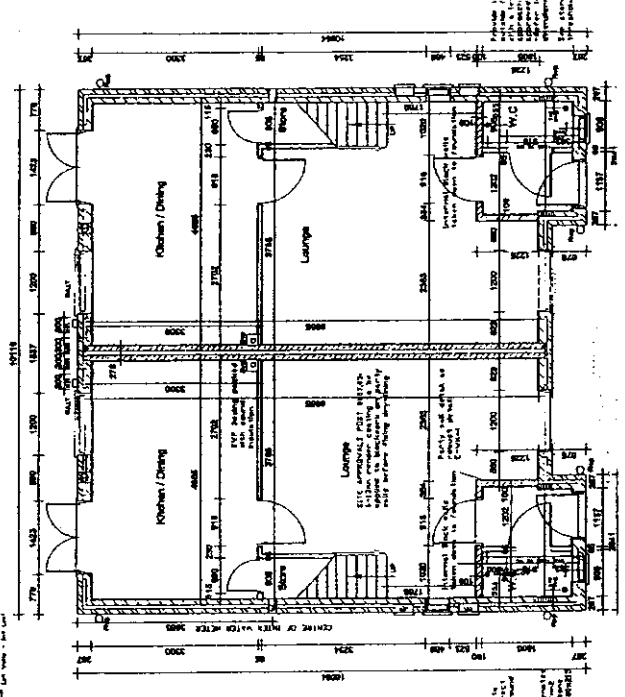
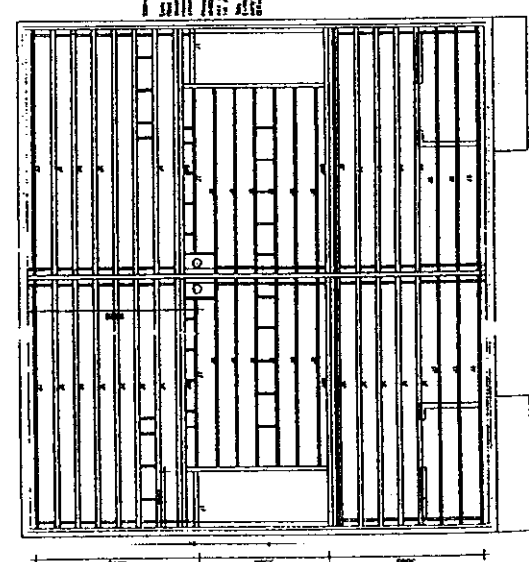
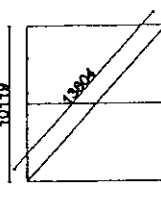
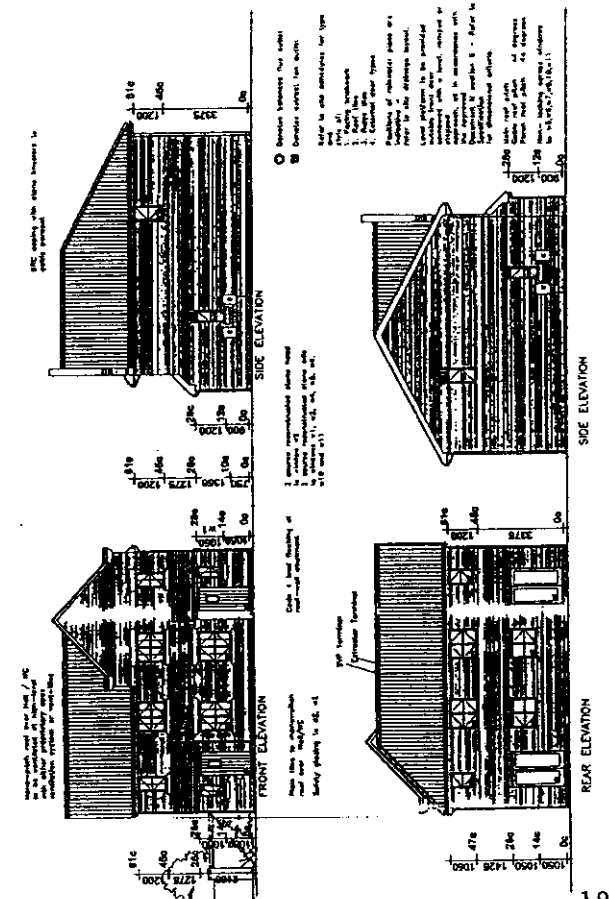
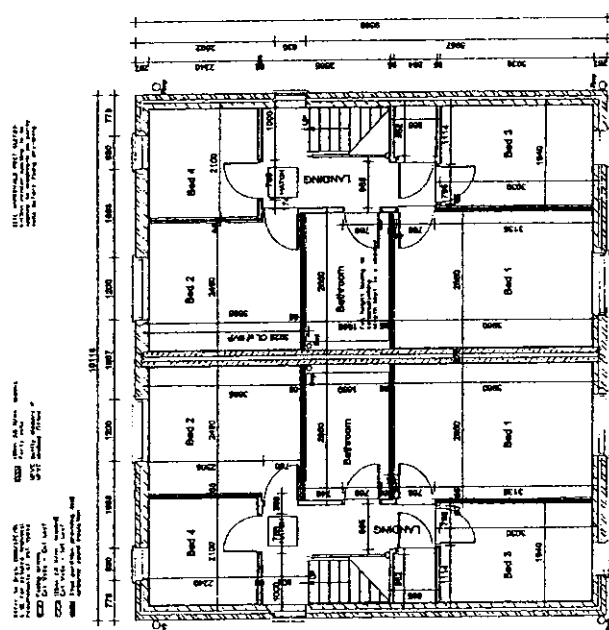


2.5 5.1

### First Floor Plan

### Ground Floor Plan

REVISIONS TO HOUSE-PURCHASERS  
 Project: "HARVEST" - 1981  
 1. All dimensions are in feet and inches.  
 2. All materials are to be of the highest quality.  
 3. All work is to be done in accordance with the latest building codes.  
 4. All fixtures and appliances are to be of the highest quality.  
 5. All finishes are to be of the highest quality.  
 6. All landscaping is to be of the highest quality.  
 7. All exterior lighting is to be of the highest quality.  
 8. All interior lighting is to be of the highest quality.  
 9. All plumbing is to be of the highest quality.  
 10. All electrical is to be of the highest quality.  
 11. All heating and cooling is to be of the highest quality.  
 12. All painting is to be of the highest quality.  
 13. All flooring is to be of the highest quality.  
 14. All wall and ceiling treatments are to be of the highest quality.  
 15. All doors and windows are to be of the highest quality.  
 16. All stairs are to be of the highest quality.  
 17. All railings are to be of the highest quality.  
 18. All handrails are to be of the highest quality.  
 19. All light switches are to be of the highest quality.  
 20. All outlets are to be of the highest quality.  
 21. All telephones are to be of the highest quality.  
 22. All intercoms are to be of the highest quality.  
 23. All alarm systems are to be of the highest quality.  
 24. All fire extinguishers are to be of the highest quality.  
 25. All smoke detectors are to be of the highest quality.  
 26. All carbon monoxide detectors are to be of the highest quality.  
 27. All first aid kits are to be of the highest quality.  
 28. All fire escape ladders are to be of the highest quality.  
 29. All fire escape ropes are to be of the highest quality.  
 30. All fire escape hooks are to be of the highest quality.  
 31. All fire escape pulleys are to be of the highest quality.  
 32. All fire escape guides are to be of the highest quality.  
 33. All fire escape anchors are to be of the highest quality.  
 34. All fire escape brackets are to be of the highest quality.  
 35. All fire escape fasteners are to be of the highest quality.  
 36. All fire escape hardware is to be of the highest quality.  
 37. All fire escape components are to be of the highest quality.  
 38. All fire escape parts are to be of the highest quality.  
 39. All fire escape accessories are to be of the highest quality.  
 40. All fire escape tools are to be of the highest quality.  
 41. All fire escape equipment is to be of the highest quality.  
 42. All fire escape supplies are to be of the highest quality.  
 43. All fire escape materials are to be of the highest quality.  
 44. All fire escape labor is to be of the highest quality.  
 45. All fire escape services are to be of the highest quality.  
 46. All fire escape products are to be of the highest quality.  
 47. All fire escape systems are to be of the highest quality.  
 48. All fire escape installations are to be of the highest quality.  
 49. All fire escape maintenance is to be of the highest quality.  
 50. All fire escape repairs are to be of the highest quality.  
 51. All fire escape replacements are to be of the highest quality.  
 52. All fire escape upgrades are to be of the highest quality.  
 53. All fire escape modernizations are to be of the highest quality.  
 54. All fire escape renovations are to be of the highest quality.  
 55. All fire escape remodels are to be of the highest quality.  
 56. All fire escape restorations are to be of the highest quality.  
 57. All fire escape refurbishments are to be of the highest quality.  
 58. All fire escape refinements are to be of the highest quality.  
 59. All fire escape improvements are to be of the highest quality.  
 60. All fire escape enhancements are to be of the highest quality.  
 61. All fire escape additions are to be of the highest quality.  
 62. All fire escape alterations are to be of the highest quality.  
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 66. All fire escape fixes are to be of the highest quality.  
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 99. All fire escape modifications are to be of the highest quality.  
 100. All fire escape adjustments are to be of the highest quality.



REVISIONS  
 1. 18 MAY 1985  
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and Florence Burgoyne is to show that this is not the case. In the first part of the book, she examines the work of the 'architects' of the post-war reconstruction movement, and the way in which they sought to create a new architectural language for the post-war world. She then goes on to examine the work of the 'critics' of the movement, and the way in which they sought to challenge the dominant orthodoxy. The book is a well-written and informative study of a complex and controversial subject.

3 Bedroom, 5 Person  
Terraced Town House

ROOM SCHEDULE		MEANS
Study / Bed 3	2.854 ± 2.418	
Living/Dining room	2.854 ± 2.418	
Kitchen	2.854 ± 2.418	
Garage	4.804 ± 3.476	mean
Living/Dining room	4.804 ± 3.476	
Kitchen	4.804 ± 3.476	
Bedroom 1	4.804 ± 3.476	
Bedroom 2	2.014 ± 1.404	bed
Encl.	2.014 ± 1.404	mean
Encl.	1.704 ± 1.204	
TOTAL FLOOR AREA		1008 sq ft.

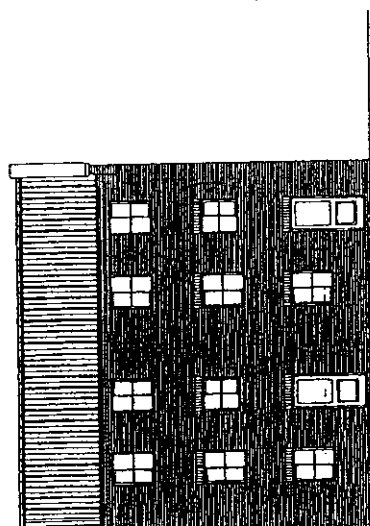
RECEIVED  
19 MAY 2005  
20051097

REV C. 23.02.04  
In-situ increased 300m and Aug 2  
reduced shower, one revised to 51-fold type 1C  
line at center entry.  
REV B. 08.07.03  
Door to living/dining room adjusted.  
REV A. 24.03.00  
Width of dwelling increased by 30m  
from 10m to 13m. Windows adjusted to  
allow for additional location of windows on all  
floors.

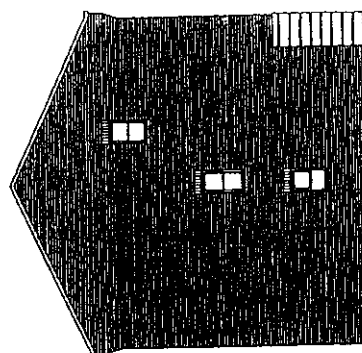
**BARRATT**  
DESIGN GROUP

Title PLANS & ELEVATIONS

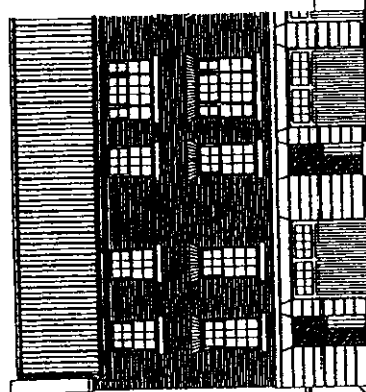
Scale	1/50, 1/100
Date	MAR 03



Rear Elevation

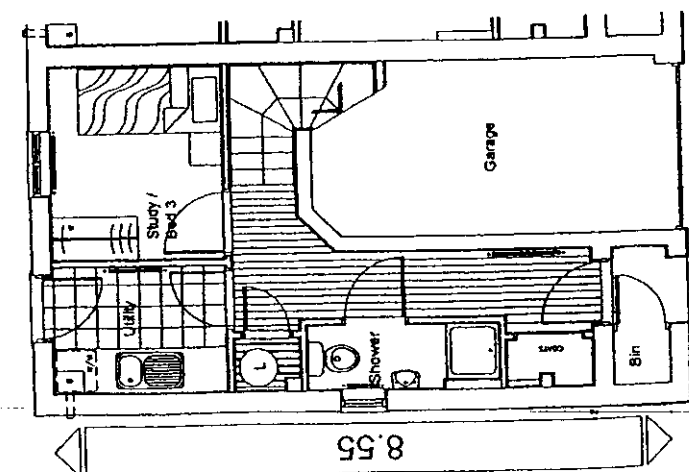
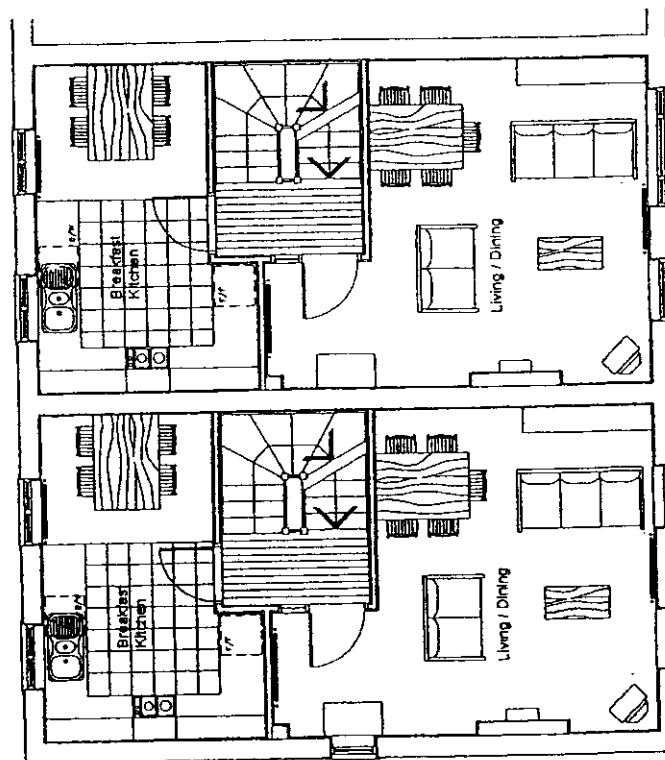
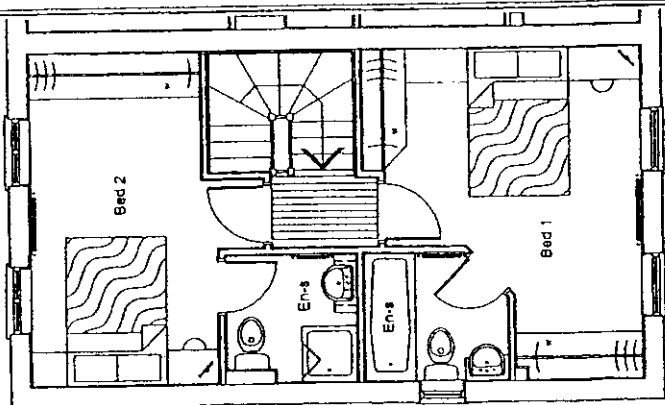


**Side Elevation**



### Front Elevation

4.53



## Second Floor Plan

## First Floor Plan

## Ground Floor Plan

Buyers are warned that this is a working drawing and is not intended to be used as a descriptive document. It is intended to be used as a guide only. The drawings are prepared by the architect and are not to be used for any other purpose. The contents of this drawing may be subject to change at any time and alterations and variations are made during the progress of the work without intimation of the architect.

Consent of the lender, from contract and completion of the building, the architect and the contractor shall be jointly and severally liable for any loss or damage caused by any defect or omission in the design, construction, or execution of the work.

Not to be construed as a contract or warranty.

### 3 Bedroom, 5 Person Detached

#### ROOM SCHEDULE

##### MEASUREMENTS

Lounge	4.250 x 4.750
Kitchen / Dining	5.250 x 5.250
Bedroom 1	4.000 x 2.500
Bedroom 2	3.250 x 2.500
Bedroom 3	3.250 x 2.500
Bathroom	1.500 x 1.750

##### ROOM SCHEDULE

Lounge	18' 10" x 21' 2"
Kitchen / Dining	18' 0" x 21' 2"
Bedroom 1	13' 4" x 8' 2"
Bedroom 2	10' 8" x 8' 2"
Bedroom 3	10' 8" x 8' 2"
Bathroom	7' 8" x 9' 2"
TOTAL FLOOR AREA	71.2 sq.m. 757 sq.ft.

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19 MAY 2005  
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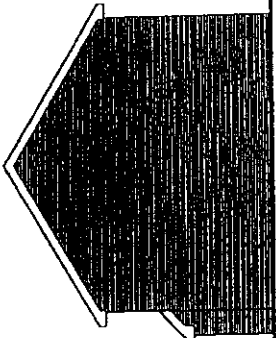
REV A - 23.04.03  
Unit width increased 30mm  
- room data adjusted to suit.

**BARRATT**  
DESIGN GROUP

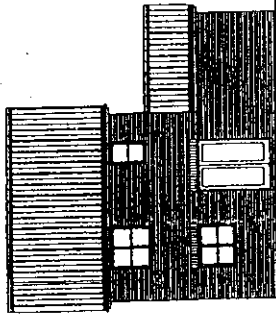
House Type  
PALMERSTON (NEW PREMIER)  
STATESMAN RANGE

Title  
PLANS AND ELEVATIONS  
DETACHED UNIT  
(ALL BRICK)

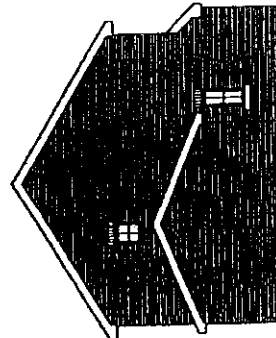
Scale 1/50, 1/100  
Date JAN 03  
Dwg. No. 2205/PAL/03A



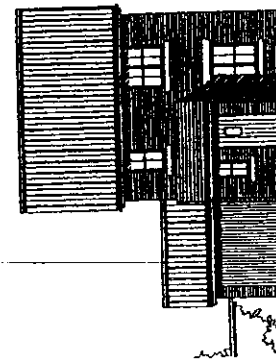
Side Elevation



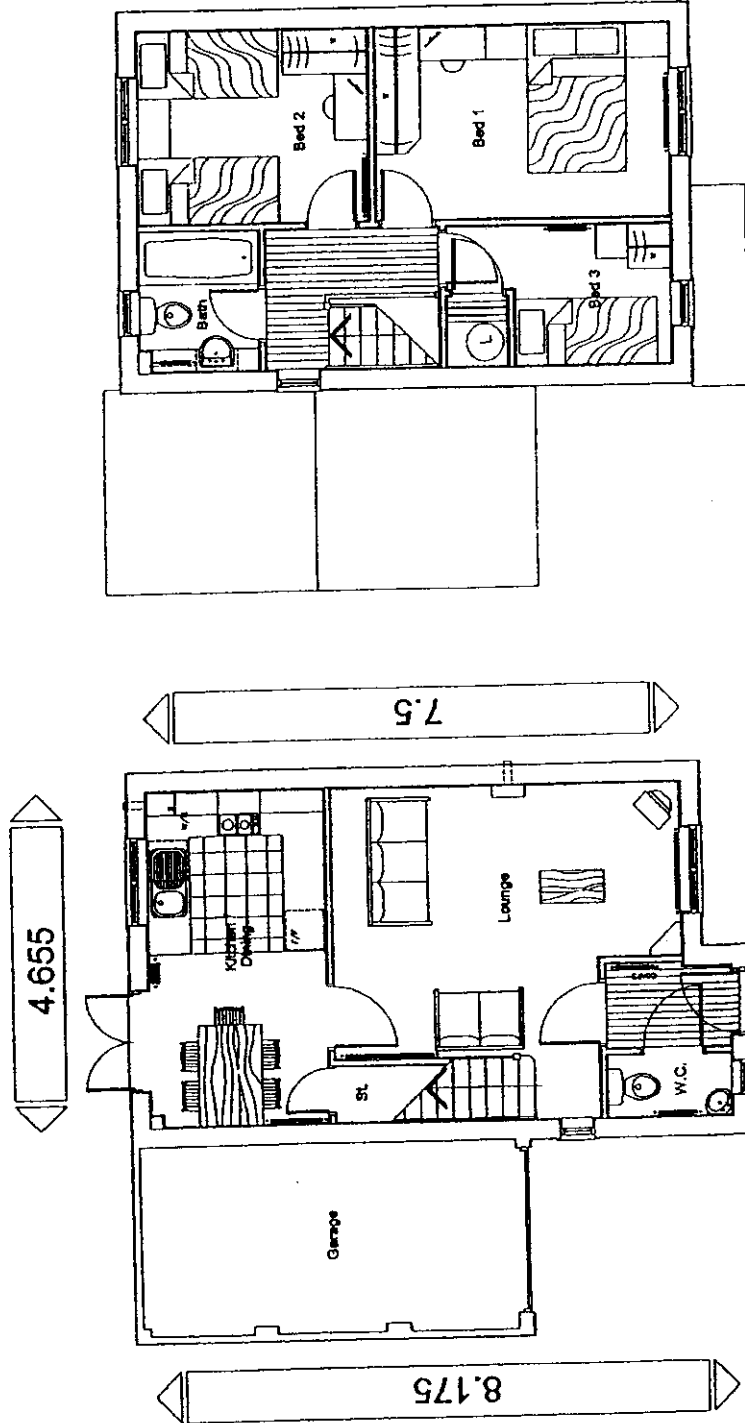
Rear Elevation



Side Elevation



Front Elevation



First Floor Plan

Ground Floor Plan

Drawings are intended to show a building as a building and are not intended to be treated as descriptive material. Descriptions, in relation to any particular property or development, are given in the specified manner prescribed by any Order made under the above Act. The contents of this drawing may be subject to change without notice and the drawings are not to be used for any other purpose than that for which they were prepared. Consequently the layout, form, content and dimensions of the finished construction may differ materially from those shown. Plans do not constitute a full drawing and are not a contract, part of any contract or warranty.

### 5 Person, 3 Bedroom Detached

ROOM	SCHEDULE	MEASURE
Lounge	4.850 x 3.000	
Dining Room	3.000 x 2.000	
Kitchen	5.010 x 3.170 x 1.750 net	
W.C.	1.500 x 1.1 x 1.200 net	
Bedroom 1	3.870 x 2.700	
Bedroom 2	3.000 x 2.000	
Bedroom 3	2.010 x 2.000	
Bathroom	2.130 x 1.100	
Bathroom	2.000 x 1.700	
ROOM TOTALS		
Lounge	15.110 x 10.0	
Dining Room	6.0 x 5.0 x 1.0	
Kitchen	15.110 x 10.0	
W.C.	4.110 x 3.170 x 1.750 net	
Bedroom 1	13.0 x 9.0 x 1.0	
Bedroom 2	6.0 x 5.0 x 1.0	
Bedroom 3	7.0 x 6.0 x 1.0	
Bathroom	6.0 x 5.0 x 1.0	
Bathroom	6.0 x 5.0 x 1.0	
TOTAL FLOOR AREA	83.4 sq. m. 897 sq. ft.	

19 MAY 2005  
RCCS  
2005/04/19

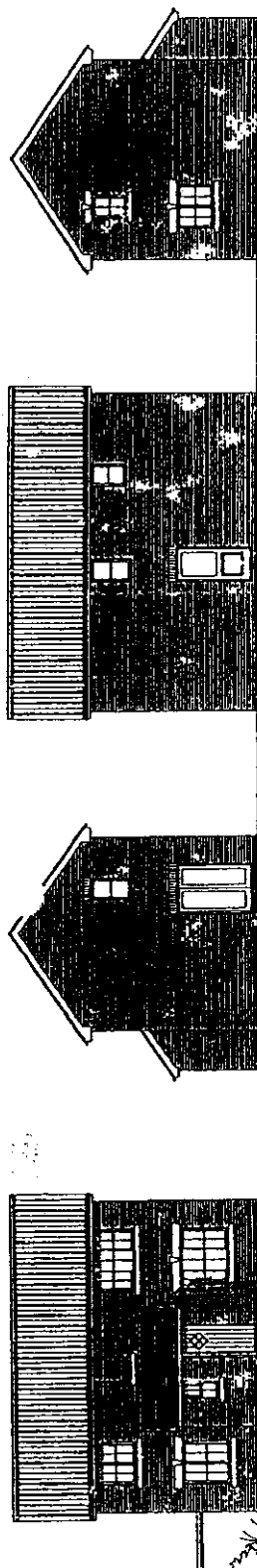
**BARRATT**  
DESIGN GROUP

House Type  
ENNERDALE (NEW PREMIER)  
- AMBASSADOR RANGE

Title

### PLANS & ELEVATIONS

Scale 1/50 & 1/100  
Date JAN 03  
Drg 2205/ENNER/01

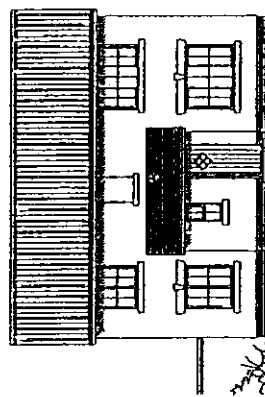


Side Elevation

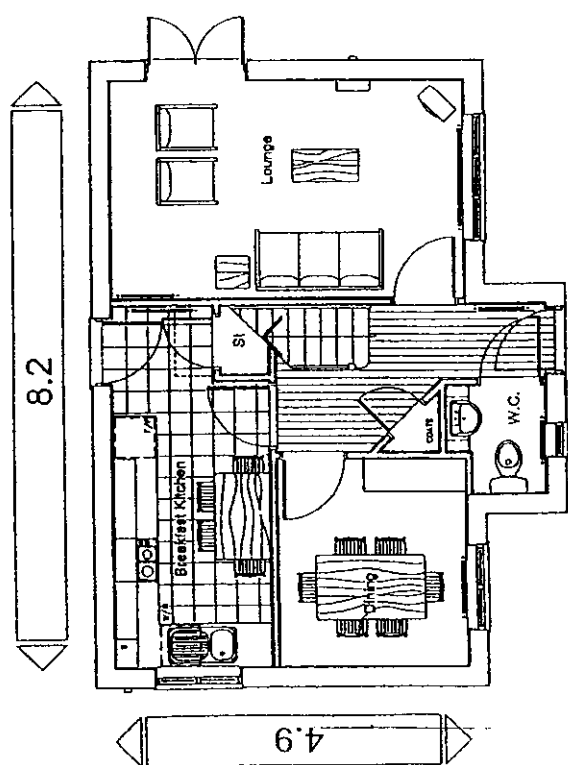
Rear Elevation

Side Elevation

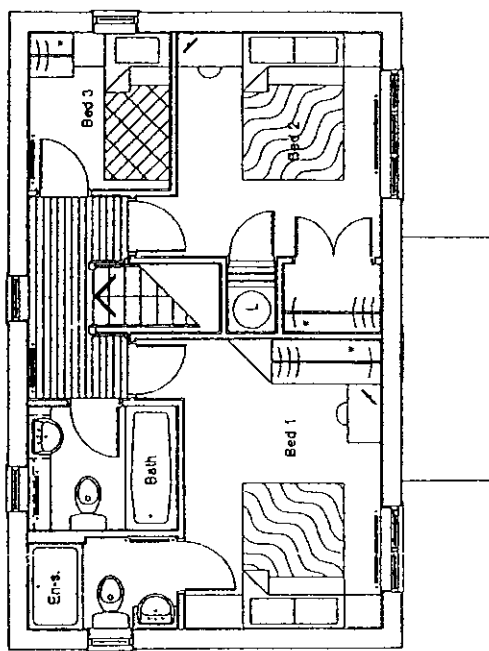
Front Elevation



Alternative Front Elevation



Ground Floor Plan



First Floor Plan

Plans are intended to be used as a working drawing and are not intended to be used as a descriptive statement of fact. In relation to any particular property or development, any of the specified features permitted by any Order made under the above Act, the contents of this drawing may be subject to change at any time and alterations may be made without notice. The drawings are intended to be used as a guide only and are not intended to be used as a basis for any construction. Consequently the layout, form, extent and dimensions of the building constructed may differ materially from those shown. For the contents of this drawing constitute a contract, part of any contract is intended.

## 2 Bedroom, 4 Person Terraced and Semi-Detached

ROOM	MEASURE	MEASURE
LIVING / DINING	11' 0" max x 13' 0" max	
KITCHEN	8' 0" x 10' 0"	
W.C.	5' 0" x 7' 0"	
Bedroom 1	10' 0" x 11' 0"	
Bedroom 2	10' 0" x 11' 0"	
Bathroom	6' 0" x 8' 0"	
TOTAL FLOOR AREA	64.8 sq.m. (698 sq.ft.)	

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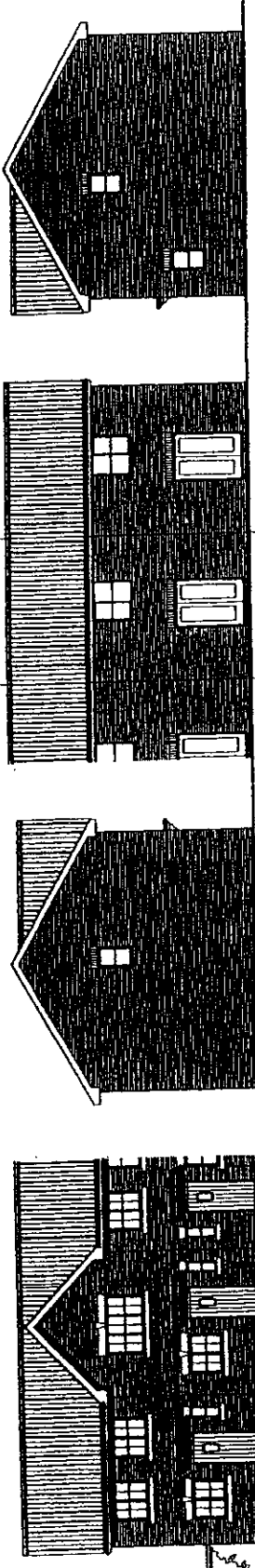
REV B - 14.05.03  
End unit porch canopy changed from lined to glass.  
REV A - 31.03.03  
Front gable roof redrawn on side elevation. Minor increase in overall height of house. - 10mm. Gable height is 9m.

**BARRATT**  
DESIGN GROUP

WASHINGTON - NEW PREMIER  
-STATESMAN RANGE

Title  
PLANS & ELEVATIONS  
(WITHOUT BIN STORE)

Scale 1/50 & 1/100  
Date JAN 03  
Dwg. No. 2205/WAS/01B

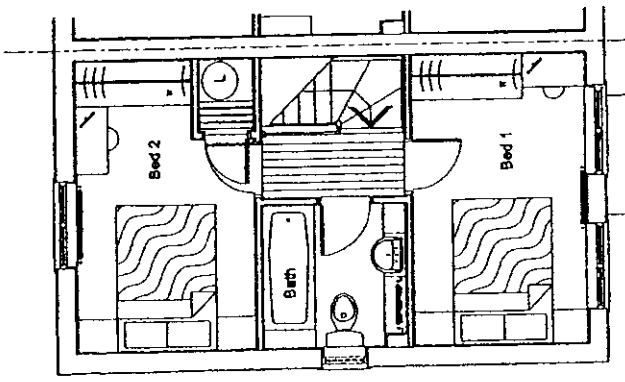


Side Elevation

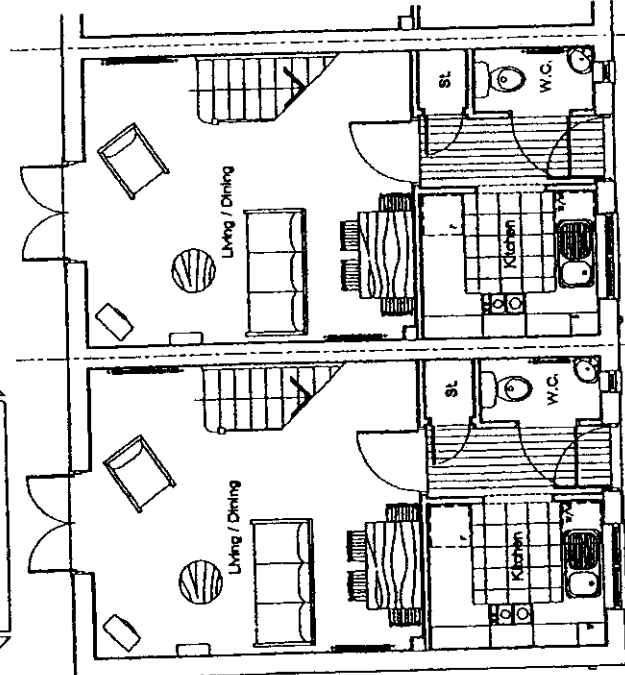
Rear Elevation

Side Elevation

Front Elevation



First Floor Plan



Ground Floor Plan

# WARNING TO HOUSE-PURCHASERS

Property Misdescriptions Act 1991

Buyers are warned that this is a working drawing and is not intended to be used as descriptive material for any purpose, in relation to any particular property or otherwise, without the written consent of the architect. The content of this drawing may be subject to change at any time and alterations and variations may occur during the progress of the works without revision of the drawing.

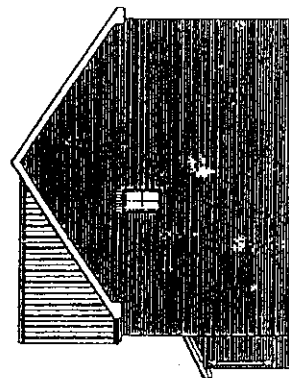
Consequently the layout, form, content and dimensions of the finished construction may differ from those shown on this drawing. No liability shall be accepted for any constructional or other errors, omissions, part of any contract or warranty.

## 4 Bedroom, 8 Person Detached

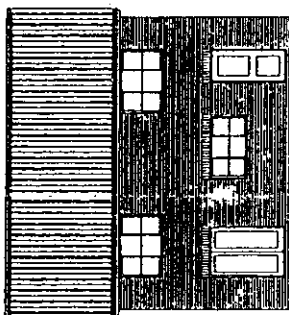
ROOM SCHEDULE	MEASURE
Lounge	4.15m x 3.73m max
Dining Room	3.45m x 2.46m
Kitchen	3.45m x 3.29m
Utility Room	2.11m x 1.32m
W.C.	1.54m x 1.32m
Garage	5.50m x 2.57m
Bedroom 1	3.38m max x 3.57m max
Bedroom 2	3.55m max x 3.55m max
Bedroom 3	2.55m max x 3.25m max
Bedroom 4	4.11m max x 3.87m max
Bathroom	3.35m max x 2.77m max
En-suite	1.89m x 1.87m

ROOM SCHEDULE	MEASURE
Lounge	14' 7" max x 12' 5" max
Dining Room	11' 4" x 8' 1"
Kitchen	11' 4" x 10' 10"
Utility Room	7' 0" x 5' 2"
W.C.	5' 0" x 4' 3"
Garage	18' 0" x 8' 5"
Bedroom 1	11' 0" max x 11' 8" max
Bedroom 2	12' 0" max x 11' 5" max
Bedroom 3	8' 3" max x 10' 0" max
Bedroom 4	13' 7" max x 11' 9" max
Bathroom	11' 2" max x 9' 1" max
En-suite	6' 2" x 6' 2"

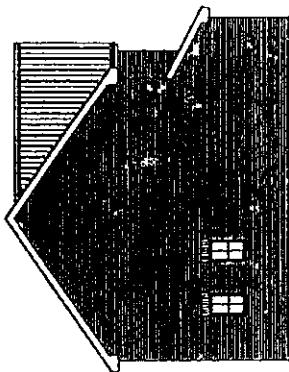
TOTAL FLOOR AREA 157.7 sq m, 158 sq ft



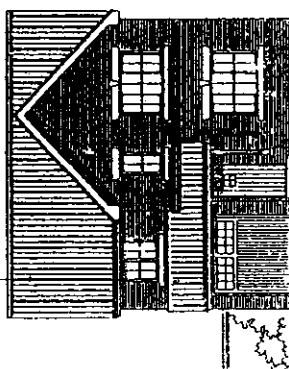
Side Elevation



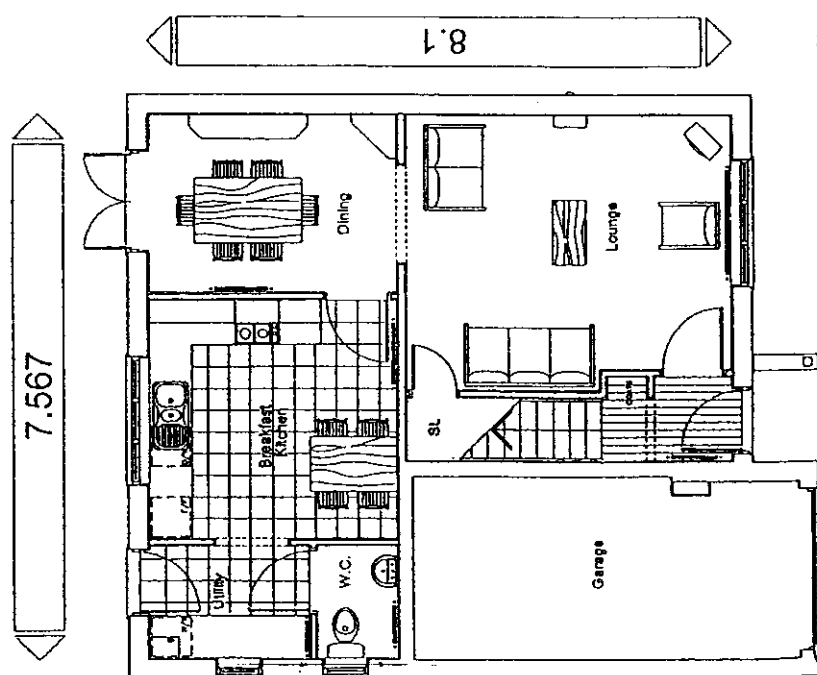
Rear Elevation



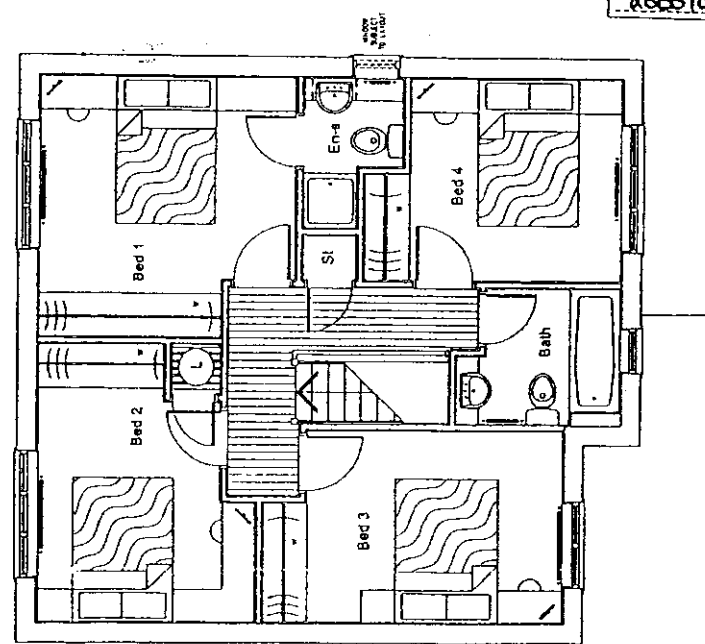
Side Elevation



Front Elevation



Ground Floor Plan



First Floor Plan

19 MAY 2005  
2005/0497

**BARRATT**  
DESIGN GROUP

House Type  
WINDERMERE (NEW PREMIER)  
- EMBASSY RANGE

Title  
PLANS AND ELEVATIONS

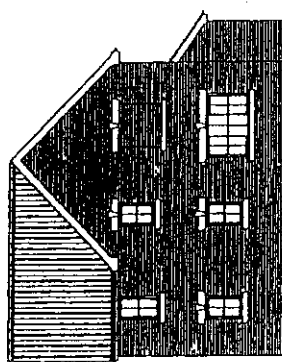
Scale 1/100, 1/50  
Date JAN 03

2205/WIE/01

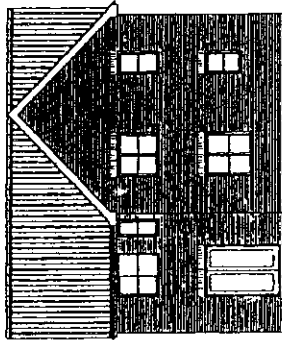
Buyers are warned that this is a working drawing and is not intended to be treated as descriptive material. In relation to any particular property or development, any of the Specified Matters prescribed by any Order made under the above Act. The contents of this drawing may be subject to change without notice and the client is advised to verify the details of the works shown on the drawing. Consequently the layout, form, content and dimensions of the finished construction may differ materially from those shown. We do not accept any liability for any error or omission in this drawing or for any contract or warranty.

#### 4 Bedroom, 7 Person Detached

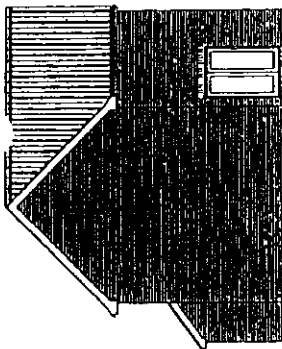
ROOM SCHEDULE	METRIC
Lounge	4.8m x 3.05m
Breakfast Kitchen	4.85m x 4.05m
Family Room	1.51m x 1.35m
W.C.	4.85m x 2.45m
Bedroom 1	2.05m x 1.22m
Bedroom 2	2.05m x 1.22m
Bedroom 3	2.05m x 1.22m
Bedroom 4	2.05m x 1.22m
Bathroom	2.05m x 1.22m
W.C.	2.05m x 1.22m
Bedroom 1	13.11 x 10.0
Bedroom 2	10.10 x 8.5
Dining Room	4.11m x 2.4
W.C.	4.11m x 2.4
Bedroom 1	15.11 x 8.5
Bedroom 2	13.0 x 8.5
Bedroom 3	10.0 x 8.5
Bedroom 4	8.11 x 6.5
Bathroom	8.11 x 6.5
W.C.	8.11 x 6.5
TOTAL FLOOR AREA	108.4 sq.m. 1177 sq. ft.



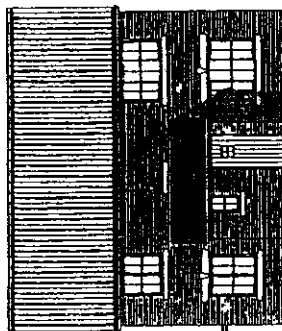
Side Elevation



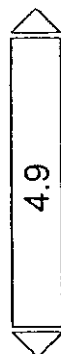
Rear Elevation



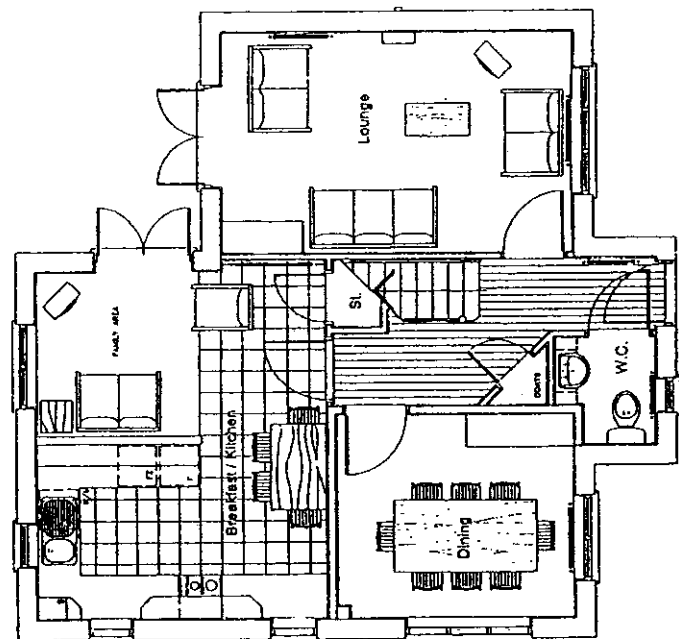
Side Elevation



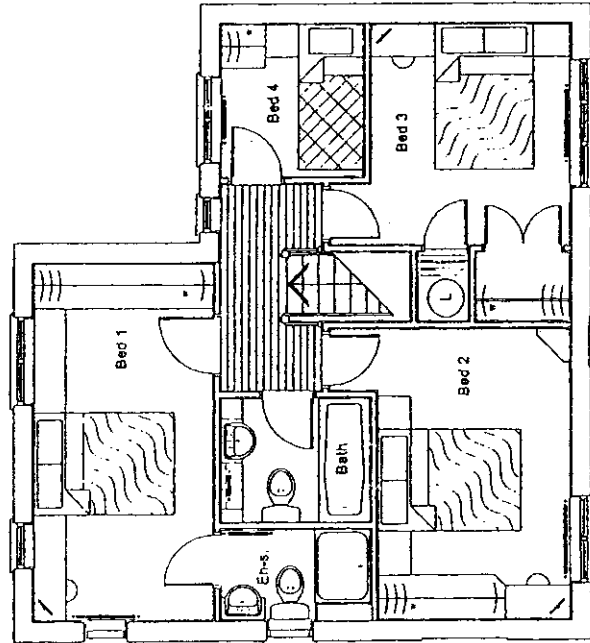
Front Elevation



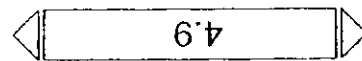
4.9



Ground Floor Plan



First Floor Plan



4.9

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19 MAY 2005  
2005/04/19

**BARRATT**  
DESIGN GROUP

House Type  
ALDERNEY (NEW PREMIER)  
- EMBASSY RANGE

Title  
PLANS AND ELEVATIONS  
(ALL BRICK)

Scale 1/50 & 1/100  
Date JAN 03  
Dwg. No. 2205/ALD/02



## Angus Hutchinson

---

From: Robin Sheppard [Robin.Sheppard@emrltd.com]  
Sent: 19 July 2005 15:06  
To: Angus Hutchinson  
Subject: RE: London Road-Lindisfarne Street, Carlisle

Angus,

Only pictures 1 to 4 are taken in the vicinity of Alexandra Dock. The rest of a competitor closer to the city centre of Liverpool. There are no photographs of the Rail siding.

The purpose of showing Alexandra Dock rail siding was to demonstrate the equipment used and the scale of the process. I accept that we are not going to construct a similar size facility in Carlisle. Also the fact that trains are handled most days, makes Liverpool a convenient location to see the operations.

We have a site in Sheffield loading to Rail which may be as representative.

In regard to the letter I comment as follows, as the site apparently photographed during vessel loading was not ours then I would not wish to comment upon any aspect of Health & Safety matters. However as regards European Metal Recycling Ltd we attach the highest importance to Health and Safety matters and strive to achieve a leading standard within the industry in close co operation with the Health and Safety Executive. All Rail operations are subject to prior risk assessment before commencement, and written procedures provided.

The position regarding license requirements for a scrap yard is not clear, whilst we accept that unprocessed scrap is waste. In most areas of the country processed scrap metal such as stored on dockside facilities, and in steelworks and foundry stockyards is not subject to licensing. Other areas are starting to say that all scrap is waste and as such must be licensed, if carried to extremes this may result in additional thousands of premises to handle the new phenomenon of End of Life vehicles.

In fairness when pressed on the issue we have usually opted for a license exemption with the Environment agency rather than engage in expensive litigation. We feel that future European legislation will clarify the matter.

I would consider that the access to the London Road site is more than adequate bearing in mind its previous use for Road delivered coal transshipment, a level more intensive than our proposal.

Whilst comparison of our activities as " Third World " is somewhat derogatory and offensive, the writer makes our case that such developments are not compatible side by side !!!

As regards to Planning permission for our use we take a robust view that the loading and unloading of Rail wagons is permitted development under the General Development Order. Whilst this is our view we always seek to work closely with Local Authorities and others when carrying out such works.

Whilst not a planning expert I would have thought that there exists Planning Guidance on preservation of Rail facilities, and I do not know the status of the proposed development site within the local structure plan.

Once these sites are lost to Rail then they almost impossible to retrieve, retention of such sites is very important ~~for~~ the long term

development of Railfreight, which rising Road Haulage costs and congestion will make inevitable. In the long term the site could be used for additional Rail Freight opportunities to make it more competitive and decrease cost for consumers and industry in Carlisle.

In conclusion I do not regard our activities as spurious and look forward to your observations as to how you wish to proceed.

Best regards,

Mr Robin Sheppard.

-----Original Message-----

From: Angus Hutchinson [mailto:AngusH@carlisle-city.gov.uk]  
Sent: 19 July 2005 11:34  
To: Robin Sheppard  
Subject: FW: London Road-Lindisfarne Street, Carlisle

Dear Robin,

Further to your e-mail sent to Alan Taylor (my Line Manager) yesterday I have spoken to representatives on behalf of the applicant. Following this discussion I have received the attached response, based upon which it appears that it is felt unreasonable for a comparison to be made with the facility at Alexandra Dock.

Can I please have your views on the attached letter and photos and whether you are aware of another site which could be visited instead.

Yours sincerely,

Angus Hutchinson

> -----Original Message-----

> From: Parker and Company [SMTP:rp@parkerandco.co.uk]  
> Sent: 19 July 2005 10:42  
> To: roger@parkerandco.co.uk  
> Subject: London Road-Lindisfarne Street, Carlisle

> Please find attached:

> 1. Letter to A. Hutchinson Esq - Carlisle City Council

> cc. G.Swan Esq - Barratts Manchester

> cc. M. Watt Esq - J & W Watt Limited

> 2. Photos taken of Alexandra Dock, Scrap Yard, Liverpool

> Kind regards,

> Parker & Company.

> This e-mail has been scanned for all viruses by Star. The  
> service is powered by MessageLabs. For more information on a proactive  
> anti-virus service working around the clock, around the globe, visit:  
> <<http://www.star.net.uk>>

> <<LETTER re London Road-Lindisfarne Street, Carlisle.19 July  
2005.doc>>  
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> liverpool scrap yard 002.jpg>> <<alexandra dock liverpool scrap yard  
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> dock liverpool scrap yard 011.jpg>>

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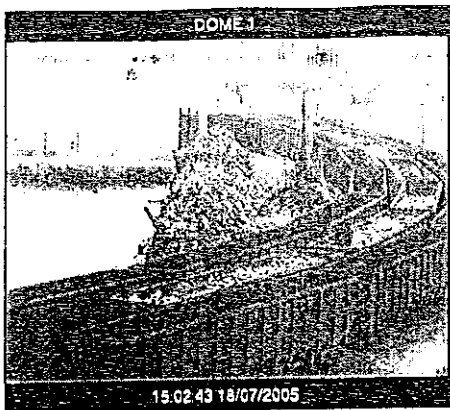
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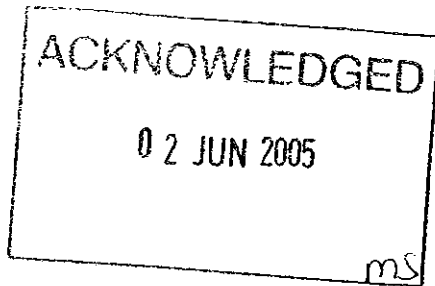
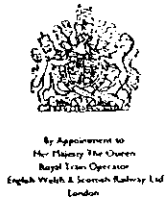
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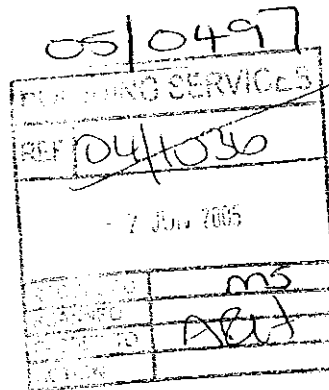
English Welsh & Scottish Railway Ltd  
Property Services Department  
CSDC

Lakeside Business Park  
Carolina Way  
Doncaster  
DN4 5PN

Tel: 01302 766202  
Fax: 01302 766165  
email: bob.rawlinson@ews-railway.co.uk

Angus Hutchinson  
Carlisle City Council  
Planning Services  
Civic Centre  
Carlisle  
CA3 8QG

YR: ARH/DC/04/1036  
OR: SFS/LONDON ROAD/R



31 May 2005

Dear Mr Hutchinson

**PLANNING APPLICATION 04/1036, PROPOSED RESIDENTIAL DEVELOPMENT WATTS STORAGE DEPOT LONDON ROAD.**

I refer to your notification of Planning Proposal in respect of the subject development dated 26<sup>th</sup> May.

Having considered the proposed development, it clearly does not physically prevent this company from making use of their adjoining London Road coal yard, but I have great concerns about the proximity of residential use to a railway yard.

The railway site has been used for many years as a rail served coal depot, and while that use had come to an end, EWS rail use of the site is soon to resume in the form of a location for loading scrap metal for re-cycling to rail wagons.

As the rail site is only separated from the development by the River Peteril and its road access runs immediately alongside, I am concerned that the proposed residential use is not an appropriate neighbour.

A rail site of this nature could likely operate round-the-clock and will generate noise, possibly at unsocial hours, and likely create some amount of dust.

I am not aware of any previous complaint about operations on the site in it's life as a coal storage yard, and I am convinced this is as a consequence of the current neighbours being industrial or open space uses.

As a consequence, I would object most strongly to the proposed development. I am sure you must already have come to a similar conclusion

English Welsh & Scottish Railway

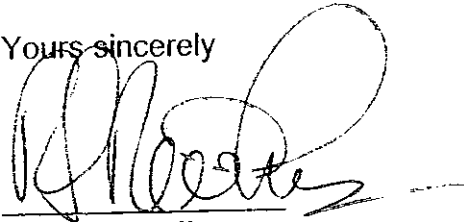
Registered Office :  
310 Goswell Road London EC1V  
Registered in England and Wales  
Registered No : 2938988

and agree that residential is not an appropriate use in such close proximity to the EWS site.

Railway sites of this nature are essential to the operation of an effective rail freight system and I am sure that the Council would not countenance any development that prejudices this, or for that matter exposes residents to the noise, vibration or dust synonymous with railway yard operations.

Furthermore, the process of metal re-cycling by rail surely has environmental benefits, not only is this re-cycling of a valuable resource but in being transported by rail is saving many road miles.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Rawlinson', written over a horizontal line.

**Robert Rawlinson**  
**Estate Manager North**

**DR**

Direct Rail Services

Kingmoor Depot  
Etterby Road  
Etterby  
Carlisle  
Cumbria  
CA3 9NZ  
Tel: (01228) 406600  
Fax: (01228) 406601

Mr A. Hutchinson  
Principal Development  
Control Officer  
Planning Services  
Carlisle City Council  
Civic Centre  
CA3 8QG

PLANNING SERVICES	
REF	
30 JUN 2005	
RECORDED	ms
SCANNED	
PASSED TO	ACJ
ACTION	

29<sup>th</sup> June 2005

Dear Mr Hutchinson,

**PLANNING APPLICATION LONDON ROAD SITE CARLISLE**

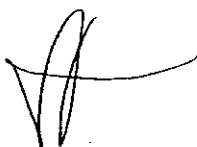
It has come to our attention that a further planning application has been lodged with the Council for possible housing development on land adjoining the London Road Railway Depot and Sidings at Carlisle.

Whilst a final decision has not yet been taken, DRS are interested in acquiring the depot and siding site. Negotiations are currently being held with the landowners in relation to this site.

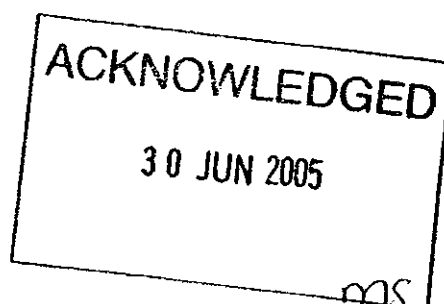
The use of the Depot and Sidings to date has included storage and transfer of materials, DRS would wish to continue this use in the future. In addition we would look to utilise the site for expansion of the company's commercial fleet of wagons and to centralise its wagon maintenance operations, which are currently carried out in various locations through out in various location throughout the UK. There is also potential for other rail business opportunities to be developed using this site.

We would ask the Council to take the current and potential future use of the Depot and Sidings as detailed above, into account when making its decision on the proposed housing development on the adjacent land.

Yours sincerely



Neil Curtis  
Logistics Manager



## SCHEDULE A: Applications with Recommendation

05/0961

Item No: 12

Date of Committee: 16/12/2005

**Appn Ref No:**  
05/0961

**Applicant:**  
Mr A Dunning

**Parish:**  
Wetheral

**Date of Receipt:**  
27/09/2005

**Agent:**  
Burnetts

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Cairn Garth Cottage, Heads Nook, Brampton,

**Grid Reference:**  
349465 554408

**Proposal:** Change of use from residential annexe to holiday accommodation

**Amendment:**

---

### REPORT

#### **Reason for Determination by Committee:**

This application is being presented to Members in the light of the history of the site and the need to vary an existing Section 106 Agreement.

#### **Planning Policies:**

##### **Carlisle District Plan Employment - Proposal EM11**

Within the rural area proposals for the reuse and adaptation of buildings (of permanent construction) for commercial, industrial or recreational uses will be acceptable subject to the following criteria:

1. The form, bulk and general design of the buildings are in keeping with the surroundings;
2. Adequate access and appropriate parking arrangements are made;
3. Any increased traffic generated by the proposal can be accommodated by existing highway network;
4. There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape.

##### **Carlisle District Plan Employment - Proposal EM15**



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

05/0961

Proposals for small scale tourism related development will be acceptable providing that:

1. There is no unacceptable adverse impact on the landscape; and
2. Adequate access and appropriate car parking can be achieved; and
3. If the proposal is within the rural area it is well related to an established settlement or group of buildings or involves the conversion of an existing building, or would form an important element of a farm diversification scheme.

### **Carlisle District Plan Employment - Proposal EM17**

When considering proposals for new employment related development, including extensions, where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to, from and within buildings.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy EC11 (EC12) Rural Diversification**

Development proposals to diversify and expand upon the range of economic activities undertaken in rural areas will be encouraged where the proposal re-uses or adapts existing traditional buildings (of permanent construction) for commercial, industrial or recreational uses. Any new building required as part of a diversification scheme must be well related to an existing group of buildings to minimise its impact, blending satisfactorily into the landscape through the use of suitable materials, design and siting. Proposals should:

1. Be complementary to or compatible with the agricultural operations in the rural area; and
2. Be compatible with the character and scale of the operation and its landscape character; and
3. Not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and
4. Be capable of providing adequate access and parking arrangements.

Conversion of premises (of permanent construction) to live/ work units will be acceptable providing that they maintain the character of the original building and be in the region of 60% residential to 40% employment use. Permission for later conversion of the employment part will not be acceptable unless replacement employment use is provided in adjacent premises.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft POLICY EC15 Tourism Development**

Priority will be given for tourism related development in the City of Carlisle

## SCHEDULE A: Applications with Recommendation

05/0961

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

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

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

### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** Subject to adequate parking being provided within the curtilage of the site to cater for the proposed holiday accommodation, no objection would be raised to the proposal.

**Wetheral Parish Council:** No comments to make regarding this application.

**Environment Agency (N Area (+ Waste Disp)):** No objections but if proposal involves non mains drainage need to ensure that it is in accordance with Circular 03/99.

### Summary of Representations:

#### **Representations Received**

Initial:	Consulted:	Reply Type:
The Occupier, Langthwaite	06/10/05	
The Occupier, Mount Pleasant Farm	06/10/05	
The Occupier, Woodcroft	06/10/05	

This application has been advertised in the form of the direct notification of the

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

05/0961

occupiers of three neighbouring properties. No comments have been received at the time of preparing the report.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

In 1989 and 1995, application reference number 89/0910, 95/0089 and 95/0312) planning permission has been given for extensions to the house and garage.

In 1996, application reference number 96/0628, planning permission was given to revise the garage design to include a loft space. This permission was subject to a number of conditions, one of which stipulated that it should just be used for private and domestic purposes.

In 1999, application 99/0068, planning permission was given, subject to the completion of a Section 106 Agreement, for the retention of use of the garage as an annexe.

In 2000, application 00/0585, planning permission was given the demolition of an entrance/utility and erection of a two storey extension.

#### **Details of Proposal:**

Cairn Garth House is located within open countryside on the southern side of the Broadwath/Cairnbridge road approximately approximately 20 metres to the south of the entrance associated with Glencairn Mill.

This application relates to a detached building lying to the south-east of the main house which was originally given permission as a garage, but under application reference number 99/0068 was converted to an "annexe". The building has natural stone walls and a slate roof with a living room and kitchen on the ground floor, and, four bedrooms and a bathroom on the first floor.

The application is accompanied by a Business Development Plan which, amongst other things, explains that:

- The owners hope to attract guests seeking to enjoy the highest standards of self-catering accommodation;
- Advisors at the Cumbria Tourist Board (CTB) have welcomed these efforts to develop a self-catering property in this area and for this type of market. The CTB has issued statistics that show the relatively small number of self-catering units available in North Cumbria and particularly the Carlisle area;

## SCHEDULE A: Applications with Recommendation

05/0961

- The Head of CTB Market Development has launched the "Hidden Treasures" campaign to encourage visitors to venture further afield from the traditional tourist hot spots.

- Rural Regeneration Cumbria have expressed support.

- The property is not only ideally suited to those groups or families seeking shooting or fishing holidays, but will also appeal to bird-watching clubs and societies as well as to those just seeking to get away from it all.

- Although the property is primarily self-catering, the owners are also hoping to offer the option of pre-ordered breakfasts or evening meals to groups, and have already approached independent caterers in the area. Visitors attracted to this type of accommodation are also known to eat out on a regular basis thus benefitting local pubs and restaurants.

- Have received encouragement from Business Link for Cumbria who have provided a letter of endorsement.

- The applicant believes he has the right property in an under-exploited location. He has done his homework and in this knowledge are confident that the demand exists for this type of holiday accommodation.

When assessing this application, and with particular regard to Policy EM15 of the Local Plan, it is evident that there is adequate access and parking within the site and it involves the re-use of an already converted building. The property is characterised by an existing series of outbuildings the character of which is not altered by the proposal.

However, it is considered that if the proposed holiday let was to be run and operated independently it is likely to impinge on the amenity and privacy of the occupiers of Cairn Garth. As such, it is still considered relevant to ensure that the running and operation of the proposed holiday accommodation is retained by the occupiers of Cairn Garth.

In such circumstances the proposal is recommended for approval subject to the completion of a Deed of Variation to the existing Section 106 Agreement ensuring that the building subject of the current application and Cairn Garth are retained as a single planning unit.

Members will be aware that on the 16th July 2004 the Development Control Committee agreed to the imposition of a temporary moratorium on new rural housing permission. One of the exceptions to the moratorium relates to the provision of holiday accommodation. The application site is isolated from any settlement and, as such, there is a need to also restrict the usage of the building to holiday accommodation. Ministerial advice contained in Annex C of PPG21 "Tourism" explains in paragraph 3 that a holiday occupancy condition would seem more appropriate in such circumstances than a seasonal occupancy condition. But authorities should continue to use seasonal occupancy conditions to prevent the permanent residential use of accommodation which by the character of its

## SCHEDULE A: Applications with Recommendation

05/0961

construction or design is unsuitable for continuous occupation especially in the winter months. This advice is reinforced in paragraph 116 of Circular 11/95 "The Use of Conditions in Planning Permissions".

### OTHER MATTERS

In the context of Policy EM17 of the Local Plan, the Council's Access Officer appreciates that the current application has been submitted on the basis of not carrying out any alterations to the building. This aside, the provision of such accommodation would be subject to the Disability Discrimination Act 1995 (DDA). Under the DDA the City Council has a duty to inform providers of facilities. It is therefore proposed to attach a relevant advisory note to the decision notice if permission was to be granted.

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### Human Rights Act 1998

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

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

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

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

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

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

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### 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).

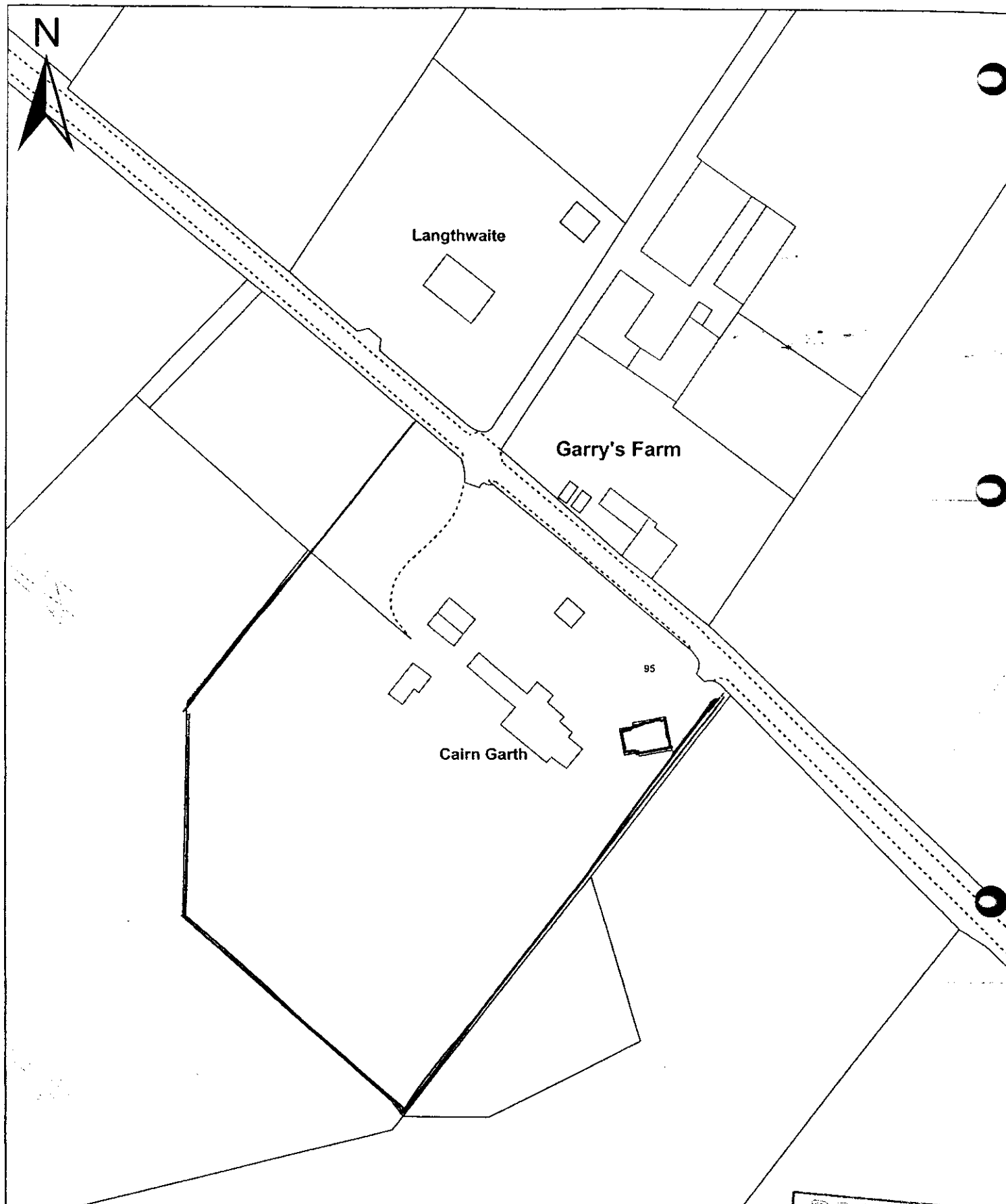
## SCHEDULE A: Applications with Recommendation

05/0961

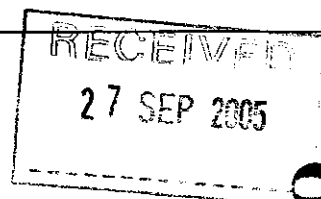
2. Use of the premises to which the application relates shall be restricted to tourist accommodation only and shall not be occupied as permanent residential accommodation.

**Reason:** The site is within an area where to preserve the character of the countryside it is the policy of the local planning authority to restrict development to that required to satisfy a special agricultural or other proven local need and not to permit any additional dwellings in accord with Policy EM15 of the Carlisle District Local Plan.

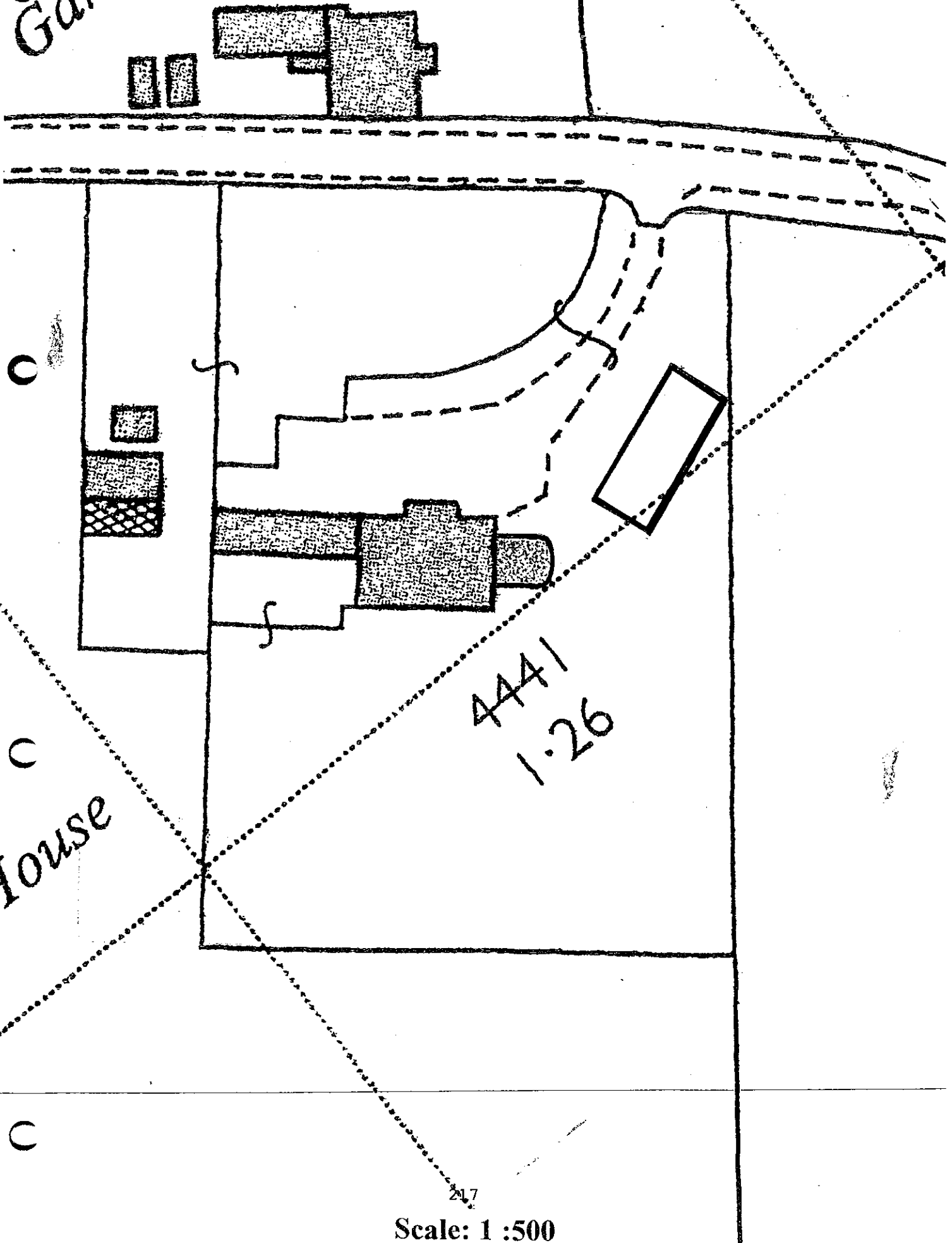
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## Cairn Garth Cottage



80  
C.92  
Garry's Fur 1960/500g



217  
Scale: 1:500



## SCHEDULE A: Applications with Recommendation

05/0967

Item No: 13

Date of Committee: 16/12/2005

**Appn Ref No:**  
05/0967

**Applicant:**  
Telereal

**Parish:**  
Carlisle

**Date of Receipt:**  
06/10/2005

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Castle

**Location:**  
Former Telephone Exchange, Cecil Street, Carlisle

**Grid Reference:**  
340452 555690

**Proposal:** Conversion of former telephone exchange to provide ground floor retail space (A1, A3 and A4) and 29no. apartments to upper floors.

**Amendment:**

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### REPORT

#### Reason for Determination by Committee:

This application is before the Development Control Committee due to the requirement of a Section 106 in relation to affordable housing.

#### Planning Policies:

##### **Cumbria & Lake District Joint Structure Plan Policy 25**

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

##### **Cumbria and Lake District Joint Structure Plan 2001 – 2016 Modifications Policy H19: Affordable housing outside the Lake District National Park**

Affordable housing to meet proven local need will be provided through:

1. the provision of an element of affordable housing as part of residential or mixed use development of sites of more than 0.4 hectares or 10 or more dwellings, or
2. the development of affordable housing in rural sites considered an exception to normal planning policy contained in Local Plans.

Adequate arrangements must be made to ensure that the housing remains

available on an affordable basis for local people in perpetuity.

#### **Carlisle District Plan Housing - Proposal H4**

Within Carlisle, Brampton, Longtown and Dalston, outside the Primary Residential Areas and sites allocated under proposal H1, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be permitted provided that:

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

#### **Carlisle District Plan Housing - Proposal H8**

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

#### **Carlisle District Plan Employment - Proposal EM6**

Within the Primary Office Area proposals for office development will be acceptable providing that:

1. The general scale and design of the development are compatible with the surrounding area;
2. Appropriate access and vehicle parking can be achieved.

#### **Carlisle District Plan Environment - Policy E43**

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

#### **Carlisle District Local Plan 2001 - 2016 Redeposit draft POLICY H4 Residential Development on Previously Developed Land and Phasing of development**

The City Council will achieve the Structure Plan permission targets of 65% brownfield in the urban area and 40% brownfield in the rural area during the Plan period. In order to achieve the higher target in the urban area greenfield permissions will not be granted in addition to any allocations in Proposal H16. In order to achieve these targets permission will be phased on sites over 20 dwellings in the urban area and over 10 dwellings in the rural area.

These targets will be achieved through a sequential approach to site development where brownfield sites are available in the sustainable locations consistent with DP1 and not developed solely because they are brownfield sites.

#### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy H5 Affordable Housing**

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites are expected to make a contribution towards affordable housing. In the urban area a contribution will be sought on all other sites over 10 dwellings. In the rural area the contribution to affordable housing will be:

1. 25% of development costs on large sites (over 0.8 ha or 25 dwellings); or
2. 20% on medium sites (over 0.3 or 10 dwellings); or
3. 10% on small sites (over 0.1 ha or 3 units).

Where affordable housing is to be provided at a discounted market value a discount of 25- 30% will be sought.

#### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy H1 Location of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

7. the proposal will not lead to the loss of the best and most versatile agricultural land.

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

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

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

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

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy H2 Primary Residential Areas**

Within the Primary Residential Areas defined on the Inset Maps for Carlisle, Brampton and Longtown, proposals for new residential development will be acceptable provided that:

1. existing areas of open space and other amenity areas are safeguarded; and
2. the proposed development does not adversely affect the amenity of adjacent residential property; and
3. the proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. The traffic impact of new development upon existing residents through inconvenience and detrimental effect will be taken into account. Such schemes falling within the scope of this policy will be considered against the above criteria as well as other policies of the Plan appropriate for the proposed use.

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

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

#### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Proposal H16 Site Specific Residential Land Allocations**

To provide for housing needs an additional 4955 dwellings are required between April 1st 2002 and March 31st 2016. This figure takes account of the number of outstanding permissions at 1st April 2002. Making allowances for windfall sites provision, land for a further 2190 dwellings is allocated for primary residential purposes, providing for a variety of housing needs. The additional sites, are set out in the table below and subsequent paragraphs. All housing developments will be closely monitored to ensure that the scale of residential development relates to the Structure Plan requirement.

#### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy EC3 Office Development**

Within the Primary Office Area proposals for office development will be acceptable providing that:

1. the general scale and design of the development are compatible with the surrounding area; and
2. appropriate access and vehicle parking can be achieved.

#### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE20 Conservation Areas**

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

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should

not have an unacceptable impact adversely impinge on the townscape or landscape;

2. the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
6. proposals which would generate a significant increase in increased traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
7. proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

#### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** Given the property's city centre location and its existing use, it is considered appropriate that a departure to the parking standard be allowed. Part of the grassed area shown (south of the main entrance) has been surfaced and open to the public for in excess of twenty years. As such in order for this area to be enclosed a stopping-up is required under Section 247 of the Town and Country Planning Act 1990. Alternatively, the developer could amend his plans in order to retain the status quo.

**United Utilities (former Norweb & NWWA):** No objections but offered comments in relation to the water metre, and electricity supply.

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

**Planning Services - Access Officer:** I had a meeting with the architect prior to the submission of this application. Suggested changes have been incorporated and an access statement submitted. I am happy with this application from a public access point of view and any details can be dealt with through Building Control.

**Building Control –** The Building Control representative attended the Development Team Group meeting and offered verbal comments, which were minuted at that meeting. They were:

- Need additional means of escape for the maisonettes
- Smoke control vents are required for the internal corridors
- Shop doors need to open outwards

- Ramps required for Retail units 1 and 2.

**Planning Services - Local Plans:** In response to your consultation regarding conversion of the above premises, I think the first point is that you need to clarify what the applicant is applying for. The application form states that the ground floor is intended for retail space, whilst the access statement refers to bars and restaurants. A mix of A3/A4 and residential will raise quite different issues to a retail/residential mix.

The site lies within a Primary Office Area. Unfortunately both the adopted Local Plan and the redeposit draft are silent on how to deal with retail proposals in such areas. PPS 6 Planning for Town Centres provides some guidance in that it states that local planning authorities should plan positively to accommodate growth, primarily within, *or on the edge of*, existing centres. This site can be regarded as an edge of centre site. PPS 6 states that when assessing proposed developments, (in this case the retail element of the proposal) the local planning authority should require applicants to demonstrate:

- the need for the development;
- that the development is of an appropriate scale;
- that there are no more central sites for the development (the sequential approach to site selection);
- that there are no unacceptable impacts on existing centres;
- that locations are accessible.

I assume that the level of information called for as a result of the requirements in PPS 6 was discussed pre-application with the applicant, and that this information will be forthcoming. PPS 6 states that as a general rule the development should satisfy all these considerations. The level of detail and the type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal, in this case 820 sq m of retail floorspace.

Other considerations in relation to the application are set out below.

**Conservation Area:** the site is immediately adjacent to the Portland Square/Chatsworth Square Conservation Area, and is bounded on three sides by the Conservation Area Boundary. As such policy E43 of the adopted Local Plan and Policy LE20 of the redeposit draft apply. Both refer to the need for development within and adjoining Conservation Areas to preserve or enhance their character. The existing building is of little architectural merit, and there is limited scope for enhancement. The proposed profiled metal roof canopy, window alterations and balcony go some way to breaking up the Cecil Street elevation, however, you may like to explore with the applicant whether some detailing could be introduced between first and second floor windows.

Policy SD3 of RPG 13, (to become Regional Spatial Strategy) stresses the need for the continual conservation of the City of Carlisle, and for sensitive integration of new development. Priority is to be given to the redevelopment of previously used land. This proposal falls within the scope of this policy.

**Housing element:** the site is classed as a windfall site, and as such an allowance

has been made for this under Proposal H16 of the redeposit draft of the Local Plan. The site is in a sustainable location in accordance with Policy H1, and also complies with Policy H2 which make provision for residential development outside Primary Residential Areas. Paragraph 5.16 states that the redevelopment of such sites can make a useful contribution to particular housing needs and make full use of existing resources.

**Affordable housing:** whilst the adopted Local Plan states that the Council will require an element of affordable housing to be included in larger housing developments (i.e. sites of 40 or more dwellings), this policy is superseded by Structure Plan Policy H19: Affordable housing outside the Lake District National Park, which must now carry substantial weight. This policy calls for affordable housing to meet proven local need through the provision of an element of affordable housing as part of residential or mixed use development on sites of 10 or more dwellings. This policy is translated into Policy H5 of the Carlisle District Local Plan redeposit draft. You will therefore need to check with our Housing and Health Partnership section as to the current level of local need in the City, and negotiate accordingly with the applicant.

**Cycle parking facilities:** Policy T15 of the adopted Local Plan and Policy CP15 of the redeposit draft make provision for secure cycle parking facilities where appropriate. The proposal site is ideally located in relation to providing opportunities for access by means other than the private car, and as such the potential for providing secure cycle parking facilities should be explored with the applicant.

**Commercial & Technical Services - Drainage Engineer:** The applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable. The applicant indicates disposal of surface water to an existing drain. However in the first instance the applicant should investigate the use of soakaways for surface water disposal rather than to an existing drain, as this is the most sustainable method. I have no knowledge of flooding issues at this site.

**Cumbria Constabulary - Crime Prevention:** The Police attended the Development Team Group meeting and offered verbal comments, which were minuted at that meeting. They were, no objection to the principle but that the Secure by Design statement was based on out of date guidance. Concern also expressed in relation to the lighting of the staircases and entrance and the space designated for the concierge was this necessary and would it be used.

**Conservation Area Advisory Committee:** The Committee welcomed and supported this proposal to convert the building to retail and residential.

**Environmental Protection Services:** I recommend that a noise assessment be submitted as part of this application, which assesses the suitability of the site for housing in respect to noise impact from nearby road traffic sources and noise from nearby existing and proposed commercial premises. The assessment should take account of Planning Policy Guide 24, BS4142 1997 and World Health Organisation Guidance.

**Environmental Protection Services - Housing Strategy:** Further to your enquiry into the level of demand for affordable housing on the above site, I can respond as follows. The Housing Strategy (2005 - 2010) sets out a target in its Action Plan of:



"25-30% of developments to be affordable/ social units and/ or 'commuted sum' payments; based on need and site development cost" – as you are aware this figure has now been incorporated in the Redeposit Draft of the Local Plan (5.25.) The percentage is designed to take into account difficulties faced by people getting onto the housing ladder due to house price inflation significantly outstripping wage increases over the last few years, the loss of almost 1,000 social rented units owned by Carlisle Housing Association due to Right to Buy Sales in the last five years, and demand for RSL rented and shared equity accommodation.

### Neighbourhood Popularity

We are currently in the process of undertaking a major housing need survey across the district, which will give us a detailed profile of the need for additional affordable housing across our housing markets. Unfortunately, the last survey of Carlisle's urban areas (carried out by Sheffield Hallam University) dates back to April 2000. What the survey does identify is that location or neighbourhood had become the biggest driver in determining people's housing choices. At the time of the survey Cecil Street (which is now in Castle ward) was in Stanwix Urban ward (the boundaries have since been altered.) The Sheffield Hallam report states that only 3% of local residents would NOT like to live in Stanwix Urban ward and as little as 1% would not like to live in neighbouring St Aidans ward (compared with 74% and 60% who would not like to live in Raffles or Botcherby respectively.) There can be little doubt that there would be a significant demand for affordable housing on any new housing development in the area.

### House Prices/ Income Ratios

I enclose a chart based on the first 4 postcode digits for Cecil Street (taken from statistics from the Land Registry website) demonstrating the extent to which property prices have increased in the area since 2000 (despite quarterly variations.) Please note that parts of the CA1 1 area were affected by the January flooding which would explain falls in prices earlier this year.

In terms of sales specific to Cecil Street there is inevitably less data, as the street currently consists of mainly commercial premises. However, I enclose a list of the limited number of sales for the last 5 years (from the Our Property website.) As you will see, the same semi-detached property which was purchased for £79,500 in June 2000 was resold for £155,000 in March 2005 – an increase of almost 95%. This is consistent with property price increases of 99.5% across the Carlisle region during the same period, as per the Housing Strategy (including a rise of 55% in the 12 months to June 2004 – the second highest in the country) – with the average property price in the quarter to September 2005 now £131,994 (per Land Registry figures.)

Based on gross average household earnings in Carlisle of £25,893 (this is the figure accepted in the Housing Strategy, taken from Joseph Rowntree/ Wilcox study, October 2004) this is equivalent to approximately 6 x household income. This needs to be considered in the light of ODPM guidance that 2.9 x income is a responsible lending multiplier for dual income households (or 3.5 x one income.) Despite the limited number of sales on Cecil Street, this is a clear example of the need for the provision of affordable housing on any new development in the area. The figure is

again consistent with the Housing Strategy, which stipulates the mean average earnings to property price ratio as 6 x across the Carlisle district as a whole.

Carlisle is a relatively low wage economy (with income levels below the Cumbrian & North West averages), and household income has inevitably been outstripped by spiralling property prices, putting owner-occupation beyond the remit of many local people – unless they are prepared to borrow several times their income from a less scrupulous lender, thereby putting their home at risk. The 2001 New Earnings Survey (Office of National Statistics) gave the average gross full-time wage in Carlisle as: £18,429, while the latest ASHE (annual survey of household earnings) figures provided by ONS for 2005 show an average of: £23,462 – an increase of only 27.3% over the four-year period, despite house prices effectively doubling.

Although we will not have any more detailed information until the New Year, the evidence detailed above would appear to sufficiently justify the need for the provision of an element of affordable housing at the Former Telephone Exchange site, commensurate with that set out in the Housing Strategy 2005 - 2010. As we will not be in a position to provide a more detailed analysis of the housing need in the area for some months it would appear reasonable to accept a provision relative to the lower end of the target for affordable housing (i.e. 25% rather than 30%.)

### **Summary of Representations:**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 9 Cecil Street	10/10/05	
The Occupier / Owner, 11 Cecil Street	10/10/05	
The Occupier / Owner, 35 Cecil Street	10/10/05	
The Occupier / Owner, 36 Cecil Street	10/10/05	
The Occupier / Owner, 37 Cecil Street	10/10/05	
The Occupier / Owner, 38 Cecil Street	10/10/05	
The Occupier / Owner, 39 Cecil Street	10/10/05	
The Occupier / Owner, 23 Brunswick Street	10/10/05	Undelivered
The Occupier / Owner, 24 Brunswick Street	10/10/05	Undelivered
The Occupier / Owner, 25 Brunswick Street	10/10/05	Undelivered
The Occupier / Owner, 26 Brunswick Street	10/10/05	Undelivered
The Occupier / Owner, 27 Brunswick Street	10/10/05	Undelivered
The Occupier / Owner, 28 Brunswick Street	10/10/05	Undelivered
The Occupier / Owner, 40 Portland Place	10/10/05	
The Occupier / Owner, 42 Portland Place	10/10/05	

This application has been advertised by means of site and press notices and notification letters sent to 15 neighbouring occupiers. No representations have been received during the consultation process.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

Numerous applications have been received relating to this site but non specific to this application.

### **Details of Proposal:**

This application seeks full planning permission for the conversion of the former Telephone Exchange to provide ground floor retail space for A1, A3 and A4 uses and 29 no apartments to the upper floors. The proposal would provide 5 retail units on the ground floor, which are serviced using the rear access lane and the main entrance from Cecil street. An extension is proposed along the front of the building to provide a canopy area and to break up the front façade of the building.

The scheme provides a mix of 3 x 1 bed apartments, 21 x 2 bed apartments and 2 x 2 bed maisonettes, 1 x 3 bed maisonette and 2 x 4 bed maisonettes over five floors. Currently, the fifth floor accommodates the engine and equipment store rooms and telecommunication apparatus, which would be removed, and within which an additional floor would be constructed. A balcony is also proposed along the third floor to again break up the façade. A cycle storage area is proposed on the ground floor at the entrance to the flats and refuse storage areas in the basement served by refuse shoots from all floors.

### **Design and Conservation Area**

The site is not within the Conservation Area but is located at the edge. Although the proposal uses an existing building, which is of little architectural merit, it is considered that the scheme as submitted enhances the building and thus the neighbouring Conservation Area. Full support has been given from the Conservation Area Advisory Committee. The proposal complies with Policy E43 of the adopted Plan and Policy LE20 of the Redeposit Plan in that it enhances the Conservation Area.

### **Highway issues**

The scheme does not propose to provide any parking in relation to this development. The site is in a location close to the City Centre where the Government's planning objectives are to deliver more sustainable patterns of development; ensuring that locations are fully exploited through high-density; mixed use development; promoting sustainable transport choices including reducing the need to travel; and providing alternatives to car use.

Since concern was expressed over the lack of Cycle provision, the concierge room has been amended to become the cycle store area. This scheme therefore provides facilities for that alternative mode of transport.

Although the surrounding area is a "parking permit" area, the allocated number of permits is at its maximum therefore no more permits will be issued. On previous schemes throughout the country the Planning Inspectorate have required that either a condition or Section 106 is entered into in relation to that fact that no more permits will be issued. However after discussion with Legal and Democratic Services and based on the fact that the Authority responsible for issuing permits is

the same as the Planning Authority it is considered that an informative to the applicant be added to any approval stating that no more parking permits would be issued. The application has accepted this position and states that the scheme would be advertised as having no parking or access to parking permits.

In line with Government Guidance the Highway Authority has no requirement for on site parking provision. It is considered that due to the sustainable location, the facilities for alternative modes of transport provided and the highway response, the scheme is acceptable from a highway point of view.

### **Sequential Approach and Retail element**

As the proposal involves a retail element and it is not within the allocated City Centre Shopping area that usually a sequential approach would be required. However the Local Plan Section considered it during the Development Team Group meeting and due to the fact that it was located on the edge of the City Centre Shopping area that no sequential approach would be required. The principle of the retail element is therefore considered acceptable. Although concern has been expressed by the Local Plan Section in relation to the fact that the retail elements are A1 A3 and A4 and they are not specified. However in the event that any A3 or A4 unit which entered the building required any external changes such as extraction flues or changes to the shop fronts these would require planning permission in their own right. In relation to potential conflict with the first floor residents a condition require noise attenuation measures is to be attached to ensure residential amenity of future occupiers is protected.

### **Principle and Affordable Housing**

The site is classed as a windfall site, and as such an allowance has been made for this under proposal H16 of the redeposit draft Local Plan. The site is in a sustainable location in accordance with policy H1 and also complies with policy H2 which make provision for residential development outside Primary Residential areas.

Whilst the adopted local plan paragraph 4.56 states that the Council will require an element of affordable housing to be included in larger housing development (sites of 40 or more dwellings), this policy is superseded by Structure Plan policy H19: Affordable housing outside the Lake District National Park, which must now carry substantial weight as it is due for adoption the beginning of next year. This policy calls for affordable housing to meet proven local need through the provision of an element of affordable housing as part of residential or mixed use development on sites of 10 or more dwellings. This policy is translated into policy H5 of the Redeposit draft.

The Housing section has identified a need for the site and area. At the time of writing this report an agreement between the Applicant and the Housing Section has not been reached in relation to whether the affordable housing will be given in the form of a commuted sum or seven units at a discounted rate.

However it has been agreed that should the route be a discounted rate then 7 units would be discounted at a rate of 30% of Market price or the commuted sum route

would be 25 – 30% resulting in a sum of around £200,000 - £250,000 (to be confirmed if this route is decided).

A Section 106 would therefore be required for the affordable housing element once the route is chosen.

In conclusion this scheme is an acceptable scheme in both design and principle grounds and complies with all the relevant Local Plan and Structure Plan policies. Authority to Issue is requested in order for a Section 106 to be written in relation to the affordable housing situation.

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### **Human Rights Act 1998**

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

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

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

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

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

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

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### **Recommendation: Determination - Approved**

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. Prior to the commencement of development a detailed noise assessment shall be submitted to and approved by the Local Planning Authority, which assesses the site in respect to noise impact from nearby road traffic sources and noise from nearby existing and proposed commercial premises. The assessment

should take account of Planning Policy Guide 24, BS4142 1997 and World Health Organisation Guidance.

**Reason:** In order to ensure that there would be no adverse impact on residential amenity for both existing and future occupiers in accordance with H17 of the Carlisle District Plan.

3. Prior to the commencement of development a detailed noise attenuation assessment shall be submitted to and approved by the Local Planning Authority, in relation to the A1, A3 and A4 units on the ground floor. The details approved shall be implemented prior to the occupation of the first floor residential units.

**Reason:** In order to ensure that there would be no adverse impact on residential amenity for both existing and future occupiers in accordance with H17 of the Carlisle District Plan.

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

**Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy 25 of the Cumbria and Lake District Structure Plan.

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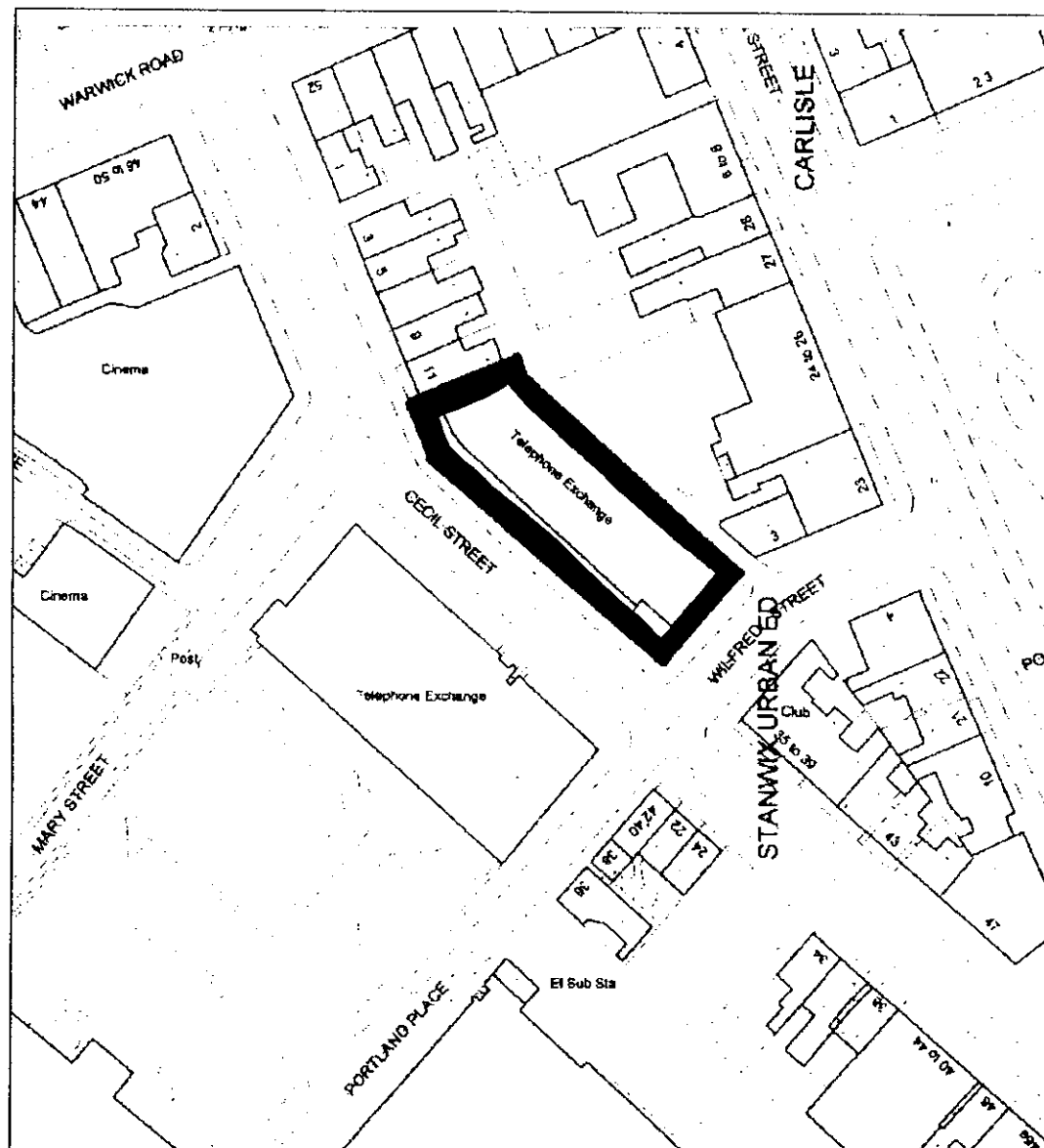


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Revision Date Description

Revised by

revisions



LOCATION PLAN 1:1250

ARCHITECTS

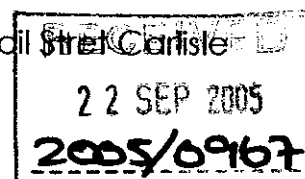
P L U S

Project

Former BT Exchange Cecil Street Carlisle  
Telereal

Drawing

Location/ Block Plans



Scale

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Date

08-05

Drawn

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Comp.No.

S01

Number

05063-09A

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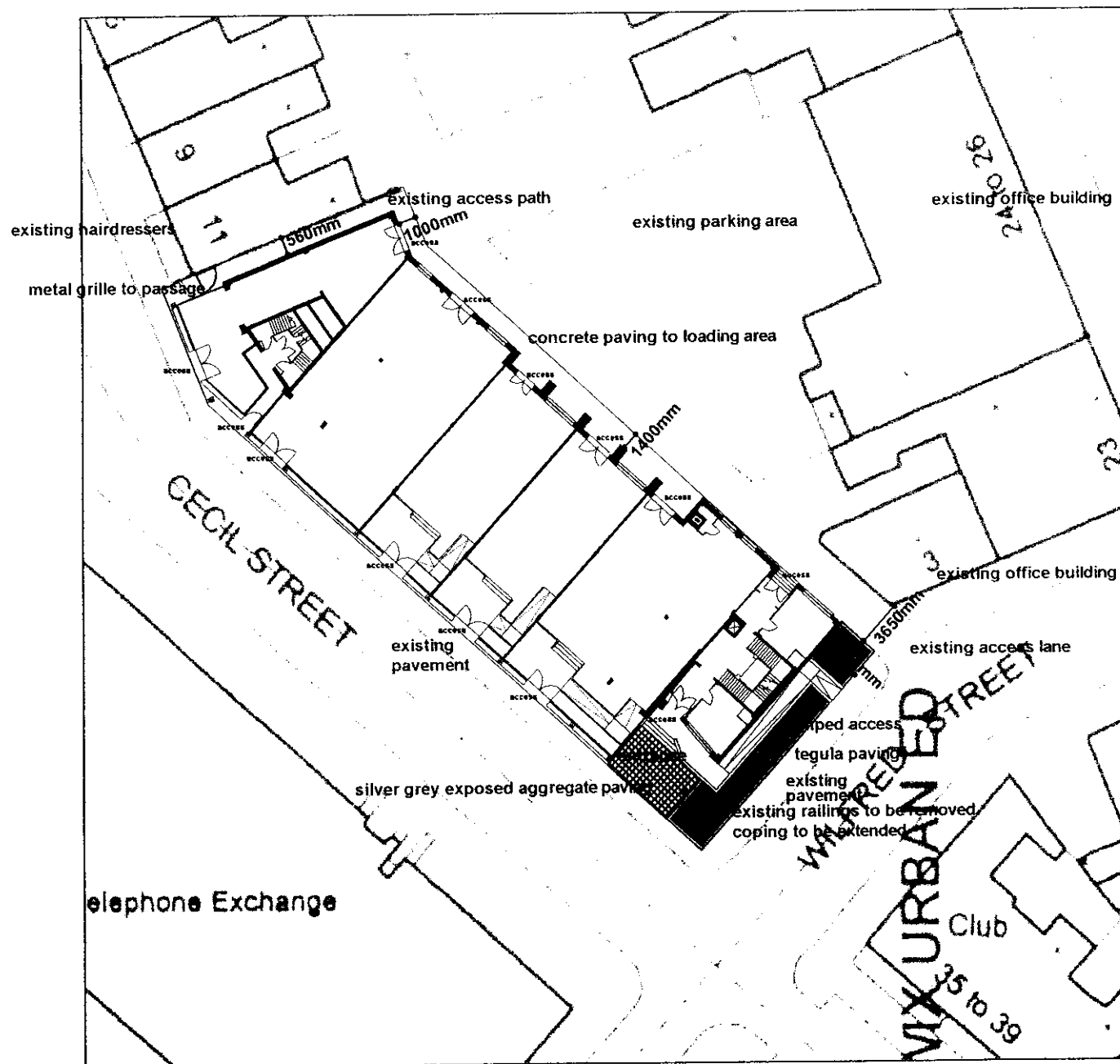
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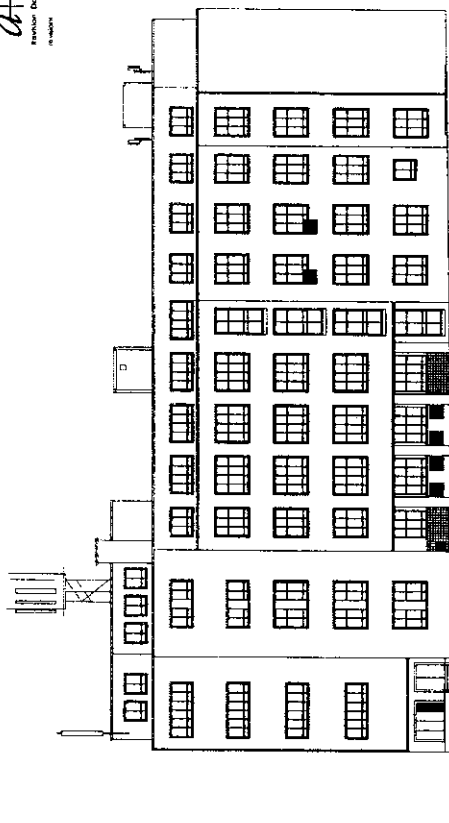
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e-mail: ap@architectsplus.co.uk

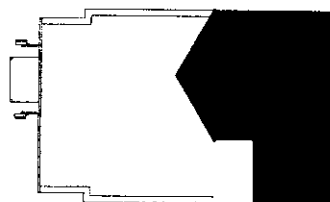


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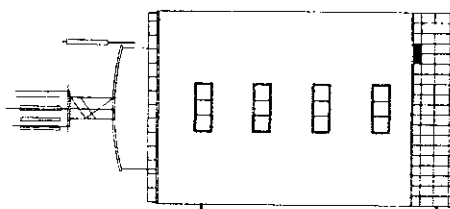





NORTHEAST ELEVATION



NORTHWEST ELEVATION



**SOUTHEAST ELEVATION**

ARCHITECTS 

Project:

Former BT Exchange Cecil St. Carlisle

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Drawing

As existing plans elevations

2005/09

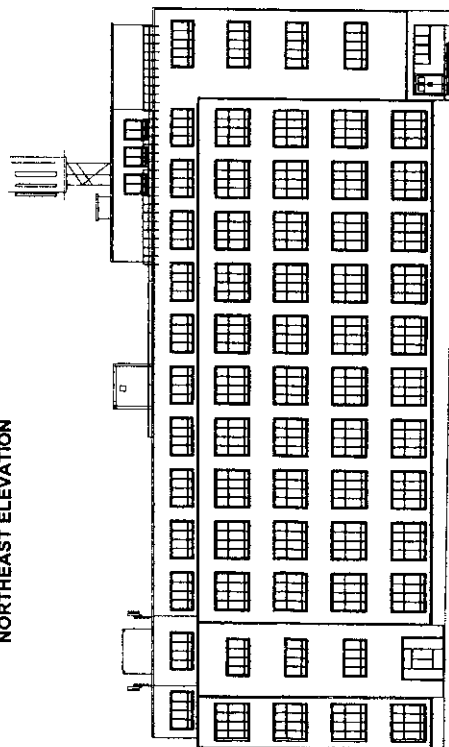
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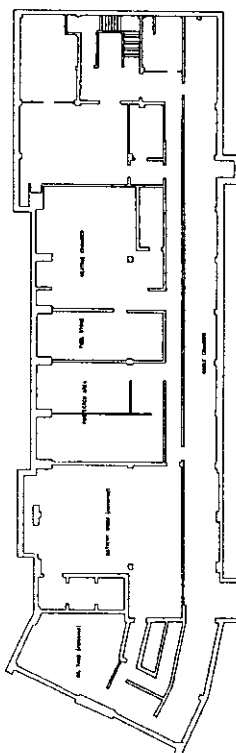
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Carlisle, Cumberland, CAJ &  
a@carlisle.net

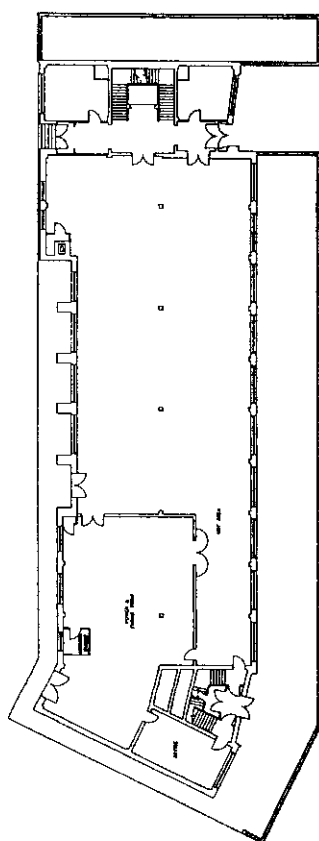
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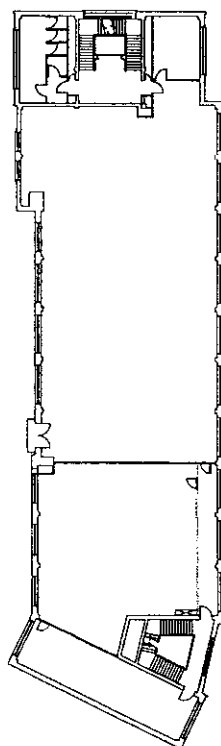
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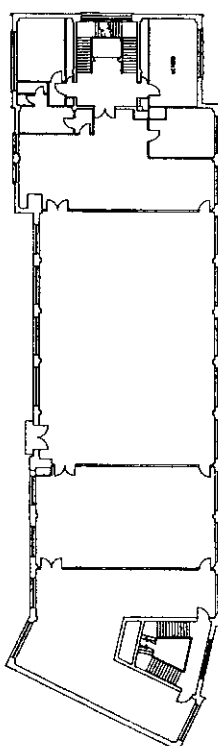
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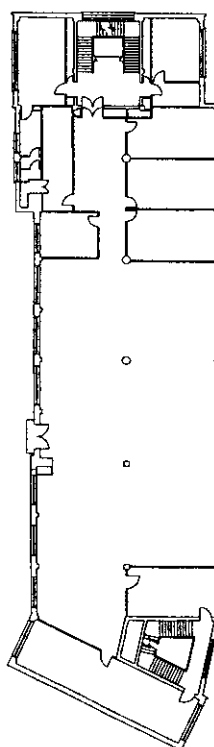
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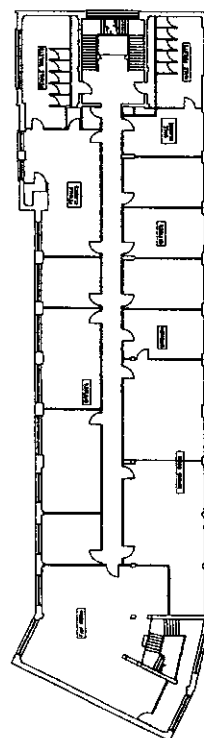
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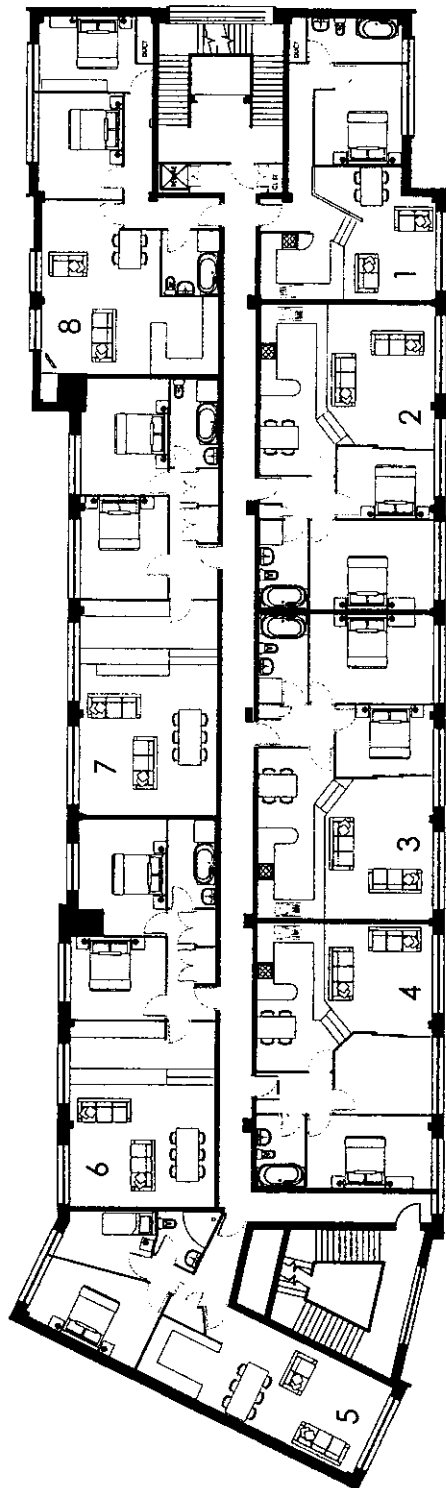
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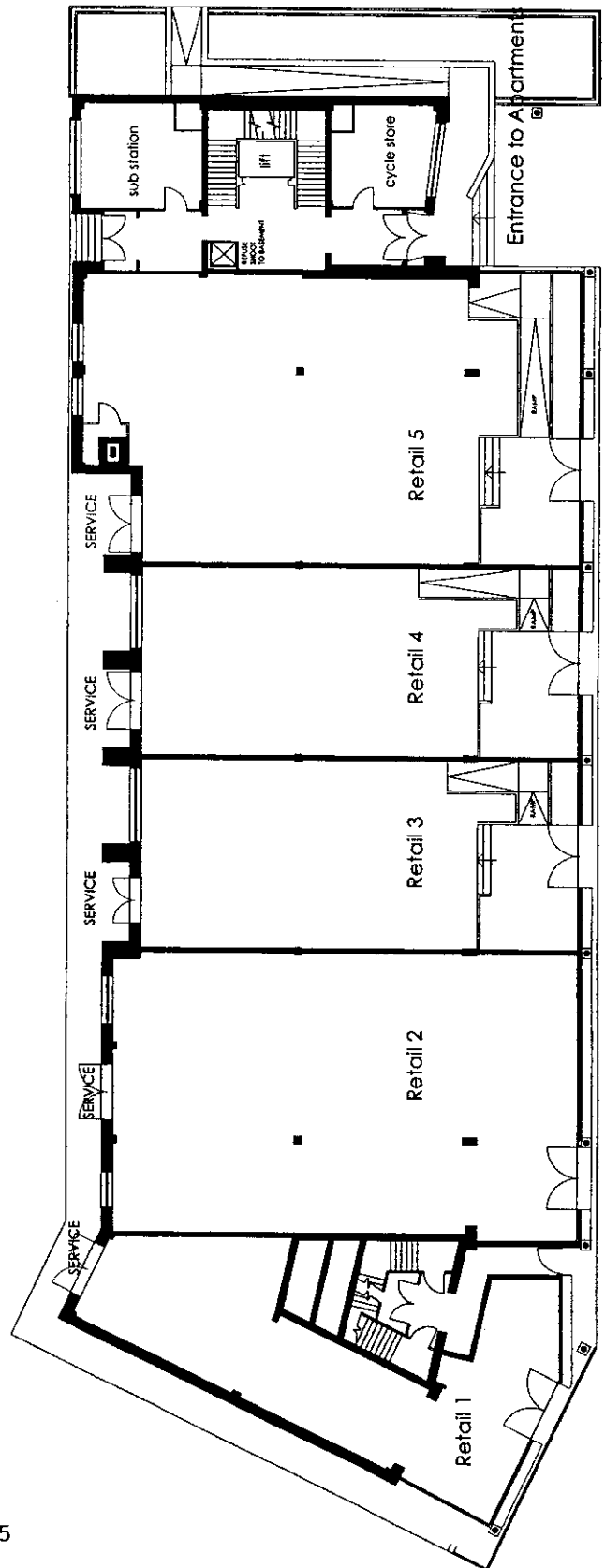
### THIRD FLOOR



**FOURTH FLOOR**



FIRST FLOOR



GROUND FLOOR



ARCHITECTS **ALUS**

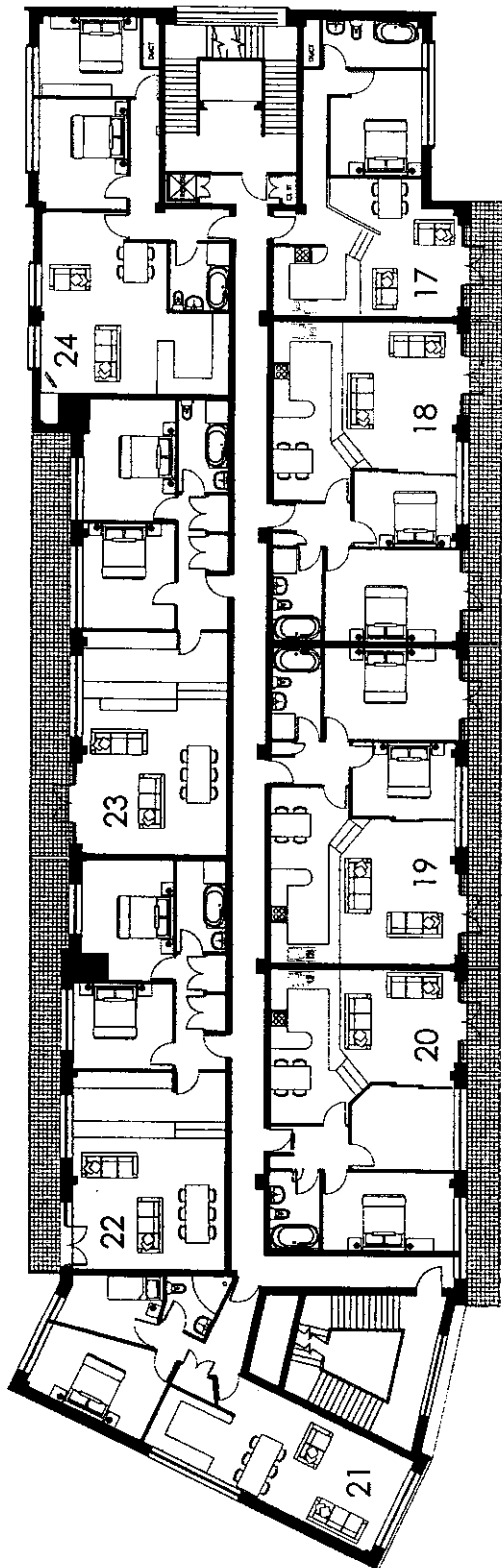
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Teleread

Floor Plans as proposed  
Ground and first floors

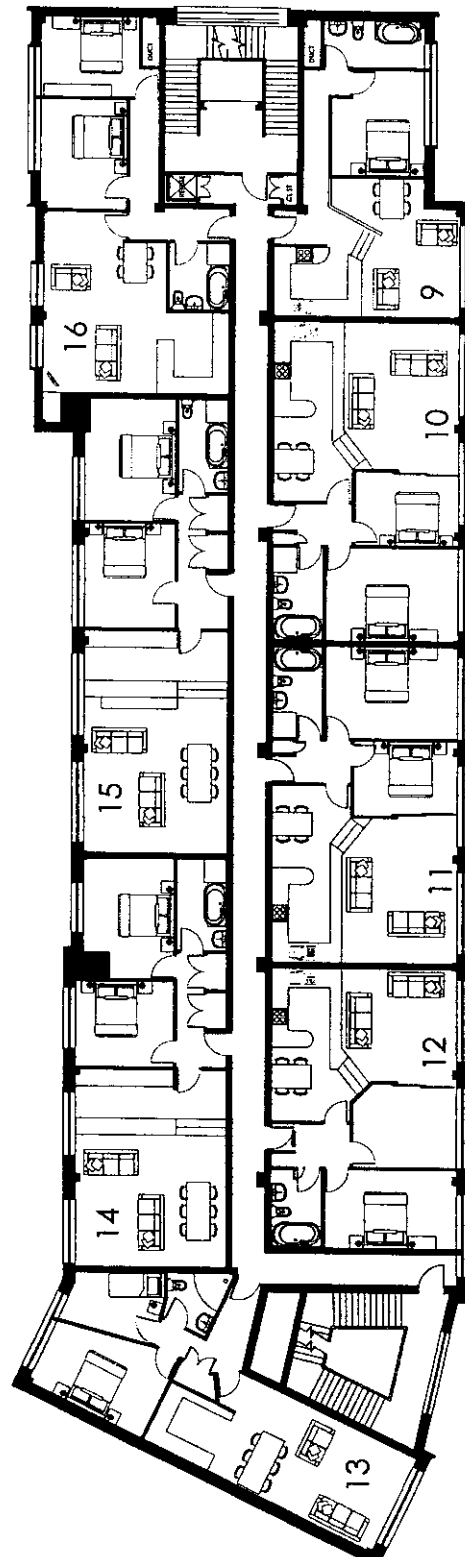
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Date: 08-05  
Drawn: J  
Checked: J  
Project: 05063-04A

Architect: PHL (UK) Limited  
www.architectural.co.uk  
Victoria Gardens, Victoria House, Victoria Road, Carlisle, Cumbria, CA3 8AN  
Tel: 01228 310114 Fax: 01228 310033 email: info@architectural.co.uk

PLAN TO PROVIDE DEMAND ACCESS TO APARTMENTS



THIRD FLOOR



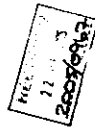
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**P L U S**

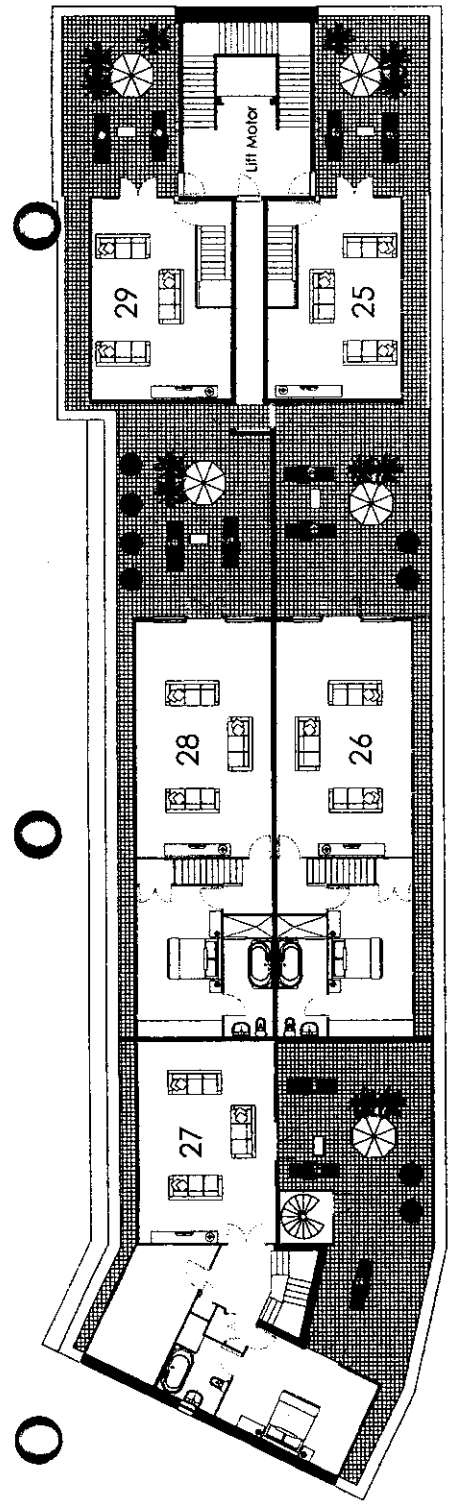
Project: Former BT Exchange Cecil St. Carlisle  
Drawing: Teilered

Floor Plans as proposed  
Second and Third Floors

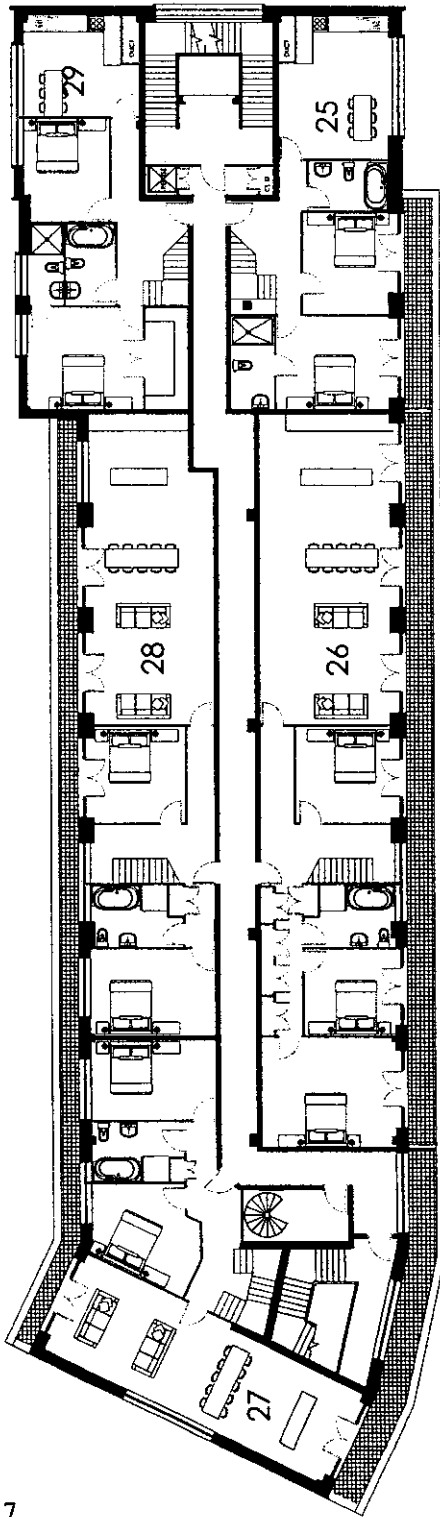
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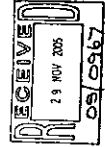
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Tel: 01228 513144 Fax: 01228 513033 e-mail: [enquiries@architectplus.co.uk](mailto:enquiries@architectplus.co.uk)



FIFTH FLOOR



FOURTH FLOOR




ARCHITECTS **at**  
**P L U S**

Project: Former BT Exchange Cecil St. Carlisle  
Teleread

Floor Plans as proposed  
Fourth and Fifth Floors

Scale: 1:1000 A1 08-05 1/1 P01  
Date: 08-05 1/1 P01

Architect: Plus (UK) Limited  
Web: www.plusarchitects.co.uk  
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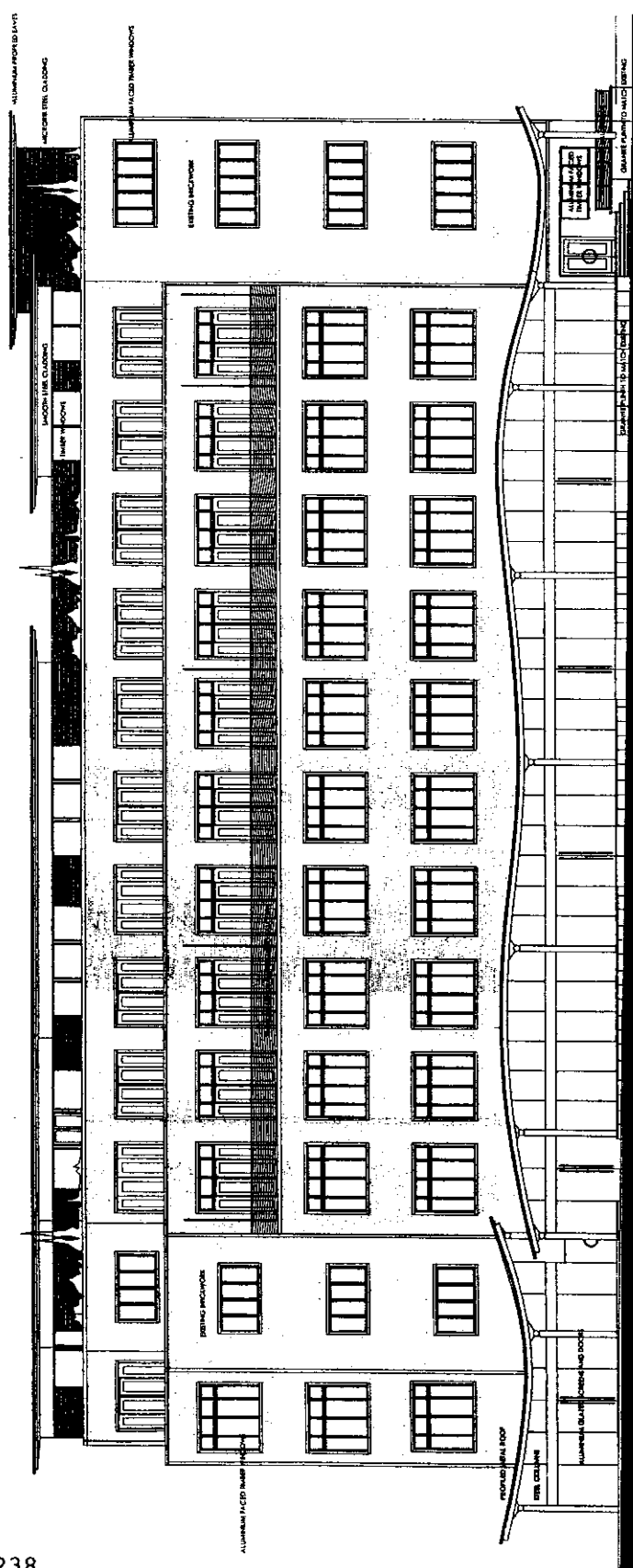
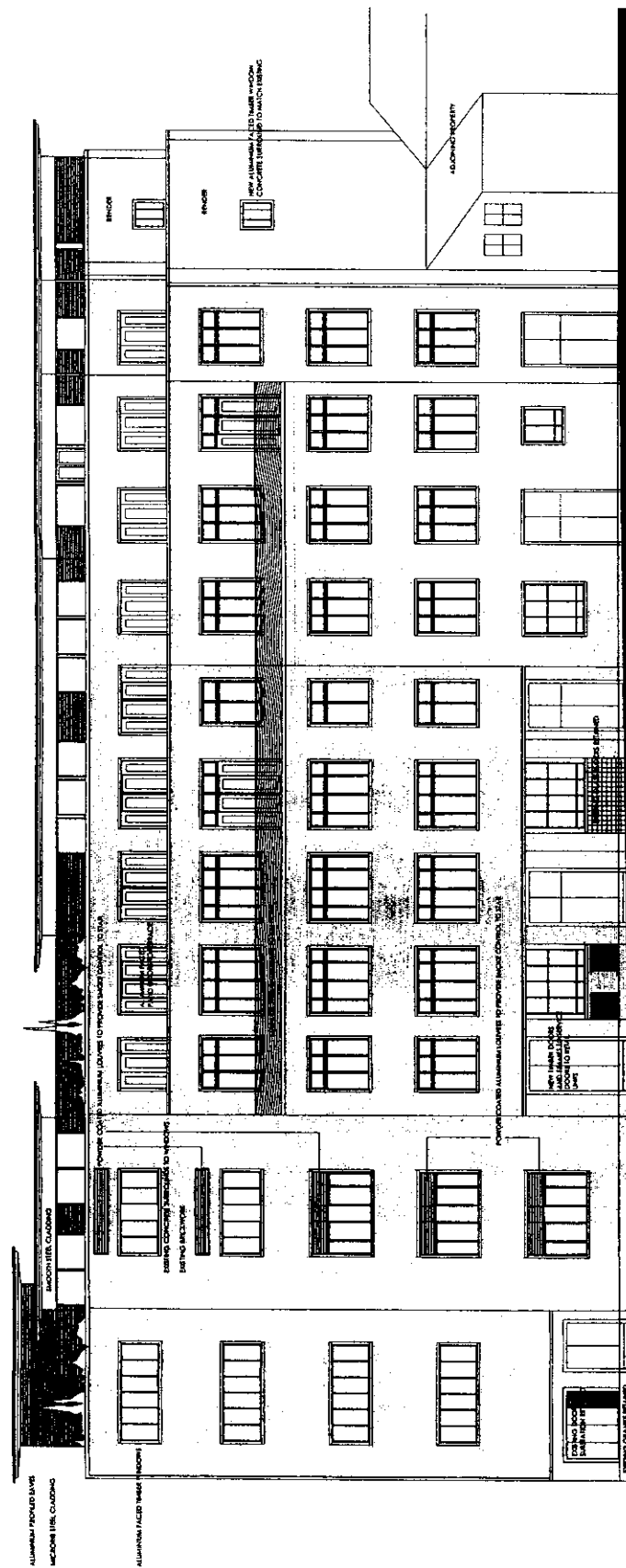
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ARCHITECTS  
 P L U S

Project:  
 Former BT Exchange Cecil St, Carlisle  
 Teleread  
 Elevations as proposed

Scale: 1:1000 (A1) Date: 06-05  
 Drawn: J. PO  
 Checked: J. PO  
 Project No: 05063-07A

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## SCHEDULE A: Applications with Recommendation

05/1035

Item No: 14

Date of Committee: 16/12/2005

**Appn Ref No:**  
05/1035

**Applicant:**  
Mr A Reynolds

**Parish:**  
Carlisle

**Date of Receipt:**  
23/09/2005

**Agent:**  
Taylor & Hardy

**Ward:**  
St Aidans

**Location:**  
Jesmond Street Garage, Jesmond Street, Carlisle,  
CA1 2DE

**Grid Reference:**  
341277 555592

**Proposal:** Erection of 29 apartments (amended proposal following the flooding of  
7th/8th January 2005)

**Amendment:**

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### REPORT

#### Reason for Determination by Committee:

This application is included within the Committee Schedule because of the receipt of several letters of objection and a petition. Whilst, strictly speaking, the grounds of objection largely relate to "technical" matters where the specialist consultees are supportive of the proposals, the issues raised are sensitive and warrant the Committee's awareness of the measures that the applicants propose to address them.

#### Planning Policies:

##### **Cumbria & Lake District Joint Structure Plan Policy 1**

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

##### **Cumbria & Lake District Joint Structure Plan Policy 6**

The City of Carlisle's sub-regional role as a centre of business, commerce, shopping and tourism will be fostered by the modest acceleration of past rates of development.

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### **Cumbria & Lake District Joint Plan Policy 24**

The erection of buildings or the raising of land, will not normally be permitted where there would be a direct risk from erosion or flooding, or be likely to increase the risk of flooding elsewhere.

### **Cumbria & Lake District Joint Structure Plan Policy 25**

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

### **Cumbria & Lake District Joint Structure Plan Policy 28**

Proposals for the reuse or improvement of derelict land or other unsightly or contaminated areas will normally be encouraged, and, where appropriate, proposals for development or the use of land for amenity, nature conservation, or other socially beneficial purposes will normally be permitted.

### **Carlisle District Plan Environment - Policy E19**

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

### **Carlisle District Plan Environment - Policy E24**

Proposals for development which in the opinion of both the City Council and the Environment Agency would pose an unacceptable risk to the quality of groundwater, surface or coastal water will not be acceptable.

### **Carlisle District Plan Environment - Policy E30**

On all scheduled and other nationally important monuments, sites of archaeological

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significance and other sites of high archaeological potential the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

### **Carlisle District Plan Housing - Proposal H2**

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

### **Carlisle District Plan Housing - Proposal H16**

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

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP4 (CP15) Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and



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respect local landscape character.

3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP21**

Development on previously developed land which is at risk of flooding will only be permitted provided that:

1. minimum flood defence measures are already in place or can be provided; and
2. where there is no interference with flood plain flows; and
3. where appropriate building design relevant to the situation are included.

### **Carlisle District Local Plan 2001 - 2016 Deposit Draft Core Development Policies - Policy CP22**

Proposals for development on greenfield sites over 5 hectares or for commercial or industrial development over 1000m<sup>2</sup> or for residential developments of 20 dwellings or more must, unless advised otherwise, be accompanied by a Sustainable Drainage System (SuDS) which uses an ecological approach to surface water management and exploits opportunities for habitat creation. Developments of between 10 and 20 dwellings may require a Sustainable Drainage System depending on local conditions. This must be supplemented by a Drainage Impact Assessment which shows how ranges of storm duration and extreme rainfall events such as the impact of a 1 in 2 year return to 1 in 100 year return rainstorm events are managed by the proposals. SuDS schemes should be designed so that if this event occurs, flooding will not be higher than 300mm below floor level.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft  
Policy H1 Location of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

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

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

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

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill

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Moorhouse  
Walton

Talkin  
Warwick-on-Eden

Todhills  
Wreay

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy H3 Residential Density**

On new residential development the City Council will seek to achieve an average density of between 30 and 50 dwellings per hectare in accordance with PPG 3. The level of density will be required to reflect the opportunity to provide the best use of land as well as taking into account site conditions and the nature of the surrounding development. Developments proposing a residential density of below 30 dwellings per hectare will have to justify an exception to PPG3 criteria. Developments close to the City Centre will, where appropriate, be expected to be a higher density achieving over 50 dwellings per hectare.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft POLICY H4 Residential Development on Previously Developed Land and Phasing of development**

The City Council will achieve the Structure Plan permission targets of 65% brownfield in the urban area and 40% brownfield in the rural area during the Plan period. In order to achieve the higher target in the urban area greenfield permissions will not be granted in addition to any allocations in Proposal H16. In order to achieve these targets permission will be phased on sites over 20 dwellings in the urban area and over 10 dwellings in the rural area.

These targets will be achieved through a sequential approach to site development where brownfield sites are available in the sustainable locations consistent with DP1 and not developed solely because they are brownfield sites.

### **Carlisle District Local Plan 2001 - 2016 Deposit Draft Housing - Policy LE10**

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

### **Summary of Consultation Responses:**

**Environment Agency (N Area (+ Waste Disp)):** as this application arises from the applicant following a recommendation to undertake a post-January 2005 flood review, there have been a number of meetings with the applicant and the Agency prior to the current application being made. The Agency has been formally consulted

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and has advised that they have no further comments to make that would add to their pre-application advice;

**Cumbria Constabulary - Crime Prevention:** no objections but welcomes the general attitude towards providing high levels of site security through the use of perimeter walls and controlled entry gates, appointment of a full-time caretaker and incorporation of basement car parking;

**Environmental Protection Services:** there are no objections;

**Cumbria County Council - (Archaeological Services):** the comments made on the previous application for development of this site (04/1032) remain applicable;

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

**Commercial & Technical Services - Drainage Engineer:** the indication of disposal of foul sewage to the mains sewer is acceptable. The indication of surface water disposal to an existing drain is noted but, in the first instance, the applicant should investigate the use of soakaways as this is the most sustainable method. The site is within a Flood Risk Area and the applicants should consult with the Environment Agency for advice on this aspect;

**United Utilities (formerly NWWA):** United Utilities feels that the applicant is taking every precaution to protect against flooding and to also reduce adding to flooding risk within the area. We would therefore have no objection to the application on the understanding that the applicant complies with all necessary measures stated within the Flood Risk Assessment. Please note that United Utilities welcomes the use of a grey water system.

A water supply can be made available to the proposed development. Water pressures in the area are generally low and regulated to 20 metres head. This should be taken into account when designing the internal plumbing and it is recommended that the applicant provides water storage of 24 hours capacity to guarantee an adequate and constant supply.

### Summary of Representations:

#### Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 84 Greystone Road	27/09/05	
Ms H Brookes, 85 Greystone Road	27/09/05	
Mr Irving, 3A The Crescent	27/09/05	
J Tyler, 2 Vasey Crescent	27/09/05	
The Occupier / Owner, 95 Greystone Road	27/09/05	
The Occupier / Owner, 96 Greystone Road	27/09/05	
The Occupier / Owner, 94 Greystone Road	27/09/05	
The Occupier / Owner, 72 Greystone Road	27/09/05	
The Occupier / Owner, 74 Greystone Road	27/09/05	
The Occupier / Owner, 76 Greystone Road	27/09/05	

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The Occupier / Owner, 78 Greystone Road	27/09/05	
Mr R Irving, 5 Nook Street	27/09/05	Objection
The Occupier / Owner, 6 Nook Street	27/09/05	
The Occupier / Owner, 7 Nook Street	27/09/05	
The Occupier / Owner, 8 Nook Street	27/09/05	
The Occupier / Owner, 9 Nook Street	27/09/05	
The Occupier / Owner, 10 Nook Street	27/09/05	
The Occupier / Owner, 11 Nook Street	27/09/05	
The Occupier / Owner, 12 Nook Street	27/09/05	
The Occupier / Owner, 80 Greystone Road	27/09/05	
Mrs T Tedham, 81 Greystone Road	27/09/05	Objection
The Occupier / Owner, 82 Greystone Road	27/09/05	
The Occupier / Owner, 83 Greystone Road	27/09/05	
The Occupier / Owner, 97 Greystone Road	27/09/05	
The Occupier / Owner, 98 Greystone Road	27/09/05	
The Occupier / Owner, 96 Greystone Road	27/09/05	
The Occupier / Owner, 98 Greystone Road	27/09/05	
The Occupier / Owner, 100 Greystone Road	27/09/05	
The Occupier / Owner, 86 Greystone Road	27/09/05	
The Occupier / Owner, 1 Nook Street	27/09/05	
The Owner / Occupier, 87 Greystone Road	27/09/05	
The Occupier / Owner, 88 Greystone Road	27/09/05	
The Occupier / Owner, 89 Greystone Road	27/09/05	
N Laycock, 90 Greystone Road	27/09/05	
The Occupier / Owner, 91 Greystone Road	27/09/05	
The Occupier / Owner, 92 Greystone Road	27/09/05	
The Occupier / Owner, 13 Nook Street	27/09/05	
The Occupier / Owner, 14 Nook Street	27/09/05	
The Occupier / Owner, 15 Nook Street	27/09/05	
The Occupier / Owner, 16 Nook Street	27/09/05	
The Occupier / Owner, 17 Nook Street	27/09/05	
The Occupier / Owner, 4 Nook Street	27/09/05	
The Occupier / Owner, 2 Nook Street	27/09/05	
The Occupier / Owner, 3 Nook Street	27/09/05	
The Occupier / Owner, 92 Greystone Road	27/09/05	
The Occupier / Owner, 93 Greystone Road	27/09/05	
The Occupier / Owner, 94 Greystone Road	27/09/05	
Thierry & Lynn Le-Roux, 118 Greystone Road		Objection
Mr & Mrs West, 120 Greystone Road		Objection
Irving Coaches, Jesmond Street		Objection
M D Brazenall, 18 Catherine Street		Objection
Mr D Elliott, 110 Greystone Road		Objection
Mrs D Kerr, 46 Tullie Street		Objection
Moyra Bobet, 122 Greystone Road		Comment Only
Pamela Haresign, 124 Greystone Road		Petition

In common with the arrangements for publicity made in relation to the application made for development of the site in 2004, a Site Notice has been displayed and local residents have been informed by letter of this new submission.

Distinct from the actions the Council has taken, the applicant advises that he undertook a leaflet drop of immediate residents to advise of an "open day" whereby they could call at the application site, see the revised proposals and clarify any concerns. That took place on Saturday 8th and Sunday 9th October but no one attended.

Arising from the application, the Council has received 8 letters from local residents

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and a petition signed by a great number of residents of the area which, together, raise the following matters:

1. increased traffic and congestion on a busy road (Greystone Road);
2. the development would put increased pressure on the drainage system which failed this week during flooding;
3. query why revised proposals have been submitted when the land didn't flood especially as the building is now higher and that is unacceptable to the writer;
4. the bin store adjacent to one writer's side wall would be an environmental nuisance and a noise nuisance;
5. query if adequate car parking is provided;
6. improvements to drainage infrastructure should be carried out before more development is allowed.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

Members may recall that in November 2004 detailed approval was given for a development of 29 apartments. That permission is still valid and able to be implemented but following the flooding of January 2005 the applicants were recommended to undertake a review of the Flood Risk Assessment they had commissioned prior to their approval.

#### **Details of Proposal:**

Members are reminded that at the meeting held on 19th November 2004, Full Planning Permission was granted to develop a 0.2 hectare site situated at the eastern end of Jesmond Street (see location plan), that approval relating to the erection of 29 apartments.

Following the extensive flooding in Carlisle in January, Members will recall that Officers wrote to all applicants who had obtained planning permission within the flood affected or flood risk area, recommending that prior to effecting those unimplemented approvals they reviewed their proposals in the light of the new information about flood extent and levels.

Although well within the 5-year lifetime for the implementation of a detailed planning consent, and therefore able to be implemented at any time until 19th November 2009, the applicant responded to that advice in relation to his own consent and has subsequently held a number of meetings with Officers of both Planning Services and the Environment Agency. Arising from those actions the current revised application has been submitted and the background to it, and the changes it embraces are set out in a detailed Planning Statement that has been prepared by the Agent (and is reproduced).

It will be recalled that the site comprises a currently unused brick and slate roofed building and related open hard surfaced yard (all last occupied as a motor vehicle repair garage) together with a block of quite crude lock-up garages.

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The proposed site is bounded to the north-east by the premises used by Irving's coaches, to the east by an extensive wedge of open space at Melbourne Park and extending on both the western and eastern sides of the River Petteril, to the south by housing development at Nook Street and to the west by the back lane running behind terraced housing on the even numbered side of Greystone Road.

The former repair garage is a substantial brick building with a steep pitched roof and is sited on a north-south axis so that its primary facades face towards Greystone Road and the park. It is understood that it was at one time part of a mill which stood on the western bank of the former course of the Petteril. The mill (Raven Nook) was a former carpet mill established in 1850 but it is many years since it was so used (probably 1950's).

The scheme that obtained planning approval emerged through a series of design changes to reduce the building height at either end of the main 5 storey block to 4 storeys, but retaining the hipped slate roof to the central section of roof within which 3 large, "penthouse" apartments (the two end units with roof gardens) would be provided. The number of apartments reduced from the original proposed 32 apartments to 29, all but 2 of these being 2 bed units with the two larger "penthouse" units being 3 beds. A revised parking layout of 11 garages and 23 parking spaces supported that revision, with all but 3 of these garage/parking spaces being contained within a secure, controlled entry courtyard with the other external spaces being for visitors.

As indicated earlier, the application had been supported by a Flood Risk Assessment that the Environment Agency had considered and had regarded as appropriate in relation to the (then) perceived flood risk. That had been based upon the known previous recorded flood levels in the area, the flood defence works that existed, the retention of existing ground levels and other material information which, at that time, represented a sound base for considering the flood risk implications of the development of the site.

Post the flooding of 7th-10th January, the "base information" on flood risk was clearly materially different and that indicated that a prudent approach was to review the proposals again to ensure that the development would neither be at risk of flooding or be likely to contribute to increased risk of flooding elsewhere within the catchment.

Probably to a greater degree than any other beneficiary of a pre-flood planning consent, the applicant has zealously pursued that review, even although this particular site did not flood. He has discussed, at considerable length on a number of occasions, the range of options he could implement to provide the development with a greater degree of defence against future flood risk and, at the same time, avoid making other land at greater risk of flooding. Those investigations have been guided by the Environment Agency who have detailed survey information about the extent of flooding in the area and have made a number of recommendations.

That advice has resulted in the approved scheme being amended in a number of ways:

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- the proposed floor levels have been raised to take account of the 1 in 100 year flood level predicted in the modelling (which closely relates to the "actual" highest surveyed wrack mark in the vicinity of the proposed development)
- to that is added an allowance of 600mm for freeboard together with 200mm for climate change to give a new recommended ground floor level 1.2 metres above the original approved floor level
- that will also allow the creation of a basement car park providing 39 spaces to augment the surface level provision of 5 garages and 5 spaces
- services will be fed into the development above the flood risk level
- surface water drains will be designed to have storage capacity and will be fitted with non-return valves to cope with abnormal flooding conditions
- downpipes and gutters will similarly be designed to provide additional storage to attenuate the levels of run-off in severe flood conditions
- a "grey water" storage system will be incorporated whereby rain water will be collected in tanks within the basement and will be re-cycled within the development i.e. for toilet flushing
- the site will be enclosed with a perimeter wall to both reduce flooding within the site and to support the lifting of the ground levels around the perimeter of the building
- the applicants will introduce a Flood Management Plan for the benefit of future occupiers

The proposed building is very much as the approved scheme although it is proposed to introduce a minor change in its footprint, which is enlarged to the rear and adjacent to the neighbouring Irving's Coaches premises to the north. Otherwise, the building displays the same T-shaped plan form with the primary, longer and deeper section being positioned towards the Melbourne Park boundary and having front and rear views, with the other leg of the "T" extending westwards towards Greystone Road.

The central part of the main wing is, as before, to have 4 standard floors of accommodation plus a further layer of 2 no. larger 3 bed apartments within the roofspace. It would have a height of 15.8 metres to the ridge of the highest section (measured from the new finished floor level). At either end of that block the height reduces to 4 storeys with the flat roof areas above being the external garden areas to the larger "penthouse" units within the roof space.

The westward projecting leg of the "T" is, as before, 3 full storeys in height with a further 4th floor extending into the roofspace and incorporating "Dormer" windows. However, the accommodation within that wing has been re-designed to provide a single, very spacious apartment at ground floor level with each of the 3 upper floors containing 2 apartments, all two bed size, but with one apartment per floor having considerably more floorspace than the other version of apartment. This section of the development would extend to 13.7 metres in height above finished floor level and would have a hipped roof form.

As with the approved scheme, the development would be primarily brick faced with buff coloured artstone heads and sills under a pitched Spanish slate covered roof. Windows and doors would be light brown uPVC.



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Alongside the flank boundary with properties on Nook Street it is proposed to construct a block containing bin stores and garages. These vary in height from just over 5 metres to the ridge, at the "elevated" eastern end, to just over 7 metres in height where they run through to established ground level at the Greystone Road end. That is higher than the original block of garages shown on the approved scheme which was proposed to be 5 metres to the ridge from the existing ground level. Site boundaries would otherwise be defined by brick walling varying from 1.5 metres with 0.6 m railings on top to the boundary with Melbourne Park and to the rear of Greystone Road to 2.1 metre high walls to other boundaries.

In policy terms, the considerations against which the application should be assessed are largely unaltered. The proposed site lies within a Primary Residential Area (PRA) identified in the Urban Area Inset Plan, which forms part of the District Local Plan, and is a location in which adopted Policy H2 of the Plan applies.

The proposals are also in compliance with emerging District Local Plan policy: it is clearly a "sustainable" location in Policy DP1 and Policy H1 terms and remains within the PRA to which emerging Policy H2 applies. It is, thus, regarded as a suitable area, in general terms, for housing development subject to compliance with the normal standards of layout, design, access and protection of the amenity/privacy of its neighbours as required by Policy H16 of the adopted Plan and Policy CP15 of the Re-Deposit Version of the Local Plan. It is, however, also land that is "previously developed" or "Brownfield" the redevelopment of which (for housing purposes) is very much favoured by Government policy aimed at securing "urban renaissance" and which is now specifically highlighted under Policy H4 of the Re-Deposit Local Plan.

Its' location in a residential area with a good stock of housing, facing onto an extensive area of public amenity land, close to public transport services, local shops and schools and within walking distance of the city centre, strikes a chord with the aspirations the Government has highlighted for a return to city living thus avoiding loss of more of the countryside to development.

In terms of other material issues, Members will note that several letters and a petition have been submitted raising concerns primarily related to drainage, those concerns having been fuelled by the localised flooding in the Greystone Road area in October. Although it is apparent from those letters that the authors had not familiarized themselves with the details of this application, and had not appreciated why the re-submission had been made, a full explanation of the proposals, the measures that were proposed, etc. was provided by the Council in reply. No further correspondence has since been received from any of the original letter writers.

Additionally, having regard to residents' worries at the condition/capacity of the local sewer network, United Utilities were specifically written to and requested to formally comment upon these revised proposals in view of recent flooding concerns. Their reply is printed in full but Members will note that they recognise that *"the applicant is taking every precaution to protect against flooding and also to reduce adding to the flooding risk within the area"*. There is, therefore, no objection to the application.

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The Environment Agency has also been fully consulted on the proposals both prior to its formal receipt and through the normal consultation process since the application was made. The Agency has again endorsed the approach and measures incorporated by the applicant.

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### Human Rights Act 1998

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

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

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

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

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

The proposals raise no matters of concern that would prejudice the objectives of the Act.

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### Recommendation: Grant Permission

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

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

2. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

**Reason:** To ensure that materials to be used are acceptable and in accord with Policy 25 of the Cumbria and Lake District Joint Structure Plan.

3. Details shall be submitted of the proposed hard surface finishes to all public and

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private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the approved scheme shall be implemented in accordance with a phasing scheme for the conversion works hereby approved.

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policy 25 of the Cumbria and Lake District Joint Structure Plan.

4. 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 and in accord with Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E22 of the Carlisle District Local Plan.

5. No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

This written scheme shall include the following components:

- i) an archaeological desk-based assessment and evaluation to be undertaken in accordance with the agreed written scheme of investigation;
- ii) an archaeological recording programme the scope of which will be dependent upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation; and
- iii) where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive Report, and publication of the results in a suitable journal.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination and recording of such remains and in accord with Policy E30 of the Carlisle District Local Plan.

6. Detailed plans shall be submitted, and approved in writing by the Local Planning Authority, showing full design details of walls, gates, railings and any other means of permanent enclosure and boundary treatment, including height and means of construction, in respect of all boundaries of the site. The approved works shall, thereafter, be carried out strictly in accordance with the agreed details.

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**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 in accord with Policy H16 of the Carlisle District Local Plan.

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

**Reason:** To ensure that a satisfactory landscaping scheme is prepared. and to ensure compliance with Policy H16 of the Carlisle District Local Plan

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 Policy E9 of the Carlisle District Local Plan.

9. Particulars of the proposed lighting scheme for the external areas of the premises, including the car parking areas, shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this approval and such lighting scheme that is so approved shall be carried out in accordance with the approved scheme prior to the occupation of any dwelling.

**Reason:** in the interests of amenity and to ensure a safe and secure residential environment.

10. The proposed ground floor accommodation shall be set at a level of 17.370m AOD and all other measures identified for the avoidance of flood risk, as set out within the Supporting Planning Statement, shall be carried out in full including the provision of a grey water storage and re-cycling system and provision of attenuation and controlled discharge from surface water drains within the development site.

**Reason:** To ensure that the development is subject to minimum risk of flooding in accord with the objectives of Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E20 of the Carlisle District Local Plan.

11. Prior to being discharged into any watercourse, surface water sewer or

## SCHEDULE A: Applications with Recommendation

05/1035

soakaway system, all surface water drainage from parking areas shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

**Reason:** To prevent pollution of River Petteril and in accord with Policy 22 of the Cumbria and Lake District Joint Structure Plan and Policy E24 of the Carlisle District Local Plan.

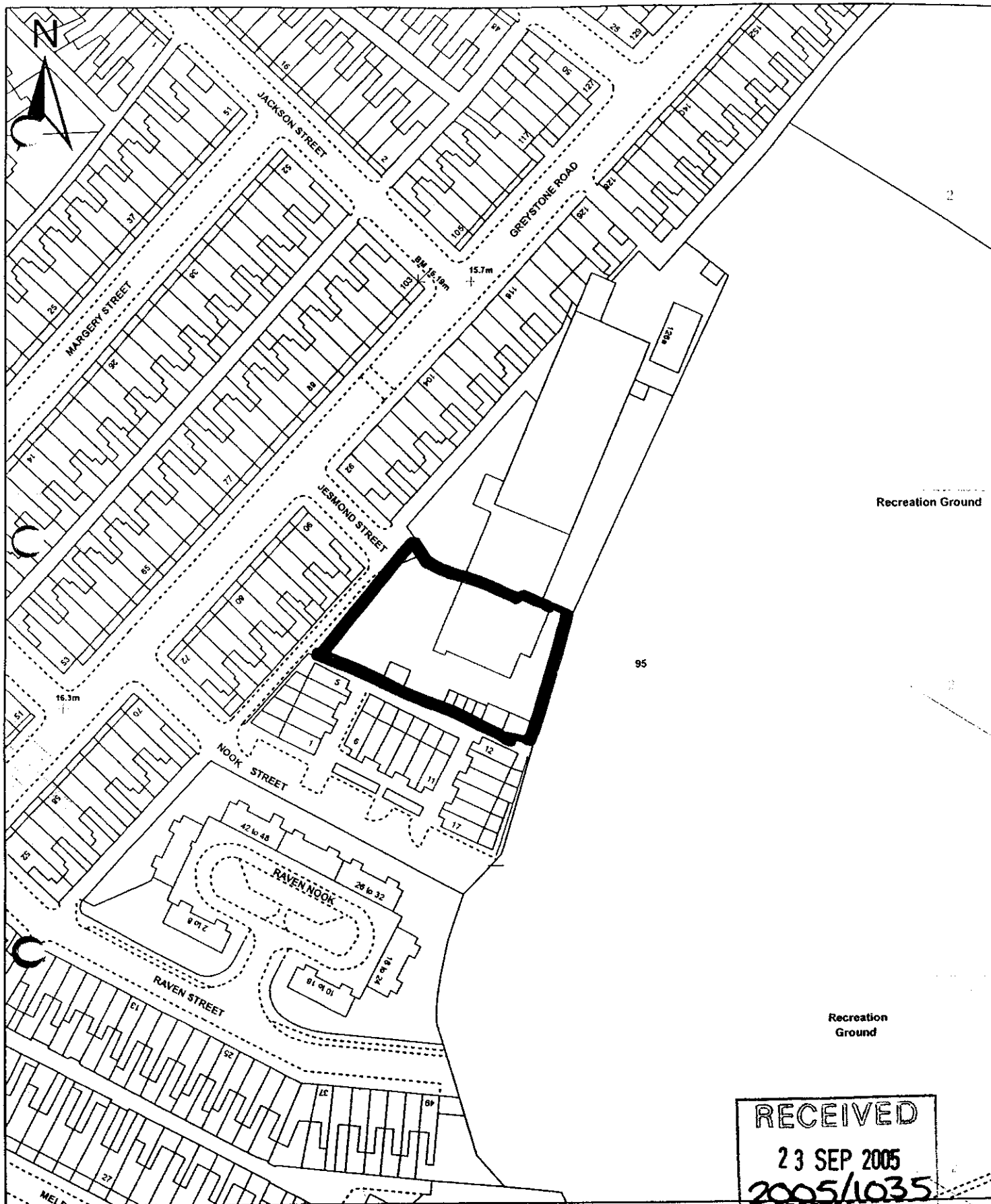
12. Before the development is commenced a detailed site investigation shall be carried out to establish if the site contains contaminants, to assess the degree and nature of the contaminants present, and to determine its potential for the pollution of the water environment. The method and extent of this investigation shall be agreed in writing with the Planning Authority prior to commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Planning Authority before the development commences. The development shall then proceed in strict accordance with the measures approved.

**Reason:** To prevent pollution of the water environment in accord with Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E24 of the Carlisle District Local Plan.

14. None of the dwelling units hereby permitted shall be occupied until such times as the access and car parking requirements have been constructed in accordance with the approved plans. That access and 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 written consent of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use and in support of Local Transport Plan Policies S£, LD7, LD13, P10, LD5 (draft) and in accord with Policy T32 of the Cumbria and Lake District Joint Structure Plan.

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## Jesmond Street



Scale: 1:1,250

Date: 6/06/2005

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Carlisle City Council LA 0100024459. 2005.

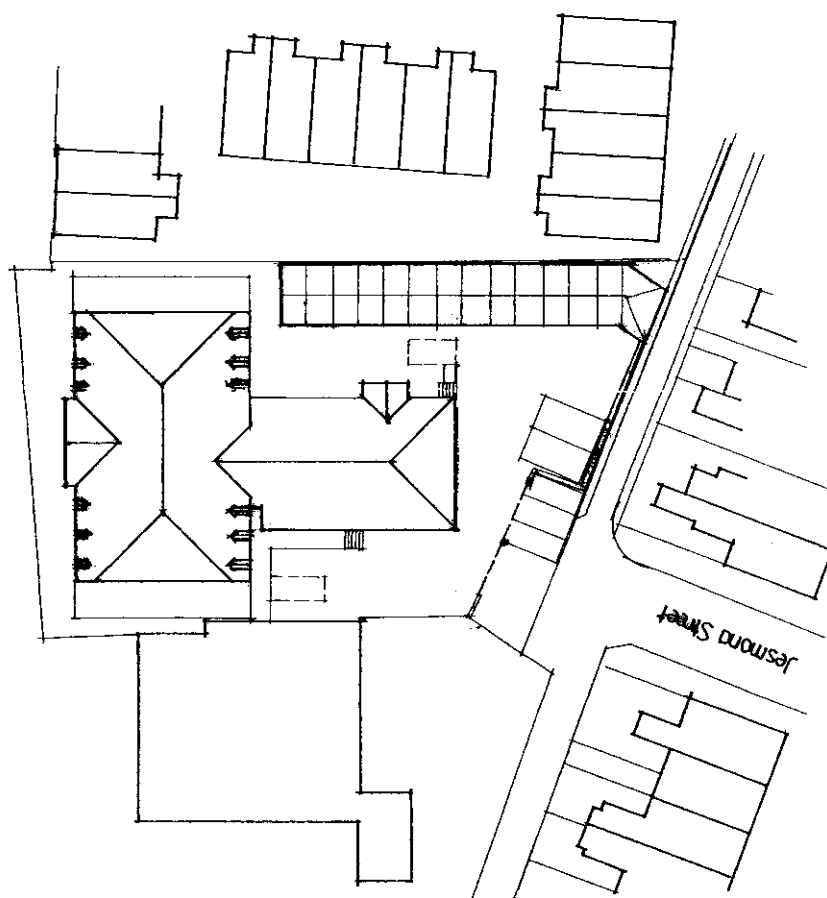
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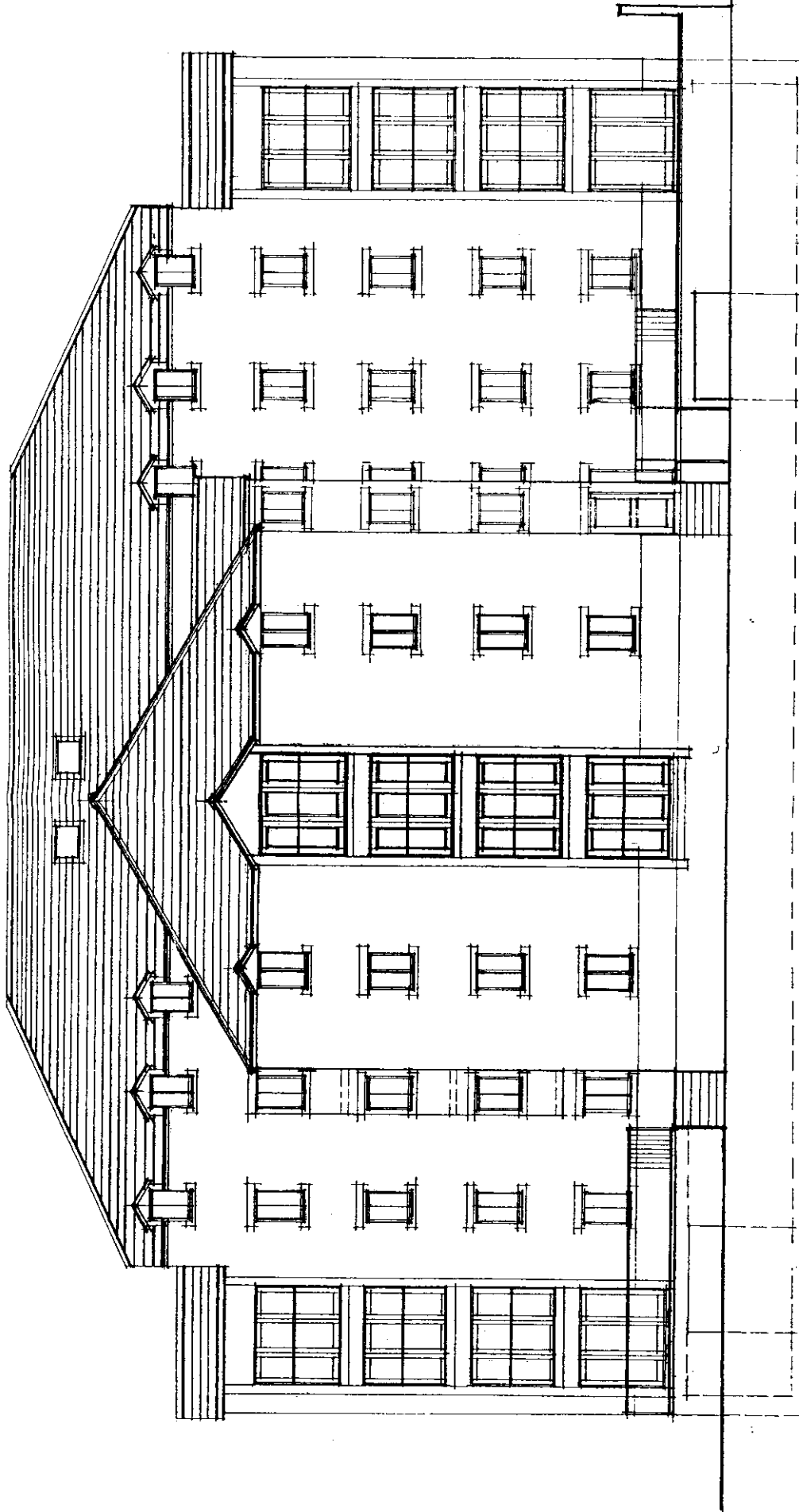
**Civic Centre**  
**Rickergate**  
**Carlisle**  
**CA3 8QG**



block plan 1:500

2005/1035

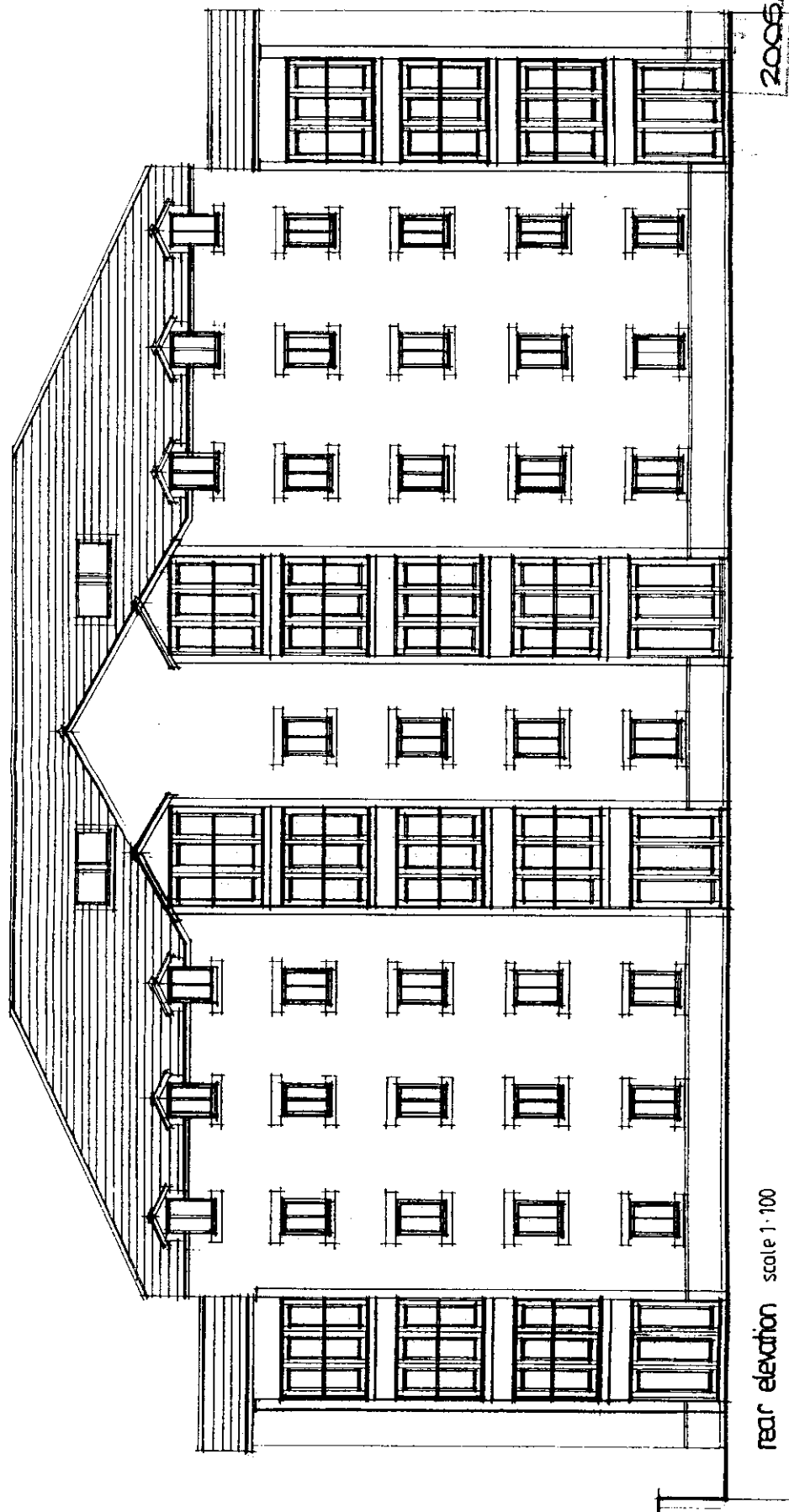
DRAWING NO. 34



front elevation 1:100

2005/1035

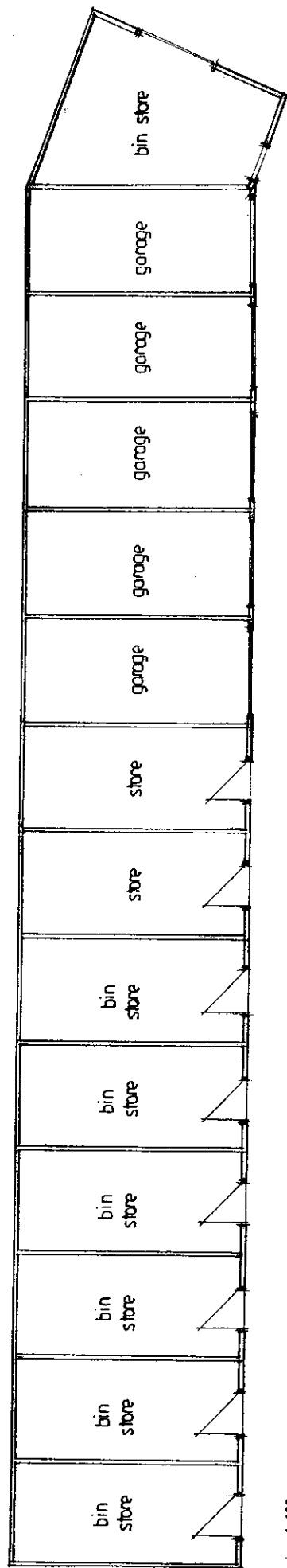
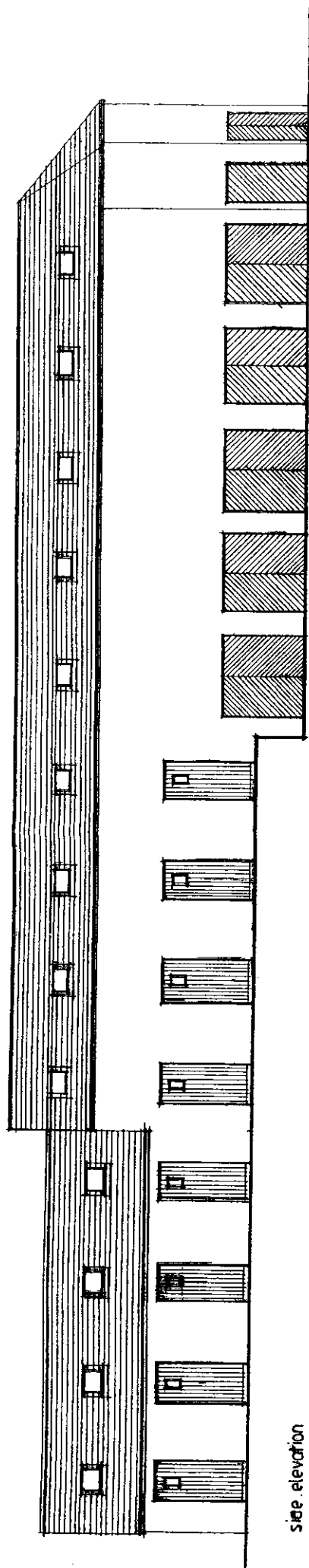




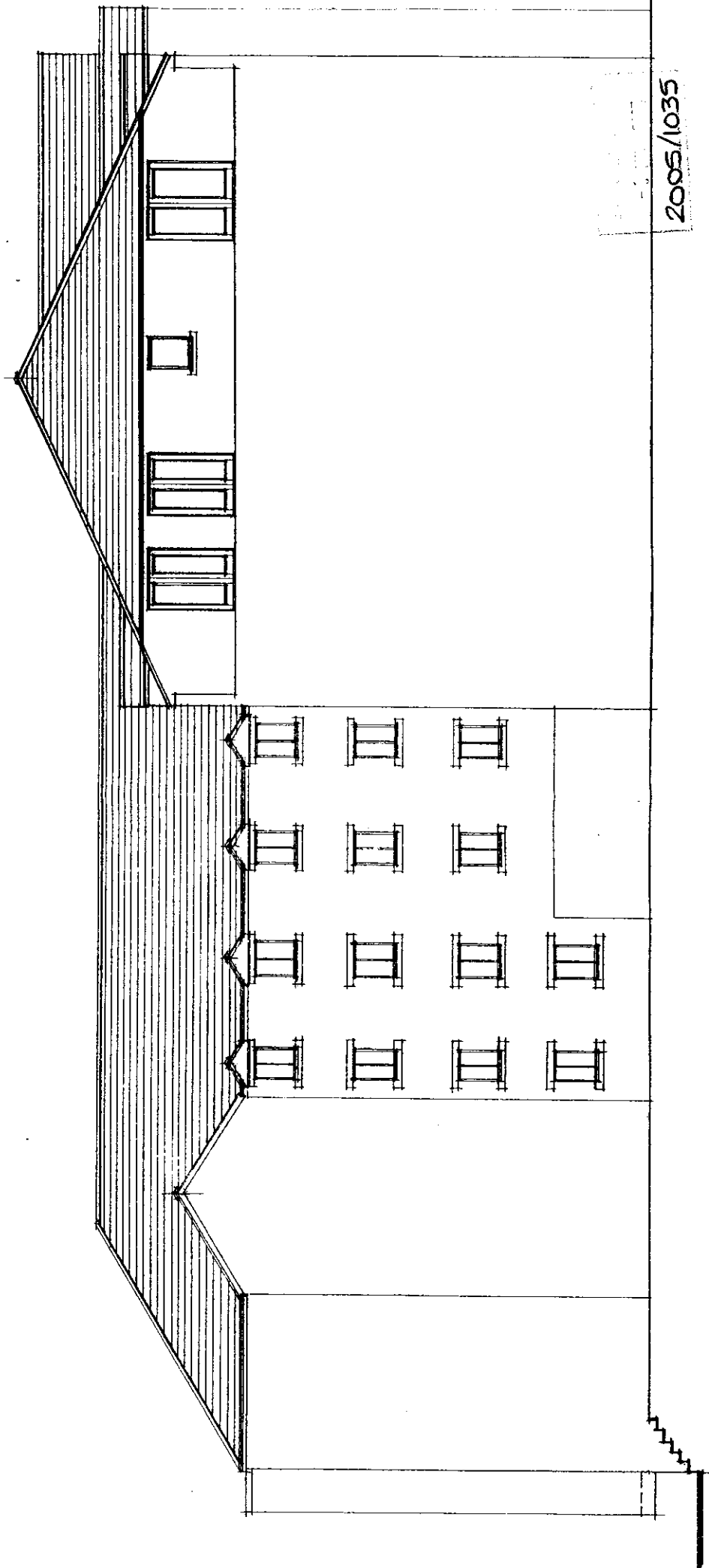
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DRAWING NO. 30

rear elevation scale 1:100



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2005/1035

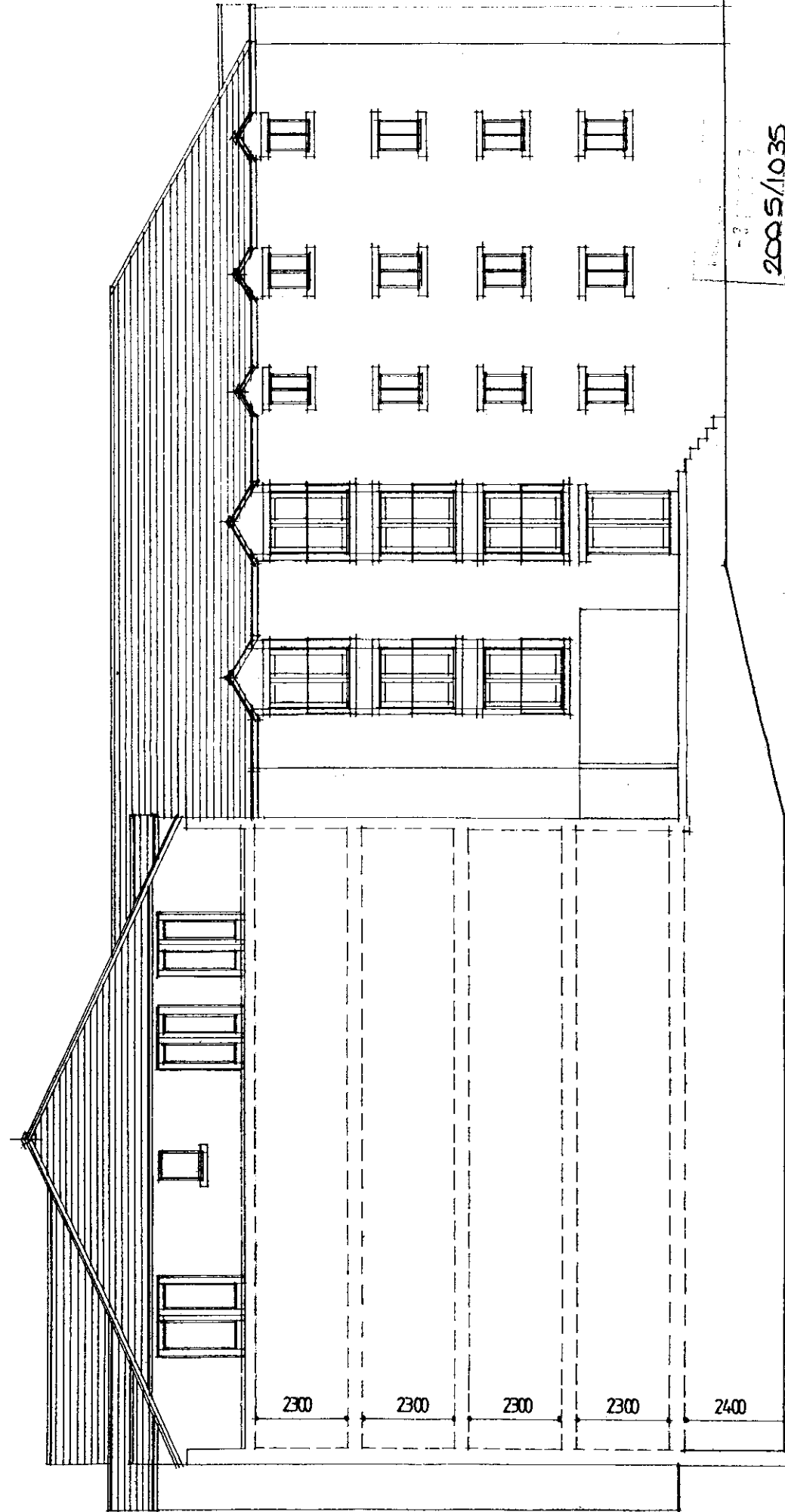
DRAWING NO. 32

side elevation 1:100

2700 2700 2700 2700 150 120

DRAWING NO. 31

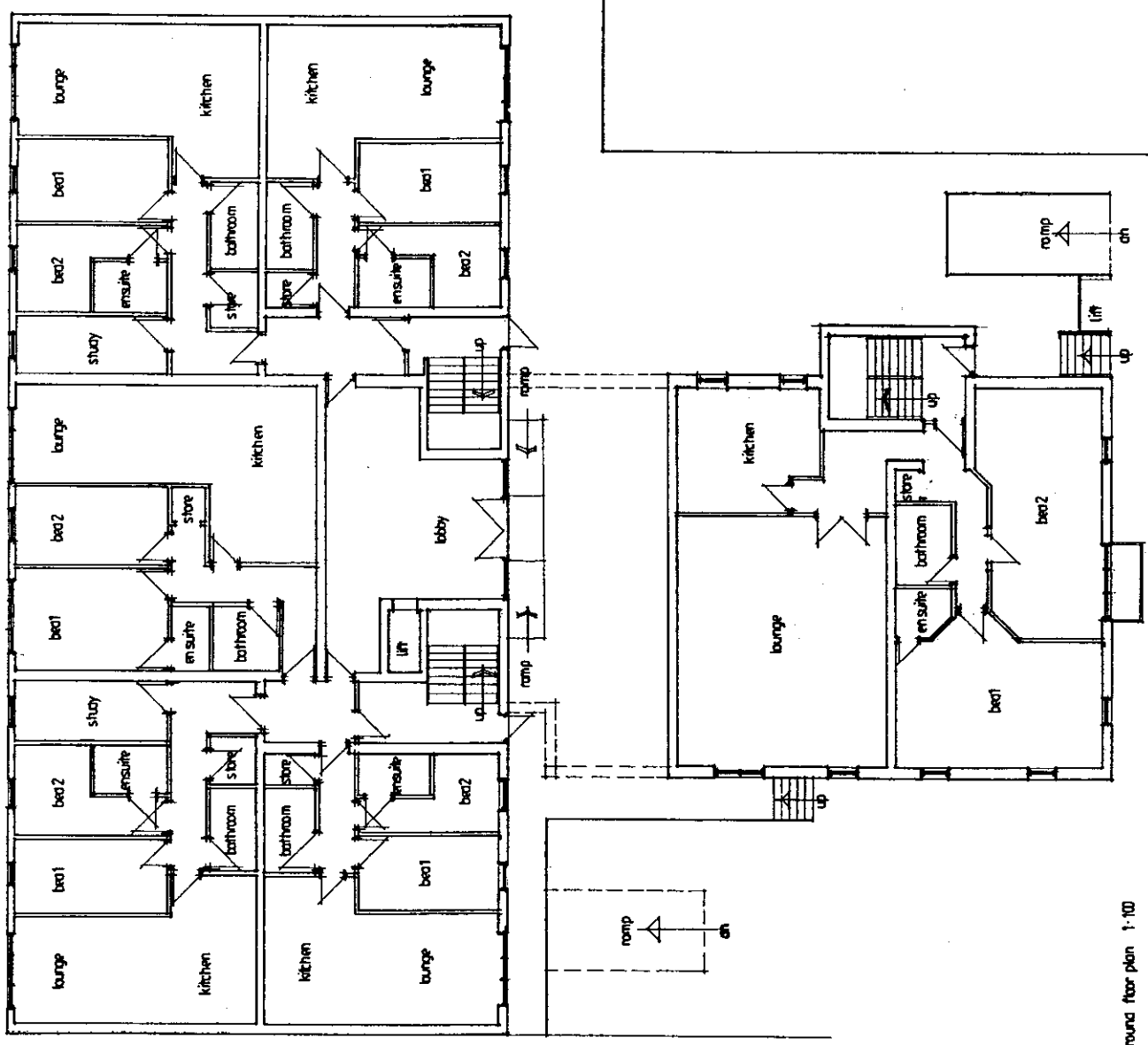
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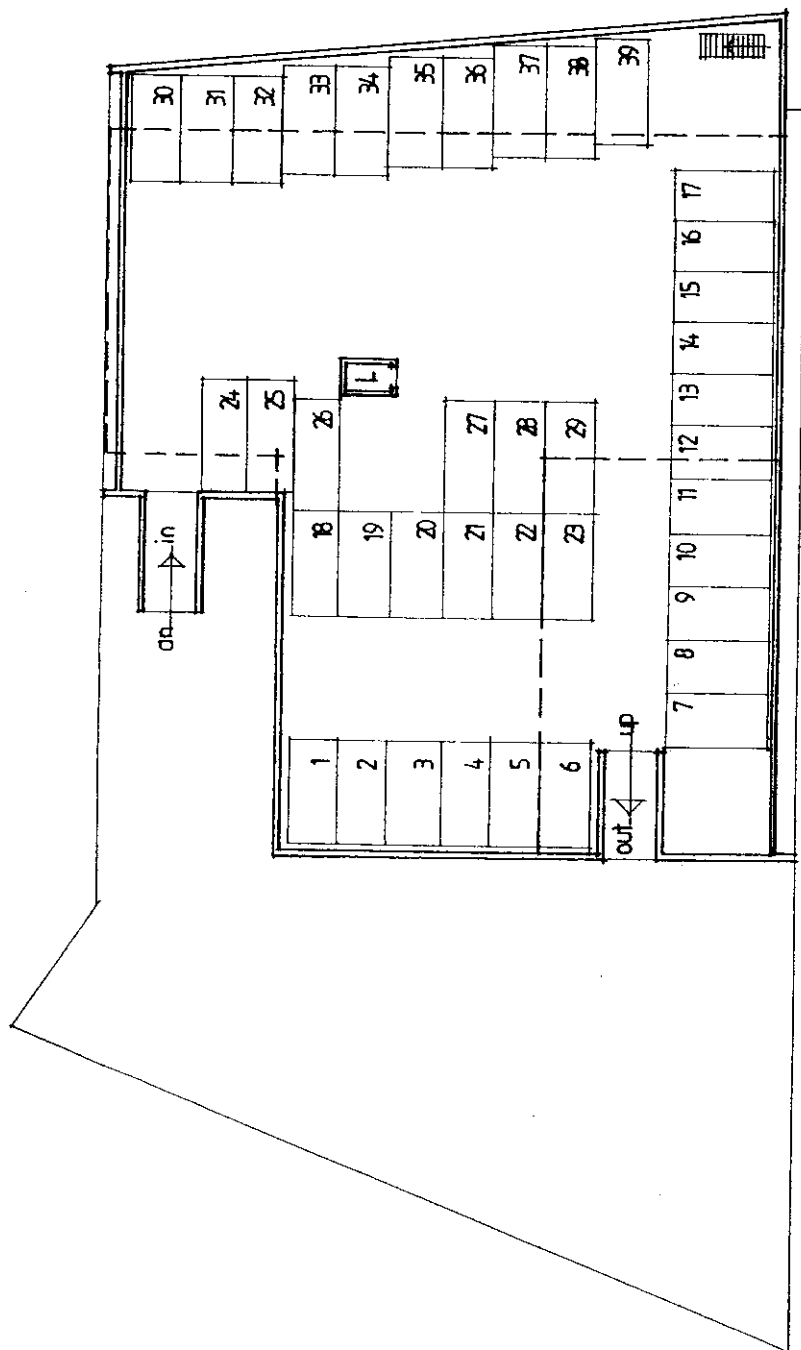
Side elevation 1:100

380130  
 3 10 85  
 051085

DRAWING NO. 25



ground floor plan 1:100



basement parking 1'250

05/03/50

\*\*\*\*\*  
**STATEMENT IN SUPPORT  
OF A FULL PLANNING APPLICATION**  
\*\*\*\*\*

**WHICH PROPOSES AN AMENDED SCHEME FOR THE  
ERECTION OF 29 NO. APARTMENTS**

**ON LAND PRESENTLY OCCUPIED BY THE JESMOND  
STREET GARAGE, JESMOND STREET, CARLISLE**

**FOR MR. A. REYNOLDS**

(NOTE: The scheme as now proposed incorporates changes required to  
overcome concerns raised by the Environment Agency following the  
floods of 7<sup>th</sup>/8<sup>th</sup> January 2005)

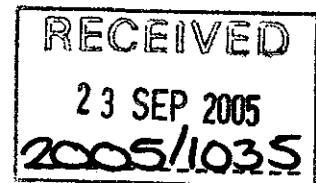
**TAYLOR & HARDY,  
CHARTERED TOWN PLANNERS.**

9 FINKLE STREET,  
CARLISLE,  
CUMBRIA.  
CA3 8UU

TEL : 01228 538886  
FAX : 01228 810362  
EMAIL: [planners@taylorandhardy.co.uk](mailto:planners@taylorandhardy.co.uk)

OUR REF : MEH/J/C04/208

**SEPTEMBER 2005**



## 1. CONTEXT

This Statement in Support sets out relevant planning background to a full planning application which proposes an amended scheme for the erection of 29 no. apartments on the site of the Jesmond Street Vehicle Repair Garage, Jesmond Street, Carlisle.

Proposals for the redevelopment of the Jesmond Street Garage for residential purposes began to be explored in May 2004. In the period since that time the proposals have been the subject of very extensive and detailed discussions with Officers in a wide range of organisations and local residents.

In the period between May and November 2004, in respect of the planning and technical aspects, discussions were held with the following:

### Planning

Mr. A.C. Eales, Head of Planning Services, Carlisle City Council;  
Mr. A.M. Taylor, Development Control Manager, Carlisle City Council;

### Highways

Mr. M. Goodwill, Highways, Cumbria County Council;  
Mrs. Chua, Highways, Cumbria County Council

### Land Contamination

Mrs. J. Blair, Environmental Protection Services, Carlisle City Council;  
Mrs. D. Ferguson, Environment Agency

### Flood Risk

Mr. P. Sadowski, Environment Agency

### Archaeology

Mr. J. Parsons, Community Economy & Environment, Cumbria County Council

### Designing Out Crime

Andrew Hunton, Architectural Liaison and Community Safety Officer,  
Cumbria Constabulary

### Building Control

Mr. John Hill, Building Control Section, Carlisle City Council.

It is noted that the applicant informed and consulted the local residents throughout. Invitations were delivered to the closest residential properties, 45 in total, and residents were invited to attend open



meetings held on 29<sup>th</sup> and 30<sup>th</sup> August and 11<sup>th</sup> and 12<sup>th</sup> September 2004.

It became clear during the discussions with the Professional Officers and local residents that the scheme for the residential apartments ought to meet four principal objectives, i.e. these being to ensure that:

1. an apartment building of a scale and mass and of an architectural design which was appropriate for the site, its surroundings and meets the requirements of the most recent Government planning guidance;
2. that the privacy and amenity of neighbouring residential properties was safeguarded;
3. a high standard of development with a quality ambience and generous apartment size;
4. an appropriate level of garaging and parking.

The proposal as had been submitted initially was amended so as to ensure that the objectives were met. In respect of the first objective:

- the number of apartments was reduced to 29;
- the mass of the main wing of the building was reduced by lowering each end of the block to 4 storeys and forming a hipped roof to the central higher section. A mono-pitch roof around the 2 outdoor terraces, located at both ends of the main block was introduced into the design. This feature serving to further reduce the eaves height and give a more overall attractive appearance;
- the height of the west wing was reduced significantly by the removal of 1 full storey and design changes which effectively provided for the 4<sup>th</sup> floor to be accommodated within the roof space with dormers.

In respect of the second objective the privacy and amenity of adjacent residential properties was safeguarded through:

- the overall reduction in the number of units, a change which has enabled more of the site area to remain open and undeveloped;
- an overall reduction in the height and mass of the building as described above;

- the careful siting of the building to provide for the required distances between the proposed apartment building and the dwellings which are existing;
- the careful positioning of windows and balconies so as to avoid direct overlooking.

In respect of the third objective the changes led to:

- the introduction, into the core of the main block, of a generously sized central lobby and circulation areas within which there is a reception area, mail delivery boxes and access to the lifts and stairs;
- the introduction, where appropriate, of balconies to lounges and principal bedrooms;
- providing a range in the size of apartments to be constructed;
- the provision of accommodation for a full-time on-site caretaker.

In respect of the last objective:

- the changes in the proposal as described facilitated a higher level of parking provision relative to the number of residential properties.

Following the design changes as outlined the Local Planning Authority considered that the proposal was acceptable and granted full planning permission for the development on 19<sup>th</sup> November 2004 (L.P.A. Reference No. 04/1032).

Having been granted planning permission the Applicants were taking steps to progress their scheme towards construction.

However, the very unfortunate and serious flooding which occurred in Carlisle on 7<sup>th</sup>/8<sup>th</sup> January 2005, only 5/6 weeks or so after the planning permission had been granted, has meant that a number of aspects of the scheme have had to be re-appraised.

The first step in this re-appraisal was a letter, dated 20<sup>th</sup> January 2005, from the Local Planning Authority within which it stated that:

***"... notwithstanding that a Flood Risk Assessment may previously have been carried out to support the application, it is the view of the Council and the Environment Agency that before acting on the implementation of any approval, applicants and their advisors should seriously consider a detailed review of the***

***flood risk associated with any site that is within either the Flood Risk Zone or flood affected area.***

***That action should be undertaken in close consultation with the Environment Agency but it is advised that you should review the scope and extent of the Flood Risk Assessment that you or your advisors may have previously provided. The review should take into account the implications for development of the site itself, and its impact elsewhere, as a result of the January 2005 floods."***

A copy of this letter is attached as Appendix 1.

The Applicant followed the advice in this letter and detailed discussions with both the Local Planning Authority and the Environment Agency followed.

The main points which came out of these discussions are set out in two letters copies of which are attached as Appendix 2 and Appendix 3. In the first of these, a letter dated 31<sup>st</sup> January 2005 from the Environment Agency to the Local Planning Authority, it is advised that:

***"The proposed development is located in Flood Zone 2 and the Agency is limited as to what we can request in terms of flood mitigation in such locations.***

***However, following the events of 7-8 January 2005 and the extent of the flooding in the locality it would seem sensible that a suitably precautionary approach would be taken if the recent historic flood is used as a 'real' benchmark and the design flood event. We would recommend also that there be the recommended allowance for freeboard and climate change on top of the highest recorded level. ...***

...

***...The principal source of flood mitigation should therefore be the raising of finished floor levels."***

In the second of these, a letter from the Environment Agency dated 31<sup>st</sup> March 2005 to the Applicant, it is stated that:

***"... Mr. Reynolds is keen to ensure that the development exceeds minimum standards of protection for the lifetime of the development. The Agency supports the suitably precautionary approach taken, ...***

***We have recommended that the principal method of flood mitigation should be the raising of finished floor levels. Floor levels should be raised above the 1:100 year design flood level or corroborated level data gained from post floor analysis, the greater of the two should be used in this instance.***

...

*The closest surveyed wrack mark to the proposed development site is at the junction with Greystone Road. The level is 16.06m AOD, this level is consistent with the modelled 1:100 year flood level of 16.10m AOD.*

*As there is little difference between the two, we suggest that the 16.10m AOD is utilised as the design flood level, particularly as this relates to the current S.105 1:100 year level for the River Petteril. As previously discussed, in order to ensure that a suitably precautionary approach is taken we would recommend that an allowance for freeboard (600mm) plus an allowance for climate change (200mm) be added to the 16.10m when considered finished habitable floor levels."*

The guidance given by the Environment Agency prompted a number of design changes to the original proposal. In particular:

- the footprint of the proposed apartment block has been slightly enlarged. It is, however, stressed that the distance between the proposed apartment building and the existing residential properties to the south, south-west and west have not changed. The increased footprint of the building being towards Melbourne Park and the commercial premises to the north;
- in order to overcome the risk of flooding to the apartments the finished ground floor level of the residential accommodation has been increased by 1.2 m;
- in order that the existing change in levels across the site (west-east) and the lifting up of the finished ground floor level of residential accommodation by 1.2 m is fully and effectively utilised underground basement car parking is now proposed. It is considered that the quality and appearance of the development will be improved by this change, as the majority of vehicles will be out of sight;
- externally at ground level, five parking spaces will be provided, two for the disabled and three for visitors;
- the services, electricity/gas, etc., will be installed above the flood risk level on the ground floor;
- where the drainage pipes from the development are connected into the public drains traps and non-return flap valves will be fitted for abnormal flooding conditions;
- there will be a storage tank in the basement for rainwater which will then be used as grey water;

- down pipes and gutters will be designed so as to store water under abnormal conditions;
- a wall will be erected around the site to help reduce the risk of flooding to the development;
- all practical steps will be taken to ensure that residents receive early warning of any risk of flooding.

It is in the context of the background set out above that this Statement in Support elaborates on the planning context for the proposal as now detailed. The Statement is in 4 Sections. Section 2 set out the details of the site and surroundings, Section 3 describes the proposals, Section 4 relevant planning policies and Section 5 is the appraisal.

## 2. THE SITE AND SURROUNDINGS

The site subject of this statement extends to 0.2 ha., approximately.

The existing ground level of the site slopes downwards from east to west. At its eastern boundary, adjacent Melbourne Park, the ground level is 1 m higher than the ground level at its western boundary.

The site is presently occupied by:

- a substantial brick and slate building with a steeply pitched roof. The ridgeline of the building runs north-south and its principal elevations are west towards Jesmond Street and east towards the open amenity land alongside the River Petteril, Melbourne Park. This building has a footprint of 486 sq m, is above the existing ground level, 5.8 m to the eaves and 10.375 m to the ridge;
- lock-up garages with a total floorspace of 171 sq m; and
- related open hard surfaced yard.

Security fencing of 1.8 m, approximately, in height surrounds the site.

Beyond the site to the north, west and south are areas of long-established development. To the north are the garage/business premises used by Irvings Coaches, to the west is residential development sited along Greystone Road, the rear of these properties being towards the site. To the south there is more recent residential development at Nook Street, it is the rear of gable walls of these properties which face towards the site.

Beyond the site to the east are the extensive open areas of Melbourne Park which extends along both sides of the River Petteril.

The existing building on the site was originally part of the Raven Nook Mill where woollen carpets were produced. The Mill was built in the 1850's and occupied a site on the western bank of the former course of the River Petteril.

It is understood that the Woollen Mill use continued up to the 1950's, following which the premises have for many years been used as a motor vehicle repair garage.

The premises are now somewhat unattractive and may be regarded as an eyesore. As the site is in a predominantly residential area the vehicle repair garage is now essentially a non-conforming use.

### 3. THE PROPOSALS

The proposal detailed in this Statement is the demolition of the existing buildings on the site and redevelopment for residential use. The residential units to be formed are apartments. Access to the site is from Jesmond Street. Within the site parking for residents will be provided as well as visitor spaces.

The proposal is detailed in the architectural drawings listed below:

- block plan and principal elevations - Drawing No. 20;
- side elevation and lock-up elevations - Drawing No. 21;
- upper floor plans - Drawing No. 23;
- ground floor and basement plan Drawing No. 24;

From these details it is noted that:

- as in the approved scheme a 'T' shaped building is proposed the principal wing of which is sited at the eastern end of the site towards Melbourne Park. In this amended scheme the principal wing is slightly closer to the site boundary with the Park;
- the ground levels within the site boundary are to be remodelled. The forecourt to the proposed apartment block, where there is to be vehicular access, circulation and disabled parking, the ground level will be at a level of 16.350 m. Beyond the forecourt the ground level around the perimeter of the building referred to on Drawing No.20 as the 'upper ground level' will be higher by some 1.02 m at 17.370 m. Access for the disabled between the two ground levels will be achieved by lifting devices located close to each of the two points of entry to the building;
- the principal elevations of the main building element, as in the approved scheme, are towards Melbourne Park and Jesmond Street/Greystone Road;
- the central section of this block, the highest section, is 15.8 m to the ridge from the finished floor level of residential accommodation. At its northern and southern ends the block is reduced in height to 4 storey;
- the secondary wing projects out from the main block to the west, whilst this is 4 storey in height the 4<sup>th</sup> floor is within the roof space with dormers. This part of the building is 13.7 m

above finished floor level. At its Jesmond Street end the roof incorporates a hip;

- in the basement 39 parking spaces are to be provided. In the open forecourt to the front of the building at the ground level there will be 5 spaces, of these 3 are for visitors and 2 are for the disabled;
- a row of 8 lock-up stores and 5 garages are to be erected along the site's southern boundary, in the previous scheme this part of the site was to be occupied by a row of garages, the rear wall of these will provide a new rear boundary to the curtilages of the properties on Nook Street.

Whilst noting the changes to the proposed scheme it is still considered that the precise siting and design of the building will ensure:

- an attractive siting for the proposed apartment block;
- an appropriate and sensitive relationship to existing adjacent residential development in terms of privacy and overlooking.

At the closest point the proposed apartment building is, as in the approved scheme, gable to gable with existing residential properties, i.e. No.12 Nook Street. The closest point where there are windows in habitable rooms in the proposed apartment block which face towards existing residential properties is between the west wing and the rear of properties on Nook Street, in this location the normal requirement of 21 m separation is, as in the approved scheme, achieved.

The scheme in terms of the siting of windows and balconies is as the approved scheme. The windows and balconies are carefully positioned so as to prevent an adverse detrimental impact on privacy. Balconies are proposed only where no issue of overlooking of existing residential properties will arise. Balconies are restricted to lounges at upper floor levels and to the lounges and main bedrooms of the central apartments on the rear elevations;

- that the building's visual character reflects the site's Woollen Mill history.

Secure perimeter boundaries, as detailed on the accompanying plans, are proposed to be erected.

It is highlighted that the proposed apartment building is to the north side of the existing residential properties, there is, therefore, no issue of over-shadowing.



Access to the higher apartments in the building is via stairs and lift. Access to the lower section is via stairs only. It is noted that the design meets all the requirements of Planning and Access for Disabled People and Doc M of the Building Regulations.

As with the approved scheme the building is proposed to be constructed of red brown facing brick with buff artstone heads and sills, a blue/grey slate to the roof and light brown uPVC windows and doors.

An enclosed bin store is to be sited in the south-west corner of the site.

It is advised that the proposal, bearing in mind the approval granted on 19<sup>th</sup> November 2005 and the more recent discussions, has not raised any Officer objection on grounds of:

- planning;
- highways;
- drainage: foul;  
surface;
- flooding;
- designing out crime.

#### 4. RELEVANT PLANNING POLICIES

Planning policies relevant to the proposal which accompanies this Statement are set out at the National, County and Local levels. In particular, attention is drawn to those at National and Local Levels.

##### (a) National

At the National Level it is Planning Policy Guidance Note No. 3 (PPG3) - 'Housing', dated March 2000, is of most significance.

In this Guidance Note the advice is that the Government's objectives are that:

*"Local planning authorities should:*

- *plan to meet the housing requirements of the whole community, ...*
- *provide wider housing opportunity and choice and a better mix in the size, type and location of housing than is currently available, and seek to create mixed communities;*
- *provide sufficient housing land but give priority to re-using previously-developed land within urban areas, ... in preference to the development of greenfield sites;*
- *create more sustainable patterns of development by building in ways which exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services;*
- *make more efficient use of land by reviewing planning policies and standards;*
- ...
- *seek to reduce car dependence by facilitating more walking and cycling, by improving linkages by public transport between housing, jobs, local services and local amenity, ...*
- *promote good design in new housing development in order to create attractive, high-quality living environments in which people will choose to live."*  
(Paragraph 2)

In respect of these objectives it is stated that:

- i. *"The Government's household projections ... The majority of the projected growth will be in one-person households. Local authorities should therefore ... widen the range of housing opportunities to allow these to be met." (Paragraph 9).*
- ii. *"... Local planning authorities should encourage the development of mixed and balanced communities: they should ensure that new housing developments help to secure a better social mix of avoiding the creation of large*

*areas of housing of similar characteristics."* (Paragraph 10).

- iii. *"The Government is committed to promoting more sustainable patterns of development, by:*
  - *concentrating most additional housing development within urban areas;*
  - *making more efficient use of land by maximising the re-use of previously-developed land ..."* (Paragraph 21).
- iv. *"The Government is committed to maximising the re-use of previously-developed land and empty properties and the conversion of non-residential buildings for housing in order both to promote regeneration and minimise the amount of greenfield land being taken for development."* (Paragraph 22).
- v. *"In considering planning applications for housing development in the interim, before development plans can be reviewed, local authorities should have regard to the policy contained in this PPG as material considerations which may supersede the policies in their plan. ... Where a proposed housing development involves the use of a previously-developed site or the conversion of existing buildings, the proposal may need to be amended in accordance with this guidance, for example, in relation to design, layout, density and parking."* (Paragraph 38).
- vi. *"To promote more sustainable residential environments, both within and outside existing urban areas, local planning authorities should promote:*
  - *development that is linked to public transport;*
  - *...*
  - *greater emphasis on quality and designing places for people; and*
  - *the most efficient use of land."* (Paragraph 46).
- vii. *"The Government places particular emphasis on the importance of integrating decisions on planning and transport in order to reduce the need for travel by car. Local planning authorities should therefore seek to exploit opportunities to locate larger housing developments around major nodes along good quality public transport corridors ..."* (Paragraph 47).
- viii. *"Good design and layout of new development can help to achieve the Government's objectives of making the best use of previously-developed land and improving the quality and attractiveness of residential areas. In seeking to achieve these objectives, local planning authorities and developers should think imaginatively about designs and layouts which make more efficient use of land without*

*compromising the quality of the environment."* (Paragraph 54).

*"New housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. ..."* (Paragraph 56).

ix. *"Local planning authorities should avoid the inefficient use of land. ..."* (Paragraph 57).

*"Local planning authorities should therefore:*

- avoid developments which make inefficient use of land ...;*
- encourage housing development which makes more efficient use of land ...;*
- seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors."* (Paragraph 58).

**(b) Local**

At the Local Level relevant policies are set out in the Carlisle District Local Plan.

In this document, both in the adopted version, dated September 1997, and the Redeposit Draft of August 2005, the site subject of the proposal detailed in this Statement is located wholly within a Primary Residential Area.

The relevant policy is H2 and this states that *"... proposals for new residential development"*, in such areas, *"will be acceptable provided that:*

- 1. Existing areas of open space and other amenity areas are safeguarded; and*
- 2. The proposed development does not adversely affect the amenity of adjacent residential property; and*
- 3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and*
- 4. Satisfactory access and appropriate parking arrangements can be achieved."*

## 5. APPRAISAL

The inclusion of the Jesmond Street Garage within a Primary Residential Area, Policy H2, sets out a clear and strong presumption in favour of the redevelopment of the site for residential purposes. An assessment of the details of the proposal, however, needs to be made in the context of the 4 stated criteria. In addition, consideration needs to be given to recent Government policy as set out in PPG3.

Each criterion is considered in turn.

### Criterion 1

*"Existing areas of open space and other amenity areas are safeguarded;"*

In respect of this criterion it is clear that the proposal is for the redevelopment of a brownfield site where there are currently buildings. The application site is not an 'open space' or an 'other amenity area'. The proposal is not in conflict with this criterion.

### Criterion 2

*"The proposed development does not adversely affect the amenity of adjacent residential property;"*

In respect of criterion 2 it is clear from the architectural drawings which detail the proposal and the details set out in Section 3 that:

- there is no issue of overshadowing;
- changes to the ground levels within the site and the finished ground floor level of the residential accommodation are proposed. These changes are necessary to meet the requirements of the Environment Agency and make good use of the site by providing underground car parking;
- where it is closest to existing residential properties, No.12 Nook Street, the proposed apartment building is gable to gable. The closest wall to wall distance where there are facing windows between the proposed apartment building and existing residences is between the west wing and Nook Street, this distance meets the normal requirements of 21 m;

- the footprint of the main wing of the proposed apartment block is, in comparison to the existing building, set back away from Jesmond Street by some 8 m or so.

### **Criterion 3**

***"The proposed development complements or enhances existing adjacent residential areas and their amenity;"***

The site subject of the proposal detailed in this Statement is in a residential area where there is a good stock of housing which is predominantly terraced. The site has an aspect to the east onto an extensive area of open amenity land.

The present buildings on the site reflect its history as part of a Woollen Mill. Their mass and form is in contrast to the terraced properties in its vicinity and contribute to the visual variety and character of the locality. The present use, condition and visual appearance of the old Mill building, however, clearly detracts from the area.

The proposed development will serve to provide a building form and character which will reflect its historic character. The building form will complement and enhance the adjacent areas and ensure visual variety and interest. The proposal will also ensure the removal of a non-conforming use, a change which will uplift the adjacent areas and their amenity.

### **Criterion 4**

***"Satisfactory access and appropriate parking arrangements can be achieved."***

The means of access to the proposed development site and the level of car parking proposed meets the requirements of the Highways Department.

In addition to the above, in the context of PPG3, further support for the proposal is drawn from the following:

- the type of accommodation proposed will contribute to the range and mix of housing opportunities available in the Greystone Road area;
- the proposal is making better much more efficient use of previously developed land;
- the development provides further housing opportunities in the urban area;

- the development is in a very sustainable location which is very convenient for public transport and within easy walking distance of a broad range of services and facilities including shops, schools, dentists, doctors, etc;
- the architectural treatment proposes a design and form of building which is appropriate in the wider context of its neighbourhood and will improve the quality and attractiveness of the area;
- the most recent requirements of the Environment Agency in terms of minimising flood risk have been satisfied.

It is evident from all the preceding that the proposal ought to be viewed favourably.

**APPENDIX 1**  
\*\*\*\*\*



## Planning Services

Head of Planning Services: **A C Eales** Dip.TP MRTPI  
Civic Centre • Carlisle • CA3 8QG

Phone (01228) 817000 • Fax (01228) 817199 • Ansaphone (01228) 530263 • Typetalk 18001 (01228) 817193  
Development Control **E-Mail** DC@carlisle.gov.uk • Local Plans and Conservation **E-Mail** LPC@carlisle.gov.uk

Mr P Reynolds  
3 Lytham Court  
Morton West  
Carlisle

**Case Officer:** Alan Taylor  
**Direct Line:**  
**Temp Direct Line:** 0779 564 1426  
**E-mail:** AlanT@carlisle.gov.uk  
**Your Ref:**  
**Our Ref:**

20<sup>th</sup> January 2004

Dear Sir/Madam *Patrick*

**Proposal:** Erection of 32no. apartments  
**Location:** Jesmond Street Garage, Carlisle  
**Appn Ref:** 04/1032

The above planning application relates to land or property that is situated within a Flood Risk Zone or flood affected area and, as you are aware, has been considered by the City Council. Planning permission has, accordingly, either been issued or has been "Authorised for Issue" following further action such as completion of a S106 Agreement.

However, following the flooding which occurred in Carlisle over the week-end of 7<sup>th</sup>-8<sup>th</sup> January, and after discussions with the Environment Agency, it is clear that new information will be available as a result of the severity of the floods that took place over much of the city centre, its fringes and other parts of the River Eden floodplain in the Carlisle area.

Accordingly, and notwithstanding that a Flood Risk Assessment may previously have been carried out to support the application, it is the view of the Council and the Environment Agency that before acting on the implementation of any approval, applicants and their advisors should seriously consider a detailed review of the flood risk associated with any site that is within either the Flood Risk Zone or flood affected area.

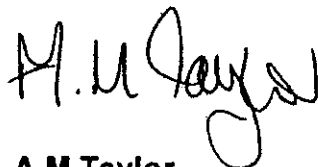
That action should be undertaken in close consultation with the Environment Agency but it is advised that you should review the scope and extent of the Flood Risk Assessment that you or your advisors may have previously provided. The review should take into account the implications for development of the site itself, and its impact elsewhere, as a result of the January 2005 floods.

I'm sure you will appreciate the reasons behind the precautionary approach that the Council and the Environment Agency believes is appropriate in this instance. Any help you can give in supplementing information already available concerning the Carlisle floods, such as photographic material or

flood levels that you may have been able to take of the extent of flooding within your site, would be appreciated. That information will also assist in formulating any further recommendations that might specifically arise for your own site, such as modification to any planning conditions that the Agency may have recommended.

Finally I wish to reassure you that the actions we intend to take will be carried out as quickly as possible. However a significant number of permissions will need to be revised and all of these cannot be done at once. Therefore I would ask for your patient support for members of my planning team and staff at the Environment Agency who will be supporting the review of your Flood Risk Assessment.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A. M. Taylor', with a stylized flourish at the end.

**A M Taylor**  
**Development Control Manager**

## APPENDIX 2

\*\*\*\*\*



**ENVIRONMENT  
AGENCY**

**Our Ref : CN/2004/002003-2/2**  
**Your Ref : 04/1032**

**Date : 31 January 2005**

Head Of Planning Services  
Carlisle City Council  
Civic Centre  
Carlisle  
Cumbria  
CA3 8QG

PLANNING SERVICES	
REF	
02 FEB 2005	
RECORDED	<input checked="" type="checkbox"/>
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ASSED TO	AMS
ACTION	

Dear Sir

**APPLICATION NUMBER: 04/1032**  
**ERECTION OF 32 APARTMENTS**  
**JESMOND STREET, CARLISLE**

The Agency originally objected to this proposed development pending the receipt of a Flood Risk Assessment (FRA) appropriate to the scale and nature of the development.

A FRA was carried out in support of the application, and the Agency removed its objection, with the recommendation that several conditions be imposed on the planning permission for the proposed development.

We understand that approval has been granted for the proposed development, however before acting on the implementation of any approval the applicant has taken note of the letter received from Carlisle City Council and has contacted the Agency. The Agency has been asked to discuss and review the FRA in the light of recent flood events of 7 - 8 January 2005 and provide any additional advice and comments.

The applicant informs us that the site did not flood during the recent events. This is consistent with the Agency's post event flood analysis illustrating the extent of the flood associated with the Rivers Petteril and Eden.

The Flood Zone Map has proved remarkably accurate and illustrates that the January flood exceeded the 1968 flood, and was in excess of the 1:100 year outline, but less than the 1:1000 outline that the development is highlighted as being in.

In line with Planning Policy Guidance Note 25, we would normally recommend that for proposals in Flood Zone 3, 600mm freeboard plus an allowance for climate change (200mm) during the lifetime (50 years) of the development on top of the 1:100 year design flood be considered.

The proposed development is located in Flood Zone 2 and the Agency is limited as to what we can request in terms of flood mitigation in such locations.

However, following the events of 7 - 8 January 2005 and the extent of the flooding in the locality it would seem sensible that a suitably precautionary approach would be taken if the recent historic flood is used as a 'real' benchmark and the design flood event. We would recommend also that there be the recommended allowance for freeboard and climate change on top of the highest recorded level.

Attention should be given to ensure that any surface water disposal system can provide sufficient surface water storage during times when the system may become 'gravity locked' as a result of high flows in any receiving watercourse.

Any proposed wall intended to act as a flood defence structure must only replace an existing structure (acting as defacto flood defence) and must be built to recognised engineering standards. The construction of new flood defences to facilitate development within the flood risk zone should be avoided where possible. As noted in DTLR (2001) "...as part of its strategy for sustainable development, the government wishes to avoid an unnecessary increase in the requirement to provide artificial defence against flooding." The principal source of flood mitigation should therefore be the raising of finished floor levels.

The comments in our letter dated 26 August 2004 and referenced CN/2004/002003-1/2 remain pertinent.

A copy of this letter has been sent to the applicant.

Yours faithfully

D Ferguson

**DOREEN FERGUSON**  
**Planning Liaison Officer**

CC: Mr A Reynolds

## APPENDIX 3

\*\*\*\*\*

**Our Ref :** CN/2004/002003-2/3

**Your Ref :** 04/1032



**ENVIRONMENT  
AGENCY**

**Date :** 31 March 2005

Mr P Reynolds  
3 Lytham Court  
Morton West  
Carlisle  
CA2 7TN

Dear Sir

**APPLICATION NUMBER: 04/1032  
ERECTION OF 32 APARTMENTS  
JESMOND STREET, CARLISLE**

I refer to the planning application which you recently submitted to the local authority. Below for your information is a copy of the Agency's response to the local authority. If you have any queries about this, please do not hesitate to contact this office.

The Agency wrote to you on 31 January 2005 in our letter referenced CN/2004/2003-2/2 as part of the post flood planning review.

In the intervening period the Agency has had discussions and a meeting with the applicant's brother Mr P M Reynolds, during which time the FRA has been discussed in further detail and in consideration of the January 2005 floods.

The severity of the flooding in the vicinity of the proposed development is understood to be a result of -

- a) high flows in the River Petteril estimated at 1:100 year return period,
- b) high flows in the River Eden estimated at 1:150 year return period directly overtopping defences designed to provide protection of a similar magnitude to the 1968 floods (1:70 year return period).

It is intended that upon completion of the Carlisle Flood Defence Strategy Improvement Works, protection will be enhanced to provide protection from a flood of a similar magnitude to the January 2005 floods.

Flood defence improvements have also been identified for the River Petteril, although this is not likely to be included in the first phase of the works.

The proposed development site will therefore be at residual risk of flooding until completion of the works and even then, the risk of flooding can never be entirely eliminated.

Because of the above, Mr Reynolds is keen to ensure that the development exceeds minimum standards of protection for the lifetime of the development. The Agency supports the suitably precautionary approach taken, but understands that there are likely to be other planning considerations and also cost implications for the applicant.

We have recommended that the principal method of flood mitigation should be the raising of finished floor levels. Floor levels should be raised above the 1:100 year design flood level or corroborated level data gained from post flood analysis, the greater of the two should be used in this instance.

As part of post flood analysis the Agency's surveyors have undertaken the collection of wrack levels and watermarks in the vicinity of the proposed development. Mr Reynolds has also undertaken some flood level surveying and forwarded his findings to the Agency. Unfortunately the levels are not to ordnance datum. The Agency's survey information is levelled to ordnance datum, we therefore recommend this is used as it can be compared to the S.105 survey levels.

The closest surveyed wrack mark to the proposed development site is at the junction with Greystone Road. The level is 16.06m AOD, this level is consistent with the modelled 1:100 year flood level of 16.10m AOD.

As there is little difference between the two, we suggest that the 16.10m AOD is utilised as the design flood level, particularly as this relates to the current S.105 1:100 year level for the River Petteril. As previously discussed, in order to ensure that a suitable precautionary approach is taken we would recommend that an allowance for freeboard (600mm) plus an allowance for climate change (200mm) be added to the 16.10m AOD when considering finished habitable floor levels.

The decision as to whether ground level parking should be permitted rests with the local planning authority and is not a matter for the Environment Agency.

The comments made in the Agency's previous responses remain pertinent.

Yours faithfully

*D Ferguson*

**DOREEN FERGUSON**  
**Planning Liaison Officer**





PLANNING SERVICES	
REF	
- 9 NOV 2005	
RECORDED	MS
SCANNED	
PASSED TO	AMS
ACTION	

United Utilities North West  
Lingley Mere Business Park  
Lingley Green Avenue  
Great Sankey  
Warrington WA5 3LP

Telephone 01925 234000  
www.unitedutilities.com

Direct Line 01925 537254

Direct Fax 01925 537516

Lesley.Johnson@uuplc.co.uk

Alan Taylor  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

Your ref amt/dc/05/1035  
Our ref 05/4566  
Date 07-NOV-05

Dear Mr Taylor,

**Location : Jesmond Street Garage Jesmond St Carlilse**  
**Proposal : Erection of 29 apartments - amended proposals following flooding Jan 2005**

Thank you for your planning consultation of 18 October 2005.

United Utilities feels that the applicant is taking every precaution to protect against flooding and to also reduce adding to the flooding risk within the area. We would therefore have no objection to the application on the understanding that the applicant complies with all the necessary measures stated within the flood risk assessment. Please note that United Utilities would welcome the use of a grey water system.

A water supply can be made available to the proposed development.

Water pressures in the area are known to be generally low and are regulated to 20metres per head. This should be taken into account when designing the internal plumbing and I recommend that the applicant provide water storage of 24 hours capacity to guarantee an adequate and constant supply.

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 application be approved the applicant must contact our water fittings section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 2DS.

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the

exact relationship on site between any assets that may cross the site and any proposed development.

A copy of this letter has been forwarded to the agent.

Yours sincerely



Lesley Johnson  
External Planning Liaison

SCHEDULE B

SCHEDULE B

SCHEDULE B

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SCHEDULE B

SCHEDULE B

## **SCHEDULE B: Reports Requiring Further Information**

05/1024

**Item No: 15**

**Date of Committee: 16/12/2005**

**Appn Ref No:**  
05/1024

**Applicant:**  
Environment Agency

**Parish:**  
Multiple Parishes

**Date of Receipt:**  
13/10/2005

**Agent:**  
David Norman

**Ward:**  
Multiple Wards

**Location:**  
Flood Defence for River Eden & River Petteril,  
Carlisle

**Grid Reference:**  
340941 556136

**Proposal:** Improvement of flood defences on the rivers Petteril and Eden  
(Submission of Amended Details Incorporating Raising of Certain  
Embankment Levels)

**Amendment:**

---

### **REPORT**

#### **Reason for Determination by Committee:**

This application is of major significance in view of the severity and extent of flooding that occurred in Carlisle in January and it is considered that Members should be aware of the proposals that have been formulated to upgrade the flood defences in the eastern sector of the city.

#### **Planning Policies:**

##### **Flood Risk Zone**

##### **Conservation Area**

The proposal relates to land or premises situated within the Portland Square/Chatsworth Square Conservation Area.

##### **Conservation Area**

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

##### **Cumbria & Lake District Joint Structure Plan Policy 1**

New development will be provided, mainly in the towns, to meet the social and

economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

## **Cumbria & Lake District Joint Structure Plan Policy 2**

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

## **Cumbria & Lake District Joint Structure Plan Policy 18**

Development and other land use changes which are detrimental to nature conservation interests of international importance will not normally be permitted. Exceptions will be made only:

- a. Where an overriding public interest can be demonstrated to outweigh the international conservation interest, and
- b. Where the need for the development or land use change cannot be met in other locations where they would be less damaging or by reasonable alternative means.

## **Carlisle District Plan Environment - Policy E10**

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar Site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

1. There is no alternative solution; and
2. There are imperative reasons of overriding public interest for the development;

Where the site concerned hosts a priority natural habitat type and/or a priority species, development will not be permitted unless the Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

## **Carlisle District Plan Environment - Policy E11**

Development which would adversely affect the nature conservation (including the geological) interest of Sites of Specific Scientific Interest will be subject to special scrutiny and will not be permitted unless:

1. The reasons for the development clearly outweigh the nature conservation value of the site as part of the national series of SSSI's; or
2. The nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

### **Carlisle District Plan Environment - Policy E21**

The City Council, in conjunction with the Environment Agency, will seek to promote the concept of river corridors as important areas of open space. It will promote, where appropriate, initiatives to conserve the quality and value of rivers, particularly for nature conservation purposes, and will identify appropriate locations for public access and water-related sport and recreation.

### **Carlisle District Plan Leisure - Proposal L5**

The City Council will seek to retain all existing bridleways, footpaths and rights of way and to establish new routes wherever possible. New development should seek to maintain the existing rights of way network and provide replacement routes for any lost to new development.

### **Policy E34: Areas and features of national and international conservation importance**

Development and other land use changes in areas or features of national or international conservation importance, or within their settings, and that are detrimental to their characteristics will not be permitted.

Exceptions will only be made where:

- 1 there is an over-riding need for development required to meet local infrastructure needs which cannot be located elsewhere and which is sited to minimise environmental impacts and meets high standards of design, and
- 2 In the case of international areas of nature conservation interest where:
  - i. There is no alternative solution; and
  - ii. There are imperative reasons of overriding public interest, including those of a social or economic nature; and
  - iii. If the site concerned hosts a priority natural habitat type and/or a priority species, where there are imperative reasons of human health or public safety or benefits of primary importance to the environment and
- 3 In the case of European Protected Species where:
  - i. There is no satisfactory alternative; and
  - ii. There is no detriment to the maintenance of the populations at a favourable conservation status in their natural range; and
  - iii. The proposed development is in the interests of public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance to the

environment.

- 4 In the case of national areas of nature conservation interest, where the reasons for the development outweigh the national nature conservation value of the site.

Where development is permitted, mitigation should be provided, where appropriate.

Areas and features of international or national importance are defined as:

- World Heritage Sites recognised by the World Heritage Committee of UNESCO
- National Parks
- Areas of Outstanding Natural Beauty (AONB)
- Potential and classified Special Protection Areas (SPAs)
- Ramsar sites
- Candidate and designated Special Areas of Conservation (SACs)
- Limestone Pavements protected by Order
- National Nature Reserves
- Sites of Special Scientific Interest (SSSI)
- Statutory protected species
- Buildings or groups of buildings listed as of Grade 1 Grade II\* or Grade II architectural or historic merit
- Parks or gardens listed as Grade I Grade II\* or Grade II in the Register of Parks and Gardens of Special Historic Interest
- Sites of archaeological or historic interest which are scheduled ancient monuments
- Battlefields included in the Register of Historic Battlefields
- St Bees Heritage Coast

#### **Policy C42: Flood risk and Development**

Development proposals should take into account an assessment of the risk of flooding and be in accordance with the search sequence outlined in Policy ST3.

Development will not be permitted on functional floodplains within areas with a high risk of flooding, except for essential transport and utilities infrastructure that cannot be located elsewhere, including port related development. Land use changes not requiring built development may be permitted provided adequate warning and evacuation procedures are in place, and existing buildings incorporate floodproofing measures.

Elsewhere development that reduces flood risk or aids the operation of functional floodplains will be supported.

#### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE2 (CP5) Sites of International Importance**

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

- 1. there is no alternative solution; and
- 2. there are imperative reasons of overriding public interest for the development.

Where the site concerned hosts a priority natural habitat type and/ or a priority species, development will not be permitted unless the Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

#### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE3 (CP6) Sites of Special Scientific Interest**

Development proposals within or likely to affect the nature conservation or geological interest of Sites of Special Scientific Interest will be subject to special scrutiny and will not be permitted unless:

- 1. the reasons for the development clearly outweigh the nature conservation value of the site as part of the national series of SSSIs; or
- 2. the nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

#### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE5 (LE6) River Corridors**

The City Council, in conjunction with the Environment Agency, will seek to promote the concept of river corridors as important areas of open space and for wildlife. It will promote, where appropriate, initiatives to conserve the quality and value of rivers, particularly for nature conservation purposes and will identify appropriate locations for public access and water related sport and recreation. The City Council will also consider improving the opportunities for economic development in relation to the rivers as an asset for the City.

Permission will not be granted for developments which are likely to have a detrimental impact on nature conservation, public access, the quality of the landscape or recreational facilities found within river corridors.

#### **Summary of Consultation Responses:**

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

**United Utilities (former Norweb & NWWA):** although there are no objections in principle, there may be some concerns with the impact the flood defence proposals may have on the existing drainage network. These concerns are presently being discussed between both parties (United Utilities and the Environment Agency).

The proposals are shown to be near existing underground cables. The applicants should be advised to follow the guidance in the relevant HSE publication on avoiding danger from underground services;

**English Heritage - (Archaeology) NW Region:** awaited;



**English Nature:** an "interim" response was initially received as further information was being sought. It stated: "EN has been working closely with the Environment Agency throughout the development of the proposals to consider any potentially damaging impacts on the River Eden and Tributaries SSSI and River Eden SAC as well as opportunities for enhancement of biodiversity. The key aspects of the scheme in terms of the SSSI and SAC are, firstly, the construction of a new channel for the Old Eden and the point of confluence with the main River Eden channel; and secondly, the potential release of contaminants to the river (through various pathways) arising from the works in this area. As recorded in the Environmental Statement, English Nature agreed with the conclusions of the Environment Agency's assessment (dated 29th April 2005) that the proposals would be unlikely to have a significant effect on the European interest features of the site, either alone or in combination with other plans or projects (ref HRO1 in Appendix C of the Environmental Statement). For this reason, we considered that an Appropriate Assessment would not be required under the Habitats Regulations.

However, in Section 10 of the HRO1 the following caveat was included "note that this assessment assumes that the new channel for the Old Eden will be cut through generally uncontaminated ground with some provision for small areas of localised contamination. Further site investigations and analyses for contaminated land will be undertaken for the outstanding route options prior to submission of the planning application. Further consultation/assessment with English Nature will be carried out with regard to the Old Eden diversion if no predominantly uncontaminated route can be found."

The Environmental Statement submitted with the application contains details of the ground investigations to look at potential contamination in a report at Appendix D but isn't too clear in a number of respects. I have therefore contacted the EA to ask for further clarification as follows:

- \* to clarify the process of route selection and details of ground investigations to ensure that the least contaminated route for the Old Eden diversion has been found;
- \* to confirm the mechanisms for containing and removing any ground contamination and ensuring the risk of contaminants reaching the River Eden is minimised. This is simply to ensure that the final scheme design meets the criteria set out in the HRO1 previously agreed with the Environment Agency and that there will be no likely significant effect on The River Eden SAC. With this additional information provided then we can respond that we're happy with the proposal.

There is also the need for Carlisle City Council, as competent authority under Regulation 48 of the Conservation (Natural Habitats &c) Regulations 1994 (Habitats Regulations), to consider any potential significant effects of the proposals on the European interest features of the site. If the above issues are satisfactorily resolved then essentially this would be the same assessment as already carried out by the EA".

Following further information from the Agency, English Nature has augmented the above comments:

"The scheme has the potential to affect the River Eden and Tributaries SSSI and River Eden SAC. Therefore, before granting planning permission it will be necessary for Carlisle City Council, as competent authority under Regulation 48 of the Conservation (Natural Habitats &c) Regulations 1994 (Habitats Regulations), to consider any potential significant effects of the proposals on the European interest features of the site. Also, to enable compliance with the requirements of S281 of the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way (CROW) Act 2000, the City Council also needs to consider potential effects on the additional interest features of the River Eden and Tributaries SSSI.

English Nature has been working closely with the Environment Agency throughout the development of these proposals to consider any potentially damaging impacts on the River Eden and Tributaries SSSI and River Eden SAC as well as opportunities for enhancement of biodiversity. The key aspects of the scheme in terms of the SSSI and SAC are, firstly, the construction of a new channel for the Old Eden and the point of confluence with the main River Eden channel; and secondly, the potential release of contaminants to the river (through various pathways) arising from the works in this area.

As recorded in the Environmental Statement, English Nature agreed with the conclusions of the Environment Agency's assessment (dated 29<sup>th</sup> April 2005) that the proposals would be unlikely to have a significant effect on the European interest features of the site, either alone or in combination with other plans or projects (ref HRO1 in Appendix C of the Environmental Statement). For this reason, we considered that an Appropriate Assessment would not be required under the Habitats Regulations.

I would draw your attention to Section 10 of the HRO1 – „note that this assessment assumes that the new channel for the Old Eden will be cut through generally uncontaminated ground with some provision for small areas of localised contamination. Further site investigations and analyses for contaminated land will be undertaken for the outstanding route options prior to submission of the planning application. Further consultation/assessment with English Nature will be carried out with regard to the Old Eden diversion if no predominantly uncontaminated route can be found.“

The Environmental Statement submitted with the application contains details of the ground investigations to look at potential contamination in a report at Appendix D. However, there is a lack of clarity and it is difficult to see how the choice of route shown on the diagram at Figure 9 relates to the routes referred to among the 3 options said to be shown in Figure 2 (there is no fig 2 in the copy of the ES which we received).

I therefore contacted the EA to ask for further clarification in relation to the process of route selection and details of ground investigations to ensure that the least contaminated route for the Old Eden diversion has been found. The EA has now assured me that this is the case and that the consultants have confirmed there are no issues regarding contamination along the proposed line of the new channel. Therefore, the scheme design meets the criteria set out in the HRO1 previously agreed with the Environment Agency and that there will be no likely significant effect

on the River Eden SAC. This letter may be taken to be English Nature's formal consultation representations under Regulation 48(3) of the Conservation (Natural Habitats &c) Regulations 1994.

*On this basis, English Nature is content that the scheme would also be unlikely to adversely affect the additional nature conservation interests of the SSSI. I draw your attention to your duty, under S28G of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, to take reasonable steps, consistent with the proper exercise of your functions, to further the conservation and enhancement of the SSSI."*;

**Cumbria Wildlife Trust:** there are no objections to these works as English Nature agree they are unlikely to have an adverse effect on the River Eden SSSI/cSAC. We support the habitat creation opportunities that are to be taken during these works to help meet Cumbria BAP targets;

**Ramblers Association:** awaited;

**Carlisle Angling Association:** this has been discussed by the Committee of CAA and we have noticed that the stream called the Old Eden is to be diverted and the position of the outfall from the Old Eden is to be decided on suitability of land samples. CAA have no objection to the diversion but would like to be involved in the positioning of the outfall between the locations marked on the plan, providing ground samples are acceptable. We hope this will be acceptable and that work proceeds as soon as possible;

**Eden Owners Association - River Eden only:** no response received- consultation letter returned;

**River & District Fisheries Association:** no response received- consultation letter returned;

**Environmental Protection Services:** no objections to either the scheme as initially submitted or to the subsequent amendments incorporating an increase in the height of certain sections of the floodbank;

**Leisure & Comm Dev - Landscape Services:** *"the observations on the proposal are primarily related to its potential direct impacts on City Council property currently managed by Culture, Leisure and Sport Services:*

#### **1. St Aidan's Allotments**

*We note that the proposal will result in the loss of approximately 9 plots on this statutory allotment site. While we recognise the over-riding importance of the flood defence scheme, we would wish to see appropriate compensation being made to the City Council, as landowner for loss of a leisure facility, and to the plot-holders for expenses involved in moving to new plots. All compensation should be payable to the City Council. After preliminary consultation with plot-holders, they have indicated that they would want some improvements to the allotment access track and car-parking area as compensation. The 'lost' plots can be accommodated elsewhere on site.*

Because this is a statutory allotment, the City Council is obliged to seek consent for loss of land from the Government Office for the NorthWest. We will require from the Environment Agency written confirmation of the compensation offer before we can complete this process. The statute requires the City Council to give plot-holders 12 months notice of intention to close plots, so we would need to have these procedures completed before the end of April 2006 if the EA target start date of May 2007 is to be met.

We note that section 5.8 of the Environmental Statement (Land Use and Planning) makes no mention of local plan policy L19 that deals with allotments, and we would wish to be assured that EA is fully aware of its responsibilities in this regard.

## 2. Melbourne Park

We support, in general terms, the suggestions for wetland habitat creation and landscaping improvements within the flood scheme in Melbourne Park. We would very strongly favour any proposals to allow the natural re-meandering of the river within the newly reinstated natural floodplain.

We would wish to see all habitat creation and/or restoration works to be carried out in line with current best practice as recommended by English Nature, and would wish to see specific works targeted toward conservation of locally significant species and habitats, identified within the Cumbria Biodiversity Action Plan.

Our observations on the recreational impacts on Melbourne Park, are based on the expectation that there will be provision of a cycleway, linking to the existing paths and planned to make links with the proposed Petteril valley route (included in the 3 Rivers Strategy 'masterplanning' exercise). Our preference would be for a route on top of the floodbank on the eastern side, but we recognise that engineering considerations may conflict with this idea. The main consideration, however, is to ensure a connection from Melbourne Park through to Warwick Road and the precise route is open for negotiation.

## 3. Kingfisher Park

The children's play area at Kingfisher Park was installed as part of the housing development at this site. Despite early problems with the play area, it has now become an important amenity for residents, and we would want to retain this benefit.

We note the proposal includes a commitment to retaining the play area, and we would support this. We would, at the same time, want to see that there is no perceived or real loss of access to the play area (for example by the location of access roads or tree planting schemes that may act as a physical barrier).

## 4. Public rights of way and recreation

We are content with the analysis of the situation regarding public rights of way and the national cycle route (i.e. that temporary closures and diversions are of relatively minor significance). We welcome the improved access provision envisaged for Melbourne Park on completion of the scheme.

We note that the proposals offer no protection to Stony Holme golf course or the

clubhouse. We note and are aware that there will be some temporary disruption to the 15<sup>th</sup> green and 16<sup>th</sup> tee, and we would wish to discuss these issues with the course operator, Carlisle Leisure Limited, before making a definitive response on this point. CLL has been provided with plans of the proposed defences by the E.A. and are in the process of plotting the green and tee positions and thereby enabling the impact of the finished flood bank on the course to be assessed. At this stage we would simply request that this disruption, which may adversely impact on the revenue of the business, be kept to an absolute minimum in both space and time and that any planning consent include the requirement to make good any additional expenditure incurred by our contractor or the City Council as a result of this work";

**Cumbria Wildlife Trust:** there are no objections to the proposed works as English Nature agree that they are unlikely to have an adverse effect on the River Eden SSSI/SAC. We support the habitat creation opportunities that are being taken during these works to help meet the Cumbria BAP targets.

### **Summary of Representations:**

#### **Representations Received**

Initial:

Consulted:

Reply Type:

As the application relates to an extensive part of the urban area of Carlisle (14.5 hectares) it has, accordingly, been necessary to adopt a "wide" approach to giving publicity to the proposals. This has embraced a combination of the publication of Statutory Notices in the Cumberland News, the posting of Site Notices at 14 locations within the areas to which the proposals relate, and the issuing to the local media, by both the Environment Agency and the City Council, of News Releases setting out the principles of these proposals. In parallel with the Council's publicity measures the Environment Agency has also staffed a "walk-in" information and display base at Riverside Business Park and given notice to

Subsequent to the incorporation of changes to the proposals, that increase the heights of embankments in certain locations, the application has been re-publicised in mid-November using the same methods as the original submission. Comments on the "revised scheme" are required to be submitted by 9th December.

Arising from those actions there has been, to date, one single submission made (by e-mail) in which the writer sought clarification about aspects of the proposals in relation to the St Aidan's Road area. That matter was directed back to the Agent since the concerns were not regarding the principles of the scheme but the execution of it.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

There is no specific relevant planning history.

## **Details of Proposal:**

### **Background**

The above proposals seek Full Planning Permission for the scheme of flood defence improvement works that are proposed to sections of the Rivers Eden and Petteril. The study area is situated within that part of the city between Botcherby and St Aidan's, covering the stretch of the River Eden from the M6 motorway in the east westwards to where the river is bridged within the city centre by Eden Bridge, together with the lower section of the River Petteril through Carlisle. In overall terms the land subject of the application covers in excess of 14.5 hectares east of the centre of Carlisle.

The application relates to what will be Phase 1 of an overall project consisting of the Carlisle Flood Alleviation Scheme with the scheme design for Phase 2 (relating to the Eden-Caldew Sector) following in 2006.

Members will, however, be aware that the Environment Agency has been preparing proposals for a scheme to upgrade the existing defences in Carlisle for some time and, indeed, undertook a Public Consultation on a potential scheme in the Autumn of 2004. However, following the severe flooding that afflicted much of Carlisle and its immediate area in January of this year, those proposals have been fundamentally re-assessed.

The revised proposals, and current application for planning permission to implement the scheme, is embodied within an Environmental Statement prepared on behalf of the Environment Agency with input from the consultants prepared to produce the Outline Scheme Design and a planning & design consultancy who have been specifically commissioned to consider and develop environmental enhancement proposals for the Melbourne Park area on the banks of the Petteril. The ES is a substantial document that explains:

- the background to the scheme
- the project objectives and scheme development
- alternative options considered
- a description of the proposed project
- an assessment of potential impacts including effects on Human Beings, Flora and Fauna, Landscape & Visual Assessment, Water, Cultural Heritage, Archaeology and Material Assets, Soil, Geology and Hydrology
- a review of environmental enhancements
- summarises the environmental impacts
- sets out an environmental action plan

Copies of the Full ES can be viewed within Planning Services but the Non-Technical Summary is reproduced following this Report for Members' assistance. Members should also note that, since the initial submission of the application at the end of September, the proposals have been further refined and revised to increase

the height of certain sections of embankment by approximately 0.4 metres, those changes being primarily to allow for greater freeboard.

In essence, the need for the upgrading of the city's flood defences arises from the history of flooding that has regularly occurred within Carlisle over the last century but which, as a result of 3 major floods in the last 4 years, has made the requirement to review and upgrade the level of flood protection an absolute imperative. The most recent flooding, in January, focussed attention upon the vulnerability of the city to flood risk.

The city's river system, whereby the River Eden is fed within and around the city by three further major rivers (Irthing, Caldew and Petteril) is complex and fragile and there are many social, economic, ecological, recreational and environmental considerations that affect a project of this nature. These have all had to be "balanced" in determining the nature and extent of flood defences that can be secured to give the city a level of protection that improves upon the existing defences (in some instances less than a 1 in 50 year flood event standard). In comparison, the January flood has been estimated to have been a 1 in 170 year return event.

As a measure of general flood "risk", Members should appreciate that within the 1 in 100 year flood risk envelope subject of this Study i.e. the Eden Petteril Cell, there are 1288 residential properties, 25 commercial properties and 11 public buildings. The January 2005 flooding resulted in the majority of the residential properties in that envelope being flooded to a depth of up to 2 metres and the 2 fatalities that occurred as a result of the flooding were to persons living in homes situated within this cell. The effects upon commercial properties, transport and other infrastructure, and the economy of the city generally were, likewise, apparent due to the closure or disruption to the use of major arteries like Warwick Road, Eastern Way and Victoria Place.

The existing flood defences have relied largely upon major construction work undertaken following the last extensive flooding of the area in 1968. That led to the building in the 1970's of approximately 2,900 metres of raised defences on the River Eden and 1,100 metres of similar defences along the River Petteril, those structures consisting almost exclusively of earth embankments incorporating high ground and structural walls. Supplementing these is 550 metres of earth embankment enclosing the Durranhill Beck Storage Basin on the north side of Warwick Road (east of the Riverside Business Park) which was built in 1987 and is designed to store urban run-off when levels in the River Eden are high and gravity discharge into the river is not possible. The basin infrastructure has a small capacity pumping station which is intended to provide over-pumping when levels in the River Eden are high and the storage basin is full. The current study has not clarified whether the storage basin, and its related pumping station, has sufficient capacity following the increase in contributing run-off area due to upstream development since the basin was built.

Apart from being of a relatively low standard of flood protection, i.e. less than 1 in 50 years, the existing defences are of varying heights, are locally built and are founded upon permeable material and afford inadequate safe access for future maintenance. Current Environment Agency design criteria require the crest width for floodbanks to be 4 metres with a 1 in 3 gradient to side slopes: all of the existing floodbanks fail to

meet these standards. It follows that the combination of inconsistent crest levels, inadequate floodbank dimensions and questionable structural integrity markedly increases the risk of failure of the defences due to overtopping and breach during flood events. There also appears to be evidence of water seeping through the embankments during floods.

The severity of the January 2005 flood was substantially attributable to the very heavy rainfall levels recorded on 7th and 8th January in both the Upper Eden and Petteril catchments (for example, 134 mm of rainfall occurred over the flood event in one part of the Upper Eden). Those levels of rainfall, in such a concentrated period of time in the river catchments, cumulatively led to widespread flooding in the study area (and contributed to flooding elsewhere in the city and its environs). The current scheme proposals for improvement of the defences in the Eden Petteril Cell would provide protection against a flood event of the severity of up to 1 in 200 years occurrence so would provide full protection against a future flood event of the size of January 2005 flood. Put another way, in terms of properties thus protected by the proposed measures, an estimated 1389 homes and 36 commercial premises would be likely to be affected by a 1 in 200 year event.

### **Option Appraisal**

In determining the best solution, several options were appraised:

- a "Do Minimum" approach which essentially amounted to maintenance work to the existing defences to prevent further deterioration but otherwise accepting the increased future risk of flooding. As a serious option this approach was quickly discounted due to the high level of urbanised land and the significant impacts of flooding on human beings, the economy, heritage sites and all other types of land uses and receptors within the floodplain;
- Upstream Storage, involving the creation of large-scale storage reservoirs, for example by building a large dam across the Eden and excavation at the M6. However, such a scheme would have necessitated the re-building of the existing motorway embankment as a dam structure requiring a temporary diversion of the motorway while it was built and the resulting reservoir would effectively double the extent of the existing 1 in 100 years flood outline upstream of the M6, inundating areas like Low Crosby, Warwick Bridge and potentially Hadrian's Wall. Moreover, estimated construction costs of circa £300m, major adverse impacts on the cSAC (Special Area of Conservation under a European Directive) and potentially detrimental impacts upon the River Eden & its Tributaries SSSI all told against such a scheme;
- Upstream Managed Realignment involving moving the existing line of flood defences back from the river to provide a larger area of natural floodplain was also evaluated. However, hydraulic modelling indicated that the floodplains in the lower catchment are currently almost fully utilised during flood conditions, even during low return period flood events, and in the high return period events (given the high volume of water that passes down the Eden, would have yielded negligible benefits.

From those broad initial options, the following flood management options were then



further assessed:

- **Do Nothing:** this, quite literally, represented an absolute "non-intervention" approach meaning that there would be no investment, no management or maintenance and the existing risk of inundation would continue. Clearly, however, existing defences (already inadequate) would deteriorate and over time the standard of flood protection currently available reduce. It follows that uncontrolled failure of the flood defences would have catastrophic effects with flooding over a large area, widespread damage with potential loss of life, and major impacts upon human health, the local economy, potential loss of services and loss of livelihoods, together with a serious risk of environmental pollution arising from the transfer of industrial pollutants, sewage and contaminants from historic landfill sites. It is quite easily understandable that socially and environmentally, this option was regarded as unacceptable;
- **Raise Existing Defences:** this approach simply considered a scheme of upgrading, by increasing their height, the existing system and standard of flood defences. Raising embankments would increase the standards of protection, reduce risks to life, property, services, and heritage sites and potentially reduce the risk of environmental pollution. It could also provide opportunities for enhanced riverside access and amenity along new defences. However, there would be no conservation or biodiversity benefits directly associated with this option and the construction work could impact upon marginal bank vegetation and aquatic species since some of the flood banks in the study area are very close to the river's edge. The option entails the use of large amounts of materials to construct new/improved defences which, unless resourced locally, would require importation to the site. New defences would be higher and possibly could result in localised landscape impacts. With the exception of the latter impact, all other impacts and constraints would be short-lived (largely confined to the construction phase) and mitigation would be possible to remove or minimise more significant impacts;
- **Combined Raising of Existing Flood Defences with Localised Realignment:** the third option consists of the raising of existing defences with the setting back of existing defences on the River Petteril upstream of Botcherby Bridge by the removal of existing defences and re-aligning defences away from the watercourse at Melbourne Park. All of the impacts associated with the preceding option (raising existing defences) would equally apply to this option; however, there is the potential for local habitat creation associated with realigning of defences and reinstating floodplain at Melbourne park, including BAP habitats (Biodiversity Action Plan) and enhanced habitats for otters and other wildlife. This option also affords potential for enhanced informal recreation and amenity, such as riverside footpaths and cycle path development, and there could be an opportunity to improve the quality of the landscape. All of these benefits would help realise the Council's own ambitions under the Three Rivers Strategy. Within this option, a preferred scheme combining works to raise embankments and floodwalls, together with localised realignment at Melbourne Park, has been identified.

The last Option outlined above has emerged as the Scheme of Improvements that the Agency considers is most suitable since it achieves the higher standard of protection sought and brings some additional environmental benefits. That Preferred Option was also supported by key consultees in the scheme investigation and development stage that contributed to the production of the Environmental Statement.

### **The Proposals:**

The Proposed Project combines the improvement of certain existing defences by raising and widening, together with the localised setting back of the existing line of defences on the River Petteril upstream of Botcherby Bridge. The scheme is designed to give protection against a 1 in 200 year return flood event.

The flood defences would start from Johnny Bulldog's Lonning (adjacent to the west side of the Tesco Superstore at Rosehill) and would follow the course of the Old Eden to appoint downstream of the confluence with Durranshill Beck. The flood defences would then diverge at a right angle from the Old Eden, running parallel with Warwick Road, until they reach the River Petteril at the rear of the Riverside Business Park (former Lakeland Laundry site). Upstream of Botcherby on the right bank of the Petteril, the defences are proposed to be set back to give increased floodplain. On the left bank the defences follow the course of the river along the existing path until they meet open recreational ground. At that point the defences are proposed to be realigned around the edge of the recreational ground. Further south the defences begin again and extend beyond the footbridge that crosses the River Petteril.

Downstream of Botcherby Bridge, the defences would continue to the rear of Thirlwell Avenue and Thirlwell Gardens and would then run behind Brunton Park and the allotment gardens on St Aidan's Road. They would then run behind the Stony Holme Golf Course clubhouse and would border the playing fields adjacent to St Aidan's Road. The final stretch of defences would be along the full length of Catholic Lane and to the rear of Trinity School.

The proposed improvements also require the realignment of the Old Eden to provide enough space to effect the increase in the flood defences and, of 3 options investigated to determine how this could be achieved, the scheme that has been proposed incorporates a realigned course which runs from just north of the Tesco Superstore north-westwards to the Eden, a considerably shorter distance than the course of the existing Old Eden.

There are distinct elements to the overall scheme, covering the different sections of the study area:

#### **1. Johnny Bulldog's Lonning to Riverside Business Park:**

Within this sector the proposed works from the Lonning up to, but not including the Riverside Business Park, comprises nearly 1 km of clay-cored earth embankment. The works within this area will, on the whole, involve the reconstruction of existing embankments coupled with the re-alignment of the Old Eden to achieve the design

standard required of the new flood banks i.e. 4m crest width, 4m easement to front and rear and 1:2.5 slopes.

Following the review of the initial scheme lodged with this application, the further increase in height to allow greater "freeboard" will mean that new flood banks will be between 1.04-1.78m higher than the existing defences. Additional works are required, in the form of a new outfall structure from Durranhill Beck and remedial works to the existing pumping station, and a new permanent access route across the Durranhill Basin will also be formed.

The proposed clay-cored embankment will continue until the Business Park where, from this point, the defences on the right bank of the River Petteril will comprise a reinforced concrete floodwall with the existing 165m section of riverbank retained on the riverward side set back into the car park followed by 90m of root-piled wall immediately downstream of Botcherby Bridge. These defences will be between 1.06m and 1.13m higher than the existing defences. Further accommodation works include the re-laying of a new access road into Riverside Business Park to the rear of the defences following construction works.

## 2. River Petteril Upstream of Botcherby Bridge

The proposed works involve, on the right hand bank, the construction of a clay-cored earth embankment approximately 500 metres in length. The line of the embankment will be retreated from the watercourse to create an area for environmental enhancements, which will flood during time period of high river levels. A visualisation depicting the type of enhancement proposed within Melbourne Park has been submitted and it indicates removal of the existing right bank, landscaping and ecological planting. Since part of the bank has been identified as contaminated, its' excavated material will be transferred off-site to a licensed waste site. The remainder of the existing bank material will be utilised for landscaping purposes within Melbourne Park works, particularly the proposed formation of an area of undulating topography. The realigned defence will comprise the construction of a standard earth embankment, approximately 500m long to 16.9m AOD level (1.9m higher than existing ground level). It would have a 4m wide crest, 2m wide easements to front and rear and 1:2.5 side slopes. Accommodation works include the sealing of an existing dried out river channel, which could, otherwise, act as a path for flood waters.

On the left bank, immediately adjacent to Botcherby Bridge, works are required in the form of a reinforced concrete floodwall to maintain the flood defence. It will include a 1.5m easement to each side for access. Elsewhere there will be the construction of a standard earth embankment which will be 0.83m higher than the existing ground level, with a 2m wide crest, easements of 2m to the front and 1.5m to the rear, and 1:2.5 side slopes. Again, some accommodation works are needed, these consisting of the re-laying of the existing road and footpath to the rear of the defences following construction together with the reinforcement of the parapet on the upstream side of Botcherby Bridge.

## 3. Around Carlisle United Football Club (Brunton Park)

The proposals involve the defences located immediately downstream of Botcherby

Bridge on the left hand bank where remedial works will be undertaken to the existing structure (grouting of the existing masonry wall) and construction to raise the defence level of the masonry wall over a distance of 70m. The increase in height will be less than 1.00m.

Downstream of the raised wall, the proposed defences will comprise the re-building of a standard clay-cored earth embankment for a distance of 60m to give it 1.24m additional height and it will incorporate a 4m crest and 4m easements to the front. The present embankment is situated to the rear of a number of residential properties and is adjacent to the 14<sup>th</sup> hole of Stony Holme Golf Course, resulting in the need for remedial works to the course following the re-construction of the embankment, together with the reinstatement of the public footpath.

The defences next to the Football Club's training facilities also require re-building of existing embankments over a distance of 300m. They will be, at most, 1.22m higher than the existing defences and be designed with a crest width of 4m and easements of 4m to the front and 1.5m to the rear (to the east of Brunton Park).

The next section, again adjacent to Brunton Park, comprises a standard embankment running for a distance of 350m which will be built to a height 1.07-1.22m greater than the existing defences. It will have the standard 4m crest width and easements of 4m to front and rear sides.

#### 4. Around Stony Holme Golf Course

The works over this section involve extending the earth embankment from the rear of Brunton Park through the allotment gardens and to the rear of Stony Holme Cottage. The flood bank would be tied in with the existing embankment along St Aidan's Road and a new flood gate installed at the top of St Aidan's Road. The defence would be 0.98m higher than ground level and include a 4m wide crest and easements of 4m to both sides of the embankment.

#### 5. Around Catholic Lane

The proposed defences comprise the construction of a new standard clay-cored embankment, which runs adjacent to St Aidan's Road around the boundary of Newman School's playing fields. The proposed defence will require a normal easement of 2m and extends from high ground adjacent to the Golf Club to Catholic Lane for a distance of 700m. These defences will be 1.43m higher than existing defences with a 4m wide crest and easements of 4m to the front and 1.5m to the rear.

At Catholic Lane, the existing earth embankment will be removed and a new reinforced concrete floodwall will be constructed over a length of 175m, following the line of the existing bank. The defences will be 16.72m AOD with an easement of 4m to the front and 1.5m to the rear. Catholic Lane will also be reconstructed to give improved access and parking facilities.

A standard, low-level, clay-cored earth embankment will be constructed adjacent to Trinity School at the top of Catholic lane, aligned around existing tennis courts. The defence length will be 110m and a ramp will be included to assist disabled access.

## Timescale and Phasing

The works are scheduled to start in the spring of 2006 with construction of the floodbanks currently planned to take place over two construction years, equating to a total of approximately 14 months as each construction year runs from April-October.

The work will be undertaken over different sections (likely to be 1 and 2 as described above in 2006, and 3 to 5 in 2007) with the site offices and machinery decommissioned at the end of each construction year. Vehicular activity will include the delivery of materials to the site, plant delivery and labour movement. Access arrangements proposed are that site traffic will travel along the M6 to either junction 42 or 43. Traffic leaving junction 42 would travel north-west on London road to Eastern Way and to Warwick Road. Traffic using junction 43 would travel west along Warwick Road.

There are 5 site compounds proposed to hold storage of plant, equipment and materials and other roads to give access to these compounds are Johnny Bulldog's Lonning and Warwick Road. The compounds would be located at:

1. Johnny Bulldog's Lonning
2. Adjacent to River Petteril on right bank, upstream of Botcherby Bridge
3. Left Bank of River Petteril, upstream of Botcherby Bridge
4. Car park of Riverside Business Park
5. Near Stony Holme Golf Course, off St Aidan's Road

The main site compound will be Site 4, i.e. at Riverside Business Park where secure parking of plant will be provided with the other compounds being used for only limited storage.

The ES has been prepared to support the case for the Preferred Option. It identifies that the works could have a number of receptors that could be impacted upon:

- The River Eden cSAC and SSSI
- The presence of protected species within and adjacent to the rivers within the study area
- The network of footpaths and cycle ways along or close to the existing flood banks
- The proximity of Hadrian's Wall World Heritage Site; and
- The proximity of local residents, businesses and related infrastructure

However, it acknowledges that the proposed scheme will not have any major adverse effects on the environment, including the setting of the Hadrian's Wall WHS or its setting. Likewise, English Nature is content that there would be no significant adverse impacts on designated wildlife sites (Eden cSAC or SSSI).

Such impacts as will occur will be localised and short-lived: these include temporary closures of footpaths; minor to moderate levels of dust disturbance to nearby residents, local businesses and visitors from construction activities; temporary, minor losses of bankside habitats which will be mitigated by careful attention to timing of

C certain works and by planting or replacement and/or additional vegetation; and disruption to traffic in and around Carlisle when machinery and materials are delivered to the construction sites, mitigation for which can be provided by careful selection of routes and site compounds.

On completion, benefits will comprise a significantly higher standard of flood defence for significant area of the city which is currently highly vulnerable to flood risk; environmental enhancements through new habitat creation; improved landscaping to amenity corridors; better footpath and cycle access routes; some increase in parking along Catholic Lane.

### **Conclusion and Recommendation**

These proposals represent the first of what will be a two-phase programme of improvements to the existing flood defences within Carlisle, the second phase scheme (Eden-Caldew Cell) being likely to come forward for consultation in the summer of 2006.

C That these improvement works are necessary is clearly not at issue. They are essential to protect homes, businesses, livelihoods, to maintain strategically important access routes, to safeguard features of the city's heritage and to maintain vital services.

The scheme has emerged after careful evaluation of a range of options and will provide a standard of flood protection (1 in 200 year return event) that is substantially greater than was initially planned in 2004. The scheme has minimal impacts and those that will occur are short-term and localised. Benefits are real, tangible and provide long-term returns.

C It is anticipated that the application will be recommended for APPROVAL, the only hesitancy being (at the time this Report was written) due to the absence of formal responses from English Heritage and the Highway Authority and the possibility of planning conditions being required by either or both. Additionally, Officers have not had adequate time to review the comments of the Head of Culture, Leisure and Sports Services as these were received shortly prior to this Report's deadline. Further consideration will be given to these aspects and a verbal update will be provided at the Committee meeting.

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## **Human Rights Act 1998**

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

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

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

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

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

There is no conflict with the operative provisions of the Act.

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## **Recommendation:**

### **Reason for Including report in Schedule B**

A full Report and recommendation is unable to be made due to the late receipt of responses to consultations or remaining outstanding responses awaited from consultees.

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# 1 Non-Technical Summary

## 1.1 Introduction and Background

Carlisle has a history of flooding from the various rivers in and around the city. Significant floods have occurred regularly throughout the last one hundred years; including three major floods in the last four years. The last major flood in January 2005 flooded more than 1000 residential and commercial properties by up to 2m and resulted in two fatalities.

Carlisle is situated on the River Eden, which is the longest river in Cumbria. Near to Carlisle three other major rivers: the Irthing, Petteril and Caldew, join the Eden. The River Irthing joins the Eden upstream of the city, whilst the other two join the Eden in the city itself. The Environment Agency is the body responsible for building and maintaining flood defences along these rivers.

Site investigations have revealed that the existing flood defences in the Botcherby area, along the Old Eden (a smaller tributary of the River Eden) and River Petteril, do not provide sufficient flood protection for that area of Carlisle. The approximate standard of protection provided by the current defences is estimated to be 1 in 50 years (i.e. protection to an event with an annual probability of 2%). The extent of flood defences under consideration is shown in Figure 1 (Appendix A). They largely comprise earth embankments with some shorter sections of concrete floodwall.

## 1.2 Options Considered

A number of improvement options have been considered to address flood risk in Carlisle including upstream storage, raising the urban defences, and realignment of the defended line. These options were appraised on technical, economic and environmental grounds, taking into account comments received from key stakeholders.

Prior to this study, a Lower Eden Strategic and Planning Appraisal Report (SPAR) was prepared to provide a strategic overview of flood management within the wider catchment. The SPAR provided an assessment of hydraulic implications of a wide range options and included benefit cost assessments and a 'high-level' environmental appraisal. Options were assessed against a range of priority and enhancement objectives.

As part of the strategic and planning appraisal, however, a number of generic options for flood management were investigated and discounted for environmental and economic reasons:

- ♦ **Do Minimum:** This option comprises of only maintenance work to ensure no further deterioration in existing structures, thereby sustaining the present level of flood defence. In the long term, increased flooding would have significant adverse impacts on human beings, economy, heritage sites and all types of land use and other receptors in the floodplain. These issues are of specific concern here due to the close proximity of highly urbanised land to the rivers.
- ♦ **Upstream Storage:** This option would involve the creation of large-scale upstream storage reservoirs, for example, through the construction of a large dam across the Eden and excavation at the M6. A dam at the M6 would require the existing motorway embankment to be rebuilt as a dam structure, resulting in a temporary diversion of the motorway during its construction. The resulting reservoir would effectively double the extent of the existing 100-year flood outline upstream of the M6, inundating areas like Low Crosby, Warwick Bridge and potentially Hadrian's Wall. Estimated construction costs would likely exceed £300 million and have a major adverse impact on the cSAC. There would also be impacts on the SSSI.
- ♦ **Upstream Managed Realignment:** This option would involve moving the existing line of flood defence back from the river to provide a larger area of natural floodplain storage. Hydraulic modelling demonstrated that the floodplains in the lower catchment are currently almost fully utilised during flood events, even during low return period flood events, and in high return



period events, given the volume of water that passes down the Eden, the benefits would be negligible.

This generic appraisal identified the following flood management options as meriting further assessment for the Study Area.

### 1.2.1 Do Nothing

This assumed that nothing would be done to maintain or improve the existing flood defences. This is a true Do Nothing Option in that there would be no investment costs, no maintenance and there would be an existing risk of inundation. The integrity of the existing defences is unsatisfactory and they cannot be guaranteed to withstand high river levels. Existing defences would deteriorate and, over time, the standard of flood defence currently provided would reduce.

It is anticipated that uncontrolled failure of the flood defences would result in flooding to a large area. The resulting damage would ultimately be widespread and could result in the loss of life, impacts on human health, damage to property (more than 1300 residential and commercial properties within the 100 year flood risk envelope), loss of services, environmental pollution resulting from transfer of industrial pollutants, sewage and contaminants from historic landfill sites, and loss of livelihoods.

This option was considered to be both environmentally and socially unacceptable.

### 1.2.2 Raise Existing Flood Defences

This option would see the raising of existing flood defences to improve the current standard of defence. Raised embankments would increase standards of protection, reducing risks to life, property, services, heritage sites and potentially reducing the risk of environmental pollution. This option could provide an opportunity to enhance riverside access and amenity along new defences.

However, there would be no conservation or biodiversity benefits directly associated with this option. In addition, construction work could impact upon marginal bank vegetation and aquatic species as some of the flood banks are close to the river's edge in this area. This option could require the use of large amounts of materials to construct new / improved defences, which will have to be transported on site if they cannot be resourced from a nearby location. New defences would be higher than existing defences and it is highly possible that there will be localised landscape impacts.

In general, all impacts and constraints, except for potential landscape impacts associated with raised defences, would be short term and related to construction phases only. In addition, mitigation would be possible to minimise or remove any significant impacts.

### 1.2.3 Combination of Raising Existing Flood Defences with Local Realignment

This option would consist of raising existing defences with the setting back of existing defences on the River Petteril upstream of Botcherby Bridge by removing existing flood banks and realigning defences away from the watercourse at Melbourne Park.

All impacts associated with raising defences outlined above would also apply to this option. However, under this option there could be local habitat creation associated with realigning defences and reinstating floodplain at Melbourne Park, including BAP habitats and enhanced habitat for otter and other wildlife. There is also potential for enhanced informal recreation and amenity, for example, riverside footpaths and cycle path development. There would also be an opportunity to improve the quality of the landscape. These proposals would contribute to the future vision for the area identified in Carlisle City Council's Three Rivers Strategy.

A preferred option has been identified largely comprising works to raise embankments and floodwalls together with some localised realignment at Melbourne Park. It will take approximately 14 months to complete with the works undertaken during the spring and summer of 2006 and 2007.

#### 1.2.4 The Preferred Option

This appraisal has determined that Do Nothing was the least preferable option from an environmental and technical perspective.

Raising existing flood defences and the combined option of raising existing defences with local realignment (the setting back of existing defences on the River Petteril upstream of Botcherby Bridge) were both identified as environmentally acceptable with the latter option providing more opportunity for environmental enhancement. This was also the view of key consultees (see Section 4).

Therefore, the combined option was identified as the preferred option for the Eden and Petteril flood risk area. It comprises improvements to the existing defences and local realignment at Melbourne Park to provide a 1 in 200 year standard.

### 1.3 The Proposed Scheme

The proposed scheme comprises of improvements to existing defences (raising and widening) together with the localised setting back of the existing line of defence on the River Petteril upstream of Botcherby Bridge. The scheme is designed to provide protection against a 1 in 200 year flood event. Figure 1 (Appendix A) highlights the extent of the indicative fluvial floodplain for a 1 in 200 year event (the area that will be protected from flooding). Realignment of defences is proposed at Melbourne Park located on the right bank of the River Petteril upstream of Botcherby Bridge. The proposed improvements to the flood defences also require realignment of the Old Eden to provide sufficient space to increase their size.

The types of engineering structures that will be used in the proposed scheme are as follows:

- Standard Earth Embankment (an embankment consisting of a clay core, site won fill with a 4m crest width and 1:2.5 side slopes);
- Reinforced Earth Embankment (an embankment with a steeper reinforced face on the riverward side which reduces land take);
- Concrete Flood Wall (clad with blockwork or brick to reduce visual impact).

Section 3.2.1 of the ES provides a section by section description of the proposed works across the site. The standard earth embankment forms the primary form of defence across the site.

The construction of the flood banks is currently planned to be undertaken over two construction years (2006 and 2007); this will equate to a total of approximately 14 months of work, as each construction year runs from April until October. The work will be undertaken over different sections, with the site offices and machinery decommissioned at the end of each construction year. However, there may be two sections of the overall site operational in any one construction period. Activity within each of the five sections discussed above would take considerably less than 14 months.

### 1.4 The Environmental Impact Assessment

As part of the planning application for the proposals, Carlisle City Council have asked the Environment Agency to produce an Environmental Statement, in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Environmental Statement identifies the key environmental features in the study area and has investigated the potential for adverse and beneficial impacts on those features due to the scheme. Where adverse impacts have been identified, mitigation measures have been incorporated into the design or are recommended to reduce their significance to acceptable levels. Opportunities for environmental enhancement have also been identified and are being progressed.

### 1.5 Key Features of the Environmental Baseline

The key features of the existing environment relevant to implementing the proposed flood defence scheme are as follows:

- The proximity of the scheme to the River Eden, which is designated as Special Area of Conservation and Site of Special Scientific Interest;
- The presence of protected species (including otter, kingfisher), salmon and other important fish species within and adjacent to the rivers in the study area;
- The network of footpaths and cycle ways along or close to existing flood banks, including part of the Sustrans National Cycle Network;
- The proximity of Hadrian's Wall World Heritage Site;
- The proximity of local residents, businesses and related infrastructure; and
- The presence of areas of contaminated land.

## 1.6 Environmental Impacts and Proposed Mitigation Measures

The Eden and Petteril flood defence scheme will have a long-term major beneficial effect on the local community by providing a high standard of flood protection to over 1,380 residential properties and 36 commercial properties.

In terms of adverse impacts, the study area has a number of receptors that could be impacted upon by the scheme including.

- The River Eden cSAC and SSSI status;
- The presence of protected species within and adjacent to the rivers in the study area;
- The network of footpaths and cycle ways along or close to existing flood banks;
- The proximity of Hadrian's Wall World Heritage Site; and
- The proximity of local residents, businesses and related infrastructure.

The proposed scheme will not have any major adverse effects on the environment.

Through the EIA process, it has been possible to conclude, with English Heritage's agreement, that no impacts on the Hadrian's Wall World Heritage Site and its setting are anticipated. Likewise, with English Nature it has been possible to conclude that no significant adverse impacts on designated wildlife sites (Eden cSAC and SSSI) are anticipated (see HR01 in Appendix C).

The impacts that will occur are mainly localised and temporary impacts of construction on the local community. Impacts that will still be felt following the proposed mitigation (residual impacts) include:

- Minor to moderate noise and negligible dust disturbance to nearby residents, local businesses and visitors to the area resulting from construction activities and traffic movements. Impacts will be reduced by adopting best practice e.g. BS5228;
- Temporary closures and diversions of public footpaths. The Sustrans cycle route and other rights of way for public safety reasons. These are considered to be of only minor to moderate significance. Impacts will be mitigated through the staging of closures and the provision of temporary alternative routes;
- Temporary, very minor losses of bankside habitats (e.g. used as cover by passing otters) and bird nesting habitat. Impacts will be mitigated by the careful timing of the works and by the planting of replacement and/or additional vegetation. The replanting can include species native to the area;
- Disruption to traffic in and around Carlisle when machinery and materials are delivered to the construction sites which will be mitigated through the careful choice of access routes and site compounds;

- ◆ Possible disturbance to archaeological deposits of minor local interest;
- ◆ Temporary losses of parking areas at the Riverside Business Park and along Catholic Lane. Parking should, however, still be available for users;
- ◆ Temporary restrictions to vehicular access along Catholic Lane; and
- ◆ Temporary losses of trees will have a minor impact on landscape quality, which will be mitigated through 1 for 1 replacement tree planting.

Once construction is completed and effects have been mitigated, the following residual effects on the environment will remain:

- ◆ Enhanced informal recreation and amenity in Melbourne Park;
- ◆ New areas of wildlife habitat of value for local biodiversity in Melbourne Park;
- ◆ Enhanced habitats on the new course of the Old Eden;
- ◆ Increased size of embankments having a very minor impact on views; and
- ◆ Loss of approximately 0.18ha of pasture land and loss of part of the Carlisle United Football Club Training pitch beneath the footprint of the new defence.

An Environmental Action Plan (EAP) has been prepared and will form part of the Contract Documents for the scheme. The EAP will be used throughout the implementation of the scheme to ensure that the identified environmental mitigation measures are successfully implemented.

A Project Liaison Officer will also be appointed to provide a focal point for the local community during the construction works.

An Assessment of Likely Significant Effect on a European Site was submitted to English Nature by the Environment Agency in April 2005. This outlined the likely effects of the proposed flood defence scheme on the River Eden SAC designation, and considered whether an Appropriate Assessment was required under the Conservation (Natural Habitats & c.) Regulations 1994. The assessment concluded that the proposals were not likely to have a significant effect on the SAC, and that an Appropriate Assessment would therefore not be required. A copy of the assessment is included in Appendix C.

English Nature have confirmed that they agree with this assessment and the proposals are unlikely to have an adverse effect on the integrity of the River Eden SAC designation.

## 1.7 Environmental Enhancements

Environmental enhancements would meet the objectives of the Cumbria Local Biodiversity Action Plan and UKBAP that could be achieved through flood defence schemes. These include:

- ◆ Creation of new habitat (including some wetland habitat) associated with setting back the flood banks on the right bank of Melbourne Park. Please refer to Figure 5a (Section 3.2.1) for a visual impression of what the area could look like. Potential habitat creation is discussed further below.
- ◆ Along Catholic Lane there will be increased parking available due to the widening of the hardened surface.
- ◆ The diversion of the Old Eden with proposals for meandering, bankside seeding and tree planting will improve landscape and habitat for species such as otter.

The major environmental enhancement proposal for the scheme is located adjacent to the River Petteril at Melbourne Park. Realignment of the existing floodbank towards the residential properties will enable habitat creation and landscape improvements to be carried out within Melbourne Park and would reinstate a small area of the natural floodplain. As well as providing an environmental benefit,

the proximity of the site to residential areas would provide a beneficial improvement to the landscape and visual amenity for the area. This proposal supports Carlisle City Council's 'Three Rivers Strategy' and it is hoped will be undertaken in partnership with Carlisle City Council and other local organisations.

## 1.8 Conclusion

The River Eden and Petteril scheme will reduce the flood risk to a large number of homes, businesses and people in Carlisle. This is a major environmental benefit of the scheme. It will also provide opportunities for environmental enhancement.

Adverse environmental impacts arising from the scheme are largely short term and are associated with the construction works. With successful application of the identified mitigation measures their significance can be reduced to acceptable levels.

SCHEDULE C

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## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 16**

Between 28/10/2005 and 02/12/2005

**Appn Ref No:**  
05/9024

**Applicant:**  
Governors of Yewdale  
School

**Parish:**  
Carlisle

**Date of Receipt:**  
29/09/2005

**Agent:**  
Cumbria County Council

**Ward:**  
Yewdale

**Location:**  
Yewdale School, Yewdale Road, Carlisle, CA2 7SD

**Grid Reference:**  
337035 555305

**Proposal:** Increase playground fencing to 5no. metres height

**Amendment:**

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### Report

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 12/10/2005

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 28/10/2005

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995**

***NOTICE OF PLANNING CONSENT***

To: CAPITA Symonds  
The CAPITA Building  
Kingmoor Business Park  
Carlisle  
CA6 4ST

In pursuance of the powers under the above Act and Order and Regulation 3 of the Town and Country Planning General regulations 1992 the Cumbria County Council as local planning authority hereby permit the development described in your application and on the plans and drawings attached thereto received on 21 September 2005.

**VIZ: INCREASE PLAYGROUND FENCING TO 5 METRES HEIGHT  
YEWDAL SCHOOL, YEWDAL ROAD, CARLISLE**

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 shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

*Reason: To ensure the development is carried out to an approved appropriate standard.*

**Dated the 28<sup>th</sup> day of October 2005  
On behalf of the Council**



.....  
**Shaun Gorman  
Head of Environment  
Economy, Culture and Environment**

**NOTE**

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Economy and Environment or any other officer of Cumbria County Council shall be in writing.



SCHEDULE D

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## SCHEDULE D: Reports on Previously Deferred Decisions

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**Item No: 17**

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
03/1158

**Applicant:**  
Mr J Goddard

**Parish:**  
Hayton

**Date of Receipt:**  
17/10/2003

**Agent:**  
Taylor & Hardy

**Ward:**  
Great Corby & Geltsdale

**Location:**  
L/A between Graham Cottages and Cherry Garth,  
Talkin, Brampton

**Grid Reference:**  
354920 557430

**Proposal:** Erection of a single dwelling (outline)

**Amendment:**

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### Report

#### Details of Deferral:

The planning permission is linked to a Section 106 Agreement which is intended to cover the following matters:

To ensure that the development of the site does not occur prior to the implementation of the related change of use of the existing public house ("The Hare and Hounds") to a dwelling.

The Section 106 Agreement has not been entered into and approval was issued on 15th November 2005.

**Decision:** Granted Subject to Legal Agreement

**Date:** 15/11/2005

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
  - (i) The expiration of 5 years from the date of the grant of this permission, or
  - (ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

## SCHEDULE D: Reports on Previously Deferred Decisions

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

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

3. This permission shall only be in respect of one dwelling and garages which shall be of traditional design and appearance in keeping with the local vernacular tradition.

**Reason:** To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

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

**Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy 25 of the Cumbria and Lake District Structure Plan.

5. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

**Reason:** To ensure that materials to be used are acceptable and to ensure compliance with Policy 25 of the Cumbria and Lake District Structure Plan.

6. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

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

7. The development shall be landscaped in accordance with details to be

## SCHEDULE D: Reports on Previously Deferred Decisions

submitted to and approved by the local planning authority and shall include details of the proposed type and species of all planted material including particulars of the proposed heights and planting densities.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

8. Full details of the proposed hedging defining the boundaries of the site shall be submitted to and approved by the local planning authority prior to the occupation of the dwelling hereby permitted. All works comprised in the approved details of hedge planting shall be carried out in the first planting and seeding season following the occupation of the dwelling.

**Reason:** To ensure that the appearance of the area is enhanced by the proper landscaping of the site and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

9. The development shall not commence until visibility splays providing clear visibility of 45m x 2.4m x 45m 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 be grown 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.

10. Access gates, if provided, shall be hung to open inwards only away from the highway.

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

11. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.

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

12. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the

## SCHEDULE D: Reports on Previously Deferred Decisions

Local Planning Authority in consultation with the Highway Authority.

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

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**Item No: 18**

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
04/0275

**Applicant:**  
Story Construction

**Parish:**  
Carlisle

**Date of Receipt:**  
26/02/2004

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
Creighton Rugby Football Club, Caxton Road,  
Newtown Industrial Estate, Carlisle

**Grid Reference:**  
338200 556200

**Proposal:** Redevelopment of Private Playing fields and Associated Changing Accommodation To Provide Approximately 125 No. 2, 3 and 4 Bed Dwellings With Related Road Layout And Public Open Space (Outline).

**Amendment:**

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### Report

#### Details of Deferral:

Members will recall at Committee meeting held on 16th July 2004 that Members resolved that they were "Minded to Approve" the application and gave authority to the Head of Planning Services to issue approval for the proposal subject to:

1. the amendment of the recommended conditions to ensure that the works in relation to Harvey Street are completed before development of the site is commenced;
2. the imposition of an additional condition relating to archaeology, as advised by the County Archaeologist;
3. the attainment of an agreement under S106 of the Town and Country Planning Act 1990 to secure the provision and management/maintenance arrangements of open space/play facilities and the provision of 25 units of affordable housing; and
4. to clearance of the application by Government Office for the North West following its referral as a "Departure" from the Development Plan.

## SCHEDULE D: Reports on Previously Deferred Decisions

The Section 106 Agreement has now been entered into and approval was issued on 8th November 2004.

**Decision:** Granted Subject to Legal Agreement

**Date:** 08/11/2005

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

- (i) The expiration of 5 years from the date of the grant of this permission, or
- (ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

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

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

3. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the local planning authority before construction of any dwelling or garage is commenced.

**Reason:** In order that the approved development overcomes any problems associated with the topography of the area.

4. Prior to any development taking place, it is recommended that a comprehensive landfill gas site investigation is initiated and on-going assessment be carried out on the development area for any period required by the Environment Agency to determine whether or not the site is, or would have the potential to be, affected by subterranean landfill gas migration from the nearby landfill site as outlined in the Report Prepared by Dunelm No. Q1091 dated February 2003.

**Reason:** In the interests of the safety of future occupants of the development, as the site is in close proximity to a former landfill site and in accord with Policy 23 of the Cumbria and Lake District Joint Structure Plan.

## SCHEDULE D: Reports on Previously Deferred Decisions

5. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

**Reason:** To ensure a satisfactory means of drainage and in accord with the provisions of Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E20 of the Carlisle District Local Plan.

6. The detailed plans and particulars referred to in Condition 2 above shall provide for the making up of Bridge Road to an adoptable standard and including resident parking spaces and all of these street works shall be completed to not less than base course standard prior to commencement of construction of any dwelling.

**Reason:** to ensure a satisfactory form of development with minimum disruption to the occupiers of the existing properties and in accord with the provisions of Policy H16 of the Carlisle District Local Plan.

7. The proposed open space and childrens play area shall be laid out and provided with items of equipment at the expense of the developer in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority in conjunction with the "Reserved Matters" submission. The scheme shall identify the intended location of that open space and related play area within the development site and the intended programme for its provision within the overall development phasing. Such details as are approved shall thereafter be completed in accordance with that agreed programme for implementation.

**Reason:** In order to secure a satisfactory standard of development and to make proper provision for the recreational needs of the area in accord with Policy 53 of the Cumbria and Lake District Joint Structure Plan and Policies L8 and L9 of the Carlisle District Local Plan.

8. No development shall be commenced upon any construction works authorised by this approval within the site until such times as the Council has given its written agreement that the replacement sports pitches and related clubhouse/changing accommodation for the Creighton Rugby Club at Parklands Village, Garlands Estate have been provided and are fully operational in accord with the Sport England adopted Performance Quality Standard (and in line with Design Guidance Note "Natural Turf for Sport") and the related Design Guidance "Pavilions and Clubhouses".

**Reason:** the Council are only prepared to permit the proposed development

## SCHEDULE D: Reports on Previously Deferred Decisions

of the existing sports pitches provided that replacement facilities of an appropriate and improved standard are provided elsewhere in accord with Policies L10 and L11 of the Carlisle District Local Plan.

9. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current *Cumbria Design Guide*. Any works so approved shall be constructed before the development is complete.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety. To support Local Transport Plan Policies: S3, LD11, LD7.

10. Ramps shall be provided on each side of every 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 in relative safety. To support Local Transport Plan Policies: LD12, LD7 and Structure Plan Policy L49.

11. The development shall not commence until visibility splays providing clear visibility of 70 metres by 4.5metres by 70metres 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 grown 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. To support Local Transport Plan Policies: S3, LD

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



## SCHEDULE D: Reports on Previously Deferred Decisions

**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. To support Local Transport Plan Policies: S3, LD9

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

This written scheme will include the following components:

- i) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation;
- ii) where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Planning Authority, completion of an archive report, and publication of the results in a suitable journal.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination and recording of such remains and in accord with Policy E30 of the Carlisle District Local Plan.

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**Item No: 19**

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0963

**Applicant:**  
Mrs Deborah Clode

**Parish:**  
Dalston

**Date of Receipt:**  
03/10/2005

**Agent:**

**Ward:**  
Dalston

**Location:**  
Dalston Library, 14 The Square, Dalston, CA5 7PY

**Grid Reference:**  
336868 550075

**Proposal:** Change of use from library to sandwich/food outlet

**Amendment:**

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**Report**

## SCHEDULE D: Reports on Previously Deferred Decisions

### Details of Deferral:

Members will recall at Committee meeting held on 11th November 2005 that authority was given to the Head of Planning Services to issue approval subject to no additional objections being received following the expiration of the notification period. This period has now expired and the decision issued on 17th November 2005.

**Decision:** Grant Permission

**Date:** 17/11/2005

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 proposed sandwich shop shall not be open for trading except between 0730 hours and 1700 hours on Mondays-Saturdays and not at all on Sundays or Bank Holidays.

**Reason:** To prevent disturbance to nearby residential occupiers and in accord with Policy S15 of the Carlisle District Local Plan.

3. Details of the new window in the eastern elevation, in the form, of quarter or full-size drawings including sections, shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place. Such details shall include the frames, means of affixing to the wall and the size and opening arrangements of the window.

**Reason:** To ensure the works harmonise as closely as possible with the existing building in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policies H14 and H16 of the Carlisle District Local Plan.

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**Item No:** 20

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1034

**Applicant:**  
Mrs Deborah Clode

**Parish:**  
Dalston

**Date of Receipt:**  
03/10/2005

**Agent:**

**Ward:**  
Dalston

## **SCHEDULE D: Reports on Previously Deferred Decisions**

**Location:**

Dalston Library, 14 The Square, Dalston, CA5 7PY

**Grid Reference:**

336868 550075

**Proposal:** Change of use from library to sandwich/food outlet (LBC)

**Amendment:**

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### **Report**

**Details of Deferral:**

Members will recall at Committee meeting held on 11th November 2005 that authority was given to the Head of Planning Services to issue approval subject to no additional objections being received following the expiration of the notification period. This period has now expired and the decision issued on 17th November 2005.

**Decision:** Grant Permission

**Date:** 17/11/2005

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

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

2. The proposed sandwich shop shall not be open for trading except between 0730 hours and 1700 hours on Mondays-Saturdays and not at all on Sundays or Bank Holidays.

**Reason:** To prevent disturbance to nearby residential occupiers and in accord with Policy S15 of the Carlisle District Local Plan.

3. Details of the new window in the eastern elevation, in the form, of quarter or full-size drawings including sections, shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place. Such details shall include the frames, means of affixing to the wall and the size and opening arrangements of the window.

**Reason:** To ensure the works harmonise as closely as possible with the existing building in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policies H14 and H16 of the Carlisle District Local Plan.

## SCHEDULE D: Reports on Previously Deferred Decisions

**Item No: 21**

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1067

**Applicant:**  
Mr C F & Mrs S D Deans

**Parish:**  
Dalston

**Date of Receipt:**  
17/10/2005

**Agent:**  
Mr G R Stephen

**Ward:**  
Dalston

**Location:**  
Dalston Library, 14 The Square, Dalston, CA5 7PY

**Grid Reference:**  
336868 550075

**Proposal:** Change of use from library to sandwich shop

**Amendment:**

### Report

#### Details of Deferral:

Members will recall at Committee meeting held on 11th November 2005 that authority was given to the Head of Planning Services to issue approval subject to no additional objections being received following the expiration of the notification period. This period has now expired and the decision issued on 17th November 2005.

**Decision:** Grant Permission

**Date:** 17/11/2005

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 proposed sandwich shop shall not be open for trading except between 0730 hours and 1700 hours on Mondays-Saturdays and not at all on Sundays or Bank Holidays.

**Reason:** To prevent disturbance to nearby residential occupiers and in accord with Policy S15 of the Carlisle District Local Plan.

3. Details of the new door in the eastern elevation, in the form, of quarter or full-size drawings including sections, shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place. Such details shall include the frames, means of affixing to the wall and the size

## SCHEDULE D: Reports on Previously Deferred Decisions

and opening arrangements of the door.

**Reason:** To ensure the works harmonise as closely as possible with the existing building in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policies H14 and H16 of the Carlisle District Local Plan.

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**Item No: 22**

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1070

**Applicant:**  
Mr C F & Mrs S D Deans

**Parish:**  
Dalston

**Date of Receipt:**  
17/10/2005

**Agent:**  
Mr G R Stephen

**Ward:**  
Dalston

**Location:**  
Dalston Library, 14 The Square, Dalston, CA5 7PY

**Grid Reference:**  
336868 550075

**Proposal:** Internal alteration to provide counters and workspace with internal partition walls (LBC)

**Amendment:**

---

### Report

#### Details of Deferral:

Members will recall at Committee meeting held on 11th November 2005 that authority was given to the Head of Planning Services to issue approval subject to no additional objections being received following the expiration of the notification period. This period has now expired and the decision issued on 17th November 2005.

**Decision:** Grant Permission

**Date:** 17/11/2005

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

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

2. The proposed sandwich shop shall not be open for trading except between 07.30 hours and 1700 hours on Mondays-Saturdays and not at all on Sundays

## SCHEDULE D: Reports on Previously Deferred Decisions

or Bank Holidays.

**Reason:** To prevent disturbance to nearby residential occupiers and in accord with Policy S15 of the Carlisle District Local Plan.

3. Details of the new door in the eastern elevation, in the form, of quarter or full-size drawings including sections, shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place. Such details shall include the frames, means of affixing to the wall and the size and opening arrangements of the door.

**Reason:** To ensure the works harmonise as closely as possible with the existing building in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policies H14 and H16 of the Carlisle District Local Plan.

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**Item No: 23**

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1130

**Applicant:**  
Brian Hetherington

**Parish:**  
Dalston

**Date of Receipt:**  
17/10/2005

**Agent:**

**Ward:**  
Dalston

**Location:**  
Greenlea, Buckabank, Dalston, CA5 7AA

**Grid Reference:**  
337282 549191

**Proposal:** Erection of single storey extensions to rear to provide lounge and conservatory; addition of first floor extension over garage; raising of eaves by 1no. metre to provide 4no. bedrooms (2no. en-suite) and bathroom (revised application)

**Amendment:**

---

### Report

#### Details of Deferral:

Members will recall at Committee meeting held on 11th November 2005 that authority was given to the Head of Planning Services to issue approval subject to the expiration of statutory publicity period.

This has now expired and the approval was issued on 18th November 2005.

## SCHEDULE D: Reports on Previously Deferred Decisions

**Decision:** Grant Permission

**Date:** 18/11/2005

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 on the elevation facing the property known as Beechside 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.

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
03/1315

**Applicant:**  
S Briggs

**Parish:**  
Carlisle

**Date of Receipt:**  
03/12/2003

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
Old Stables, Church Place, Stanwix, Carlisle, CA3  
9DN

**Grid Reference:**  
340093 557100

**Proposal:** Change of use from store to dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0373

**Applicant:**  
Mr Kevin Waters

**Parish:**  
Stapleton

**Date of Receipt:**  
28/04/2005

**Agent:**  
Andrew Greaves  
Associates

**Ward:**  
Lyne

**Location:**  
L/A Barn Lyneholmford Mill, Stapleton, Cumbria

**Grid Reference:**  
351630 572450

**Proposal:** Replacement of dutch barn with two storey dwelling (reserved matters pursuant to outline application 02/0279)

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0400

**Applicant:**  
Possfund Custodian  
Trustee Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
06/05/2005

**Agent:**  
BRH Architects

**Ward:**  
Currock

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

Unit 3, St Nicholas Gate Retail Park, St Nicholas,  
Carlisle, CA1 2EA 340722 555100

**Proposal:** Alterations to front & rear elevations to create new entrances, together with sub division and other internal works to create 2 new retail units

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0401

**Applicant:**  
Possfund Custodian  
Trustee Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
06/05/2005

**Agent:**  
BRH Architects

**Ward:**  
Currock

**Location:**  
Unit 5, St Nicholas Gate Retail Park, St Nicholas,  
Carlisle, CA1 2EA

**Grid Reference:**  
340836 555022

**Proposal:** Alterations to front and rear elevations to create new entrances, together with sub division and other internal works to create 2 new retail units

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0477

**Applicant:**  
Klondyke Group Ltd

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
16/05/2005

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Houghton Hall, Houghton, Carlisle, CA6 4JB

**Grid Reference:**  
341081 559900

**Proposal:** Change of use to retail (garden centre) and leisure (visitor attraction) and erection of associated buildings, car park, alteration to access, childrens play area, formation of offices, installation of sewage treatment plant, foot/cycle path and landscaping. (Amendments to previous approved application)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 31/10/2005

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0657

**Applicant:**  
Send the Light Ltd.

**Parish:**  
Carlisle

**Date of Receipt:**  
27/07/2005

**Agent:**  
Hyde Harrington

**Ward:**  
Belah

**Location:**  
Sites 64/65 and 66B Millbrook Road, Kingstown  
Industrial Estate, Carlisle, CA3 0EH

**Grid Reference:**  
339125 559412

**Proposal:** Redevelopment of existing workshop, offices, stores and ancillary buildings to provide an additional freestanding warehouse and office with associated car parking, service delivery and landscaping (revised application incorporating changes to elevational treatment)

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/10/2005

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0694

**Applicant:**  
RSPB Geltsdale Reserve

**Parish:**  
Farlam

**Date of Receipt:**  
07/10/2005

**Agent:**

**Ward:**  
Irthing

**Location:**  
9 Coalfell Terrace, Hallbankgate, Brampton, CA8  
2PY

**Grid Reference:**  
359392 559994

**Proposal:** Change of use from residential to office use and erection of aerial to rear of property

**Amendment:**

**Decision:** Refuse Permission

**Date:** 01/12/2005

Between 29/10/2005 and 02/12/2005

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
05/0765

**Applicant:**  
S & W McConnell

**Parish:**  
Carlisle

**Date of Receipt:**  
25/07/2005

**Agent:**

**Ward:**  
Currock

**Location:**  
Land bounded by former, Railway Line and  
Bousteads Grassing, Rome Street, Carlisle

**Grid Reference:**  
340140 555040

**Proposal:** Provision of new access to residential development approved under  
04/0818

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0766

**Applicant:**  
S & W McConnell

**Parish:**  
Carlisle

**Date of Receipt:**  
25/07/2005

**Agent:**

**Ward:**  
Currock

**Location:**  
Land bounded by former, Railway Line and  
Bousteads Grassing, Rome Street, Carlisle

**Grid Reference:**  
340140 555040

**Proposal:** Variation of condition 5 attached to application ref. 04/0818 ("vehicular  
access to the site shall be from the adjacent site to the west only") to  
allow alternative access

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0770

**Applicant:**  
James Martin Freeman

**Parish:**  
Wetheral

**Date of Receipt:**  
19/09/2005

**Agent:**

**Ward:**  
Wetheral

**Location:**  
5 Alexandra Drive, Carlisle, CA1 2LN

**Grid Reference:**  
342802 555200

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Erection of detached double garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**

05/0782

**Applicant:**

Carlisle City Council

**Parish:**

Carlisle

**Date of Receipt:**

26/07/2005

**Agent:**

Carlisle City Council

**Ward:**

Belah

**Location:**

Industrial Estate Name Sign, Land Adjacent to,  
HSBC, Parkhouse Road, Carlisle

**Grid Reference:**

339453 559463

**Proposal:** Erection of internally illuminated steel column sign together with a stone  
plinth and individual lettering mounted on an earth bund with 2no.  
floodlights (retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**

05/0855

**Applicant:**

Border Toyota (Carlisle)

**Parish:**

Kingmoor

**Date of Receipt:**

11/08/2005

**Agent:**

Unwin Jones Partnership

**Ward:**

Stanwix Rural

**Location:**

Site A, Land Adjacent Between Parkhouse Road  
and A74, Parkhouse Road, Carlisle

**Grid Reference:**

339100 559900

**Proposal:** New Car Franchise for Lexus and Toyota, including workshop facilities  
and used car centre and hand wash operation

**Amendment:**

1. Amended details to accommodate CNDR.
2. Inclusion of landscaping strip to frontage

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 22/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0892

**Applicant:**  
Mr J C Haynes

**Parish:**  
Nether Denton

**Date of Receipt:**  
05/09/2005

**Agent:**  
Alan Pixton

**Ward:**  
Irthing

**Location:**  
Cleugh Head Farm Cottages, Low Row, Brampton  
CA8 2JB

**Grid Reference:**  
359571 561959

**Proposal:** Conversion of former farm cottage into two holiday cottages

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0907

**Applicant:**  
Fred Proudfoot Ltd

**Parish:**  
Rockcliffe

**Date of Receipt:**  
12/09/2005

**Agent:**  
Butler Land Management

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Land adj to FPL Buildings, Low Harker Farm, Low  
Harker, Carlisle, CA6 4DP

**Grid Reference:**  
338580 561020

**Proposal:** Change of use from agricultural to extension of existing lorry/trailer parking area, relocation of employee car park, erection of 2.5 metre high palisade security fence and screening. Formation of new field access

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0932

**Applicant:**  
Hayton C of E Primary  
School

**Parish:**  
Hayton

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
05/09/2005

**Agent:**

**Ward:**  
Hayton

**Location:**  
L/A to rear of Hayton CE School, Hayton, CA4 9HR

**Grid Reference:**  
350744 557700

**Proposal:** Change of use from garden to school play area or school playing field  
**Amendment:**

**Decision:** Grant Permission

**Date:** 31/10/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0936

**Applicant:**  
Fat Face Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
15/09/2005

**Agent:**  
Blass

**Ward:**  
Castle

**Location:**  
41 Scotch Street, Carlisle, CA3 8PT

**Grid Reference:**  
340117 556052

**Proposal:** Externally illuminated fascia and projecting sign.  
**Amendment:**

**Decision:** Grant Permission

**Date:** 08/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0939

**Applicant:**  
Greggs of Cumbria

**Parish:**  
Carlisle

**Date of Receipt:**  
23/09/2005

**Agent:**

**Ward:**  
Belah

**Location:**  
Unit 1, Site 54, Grearshill Road, Kingstown  
Industrial Estate, Carlisle, CA3 0ET

**Grid Reference:**  
339365 559417

**Proposal:** Erection of non-illuminated signage  
**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2005

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 29/10/2005 and 02/12/2005

**Appn Ref No:** 05/0943  
**Applicant:** Cemex UK Materials Ltd  
**Parish:** Carlisle

**Date of Receipt:** 05/09/2005  
**Agent:** Cemex UK Operations Ltd  
**Ward:** Castle

**Location:** Carlisle Coating Plant, Willowholme Industrial Estate, Carlisle, CA2 5RN  
**Grid Reference:** 338674 556497

**Proposal:** Variation of condition 8 of planning permission 88/1138 to allow night time working up to twenty times per annum

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:** 05/0944  
**Applicant:** Prudential Assurance Company Ltd  
**Parish:** Carlisle

**Date of Receipt:** 05/09/2005  
**Agent:** Indigo Planning  
**Ward:** Belah

**Location:** Comet, Kingstown Retail Park, Parkhouse Road, Carlisle, CA3 0JR  
**Grid Reference:** 339388 559602

**Proposal:** Construction of a mezzanine floor, for retail use, within an existing retail unit (Certificate of Proposed Lawful Use)

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/10/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:** 05/0946  
**Applicant:** Prudential Assurance Company Ltd  
**Parish:** Carlisle

**Date of Receipt:**  
**Agent:**  
**Ward:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

05/09/2005

Indigo Planning

Belah

**Location:**

Allied Carpets, Kingstown Retail Park, Parkhouse Road, Carlisle, CA3 0JR

**Grid Reference:**

339365 559608

**Proposal:** Construction of a mezzanine floor, for retail use, within an existing retail unit (Certificate of Proposed Lawful Use)

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/10/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**

05/0951

**Applicant:**

A & LA Chapman

**Parish:**

Castle Carrock

**Date of Receipt:**

19/09/2005

**Agent:**

**Ward:**

Great Corby & Geltsdale

**Location:**

Garth House, Castle Carrock, Brampton CA8 9NB

**Grid Reference:**

354373 555354

**Proposal:** Extension and alterations to private dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**

05/0952

**Applicant:**

A & LA Chapman

**Parish:**

Castle Carrock

**Date of Receipt:**

19/09/2005

**Agent:**

**Ward:**

Great Corby & Geltsdale

**Location:**

Garth House, Castle Carrock, Brampton CA8 9NB

**Grid Reference:**

354373 555354

**Proposal:** Alteration and extension to provide better living accommodation and replace existing flat roof (LBC)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 10/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0953

**Applicant:**  
Network Rail

**Parish:**  
Rockcliffe

**Date of Receipt:**  
06/09/2005

**Agent:**  
Network Rail

**Ward:**  
Longtown & Rockcliffe

**Location:**  
L/A north of Station House, adj. to west coast  
mainline, Rockcliffe, Carlisle

**Grid Reference:**  
336964 561301

**Proposal:** Amendment to Track Feeder Station at Harker

**Amendment:**

1. Plan PO 06 was superceded by PO 07 which showed the equipment relocated slightly to the north to avoid overhead power lines

**Decision:** Grant Permission

**Date:** 01/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0954

**Applicant:**  
Mr R & Mrs H Campbell

**Parish:**  
Carlisle

**Date of Receipt:**  
22/09/2005

**Agent:**

**Ward:**  
Morton

**Location:**  
73 Langrigg Road, Carlisle, CA2 6DJ

**Grid Reference:**  
338709 554762

**Proposal:** Demolition of garage and erection of two storey side extension to provide garage on the ground floor with bedroom above.

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0959

**Applicant:**  
Mr P Morton

**Parish:**  
Wetheral

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

26/09/2005

Mr G Tyler

Wetheral

**Location:**

Ash View, Station Road, Cumwhinton, CA4 8DJ

**Grid Reference:**

345312 552929

**Proposal:** Two storey extensions to the side and rear elevations to provide a WC and extended kitchen and on ground floor and relocation of bathroom to first floor and the creation of 2no. bedrooms and ensuite bathroom.

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**

05/0964

**Applicant:**

Mr & Mrs G Noble

**Parish:**

Nicholforest

**Date of Receipt:**

15/09/2005

**Agent:**

Rodney Jeremiah

**Ward:**

Lyne

**Location:**

Woodlea, Catlowdy, Penton, Carlisle, CA6 5QP

**Grid Reference:**

346065 576845

**Proposal:** Two storey extension to provide utility and sun room with 1no. ensuite bedroom above (revised proposal to include the raising of the utility room together with the insertion of additional rooflights)

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**

05/0965

**Applicant:**

Mr & Mrs Wallis

**Parish:**

Scaleby

**Date of Receipt:**

07/09/2005

**Agent:**

Ashton Design

**Ward:**

Stanwix Rural

**Location:**

Summerhill Cottage, Scaleby Hill, Cumbria, CA6 4LY

**Grid Reference:**

343865 563541

**Proposal:** Single storey extension to provide enlarged bedroom, 2no. en-suites, enlarged bathroom and sitting room with 1no. bedroom at first floor level

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 10/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0968

**Applicant:**  
Mr & Mrs D Keith

**Parish:**  
Askerton

**Date of Receipt:**  
13/09/2005

**Agent:**  
Mr J A Majer

**Ward:**  
Irthing

**Location:**  
Lukes Cottage, Bewcastle, Carlisle, CA6 6PU

**Grid Reference:**  
356487 573156

**Proposal:** Erection of rear lounge extension, porch and siting of new septic tank  
and soakaway

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0969

**Applicant:**  
David Mackay

**Parish:**  
Brampton

**Date of Receipt:**  
13/09/2005

**Agent:**

**Ward:**  
Brampton

**Location:**  
Croft House, Main Street, Brampton, CA8 1SG

**Grid Reference:**  
352918 561121

**Proposal:** Erection of detached garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0971

**Applicant:**  
Mr & Mrs D Keith

**Parish:**  
Askerton

**Date of Receipt:**  
13/09/2005

**Agent:**  
Mr J A Majer

**Ward:**  
Irthing

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Lukes Cottage, Bewcastle, Carlisle, CA6 6PU

**Grid Reference:**  
356561 573167

**Proposal:** Erection of agricultural barn

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0975

**Applicant:**  
Prospect (GB) Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
08/09/2005

**Agent:**  
Pozzoni Design Group

**Ward:**  
Belah

**Location:**  
Newfield Grange Hotel, Newfield Drive, Carlisle,  
CA3 0AF

**Grid Reference:**  
339834 558903

**Proposal:** Demolition of existing hotel and associated buildings and construction of  
30no. residential apartments (Revised Proposal)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 10/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0976

**Applicant:**  
Mr Derek Armstrong

**Parish:**  
Carlisle

**Date of Receipt:**  
15/09/2005

**Agent:**  
S & H Construction

**Ward:**  
Castle

**Location:**  
43-45 Bank Street, Carlisle, CA3 8HJ

**Grid Reference:**  
340205 555870

**Proposal:** Alteration to shop front to provide additional window area and  
replacement awnings

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/11/2005

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0977

**Applicant:**  
Mr Derek Armstrong

**Parish:**  
Carlisle

**Date of Receipt:**  
15/09/2005

**Agent:**  
S & H Construction

**Ward:**  
Castle

**Location:**  
43-45 Bank Street, Carlisle, CA3 8HJ

**Grid Reference:**  
340205 555870

**Proposal:** Internal alterations including disabled ramp, removal of existing awning and provision of replacement awnings and provision of additional window area (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0979

**Applicant:**  
Mr & Mrs P Davies

**Parish:**  
Kingwater

**Date of Receipt:**  
14/09/2005

**Agent:**

**Ward:**  
Irthing

**Location:**  
Crossings Cottage, West Hall, Brampton, CA8 2EL

**Grid Reference:**  
356515 568510

**Proposal:** Demolition of Existing Garage and Extension to provide Livingroom, Bedroom and Porch

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0981

**Applicant:**  
Mr John Grieve

**Parish:**  
Wetheral

**Date of Receipt:**  
07/10/2005

**Agent:**

**Ward:**  
Wetheral

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

Broomeden Kennels, Broomfallen Road, Carlisle,  
CA4 8DE

344100 554360

**Proposal:** Extension to form living room/kitchen with en-suite bedroom above and sun lounge (revised proposal)

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0982

**Applicant:**  
Mr & Mrs S Watson

**Parish:**  
Carlisle

**Date of Receipt:**  
04/10/2005

**Agent:**  
Mr G R Stephen

**Ward:**  
Harraby

**Location:**  
28 Longholme Road, Carlisle, CA1 3HU

**Grid Reference:**  
342540 553868

**Proposal:** Single storey extension to rear and conversion of garage to provide playroom, enlarged kitchen/dining room, study and shower room

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0983

**Applicant:**  
Fat Face Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
15/09/2005

**Agent:**  
Blass

**Ward:**  
Castle

**Location:**  
41 Scotch Street, Carlisle, CA3 8PT

**Grid Reference:**  
340117 556052

**Proposal:** New shop front and replacement of air conditioning units on roof

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/11/2005

---

Between 29/10/2005 and 02/12/2005

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
05/0986

**Applicant:**  
Mr & Mrs McKie

**Parish:**  
Arthuret

**Date of Receipt:**  
27/09/2005

**Agent:**  
Finesse Windows Ltd

**Ward:**  
Longtown & Rockcliffe

**Location:**  
The Bungalow, Longtown Moor Farm, Longtown  
CA6 5AG

**Grid Reference:**  
341028 569956

**Proposal:** Erection of conservatory (revised proposal)

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0987

**Applicant:**  
W & M Van Tilburg

**Parish:**  
Carlisle

**Date of Receipt:**  
27/09/2005

**Agent:**

**Ward:**  
Castle

**Location:**  
15 Chiswick Street, Carlisle, CA1 1HQ

**Grid Reference:**  
340495 555921

**Proposal:** Internal alterations and re location of doorway

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0988

**Applicant:**  
CGNU Life Assurance Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
12/09/2005

**Agent:**  
Illuminated Displays Ltd

**Ward:**  
Castle

**Location:**  
Lanes Shopping Centre, Scotch Street, Carlisle

**Grid Reference:**  
340161 555999

**Proposal:** 6-Sheet Illuminated Ultralite Units in Wall Mounted and Free Standing  
Format -Internally Illuminated Display Units Measuring



## SCHEDULE E: Decisions Issued Under Delegated Powers

915mm(h)x610mm(w) and 1220mm(w)x 1016mm(h)

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0989

**Applicant:**  
Mr I Glendinning

**Parish:**  
Wetheral

**Date of Receipt:**  
13/09/2005

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Wetheral

**Location:**  
3 Lonsdale Terrace, Cotehill, Carlisle, CA4 0AY

**Grid Reference:**  
346609 551432

**Proposal:** Two storey extension to side elevation to provide garage on ground floor and bedroom above

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0991

**Applicant:**  
Mrs S Lamb

**Parish:**  
Carlisle

**Date of Receipt:**  
27/09/2005

**Agent:**

**Ward:**  
Castle

**Location:**  
23 Victoria Place, Carlisle, CA1 1EJ

**Grid Reference:**  
340360 556080

**Proposal:** Change of use to beauty salon

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/0997

**Applicant:**  
RBTL Ltd

**Parish:**  
Cumrew

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**

14/09/2005

**Agent:**

Manning & Elliott

**Ward:**

Great Corby & Geltsdale

**Location:**

Plot 3, Townfoot Farm, Cumrew, Heads Nook,  
Brampton CA8 9DD

**Grid Reference:**

354870 550840

**Proposal:** Erection of dwelling house (revised details)

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**

05/0998

**Applicant:**

Rentokil Initial UK Ltd

**Parish:**

Carlisle

**Date of Receipt:**

03/10/2005

**Agent:**

Cadital Ltd

**Ward:**

Castle

**Location:**

Unit 16, Willowholme Road, Willowholme Industrial  
Estate, Carlisle, CA2 5SD

**Grid Reference:**

339196 556484

**Proposal:** Removal of cargo loading door and platform together with alterations to  
existing cargo door opening to include roller shutter door

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**

05/1000

**Applicant:**

Jennings Brothers PLC

**Parish:**

Beaumont

**Date of Receipt:**

11/10/2005

**Agent:****Ward:**

Burgh

**Location:**

The Drovers Rest, Monkhill, Carlisle, CA5 6DB

**Grid Reference:**

334460 558630

**Proposal:** Installation of kitchen extractor and cellar cooling compressor  
(retrospective application)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 01/12/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1001

**Applicant:**  
Jennings Brothers PLC

**Parish:**  
Beaumont

**Date of Receipt:**  
11/10/2005

**Agent:**

**Ward:**  
Burgh

**Location:**  
The Drovers Rest, Monkhill, Carlisle, CA5 6DB

**Grid Reference:**  
334460 558630

**Proposal:** Installation of kitchen extractor and cellar cooling compressor  
(retrospective application) (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/12/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1003

**Applicant:**  
Carolyn Forster

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
23/09/2005

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Warnell View, Brunstock, Carlisle, Cumbria, CA6  
4QG

**Grid Reference:**  
341640 559391

**Proposal:** Demolition of existing garage, erection of detached double garage with  
stores; flank extension to dwelling to provide dining room and  
conservatory (revised proposal)

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1004

**Applicant:**  
Ms S Morgan & Mr P

**Parish:**  
Brampton

## SCHEDULE E: Decisions Issued Under Delegated Powers

Wilkinson

**Date of Receipt:**  
15/09/2005

**Agent:**  
Mr G R Stephen

**Ward:**  
Brampton

**Location:**  
10 Parkhead Road, Brampton, CA8 1DQ

**Grid Reference:**  
352982 561452

**Proposal:** Two storey side extension and single storey rear extension to provide dining area, hall and W.C. on ground floor; with 2no. bedrooms and 1no. en suite above

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/10/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1006

**Applicant:**  
Mr Donald Lees

**Parish:**  
Carlisle

**Date of Receipt:**  
19/09/2005

**Agent:**  
Johnston & Wright

**Ward:**  
Belle Vue

**Location:**  
226 Newtown Road, Carlisle, CA2 7NJ

**Grid Reference:**  
337819 556092

**Proposal:** Alterations and extensions to provide garage, utility, kitchen, conservatory and bathroom with family room, 2no bedrooms and 1no en-suite in roof space

**Amendment:**

1. Revised drawing, number 11312-02a, received 08.11.05 showing "correct" position of window to be repositioned on the east elevation.

**Decision:** Grant Permission

**Date:** 10/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1007

**Applicant:**  
Mrs Chambers

**Parish:**  
Hayton

**Date of Receipt:**  
22/09/2005

**Agent:**  
Swarbrick Associates

**Ward:**  
Hayton

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

Whin Bank Farm, How Mill, Brampton CA8 9SN

351505 557022

**Proposal:** Alteration and extension, of existing farmhouse into adjoining barn to provide dining room, study and en-suite bedroom with bedroom and living room above (revised proposal)

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1008

**Applicant:**  
B & Q PLC Link House

**Parish:**  
Carlisle

**Date of Receipt:**  
19/09/2005

**Agent:**  
BDN Ltd

**Ward:**  
Harraby

**Location:**  
B & Q Mini Warehouse, London Road, Carlisle, CA1  
2PW

**Grid Reference:**  
342574 553204

**Proposal:** Erection of 3 no. illuminated signs attached to proposed building and 7 no. non-illuminated building-mounted and free-standing signs

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1009

**Applicant:**  
B & Q PLC Link House

**Parish:**  
Carlisle

**Date of Receipt:**  
19/09/2005

**Agent:**  
BDN Ltd

**Ward:**  
Harraby

**Location:**  
B & Q Mini Warehouse, London Road, Carlisle, CA1  
2PW

**Grid Reference:**  
342574 553204

**Proposal:** Erection of steelwork and polyester open sided canopy within part of ancillary garden centre

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 07/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1012

**Applicant:**  
Mr & Mrs Higgins

**Parish:**  
Wetheral

**Date of Receipt:**  
23/09/2005

**Agent:**  
S Buttler

**Ward:**  
Wetheral

**Location:**  
North East Barn, Croft House Farm, Cotehill, CA4  
0DY

**Grid Reference:**  
346860 550450

**Proposal:** Erection of building for storage of garden equipment and garaging for  
3no. cars

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1013

**Applicant:**  
J Reay & Sons

**Parish:**  
Beaumont

**Date of Receipt:**  
23/09/2005

**Agent:**  
Nick Scholefield

**Ward:**  
Burgh

**Location:**  
Park Farm, Grinsdale, Carlisle, CA5 6DS

**Grid Reference:**  
336845 558070

**Proposal:** General purpose agricultural building

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1014

**Applicant:**  
Mrs J Lawson

**Parish:**  
Carlisle

**Date of Receipt:**  
03/10/2005

**Agent:**  
S & H Construction

**Ward:**  
Currock

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**  
24 Coney Street, Carlisle, CA2 4BX

**Grid Reference:**  
340242 554396

**Proposal:** Single storey rear extension to provide enlarged kitchen/dining area and bathroom together with decking area

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1015

**Applicant:**  
Qube Footware

**Parish:**  
Carlisle

**Date of Receipt:**  
26/09/2005

**Agent:**  
Design CLD

**Ward:**  
Castle

**Location:**  
5 Peascod Lane, (Unit 75), The Lanes, Carlisle,  
CA3 8NT

**Grid Reference:**  
340148 556064

**Proposal:** Formation of new shopfront

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1016

**Applicant:**  
Qube Footware

**Parish:**  
Carlisle

**Date of Receipt:**  
26/09/2005

**Agent:**  
Design CLD

**Ward:**  
Castle

**Location:**  
5 Peascod Lane, (Unit 75), The Lanes, Carlisle,  
CA3 8NT

**Grid Reference:**  
340148 556064

**Proposal:** Display of illuminated fascia sign

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1020

**Applicant:**  
Mr G Ashford

**Parish:**  
Nicholforest

**Date of Receipt:**  
21/09/2005

**Agent:**  
Rodney Jeremiah

**Ward:**  
Lyne

**Location:**  
Bushfield Cottage, Penton, Carlisle, CA6 5QJ

**Grid Reference:**  
347824 581295

**Proposal:** Construction of replacement extension to provide kitchen, dining area, utility room, study, shower room and enlarged bedroom; construction of replacement detached garage and new oil tank.

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1021

**Applicant:**  
Mr Peter Jackson

**Parish:**  
Arthuret

**Date of Receipt:**  
26/09/2005

**Agent:**  
Rodney Jeremiah

**Ward:**  
Longtown & Rockcliffe

**Location:**  
15 Liddel Road, Longtown, Carlisle, CA6 5UP

**Grid Reference:**  
338539 569138

**Proposal:** Demolition of existing garage and utility room and erection of single and two storey extensions to provide garage, sitting room, w.c., kitchen and utility with study, 1no. bedroom, shower and w.c. above

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1023

**Applicant:**  
Mr & Mrs Parker

**Parish:**  
Carlisle

**Date of Receipt:**  
03/10/2005

**Agent:**

**Ward:**  
Denton Holme

**Location:**

**Grid Reference:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

2 Constable Street, Carlisle, CA2 6AB

339484 554726

**Proposal:** Change of use from retail to residential (lounge ancillary to existing dwelling)

**Amendment:**

1. Omission of extension to existing doorway.

**Decision:** Grant Permission

**Date:** 17/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1025

**Applicant:**  
Mr & Mrs Dalton

**Parish:**  
Carlisle

**Date of Receipt:**  
22/09/2005

**Agent:**

**Ward:**  
Morton

**Location:**  
10 Rosehill Drive, Carlisle, CA2 6HL

**Grid Reference:**  
338643 554322

**Proposal:** Proposed conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1026

**Applicant:**  
Mr & Mrs D Mieras

**Parish:**  
Dalston

**Date of Receipt:**  
30/09/2005

**Agent:**  
Homesteads of Cumbria  
Ltd

**Ward:**  
Dalston

**Location:**  
27 Summerfields, Dalston, CA5 7NW

**Grid Reference:**  
336675 550548

**Proposal:** Extension over garage to provide 1no additional bedroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/11/2005

---

Between 29/10/2005 and 02/12/2005

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
05/1028

**Applicant:**  
Mr R & Mrs P Dillon

**Parish:**  
Solport

**Date of Receipt:**  
22/09/2005

**Agent:**

**Ward:**  
Lyne

**Location:**  
Hopes House Farm, Penton, Carlisle, CA6 5RT

**Grid Reference:**  
346508 573966

**Proposal:** Demolition of the existing stables, hayloft and implement shed and the erection of an extension to provide a bedroom plus ensuite with safety exit stair to ground floor and a living room and resited kitchen to the ground floor and laundry and lobby with cellar below. Also the erection of a porch to the north side and the demolition of the existing bathroom and tack room and rebuild shower room and WC plus hall.

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1029

**Applicant:**  
Mr I Lancaster

**Parish:**  
Scaleby

**Date of Receipt:**  
22/09/2005

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Rural

**Location:**  
Barn C, Stoneknowe Farm, Scaleby, Carlisle

**Grid Reference:**  
343984 562600

**Proposal:** Single storey extension to provide sunroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1030

**Applicant:**  
Crown Sports & Social  
Club

**Parish:**  
Carlisle

**Date of Receipt:**  
27/09/2005

**Agent:**

**Ward:**  
Stanwix Urban

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Metal Box Playing Field, Rickerby Park, Carlisle

**Grid Reference:**  
340865 557140

**Proposal:** Erection of sign (retrospective application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1032

**Applicant:**  
Houghton Nursery Group

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
28/09/2005

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Frontage to Houghton C of E School, Jackson  
Road, Houghton, Carlisle, CA3 0PA

**Grid Reference:**  
340950 559250

**Proposal:** Erection of new nursery (revised/retrospective proposal)

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1033

**Applicant:**  
Mr E F Mason

**Parish:**  
Hayton

**Date of Receipt:**  
23/09/2005

**Agent:**

**Ward:**  
Hayton

**Location:**  
Shalom on Eden, Little Corby Road, Warwick  
Bridge, CA4 8QQ

**Grid Reference:**  
347553 557215

**Proposal:** Erection of fence (retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2005

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Between 29/10/2005 and 02/12/2005

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:** 05/1036      **Applicant:** Hills of Lakeland Ltd      **Parish:** St Cuthberts Without

**Date of Receipt:** 28/09/2005      **Agent:** Unwin Jones Partnership      **Ward:** Dalston

**Location:** Hills of Lakeland, Petrol Filling Station, Carleton, Carlisle, CA4 0AA      **Grid Reference:** 343351 552383

**Proposal:** Replacement of existing sales premises, office accommodation and associated storage (revised proposal)

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:** 05/1038      **Applicant:** J & M Construction      **Parish:** Hayton

**Date of Receipt:** 28/09/2005      **Agent:** Tsada Building Design Services      **Ward:** Hayton

**Location:** Land adj to Thistledown, Heads Nook, Carlisle, CA8 9AE      **Grid Reference:** 349560 555260

**Proposal:** Erection of dwelling (RM)

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:** 05/1040      **Applicant:** Mr S Brown      **Parish:** Carlisle

**Date of Receipt:** 23/09/2005      **Agent:** Mr G Tyler      **Ward:** Upperby

**Location:** 9 Manor Road, Carlisle, CA2 4LH      **Grid Reference:** 341025 553745

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Extension to provide enlarged kitchen and utility/store to ground floor, enlarged bathroom and bedroom to first floor with 1 no bedroom in roof space (revised proposal)

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1043

**Applicant:**  
Essen

**Parish:**  
Carlisle

**Date of Receipt:**  
26/09/2005

**Agent:**

**Ward:**  
Castle

**Location:**  
6 - 8 Fisher Street, Carlisle, CA3 8RN

**Grid Reference:**  
339863 556137

**Proposal:** Variation of condition 2 of planning permission 04/1436 to allow opening of restaurant and associated lounge bar until 2am

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1045

**Applicant:**  
Mrs V Marriner

**Parish:**  
Wetheral

**Date of Receipt:**  
12/10/2005

**Agent:**  
Andrew Nash Associates

**Ward:**  
Wetheral

**Location:**  
Warwick Hall, Warwick-on-Eden, Carlisle, CA4 8PG

**Grid Reference:**  
346664 556950

**Proposal:** Change of use to form apartment for holiday use

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

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Between 29/10/2005 and 02/12/2005

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:** 05/1046      **Applicant:** Mrs V Marriner      **Parish:** Wetheral  
**Date of Receipt:** 12/10/2005      **Agent:** Andrew Nash Associates      **Ward:** Wetheral  
**Location:** Warwick Hall, Warwick-on-Eden, Carlisle, CA4 8PG      **Grid Reference:** 346664 556950  
**Proposal:** Internal alterations to form an apartment for holiday use (LBC)  
**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:** 05/1047      **Applicant:** Steven Paul Gant      **Parish:** Wetheral  
**Date of Receipt:** 26/09/2005      **Agent:**      **Ward:** Wetheral  
**Location:** Glastonbury, Aglionby, Carlisle, CA4 8AQ      **Grid Reference:** 344630 556442  
**Proposal:** Front, side and rear extensions on 3 floors to provide kitchen, utility, conservatory and kennel on ground floor, 2no bedrooms with replacement bathroom on first floor level, study on 2nd floor; together with new vehicular access

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:** 05/1049      **Applicant:** Mr T A Armstrong      **Parish:** Walton  
**Date of Receipt:** 27/09/2005      **Agent:**      **Ward:** Irthing  
**Location:** Montcalm, Walton, Brampton, CA8 2DH      **Grid Reference:** 352168 564440  
**Proposal:** Extensions to provide bathroom and conservatory

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 18/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1051

**Applicant:**  
Cumbria Park Hotel

**Parish:**  
Carlisle

**Date of Receipt:**  
28/09/2005

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Urban

**Location:**  
Cumbria Park Hotel, 32 Scotland Road, Carlisle,  
CA3 9DG

**Grid Reference:**  
340019 557147

**Proposal:** Erection of emergency power generator housing on the Scotland Road elevation

### Amendment:

**Decision:** Grant Permission

**Date:** 03/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1053

**Applicant:**  
Kingmoor Park Properties  
Ltd

**Parish:**  
Kingmoor

**Date of Receipt:**  
03/10/2005

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Building F, Kings Drive, Kingmoor Business Park,  
Carlisle, CA6 4RD

**Grid Reference:**  
338300 558800

**Proposal:** Internal partitions to create 8no. units within existing industrial unit together with new personnel doors and internal toilets

### Amendment:

**Decision:** Grant Permission

**Date:** 25/11/2005

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Between 29/10/2005 and 02/12/2005

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
05/1054

**Applicant:**  
Mr I Simpson

**Parish:**  
Carlisle

**Date of Receipt:**  
07/10/2005

**Agent:**

**Ward:**  
Currock

**Location:**  
16 Currock Bank Road, Carlisle, CA2 4RN

**Grid Reference:**  
340219 553804

**Proposal:** Two storey rear extension to provide enlarged kitchen on ground floor with 1no. bedroom and replacement bathroom at first floor level (retrospective).

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1056

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
28/09/2005

**Agent:**  
Property Services

**Ward:**  
Harraby

**Location:**  
Land to the south east of Harraby Grove, Harraby Grove, Carlisle, CA1 2QN

**Grid Reference:**  
341757 554423

**Proposal:** Change of use of shrubland to domestic garden

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1057

**Applicant:**  
Mr & Mrs Riddick

**Parish:**  
Rockcliffe

**Date of Receipt:**  
10/10/2005

**Agent:**  
Finesse Windows Ltd

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Moss Rigg, Blackford, Blackford, CA6 4DU

**Grid Reference:**  
339716 561217

**Proposal:** Erection of conservatory



## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 23/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1059

**Applicant:**  
P W Temple Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
30/09/2005

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
16 St Georges Crescent, Carlisle, CA3 9NL

**Grid Reference:**  
339872 556925

**Proposal:** Erection of 2no. garden sheds, boundary walls and fences, details of car parking and erection of satellite dishes

### Amendment:

**Decision:** Grant Permission

**Date:** 07/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1064

**Applicant:**  
Rick Allan Brampton Skip Hire

**Parish:**  
Brampton

**Date of Receipt:**  
07/10/2005

**Agent:**  
Green Design Group

**Ward:**  
Brampton

**Location:**  
Eden House, 9-11 Front Street, Brampton, CA8 1NG

**Grid Reference:**  
353007 561041

**Proposal:** Amendment to Listed Building Consent ref. 04/0450 to carry out remedial structural works and upgrade the floors to provide sound insulation.

### Amendment:

**Decision:** Grant Permission

**Date:** 30/11/2005

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Between 29/10/2005 and 02/12/2005

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:** 05/1065      **Applicant:** Mr & Mrs Graham      **Parish:** Carlisle  
**Date of Receipt:** 04/10/2005      **Agent:** Alan Gosling Architects      **Ward:** Belle Vue  
**Location:** 33 Moor Park Avenue, Carlisle, CA2 7LZ      **Grid Reference:** 337214 556279

**Proposal:** Addition of pitched tiled roofs to existing flat roofs

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:** 05/1068      **Applicant:** Harraby Catholic Club Ltd      **Parish:** Carlisle  
**Date of Receipt:** 30/09/2005      **Agent:** Croft Goode Partnership Architects      **Ward:** Harraby  
**Location:** Harraby Catholic Club, Edgehill Road, Carlisle, CA1 3PQ      **Grid Reference:** 342374 554200

**Proposal:** Proposed beer garden and fence enclosure

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:** 05/1071      **Applicant:** James Hall & Co (Properties) Ltd      **Parish:** Brampton  
**Date of Receipt:** 10/10/2005      **Agent:** Harry Walters & Livesey      **Ward:** Brampton  
**Location:** Spar Store, 28 Market Place, Brampton CA8 1RW      **Grid Reference:** 353061 561057

**Proposal:** Alterations to shop front including new automatic doors and alterations to

## SCHEDULE E: Decisions Issued Under Delegated Powers

goods in position

### Amendment:

1. Doors to open inwards away from highway

**Decision:** Grant Permission

**Date:** 22/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1074

**Applicant:**  
ASDA Stores

**Parish:**  
Kingmoor

**Date of Receipt:**  
02/11/2005

**Agent:**  
Omega Signs

**Ward:**  
Stanwix Rural

**Location:**  
Asda Carlisle, Chandler Way, Parkhouse, Carlisle,  
CA3 0JQ

**Grid Reference:**  
338900 559800

**Proposal:** Erection of illuminated signage

### Amendment:

**Decision:** Grant Permission

**Date:** 28/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1076

**Applicant:**  
Mr & Mrs Murray

**Parish:**  
Dalston

**Date of Receipt:**  
05/10/2005 13:11:26

**Agent:**  
Anglian Home  
Improvements

**Ward:**  
Dalston

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

**Grid Reference:**  
337585 552081

**Proposal:** Erection of conservatory

### Amendment:

**Decision:** Grant Permission

**Date:** 14/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

05/1077 Mr & Mrs Reynolds Hayton

**Date of Receipt:** 05/10/2005 **Agent:** **Ward:** Hayton

**Location:** Mycote, Faugh, Heads Nook, CA4 9EG **Grid Reference:** 350840 555024

**Proposal:** Erection of conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:** 05/1080 **Applicant:** Audrey Brown **Parish:** Farlam

**Date of Receipt:** 06/10/2005 **Agent:** **Ward:** Irthing

**Location:** Land adjacent to Braemar, Hallbankgate, Brampton **Grid Reference:** 358190 559590

**Proposal:** Erection of bungalow (revised scheme)

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:** 05/1082 **Applicant:** Lloyd Motor Co **Parish:** Carlisle

**Date of Receipt:** 07/10/2005 **Agent:** Futurama Ltd **Ward:** Botcherby

**Location:** Lloyd Motor Co, Montgomery Way, Carlisle, CA1 2RW **Grid Reference:** 342705 555890

**Proposal:** Erection of 1no. internally illuminated totem sign and 1no. internally illuminated wall sign

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 14/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1085

**Applicant:**  
Messrs Walsh

**Parish:**  
Arthuret

**Date of Receipt:**  
10/10/2005

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Bruntons Hill Farm, Longtown, CA6 5PG

**Grid Reference:**  
341140 573104

**Proposal:** Demolition of outbuilding and erection of two storey extension to provide 3 bedrooms, dayroom and a bathroom, together with the reconstruction of an existing porch.

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1086

**Applicant:**  
Mrs O Luckley

**Parish:**  
Carlisle

**Date of Receipt:**  
12/10/2005

**Agent:**  
Swarbrick Associates

**Ward:**  
Castle

**Location:**  
Lowther Street Congregational Church, 8 Lowther  
Street, Carlisle, CA3 8DA

**Grid Reference:**  
340262 555752

**Proposal:** Proposed disabled/toilet facilities in basement (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1087

**Applicant:**  
Mr & Mrs J Hodgson

**Parish:**  
Burtholme

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
10/10/2005

**Agent:**  
Green Design Group

**Ward:**  
Irthing

**Location:**  
Land adjacent South View, Banks, Lanercost,  
Brampton, CA8 2JH

**Grid Reference:**  
357144 564562

**Proposal:** Demolition of existing building and erection of self catering unit

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1089

**Applicant:**  
J & M Construction

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
10/10/2005

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Stanwix Rural

**Location:**  
East Lodge, Crosby on Eden, Carlisle, CA6 4QJ

**Grid Reference:**  
343902 559510

**Proposal:** Installation of LPG Tank

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1091

**Applicant:**  
Miss J Douglas

**Parish:**  
Carlisle

**Date of Receipt:**  
10/10/2005

**Agent:**  
S & H Construction

**Ward:**  
Morton

**Location:**  
163 Wigton Road, Carlisle, CA2 6JX

**Grid Reference:**  
338076 554834

**Proposal:** Two storey brick built rear extension with tiled roof to provide enlarged kitchen/dining area on ground floor, with 1no en-suite bedroom above

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 25/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1095

**Applicant:**  
Travelodge Hotels Ltd

**Parish:**  
Rockcliffe

**Date of Receipt:**  
26/10/2005

**Agent:**  
Ashleigh Signs Ltd

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Travelodge (Carlisle Todhills) A74 Southbound,  
Todhills, Cumbria

**Grid Reference:**  
337420 562330

**Proposal:** Erection of illuminated signage

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1098

**Applicant:**  
Michael Rutherford

**Parish:**  
Arthuret

**Date of Receipt:**  
21/10/2005

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Nook on Lyne, Longtown, Carlisle, CA6 5TS

**Grid Reference:**  
342909 567715

**Proposal:** Erection of shed for storage of agricultural machinery

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1103

**Applicant:**  
L C & A M Young

**Parish:**  
Carlisle

**Date of Receipt:**  
20/10/2005

**Agent:**  
Sawyers Windows

**Ward:**  
Belle Vue

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

43 Green Lane, Belle Vue, Carlisle, CA2 7QB

337645 555700

**Proposal:** Erection of conservatory to rear elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1105

**Applicant:**  
Border Clothing Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
12/10/2005

**Agent:**  
Ian Lloyd

**Ward:**  
Castle

**Location:**  
Unit 43 The Lanes Shopping Centre, 79 Lowther  
Street, Carlisle, Cumbria, CA3 8EF

**Grid Reference:**  
340224 555967

**Proposal:** Erection of internally illuminated shop sign

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1107

**Applicant:**  
Mr G Falder

**Parish:**  
Carlisle

**Date of Receipt:**  
12/10/2005

**Agent:**

**Ward:**  
Botcherby

**Location:**  
189 Pennine Way, Harraby, Carlisle, CA1 3QN

**Grid Reference:**  
342546 554788

**Proposal:** Two storey extension to side elevation to provide kitchen and bedroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/12/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**

**Applicant:**

**Parish:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

05/1108                      Johndyke Ltd                      Carlisle

**Date of Receipt:**                      **Agent:**                      **Ward:**  
13/10/2005                      Johnston & Wright                      Castle

**Location:**                      **Grid Reference:**  
Paradise Court, 15 Castle Street, Carlisle, CA3 8TD                      339855 556072

**Proposal:** Conversion of offices to reinstate former dwelling house

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
05/1109                      Johndyke Ltd                      Carlisle

**Date of Receipt:**                      **Agent:**                      **Ward:**  
13/10/2005                      Johnston & Wright                      Castle

**Location:**                      **Grid Reference:**  
Paradise Court, 15 Castle Street, Carlisle, CA3 8TD                      339855 556072

**Proposal:** Alterations to convert existing offices to reinstate former dwelling house  
(LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
05/1112                      P W Temple                      Carlisle

**Date of Receipt:**                      **Agent:**                      **Ward:**  
13/10/2005                                           Stanwix Urban

**Location:**                      **Grid Reference:**  
16 St Georges Crescent, Carlisle, CA3 9NL                      339872 556925

**Proposal:** Removal of existing external fire escape stairway and doorway;  
continuation of roof slope together with the insertion of 2no rooflights to  
rear elevation (retrospective)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 21/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1115

**Applicant:**  
Baxters

**Parish:**  
Kingmoor

**Date of Receipt:**  
13/10/2005

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Baxters, Plot 8, Stellar Way, Kingmoor Park East,  
Carlisle

**Grid Reference:**  
338400 559200

**Proposal:** Addition of 4 bay rear extension to existing warehouse

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1117

**Applicant:**  
Mr & Mrs D McDougall

**Parish:**  
Carlisle

**Date of Receipt:**  
13/10/2005

**Agent:**  
Mr G Tyler

**Ward:**  
Harraby

**Location:**  
14 Mallyclose Drive, Carlisle, CA1 3HE

**Grid Reference:**  
342397 553624

**Proposal:** Formation of pitched roof above existing kitchen and garage and  
formation of porch with bathroom in new roof space

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1119

**Applicant:**  
Messrs Walsh

**Parish:**  
Arthuret

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

14/10/2005

Tsada Building Design  
Services

Longtown & Rockcliffe

**Location:**

Bruntons Hill Farm, Longtown, CA6 5PG

**Grid Reference:**

341140 573104

**Proposal:** Proposed Silage Barn

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1120

**Applicant:**  
Messrs Walsh

**Parish:**  
Arthuret

**Date of Receipt:**  
14/10/2005

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Longtown & Rockcliffe

**Location:**

Bruntons Hill Farm, Longtown, CA6 5PG

**Grid Reference:**

341140 573104

**Proposal:** Proposed Cattle Shed

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1125

**Applicant:**  
Mr J Donoghue

**Parish:**  
Rockcliffe

**Date of Receipt:**  
14/10/2005

**Agent:**  
Mr G R Stephen

**Ward:**  
Longtown & Rockcliffe

**Location:**

L/Adj Moss Cottage, Todhills, Carlisle, CA6 4HB

**Grid Reference:**

337105 562791

**Proposal:** Erection of bungalow and formation of new vehicular access (revised application) (retrospective)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 01/12/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1129

**Applicant:**  
Mr A Thompson

**Parish:**  
Carlisle

**Date of Receipt:**  
21/10/2005

**Agent:**  
Mr J Westgarth

**Ward:**  
Yewdale

**Location:**  
112 Holmrook Road, Carlisle, CA2 7TG

**Grid Reference:**  
336969 555054

**Proposal:** Two storey rear extension to provide enlarged kitchen and dining room to ground floor, with 1no. bedroom and re-located bathroom at first floor level.

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/12/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1132

**Applicant:**  
Dr Clark

**Parish:**  
Irthington

**Date of Receipt:**  
19/10/2005

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Stanwix Rural

**Location:**  
Wilmar, Irthington, CA6 4NJ

**Grid Reference:**  
349691 561387

**Proposal:** Alterations and extensions to front elevation to provide a porch, formation of pitch roof over existing flat roof and rear lounge extension with 1no. bedroom above

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1141

**Applicant:**  
Mr A Monkhouse

**Parish:**  
Stanwix Rural

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
26/10/2005

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Complete Engineering Services, Holme Ends,  
Crosby on Eden, Carlisle

**Grid Reference:**  
346650 558340

**Proposal:** Demolition of existing workshop and steel framed extension to existing steel framed building to provide improved machinery layout for existing engineering manufacturing process

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/12/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1145

**Applicant:**  
Racecourse Holdings  
Trust Ltd

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
20/10/2005

**Agent:**  
Manning Elliott Architects

**Ward:**  
Dalston

**Location:**  
Land Adjoining the Parade Ring/Saddling Area at  
Carlisle Racecourse, Durdar Road, Carlisle, CA2  
4TS

**Grid Reference:**  
340460 551900

**Proposal:** Submission of Revised Proposals for the Replacement to "Jockey Club Standards" of the Existing Sub-Standard Stables/Hostel Facilities and Related Re-Location To The Southern End of the Existing Race Course to Provide a New Stables Complex for 120 Racehorses With Associated Tackroom, Bedding Stores, Veterinary Facilities, Security Office, Drying Room, Plant Room, Workshop, Toilets and Washdown Accommodation Together with An 11 no. Twin Bedroom Hostel With Related Dining Facilities; the Erection of an Adjacent 3NO. Bedroom Groundsman's House; Provision of a New Vehicular Access Road and Formation of a Horse Unloading/Loading Ramp (Incorporating Minor Amendments)

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/11/2005

---

Between 29/10/2005 and 02/12/2005

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

05/1147 Mr & Mrs Ions Dalston

**Date of Receipt:** 24/10/2005  
**Agent:** Green Design Group  
**Ward:** Dalston

**Location:** Latimers Cottage, Hawksdale, Dalston, CA5 7BX  
**Grid Reference:** 337640 547470

**Proposal:** Replacement dwelling and detached garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:** 05/1150  
**Applicant:** Mr & Mrs McLaughlan  
**Parish:** Wetheral

**Date of Receipt:** 21/10/2005  
**Agent:** Finesse Windows Ltd  
**Ward:** Wetheral

**Location:** Ash Tree Cottage, Warwick-on-Eden, Carlisle, CA4 8PB  
**Grid Reference:** 346458 556394

**Proposal:** Erection of conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:** 05/1151  
**Applicant:** Mr Trevor Hooren  
**Parish:** Brampton

**Date of Receipt:** 21/10/2005  
**Agent:**  
**Ward:** Brampton

**Location:** 2 Morpeth Close, Brampton, CA8 1DS  
**Grid Reference:** 353150 561780

**Proposal:** Two storey extension to provide porch, garage and WC with 1no. en-suite bedroom above (revised proposal)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 29/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1154

**Applicant:**  
Ms Angela Ritchie

**Parish:**  
Dalston

**Date of Receipt:**  
24/10/2005

**Agent:**  
Jock Gordon

**Ward:**  
Dalston

**Location:**  
Beech Cottage, Orton Grange, Carlisle, CA5 6JY

**Grid Reference:**  
336110 552558

**Proposal:** Two storey rear extension to provide sunroom, dining area and WC, to ground floor with 2no en-suite bedrooms above

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1155

**Applicant:**  
Mr & Mrs Tyson

**Parish:**  
Wetheral

**Date of Receipt:**  
24/10/2005

**Agent:**  
Jock Gordon

**Ward:**  
Wetheral

**Location:**  
8 Elm Garth, Wetheral, CA4 8LB

**Grid Reference:**  
346415 555230

**Proposal:** Single storey front extension to provide enlarged living room and porch. Erection of a detached garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1192

**Applicant:**  
Mr & Mrs Reed

**Parish:**  
Farlam

**Date of Receipt:**  
02/11/2005

**Agent:**  
Unwin Jones Partnership

**Ward:**  
Irthing

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Maryholme, Hallbankgate, CA8 2NE

**Grid Reference:**  
356645 560510

**Proposal:** Conversion of existing workshop/store to form office unit (revised proposal)

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/11/2005

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Between 29/10/2005 and 02/12/2005

**Appn Ref No:**  
05/1206

**Applicant:**  
Mr & Mrs Scott

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
08/11/2005

**Agent:**

**Ward:**  
Dalston

**Location:**  
Fairfields, Carleton Road, Carlisle, CA1 3EH

**Grid Reference:**  
342606 553118

**Proposal:** Single storey extension to rear elevation to provide dining room

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/12/2005

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